

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers
Wednesday, July 22, 2015

Chairperson WILLIAMS 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: Robert Dylina, Peter Padilla, Kurt Smoot, Kevin Smith, Travis Colby, Bill Baker, and Chairperson Brandon Williams

Commissioners Absent: None

Staff Present: Planning Manager Espinosa, Planner Mendoza-Gonzalez, Senior Deputy City Attorney Rozell, and Recording Secretary Lane

1. **APPROVAL OF AGENDA**

M/S PADILLA-SMOOT, and carried by unanimous voice vote, to approve the Agenda as submitted.

2. **MINUTES**

M/S PADILLA-COLBY, and carried by unanimous voice vote, to approve the Minutes of June 17, 2015, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Conditional Use Permit #1201, initiated by Towne Place Suites, applicant for Kantilal B. Patel, property owner. This application involves a request for an increase in building height, from 40 feet to 48 feet, and for an increase in allowable signage, from 200 square feet to 500 square feet, for a new motel at 247 S. Parsons Avenue. The property is generally located 800 feet south of the intersection at Childs and Parsons Avenues, within a Thoroughfare Commercial (C-T) zone.

Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #15-15.

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

Speaker from the Audience in Favor:

VISHNU PATEL, the applicant, Fresno

No one spoke in opposition to the project.

Public testimony was completed at 7:18 p.m.

M/S PADILLA-COLBY, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-13, and approve Conditional Use Permit #1201, subject to the Findings and twenty (20) Conditions set forth in Staff Report #15-15 (RESOLUTION #3053):

AYES: Commissioners Dylina, Padilla, Smoot, Smith, Colby, Baker, and Chairperson Williams

NOES: None

ABSENT: None

ABSTAIN: None

- 4.2 Conditional Use Permit #1202, initiated by America's Tire Company on behalf of The Campisi Family Partners, LLC,

property owner. This application involves a request to demolish the existing restaurant building and construct a new 7,373-square-foot tire store for America's Tire Company at the southwest corner of Olive and Meadows Avenues (1204 West Olive Avenue). This parcel is located within Planned Development (P-D) #16 and has a Regional/Community Commercial (RC) General Plan designation.

Planner MENDOZA-GONZALEZ reviewed the report on this item. He noted a memo from staff (which was provided to the Commission prior to the meeting) recommending a modification to Condition #24 to address on-site landscaping. For further information, refer to Staff Report #15-14.

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

Speaker from the Audience in Favor:

DON THRAILKILL, representing the applicant, Scottsdale, AZ

No one spoke in opposition to the project.

Public testimony was completed at 7:33 p.m.

The Commission briefly discussed traffic circulation issues at the intersection of Meadows Avenue and Olivewood Drive.

M/S PADILLA-COLBY, and carried by the following vote, to ask the City of Merced Traffic Committee to review the addition of stop signs at the intersection of Meadows Avenue and Olivewood Drive.

AYES: Commissioners Dylina, Padilla, Smoot, Smith, Colby, Baker, and Chairperson Williams

NOES: None

ABSENT: None

ABSTAIN: None

M/S PADILLA-COLBY, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-14, and approve Conditional Use Permit #1202, subject to the Findings and twenty-seven (27) Conditions set forth in Staff Report #15-14, amending Condition #24 as follows (RESOLUTION #3054):

(Note: ~~Strike through~~ deleted language, underline added language.)

“24. All on-site landscaping and irrigation shall comply with all applicable water conservation measures. The use of xeriscape landscaping is encouraged. Detailed landscape plans, including irrigation plans, shall be submitted at the building permit stage.”

AYES: Commissioners Dylina, Padilla, Smoot, Smith, Colby, Baker, and Chairperson Williams

NOES: None

ABSENT: None

ABSTAIN: None

4.3 Election of Chairperson and Vice-Chairperson

Chairperson WILLIAMS nominated current Vice-Chairperson SMITH to be Chairperson and Commissioner SMOOT to be Vice-Chairperson. Commissioner PADILLA seconded the motion. Vice-Chairperson SMITH and Commissioner SMOOT respectfully declined the nominations prior to the vote.

M/S WILLIAMS-SMOOT, and carried by the following vote, to elect Commissioner COLBY as Chairperson and Commissioner BAKER as Vice-Chairperson:

AYES: Commissioners Dylina, Padilla, Smoot, Smith, Baker, and Chairperson Williams

NOES: None

ABSENT: None

ABSTAIN: Commissioner Colby

4.4 Cancellation of August 5, 2015, Planning Commission Meeting due to Lack of Items

M/S DYLINA-SMOOT, and carried by the following vote, to cancel the Planning Commission meeting of August 5, 2015.

AYES: Commissioners Dylina, Padilla, Smoot, Smith, Colby, Baker, and Chairperson Williams

NOES: None

ABSENT: None

ABSTAIN: None

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

Planning Manager ESPINOSA updated the Commission on several items (with recommendations from the Planning Commission) that were heard by the City Council. It was also noted that this would be Brandon Williams' last meeting as he had moved outside the City limits and had to resign from the Commission.

6. **ADJOURNMENT**

There being no further business, Chairperson WILLIAMS adjourned the meeting at 7:43 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



FOR BRANDON WILLIAMS, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3053

WHEREAS, the Merced City Planning Commission at its regular meeting of July 22, 2015, held a public hearing and considered **Conditional Use Permit #1201**, initiated by Towne Place Suites, applicant for Kantilal B. Patel, property owner. This application involves a request for an increase in building height, from 40 feet to 48 feet, and for an increase in allowable signage, from 200 square feet to 500 square feet, for a new hotel at 247 S. Parsons Avenue. The property is generally located 800 feet south of the intersection at Childs and Parsons Avenues, within a Thoroughfare Commercial (C-T) zone; also known as Assessor's Parcel No. 061-240-063; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #15-15; 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 #15-13, and approve Conditional Use Permit #1201, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Dylina, Padilla, Smoot, Smith, Colby, Baker, and Chairperson Williams

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 3053

Page 2

July 22, 2015

Adopted this 22nd day of July 2015



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

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Conditions of Approval
Planning Commission Resolution #3053
Conditional Use Permit #1201

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (landscape plan), Exhibit 3 (floor plan) and Exhibit 4 (elevations) -- Attachments B, C, D and E of Staff Report #15-15, 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 (with counsel selected by the City), 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 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 State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. None of the proposed signs (inclusive of the monument sign) shall encroach into the 10-foot visual triangle required for each commercial driveway that intersects with a City Street.
8. Freeway pylon signs shall have a maximum height of 75 feet. Signs facing residential zones shall be non-illuminated (except with low indirect lighting). Monument signs shall be consistent in size and lighting as were approved for the Hampton Inn & Suites (CUP #1108) and the Holiday Inn Express (CUP #1136). Details to be worked out at the building permit stage.
9. The applicant is allowed a maximum of 500 square feet of signage of this parcel. All signage shall comply with the Merced Sign Ordinance and Zoning Code and be subject to building permits.
10. All signs shall be maintained regularly and any damage caused by weathering, vandalism or any other factors shall be repaired in keeping with the approved materials and finishes.
11. The applicant shall dedicate at 5-foot right-of-way for future street widening, a 7-foot public utilities easement, and a 10-foot landscape area adjacent to Parsons Avenue. Details to be worked out at the building permit stage.
12. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$85,000.00. Public improvements may include, but not be limited to, installing traffic calming measures, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.

13. All signs shall be maintained regularly and any damage caused by weathering, vandalism or any other factors shall be repaired in keeping with the approved materials and finishes.
14. The applicant shall work with the Merced Irrigation District to enter into a Storm Drainage Agreement.
15. All parking lot and building lighting shall be shielded or oriented in a way that does not allow “spill-over” onto adjacent lots in compliance with the California Energy Code requirements. Any lighting on the building shall be oriented to shine downward and not spill-over onto adjacent parcels.
16. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access. The developer shall work with the Fire Department and Refuse Department at the building permit stage to ensure proper access is provided.
17. All driveways into the site shall comply with City Standards and all handicap accessibility requirements.
18. The parking lot layout shall comply with all applicable City Standards. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces. These trees shall be installed per the City’s Parking Lot Landscape Standards, shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City’s approved tree list).
19. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
20. Bicycle parking spaces shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces.

n:shared:planning:PC Resolutions: CUP#1201 Exhibit A

CITY OF MERCED
Planning Commission

Resolution #3054

WHEREAS, the Merced City Planning Commission at its regular meeting of July 22, 2015, held a public hearing and considered **Conditional Use Permit #1202**, initiated by America's Tire Company on behalf of The Campisi Family Partners, LLC, property owner. This application involves a request to demolish the existing restaurant building and construct a new 7,373-square-foot tire store for America's Tire Company at the southwest corner of Olive and Meadows Avenues (1204 West Olive Avenue). This parcel is located within Planned Development (P-D) #16 and has a Regional/Community Commercial (RC) General Plan designation; also known as Assessor's Parcel No. 058-230-014; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through K of Staff Report #15-14; 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 #15-14, and approve Conditional Use Permit #1202, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Dylina, Padilla, Smoot, Smith, Colby, Baker, and Chairperson Williams

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 3054

Page 2

July 22, 2015

Adopted this 22nd day of July 2015



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Conditions of Approval
Planning Commission Resolution #3054
Conditional Use Permit #1202

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 #15-14, 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 superseded 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, except the Post Construction Standards for Storm Water that became effective July 1, 2015, since this application was deemed complete prior to that date.
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 State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
8. The developer shall work with the City Engineer to determine the requirements for storm drainage on the site. The developer shall provide all necessary documentation for the City Engineer to evaluate the storm drain system. All storm drain systems shall be installed to meet City Standards and state regulations. However, based on the date this application was submitted (prior to July 1, 2015), the project is not required to comply with the Post Construction Standards for Storm Water which became effective July 1, 2015.
9. 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.
10. Bicycle racks shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces. The style of rack shall be consistent with the recommendations of the City's most recently adopted Bike Plan.
11. Any missing or damaged improvements along the property frontage shall be installed/repared to meet City Standards. Any improvements that don't meet current City Standards shall be replaced to meet all applicable standards.
12. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
13. The applicant shall work with the City's Refuse Department to determine if a recycling container will be required to comply with AB

341. If it is required, the container shall be enclosed within a refuse enclosure built to City Standards.

14. All signing shall comply with the North Merced Sign Ordinance. All wall-mounted signs shall be individual letters. In compliance with the North Merced Sign Ordinance, the total allowable sign area shall be calculated using the two building elevations closest to the street (the north and east elevations). The north elevation is allowed 27 square feet of signing and the east elevations is allowed 42 square feet of signing for a total allowable sign area of 69 square feet. Any signing not used on the elevation for which it was calculated may be used on another elevation or on a monument sign. However, the maximum size of a sign on any one building elevation shall not exceed 50% of the overall sign area or the maximum amount of signing allowed on that elevation as described above.
15. A monument sign is allowed if sufficient sign area is available. The monument sign shall comply with the provisions of Merced Municipal Code Section 17.36.
16. Prior to opening for business, all required Fire Permits shall be obtained from the City of Merced Fire Department.
17. All work done on vehicles shall be conducted within the building.
18. No exterior displays of merchandise shall be allowed. All merchandise shall be kept indoors unless a temporary outdoor use permit is obtained for a special event.
19. At time of building permit review, the developer shall provide documentation of all cross access agreements and parking agreements allowing the use of the shopping center access points and parking for this business.
20. Sufficient lighting shall be provided throughout the site to provide a safe environment for patrons of the business.
21. All mechanical equipment shall be screened from public view.
22. All landscaping in the public right-of-way shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" and the City's Water Conservation Ordinance (Merced Municipal Code Section 15.42). Xeriscape or artificial turf shall be used in place of natural sod or other living ground cover. If turf is proposed to be

EXHIBIT A

of Planning Commission Resolution #3054

installed in park-strips or on-site, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees, parking lot trees, or other landscaping shall be provided with a drip irrigation or micro-spray system.

23. All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
24. All on-site landscaping and irrigation shall comply with all applicable water conservation measures. The use of xeriscape landscaping is encouraged. Detailed landscape plans, including irrigation plans, shall be submitted at the building permit stage.
25. The premises shall remain clean and free of debris and graffiti at all times.
26. It is recommended that the exterior building walls be treated with an anti-graffiti coating to make graffiti removal easier. In any case, graffiti removal shall take place within 24 hours of appearing and shall be painted over with a paint color that matches the existing color of the building wall.
27. A temporary banner permit shall be obtained prior to installing any temporary signs. Free-standing temporary signs (i.e., sandwich boards, A-frame signs, etc.) are prohibited.

n:shared:planning:PC Resolutions: CUP#1202 Exhibit A