

MINUTES

TURLOCK CITY PLANNING COMMISSION THURSDAY, JULY 7, 2011 7:00 PM

YOSEMITE COMMUNITY ROOM
TURLOCK CITY HALL, 156 SOUTH BROADWAY

COMMISSIONERS PRESENT: Salcedo, Brem, Bean, Fregosi, Pedroza and Williams

ALTERNATE COMMISSIONERS (Non Voting): None

COMMISSIONERS ABSENT: Hackler, Hillberg, Dias

STAFF PRESENT: Debra Whitmore, Deputy Director of Development Services; Katie Melson, Assistant Planner, Adrienne Werner, Planning Technician; Phaedra Norton, City Attorney

A. CALL TO ORDER The meeting was called to order at 7:04 p.m.

B. APPROVAL OF MINUTES

Chairman Brem asked for corrections or a motion for approval of the minutes of the June 2, 2011 Planning Commission meeting. Motion by Commissioner Salcedo, seconded by Commissioner Bean and carried unanimously with Commissioners Fregosi and Pedroza abstaining, and Commissioners Hackler, Dias, and Hillberg absent.

C. ANNOUNCEMENTS

Debbie Whitmore brought the commissioners attention to the public hearing minutes on Tentative Parcel Map 11-05 allowing the merger of 16 residential parcels into 1 parcel, the creation of 1 heavy commercial parcel and a remainder.

D. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

None

E. PUBLIC PARTICIPATION

None

F. CONSENT CALENDAR

None

G. PUBLIC HEARINGS

CONSENT ITEMS*:

* None

NONCONSENT ITEMS:

Commissioners Fregosi and Pedroza stepped down and left the room.

1. **CONDITIONAL USE PERMIT NO. 2011-02 (GARTON TRACTOR)** To establish a sign program for Garton Tractor, located at 2400 N. Golden State Boulevard. The applicant is proposing to remove the existing 35 foot tall "New Holland" sign and replace it with 17'11" tall, internally illuminated, freestanding "New Holland" sign, to be located 6'6" from the back of the sidewalk along N. Golden State Boulevard. Various wall signs are also proposed as part of the project, for a total of approximately 250 square feet of sign area for the site.

Katie Melson presented the staff report explaining that the project before the Planning Commission is a continuation from the June 2, 2011 meeting to allow staff to provide the Commissioners with information from the City Attorney regarding the potential precedent that approving the proposed signs could set and to get direction on how to set guidelines for future similar sign proposals if the Planning Commission approves the project as proposed.

She stated that the applicant is proposing to replace the existing 35 foot tall pole sign with a 17'11" tall pole sign and various wall signs. Staff is recommending approval for 17'11" tall pole sign bringing a permitted nonconforming sign into compliance with the height requirements of the zoning district. Katie explained that there are two issues that the Planning Commission needs to address: 1) whether the Planning Commission will permit a deviation from the Design Guidelines to allow product names to be displayed on signs; and 2) whether the wall signs are the minimum necessary to identify the use, as required by the Design Guidelines.

Staff's recommendation is to not deviate from the Design Guidelines as it will set precedence for future sign applications.

Bill Garton, of Garton Tractor, explained the proposed signs are brand identity for new Holland.

Chairman Brem asked if it is the expectation of manufacturer for dealers to put up signs.

Bill Garton answered yes and explained that the dealer receives bullet points that allow them to receive discounts from the manufacturer and installing brand signs are part of the reward incentives that dealers receive.

PUBLIC HEARING:

Chairman Brem opened the public hearing. Chairman Brem closed the public hearing.

Commissioners Salcedo and Bean expressed concern that deviating from the Design Guidelines would set precedence allowing future sign applications to advertise product and not just business names as the Design Guidelines recommend.

Debbie Whitmore stated that in discussions with the City Attorney taking into account a businesses incentive or rewards agreements with their various vendors is not a path the Planning Commission would want to go down. Reviewing and permitting sign proposals should be about the size and location of the sign.

Phaedra Norton, City Attorney, encouraged the Planning Commission to stay away from approving the content of a sign and stressed that the Design Guidelines are guidelines and emphasized setting

a standard that can be consistently applied to any business within the City.

The Commission discussed how deviating from the Design Guidelines by allowing product to be displayed on signs would visually impact the facades of buildings and the potential for future sign applications to include products in their proposals. The Commissioners expressed concern about not being business friendly by not allowing businesses to display product names on their signs and also discussed the potential for visual clutter by having too many signs on the walls.

Debbie explained that typically the sign area that a particular business would be allowed usually determines what is displayed. In this case, the proposed signs use only about 2/3 of the allowable sign area for Garton Tractor; therefore, the issue here is not the amount of sign area but the deviation from the Design Guidelines by allowing products to be displayed on signs in addition to the business name. Debbie added that once the Planning Commission makes a decision to deviate from the Sign Design Guidelines, that standard would be applied to future sign permit and program requests which are typically approved at staff level.

Debbie suggested that while staff recommends not having product/brand names on signs, an option the Planning Commission may wish to consider is allowing only one product/brand name per building frontage.

For the Commissioner's benefit Katie went through the alternative motions.

MOTION: Commissioner Williams moved, Chairman Brem seconded, granting **CONDITIONAL USE PERMIT 2011-02 (GARTON TRACTOR)** approving the removal of the existing 35 foot tall pole sign and installing a 17'11" freestanding sign and all proposed wall signs (Garton Tractor Signs) as proposed. Motion was defeated with Commissioners Williams and Brem voting "yes"; Commissioners Bean and Salcedo voting "no"; Commissioners Pedroza and Fregosi stepping down; and Commissioners Hackler, Hillberg and Dias absent.

There was further discussion regarding the proposed wall signs.

MOTION: Commissioner Williams moved, Commissioner Bean seconded, granting **CONDITIONAL USE PERMIT 2011-02 (GARTON TRACTOR)** approving:

- 1) the removal of the existing 35 foot all pole sign and installation of a new proposed 17'11" freestanding sign;
- 2) the relocation the proposed New Holland Agriculture wall sign from the N. Golden State Boulevard frontage to the E. Tuolumne Road frontage;
- 3) the elimination of the proposed New Holland Service signs above the service door and on the shingle sign and replacement with similar signs reading "Service" only;
- 4) the installation of a proposed New Holland Original Parts wall sign; and
- 5) the retention of the existing Kubota and Kawasaki wall signs upon approval of a sign permit and building permit, as necessary.

The motion passed with Commissioners Williams, Bean and Brem voting "yes"; Commissioner Salcedo voting "no"; Commissioners Pedroza and Fregosi stepping down; and Commissioners Hackler, Hillberg and Dias absent

Commissioners Fregosi and Pedroza are reseated.

H. OTHER MATTERS

1. CONSIDERATION OF A REQUEST TO INITIATE AN AMENDMENT TO TITLE 9 OF THE TURLOCK MUNICIPAL CODE TO ADDRESS SIGN REGULATIONS AND DESIGN GUIDELINES

Debbie explained that the Planning Division had received a letter from the Turlock Chamber of Commerce requesting that the Planning Commission amend the sign ordinance to allow feather signs, signs held by people, and A-frame signs.

Commissioner Fregosi asked how many businesses expressed concern.

Debbie answered that 12-15 businesses expressed concern.

Commissioner Fregosi asked if the businesses are proposing eliminating the sign regulations or proposing changes to the regulations.

Debbie answered that the business owners would like to see some change in the ordinance but no specific changes have been suggested. A workshop with the Planning Commission and business owners would be the appropriate venue to begin discussions about the sign ordinance.

Commissioner Fregosi questioned whether the businesses had a copy of the sign ordinance and understood the intent of the sign ordinance.

Debbie responded that a workshop providing an overview of the City's sign regulations was provided to businesses in December 2010.

Commissioner Brem noted that the Garton Tractor sign proposal is a good example of why reviewing and possibly amending the sign ordinance is appropriate at this time. The sign ordinance is a little ambiguous and there needs to be a balance between being business friendly and having a nice community.

Commissioner Fregosi stated that there is no ambiguity in the sign ordinance and she believes the businesses are looking to eliminate the ordinance.

MOTION: Commissioner Bean moved, Commissioner Salcedo seconded, that the Planning Commission initiate a Zoning Ordinance Text Amendment to address Regulations and Design Guidelines for signs. The motion passed unanimously with Commissioners Hackler, Hillberg and Dias absent.

I. COMMISSIONER'S CONSIDERATION

None

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

1. USE PERMIT APPLICATION NO. 2011-06 – AVILA AND SONS (SOUTHWEST CORNER OF WASHINGTON AND FULKERTH ROADS)

Debbie updated the Commissioners on the project explaining that Avila and Sons has proposed to construct an agriculture warehouse for the storage and shipping of sweet potatoes on an

approximately 26 acre site. Staff has responded in a letter expressing concern that the project will have significant environmental impacts related to traffic, air quality and noise impacts. Staff has requested that additional information be provided regarding Williamson Act information for the property, potential impacts to groundwater, traffic and public safety. The project is required to obtain an encroachment permit from the City of Turlock. To obtain the encroachment permit, the City will require that the city-wide transportation, police and fire services impact fees be paid as well the WISP impact fees be paid.

Roy Wasden, Turlock City Manager, spoke briefly and explained that the project will be able to benefit from City services but will participate in none of the costs, if the project is allowed to proceed without paying Turlock development impact fees. He stated that they will continue discussions with the County to address the City's concerns regarding this project and future projects that are proposed closed to the city limits which will benefit from city services but not share in the costs.

The Commissioners discussed the project affirming that projects outside the City limits that will benefit from City services need to pay their fair share of the costs and voiced their support of the letter staff wrote in response to the County referral.

K. COMMISSIONER'S COMMENTS

Commissioner Fregosi asked Debbie to have the City Engineer look into the large potholes on Hedstrom Road between Olive Avenue and James Lane.

Debbie will forward the request to the City Engineer.

Commissioner Pedroza asked about the status of the Mi Pueblo project and if the issue with the existing tenant has been resolved.

Debbie answered that Mi Pueblo is working to implement the project and their building permit is in plan check. She also explained that Mi Pueblo has resolved the issues with the neighbor to the south of the project. As the project moves forward staff will ensure that the conditions of approval are followed including the condition regarding the existing tenant.

L. STAFF UPDATES

Debbie Whitmore updated the Commission on the following items:

FUNDRAISER CAR WASHES

Staff had received a complaint regarding a charity car wash on church property. Debbie spoke with the pastor of the church to discuss the issue of too many people out in the right-of-way advertising the car wash and ensuring proper drainage for the waste water. Staff is working with churches throughout the City regarding car wash fundraisers.

M. ADJOURNMENT: Having no further business Chairman Brem adjourned the meeting at 8:20 p.m.

Respectfully Submitted,

MIKE BREM
Chair

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