



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Robert A. Lewis
Development Services Director

2222 "M" Street
Merced, CA 95340
(209) 385-7654
(209) 726-1710 Fax
www.co.merced.ca.us

Equal Opportunity Employer

**PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 23, 2008, 9:00 A.M.
2222 "M" ST., THIRD FLOOR, BOARD CHAMBERS, MERCED, CA 95340**

This Agenda and all supporting documentation for each hearing item is available online at www.co.merced.ca.us/planning/plancomarchive.html

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers.

I. CALL MEETING TO ORDER

II. ROLL CALL OF COMMISSIONERS

Jack Mobley; Cindy Lashbrook; Lynn Tanner; Rudy Buendia; Steve Sloan, Chairman

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. CONDITIONAL USE PERMIT APPLICATION No. CUP07-012 - John Garcia - To bring into conformance an existing used car sales lot, located on 1.56 acres that includes recreational vehicle sales. The project site is located at the northwest corner of Ashby Road and Beachwood Drive in the Franklin-Beachwood area. The property is designated Franklin-Beachwood SUDP General Commercial land use in the General Plan and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Continued from the December 19, 2007 meeting. JH**

- B. CONDITIONAL USE PERMIT APPLICATION No. CUP07-007 - Rosa Cardenas**
- To allow live music and dancing at an existing restaurant known as La Cascada Night Club. The project site is located on the north side of Santa Fe Drive, 4,400 feet west of Highway 59 in the Merced area. The property is designated Merced SUDP Industrial land use in the General Plan and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**
- C. 1ST MODIFICATION No. MM07-029 TO CONDITIONAL USE PERMIT No. CUP05-024 AND 2ND EXTENSION No. EXT07-028 TO CONDITIONAL USE PERMIT No. CUP05-024 - Diana Mello** - To modify the previously approved project to allow the reconfiguration of 2 boat storage buildings and add an additional boat storage building for a total of 21,600 square feet combined on 4 acres and to request a one year extension to CUP05-024 so to construct the 3rd boat storage structure. The project site is located on the north side of Merced Falls Road, approximately 3 miles east of LaGrange Road in the Snelling area. The property site is designated Agricultural land use in the General Plan and zoned A-2 (Exclusive Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**
- D. 1ST MODIFICATION No. MM07-023 TO ADMINISTRATIVE APPLICATION No. AA06-131 - Israel Vargas** - To reconfigure the existing horse training arena, change the location of the manure storage yard and allow temporary corrals near the arena. In addition, the applicant is requesting to hold 5 (five) weekend rodeo events per year. The project site is located on the north side of Gun Club Rd, 1550 feet west of Azevedo Road in the Gustine area, on property designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

VI. CORRESPONDENCE

VII. GENERAL BUSINESS

VIII. DIRECTOR'S REPORT

IX. ADJOURNMENT

APPEALS

Any person may appeal any action of the 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, and for subdivisions, the deadline is the following Monday at 5:00 pm. Please note that appeals may not be submitted on days that the County is officially closed.

Appeals of Development Services Director's actions may be filed with the Planning and Community Development 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 JANUARY 23, 2008

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of January 23, 2008, 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 January 23, 2008, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Jack Mobley
 Commissioner Steve Sloan-Chairman
 Commissioner Cindy Lashbrook
 Commissioner Rudy Buendia

Staff Present: Robert Lewis, Development Services Director
 William Nicholson, Assistant Development Services Director
 Kim Anderson, Recording Secretary
 David Gilbert, Senior Planner
 James Holland, Senior Planner
 Jeff Wilson, Code Compliance Manager

Legal Staff: Bob Gabriele, Deputy County Counsel

Commissioners Absent: Commissioner Lynn Tanner

III. APPROVAL OF MINUTES

M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF JANUARY 9, 2008.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT APPLICATION No. CUP07-012 - John Garcia - To bring into conformance an existing used car sales lot, located on 1.56 acres that includes recreational vehicle sales. The project site is located at the northwest corner of Ashby Road and Beachwood Drive in the Franklin-Beachwood area. The property is designated Franklin-Beachwood SUDP General Commercial land use in the General Plan and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the December 19, 2007 meeting. JH**

Planner James Holland presented the Staff Report and recommendations of approval dated January 23, 2008. He handed out a letter with revised conditions for the staff report.

The public hearing opened at 9:23 a.m.

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Mike Smith, CCPS, thanked staff and stated that Mr. Garcia lost inventory after the floods a few years back. The applicant wants to get legal and rebuild the business. He had no issues with the staff report.

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

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. CUP07-012, FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS OF APPROVAL DATED JANUARY 23, 2008, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. CUP07-012 SUBJECT TO THE 8 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department

1. Conditional Use Permit Application No CUP06-015 proposes legalization of an existing used car sales lot, including the sale of recreational vehicles and construction of a new sales office, on 1.56 acres of land located at the northwest corner of Ashby Road and Beachwood Drive in the Franklin-Beachwood area.
2. The project site shall be developed and operated in a manner that is consistent with the approved plot plan and the Applicant's Operational Statement. Minor modification may be approved by the Development Services Director.
3. The applicant shall comply with the standard site improvement conditions provided in Planning Commission Resolution 97-1 (Attached).
4. The applicant shall comply with the provisions of zoning code section 18.18.03 governing the construction of masonry walls and 18.47.16 providing operational standards for used car lots.
5. For the purpose of conditions monitoring, an inspection fee in the amount of **\$300** shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant/ property owner at the established hourly rate at the time of the inspection. This permit will not be considered valid until the conditions monitoring fee has been paid.
6. The applicant may occupy and use all portions of the property identified as 'Phase 1' without triggering the Condition 4 requirement for construction of a block wall. Wall construction is required for use of the area identified as 'Phase 2' when adjacent to residential development.

Department of Public Works Building and Safety Division

7. This commercial facility shall be made handicap accessible. The applicant should hire a California licensed engineer or architect to prepare any plans that require submittal to the Building Department for review and issuance of a building permit.

Department of Public Works Road Division

8. The applicant shall enter into a Deferment of Construction Agreement with the Department of Public Works for Level 1 Improvements. The applicant shall provide the grant deed necessary for the preparation of the agreement and pay the current processing fee of \$213. The agreement shall be signed and recorded prior to issuance of any building permits or prior to conditional use as permitted.

- B. CONDITIONAL USE PERMIT APPLICATION No. CUP07-007 - Rosa Cardenas -** To allow live music and dancing at an existing restaurant known as La Cascada Night Club. The project site is located on the north side of Santa Fe Drive, 4,400 feet west of Highway 59 in the Merced area. The property is designated Merced SUDP Industrial land use in the General Plan and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

At the request of the applicant, this item was continued to an unknown Planning Commission date and will be readvertised.

- C. 1ST MODIFICATION No. MM07-029 TO CONDITIONAL USE PERMIT No. CUP05-024 AND 2ND EXTENSION No. EXT07-028 TO CONDITIONAL USE PERMIT No. CUP05-024 - Diana Mello -** To modify the previously approved project to allow the reconfiguration of 2 boat storage buildings and add an additional boat storage building for a total of 21,600 square feet combined on 4 acres and to request a one year extension to CUP05-024 so to construct the 3rd boat storage structure. The project site is located on the north side of Merced Falls Road, approximately 3 miles east of LaGrange Road in the Snelling area. The property site is designated Agricultural land use in the General Plan and zoned A-2 (Exclusive Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

Planner David Gilbert presented the Staff Report and recommendations of approval dated January 23, 2008.

The public hearing opened at 9:33 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:34 a.m.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS 1ST MODIFICATION No. MM07-029 TO CONDITIONAL USE PERMIT No. CUP05-024 AND 2ND EXTENSION No. EXT07-028 TO CONDITIONAL USE PERMIT No. CUP05-024, FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS OF APPROVAL DATED JANUARY 23, 2008, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES 1ST MODIFICATION No. MM07-029 TO CONDITIONAL USE PERMIT No. CUP05-024 AND 2ND EXTENSION No. EXT07-028 TO CONDITIONAL USE PERMIT No. CUP05-024 SUBJECT TO THE 11 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Minor Modification Application No. MM07-029 is approved to construct three buildings totaling 21,600 square feet for boat storage. This use shall be located, developed and operated in a manner as described on the approved plot plan and operational statement. Minor modifications may be approved by the Planning Director.
2. The Planning & Community Development staff shall review the building plans prior to issuance of a building permit. Handicap accessibility to the buildings from the parking areas shall be provided and shown on the approved building permit plans.
3. The property owner shall designate parking spaces around the bait shop building. One driveway approach shall be designated on the property to the bait shop and boat storage facility from Merced Falls Road.
4. Conditional Use Permit Application No. CUP05-024 shall be extended for one year to expire on December 7, 2008 for the purpose of obtaining building permits and starting construction of the boat storage facility. After one year if the boat storage facility is not constructed the conditional use permit shall become automatically null and void without further action. The Planning Commission may extend the Permit if a request is filed by the property owner prior to its expiration.
5. The project shall be subject to any all development impact fees adopted by the County according to law. Said fees shall be collected at the Building Permit Stage.
6. Construction plans for building permits shall include the following note for noise control: The applicant shall ensure that construction hours shall be limited to the daytime hours between 7:00 a.m. and 6:00 p.m., and all construction equipment shall be properly muffled and maintained. Placement of this note on construction plans shall be conducted on a random basis by the County Planning Department.
7. The property owner shall install landscaping at least 10 feet in width along the wrought fence in front of the boat storage facility. Three copies of the landscape and irrigation plans prepared by a licensed landscape architect/contractor shall be submitted for review and approval by the Planning Director prior to the issuance of Building Permits. Landscaping

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and irrigation, in compliance with the approved plans, shall be installed prior to Final Inspection or issuance of a Certificate of Occupancy by the County Building Division.

8. All landscaping and parking areas shall be maintained throughout the life of this permit.
9. The site shall be maintained and in a neat and orderly manner at all times. All junky or inoperable vehicles shall be removed from the site.
10. Security lighting shall be provided around the boat storage buildings. The lighting shall be hooded and directed downward and into the project site. No glare or direct light shall emanate from the project area. This shall be monitored by the County Public Works Department and Planning Departments. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.

Merced County Fire Department

11. The property owner shall provide a Knox Box lock access to the Fire Department and install a water storage tank for fire fighting purposes.

- D. 1ST MODIFICATION No. MM07-023 TO ADMINISTRATIVE APPLICATION No. AA06-131 - Israel Vargas** - To reconfigure the existing horse training arena, change the location of the manure storage yard and allow temporary corrals near the arena. In addition, the applicant is requesting to hold 5 (five) weekend rodeo events per year. The project site is located on the north side of Gun Club Rd, 1550 feet west of Azevedo Road in the Gustine area, on property designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

Planner David Gilbert presented the Staff Report and recommendations of approval dated January 23, 2008. He indicated that the modification no longer includes a request for the 5 weekend rodeo events.

The public hearing opened at 9:40 a.m.

Darlene Lopes, neighbor, stated her opposition to this application. She states that there is no adequate fencing or parking on Gun Club Road. She asked how many cars would be parked along Gun Club Road, because she is concerned with safety. Planner David Gilbert stated that there are 66 spaces and 48 of those are double spaces for trailers. There is no parking allowed on the right-of-way per the Public Works/Road Division. She was happy that the manure storage area was moved away from her property.

County Counsel Bob Gabriele said adequate “no parking” signage notifying the visitors should be required. Mr. Gilbert said a sign is not part of the applicants requirement. Chairman Sloan also added that private landowner isn’t required to put up a sign. Mr. Gilbert suggested the applicant to post a sign on his fencing or the entrance way to warn visitors not to park there.

Code Compliance Manager Jeff Wilson stated that a routine inspection was done. The applicant began construction of the arena prior to this application. He instructed the applicant to modify the permit to correct his violations. He felt it would be

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beneficial for the applicant to relocate the manure storage area and that is part of this modification request.

The public hearing closed at 9:50 a.m.

Mr. Gabriele added that the project is exempt since the rodeo events are no longer part of the approval.

Chairman Sloan asked to consider adding a condition on the action to put a no parking sign up. The applicant agreed to put a sign up along the County right-of-way.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION EXEMPTS 1ST MODIFICATION No. MM07-023 TO ADMINISTRATIVE APPLICATION No. AA06-131, FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 23, 2008, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES 1ST MODIFICATION No. MM07-023 TO ADMINISTRATIVE APPLICATION No. AA06-131 SUBJECT TO THE 14 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Minor Modification Application No. MM07-023 is granted to reconfigure the horse training arena in a different direction and add a shade canopy over the arena, to change the location of the manure storage yard, to change the area of the horse stables, which shall be located, developed and operated in a manner as described on the approved plot plan and submitted operational statement, consistent with the specific conditions provided in this approval. Any information within the operational statement and on the plot plan regarding temporary events or the covered grand stand shall not apply to this modification. Minor modifications may be approved by the Development Services Director.
2. The applicant shall comply with applicable regulations administered by the County. These regulations include, but are not limited to standards administered by the County Fire, Environmental Health and Public Works Departments.
3. The applicant shall comply with all applicable local, state and federal standards and regulations.
4. The project shall be developed in conformance to Planning Commission Resolution No. 97-1.
5. For the purpose of conditions monitoring, an inspection fee in the amount of **\$304** shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant / property owner at the established hourly rate at the

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time of the inspection. This permit will not be considered valid until the conditions monitoring fee has been paid.

6. Applicant shall install a sign at the entrance to the horse boarding and riding academy notifying that no parking is allowed along Gun Club Road and vehicles shall park in the designated parking lot within the project site.

Commerce Aviation and Economic Development Department

7. The applicant/owner shall obtain a Business License Permit from the Commerce Aviation and Economic Development Department prior to operating the Business. The Property Owner/applicant shall pay all required fees for the Business License. The Property owner/applicant shall annually renew the Business License and pay all required fees.

Public Works/Road Division

8. To complete the property owners half of an ultimate right-of-way of 60 feet, the applicant shall dedicate to the County of Merced an additional 3 feet of right-of-way along Gun Club Road. The necessary deeds and legal descriptions shall be prepared by a California Licensed Land Surveyor or Civil Engineer authorized to perform land surveying and submitted to the county prior to issuance of any building or implementation of administrative use, whichever occurs first.
9. The applicant shall obtain an encroachment permit from the Department of Public Works/Road Division and construct a paved rural-agricultural type driveway approach at each of the access points of Gun Club Road. The plot plan with this application shows 3 access points. This shall be completed prior to the implementation of the administrative permit use or finalization of building permits.
10. The applicant shall install one 150 watt street light mounted on a wooden pole in the vicinity of the 2 access points near the west side of the property. This shall be completed prior to the implementation of the administrative use or finalization of the building permits.
11. All vehicles, equipment, and materials shall be located, stored, and/or stacked outside of county right-of ways (off of road shoulder) and contained on the property. This shall include space for vehicles/truck/trailers waiting to enter the site. Vehicles stopped on county roadways waiting to enter the property are not permitted, as this causes a traffic congestion and safety problem to the public. Adequate parking spaces for trucks as well as operational equipment and employee vehicles shall be provided on the site. This operation shall not interfere with safety, travel of the public, and shall not otherwise interfere with vehicles and traffic not associated with the site.
12. Encroachment permits are required for any work done in County right-of-ways. Work done in county right-of-ways will require inspection and approval by the road division. The applicant shall pay all associated fees and provide the necessary plans. If the design of the site changes, the applicant shall provide the additional copies necessary for review by the Road Division.

Merced County Building & Safety Division Conditions:

13. The applicant shall be required to contact the Building & Safety Division to review the proposal prior to issuing building permits. Please contact Charles Mendenhall at (209) 385-7477.

Merced County Fire Department Conditions:

14. The applicant shall be required to contact the Fire department to review the proposal prior to issuing building permits. Please contact the Fire Prevention Bureau at (209) 385-7347.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

Assistant Development Services Director Bill Nicholson said the joint Planning Commission/Board Study session regarding the General Plan Update is going to be postponed to March 11, 2008.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

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