

**PLANNING COMMISSION  
RESOLUTION NO. PLANNING COMMISSION-2007-15**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MURRIETA APPROVING DEVELOPMENT PLAN 006-2169, AN APPLICATION BY LONNIE AND ELENA GIMPLE TO CONSTRUCT A 7,800 SQUARE FOOT VEHICLE SERVICE BUILDING AND A 10,000 SQUARE FOOT RETAIL BUILDING LOCATED WEST OF JEFFERSON AVENUE AND APPROXIMATELY 160 NORTH OF EASTMAN DRIVE, MURRIETA, CALIFORNIA.

The Planning Commission of the City of Murrieta hereby resolves as follows:

SECTION 1. On October 26, 2006 an application was filed by Lonnie and Elena Gimple for the construction of a 7,800 square foot vehicle service building and a 10,000 square foot retail building located on the west side of Jefferson Avenue and approximately 160 feet north of Eastman Drive. A Development Plan is required by Section 16.56.020 and can be referred to the Planning Commission by the Planning Director. The application was deemed complete on June 30, 2007.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of September 12, 2007, by mailing a notice to property owners within a 500 foot radius of the site on August 31, 2007, publishing the notice in The Californian newspaper on September 2, 2007, and posting the site on August 31, 2007. The item was continued from the September 12, 2007 to the September 26, 2007 Planning Commission hearing.

SECTION 3. This project is determined to be categorically exempt from CEQA under Exemption Class 32 (Section 15332 – In-Fill Development Projects). The project is consistent with the General Plan designation zone and all applicable general plan policies, as well as, with the applicable Business Park zoning designation and regulations. The development is within the City limits on a project site that not more than 5 (five) acres (the site is 1.69 acres) substantially surrounded by urban uses. The project site has no value, as habitat for endangered, rare or threatened species. Approval of this project would not result in any significant effects relating to traffic, noise, air quality, or water quality. And the project site can be adequately served by all required utilities and public services.

SECTION 4. In accordance with Section 16.56.040 of the Murrieta Municipal Code, the Planning Commission makes the following findings regarding Development Plan 006-2169:

**FINDINGS OF APPROVAL FOR  
DEVELOPMENT PLAN 006-2169  
SEPTEMBER 26, 2007**

1. The proposed use is allowed within the subject zoning district and complies with all applicable provisions of the Murrieta Development Code.

**FACTS:** The proposed development is consistent with the Business Park district (Development Code Section 16.12.020) where various industrial, service, and retail uses are permitted, provided there is appropriate parking available. The site complies with Development Code requirements including, but not limited to setbacks, floor area ratio, parking, and landscaping.

2. The proposed use would be consistent with the objectives, policies, general land uses and programs of the General Plan and any applicable specific plan.

**FACTS:** The proposed project allows for uses that are consistent with General Plan policies and objectives of the General Plan designation. The proposed buildings would provide for various office, retail, and vehicle service uses, which are consistent with the General Plan designation. The proposed project is also consistent with General Plan Objective LU-1.4 to provide employment opportunities for citizens and tax base for the City finances. The project site is not within a specific plan.

3. The proposed use is in compliance with the provisions of the California Environmental Quality Act.

**FACTS:** This project is determined to be categorically exempt from CEQA under Exemption Class 32 (Section 15332 – In-Fill Development Projects). The project is consistent with the General Plan designation zone and all applicable general plan policies as well as with the applicable Business Park zoning designation and regulations. The development is within the City limits on a project site that not more than 5 (five) acres (the site is 1.69 acres) substantially surrounded by urban uses. The project site has no value, as habitat for endangered, rare or threatened species. Approval of this project would not result in any significant effects relating to traffic, noise, air quality, or water quality. And the project site can be adequately served by all required utilities and public services.

The project is consistent with the goals and policies of the Multiple Species Habitat Conservation Plan (MSHCP). The City of Murrieta and the Regional Conservation Authority (RCA) conducted a Joint Project Review (JPR) and determined the project is consistent with the conservation requirements that no conservation is required.

4. The location, size, design, and operating characteristics of the proposed use would be compatible with existing land uses within the general area in which the proposed use is to be located.

**FACTS:** The site is physically suitable for development and is compatible to the surrounding properties. The site is adjacent to a major street (Jefferson Avenue) to the east, and similar industrial/service type uses in the surrounding area. As conditioned, the proposed facility will comply with the City's architectural standards for industrial development, Section 16.10.020 of the Murrieta Development Code.

5. The site of the proposed use is physically suitable for the type and density/intensity of development being proposed.

**FACTS:** The site is physically suitable for development and is compatible to the surrounding properties. The site, where the proposed 2 buildings will be located is currently vacant. The other uses adjacent to the proposed project are similar industrial/office/retail buildings and the vacant adjacent parcel is also zoned for similar uses. The project site is not located within the wildland fire, FEMA, or dam inundation hazard area.

6. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to the public convenience, health, safety, or general welfare.

**FACTS:** There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to the public convenience, health, safety, or general welfare. The Rancho California Water District will provide sewer and water services; electricity by Southern California Edison Company; and gas by the Southern California Gas Company. These facilities are available through connections from the existing street network in Jefferson Avenue.

**SECTION 5.** Pursuant to the above findings, the Planning Commission of the City of Murrieta hereby approves Development Plan 006-2169 subject to the following conditions:

**CONDITIONS OF APPROVAL  
DEVELOPMENT PLAN (DPO-006-2169)  
JEFFERSON CREEK  
SEPTEMBER 26, 2007  
(AMENDED BY PLANNING COMMISSION)  
PLANNING DEPARTMENT**

**General:**

1. The applicant shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Murrieta, its agents, officers, and employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning this approval Development Plan No. 006-2169. The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
2. Any fees due the City of Murrieta for processing this project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
3. The project approval is for a Development Plan consisting of two (2) buildings a retail building and a vehicle service building. The retail building is a 10,000 square foot building, eight (8) individual retail suites including 2,000 square feet of combined storage, 7,470 square feet of retail space, a restroom for each suite, along with rooms for a fire riser/roof access ladder and an electrical service room contained within the building. The vehicle service building is a 7,800 square foot building comprised of two (2) lease bays 1,656 square feet and 1,465 square feet respectively. The vehicle service building is also comprised of an additional 2,516 square feet of service area capable of accommodating a maximum of three repair bays, 1,152 square feet of lobby space, 232 square feet of office, 640 square feet of storage of which 436 square feet is mezzanine storage, two (2) restrooms and rooms for a fire riser, electrical service equipment and roof access ladder.
4. The project shall be developed in conformance with all approved exhibits dated September 26, 2007. Subsequent modifications of this approval, which do not intensify the use, including but not limited to reorientation of structures, alteration of parking and circulation design, minor changes to the Conditions of Approval, interpretations of the Conditions of Approval relative to intent, necessity of, and timing, may be approved by the Planning Director, unless the Director requires a

Substantial Conformance or Revised Permit application in accordance with the Development Code. Materials and colors used in the construction of the building(s) must be consistent with those approved with this application. Any changes to this project must be submitted and approved by the Planning Department prior to implementation.

5. Pursuant to Section 711.4 of the State of California Fish and Game Code, the applicant is required to pay a \$64.00 handling fee. Said fees shall be paid to the Clerk/Recorder of the County of Riverside at the time the Notice of Exemption is filed pursuant to Section 21152 of the Public Resources Code. If this fee is not paid, the approval of this project shall not be operative, vested, or final. In order to comply with State mandated time lines for filing of a Notice of Exemption, the above fee must be delivered to the Planning Department within two (2) working days after the date of final approval.
6. The project shall be in substantial conformance with all adopted environmental mitigation measures, any written project proposal information and any verbal agreements or representations made to the decision making body as part of its consideration of the project. Any proposed change substantially different than the approved project shall require an amendment to this approval in accordance with the Development Code.
7. The development of these premises shall comply with the standards and applicable provisions of the City's Development Code, and all other applicable State and Federal codes and ordinances in effect at the time of building permit issuance.
8. The applicant shall pay all applicable impact and/or mitigation fees or provide proof that all required fees have been paid in accordance with City policies and ordinances in effect at the time of permit issuance.
9. At all times during the conduct of the use(s) allowed by this permit, the use(s) shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.
10. Any existing approval for the use of, or development on, this property shall become null and void upon final approval of a grading or building permit by the City of Murrieta.
11. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall be subject to the revocation procedures in Section 16.82 of the Development Code.

12. The applicant shall obtain approval of all necessary plans for the construction of structures on the subject property in accordance with the Murrieta Development Code. Such plans include, but are not limited to, site plans, floor plans, building elevations, grading plans and landscaping plans.
13. This approval shall be used within two (2) years of approval date, otherwise it shall become null and void and of no effect whatsoever. "Used," means the beginning of substantial construction contemplated by this approval which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use.
14. Prior to the expiration of this approval, the permittee may request a one (1) year extension of time in which to use this approval. A maximum of three one-year extensions of time requests shall be permitted. Should the time period established by any of the extension of time requests lapse, or should all three one-year extensions be obtained and no substantial construction or use of this approval be initiated within five (5) years of the effective date of the issuance of this approval, this approval shall become null and void.
15. All trash bins shall be stored in approved enclosures and screened in compliance with Sections 16.18.120 and 16.18.150 of the Murrieta Development Code. The location of the enclosures must be shown on the precise grade plan.
16. Mechanical or other utility equipment shall be screened whether it is located on the roof, side of the building or on the ground. The method of screening shall be architecturally integrated in terms of materials, color and form. Roof top equipment should be integrated into the design of the building.
  - a. Any mechanical equipment and vents (ground or rooftop) shall be screened from view from any public right of ways, landscaping area, open space and parking area. Line of sight details shall be included in the plans for building permit issuance and stamped by a licensed architect. In addition, details including the height of the roof-top equipment and height of the parapet must be a detail within the plans for building permit issuance. Also, during the Planning Department review of the building plans, the design of a proposed screening method shall be included within the building plans in the event the roof top equipment is visible.
  - b. If any time during the building inspection process, any roof-top equipment is found to exceed the height provided in the details of the approved plans for building permit issuance, the applicant must submit proposed method for screening of the equipment. Approval of such screening method is at the discretion of the Planning Department.
  - c. Planning Department Approval and Building Permit Issuance must be obtained prior to any installation of the proposed screening method.