



## Legislation Text

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File #: 18-490, Version: 1

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*Report Prepared by: Julie Nelson, Associate Planner, Planning Department*

**SUBJECT:** Continued Public Hearing - Annexation and Pre-Zoning Application #15-01, General Plan Amendment #15-04, and Pre-Annexation Development Agreement, Initiated by Louann Bianchi, and Quad LLC, Property Owners

### REPORT IN BRIEF

Consider approval of the proposed annexation of 8.83 acres of land generally located at the northwest and southwest corners of North Highway 59 and Santa Fe Drive, along with changes in the General Plan designation, pre-zoning, and approval of a Pre-Annexation Development Agreement.

### RECOMMENDATION

**City Council** - Adopt a motion:

A. Approving **Resolution 2018-60**, a Resolution of the City Council of the City of Merced, California, approving a Mitigated Negative Declaration for Annexation #15-01, Pre-Zoning Application #15-01, and General Plan Amendment #15-04 for 7.83 acres of land generally located at the northwest corner of North Highway 59 and Santa Fe Drive and 1.0 acre of land generally located at the southwest corner of North Highway 59 and Santa Fe Drive and approving General Plan Amendment #15-05 for the 7.83 acres of land generally located at the northwest corner of North Highway 59 and Santa Fe Drive changing the General Plan land use designation from Open Space (OS) to Thoroughfare Commercial (CT); and,

B. Approving **Resolution 2018-61**, a Resolution of the City Council of the City of Merced, California, to the Local Agency Formation Commission for the annexation of uninhabited property located at the northwest and southwest corners of North Highway 59 and Santa Fe Drive, as described herein; and,

C. Introducing **Ordinance 2494**, an Ordinance of the City Council of the City of Merced, California, amending the official zoning map by Pre-zoning land generally located at the northwest corner of North Highway 59 and Santa Fe Drive as Thoroughfare Commercial (C-T) and the land generally located at the southwest corner of North Highway 59 and Santa Fe Drive as Light Industrial (I-L); and,

D. Introducing **Ordinance 2495**, an Ordinance of the City Council of the City of Merced, California, approving a Pre-Annexation Development Agreement between the City of Merced and Lou Ann Bianchi for the Highway 59 and Santa Fe Annexation.

### ALTERNATIVES

1. Approve the request as recommended by the Planning Commission and staff; or,

2. Approve subject to modifications as conditioned by the City Council; or,
3. Deny the request; or,
4. Refer back to staff for reconsideration of specific items (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**

The State of California's Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, outlines the procedures governing the annexation of uninhabited territory to local jurisdictions. Title 19 of the Merced Municipal Code outlines environmental review procedures and Title 20 of the Merced Municipal Code (Zoning) regulates the use of land within the Thoroughfare Commercial (C-T) zone. Pre-annexation development agreements are authorized by Government Code Section 65864 *et seq.* and Merced Municipal Code Section 20.86.150.

## **DISCUSSION**

### Project Description

This a request to annex and pre-zone approximately 8.83 acres of land generally located at the northwest and southwest corners of North Highway 59 and Santa Fe Drive (Attachment 1). The proposal also includes a General Plan Amendment for the northwest corner of North Highway 59 and Santa Fe Drive to change the General Plan land use designation from Open Space (OS) to Thoroughfare Commercial (CT). The proposed pre-zoning designations would be Light Industrial (I-L) for the southwest corner which is consistent with the current General Plan designation, and Thoroughfare Commercial (C-T) for the northwest corner which would be consistent with the General Plan designation if the proposed General Plan Amendment is approved.

The annexation area is bounded by and includes Black Rascal Creek to the north, the Burlington Northern Santa Fe (BNSF) Railroad to the south, and North Highway 59 to the east. Vacant county land is located to the west of the annexation area. The annexation area is divided by Santa Fe Drive splitting the northern portion of the annexation area (7.83 acres) from the southern portion (1.0 acre). The property located at the southwest corner of North Highway 59 and Santa Fe Drive (3065 N. Hwy 59) is developed with a wholesale/retail business (Horizon). The 7.83 acres of land at the northwest corner of North Highway 59 and Santa Fe are currently vacant. The vacant land is comprised of two separate parcels - Assessor's Parcel Number (APN): 057-200-067 contains 7.4 acres and APN: 057-200-029 contains 0.43 acres.

### City Council Meeting of September 17, 2018

On September 17, 2018, the City Council heard this item and held a duly noticed public hearing. At that meeting, the Council expressed concern with Mitigation Measure (MMD) TRA-1 which requires a traffic signal be installed at the western driveway of the project site. Mitigation Measure TRA-1 requires the traffic signal be installed when warrants are met and as determined to be needed by the City Engineer. The mitigation measure does not require the traffic signal to be installed with the first phase of construction which includes the gas station, mini-market, carwash, fast-food restaurant, and coffee kiosk located at the southeast corner of the site (refer to the revised site plan at Attachment 2). It is unlikely that the signal would be required with the first phase of development.

At the meeting staff explained that the traffic signal at the western driveway would be required to be synchronized with the traffic signal at the intersection of North Highway 59 and Santa Fe Drive/Olive Avenue. The synchronization would allow vehicles to stop and go at the same time through both lights preventing stacking between and through the intersections. The Council determined this requirement should be in the form of a condition to ensure the project is designed and constructed in this way. If the City Council wants to require the traffic signal be included with the first phase, then a condition stating so would also need to be applied.

An additional concern was with the eastern driveway. The plans indicated that the eastern driveway would allow right-turn in/out movements. However, the applicant stated they had agreed to a right-turn in only driveway at this location. Staff and Council agreed that this requirement should be memorialized in a condition.

The Council also asked for an updated site plan showing the proposed changes to the driveway and the required mitigation measures modifying Santa Fe Drive and North Highway 59. The applicant has provided a revised site plan showing the eastern driveway as an entrance only driveway (Attachment 2). City staff is working on a plan to show the off-site mitigation measures. This plan will be provided at the meeting. It should be noted that some of the mitigation measures are not required with the first phase of construction or the applicant is only required to pay a share of the improvements

In response to the above concerns, staff provided the following additional conditions of approval for this project:

- 27) The traffic signal at the western driveway and Santa Fe Drive, when warranted and required by the City Engineer, shall be synchronized with the traffic signal at the intersection of North State Highway 59 and Santa Fe Drive/Olive Avenue so as to ensure traffic stops and goes through both signals simultaneously.
- 28) The eastern driveway shall be an entrance-only drive way, allowing only right turns into the site.

If approved, these conditions would be incorporated into Planning Commission Resolution #3095.

The previous Administrative Report prepared for the September 17, 2018, meeting is available at Attachment 3, with the Pre-Annexation Development Agreement, Draft Resolutions and Ordinances deleted (Attachments 11 through 15 of Administrative Report #18-324). These documents have been replaced in Administrative Report 18-490 as follows:

- Pre-Annexation Development Agreement - Attachment 1 of Draft Ordinance 2495 at Attachment 7
- The Draft Resolutions and Ordinances are found at Attachments 4 through 7.

### City Council Action

The Planning Commission and Planning Staff recommend approval of Environmental Review #15-36, an application to LAFCo regarding Annexation and Pre-Zoning Applications #15-01, and General Plan Amendment #15-04. In order for the Council to approve these items, a motion should be made to adopt the Resolutions at Attachments 4 and 5 and introduce the Ordinances at Attachments 6 and

7.

## **ATTACHMENTS**

1. Location Map
2. Revised Site Plan
3. Administrative Report 18-324
4. Draft Resolution 2018-60, including the proposed additional conditions
5. Draft Resolution 2018-61
6. Draft Ordinance 2494
7. Draft Ordinance 2495
8. Presentation