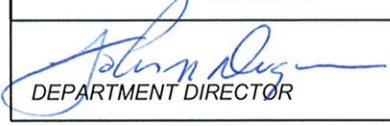




REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. V-C-1
COMMISSION MEETING 7-6-11

APPROVED BY


DEPARTMENT DIRECTOR

July 6, 2011

FROM: KEVIN FABINO, Planning Manager
Development Services Division 

THROUGH: MIKE SANCHEZ, Planning Manager
Development Services Division 

BY: ISRAEL TREJO, Planner
Development Services Division 

SUBJECT: CONSIDERATION OF A REQUEST TO WITHDRAW AN APPEAL OF DIRECTOR ACTION APPROVING CONDITIONAL USE PERMIT APPLICATION NO. C-11-012 AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. C-11-012

EXECUTIVE SUMMARY

Conditional Use Permit Application No. C-11-012, filed by Surinder Mahal, pertains to property located on the southeast corner of North Sunnyside and East Shields Avenues. The applicant requests authorization to establish a convenience store with a Type 21 (Package Store – sale of beer, wine and distilled spirits for consumption off the premises where sold) Alcoholic Beverage Control license. The Development and Resource Management Department Director approved the subject conditional use permit application on May 19, 2011. In accordance with the Special Permit Procedure of the Fresno Municipal Code, a notice of granting of the conditional use permit application was mailed to property owners (and others) within 350 ft. of the subject site.

In response to this notice, an appeal was received from the councilmember of the district in which the subject property is located. The appellant has since provided a letter requesting withdrawal of the appeal, which is attached to this report. However, even though the applicant and appellant are in agreement and desire withdrawal of the appeal, the prior issuance of the notice of hearing now requires Planning Commission approval to withdraw the appeal.

RECOMMENDATION

Staff recommends that the Planning Commission approve the request to withdraw the appeal without consideration of the merits of the appeal as authorized by Section 12-401-H of the Fresno Municipal Code. If the Planning Commission decides to consider the merits of the appeal, the Planning Commission has discretion to continue this matter to allow for a supplemental staff report and additional documentation to be provided for a hearing.

Attachment: Appeal Withdrawal Letter

Israel Trejo

From: Nicole DeMera
Sent: Wednesday, June 29, 2011 12:24 PM
To: Israel Trejo
Cc: Kevin Fabino; Larry Westerlund
Subject: Withdrawal of Appeal

Good Afternoon,

Councilmember Larry Westerlund has decided to withdraw his appeal of CUP # C-11-012 located at 5816 E. Shields Avenue #101, with the understanding that condition number 5.3 be revised to state the following:

Single Sales of any other beer product, 16 ounces or less in size, is not permitted.

I will have a signed document by the Councilmember delivered to you on Thursday, June 30th with the same information.

Thank you for your assistance and we appreciate your time.

Sincerely,

Nicole DeMera
Chief of Staff to Councilmember
Larry Westerlund
District Four
(559) 621-7844 office
(559) 289-0418 cell
nicole.demera@fresno.gov