

MINUTES

TURLOCK CITY PLANNING COMMISSION THURSDAY, JUNE 2, 2011 7:00 PM

YOSEMITE COMMUNITY ROOM
TURLOCK CITY HALL, 156 SOUTH BROADWAY

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

ALTERNATE COMMISSIONERS (Non Voting): None

COMMISSIONERS ABSENT: Fregosi, Hackler and Pedroza

STAFF PRESENT: Debra Whitmore, Deputy Director of Development Services; Mike Pitcock, Director of Development Services; Rose Stillo, Senior Planner; Katie Melson, Assistant Planner, Adrienne Werner, Planning Technician; Dorinda Soiseth, Staff Services Technician, Heidi McNally-Dial, Economic Development Manager

A. CALL TO ORDER The meeting was called to order at 7:06 p.m.

B. APPROVAL OF MINUTES

Chairman Brem asked for corrections or a motion for approval of the minutes of the May 19, 2011 Special Planning Commission meeting.

MOTION: Commissioner Hillberg moved, Commissioner Dias seconded, to approve the minutes of the May 19, 2011 Special Meeting as submitted. Motion carried unanimously with Chairman Brem abstaining, and Commissioners Fregosi, Hackler and Pedroza absent.

C. ANNOUNCEMENTS

Debbie Whitmore announced that there will not be a Special Meeting on July 21.

D. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

Commissioner Hillberg advised that he has a conflict with item G.1 - Conditional Use Permit No. 2011-02 (Garton Tractor).

E. PUBLIC PARTICIPATION

None

F. CONSENT CALENDAR

None

G. PUBLIC HEARINGS

CONSENT ITEMS*:

* None

Due to a conflict of interest, Commissioner Hillberg steps down and leaves the room.

NONCONSENT ITEMS:

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 forty foot tall "New Holland" sign and replace it with an eighteen foot tall, internally illuminated, freestanding "New Holland" sign, to be located six feet six inches from the back of the sidewalk along N. Golden State Boulevard.

Katie Melson presented the staff report and said that compliance with the existing Sign Design Guidelines is the issue due to the request to use product name on the signs. She provided information on when product name is allowed on signage, and said that approval of this project may set precedent and foster additional requests for product/brand placement on other signs. She reviewed the findings that need to be made for the project to be approved.

Bill Garton, of Garton Tractor, said he disagrees that his request should be considered advertising and explained why he would like product name included in his business signage program.

PUBLIC HEARING:

Chairman Brem opened the public hearing.

The Commission discussed allowing brand and product names on dealership signs and the possibility of setting a precedent; the existing non-conforming signs at Garton Tractor; and a large pole sign that would be replaced by a smaller pole sign at Garton Tractor.

Debbie Whitmore advised that Federal law does not allow for discrimination between business types in relation to signage and the sign ordinance.

The Commission discussed names of businesses and products sold in relation to existing signs at various businesses in Turlock.

Debbie Whitmore advised that the Design Guidelines are advisory and said clarification on allowable deviation from these guidelines would need to be established.

Chairman Brem closed the public hearing.

Commissioner Salcedo said that he does not want to set precedent but is sympathetic as there is a large sign that will be replaced with a smaller sign.

There was discussion about existing Garton Tractor identification signs; and possible dealership expectations/obligations for brand or product names on the signs.

Debbie Whitmore advised the Commission of their need to state why they are able to make the required findings for approval.

The consensus of the Commission was to get additional advice and direction from the City Attorney before making their decision.

MOTION: Commissioner Dias moved, Commissioner Bean seconded, to continue **CONDITIONAL USE PERMIT NO. 2011-02 (GARTON TRACTOR)** to the July 7, 2011 regular Planning Commission meeting. Carried unanimously with Commissioner Hillberg not participating and Commissioners Fregosi, Hackler and Pedroza absent.

Commissioner Hillberg is re-seated.

2. NOTICE OF PROPOSED AMENDMENTS TO TITLE 9 OF THE TURLOCK MUNICIPAL CODES (ZONING ORDINANCE)

Debbie Whitmore presented the staff report and said staff has received several letters, which have been provided as a green sheet for the Commission, concerning the homeless shelter zoning overlay district boundaries. She said the proposed amendments are:

1. Identify the development standards and nondiscretionary permitting process for homeless shelters pursuant to Senate Bill 2 enacted in 2007;
2. Define the zoning overlay district and its boundaries in which the new permitting process for homeless shelters would apply that is roughly bounded by A Street on the north; Center and F streets on the east; Linwood on the south and Lander on the west (a map is available by contacting the Turlock Planning Division at 668-5640);
3. Designate transitional and supportive housing as a residential use pursuant to Senate Bill 2;
4. Designate agricultural employee housing for six (6) or fewer persons as a residential use of property as defined in Section 17008 of the California Health and Safety Code;
5. Modify the second dwelling unit ordinance to remove the size limitations and owner occupancy requirements for second units, and remove the provision excepting second dwelling units from the payment of City development fees;
6. Increase the height limitations in the High Density Residential (R-H) from thirty-five (35') feet to forty (40') feet;
7. Modify density bonus provisions consistent with Senate Bill 1818;
8. Add a provision allowing exceptions to zoning requirements if necessary for the reasonable accommodation of disabled access to comply with Federal Housing Law;
9. Reduce the height of the railing, barrier or planter for outdoor dining establishments from four (4') to three (3') feet;
10. Modify, delete, and/or add definitions to implement the modifications and additions listed above as well as clarify the intent of various uses defined in the Zoning Regulations.

Debbie noted that Senate Bill 2 (SB 2) legislation does not require the City of Turlock to construct a homeless shelter; however, the City is required to provide a place where a homeless shelter can be developed with minimal permitting requirements and no public hearing. She provided a definition of an emergency shelter; standards of development that need to be met; and management and security standards that will need to be established. Debbie provided information on the number of beds that could be available in the proposed homeless shelter boundaries, and also reviewed the other proposed ordinance amendments.

PUBLIC HEARING:

Chairman Brem opened the public hearing.

Chris Kiriakou spoke against the proposed requirement for an annual review of a homeless shelter, and asked this item be removed as a condition and from the ordinance.

Gail Barnett spoke of her experience with the former B Street shelter saying it was a danger to children and others in the neighborhood.

Danny Mann asked if this zoning district would allow for transitional housing, and if an annual review would allow for comments from the neighbors. He also asked about the shelter hours of operation and said he would favor a 24-hour shelter.

Debbie Whitmore advised that State law has directed us to view transitional housing the same as other housing in a residential district, and that an annual review would not allow for public comments as the permit would be issued to the operator and reviewed by City staff. Debbie said that neighborhood complaints could be addressed in the shelter's security plan and a separate code violation review, and that the law allows for 24-hour shelter operation.

Jeff Woods, Director of Turlock Gospel Mission, spoke of how he has interacted with the homeless for the past four years and the need for this legislation. He commented about the request to move the proposed SB2 zoning district boundaries and said the issue is the standards that are applied to the operators of the homeless facilities and ministries.

Trina Walley, Turlock Downtown Property Owners Association, said she has received numerous concerns from property owners in the downtown core area about the proposed boundaries and asked for a 2-block buffer from the downtown area to reduce any impacts.

Julie Fox, Homeless Action Committee, asked if the proposed changes would affect the existing shelters.

Debbie Whitmore advised that the current facilities could continue to operate under their current permits.

Maris Sturtevant, We Care Program, said they would like to be able to increase their number of beds by being included in the SB2 zoning district with the boundary at A Street.

Dennis Olson, Red Hot Designs, would like to see the boundary moved from B to C Street and spoke of problems his business has encountered with the homeless.

Chairman Brem closed the public hearing.

Commissioner Hillberg asked what would be involved with an annual review of a shelter.

Debbie Whitmore said the conditions of approval in relation to the actual operation would be reviewed annually.

Commissioner Bean asked how changing the boundaries would affect the number of available beds.

Debbie Whitmore said that 91 beds would be lost if the boundary was moved to B Street, an additional 91 beds would be lost if the boundary was moved to C Street, an additional 205 beds if the boundary was moved to D Street, and another 400 beds if the boundary was moved to Center Street.

Chairman Brem commented on the input received concerning the boundary selection, and the need for a well run "business" that is sensitive to the community and neighbors.

MOTION: Commissioner Bean moved, Commissioner Salcedo seconded, that the Planning Commission recommend the City Council amend Title 9 of the Turlock Municipal Code having determined that the amendments are exempt from CEQA and having determined that the appropriate findings can be made, subject to the conditions contained in draft Planning Commission Resolution No. 2011-11. Motion carried unanimously with Commissioners Fregosi, Hackler and Pedroza absent.

Debbie announced that this item will be heard by the City Council in July.

H. OTHER MATTERS

1. PUBLIC INPUT PROCESS FOR MARKETING NAME AND POTENTIAL AMENDMENT TO SIGN REGULATIONS FOR THE WESTSIDE INDUSTRIAL SPECIFIC PLAN

Heidi McNally-Dial, Economic Development and Redevelopment Manager, said the request to rename the Westside Industrial Specific Plan (WISP) came as a result of a meeting with commercial real estate brokers and the City Manager. This request was discussed at a City Council meeting and referred to the Planning Commission.

Debbie Whitmore said staff is recommending the formation of a business advisory committee to advise the Planning commission on this issue.

Chairman Brem appointed Nick Hackler to serve on this business advisory committee.

MOTION: Commissioner Dias moved, Commissioner Bean seconded, that the Planning Commission approve the formation of a business advisory committee to advise the Planning Commission on the development of a marketing name for the area encompassed by the Westside Industrial Specific Plan; that the Planning Commission utilize the business advisory committee to advise the Planning Commission on potential amendments to the sign regulations adopted in the Westside Industrial Specific Plan with the membership to include those representatives designated by the City Manager and one representative of the Turlock Planning Commission to be appointed by the Planning Commission; and that Nick Hackler of the Planning Commission be nominated to sit on the WISP Business Advisory Committee. Motion carried unanimously with Commissioners Fregosi, Hackler and Pedroza absent.

I. COMMISSIONER'S CONSIDERATION

None

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

None

K. COMMISSIONER'S COMMENTS

Chairman Brem commented about businesses that may want to locate in the WISP.

L. STAFF UPDATES

Debbie Whitmore provided an update on the California High Speed Rail project and the state budget; impact to Turlock design options, saying funding has been cut for Turlock's portion of that alignment

facility.

Mike Pitcock said the bid for the Transit Center has been awarded; the underground utilities in the WISP have been installed and West Main Street should be open soon; Fulkert Road will be closed for paving after that; and the Kilroy – West Main signal contract has been awarded and will be paid for using Federal funds.

M. ADJOURNMENT: Having no further business Chairman Brem adjourned the meeting at 9:10 p.m.

Respectfully Submitted,

MIKE BREM
Chair

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