

## RESOLUTION NO. 2017-\_\_\_\_

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING PLANNING APPLICATION NO. 2016-46 (CONDITIONAL USE PERMIT NO. 2017-08) TO ESTABLISH A HEAVY CONSTRUCTION EQUIPMENT AUCTION FACILITY LOCATED AT 521 SILVER STREET**

**Whereas**, Brian Moening, Vantage Auctions, Inc. has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2016-46 (Conditional Use Permit No. 2017-08) to establish a heavy construction equipment auction facility. The facility will conduct up to six (6) auctions per year. The facility currently has two (2) sales trailers (720 sq. ft. and 576 sq. ft. each), a 25 sq. ft. security check-in shed, a food vendor, a shop area that includes three (3) containers, a 2,400 sq. ft. removable viewing tent, and customer parking area. Future improvements proposed for the site include an approximately 3,000 sq. ft. building, stadium seating with a canopy, and on-site and off-site road improvements. (Project). The Project is located northerly of Flint Street, southerly of Minthorn Street, easterly of Chaney Street, and westerly of Poe Street and more specifically referred to as 521 Silver Street. (APNs: 377-160-018, 023, 026, 377-180-030, 054, and 057); 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 reviewing and approving, conditionally approving, or denying conditional use permits; and,

**Whereas**, on October 3, 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.

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

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

**Section 2:** The Commission hereby finds and determines that the Project is categorically exempt from California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq. "CEQA") and the State CEQA Guidelines (14. Cal. Code Regs. §§15000 et seq.), specifically pursuant to Section 15304 (Class 4: Minor Alterations to Land). Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes: (e) Minor temporary use of land having negligible or no permanent effects on the environment. The Project will be utilizing temporary features such as temporary sales trailers, temporary viewing tents, and sheds for up to a year. The Project is required to submit a Design Review application for all the permanent improvements needed at the Project site. The Design Review application will be subject to an environmental review in accordance with CEQA.

**Section 3:** That in accordance with California Planning and Zoning Law and the LEMC Section 17.168.060 (Findings), the Commission makes the following findings regarding the Project:

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 proposed facility is located in the Limited Industrial (LI) General Plan Land Use Designation and the Limited Manufacturing (M-1) Zoning designation, which is consistent with the applicable General Plan Land Use Designation. Per Section 17.136.030.C. of the LEMC, heavy equipment sales and rental is a permitted use in the M-1 zone subject to an approval of a Conditional Use Permit.*

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 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 Project is conditioned to provide improvements to Flint Street from the current pavement up to the Silver Street intersection 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 Project 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 October 3, 2017, 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 attached Conditions of Approval, the Planning Commission hereby approves Planning Application No. 2016-46 (Conditional Use Permit No. 2017-08).

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

**Passed and Adopted** this 3<sup>rd</sup> day of October, 2017.

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John Gray, Chairman

Attest:

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Justin Kirk,  
Principal Planner

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

I, Justin Kirk, Principal Planner of the City of Lake Elsinore, California, hereby certify that Resolution No. 2017-\_\_ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 3<sup>rd</sup> day of October, 2017 and that the same was adopted by the following vote:

AYES

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Justin Kirk,  
Principal Planner