

ORDINANCE NO. 23-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE APPROVING CHANGE OF ZONE NO. PLN21-0405, WHICH CHANGES: 1) THE ZONING CLASSIFICATION OF 28 PROPERTIES CONSISTING OF 533.9 ACRES ON PROPERTY FROM ECONOMIC DEVELOPMENT CORRIDOR SOUTHERN GATEWAY (EDC-SG) TO ECONOMIC DEVELOPMENT CORRIDOR COMMUNITY CORE (EDC-CC); 2) UPDATE THE DEFINITION OF THE BUSINESS PARK LAND USE DESIGNATION; AND 3) CHANGE THE PERMITTED USE TABLE FOR BUSINESS PARK ZONING DISTRICT

WHEREAS, on December 10, 2021, the City of Menifee created an application for Change of Zone (COZ) No. PLN 21-0405 to: 1) change the zoning map on 533.9 acres to be consistent with the new General Plan Land Use; 2) update the definition of the Business Park (BP) land use designation; and 3) change the Permitted Use Table for the Business Park zoning district. The definition of the BP land use designation would be revised to remove warehouse/distribution uses as permitted uses within BP-designated land in Menifee; and,

WHEREAS, the application for the General Plan Amendment is being processed concurrently with application for a General Plan Amendment No. PLN 21-0404 located on properties south of Garbani Road, north of Scott Road, east of Sherman Road, and west of Palomar Road; and

WHEREAS, on November 9, 2022, the Planning Commission held a duly noticed public hearing on the modification, considered all public testimony as well as all materials in the staff report and accompanying documents for COZ No. PLN21-0405, which hearing was publicly noticed by a publication in the newspaper of general circulation, an agenda posting, and notice to property owners within 300 feet of the modification's boundaries, and to persons requesting public notice; and

WHEREAS, at the November 9, 2022, Planning Commission public hearing, based upon the materials in the staff report and accompanying documents, public comment, and Planning Commission discussion, the City of Menifee Planning Commission recommended that the City Council approve COZ No. PLN21-0405; and,

WHEREAS, on January 18, 2023, the City Council held a duly noticed public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents for the Project, including the consideration of the Addendum, which hearing was publicly noticed by *The Press Enterprise*, a newspaper of general circulation, an agenda posting, notices placed on the Project site, and notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice; and

NOW, THEREFORE, the City Council of the City of Menifee does ordain as follows:

Section 1: *The proposed COZ is consistent with the intent of the goals and policies of the General Plan*

The general plan and zoning for the project site is Economic Development Corridor. The proposed modifications to: 1) amend the General Plan Land Use Map for 533.9 acres of land (28 parcels) from EDC-SG to EDC-CC land use designation in the southern portion

of Menifee; 2) amend Exhibit LU-3 (Land Use Designations) of the general plan; 3) amend Exhibit LU-4 (Land Use Buildout Summary) of the general plan; 4) amend the Land Use Background Document and Definitions; and 5) amend the Economic Development Corridor subareas that will provide consistency with previous changes in the Economic Development Corridor subareas. As proposed, the project will remain consistent with the General Plan by being strategic with development in certain parts of the City.

Section 2: *The proposed COZ prescribes reasonable controls and standards to ensure compatibility with other established uses.*

The proposed amendments as outline in Finding 1, prescribe reasonable controls and standards to ensure compatibility with other established uses in the area. The expansion of the Community Core District will eliminate certain uses that may create certain environmental impacts and will be compatible with the existing commercial uses established north of the project site. Additionally, the amendment to the Land Use Business Park designation will ensure that there is more compatibility between the uses allowed in the Business Park and adjacent zoning districts.

Section 3: *The proposed COZ provides reasonable property development rights while protecting environmentally sensitive land uses and species.*

Although the expansion to the Community Core District will restrict certain uses, the reasonable property development rights of landowners will not be significantly impacted. The proposed changes seek to preserve the character of the corridor while creating a framework for thoughtful and compatible growth.

Section 4: *The proposed COZ ensures protection of the general health, safety and welfare of the community.*

The amendments as outline in Finding 1, will not result in conditions detrimental to the public health, safety, or general welfare as currently proposed. The land use change and general plan text amendment does not involve physical construction; however, it does restrict certain land uses in order to maintain a commercial/office corridor aligned with the City's vision for the EDC corridor. Additionally, the removal of warehousing/distribution as a permitted use in the Business Park designation will further protect residential land uses adjacent to Business Park. Future development under the proposed land uses will be required to meet City zoning and design standards which further ensure compatibility with other established uses.

Therefore, the modification 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 impacted vicinity.

Section 5: CEQA Compliance. The City is the lead agency under the California Environmental Quality Act (CEQA). The City certified the General Plan EIR (State Clearinghouse No. 2012071033) by Resolution No. 13-347 on December 18, 2013, and certified the Housing Element Update EIR by Resolution No. 21-1111 on December 15, 2021, in compliance with CEQA. Following review of the proposed project, the City as the Lead Agency, determined it is subject to CEQA Guidelines and regulations. The City has prepared an Addendum to the General Plan EIR and Housing Element Update EIR to analyze the potential impacts associated with the proposed project (GPA and COZ)

and satisfy the requirements of CEQA Guidelines Section 15164, Addendum to an EIR or Negative Declaration.

Section 6: Approval of the COZ. The City Council hereby approves COZ No. PLN21-0405 to: 1) change 28 parcels from EDC-SG to EDC-CC; 2) update the definition of the Business Park (BP) land use designation; and 3) change the permitted use table for the Business Park zoning district as shown in Exhibit "A" of this resolution.

Section 7: Effective Date. The Ordinance shall take effect and be in full force and operation thirty (30) days after its second reading and adoption.

Section 8: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 9: Notice of Adoption. The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

This Ordinance was introduced and read on the 18th day of JANUARY, 2023 and **PASSED, APPROVED AND ADOPTED** this ____ day of _____, 2023.

Bill Zimmerman, Mayor

Attest:

A. Kay Vinson, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney