

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers
Wednesday, June 8, 2016

Vice- Chairperson BAKER 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: Kurt Smoot, Kevin Smith, Bill Baker, Jill McLeod, and Robert Dylina,

Commissioners Absent: Peter Padilla (unexcused) and Chairperson Travis Colby (excused)

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

1. **APPROVAL OF AGENDA**

M/S SMITH-DYLINA, and carried by unanimous voice vote (2 absent), to approve the Agenda as amended.

2. **MINUTES**

M/S DYLINA-SMOOT, and carried by unanimous voice vote (2 absent), to approve the Minutes of May 18, 2016, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Conditional Use Permit #1212, initiated by Creative Products Unlimited, applicant for KB Colgreen, LLC, property owners. This application involves a request to replace an existing free-standing shopping center sign with a new 23-foot-tall internally illuminated pylon sign for the College Green Shopping Center located on the south side of Olive Avenue, approximately 450 west of G Street, in Planned Development (P-D) #4 with a Regional/Community Commercial (RC) General Plan designation.

Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #16-12.

There was no one present wishing to speak regarding this item; therefore, public testimony was opened and closed at 7:17 p.m.

M/S DYLINA-MCLEOD, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #16-13, and approve a Conditional Use Permit #1212, subject to the Findings and twelve (12) conditions set forth in Staff Report #16-12 (RESOLUTION #3070):

AYES: Commissioners Dylina, McLeod, Smith, Smoot, and Vice-Chairperson Baker

NOES: None

ABSENT: Commissioner Padilla and Chairperson Colby

ABSTAIN: None

- 4.2 Fiscal Year 2016-2017 Capital Improvement Program (CIP)

Planning Manager ESPINOSA discussed the function of the Planning Commission in review of the CIP. Interim City Engineer ELWIN was available to answer questions regarding the projects. For further information, refer to Staff Report #16-14.

M/S SMITH-DYLINA, and carried by the following vote, to find that the Fiscal Year 2016-2017 Capital Improvement Program is consistent with the General Plan:

AYES: Commissioners Dylina, McLeod, Smoot, Smith and Vice-Chairperson Baker

NOES: None

ABSENT: Commissioner Padilla and Chairperson Colby

ABSTAIN: None

4.3 Cancellation of June 22, 2016, Planning Commission Meeting due to lack of items

M/S SMOOT-DYLINA, and carried by the following vote, to cancel the Planning Commission meeting of June 22, 2016.

AYES: Commissioners Dylina, McLeod, Smith, Smoot, and Vice-Chairperson Baker

NOES: None

ABSENT: Commissioner Padilla and Chairperson Colby

ABSTAIN: None

5. INFORMATION ITEMS

5.1 Calendar of Meetings/Events

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

6. ADJOURNMENT

There being no further business, Vice-Chairperson BAKER adjourned the meeting at 7:25 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary

Merced City Planning Commission

APPROVED:



BILL BAKER, Vice-Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3070

WHEREAS, the Merced City Planning Commission at its regular meeting of June 8, 2016, held a public hearing and considered **Conditional Use Permit #1212**, initiated by Creative Products Unlimited, applicant for KB Colgreen, LLC, property owners. This application involves a request to replace an existing free-standing shopping center sign with a new 23-foot-tall internally illuminated pylon sign for the College Green Shopping Center located on the south side of Olive Avenue, approximately 450 west of G Street, in Planned Development (P-D) #4 with a Regional/Community Commercial (RC) General Plan designation. ; also known as Assessor's Parcel Numbers 007-350-005, -006, and -007; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through H of Staff Report #16-12; 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 #16-13, and approve Conditional Use Permit #1212, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Dylina, seconded by Commissioner McLeod, and carried by the following vote:

AYES: Commissioners Dylina, McLeod, Smith, Smoot, and Acting Chairperson Baker
NOES: None
ABSENT: Commissioner Padilla and Chairperson Colby
ABSTAIN: None

June 8, 2016

Adopted this 8th day of June 2016



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Conditions of Approval
Planning Commission Resolution #3070
Conditional Use Permit #1212

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibits 2 (elevations) – Attachments B and C.
2. All conditions contained in Resolution #1249 (“Standard Conditional Use Permit Conditions”) shall apply.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. 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.
5. 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.

6. The maximum height for the shopping center sign shall not exceed 23 feet.
7. The shopping center signs shall be located outside of the 10-foot visual corner at the driveway entrance on Olive Avenue and shall maintain a minimum 3-foot setback from all property lines.
8. The pylon sign's materials, colors, and design shall be compatible and consistent with the shopping center.
9. All exterior sign surfaces shall be regularly maintained. Any damage caused by weathering, vandalism, or other factors shall be repaired in keeping with approved materials, colors, and finishes.
10. A building permit shall be obtained prior to the installation of the pylon sign. Building permits shall also be obtained prior to the installation or replacement of signage on the pylon sign.
11. To qualify for more than 14 square feet of signage on the pylon sign, the applicant shall submit a revised signage calculation for the entire shopping center showing the subtraction of spaces between and within letters on the existing signs. Planning staff shall also consider the amount of signage removed from the existing freestanding sign in these calculations.
12. Pylon sign paint samples shall be reviewed and approved by Planning staff during the building permit stage. Appropriate colors are those that match or complement the existing buildings within the College Green Shopping Center.

n:shared:planning:PC Resolutions: CUP#1212 Exhibit A