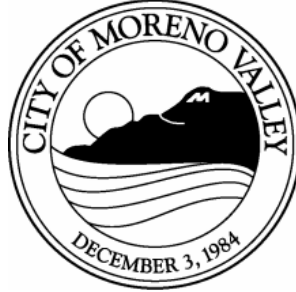

PLANNING COMMISSIONERS

RICK DE JONG
Chair

RAY L. BAKER
Vice-Chair

MICHAEL S. GELLER
Commissioner



RICHARD DOZIER
Commissioner

GEORGE SALAS, JR.
Commissioner

MARIA MARZOEKI
Commissioner

VACANT
Commissioner

PLANNING COMMISSION AGENDA

October 28, 2010

PLANNING COMMISSION MEETING – 7:00 P.M.

**CITY OF MORENO VALLEY
City Hall Council Chambers
14177 Frederick Street
Moreno Valley, California 92553**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC ADVISED OF THE PROCEDURES TO BE FOLLOWED IN THE MEETING

(ON DISPLAY AT THE REAR OF THE ROOM)

COMMENTS BY ANY MEMBER OF THE PUBLIC ON ANY MATTER WHICH IS NOT LISTED ON THE AGENDA AND WHICH IS WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMISSION

The City of Moreno Valley complies with the Americans with Disabilities Act of 1990. If you need special assistance to participate in this meeting, please contact Mel Alonzo, ADA Coordinator at (951) 413-3027 at least 48 hours prior to the meeting. The 48-hour notification will enable the City to make arrangements to ensure accessibility to this meeting.

NON-PUBLIC HEARING ITEMS

APPROVAL OF MINUTES

PUBLIC HEARING ITEMS

1. Case Number: PA10-0031
Case Type: Municipal Code Amendment
Applicant: City of Moreno Valley
Owner: N/A
Representative: Planning Division
Location: Citywide
Proposal: Municipal Code Amendment to change Permitted Uses Table 9.02.020-1 in Title 9 by adding the pharmacy land use to the Business Park-Mixed Use (BPX) zone.

Case Planner: Jeff Bradshaw

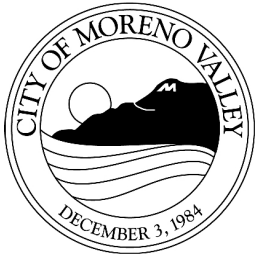
Recommendation: **APPROVE** Resolution No. 2010-19 and thereby **RECOMMEND** that the City Council:
 1. **RECOGNIZE** that application PA10-0031 (Municipal Code Amendment) will not have a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15305, as a Class 5 Categorical Exemption; and,
 2. **APPROVE** PA10-0031 (Municipal Code Amendment) as referenced on Exhibit A.

OTHER BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT



PLANNING COMMISSION STAFF REPORT

Case: PA10-0031 – Municipal Code Amendment

Date: October 28, 2010

Applicant: City of Moreno Valley

Representative: Planning Division

Location: Citywide

Proposal: Municipal Code Amendment to change Permitted Uses Table 9.02.020-1 in Title 9 by adding the pharmacy land use to the Business Park-Mixed Use (BPX) zone.

Redevelopment Area: N/A

Recommendation: Approval

SUMMARY

PA10-0031 is an application to amend the Municipal Code by modifying the Permitted Uses Table in Title 9, to add the pharmacy land use to the BPX zone and revising footnote #4 of the table to clarify that a pharmacy in the BPX zone is only permitted as a support use to a medical office facility.

Planning Commission Staff Report
Page 2

PROJECT DESCRIPTION

The applicant, Dr. Jose Limon, has submitted application PA10-0031 for a Municipal Code Amendment that proposes the following changes to Permitted Uses Table 9.02.020-1 of Title 9:

- Add the pharmacy land use to the Business Park-Mixed Use (BPX) zone; and
- Revise footnote #4 of the table to clarify that a pharmacy in the BPX zone is only permitted as a support use to a medical office facility.

Under a separate application, the applicant is proposing a pharmacy within the medical office complex located on the south side of Alessandro Boulevard between Elsworth Street and Veterans Way, which is located in the BPX zone.

Background

The Municipal Code currently identifies a pharmacy as a permitted use within the Office Commercial (OC) zone when in support of a medical office facility. The Village Office Residential (VOR) zone of the Village Specific Plan (SP #207) also considers a pharmacy a permitted use when in support of a medical facility.

Municipal Code Section 9.04.020.B states that the intent of the Office Commercial (OC) zone is to provide for the establishment of business, corporate and administrative office, as well as commercial services which are supportive to major business developments. Retail facilities which support the office developments are also permitted subject to limitations.

Municipal Code Section 9.05.020.D states that the intent of the Business Park-Mixed Use (BPX) zone is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses.

The medical office land use category is a permitted use within the Business Park-Mixed Use (BPX) zone. Allowing a pharmacy as a support use to a medical office facility, would be consistent with the intent of the BPX zone as well as the City's current policy of allowing a pharmacy in the OC zone as a support use to medical office facilities.

Please see Exhibit A to Planning Commission Resolution No. 2010-19 for a copy of the proposed revisions to Permitted Uses Table 9.02.020-1.

If approved, the proposed amendment would be effective city-wide. For reference, the following properties are currently zoned BPX:

- North side of Cactus Avenue between Commerce Center Dr. and Elsworth St.;
- South side of Alessandro Boulevard between Elsworth St. and Veterans Wy.;
- Northwest and northeast corners of Alessandro Blvd. and Frederick St.;
- Northeast corner of Graham St. and Cactus Ave.;
- Southeast corner of Grant St. and Alessandro Blvd.;

Planning Commission Staff Report

Page 3

- Southwest and southeast corners of Graham St. and Alessandro Blvd.;
- Southwest corner of Heacock St. and Alessandro Blvd.; and
- Northwest corner of Eucalyptus Ave. and Encilia Ave.

Please see Attachments 3 and 4 for maps that reference the BPX zoned properties listed above.

REVIEW PROCESS

Planning staff has reviewed the Permitted Use Table as well as chapters in the Municipal Code related to the Office Commercial and Business Park-Mixed Use zones and determined that the applicant's request is consistent with the stated intent of the BPX zone as well the City's current policy in recognizing pharmacies as a support use for medical office uses. An example of this relationship is the pharmacy that was approved for occupancy in the medical office building at 11441 Heacock Street.

ENVIRONMENTAL

Although the proposed Municipal Code Amendment will be effective citywide, it addresses minor land use matters and does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley.

As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

NOTIFICATION

A display notice was published in the newspaper and a public notice was posted at required City locations. As of the date of report preparation, staff had received no public inquiries in response to the noticing for this project.

Planning Commission Staff Report
Page 4

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **ADOPT** Resolution No. 2010-19 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that application PA10-0031 (Municipal Code Amendment) will not have a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15305, as a Class 5 Categorical Exemption; and,
2. **APPROVE** PA10-0031 (Municipal Code Amendment) as referenced on Exhibit A.

ATTACHMENTS:

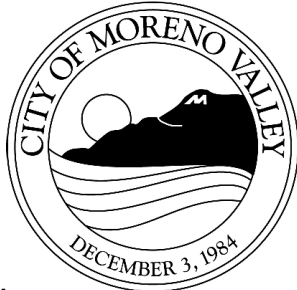
1. Public Hearing Notice
2. Planning Commission Resolution No. 2010-19
Exhibit A – Revisions to Table 9.02.020-1
3. BPX zoned properties
4. BPX zoned properties

Prepared by:

Jeff Bradshaw
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official



NOTICE OF PLANNING COMMISSION PUBLIC HEARING

THE PLANNING COMMISSION WILL CONSIDER AN AMENDMENT (PA10-0031) TO THE CITY OF MORENO VALLEY MUNICIPAL CODE. THE MUNICIPAL CODE AMENDMENT PROPOSES TO REVISE PERMITTED USES TABLE 9.02.020-1 BY ADDING PHARMACY AS A PERMITTED USE IN THE BUSINESS PARK-MIXED USE (BPX) ZONE.

The Municipal Code Amendment (PA10-0031) proposes to add the pharmacy use to the BPX zone only as a support or ancillary use to a medical office facility. Footnote #4 will be revised to reflect this limitation.

As a minor alteration to land use limitations, the Municipal Code Amendment and General Plan Amendment are determined to be exempt under California Environmental Quality Act, 2010 Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

The Planning Commission may consider modifications or alternatives to the amendment or the environmental determination. The amendment is proposed to be exempt under California Environmental Quality Act Guidelines Section 15061 as defined by Section 15378.

Any person interested in the proposed project may contact Jeff Bradshaw at (951) 413-3224 or at the Community Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday).

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission on or before the following meeting date:

**Thursday, October 28, 2010
7:00 P.M.
City Council Chamber
14177 Frederick Street
Moreno Valley, CA 92552-0885**

PLANNING COMMISSION RESOLUTION NO. 2010-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING THAT THE CITY COUNCIL APPROVE MUNICIPAL CODE AMENDMENT APPLICATION NO. PA10-0031 FOR CHANGES TO PERMITTED USES TABLE 9.02.020-1.

Section 1:

WHEREAS, the applicant, Jose Limon, has filed an application for the approval of PA10-0031, requesting an amendment to the City's Municipal, which proposes the following revisions to Permitted Uses Table 9.02.020-1 of Title 9, as described in the title of this resolution and the attached Exhibit A:

- Add the pharmacy land use to the Business Park-Mixed Use (BPX) zone; and
- Revise footnote #4 of the table to clarify that a pharmacy in the BPX zone is only permitted as a support use to a medical office facility.

It should be noted that the proposed amendment will be effective citywide.

WHEREAS, on October 28, 2010, the Planning Commission of the City of Moreno Valley held a public hearing to consider the subject applications and all of the environmental documentation prepared for the project.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, the Planning Commission recognized that the project will not have a significant effect on the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15305, as a Class 5 Categorical Exemption.

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on October 28, 2010, including

ATTACHMENT 2

written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

C.

1. **Conformance with General Plan Policies** – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The General Plan states that the purpose of Business Park land uses includes office and support commercial activities. The addition of the pharmacy land use to the Business Park-Mixed Use zone would provide opportunities for future development that would achieve the objectives of the City of Moreno Valley's General Plan. The proposed changes proposed to the Municipal Code are consistent with the General Plan and do not conflict with the goals, objectives, policies, and programs established within the Plan.

2. **Health, Safety and Welfare** – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: Although the proposed amendment will be effective citywide, it addresses minor land use matters and does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

3. **Conformance with Title 9** – The proposed amendment is consistent with the purposes and intent of Title 9.

FACT: As proposed, the Municipal Code Amendment is consistent with the purposes and intent of Title 9.

Section 2.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2010-19, recommending that the City Council:

1. **RECOGNIZE** that Municipal Code Amendment application PA10-0031 will not have a significant effect on the environment and are therefore exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15305, as a Class 5 Categorical Exemption.

2. **APPROVE** Municipal Code Amendment application PA10-0031, as shown on the attachment included as Exhibit A.
APPROVED this 28th day of October, 2010.

Rick De Jong
Chair, Planning Commission

ATTEST:

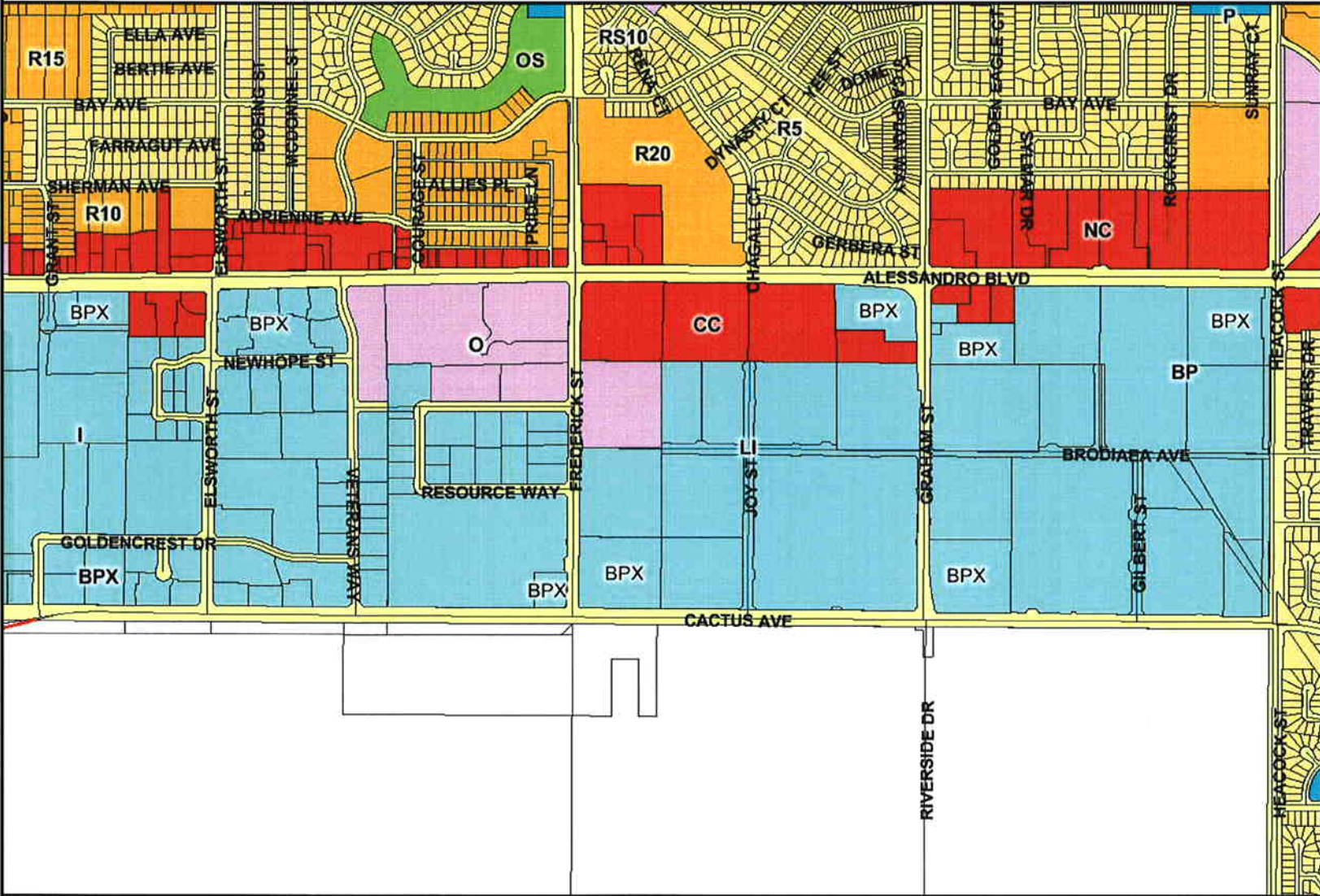
John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

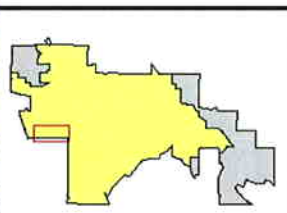
Attachment 3

ATTACHMENT 3

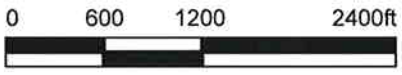


Legend

- Highways
- Parcels
- Roads
- Zoning**
- Commercial
- Industrial/Business Park
- Large Lot Residential
- Multi-family
- Office
- Open Space/Park
- Planned Development
- Public Facilities
- Residential 2 Dwellings/Acre
- Residential Agriculture 2 Dwellings/Acre
- Suburban Residential
- Waterbodies
- City Boundaries**
- Calimesa
- Moreno Valley
- Perris
- Riverside



City of Moreno Valley
 14177 Frederick Street
 Moreno Valley, CA 92553



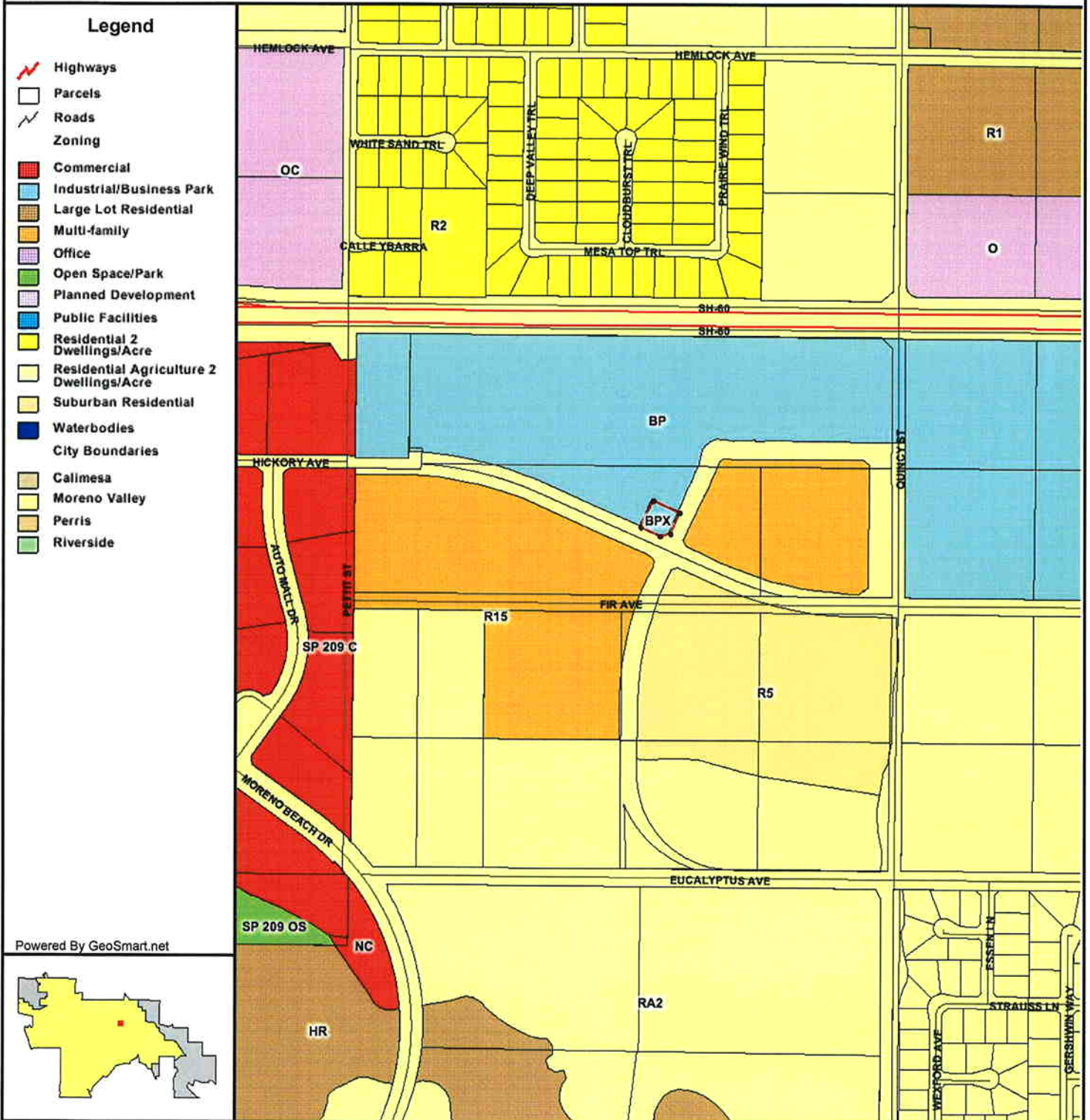
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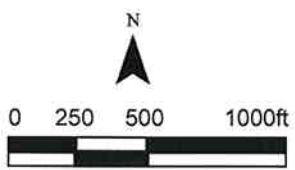
Attachment 4



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City of Moreno Valley
 14177 Frederick St
 Moreno Valley, CA 92553

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