

RESOLUTION NO. PC 24-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENIFEE, CALIFORNIA APPROVING MAJOR PLOT PLAN NO. PLN22-0289 AND MAJOR CONDITIONAL USE PERMIT NO. PLN22-0288, FOR THE MISTER CAR WASH AND DAY CARE LOCATED SOUTH OF NEWPORT ROAD, NORTH OF ROCKPORT ROAD AND WEST OF LAGUNA VISTA DRIVE (APN: 364-290-009, 364-390-010, 364-390-011, AND 364-390-012)

WHEREAS, on July 29, 2015, the City of Menifee Planning Commission approved Plot Plan ("PP") No. 2014-092 for the construction of the Shoppes at the Lakes Commercial Center for two phases consisting of a Stater Bros Grocery Store, CVS Pharmacy, five pad buildings (four of which are drive-thrus) and two shops buildings within phase one, and two additional shops buildings in phase two; and

WHEREAS on December 21, 2022, the applicant, Trevor Buhl, on behalf of Mister Car Wash, filed a formal application with the City of Menifee for the approval of Major PP No. PLN22-0289 and Major Conditional Use Permit (CUP) No. PLN22-0288 for the construction of a new 5,434 square foot drive-thru Mister Car Wash, an 11,992 square foot Day Care with a 21,300 square foot playground area (Project) and full site improvements (including site landscaping and parking lot); and

WHEREAS, on February 28, 2022, the Planning Commission of the City of Menifee held the public hearing on CUP No. PLN22-0288 and Major PP No. PLN22-0289, considered all public testimony as well as all materials in the staff report and accompanying documents for the CUP and Major PP, which hearing was publicly noticed by a publication in *The Press Enterprise*, a newspaper of general circulation, an agenda posting, and notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice and on-site posting.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Menifee makes the following Findings:

Major Plot Plan Findings

Section 1: *The proposed project is consistent with the adopted General Plan and any applicable specific plan.*

Consistency with General Plan

The project site zoning classification and General Plan land use designation is Menifee East Specific Plan (SP-247), Planning Area (PA) 1. Pa 1 is intended for neighborhood-oriented commercial, and office uses that support residential communities and development in the vicinity of this major traffic corridor. The commercial retail establishment will serve the adjacent residential communities and local businesses. The project is consistent with the General Plan land use designation and is compatible with surrounding General Plan land uses.

In addition, the Project is consistent with the following City of Menifee General Plan policies:

Project Design/ Building Design

- *CD-3: Projects, developments, and public spaces that visually enhance the character of the community and are appropriately buffered from dissimilar land uses so that differences in type and intensity do not conflict.*

The Newport Road Corridor is intended to provide neighborhood-oriented commercial uses that support the adjacent residential development. The property is located within an existing commercial center. The Project site is adjacent to existing residential uses, however, the nearest residential use is over 200 feet away and the car wash has been conditioned to limit operating hours from 6am to 10pm to reduce noise and vehicular traffic at night and an attendant will regularly monitor for noise, litter and other nuisances.

- *CD-3.11: Provide special building-form elements, such as towers and archways, and other building massing elements to help distinguish activity nodes and establish landmarks within the community.*
- *CD-3.18: Require setbacks and other design elements to buffer residential units to the extent possible from the impacts of abutting roadway, commercial, agricultural, and industrial uses.*

The architecture of the proposed Project buildings have built-in special building form elements including towers, stone veneer and enhancement materials. The overall architecture of the existing Shoppes at the Lakes Commercial Center is incorporated into the design of the Project buildings, including the aforementioned tower, stone veneer and other enhanced materials including metal canopies over windows, paint colors, roof gables and trim materials and design.

Additionally, the City of Menifee Municipal Code ("MMC") requires that the car wash is a minimum of 150 feet away from existing residential structures.

Community Design Features - Lighting

- *CD-6.4 Require that lighting and fixtures be integrated with the design and layout of a project and that they provide a desirable level of security and illumination.*
- *CD-6.5 Limit light leakage and spillage that may interfere with the operations of the Palomar Observatory.*

The Project is required to include lighting that is consistent with existing on-site lighting fixtures and security cameras at the entrances as well as within the property and the site has been designed to limit concealed areas to allow for greater visibility and security.

Adequate onsite lighting will be provided for security and visibility. The Project has been conditioned for all lighting fixtures to comply with Ordinance No. 2009-24, "Dark Sky Ordinance", which will have the effect of limiting leakage and spillage of light and will utilize similar lighting fixtures as the existing center.

Section 2: *Consistency with the Development Code. The Plot Plan meets all applicable standards for development and provisions of the Development Code:*

The zoning classification and General Plan land use designation for the site is SP-247, PA 1. As previously stated, the PA 1 is intended for neighborhood-oriented commercial and office uses that support residential communities and development in the vicinity of this major traffic corridor. A car wash is a conditionally permitted use while a day care is a permitted use in the specific plan. The General Plan Land Use Designation and Zoning classification of the SP-247, PA 1 are consistent and compatible with one another.

The Project meets all the Development Code standards of Title 9, including but not limited to, parking requirements, setbacks, landscape coverage, floor area ratio (FAR) and height requirements of SP-247 and Menifee Municipal Code.

The Project is compatible with the surrounding commercial land uses. The Project incorporates architecture and landscaping which will enhance the area.

Section 3: *Surrounding Uses. The establishment, maintenance, or operation of the proposed Project will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the City.*

The Project is compatible with the surrounding land uses, and is adequately sized, shaped, and designed to accommodate the proposed uses. As noted above in Sections 1 and 2, the Project includes a use that is compatible with adjacent commercial uses and will serve surroundings residents and businesses.

The Project has been reviewed by a variety of Departments to ensure compliance with applicable regulations, including, but not limited to City of Menifee Community Development Department, Engineering and Public Works Department, Fire Department, Menifee Police Department, and Riverside County Environmental Health Department. These Departments have also provided conditions of approval as appropriate to ensure compliance with applicable regulations.

Therefore, the Project would not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the project vicinity. The Project is consistent with the zoning code.

Section 4: *Compliance with California Environmental Quality Act ("CEQA"). Processing and approval of the permit application are in compliance with the requirements of CEQA.*

The Project is exempt from CEQA per Section 15332 "In-Fill Development Projects". This exemption is for projects characterized as in-fill development meeting the following conditions: a) 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; b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; c) the Project site has no value as habitat for endangered, rare or threatened species; d) approval of the Project would not result in any significant effects related to traffic, noise, air quality, or water quality; and e) the site can be adequately served by all required utilities and public

services. The proposed Project is consistent with the applicable General Plan, Specific Plan and Zoning Designations for the project site along with any applicable development standards. The Project is located within the City of Menifee boundaries and is surrounded on the north and west by an existing commercial center and to the east and south by existing residential developments. The Project will not result in any impacts to traffic, noise, air quality or water quality as a traffic memorandum was prepared noting a traffic study is not required, existing residential is screened from the car wash by landscaping and a perimeter block wall around the adjacent residential sites, no hazardous materials are proposed on site affecting air quality, and the Project has prepared a water quality plan to tie into the existing commercial center's approved Water Quality Management Plan from when it was approved by the City of Menifee in 2015. Additionally, the site will be served by all required utilities, including power, water and sewer. Therefore, the proposed Project is categorically exempt from CEQA under Section 15332 "In-Fill Development Projects".

Conditional Use Permit Findings

Section 5: *Consistency with the General Plan. The proposed design and location of the conditional use is consistent with the adopted General Plan and any applicable specific plan:*

Consistency with General Plan

The Project site zoning classification and General Plan land use designation is Menifee East Specific Plan (SP-247), Planning Area (PA) 1. Pa 1 is intended for neighborhood-oriented commercial, and office uses that support residential communities and development in the vicinity of this major traffic corridor. The commercial retail establishment will serve the adjacent residential communities and local businesses. The Project is consistent with the General Plan land use designation and is compatible with surrounding General Plan land uses.

In addition, the Project is consistent with the following City of Menifee General Plan policies:

Project Design/ Building Design

- *CD-3: Projects, developments, and public spaces that visually enhance the character of the community and are appropriately buffered from dissimilar land uses so that differences in type and intensity do not conflict.*

The Newport Road Corridor is intended to provide neighborhood-oriented commercial uses that support the adjacent residential development. The property is located within an existing commercial center. The Project site is adjacent to existing residential uses, however, the nearest residential use is over 200 feet away and the car wash has been conditioned to limit operating hours from 6am to 10pm to reduce noise and vehicular traffic at night and an attendant will regularly monitor for noise, litter and other nuisances.

- *CD-3.11: Provide special building-form elements, such as towers and archways, and other building massing elements to help distinguish activity nodes and establish landmarks within the community.*

- *CD-3.18: Require setbacks and other design elements to buffer residential units to the extent possible from the impacts of abutting roadway, commercial, agricultural, and industrial uses.*

The architecture of the proposed Project buildings have built-in special building form elements including towers, stone veneer and enhancement materials. The overall architecture of the existing Shoppes at the Lakes Commercial Center is incorporated into the design of the Project buildings including the aforementioned tower, stone veneer and other enhanced materials including metal canopies over windows, paint colors, roof gables and trim materials and design.

Additionally, the MMC requires that the car wash is a minimum of 150 feet away from existing residential structures.

Community Design Features - Lighting

- *CD-6.4 Require that lighting and fixtures be integrated with the design and layout of a project and that they provide a desirable level of security and illumination.*
- *CD-6.5 Limit light leakage and spillage that may interfere with the operations of the Palomar Observatory.*

The Project is required to include lighting that is consistent with existing on-site lighting fixtures and security cameras at the entrances as well as within the property and the site has been designed to limit concealed areas to allow for greater visibility and security.

Adequate onsite lighting will be provided for security and visibility. The Project has been conditioned for all lighting fixtures to comply with Ordinance No. 2009-24, "Dark Sky Ordinance", which will have the effect of limiting leakage and spillage of light and will utilize similar lighting fixtures as the existing center.

Section 6: *The proposed design and location of the conditional use meet all applicable standards of development and operation of the City's Zoning Code, including any applicable specific use regulations.*

The zoning classification and General Plan land use designation for the site is SP-247, PA 1. As previously stated, the PA 1 is intended for neighborhood-oriented commercial and office uses that support residential communities and development in the vicinity of this major traffic corridor. A car wash is a conditionally permitted use while a day care is a permitted use in the specific plan. The General Plan Land Use Designation and Zoning classification of the SP-247, PA 1 are consistent and compatible with one another.

The Project meets all the Development Code standards of Title 9, including but not limited to, parking requirements, setbacks, landscape coverage, FAR, and height requirements of the SP-247 and MMC.

The Project is compatible with the surrounding commercial land uses to the north and west along with residential uses to the south and east. The Project incorporates architecture and landscaping which will enhance the area.

Section 7: *That the proposed site is adequate in size and shape to accommodate the conditional use in a manner that is compatible with existing and planned uses in the vicinity.*

The Project is compatible with the surrounding land uses, and is adequately sized, shaped, and designed to accommodate the proposed uses. As noted above in Sections 1 and 2, the Project includes a use that is compatible with adjacent commercial uses and will serve surroundings residents and businesses. The Project has also been conditioned with specific operating hours and on-site attendants during operations to monitor noise, traffic and litter levels as required by the MMC. Therefore, the Project is consistent with the existing and planned uses in the community.

Section 8: *That the proposed design and location of the conditional use will not be detrimental to the public health, safety or welfare, or materially injurious to uses, properties or improvements in the vicinity.*

The Project is compatible with the surrounding land uses, General Plan land use designations, and zoning classifications and is adequately sized, shaped, designed and located to accommodate the proposed uses. As noted above in Sections 1 and 2, the Project includes uses that are compatible and serve surroundings residents and businesses.

The Project has been reviewed by a variety of Departments to ensure compliance with applicable regulations, including, but not limited to City of Menifee Community Development Department, Engineering and Public Works Department, Fire Department, Menifee Police Department, and Riverside County Environmental Health Department. These Departments have also provided conditions of approval as appropriate to ensure compliance with applicable regulations.

Therefore, the Project would not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the project vicinity. The Project is consistent with the Zoning Code, General Plan and SP-247.

Section 9: *Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of CEQA.*

The Project is exempt from CEQA per Section 15332 "In-Fill Development Projects". This exemption is for projects characterized as in-fill development meeting the following conditions: a) 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; b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; c) the Project site has no value as habitat for endangered, rare or threatened species; d) approval of the Project would not result in any significant effects related to traffic, noise, air quality, or water quality; and e) the site can be adequately served by all required utilities and public services. The proposed Project is consistent with the applicable General Plan, Specific Plan and Zoning Designations for the Project site along with any applicable development standards. The Project is located within the City of Menifee boundaries and is surrounded on the north and west by an existing commercial center and to the east and south by existing residential developments. The Project will not result in any impacts to traffic, noise, air quality or water quality as a traffic memorandum was prepared noting a

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traffic study is not required, existing residential is screened from the car wash by landscaping and a perimeter block wall around the adjacent residential sites, no hazardous materials are proposed on site affecting air quality, and the Project has prepared a water quality plan to tie into the existing commercial center's approved Water Quality Management Plan from when it was approved by the City of Menifee in 2015. Additionally, the site will be served by all required utilities, including power, water and sewer. Therefore, the proposed Project is categorically exempt from CEQA under Section 15332 "In-Fill Development Projects".

BE IT FURTHER RESOLVED, the Planning Commission of the City of Menifee hereby approves Major PP No. PLN22-0289 and CUP No. PLN22-0288 subject to the following:

1. The Findings set out above are true and correct.
2. Major PP No. PLN22-0289 and CUP No. PLN22-0288 are hereby approved subject to the Conditions of Approval set forth in Exhibit "A" of this resolution.

PASSED, APPROVED AND ADOPTED this 28th day of February, 2024.

Jeff LaDue, Chairman

Attest:

Rachel Valencia, Administrative Assistant

Approved as to form:

Thai Phan, Assistant City Attorney