

CITY OF MERCED
Planning Commission

Resolution #4156

WHEREAS, the Merced City Planning Commission at its regular meeting of May 21, 2025, held a public hearing and considered Conditional Use Permit #25-0002, initiated by Golden Valley Engineering, for Tom Lawler property owner. This application involves a request to convert an existing 7,500 square foot, industrial building into a fitness center at 2250 Cessna Way. The subject site is generally located south of Cessna Way, and approximately 150 feet west of Beechcraft Avenue. The subject site has a General Plan designation of Manufacturing/Industrial, (IND) and a zoning classification of Light Industrial (I-L); Assessor's Parcel Number (APN) 059-640-006.

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through I of Staff Report #25-343; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E), and other Considerations as outlined in Exhibit B; 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 #25-0010, and approve Conditional Use Permit #25-0002, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION #4156

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May 21, 2025

Adopted this 21st May, 2025

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings

Conditions of Approval
Planning Commission Resolution #4156
Conditional Use Permit #25-0002

1. The proposed project shall be constructed/designed/operated as shown on the Site Plan and Floor Plan (Attachments C-1 and C-2 of Staff Report #25-343), except as modified by the conditions.
2. All conditions contained in Resolution #1283-Amended (“Standard Conditional Use Permit Conditions”)
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, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City’s attorney’s fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City’s defense immediately but in no event later than five (5) days from that date

of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

6. The developer/applicant shall demolish, 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. An encroachment permit shall be obtained for all work in the public right-of-way and a building permit shall be obtained for on-site work (as required by the Building Department).
8. Submitted plans must be prepared by a design professional, and all work must be done by a licensed contractor, per the City of Merced Building Department.
9. If any changes are to be made to the landscaping on the site, these changes shall be in compliance with the City's Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City's Zoning Ordinance Section 20.36 – Landscaping.
10. All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
11. The applicant shall comply with all City of Merced business licensing requirements and with all requirements of the Merced County Environmental Health Department.
12. The project shall comply with all requirements of the Uniform Fire Codes including, but not limited to, a fire suppression (sprinkler) system and on-site fire hydrant(s). All required Fire Permits shall be obtained from the City of Merced Fire Department. Some of these permits will depend on the operations or functions conducted at the building and may be required after obtaining the certificate of occupancy for this development.
13. The applicant shall work with the Fire Department to provide work details for the required fire control room for the sprinkler risers.
14. Fire protection systems shall be monitored by fire alarm systems, or as otherwise required by the Fire Department.

15. If the business owners wish to extend the business hours in the future, they must obtain approval from the Development Services Director or designee, or if deemed necessary by the Development Services Director or designee, be referred to the Planning Commission for action.
16. If problems arise as a result of this business that may require excessive Police Department service calls, in the opinion of the Police Chief, to the site or within the immediate area including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, this approval may be subject to review and revocation by the City of Merced.
17. Business signage and minor exterior changes to the building shall be reviewed with a staff level design review permit. Signage shall comply with Merced Municipal Code Section 20.62 – Signs.
18. The applicant must obtain applicable building permits when completing tenant improvements, if required by the City of Merced Inspection Services Division.
19. Sufficient lighting shall be provided throughout the exterior of the building.
20. All parking lot and other exterior lighting shall be oriented in such a way so that it does not spill over onto adjacent properties. The parking lot shall include ample lighting for occupants.
21. Minor modifications to the design, or layout of this proposal may be approved by the Director of Development Services or be referred to the Planning Commission if deemed necessary by the Director of Development Services.
22. The Engineering Department may require the applicant to make additional public improvements during the building permit stage (such as repairing damaged sidewalk), for projects exceeding valuation of \$100,000.00.
23. Future expansions may be reviewed through the Minor Use Permit process or Site Plan Review Permit process, as deemed necessary by the Director of Development Services. If proposed expansions are deemed substantial by the Director of Development Services, the proposal may be referred to the Planning Commission for their review.
24. If needed, the applicant shall obtain proper permits from the Division of the State Architect and comply with their requirements.

25. All refuse container locations shall be approved by the City of Merced Refuse Department at the building permit stage. All refuse containers shall be located within a refuse enclosure constructed per City Standards. The refuse enclosure shall be designed to meet the City's Engineering Standards for refuse enclosures.
26. The premises shall always remain clean and free of debris. The exterior of the building shall be appropriately maintained and maintain an aesthetically appealing appearance. All graffiti shall be removed within 48 hours.
27. The Director of Development Services reserves the right to reconsider and potentially revoke the permit if deemed necessary if parking becomes an issue at this site.

Findings and Considerations
Planning Commission Resolution #4156
Conditional Use Permit #25-0002

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed Project complies with the General Plan designation of Manufacturing/ Industrial (IND) and the zoning classification of Light Industrial (I-L), with approval of this Conditional Use Permit.

Traffic/Circulation

- B) The applicant is proposing to locate the fitness center near the southwest corner of Beechcraft Avenue and Cessna Way. This site has already been built, and this use would not affect the flow of traffic and parking in this lot. The property has an entrance and exit off of Cessna Way.

Parking

- C) The proposed site plan shows 9 available parking spaces. Typically, for indoor recreation uses, the Merced Municipal Code requires 1 parking space per 300 square feet. The site is 7,500 square feet, so typically 25 parking spaces would be required. This specific use differs from other indoor recreation uses in the fact that customers will be visiting on a by appointment basis, and the max amount of people on site at any time would be 12. The applicants also noted that the site will be vacant at certain times if no appointments have been scheduled. Given the difference in this proposed use and a typical indoor recreation facility, the City of Merced planning department has concluded that the provided parking is adequate. Condition #27 of Exhibit A of Planning Commission Resolution #4156 grants the Director of Development services the ability to review or revoke this permit if parking becomes an issue.

Public Improvements/City Services

- D) The subject site currently has a 7,500 square foot building on it, and all required public improvements have already been installed. With approval of this Conditional Use Permit, the applicants would be changing the occupancy of the building from industrial to a fitness center.

Site Design

The subject site is located on the southwest corner of Beechcraft Avenue and Cessna Way. The subject site is a 0.48-acre lot. Currently, there is a 7,500 square foot building on this site. The floor plan indicates that roughly half of the fitness center will be an open turf area, with the other half being stocked with weights. The site will also feature a reception area, 3 offices, and 2 bathrooms. There will be refuse containers at the north of the site off Cessna Way, which will be accessible to the City's refuse department from the alley. Exact placement and details will be worked out with City staff at the building permit stage. The site is currently landscaped, and features grass with various plants throughout. The applicants did not indicate any desire to alter the exterior landscaping, but they will be required to follow the City's rules and regulations regarding landscaping if they choose to in the future.

Neighborhood Impact/Interference

- E) The subject site is located at the corner of Beechcraft Avenue and Cessna Way. To the north of this property is a business called Lawler Excavation Pipeline & Utilities Inc. To the east of this site is a pest control company called D & D Pest Control. To the west of the site is a U-Haul neighborhood dealer truck rental agency. To the south of the site, there is an industrial truck storage park. Further to the south of the site, a cannabis cultivation, distribution, and manufacturing facility was approved in 2024, but has not been constructed yet. The Merced Municipal Code prohibits cannabis permits from being approved within 600 feet of a youth center. Given that the cannabis operation was approved prior to this application, approval of this application (which will serve youth) will not impact this previously approved cannabis permit. However, approval of this application would prohibit any additional cannabis permits from being approved within 600 feet of this project.

Signage

- F) The submitted site plan did not indicate any signage for this project. Any other signage that the applicants would want to add would need to follow the Merced Municipal Code Section 20.62 – Signs, and a building permit may be required.

Operations

- G) The proposed project would serve as a fitness center that would be operated by SWAG, (Students with Aspiring Goals). They will be

providing individual and small group training for kids and high schoolers. The applicant also noted the possibility of occasionally training college aged athletes as well. The training would be on an appointment basis, and the building will be vacant during times when no appointments are scheduled. The business will have the ability to be open daily from 8:00 A.M. to 8:00 P.M. The business will employ 3 people, and the personal training sessions will either be for individual customers or small groups.

Conditional Use Permit Findings

- H) A Conditional Use Permit is required for this project as it is within the Light Industrial Zone per Merced Municipal Code (MMC) Table 20.12.1 Permitted Land Uses in the Industrial Zoning Districts. In order for the Planning Commission to approve or deny a conditional use permit, they must consider the following criteria and make findings to support or deny each criteria per MMC 20.68.020 (E) "Findings for Approval for Conditional Use Permits."

MMC 20.68.020 (E) Findings for Approval.

- 1. The proposed use is consistent with the purpose and standards of the zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

The proposed project complies with the General Plan designation of Manufacturing/ Industrial (IND) and the zoning classification of Light Industrial (I-L) with approval of this Conditional Use Permit.

- 2. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

This project shall be required to comply with all relevant standards and requirements from the Merced Municipal Code. Said standards and requirements regarding hours of operation, parking, access, maintenance, and licenses required.

- 3. The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

Staff does not believe this project will be detrimental to the health and welfare of the City.

4. *The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.*

The proposed project is located within the City and can be adequately accessed through existing roads. The project has adequate access to the required infrastructure.

Environmental Clearance

- I) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no further environmental review is needed) is being recommended (Attachment E of Staff Report #25-343).