

CITY OF MERCED
Planning Commission

MINUTES

Merced City Council Chambers
Wednesday, March 22, 2017

Chairperson Dylina called the meeting to order at 7:02 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Bill Baker, Mary Camper, Travis Colby, Robert Dylina, Peter Padilla, Kevin Smith, and Kurt Smoot

Commissioners Absent: None

Staff Present: Planning Manager Espinosa, Planner Mendoza-Gonzalez, Chief Deputy City Attorney Fincher, and Recording Secretary Davis

1. **APPROVAL OF AGENDA**

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

2. **MINUTES**

M/S SMITH-COLBY, and carried by unanimous voice vote, to approve the Minutes of February 22, 2017, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Design Review Application #17-01, initiated by Robert DeGrasse, on behalf of Stephen G. Tinetti and Joan M. Tinetti, Trustee. This application involves a request to develop a 5,538-square-foot car wash (Prime Shine Car Wash) on a vacant 1.7-acre parcel located at 930 W. 16th Street. The subject site is generally located on the south side of W. 16th Street, approximately 525 feet east of R Street, within a General Commercial (C-G) Zone.

Commissioner PADILLA and Chairperson DYLINEA recused themselves to avoid the appearance of a potential financial conflict of interest with this project and left the dias.

Vice-Chairperson BAKER chaired the meeting in Chairperson DYLINEA'S absence.

Planner MENDOZA-GONZALEZ reviewed the report. For further information, refer to Staff Report #17-07.

Public testimony was opened at 7:18 p.m.

Speaker from the Audience in Favor:

ROBERT DEGRASSE, applicant, Modesto, CA

Public testimony was closed at 7:19 p.m.

M/S COLBY-SMITH, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #17-03, and approve Design Review #17-01, subject to the Findings and twenty-seven (27) Conditions set forth in Staff Report #17-07, (RESOLUTION #3080):

AYES: Commissioners Camper, Colby, Smith, Smoot, and Vice Chairperson Baker

NOES: None

ABSENT: None

ABSTAIN: Commissioner Padilla and Chairperson Dylina

Commissioner PADILLA and Chairperson DYLINE both returned to the dias.

4.2 2016-2017 Annual Planning Commission Attendance Report

M/S BAKER-COLBY, and carried by unanimous voice vote, to approve the Annual Planning Commission Attendance Report as submitted.

4.3 Cancellation of April 5, 2017, Planning Commission Meeting due to lack of items.

M/S SMITH-PADILLA, and carried by unanimous voice vote, to cancel the Planning Commission meeting of April 5, 2017.

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.

5.2 Welcoming of New Planning Commissioner

Chairperson DYLINE called upon the Commission to welcome their newest Commissioner, Mary Camper.

Planning Commission Minutes

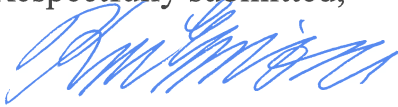
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6. **ADJOURNMENT**

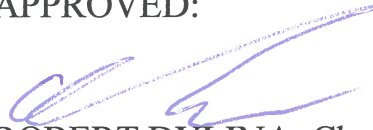
There being no further business, Chairperson DYLINA adjourned the meeting at 7:29 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



ROBERT DYLINA, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3080

WHEREAS, the Merced City Planning Commission at its regular meeting of March 22, 2017, held a public hearing and considered **Design Review #17-01**, initiated by Robert DeGrasse, on behalf of Stephen G. Tinetti and Joan M. Tinetti, Trustee. This application involves a request to develop a 5,538-square-foot car wash (Prime Shine Car Wash) on a vacant 1.7-acre parcel located at 930 W. 16th Street. The subject site is generally located on the south side of W. 16th Street, approximately 525 feet east of R Street, within a General Commercial (C-G) Zone; also known as Assessor's Parcel No. 031-173-004; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through G of Staff Report #17-07; 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 #17-03, and approve Design Review #17-01, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Baker, Camper, Colby, Smith, and Smoot

NOES: None

ABSENT: None

ABSTAIN: Commissioner Padilla and Chairperson Dylina

PLANNING COMMISSION RESOLUTION #3080

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Adopted this 22nd day of March 2017


Chairperson, Planning Commission of
the City of Merced, California

ATTEST:


Secretary

Attachment:

Exhibit A – Conditions of Approval

n:\shared\planning\PC Resolutions\DR#17-01 Prime Shine Car Wash (930 W. 16th St.)

Conditions of Approval
Planning Commission Resolution # 3080
Design Review #17-01

1. The proposed project shall be constructed/designed as shown on Attachment B (Site Plan), Attachment C (Landscape Plan), Attachment D (Floor Plan), Attachment E (Elevations), and Attachment F (Materials and Colors List) of Staff Report #17-07, except as modified by the conditions.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. The Project shall comply with all relevant conditions set forth in Resolution #574 for Lot Split Application #94-02, except as modified by the conditions of approval within this resolution.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply including, but not limited to, the California Building Code and Fire Codes.
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, 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. All 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 parcels.
8. The applicant shall work with the City’s Refuse Department to determine the exact location for a refuse enclosure. In addition, the applicant shall work with the City’s Refuse Department to determine if a recycling container will be required to comply with AB 341. If it is required, the container shall be enclosed within a refuse enclosure built to City Standards, or as otherwise approved by the Refuse Department. If the refuse enclosure is located at the southeast corner of the parcel, it shall be screened from public view with doors, which shall remain closed when not in use.
9. Notwithstanding all other conditions, all construction and improvements shall be in strict accordance with Zoning, Building, and all other codes, ordinances, standards, and policies of the City of Merced.
10. All landscaping shall be installed prior to occupancy and shall thereafter be maintained in a healthy and aesthetic manner and any damaged or missing landscaping shall be replaced immediately.
11. 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. In addition, street trees shall be planted as required by City Standards.

12. All landscaping shall be kept healthy and maintained, and any damaged or missing landscaping shall be replaced immediately.
13. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
14. The project shall comply with all City Standards for storm drainage. The developer shall work with the City Engineer to determine the requirements for storm drainage on the site. 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 and State regulations.
15. A sand and oil separator (or equivalent technology) shall be installed as required by the City's Engineering Department.
16. Parking shall be provided at a minimum ratio of one parking space for every employee working during the largest shift (at this time, it is 5 employees). An increase in the number of employees working during the largest shift shall require additional parking at the above-mentioned ratio.
17. Bicycle racks shall be provided at a minimum ratio equal to 5% of the vehicular parking spaces. The City recommends the use of an inverted "U" shaped bicycle rack.
18. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
19. 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.
20. All mechanical equipment shall be screened from public view.
21. The premises shall remain clean and free of debris and graffiti at all times.
22. The beams below the tower roofs shall be painted a color that either matches or complements the mosaic diamond façade on the north

elevation. Beam color samples shall be reviewed and approved by Planning staff during the building permit stage.

23. All signing shall comply with the City's Sign Ordinance. Building permits shall be obtained prior to installing any permanent signing. A Temporary Sign Permit shall be obtained prior to installing any temporary signs or banners. Temporary freestanding or A-frame signs are not allowed. A Design Review Permit (staff approval) shall be required for all signs.
24. The applicant shall paint or replace metal siding, canopies, and wall panels uniformly as weathering and sun exposure fades or damages this material (as determined by the Planning Manager).
25. The applicant shall work with the Engineering Department to enter into a Licensing Agreement to develop a driveway, driving aisle, and parking spaces within the 40-foot-wide sewer easement on the east side of the parcel.
26. The developer shall contact the Merced Irrigation District (MID) to review the project and determine if the project would be required to comply with any conditions applied by MID.
27. The new driveway on 16th Street shall be designed to align with P Street, or as otherwise required by the Engineering Department.

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