

## RESOLUTION NO. 2019-\_\_

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING APPROVAL OF MUNICIPAL CODE AMENDMENT NO. 2017-02 AMENDING CHAPTER 17.132 OF THE LAKE ELSINORE MUNICIPAL CODE REGARDING DRIVE-THROUGH ESTABLISHMENTS IN THE COMMERCIAL MANUFACTURING (C-M) DISTRICT**

**Whereas**, Joseph Karaki, Karaki Western States Engineering, Inc., has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2016-112 (Municipal Code Amendment No. 2017-02, Conditional Use Permit No. 2018-03, and Commercial Design Review No. 2016-17). The Project site is located in the central portion of the City, near the southwest corner of Riverside Drive and Collier Avenue and encompasses Assessor Parcel Numbers (APNs) 378-030-007 and 378-030-009; and,

**Whereas**, Municipal Code Amendment (MCA) No. 2017-02 proposes an amendment to Chapter 17.132 of the Lake Elsinore Municipal Code (LEMC) to allow for drive-through establishments as a use subject to approval of a Conditional Use Permit in the Commercial Manufacturing (C-M) District; and,

**Whereas**, Conditional Use Permit No. 2018-03 and Commercial Design Review No. 2016-17 are proposing to establish a new travel center consisting of an 8,360 square foot (SF) convenience store with concurrent sale of alcoholic beverages (Type 21 ABC), three (3) quick serve restaurants, two (2) covered gas dispensing areas (with a maximum throughput of 5.8 million gallons of gasoline per year) totaling 6,092 SF, and a free-standing 2,543 SF fast-food restaurant with a drive-through on a 2.39 net acre site after right-of-way dedication. The Project will provide 59 total vehicular parking spaces, three (3) RV parking spaces, and a service loading area along the northern property line; and,

**Whereas**, pursuant to Section 17.415.040 (Zoning Amendments) of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of reviewing and making recommendations to the City Council (Council) regarding changes to Title 17 of the LEMC; and,

**Whereas**, on November 5, 2019, 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 RECOMMEND TO THE CITY COUNCIL AS FOLLOWS:**

**Section 1:** The Commission has reviewed and analyzed the proposed amendment to the LEMC and finds and determines that the ordinance is in compliance with the goals and policies of the City of Lake Elsinore General Plan (GP), that the ordinance will not be detrimental to the public interest, health, safety, convenience, or general welfare of the city; and that it is consistent with the requirements of California Planning and Zoning Law and with the goals and policies of the GP and the LEMC.

**Section 2:** The Commission hereby finds that the Mitigated Negative Declaration (MND) (SCH No. 2019029048) for the Project is adequate and has been completed in accordance with the CEQA Guidelines and the City's procedures for implementation of CEQA; and recommends to

the Council that it make the same finding. Appropriate findings were made, and the MND provides the necessary environmental clearance for MCA No. 2017-02.

**Section 3:** In accordance with Government Code Section 65855, the Planning Commission sets forth the following findings for its recommendation that the City Council amend Title 16 and Title 17 of the Lake Elsinore Municipal Code Streamlining Code Provisions and Procedures:

1. The proposed zoning code amendments will not be: a) detrimental to the health, safety, comfort or general welfare of the persons residing or working within the City, or b) injurious to the property or improvements within the City.

*The proposed zoning code amendment has been analyzed relative to its potential to have detrimental effects and it has been determined that the amendment has no impact upon the public's health, safety, comfort and general welfare because the proposed municipal code revision proposes to add drive-through establishments to better complement and support the other uses in the Commercial Manufacturing (C-M) zone.*

2. The proposed is consistent with the Goals, Policies and Implementation Programs of the General Plan and the development standards established with the LEMC.

*The proposed zoning code amendment does not create new zoning districts, remove existing zoning districts or rezone a property. The proposed zoning code amendment does not affect the density or intensity of uses and will not interfere with the implementation of the goals, policies, and implementation programs of the General Plan.*

**Section 3:** Section 17.132.030.D (Uses subject to a conditional use permit) of the LEMC is hereby amended to read as follows (new text underlined and deletions in strikethrough):

D. Eating places and fast food establishments; ~~excluding~~ including drive-in and drive-through establishments.

**Section 4:** Based upon the evidence presented, both written and testimonial, and the above findings, the Commission hereby recommends that the Council approve the amendment to Section 17.132.030.D of the LEMC as noted in Section 3 above.

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

**Passed and Adopted** on this 5<sup>th</sup> day of November, 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 the 5<sup>th</sup> day of November, 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