

# MINUTES

## TURLOCK CITY PLANNING COMMISSION THURSDAY, FEBRUARY 4, 2010 7:00 PM

YOSEMITE COMMUNITY ROOM  
TURLOCK CITY HALL, 156 SOUTH BROADWAY

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**COMMISSIONERS PRESENT:** Salcedo, Hackler, Pedroza, Brem, Bean, Fregosi, Dias

**ALTERNATE COMMISSIONERS (Non Voting):** Williams

**COMMISSIONERS ABSENT:** Hillberg

**STAFF PRESENT:** Debra Whitmore, Deputy Director of Development Services; Mike Pitcock, Director of Development Services; Phaedra Norton, City Attorney, Lani Smith, Interim Assistant City Manager; Eric Picciano, Civil Engineer, Principal; Tim Lohman, Fire Division Chief; Rose Stillo, Senior Planner; Katie Melson, Assistant Planner; Dorinda Soiseth, Staff Services Technician

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**A. CALL TO ORDER** The meeting was called to order at 7:03 p.m.

City Clerk Rhonda Greenlee administered the oath of office to Alex Salcedo and Aben Williams.

**B. APPROVAL OF MINUTES**

Chairman Brem asked for corrections or a motion for approval of the minutes of the January 7, 2010 Planning Commission meeting.

**MOTION:** Commissioner Fregosi moved, Commissioner Hackler seconded that the Planning Commission approve the minutes from the January 7, 2010 meeting as submitted.

**AYES:** Salcedo, Hackler, Pedroza, Brem, Fregosi and Dias

**NOES:** None

**ABSTAIN:** Bean

**ABSENT:** Hillberg

**NOT PARTICIPATING:** None

**NON-VOTING:** Williams

**C. ANNOUNCEMENTS**

Debbie Whitmore announced that the first community meeting regarding Senate Bill 2 (SB2) will be held on February 18 at 6:00PM in the Westside Ministries building.

**D. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

There were none.

**E. PUBLIC PARTICIPATION**

None

**F. CONSENT CALENDAR**

None

**G. PUBLIC HEARINGS**

**CONSENT ITEMS\*:**

**1. \* AMENDMENT TO PLANNED DEVELOPMENT 190 (LANDER CROSSINGS)**

Planned Development 190 is an approved commercial development, consisting of a 3-story hotel, four retail buildings and associated on-site improvements. The applicant has proposed an amendment to the phasing schedule for this Planned Development in order to allow site improvements to only a portion of this commercial center during Phase I of construction. The subject site is 1851 Lander Avenue (Stanislaus County Assessor's Parcel Number 044-064-015-000) This amendment is Exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Section 15305, "Minor Alterations in Land Use Limitations."

Chairman Brem asked for a motion.

Commissioner Dias moved, Commissioner Pedroza seconded, to approve this public hearing consent item as presented. Carried unanimously.

**NON-CONSENT ITEMS:**

None

**H. OTHER MATTERS**

**1. CARGO CONTAINER WORKSHOP COMMERCIAL DISTRICTS**

Debbie Whitmore provided information on the key elements of cargo containers and reviewed the request of Art Seegers concerning a possible permitting process for cargo containers in commercial districts.

Eric Picciano explained the different development standards in residential and commercial districts and provided information on what type of structures are exempt from a building permit. He advised of accessibility laws that take effect in commercial districts.

Tim Lohman outlined the Fire Department requirements for cargo containers.

Debbie Whitmore reviewed possible permitting processes and development standards for temporary and permanent uses of cargo containers in commercial districts. .

Mike Pitcock provided information on development impact fees that would apply to cargo containers.

Art Seegers explained that he uses a cargo container for storage of non-combustible items and said expanding his existing building may trigger other requirements that are not feasible in these economic times.

Debbie Whitmore explained the processes in place for requests of deviations from current standards.

There was discussion of the availability of structural calculations for cargo containers and their structural integrity.

Commissioner Hackler asked staff to research the cost of obtaining structural calculations for cargo containers.

The consensus of the Commission is that guidelines need to be established from this point forward, and that these types of containers need to be treated as a building.

Chairman Brem stated, for the record, that he does not favor “double decking” of cargo containers.

Bud Anderson, of Tower Health and Wellness, questioned whether a cargo container could be considered a building and said that they are structurally sound. He asked if impact fees were different for a storage versus a living space.

Mike Pitcock responded that residential fees are based on per unit, and commercial fees are based on square footage.

There was discussion of “under building” a structure then using cargo containers for needed storage areas, and possibly setting a condition that would address the issue.

The Commission did not take any action.

2. **BROWN ACT PRESENTATION** (*Phaedra Norton*)

City Attorney Phaedra Norton reviewed the foundation of the Brown Act and which governing bodies were subject to this act. She provided information that included the definition of a meeting; attendance at a conferences, ceremonial and social events by a majority of a governing body; meeting location requirements; teleconferencing; the public’s right to testify; regular versus special agendas; the ability to set time limits for members of the public who wish to speak; building accessibility; all votes must be made in public; the rules for closed sessions; taping or broadcasting meetings; agenda posting requirements, and remedies for Brown Act Violations. There was also discussion of serial meetings and the use of email and texting in relation to the Brown Act.

The Commission did not take any action.

**I. COMMISSIONER’S CONSIDERATION**

1. **ELECTION OF OFFICERS**

Commissioner Dias moved and Commissioner Fregosi seconded that Commissioner Brem be elected to serve as Chairman. Motion carried unanimously with Commissioner Brem abstaining.

Commissioner Fregosi moved and Commissioner Hackler seconded that Commissioner

Bean be elected to serve as Vice Chair. Motion carried unanimously with Commissioner Bean abstaining.

**J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS**

None

**K. COMMISSIONER'S COMMENTS**

Commissioner Pedroza commented that the next SR 165 meeting will be March 3 .

Commissioner Hackler commented on the recent Stanislaus County Planning Commissioners workshop and the excellent information provided about the Ace Train and High Speed Rail project.

Chairman Brem commented on a Chamber of Commerce meeting he attended where a simulation of the intersection of Berkeley and Golden State Blvd. was presented.

**L. STAFF UPDATES**

**1. CITY OF TURLOCK GENERAL PLAN UPDATE FOCUS GROUP WORKSHOP #2**

Debbie provided an overview of this workshop. Commissioners Brem and Bean also provided comments on the workshop.

**2. STANISLAUS COUNTY PLANNING COMMISSIONERS WORKSHOP**

Debbie referred to Commissioner Hackler's comments about this workshop.

Debbie updated the Commission on the Beautification Committee project and upcoming High Speed Rail meetings.

Debbie advised that staff have had additional discussions on the Morgan Ranch project.

**M. ADJOURNMENT:** Having no further business Chairman Brem asked for a motion, made by Commissioner Fregosi, to adjourn the meeting at 9:07 PM.

Respectfully Submitted,

MIKE BREM  
Chair

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