

CITY OF MERCED
Planning Commission

MINUTES

Merced City Council Chambers
Wednesday, April 23, 2014

Vice-Chairperson MACKIN 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: Carole McCoy, Peter Padilla, Kevin Smith, Kurt Smoot, and Vice-Chairperson Nathan Mackin

Commissioners Absent: Brandon Williams and Chairperson Travis Colby (both excused)

Staff Present: Director of Development Services Gonzalves, Associate Planner Nelson, Senior Deputy City Attorney Rozell, and Recording Secretary Lane

1. **APPROVAL OF AGENDA**

M/S MCCOY-SMITH, and carried by unanimous voice vote (two absent), to approve the Agenda as submitted.

2. **MINUTES**

M/S MCCOY-SMITH, and carried by unanimous voice vote (two absent), to approve the Minutes of March 5, 2014, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Conditional Use Permit #1189, initiated by In-Shape Health Clubs, applicant for Ashley Investments, LLC, property owners. This application involves a request for In-Shape Health Clubs to occupy the existing building at 3275 R Street (formerly Circuit City), generally located at the southwest corner of R Street and Loughborough Drive within Planned Development (P-D) #8 with a Regional/Community Commercial (RC) General Plan designation.

Associate Planner NELSON reviewed the report on this item. She noted a memo from staff resulting from discussions with the applicant, modifying Conditions #4, #9, #18, and #22, and deleting Condition #15. She also mentioned a letter from the applicant, In-Shape Health Clubs; an email from Isaac Sargiz, the property owner; and an email from the Alamo Group, owners of the former Orchard Supply Hardware building. All of these items were provided to the Commission prior to the meeting. For further information, refer to Staff Report #14-05.

Public testimony was opened at 7:21 p.m.

Speaker from the Audience in Favor:

SANDRA STEPHENSON, In-Shape Health Clubs, the applicant, Stockton

No one spoke in opposition to the project.

Public testimony was completed at 7:28 p.m.

M/S MCCOY-SMITH, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #14-07, and approve Conditional Use Permit #1189, subject to the Findings and twenty-three (23) Conditions set forth in Staff Report #14-05, deleting Condition #15 (resulting in 22 total Conditions) and amending Conditions #4, #9, #18, and #22 as follows (RESOLUTION #3030):

(Note: ~~Strikethrough~~ deleted language, underline added language.)

- “4. The Project shall comply with the conditions set forth in Resolution #2343 for Conditional Use Permit Application #896 previously approved for this project except where the condition does not apply to this project or has previously been satisfied.
- “9. In accordance with the bicycle parking guidelines set forth in the 2008 Merced Bicycle Plan for commercial developments, the site plan shall provide a minimum of one bicycle parking space for public use (minimum 5% of all vehicle spaces), plus one space for each ten estimated employees on the largest working shift. The applicant shall install the bike rack(s) in an area that: 1) has sufficient space to accommodate the placement and removal of bicycles (including tandem bicycles or bicycles with trailers); 2) that is closely located to the entrance(s) of the building; and, 3) provides proper ADA-accessible pedestrian clearances around the rack when it is at full capacity. The bike ~~parking area shall be shaded/sheltered from sun and rain, if possible, and the rack~~ itself shall be designed with at least two, preferably three, contact points on at least one wheel and the bicycle frame to provide stability to the parked bicycle, such as the “inverted-U” rack design.
- “18. All landscaping shall be brought back to the original standard as approved with the construction of Circuit City under Conditional Use Permit #896, including street trees and parking lot trees (refer to Exhibit G of Staff Report #14-05). Plant species approved with the original landscape plan may be substituted with a drought-resistant variety. However, the alternate plant species shall provide the same coverage as the originally approved plant species. A plan showing the proposed plants shall be submitted and approved prior to Building Permit issuance. All landscaping, including the street trees, shall be kept healthy and maintained, and any damaged or missing landscaping shall be repaired immediately.
- “22. Security cameras shall be provided on the site to monitor outside activity. ~~These cameras shall be mounted in a way to~~

~~capture activity throughout the site.~~ The applicant shall work with the Police Department to determine proper placement and number of the cameras.”

AYES: Commissioners Smith, Smoot, McCoy, Padilla, and Vice-Chairperson Colby

NOES: None

ABSENT: Commissioner Williams and Chairperson Colby

ABSTAIN: None

4.2 2013-2014 Annual Attendance Report

M/S SMOOT-MCCOY, and carried by the following vote, to approve the Annual Attendance Report as submitted.

AYES: Commissioners Smith, Smoot, McCoy, Padilla, and Vice-Chairperson Colby

NOES: None

ABSENT: Commissioner Williams and Chairperson Colby

ABSTAIN: None

4.3 Appointment of Planning Commissioner to the Programmatic Climate Action Plan Focus Group

M/S PADILLA-MCCOY, and carried by unanimous voice vote (two absent), to appoint Commissioner Padilla to the Programmatic Climate Action Plan Focus Group.

4.4 Cancellation of May 7, 2014, Planning Commission Meeting due to Lack of Items

M/S SMOOT-SMITH, and carried by unanimous voice vote (two absent), to cancel the Planning Commission meeting of May 7, 2014.

5. INFORMATION ITEMS

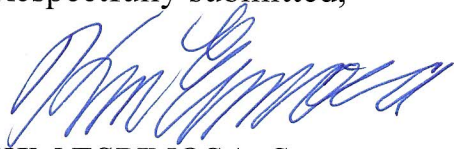
5.1 Calendar of Meetings/Events

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

6. **ADJOURNMENT**

There being no further business, Vice-Chairperson MACKIN adjourned the meeting at 7:44 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:

 for

NATHAN MACKIN, Vice-Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3030

WHEREAS, the Merced City Planning Commission at its regular meeting of April 23, 2014, held a public hearing and considered **Conditional Use Permit #1189**, initiated by In-Shape Health Clubs, applicant for Ashley Investments, LLC, property owners. This application involves a request for In-Shape Health Clubs to occupy the existing building at 3275 R Street (formerly Circuit City), generally located at the southwest corner of R Street and Loughborough Drive within Planned Development (P-D) #8 with a Regional/Community Commercial (RC) General Plan designation; also known as Assessor's Parcel No. 058-030-010; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through K of Staff Report #14-05; and,

NOW THEREFORE, 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 #14-07, and approve Conditional Use Permit #1189, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner McCoy, seconded by Commissioner Smith, and carried by the following vote:

AYES: Commissioners Smith, Smoot, McCoy, Padilla, and Vice Chairperson Mackin

NOES: None

ABSENT: Commissioner Williams and Chairperson Colby


ABSTAIN: None

PLANNING COMMISSION RESOLUTION #3030

Page 2

April 23, 2014

Adopted this 23rd day of April 2014



Chairperson, Planning Commission of
the City of Merced, California

for

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Conditions of Approval
Planning Commission Resolution #3030
Conditional Use Permit #1189

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations) -- Attachments B and C of Staff Report #14-05, 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. The Project shall comply with the conditions set forth in Resolution #2343 for Conditional Use Permit Application #896 previously approved for this project except where the condition does not apply to this project or has previously been satisfied.
5. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
6. 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.

7. 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 State or Federal law, regulation, or standard, the stricter or higher standard shall control.
8. The applicant shall work with the City Refuse Department to determine if a recycling container will be required to comply with AB341. If it is required, the container shall be enclosed within a refuse enclosure built to City Standards. The applicant shall work with the Refuse Department to determine the placement of the refuse enclosure.
9. In accordance with the bicycle parking guidelines set forth in the 2008 Merced Bicycle Plan for commercial developments, the site plan shall provide a minimum of one bicycle parking space for public use (minimum 5% of all vehicle spaces), plus one space for each ten estimated employees on the largest working shift. The applicant shall install the bike rack(s) in an area that: 1) has sufficient space to accommodate the placement and removal of bicycles (including tandem bicycles or bicycles with trailers); 2) that is closely located to the entrance(s) of the building; and, 3) provides proper ADA-accessible pedestrian clearances around the rack when it is at full capacity. The bike rack itself shall be designed with at least two, preferably three, contact points on at least one wheel and the bicycle frame to provide stability to the parked bicycle, such as the “inverted-U” rack design.
10. Street trees (Chinese Pistache trees) shall be installed along R Street and Loughborough Drive. These trees shall be installed per City Standards and shall be spaced at an approximate distance of 40 feet apart in compliance with City Standard L-1A.
11. All missing or damaged public improvements (i.e., sidewalk, curb, and gutter) along the property frontage shall be repaired/replaced to meet City Standards.
12. This project site shall be designed and constructed to meet all accessibility requirements in compliance with Chapter 11B of the California Building

Code that is in effect at the time of submittal for plan review and permitting. This includes, but is not limited to, the path of travel from the public way to the primary and secondary entrances, all locations and paths within the building, restrooms, drinking fountains, counters, and any other items that are required to be accessible by law.

13. All signing shall comply with the North Merced Sign Ordinance. The building is allowed a total of 130 square feet of signing. This allowance is inclusive of both wall signs and monument signs. Building permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding signs (including feather banners) and A-frame signs are not allowed. No sign shall be installed or modified without prior approval.
14. All massage activities shall comply with all state laws and Chapter 5.44 of the Merced Municipal Code dealing with massage establishments and technicians.
15. No additional driveways or median cuts on R Street or Loughborough Drive shall be allowed to serve this parcel.
16. Prior to any demolition work being done (interior or exterior), the applicant shall obtain all necessary approvals from the San Joaquin Valley Air Pollution Control District and a demolition permit from the City of Merced Inspection Services Department if required. No construction activities of any kind shall begin without a building permit being issued.
17. All landscaping shall be brought back to the original standard as approved with the construction of Circuit City under Conditional Use Permit #896, including street trees and parking lot trees (refer to Exhibit G of Staff Report #14-05). Plant species approved with the original landscape plan may be substituted with a drought-resistant variety. However, the alternate plant species shall provide the same coverage as the originally approved plant species. A plan showing the proposed plants shall be submitted and approved prior to Building Permit issuance. All landscaping, including the street trees, shall be kept healthy and maintained, and any damaged or missing landscaping shall be repaired immediately.
18. All roof mounted mechanical equipment shall be screened from public view.

19. Sufficient staffing shall be provided during late night and early morning hours to ensure the safety of all staff members and members. At no time shall there be only one employee operating the facility.
20. Sufficient lighting shall be provided throughout the site to provide a safe environment for patrons of the health club. If problems arise due to insufficient lighting, additional lighting may be required by the City. Parking lot lighting shall comply with industry standards for providing a safe environment. However, lighting shall not spill onto adjacent property. Shields may be required to prevent spillage onto adjacent property.
21. Security cameras shall be provided on the site to monitor outside activity. The applicant shall work with the Police Department to determine proper placement and number of cameras.
22. The premises shall remain clean and free of debris and graffiti at all times.

n:shared:planning:PC Resolutions:CUP#1189 Exhibit A