

MINUTES

TURLOCK CITY PLANNING COMMISSION THURSDAY, JANUARY 15, 2009 7:00 PM

YOSEMITE COMMUNITY ROOM
TURLOCK CITY HALL, 156 SOUTH BROADWAY

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

ALTERNATE COMMISSIONERS (Non Voting): None present

COMMISSIONERS ABSENT: Welch

STAFF PRESENT: Mike Pitcock, Director of Development Services; Debra Whitmore, Deputy Director of Development Services; Gary Hampton, Chief of Police; Nino Amirfar, Police Sergeant; Rose Stillo, Senior Planner; Adrienne Werner, Planning Technician; Katie Melson, Assistant Planner; Sean Scully, Assistant Planner; Dorinda Soiseth, Staff Services Technician,

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

B. APPROVAL OF MINUTES

Vice Chair Brem asked for corrections or a motion for approval of the minutes of the December 4, 2008 Planning Commission meeting.

MOTION: Commissioner Fregosi moved, Commissioner Bean seconded that the Planning Commission approve the minutes from the December 4, 2008 meeting as submitted.

AYES: Williams, Bean, Fregosi, Dias and Brem

NOES: None

ABSTAIN: Hillberg

ABSENT: Welch

NOT PARTICIPATING: None

C. ANNOUNCEMENTS –

Debbie Whitmore had the following announcements:

- Nick Hackler has been appointed to serve on the Commission as a regular voting member.
- Victor Pedroza has been appointed to serve on the Commission as an alternate member.
- Alternate Commissioner Aben Williams has been appointed as a regular voting member.
- A joint meeting of the City Council and Planning Commission has been scheduled for Thursday, February 19, 2009 at 6:00 PM to discuss the General Plan Update process.

D. **CONFLICT OF INTEREST DECLARATION:** - None

E. **PUBLIC PARTICIPATION:** - None

F. **PUBLIC HEARINGS**

CONSENT ITEMS*:

1. ***NONE**

NONCONSENT ITEMS:

1. **CONDITIONAL USE PERMIT 2008-07 (TURLOCK PUBLIC SAFETY BUILDING)** To construct a new, two-story building for the Police Department and Fire Administration consisting of approximately 57,570 square feet on a 4.6 acre site located next to the City's historic Carnegie Library. The proposed site location is in close proximity to the downtown business district and is bordered by North Broadway, West Olive Street, North Laurel Street, and Florence Street. Parking for 167 secure parking spaces for staff and City vehicles and 83 public parking spaces to accommodate parking for both the Public Safety Building and the Carnegie Arts Center to meet projected demand to the year 2010.

STAFF REPORT:

Debbie Whitmore presented the staff report and provided the Commission a recap of the project's progress to date. She reported that various public workshops had been held to provide the public and local community groups information about the design of the project. Debbie noted the construction schedule indicates a completion date of November, 2011.

Debbie then provided a slide show of properties that surround the project site and identified residences that will be removed to allow for construction. She provided information on the size of the building and the number of parking spaces provided for the project. The slide show included pictures of the 180 ft. communications tower, the site plan, exterior elevations and floor plan layout. She advised that a 180 ft. tower was necessary to ensure reliable service for public safety.

Debbie noted that both City and community events can be held at the facility but that private events will not be scheduled.

Debbie outlined the environmental process the City followed that included the Special Studies completed for the project. She said that mitigation measures have been established to ensure that any noise that could be generated from the site is sensitive to the surrounding neighborhood. She reported that residents and businesses will be notified of the construction schedule, and a noise monitor will be located at the site.

Debbie reviewed the public improvements that will be made and noted that Lexington Street will be abandoned as part of the project.

Larry Wolff, of WLC Architects, the project architect, said he has worked with various local groups concerning the design of the project and said he agrees with the conditions of approval.

Vice Chair Brem asked if there were other communication towers in Turlock that were similar in height. Debbie responded that the tallest existing tower was approximately 100 ft. tall.

Larry Wolff stated that a 180 ft. tall tower was needed for security reasons, and he would incorporate an architectural treatment in the design that would be compatible with the neighborhood.

Debbie announced the green sheet which was a letter received from San Joaquin Valley Air Pollution Control District, and said their comments are reflected in the conditions of approval for the project.

Police Chief Gary Hampton outlined the necessity of the height of the tower saying it is a critical element for police, fire and other communications in the City of Turlock relative to public safety.

PUBLIC HEARING:

Vice Chair Brem opened the public hearing.

Leslie Brennecke spoke in favor of the project but expressed concern about possible community uses impacting parking in the neighborhood, and also asked if dishes would be located at the top of the tower.

Larry Wolff said public parking for community events at the site would be addressed with each use, and that two, maybe three microwave dishes that were approximately 4' X 6' in diameter would be located in a single mass at the top and would not project beyond the tower profile.

Debbie Whitmore added that a parking management plan will be required for any special events.

Kyle Lalonde, attorney representing the Pizza Hut located at 201 W. Olive, spoke against the project and asked the Planning Commission to deny the Conditional Use Permit. He expressed concern about unfair taking of the Pizza Hut property, the character of the proposed project not matching the neighborhood, and said the communications tower is inconsistent with the surrounding area.

Hearing no additional comment, Chairman Brem closed the public hearing.

Commissioner Fregosi asked about the use of eminent domain.

Phedra Norton, City Attorney, advised it will be necessary to acquire property to build the project. She said the City has entered into negotiations for these properties and if approved and the project moves forward, it may be necessary to use this means to acquire the needed property.

Vice Chair Brem noted that the issue of eminent domain is separate from the conditional use process.

Phaedra Norton advised that what is before the Planning Commission is a Conditional Use Permit, which is a discretionary permit and that staff has provided information stating the findings can be made for approval.

The Commission discussed the height and type of construction of the communications tower and how it would impact neighborhood and community aesthetics. The consensus was that the Planning Commission monitor and have the final decision on the design of the communications tower.

Vice Chair Brem commented that the tower and parking issues had been addressed and spoke in favor of the location. He noted that the eminent domain issue will not be addressed as part of the findings that need to be made to approve Conditional Use Permit 2008-07.

MOTION: Commissioner Bean moved, Commissioner Fregosi seconded, that the Planning Commission adopt a Mitigated Negative Declaration of Environmental Effect, having made the findings contained in draft Planning Commission Resolution 2009-01.

AYES: Williams, Hillberg, Bean, Fregosi, Dias and Brem
NOES: None
ABSTAIN: None
ABSENT: Welch
NOT PARTICIPATING: None

MOTION: Commissioner Bean moved, Commissioner Fregosi seconded, that the Planning Commission approve Conditional Use Permit 2008-07, having determined that the appropriate findings can be made, subject to the conditions contained in draft Planning Commission Resolution No. 2009-01, with the added condition that prior to the issuance of a building permit, the architect shall submit the final design and rendering of the communications towers for review and final approval by the Planning Commission.

AYES: Williams, Hillberg, Bean, Fregosi, Dias and Brem
NOES: None
ABSTAIN: None
ABSENT: Welch
NOT PARTICIPATING: None

2. GENERAL PLAN AMENDMENT 2007-04 (City-Wide) and REZONE 2008-05 (311 S. TULLY)

The General Plan is the city's principal long-range planning document that outlines the urban development pattern for the community. The City of Turlock is proposing technical amendments to the General Plan's Land Use Diagram in order to bring land use designations in line with the existing zoning on subject properties, as required by California law. This action will not affect the current use of your property in any way. These changes will simply eliminate discrepancies between a property's zoning and the General Plan land use designation. This project also requests a change in the zoning district on one property, located adjacent to Highway 99, from "Residential, Low Density," to "Industrial." This public hearing will be held to allow for public comments on these changes

Staff Report:

Rose Stillo presented the staff report and said the action before the Commission proposes to change the General Plan land use designation of 64 parcels order to make the designations consistent with the zoning of the properties, as required by state law. She said the new designation does not conflict with the current use, and noted that all property owners were sent notices informing them of the City's desire to re-designate their properties and that staff did not receive any comments opposing this action.

Rose said that included in this request is the rezoning of property at 311 S. Tully Road which is currently zoned "R-L" (Residential, Low Density), with a General Plan land use designation of "CC" (Community Commercial). In this case, primarily due to the property's proximity to Highway 99, staff believes that the zoning should be changed to a more appropriate district, rather than amending the General Plan land use designation. Rose advised that after consulting with the property owner of 311 S. Tully, staff is also requesting a change in the land use designation from "CC" to "I" (Industrial).

Both "CC" and "I" designations appear to "fit" at this location, but the property owner desired the "I" designation since he also owns the adjacent Industrial property to the east.

Public Hearing:

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

MOTION: Commissioner Dias moved, Commissioner Bean seconded, that the Planning Commission determine that the proposed General Plan Amendment and Rezone are exempt from environmental review under CEQA Guidelines Section 15061(b)(3), and recommend that the City Council approve General Plan Amendment 2007-04 (City Initiated) and Rezone 2008-05 (311 S. Tully), having determined that the appropriate findings contained in draft Planning Commission Resolution Nos. 2009-02 and 2009-03 can be made.

AYES: Williams, Hillberg, Bean, Fregosi, Dias and Brem
NOES: None
ABSTAIN: None
ABSENT: Welch
NOT PARTICIPATING: None

G. COMMISSIONER'S CONSIDERATION:

PLANNING COMMISSION DECISION APPEAL PROCESS:

Commissioner Fregosi said that she had asked that this item be placed on the agenda for discussion, and expressed concern about the existing appeal process allowed by the Turlock Municipal Code (TMC) in relation to a recently appealed project. She asked what would be involved to revise this process.

Phaedra Norton stated that the TMC allows any person to file appeal on a form that the City provides for a \$125 fee. When an appeal goes to City Council it is a new hearing and the person who files the appeal can comment and present new information at this time. She advised that appeals on Conditional Use Permits are new hearings per case law. Phaedra noted that the jurisdiction to change this process falls to the City Council, but the Planning Commission could send a representative to a Council meeting and ask the Council to review the appeal process. The City Council could then direct staff to research.

Vice Chair Brem said this was the only time that this type of appeal has happened since he has been on the commission and there does not appear to be a pattern of abuse. He does not want the appeal process to become onerous.

The consensus was to see if there becomes a pattern of abuse to the appeal process and ask for review at that time.

H. STANISLAUS COUNTY PLANNING REFERRAL ITEMS: None

I. COMMISSIONER'S COMMENTS

None

J. STAFF UPDATES

Debbie Whitmore updated the Commission on the following items:

- The Conditional Use Permit for the proposed Sacred Heart Church on Quincy Road.
- The Regional Blueprint summit on January 26 in Fresno
- An Ag Mitigation Workshop will be held on February 27 at the Great Valley Center.
- The Vintage Lounge Conditional Use Permit City Council decision.
- The Subdivision Ordinance Amendment was approved by the City Council.
- The City Council update will be provided to new Commission members.
- Cargo container enforcement letters have been mailed.
- The Development Collaborative Advisory Committee will submit their annual report to the City Council on January 27.
- There will be a workshop on large family day cares at the next Commission meeting.

K. ADJOURNMENT: Having no further business Vice Chair Brem adjourned the meeting at 8:31 p.m.

Respectfully Submitted,

MIKE BREM
Vice Chair

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