

**TURLOCK CITY PLANNING COMMISSION
SPECIAL MEETING MINUTES
THURSDAY, MAY 19, 2011
7:00 PM**

**YOSEMITE COMMUNITY ROOM
TURLOCK CITY HALL, 156 SOUTH BROADWAY**

COMMISSIONERS PRESENT: Salcedo, Hillberg, Bean, Dias, Pedroza and Williams

ALTERNATE COMMISSIONERS (Non Voting): None

COMMISSIONERS ABSENT: Brem, Fregosi and Hackler

STAFF PRESENT: Debra Whitmore, Deputy Director of Development Services; Mike Pitcock, Director of Development Services; Maryn Pitt, Housing Program Services Manager; Adrienne Werner, Planning Technician; 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 Bean asked for corrections or a motion for approval of the minutes of the May 5, 2011 Planning Commission meeting. Motion by Commissioner Hillberg, seconded by Commissioner Pedroza and carried unanimously, with Chairman Brem and Commissioners Fregosi and Hackler absent, and Commissioners Dias, Salcedo and Williams abstaining, to approve the minutes of the May 5, 2011 meeting as submitted.

C. PUBLIC PARTICIPATION – LIMITED TO ITEMS DESCRIBED IN THE NOTICE FOR THIS MEETING

This is the time set aside for citizens to address the Commission concerning any item that has been described in the notice for the meeting before or during consideration of that item. You will be allowed three (3) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Commission addresses the matter.

Vice Chair Bean advised that public comments would be limited to the item listed on the agenda and that opportunity to speak would be provided after the staff report. There were no comments at this time.

D. PUBLIC HEARINGS

1. *This item was continued from the May 5, 2011 Planning Commission meeting.*

REZONE 2011-01 (PLANNED DEVELOPMENT 269) – EAH, Inc. (Avena Bella)

To authorize the phasing of a previously approved project to develop a 141-unit multi-family residential project on an approximate 6.7 acre parcel and to permit a deviation from the High Density Residential lot dimensions to allow the creation of a subservient lot without street frontage. The project will be developed in two phases and the lot will be split into one 4.32 acre parcel fronting onto Linwood and one subservient parcel for phasing and financing purposes. The project is located at 500 W. Linwood Ave, more specifically described as Stanislaus County Assessor's Parcel No. 044-064-004.

Debbie Whitmore announced the green sheet which is a letter addressed to Mayor Lazar opposing

this project. She presented an overview of the proposed development and said this project was originally approved at staff level in March 2010, and that all CEQA processes have been followed. Her staff report included a conceptual drawing, site plan, and a summary of the CEQA review done by staff that addressed traffic, parking noise, and hazardous materials. She said the applicant is requesting a 2-phase, long term construction schedule, so the Planned Development will not expire to accommodate the phasing. The first phase will include 8 units on 4.32 acres, and the second phase will include 61 units on the remaining 2.21 acres. Debbie reviewed findings for approval that need to be made, and noted that the decision made tonight is recommendation to the City Council, and not a final action.

There were comments and discussion on the timelines for the two phases, and what would happen if financing was not obtained but the parcel had been divided.

Felix Au Yeung, Senior Project Manager for the applicant EAH Inc. reported that they are nearing design phase completion but the low-income housing tax credits have not been received. Once funds have been awarded they will apply for tax credits and construction could possibly begin in March of 2012. He advised that if there is no funding the project will be delayed. He provided information on the layout of the development, the management philosophy, the onsite resource coordinator and other activities and amenities that will be available to the tenants.

Commissioner Dias asked how the Phase 2 parcel would be separated from the Phase 1 development. Felix Au Yeung responded that a wall will be built around entire perimeter that will serve as sound barrier, in addition to a landscape barrier that can be removed when Phase 2 is developed.

There were comments and discussion of the Phase 2 vacant lot being planted with grass so it can be utilized for recreation or developed in to a community garden, but that irrigation may be a problem due to the size of the lot.

Maryn Pitt said that the property was purchased by the City in 2001 for the development of an affordable housing project. She provided an overview of how EAH was selected to develop the project; the requirements for occupancy; the monthly cost of rent; the agreement between the RDA and EAH; and the reason for the phasing request. She advised that the City will approve the management and operating plan for the development, and reported that frontage improvements to Linwood, including sidewalks and a sewer pump station, will be constructed as part of the project.

PUBLIC HEARING:

Vice Chair Bean opened the public hearing.

Bill Olson asked about the size of the wall to be constructed and how this project will affect his existing tractor business. Debbie Whitmore responded that the wall can be up to seven feet tall and will provide noise attenuation for the site.

Alex McCloud expressed concern with the additional traffic on W. Linwood generated from this development. He said Linwood is a 2-lane road and is grid-locked already from Cunningham School traffic, and asked if the developer will be required make any street improvements.

Mike Pitcock noted that this project will add approximately 1,000 vehicle trips per day. He said the morning peak hour will coincide with the school traffic and advised that this project will not mitigate the school drop off and pick up traffic problem. He said that the project is not conditioned to build any infrastructure on the north side of Linwood because it is in the County and the City does not have

the right of way. He advised that Linwood Avenue will be widened at the project frontage.

Commissioner Pedroza asked if the tenants will be notified that this is a "right-to-farm" area. Felix Au Yeung said an acoustical study had been completed and mitigation measures added to the project, but most of the noise impact will be from Highway 99.

Alex McCloud asked when the north side of Linwood could be developed.

Debbie Whitmore noted that there is no mitigation measure requiring EAH to notify their residents/tenants that there are noise generating businesses in the area. She said the existing businesses have a right to continue to operate, but a condition requiring notification of the tenants could be added to the project. She said that the north side of Linwood is in a County island and designated as agriculture, so will not be developed until the City takes steps for annexation and develops a master plan for the area.

There were comments and discussion about existing businesses being subject to the noise ordinance; the existing access easement between the project and adjacent property; and adding a condition that would require notification of the project tenants that the existing business has a right to continue their operations.

Ken Robinson commented that this project may increase the number of students attending Cunningham School which will require the school to expand and add to existing traffic problems.

Bill Olson asked for clarification of his obligation to comply with the noise ordinance. Debbie Whitmore responded and said that this ordinance establishes standards for noise during specific times of the day. She added that if the project tenants are notified it would give Mr. Olson's business additional rights. She said that EAH could have their tenants sign something that acknowledges Mr. Olson's right to continue his business unfettered.

Commissioner Salcedo asked if this notice to residents would allow Mr. Olson to make as much noise as he wants. Debbie Whitmore replied that this notice would refer to typical noise associated with his industrial use.

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

Felix Au Yeung noted that the buildings on the east end of the development are set back at least 60' from property line of adjacent property. Mr. Au Yeung also addressed the concerns mentioned in the letter received from Arturo Sanchez.

MOTION: Commissioner Dias moved, Commissioner Pedroza seconded, that the Planning Commission recommend the City Council approve Rezone 2011-01 Planned Development 269, having determined that the appropriate findings can be made, subject to the conditions contained in Draft Planning Commission Resolution 2011-06 including a new condition requiring the property owner record a notice allowing existing industrial uses to continue, and to require notice to tenants that noise and other potential environmental effects traditionally associated with such industrial uses shall not be considered a nuisance. Motion carried unanimously with Chairman Brem and Commissioners Fregosi and Hackler absent.

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

Vice-Chair Bean advised that this project will go to City Council for final approval.

M. ADJOURNMENT: Having no further business Vice Chair Bean adjourned the meeting at 8:07 p.m.

Respectfully Submitted,

JEANINE BEAN
Vice Chair

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