

# MINUTES

## TURLOCK CITY PLANNING COMMISSION

THURSDAY, JUNE 4, 2009

7:00 PM

### YOSEMITE COMMUNITY ROOM

TURLOCK CITY HALL, 156 SOUTH BROADWAY, TURLOCK, CA

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**COMMISSIONERS PRESENT:** Hackler, Williams, Hillberg, Fregosi, Dias, Pedroza and Bean

**ALTERNATE COMMISSIONERS (Non-Voting):** Salcedo

**COMMISSIONERS ABSENT:** Brem

**STAFF PRESENT:** Debra Whitmore, Deputy Director of Development Services; Roger Fall, Traffic Engineer Supervisor, Scott Medeiros, Transit Planner; Christina Magana, Turlock Police Officer II; Rose Stillo, Senior Planner; Adrienne Werner, Planning Technician; Katie Melson, Assistant Planner; Sean Scully, Assistant Planner; Dorinda Soiseth, Staff Services Technician,

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**A. CALL TO ORDER** The meeting was called to order at 7:00 p.m.

**B. APPROVAL OF MINUTES**

Vice Chair Bean asked for corrections or a motion for approval of the minutes of the April 23, 2009 6:00 PM Special Planning Commission meeting.

**MOTION:** Commissioner Fregosi moved, Commissioner Pedroza seconded that the Planning Commission approve the minutes from the April 23, 2009 6:00 PM Special Planning Commission meeting as submitted.

**AYES:** Williams, Hillberg, Fregosi, Dias, Pedroza and Bean  
**NOES:** None  
**ABSTAIN:** Hackler  
**ABSENT:** Brem  
**NON-VOTING:** Salcedo  
**NOT PARTICIPATING:** None

Vice Chair Bean asked for corrections or a motion for approval of the minutes of the April 23, 2009 8:00 PM Special Planning Commission meeting.

**MOTION:** Commissioner Fregosi moved, Commissioner Pedroza seconded that the Planning Commission approve the minutes from the April 23, 2009 8:00 PM Special Planning Commission meeting as submitted.

**AYES:** Hackler, Williams, Hillberg, Fregosi, Dias, Pedroza and Bean  
**NOES:** None  
**ABSTAIN:** None

**ABSENT:** Brem  
**NON-VOTING:** Salcedo  
**NOT PARTICIPATING:** None

Vice Chair Bean asked for corrections or a motion for approval of the minutes of the May 7, 2009 Regular Planning Commission meeting.

**MOTION:** Commissioner Hackler moved, Commissioner Hillberg seconded that the Planning Commission approve the minutes from the May 7, 2009 Planning Commission meeting as submitted.

**AYES:** Hackler, Williams, Hillberg, Fregosi, Dias, Pedroza and Bean  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Brem  
**NON-VOTING:** Salcedo  
**NOT PARTICIPATING:** None

**C. ANNOUNCEMENTS –**

Debra Whitmore announced two green sheets:

- Item G.2. - Conditional Use Permit 2009-02 (Transit Center) – additional petition signatures have been collected.
- Item H.2. – Revocation of Home Occupation Permit – letters in support of this permit have been received.

**D. CONFLICT OF INTEREST DECLARATION: -**

Alternate Commissioner Alex Salcedo stated he had a conflict with Item F.1. General Plan Conformity for Public Acquisition, G.2. Conditional Use Permit 2009-02 (Transit Center), Item G.3. Conditional Use Permit 2009-03 (Armstrong Development) and Item H.1. Public Safety Building Communications Tower, as his employer has had past involvement with the Armstrong Development project and has the potential to bid on the other two projects. He advised he will be stepping down on these four items.

**E. PUBLIC PARTICIPATION: - None**

*To avoid the appearance of a conflict of interest, Alternate Commissioner Salcedo steps down.*

**F. CONSENT CALENDAR**

- 1. GENERAL PLAN CONFORMITY FOR PUBLIC ACQUISITION OF 800 WEST HAWKEYE AVENUE AND 1418 NORTH GOLDEN STATE BOULEVARD** To determine that the purchase of the approximately 2.17 and .62 acre parcels for the purpose of constructing a public transit hub is in conformance with the Turlock General Plan, pursuant to CA Government Code Section 65402. The properties are zoned and designated as Community Commercial (CC). The properties are located at 800 West Hawkeye Avenue and 1418 North Golden State Boulevard, Stanislaus County APNs: 042-020-003 & 042-010-023

Vice Chair Bean asked for a motion to approve the consent calendar.

**MOTION:** Commissioner Fregosi moved, Commissioner Hillberg seconded that the Planning Commission approve the Consent Calendar as submitted.

**AYES:** Hackler, Williams, Hillberg, Fregosi, Dias, Pedroza and Bean  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Brem  
**NON-VOTING:** None  
**NOT PARTICIPATING:** Salcedo

**G. PUBLIC HEARINGS**

**CONSENT ITEMS\*:**

\*None

**NONCONSENT ITEMS:**

1. **Staff is requesting this project be continued to the July 2, 2009 meeting. CONDITIONAL USE PERMIT 2009-01 (SIGN DESIGNS – Harold Brown)** To authorize a double sided (43.3 square feet per side), twenty (20) foot tall monument sign for Turlock Memorial Park & Funeral Home. The project is located at 575 N. Soderquist Rd., more particularly described as Stanislaus County APN 061-001-009; the applicants are seeking authorization for the sign to be located on the West Main frontage of this parcel.

**MOTION:** Commissioner Williams moved, Commissioner Fregosi seconded that the Planning Commission continue Conditional Use Permit No. 2009-01 (Monument Sign for Turlock Memorial Park & Funeral Home) to the July 2, 2009 meeting.

**AYES:** Hackler, Williams, Hillberg, Fregosi, Dias, Pedroza and Bean  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Brem  
**NON-VOTING:** None  
**NOT PARTICIPATING:** Salcedo

2. **CONDITIONAL USE PERMIT 2009-02 (Transit Center):** This project consists of the development of a public transit center. The project is proposed on the two properties located at 800 West Hawkeye and 1418 North Golden State Boulevard.

**Staff Report:**

Katie Melson presented the staff report and said that this is a request to build a new transit center on the triangle property located at W. Hawkeye, Dels Lane and Golden State Blvd. She explained how the busses will enter and exit the site and identified the locations of the bus shelters. She noted that there will not be an increase in traffic as the proposed project replaces the existing hub currently located across the street on Dels Lane. She reviewed the four findings that need to be made to approve the project.

Katie advised that staff has received a petition that includes 1,870 signatures requesting the transit

hub be located in the downtown area. She reported that in 2007 the City Council made a policy decision to locate the hub at its current site.

Roger Fall, Traffic Engineering Supervisor, provided information on the prior location of the transit hub and said it was changed because of complaints from surrounding businesses and for safety issues. He said that the Dels Lane location had less impact on surrounding businesses. The proposed site became available, and Roger noted the City has the opportunity to utilize Prop. 1B and federal stimulus funds for the project, but the deadline to apply for these funds is July 1, 2009. He said that sites in the downtown area are not available within this time frame.

The Commission discussed how the move from downtown may have affected ridership, the number of signatures collected, the difference between a hub and a bus stop, and the location of downtown bus stops.

Roger Fall said the ridership had decreased by 25%, but this could be as a result of increased fares. He noted that several public hearings concerning fares and the hub relocation were held but there was no public input. He said the hub would be a transfer point where all busses meet at different times of day and that all routes end up at this stop.

Commissioner Hackler asked how long someone would have to wait for a bus.

Scott Medeiros, Transit Planner, said the wait was approximately five minutes, but there could be unforeseen delays.

**Public Hearing:**

Vice Chair Bean opened the public hearing.

Patrick Noda spoke against current location of the hub on Dels Lane and complained that this location does not meet the needs of the bus passengers.

Bob Endsley, downtown businessman, expressed concerns with protecting the downtown and improving its positive quality and focus. He said that a hub in downtown may draw commuters to the area.

Brad Christian, Stanislaus County Transit Planner, spoke in favor of this project and the current location of the transit hub. He said that 40 foot busses are not safe on downtown streets.

Jeannie Endsley spoke in favor of a transit hub in the downtown area.

Roger Fall said staff was not opposed to a downtown hub but finding a location in this area was not possible within the time frame allowed to apply for the federal funds. He noted that if the funds were not used they would be gone, and staff is working on an alternate project that would also qualify for these funds.

Hearing no additional comment, Vice Chair Bean closed the public hearing.

The Commission discussed how the length of a bus ride may have changed when the hub moved from downtown; how fare increases may have caused a decrease in ridership; increasing the number of routes and the possibility of having more than one hub in Turlock.

The consensus of the Commission was to utilize the available federal funds for the existing hub location and then work on a plan for possible relocation to downtown.

Vice Chair Bean and Commissioner Pedroza noted that the Commission's job is to ensure that the four findings for approval can be made, not set City policy.

Commissioner Fregosi stated her appreciation for the time spent by citizens to address the Commission on this issue and thanked those who spoke at tonight's meeting.

**MOTION:** Commissioner Hillberg moved, Commissioner Williams seconded, that the Planning Commission adopt a Mitigated Negative Declaration of Environmental Effect, having made the findings contained in draft Planning commission Resolution 2009-17.

**AYES:** Hackler, Williams, Hillberg, Fregosi, Dias, and Bean  
**NOES:** Pedroza  
**ABSTAIN:** None  
**ABSENT:** Brem  
**NON-VOTING:** None  
**NOT PARTICIPATING:** Salcedo

**MOTION:** Commissioner Hillberg moved, Commissioner Willams seconded, that the Planning Commission approve Conditional Use Permit 2009-02, having determined that the appropriate findings can be made, subject to the conditions contained in draft Planning Commission Resolution 2009-17.

**AYES:** Hackler, Williams, Hillberg, Fregosi, Dias, and Bean  
**NOES:** Pedroza  
**ABSTAIN:** None  
**ABSENT:** Brem  
**NON-VOTING:** None  
**NOT PARTICIPATING:** Salcedo

3. **CONDITIONAL USE PERMIT 2009-03 (ARMSTRONG DEVELOPMENT)** Request to authorize a double sided (50 square feet per side), twenty (20) foot tall illuminated monument sign for CVS Pharmacy. The project is located at 3100 Geer Road, more particularly described as Stanislaus County APN: 072-010-061. The sign is proposed to be developed on the corner of East Monte Vista Avenue and Geer Road.

**Staff Report:**

Sean Scully presented the staff report and reviewed the design guidelines for signs. He presented pictures of signs that meet and do not meet these standards. He noted the issues of consideration for the Commission include setting precedence, sign competition, overhead clutter, and the use of signs for advertising versus identification purposes. He advised of the findings that need to be made to approve this Conditional Use Permit and stated that staff does not believe finding no. 4 can be made.

William McDermott, representing Armstrong Development Properties, provided information on the property improvements that will be made in conjunction with the project, and said these improvements will hinder the view of the sign. He spoke in favor of this sign request and said he feels finding no. 4 can be made.

Commissioner Dias commented on the building set back.

Mr. McDermott said that gas lines run through the property that make a larger set back necessary.

Commissioner Pedroza asked if the sign was typical of what was used in other communities.

Mr. McDermott advised that the color and style were the same, but the inclusion of additional tenants would make it different.

The Commission discussed the location, size and types of signage of this development.

Commissioner Hackler commented on how this project would compare to the adjacent CSUS sign and suggested the CVS sign be comparable in size.

**Public Hearing:**

Vice Chair Bean opened the public hearing. No one spoke. Vice Chair Bean closed the public hearing.

The consensus of Commission was to continue this item to a future date to allow the applicant time to revise their sign.

**MOTION:** Commissioner Fregosi moved, Commissioner Dias, seconded, that the Planning Commission continue Conditional Use Permit No. 2009-03 (Monument Sign for CVS Pharmacy) to a date to be determined, in order to allow the applicant time to submit a revised low in profile monument sign that more closely reflects the standards of the adopted Design Guidelines.

<b>AYES:</b>	Hackler, Williams, Hillberg, Fregosi, Dias, Pedroza and Bean
<b>NOES:</b>	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	Brem
<b>NON-VOTING:</b>	None
<b>NOT PARTICIPATING:</b>	Salcedo

*Vice Chair Bean called for a five minute recess at 8:55PM.*

*Vice Chair Bean re-convened the meeting at 9:05 PM.*

**H. OTHER MATTERS**

1. ***Continued from May 7, 2009.*** Planning Commission consideration of the final design and rendering of the Public Safety Building Communications Tower pursuant to Condition of Approval #94 of Conditional Use Permit 2008-07. The project is located in an area bounded by N. Broadway, Florence, N. Laurel, and W. Olive adjacent to the proposed Carnegie Community/Arts Center.

**Staff Report:**

Debra Whitmore presented the staff report that included an overhead slide of the location and design of the communications tower, and a slide of the coverage study that outlined the need for the height of the antenna.

Larry Wolfe, project architect, provided information on how the final design and materials used were selected and said that radio transmissions are affected by these materials. He also provided a

model of the microwave dishes that will be placed at the top of the antenna. He said the top of tower will be configured of galvanized structural steel, welded together, with a rod at end that will be used as a lightning rod. He said a lighting study will be done to show what tower would look like at night.

**Public Hearing:**

Vice Chair Bean opened the public hearing.

Bob Endsley spoke in favor of the Police Facility being located downtown.

Vice Chair Bean closed the public hearing.

Debra Whitmore asked for clarification on the number of antenna mounts to be installed.

Larry Wolfe said the antenna was designed for eight mounts, but four mounts and three dishes are planned for the next 10 years.

**MOTION:** Commissioner Pedroza moved, Commissioner Fregosi, seconded, that the Planning Commission approve the final design and rendering of the 180-foot communication tower for the Turlock Public Safety Building, as described and subject to the conditions contained in Planning Commission Resolution 2009-14.

<b>AYES:</b>	Hackler, Williams, Hillberg, Fregosi, Dias, Pedroza and Bean
<b>NOES:</b>	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	Brem
<b>NON-VOTING:</b>	None
<b>NOT PARTICIPATING:</b>	Salcedo

*Alternate Commissioner Salcedo is re-seated*

2. Planning Commission consideration of a request to revoke a Home Occupation Permit issued to John Hogin at 2212 E. Hawkeye Avenue, which permitted the operation of a professional office business at this location.

**Staff Report:**

Rose Stillo provided a history of the issue and said a building permit inspection found a business being operated in the pool house at this location. She noted the business was operating at the time this property was annexed to the City, but since a County permit had not been issued the business use could not be "grandfathered". Rose reviewed the conditions of approval for the Home Occupation Permit Mr. Hogin signed. She advised the Commission of the three options offered to Mr. Hogin, but since he has not informed staff that he is choosing an option, staff recommends revocation of his Home Occupation Permit. Rose told the Commission that if the permit was revoked, the business operations must stop immediately or code enforcement would commence.

**Public Hearing:**

Vice Chair Bean opened the public hearing.

John Hogin advised the Commission of the past conversations he has had with Stanislaus County

and City of Turlock staff. He explained that a building permit had been issued for a repair to his gas line. He referenced the letters from his neighbors supporting his home based business and asked that the Commission allow him to continue operating at his home.

Vice Chair Bean asked if the structure the business operates in is up to code.

Debra Whitmore said the building is approved as a residential accessory structure but is not up to commercial code.

Bob Endsley and David Paul, neighbors of Mr. Hogin, spoke in favor of his home based business.

Hearing no additional comment, Vice Chair Bean closed the public hearing.

Commissioner Dias asked about the City's liability if a business license is issued to a location that is not up to code.

Debra Whitmore advised this is a legal issue. When the City is notified of a possible code violation they are obligated to respond. The issue being pursued is the Home Occupation Permit violation, which is a restricted permit done over the counter with a strict list of conditions. Debbie noted that the City has no evidence from the County that this was a prior approved use.

**MOTION:** Commissioner Fregosi moved, Commissioner Pedroza seconded, that the Planning Commission revoke Home Occupation Permit 06-194, having determined that conditions 1, 2, 7 and 12 have been violated, as stated in Draft Planning Commission Resolution 2009-20.

<b>AYES:</b>	Hillberg, Fregosi, Pedroza and Bean
<b>NOES:</b>	Hackler, Williams and Dias
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	Brem
<b>NON-VOTING:</b>	Salcedo
<b>NOT PARTICIPATING:</b>	None

**I. COMMISSIONER'S CONSIDERATION:**

None

**J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS:**

None

**K. COMMISSIONER'S COMMENTS**

Commissioner Fregosi commented on recently installed landscaping at 1000 N. Johnson Road. Rose Stillo advised that this rezone will be heard by City Council on June 23.

Commissioner Pedroza received a complaint about a cargo container on Canal and Main Street. Katie Melson advised that there is an active building permit for the unit.



**L. STAFF UPDATES**

Debbie Whitmore provided the following updates:

- A Special Planning Commission meeting on June 18 for a Large Family Day Care workshop has been scheduled.
- A Housing Element Workshop for the Planning Commission has been scheduled for July 16 at 7:00 PM; on August 6 the Planning Commission will formally make a recommendation to the City Council; the City Council will be briefed on July 28, and will consider adoption of the Housing Element at their August 26 meeting.
- The Highway 165 Project Study Report.
- Due to budget cuts Sean Scully is losing his job with the City.

**M. ADJOURNMENT:** Having no further business Vice Chair Bean adjourned the meeting at 10:15 p.m.

Respectfully Submitted,

JEANINE BEAN  
Vice Chair

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