
A. CALL TO ORDER – Chairman Pedroza called the meeting to order at 6:00 p.m.

PRESENT: Commissioners Jeanine Bean, Soraya Fregosi, Geoff Powers, Elvis Dias, and Chairman Victor Pedroza

ABSENT: Commissioners Eric Gonsalves and Nick Hackler

B. APPROVAL OF MINUTES

1. Accepting minutes of regular Planning Commission meeting of October 6, 2016.

Motion by Commissioner Fregosi seconded by Commissioner Bean to accept the minutes as submitted. Motion carried unanimously with Commissioner Pedroza abstaining.

C. ANNOUNCEMENTS

Deputy Director of Development Services Debra Whitmore directed the Commissioners to the handouts. The yellow paper is the approved Tentative Parcel Map for the location of 2300 W. Main St. The other two items relate to item H1.

D. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS
None

2. DISCLOSURE OF EX PARTE COMMUNICATIONS

- **G.1 - CONDITIONAL USE PERMIT 2016-09 – 39 MILESTONE, LLC**
None
- **G.2 - VARIANCE 2016-04 – MARIA SALAS (779 E OLIVE AVENUE)**
None

E. PUBLIC PARTICIPATION
None

F. CONSENT CALENDAR
None

G. PUBLIC HEARINGS

***CONSENT ITEMS**

1. **CONDITIONAL USE PERMIT 2016-09 – 39 MILESTONE, LLC:** To authorize the operation of a bar at 128 S. Center Street, formerly Al's Billiards. The proposed business hours are seven days a week 11:00 a.m. to 2:00 a.m. 39 Milestone is proposing to offer

billiards, electronic darts, shuffleboard, and live entertainment within the existing billiards hall. The tin building at the rear of the building will be removed and the area reconfigured as an outdoor seating area that will be enclosed with a six-foot tall wrought iron fence. Additional outdoor seating is also proposed at the entrance to the bar on the public sidewalk. 39 Milestone will be removing the existing Al's Billiards blade sign and replacing it with a new projecting sign. Deputy Director of Development Services Debra Whitmore stated this is a consent item and asked if there were any questions.

PUBLIC HEARINGS:

Robert Puffer inquired if they will have live entertainment and whether a full bar would be offered. Ms. Whitmore stated the application includes a full bar as well as live music inside only. Dan Leonis the applicant stated Al's Billiards had live music at one time.

MOTION: Motion by Commissioner Fregosi, seconded by Commissioner Bean adopting Conditional Use Permit No. 2016-09 (39 Milestone) to be "Categorically Exempt" from the provisions of CEQA) under the CEQA Guidelines Section 15301 [Existing Facilities].

Motion by Commissioner Fregosi, seconded by Commission Bean approving Conditional Use Permit 2016-09 (39 Milestone) having determined the appropriate findings can be made and subject to the conditions contained in the Draft Resolution No. 2016-28. Motion carried unanimously with Commissioners Gonsalves and Hackler absent.

NONCONSENT ITEMS

- 1. VARIANCE 2016-04 – MARIA SALAS (779 E Olive Avenue):** To authorize a reduction of the required five foot side-yard setback to two and a half feet along the northwestern property line and a reduction in the 15% landscape requirement to 13% to facilitate the development of two offices totaling approximately 1,139 square feet and one approximately 758 square foot house. A 5' tall 6' wide monument sign is also proposed. Senior Planner Katie Quintero explained this variance has exceptional circumstances and is necessary for the preservation of the area. The building will be brought up to the front of the lot and parking will be in the back. They will have five parking spaces and access for emergency vehicles. Roll out cans will be used for garbage pickup. The property on the side with the reduced set back is far away from the property line.

Chairman Pedroza asked if it would be necessary to consider other such variances in the future due to the size of the lots in this Downtown zoning district. Ms. Debra Whitmore responded that staff will bring forward a modification to the setback requirements for all of the Downtown zoning districts sometime next year due to similar constraints on other properties.

Maria Salas the applicant stated this will be an income tax business. She requested a house for her dad so she can take care of him in while at work.

PUBLIC HEARINGS:

None

MOTION: Motion by Commissioner Powers, seconded by Commission Fregosi adopting Variance No. 2016-04 (779 East Olive Avenue) to be “Exempt” from the provisions of the California Environmental Quality Act (CEQA).

Motion by Commissioner Powers, seconded by Commission Fregosi approving Variance Application No. 2016-04 (779 East Olive Avenue) having determined the appropriate findings can be made and subject to the conditions contained in the Draft Resolution No. 2016-29. Motion carried unanimously with Commissioners Gonsalves and Hackler absent.

H. OTHER MATTERS

- 1. ZONING ORDINANCE AMENDMENT INITIATION FOR PARKING RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS:** Consideration of a request to initiate an amendment to Title 9 of the Turlock Municipal Code (Zoning Ordinance) to address standards for parking recreational vehicles, boats and similar items in residential districts. Senior Planner Katie Quintero stated this is to decide if the Planning Commission wants to amend the section of the ordinance in the muni code or leave as is. Currently, it allows parking on side and rear yard setback but can be in front yard if not space is available or accessible in the side or rear yard. At no time can someone reside in a recreational vehicle. The RV cannot be parked in such a manner that it impedes safe pedestrian travel on a sidewalk. Temporary overnight parking for 14 days is permitted per year but no cooking may occur within the vehicle at any time. Recreational vehicles are allowed to be parked in the public right-of-way for up to 72 hours for loading and unloading. Other cities vary in their regulations.

Larry Tribuzio presented pictures showing trailers in his area. Three trailers been there for months. He feels it should be addressed now before it gets out of hand. Trailers just sit there forcing someone to look at it and he cannot build a fence to block the view. There are ordinances for shopping carts sitting on the streets because they look unsightly. Where do you draw the line with this?

Commissioner Fregosi asked if there have had any concerns like this before. Ms. Whitmore stated they get quite a few complaints, around 2 or 3 a month regarding trailers on lawns or on the street too long but are taken care of by the Code Enforcement Division.

Commissioner Powers expressed his belief that property owners should have the right to park a recreational vehicle on their property and that most of the pictures were in compliance with the current ordinance.

Commissioner Dias said the current ordinance works and was concerned that property owners would simply use their landscaping for RV parking if the ordinance did not allow parking in the front yard.

Commissioner Pedroza requested staff provide more information on what other cities are doing.

MOTION: Motion by Commissioner Diaz, seconded by Commission Bean that the Planning Commission initiate a Zoning Ordinance Text Amendment to address the permitted locations of recreational vehicles, boats and other similar items subject to the conditions of approval listed in Draft Resolution No. 2016-30. Motion carried unanimously with Commissioners Gonsalves and Hackler absent.

I. COMMISSIONERS CONSIDERATION

None

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

None

K. COMMISSIONERS COMMENTS

Commissioner Fregosi advised staff that she will have to leave early at the December 1st Planning Commission Meeting. She also mentioned that it will be both her and Commissioner Bean's last meeting as their terms are up.

Commissioner Dias inquired on whether tree houses are allowed in a front yard and whether there are height limits for antennas in residential areas. Ms. Debra Whitmore indicated that a tree house would probably be considered a structure making them subject to setback requirements. Antennas would be subject to setbacks and height limits of the applicable zoning district.

Commissioner Pedroza thanked everyone for their calls regarding his father's passing and his accident with his fingers.

L. STAFF UPDATES

Deputy Director of Development Services Debbie Whitmore stated the Ten Pin Fun Center initiated the building permit process for the project.

M. ADJOURNMENT: Commissioner Pedroza adjourned the meeting at 6:52 p.m.

RESPECTFULLY SUBMITTED

Victor Pedroza
Commission Chair

Debra A. Whitmore
Deputy Director of Development Services