

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers
Wednesday, January 22, 2014

Chairperson COLBY 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: Nathan Mackin, Peter Padilla, Kevin Smith, Kurt Smoot, Brandon Williams, and Chairperson Travis Colby

Commissioners Absent: Carole McCoy (Excused)

Staff Present: Planning Manager Espinosa, Associate Planner Nelson, Senior Deputy City Attorney Rozell, and Recording Secretary Lucas

1. **APPROVAL OF AGENDA**

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

2. **MINUTES**

M/S SMITH-SMOOT, and carried by unanimous voice vote (one absent), to approve the Minutes of January 8, 2014, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Vacation #13-01, initiated by Jeff Van Gronigan for Sierra Propane, applicant for Windmill Partners, property owner, to abandon an existing fee title strip owned by the City of Merced and reserve the same fee title strip as a sewer easement to the City of Merced on a parcel of land located south of Stuart Drive, east of West Avenue (1240 Stuart Drive).

As a Consent item there was no staff presentation. For further information, refer to Staff Report #14-03.

Commissioner WILLIAMS explained that he would abstain from consideration of this item because the company he works for will be bidding on the project.

M/S COLBY-SMITH, and carried by the following vote, to find that the proposed Vacation (to abandon an existing fee title strip located south of Stuart Drive, east of West Avenue), is consistent with the *Merced Vision 2030 General Plan*.

AYES: Commissioners Mackin, Smith, Smoot, Padilla, and Chairperson Colby

NOES: None

ABSENT: Commissioner McCoy

ABSTAIN: Commissioner Williams

- 4.2 Modification of Conditional Use Permit #1014, initiated by SBA Communications, applicant for Gary S. Smith and James M. Hagerman, property owners. This application involves a request to modify Conditional Use Permit #1014 to allow an increase in the height of the existing “Flagpole” stealth cell tower from 95 feet to 119 feet tall and increase the width of the top of the pole to hide the antennas at 1125 West 14th Street, generally located approximately 100 feet west of the northwest corner of R Street and West 14th Street within a General Commercial (C-G) zone.

Associate Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #14-02.

Public testimony was opened at 7:19 p.m.

PATRICK EVANS, SBA Network Services, Portland, Oregon, spoke in favor of the project. Mr. EVANS submitted a letter outlining the applicant's need for expansion of the cell site.

(Secretary's Note: Chairperson COLBY opened and closed the public hearing on three occasions to allow the Commission to ask questions of Mr. EVANS. For clarity of the discussion, the Minutes reflect the full span of the public hearing.)

There were no speakers in opposition to the project.

M/S COLBY-MACKIN, to adopt a Categorical Exemption regarding Environmental Review #13-32, and Conditional Use Permit #1014, subject to the Findings and modified conditions, as well as modification to Condition 3(d) to allow lights on the tower that may be required by the FAA (Federal Aviation Administration).

The Commission discussed concerns that at the requested height and with the proposed design, the tower would no longer fit the category of a stealth tower since it would no longer look like a flag pole. They also discussed the requirement for a stealth tower in an industrial looking area where a traditional cell tower may be a better fit. The Commission asked about the process for amending the Ordinance and staff advised that process would take three to four months.

Chairperson COLBY recessed the meeting from 7:58 p.m. to 8:13 p.m.

Mr. EVANS responded to additional questions and stated that given the discussion and Commission's concerns, he would prefer to withdraw the application for modification to Conditional Use Permit #1014 and submit an application for a new Conditional Use Permit for a design that addressed the comments and concerns of the Commission.

Public testimony was completed at 8:15 p.m.

Chairperson COLBY withdrew his Motion to approve and Commissioner MACKIN concurred.

Staff advised that tabling the matter would allow the applicant to formally withdraw the current application and then resubmit a new design.

M/S COLBY-MACKIN, and carried by unanimous voice vote (one absent), to table the item.

4.3 Cancellation of February 5 and 19, 2014, Planning Commission Meetings due to Lack of Items.

M/S PADILLA-SMOOT, and carried by unanimous voice vote (one absent), to cancel the Planning Commission meetings of February 5 and 19, 2014.

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

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

6. **ADJOURNMENT**

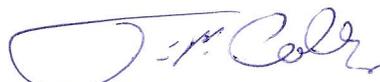
There being no further business, Chairperson COLBY adjourned the meeting at 8:19 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



TRAVIS COLBY, Chairperson
Merced City Planning Commission