



## Legislation Details

**File #:** 23-035      **Version:** 1      **Name:**  
**Type:** Public Hearing Item      **Status:** Agenda Ready  
**File created:** 12/28/2022      **In control:** Planning Commission  
**On agenda:** 1/18/2023      **Final action:** 1/18/2023  
**Title:** SUBJECT: Conditional Use Permit #1268 and Site Plan Review #506, initiated by Circle K Stores, Inc., on behalf of Ashley Investments, LLC, property owner. This application involves a request to construct a new gas station/convenience market with tobacco sales, and beer and wine sales for off-site consumption at the southwest corner of R Street and Loughborough Drive. The subject site is located within Planned Development (PD) #8 with a General Plan designation of Regional/Community Commercial (RC). \*PUBLIC HEARING\*

**ACTION:** Approve/Disapprove/Modify  
1) Environmental Review #22-45 (Categorical Exemption)  
2) Conditional Use Permit #1268  
3) Site Plan Review #506

### SUMMARY

Circle K Stores, Inc., is requesting approval to construct an approximate 3,700-square-foot gas station/mini-market (with tobacco sales and alcohol sales for off-site consumption), and an approximate 2,592-square-foot fuel pump canopy (8 pumps) on a pending outparcel located at the southwest corner of R Street and Loughborough Drive (Attachment B). A site plan review permit is required for new developments within this Planned Development, and for gas stations with a land use designation of Regional/Community Commercial (RC). The RC designation also requires a conditional use permit for the sale of tobacco products/paraphernalia within 600 feet of a public park, and alcohol for off-site consumption (for buildings under 20,000 square feet) per MMC 20.10.020. A Finding of Public Convenience or Necessity (adopted by City Council) is also required for alcohol sales 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. Staff is recommending approval of this application subject to the conditions.

### RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #22-45 [Categorical Exemption], Conditional Use Permit #1268, and Site Plan Review Permit #506, including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Attachment A - Draft PC Resolution.pdf, 2. Attachment B - Location Map.pdf, 3. Attachment C - Site Plan.pdf, 4. Attachment D - Floor Plan.pdf, 5. Attachment E - Elevations.pdf, 6. Attachment F - Landscape Plans.pdf, 7. Attachment G - City Wide Hot Spot Map.pdf, 8. Attachment H - Incident Map.pdf, 9. Attachment I - Categorical Exemption.pdf, 10. Attachment J - Presentation.pdf

Date	Ver.	Action By	Action	Result
1/18/2023	1	Planning Commission	approved	Pass