

**CITY OF MERCED  
Planning Commission**

**MINUTES**

Merced City Council Chambers  
Wednesday, March 23, 2016

Chairperson COLBY 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, Robert Dylina, Peter Padilla, and Chairperson Travis Colby

Commissioners Absent: None

Staff Present: Development Services Director Gonzalves, Planning Manager Espinosa, Associate Planner Nelson, Senior Deputy City Attorney Rozell, and Recording Secretary Davis

1. **APPROVAL OF AGENDA**

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

2. **MINUTES**

M/S SMOOT-SMITH, and carried by unanimous voice vote, to approve the Minutes of February 17, 2016, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Vesting Tentative Subdivision Map #1304 (“Bellevue Ranch West, Village 12”), initiated by Benchmark Engineering, applicant for Baxter Ranches, LLC, property owner. This application involves the subdivision of approximately 55 acres of an 89.6-acre parcel into 242 single-family lots and dedicating approximately 6.4 acres of land for a future park. This property is generally located at the southwest corner of M Street and Arrow Wood Drive (extended), within Planned Development (P-D) #42 and has a General Plan Designation of Low Density Residential (LD).

Associate Planner NELSON reviewed the report on this item. She noted a memo from staff resulting from discussion with the applicant, modifying Conditions #12, #17, #21, #26, and adding Condition #47. This item was provided to the Commission prior to the meeting. For further information, refer to Staff Report #16-06.

Public testimony was opened at 7:24 p.m.

Speakers from the Audience in Favor:

RICK MUMMERT, Benchmark Engineering, Modesto, the applicant  
DAVID GONZALVES, Development Services Director, Merced  
GREG HOSTETLER, property owner, Los Banos

In response to Commissioner PADILLA’s inquiry on the land dedication towards the park, Mr. MUMMERT clarified that the developer was required to dedicate the land for the park, but it was the city’s responsibility to build it. He went on to mention future intentions of working with the nearby school and the City of Merced to create a dual use facility between the school and the park.

Development Services Director GONZALVES remarked on the school’s willingness to work with the developer in creating a dual-use

facility, but also advised the Commission that it was not a confirmed agreement at this time.

Speakers from the Audience in Opposition:

ERIN STACY, neighborhood resident, Merced, CA

ERIC MOORE, neighborhood resident, Merced, CA

GREG HOSTETLER, Los Banos, spoke in rebuttal to comments made during the public testimony.

Public testimony was completed at 8:04 p.m.

Commissioners SMOOT and BAKER both voiced a concern regarding the need for new developments given the number of existing developments that require attention and maintenance. Both were also concerned with the size of a majority of the lots that were being proposed.

M/S PADILLA-DYLINA, and carried by the following vote, find that the previous environmental review [Environmental Impact Report (EIR) for the Bellevue Ranch Master Development Plan (SCH#9212055)] remains sufficient and no further documentation is required (subsequent EIR/ND 15162 Findings), and approve Vesting Tentative Subdivision #1304, subject to the Findings and forty-six (46) Conditions set forth in Staff Report #16-06, adding Condition #47, and amending Conditions #12, #13, #17, #21, and #26 as follows (RESOLUTION #3065):

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

“12. This development shall be responsible for the installation of the traffic signal at M Street and Cardella Road with the first phase of construction per Table 6.1 of the BRMDP. The developer’s portion of the cost of the traffic signal is equal to \$141 per lot. The developer shall either pay this amount at the time of ~~permit~~ certificate of occupancy issuance for each lot or the total amount

(\$141 x 242 lots = \$34,122) may be deducted from the amount eligible for reimbursement from the Public Facilities Financing Program (PFFP).

- “13. Prior to ~~building permit~~ certificate of occupancy issuance, a fee of \$861 per dwelling unit shall be collected to fund the future construction of the bridge at Fahrens Creek and Bellevue Road. This fee is in addition to all other permit and impact fees.
- “17. Prior to the recording of a final map, ~~proper documentation shall be provided to the satisfaction of the City Engineer~~ the developer shall conform to the Bellevue Ranch Master Storm Drain Plan and showing how storm water will be managed on the site and directed to the City’s storm water system. Storm water shall be collected on site and metered into the City’s system. The developer shall provide calculations to confirm there is capacity in the existing storm water system to serve the proposed project and that the basin will drain within 48 hours. If there is not sufficient capacity, the developer shall provide an alternative to using the existing lines and drainage basin. If the basin does not drain within 48 hours, the developer shall provide a plan to address mosquitoes and vector issues.
- “21. The Developer has agreed to pay \$100 per lot at the time of issuance of certificates of occupancy Concurrent with submittal of the first building permit applications for Village 12, as payment towards the developer shall provide developer’s proportionate share of: 1) funds to cover the full cost of the future extension of the Class I Bikeway to the future undercrossing; and, 2) funds to cover one-half the cost to design, permit, and construct the bikeway undercrossing of the Arrow Wood Bridge over Fahrens Creek (refer to Attachment H of Staff Report #16-06). Prior to the issuance of the 121<sup>st</sup> certificate of occupancy for Village 12, the Developer and the City agree to establish through their best efforts the actual fee (based on the total number of units in the currently undeveloped Bellevue Ranch West and based on an engineer’s estimate) and the Developer

shall pay that adjusted fee. If the actual fee has not been established by the 121<sup>st</sup> building permit, the Developer agrees to pay \$200 per lot. The preceding requirements apply unless said bikeway improvements are modified or eliminated through subsequent City approvals. If said improvements are eliminated, any monies paid shall be refunded to the developer.

“26. All garages shall have a minimum setback of 20 feet measured from the property line or back of sidewalk, whichever is closest to the front of the garage. Per the BRMDP, the setback for the living area portion of the house may be reduced to 15 feet per the BRMDP and shall be measured from the property line or back of sidewalk, whichever is closest to the living area portion of the house. Lot coverage shall not exceed ~~45%~~ 55% for all lots. ~~6,000 square feet or larger or 55% for lots less than 6,000 square feet.~~

“47. If required by state law, prior to the approval of subdivision improvement plans, the developer shall provide documentation that all lots affected by the 200-year floodplain comply with the requirements of the Urban Level of Flood Protection.”

AYES: Commissioners Dylina, Padilla, Smith, and Chairperson Colby

NOES: Commissioners Baker, McLeod, and Smoot

ABSENT: None

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 and the likely cancellation of the April 20, 2016 meeting.

6. **ADJOURNMENT**

There being no further business, Chairperson COLBY adjourned the meeting at 9:24 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary  
Merced City Planning Commission

APPROVED:



TRAVIS COLBY, Chairperson  
Merced City Planning Commission