



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MAY 21, 2019

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 7
DEPARTMENT

SUBJECT: PLANNING CASES P18-0246 (ZONING CODE AMENDMENT - REZONING), P17-0638 (CONDITIONAL USE PERMIT), P18-0247 (CONDITIONAL USE PERMIT – DRIVE-THRU), P18-0248 (CONDITIONAL USE PERMIT), P17-0639 (DESIGN REVIEW), AND P19-0160 (VARIANCE) BY ERIC LEVAUGHAN OF SATER OIL GROUP, LLC. FOR THE CONSTRUCTION OF A VEHICLE FUEL STATION WITH A CARWASH AND THE OFF-SALE OF ALCOHOL, A DRIVE-THRU RESTAURANT, AND A RETAIL BUILDING WITH A DRIVE-THRU LOCATED AT THE SOUTHWEST CORNER OF JURUPA AVENUE AND VAN BUREN BOULEVARD – ORDINANCE

ISSUE:

Approve a proposal by Eric LeVaughan of Sater Oil Group, LLC. to permit the entitlements for construction of a commercial development, which includes: 1) Zoning Code Amendment to rezone 9.54 acres from BMP – Business and Manufacturing Park Zone and PF – Public Facilities Zone to CR – Commercial Retail Zone; 2) Conditional Use Permit to permit the construction of a vehicle fuel station consisting of a 4,872 square foot fueling canopy with 16 fuel pumps, a 1,152 square foot automated car wash, and a 3,800 square foot convenience store in conjunction with the off-sale of beer and wine (Type 20 Alcohol License); 3) Conditional Use Permit to permit the construction of a 3,750 square foot drive-thru restaurant (Steak ‘n Shake); 4) Conditional Use Permit for the construction of 4,990 square foot multi-tenant building with a drive-thru; 5) Design Review of project plans; and 6) a Variance to allow the off-sale of alcoholic beverages within 600 feet of a public park at the southwest corner of Jurupa Avenue and Van Buren Boulevard.

RECOMMENDATIONS:

That the City Council:

1. Determine the proposed project will not have a significant effect on the environment based upon the findings and mitigation measures set forth in the case record; adopt a Mitigated Negative Declaration; and adopt the Mitigation Monitoring and Reporting Program found in the attached staff report, pursuant to CEQA Section 21081.6;
2. Approve Planning Cases P18-0246 (Zoning Code Amendment - Rezoning), P17-0638 (Conditional Use Permit), P18-0247 (Conditional Use Permit – Drive-Thru), P18-0248 (Conditional Use Permit), P17-0639 (Design Review), and P19-0160 (Variance) subject to the recommended conditions; and

3. Introduce and subsequently adopt the attached Ordinance amending the Zoning Map.

PLANNING COMMISSION RECOMMENDATION:

On April 4, 2019, the City Planning Commission recommended approval of Planning Cases P18-0246, P17-0638, P18-0247, P18-0248, P17-0639, and P19-0160, by a vote of 9 ayes, 0 noes and 0 abstentions, with staff recommended modifications to the conditions.

BACKGROUND:

The 9.54-acre project site consists of four contiguous parcels. Records show that in 2004, the site was rough graded and today is devoid of any vegetation. Surrounding land uses include undeveloped land to the north (across Jurupa Avenue), a light industrial business park to the east (across Van Buren Boulevard), a golf course and a light industrial business park to the south, and Hole Lake to the west.

DISCUSSION:

The applicant is requesting approval of a Zoning Code Amendment to rezone the 9.54-acre project site from BMP – Business and Manufacturing Park Zone and PF – Public Facilities Zone to CR – Commercial Retail Zone (CR Zone). Staff supports the proposed rezoning of the property to the CR Zone to facilitate commercial development compatible with the surrounding neighborhood and allow the site to be developed in accordance with the Exchange, Disposition, and Development Agreement approved by the City Council on May 23, 2003.

The Applicant is requesting three Conditional Use Permits (CUP) to develop 3.98 acres (Lots 4, 5, and 7) of the project site. The CUPs are required for a drive-thru restaurant; a multi-tenant commercial building with a drive-thru; and a vehicle fuel station that includes a CUP standard modification to the required 20 foot setback from the canopy to the interior side property line. Staff supports the modification to the CUP standard for the vehicle fuel station, as the proposed canopy setback allows for efficient on-site circulation and adequate access to the site. The reduced setback is limited to the one corner of the canopy due to the orientation of the canopy in relationship to the site. The remaining sides of the canopy meet or exceed the 20-foot setback requirement.

Design Review (DR) for the site is also required. The proposed elevations for the three buildings show a contemporary commercial architectural design with Tuscan influences, including tower elements, tile roofing material, and a neutral color scheme. Storefronts are recessed within archways ornamented with molding and a faux keystone design. Prominent finish materials include stucco with scoring lines and tile inlays, stacked stone veneer, and architectural metal canopies at the entrances. Staff supports the DR and proposed site and building design.

A Variance is also requested to allow the off-sale of beer and wine at the proposed convenience store to be located within 600 feet of Hole Lake, a public park. Staff supports the proposed distance Variance, as Hole Lake is identified as an undeveloped public park and as a result will not negatively impact park patrons.

Overall, staff supports the project as an appropriate use at the proposed location. The drive-thru restaurants and commercial uses are complimentary to the nearby residential uses, and the project has been designed consistent with the Citywide Design Guidelines.

For additional background, please refer to the April 4, 2019 City Planning Commission staff report, recommended conditions of approval and minutes.

FISCAL IMPACT:

There is no impact fiscal impact to the City as a result of this action, since all project costs are borne by the applicant.

Prepared by: David Welch, Community & Economic Development Director
Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachment:

1. City Planning Commission Recommended Conditions
2. City Planning Commission Minutes – April 4, 2019
3. City Planning Commission Report – April 4, 2019
4. Zoning Code Amendment Ordinance
5. Presentation