

RESOLUTION NO. 2017-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2016-01 FOR THE ESTABLISHMENT OF AN APPROXIMATELY 4,500 SQUARE FOOT RESTRUANT WITH DRIVE THROUGH

Whereas, Peninsula Retail Partners submitted an application for A Conditional Use Permit (CUP) for the development of 65,803 square feet of development consisting of a main building located on the southern portion of the site and four pad buildings, including one drive thru located along Central Avenue, and a corollary sign program. The Project site is located on 7.25 acres generally located at the southeast corner of Central Avenue (State Highway 74) and Collier Avenue. The site contains two parcels, identified as Assessor's Parcel Numbers (APNs) 377-080-014, 031, 032, 033, and 034; 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 CUP, which allows the City to comprehensively review and approve the use; and,

Whereas, pursuant to LEMC Chapter 17.168 CUPs the Planning Commission (Commission) of the City of Lake Elsinore (City) has been delegated with the responsibility of reviewing and approving, conditionally approving, or denying CUPs; and,

Whereas, on March 21, 2017, 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 LEMC 17.186 (Conditional Use Permits) the City Council (Council) of the City has the responsibility of making decisions to approve, modify or disapprove recommendations of the Planning Commission for Tentative Tract Maps (TPM), CUPs, and Design Review applications; and,

Whereas, on March 28, 2017, at a duly noticed Public Hearing, the Council has considered 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. On March 21, 2017, 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 Council adopted Resolution No. 2017-___ finding and determining that Mitigated Negative Declaration (MND) No. 2017-01 EIR (SCH# 2017021072) is adequate and prepared in accordance with the requirements of CEQA.

Section 2. That in accordance with California Planning and Zoning Law and the LEMC Section 17.168.060 (Findings), the Council makes the following findings regarding Conditional Use Permit No. 2016-01:

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 subject site is located in the Business District and has a land use designation of General Commercial. The General Commercial land use designation has a FAR of 0.4 and the Project has a total FAR 0.21, thus complying with the General Plan FAR requirements. The primary goal of the Business District is to encourage its position as the industrial and commercial hub of the City and to ensure that new growth respects the environmental sensitivity of the natural wetlands, floodway and floodplain. Furthermore, the goal of the Business District is to support a vibrant commercial and industrial hub with high quality developments that have a strong orientation towards major corridors. Because the proposed Project complies with the FAR requirements and creates development that is oriented to major corridors and facilitates further commercial development within a commercial hub the proposed project is found to be consistent with the General Plan.

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 is to be located within a proposed new development, which does not propose a development which would be detrimental or injurious to the neighborhood or the City. The project has been conditioned as such to avoid any possible negative impacts associated with the conversion and operation of the proposed facility.

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 attached Conditions of Approval.

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. Conditions of Approval have been proposed which require additional infrastructure to reduce potential impacts, consistent with the MND No. 2017-01 EIR (SCH# 2017021072).

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 CUP 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 17.68.050, 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 Commission at a duly noticed Public Hearing on March 21, 2017, appropriate and applicable Conditions of Approval have been included to protect the public health, safety and general welfare.

Section 3. Based upon the evidence presented, the above findings, and the attached Conditions of Approval, the City Council of the City of Lake Elsinore approves CUP No. 2017-01.

Section 4. This Resolution shall take effect from and after the date of its passage and adoption.

Passed and Adopted this 28th day of March 2017.

Robert E. Magee, Mayor

ATTEST:

APPROVED AS TO FORM:

Susan M. Domen, MMC
City Clerk

Barbara Leibold
City Attorney

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. 2017-____ was adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of March 28, 2017, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Susan M. Domen, MMC
City Clerk