

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF NOVEMBER 14, 2012**

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The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of November 14, 2012, are available online at [www.co.merced.ca.us/planning/plancomarchive.html](http://www.co.merced.ca.us/planning/plancomarchive.html).

**I. CALL MEETING TO ORDER**

The regularly scheduled meeting of the Merced County Planning Commission was called to order at 9:00 a.m., on November 14, 2012, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:      Commissioner Lynn Tanner - Chairman  
   Commissioner Jack Mobley - Vice Chairman  
   Commissioner Mark Erreca  
   Commissioner Rich Ford  
   Commissioner Greg Thompson

Staff Present:                      Mark Hendrickson, Interim Development Services Director  
   William Nicholson, Assistant Development Services Director  
   Kim Anderson, Recording Secretary  
   Malinda Farias, EH Office Assistant III  
   Jeff Fugelsang, Planner III

Legal Staff:                        Marianne Greene, Deputy County Counsel

Commissioners Absent:        None

**III. APPROVAL OF MINUTES**

**MOTION: THOMPSON – MOBLEY AND CARRIED BY A VOTE OF 5 – 0, THE COMMISSION APPROVED THE MINUTES FROM SEPTEMBER 26, 2012, WITH CORRECTIONS RECOMMENDED BY DEPUTY COUNTY COUNSEL MARIANNE GREENE ON PAGE 9, LINE 28-34 AND REPLACE WITH THE VERBATIM TEXT THAT WAS PROVIDED BY COUNSEL.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A. CONDITIONAL USE PERMIT No. CUP11-004 – Carlos Rogue - To allow a nightclub in an existing restaurant. The project site is located at 13289 Highway 33, on the west side of Highway 33 and 400 feet south of Comet Road in the Community of Santa Nella. The project site is designated Commercial land use in the Santa Nella Community Plan and zoned C-2 (General Commercial). **JF****

**Recommendation:** The actions requested are to:

- 1) Determine that the project is categorically exempt from CEQA review under Section 15183 of the CEQA Guidelines, and;
- 2) Approve Conditional Use Permit No. CUP11-004 based on the project findings and subject to the recommended conditions of approval presented in the Staff Report.

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Planner Jeff Fugelsang presented the Staff Report and recommendations of approval dated November 14, 2012.

The public hearing opened at 9:10 a.m.

Carlos Rogue, applicant and owner of the Mexican Restaurant at 13289 S. Hwy 33, Santa Nella, said he has meet the requirements asked of him, he supports the truck drivers and they keep his business going. He wants to open as a restaurant, bar and night club. He has met all requirements of building the masonry wall and other conditions listed in the staff report.

The public hearing closed at 9:11 a.m.

**MOTION: M/S MOBLEY - ERRECA, AND CARRIED BY A VOTE OF 5 – 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP11-004 FROM CEQA.**

**MOTION: M/S MOBLEY - ERRECA, AND CARRIED BY A VOTE OF 5 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED NOVEMBER 14, 2012, AND MAKES THE 8 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES CONDITIONAL USE PERMIT No. CUP11-004 SUBJECT TO THE 9 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

Planning & Community Development Department

1. Conditional Use Permit No. CUP11-004 is granted to allow a nightclub and upgrade an ABC license from beer and wine to also allow hard liquor sales in an existing restaurant located at 13289 Highway 33 in the Community of Santa Nella, in accordance with the applicant's operational statement and the approved plot plan.
2. The project shall operate in a manner that is consistent with the approved Plot Plan and the applicant's Operational Statement. Minor Modifications may be approved by the Planning Director upon submittal of an acceptable application.
3. Hours of operation shall be: Monday through Thursday from 7:00 am to 11:00 pm, Friday and Saturday from 7:00 am to 2:00 am, and Sunday from 8:00 am to 8:00 pm.
4. No truck parking is permitted, except for patrons of the restaurant/nightclub.
5. A sign shall be posted with stating that no truck shall idle their engine nor operate auxiliary equipment such as refrigeration units.
6. Ingress and egress shall be limited to two driveways on State Highway 33 and shown on the parking plan required in Condition No. 7.

7. Fast growing vines or shrubs shall be planted and maintained along both sides of the masonry wall as to discourage graffiti.
8. The applicant shall comply with all of the applicable standard conditions of approval listed in the Planning Commission Resolution No 97-1.
9. The permit is not valid until the conditions monitoring inspection fee of **\$243.00** is be paid within 30 days of approval. Additional billings if needed will be based on the hourly rate at that time.

**B. CONDITIONAL USE PERMIT No. CUP09-011 - Antonio Azevedo** - To expand an existing dairy from 5,140 cows to 7,766 cows and to construct a number of buildings and improvements all confined on 95 acres of four parcels totaling 550 acres. The project is located at the northwest corner of El Nido Road and Newhall Road in the El Nido area. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **DG**

**Recommendation:** The requested actions are to:

- 1) Certify the Environmental Impact Report and
- 2) Approve Conditional Use Permit No. CUP09-011 based on the project findings and subject to the conditions of approval and mitigation measures presented in the Staff Report, adopt the CEQA Findings of Fact, and approve the Mitigation Monitoring & Reporting Program

The Final Environmental Impact Report needs revision and to be re-circulated to the agencies that commented on the Draft EIR. This application has been continued to the December 5, 2012 hearing.

**MOTION: M/S MOBLEY - ERRECA, AND CARRIED BY A VOTE OF 5 – 0, THE PLANNING COMMISSION CONTINUED CONDITIONAL USE PERMIT No. CUP 09-011 TO DECEMBER 5, 2012.**

**VI. COMMISSION ACTION ITEM (S)**

None

**VII. DIRECTOR'S REPORT**

Mark Hendrickson, Interim Development Services Director, thanked the Commissioners and stated he had no reports at this time.

**VIII. COMMISSIONERS COMMENTS**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:13 a.m.