

MERCED : BRIGHT'S VTSM EXT. REQUEST (3.3.2021)

Good evening Commissioners...my name is Rick Telegan, and I'm a resident of Fresno.

Our purpose in submitting documents to the Site Plan Committee for their January 14th meeting that are included in your packet, was not to necessarily oppose Bright's extension request, but rather to be assured that the **City clearly understood** two things :

1st...That the approvals the City has established for Bright's VTSM # 1291 (Amended) do NOT include an approved storm-water drainage plan (see selected portions of the Conditions of Approval for Bright's Map). To that point, as signatories to the Pre-Annexation Development Agreement that governs the development of this and other parcels, we are now hereby requesting "**Special Notice**" of any application or filing with City staff of a storm-water collection and drainage plan designed to serve VTSM # 1291 (Amended), and

2nd...That the 3.1 acres owned by Bright Development, north and contiguous to our City approved student housing development, is General Planned for "Village Residential" and City Zoned RP-D # 61. The "Residential Planned Development # 61 Standards" require "... *Project Specific*: min. of 7 du/acre...". Consequently, the current "Land Use Regulations", established by the City and *accepted by*

Bright Development and ourselves, obligates Bright to build no less **than 22 residential units** within that 3.1 acre parcel...and IS NOT intended for use as a storm-water retention basin. (See attached “Residential Planned Development #61 Standards” applicable to the *Absolute Leeco Annexation Area*)

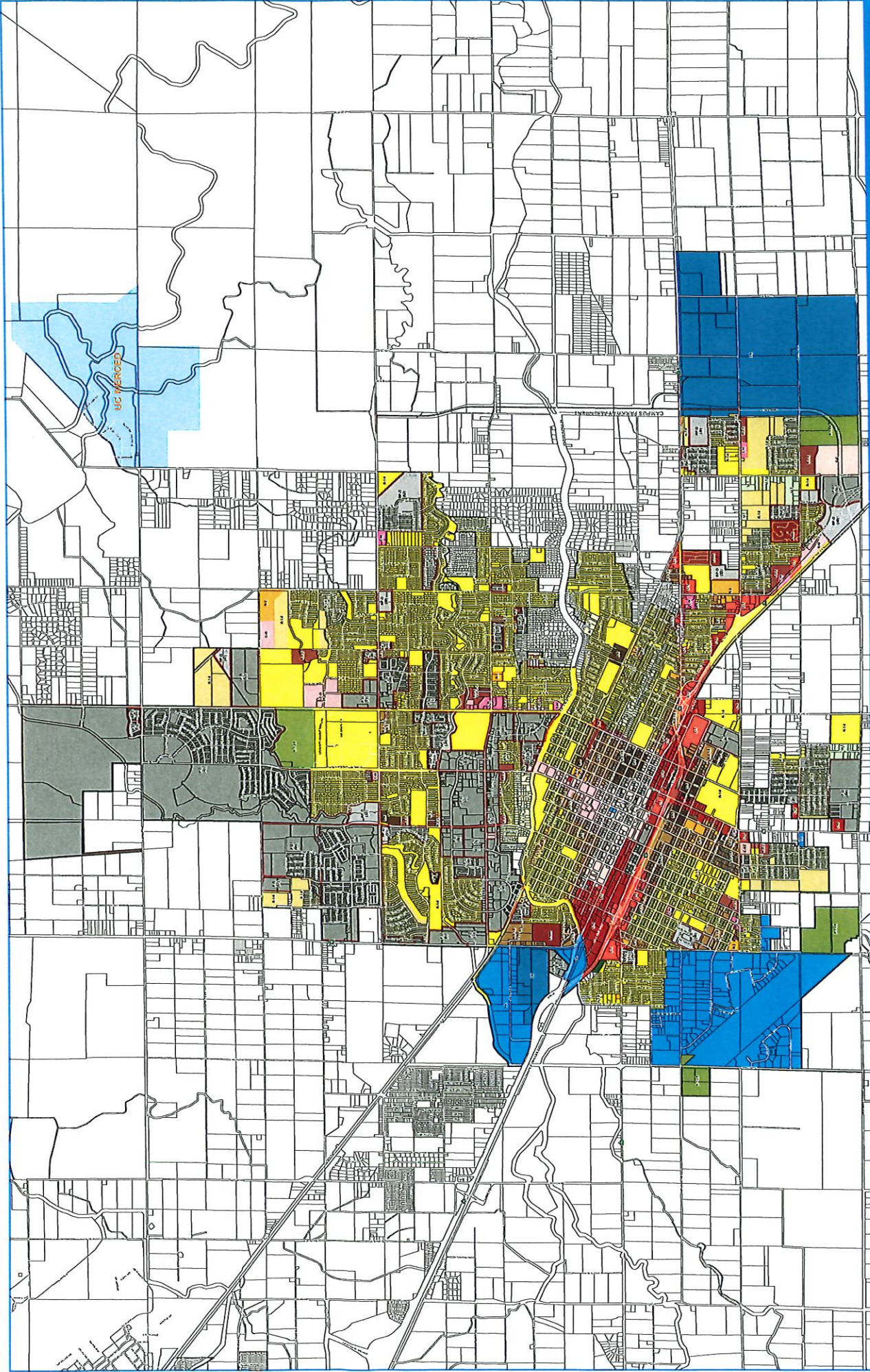
Also, attached is a copy of the City-wide Zoning Map, together with an enlargement of the area that identifies Bright’s 3.1 acre parcel. Staff’s Administration Report suggests that Bright’s 3.1 acre parcel could be used for a storm-water collection basin, and would likely be supported by staff. The use of Bright’s 3.1 acres for a storm-water collection basin that is zoned RP-D would be in direct violation of Merced Municipal Code section 20.20.020 [“Planned Development (P-D) Zoning Districts”]. (See attached copy)

Last year the City Planning Commission voted, as a part of our application, to modify the Pre-Annexation Development Agreement on behalf of Exposition Properties, LLC, Leeco, LLC & BP Investors, LLC, for us to hold virtual meetings with representatives of Bright Development in hopes that we could reach a “global resolution” to our issues. Included in those meetings was the use of a portion, or all of, the 3.1 acres for storm-water collection. The Planning Commission directed staff members to participate *as observers only*, and take notes and report back to the Planning Commission. There were roughly five such meetings that included Kim Espinosa and Julie Nelson

in all but one or two. Progress was being made when Bright Development *unilaterally* decided to **terminate those efforts**. Consequently, my partner and I are still in search of a “global resolution”, and we believe the City staff is also...but to no avail, as those conflicts between us continue.


























Thank you.

A handwritten signature in blue ink, consisting of a stylized, cursive letter 'Q' followed by a horizontal line.



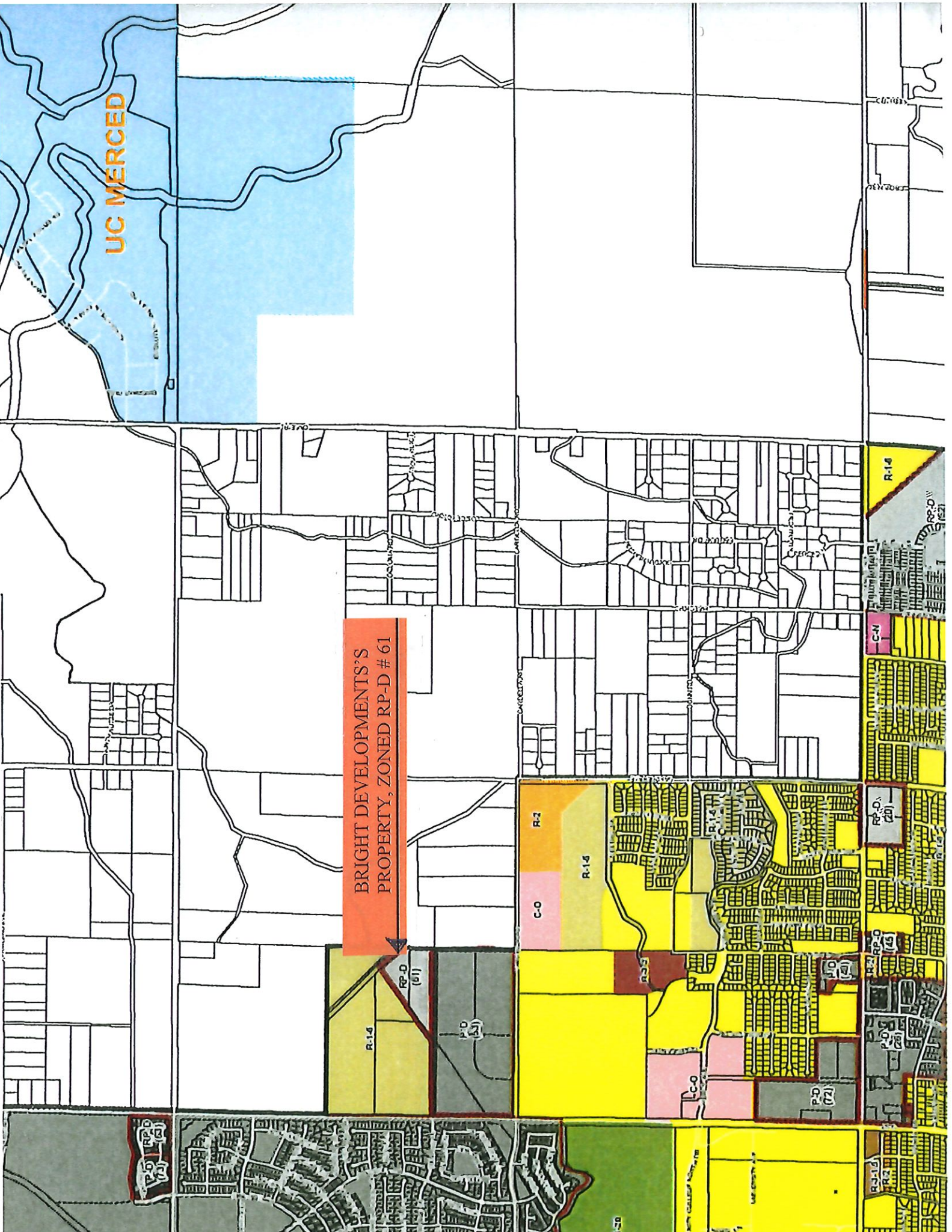
CITY OF MERCED ZONING

LEGEND

-  CITY LIMITS
-  LOW DENSITY RESIDENTIAL
-  LOW DENSITY RESIDENTIAL
-  LOW DENSITY RESIDENTIAL
-  LOW MEDIUM DENSITY RESIDENTIAL
-  MEDIUM DENSITY RESIDENTIAL
-  HIGH MEDIUM DENSITY RESIDENTIAL
-  HIGH DENSITY RESIDENTIAL
-  MOBILE HOME DISTRICT
-  LIMITED RESIDENTIAL
-  GENERAL COMMERCIAL DISTRICT
-  NEIGHBORHOOD COMMERCIAL DISTRICT
-  THOROUGHFARE COMMERCIAL DISTRICT
-  OFFICE COMMERCIAL DISTRICT
-  CENTRAL COMMERCIAL DISTRICT
-  COMMERCIAL SHOPPING CENTER
-  RESIDENTIAL PLANNED DEVELOPMENT
-  PLANNED DEVELOPMENT
-  INDUSTRIAL ADMIN. & RESEARCH DISTRICT
-  LIGHT INDUSTRIAL DISTRICT
-  HEAVY INDUSTRIAL DISTRICT
-  PUBLIC PARKING DISTRICT
-  RESTRICTED AGRICULTURAL
-  AGRICULTURAL TRANSITION ZONE
-  URBAN TRANSITION

UC MERCED

BRIGHT DEVELOPMENTS'S
PROPERTY, ZONED RP-D # 61



Chapter 20.18 - PUBLIC USE AND AGRICULTURAL ZONING DISTRICTS

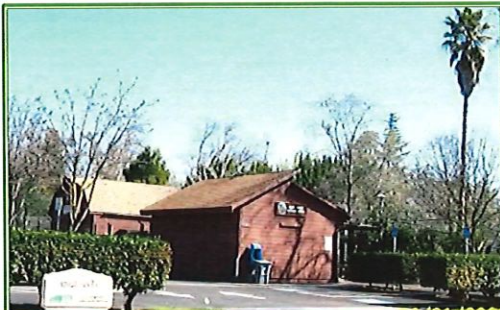
Sections:

20.18.010 Purpose of the Public Use and Agricultural Zoning Districts

20.18.020 Land Use Regulations for the Public Use and Agricultural Zoning Districts

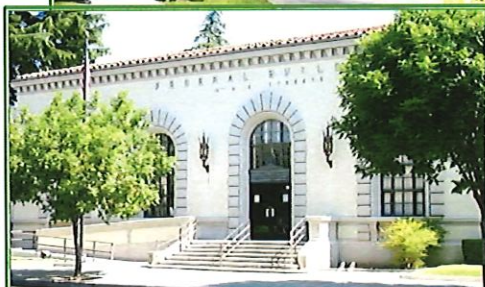
20.18.030 Development Standards for Public Use and Agricultural Zoning Districts

20.18.010 Purpose of the Public Use and Agricultural Zoning Districts



A. Parks and Open Space (P-OS). The P-OS zoning district provides areas for public parks and recreational facilities to serve existing and future residents.

B. Public Facility (P-F). The P-F zoning district provides areas for land uses and facilities owned and operated by governmental agencies.



C. Public Parking District (P-PK). The P-PK zoning district provides a location for parking lots that are available for use by the public at no cost for minimum periods of time in each 24-hour period.



D. Agriculture (A-G). The A-G zoning district provides space for continued agricultural uses within the City of Merced's City limits. This zone replaces the previous A-1-20 zoning district and applies to all land zoned A-1-20 within the City. Minimum size of an A-G district is 20 acres.



Chapter 20.20 - SPECIAL USE ZONING DISTRICTS

Sections:

20.20.010 Urban Transition (U-T) Zoning District

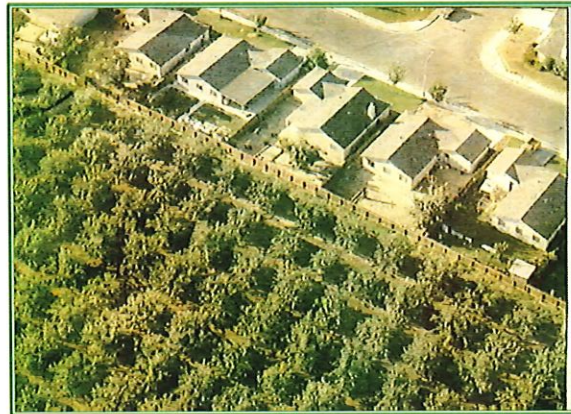
20.20.020 Planned Development (P-D) Zoning Districts

20.20.010 Urban Transition (U-T) Zoning District

A. **Purpose.** The purpose of the U-T zoning district is to allow the lawful continuation of land uses on land that is annexed to the City but not proposed for immediate urban development.

B. **Land Use Regulations.** The following land uses shall be permitted in the U-T zoning district:

1. Any legally established and operated use in full compliance with the Merced County Code existing at time of the annexation of the property to the City.



2. New agriculture uses, but not including hog raising, if such uses are in compliance with all other laws and ordinances, provided there is no retail sale of products on the premises.

3. Large and Small Residential Day Care Facilities.

4. Home Occupations.

C. **Development Standards.** Structures within the U-T zoning district shall comply with the applicable County development standards in effect at the time of annexation, except as provided below.

1. **Height.** Buildings shall not exceed a height of 40 feet for principal buildings and 25 feet for accessory buildings, except that these heights may be exceeded by any legal buildings as they existed at the time of annexation.

2. **Yards.** The required yards that existed for the subject lot at the time of annexation to the City shall be the minimum required yard areas, except for new or enlarged accessory buildings of a legally permitted primary use and dwelling units, which may have a minimum exterior yard area of 20 feet and a minimum interior yard area of 10 feet.

3. **Residential Density.** Except for secondary units permitted under Chapter 20.42 (Second Units), residential density of the lot may not be increased.

D. Existing Land Uses

1. Land in the U-T zoning district may continue with any legal and lawful use that existed in the county without time limit. However, this authority to continue such uses is not intended to legalize uses or structures operating or existing contrary to the terms of any other law or ordinance.



2. Any major expansion in use, density, or other measurement of size or intensity shall require a change to a zoning district other than the U-T zoning district. The

Director of Development Services shall determine whether a proposed change to an existing use will require a change to a zoning district other than the U-T zoning district

- E. Annexation Requirements.** At the time of annexation, the property owner shall submit a written statement and site plan on a form provided by the City that describes the use, height, area, lot, yard, and parking characteristics of the subject property. Those characteristics that were legally established and existing in the County at the time of annexation will be permitted to continue in the City within the U-T district upon annexation. A record of these property characteristics will be established and will become part of the U-T zoning district for the subject property. If the property owner does not submit the written statement and site plan as required by this section, then the City may prepare its own written statement in order to complete the zoning process upon annexation.

20.20.020 Planned Development (P-D) Zoning Districts

- A. Purpose.** The purpose of the Planned Development (P-D) zoning districts is to allow for high quality development that deviates from standards and regulations applicable to other zoning districts within Merced. The Planned Development zoning districts are intended to promote creativity in building design, flexibility in permitted land uses, and innovation in development concepts. The Planned Development zoning districts are also intended to ensure project consistency with the General Plan. Planned Development zoning districts provide land owners with enhanced flexibility to take advantage of unique site characteristics to develop projects that will provide public benefits for residents, employees, and visitors to Merced.

B. Types of PD Zoning Districts. There are two types of Planned Development zoning districts: The Planned Development (P-D) zoning district and the Residential Planned Development (RP-D) zoning district. The RP-D zoning district is identical to the P-D zoning district except that only residential land uses are permitted in the RP-D zoning district and a larger project size is required for the P-D zoning district.

C. Permitted Land Uses. In all Planned Development zoning districts, permitted land uses shall conform to the applicable General Plan designation, provided that such land uses are shown on the Official Site Utilization Plan for the particular P-D zone as approved by the City Council, and except that in the RP-D zoning district, only residential land uses shall be permitted.

D. Minimum Project Size. Minimum project size in the Planned Development zoning districts shall be as follows:

1. Planned Development (P-D) zoning district: 5 acres minimum.
2. Residential Planned Development (RP-D) zoning district: 1 acre minimum.
3. Planned Development projects located within the area shown in



Figure 20.20-1 and at least one-half of an entire City block shall be exempt from these minimum project size requirements.

E. Pre-Application Conference. Prospective applicants are encouraged to request a pre-application conference with the Planning Division before completing and filing an application for the Establishment of a Planned Development or a Revision to a Planned Development. At the pre-application conference, prospective applicants shall describe the general concepts of the development project, including site layout, land uses, standards, circulation, and other information necessary to describe key aspects of the project. The Planning Division shall provide preliminary feedback on the described development project relative to project consistency with City policies. The Planning Division shall also review with the prospective applicant submittal requirements and the process for application review and action by the Planning Commission and City Council.

F. Application Submittal. An application for a Planned Development Establishment or Revision shall be filed in compliance with Chapter 20.66 (Permit Application and Review). The application shall include the information and materials specified by the Planning Division, in addition to the materials required for approval of a Preliminary Site Utilization Plan, as described below.

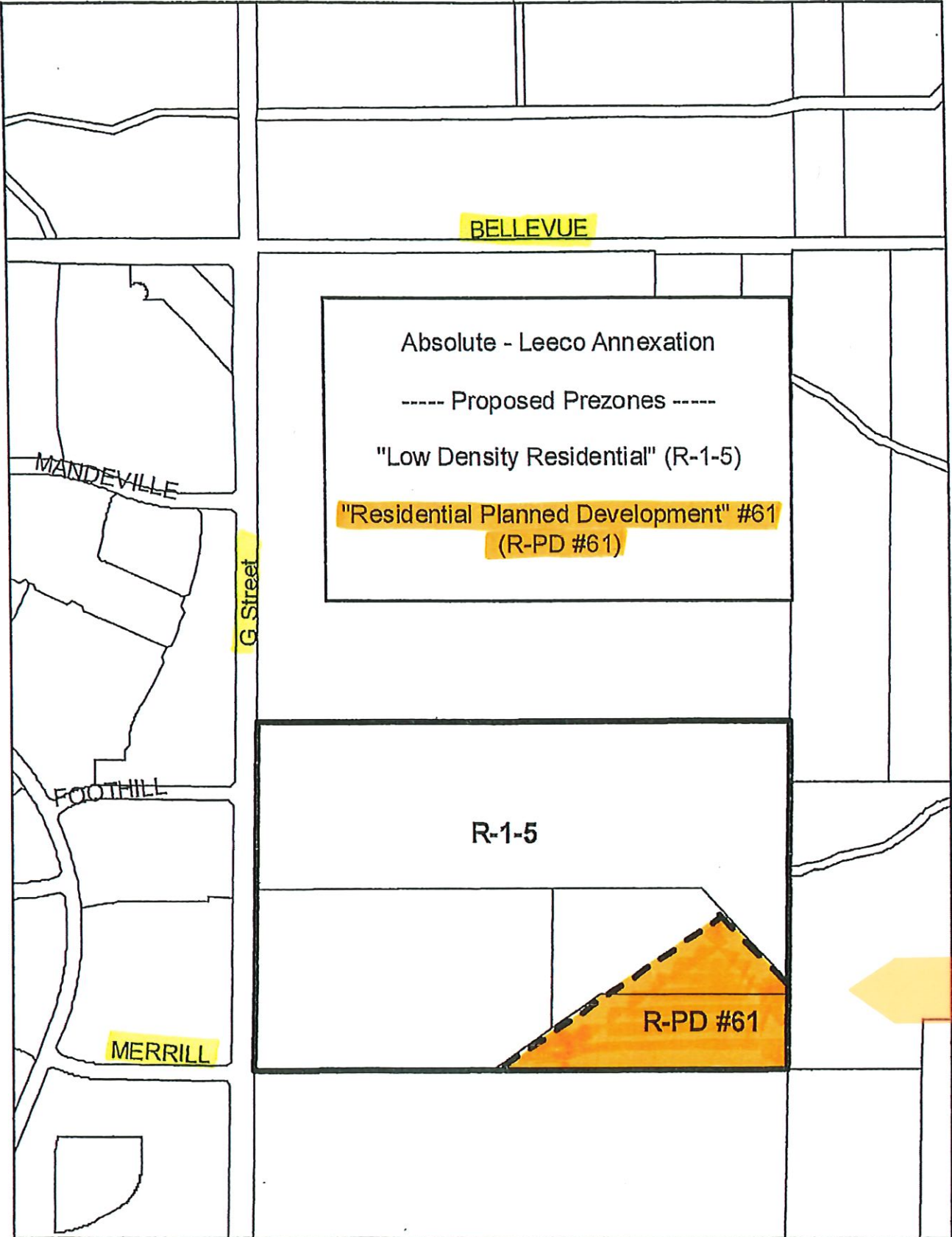
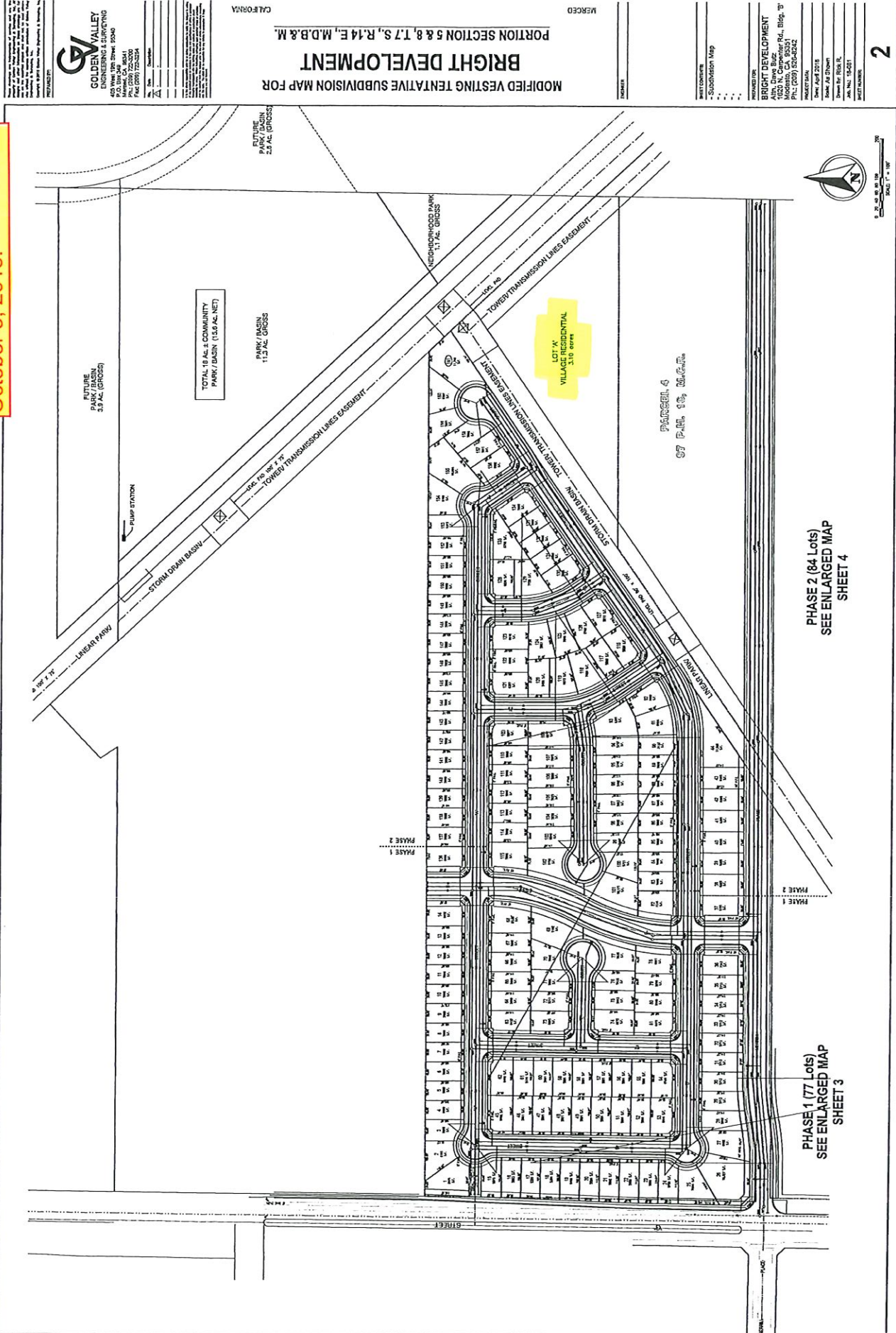


EXHIBIT B

RESIDENTIAL PLANNED DEVELOPMENT #61 STANDARDS	
Applies to <i>Absolute Leeco Annexation</i> "Village Residential" Area	
Design Category	Project Development Standard
Density	<i>Village-Wide:</i> average minimum gross* density of 10 du/ acre. <i>Project Specific:</i> min. of 7 du/acre and a max. of 30 du / acre.
Building Types	Used singularly or in combination small lot single-family (including "zero-lot" line homes), townhomes, duplexes, condominiums and apartments (Policy UD-1.1c):.
Secondary Dwellings	Permitted only through issuance of a Conditional Use Permit
Min. Lot Dimensions	Single Family & Townhouse: 30' x 70'; all others determined at time of CUP permit.
Max. Lot Coverage	Single Family & Townhouse: 65%; all others determined at time of CUP permit.
Max. Building Height	35-feet
Front, Street Side and Rear Setback	Single Family / Townhouse: In accordance with the City's Small Lot Guidelines; All others: 30' minimum
Interior Side Setback	Single Family / Townhouse: In accordance with the City's Small Lot Guidelines; All others: 10' minimum
Distance Between DU's	Comply with the Building and Fire Code Regulations
Parking	Per ordinance and Small Lot Guidelines where applicable
Landscaping Requirements	All plant materials appropriate for Sunset Zones 8-9 & 14; focus on low water plants; program-able automatic controllers; mixed species trees; reduced water & maintenance focus for turf
Patio Covers	As determined by Planning Commission at time of CUP permit.
Fencing	Per ordinance and Small Lot Guidelines where applicable
Building Materials	Building: stucco, masonry and architectural grade wood siding Roofing: tile, wood shake and architectural composition shingles.
Residential Building Entries / Street Facades <i>Single-Family Units</i>	In accordance with the City's Small Lot Guidelines
Residential Building Entries / Street Facades <i>Multi-Family Housing</i>	In most cases, primary ground floor residential building entrances will face and be visible from the street. Parking lots and driveways will be placed in the interior of blocks. Private back door entries will provide access from alleys, garages and parking lot. Ancillary units and upper floor units in multi-family or apartment complexes may be accessed by rear or side entries (see EXHIBIT 1).
Other	Standards listed in the City's Small Lot Guidelines but not in this table apply to detached and attached single family building projects.
* Gross density calculations should include the area in lots as well as in streets and alleys immediately in front and behind the lots (Policy UD-1.1c).	

Modified Map Approved by
the Planning Commission
October 3, 2018.



GOLDEN VALLEY
PLANNING & ENGINEERING
450 N.W. 10th Street, Suite 100
Portland, OR 97209
P.O. Box 304
Portland, OR 97208
P.O. Box 2200
Portland, OR 97208
Tel: (503) 725-2500
Fax: (503) 725-2504
www.goldenvalleyplanning.com

MODIFIED VESTING TENTATIVE SUBDIVISION MAP FOR
BRIGHT DEVELOPMENT
PORTION SECTION 5 & 8, T. 7 S., R. 14 E., M.D.B. & M.
MERCED
DATE: 10/11/18

PROJECT NO.: 18-0001
PROJECT NAME: BRIGHT DEVELOPMENT
PROJECT ADDRESS: 1825 N. Capistrano Rd., Blg. 'B'
PROJECT CITY: PORTLAND, OR 97208
PROJECT COUNTY: CLATSOP
DATE: 10/11/18
DRAWN BY: J. D. DAVIS
CHECKED BY: J. D. DAVIS
SCALE: AS SHOWN
DATE: 10/11/18
SHEET NUMBER: 2

