RESOLUTION NO. 2007- (PZ 06-570-01)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL DENIAL OF A ZONE CHANGE (PZ 06-570-01), TO CHANGE THE ZONE DISTRICT FOR PROPERTY LOCATED AT 1205 SOUTH OXNARD BOULEVARD (APN 204-0-060-22), FROM COMMERCIAL MANUFACTURING PLANNED DEVELOPMENT (C-M-PD) TO GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD). FILED BY HERITAGE EQUITIES, LLC 1517 SOUTH SEPULVEDA BOULEVARD, LOS ANGELES, CA 90025

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 06-570-01, filed by Heritage Equities to amend the zoning of the above-described property in the 1200 block of South Oxnard Boulevard from C-M-PD to C-2-PD; and

WHEREAS, the Planning Commission has held a public hearing and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 06-570-01; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the denial of Planning and Zoning Permit No. 06-570-01; and

WHEREAS, on October 18, 2007, the Planning Commission voted to recommend denial of a zone change on the following vote; ayes: Frank, Dean, Pinkard, Okada; noes: Medina; absent: Sanchez, Elliot as it would allow the development of a shopping center on the project site.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council denial of Planning and Zoning Permit No. 06-570-01, amending the City's official Zoning Map to change the zoning designation of one parcel as shown in Exhibit "A", attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 1st day of November, 2007, by the following vote:

AYES: Commissioners:

NOES: Commissioner:

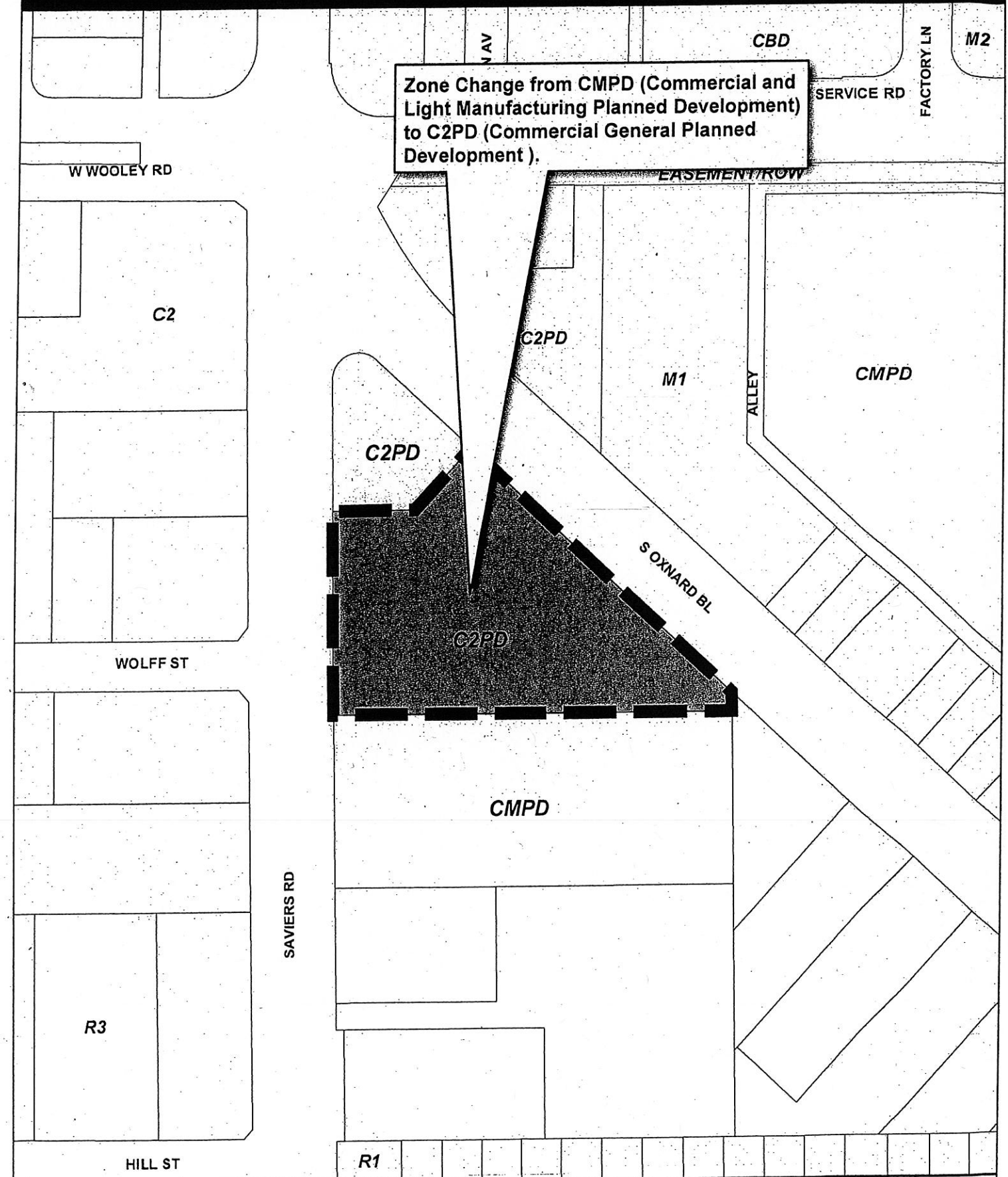
ABSENT: Commissioners:

_____
Dr. Sonny Okada, Chairman

ATTEST:_____
Susan L. Martin, Secretary

EXHIBIT A

Zone Change Map



Oxnard Planning
September 12, 2007

PZ 06-500-1, 06-510-7, 06-570-1
Location: 1117, 1205 S. Oxnard Bl
APN: 204006022 ,204006023
Heritage Equities, LLC

0 37.5 75 150 225 300 Feet

Zone Change Map

EXHIBIT A

N W E S

RESOLUTION NO. 2007 – (06-500-1-A)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 06-500-1-A SPECIAL USE PERMIT TO ALLOW A SHOPPING CENTER WITH A PHARMACY DRIVE-THROUGH LOCATED AT 1117 AND 1205 SOUTH OXNARD BOULEVARD (APN 204-0-060-22 AND 204-0-060-23), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HERITAGE EQUITIES, LLC, 1517 SOUTH SEPULVEDA BOULEVARD, LOS ANGELES, CA 90025

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No.06-500-1-A, filed by Heritage Equities in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 06-500-01-A, a special use permit for a pharmacy drive-through for the proposed CVS Pharmacy , filed by the Heritage Equities, in accordance with section 34-108 and 34-146 through 34-157.1 of the Oxnard City Code; and

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

1. That the proposed use not in conformance with the General Plan and other adopted policies of the City of Oxnard.

2. That the proposed use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

3. That the site for the proposed project is not adequate in size and shape to accommodate the drive-through, setbacks, parking, landscaping, and other City standards.

4. That the streets and highways that serve the site will be impacted by the traffic the use will generate.

5. That a variation in zone standards is inappropriate for the site and the proposed use.

6. Although a substantial improvement of the use of the land could be effected, there will be detrimental effects upon the surrounding area.

7. That the proposed retail use requires a zone change that has been recommended for denial.

8. Architecture is not appropriate for the project site.

WHEREAS, in denying a reduction in the size of one loading zone, the Planning Commission finds that the site plan on file with the Planning and Environmental Services Division:

1. Does not preserves the intent of the Parking Ordinance;
2. Provides insufficient loading area to serve the intended uses; and
3. The modification will be detrimental to the public health, safety or welfare.

WHEREAS, on October 18, 2007 the Planning Commission voted to deny a shopping center with a pharmacy drive-through on the following vote; ayes: Frank, Dean, Medina, Pinkard, Okada; noes: none; absent: Sanchez, Elliot.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby memorializes the denial of this permit and denial of a variation in the zone code standard for a loading zone. The decision of the Planning Commission was final on October 18, 2007 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 1st day of November 2007, by the following vote:

AYES: Commissioners:

NOES: Commissioner:

ABSENT: Commissioners:

_____
Dr. Sonny Okada, Chairman

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2007 – (06-500-1-B)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 06-500-1-B SPECIAL USE PERMIT TO ALLOW A SHOPPING CENTER WITH A RESTAURANT DRIVE-THROUGH, LOCATED AT 1117 AND 1205 SOUTH OXNARD BOULEVARD (APN 204-0-060-22 AND 204-0-060-23), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HERITAGE EQUITIES, LLC, 1517 SOUTH SEPULVEDA BOULEVARD, LOS ANGELES, CA 90025

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No.06-500-1-B, filed by Heritage Equities in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 06-500-01-B, a special use permit for a restaurant drive-through for the proposed CVS Pharmacy Shopping Center, filed by the Heritage Equities, in accordance with section 34-108 and 34-146 through 34-157.1 of the Oxnard City Code; and

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

1. That the proposed use is not in conformance with the General Plan and other adopted policies of the City of Oxnard.

2. That the proposed use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

3. That the site for the proposed project is inadequate in size and shape to accommodate the drive-through, setbacks, parking, landscaping, and other City standards.

4. That the streets and highways adequate that serve the site will be impacted by the traffic the use will generate.

5. That a variation in zone standards is in appropriate for the site and the proposed use.

6. Although a substantial improvement of the use of the land could be effected, there will be detrimental effects upon the surrounding area.

7. That the proposed retail use is permitted only with a zone change that has been recommended for denial.

8. The architecture is not appropriate for the project site.

WHEREAS, in approving a reduction in the size of one loading zone, the Planning Commission finds that the site plan on file with the Planning and Environmental Services Division:

1. Does not preserve the intent of the Parking Ordinance;
2. Provides insufficient loading area to serve the intended uses; and
3. The modification will not be detrimental to the public health, safety or welfare.

WHEREAS, on October 18, 2007 the Planning Commission voted to deny a shopping center with a pharmacy drive-through on the following vote; ayes: Frank, Dean, Medina, Pinkard, Okada; noes: none; absent: Sanchez, Elliot.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby memorializes the denial of this permit and denial of a variation in the zone code standard for a loading zone. The decision of the Planning Commission was final on October 18, 2007 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 1st day of November, 2007, by the following vote:

AYES: Commissioners:

NOES: Commissioner:

ABSENT: Commissioners:

_____
Dr. Sonny Okada, Chairman

ATTEST: _____
Susan L. Martin, Secretary