

RESOLUTION NO. 2019-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 2019-11 TO ESTABLISH THE BOOS MAIN STREET DEVELOPMENT CONSISTING OF A FUEL DISPENSING STATION, CONVENIENCE STORE AND AUTOMATED CARWASH LOCATED AT APN'S 377-243-002, 003, 004, 005, 006 AND 007

Whereas, Rod Fermin of Boos Development has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2019-45 (Conditional Use Permit No. 2019-11, Commercial Design Review No. 2019-17 and Tentative Parcel Map No. 2019-04 - 33751). The Project site is a 0.88 (38,342 SF) property located on the east side of Main Street between Flint Street and the I-15 Freeway southbound onramp and includes Assessor Parcel Numbers (APNs) 377-243-002, 003, 004, 005, 006 and 007; and,

Whereas, Conditional Use Permit No. 2019-11 and Commercial Design Review No. 2019-17 are proposing to establish a new commercial facility consisting of eight (8) gasoline dispensing stations with a 5,054 square foot (SF) canopy, a 3,200 SF convenience store with concurrent sale of alcoholic beverages (Type 21 ABC), and a 1,125 SF automated carwash on a 0.88 acre site. The Project will provide 16 total vehicular parking spaces including 1 ADA space, and vehicle access will be provided with two driveways off Main Street 36 feet in width; and,

Whereas, Section 17.112.090 (Gasoline Dispensing Establishments) of the Lake Elsinore Municipal Code (LEMC) provides that such uses are desirable but may have operational characteristics that disproportionately impacts adjoining properties, businesses, or residents. Accordingly, such uses require a more comprehensive review, standards and approval procedure, including the ability to condition the project in order to mitigate significant impacts; and,

Whereas, pursuant to Section 17.168.070 (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 February 4, 2020 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 February 4, 2020, 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 determining the Initial Study prepared for the item demonstrated that the Project did not result in any significant impacts or mitigation measures, is adequate and is prepared in accordance with the requirements of the California Environmental Quality Act (CEQA).

The Commission further determined that the Project satisfies the conditions described in Section 15332 of Title 14 of the California Code of Regulations (Class 32 – Infill), in that:

1. The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The Project has a General Plan Land Use designation of General Commercial (GC) and is located in the Historic District. The proposed Project, which includes a gas station, convenience store and automated drive-through carwash are all supportive and compatible uses with the intended uses of the GC Land Use Designation. The current zoning for the subject site is C-2 General Commercial District (C-2). The proposed convenience store is a permitted use subject to LEMC Section 17.124.020(B) for the C-2 Zone. Sale of alcoholic beverages from a convenience store is a conditionally permitted use subject to Section 17.112.080(O) of the Non-Residential Development Standards. The proposed gasoline dispensing establishment is a conditionally permitted use subject to Section 17.124.030(A) of the C-2 Zone. The proposed car wash is a conditionally permitted use subject to Section 17.124.030.C of the C-2 Zone. The Project also meets the relevant development standards as identified in the C-2 zone and other applicable sections of the Lake Elsinore Municipal Code (LEMC). The Project also complies with the non-residential development standards outlined in Chapter 17.112 of the LEMC.
2. The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses. The Project site is located on the east side of Main Street between Flint Street and the I-15 Freeway southbound onramp. The Project site totals 0.88 acres or 38,432 square feet.
3. The Project site has no value as a habitat for endangered, rare, or threatened species. The Project site is entirely disturbed from previous grading/development activity and does not contain suitable habitat for any candidate, sensitive, or special status plant or wildlife species.
4. Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The City performed focused studies on potential traffic, noise and air quality impacts, which determined that there would not be any significant effects from the Project. Grading and construction associated with site work on the Project site would result in temporary disturbance of surface soils, which could potentially result in erosion and sedimentation on site. However, the proposed Project must comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 Permit. The NPDES MS4 Permit Program, which is administered in the Project area by the City of Lake Elsinore helps control water pollution by regulating point sources that discharge pollutants into receiving waters. The proposed Project operation has been required to comply with the NPDES permit program.

Section 3. That in accordance with LEMC Section 17.415.060, Findings, the Commission makes the following findings regarding Planning Application No. 2019-45 (Conditional Use Permit No. 2019-11):

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 General Commercial (GC) and is located in the Historic District. The GC Land Use designation provides for retail, services, restaurants, professional and administrative offices, hotels and motels, mixed-use projects, public and quasi-public uses, and similar and compatible uses with a maximum 0.40 Floor Area Ratio (FAR). The proposed Project, which includes a gas station, convenience store and automated carwash, are all supportive and compatible uses with the other intended uses of the GC Land Use Designation. The proposed Project would also have a 0.24 FAR. Therefore, the Project is consistent with the General Plan. The current zoning for the subject site General Commercial (C-2). The proposed convenience store is a permitted use subject to Section 17.124.020(B) of the C-2 Zone, Sale of alcoholic beverages from a convenience store is a conditionally permitted use subject to Section 17.112.080(O) of the Non-Residential Development Standards. The proposed gasoline dispensing establishment is a conditionally permitted use subject to Section 17.124.030(A) of the C-2 Zone. The proposed carwash is a conditionally permitted use subject to Section 17.124.030(C) of the C-2 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 will not result in 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 compliment 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.

Main Street is a General Plan designated Collector Highway designating two lanes and a 68-foot right of way with a bike lane. Frontage improvements will include sidewalk, curb and gutter.

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 17.168.050 of the LEMC, the Project was considered by the Planning Commission at a duly noticed Public Hearing on February 4, 2020, 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. 2019-45 (Conditional Use Permit No. 2019-11).

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

Passed and Adopted on this 4th day of February, 2020.

Michael Carroll, 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 4th day of February, 2020 and that the same was adopted by the following vote:

AYES

NOES:

ABSTAIN:

ABSENT:

Justin Kirk,
Assistant Community Development Director