

## **RESOLUTION NO. 2019-**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVAL OF VARIANCE NO. 2017-03 FOR THE 3,266 SQUARE FOOT BUILDING TO ENCROACH INTO THE REQUIRED FRONT AND REAR YARD SETBACKS DUE TO SITE CONSTRAINTS**

**Whereas**, Danny Brose, Auto Center & Mill, LLC has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2017-28 (Conditional Use Permit No. 2017-05, Commercial Design Review No. 2017-05, and Variance No. 2017-03) to establish an automobile dealership facility (Silverleaf Motors) with a 3,266 sq. ft. two-story building and 118 total parking spaces on an approximately 1.3-acre site (Project). The Project also includes a Variance request for the front and rear yard setbacks due to site constraints. The Project site is located at the northwesterly corner of Auto Center Drive and Mill Street (APNs: 363-112-025, 026, and 031); and,

**Whereas**, Variance No. 2017-03 is a request to encroach into the required 20 ft. front yard setback and the required 15 ft. rear yard setback due to site constraints; and,

**Whereas**, pursuant to LEMC Chapter 17.172 (Variances) the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to variances; and,

**Whereas**, on May 7, 2019, at 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 recommending to the Council and has found it acceptable.

**Section 2.** The Commission 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 the LEMC, the Commission makes the following findings regarding Planning Application No. 2017-28 (Variance No. 2017-03):

1. Adequate conditions and safeguards pursuant to LEMC, Section 17.172.050 have been incorporated into the approval of the variance to ensure development of the property in accord with the objectives of the General Plan and the purpose of the planning district in which the site is located.

*The Project site has a General Plan Land Use designation of General Commercial (GC) and the current zoning for the subject site General Commercial (C-2). The proposed use is identified as a permitted use subject to the approval of a Conditional Use Permit within the C-2 zone. The proposed variance would not alter the existing land use. Adequate Conditions of Approval have been added to ensure that the development of the property is in accord with the objectives of the General Plan and the C-2 zone.*

2. There are special circumstances, pursuant to the purpose of Chapter 17.172 of the LEMC, applicable to the subject property which do not apply generally to other properties in the neighborhood, and, therefore, granting of the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.

*The Variance is requesting to encroach 10'-0" into the required 20'-0" front yard setback and encroach into the required 15'-0" rear yard setback from the public-right-of-way for the proposed 3,266 sq. ft. building. The subject property was created as a result of three (3) left over fragments of property from a single-family residential housing tract and a realignment of Auto Center Drive and Mill Street. The property is long and very narrow, and is only approximately 65 ft. in depth. The irregular shape of the subject property is the special circumstance applicable to this Project. Due to its irregular shape, the strict application of the code will prevent this lot from enjoying the same rights as other lots in the surrounding area. The granting of the variance will not constitute granting of a special privilege to the subject property but will allow the proposed building to be constructed.*

3. In approving the variance, any reductions authorized from the strict interpretation of the zoning ordinance represents the minimum deviation from this code necessary to fulfill the purpose of this chapter and enable reasonable development of the property.

*The proposed variance would allow the subject property to be developed with the proposed building for the auto sales facility. The proposed variance represents the minimum deviation necessary to enable reasonable development of the property.*

**Section 4.** Based upon the evidence presented, the above findings, and the attached Conditions of Approval, the Commission hereby recommends that the Council approve Planning Application No. 2017-28 (Variance No. 2017-03).

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

**Passed and Adopted** on this 7<sup>th</sup> day of May, 2019.

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Myles Ross, Chairman

**Attest:**

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Justin Kirk,  
Assistant Community Development Director

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

I, Justin Kirk, Assistant Community Development Director of the City of Lake Elsinore, California, hereby certify that Resolution No. 2019-\_\_ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on May 7, 2019 and that the same was adopted by the following vote:

AYES

NOES:

ABSTAIN:

ABSENT:

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Justin Kirk,  
Assistant Community Development Director