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**CITY OF MERCED
SITE PLAN REVIEW COMMITTEE
RESOLUTION #260**

Wal-Mart Stores East, LP

APPLICANT

**2001 SE 10th St,
Dept. 9562**

ADDRESS

Bentonville, AR 72716-0550

CITY/STATE/ZIP

(479) 273-8538

PHONE

Wal-Mart Distribution Center

PROJECT

**Northwest Corner of Gerard Avenue
& Tower Road**

PROJECT SITE

061-250-090 and 061-290-047

APN

Heavy Industrial (I-H)

ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Site Plan Review Committee considered Site Plan Application #260 on April 23, 2009, submitted by Carter & Burgess, Inc., agent for Wal-Mart Stores East, LP, property owner. The application would allow for the construction of a regional distribution center (approximately 1.1 million square feet, operating 24 hours per day, and employing approximately 1,200 employees) and associated facilities on approximately 230 acres, generally located at the northwest corner of Gerard Avenue and Tower Road. Said property being more particularly described as Parcels 2 and 3 as shown on the map entitled "Parcel Map for Lyons Merger Partners, L.P.," filed in Parcel Maps in Volume 101, Pages 47 and 49, Merced County Records, also known as Assessors Parcel Numbers (APN) 061-250-090 and 061-290-047.

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) Merced Municipal Code Section 20.68.040 (B) reads as follows: "In the event the site plan committee is of the opinion that a request is of such magnitude to be a significant policy interpretation and/or of special interest to surrounding property owners and the planning commission, the site plan committee shall refer the request to the planning commission for a hearing and decision."
- B) Since the proposed Wal-Mart Distribution Center project was announced in 2006, significant public discussion has taken place prior to any public hearings on the project being scheduled. The City has received large amounts of correspondence regarding the project as well as numerous public records requests regarding the project. All the above indicates a "special interest to surrounding property owners" per MMC 20.68.040 (B), and therefore, the Site

DRAFT

Site Plan Review Resolution # 260

April 23, 2009

Page 2

Plan Committee is referring the request to the Planning Commission for hearing and decision.

- C) In addition to Site Plan Application #260, the project requires the approval of other City development applications before construction could proceed. These applications include General Plan Amendment #06-01 and Vacation/Abandonment Application #06-01 for a change in the General Plan Circulation Element and the abandonment of the right-of-way for Kibby Road (a designated collector) between Childs and Gerard Avenues, as well as the certification of an Environmental Impact Report (EIR #06-01). All of the above applications require public hearings before the Planning Commission and City Council. Therefore, the Site Plan Committee finds that it is appropriate for all applications, including Site Plan Application #260, regarding the proposed project to be set forth for public hearings before the Planning Commission and City Council.
- D) Per CEQA section 15025(c), since the Site Plan Review Committee, an advisory body, is NOT making a recommendation on the project to a decision making body, but is merely referring the project to the decision making body for a public hearing and decision, the Site Plan Review Committee is NOT required to review the Environmental Impact Report in draft or final form.

NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does refer Site Plan Application #260 to the Planning Commission for a hearing and decision by the following vote:

AYES:

NOES:

ABSENT:

If there are any questions concerning the above, please contact Planning Manager, Kim Espinosa at (209) 385-6858.

April 23, 2009

DATE

SIGNATURE

Planning Manager

TITLE