## **CITY OF MERCED Planning Commission**

### **MINUTES**

Merced City Council Chambers Wednesday, May 23, 2012

Chairperson CERVANTES called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

## **ROLL CALL**

Commissioners Present: Kimberly Madayag, Travis Colby, Mary Ward,

Dwight Amey, Bob Acheson, and Chairperson

**Richard Cervantes** 

Commissioners Absent: Carole McCoy (absent excused)

Staff Present: Planning Manager Espinosa, Acting City

Engineer Elwin, Planner Nelson, Deputy City Attorney Rozell, and Recording Secretary Lane

## 1. **APPROVAL OF AGENDA**

M/S WARD-ACHESON, and carried by unanimous voice vote (one absent), to approve the Agenda as submitted.

## 2. MINUTES

M/S WARD-ACHESON, and carried by unanimous voice vote (one absent), to approve the Minutes of April 4, 2012, as submitted.

## 3. <u>COMMUNICATIONS</u>

Commissioner WARD briefed the Commission on the Planning Commissioners' Workshop she attended in Visalia on May 18, 2012.

## 4. <u>**ITEMS**</u>

4.1 Conditional Use Permit #1167, initiated by William Edgington, applicant for Craig Glass, A Trustee, property owner. This application involves a request for a tattoo parlor with high end sales of accessories and an art gallery, generally located on the south side of W. 18<sup>th</sup> Street approximately 150 feet west of P Street (928 W. 18<sup>th</sup> Street) within a Central Commercial (C-C) zone.

Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #12-05.

Public testimony was opened at 7:14 p.m.

Speaker from the Audience in Favor:

WILLIAM EDGINGTON, the applicant, Merced

No one spoke in opposition to the project.

Public testimony was completed at 7:16 p.m.

Commissioner COLBY disclosed that he had a conversation with Lieutenant WEST from the City of Merced Police Department, in which Lieutenant WEST stated that he did not have any objections to the project.

M/S WARD-AMEY, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #12-10, and approve Conditional Use Permit #1167, subject to the Findings and fourteen (14) Conditions set forth in Staff Report #12-05 (RESOLUTION #3002):

AYES: Commissioners Madayag, Colby, Ward, Amey, Acheson,

and Chairperson Cervantes

NOES: None

ABSENT: Commissioner McCoy

ABSTAIN: None

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#### 4.2 Fiscal Year 2012-2013 Capital Improvement Program (CIP)

Planning Manager ESPINOSA reviewed the CIP process and report. Acting City Engineer ELWIN was present to answer questions. For further information, refer to Staff Report #12-06.

M/S WARD-COLBY, and carried by the following vote, to find that the Fiscal Year 2012-2013 Capital Improvement Program (CIP) is consistent with the Merced Vision 2030 General Plan.

**AYES:** 

Commissioners Madayag, Colby, Ward, Amey, Acheson,

and Chairperson Cervantes

NOES:

None

ABSENT: Commissioner McCoy

ABSTAIN: None

#### 5. **INFORMATION ITEMS**

#### Calendar of Meetings/Events 5.1

There was no discussion regarding the calendar of meetings/events.

#### 6. **ADJOURNMENT**

There being no further business, Chairperson CERVANTES adjourned the meeting at 7:22 p.m.

Respectfully submitted,

KIM ESPINOSA, Secretary

Merced City Planning Commission

APPROVED:

RICHARD CERVANTES, Chairperson

Merced City Planning Commission

# **CITY OF MERCED Planning Commission**

## Resolution #3002

WHEREAS, the Merced City Planning Commission at its regular meeting of May 23, 2012, held a public hearing and considered Conditional Use Permit #1167, initiated by William Edgington, applicant for Craig Glass, A Trustee, property owner. This application involves a request for a tattoo parlor with high end sales of accessories and an art gallery, generally located on the south side of W. 18<sup>th</sup> Street approximately 150 feet west of P Street (928 W. 18<sup>th</sup> Street) within a Central Commercial (C-C) Zone; also known as Assessor's Parcel No. 031-121-014; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through I of Staff Report #12-05; and,

**WHEREAS**, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #12-10, and approve Conditional Use Permit #1167, subject to the Conditions set forth in Exhibit A attached hereto.

Upon motion by Commissioner Ward, seconded by Commissioner Amey, and carried by the following vote:

AYES: Commissioners Madayag, Colby, Ward, Amey, Acheson, and

**Chairperson Cervantes** 

NOES: None

ABSENT: Commissioner McCoy

ABSTAIN: None

## PLANNING COMMISSION RESOLUTION #3002

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May 23, 2012

Adopted this 23<sup>rd</sup> day of May 2012

Chairperson, Planning Commission of the City of Merced, California

ATTEST:

Secretary

Attachment:

Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions:CUP#1167 Edgington Tattoo Parlor

# Conditions of Approval Planning Commission Resolution #3002 Conditional Use Permit #1167

- 1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (floor plan) -- Attachments C and D of Staff Report #12-05, except as modified by the conditions.
- 2. All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions"—except for Condition #16 which has been superceded by Code) shall apply.
- 3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
- 4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
- 5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- 6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and

**EXHIBIT A** 

of Planning Commission Resolution #3002

ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.

- 7. Handicap accessibility shall be provided from the parking area to the structure. The interior of the structure shall comply with all applicable California Building and Fire Codes.
- 8. Wall signs shall be as allowed at one square foot of signing for each lineal foot of building frontage. Signing for the site shall not exceed 500 square feet (all tenants included). Pole signs or monuments signs over 6-feet in height shall not be allowed per MMC Section 17.36.850.
- 9. No graphics shall be located in the windows or other areas that are visible to exterior pedestrian traffic, except as attached to an interior wall. The City reserves the right to monitor the content of such internal graphics and, in the event of complaints regarding their content/appearance, may, through a public hearing process, modify this condition to further limit exterior visibility.
- 10. The City reserves the right to periodically review the operation for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, lewd and/or disorderly conduct, and disturbing the peace result from the proposed land use, etc., the conditional use permit may be subject to review and revocation by the City of Merced per the procedures in the Merced Municipal Code.
- 11. A minimum of 6 parking spaces shall be provided, including at least one handicap accessible space. If the parking lot is not currently in good condition, it shall be re-paved and striped to easily identify the parking spaces, the applicant shall re-stripe the lot prior to occupancy.
- 12. All windows shall be covered to prevent public view of the tattoo and piercing areas.
- 13. The landscape area shall be kept in good condition. Any dying or dead plants shall be replaced in a timely manner.
- 14. The site shall be maintained free of graffiti. Any graffiti shall be removed immediately and painted over with a color that matches the existing building color.

n:shared:planning:PC Resolutions:CUP#1167 Exhibit A