



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, August 7, 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 DELGADILLO led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: Commissioner Thao was absent, excused.

Present: 6 - Chairperson Michael Harris, Member Jose Delgadillo, Member Anthony Gonzalez, Member Walter Smith, Member Emanuelle Ochoa, and Member Jeremiah Greggains

Absent: 1 - Member Yang Pao Thao

C. PUBLIC COMMENT

There were no public comments.

D. CONSENT CALENDAR

D.1

SUBJECT: Vacation #24-01, to vacate the Arbor Walkway South easement (approximately 2,346 square feet) which would revert development rights back to the property owner of 534 W. Main Street.

ACTION: Finding

- 1) The proposed vacation is consistent with the General Plan.

SUMMARY

The City of Merced is requesting a vacation of the Arbor Walkway South Easement at 534 W. Main St. (Attachment 1), as it has been determined that it is no longer necessary or in the City's interest. Engineering and

Planning Division staff have reviewed this request and recommend that the Planning Commission adopt a Finding stating that the proposed vacation is consistent with the General Plan. The General Plan does not address the abandonment or vacation of easements; and thus, this action does not conflict with any General Plan policies, text, or maps, so it can be considered "consistent." The area to be vacated consists of approximately 2,346 square feet, (Attachments 2 and 3).

RECOMMENDATION

Adopt a motion by minute action adopting a Finding that the proposed vacation #24-01 is consistent with the General Plan.

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

Aye: 6 - Chairperson Harris
Member Delgadillo
Member Gonzalez
Member Smith
Member Ochoa
Member Greggains

No: 0

Absent: 1 - Member Pao Thao

D.2 **SUBJECT:** Planning Commission Minutes of July 3, 2024

ACTION:
Approving and filing the Planning Commission Minutes of July 3, 2024

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) *CONTINUED PUBLIC HEARING*

ACTION: Continue the public hearing to the Planning Commission meeting of September 18, 2024, at 6:00 p.m.

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 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 opened the public hearing, heard public testimony, and voted to continue the public hearing to August 7, 2024.

RECOMMENDATION

Planning staff recommends that the Planning Commission continue this matter to the Planning Commission meeting of September 18, 2024.

Temporary Director of Development Services ESPINOSA informed the Planning Commission that staff recommends this item be continued to the Planning Commission meeting of September 18, 2024, to allow the applicant time to explore other locations.

Public Testimony was opened at 6:05 PM.

Speaker from the Audience in Opposition

BRYANT RODRIGUEZ, Resident, Merced, CA

There were no speakers in favor of the project.

Public Testimony was continued to the Planning Commission meeting of September 18, 2024.

A motion was made by Member Gonzalez, seconded by Member Ochoa and carried by the following vote, to continue the public hearing to the Planning Commission Meeting of September 18, 2024.

- Aye:** 6 - Chairperson Harris
- Member Delgadillo
- Member Gonzalez
- Member Smith
- Member Ochoa
- Member Greggains

No: 0

Absent: 1 - Member Pao Thao

E.2

SUBJECT: Zoning Ordinance Amendment #24-01, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Merced Municipal Code Section 20.44.170 (Regulation of Commercial Cannabis Activities - Commercial Cannabis Business Permit Required).

ACTION: Continue the public hearing to the regularly scheduled Planning Commission meeting of Wednesday, August 21, 2024, at 6:00 p.m.

SUMMARY

Staff is requesting that consideration of this item be continued to the Planning Commission meeting of August 21, 2024, so that the proposed alterations to the code can be finalized.

Principal Planner LAN informed the Planning Commission that staff recommends that this item be continued to the Planning Commission meeting of August 21, 2024, to allow staff time to prepare the changes to the Zoning Ordinance.

Public Testimony was opened at 6:08 PM. There was no one present wishing to speak regarding the project, therefore, Public Testimony was continued to the Planning Commission meeting of August 21, 2024.

A motion was made by Member Greggains, seconded by Member Gonzalez and carried by the following vote to continue the public hearing to the Planning Commission meeting of August 21, 2024.

Aye: 6 - Chairperson Harris
Member Delgadillo
Member Gonzalez
Member Smith
Member Ochoa
Member Greggains

No: 0

Absent: 1 - Member Pao Thao

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

- Aug. 5 City Council, 6:00 p.m.
- 7 Planning Commission, 6:00 p.m.
- 19 City Council, 6:00 p.m.
- 21 Planning Commission, 6:00 p.m.
- 27 Bicycle and Pedestrian Advisory Committee, 4:00 p.m.
- Sept. 3 City Council, 6:00 p.m. (**Tuesday**)
- 4 Planning Commission, 6:00 p.m. (**To be Cancelled**)
- 16 City Council, 6:00 p.m.
- 18 Planning Commission, 6:00 p.m.

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 6:11 PM.

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

- Aye:** 6 - Chairperson Harris
 Member Delgadillo
 Member Gonzalez
 Member Smith
 Member Ochoa
 Member Greggains

No: 0

Absent: 1 - Member Pao Thao

BY:



KIM ESPINOSA, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:



MICHAEL HARRIS, CHAIRPERSON
MERCED CITY PLANNING COMMISSION