

RESOLUTION NO. 2009 – [PZ 09-550-02]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING A PROPOSAL (PLANNING AND ZONING PERMIT NO. 09-550-02) TO MODIFY APPROVED DELIVERY HOURS FOR A FRESH AND EASY NEIGHBORHOOD MARKET LOCATED AT 1750 E. CHANNEL ISLANDS BOULEVARD (APN 221-0-232-515). FILED BY CHURCHYARD DEVELOPMENT, LLC, 2225 GLASTONBURY ROAD, WESTLAKE VILLAGE, CA 91361.

WHEREAS, on March 20, 2008, the Planning Commission of the City of Oxnard adopted Resolution No. 2008-18 allowing a commercial development, including a Fresh and Easy Neighborhood Market, at the southwest corner of Channel Islands Boulevard and Rose Avenue, filed by Churchyard Development, LLC, subject to certain findings and conditions; and

WHEREAS, the Planning Commission of the City of Oxnard has considered an application to amend Condition No. 103, to modify approved delivery hours, filed by Churchyard Development, LLC, in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15301 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, on June 18, 2009, the Planning Commission conducted a public hearing and after considerable deliberation continued this matter to their July 2, 2009 Planning Commission meeting and then again continued the item to July 16, 2009; and

WHEREAS, the Planning Commission found that the applicant's proposed amendment to Condition No. 103, without further modification, would negatively affect traffic by impeding traffic flows in the vicinity of the Rose Avenue and Channel Islands Boulevard intersections; and

WHEREAS, the Planning Commission found that staff's recommended modification to Condition No. 103 would not create additional traffic concerns in the project vicinity; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist regarding staff's further modification to Condition No. 103 of Resolution No. 2008-18:

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards.
4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby denies the applicant's request to amend Condition No. 103 of Resolution No. 2008-18 and approves staff's recommended revision to Condition No. 103 as set forth herein. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code, and the Planning Commission hereby amends Condition No. 103 of Resolution No. 2008-18 to read as follows:

103. With the exception of deliveries associated with alcoholic beverages, deliveries associated with parcel 1 shall only be within the loading and unloading area in the rear of the building on parcel 1 and shall only occur from 6:00 a.m. to 7:30 a.m., 8:30 a.m. to 4:00 p.m. and 6:00 p.m. to 10:00 p.m. Monday through Friday. Deliveries (inclusive of alcohol) may be permitted from 6:00 a.m. to 10:00 p.m. Saturday and Sunday. However, deliveries on any day shall be completed by 10:00 p.m.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of July, 2009, by the following vote:

AYES: Commissioners Dean, Mullin, Okada, and Frank

NOES: Commissioners Medina

ABSENT: Commissioners Elliot and Sanchez

Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2009 – [PZ 09-550-02]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING A REQUEST (PLANNING AND ZONING PERMIT NO. 09-550-02) TO CLARIFY THE LIMITATIONS OF PREVIOUS REQUIREMENTS ON ALCOHOL DELIVERIES FOR A FRESH AND EASY NEIGHBORHOOD MARKET LOCATED AT 1750 E. CHANNEL ISLANDS BOULEVARD (APN 221-0-232-515) SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY CHURCHYARD DEVELOPMENT, LLC, 2225 GLASTONBURY ROAD, WESTLAKE VILLAGE, CA 91361.

WHEREAS, on March 20, 2008, the Planning Commission of the City of Oxnard adopted Resolution No. 2008-18 allowing a commercial development, including a Fresh and Easy Neighborhood Market, at the southwest corner of Channel Islands Boulevard and Rose Avenue, filed by Churchyard Development, LLC, subject to certain findings and conditions; and

WHEREAS, the Planning Commission of the City of Oxnard has considered an application to amend Condition No. 68 of Resolution No. 2008-18 to clarify the limitations on alcohol deliveries, filed by Churchyard Development, LLC, in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15301 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, on June 18, 2009, the Planning Commission conducted a public hearing and after considerable deliberation continued this matter to their July 2, 2009 Planning Commission meeting and then again continued the item to July 16, 2009; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards.
4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire

protection and storm drainage facilities.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the decision of the Planning Commission of the City of Oxnard is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code, and hereby amends Condition No. 68 of Resolution No. 2008-18 to read as follows:

68. There shall be no deliveries of alcoholic beverages permitted during typical high school commuting hours. Specifically, deliveries of alcohol are prohibited between 7:30 a.m. and 8:30 a.m. and between 2:30 p.m. and 3:30 p.m. Monday through Friday (PD).

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of July, 2009, by the following vote:

AYES: Commissioners Dean, Medina, Mullin, Okada, and Frank

NOES: Commissioners

ABSENT: Commissioners Elliott and Sanchez

Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2009 – [PZ 09-550-02]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING A REQUEST (PLANNING AND ZONING PERMIT NO. 09-550-02) TO ALLOW TWO OUTDOOR DISPLAY AREAS FOR A FRESH AND EASY NEIGHBORHOOD MARKET LOCATED AT 1750 E. CHANNEL ISLANDS BOULEVARD (APN 221-0-232-515). FILED BY CHURCHYARD DEVELOPMENT, LLC, 2225 GLASTONBURY ROAD, WESTLAKE VILLAGE, CA 91361.

WHEREAS, on March 20, 2008, the Planning Commission of the City of Oxnard adopted Resolution No. 2008-18 allowing a commercial development, including a Fresh and Easy Neighborhood Market, at the southwest corner of Channel Islands Boulevard and Rose Avenue, filed by Churchyard Development, LLC, subject to certain findings and conditions; and

WHEREAS, the Planning Commission of the City of Oxnard has considered an application to amend Condition No. 100 of Resolution No. 2008-18 to allow two outdoor display areas, filed by Churchyard Development, LLC, in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15301 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, on June 18, 2009, the Planning Commission conducted a public hearing and after considerable deliberation continued this matter to their July 2, 2009 Planning Commission meeting and then again continued the item to July 16, 2009; and

WHEREAS, the Planning Commission finds that the applicant's request proposed amendment to Condition No. 100 will negatively affect the aesthetic quality of the storefront entrance; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. The aesthetic quality of the existing building and use will be adversely affected by the placement of the outdoor display area in front of the building. The introduction of outdoor display areas will degrade the architectural design of the subject building.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby denies the applicant's request to amend Condition No. 100 of Resolution No. 2008-18. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of July, 2009, by the following vote:

AYES: Commissioners Dean, Mullin, Okada, and Frank

NOES: Commissioners Medina

ABSENT: Commissioners Elliot and Sanchez

Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary