

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers
Wednesday, March 21, 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)

Staff Present: Principal Planner King, 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 February 22, 2012, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Conditional Use Permit #1165, initiated by Rudy and Debbie Sanchez, property owners. This application involves a request to allow a church to locate at 936 W. Main Street generally located on the south side of West Main Street, west of P Street within a Central Commercial (C-C) zone.

Planner NELSON reviewed the report on this item. She noted a memo from planning staff that recommended the inclusion of Condition #14 that addressed some parking concerns raised in two letters of opposition. The memo and letters were provided to the Commission prior to the meeting. For further information, refer to Staff Report #12-03.

Public testimony was opened at 7:17 p.m.

Speakers from the Audience in Favor:

RUDY SANCHEZ, the applicant, Merced
JAMES CHURAN, Merced

No one spoke in opposition to the project.

Public testimony was completed at 7:23 p.m.

M/S COLBY-WARD, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #12-07, and approve Conditional Use Permit #1165, subject to the Findings and thirteen (13) Conditions set forth in Staff Report #12-03, with the addition of Condition #14 as follows (RESOLUTION #3000):

(New language underlined, deleted language ~~strike through~~.)

“14. In order to ensure that sufficient parking is provided for all users of the shared parking lot, prior to any change in tenants for Building #2, the property owner shall submit a parking plan to the City Planning Department for review to determine the

provision of sufficient parking. The applicant shall assure that there are an adequate number of parking spaces for the number of seats provided, consistent with the parking requirement as set forth in Merced Municipal Code (MMC) Section 20.58.270. Parking spaces may include shared parking, and off-site parking, consistent with MMC Section 20.58.370 and 20.58.400 respectively, as reviewed and determined by City Planning Staff.”

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

NOES: None

ABSENT: Commissioner McCoy

ABSTAIN: None

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 CERVANTES adjourned the meeting at 7:30 p.m.

Respectfully submitted,


BILL KING, Secretary
Merced City Planning Commission

APPROVED:



RICHARD CERVANTES, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3000

WHEREAS, the Merced City Planning Commission at its regular meeting of March 21, 2012, held a public hearing and considered **Conditional Use Permit #1165**, initiated by Rudy and Debbie Sanchez, property owners. This application involves a request to allow a church to locate at 936 W. Main Street generally located on the south side of West Main Street, west of P Street within a Central Commercial (C-C) zone; also known as Assessor's Parcel No. 031-122-019; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through H of Staff Report #12-03; 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 #12-07, and approve Conditional Use Permit #1165, subject to the Conditions set forth in Exhibit A attached hereto.

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

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

NOES: None

ABSENT: Commissioner McCoy

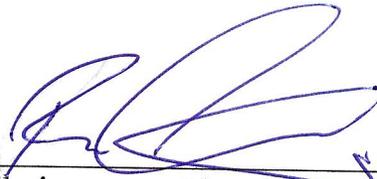
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #3000

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March 21, 2012

Adopted this 21st day of March 2012



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Conditions of Approval
Planning Commission Resolution #3000
Conditional Use Permit #1165

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (floor plan) - Attachment D and E of Staff Report #12-03, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”) 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. Furthermore, 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 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

EXHIBIT A

of Planning Commission Resolution #3000

- State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. The project shall comply with all Building and Fire Codes including those for assembly-type uses. This includes, but is not limited to, fire separations between the two tenant spaces, inter-locking chairs, fire extinguishers, fire alarms and alarm monitoring systems, etc.
 8. If exterior changes are made to the building, they shall be subject to Design Review approval (either staff level or by the Design Review Commission as determined by staff).
 9. All signage for the building shall comply with the Redevelopment Area and General Regulations sections of the Sign Ordinance. All temporary signing shall be approved by Planning Staff. No free-standing temporary signs (i.e., A-frame or sandwich board signs) shall be allowed.
 10. In order to ensure sufficient parking is provided for all uses on the site, the church shall obtain approval from the City Planning Department for any activities (other than typical office activities) taking place during the same hours as the tenant in the other building is open for business.
 11. All Church activities at this location shall be conducted within the building space.
 12. The noise from music or other service activities shall be kept to a minimum so as not to disturb the surrounding neighborhood.
 13. The office spaces on the second floor shall be used for church personnel only. This area shall not be rented out to another tenant, unless all Building and Fire Code requirements are met and approval from the City is obtained.
 14. In order to ensure that sufficient parking is provided for all users of the shared parking lot, prior to any change in tenants for Building #2, the property owner shall submit a parking plan to the City Planning Department for review to determine the provision of sufficient parking. The applicant shall assure that there are an adequate number of parking spaces for the number of seats provided, consistent with the parking requirement as set forth in Merced Municipal Code (MMC) Section 20.58.270. Parking spaces may include shared parking, and off-site parking, consistent with MMC Section 20.58.370 and 20.58.400 respectively, as reviewed and determined by City Planning Staff.

n:shared:planning:PC Resolutions:CUP#1165 Exhibit A