



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF APRIL 23, 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. 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 in the General Plan and zoned C-2 (General Commercial) (.41 acres) **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Robert King**

STRIVING FOR EXCELLENCE

- B. MINOR MODIFICATION NO. 03002 TO CONDITIONAL USE PERMIT NO. 3764 AND ZONE VARIANCE NO. 03002 - Mission Trail Oil Company** – To replace a former sign with a 75' high (742 s.f) free standing sign that exceeds the maximum height (20') and square footage (100s.f) for signs on property located east of Highway 33 approximately 300' north of Henry Miller Road in the Santa Nella area which is designated as Santa Nella Community Specific Plan General Commercial land use in the General Plan. The zone is C-2 (General Commercial) (9.4 acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

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 APRIL 23, 2003

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of April 23, 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 9:10 a.m., on April 23, 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

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

Legal Staff: James Tarhalla, Deputy County Counsel

Commissioners Absent: Commissioner Wager, absent, excused
Commissioner Tanner, absent, excused

III. APPROVAL OF MINUTES

M/S CLAUSS - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVES THE MINUTES OF MARCH 26, 2003 AND APRIL 9, 2003 WITH THE APPROVAL OF CHANGES MADE TO THE MINUTES OF MARCH 26TH, TO REFLECT THE FOLLOWING REVISIONS TO CONDITIONS #2, #10, #21 AND #23 TO MAJOR SUBDIVISION APPLICATION NO. 02011 - QUAIL HOLLOW ESTATES APPLICATION.

2. *Landscape Plans* - Three copies of the landscape and irrigation plans as shown on the plot plan shall be submitted for review and approval by the Planning Director in accordance with the standards of Chapter 16.40 of the Merced County Code prior to the issuance of Building Permits. The landscape plan for the street trees shall be in conformance with the Landscape Chapter of the County Zoning code. Approved street trees shall be installed prior to occupancy of each house. The general location of the street trees shall be shown on the improvement plans. Landscaping and irrigation, in compliance with the approved plans, shall be installed prior to occupancy. Perimeter landscape maintenance shall be accomplished through a County Service Area agreement. The 11-acre remainder shall be maintained in a weed free environment.

10. A "Neighborhood Park" shall be provided (and completed) at the north end of the subdivision. The residential park shall be installed on Lot "B" prior to the completion of Lot number 164 in Phase 2 of the subdivision. The park shall be included in the Landscaping and Fencing Plan for the subdivision.

21. The developer shall design public improvements along the Crawford Street, Cypress Avenue, and Wren Drive frontages of Not a Part of This Subdivision (N.A.P.O.T.S.). Developer shall provide legal descriptions and exhibit maps for offsite road right of way

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necessary for public improvements as follows: wheelchair ramp at the northeast corner of the intersection of Crawford Street and Cypress Avenue (APN: 147-090-016); wheelchair ramp and widening of Cypress Avenue at the southeast corner of the intersection of Cypress Avenue and Wren Drive. The developer shall be responsible for all costs associated with the design of public improvements along the frontage of N.A.P.O.T.S. and for the preparation of the offsite road right of way legal descriptions and exhibit maps. The developer shall be responsible for the acquisition of offsite road right of way; however, upon request by the developer, the County of Merced shall, at developer's expense, obtain offsite right of way. The developer shall be responsible for the construction of Wren Drive improvements; sidewalk will not be required along the Wren Drive frontage of N.A.P.O.T.S.

The developer shall be reimbursed by the County of Merced for the construction of the following improvements associated with N.A.P.O.T.S.: pavement widening, curb, gutter, sidewalk, and wheelchair ramps along Cypress Avenue; and, six (6) feet of pavement widening, curb, and gutter along Crawford Street. The County will work with the developer and County Counsel to provide the developer with a reimbursement agreement for paveout curb and gutter along the east side of Wren Drive.

23. *Road Striping* - Provide centerline striping for those new roads which intersect the existing peripheral streets for a maximum of 200 feet or the first intersection east of Cypress Road.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

- A. 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 in the General Plan 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 April 23, 2003.

The public hearing opened at 9:16 a.m.

No one spoke in favor of the project:

No one spoke in opposition to the project.

The public hearing closed at 9:16 a.m.

MOTION: M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE PERMIT APPLICATION NO. 02081, FROM CEQA.

MOTION: M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED APRIL 23, 2003, AND MAKES THE 6 _____ FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 6 _____ FINDINGS, APPROVES ADMINISTRATIVE PERMIT APPLICATION NO. 02081 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

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1. Administrative Permit No. 02081 is granted to legalize a semi-mobile food vendor 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:
 - 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.

B. MINOR MODIFICATION NO. 03002 TO CONDITIONAL USE PERMIT NO. 3764 AND ZONE VARIANCE NO. 03002 - Mission Trail Oil Company – To replace a former sign with a 75' high (742 s.f) free standing sign that exceeds the maximum height (20') and square footage (100s.f) for signs on property located east of Highway 33 approximately 300' north of Henry Miller Road in the Santa Nella area which is designated as Santa Nella Community Specific Plan General Commercial land use in the General Plan. The zone is G-2 (General Commercial) (9.4 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 April 23, 2003.

Commissioner Clauss asked if the signs in the area are 70ft or below and can they be permitted for 75 ft? Planner Robert King indicated yes.

Chairman Sloan asked what the square footage of the previous 60 ft. sign was? Planner King indicated it was 300 square ft.

The public hearing opened at 9:25 a.m.

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

Mike Rathbun, applicant, indicated that the original Conditional Use Permit allowed 75 feet. He feels that having a 75 ft. sign would better serve his business and is need for better visibility from I-5.

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Tom Robinson, owner, indicated that the last sign was destroyed in a truck accident, so a new sign is needed. Planner Robert King indicated that in 1994 a previous sign had been approved for the same project.

Chairman Sloan stated that he did not like the proliferation of signs getting larger and larger in the area.

Commissioner Clauss indicated she is having a hard time with the square footage proposed.

Commissioner Whitney stated that the public needs to be able to read the sign.

Mr. Robinson indicated that he is willing to compromise with a maximum of a 570 square foot sign if the Commission is willing.

Commissioner Clauss stated that she would like to see a sign under 500 square feet.

Chairman Sloan stated he would be okay with 75' and a maximum of 500 square feet. Commissioner Whitney concurred with Chairman Sloan.

The public hearing closed at 9:54 a.m.

MOTION: M/S CLAUSS - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR MODIFICATION NO. 03002 TO CONDITIONAL USE PERMIT NO. 3764 AND ZONE VARIANCE NO. 03002, FROM CEQA.

MOTION: M/S CLAUSS - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED APRIL 23, 2003, AND MAKES THE 11___ FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11___ FINDINGS, APPROVES MINOR MODIFICATION NO. 03002 TO CONDITIONAL USE PERMIT NO. 3764 AND ZONE VARIANCE NO. 03002 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT WITH A MAXIMUM SIGN AREA OF 500 SQUARE FEET AS FOLLOWS:

Conditions:

1. This variance allows installation of a maximum 75 foot high sign and a maximum of 500 square feet as indicated on the approved plot plans.
2. Other existing signs may be retained and modified subject to conformance with the Merced County Zoning Code.
3. Additional signs, including directional and identification within the property, shall be consistent with Chapter 18.42 "Sign Regulations" of the Merced County Zoning Code.
4. The applicant shall conform to the requirements of Planning Commission Resolution 97-1.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

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None

VIII. DIRECTOR'S REPORT

Mr. Nicholson introduced Renee Foster as the newest Planner I.

A presentation on the Bettencourt Ranch EIR will be on the May 14, 2003 Planning Commission Agenda.

Commissioner Clauss would like Jeff Palsgaard from Environmental Health to be at the May 14th meeting to address the pheasant farm issues.

Mr. Nicholson indicated to the Commissioners that a Planning Commissioners workshop will be held on May 28th, if they would like to attend.

The next General Plan Steering Committee will probably be held after the second Planning Commission meeting in May.

Fox Hills development will be coming back to the Commission for proposed revisions to some of the conditions.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:14 a.m.