



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

William Nicholson
Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF MARCH 12, 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. CONDITIONAL USE PERMIT APPLICATION NO. 02012 – Best Choice Auto Sales - To establish a used car sales lot on property located on the east side of Ashby Road 215 feet east of Beachwood Drive which is designated as Franklin-Beachwood Specific Urban Development Plan – General Commercial land use in the General Plan. The zone is C-2. (General Commercial) (1.5 acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Dan Skidmore**

STRIVING FOR EXCELLENCE

- B. ZONE VARIANCE APPLICATION NO. 02031 AND MINOR SUBDIVISION APPLICATION NO. 02059 – Fagundes/Jercich – To divide a 46.42 acre parcel of land into 4 parcels: Parcel No. 1 = 10 acres; Parcel No. 2 = 10 acres; Parcel No. 3 = 14.35 acres; Parcel No. 4 = 12.07 acres on property located on the north side of Merced Falls Road, 4 ½ miles east of La Grange Road in the Snelling area which is designated as Agricultural land use in the General Plan. The zone is A-2. (Exclusive Agricultural). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION** Project Planner Dan Skidmore**

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 MARCH 12, 2003

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of March 12, 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 9:13 a.m., on March 12, 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
 Dan Skidmore, Planner I

Legal Staff: James Tarhalla, Deputy County Counsel

Commissioners Absent: Commissioner Wager, absent, 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 26, 2003.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

- A. CONDITIONAL USE PERMIT APPLICATION NO. 02012 – Best Choice Auto Sales -**
To establish a used car sales lot on property located on the east side of Ashby Road 215 feet east of Beachwood Drive which is designated as Franklin-Beachwood Specific Urban Development Plan – General Commercial land use in the General Plan. The zone is C-2. (General Commercial) (1.5 acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore**

Planner Dan Skidmore presented the Staff Report and Recommendation dated March 12, 2003.

The public hearing opened at 9:13 a.m.

Mike Smith, CCPS, representing the applicant, asked about the 6-foot wall requirement. Bill Nicholson, Planning Director, stated that according to the Zoning Code, the wall is

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required, together with the landscaping and the trees, which have to be staggered for visual block.

Commissioner Clauss asked if there had been any concern from the trailer park next door to the property. Planner Dan Skidmore indicated no.

Mohammed Kunda, property owner, indicated that the repair shop is not close to the wall. Chairman Sloan asked if Mr. Kunda would keep the existing fence or build a new fence. Mr. Kunda replied that he would repair the fence as needed.

Mr. Nicholson indicated that a Level A Landscape screen is required between commercial and residential zones next to Commercial residence Level A requires a block wall and landscaping. Butch Cope, Assistant Director, also indicated that a 6ft. wall is required by the Zoning Code Commercial Chapter when next to a residential zone.

The public hearing closed at 9:27 a.m.

MOTION: M/S CLAUSS – WHITNEY, AND CARRIED BY A VOTE OF 4 - 0 , THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION NO. 02012, 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 MARCH 12, 2003, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION NO. 02012 SUBJECT TO THE 20 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit No. 02012 is granted only for the following uses: The established used car sales on site, with associated office building.
2. This project shall comply with the development standards listed in Merced County Zoning Code Chapter 18.18.03: (A) Commercial Zones Development Standards, (B-Fences, walls and hedges), (C-Landscape Standards), (D-Parking Requirements), (E-Performance Standards), (F-Sign Regulations), and (G-Trash Areas)
3. This project shall comply with the Development Standards for Specific Uses (Automobile Sales) listed in Merced County Zoning Code Chapter 18.47.16. (Repairs, Storage, Lighting, On-site Parking)
4. The project shall comply with the standard conditions of approval listed in Planning Commission Resolution No 97-1.
5. The applicant will comply with all requirements of the Merced County Fire Department including, but not limited to, providing a legibly, scaled and dimensioned site plan, that includes a reference to the nearest existing fire hydrant. Fuel dispensing shall not be performed at the site and the Fire Department shall have access to open areas secured by fences and locks via a Merced County coded "Knox" key switch or a "Knox" padlock, whichever is most appropriate (UFC 902.4).
6. The applicant must provide a Hazardous Materials Business Plan approved by the Merced County Health Department (MCHD) prior to the issuance of the building permit to be on file with the Division of Environmental Health.

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7. The site shall be developed according to the approved plot plan. The establishment of the auto sales and office shall be limited to the area identified on the site plan.
8. The entire site shall be maintained in a neat and orderly manner at all times (Zoning Code 18.47.79.D).
9. The onsite advertising sign shall comply with the Sign Chapter of the County Zoning Code (Chapter 18.42). A sign plan shall be submitted and approved by staff prior to installation of any sign.
10. The parking and maneuvering area shall be provided per approved plot plan and shall be designed and constructed per Section 18.40.04 (Improvement Standards) of the Parking Chapter of the County Zoning Code.
11. The project shall comply with Parking Improvement Standards (§18.40.04), especially driveway, parking, and maneuvering areas shall be paved with asphalted concrete or concrete; auto sales display areas may consist of a graveled surface.
12. No vehicle repairs or service work will be performed that is not associated with on-site sales.
13. The applicant shall construct a 6' High Masonry wall with Landscaping on the north and east property line adjacent to the residential use (required by Zone Code Section 18.18.03).
14. The site shall be graded so the drainage from the parking and maneuvering areas is directed toward the center of the site. The runoff shall be disposed of through uniform on-site percolation over a widespread area or directed to an on-site percolation basin (Zoning Code Section 18.40.04D).
15. Prior to the initiation of the used car operation, the applicant shall submit three copies of the landscaping plan and the irrigation system for County Staff review and approval. Landscaping work shall be completed prior to occupancy. The plan must include landscaping in the front set back area in some form (i.e. islands), along the west side of the property, in front of the block wall, and around the office, subject to the approval of the Planning and Community Development Department. The landscape plan shall be prepared by a licensed landscape architect or contractor per requirements of the Landscaping Chapter of the Zoning Code (Chapter 18.38). An Opaque Screen, Type A landscape is required. Removal of existing concrete/pavement in certain areas may be required so that vegetation can be planted to meet the requirements of the Landscape Ordinance.
16. The project shall be subject to the Performance Standards of the Zoning Code (Chapter 18.41)(Lighting, Glare, Hazardous Materials).
17. The project shall be subject to the Development Standards of the Zoning Code (Section 18.47.13). (All auto repairs shall be indoors; no storage of wrecked vehicles; bay openings shall not face R-O-W; etc.)
18. The applicant shall sign a Deferment of Construction agreement with the Department of Public Works, for the future construction of curbs, gutters, sidewalks, and pave outs, along the entire Ashby Road frontage of the property. Applicant shall dedicate an additional 20' of right-of-way along the Ashby Road frontage of the property and all storm water run-off from the project shall be directed away from the County right-of-way.
19. The parcel shall be maintained in a condition that will not be dangerous or injurious to neighboring property. Weeds, rubbish and other dangerous or injurious materials are a public nuisance and required by MCC Section 9.25 to be abated. The proposed new office building is approved for storage of

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materials related to the sale of cars only. Approved addressing or numbers shall be placed on premises in such a position as to be plainly visible and legible from the street fronting the property. (UFC 901.4.4).

20. For the purpose of mitigation and/or condition monitoring, an inspection fee in the amount of **\$200.00** shall be required. This fee shall be paid prior to issuance of a Building Permit.

B. ZONE VARIANCE APPLICATION NO. 02031 AND MINOR SUBDIVISION APPLICATION NO. 02059 – Fagundes/Jercich – To divide a 46.42 acre parcel of land into 4 parcels: Parcel No. 1 = 10 acres; Parcel No. 2 = 10 acres; Parcel No. 3 = 14.35 acres; Parcel No. 4 = 12.07 acres on property located on the north side of Merced Falls Road, 4 ½ miles east of La Grange Road in the Snelling area which is designated as Agricultural land use in the General Plan. The zone is A-2. (Exclusive Agricultural). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION Project Planner Dan Skidmore**

Planner Dan Skidmore presented the Staff Report and Recommendation dated March 12, 2003.

The public hearing opened at 9:38 a.m.

Larry Bowers, B.C.A., representing the applicant, stated that the applicant has no intention of putting in a horse ranch and there is no intent to mine below the level surface, only above the original surface. He feels the applicant is not asking for anything unusual based on what has historically taken place in the area.

Commissioner Clauss asked if they are going to put in additional housing if the project is approved. Mr. Bowers responded that the application is for farming only.

Les McCabe, Merced County Farm Bureau, presented a letter to the Commissioners and indicated that the 10 day application notice is not enough time for them to respond. Mr. Nicholson responded that 10 day notice is the standard procedure for the Planning Department and they will still accept comments up until the date of the meeting. Planner Skidmore indicated the referral notice to the Farm Bureau was sent out on January 28, 2003.

Dan Mendoza, Snelling property owner, indicated that this property is not prime agricultural land.

Bernard Wade, Merced Falls property owner, executive manager of U.M.P.A.G., stated that his concern is a fear of contaminating the water.

Larry Bowers, B.C.A., stated that he had a discussion with the County Health Department regarding the septic problems. The property is unsuitable for pasture or orchards because of what's there.

The public hearing closed at 9:51 a.m.

Commissioner Clauss asked when the Community Plan Update for Snelling is going to be scheduled. Mr. Nicholson responded that there is no date set by the Board of Supervisors as yet. Snelling will need a new Community Plan, not a Plan Update since Snelling has never had a Community Plan.

MOTION: WHITNEY, MOVED FOR APPROVAL – DIED FOR A LACK OF A SECOND.

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MOTION: M/S TANNER - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DENIES ZONE VARIANCE APPLICATION NO. 02031 AND MINOR SUBDIVISION APPLICATION NO. 02059

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

Bettencourt Ranch Mining Application update. Workshop will be on approximately April 9th.

The General Plan Steering Committee Meeting will be held after the Planning Commission Meeting at 10:30 in the Board Chambers.

IX. ADJOURNMENT

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