



Legislation Details (With Text)

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File created: 6/10/2024 **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority

On agenda: 7/3/2024 **Final action:** 7/3/2024

Title: SUBJECT: Conditional Use Permit #1278, initiated by Jammu & Kashmir, Inc., on behalf of Ethan Conrad, property owner. This application involves a request for alcohol sales for off-site consumption for a new convenience market at 663 Fairfield Drive, generally located 475 feet north of Fairfield Drive, approximately 450 feet east of M Street, with a General Plan designation of Regional/Community Commercial (RC), within a Zoning classification of Planned Development (P-D) #1. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify
 1) Environmental Review #24-16 (Categorical Exemption)
 2) Conditional Use Permit #1278

SUMMARY
 Jammu & Kashmir Inc., is requesting approval to sell beer, wine, and distilled spirits for off-site consumption (Type 21 Alcoholic Beverage Control License) for a new convenience market located at 663 Fairfield Drive. A conditional use permit is required to approve the sale of alcohol for off-site consumption for buildings under 20,000 square feet per Merced Municipal Code Section 20.44.010 - Alcoholic Beverage Sales for Off-Premises Consumption. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

RECOMMENDATION
 Planning staff recommends that the Planning Commission approve Environmental Review #24-16 (Categorical Exemption), and Conditional Use Permit #1278, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - PC Resolution.pdf, 2. Attachment B - Location Map.pdf, 3. Attachment C - Floor Plan.pdf, 4. Attachment D - Sensative Uses.pdf, 5. Attachment E - PD 500 ft radius .pdf, 6. Attachment F - City Wide Hot Spot Map.pdf, 7. Attachment G - Cat Ex.pdf, 8. Attachment H - Presentation.pdf

Date	Ver.	Action By	Action	Result
7/3/2024	1	Planning Commission		

Planning Commission Staff Report

Report Prepared by: Francisco Mendoza-Gonzalez, Senior Planner, Development Services Department

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RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #24-16 (*Categorical Exemption*), and Conditional Use Permit #1278, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

DISCUSSION

Project Description

The subject site is located in northwest Merced at 663 Fairfield Drive, 475 feet north of Fairfield Drive, approximately 450 feet east of M Street (Attachment B). The subject site is currently a vacant suite that is part of a 155,000-square-foot building with multiple tenants. The applicant is proposing to remodel the interior of their suite to operate a convenience market that would sell a variety of goods, snacks, and drinks, including this request for beer, wine, and distilled spirits for off-site consumption. The applicant is proposing to operate daily Monday through Sunday from 9:00 a.m. to 11:00 p.m.

A Finding of Public Convenience or Necessity (adopted by City Council) is required, because the subject site is located within a Census Tract that is considered over-concentrated with alcohol licenses by Alcoholic Beverage Control standards. The Police Department has determined that they would support the sale of alcohol for off-site consumption if specific conditions are included to reduce the potential for alcohol-related incidents such as Conditions #15 through #23.

Surrounding uses as noted in Attachment B.

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation

North	Big Lots	Planned Development (P-D) #1	Regional/Community Commercial (RC)
South	Michaels	Planned Development (P-D) #1	Regional/Community Commercial (RC)
East	US Social Security Administration	Planned Development (P-D) #1	Regional/Community Commercial (RC)
West	Merced Mall (to be renamed Marketplace at Merced)	Planned Development (P-D) #1	Regional/Community Commercial (RC)

Background

The subject site is located 800 feet east of the Merced Mall. The subject site is part of a 38,000-square-foot building with four tenant suites. The anchor tenant for this building is Big Lots, located north (adjacent) of the subject site. The subject site is approximately 3,750 square feet and has been primarily vacant over the past two decades. Business license records show that the last permanent business to occupy this site was New Image (a personal service business) between 1997-1998. Spirit Halloween occupied this site temporarily for Halloween seasonal sales during the fall of 2015. The building was sold recently to Ethan Conrad (also new owner of the Merced Mall, soon to renamed Marketplace at Merced) and the exterior of the building was remodeled between 2022 and 2023.

Findings/Considerations

Please refer to Exhibit B of the Draft Planning Commission Resolution at Attachment A.

ATTACHMENTS

- A. Draft Resolution
- B. Location Map
- C. Floor Plan Showing Location of Alcohol Stored
- D. Sensitive Uses
- E. Police Department Incident Map (500-foot-radius from Site)
- F. Police Department City-Wide Incident Hot Spot Map
- G. Categorical Exemption
- H. Presentation