

RESOLUTION NO. 2020-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2019-10 TO ESTABLISH A 3,800 SQUARE FOOT CONVENIENCE STORE AND A 3,910 SQUARE FOOT CANOPY WITH 12 FUELING STATIONS LOCATED AT 16830 LAKESHORE DRIVE (APN: 379-290-019)

Whereas, Steve Love, Amore Enterprises Inc. has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2019-42 (Conditional Use Permit No. 2019-10 and Commercial Design Review No. 2019-15) proposes to demolish an existing 1,132 sq. ft. convenience store and a 4,561 sq. ft. canopy with eight (8) fueling stations to construct a new 3,800 sq. ft. convenience store, a 3,910 sq. ft. canopy with 12 fueling stations (Project). The Project also proposes to construct a 640 sq. ft. trash enclosure and 12 parking spaces on an approximately 0.69-acre site. The proposed Project is located at the northwest corner of Riverside Drive and Lakeshore Drive, more specifically 16830 Lakeshore Drive (APN: 379-290-019); and,

Whereas, Section 6.0 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) requires that all discretionary projects within a MSHCP Criteria Cell undergo the Lake Elsinore Acquisition Process (LEAP) and Joint Project Review (JPR) process to analyze the scope of the proposed development and establish a building envelope that is consistent with the MSHCP criteria; and,

Whereas, Section 6.0 of the MSHCP further requires that the City adopt consistency findings demonstrating that the proposed discretionary entitlement complies with the MSHCP Criteria Cell, and the MSHCP goals and objectives; and,

Whereas, Section 17.415.070.A of the Lake Elsinore Municipal Code (LEMC) provides that certain uses have operational characteristics that, depending on the location and design of the use, may have the potential to negatively impact adjoining properties, businesses or residents and therefore are permitted subject to the issuance of a Conditional Use Permit, which allows the City to comprehensively review and approve the use; and,

Whereas, pursuant to Section 17.415.070.B of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of reviewing and approving, conditionally approving, or denying Conditional Use Permits; and,

Whereas, on October 20, 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: That in accordance with the MSHCP, the Commission makes the following findings for MSHCP consistency:

1. The Project is not subject to the City's LEAP and the Western Riverside County Regional Conservation Authority's (RCA) JPR processes as it is not located within a Criteria Cell
2. The Project is consistent with the Riparian/Riverine Areas, Vernal Pools Guidelines, and the Fuel Management Guidelines as the Project is wholly located within an existing building and does not include any earth disturbing activities therefore Sections 6.1.2 or 6.3.1 of the MSHCP are not applicable.
3. The project is consistent with the Protection of Narrow Endemic Plant Species Guidelines and the Additional Survey Needs and Procedures because the project is not located within any Narrow Endemic Plant Species Survey Areas or Critical Species Survey Areas.
4. The Project is consistent with the Fuels Management Guidelines because the Project site is not within or adjacent to any MSHCP Criteria Cell or conservation areas.
5. The project has been conditioned to pay any applicable MSHCP Local Development Mitigation fees.

Section 3: 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 4: That in accordance with LEMC Section 17.415.070.C. Findings, the Commission makes the following findings regarding Conditional Use Permit No. 2019-10:

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 site has a General Plan Land Use designation of General Commercial (GC) that 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 Project is proposing to develop a gas station and a convenience store with 0.25 FAR. Therefore, the Project is consistent with the General Plan. The current zoning for the subject site Neighborhood Commercial (C-1). The proposed use is identified as a permitted use subject to the approval of a Conditional Use Permit within the C-1 zone. Further, the proposed commercial 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 Project.

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.

The proposed use is located within an existing built environment, inclusive of streets. The existing streets are of adequate size to facilitate safe and convenient transportation to and from the site.

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 October 20, 2020, appropriate and applicable conditions of approval have been included to protect the public health, safety and general welfare.

Section 5: Based upon the evidence presented, both written and testimonial, and the above findings, the Commission hereby finds that the Project is consistent with the MSHCP.

Section 6: Based upon the evidence presented, the above findings, and the Conditions of Approval imposed upon the Project, the Commission hereby approves Conditional Use Permit No. 2019-10.

Section 7: This Resolution shall take effect immediately upon its adoption.

Passed and Adopted on this 20th day of October, 2020.

Rendell Klaarenbeek, Chairman

Attest:

Justin Kirk,
Assistant Community Development Director

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

I, Justin Kirk, Principal Planner of the City of Lake Elsinore, California, hereby certify that Resolution No. 2020-__ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 20th day of October, 2020 and that the same was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Justin Kirk,
Assistant Community Development Director