

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2018-04 TO ESTABLISH A 2,500 SQUARE FOOT COFFEE SHOP WITH A DRIVE-THROUGH LOCATED WITHIN THE LAKE ELSINORE TOWN CENTER (APN: 365-280-007)

Whereas, Maikel Faragalla, Urban Dwell Architects has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2018-29 (Conditional Use Permit No. 2018-04 and Commercial Design Review No. 2018-07) for the design and construction a 2,500 sq. ft. Starbucks coffee shop with a drive-through located within the Lake Elsinore Town Center (Project). The Project site is located on the westerly side of Mission Trail, northerly of Malaga Road, and southerly of Campbell Street (APN: 365-280-007); and,

Whereas, Chapter 17.168 of the Lake Elsinore Municipal Code (LEMC) provides that certain uses have operational characteristics that, depending on the location and design of the use, may have the potential to negatively impact adjoining properties, businesses or residents and therefore are permitted subject to the issuance of a Conditional Use Permit, which allows the City to comprehensively review and approve the use; and,

Whereas, pursuant to Chapter 17.168 (Conditional Use Permits) of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the Council pertaining to conditional use permits; and,

Whereas, on July 17, 2018 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; and,

Whereas, pursuant to Chapter 17.168 of the LEMC, the Council has the responsibility of making decisions to approve, modify, or disapprove recommendations of the Commission for conditional use permits; and,

Whereas, on August 14, 2018, at a duly noticed Public Meeting, the Council has considered the recommendation of the Commission as well as evidence presented by the Community Development Department and other interested parties with respect to this item.

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

Section 1: The Council has considered the Project and has found it acceptable.

Section 2: The Council finds that the proposed Project is exempt from the California Environmental Quality Act (Cal. Pub. Res. Code §§21000 et seq.: "CEQA") and the CEQA Guidelines (14 C.C.R. §§ 15000 et seq.) pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects. The Project is consistent with the applicable General Plan designation and policies, as well as zoning designation and regulations, and is within the City's boundaries on a site less than five acres surrounded by urban uses. The subject property has no value as habitat for endangered, rare or threatened species. Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality and the Project is adequately served by all required utilities and public services.

Section 3: That in accordance with LEMC Section 17.168.080 Findings, the Council makes the following findings regarding Planning Application No. 2018-29 (Conditional Use Permit No. 2018-04):

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 (CM) and is located in the Ballpark District. The CM Land Use 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 project is proposing to develop a drive-through coffee shop within an existing shopping center. The Project is consistent with the General Plan. The current zoning for the subject site is Commercial Mixed Use (CMU). Drive-through food establishments are permitted uses subject to approval of a Conditional Use Permit in the CMU zone. Further, the proposed commercial 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 Project.

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 proposed use is located within an existing built environment, inclusive of streets. The existing streets are of adequate size to facilitate safe and convenient transportation to and from the site.

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 17.168.050, 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 17.168.040 of the LEMC, the Project was considered by the Planning Commission at a duly noticed Public Hearing on July 17, 2018, 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 Council hereby approves Planning Application No. 2018-29 (Conditional Use Permit No. 2018-04).

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

Section 6: The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

Passed and Adopted on this 14th day of August 2018.

Natasha Johnson
Mayor

Attest:

Susan M. Domen, MMC
City Clerk

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

I, Susan M. Domen, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2018-_____ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of August 14, 2018, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Susan M. Domen, MMC
City Clerk