



Legislation Text

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SUBJECT: Public Hearing - General Plan Amendment #14-06 and Zone Change #421 for the Southeast Corner of Yosemite Avenue and McKee Road

REPORT IN BRIEF

Request to change the General Plan designation from Low Density Residential (LD) to Neighborhood Commercial (CN) and to change the Zoning from R-1-6 to Neighborhood Commercial (C-N) for two parcels located at the southeast corner of Yosemite Avenue and McKee Road.

RECOMMENDATION

City Council - Adopt a Motion

- A. Adopting **Resolution 2015-34**, a Resolution of the City Council of the City of Merced, California, approving a Mitigated Negative Declaration for General Plan Amendment #14-06 and Zone Change #421 for two parcels containing approximately 5.42 acres located at the southeast corner of Yosemite Avenue and McKee Road; and approving General Plan Amendment #14-06 for the same two parcels changing the General Plan Designation from Low Density Residential (LD) to Neighborhood Commercial (CN); and,
- B. Introducing **Ordinance 2447**, an Ordinance of the City Council of the City of Merced, California, amending the Official Zoning Map by rezoning an approximately 5.42 acre parcel located at the southeast corner of Yosemite Avenue and McKee Road from R-1-6 to Neighborhood Commercial (C-N); and,
- C. Approving the Developer Agreement and Authorizing the City Manager to execute the necessary documents.

ALTERNATIVES

1. Approve, with Site Plan Option #1 (the Planning Commission recommended Site Plan Option #2); or,
2. Approve subject to modifications as conditioned by the City Council; or,
3. Deny; 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

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 the zoning pursuant to California Government Code Section 65853.

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

The project site is located at the southeast corner of Yosemite Avenue and McKee Road (Attachment 1). The site is comprised of two parcels totaling 5.42 acres. The property is currently zoned for single-family residential uses (R-1-6). Currently, a single-family dwelling exists on each parcel (Attachment 2). Both these dwellings are currently vacant and in a state of disrepair. The applicant is requesting a change to the General Plan designation from Low Density Residential (LD) to Neighborhood Commercial (CN) and a change to the zoning from R-1-6 to Neighborhood Commercial (C-N) (Attachment 3). If approved, the property owner plans to construct an approximately 62,000 square-foot shopping center. A preliminary site plan can be found at Attachment 4. A second site plan (Option #2) is provided at Attachment 5.

Site Plan Option #2 changes the access to Yosemite Avenue by eliminating a service road shown on Option #1 and extending Whitewater Way through to Yosemite Avenue. More details regarding these options are found later in this report. The Planning Commission recommended approval of Site Plan Option #2.

The Merced 2030 General Plan defines the Neighborhood Commercial (CN) designation as follows:

To provide sites for retail shopping areas, primarily in shopping centers, containing a wide variety of businesses including retail stores, eating and drinking establishments, commercial recreation, auto services, etc., to serve residential neighborhoods.

Uses allowed as “permitted uses” within a Neighborhood Commercial (C-N) zone include, retail stores, barber and beauty shops, professional offices, restaurants (not including entertainment or dancing or sale of alcohol - alcohol could be allowed with a Conditional Use Permit), licensed massage establishments, tanning salons, and nail salons.

Conditional Uses allowed within a C-N zone include an auto service station, carwash, fast-food restaurants, convenience market with gasoline sales, restaurant or café which includes the sale of alcoholic beverages for on-site consumption, and retail businesses of 20,000 square feet or less selling alcoholic beverages for off-site consumption. A complete listing of all permitted and conditional uses as well as additional information on the Neighborhood Commercial zone is found at Attachment 6.

Background

The project site was annexed to the City in 2003 as part of the Hunt Farms Annexation. There are two existing homes on the site (one on each parcel). These homes have been vacant for quite some time and are in a state of disrepair. In addition to the homes, there are some accessory structures on the site. Both the homes and the accessory structures would be demolished prior to construction of the future shopping center.

Traffic/Circulation

The project site is located at the southeast corner of Yosemite Avenue and McKee Road. Yosemite Avenue, east of Parsons, is designated as a "Special Street Section" in the Merced Vision 2030 General Plan. As such, the ultimate right-of-way for this road is 94 feet. McKee Road is a Collector Road with an ultimate right of way of 74 feet. The project would have access from Yosemite Avenue, McKee Road, and Whitewater Way (a local road). The change to the General Plan and Zoning designations would not in and of itself affect the traffic in the area. However, the future construction of the shopping center would impact the traffic flow. Therefore, a traffic study was required to analyze the potential impacts caused by the future construction of the shopping center. Below is information regarding the proposed shopping center design and results of the traffic study (Attachment 7).

Yosemite Avenue Access

The primary access on Yosemite Avenue would be a driveway that is located approximately 320 feet east of the intersection of Yosemite Avenue and McKee Road (Attachments 4 and 5). This driveway would provide right in/right out access only. A median currently exists in Yosemite Avenue along the project frontage.

The applicant has provided two options for a second access on Yosemite Avenue near the eastern edge of the property. Option #1 includes access to a one-way only service road to allow vehicles to enter the site and go southbound. The service road would then turn to the west and go behind Building 1 and exit onto McKee Road (refer to the site plan at Attachment 4). This option maintains the current roadway design within the Moraga Subdivision to the east of the project site (Attachment 8).

Option #2 would be to extend and open Whitewater Way to Yosemite Avenue allowing right turns off of Yosemite Avenue and then a right turn into the site from Whitewater Way. See the site plan at Attachment 5. This option would change the current roadway design within the Moraga subdivision allowing right-turn only access into the subdivision from Yosemite Avenue at Whitewater Way.

McKee Road Access

The primary access on McKee Road would be through a driveway located approximately 195 feet south of the intersection of Yosemite Avenue and McKee Road. This driveway would allow both left and right turning movements. The service road exit is located approximately 85 feet south of the primary driveway on McKee Road. This would be an exit only driveway, but would allow both left and right turns onto McKee Road.

Whitewater Way Access

Access to the project site from Whitewater Way would be located approximately 195 feet south of Yosemite Avenue and would align with the driveway entrance on McKee Road. The location of this entrance would not be significantly changed whether the site was developed with Option #1 (a service road off of Yosemite Avenue) or Option #2 (extending and opening Whitewater Way to Yosemite Avenue).

A neighborhood center should provide access into the adjacent neighborhood. However, consideration should be given to other traffic entering the neighborhood. With the service road option (Option #1), any traffic leaving the center via Whitewater Way would have to either go east on Explorador Drive to Via Moraga and exit onto Yosemite Avenue at the traffic signal located at Via Moraga and Yosemite Avenue or traffic would go south on Whitewater Way through the subdivision to

Silverstone Drive and exit onto McKee Road.

Option #2 would provide an exit onto Yosemite Avenue from Whitewater Way. Although, vehicles would be limited to a right turn only onto Yosemite Avenue, a u-turn could be made at the traffic signal located at Via Moraga and Yosemite Avenue (approximately 0.2 miles from the shopping center exit). The map located at Attachment 9 shows the traffic flow for both options. If the City Council votes to approve this request, the Council would need to specify which site plan (Option #1 or #2) is being approved.

Trip Generation

The future construction of the shopping center would add approximately 62,000 square feet of retail shopping and associated parking to the project site. The project site consists of two parcels that total 5.42 acres with access on Yosemite Avenue and McKee Road.

A Traffic Impact Analysis Report was prepared by TJKM Transportation Consultants (Attachment 7). The following table identifies the Average Daily Trips and Peak Hour Trips expected to be generated by the construction of the future shopping center.

Proposed Project Trip Generation

Average Daily Trips (ADT's)	A.M. Peak Hour Trips (PHT's)	P.M. Peak Hour Trips (PHT's)
2,647	60	230
Less Passer-By Trip Reductions (35%)		
1,721	39	150
Source: Trip Generation (9 th Edition), Institute of Transportation Engineers (2012)		

Level of Service

"Merced Vision 2030 General Plan," Policy T-1.8, establishes an acceptable Level of Service (LOS) of "D" for intersection and roadway operations. The traffic study analyzed traffic volumes for different roadways and intersections within the area (Attachment 10). The study analyzed the road and intersections under five different scenarios:

- Existing Conditions
- Existing Conditions, plus Project Conditions
- Existing Conditions, plus Project Conditions, plus Other Approved Projects in the Area
- Cumulative Year 2035 No Project Conditions
- Cumulative Year 2035, plus Project Conditions

Under all the scenarios, all intersections and roadways operate at an acceptable Level of Service (LOS "D" or better), with the exception of the intersection of Yosemite and Parsons Avenues. This intersection is currently operating at an LOS E and remains at LOS E under the existing plus project conditions. However, it falls to LOS F under the other scenarios. Details of the Level of Service analysis may be found on pages 10-27 of the Traffic Impact Analysis at Attachment 7.

Based on the traffic analysis, the 24-hour volume for Yosemite Avenue is 7,081 trips and 4,263 trips on McKee Road. Both roadways currently operate at an LOS C. With the addition of the project traffic, the 24-hour volume increases to 7,942 on Yosemite Avenue and maintains an LOS C. The 24-

hour volume increases to 4,607 trips on McKee Road, but continues to operate at an LOS C.

Because the level of service at the intersection of Parsons and Yosemite Avenues would deteriorate from LOS E to LOS F under the Cumulative 2035 scenario, mitigation is recommended for this intersection to raise the level of service back to an LOS D.

The intersection of Olive Avenue and McKee Road would also decrease from LOS C to LOS F under the Cumulative 2035 scenario. Mitigation measures are also recommended for this intersection which would bring the level of service back to an LOS C.

It should be noted that a traffic signal is planned for this intersection in the future. The cost of the signal would be the responsibility of the City of Merced. The traffic analysis determined that this intersection meets the Manual on Uniform Traffic Control Devices (MUTCD) warrants for traffic signals. However, the traffic analysis recommends that prior to installation of a traffic signal, the remaining MUTCD warrants be conducted to determine if the need exists for a traffic signal at this time. Because the cost of the traffic signal would be borne by the City, it was determined that the recommended mitigation identified in Initial Study #14-21 was more feasible at this time.

Mitigation Measures:

O-1) The westbound lane of Yosemite Avenue at Parsons Avenue shall be modified to accommodate an additional 200-foot shared thru/right turn lane. In addition, the existing shared left/thru/right lane shall be restriped to be a shared left/thru lane (refer to the map at Attachment 11). (The Traffic Analysis recommended an additional 100 foot lane be installed. The City Engineer recommends the length of the lane be increased to 200 feet.).

-or-

The applicant shall be required to pay for their proportionate share of the above improvement as determined by the City Engineer.

The Development Services Director and City Engineer would determine which option above would be appropriate prior to the issuance of a building permit for the construction of the future shopping center.

O-2) The following modifications to the intersection of Olive Avenue and McKee Road shall be made (refer to the map at Attachment 12):

Southbound Approach:

- Remove the adjacent on-street parking for 100 feet on the southbound approach (west side of McKee Road, north of Olive Avenue).
- Re-stripe the approach as shared left/thru lane and shared right/thru lane.
- Remove the adjacent on-street parking for 100 feet on the southbound receiving lane (west side of McKee Road, south of Olive Avenue) and stripe it as a lane drop.

Northbound Approach:

- Remove the adjacent on-street parking for 100 feet on the north bound approach (east side of McKee Road south of Olive Avenue).
- Re-stripe the approach as shared left/thru lane and shared right/thru lane.
- Remove the adjacent on-street parking for 100 feet on the northbound receiving lane (east side of McKee Road, north of Olive Avenue) and stripe it as a lane drop. The City Engineer shall determine if this measure is feasible due to the location of residential

driveways in this area.

Condition #10 requires development of the subject site to comply with all mitigation measures identified in Initial Study #14-32.

Other Traffic Impacts in the Area

Yosemite Church is located to the north of the subject site across Yosemite Avenue (outside the City Limits). An expansion of the church was approved in 2002, which allowed the construction of an 18,500-square-foot multi-use sanctuary, outdoor amphitheater, conversion of a residence to a youth facility and development of outdoor softball and soccer fields. At that time, the church was required to obtain a 25-foot access easement to Hatch Road to mitigate traffic impacts generated as a result of the expansion. This access has never been constructed. In addition, the existing driveway on the western edge of the property was to be relocated and aligned with McKee Road in the future. During the public hearing at the Planning Commission, representatives from the church spoke and indicated they have no immediate plans to construct the new driveway and relocate the existing driveway on McKee. They indicated it would be at least 10 years before that would be done. Refer to the map at Attachment 13 for location of improvements.

Although these improvements were required by the church development, the development took place outside the City of Merced. Therefore, the City has no jurisdiction to require these improvements and any impacts from these missing improvements cannot be made a burden of the proposed development.

Turn Lane in McKee Road

At the Planning Commission meeting of April 8, 2015, a property owner in the area suggested a turn lane be provided in McKee Road to allow vehicles making a left turn into the site to move out of the main travel lane. Subsequent to the meeting, the applicant provided a drawing showing a turn lane (Attachment 14). Due to the distance of the driveway to the intersection of McKee Road and Yosemite Avenue, the City Engineer determined the turn lane would not provide sufficient stacking room and cause conflicts between vehicles trying to move into the southbound turn lane and vehicles in the northbound turn lane. Due to the short stacking distance for vehicles in the southbound turn lane, the City Engineer determined the turn lane would not provide sufficient benefits to the traffic flow in the area to warrant its installation.

Parking

Parking for general retail uses is one space for each 300 square feet of floor area. Other uses allowed within the Neighborhood Commercial zone include office uses and beauty and nail salons. These uses would require parking at a ratio of one space for each 200 square feet of floor area. Retail food stores require one space for each 250 square feet of floor area. The proposed site plan provides 216 parking spaces. Based on a 62,000 square foot building, this would be equal to one space for each 300 square feet. Details on the parking for the future shopping center would be addressed at the Conditional Use Permit stage and subsequently at the Building Permit stage to ensure sufficient parking is provided for each proposed use.

Public Improvements/City Services

Future development on the subject site would be responsible for installing all public improvements along the property frontage on Yosemite Avenue and McKee Road as well as making the necessary improvements to comply with the mitigation measures described in the Traffic/Circulation section above. Public improvements would include, but not be limited to, sidewalk, curb, gutter, street lights,

street trees, and any roadway improvements or striping needed.

Building Design

The applicant has not submitted building elevations at this time. If this request is approved, a Conditional Use Permit would be required prior to construction of the shopping center. At that time, the Planning Commission would be able to review the building design and materials.

Site Design

The applicant has submitted two options for the site design. The building locations do not change between the two options. The sizes of the buildings vary slightly. With Option #2, the total square footage is reduced to 61,000 square feet instead of 62,000 square feet as proposed with Option #1.

Option #1

This design is found at Attachment 4 and provides the main access from Yosemite Avenue from a driveway entrance located near the center of the shopping center frontage. This access would allow right-turn only movements when exiting the center. A second access from Yosemite Avenue, a service road, is provided at the eastern edge of the property. This access would provide entrance-only access and would provide a one-way lane around the eastern and southern perimeter of the site, with an exit onto McKee Road and allow both left and right turning movement. Although it would be available for public access, it is intended to primarily serve delivery vehicles. Delivery trucks serving Building 3 (and possibly the other buildings) would use the service road to access the site, then would back into the loading dock for Building 3 on the east side of the building. Vehicles serving the other buildings on the site would proceed south from the service road, behind Building 1 if delivering from the rear of the building. Deliveries for Building 2 would be done from the parking lot area.

Another driveway is also provided on McKee Road approximately 195 feet south of the intersection of McKee Road and Yosemite Avenue. This driveway would allow both left and right turning movements. The service road exit described above is located approximately 85 feet south of this primary driveway.

Access is also provided from Whitewater Way along the eastern side of the site. This driveway would be approximately 195 feet south of Yosemite Avenue. This driveway would allow access to the site from the adjacent neighborhood. In Option #1, Whitewater Way does not provide access to Yosemite Avenue which is consistent with the original design of the subdivision. This option may prevent additional traffic into the neighborhood. However, unless someone lives in the area, it seems unlikely they would travel through the subdivision to reach their destination. This subdivision has very narrow roads which cause traffic to move more slowly than in other areas. Whitewater Way is planned to be widened to the width of a traditional local road (48-foot right-of-way) in the future as development occurs on the lots fronting McKee Road, but the other roads would remain narrow.

It is the intent of a neighborhood center to provide easy access into the adjacent neighborhood without causing vehicles from the neighborhood to travel on other major roads. Therefore, staff feels access to the center from Whitewater Way is an important element of the site design.

Option #2

This design is found at Attachment 5 and as previously described this option reduces the overall square footage of the buildings on the site slightly, but otherwise does not change the primary access

points on Yosemite Avenue, McKee Road, and Whitewater Way. The only change to the site with this option is the removal of the service road entrance from Yosemite Avenue. This option extends Whitewater Way through to Yosemite Avenue which would provide access to the shopping center and the neighborhood from Yosemite Avenue. The driveway on Whitewater Way would remain the same as in Option #1, but the service road would begin just south of the entrance on Whitewater Way and extend along the southern edge of the property, exiting onto McKee Road as in Option #1. With this option, delivery vehicles serving Building 3 located at the northeast corner of the site would most likely enter from Whitewater Way, pulling south onto the service road, then back into the delivery dock located on the east side of the building. Deliveries for the other buildings would be provided the same as in Option #1.

By opening Whitewater Way to Yosemite Avenue, vehicles leaving the center would have an additional option to get back to a major roadway. After exiting the center, vehicles would get to Yosemite Avenue without having to travel through the neighborhood. Vehicles exiting onto Whitewater Way wanting to get to McKee Road would still have to travel south through the subdivision to get to McKee. It seems unlikely vehicles would travel through the subdivision unless they have a destination within the area. However, by opening Whitewater Way to Yosemite, there could be an increase in traffic on Whitewater Way by people trying to avoid the signal at Yosemite and McKee.

As previously mentioned, access to and from the adjacent neighborhood is an important element for a neighborhood center. Both Option #1 and Option #2 provide this access. The Planning Commission recommended approval of Option #2 which provides access to Yosemite Avenue from Whitewater Way.

Neighborhood Impact/Interface

The site is surrounded by residential uses on all sides as well as a church to the north, across Yosemite Avenue. The church and the homes located across Yosemite Avenue are not within the City Limits at this time. The closest home to the site across Yosemite Avenue is approximately 175 feet away and would be approximately 200 feet from the building at the northeast corner of the site.

Although the lots adjacent to the site to the east are zoned for residential development, they are currently vacant. The homes to the south of the site were part of the same annexation as the subject site. The parcels are large parcels with a depth of approximately 660 feet from McKee Road. The houses on these parcels front McKee Road. The houses on these lots are situated close to McKee Road with the remainder of the property vacant or used for accessory buildings or other purposes (not for living facilities). The home closest to the subject site is approximately 50 feet from the property line. With the proposed setback of the buildings being 25-30 feet, the home would be approximately 75-80 feet from the commercial buildings.

The homes to the west (across McKee Road) would be approximately 115 feet from the future buildings on the site. There is mature landscaping along the eastern property line of these homes which will help protect them from noise and light that might be generated from the project site.

The Planning Commission held two public hearings on this matter. During the public hearings, property owners raised concerns with the project and the impacts it would have on them. They cited concerns with increased traffic and some of the different types of uses that could be allowed especially uses selling alcohol or a mini-market type use. It was suggested that due to the high volume of traffic on McKee Road, a left-turn lane into the shopping center should be added. There were also comments regarding the difficulty with making u-turns on Yosemite Avenue at Hatch Road

and Perch Lane/Via Moraga Avenue. One of the homeowners on Perch Lane stated that due to the width of the travel lane on the north side of Yosemite Avenue and the location of utilities in the area, vehicles cannot make a u-turn at Perch Lane (Attachment 15). Therefore, vehicles have to turn onto Perch Lane and either drive further down Perch to turn around or use the driveway of one of the homes along Perch Lane. There was also opposition to opening up Whitewater Way to Yosemite Avenue. Prior to the first Planning Commission meeting, a letter was received from Jack and Sharon Lesch supporting Site Plan Option 1. This letter is available at Attachment 16

It should be noted that public hearing notices and notices for the neighborhood meeting were sent to an area larger than the typical 300-foot requirement. Staff anticipated interest in this project from the surrounding neighborhoods and determined to send notices to a larger area. The map provided at Attachment 17 shows the area notified of all public hearings and the neighborhood meeting described below.

Neighborhood Meeting

On November 16, 2014, the applicant's representative, Golden Valley Engineering, held a neighborhood meeting to inform the neighbors of the proposed project and gather input and comments from the residents. Approximately 15 members of the neighborhood attended the meeting and raised the same concerns expressed to the Planning Commission during the public hearings.

Environmental Clearance

Planning staff conducted an environmental review (Initial Study #14-32) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Draft Mitigated Negative Declaration (i.e., no significant effects in this case because of the mitigation measures and/or modifications described in Initial Study #14-32) is being recommended (Attachment 18).

Planning Commission Action

On April 8, 2015, the Planning Commission held a public hearing to consider this application. At that meeting one person spoke in favor of the project, 4 people spoke in opposition, and 1 person was neutral. There was also a letter (Attachment 16) received as described above supporting Site Plan Option #1. Due to the fact that there were 2 Commissioners absent and 1 vacancy on the Commission, the Commission voted to continue this item to the Planning Commission meeting of May 6, 2015, to give the applicant and the public the benefit of having a full Commission vote on this project. The issues raised by the speakers in opposition were explained above.

At the Planning Commission meeting of May 6, 2015, there were 2 speakers in favor of the project, 2 opposed, and 1 speaker was neutral. After hearing the public testimony, the Planning Commission voted to approve Resolution #3049 (Attachment 19) recommending approval of the project with Site Plan Option #2.

Minutes from both meetings are provided at Attachments 20 and 21. Staff Reports from the meetings are provided at Attachments 22 and 23.

City Council Action

If the City Council chooses to approve the General Plan Amendment, staff recommends the adoption of the Resolution provided at Attachment 24 which includes Site Plan Option #2.

To approve the Zone Change, the Draft Ordinance provided at Attachment 25 would need to be

introduced.

In addition to approving the Resolution and Ordinance, the Council would need to authorize the City Manager to execute the Developer Agreement at Attachment 26.

IMPACT ON CITY RESOURCES

If the City Council votes to approve the General Plan Amendment and Zone Change, which would allow the future construction of the shopping center, the developer would be required to annex into the City's Community Facilities District (CFD) for Services to pay for ongoing police and fire protection, landscape maintenance (in the public right-of-way), and storm drain maintenance. In addition, the developer would be required to pay all Public Facility Impact Fees and all connection costs to connect the project to the City's water and sewer systems. Therefore, it is not expected that this project would impact City resources beyond the impact mitigated by the payment of impact fees and annexation to the CFD.

ATTACHMENTS

1. Location Map
2. Aerial of Site
3. Map of Proposed General Plan and Zoning designation changes
4. Site Plan (Option #1)
5. Alternate Site Plan with Whitewater Way open to Yosemite Avenue (Option #2)
6. C-N Zone Excerpt
7. Traffic Study
8. Moraga Subdivision
9. Traffic circulation through Moraga Subdivision
10. Roadways analyzed in Traffic Study
11. Mitigation for Parsons & Yosemite
12. Mitigation for Olive & McKee
13. Map of Yosemite Avenue & Hatch Road
14. Site Plan with Turn Lane in McKee Road
15. Intersection of Yosemite Avenue and Perch Lane
16. Letter from Jack and Sharon Lesch
17. Notice Area Map
18. Initial Study #14-32
19. Planning Commission Resolution #3049
20. Planning Commission minutes excerpt 4-8-2015
21. Planning Commission minutes excerpt 5-6-2015
22. Planning Commission Staff Report #15-10
23. Planning Commission Staff Report #15-10-Addendum
24. Draft City Council Resolution
25. Draft Ordinance
26. Developer Agreement.