

**CITY OF MERCED  
Planning Commission**

**MINUTES**

Merced City Council Chambers  
Wednesday, September 17, 2014

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: Carole McCoy, Peter Padilla, Kurt Smoot, Kevin Smith, Travis Colby, and Chairperson Brandon Williams

Commissioners Absent: None (one vacancy)

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

1. **APPROVAL OF AGENDA**

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

2. **MINUTES**

M/S COLBY-SMITH, and carried by unanimous voice vote (one vacancy) to approve the Minutes of August 20, 2014, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Conditional Use Permit #1191, initiated by Mount Hermon Baptist Church MBC, applicant for Larson Westgate Properties, property owner. This application involves a request to allow a church to locate at 1351 & 1353 W. Main Street, generally located at the northeast corner of West Main and U Streets within a General Commercial (C-G) zone.

Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #14-13.

Public testimony was opened at 7:10 p.m.

Speaker from the Audience in Favor:

LEONARD VELEY, Riverbank, representing the applicant

No one spoke in opposition to the project.

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

Commissioner COLBY noted that while Condition #10 states the maximum occupant load of 300 people, the parking requirements stipulate one space for every 3-1/2 seats. He suggested amending Condition #10 to add that attendance during normal church services should not regularly exceed 100 individuals at any one time.

Commissioner PADILLA disagreed noting that parking is not an issue on Sundays in that neighborhood and the nature of churches is normally to welcome more people rather than monitor the head count.

Chairperson WILLIAMS noted that there was someone in the audience wishing to speak.

Public testimony was re-opened at 7:29 p.m.

Speaker from the Audience in Favor:

JULIA LARSON, Merced, representing the property owner

Public testimony was completed at 7:30 p.m.

M/S COLBY-MCCOY, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #14-20, and approve Conditional Use Permit #1191, subject to the Findings and fourteen (14) Conditions set forth in Staff Report #14-13, amending Condition #10 as follows (RESOLUTION #3034):

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

“10. In no instance shall any assembly area exceed an occupant load of 300 without meeting requirements set forth in the California Building and Fire Codes. Attendance during normal services shall not regularly exceed 100 individuals at any one time.”

AYES: Commissioners McCoy, Smoot, Smith, Colby, and Chairperson Williams

NOES: Commissioner Padilla

ABSENT: None (one vacancy)

ABSTAIN: None

5. **INFORMATION ITEMS**

5.1 Calendar of Meetings/Events

Ms. ESPINOSA noted that there were items to be heard at the two Planning Commission meetings scheduled for October.

6. **ADJOURNMENT**

There being no further business, Chairperson WILLIAMS adjourned the meeting at 7:31 p.m.

Planning Commission Minutes

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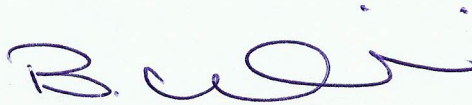
August 17, 2014

Respectfully submitted,



KIM ESPINOSA, Secretary  
Merced City Planning Commission

APPROVED:



BRANDON WILLIAMS, Chairperson  
Merced City Planning Commission

**CITY OF MERCED**  
**Planning Commission**

**Resolution #3034**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of September 17, 2014, held a public hearing and considered **Conditional Use Permit #1191**, initiated by Mount Hermon Baptist Church MBC, applicant for Larson Westgate Properties, property owner. This application involves a request to allow a church to locate at 1351 & 1353 W. Main Street, generally located at the northeast corner of West Main and U Streets within a General Commercial (C-G) zone; also known as Assessor's Parcel No. 031-101-012; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through G of Staff Report #14-13; 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 #14-20, and approve Conditional Use Permit #1191, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

**AYES:** Commissioners McCoy, Smoot, Smith, Colby, and Chairperson Williams

**NOES:** Commissioner Padilla

**ABSENT:** None (one vacancy)

**ABSTAIN:** None

PLANNING COMMISSION RESOLUTION #3034

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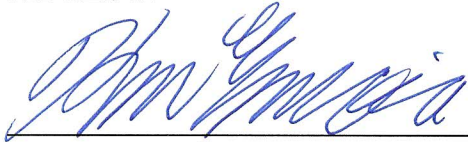
September 17, 2014

Adopted this 17<sup>th</sup> day of September 2014



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

**Conditions of Approval**  
**Planning Commission Resolution #3034**  
**Conditional Use Permit #1191**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (floor plan) and Exhibit 2 (Site Plan) - Attachments B and C of Staff Report #14-13, 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.
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. The project shall comply with all Building and Fire Codes including those for assembly-type uses.
  8. All signing shall comply with the City's Sign Ordinance. 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 or A-frame signs are not allowed.
  9. Per MMC Section 17.36.810 and 17.36.820, churches are not eligible to advertise on pylon signs in the Freeway District. Therefore, the church is limited to wall-mounted signing and shall not advertise on the existing pylon sign.
  10. In no instance shall any assembly area exceed an occupant load of 300 without meeting requirements set forth in the California Building and Fire Codes. Attendance during normal services shall not regularly exceed 100 individuals at any one time.
  11. Any further expansion of the church use beyond the area shown on Exhibit 1 (Attachment B of Staff Report #14-13) may require evaluation by the Inspection Services and Fire Departments to determine the potential need for fire sprinklers.
  12. If exterior changes are made to the building, they shall be subject to Design Review approval (either staff level or by the Planning Commission as determined by staff).
  13. All Church activities at this location shall be conducted within the building space.
  14. The noise from music or other service activities shall be kept to a minimum so as not to disturb the surrounding tenants. Outside doors



shall not be propped open during services. If sufficient complaints are received regarding the noise from music or other activities, the church shall provide a means for suppressing the noise coming from the building. The means and method used shall be approved by City staff prior to installation.

n:shared:planning:PC Resolutions:CUP#1191 Exhibit A