



## Legislation Text

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**File #:** 19-359, **Version:** 1

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

**SUBJECT:** Public Hearing and Adoption of Resolution Denying the Appeal of the Planning Commission's Decision to Grant a One-Year Extension to Bright Development for Vesting Tentative Subdivision Map #1291 for the Subdivision Involving 39.8 Acres Generally Located on the East Side of G Street at Merrill Place (Extended)

### REPORT IN BRIEF

Provides Resolution for adoption to deny the appeal filed by BP Investors, LLC, Leeco, LLC, Exposition Properties, LLC and Rick Telegan, as adjacent landowners of the Planning Commission's decision to approve a one-year extension for Vesting Tentative Subdivision Map (VTSM) #1291 per City Council direction on June 3, 2019.

### RECOMMENDATION

**City Council** - Adopt a motion approving **Resolution 2019-38**, A Resolution of the City Council of the City of Merced, California, denying an appeal by BP Investors, LLC; Leeco, LLC; and Exposition Properties, LLC, concerning the action of the Planning Commission resulting in the approval of the extension of Vesting Tentative Subdivision Map #1291 (Modified) for Bright Development, which extended the expiration date of the Vesting Tentative Subdivision Map to January 16, 2020.

### 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 June 3, 2019, the City Council held a duly noticed public hearing concerning the appeal of the Planning Commission's decision to approve the extension of Vesting Tentative Subdivision Map (VTSM) #1291 for Bright Development (Attachment 2). The Planning Commission's action extended the map to January 16, 2020.

At the public hearing, the City Council heard testimony from Rick Telegan, appellant for BP Investors,

LLC; Leeco, LLC; and Exposition Properties, LLC. Testimony was also provided by Mark Beisswanger, representative for Bright Development.

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

### City Council Action

The City Council should open a public hearing and hear any additional testimony on this matter. Once the public hearing is closed, the City Council should adopt the Resolution at Attachment 3, thereby denying the appeal and upholding the Planning Commission's decision to grant a one-year extension of VTSM #1291 for Bright Development. However, if after hearing the additional testimony, the Council determines they wish to uphold the appeal, the Council should provide that direction to staff along with Findings to support the upholding of the appeal and continue the public hearing to a specified date to allow time for staff to prepare a revised resolution with Findings to uphold the appeal.

### **ATTACHMENTS**

1. Location Map
2. Vesting Tentative Subdivision Map #1291 - Modified
3. Draft City Council Resolution to Deny Appeal
4. Opposition Letter from BP Investors