



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 26, 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 OF 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, MAJOR SUBDIVISION APPLICATION NO. 02003 "LUIS ESTATES" - ARNAUDO BROTHERS - To amend the Santa Nella Community Specific Plan from Medium Density Residential to Low Density Residential, to change the zone from MH (Single Family Mobile Home Residential) to R-1 (Single Family Residential) and subdivide 4.3 acres into 15 residential lots ranging in size from 8,000 to 12,000 square feet. The property is located west of Luis Avenue and north of Centinella Drive. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King. Continued from the January 22, 2003 MEETING.**

B. ADMINISTRATIVE PERMIT APPLICATION NO. 02081 – Eulalia Fernandez - To operate a semi-mobile food vendor as an accessory operation to an existing restaurant on property located southwest of Lander Ave. and Elko Street which is designated as Stevinson Specific Urban Development Plan Commercial land use and zoned C-2 (General Commercial) (.41 acres) **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

C. CONDITIONAL USE PERMIT APPLICATION NO. 02011 - Jose Romero/Dairy Repair Service - To construct a storage facility for specialized dairy equipment business located on the northeast corner of Pepper Street and El Capitan Way in the Ballico area which is designated as Agricultural land use in the General Plan and zoned A1 (General Agricultural) (4.3 acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**

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- D. **ZONE CHANGE NO. 02007 - AVILA AND SPINAZZE** - To change the zone from R-1 (Single-Family Residential) to C-2 (General Commercial), located on the west side of Hwy. 33 and the north side of North Avenue, which is designated as Gustine Specific Urban Development Plan in the General Plan and zoned R-1 (Single-Family Residential)(1.3 Acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Sean Purciel**

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.

MERCED COUNTY PLANNING COMMISSION

MINUTES FOR MEETING OF FEBRUARY 26, 2003

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of February 26, 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 9:11 a.m., on February 26, 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 Kimberly Clauss
 Commissioner Steve Sloan-Chairman
 Commissioner Lynn Tanner

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

Legal Staff: James Tarhalla, Deputy County Counsel

Commissioners Absent: Commissioner Wager - excused

III. APPROVAL OF MINUTES

M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF FEBRUARY 5, 2003.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

- A. GENERAL PLAN AMENDMENT NO. 02009, ZONE CHANGE NO. 02004, MAJOR SUBDIVISION APPLICATION NO. 02003 "LUIS ESTATES" - ARNAUDO BROTHERS - To amend the Santa Nella Community Specific Plan from Medium Density Residential to Low Density Residential, to change the zone from MH (Single Family Mobile Home Residential) to R-1 (Single Family Residential) and subdivide 4.3 acres into 15 residential lots ranging in size from 8,000 to 12,000 square feet. The property is located west of Luis Avenue and north of Centinella Drive. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King. Continued from the January 22, 2003 MEETING.****

Planner Robert King presented the Staff Report and Recommendation dated February 26, 2003.

The public hearing opened at 9:21 a.m.

The following person(s) spoke in favor of the project:

Larry Coughran, representative of the Arnaudo Bros., reviewed the recommendations presented to them and indicated that the Arnaudo Brothers are in full agreement with the conditions and he asked for approval of the project.

Ed Arnaudo, brother to Steve Arnaudo, requested approval of the project.

No one spoke in opposition to the project.

The public hearing closed at 9:24 a.m.

MOTION: M/S TANNER - WHITNEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS EXEMPT GENERAL PLAN AMENDMENT NO. 02009, ZONE CHANGE NO. 02004, AND MAJOR SUBDIVISION APPLICATION NO. 02003, FROM CEQA.

MOTION: M/S TANNER – WHITNEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED FEBRUARY 26, 2003, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, RECOMMENDS THE BOARD OF SUPERVISORS APPROVE GENERAL PLAN AMENDMENT NO. 02009, ZONE CHANGE NO. 02004, AND MAJOR SUBDIVISION APPLICATION NO. 02003 SUBJECT TO THE 16 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. A Development Agreement shall be entered into between the proponents of this project and the County of Merced pursuant to Section 65864 of the California Government Code and Merced County Ordinance No. 1361 to provide for facilities and maintenance as per the Implementation Plan Section of the Santa Nella Community Specific Plan prior to recording a Final Map to provide necessary infrastructure.
3. Prior to recordation of the Final Map and as part of the Development Agreement a Consistency Checklist shall be prepared to document the projects conformance to the requirements of the Santa Nella Community Specific Plan and mitigation required within the Santa Nella Community Specific Plan Program EIR.
4. No grading shall be undertaken until the developer enters into the Development Agreement with Merced County.
5. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with "Can and Will Serve Letters" from both the San Luis Water District and the Santa Nella County Water District.
6. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.

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7. Release and relinquish all abutters' rights of access to and from the entire West Comet Road frontage of the Subdivision.
8. Reconstruct improvements, including sidewalk and wheelchair ramp, along the Luis Avenue frontage of the Merced County Fire Station to align with improvements located on the south side of Centinella Drive.
9. The owner shall dedicate an easement for sidewalk purposes along the entire West Comet Road frontage of the property.
10. Back of lot fences placed along West Comet Road shall not restrict direct access to utility company facilities without written permission from utility.
11. Modify Star Court to conform to the offset temporary turnaround design of the Department of Public Works Improvement Standards & Specifications Drawing MS-04 on the north end of Luis Avenue at the Romero Elementary School entrance, or provide the turnaround with Santa Nella Village IV, Major Subdivision No. 99005.
12. All lot and street grading shall be completed prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
13. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.
14. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels along Luis Ave. exceed 65 dBA and if so measures to reduce such noise levels identified and implemented as part of the project.
15. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
16. A condition monitoring fee of **\$240.00** shall be required prior to the recordation of the Final Map.

- B. ADMINISTRATIVE PERMIT APPLICATION NO. 02081 – Eulalia Fernandez -** To operate a semi-mobile food vendor as an accessory operation to an existing restaurant on property located southwest of Lander Ave. and Elko Street which is designated as Stevinson Specific Urban Development Plan Commercial land use and zoned C-2 (General Commercial) (.41 acres) **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King.**

Planner Robert King presented the Staff Report and Recommendation dated February 26, 2003.

The public hearing opened at 9:27 a.m.
No one spoke in favor of the project.

No one spoke in opposition to the project.

This item has been continued to the March 26, 2003 Planning Commission Meeting as requested by the Hilmar MAC for further review of the plot plan.

- C. **CONDITIONAL USE PERMIT APPLICATION NO. 02011 - Jose Romero/Dairy Repair Service**
- To construct a storage facility for specialized dairy equipment business located on the northeast corner of Pepper Street and El Capitan Way in the Ballico area which is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural) (4.3 acres). **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 February 26, 2003.

The public hearing opened at 9:30 a.m.

No one spoke in favor of the project.

No one spoke in opposition to the project.

The public hearing closed at 9:30 a.m.

MOTION: M/S CLAUSS - WHITNEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION NO. 02011 FROM CEQA.

MOTION: M/S CLAUSS - WHITNEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED FEBRUARY 26, 2003, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION NO. 02011 SUBJECT TO THE 7 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 02011 is approved to construct a storage facility for specialized dairy equipment business on a 4.3-acre parcel in accordance with the approved plot plan.
2. The applicant shall comply with all of the standard conditions of approval listed in the Planning Commission Resolution No 97-1.
3. A Hazardous Materials Business Plan must be submitted to the Division of Environmental Health. Contact the Hazardous Materials Program Specialist, Steven Lowe, at (209) 381-1090 .
4. The applicant shall obtain an encroachment permit from the Department of Public Works Road Division, pay plan check and inspection fees, and construct one asphalt concrete agricultural rural driveway approach on Pepper Street to serve the specialized dairy equipment shop building prior to final building permit inspection or use of the structure.
5. The owner shall dedicate 10 feet of road right of way, or 30 feet from centerline, along the entire Pepper Street frontage of the property in addition to dedication of a 25-foot radius at the intersection of Pepper Street and El Capitan Way. The owner shall retain a licensed land surveyor to prepare the legal description and exhibit map for the deed. Dedication shall occur within on year of the use permit approval or prior to the issuance of any building permit,

whichever occurs first.

6. An application for a Certificate of Compliance shall be processed and approved for this substandard parcel prior to issuance of any building permit.
7. For the purpose of condition monitoring, an initial inspection fee in the amount of **\$70.00** shall be paid prior to issuance of a building permit.

D. ZONE CHANGE NO. 02007 - AVILA AND SPINAZZE - To change the zone from R-1 (Single-Family Residential) to C-2 (General Commercial), located on the west side of Hwy. 33 and the north side of North Avenue, which is designated as Gustine Specific Urban Development Plan in the General Plan and zoned R1 (Single-Family Residential)(1.3 Acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Sean Purciel**

Planner Sean Purciel presented the Staff Report and Recommendation dated February 26, 2003.

The public hearing opened at 9:36 a.m.

The following person(s) spoke in favor of the project:

Mike Smith, of CCPS representing the applicant, stated he met with the City of Gustine manager and they had no problems and agree with the staff report.

No one spoke in opposition to the project.

The public hearing closed at 9:37 a.m.

MOTION: M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS EXEMPT ZONE CHANGE NO. 02007 FROM CEQA.

MOTION: M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED FEBRUARY 26, 2003, AND MAKES THE 1 FINDING SET FORTH IN THE STAFF REPORT AND, BASED ON THE 1 FINDING, RECOMMENDS THE BOARD OF SUPERVISORS APPROVE ZONE CHANGE NO. 02007 SUBJECT TO THE 9 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. General Plan Amendment No. 02006 proposes to change the designation of a 1.13 acre site, from Gustine Specific Urban Development Plan to Gustine Specific Urban Development Plan – General Commercial and Zone Change Application 02007 proposes to change the zone from R-1 (Single-Family Residential) to C-2 (General Commercial).
2. The project is located on the west side of Hwy. 33 and the north side of North Avenue in the Gustine area.
3. The property is designated as the Gustine Specific Urban Development Plan (SUDP) unspecified and is zoned R-1 (Single-Family Residential).
4. The Merced County Zoning Code allows for a wide-range of uses and facilities on property zoned C-2 property (§18.18.02) by plot plan review, and uses that

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are more intensive, require approval of an Administrative or Conditional Use Permit.

5. The application will be consistent with the Merced County General Plan, Gustine Specific Urban Development Plan including but not limited to the Land Use, Circulation, and Open Space Chapters and will conform to the Highway Commercial designation within the City of Gustine General Plan.
6. The project will have adequate water and sewer services shall be provided by City of Gustine.
7. The project will not have an impact on County Roads and County Facilities.
8. The proposed re-designation will be compatible with adjacent uses, properties and neighborhoods.
9. The applications have been adequately noticed and advertised.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

The General Plan Review Steering Committee and the Board of Supervisors reviewed the Zone Variance Report and two Zone Variance applications were appealed at. At the February 25th Board meeting, only 4 Board members were present, so the Zone Variance items were continued.

This afternoon will be another General Plan Review Steering Committee Meeting in Room 301.

MCAG is working on the new Regional Transportation Plan and would like to make a presentation at the March 26 Planning Commission meeting. It will be placed on that agenda.

Regarding the County Budget, there will be a 10% cut in the first round, and a 20% cut in the second. Staff is proposing an increase on the processing fees.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:00 a.m.