

CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #395

Mike Sater for Sater Oil International, LLC, on behalf of Mark Calvano, property owner	Demolish the existing building and construct a new retail center with a gas station/mini-market/car wash and a fast food restaurant
APPLICANT	PROJECT
683 Cliffside Drive	2020 East Childs Avenue
ADDRESS	PROJECT SITE
San Dimas, CA 91773-2957	061-240-040
CITY/STATE/ZIP	APN
909-293-7588	Thoroughfare Commercial (C-T)
PHONE	ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee reviewed and administratively approved Site Plan Application #395 on March 3, 2016, submitted by Mike Sater for Sater Oil International, LLC, on behalf of Mark A. Calvano, Trustee, property owner. This request allows the demolition of the existing building and the construction of a retail center including a gas station, mini-market, car wash, and fast food restaurant at 2020 East Childs Avenue within a Thoroughfare Commercial (C-T) zone. Said property being described as a portion of Lot 8 as described in the Grant Deed to Mark Calvano, Trustee of the Calvano Family Trust dated January 22, 1996, recorded as Document Number 2007-056615 on October 19, 2007 with the Merced County Recorder; also known as Assessor's Parcel Number (APN) 061-240-040.

WHEREAS, the proposal is exempt from the California Environmental Quality Act (CEQA), and is in accordance with Section 15332 (Exhibit N); and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The proposal complies with the General Plan designation of Thoroughfare Commercial (CT) and the Zoning designation of Thoroughfare Commercial (C-T).
- B) Conditional Use Permit (CUP) #1158 was approved by the Planning Commission on March 9, 2011. This CUP allowed the construction of a convenience store with gas pumps (including "off-site" alcohol sales as an accessory use), two restaurants (one with a drive-through window), and a car wash (or possibly a second restaurant with a drive-through). Refer to Planning Commission Resolution #2983 at Attachment J and the previously approved site plan at Attachment K.

- C) The proposed project includes the construction of a gas station, mini-market, car wash, and fast food restaurant totaling approximately 8,055 square feet (refer to the site plan at Attachment B).
- D) The mini-market is proposing to sell alcohol (beer and wine) for off-site consumption. Conditional Use Permit #1158 allows the sale of alcohol, but a Finding of Public Convenience or Necessity is required due to the census tract being over-concentrated with alcohol licenses. The City Council will take action on the Finding of Public Convenience or Necessity.
- E) An active Tentative Parcel Map (Lot Split #11-02) approved the subdivision of the existing 3.2 acre lot into three separate parcels (refer to the tentative parcel map at Attachment L and Resolution #928 at Attachment M). The parcel map has not yet been recorded.
- F) Per Condition #39 of Planning Commission Resolution #2983, Site Plan Review is required for the building elevations, signing, and landscaping, etc.
- G) The Lighting Plan at Attachment H complies with Condition #34 of Planning Commission Resolution #2983 for CUP #1158 limiting the foot-candles along Parsons Avenue to no more than 4 foot-candles.
- H) The gas station, mini-market requires a total of 13 parking spaces. The site provides 29 spaces as shown on the site plan at Attachment B. The car wash is an automatic car wash and does not require any additional employees to operate. Therefore, no additional parking spaces are required for the car wash.
- I) The fast-food restaurant requires 62 parking spaces and 77 spaces are provided (Attachment B).
- J) Condition #27 of Planning Commission #2983 for CUP #1158 requires a concrete median be construed along Childs Avenue. The median is required to begin at the intersection of Parsons and Childs Avenues and to stop at a point to be determined by the City Engineer, but at least preventing left-hand turns into the driveway closest to Parsons Avenue, but not further than 300 feet from the eastern property intersection on Childs Avenue. As proposed, the concrete median is approximately 172 feet long and prevents left hand turns into the eastern-most driveway (closest to Parsons Avenue). Condition #7 below requires the distance of the median to be determined by the City Engineer at the building permit stage.
- K) If the project site remains as one parcel, the maximum allowed sign area for the parcel is 500 square feet. If the parcel is divided into 3 lots as approved with Lot Split #11-02, each of the three parcels are allowed 500 square feet. As proposed, the signing for both tenants exceeds the allowable sign area whether the parcel remains a single parcel or is divided into three parcels.

- L) The red architectural wall systems on the north and east elevations of the Steak 'n Shake building are considered an architectural feature and shall not be counted towards the maximum allowable sign area for the site (Attachment G). The window graphics on the north, south, and west elevations may be counted as sign area, but may be redesigned to meet sign code requirements.
- M) The wall posters on the mini-market building will be counted toward the maximum allowable sign area (Attachment D).
- N) The proposed pylon sign (Sheet 9 of Attachment I) was conceptually approved with Conditional Use Permit #1158. The proposed sign complies with the conditions outlined in Planning Commission Resolution #2983.
- O) Conditional Use Permit #1158 was approved for this project on March 9, 2011. As such, this project is exempt from the Post Construction Standards for the City's MS IV Permit.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Application #395 subject to the following conditions:

- 1) The site shall be constructed as shown on Exhibit B (site plan), Exhibit C (landscape plan), Exhibits D, E, F, and G (elevations), and Exhibit H (lighting plan) except as modified by the conditions of approval within this resolution.
- 2) All conditions contained in Site Plan Review #79-1 – Amended (“Standard Conditions for Site Plan Review Application”) shall apply.
- 3) The Project shall comply with the conditions set forth in Resolution #2983 for Conditional Use Permit #1158, except as modified by the conditions of approval within this resolution (refer to Attachment J).
- 4) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply, including, but not limited to, the California Building Code and Fire Codes.
- 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 median in Childs Avenue shall allow for a minimum of 200 feet of vehicular stacking room. The median shall be extended to a distance to prevent left turns into or out of the driveways on Childs Avenue serving the gas station/mini-market site. The two eastern driveways on Childs may be combined into one driveway with a wider width at the discretion of the City Engineer. The revised site plan showing driveway modifications and the median extension provided at Exhibit O is conceptually approved as it relates to the driveway locations and size, the median length, and the cross access and parking on the adjacent site to the west. Details to be worked out with the City Engineer at the building permit stage.
 - 8) The owner shall dedicate a 7-foot-wide Public Utilities Easement (PUE) along Childs and Parsons Avenue as needed (Condition #11 of Resolution #928 for Lot Split #11-02).
 - 9) The property owner shall enter into a "Subdivision Drainage Agreement" with the Merced Irrigation District Improvement District No. 1 (MIDDID No. 1) and pay all applicable fees as required by MID (Condition #13 of Resolution #928 for Lot Split #11-02).
 - 10) The property owner shall contact MID and enter into all necessary agreements for all crossings over or under and MID facilities, including utilities, bridges, driveways, and pipelines and for all work associated with MID facilities. The developer shall construct all necessary improvements or upgrades needed to accommodate the traffic generated by the project over the existing MID facilities as required by MID (Condition #14 of Resolution #928 for Lot Split #11-02).
 - 11) Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, and policies of the City of Merced.
 - 12) All plans and supporting documents submitted for Building Permit review shall comply with the 2013 California Code set or most recently adopted codes.
 - 13) Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.

- 14) 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 properties.
- 15) Parking lot trees shall be installed per the City’s Parking Lot Landscape Standards. Trees 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). Trees shall be installed at a ratio of at least one tree for each six parking spaces.
- 16) A Finding of Public Convenience or Necessity shall be obtained from the City Council prior to alcohol being sold on the site.
- 17) Per Condition #14 of Planning Commission Resolution #2983 for CUP #1158, no beer or wine coolers shall be sold in “singles.”
- 18) Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State’s Emergency Regulation for Statewide Urban Water Conservation or any other state or city mandated water regulations dealing with the current drought conditions.
- 19) The on-site landscape design shall include the use of xeriscape landscaping and avoid the use of turf as much as possible.
- 20) Signs prohibiting open containers in compliance with Merced Municipal Code Section 9.12.030 (B) and prohibiting loitering on the premises in compliance with California Penal Code Section 647 shall be prominently displayed on the building walls.
- 21) The proposed signs are not approved. As proposed, the sign area exceeds the allowable area for each business. The applicant shall work with staff to reduce the sign area to an amount within the allowable amount (determined by the number of parcels at time of development). The window graphics proposed for Steak ‘n Shake are not approved. Individual wall panels (approximately 3’ x 3’) with similar graphics not advertising a specific product or business may be allowed as an architectural feature as determined by the Planning Manager.
- 22) Parking lot, building, and sign 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 properties.
- 23) A sand/oil separator shall be installed for the car wash.
- 24) A Fats, Oil, and Grease (FOG) permit shall be obtained from the City’s Water Quality Control Division for the restaurant prior to opening for business. If hot food is sold by the mini-market, a FOG Permit shall also be obtained prior to opening for business.

- 25) A grease interceptor shall be installed for the restaurant. If food is prepared and sold at the mini-market, a grease interceptor shall also be installed for the mini-market.
- 26) Bicycle racks shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces. The City recommends the use of an inverted “U” shaped bicycle rack.
- 27) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
- 28) 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, 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.
- 29) All mechanical equipment shall be screened from public view.
- 30) The premises shall remain clean and free of debris and graffiti at all times.
- 31) A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire).
- 32) The project shall comply with all City Standards for storm drainage. 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.
- 33) The proposed pylon sign does not include any wireless communication equipment as proposed with CUP #1158. Any future addition of such equipment would require Site Plan Review (refer to Condition #41 of Planning Commission Resolution #2983).
- 34) All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
- 35) The applicant shall work with the City’s Refuse Department to determine the best location for the refuse enclosure for each business and to determine if recycling containers would be required. All refuse containers shall be located within a refuse enclosure constructed per City Standards. The enclosure shall match the building elevations as required by Condition #32 of Planning Commission Resolution #2983.

Site Plan Review Resolution #395

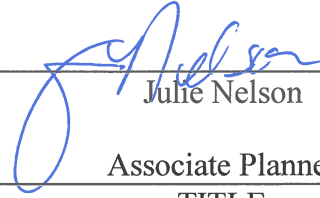
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If there are any questions concerning these conditions and recommendations, please contact Julie Nelson at (209) 385-6858.

3-3-16

DATE



Julie Nelson

Associate Planner

TITLE

Exhibits

- A) Location Map
- B) Site Plan
- C) Landscape Plan
- D) Mini-Market Elevations
- E) Gas Station Canopy Elevations
- F) Car Wash Elevations
- G) Steak 'n Shake Elevations
- H) Lighting Plan
- I) Proposed Signing
- J) Planning Commission Resolution #2983
- K) Approved Site Plan for CUP #1158
- L) Tentative Parcel Map
- M) Resolution #928 for Lot Split #11-02
- N) Categorical Exemption

Exhibits for Site Plan
Resolution #395
omitted.