

CITY OF MERCED
Planning Commission

Resolution #3072

WHEREAS, the Merced City Planning Commission at its regular meeting of July 20, 2016, held a public hearing and considered **Conditional Use Permit #1213**, initiated by Kent Rodrigues, on behalf of Shamsheer S. Hehar, Jasbir Singh, and Lakhvir Singh, property owners. This application involves a request to construct a new car wash and gas station/convenience market (with beer and wine for off-site consumption), and for an increase in allowable signage area, from 200 square feet to 500 square feet, at 764, 782, and 801 Carol Avenue. The subject site is generally located on both the east and west sides of Carol Avenue, approximately 450 feet north of Childs Avenue, within a Thoroughfare Commercial (C-T) zone; also known as Assessor's Parcel Numbers 035-140-066, and -067; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through K of Staff Report #16-15; 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 #16-21, and approve Conditional Use Permit #1213, 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 Baker, and carried by the following vote:

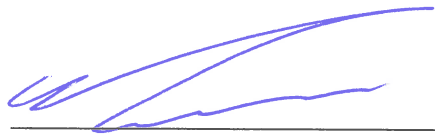
AYES: Commissioners Baker, Colby, Smith, and Vice-Chairperson Dylina
NOES: None
ABSENT: Commissioners McLeod, Padilla, and Smoot
ABSTAIN: None

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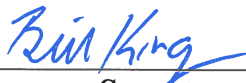
July 20, 2016

Adopted this 20th day of July 2016



Acting Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

n:\shared\planning\PC Resolutions: CUP#1213 New Gas Station/Car Wash/Convenience Store

Conditions of Approval
Planning Commission Resolution #3072
Conditional Use Permit #1213

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (conceptual signage plan), Exhibit 3 (landscape plan), Exhibit 4 (floor plan), Exhibit F (elevations) -- Attachments B, C, D , E, and F 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, including the Post Construction Standards for Storm Water that became effective July 1, 2015.
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.
9. 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.
10. Any missing or damaged improvements along the property frontage shall be installed/repaired to meet City Standards. Any improvements that don't meet current City Standards shall be replaced to meet all applicable standards.
11. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
12. The applicant shall work with the City's Refuse Department to determine the proper location for a trash enclosure and if a recycling container will be required to comply with AB 341. The container(s) shall be enclosed within a refuse enclosure built to City Standards.
13. The proposed freestanding freeway oriented sign shall be reviewed and approved with an Administrative Conditional Use Permit. Signage facing residential properties shall be non-illuminated.
14. All signs shall be located outside of the 10-foot visual corner at the driveway entrance on Carol Avenue and shall maintain a minimum 3-foot setback from all property lines.

15. The freestanding freeway oriented sign shall be located on the southern portion of the subject site (as shown on Attachment C) and shall comply with the standards outlined in Merced Municipal Code Section 17.36.810 – Freeway District.
16. The freestanding freeway oriented sign’s materials, colors, and design shall be compatible and consistent with the convenience market.
17. Sufficient lighting shall be provided throughout the site to provide a safe environment for employees and patrons of the business.
18. 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.
19. All mechanical equipment shall be screened from public view.
20. 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 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.
21. All landscaping shall be kept healthy and maintained in good condition and any damaged or missing landscaping shall be replaced immediately.
22. Detailed landscape plans, including irrigation plans, shall be submitted at the building permit stage.
23. A six-foot-tall concrete block fence shall be constructed along the northern property line between the convenience market and the adjacent residential uses per MMC 20.58.450.A.2.
24. The premises shall remain clean and free of debris and graffiti at all times.
25. 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.

26. 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.
27. 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.
28. 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).
29. Prior to the issuance of a building permit, a Lot Line Adjustment shall be approved modifying the existing property lines and ensuring no building or canopy is constructed on top of a property line.
30. The applicant shall work with the City's Fire Department to ensure that there is adequate space between the convenience market and the block wall to allow additional access for fire personnel and their equipment during an emergency. Doors on the north elevation shall swing-out in a clock-wise motion.
31. The applicant shall provide an acoustical analysis for the car wash during the building permit stage. This study must show compliance with the City's daytime and nighttime noise standards.
32. The car wash may not operate between the hours of 10:00 p.m. and 7:00 a.m. daily.
33. Should the applicant wish to develop a parking lot on the vacant lot west of Carol Avenue, they may do so with a building permit and a recorded parking agreement.

34. No beer or wine shall be displayed or stored outside of the cooler areas.
35. The proprietor and/or successors in interest and management shall be prohibited from advertising or promoting beer & wine and/or distilled spirits on the motor fuel islands and no self-illuminated advertising for beer or wine shall be located on the building or in the windows.
36. No sale of alcoholic beverages shall be made from a drive-in window.
37. No display or sale of beer or wine shall be made from an ice tub.
38. Employees on duty between the hours of 10 p.m. and 2 a.m. shall be at least 21 years of age to sell beer and wine.
39. The proprietor and/or successors in interest and management shall comply with all Municipal Codes relating to loitering, open container laws and other nuisance-related issues.
40. The area within the mini-market dedicated to the display and sale of alcoholic beverages (beer and wine) shall not be more than 2 cooler spaces (typical of those found in a grocery store or convenience market) or approximately 20 square feet.
41. A grease interceptor may be required. This will be determined at the building permit stage based on the type of food prepared and served and waste generated.
42. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area), including but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the conditional use permit may be subject to review and revocation by the City of Merced after a public hearing and in conformance with the procedures outlined in the Merced Municipal Code.
43. No single-serving containers shall be sold separately unless authorized by the City of Merced Police Department. All single-serving beer and wine containers shall be sold as part of a pack or carton.
44. Prior to obtaining a license from the Alcoholic Beverage Control to sell alcohol, the business (for the convenience market) shall obtain approval for a Finding of Public Convenience or Necessity from the Merced City Council.
45. This approval is subject to the business owner being in good standing

with all laws of the State of California, including the Alcohol Beverage Control (ABC), City of Merced, and other regulatory agencies.

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