

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 2019-03 TO ESTABLISH THE BAMİYAN MARKETPLACE PROJECT LOCATED AT APNS 381-320-020 AND 023

Whereas, Ahmad Zaki, Zairey, Inc. has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2019-07 (Tentative Tract Map No. 37578, a Conditional Use Permit No. 2019-03, a Commercial Design Review No. 2019-05, a Uniform Sign Program No. 2019-01). Tentative Tract Map No. 37578 is a subdivision of the 12.60-acre project site into seven (7) lots for a mixed-use commercial and residential development. Conditional Use Permit No. 2019-03 and Commercial Design Review No. 2019-05 proposes to develop the mixed-use commercial and residential development that would be constructed in three phases. The first phase (Phase 1) would include a 10-dispenser ARCO gasoline station with a 6,840-square foot (SF) canopy, a 4,354-SF AM/PM convenience store, an attached 1,960-SF quick-serve restaurant (with no drive-through service), and a 4,054-SF automated self-service car wash. A 2,000-SF office would be located on the second story above the quick-serve restaurant. Phase 1 would also include grading of the site, installation of the majority of the utility infrastructure, development of internal circulation driveways and parking, and construction of off-site improvements. The second phase (Phase 2) would consist of two 2,400-SF fast food restaurants with drive-through lanes, and a two-story mixed-use commercial/retail and multi-family residential building. The mixed-use building would consist of six commercial/retail spaces totaling approximately 23,000 SF on the ground floor and 14 apartments or condominium units totaling 20,000 SF on the second floor. The third (and final) phase (Phase 3) of the project would consist of five three-story multi-family residential buildings containing up to 60 residential units. The multi-family residential development would include enclosed parking and a 2,800-SF clubhouse with pool and outdoor living amenities. Uniform Sign Program No. 2019-01 proposes to establish a uniform sign program for the project that provides standards and specifications to ensure consistency of signage in terms of design, composition, size and placement throughout the project. The project is located at the northwest corner of Grand Avenue and State Route 74/Ortega Highway (APNs: 381-320-023 and 381-320-020); and,

Whereas, Section 17.415.070 of the Lake Elsinore Municipal Code (LEMC) provides that certain uses are desirable but may have operational characteristics that disproportionately impact adjoining properties, businesses, or residents. Accordingly, such uses require a more comprehensive review and approval procedure, including the ability to condition the project in order to mitigate significant impact; and,

Whereas, pursuant Section 17.415.070 (Conditional Use Permits), Section 17.410.070 (Approving Authority) and Section 17.410.030 (Multiple Applications) of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to conditional use permits; and,

Whereas, on February 1, 2022, February 15, 2022, March 1, 2022, and June 21, 2022, at a duly noticed Public Hearing the Commission has considered evidence presented by the Community Development Department and other interested parties with respect to this item.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: The Commission has considered the Project prior to making a recommendation to the Council and has found it acceptable.

Section 2: On June 21, 2022, after consideration and evaluation of all written reports and comments and oral testimony presented by the Community Development Department and other City departments, property owners, residents and other interested parties and such other matters as are reflected in the record of the noticed Public Hearing on the Project, the Commission adopted a resolution finding and determining that the Mitigated Negative Declaration (ER 2019-04) (SCH No. 2021120417) is adequate and is prepared in accordance with the requirements of CEQA.

Section 3. That in accordance with LEMC Section 17.415.070.C. Findings, the Commission makes the following findings regarding Conditional Use Permit No. 2019-03:

1. That the proposed use, on its own merits and within the context of its setting, is in accord with the objectives of the General Plan and the purpose of the planning district in which the site is located.

The Project has a General Plan Land Use designation of Commercial Mixed Use (CMU) and is located within the Lake Edge District. This designation provides for a mix of residential and non-residential uses within a single proposed development area, with an emphasis on retail, service, civic and professional office uses. The Floor Area Ratio (FAR) for non-residential uses is 0.80:1 and a minimum of 50% of the total floor area shall be commercial uses. Residential densities shall be between 7 and 18 dwelling units per net acre. The project is proposing to develop a mixed use project with the commercial development that includes a convenience store, gas station, express car wash, and drive-through and quick-serve restaurants with 0.22:1 FAR. The project also includes a residential component with 9.9 units per acre and 15.7 units per acre. Therefore, the project is consistent with the General Plan.

The current zoning for the subject site is Commercial Mixed Use (CMU). Per Section 17.134.020 (Table of land uses and glossary/definitions) of the CMU zone, convenience stores, food establishments, and apartment units are permitted uses and carwashes and drive-through establishments are permitted uses subject to approval of a Conditional Use Permit. Per Section 17.134.020 of the CMU zone, the Community Development Director has deemed Gasoline Dispensing Establishments to be in accord with the purpose of the CMU zone and having characteristics similar to those uses listed in Section 17.134.020 (Table of land uses and glossary/definitions) as requiring a Conditional Use Permit. Further, the proposed Project will assist in achieving the development of a well-balanced and functional mix of residential, commercial, industrial, open space, recreational and institutional land uses.

2. The proposed use will not be detrimental to the general health, safety, comfort or general welfare of persons residing or working within the neighborhood of the proposed use or the City, or injurious to property or improvements in the neighborhood or the City.

The proposed use does not propose either directly or indirectly any detrimental effects to the existing surrounding community. The Project has been conditioned as such to avoid any possible negative impacts associated with the proposed use.

3. The Site for the intended use is adequate in size and shape to accommodate the use, and for all the yards, setbacks, walls or fences, landscaping, buffers and other features required by this title.

The proposed use has been analyzed and staff has determined that the proposed use meets all applicable sections of the LEMC and will complement the existing uses, based on the submitted plans and the conditions of approval imposed on the Project.

4. The Site for the proposed use relates to streets and highways with proper design both as to width and type of pavement to carry the type and quantity of traffic generated by the subject use.

The project would include dedication on Ortega Highway, Grand Avenue, and Macy Street to the ultimate half-section width and would construct frontage improvements in accordance with City's Engineering Department and Caltrans' requirements. These improvements will be sufficient for the type and quantity of traffic generated by the proposed use.

5. In approving the subject use at the specific location, there will be no adverse effect on abutting properties or the permitted and normal use thereof.

The Conditional Use Permit has been thoroughly reviewed and conditioned by all applicable City departments thereby eliminating the potential for any adverse effects.

6. Adequate conditions and safeguards pursuant to LEMC 17.415.070.B, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the subject project to ensure development of the property in accordance with the objectives of this chapter and the planning district in which the site is located.

Pursuant to Section 17.415.070.B of the LEMC, the Project was considered by the Planning Commission at a duly noticed Public Hearing on February 1, 2022, February 15, 2022, March 1, 2022, and June 21, 2022, appropriate and applicable conditions of approval have been included to protect the public health, safety and general welfare.

Section 4: Based upon the evidence presented, the above findings, and the Conditions of Approval imposed upon the Project, the Commission hereby recommends that the Council approve Conditional Use Permit No. 2019-03.

Section 5: This Resolution shall take effect immediately upon its adoption.

Passed and Adopted on this 21st day of June, 2022.

John Gray, Chairman

Attest:

Damaris Abraham,
Planning Manager

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Damaris Abraham, Planning Manager of the City of Lake Elsinore, California, hereby certify that Resolution No. 2022-__ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held June 21, 2022 and that the same was adopted by the following vote:

AYES
NOES:
ABSTAIN:
ABSENT:

Damaris Abraham,
Planning Manager