

MINUTES

TURLOCK CITY PLANNING COMMISSION THURSDAY, APRIL 2, 2009 7:00 PM

YOSEMITE COMMUNITY ROOM
TURLOCK CITY HALL, 156 SOUTH BROADWAY

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

ALTERNATE COMMISSIONERS (Non Voting): None

COMMISSIONERS ABSENT: None

STAFF PRESENT: Debra Whitmore, Deputy Director of Development Services; Phaedra Norton, City Attorney; Nino Amirfar, Police Sergeant; Rob Jackson, Police Captain; Robert Boyd, Neighborhood Services Supervisor; Adrienne Werner, Planning Technician; Katie Melson, 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

Chairman Brem asked for corrections or a motion for approval of the minutes of the March 5, 2009 Planning Commission meeting.

MOTION: Commissioner Fregosi moved, Commissioner Pedroza seconded that the Planning Commission approve the minutes from the March 5, 2009 meeting as submitted.

AYES: Hackler, Williams, Hillberg, Bean, Fregosi, Dias and Pedroza

NOES: None

ABSTAIN: Brem

ABSENT: None

NOT PARTICIPATING: None

C. ANNOUNCEMENTS –

Debbie Whitmore made the following announcements:

- The next joint meeting of the City Council and Planning Commission to discuss the General Plan Update is scheduled for April 23, 2009, 6:00 PM at the Senior Center.
- A State required Housing Element Workshop is scheduled for April 24, 2009 at City Hall in the morning and is open to public.

D. CONFLICT OF INTEREST DECLARATION: - None

E. PUBLIC PARTICIPATION: -

1. Request by Art Seeger to address the Commission on the use of cargo containers.

Art Seeger presented information to the Commission on the use of cargo containers in Turlock. He asked them to consider revising the current City standards for these types of structures to allow the existing containers to be in conformance with the Municipal Code.

Debbie Whitmore advised that this item would be brought back to the Planning Commission at their next meeting in May.

F. CONSENT CALENDAR

None

G. PUBLIC HEARINGS

CONSENT ITEMS*:

None

NONCONSENT ITEMS:

None

H. OTHER MATTERS

1. APPEAL OF STAFF DECISION – 1860 FRANCIS SCOTT WAY

Katie Melson advised that this is an appeal of a staff decision to pursue code enforcement action regarding a fence located at 1860 Francis Scott Way that is within the required corner side yard setback as specified by §9-3-203 of the Turlock Municipal Code. She said the determination being appealed is the fence placement as the appellant is requesting that the fence be allowed to remain.

Katie Melson presented an overview of the sections of the Turlock Municipal Code (TMC) that address this violation and a chronological history of the complaint and resulting action that initiated this appeal request. She explained the TMC guidelines for low density residential fence standards and the permitting options for compliance which include lower the fence height or the request for a planned development which would have a substantial cost to the applicant.

Katie noted there were two options for the Commission: Option #1 - deny the appeal, which can then be appealed to the City Council within 10 days of the Planning Commission decision; or, Option #2 - uphold the appeal.

Maria Oliveira, the appellant, said she was told by City staff that she could build the fence at

10' from the property line and keep her 5th wheel trailer behind the fence, which is why she had the fence built in that location.

Robert Boyd, Neighborhood Services Supervisor, addressed the Commission and gave a history of the complaint and his actions that followed.

The Commission discussed the placement of the fence and the issue of the trailer.

Commissioner Williams asked if the trailer could remain if the fence was to code.

Debbie Whitmore said that a concrete pad would need to be poured and curb cuts made in the sidewalk that require grading and encroachment permits.

Commissioner Fregosi asked if a permit to build a fence was required.

Debbie advised that permits were not issued for fence placement.

Action: Commissioner Pedroza moved that the Planning Commission deny the appeal of staff's decision to pursue code enforcement action regarding a fence constructed within the required 15 foot corner side yard setback at 1860 Francis Scott Way. The motion was seconded by Commissioner Bean and passed unanimously.

City Attorney Phaedra Norton stated she has prepared the enforcement order that requires the fence be removed for the Planning Commission Chair's signature.

The appellant, Maria Oliveira, stated she would remove the fence and asked how long she had to do this. Staff advised her that she had six days to remove the fence.

Phaedra Norton explained to Ms. Oliveira the legal consequences should she not comply with the order, and advised her that she could appeal this action to the City Council within 10 days of this decision.

I. COMMISSIONER'S CONSIDERATION: None

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS: None

K. COMMISSIONER'S COMMENTS

Commissioner Pedroza said he attended a recent meeting of the Planning Advisory Committee for the Highway 165 project and said community meetings will be held.

Debbie noted that a community meeting is scheduled for April 22 at Hilmar Elementary School.

The Commission discussed the importance of this project and the need for public notification.

Chairman Brem asked about the status of the Tuolumne and Golden State Blvd. railroad crossing.

Debbie Whitmore said staff is waiting for the railroad and that no new information was available.

L. STAFF UPDATES

Debbie Whitmore updated the Commission on the following items:

- The Turlock Golf Center project on Taylor Road has been appealed to the Board of Supervisors. Debbie will attend the appeal hearing to represent Turlock.
- The General Plan Existing Conditions Report will soon be provided to the Planning Commission and will form the basis for April 23 joint meeting.
- The first General Plan Community Workshop was held on March 26.
- The Housing Element Needs Assessment is in progress.
- At their last meeting the Development Collaborative Advisory Committee identified areas of the Zoning Ordinance they would like to revisit, including the "Big Box" and sign ordinances.
- The Carnegie Arts Center Request for Proposal (RFP).
- The new Public Safety Building project.
- SB375, the regional land use planning bill.
- The newly formed State council called the Strategic Growth Council, which is comprised of the heads of resource and planning agencies.

M. ADJOURNMENT: Having no further business Chairman Brem adjourned the meeting at 8:05 p.m.

Respectfully Submitted,

MIKE BREM
Chairman

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