



## Legislation Text

---

**File #:** 19-629, **Version:** 1

---

*Report Prepared by: Julie Nelson, Associate Planner, Development Services*

**SUBJECT:** Adoption of Resolution Denying the Appeal Filed by Joe Englanoff on Behalf of Merced Holdings, L.P. of the Planning Commission's Decision to Deny Conditional Use Permit #1231 to Allow the Construction of 428 Efficiency Dwelling Units and 18,000 Square Feet of Retail at the Southeast Corner of Yosemite Avenue and McKee Road

### REPORT IN BRIEF

Provides Resolution for adoption to deny the appeal filed by Joe Englanoff, on behalf of Merced Holdings, L.P., of the Planning Commission's denial of Conditional Use Permit #1231 per City Council direction on October 7, 2019.

### RECOMMENDATION

**City Council** - Adopt a motion adopting **Resolution 2019-75**, a Resolution of the City Council of the City of Merced, California, denying an appeal by Joe Englanoff on behalf of Merced Holdings, L.P., concerning the action of the Planning Commission resulting in the denial of Conditional Use Permit #1231, and making certain findings in connection therewith.

### ALTERNATIVES

1. Approve the resolution; or
2. Refer back to staff for reconsideration of specific items as requested by Council; or,
3. Continue item to a future Council meeting (date and time to be specified in City Council motion).

### AUTHORITY

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

### DISCUSSION

#### Summary

On October 7, 2019, the City Council held a duly noticed public hearing concerning the appeal of Conditional Use Permit #1231 for a mixed-use project including 428 Efficiency Dwelling Units (EDU's) and 18,000 square feet of commercial space at the southeast corner of Yosemite Avenue and McKee Road (Attachments 1 and 2).

At the public hearing, the City Council heard testimony from Joe Englanoff, applicant for Merced Holdings, L.P., property owner, in support of granting the appeal and approving CUP #1231. Additional testimony was provided from property owners neighboring the site and community members in opposition to the project.

After the public hearing, the City Council directed staff to prepare Findings to deny the appeal and uphold the Planning Commission decision. The attached Resolution sets forth those Findings based on the discussion and direction by the City Council on October 7, 2019 (refer to Exhibit C of the Draft Resolution at Attachment 3.)

## **ATTACHMENTS**

1. Location Map
2. Site Plan
3. Draft Resolution Denying the Appeal of CUP #1231