

MINUTES

TURLOCK CITY PLANNING COMMISSION THURSDAY, AUGUST 6, 2009 7:00 PM

YOSEMITE COMMUNITY ROOM
TURLOCK CITY HALL, 156 SOUTH BROADWAY

COMMISSIONERS PRESENT: Pedroza, Hackler, Hillberg, Brem, Bean, Fregosi, Salcedo

ALTERNATE COMMISSIONERS (Non Voting): None

COMMISSIONERS ABSENT: Dias

STAFF PRESENT: Debra Whitmore, Deputy Director of Development Services; Mike Pitcock, Director of Development Services; Phaedra Norton, City Attorney, 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 Special Meeting of June 18, 2009; Regular Meeting of July 2, 2009; Special Meeting of July 16, 2009.

MOTION: Commissioner Pedroza moved, Commissioner Salcedo seconded that the Planning Commission approve the minutes from the June 18, 2009 meeting as submitted.

AYES: Pedroza, Hackler, Bean, and Salcedo

NOES: None

ABSTAIN: Hillberg, Brem, Fregosi

ABSENT: Dias

NOT PARTICIPATING: None

NON-VOTING: None

MOTION: Commissioner Hillberg moved, Commissioner Fregosi seconded that the Planning Commission approve the minutes from the July 2, 2009 meeting as submitted.

AYES: Pedroza, Hackler, Hillberg, Fregosi, and Brem

NOES: None

ABSTAIN: Bean, Salcedo

ABSENT: Dias

NOT PARTICIPATING: None

NON-VOTING: None

MOTION: Commissioner Hillberg moved, Commissioner Hackler seconded that the Planning

Commission approve the minutes from the July 16, 2009 meeting as submitted.

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

C. ANNOUNCEMENTS –

Debbie Whitmore announced the green sheet on Item G.3., amendments to the large family day care facilities ordinance and said the City Attorney has requested changes to the definitions to conform to State regulations.

D. CONFLICT OF INTEREST DECLARATION: -

Commissioner Salcedo stated he has a potential conflict and will be stepping down on Item G.5. Conditional Use Permit 2009-03 (Armstrong Development – CVS Pharmacy signage) as his employer has had past involvement with this applicant.

E. PUBLIC PARTICIPATION: - None

F. CONSENT CALENDAR - None

G. PUBLIC HEARINGS

CONSENT ITEMS*:

*None

NONCONSENT ITEMS:

- 1. CONDITIONAL USE PERMIT 2009-01 (SIGN DESIGNS)** To authorize a double sided (43.3 square feet per side), twenty (20) foot tall monument sign for Turlock Memorial Park and Funeral Home. The subject property is located at 575 N. Soderquist Rd., more particularly described as Stanislaus County APN 061-001-009. ***This project was continued from the July 2, 2009 meeting.***

STAFF REPORT:

Katie Melson presented the staff report and provided pictures and a rendering of the proposed 20 foot sign. She said the applicant is requesting the sign for advertising and directional purposes because there is no access to the property from West Main Street. She noted that the unique constraints and restrictions of this property, as referenced in the resolution, set this property and application apart from others in town. She cautioned that allowing this sign may open the door for similar sign requests from businesses in the area. Staff is recommending approval.

Harold Brown, Sign Designs, thanked staff and said the applicant accepts and agrees with the recommendation.

PUBLIC HEARING:

Chairman Brem opened the public hearing.

Richard Frampton, Turlock Memorial Park Association board member, spoke in favor of the sign because it will be helpful to direct public to the funeral home.

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

The consensus of the Commission was that this is a unique situation that warrants a 20 foot tall sign.

Commissioner Fregosi expressed concern with setting a precedent and asked if the house logo could be removed to make the sign smaller.

MOTION: Commissioner Hackler moved, Commissioner Pedroza seconded, that the Planning Commission grant Conditional Use Permit No. 2009-01 (Turlock Memorial Park and Funeral Home Monument Sign), having determined that the project is "Categorically Exempt" from the provisions of CEQA pursuant to Section 15311(a) [On-Premise Signs], and that all of the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2009-12.

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

2. CONDITIONAL USE PERMIT NO. 2009-05 (HAWKEYE SHOPPING CENTER MONUMENT SIGN)

To allow for an approximately twelve foot tall, approximately 110 square feet per side multi-tenant, internally illuminated monument sign. The sign will be used by the tenants of Hawkeye Shopping Center, located at 809-869 West Hawkeye Avenue.

Staff Report:

Katie Melson presented the staff report and said the request is for a 12 foot tall identification sign. She advised that the Minor Discretionary Permit that approved the project included a condition for four foot sign which was meant to promote the City's adopted Design Guidelines. She noted that based on the location of the shopping center, a height of 12 feet appears reasonable and the sign complies with City standards for commercial signage. Staff is recommending approval.

Dennis Small, representing Western Sign, offered to answer questions of the Commission.

Public Hearing:

Chairman Brem opened the public hearing.

Keith Wills, representing Western Sign, thanked staff for their help.

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

MOTION: Commissioner Pedroza moved, Commissioner Fregosi seconded, that the Planning Commission grant Conditional Use Permit No. 2009-05, 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. 2009-24

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

3. **PROPOSED AMENDMENTS TO LOCAL REGULATIONS REGARDING LARGE FAMILY DAY CARE FACILITIES DEFINITIONS, STANDARDS AND RESTRICTIONS CONTAINED IN TITLE 9 OF THE TURLOCK MUNICIPAL CODE (ZONING ORDINANCE), INCLUDING TMC 9-1-202 (DEFINITIONS), TMC 9-2-110 (FAMILY DAY CARE HOME), AND CHAPTER 9-3 (BASE DISTRICT REGULATIONS)**

Staff Report:

Debbie Whitmore presented the staff report and said the amendment includes an alternate recommendation for parking that allows for one parking space for the resident, one space for an assistant, and allows street frontage to be used for loading and unloading. Also included is a requirement that large family day cares not be located within 300 feet of each other, and a requirement for business licenses. She said the City Attorney had amended the definitions to reflect State law and the changes have been made on the green sheet. Debbie asked that the Commission move forward to bring these amendments to the Council for their action.

Public Hearing:

Chairman Brem opened the public hearing.

Pam Clark, a large family child care operator, expressed concern with the proposed 300 foot spacing standard for large family day care homes. She requested that no distance restraints be imposed on large family day care homes.

Joy Johnson, a large family child care operator, asked that the 300 foot distance be per street, not total radius. She also asked for a change in the day care operator sign regulations.

Debbie Whitmore noted that the RL (Low Density Residential) zoning districts limits signs to 12 inches by 12 inches.

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

The Commission discussed the 300 foot spacing standard and the sign regulations for large family day care operators.

MOTION: Commissioner Fregosi moved, Commissioner Pedroza seconded, that the Planning Commission recommend the City Council amend Local Regulations regarding large

Family Day Care Facilities Definitions, Standards and Restrictions contained in Title 9 of the Turlock Municipal Code (Zoning Ordinance), including TMC 9-1-202 (Definitions), TMC 9-2-110 (Family Day Care Home), and TMC Chapter 9-3 (Base District Regulations), having found the project exempt from CEQA pursuant to Section 15061(b)(3) [No Environmental Impact] of the CEQA Guidelines and subject to attached draft Planning Commission Resolution 2009-15 – amended as follows: 1) incorporate changes by staff per the green sheet submitted at the meeting, 2) modify the parking provisions to requiring on site parking for loading and unloading only when inadequate lot frontage is available, and 3) modify the standard for spacing and concentration to 300' on the same linear street (staff to work on language).

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

MOTION: Commissioner Fregosi moved, Commissioner Bean seconded, that the Planning Commission recommend the City Council direct staff to begin levying business license taxes for current large family day care home operators beginning 180 days after enactment of the amendments to the Large Family Day Care Home provisions of Title 9 (Zoning Ordinance) of the Turlock Municipal Code.

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

4. **CONDITIONAL USE PERMIT 2009-04 (P & F Metals):** This project consists of the conversion of an approximately 1,960 square foot residence to an office and the addition of an approximately 2,027 square foot office building at 315 South Broadway (Stanislaus County APN 43-49-21). The new office building will replace an existing, non-conforming storage building and is proposed to have a 1'8" rear yard setback off of the public alley as an expansion of the existing non-conforming structure.

Staff Report:

Katie Melson presented the staff report and noted that the property is zoned Industrial Residential. She said there is an existing 1,900 square foot building at the front of the property currently being used as office area and that the addition would be used for more office and file storage space for the P & F Metals operation. She outlined the setback requirements for this zoning district in relation to the existing storage building and said it is considered a legal non-conforming structure. She noted that the new office building would meet the side yard setback but the applicant is proposing to reduce the rear yard setback from 3.5 feet to 1.75 feet.

Katie reported on the parking requirements for the project and noted that the proposed parking plan

has been reviewed and preliminarily approved by the City Engineer as a safe option for the improvements in this area. Staff is recommending approval.

Dave Perry, representing the applicant, said they are trying to come in to compliance and expressed appreciation to staff for their efforts.

Public Hearing:

Chairman Brem opened the public hearing.

Ashley Hart, owner of Turlock Construction, the project contractor, thanked staff for their assistance with the parking issues.

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

MOTION: Commissioner Salcedo moved, Commissioner Bean seconded, that the Planning Commission grant Conditional Use Permit No. 2009-04 (P & F Metals), having determined that the project is "Categorically Exempt" from the provisions of CEQA pursuant to Section 15301(e) [Existing Facilities] and Section 15303 [New Construction or Conversion of Small Structures], and that all of the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2009-26.

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

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

- 5. 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.

Staff Report:

Debbie Whitmore gave the staff report and presented slides of the requested 20 foot tall sign and slides of other signs in the vicinity of the project. She reviewed the standards and design guidelines for signs and expressed concern that a 20 foot sign may dominate this intersection. She advised that although the applicant did not present a revised sign design, alternative recommendations had been included in the staff report. She discussed the visibility of the proposed sign to westbound traffic, and said staff would prefer a lower height sign that could be seen below the tree canopy.

William McDermott, of Armstrong Development, thanked staff for their work. He said a 15 foot wide public utility easement (PUE) along Geer Road and the 30 foot easement that contains a significant gas line made it necessary to locate the building back from the street. He said the proposed sign will include other tenants and he is proposing a 15 foot tall sign structure that is 17 feet tall from the roadway grade.

The Commission discussed the need for sign visibility from west bound traffic.

Commissioner Hackler asked about the business benefit of this sign.

Mr. McDermott advised the other tenants would be signing five-year leases and he would like to offer the best signage allowed by the ordinance.

Commissioner Fregosi expressed concern that the proposed sign is not appropriate for Geer Road.

The consensus of the Commission is that the top of the CVS sign should not be taller than the CSUS sign that is across the street, or 13 feet tall from road grade.

Public Hearing:

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

MOTION: Commissioner Bean moved, Commissioner Fregosi seconded, that the Planning Commission grant Conditional Use Permit No. 2009-03 (CVS Pharmacy Monument Sign), 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. 2009-25, but changing the six foot tall limitation and authorizing a double-sided, 13 foot tall, from roadway grade, sign.

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

Commissioner Salcedo is re-seated.

H. OTHER MATTERS

1. REPORT ON PUBLIC WORKSHOP OF JULY 7 REGARDING AMENDMENTS TO THE MOBILE FOOD VENDOR ORDINANCE

Debbie Whitmore reported on the Mobile Food Vendor Workshop that was held on July 7, 2009.

I. COMMISSIONER'S CONSIDERATION: None

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS: None

K. COMMISSIONER'S COMMENTS

Commissioner Fregosi asked if the Johnson Road property was now in compliance. Debbie Whitmore reported that staff will be inspecting the site for compliance.

Commissioner Hackler commented that he takes issue with the repeated use of the word precedence in relation to project requests.

L. STAFF UPDATES

Debbie Whitmore updated the Commission on the following items:

- Beautification Committee projects
- Census Complete Count Committee

M. ADJOURNMENT: Having no further business Chairman Brem adjourned the meeting at 9:06 p.m.

Respectfully Submitted,

MIKE BREM
Chair

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