



CITY OF MERCED

City Council Chamber
Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Minutes
Planning Commission

Wednesday, September 18, 2024

6:00 PM

A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 6:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner OCHOA led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: Commissioners GONZALEZ and DELGADILLO were absent, excused.

Present: 5 - Chairperson Michael Harris, Member Yang Pao Thao, Member Walter Smith, Member Emanuelle Ochoa, and Member Jeremiah Greggains

Absent: 2 - Member Jose Delgadillo, and Vice Chair Anthony Gonzalez

C. PUBLIC COMMENT

There were no public comments.

D. CONSENT CALENDAR

D.1 **SUBJECT:** Planning Commission Minutes of August 21, 2024

ACTION:

Approving and filing the Planning Commission Minutes of August 21, 2024

A motion was made by Member Greggains, seconded by Member Ochoa and carried by the following vote, to approve the Consent Agenda.

Aye: 5 - Chairperson Harris
Member Pao Thao
Member Smith
Member Ochoa
Member Greggains

No: 0

Absent: 2 - Member Delgadillo
Vice Chair Gonzalez

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1

SUBJECT: Conditional Use Permit #1277, initiated by AT&T Mobility, on behalf of The Church of the Nazarene of Merced, California, property owner. This application involves a request to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-pine tree at 1717 E. Olive Avenue, generally located at the northeast corner of E. Olive Avenue and Parsons Avenue, with a General Plan designation of Low Density Residential (LD), and a Zoning classification of (R-1-6) *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify
1) Environmental Review #24-10 (*Categorical Exemption*)
2) Conditional Use Permit #1277

SUMMARY

AT&T Mobility is requesting approval to construct a 55-foot-tall wireless communication tower in the form of a stealth mono-pine tree at 1717 E. Olive Avenue (Attachment D) within a Low Density Residential (R-1-6) Zone. The project is located at the northeast corner of E. Olive Avenue and Parsons Avenue within a developed lot occupied by the Bear Creek Community Church of the Nazarene. Per Merced Municipal Code Land Use Table 20.58-2 - Review Procedures for Support Towers for Wireless Communication Facilities, a site plan review is required for stealth facilities within an R-1 Zone that are over 140% of the maximum height allowed within this zone. However, as described in the background section of this report, because the Site Plan Review Committee is referring this request to the Planning Commission, the land use permit required is now a conditional use permit. On July 3, 2024, the Planning Commission considered this matter and voted to continue the public hearing to August 7, 2024. On August 7, 2024, the Planning Commission considered this matter and continued the public hearing to the Planning Commission meeting of September 18, 2024. Staff is recommending approval of this application subject to the conditions contained in the Staff Report. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve

Environmental Review #24-10 (*Categorical Exemption*), and Conditional Use Permit #1277, including the adoption of the Draft Resolution at Attachment A, subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Development Services Technician II LEE reviewed the report on this item. For further information, refer to Staff Report #24-783.

Public Testimony was opened at 6:15 PM.

Staff received 2 voicemails from JASON VERRINDER and SHERRI JURGENS and 1 email from JASON VERRINDER. The emails and voicemails were provided to the Planning Commission via email prior to the meeting and posted on the City's website. Staff also received a petition with approximately 100 signatures.

Speakers from the Audience in Opposition

BRYANT RODRIGUEZ, Resident, Merced, CA

SHERYL WIGHT, Resident, Merced, CA

MARIA RODRIGUEZ, Resident, Merced, CA

LOLA O'BRIEN, Resident, Merced, CA

MICHAEL O'BRIEN, Resident, Merced, CA

JASON VERRINDER, Resident, Merced, CA

MARGARITO SANCHEZ, Resident, Merced, CA

AMY VERRINDER, Resident, Merced, CA

GARY HODNETT, Resident, Merced, CA

SHERRI JURGENS, Resident, Merced, CA

Speaker from the Audience in Favor

CARL JONES, Applicant, AT&T

Public Testimony was closed at 6:52 PM

A motion was made by Member Ochoa, seconded by Member Greggains and carried by the following vote, to deny Conditional Use Permit #1277, per the Finding that Conditional Use Permit #1277 does not meet the City of Merced Municipal Code Chapter 20.68's requirements regarding Wireless Communication

Facilities as stated in Staff Report #24-783, Wireless Communication Facilities Findings, Finding K (RESOLUTION #4137).

Aye: 5 - Chairperson Harris
Member Pao Thao
Member Smith
Member Ochoa
Member Greggains

No: 0

Absent: 2 - Member Delgadillo
Vice Chair Gonzalez

E.2

SUBJECT: Conditional Use Permit #1280, initiated by Aulakh Properties II, LLC, property owner. This application involves a request to operate a food truck parking area for multiple food trucks on a vacant lot (approximately 1.70-acres). The subject site is generally located on the east side of Highway 59, approximately 250 feet north of Olive Avenue. The subject site has a General Plan designation of Business Park (BP) and a zoning classification of Planned Development, (P-D) #12. **PUBLIC HEARING**

ACTION: Approve/Disapprove/Modify
1) Environmental Review #24-23 (*Categorical Exemption*)
2) Conditional Use Permit #1280

SUMMARY

Aulakh Properties II, LLC, is requesting conditional use permit approval to establish a food truck parking area to allow multiple food truck vendors and outdoor seating. The subject site is an undeveloped 1.70-acre parcel located on the east side of Highway 59, 250 feet north of Olive Avenue (north of the 7-Eleven at 1995 W Olive Avenue. Food truck parking lots are considered a conditional use within a Business Park (BP) Zone. The Planning Commission will be reviewing this proposal to ensure that the site plan is designed in a manner that minimizes negative impacts to the existing site and promotes compatible and orderly development with the surrounding uses. Staff is recommending approval with conditions.

RECOMMENDATION

Planning staff has reviewed this request and recommends that the Planning Commission approve Environmental Review #24-23 (*Categorical Exemption*) and Conditional Use Permit #1280, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Assistant Planner LIVINGSTON reviewed the report on this item. For further

information, refer to Staff Report #24-838.

Public Testimony was opened at 7:15 PM.

Speakers from the Audience in Favor

CESAR PEREZ, Engineer for the Applicant, Golden Valley Engineering

BRYANT RODRIGUEZ, Resident, Merced, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 7:19 PM.

A motion was made by Member Greggains, seconded by Member Thao and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #24-23, and approve Conditional Use Permit #1280, subject to the Findings and twenty-seven (27) Conditions set forth in Staff Report #24-838 (RESOLUTION #4141).

Aye: 5 - Chairperson Harris
Member Pao Thao
Member Smith
Member Ochoa
Member Greggains

No: 0

Absent: 2 - Member Delgadillo
Vice Chair Gonzalez

F. INFORMATION ITEMS

F.1 **SUBJECT:** Report by Temporary Director of Development Services of Upcoming Agenda Items

ACTION

Information only.

Temporary Director of Development Services ESPINOSA went over items for the next several Planning Commission meetings.

F.2 **SUBJECT:** Calendar of Meetings/Events

- Sept. 16 City Council, 6:00 p.m.
- 18 Planning Commission, 6:00 p.m.
- Oct. 7 City Council, 6:00 p.m.
- 9 Planning Commission, 6:00 p.m.
- 21 City Council, 6:00 p.m.

- 22 Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
- 23 Planning Commission, 6:00 p.m.
- Nov. 4 City Council, 6:00 p.m.
- 6 Planning Commission, 6:00 p.m.
- 18 City Council, 6:00 p.m.
- 20 Planning Commission, 6:00 p.m. **(To be Cancelled)**

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 7:25 PM.

A motion was made by Member Ochoa, seconded by Member Greggains and carried by the following vote, to adjourn the Regular Meeting.

Aye: 5 - Chairperson Harris
Member Pao Thao
Member Smith
Member Ochoa
Member Greggains

No: 0

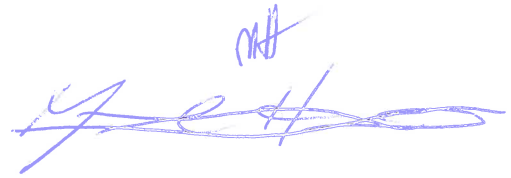
Absent: 2 - Member Delgadillo
Vice Chair Gonzalez

BY:



KIM ESPINOSA, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:



MICHAEL HARRIS, CHAIRPERSON
MERCED CITY PLANNING COMMISSION