

PLANNING COMMISSION – November 10, 2021
REQUIRED FINDINGS:

636 Blossom Hill Road
Conditional Use Permit Application U-21-016

Requesting Approval of a Conditional Use Permit to Allow a Formula Retail Business with Alcohol Sales and Tasting, and Including 24-hour Delivery (BevMo!) on Property Zoned CH. APN 529-16-047 and 529-16-054.

PROPERTY OWNER: Blossom Hill Pavilion LP

APPLICANT: Greg Endom, Beverages and More, Inc.

FINDINGS

Required finding for CEQA:

- The project is Categorically Exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

Required findings for a Conditional Use Permit:

- As required by Section 29.20.190 (a) of the Town Code for granting a Conditional Use Permit:

The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of this chapter if it finds that:

1. The proposed use is desirable to the public convenience because it provides on-site alcohol service associated with existing dining services for residents and guests at an existing senior residential community; and
2. The proposed use would not impair the integrity of the zone.
3. The proposed use would not be detrimental to public health, safety, or general welfare, as the conditions placed on the permit and existing regulations would maintain the welfare of the community; and
4. The proposed use is in conformance with the Town Code and General Plan.

In regards to finding one, the use is essential or desirable to the public convenience because it would provide a convenient and unique retailing and delivery options for residents and visitors in an existing shopping center at a major intersection in Town. In regards to the

EXHIBIT 2

second finding, the proposed use would not impair the integrity of the zone, in that the proposed use is a commercial use and it would be located in a commercial zone. In regards to the third finding, the proposed use would not be detrimental to public health, safety, or general welfare, as the conditions placed on the permit would maintain the welfare of the community. In regards to the final finding, the proposed use would be in conformance with the Town Code and General Plan because it would contribute to the variety of commercial uses, reduce vehicle miles traveled for goods by bringing the products directly into the community, and provide employment opportunities in the CH zone.

Required findings to Deny the Conditional Use Permit Application for Formula Retail:

- As required by Section 29.20.190 (b) of the Town Code the conditional use permit for a formula retail business greater than six thousand (6,000) square feet shall be denied if any of the following findings are made:
 1. The proposed use of the property is not in harmony with specific provisions or objectives of the general plan and the purposes of this chapter;
 2. The proposed use will detract from the existing balance and diversity of businesses in the commercial district in which the use is proposed to be located;
 3. The proposed use would create an over-concentration of similar types of businesses; or
 4. The proposed use will detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality.

None of the findings could be made to deny the application.

Instead, the Planning Commission makes the following affirmative findings:

1. The proposed use of the property is in harmony with specific provisions or objectives of the General Plan and the purposes of Chapter 29 of the Town Code;
2. The proposed use will not detract from the existing balance and diversity of businesses in the commercial district in which the use is proposed to be located as this location was previously occupied by a formula retail business;
3. The proposed use would not create an over-concentration of similar types of businesses as this would be the first BevMo! in the Town; and
4. The proposed use will not detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality as it would be located in a vacant tenant space within an existing shopping center previously occupied by a formula retail business.