

CITY COUNCIL AGENDA: DECEMBER 2, 2014

CONSENT CALENDAR

SUBJECT: CONSIDERATION OF A REQUEST FOR AN EXTENSION TO CUP 2012-010; WALGREENS; APNS 246-111-007, -008, AND -035.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On December 4, 2012, the City Council of the City of Porterville adopted Resolution 116-2012 for Conditional Use Permit (CUP) 2012-010-C. The application consisted of a request by Village Investment Partners, L.P. to develop a 14,550± square foot Walgreens Pharmacy at the northeast corner of Henderson Avenue and Prospect Street. According to the December 4, 2012, staff report the CUP was required because of the applicant's request for a Type 20 off-sale alcohol license for the pharmacy.

Resolution 116-2012 approving CUP 2012-010-C contained a condition limiting the term of the approval (Condition No. 7), which is typical for this type of discretionary action. It is therefore the only approval needing an extension at this time. The initial term of the CUP was set to expire on December 4, 2013.



On November 5, 2013, the City Council adopted Resolution 69-2013 which approved a one-year extension of CUP 2012-010-C. The term was through December 4, 2014. The applicant recently contacted staff to request an extension to the CUP, as the applicant does not yet have full control over the properties and is unable to move forward with the project until that time. Since the approval of the CUP, no additional ABC permits (licenses to serve alcohol) have been issued in this census tract.

The current extension request is within the authority granted to the City Council in Section 601.08 of the Development Ordinance.

RECOMMENDATION: That the City Council adopt the draft resolution approving the requested Extension to the approval of CUP 2012-010 for a Type 20 off-sale alcohol license within Census Tract 35.02 for the proposed Walgreens Pharmacy with a term extension for a period of one (1) year beyond the original and extended approval date through December 4, 2015.

ATTACHMENTS:

1. Resolution 116-2012
2. Resolution 69-2013
3. Draft Resolution

DD  Appropriated/Funded N/A CM 

Item No. 10

RESOLUTION NO. 116-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN
SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT PRC-2012-010-C
TO ALLOW THE SALE OF BEER AND WINE UNDER AN OFF-SALE TYPE 20
ALCOHOL LICENSE TO BE LOCATED AT THE NORTHEAST CORNER OF
HENDERSON AVENUE AND PROSPECT STREET

WHEREAS: The applicant is requesting approval of Conditional Use Permit PRC 2012-010-C to allow the sale of beer and wine under a Type 20 off-sale alcohol license at the northeast corner of Henderson Avenue and Prospect Street in the CR (Retail Centers) Zone; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 4, 2012, conducted a public hearing to consider Conditional Use Permit PRC-2012-010-C; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: Section 301.03 of the Porterville Development Ordinance requires Conditional Use Permit approval for any use involving the sale of alcoholic beverages under an on-sale or off-sale license; and

WHEREAS: The City Council made the following findings:

1. Approval of the Conditional Use Permit will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted, as follows:
 - LU-G-1 Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.
 - LU-G-21 Attract and retain specialty retail and restaurant businesses that will enhance Porterville's unique character.
 - ED-G-7 Create an image for Porterville that will attract and retain economic activity.
2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan and with any other applicable plan adopted by the City Council.

The General Plan and Zoning Map designates the proposed project site as Retail Centers (CR). The proposed project promotes and implements the specific purposes of the Retail Centers Zone, including the following purposes as set forth in Section 203 of the Development Ordinance and Retail Centers Guidelines:

- To maintain areas for regional shopping centers located at major circulation intersections.
- Ensure the provision of services and facilities needed to accommodate

**ATTACHMENT
ITEM NO. 1**

planned population densities.

WHEREAS: That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity. Conditions of approval are included to ensure applicable development standards are met; and

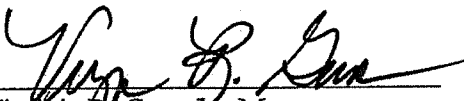
WHEREAS: The subject site is located in Census Tract 35.02 which allows, according to the Alcoholic Beverage Control Board, ten (10) off-sale licenses. At present, eight (8) off-sale licenses exist in this census tract.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit PRC-2012-010-C subject to the following conditions:

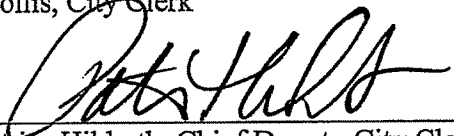
1. No advertising of alcoholic beverages shall be placed on the exterior of the building nor seen from the public right of way (i.e. no window advertising or digital signage).
2. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the Conditional Use Permit as provided in Section 601.12 of the Porterville Development Ordinance.
3. Compliance with all applicable development and access laws (both State and Federal) is required.
4. The developer/applicant shall keep and maintain the beer and wine in the area as identified on Exhibit A. Any such expansion or relocation shall be approved by the City Council.
5. That the on-site consumption of alcoholic beverages shall be prohibited.
6. The Conditional Use Permit, approving off-site alcohol sales, will be subject to modification or revocation if the off-sale license is sanctioned by the State of California.
7. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year. The Conditional Use Permit will expire when the use ceases to operate for one year or more.
8. The use shall be conducted in compliance with all applicable local, state and federal regulations.

9. Truck deliveries of store merchandise and products shall be restricted to the hours of 7am – 10pm.
10. The business operation shall comply with Noise Ordinance No. 1757 of the Municipal Code.
11. The developer/applicant shall construct per the attached details (Exhibits B and C), and driveways shall be setback as far as practical from the Henderson Avenue/Prospect Street intersection. The Prospect Street driveway shall be thirty (30) feet wide.

PASSED, APPROVED AND ADOPTED this 4th day of December, 2012.

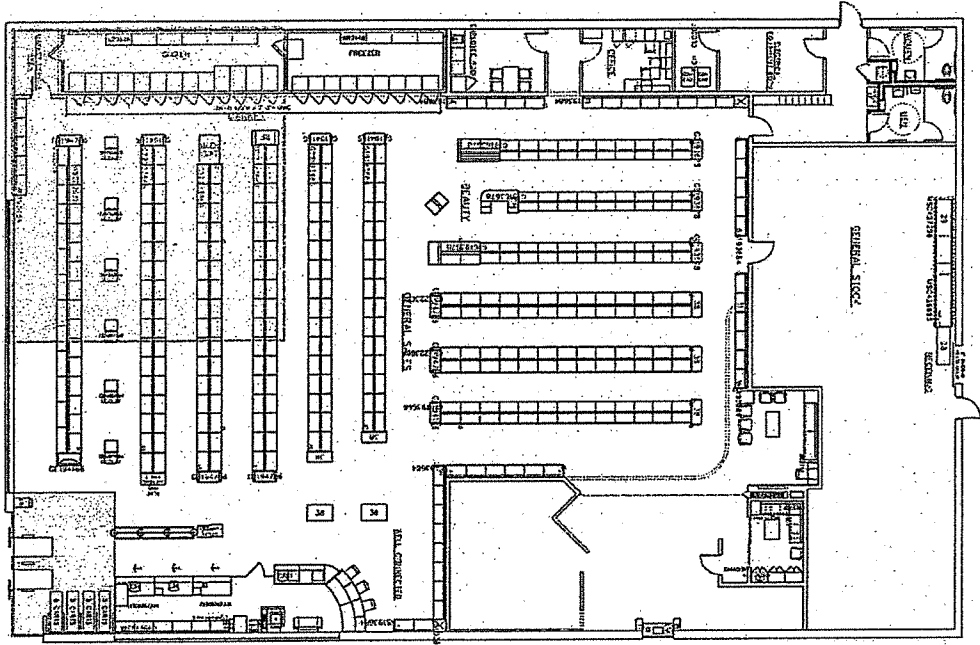
By: 
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

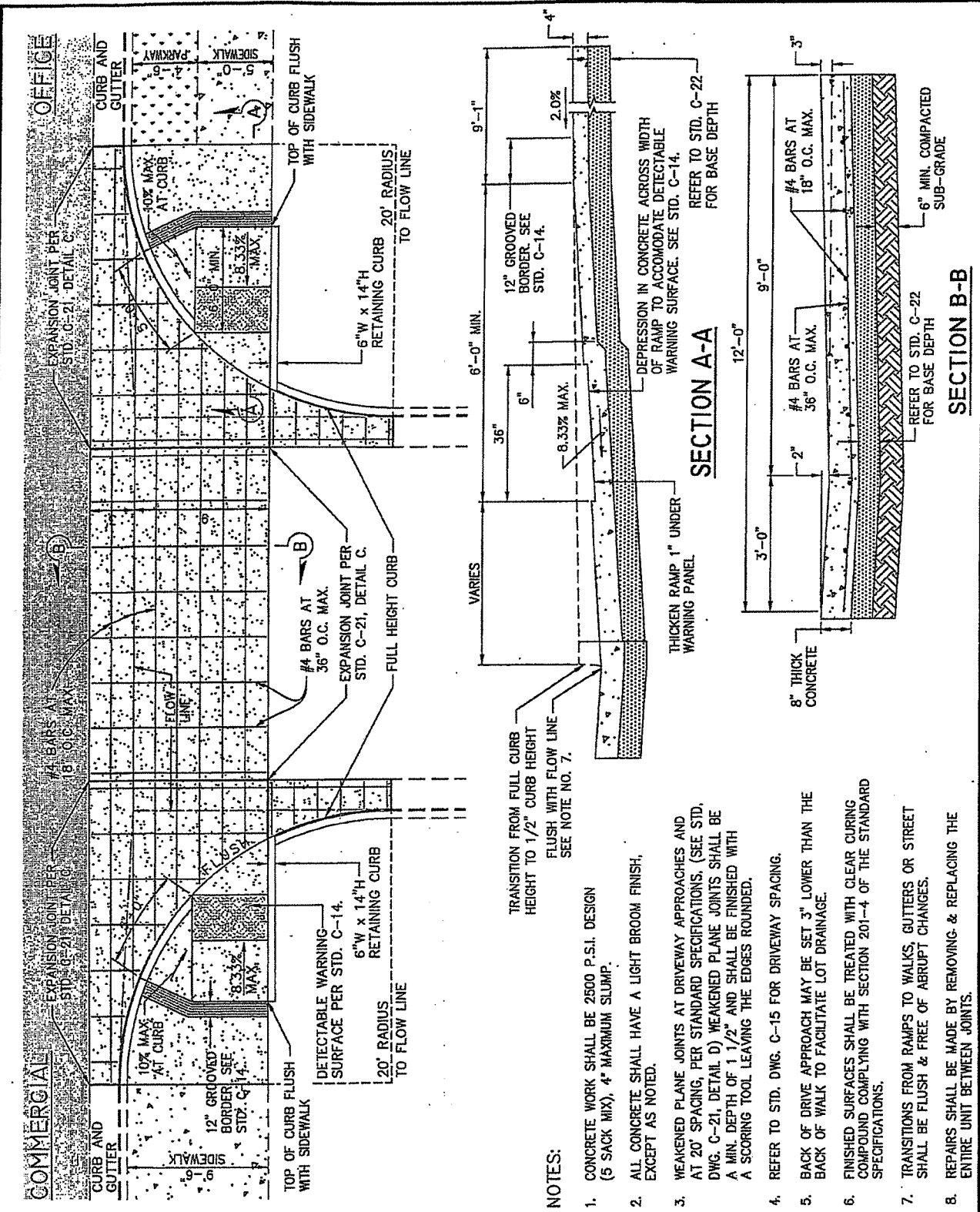
1 GENERAL FLOOR PLAN

MAXIMUM 40' x 50' AREA FOR BEER AND WINE SALES



D-1	FLOOR PLAN		<p>Stantec Stantec Architecture Inc. 1805 N. Industrial Blvd., Suite 200 Anaheim, CA 92818-3797 Tel: 714.763.1663 Fax: 714.763.8532 www.stantec.com JES. HANCOCK, PROJECT LEAD</p>	<p>I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA AS REQUIRED BY MY BOARD AND SEAL.</p>	<p>Walgreens FACILITIES PLANNING DESIGN AND ENGINEERING 1000 PINE BLVD. SUITE 200 IRVINGFIELD, CA 94554</p>								
	STORE NUMBER #11332 WALGREENS 900 PROSPECT & HENDERSON PORTERVILLE, CA	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>				NO.	DATE	BY	DESCRIPTION				
NO.	DATE	BY	DESCRIPTION										

EXHIBIT A



NOTES:

1. CONCRETE WORK SHALL BE 2500 P.S.I. DESIGN (5 SACK MIX), 4" MAXIMUM SLUMP.
2. ALL CONCRETE SHALL HAVE A LIGHT BROOM FINISH, EXCEPT AS NOTED.
3. WEAKENED PLANE JOINTS AT DRIVEWAY APPROACHES AND AT 20' SPACING, PER STANDARD SPECIFICATIONS. (SEE STD. DWG. C-21, DETAIL D) WEAKENED PLANE JOINTS SHALL BE A MIN. DEPTH OF 1 1/2" AND SHALL BE FINISHED WITH A SCORING TOOL LEAVING THE EDGES ROUNDED.
4. REFER TO STD. DWG. C-15 FOR DRIVEWAY SPACING.
5. BACK OF DRIVE APPROACH MAY BE SET 3" LOWER THAN THE BACK OF WALK TO FACILITATE LOT DRAINAGE.
6. FINISHED SURFACES SHALL BE TREATED WITH CLEAR CURING COMPOUND COMPLYING WITH SECTION 201-4 OF THE STANDARD SPECIFICATIONS.
7. TRANSITIONS FROM RAMPS TO WALKS, GUTTERS OR STREET SHALL BE FLUSH & FREE OF ABRUPT CHANGES.
8. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.

REV. NO.	REV. DATE.	REV. BY
DIGITIZED		
DWG. BY	AV	SCALE
CHK. BY		N.T.S.

**MAJOR COMMERCIAL/OFFICE DRIVE APPROACH
WITH 20' RADIUS CURB RETURNS**

CITY OF PORTERVILLE
PUBLIC WORKS DEPARTMENT

REVISION APPROVED BY
 PUBLIC WORKS DIRECTOR
Salvatore Rodriguez
 DATE: 05/10/2010 R.C.E. 45304
 SURFACES DOWNGRADED DRAWING NO. C-20

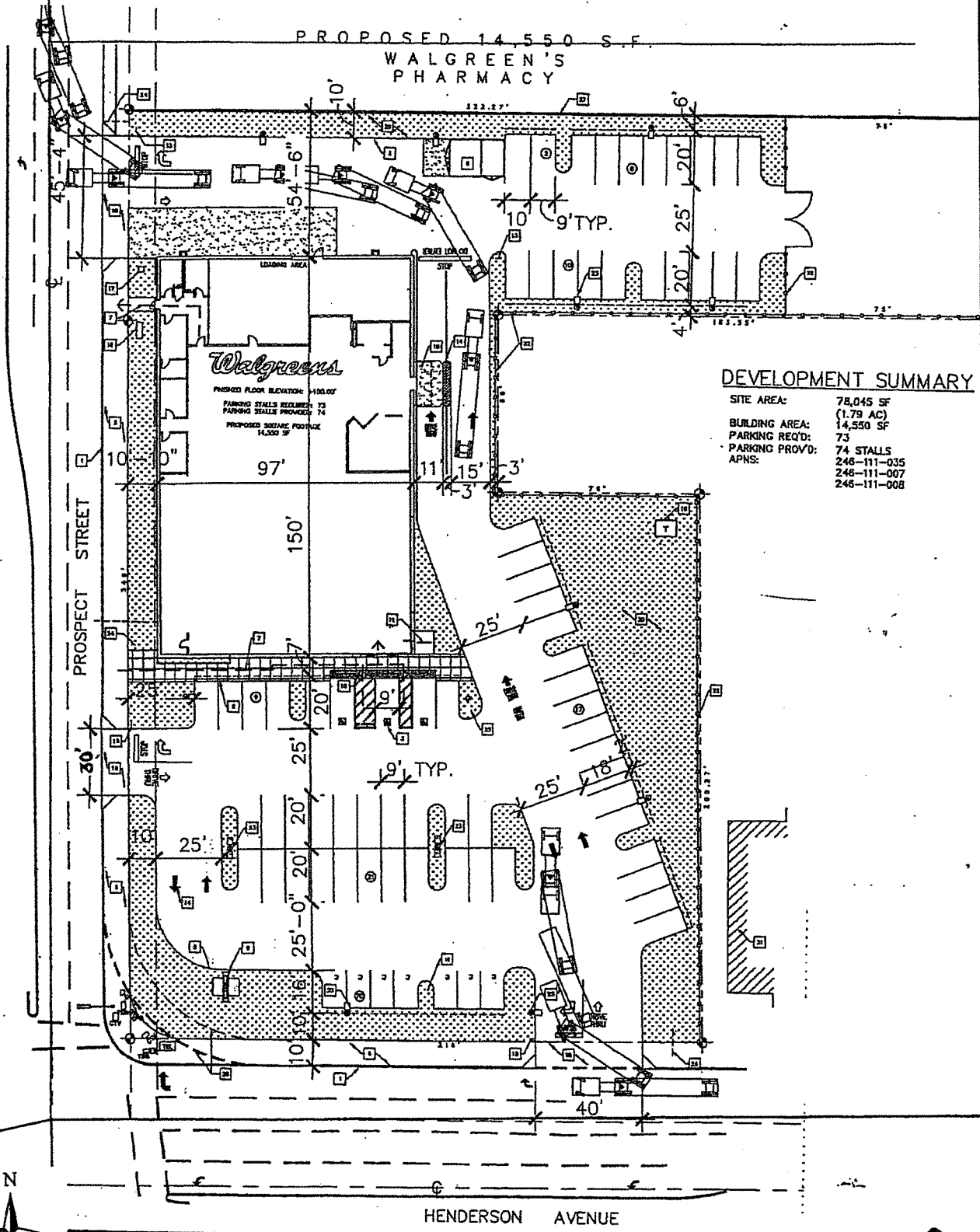
EXHIBIT B

SECTION B-B

SITEPLAN

PROPOSED 14,550 S.F.

WALGREEN'S
PHARMACY



Walgreens
 PARKING STALLS REQUIRED: 73
 PARKING STALLS PROVIDED: 74
 PROPOSED SEIZURE FOOTPRINT
 14,550 SF

DEVELOPMENT SUMMARY

SITE AREA:	78,045 SF (1.79 AC)
BUILDING AREA:	14,550 SF
PARKING REQ'D:	73
PARKING PROV'D:	74 STALLS
APNS:	246-111-035 246-111-007 246-111-008



EXHIBIT C

STATE OF CALIFORNIA)
 CITY OF PORTERVILLE) SS
 COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 4th day of December, 2012.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	WARD	McCRACKEN	GURROLA	SHELTON	HAMILTON
AYES:	X	X	X		X
NOES:					
ABSTAIN:				X	
ABSENT:					

JOHN D. LOLLIS, City Clerk


 By: Luisa M. Herrera, Deputy City Clerk

RESOLUTION NO. 69 -2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF
APPROVING AN EXTENSION TO THE APPROVAL OF CONDITIONAL USE PERMIT
PRC-2012-010-C TO ALLOW THE SALE OF BEER AND WINE UNDER AN OFF-SALE
TYPE 20 ALCOHOL LICENSE TO BE LOCATED AT THE NORTHEAST CORNER OF
HENDERSON AVENUE AND PROSPECT STREET

WHEREAS: The applicant requested approval of Conditional Use Permit PRC 2012-010-C to allow the sale of beer and wine under a Type 20 off-sale alcohol license at the northeast corner of Henderson Avenue and Prospect Street in the CR (Retail Centers) Zone; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 4, 2012, conducted a public hearing to consider Conditional Use Permit PRC-2012-010-C; and

WHEREAS: On December 4, 2012, the City Council approved the request with Resolution 116-2012, Condition No. 7 of which limited the term of the associated Conditional Use Permit (CUP 2012-010) to one year; and

WHEREAS: Section 601.08 (b) of the Porterville Development Ordinance allows the City Council to approve a one (1) year extension of any permit granted under (the Development Code); and

WHEREAS: On November 5, 2013, the City Council approved the applicant's request for extension to the term of the Conditional Use Permit (CUP 2012-010) for an additional one-year term; and

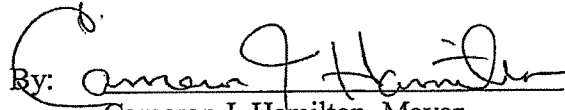
WHEREAS: The City Council made the following findings:

1. The applicant submitted the required written application for extension of the CUP approval prior to permit expiration; and
2. No fee is currently established in the Fee Schedule for the extension of a Conditional Use Permit and the applicant is therefore not required to pay a fee for the extension request; and
3. All Conditions of Approval set forth in Resolution 116-2012 approving CUP 2012-010 continue to apply to the project and associated Type 20 off-sale alcohol license. Condition No. 7 is hereby modified to provide for extension to the term of CUP 2012-010.

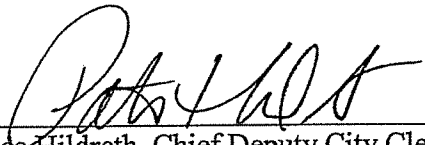
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve a one-year extension to Conditional Use Permit PRC-2012-010-C subject to the conditions of approval contained in Resolution 116-2012.

**ATTACHMENT
ITEM NO. 2**

PASSED, APPROVED AND ADOPTED this 5th day of November 2013.

By: 
Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 5th day of November, 2013.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	McCRACKEN	WARD	HAMILTON	SHELTON	GURROLA
AYES:	X		X		X
NOES:					
ABSTAIN:					
ABSENT:		X		X	

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF
APPROVING AN EXTENSION TO THE APPROVAL OF CONDITIONAL USE PERMIT
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WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 4, 2012, conducted a public hearing to consider Conditional Use Permit PRC-2012-010-C; and

WHEREAS: On December 4, 2012, the City Council approved the request with Resolution 116-2012, Condition No. 7 of which limited the term of the associated Conditional Use Permit (CUP 2012-010) to one year; and

WHEREAS: On November 5, 2013, the City Council adopted Resolution 69-2013, approving the applicant's request for extension to the term of the Conditional Use Permit (CUP 2012-010) for an additional one-year term; and

WHEREAS: On December 2, 2014, the City Council approved the applicant's request for an additional one-year extension to the term of the Conditional Use Permit (CUP 2012-010); and

WHEREAS: Section 601.08 (b) of the Porterville Development Ordinance allows the City Council to approve a one (1) year extension of any permit granted under (the Development Code); and

WHEREAS: The City Council made the following findings:

1. The applicant submitted the required written application for extension of the CUP approval prior to permit expiration; and

2. No fee is currently established in the Fee Schedule for the extension of a Conditional Use Permit and the applicant is therefore not required to pay a fee for the extension request; and

3. All Conditions of Approval set forth in Resolution 116-2012 approving CUP 2012-010 continue to apply to the project and associated Type 20 off-sale alcohol license. Condition No. 7 is hereby modified to provide for extension to the term of CUP 2012-010 through December 4, 2015. The Conditional Use Permit shall become null and void if not

ATTACHMENT
ITEM NO. 3

undertaken and actively and continuously pursued within one (1) year. The Conditional Use Permit will expire when the use ceases to operate for one year or more.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve a one-year extension to Conditional Use Permit PRC-2012-010-C subject to the conditions of approval contained in Resolution 116-2012.

PASSED, APPROVED AND ADOPTED this 2nd day of December 2014.

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk