

CITY OF MERCED
Planning Commission

MINUTES

Merced City Council Chambers
Wednesday, February 3, 2016

Chairperson COLBY called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Kurt Smoot, Kevin Smith, Bill Baker, Robert Dylina, Peter Padilla, Jill McLeod, and Chairperson Travis Colby

Commissioners Absent: None

Staff Present: Planning Manager Espinosa, Associate Planner Nelson, Senior Deputy City Attorney Rozell, Secretary Davis, and Recording Secretary Lane

1. **APPROVAL OF AGENDA**

M/S PADILLA-SMITH, and carried by unanimous voice vote, to approve the Agenda as submitted.

2. **MINUTES**

M/S BAKER-PADILLA, and carried by unanimous voice vote, to approve the Minutes of January 6, 2016, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Conditional Use Permit #1210, initiated by ALC Architecture on behalf of SEW Enterprises, LLC, property owners. This application involves a request to construct a new 2,200-square-foot drive-thru coffee business on an approximately 1-acre parcel, located on the north side of Olive Avenue, approximately 120 feet west of M Street (645 West Olive Avenue). This parcel is located within Planned Development (P-D) #1 and has a Regional/Community Commercial (RC) General Plan designation.

Associate Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #16-05.

Public testimony was opened at 7:26 p.m.

Speaker from the Audience in Favor:

GREG AGUIRRE, El Dorado Hills, on behalf of the applicant

No one spoke in opposition to the project.

Public testimony was completed at 7:39 p.m.

After the Commissioners discussed some issues regarding the width of one of the driveways and possible elimination of a parking space to enable some widening, the Commission re-opened the public hearing to get the applicant's response to the proposed change.

Public testimony was re-opened at 7:57 p.m.

GREG AGUIRRE, El Dorado Hills, spoke on behalf of the applicant. He was concerned that the loss of any parking spaces would reduce the seating capacity. He stated it was critical to the project that the seating capacity remain at its current level. Mr. AGUIRRE also observed that a smaller driveway would have a choking effect and would keep down the speed of the traffic entering and exiting the site.

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Public testimony was completed at 8:03 p.m.

M/S PADILLA-COLBY, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #15-40, and approve Conditional Use Permit #1210, subject to the Findings and twenty-nine (29) Conditions set forth in Staff Report #16-05 (RESOLUTION #3063):

AYES: Commissioners Smoot, Smith, Baker, Dylina, Padilla, McLeod, and Chairperson Colby

NOES: None

ABSENT: None

ABSTAIN: None

5. **INFORMATION ITEMS**

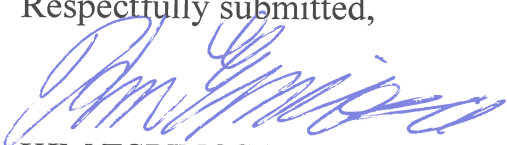
5.1 **Calendar of Meetings/Events**

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

6. **ADJOURNMENT**

There being no further business, Chairperson COLBY adjourned the meeting at 8:09 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



TRAVIS COLBY, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3063

WHEREAS, the Merced City Planning Commission at its regular meeting of February 3, 2016, held a public hearing and considered **Conditional Use Permit #1210**, initiated by ALC Architecture on behalf of SEW Enterprises, LLC, property owners. This application involves a request to construct a new 2,200-square-foot drive-thru coffee business on an approximately 1-acre parcel, located on the north side of Olive Avenue, approximately 120 feet west of M Street (645 West Olive Avenue). This parcel is located within Planned Development (P-D) #1 and has a Regional/Community Commercial (RC) General Plan designation.; also known as Assessor's Parcel No. 236-220-019 and -020; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #16-05; 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 #15-40, and approve Conditional Use Permit #1210, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Padilla, seconded by Chairperson Colby, and carried by the following vote:

AYES: Commissioners Smoot, Smith, Baker, Dylina, Padilla, McLeod,
and Chairperson Colby

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #3063

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Adopted this 3rd day of February 2016



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Conditions of Approval
Planning Commission Resolution #3063
Conditional Use Permit #1210

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (overall site plan), Exhibit 2 (focused site plan), Exhibit 3 (building elevations), and Exhibit 4 (trellis elevations) -- Attachments B, C, D, and E of Staff Report #16-05, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions") 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.
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 (with counsel selected by the City), 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 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. The developer shall work with the City Engineer to determine the requirements for storm drainage on the site. All storm water shall be captured on-site and metered into the City's storm water system. 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.
8. All driveways into the site shall meet City Standards, including handicap accessibility requirements.
9. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
10. 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, 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.
11. A backflow prevention device shall be provided for all water services (i.e., domestic, irrigation, and fire) with appropriate screening of those devices installed. Details to be worked out with staff.
12. 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 properties.
13. Parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees 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). Trees shall be installed at a ratio of at least one tree for each six parking spaces.

14. Concurrent with or prior to the submittal of a Building Permit Application, the applicant shall submit to the Development Services Department a detailed landscape plan that is consistent with the City's Water Efficient Landscaping & Irrigation Ordinance (Merced Municipal Code 17.60) and all state-mandated drought restrictions.
15. Prior to any demolition work being done (interior or exterior), the applicant shall obtain all necessary approvals from the San Joaquin Valley Air Pollution Control District and a demolition permit from the City of Merced Inspection Services Department if required.
16. Bicycle racks shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces.
17. All signing shall comply with the North Merced Sign Ordinance. As proposed, the eastern elevation would be allowed 29 square feet of signing and 24.25 square feet of signing on the southern elevation for a total of 53.25 square feet of sign area. The maximum amount of signing allowed on any building side shall not exceed 50% of the total allowable sign area or the maximum amount of sign area allowed for that side, whichever is greater, except by approval of an Administrative Conditional Use Permit. No signage (temporary or permanent) shall be allowed on the trellis over the outdoor seating area.
18. If a monument sign is proposed, any sign area allotted to the monument sign shall be deducted from the overall allowable sign area described in Condition #17. Monument signs shall comply with requirements of Merced Municipal Code Section 17.36.665. A monument sign shall not be located within the 10-foot visual corner at any driveway entrance.
19. If sufficient parking cannot be provided on the site, additional parking may be provided within 400 feet of the site. A joint parking agreement, as required by Merced Municipal Code (MMC) Section 20.58.370, shall be entered into by all parties involved and shall be recorded with the Merced County Recorder's Office per the requirements of MMC Section 20.58.400 E. If said parking agreement cannot be provided, the number of seats provided on site shall be reduced to meet the number of parking spaces provided.

20. All parking spaces shall meet City Standards. If a vehicle overhangs onto a pedestrian area, the pedestrian area shall have a minimum 4-foot clear width.
21. A Public Utilities Easement (PUE) shall be granted along the property frontage on Olive Avenue or Fairfield Drive, the applicant shall dedicate the area needed (as determined by the City Engineer) for the PUE prior to building permit issuance.
22. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or city mandated water regulations dealing with the current drought conditions.
23. The on-site landscape design shall include the use of xeriscape landscaping and avoid the use of turf as much as possible.
24. The applicant shall work with the City's Refuse Department to determine the best location for the refuse enclosure. The enclosure shall be constructed per City Standards.
25. Conditions, Covenants, and Restrictions (CC&R's) shall be recorded prior to the issuance of a building permit providing cross access to all property owners served by the existing driveways on Olive Avenue and Fairfield Drive.
26. The "order point" as shown on the site plan (Exhibit 2 – Attachment C of Staff Report #16-05) shall be moved to the west to allow more stacking room in the drive-thru aisle prior to reaching the order point.
27. The developer shall work with the City Engineering Department to design a striping plan to create two right turn lanes from Fairfield Drive onto M Street to help guide traffic into the through lanes rather than into the left turn lane at M Street and Olive Avenue as well as "Keep Clear" or "Do Not Block" markings as shown on Attachment F of Staff Report #16-05.
28. All mechanical equipment shall be screened from public view.
29. The premises shall remain clean and free of debris and graffiti at all times.

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