

ORDINANCE NO. 2019-264

AN ORDINANCE OF THE CITY OF MENIFEE, CALIFORNIA, APPROVING CHANGE OF ZONE NO. 2018-158, ALLOWING FOR A MAXIMUM LOT COVERAGE OF 60% FOR PLANNING AREAS 1A, 1B, 4 THROUGH 7, 11A, 13, 16 AND 17 OF THE AUDIE MURPHY RANCH SPECIFIC PLAN AS DESCRIBED IN THE SPECIFIC PLAN SUBSTANTIAL CONFORMANCE DETERMINATION NO. 3

WHEREAS, upon its incorporation, the City of Menifee ("City") adopted Riverside County Land Use Ordinance No. 348 ("Ordinance No. 348") as the applicable land use code for the City pending completion of the City's own General Plan and Zoning Code; and

WHEREAS, on June 14, 2018, Sutter Mitland (hereafter referred to as the "Applicant") submitted Planning Application No. 2018-149 for a Specific Plan Substantial Conformance Determination to an approved Specific Plan (SP 209, Audie Murphy Ranch) and a change to the Specific Plan Zoning Ordinance, Change of Zone No. 2018-158; and

WHEREAS, the Change of Zone application will allow for modifications to the existing SP 209 Zoning Ordinance text in order to increase the maximum allowable lot coverage for Planning Areas 1A, 1B, 4 through 7, 11A, 13, 16 and 17 from a maximum of 50% to a maximum of 60% as described in the substantial conformance application (attached); and

WHEREAS, on November 28, 2018, the City of Menifee Planning Commission held a duly noticed public hearing on Change of Zone No. 2018-158 (CZ 2018-158), based upon all public testimony as well as materials in the staff report and accompanying documents, which hearing was publicly noticed by a publication in 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

WHEREAS, at the November 28, 2018 Planning Commission public hearing, based upon all materials and testimony considered, the Planning Commission adopted a resolution recommending that the City Council approve the Change of Zone for the project and adopt the Ordinance; and,

WHEREAS, on January 16, 2019, the City Council held a duly noticed public hearing concerning the Ordinance, introduced and conducted a first reading of the Ordinance, and considered testimony and evidence at the public hearing held with respect thereto; and

WHEREAS, on February 6, 2019, the City Council conducted a second reading of the Ordinance; and

WHEREAS, the City Council has considered the requirements of CEQA.

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

Section 1. Environmental Determination. All impacts related to the Substantial Conformance Determination and the associated Change of Zone were previously analyzed in Environmental Impact Report No. 436 (SCH 2001101080), which was prepared for the original Specific Plan No. 209 and adopted by the Riverside County Board of Supervisors. Subsequent Addendums to the EIR have also been adopted with the latest Addendum No. 6 being adopted by the Menifee City Council in 2014. Staff has reviewed Addendum No. 6 to EIR No. 436 and the EIR and based on staff's review, all impacts related to the Substantial Conformance Determination No. 3 and Change of Zone were analyzed in the EIR and Addendum and no new environmental impacts have been identified. The previously prepared

EIR and Addendum are still accurate and acceptable for this approval; therefore no further environmental review is required.

Section 2. Change of Zone Findings. In accordance with the provisions of the City of Menifee Zoning Ordinance, the City Council hereby makes the following finding(s) for Change of Zone No. 2018-158.

- (A). *Consistency with the General Plan. The Change of Zone is consistent with the General Plan Land Use Map, Specific Plan (if applicable), and applicable General Plan objectives, policies, and programs.*

The project site is designated Specific Plan (Audie Murphy Ranch Specific Plan) per the City of Menifee's General Plan. The Specific Plan designates the property for single family residential uses, parks, schools and open space. The proposed application does not propose to modify the approved specific plan land uses. Under this Change of Zone application, the maximum allowable lot coverage for Planning Areas 1A, 1B, 4 through 7, 11A, 13, 16 and 17 is proposed to be increased from a maximum of 50% to a maximum of 60%. This modification is considered consistent with the Specific Plan land use designations and the intent and purpose of the adopted Specific Plan.

Properties to the north of the affected Specific Plan areas include General Plan designations of 2.1-5 Residential (2.1-5R) and Commercial Retail (CR), properties to the south include the southern portion of SP #209 that lies south of Newport Road, properties to the east include General Plan designations of 2.1-5 Residential (2.1-5R) and Open Space Recreation (OS-R) and the 2.1-5 Residential (2.1-5R) and Commercial Retail (CR) General Plan designations along with properties within the City of Canyon Lake can be found to the west of the affected Specific Plan areas. As the proposed modifications are consistent with the intent of the original specific plan and does not propose any land use changes, the proposal and the Specific Plan remain compatible with the surrounding areas.

The project is consistent with the following City of Menifee General Plan policies:

Land Use

- *LU-1.9 Allow for flexible development standards provided that the potential benefits and merit of projects can be balanced with potential impacts.*

Providing for an increase in the maximum allowable lot coverage allows additional flexibility in the development standards for the specific plan as the plan currently restricts all Planning Areas to a maximum lot coverage of 50% and the modification will increase the maximum lot coverage to 60% for those Planning Areas that have not developed as of yet. The increase in the allowable lot coverage will allow builders additional flexibility in the product types that are chosen for the communities; thereby, improving the street scene for those communities.

Therefore, based on the analysis provided noted above, the proposed Substantial Conformance Application is consistent with the General Plan and Specific Plan.

- (B). *Consistency with the Zoning Code. The change of zone is consistent with the zoning code.*

The project is zoned Specific Plan (SP 209-Audie Murphy Ranch). The modifications to the maximum allowable lot coverage is considered to be consistent with the existing zoning and applicable development standards of the Specific Plan.

Surrounding zoning designations include General Commercial (C-1/C-P), Residential Agricultural (R-A) and One Family Dwellings (R-1) to the north, SP 209 to the south, One Family Dwellings (R-1) to the east and the City of Canyon Lake to the west. The project proposes modifications to an approved Specific Plan that was previously found to be consistent with the surrounding zoning designations. As the proposed modifications are consistent with the intent of the original Specific Plan, the surrounding zoning classifications remain compatible with the Specific Plan zone of the project site.

(C). *Surrounding Uses. Approval of the application will 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.*

Surrounding uses include single-family residences that either exist or are under construction and some vacant land in all directions. Scattered, existing commercial uses can be found to the west the affected Specific Plan areas in the City of Canyon Lake.

The planned residential uses and those that are currently under construction will be developed on similarly sized lots and will be required to comply with similar development standards that will also be applied to the homes built within the project area. The proposed project is compatible with the surrounding land uses, General Plan land use designations and zoning classifications. Therefore, the project is not anticipated to 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.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase 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, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall take effect 30 days from the date of its adoption.

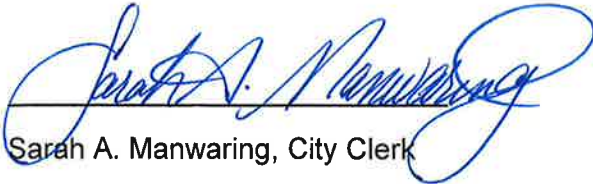
Section 5. Notice of Adoption. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in a 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 16th day of January, 2019 and APPROVED AND ADOPTED this 6th day of February, 2019.



Bill Zimmerman, Mayor

Attest:



Sarah A. Manwaring, City Clerk

Approved as to form:



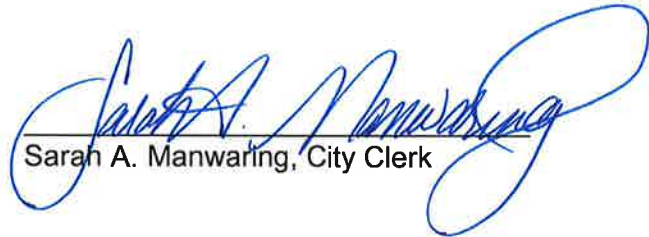
Jeffrey T. Melching, City Attorney



STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF MENIFEE)

I, Sarah A. Manwaring, City Clerk of the City of Menifee, do hereby certify that the foregoing Ordinance No. 2019-264 was duly adopted by the City Council of the City of Menifee at a meeting thereof held on the 6th of February, 2019 by the following vote:

Ayes: Deines, Liesemeyer, Sobek, August, Zimmerman
Noes: None
Absent: None
Abstain: None



Sarah A. Manwaring, City Clerk