

A. CALL TO ORDER – Chairwoman Fregosi called the meeting to order at 6:00 p.m.

PRESENT: Commissioners Bean, Dias, Gonsalves, Hackler, Hillberg, Pedroza and
Chairwoman Fregosi.

ABSENT: None

B. APPROVAL OF MINUTES

1. Regular Meeting of September 3, 2015. Motion/Second (Hillberg/Bean) to approve the minutes as submitted. Motion carried unanimously.

C. ANNOUNCEMENTS

None.

D. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

None.

2. DISCLOSURE OF EX PARTE COMMUNICATIONS

Chairwoman Fregosi noted that Ex Parte Communications for Items G.1. – Vesting Tentative Subdivision Map 2006-05, Rezone 2006-05 (Planned Development 256) – Valley Development and G.2. – Amendment to Conditional Use Permit 2008-06 – The Udder Place Expansion, would be disclosed prior to the discussion of each project.

E. PUBLIC PARTICIPATION

Matt Rickard spoke of the negative impacts to the surrounding residential neighborhood from the RAM Farms pumpkin patch and ice rink operation, located on Daubenberger Road. He noted that impacts include lack of compliance with the original conditions of approval in relation to hours of operations, retail sales of glow sticks, use of amplified sound, light glare from on-site lighting, parking issues, and noise from the generator that runs continually and does not comply with City standards.

Deputy Director of Development Services Debbie Whitmore noted that the Turlock Planning Commission does not take action on County projects. She advised that Stanislaus County will be issuing a new staff level permit which will extend their hours of operation, and that County staff and the applicant are looking at ways to address the noise issue caused by the generator. Debbie Whitmore advised that City staff is relying on the County to ensure all conditions are met as the City has no discretion concerning implementation of conditions on County permits.

F. CONSENT CALENDAR

None

G. PUBLIC HEARINGS

***CONSENT ITEMS**

Chairwoman Fregosi asked for the disclosure of any Ex Parte communications for this project. There were none.

- *1. **THREE-YEAR TIME EXTENSION OF VESTING TENTATIVE SUBDIVISION MAP 2006-05 and REZONE 2006-05 (PLANNED DEVELOPMENT 256) - VALLEY DEVELOPMENT** – The proposed project located at 3131 Colorado Avenue (Stanislaus County APN 072-012-056) is a request for a three-year extension of a previously approved vesting tentative subdivision map for the subject site. Typical lot sizes range from approximately 3,100 square feet to slightly over 5,000 square feet. If granted, this time extension will change the expiration of this subdivision map from September 7, 2015 to September 7, 2018. This project is Categorically Exempt from the provisions of CEQA, per §15162 Subsequent EIRs and Negative Declarations.

MOTION: Commissioner Hillberg moved, Commissioner Bean seconded, to approve the Consent Calendar as presented. Motion carried unanimously.

NONCONSENT ITEMS

Chairwoman Fregosi asked for the disclosure of any Ex Parte communications for this project. There were none.

2. **AMENDMENT TO CONDITIONAL USE PERMIT 2008-06 – THE UDDER PLACE EXPANSION:** The applicant is requesting an amendment to an approved Conditional Use Permit to allow an expansion of The Udder Place into an adjoining vacant tenant space at 108 W. Main Street referred to as Stanislaus County APN 061-016-027. This project is EXEMPT from the California Environmental Quality Act pursuant to Section 15301 (e) (Existing Facilities).

Brenton Gibbons, Assistant Planner, presented the staff report and provided a history of the existing approvals for the property. He said that the request is for approval to expand in to 108 W. Main, extend the hours of operation to 2:00 a.m., and to allow live entertainment and outdoor seating. Mr. Gibbons advised that the applicant has worked with Planning and Police Department staff to address potential noise impacts, and that sound mitigation techniques such as insulated ceiling panels, additional wall panels and sheetrock, and a roll-up door with thicker glass to lessen the sound impact to the street would be used. Staff is recommending approval.

Commissioner Pedroza commented that other venues in the area also provide live music and asked about noise impacts should they operate at the same time.

Assistant Planner Brenton Gibbons said any noise impacts would be mitigated by the Turlock Municipal Code, and that the roll-up door would need to come down.

Chairwoman Fregosi asked for clarification of page 3 of the staff report noting that the applicant could choose to cease food service at any time.

Senior Planner Katie Quintero responded that some Alcoholic Beverage Control licenses require food to be served, but this license does not require it and food service is not a requirement of approval for the expansion.

Jerry Powell, applicant, thanked staff and said he is looking forward to bringing more citizens to downtown Turlock.

Public Hearing:

Chairwoman Fregosi opened the public hearing. Hearing no comments, Chairwoman Fregosi closed the public hearing.

The consensus of the Commission was to make sure that any potential noise issues were addressed.

Police Captain Nino Amirfar spoke about public safety challenges as a result of the downtown becoming more vibrant. Captain Amirfar said the goal is to work with the business owners to ensure the safety of the public, the vibrancy of the downtown area, and the success of the businesses.

Commissioner Pedroza asked if calls for service in the downtown area had increased.

Captain Amirfar advised of a 196% increase in calls from this quadrant of town, but noted that the calls were generated from the downtown business owners and not 9-1-1 calls. Captain Amirfar said that the Police Department is working with the business owners to make sure a business is run well and to inform them when problems occur.

Chairwoman Fregosi asked if the Police Department approves of extending the hours to 2:00 a.m.

Captain Amirfar responded yes, that their alcohol license allows them to be open until 2:00 a.m. and that the Police Dept. will work with the business owners to ensure they are doing what is necessary to help control any problems. Captain Amirfar advised that the Chief of Police has right to amend or add any conditions, as per Condition #37 of the draft resolution.

Jerry Powell stated that they close early and do not serve alcohol after 1:00 a.m.

Commissioner Dias asked about the maximum occupancy including the expansion and outdoor dining area.

Assistant Planner Brenton Gibbons responded the occupancy limit is 355.

Jerry Powell advised there are three to four security guards on site during the weekends.

MOTION: Commissioner Hackler moved, Commissioner Pedroza seconded, that the Planning Commission grant the Amendment to Conditional Use Permit No. 2008-06 – The Udder Place Expansion, having determined that the project is “Categorically Exempt” from the provisions of CEQA, and that all of the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2015-26. Motion carried unanimously.

H. OTHER MATTERS

None.

I. COMMISSIONERS CONSIDERATION

- 1. TURLOCK UNIFIED SCHOOL DISTRICT: SCHOOL FACILITIES FEES** Deputy Director of Development Services Debbie Whitmore said the "School Facilities Needs Analysis" was sent to the City and provides the justification for fees charged on residential development. This information is provided for informational purposes only. No action will be taken by the Planning Commission regarding this item.

Roger Smith, Facilities Planner for Turlock Unified School District said that this report is prepared annually to justify school fees. Mr. Smith also provided information about the condition of classroom facilities in Turlock public schools.

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

None.

K. COMMISSIONERS COMMENTS

Commissioner Pedroza commented on the concerns expressed tonight by Matt Rickard about the pumpkin patch / ice rink business on Daubenberger Road, and said that contact needs to be made with Stanislaus County to insist the conditions of the permit are being followed.

Chairwoman Fregosi commented on the status of the Turlock Assisted Care Center project.

Commissioner Pedroza commented on the status of the recently approved student housing project.

L. STAFF UPDATES

- 1) DOWNTOWN PARKING STUDY REQUEST FOR PROPOSALS** – Senior Planner Katie Quintero said a Request for Proposal has been distributed to numerous consultants, and the deadline for submittal is Oct. 30, 2015. The study will provide an analysis of current parking supply and demand in the downtown area.
- 2) TRAFFIC CALMING PROGRAM** – Director of Development Services Mike Pitcock gave an update on the policies and procedures being developed to address public requests for traffic calming improvements on residential streets. He provided the steps the public would need to make to have traffic calming measures installed in their neighborhood. Mr. Pitcock advised that the City will not be paying for any of the costs, but will support the requests.

- M. **ADJOURNMENT:** Chairwoman Fregosi asked for a motion (Hillberg/Pedroza) to adjourn the meeting 6:59 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED



Soraya Fregosi
Chair



Debra A. Whitmore
Deputy Director of Development Services