

MINUTES

TURLOCK CITY PLANNING COMMISSION THURSDAY, MAY 5, 2011 7:00 PM

YOSEMITE COMMUNITY ROOM
TURLOCK CITY HALL, 156 SOUTH BROADWAY

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

ALTERNATE COMMISSIONERS PRESENT (Non Voting): Williams

COMMISSIONERS ABSENT: Dias

STAFF PRESENT: Debra Whitmore, Deputy Director of Development Services; Mike Pitcock, Director of Development Services; Rose Stillo, Senior Planner; Adrienne Werner, Planning Technician; Dorinda Soiseth, Staff Services Technician

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

Adrienne Werner administered the Oath of Office to re-appointed Alternate Commissioners Pedroza and Williams.

B. APPROVAL OF MINUTES

Chairman Brem asked for corrections or a motion for approval of the minutes of the Special Joint Meeting of March 1, 2011. Motion by Commissioner Fregosi, seconded by Commissioner Bean and carried unanimously with Commissioner Hillberg abstaining and Commissioner Dias absent.

Chairman Brem asked for corrections or a motion for approval of the minutes of the Special Joint Meeting of March 29, 2011. Motion by Commissioner Pedroza, seconded by Commissioner Hillberg and carried unanimously with Commissioner Dias absent.

Chairman Brem asked for corrections or a motion for approval of the minutes of the April 7, 2011 Planning Commission meeting. Motion by Commissioner Fregosi, seconded by Commissioner Bean and carried with Commissioner Hackler and Salcedo abstaining and Commissioner Dias absent.

Chairman Brem asked for corrections or a motion for approval of the minutes of the Special Meeting of April 21, 2011. Motion by Commissioner Hackler, seconded by Commissioner Hillberg and carried with Commissioners Brem and Fregosi abstaining, and Commissioner Dias absent.

C. ANNOUNCEMENTS

Chairman Brem announced that staff is requesting **Item G2 - REZONE 2011-01 (PLANNED DEVELOPMENT 269) – EAH, INC. (AVENA BELLA** be continued to the May 19, 2011 Special Meeting as per the green sheet.

D. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

There were none.

E. PUBLIC PARTICIPATION

None

F. CONSENT CALENDAR

1. 2010 GENERAL PLAN IMPLEMENTATION REPORT – The California Government Code (Section 65400 (b)) requires that the Planning Agency prepare an annual report on the implementation of the General Plan for approval by the Legislative Body and includes the status of the existing General Plan and progress made in its implementation. The action by the Commission includes the determination that the 2010 General Plan Implementation Report is in compliance with the California Government Code Section 65400 (b), having determined that this action is exempt from the provisions of CEQA.

MOTION: Commissioner Hillberg moved, Commissioner Bean seconded, to approve the Consent Calendar. Motion carried unanimously with Commissioner Dias absent.

G. PUBLIC HEARINGS

CONSENT ITEMS*:

* None

Commissioners Hackler, Salcedo and Williams left the room as they were not present and did not participate in the April 7, 2011 public hearing for this item which had been continued.

NONCONSENT ITEMS:

This item was continued from the April 7, 2011 Planning Commission meeting.

1. MINOR DISCRETIONARY PERMIT 2011- 02 (1300 W. Main) to authorize an approximately 37,000 square foot “Mi Pueblo” grocery store on this property. The grocery store would include a deli component, including customer seating for on-site food consumption. The project address is 1300 West Main Street, more particularly described as Stanislaus County Assessor’s Parcel Number 050-001-034.

STAFF REPORT:

Rose Stillo presented the staff report noted that this project was continued from the April 7 meeting to enable staff to work with the applicant to address concerns received from the neighbors. She responded to the questions raised at that meeting including the time and conditions of the traffic analysis, the lack of a sidewalk on the east side of Soderquist Road, an alternate truck route to the site and parking spaces that will be provided. She also noted that any outside events at the business will require a Temporary Use of Land Permit and are subject to the noise ordinance. She advised of other conditions that will be placed on the project including the installation of “No U Turn” signs on South Soderquist, the installation of a three foot wrought iron fence and shrubbery along the South Soderquist frontage, and installation of a speed bump in their parking lot on the Soderquist side of the property. The applicant has asked to phase the exterior facade improvements due to potential impacts to an existing industrial user. Rose said that staff recommends adding a condition to the resolution of approval for the project that would allow the phasing of improvements and facades.

Reed Onate, representing the applicant NUCP LLC, gave the Commissioners a printed copy of the power point presentation from the April 7, 2011 Planning Commission meeting, a diagram showing

how trucks will enter and exit the site from S. Soderquist, and a drawing of the proposed shrubbery and fence screen on the S. Soderquist side of the site. Mr. Onate stated he had met with the neighbors to address their concerns, and has agreed to install a speed bump onsite at the driveway on S. Soderquist, and will install "No U-Turn" signs on S. Soderquist.

Commissioner Fregosi asked if the reciprocal parking issue with the adjacent property owner had been resolved. Mr. Onate said they are still working with the adjacent property owner and responding to issues.

Debbie Whitmore advised that a condition has been placed on the project that requires they obtain a reciprocal parking agreement before being issued a building permit.

Reed Onate noted that this project was initially approved for zoning and indicated to be a staff level permit.

Mike Becker, of KD Anderson Transportation Engineers, said his firm provided the traffic study for the site, and provided information on how the traffic counts were obtained.

Mike Pitcock said staff has met with the neighbors and responded to the concerns raised at the April 7 meeting that included truck turning radius from West Main onto S. Soderquist, road pavement condition, request for a 3-way stop on High Street, speed bumps on S. Soderquist, no sidewalks on the east side of S. Soderquist, left-turn cut or no median on W. Main, turn signal and signal timing at the W. Main and S. Soderquist intersection, driveway visibility, a loading zone and the location of the 25MPH sign.

Debbie Whitmore responded to the issue of economic competition. Jason Moody of Economic Planning Systems, the firm who prepared the report on discount superstores, was consulted and reported that the study applies only to "big box" type store and not to specialty niche markets like Mi Pueblo. The consultant did not feel that the results of that study applied to this case. In addition, federal commerce laws prevent cities from directly interfering in market competition and cannot use their zoning power to select one business over another.

Perla Rodriguez, representing the Mi Pueblo stores, said they have tried to address the concerns of the neighbors, and spoke of the number of jobs they will provide, bring tax revenue from other cities, and said they will be a strong anchor tenant to the center. Ms. Rodriguez gave the Commission a letter in support of the project signed by students from Adrian's Beauty College, and asked for the Commission's support.

PUBLIC HEARING:

Chairman Brem opened the public hearing.

Hemanta Agarwala, owner of the Alpha Poultry business located in the center, asked that a condition be added stating that the façade could not be built on the building that would block his business. He spoke about problems with the current property owners relating to his lease.

Debbie Whitmore introduced the following condition to address Mr. Agarwala's concern:

"That portion of the elevation associated with the existing industrial tenant space located at 1350 West Main may be deferred if the City determines that it would negatively impact the operation of the existing tenant's business. Prior to permitting a new tenant to occupy this space, any portion of the approved elevation that has been deferred shall be completed."

Jessie Gutierrez spoke about impacts from Osborn School traffic to his business and negative

economic effects to his business from another grocery store locating in the area.

Jolynn DeGrazia, Director of Westside Ministries, gave the Commission signed petitions of support for the Mi Pueblo store and spoke in favor of the project.

Julio Hallack spoke in favor of the project and said he has visited and shops at Mi Pueblo stores in other communities and found that they have improved the profitability of neighboring businesses.

Barbara Hetrick said that neighbors have met with the developer and City staff, and the developer has agreed to install an on-site speed bump, a 3-foot fence and shrubbery on the S. Soderquist side of the property, and will keep the outdoor eating area away from the neighbors. She read a prepared letter that has been entered into the record that, in summary, requests that the Commission include the following CEQA mitigation measures in the project's conditions of approval:

1. Removal of the median on W. Main and replacement with a dedicated turn lane, or at the very least, a trigger for removal and replacement when traffic exceeds the 4,012 vehicles per day on South Soderquist in the block between W. Main and High streets cited in Table 9 of the Traffic Impact Analysis, which number of vehicles per day are to be determined by an annual 24-hour traffic count performed during the week in the month of September after Labor Day;
2. Payment by the developer for "Residential Parking Only" signs on the east side of South Soderquist if residential property owners find it necessary to go to the Police Department to request these signs because customers and/or personnel at the complex have become a nuisance by parking in front of residences, or blocking driveways;
3. Placement of the grill, eating area, and all outdoor events as far away from residences on South Soderquist as reasonable;
4. Inclusion of a noise limit, which is consistent with the City's noise element of the General Plan for residential areas, and also requires a 5 decibel reduction when speck or music is present;
5. Installation of speed bumps on NUCP property at entrances on South Soderquist;
6. Installation of a tubular steel fence, with slats no farther than 3-inches apart, and a hedge along the east side of the complex to contain trash; and
7. Installation of "No U-Turn" signs on the west side of South Soderquist between W. Main and High streets.

Michael Hodges spoke in favor of Mi Pueblo and the property owners NUCP as they have helped to revitalize the area.

Sharon Silva, President and CEO of Turlock Chamber of Commerce, spoke in favor of the project as this is an area that has been sitting vacant and a Mi Pueblo store is an anchor that will bring in other businesses. She also stated that the clustering of businesses around an anchor tenant typically improves all businesses in an area.

Patricia Lua thanked the applicant, NUCP, for working with the neighbors. She spoke about activity she witnessed at a Mi Pueblo store she visited in Modesto, and spoke against the project.

Manuel Aguiniga said he has visited the Atwater Mi Pueblo store and spoke in support of the project.

Reed Onate said the project will have a net positive impact and addressed the unresolved private lease matter, saying he will support the condition that has been brought forward tonight.

Chairman Brem asked for assurances from Mr. Onate that the unresolved private matters will be addressed. He acknowledged they are not City issues, but the City needs to be on top of this.

Oscar Avila, store manager of Cost Less Market, said his business is down, but he helped or donated when asked and provided the use of his parking lot for various fundraisers.

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

Commissioner Pedroza said he understands the concerns of current business owners in the area, and commented on the traffic study, lack of sidewalks on the east side of South Soderquist and student safety.

Commissioner Hillberg said he agrees with staff that left-turns should not be allowed on West Main and supports the project as it meets the requirements of a Minor Discretionary Permit.

Commissioner Fregosi commented that the Commission's decision should be based on impacts to health, safety and the entire community and said that even though the concerns of the neighbors have been mitigated this is a difficult decision.

Commissioner Bean expressed concern with the impact to existing business but said she believes the project will revitalize the area. She also commented on the efforts that have been made to mitigate concerns with the neighbors and said the five findings the Commission is charged to make can be made.

Chairman Brem commented that this Minor Discretionary Permit could have been handled at staff level, but the Planning Commission asked them to bring it before them and said the issues that need to be addressed have been addressed and he is in support of the project.

Commissioner Pedroza asked what the staff recommendation is on the project. Debbie Whitmore responded that staff believes that all the findings for approval can be made for project.

MOTION: Commissioner Hillberg moved, Commissioner Pedroza seconded, that the Planning Commission adopt a Mitigated Negative Declaration of Environmental Effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project, and having made the findings contained in Draft Planning Commission Resolution 2011-05. Carried unanimously with Commissioners Hackler, Salcedo and Williams not participating, and Commissioner Dias absent.

MOTION: Commissioner Hillberg moved, Commissioner Bean seconded, that the Planning Commission approve MINOR DISCRETIONARY PERMIT NO. 2011-02 (1300 W. MAIN – MI PUEBLO), having determined that the appropriate findings can be made, subject to the conditions contained in Draft Planning Commission Resolution No. 2011-05 as amended by the condition (referred to above) concerning the elevation for the industrial tenant space located at 1350 West Main. Carried unanimously with Commissioners Hackler, Salcedo and Williams not participating, and Commissioner Dias absent.

Debbie Whitmore advised that this decision can be appealed with the City Clerk within 10 days but no later than Monday, May 16, 2011 at 5:00 PM.

Commissioners Hackler, Salcedo and Williams are re-seated.

2. REZONE 2011-01 (PLANNED DEVELOPMENT 269) – EAH, INC. (AVENA BELLA
Debbie Whitmore asked that per the green sheet this item be continued to the May 19, 2011 Special Meeting of the Planning Commission. She noted that notices had been sent to property owners within 500' of this project informing them of the change in public hearing date.

Chairman Brem asked for a motion to continue **Item G2 - REZONE 2011-01 (PLANNED DEVELOPMENT 269) – EAH, INC. (AVENA BELLA** to the May 19, 2011 Special Meeting as per the green sheet.

MOTION: Commissioner Hackler moved, Commissioner Fregosi seconded, that the Planning Commission continue Rezone 2011-01, Planned Development 269 (Avena Bella) to the May 19, 2011 Planning Commission Special Meeting. Carried unanimously with Commissioner Dias absent.

H. OTHER MATTERS

None

I. COMMISSIONER'S CONSIDERATION

1. **SUMMARY OF APRIL 21, 2011 COMMUNITY MEETING TO DISCUSS POTENTIAL BOUNDARY AND STANDARDS FOR HOMELESS SHELTERS UNDER SB 2 PERMITTING PROCESS.** Debbie Whitmore provided a summary of the workshop held on April 21, 2011.

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

None

K. COMMISSIONER'S COMMENTS

Commissioner Pedroza commented on a request he had received from Lamp Post Pizza asking for additional signage.

Commissioner Salcedo commented about the status of the recently approved Ten Pin Fun Center.

L. STAFF UPDATES

Debbie Whitmore updated the Commission on the following items:

- **TURLOCK PARTNERSHIP PROGRAM IMPLEMENTATION** – Brochures are available in the lobby at City Hall and there are specific requirements that need to be met to qualify for the \$1,000 reimbursement.

M. ADJOURNMENT: Having no further business Chairman Brem adjourned the meeting 9:07 p.m.

Respectfully Submitted,

MIKE BREM
Chair

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