



CITY OF MERCED

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

Minutes Planning Commission

Wednesday, April 7, 2021

7:00 PM

A. CALL TO ORDER

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

Clerk's note: The meeting was held via teleconference per Governor Newsom's Executive Order N-29-20 and roll call votes were taken.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner WHITE led the Pledge of Allegiance to the Flag.

B. ROLL CALL

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

The Planning Commission has one vacancy at this time.

Present: 5 - Chairperson Michael Harris, Member Robert Dylina, Member Dorothea White, Member Jose Delgadillo, and Vice Chair Mary Camper

Absent: 1 - Member Stephanie Butticci

C. ORAL COMMUNICATIONS

There were no public comments.

D. CONSENT CALENDAR

Approval of the Consent Agenda

A motion was made by Vice Chair Camper, seconded by Member Delgadillo, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 5 - Chairperson Harris
Member Dylina
Member White
Member Delgadillo
Vice Chair Camper

No: 0

Absent: 1 - Member Butticci

D.1**SUBJECT:** Planning Commission Minutes of March 17, 2021**ACTION:**

Approving and filing the Planning Commission Minutes of March 17, 2021

This Consent Item was approved.

D.2

SUBJECT: Vacation #21-02 - initiated by the City of Merced to abandon a 32-foot-wide portion of roadway, containing approximately 19,628.69 square feet of land, generally located approximately 330 feet north of Yosemite Avenue, between Mansionette Drive and Sandpiper Avenue (extended).

ACTION FINDING:

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

SUMMARY

This request is to vacate a 32-foot-wide strip of right-of-way, containing approximately 19,628.69 square feet of land, generally located approximately 330 feet north of Yosemite Avenue between Mansionette Drive and Sandpiper Avenue (extended). City staff has reviewed the need for this right-of-way and determined that a road in this location is not necessary.

RECOMMENDATION

Planning staff recommends that the Planning Commission adopt a Finding that the proposed Vacation is consistent with the General Plan.

This Consent Item was approved.

D.3**SUBJECT:** Planning Commission Annual Attendance Report**ACTION**

Reviewing and approving the Annual Attendance Report.

This Consent Item was approved.

E. PUBLIC HEARINGS AND ACTION ITEMS**E.1**

SUBJECT: Conditional Use Permit #1253, and Site Plan Review #471 initiated by Guru Ardaas, Inc., on behalf of Yosemite Village, LLC,

property owner. This application involves a request for interface approval to construct a new gas station/convenience market (with beer and wine for off-site consumption), and an automated carwash at 1295 Yosemite Avenue. The subject site is generally located at the northeast corner of Yosemite Avenue and El Redondo Drive, within Planned Development (PD) #46 with a General Plan designation of Neighborhood Commercial (CN). *PUBLIC HEARING*

ACTION:**PLANNING COMMISSION:**

Approve/Disapprove/Modify

- 1) Environmental Review #21-02 (*CEQA 15162 Findings*)
- 2) Conditional Use Permit #1253
- 3) Site Plan Review #471

SUMMARY

Guru Ardaas, Inc., is requesting approval to construct a 2,000-square-foot automated car wash, a 5,000-square-foot gas station/mini-market (with alcohol sales for off-site consumption), and a 3,340-square-foot fuel pump canopy (12 pumps) on an undeveloped lot located at northeast corner of Yosemite Avenue and El Redondo Drive (Attachment B). A conditional use permit is required to approve the gas station, a car wash, and the sale of alcohol for off-site consumption (for buildings under 20,000 square feet). Gas Stations and car washes require a Conditional Use Permit within a C-N Zone per MMC 20.10.020 and this also applies to Planned Developments with C-N General Plan designations. A Site Plan Review Permit is required for interface purposes per MMC 20.32. A Finding of Public Convenience or Necessity (adopted by City Council) is required, 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.

The subject site is located across the street from single-family homes (west side of El Redondo Drive) and adjacent to a future apartment complex that was approved by the Planning Commission in 2020. The proximity to residential requires interface approval reviewed by the Planning Commission through a Site Plan Review Permit to consider the proposal's compatibility with surrounding residential properties. Staff is recommending approval of this application subject to the conditions contained in the Staff Report.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #21-02 [*CEQA Section 15162 Findings*], Conditional Use Permit #1253, and Site Plan Review Permit #471 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 reviewed the report on this item. For further information, refer to Staff Report #21-254. (Members of the public were given the opportunity to leave voice mail messages as well prior to the meeting. One was received from JOEL MOSES and was in opposition to the project).

Public testimony was opened at 7:19 PM

Speakers Via Teleconference in Favor:

Inder Singh, Applicant, FAIRFIELD

Julio Tinajero, Designer for Applicant, YUBA CITY

Speakers Via Teleconference in Opposition:

Joel Moses (voicemail)

Recording Secretary GATES played the voicemail noted above.

Public testimony was closed at 7:26 PM

A motion was made by Member Delgadillo, seconded by Member White, and carried by the following vote, to find the previous Environmental Review (Initial Study #06-58 for General Plan Amendment #06-17) remains sufficient and no further documentation is required (CEQA Section 15162 Findings) and approve Conditional Use Permit #1253 and Site Plan Review #471, subject to the Findings and Conditions set forth in Staff Report #21-254 (RESOLUTION #4062).

Aye: 5 - Chairperson Harris
Member Dylina
Member White
Member Delgadillo
Vice Chair Camper

No: 0

Absent: 1 - Member Butticci

F. INFORMATION ITEMS

F.1 **SUBJECT: Report by Planning Manager of Upcoming Agenda Items****ACTION**

Information only.

Planning Manager Espinosa described upcoming items for future agendas.

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

Apr. 5 City Council, 6:00 p.m. **(May be by Teleconference)**
7 Planning Commission, 7:00 p.m. **(By Teleconference)**
19 City Council, 6:00 p.m. **(May be by Teleconference)**
21 Planning Commission, 7:00 p.m. **(By Teleconference)**
27 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. **(By Teleconference)**
May 3 City Council, 6:00 p.m. **(May be by Teleconference)**
5 Planning Commission, 7:00 p.m. **(By Teleconference)**
17 City Council, 6:00 p.m. **(May be by Teleconference)**
19 Planning Commission, 7:00 p.m. **(By Teleconference)**

G. ADJOURNMENT

Clerk's Note: The Regular Meeting adjourned at 7:35 PM

A motion was made by Member White, seconded by Member Delgadillo, to adjourn the Regular Meeting. The motion carried by the following vote:

Aye: 5 - Chairperson Harris
 Member Dylina
 Member White
 Member Delgadillo
 Vice Chair Camper

No: 0

Absent: 1 - Member Butticci

CITY OF MERCED
Planning Commission

Resolution #4062

WHEREAS, the Merced City Planning Commission at its regular meeting (held via teleconference) of April 7, 2021, held a public hearing and considered **Conditional Use Permit #1253, and Site Plan Review #471**, submitted by Guru Ardaas, Inc. for Yosemite Village, LLC, property owner. This application involves a request for interface approval to construct a new gas station/convenience market (with beer and wine for off-site consumption), and an automated carwash at 1295 Yosemite Avenue. The subject site is generally located at the northeast corner of Yosemite Avenue and El Redondo Drive, within Planned Development (PD) #46 with a General Plan designation of Neighborhood Commercial (CN); said property being more particularly described as Lot 120 as shown on that certain Parcel Map entitled “Sunrise at Compass Pointe,” recorded in Volume 60, Page 13 of Merced County Records; also known as Assessor’s Parcel Number (APN) 206-070-001; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through O (Exhibit B) of Staff Report #21-254; and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E) and Site Plan Review Permits in Merced Municipal Code Section 20.68.050 (F), and other Considerations as outlined in Exhibit B; 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 CEQA 15162 Findings regarding Environmental Review #21-02, and approve Conditional Use Permit #1253, and Site Plan Review #471, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

Upon motion by Commissioner Delgadillo, seconded by Commissioner White, and carried by the following vote:

AYES: Commissioners Camper, Delgadillo, Dylina, White, and Chairperson Harris
NOES: None
ABSENT: Commissioner Butticci
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4062

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April 7, 2021

Adopted this 7th day of April, 2021

Michael Harris

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Kim Espinosa

Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings