



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, January 18, 2023

7:00 PM

A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 7:00 PM.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Vice Chair CAMPER led the Pledge of Allegiance to the Flag.

B. ROLL CALL

Clerk's Note: The Planning Commission has 1 vacancy at this time.

Present: 6 - Chairperson Michael Harris, Member Dorothea White, Member Jose Delgadillo,
Vice Chair Mary Camper, Member Jeremiah Greggains, and Member Anthony
Gonzalez

Absent: 0

C. ORAL COMMUNICATIONS

There were no public comments.

D. CONSENT CALENDAR

D.1 **SUBJECT:** Planning Commission Minutes of December 7, 2022

ACTION:

Approving and filing the Planning Commission Minutes of December 7, 2022

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

Aye: 6 - Chairperson Harris
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member Gonzalez

No: 0

Absent: 0

E. PUBLIC HEARINGS AND ACTION ITEMS

E.1

SUBJECT: Conditional Use Permit #1269, initiated by Robert Dylina, on behalf of Golden State Realty Association, Inc., property owner. This application involves a request for a master sign program with a double-sided changeable copy sign (63 inches by 137.5 inches) for Auto Resources at 1500 W. 16th Street, generally located at the southwest corner of V Street and 16th Street, within a Zoning classification of General Commercial (C-G), with a General Plan Designation of General Commercial (CG). *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #22-46 (*Categorical Exemption*)
- 2) Conditional Use Permit #1269

SUMMARY

Robert Dylina is requesting approval for a master sign program that includes a double-sided changeable copy sign at 1500 W. 16th Street. The subject site is an existing used automotive dealership and will remain an automotive dealership. The automotive dealership is considered a principally permitted use within the General Commercial (C-G) Zone; however, a changeable copy sign for an automotive dealership requires approval of a master sign program from the Planning Commission, per Merced Municipal Code 17.36.072 - Changeable Copy Sign. The proposed changeable copy sign (63 inches by 137.5 inches) would be installed on the existing freeway pylon sign for this site (without adding additional height). Staff is recommending approval of this application subject to conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #22-46 [*Categorical Exemption*] including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #23-034.

Public Testimony was opened at 7:16 PM.

Speaker from the Audience in Favor

ROBERT DYLINEA, Applicant, Merced, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 7:21 PM.

The Applicant requested changes to several conditions as follows:

(Note: Strikethrough deleted language, underline added language)

"20. The pylon sign shall be finished with an anti-graffiti protective coat for the first 15 feet.

"21. ~~Prior to construction, an illumination study shall be submitted for the changeable copy sign and approved by the Director of Development Services or designee. The purpose of the study is to ensure that~~ illumination levels of the sign must be set at a level so as not to unduly impact surrounding uses. Details to be worked out with staff.

"22. The changeable copy sign shall be turned off from the hours of 12:00 a.m. to 7:00 a.m. daily.

"24. The existing pylon structure shall be refinished with a fresh coat of paint or other finishes, to match the existing colors. A change in colors shall require staff level design review approval for paint."

A motion was made by Member Delgadillo, seconded by Member Greggains and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #22-46 and approve Conditional Use Permit #1269, subject to the Findings and twenty-five (25) Conditions set forth in Staff Report #23-034 (RESOLUTION #4103) with changes to Conditions #20 through #22 and #24 at the request of the applicant (as shown above).

Aye: 6 - Chairperson Harris
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member Gonzalez

No: 0

Absent: 0

E.2

SUBJECT: Conditional Use Permit #1268 and Site Plan Review #506.

initiated by Circle K Stores, Inc., on behalf of Ashley Investments, LLC, property owner. This application involves a request to construct a new gas station/convenience market with tobacco sales, and beer and wine sales for off-site consumption at the southwest corner of R Street and Loughborough Drive. The subject site is located within Planned Development (PD) #8 with a General Plan designation of Regional/Community Commercial (RC). *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #22-45 (*Categorical Exemption*)
- 2) Conditional Use Permit #1268
- 3) Site Plan Review #506

SUMMARY

Circle K Stores, Inc., is requesting approval to construct an approximate 3,700-square-foot gas station/mini-market (with tobacco sales and alcohol sales for off-site consumption), and an approximate 2,592-square-foot fuel pump canopy (8 pumps) on a pending outparcel located at the southwest corner of R Street and Loughborough Drive (Attachment B). A site plan review permit is required for new developments within this Planned Development, and for gas stations with a land use designation of Regional/Community Commercial (RC). The RC designation also requires a conditional use permit for the sale of tobacco products/paraphernalia within 600 feet of a public park, and alcohol for off-site consumption (for buildings under 20,000 square feet) per MMC 20.10.020. A Finding of Public Convenience or Necessity (adopted by City Council) is also required for alcohol sales because Merced is listed under Moratorium City for Type 20 alcohol licenses by the Department of Alcoholic Beverage Control. The Police Department has determined that they would support the sale of alcohol for off-site consumption if specific conditions are included to reduce the potential for alcohol-related incidents. Staff is recommending approval of this application subject to the conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #22-45 [*Categorical Exemption*], Conditional Use Permit #1268, and Site Plan Review Permit #506, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #23-035.

Public Testimony was opened at 7:48 PM.

Speakers from the Audience in Favor

SANDRA AGRAZ, Circle K Stores, Chino Hills, CA

ISAAC SARGIZ, Property Owner, Merced, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 7:57 PM.

A motion was made by Member Greggains, seconded by Member White and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #22-45 and approve Conditional Use Permit #1268 and Site Plan Review #506, subject to the Findings and forty-one (41) Conditions set forth in Staff Report #23-035 (RESOLUTION #4104).

Aye: 6 - Chairperson Harris
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member Gonzalez

No: 0

Absent: 0

E.3

SUBJECT: General Plan Amendment #22-03, initiated by Eric Pluim on behalf of Gateway Park Development Partners, LLC, property owners. This application involves a request to change the General Plan roadway classification from Divided Arterial to Collector for a portion of Mission Avenue from Coffee Street to the east side of Pluim Drive (extended).****PUBLIC HEARING****

ACTION: PLANNING COMMISSION:
Recommendation to City Council
1) Environmental Review #22-25 (*Addendum to General Plan EIR*)
2) General Plan Amendment #22-03
CITY COUNCIL:
Approve/Disapprove/Modify
1) Environmental Review #22-25 (*Addendum to General Plan EIR*)
2) General Plan Amendment #22-03

SUMMARY

This is a request to amend the General Plan Circulation Element by

changing the roadway classification from Divided Arterial to Collector for a portion of Mission Avenue from Coffee Street to the east side of Pluim Drive (extended). This change is requested to improve the circulation for future development in the area. Staff is recommending approval.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval to the City Council of Environmental Review #22-25 (*Addendum to the General Plan EIR*) and General Plan Amendment #22-03 (including the adoption of the Draft Resolution at Attachment A) subject to the conditions in Exhibit A and the findings/considerations in Exhibit B of the Draft Resolution.

Senior Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #22-922.

Public Testimony was opened at 8:06 PM.

Speaker from the Audience in Favor

ERIC PLUIM, Applicant, Merced, CA

There were no speakers in opposition to the project.

Public Testimony was closed at 8:11 PM.

A motion was made by Member Gonzalez, seconded by Vice Chair Camper, and carried by the following vote to recommend to City Council adoption of the Addendum to the Merced Vision 2030 General Plan Environmental Impact Report (Environmental Review #22-25) and approval of General Plan Amendment #22-03, subject to the Findings and seven (7) Conditions set forth in Staff Report #22-922 (RESOLUTION #4097).

Aye: 6 - Chairperson Harris
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member Gonzalez

No: 0

Absent: 0

F. INFORMATION ITEMS

F.1

SUBJECT: Report by Planning Manager of Upcoming Agenda Items

ACTION

Information only.

Planning Manager ESPINOSA went over items for the next several Planning Commission meetings.

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

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|------|----|--|
| Jan. | 17 | City Council, 6:00 p.m. (Tuesday) |
| | 18 | Planning Commission, 7:00 p.m. |
| Feb. | 6 | City Council, 6:00 p.m. |
| | 8 | Planning Commission, 7:00 p.m. |
| | 21 | City Council, 6:00 p.m. (Tuesday) |
| | 22 | Planning Commission, 7:00 p.m. (May be Cancelled) |
| | 28 | Bicycle and Pedestrian Advisory Commission, 4:00 p.m. |
| Mar. | 6 | City Council, 6:00 p.m. |
| | 8 | Planning Commission, 7:00 p.m. |
| | 20 | City Council, 6:00 p.m. |
| | 22 | Planning Commission, 7:00 p.m. |

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 8:16 PM.

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

Aye: 6 - Chairperson Harris
Member White
Member Delgadillo
Vice Chair Camper
Member Greggains
Member Gonzalez

No: 0

Absent: 0

BY:



KIM ESPINOSA, SECRETARY
MERCED CITY PLANNING COMMISSION

APPROVED:

MICHAEL HARRIS, CHAIRPERSON
MERCED CITY PLANNING COMMISSION