

RESOLUTION NO. 2019-____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE
ELSINORE, CALIFORNIA, RECOMMENDING APPROVAL OF COMMERCIAL
DESIGN REVIEW NO. 2019-17 PROVIDING BUILDING DESIGN AND RELATED
IMPROVEMENTS FOR 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 - 37751). The Project site is a 0.88 acre (38,432 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 (APN's) 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 conditional the project in order to mitigate significant impacts; and

Whereas, pursuant to Section 17.184.020 (Major Design Review) of the Lake Elsinore Municipal Code (LEMC), the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to design reviews; 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
DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1: The Commission has reviewed and analyzed the proposed Project pursuant to the California Planning and Zoning Laws (Cal. Gov. Code §§ 59000 et seq.), the Lake Elsinore General Plan (GP), and the LEMC and finds and determines that the proposed Project 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: 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 Section 17.184.080 of the LEMC, the Commission makes the following findings regarding Planning Application No. 2019-45 (Commercial Design Review No. 2019-17):

1. The Project, as approved, will comply with the goals and objectives of the General Plan, Specific Plan and the Zoning District in which the Project is located.

The Project complies with the goals and objectives of the General Plan because it will assist in achieving the development of a well-balanced and functional mix of residential, commercial, industrial, open space, recreational, and institutional land uses. The Project will serve to diversify and expand Lake Elsinore's economic base.

2. The Project complies with the design directives contained in the General Plan and all other applicable provisions of the LEMC.

The Project is appropriate to the site and surrounding developments and will create a visually pleasing, non-detractive relationship between the proposed development and existing projects through the use of a 'Contemporary' architectural design that is similar to existing commercial and industrial developments in the vicinity. Sufficient setbacks and onsite landscaping have been provided thereby creating interest and varying vistas. In addition, safe and efficient circulation has been achieved onsite.

3. Conditions and safeguards pursuant to Section 17.415.050.G.3 of the LEMC, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the Project to ensure development of the property in accordance with the objectives of Section 17.415.050.

Pursuant to Section 17.184.070 of the LEMC, the Project was considered by the Planning Commission at a duly noticed Public Hearing held on February 4, 2020. The Project, as reviewed and conditioned by all applicable City divisions, departments and agencies, will not have a significant effect on the environment.

Section 4: Based upon all of 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 (Commercial Design Review No. 2019-17).

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