

**Planning Commission DRAFT Minutes Excerpt**  
**FEBRUARY 7, 2018**

- 4.2 Zoning Ordinance Amendment #18-01, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would modify the Commercial Shopping Center (C-SC) Zone to allow the following uses with a Site Plan Review Permit: Community Gardens, Colleges & Trade Schools, Commercial Recreation Indoor, Commercial Recreation Outdoor, and Drive-Through/Drive-Up Sales. In addition, the following uses would change from requiring a Conditional Use Permit to requiring a Site Plan Review Permit: Gas and Service Stations/Car Washes, Offices/Professional Uses, and Restaurants. All of these uses, except for a Community Garden, would be allowed only as part of a development that requires a grocery store of over 20,000 square feet as the main anchor to a shopping center. A Community Garden would be allowed as a temporary use until a shopping center is developed. \*PUBLIC HEARING\*

Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #18-03.

Chairperson DYLINE asked for clarification as to why so many uses were being added. Mr. MENDOZA-GONZALEZ, stated that the members of the neighborhood were supportive of the addition of these uses, such as Commercial Recreation (Outdoor/Indoor), for the purpose of providing the youth of the neighborhood with more healthy activities/opportunities.

Public testimony was opened at 7:43 p.m.

Speaker from the Audience in Favor:

JOSE REYES, Citizens for the Betterment of South Merced, Merced

No one spoke in opposition to the Project.

Public testimony was completed at 7:46 p.m.

Commissioner PADILLA objected to the 10-day notification window for Site Plan Reviews; he added that it did not provide members of the public with

sufficient time to comment. He also objected to the fact that approval of the Planning Commission would no longer be required for the uses previously listed under the C-SC Zone for Site Plan Reviews.

Planning Manager ESPINOSA clarified to the Commission that the notification window is established by CEQA, and is dependent on the type of Environmental Review that is required for the project; therefore, the length of time required could be more than 10 days.

Commissioner ALSHAMI made a motion to recommend to the City Council adoption of a Categorical Exemption regarding Environmental Review #18-01, and approval of Zoning Ordinance Amendment #18-01, as shown in Attachment B, with the exclusion of gas stations as a permitted use under the C-SC Zone.

The motion failed due to lack of a second to her motion.

Commissioner PADILLA made a motion to recommend to the City Council denial of a Categorical Exemption regarding Environmental Review #18-01, and disapproval of Zoning Ordinance Amendment #18-01, as shown in Attachment B.

The motion failed due to lack of a second to his motion.

M/S CAMPER-COLBY, and carried by the following vote, to recommend to the City Council adoption of a Categorical Exemption regarding Environmental Review #18-01, and approval of Zoning Ordinance Amendment #18-01, as shown in Attachment B, subject to the Findings set forth in Staff Report #18-03 (RESOLUTION #3089):

AYES: Commissioners Alshami, Camper, Colby, and Chairperson Dylina

NOES: Commissioner Padilla

ABSENT: Commissioner Martinez, (one vacancy)

ABSTAIN: None