

MINUTES

TURLOCK CITY PLANNING COMMISSION MEETING THURSDAY, DECEMBER 5, 2013 6:00 PM

YOSEMITE COMMUNITY ROOM TURLOCK CITY HALL, 156 SOUTH BROADWAY

COMMISSIONERS PRESENT: Bean, Brem, Dias, Fregosi and Hillberg

ALTERNATE COMMISSIONERS PRESENT: Badal

COMMISSIONERS ABSENT: Hackler, Pollard and Salcedo

STAFF PRESENT: Debra Whitmore, Deputy Director of Development Services; Mike Pitcock, Director of Development Services; Katie Quintero, Associate Planner; Adrienne Werner, Assistant Planner; Dorinda Soiseth, Staff Services Technician

A. CALL TO ORDER The meeting was called to order at 6:00 p.m.

Chairman Brem changed the order of the agenda to allow for the recognition of Commissioner Salcedo.

C. ANNOUNCEMENTS

1. **Recognition of Outgoing Commissioner Alex Salcedo** – Chairman Brem presented Commissioner Salcedo with a Certificate of Appreciation for his service on the Commission.

Commissioner Salcedo leaves the meeting.

B. APPROVAL OF MINUTES

1. **Regular Meeting of November 7, 2013**

Chairman Brem asked for corrections or additions. Commissioner Fregosi asked that reference to the 42-cent per square foot tax by the TDPOA be included in the comments made by Dana McGarry. Chairman Brem noted one correction that Commissioner Salcedo was late, not absent as noted in the minutes. Motion and second (Fregosi/Hillberg) to approve the minutes as amended. Carried unanimously with Commissioners Hackler, Pollard and Salcedo absent.

2. **Special Meeting of November 21, 2013** – Chairman Brem noted that there was not a quorum present to vote on these minutes.

D. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS - None

E. PUBLIC PARTICIPATION - None

F. CONSENT CALENDAR - None

G. PUBLIC HEARINGS

***CONSENT**

*None

NONCONSENT

1. **CONDITIONAL USE PERMIT 2013-04 (Turlock Seventh Day Adventist Church)** Katie Quintero presented the staff report and said that the church is located at 2400 N. Olive Avenue and is adjacent to residentially zoned properties. Katie reviewed the Municipal Code sign standards and said that signs that do not comply can be authorized with a Conditional Use Permit. Katie said that changeable copy signs are not permitted in residential or commercial office zones, but are permitted in other zones with a Minor Discretionary Permit. She advised that the proposed sign is a 6-foot tall, 11-foot 4-inches wide, and internally illuminated, double-sided monument sign with changeable copy that will be set back 12 feet from the property line. She provided examples of previously approved church signs with changeable copy. She noted that the applicant revised their original submittal and were proposing an alternative design with only the letters illuminated for the changeable copy on an opaque background that would prevent light from being emitted.

Katie noted that the church has two existing monument signs that will be removed to allow for the installation of the proposed sign. Staff has recommended denial of the sign due to the proposed changeable copy.

Michael Fanselau and Pastor Cano, representing the church, and Harold Brown of Sign Designs offered to answer questions. Mr. Fanselau complimented Katie Quintero and Debbie Whitmore for their help on this project.

Harold Brown said the sign will use LED bulbs, vinyl diffuser panels and opaque white lettering with a black background to illuminate the words without glare.

Michael Fanselau advised that they are willing to install a timer on the sign to regulate the illumination, and said they have talked to the neighbors about the proposed sign and did not receive any objections.

PUBLIC HEARING:

Chairman Brem opened the public hearing. No one spoke. Chairman Brem closed the public hearing.

The consensus of the Commission was to approve the sign using a 60% diffuser vinyl to start with, and then reducing it to 30% if there were no issues. Debbie Whitmore noted that this process could be done administratively.

MOTION: Commissioner Fregosi moved, Commissioner Bean seconded, that the Planning Commission find Conditional Use Permit No. 2013-04 (Turlock Seventh Day Adventist Church) to be "Categorically Exempt" from the provisions of CEQA, and approve Conditional Use Permit 2013-04, Option 1, authorizing the revised sign as proposed, with changeable copy and internal illumination for the letters only, adding a timer to the sign to turn the lights off by 10:00 p.m., and adding diffuser vinyl (60%) to the

changeable copy section of the sign. Motion carried unanimously with Commissioners Hackler, Pollard and Salcedo absent.

2. **CONDITIONAL USE PERMIT 2013-05 (Monte Vista Crossings Multi-tenant Freeway Sign)**
Adrienne Werner presented the staff report on the request for a new 85-foot tall, 21-foot wide multi-tenant freeway sign to be located at 2701 Countryside Drive. She said the sign is proposed to include 12 tenant panels and will not exceed the sign area outlined in the Monte Vista Crossings master sign program. She provided information and pictures of previously approved freeway signs. Adrienne noted an excerpt from Planning Commission Resolution 2005-28 that stated "No additional freeway-oriented signs shall be permitted east of Highway 99 between Monte Vista Avenue and Fulkerth Road, consistent with Planning Commission Resolution No. 99-093 (Conditional Use Permit No. 99-04)." Staff has reviewed this condition with the City Attorney whose opinion is that the City would not be able to limit someone from advertising on their property. Adrienne said that the proposed 85-foot freeway oriented sign is consistent with existing freeway signs for Monte Vista Crossings and with previously approved freeway signs, and staff is recommending approval.

Chairman Brem asked if there will be a request for additional freeway signs when future commercial development occurs on this parcel. Adrienne noted that this sign will include both Phase 1 and Phase 2 development at this site.

Commissioner Dias asked about the distance from the existing Kohl's sign to the proposed sign. Mike Pitcock responded that they will be approximately 550 to 600 feet apart.

Tom Miller, representing Hall Equities Group, offered to answer questions.

PUBLIC HEARING:

Chairman Brem opened the public hearing.

Cyndi Petersen asked about the possibility of using solar panels to power the sign. Tom Miller advised that it will be illuminated using LED lighting, but that the technology is not available for solar at this time.

Chairman Brem closed the public hearing.

MOTION: Commissioner Dias moved, Commissioner Bean seconded, that the Planning Commission find Conditional Use Permit No. 2013-05 (Monte Vista Crossings LLC) to be Categorically Exempt from the provisions of CEQA, and approve Conditional Use Permit No. 2013-05, having determined that the appropriate findings have been made, subject to the conditions of approval listed in Draft Resolution No. 2013-15. Motion carried unanimously with Commissioners Hackler, Pollard and Salcedo absent.

H. OTHER MATTERS

1. **WORKSHOP ON POTENTIAL CHANGES TO TURLOCK MUNICIPAL CODE 9-2-125 CONCERNING MOBILE FOOD FACILITIES.**

Debbie Whitmore said that the purpose of this workshop is to listen to the public and determine community preference regarding mobile food trucks in the downtown area. She reviewed current

City and State regulatory requirements including vehicle codes and health and safety codes for food trucks. She provided information on street vendors that move from place to place; mobile food facilities that are located on private property; the current mobile food vendor permitting process; how other jurisdictions regulate mobile food facilities; and advised that the current emergency moratorium on mobile food vendors in the downtown core will be reviewed and possibly extended by the City Council on December 10.

Chairman Brem asked how many trucks had been approved to locate in Turlock and if there was adequate commissary capacity available. Debbie Whitmore said that the commissary located on South Kilroy was more than adequate to accommodate the 37 trucks currently permitted.

Bill Youngdale said he owns property on North Broadway and does not favor mobile food facilities in the Downtown Core.

Cyndi Petersen, spoke in favor of mobile food facilities. She suggested that a food court be established to accommodate a number of food trucks, or possibly a summer food truck tour where the trucks would be featured at a different park each Saturday.

Dana McGarry, representing the Turlock Downtown Property Owners Association (TDPOA), commented that the Downtown Master Plan, along with the Property and Business Improvement District (PBID), is the basis for everything that happens in downtown including the physical maintenance of the district. She said that the PBID is structured so that properties that are vacant are not taxed. She commented that "brick and mortar" restaurants are required to provide restrooms for their customers and the public, but mobile vendors are not, and that mobile facilities do not pay building permit or impact fees and do not have to comply with the same downtown design standards as permanent structures do. She also commented about the different sign standards for permanent structures versus mobile facilities and the resulting issue of compatibility. She expressed concern that temporary vehicles with wheels will take the final renaissance of the downtown in a direction that was not planned, and that mobile vendors were never envisioned for the downtown core.

DeeDee Thomas, a local realtor and member of the TDPOA commented that a business agreeing to provide the restroom for a mobile food truck may be closed during the truck's operating hours. She expressed concern about the clean-up in the area of a food truck, and asked the Planning Commission to consider the atmosphere of the downtown when revising the current ordinance.

Debbie Whitmore advised that a condition of food truck approval is the availability of a restroom for the operator, and if one was not available they would be in violation of their permit.

Christopher Shawn, owner of Vida Vital, said he would be willing to pay the same tax as permanent facilities, and said that restaurants do not have to fight the weather as do mobile facilities.

Chairman Brem noted that the issue is of fairness and equity to the downtown business, and the appropriateness of mobile vendors in downtown.

Commissioner Fregosi said that staff is doing wonderful job of providing information and that the Planning Commission is getting a very comprehensive view of mobile food vendors.

Chairman Brem commented that Turlock is an exception by allowing mobile food trucks as most of the surrounding communities do not allow them at all.

Christopher Shawn suggested having specific guidelines for mobile food vendors that want to locate in the downtown area. He also commented on an article in the Turlock Journal that stated he was going to locate at CSU Stanislaus.

Commissioner Badal commented on the CSU Stanislaus regulations for food vendors on campus.

Ed Samo, co-owner of Red Brick, spoke against mobile food vendors in the Downtown Core area. He said that mobile food facilities have an unfair advantage over brick and mortar businesses which have overhead expenses such as employees, maintenance, and building renovations that need to meet the Downtown Design Guidelines.

Dana McGarry read the following statement from Jeff and Karen Chapman, owners of property located at 301,309 and 311 E. Main:

"The Turlock Downtown Property Owners Association and the Mayor's Economic Task Force are creating plans to improve the Downtown. This collaborative effort will continue making Downtown a destination inviting citizens and visitors into an attractive core offering them retail, restaurant, professional and entertainment options. This work will unite the aspirations and dreams of building and business owners, the Chamber of Commerce and the City. Their expertise and efforts will accomplish more innovative Downtown changes than any one person, or single group. Their fundamental value for Turlock is "we" rather than "I" or "me". The mobile food vendor requests have nothing to do with improving our City. They aspire to make a living and a profit. Rather than creating benefits with a "we" perspective, they have an "I" or "me" attitude. This "me first" attitude divides communities resulting in mediocrity and typically demise. It is exceptional planning implementing group creativity that will continue the transformation of our Downtown. We look forward to the lease of each Main Street suite as well as the sale of vacant property. Our core will improve as a desirable destination because all the work is for "our" community, not on "me", an individual."

Debbie Whitmore asked the TDPOA to clarify that their request was to prohibit mobile food facilities in the Downtown Core.

Dana McGarry responded that is correct.

Debbie advised that staff will bring this back to the Planning Commission at their next meeting.

I. COMMISSIONER'S CONSIDERATION - None

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

- 1. Report on Stanislaus County Planning Commission Public Hearing of November 21, 2013, on Conditional Use Permit 2002-21, Mar Addai Church, located at 2107 E. Monte Vista Ave.**
Katie Quintero reported that County staff has received numerous complaints about events held at this facility, and a potential revocation hearing will be scheduled in six months.

K. COMMISSIONERS COMMENTS –

Commissioner Fregosi commented about the Planning Commission's denial of the request to remove condition #60 of the 2010 Time Extension for Minor Discretionary Permit 2008-08 (Monte Vista Crossings LLC). Staff advised that an appeal was not filed.

L. STAFF UPDATES – *Debbie Whitmore*

- 1. Regional Housing Needs Allocation Methodology Comments to StanCOG –** Debbie provided the Commission with her letter of response concerning the proposed Regional Housing Needs Allocation Methodologies. Staff will be asking for StanCOG's support at their December 18 meeting.

Debbie reported that at their December 4 meeting, LAFCo unanimously approved an annexation proposal from the City of Patterson for a regional business park.

- M. ADJOURNMENT:** Having no further business Chairman Brem adjourned the meeting at 7:53 PM.

Respectfully Submitted,



MIKE BREM
Chair



DEBRA A. WHITMORE
Deputy Director of Development Services,
Secretary of the Turlock Planning Commission