



Legislation Details (With Text)

File #:	24-551	Version:	1	Name:	
Type:	Public Hearing Item	Status:		Agenda Ready	
File created:	5/28/2024	In control:		City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	
On agenda:	6/17/2024	Final action:			

Title: SUBJECT: Public Hearing - General Plan Amendment #23-05, Zone Change #434, Establishment of Planned Development (P-D) #81, and Appeal of the Planning Commission's Denial of Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02. This Request is Initiated by United Security Company, LLC, on Behalf of Nicholas Mary Lee, Trustee, Property Owner, for Approximately 3.50 Acres at 470 E. Olive Avenue; the General Plan Amendment Would Change the General Plan Land Use Designation from Low-Medium Density Residential (LMD) to Business Park (BP). The Zone Change Would Allow the Establishment of the Planned Development to Change the Land Use from Low Medium Density Residential (R-2) to "Self-Storage." The Conditional Use Permit Would Allow a Live/Work Unit for an Onsite Manager for the Self-Storage Facility. The Site Plan Review Permit Would Allow the Development of a Self-Storage Facility (Approximately 681 Storage Units) with Long-Term Boat and Recreational Vehicle Parking Spaces. The Minor Use Permit Would be for Interface Review to Allow Commercial Development Adjacent to or Across from a Low Density Residential (R-1-6) Zone

REPORT IN BRIEF

Based on City Council direction from the City Council Meeting of May 20, 2024, staff has prepared a resolution approving General Plan Amendment #23-05 and Environmental Review #23-45 (Mitigated Negative Declaration), and an Ordinance approving Zone Change #434 to allow the Establishment of Planned Development (P-D) #81 for a self-storage facility with boat and recreational vehicle parking. Staff has also prepared a resolution approving the appeal of the Planning Commission's denial of Conditional Use Permit #1276, Site Plan Review Permit #538, Minor Use Permit #24-02, and Environmental Review #23-45 (Mitigated Negative Declaration). The subject site is a 3.50-acre parcel located at 470 E. Olive Avenue, within northeast Merced.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting Resolution 2024-66, A Resolution of the City Council of the City of Merced, California, approving Environmental Review #23-45 (Mitigated Negative Declaration) for General Plan Amendment #23-05 and Establishment of Planned Development (P-D) #81 for approximately 3.50 acres of land generally located on the south side of Olive Avenue, approximately 500 feet west of Oleander Avenue, and approving General Plan Amendment #23-05 for the same property changing the General Plan designation from Low-Medium Density Residential (LMD) to Business Park (BP); and,
- B. Introducing Ordinance 2564, An Ordinance of the City Council of the City of Merced, California, approving Zone Change #434 to allow the Establishment of Planned Development (P-D) #81 changing the land use designation from Low Medium Density Residential (R-2) to "Self-Storage" for an approximately 3.50-acre parcel generally located on the south side of Olive Avenue, approximately 500 feet west of Oleander Avenue; and,
- C. Approving the Legislative Action Agreement and authorizing the City Manager to execute the necessary documents; and,
- D. Adopting Amendments to Planning Commission Resolution #4130, approving the appeal of the

Planning Commission's denial of Conditional Use Permit #1276, Site Plan Review Permit #538, Minor Use Permit #24-02, and Environmental Review #23-45 (Mitigated Negative Declaration) for 470 E. Olive Avenue, generally located on the south side of Olive Avenue, approximately 500 feet west of Oleander Avenue.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Location Map.pdf, 2. Proposed Land Use Changes, 3. Site Plan.pdf, 4. Floor Plans.pdf, 5. Elevations.pdf, 6. Development Standards.pdf, 7. Planning Commission Resolutions #4129 and #4130.pdf, 8. Administrative Report #24-364 (from Council Meeting of 5-20-2024), 9. Initial Study (Mitigated Negative Declaration), 10. Resolution 2024-66, 11. Draft Ordinance 2564, 12. Legislative Action Agreement, 13. Planning Commission Resolution 4130, 14. Presentation

Date	Ver.	Action By	Action	Result
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Report Prepared by: Francisco Mendoza-Gonzalez, Senior Planner, Development Services Department

SUBJECT: Public Hearing - General Plan Amendment #23-05, Zone Change #434, Establishment of Planned Development (P-D) #81, and Appeal of the Planning Commission's Denial of Conditional Use Permit #1276, Site Plan Review Permit #538, and Minor Use Permit #24-02. This Request is Initiated by United Security Company, LLC, on Behalf of Nicholas Mary Lee, Trustee, Property Owner, for Approximately 3.50 Acres at 470 E. Olive Avenue; the General Plan Amendment Would Change the General Plan Land Use Designation from Low-Medium Density Residential (LMD) to Business Park (BP). The Zone Change Would Allow the Establishment of the Planned Development to Change the Land Use from Low Medium Density Residential (R-2) to "Self-Storage." The Conditional Use Permit Would Allow a Live/Work Unit for an Onsite Manager for the Self-Storage Facility. The Site Plan Review Permit Would Allow the Development of a Self-Storage Facility (Approximately 681 Storage Units) with Long-Term Boat and Recreational Vehicle Parking Spaces. The Minor Use Permit Would be for Interface Review to Allow Commercial Development Adjacent to or Across from a Low Density Residential (R-1-6) Zone

REPORT IN BRIEF

Based on City Council direction from the City Council Meeting of May 20, 2024, staff has prepared a resolution approving General Plan Amendment #23-05 and Environmental Review #23-45 (Mitigated Negative Declaration), and an Ordinance approving Zone Change #434 to allow the Establishment of Planned Development (P-D) #81 for a self-storage facility with boat and recreational vehicle parking. Staff has also prepared a resolution approving the appeal of the Planning Commission's denial of Conditional Use Permit #1276, Site Plan Review Permit #538, Minor Use Permit #24-02, and Environmental Review #23-45 (Mitigated Negative Declaration). The subject site is a 3.50-acre parcel located at 470 E. Olive Avenue, within northeast Merced.

RECOMMENDATION

City Council - Adopt a motion:

A. Adopting **Resolution 2024-66**, A Resolution of the City Council of the City of Merced, California, approving Environmental Review #23-45 (Mitigated Negative Declaration) for General Plan Amendment #23-05 and Establishment of Planned Development (P-D) #81 for approximately 3.50

acres of land generally located on the south side of Olive Avenue, approximately 500 feet west of Oleander Avenue, and approving General Plan Amendment #23-05 for the same property changing the General Plan designation from Low-Medium Density Residential (LMD) to Business Park (BP); and,

B. Introducing **Ordinance 2564**, An Ordinance of the City Council of the City of Merced, California, approving Zone Change #434 to allow the Establishment of Planned Development (P-D) #81 changing the land use designation from Low Medium Density Residential (R-2) to “Self-Storage” for an approximately 3.50-acre parcel generally located on the south side of Olive Avenue, approximately 500 feet west of Oleander Avenue; and,

C. Approving the Legislative Action Agreement and authorizing the City Manager to execute the necessary documents; and,

D. Adopting Amendments to **Planning Commission Resolution #4130**, approving the appeal of the Planning Commission’s denial of Conditional Use Permit #1276, Site Plan Review Permit #538, Minor Use Permit #24-02, and Environmental Review #23-45 (Mitigated Negative Declaration) for 470 E. Olive Avenue, generally located on the south side of Olive Avenue, approximately 500 feet west of Oleander Avenue.

ALTERNATIVES

1. Approve, as directed by the City Council; or,
2. Approve subject to modifications as conditioned by City Council; or,
3. Deny; or,
4. Refer back to staff for reconsideration of specific items (to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

Title 19 of the Merced Municipal Code outlines environmental review procedures and California Government Code Section 65358(a) grants authority to amend all or part of an adopted General Plan. The legislative body may amend zoning designations pursuant to California Government Code Section 65583. Merced Zoning Ordinance Section 20.20.020 grants the City Council authority to approve Planned Developments.

City of Merced Zoning Ordinance Section 20.74 - Appeals addresses the procedure for appealing a decision made by the Planning Commission.

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

The applicant is requesting approval for a land use change to allow a self-storage facility with boat and recreational vehicle parking for a 3.50-acre parcel located at 470 E. Olive Avenue. This request was originally denied by the Planning Commission during their Meeting of May 3, 2024. Additional information about that denial can be found under the “Planning Commission Action” section of this report. After the denial, the applicant filled an appeal to the City Council.

During the City Council Meeting of May 20, 2024, the City Council reviewed this request and directed

staff to prepare a resolution approving the appeal of the Planning Commission's denial of Conditional Use Permit (CUP) #1276, Site Plan Review Permit (SP) #538, Minor Use Permit (MUP) #24-02, and Environmental Review (ERC) #24-15 (Mitigated Negative Declaration) by a vote of 4-1. The City Council also directed staff to prepare a resolution approving General Plan Amendment (GPA) #23-05 and ERC #23-45 (Mitigated Negative Declaration), and an ordinance approving Zone Change (ZC) #434, Establishment of Planned Development (P-D) #81, and ERC #23-45 (Mitigated Negative Declaration) by a vote of 4-1.

During their discussion, the City Council acknowledged that there is a need for self-storage facilities in town, and that many jobs would be created during construction and operation of the self-storage facility. The Council also noted that with the pending annexations around the University of California, Merced, campus and other parts of the City, there could soon be more land for housing projects to make up for the residential land lost with this land use change.

Project Description

The subject site is a 3.50-acre parcel located within the northeast quadrant of the City at 470 E. Olive Ave (Attachment 1). The subject site is located on the south side of Olive Avenue, approximately 500 feet west of Oleander Avenue. The applicant is requesting to change the General Plan land use designation from Low Medium Density Residential (LMD) to Business Park (BP), and to change the Zoning classification from Low Medium Density Residential (R-2) to Planned Development (P-D) #81, with a land use designation of "self storage". The Site Plan Review permit would allow the development of a self-storage facility with approximately 681 storage units, and a long-term boat and recreational vehicle parking facility with approximately 74 spaces. The Conditional Use Permit would allow one live/work unit for an onsite manager. The Minor Use Permit is required for interface review of commercial development adjacent to or across from a Low Density Residential (R-1-6) Zone. The applicant has provided a site plan (Attachment 3), floor plans (Attachment 4), elevations (Attachment 5), and development standards (Attachment 6) for this proposal. Additional information regarding the project can be found in Attachment 8, the administrative report from the May 20, 2024, Council meeting.

Environmental Review

The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA) and concluded that Environmental Review #23-45 results in a Mitigated Negative Declaration as the proposal would have an effect on the environment but could be mitigated with certain measures and does not require the preparation of an Environmental Impact Report. A copy of the Initial Study with a Mitigated Negative Declaration and Mitigation Monitoring Program can be found at Attachment 9.

Planning Commission Action

The Planning Commission reviewed this proposal during the Planning Commission Meeting of April 3, 2024. The applicant's representative spoke in favor of the project and one resident representing the Christian Life Center (adjacent east of the subject site) spoke against the project. At the meeting, the Planning Commission expressed concerns about the loss of land available for housing, traffic congestion concerns (especially with boats and recreational vehicles coming in and out of the site), and neighborhood compatibility.

After the public hearing, the Planning Commission voted to recommend denial to the City Council of the proposed General Plan Amendment, Zone Change, and Establishment of Planned Development unanimously by a vote of 7-0-0 (refer to Planning Commission Resolution #4129 at Attachment 7). In addition, the Planning Commission denied the Conditional Use Permit, Site Plan Review Permit, and Minor Use Permit by the same vote. On April 8, 2024, the applicant appealed the Planning Commission's action.

City Council Action

Per the Council's direction on May 20, 2024, staff has included the Resolution at Attachment 10 approving the Environmental Review and General Plan Amendment; the Ordinance at Attachment 11 approving the Zone Change; the Resolution at Attachment 13 approving the appeal of the Planning Commission's denial of the Conditional Use Permit, Site Plan Review Permit, and Minor Use Permit; and the Legislative Action Agreement at Attachment 12 for City Council's consideration.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed. This property will be required to be part of the City's Community Facilities District (CFD) for Services and would pay all applicable Public Facilities Impact Fees.

ATTACHMENTS

1. Location Map
2. Proposed Land Use Changes
3. Site Plan
4. Floor Plan
5. Elevations
6. Development Standards
7. Planning Commission Resolutions #4129 and #4130
8. Administrative Report #24-364 (from Council Meeting of 5-20-2024)
9. Initial Study (Mitigated Negative Declaration)
10. Resolution 2024-66
11. Draft Ordinance 2564
12. Legislative Action Agreement
13. Planning Commission Resolution 4130
14. Presentation