

RESOLUTION NO. 2019-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 2018-03 TO ESTABLISH THE KASSAB TRAVEL CENTER LOCATED AT APNS: 378-030-007 AND 009

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, Section 17.415.070 of the Lake Elsinore Municipal Code (LEMC) provides that certain uses are desirable but may have operational characteristics that disproportionately impact adjoining properties, businesses, or residents. Accordingly, such uses require a more comprehensive review and approval procedure, including the ability to condition the project in order to mitigate significant impact; and,

Whereas, pursuant to Section 17.415.070 (Conditional Use Permits) of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to conditional use permits; 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, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

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

Section 2: On November 5, 2019, 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 Commission adopted Resolution No. 2019-____ finding and determining that the Mitigated Negative Declaration (ER 2018-02) (SCH No. 2019029048) is adequate and is prepared in accordance with the requirements of CEQA.

Section 3. That in accordance with LEMC Section 17.415.070.C. Findings, the Commission makes the following findings regarding Planning Application No. 2016-112 (Conditional Use Permit No. 2018-03):

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 Limited Industrial (LI) and is located in the Business District. The LI Land Use designation provides for industrial parks, warehouses, manufacturing, research and development, public and quasi-public uses, and similar and compatible uses with a maximum 0.45 Floor Area Ratio (FAR). The proposed Project, which includes a gas station, convenience store and drive-through restaurant, are all supportive and compatible uses with the other intended uses of the LI Land Use Designation. The proposed Project would also have a 0.162 FAR. Therefore, the Project is consistent with the General Plan. The current zoning for the subject site Commercial Manufacturing (C-M). The proposed service station is a permitted use Section 17.132.020.U of the C-M Zone, fast food restaurants are permitted subject to the approval of a Conditional Use Permit per Section 17.132.020.D of the C-M Zone; Drive-through establishments are not currently listed as a permitted or conditionally permitted use in the C-M zone. However, the approval of Municipal Code Amendment No. 2017-02 will allow drive-through establishments as a use subject to approval of a Conditional Use Permit in the C-M Zone Further, the proposed 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 use.

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.

Riverside Drive is a State Highway, SR-74, and is under the jurisdiction of Caltrans. The applicant would improve Riverside Drive to Caltrans standards to its ultimate right-of-way, which requires 96 feet from curb-to-curb. The applicant would dedicate between 21 feet and 36 feet (street tapers in toward the west) in order to allow their half-section of Riverside Drive to be consistent with the Urban Arterial (half) cross section (center median, three travel lanes, six-foot bike lane, and six-foot sidewalk – in one direction). Collier Avenue is a Major roadway as shown in the General Plan. Collier Avenue, along the Project Site's frontage, is not constructed to its ultimate Major roadway width of 80 feet, curb-to-curb. The applicant would dedicate approximately ten feet in order to allow its half-section of Collier Avenue to be consistent with the Major roadway (half) cross section (center median, two travel lanes, six-foot bike lane, and five-foot sidewalk – in one direction). Street improvements on the west side of Collier Avenue, along the Project Site's frontage, would include widened sidewalk, landscape, parkway from six feet to ten feet, and a new six-foot wide bike lane (Class II – striped, on-pavement). These improvements will be sufficient for the type and quantity of traffic generated by the proposed use.

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 17.415.070.B, 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 17.415.070.B of the LEMC, the Project was considered by the Planning Commission at a duly noticed Public Hearing on November 5, 2019, 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 Commission hereby recommends that the Council approve Planning Application No. 2016-112 (Conditional Use Permit No. 2018-03).

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

Passed and Adopted on this 5th day of November, 2019.

Myles Ross, Chairman

Attest:

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 5th day of November, 2019 and that the same was adopted by the following vote:

AYES
NOES:
ABSTAIN:
ABSENT:

Justin Kirk,
Assistant Community Development Director