



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 22, 2003, 9:00 A.M.
2222 "M" STREET, BOARD ROOM, THIRD FLOOR,
MERCED, CALIFORNIA**

I. CALL MEETING TO ORDER

II. ROLL CALL OF COMMISSIONERS

Larry Whitney; Kimberly Clauss; Steve Sloan, Chairman; Lynn Tanner; David Wager.

III. APPROVAL OR MINUTES

IV. CITIZEN COMMUNICATIONS

Public opportunity to address the Planning Commission on items of interest over which the Planning Commission has jurisdiction.

SPEAKERS

If you would like to address the Planning Commission on any item on the agenda, please pick up a 3" x 5" card in the foyer, fill it out with your name, address, and item you wish to speak on, and give it to someone at the staff table (to the left of the podium) prior to speaking.

V. PUBLIC HEARING

- A. GENERAL PLAN AMENDMENT NO. 02009, ZONE CHANGE NO. 02004 AND MAJOR SUBDIVISION APPLICATION NO. 02003 – Arnaudo Bros. – To consider a change of zone from M-H (Single-Family Mobile Home Residential) to R-1 (Single-Family Residential) and to subdivide 4.3 acres into 15 lots ranging from 8,000 to 12,000 square feet on property located east of San Luis Avenue, 200 feet north of Centinella Avenue in the Santa Nella area which is designated as Medium Density Residential land use in the Santa Nella Community Specific Plan. **TO RECOMMEND THE BOARD OF SUPERVISORS MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Robert King. Continued from the December 18, 2002 meeting.**

- B. ADMINISTRATIVE APPLICATION NO. 02129 - Gabe Perez** - To allow a semi-mobile food vendor on site with Atwater Tile Showroom and Warehouse. The project is located on the northeast corner of Buhach Road and Clover Avenue. The site is designated as Atwater Area of Interest General Commercial land use in the General Plan and is zoned C-2 (General Commercial) (1-acre). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Mark Hamilton

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

APPEALS

Any person may appeal any action of the Planning Director or Planning Commission within five (5) calendar days after the day the action is made. [Within ten (10) calendar days of action on subdivisions]. The deadline for appeals of Planning Commission actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Planning Commission meeting. Please note that appeals may not be submitted on days that the County is officially closed.

Appeals of Planning Director's actions may be filed with the Planning Department and appeals of Planning Commission actions may be filed with the Clerk of the Board of Supervisors. Appeals must state appellant's name, action appealed and reasons for appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted with the written appeal.

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MINUTES FOR MEETING OF JANUARY 22, 2003

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of January 22, 2003, are available in the Merced County Planning and Community Development Department, 2222 "M" Street, Second Floor, Merced, California.

I. CALL MEETING TO ORDER

The regularly scheduled meeting of the Merced County Planning Commission was called to order at 9:06 a.m., on January 22, 2003, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Larry Whitney
 Commissioner Lynn Tanner
 Commissioner David Wager

Staff Present: William R. Nicholson, Planning and Community Development
 Director
 Butch Cope, Assistant Director
 Kim Lewallen, Recording Secretary
 Robert King, Planner III
 Mark Hamilton, Planner I

Legal Staff: Dennis Myers, County Counsel

Commissioners Absent: Chairman Sloan, absent, excused
 Commissioner Clauss, absent, excused

III. APPROVAL OF MINUTES

M/S WAGER - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF JANUARY 8, 2003.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. GENERAL PLAN AMENDMENT NO. 02009, ZONE CHANGE NO. 02004 AND MAJOR SUBDIVISION APPLICATION NO. 02003 – Arnaldo Bros. – To consider a change of zone from M-H (Single-Family Mobile Home Residential) to R1 (Single-Family Residential) and to subdivide 4.3 acres into 15 lots ranging from 8,000 to 12,000 square feet on property located east of San Luis Avenue, 200 feet north of Centinella Avenue in the Santa Nella area which is designated as Medium Density Residential land use in the Santa Nella Community Specific Plan. **TO RECOMMEND THE BOARD OF SUPERVISORS MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King. Continued from the December 18, 2002 meeting.**

Planner Robert King passed out a memo to the Commissioners requesting that this application be continued to the February 26, 2003 meeting. They were continued to that date.

B. ADMINISTRATIVE APPLICATION NO. 02129 - Gabe Perez - To allow a semi-mobile food vendor on site with Atwater Tile Showroom and Warehouse. The project is located

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on the northeast corner of Buhach Road and Clover Avenue. The site is designated as Atwater Area of Interest General Commercial land use in the General Plan and is zoned C-2 (General Commercial) (1-acre). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**

Planner Mark Hamilton presented the staff report and recommendation dated January 22, 2003.

Commissioner Wager indicated that he read a letter stating that the City of Atwater is not in favor of the project and that the County Public Works Department has some concerns as well. He asked if either letter has been addressed.

Planner Hamilton responded stated that the issues have been addressed.

William Nicholson, Planning Director, stated that the mobile food vendor is a temporary use and can be eliminated if the property is annexed to the City. The road issues are resolved.

The public hearing opened at 9:15 a.m.

No one spoke in favor of the project.

No one spoke in opposition to the project.

The public hearing closed at 9:15 a.m.

MOTION: M/S WAGER - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE APPLICATION NO. 02129, FROM CEQA.

MOTION: M/S WAGER - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 22, 2003, AND MAKES THE 7 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 7 FINDINGS, APPROVES ADMINISTRATIVE APPLICATION NO. 02129 SUBJECT TO THE 12 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Administrative Permit No. 02129 is granted to establish a semi-mobile food vendor truck on the subject property as shown on the approved plot plan.
2. The vendor truck shall be maintained and operated in accordance with the conditions of the permit and the approved plot plan. The Planning and Community Development Director may approve minor modifications to the application.
3. The application shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments.
4. The applicant shall comply with the Merced County Zoning Code Development Standards required for Semi-Mobile Food Vendors (§18.47.79.D) including, but not limited to the following:

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- a. The operating hours shall be limited to be between 9:00 a.m. to 8:00 p.m. daily, including Saturday and Sundays
 - b. There shall be adequate trash receptacles adjacent to the vehicle.
 - c. The site shall be kept clean and free of litter at all times. Trash and garbage shall be removed from the site at the end of each day (§18.47.79.D.9.).
 - d. Wastewater generated by this use shall not be released on-site or into any storm drainage or irrigation system (§18.47.79.D8.).
 - e. Grease shall be disposed per requirements of the Division of Environmental Health.
5. No additional advertising sign except a sign attached to the vehicle and approved by the Planning and Community Development Director is allowed.
 6. This Administrative Permit No. 02129 is not transferable to another operator.
 7. The applicant will need to make his outdoor food vendor business self-contained for potable water, wastewater, and power within the vehicle. Electrical connections to adjacent businesses may be permitted if approved by the County Building Division as meeting County Codes.
 8. Two parking spaces shall be provided as per the requirements of the Merced County Zone Code.
 9. The Division of Environmental Health requires that the Mobile Food Preparation Unit obtain the necessary (Health) permit to operate a vehicle in accordance with the California Retail Uniform Food Facilities Law.
 10. The vehicle must be brought to an approved commissary or other approved food facility for servicing each day of operation.
 11. During all hours of operation, the staff must have access to a restroom, which has been approved by Environmental Health Division. The restroom must be within 200 feet walking distance of the vehicle. The vehicle operator must have written authorization for use of the restroom.
 12. For the purpose of mitigation and/or condition monitoring, an inspection fee in the amount of **\$64.00** shall be required. This fee shall be paid prior to initiation of the business.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

- Campus Parkway presentation will be held at the February 5th Planning Commission Meeting.
- February 5th will also be a tour of the Westside for the Commissioners.

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- Next Planning Commission Meetings for February will be on the 5th & 26th because of the Holidays.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:48 a.m.