

MINUTES

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

YOSEMITE COMMUNITY ROOM
TURLOCK CITY HALL, 156 SOUTH BROADWAY

COMMISSIONERS PRESENT: Salcedo, Hackler, Hillberg, Brem, Bean, Fregosi, Dias

ALTERNATE COMMISSIONERS (Non Voting): Pedroza, Williams

COMMISSIONERS ABSENT: None

STAFF PRESENT: Debra Whitmore, Deputy Director of Development Services; Mike Pitcock, Director of Development Services; Phaedra Norton, City Attorney; Sgt. Nino Amirfar, Turlock Police Dept.; Rose Stillo, Senior Planner; Katie Melson, Assistant Planner, 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

Chairman Brem asked for corrections or a motion for approval of the minutes of the Regular Meeting of October 7, 2010 and the Special Meeting of October 21, 2010.

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

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

MOTION: Commissioner Fregosi moved, Commissioner Bean seconded that the Planning Commission approve the minutes from the October 21, 2010 meeting as submitted.

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

C. ANNOUNCEMENTS

Debbie Whitmore provided the following announcements:

- The State mandated (AB1234) Ethics Training will be provided in Modesto on December 3, and is also available online through the FPPC website.
- There are green sheets on the Family Entertainment Center project that include letters from neighbors and a revised resolution.
- We have a request from a citizen to participate in the Family Entertainment Center public hearing by phone.

D. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

There were none.

E. PUBLIC PARTICIPATION

None

F. CONSENT CALENDAR

None

G. PUBLIC HEARINGS

CONSENT ITEMS*:

* None

NONCONSENT ITEMS:

1. CONDITIONAL USE PERMIT NO. 2010-02 (DUST BOWL TAP ROOM)

Adrienne Werner presented the staff report and said the project is located at 200 W. Main in the Downtown Core zoning district where bars are listed as a conditionally permitted use. The bar will be the main outlet for beer brewed at the Dust Bowl Brewery on Spengler Way. She advised that the applicant has rescinded their request for live music due to the Police Department's standard condition prohibiting live music and the smaller floor plan that is now proposed. The project meets the intent of the General Plan and Downtown Design Guidelines & Zoning Regulations so staff recommends approval.

There was discussion about alcohol being served in the outside area; the reason live music is prohibited; and different types of alcohol licenses.

Brett Tate, the applicant, provided information on the operational plan of the proposed tap room.

PUBLIC HEARING:

Chairman Brem opened the public hearing. No one spoke. Chairman Brem closed the public hearing.

Commissioner Hackler said this would be a great project for downtown.

MOTION: Commissioner Dias moved, Commissioner Fregosi seconded, that the Planning Commission find Conditional Use Permit No. 2010-02 (Dust Bowl Brewing Company) to be Categorical Exempt from the provisions of CEQA, and approve Conditional Use Permit No. 2010-02, having determined that the appropriate findings have been

made, subject to the conditions of approval listed in Draft Resolution No. 2010-07.

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

2. (a) GENERAL PLAN AMENDMENT 2010-02, REZONE 2010-02 [PLANNED DEVELOPMENT 267]] (FAMILY ENTERTAINMENT CENTER)

Katie Melson presented the staff report and said that this is a request to amend the General Plan and re-designate the subject site from High Density Residential to Community Commercial. She presented a power point presentation that outlined the history and prior approvals for site; the proposed project's operational plan and layout; the surrounding uses; and the findings that need to be made for approval. She advised that staff has not made a recommendation as this is a land use and policy issue and there are General Plan policies that support each side of the issue. She also noted that this is not a California Environmental Quality Act (CEQA) issue.

Katie explained that because a Planned Development expires after one year if no permits have been applied for or issued the property then reverts back to the underlying zoning designation. Staff has included a condition that would extend the life of this Planned Development to ten years to limit the approved project on the site to the proposed uses only in the ten years this Planned Development is active

Katie reviewed the green sheet outlining corrections and clarifications, the comments provided from the Police Dept., and the additional written comments received after the staff report was prepared.

Phil Fitzgerald, the architect representing the applicant, provided information on the proposed center including layout and design, bowling and bocce ball activities, game and party room accommodations, and the laser tag arena. He also presented slides of similar entertainment centers his firm has developed.

Jim Theis, Turlock resident and partner in the project, commented on the number of sites in Turlock that had been considered for the project and the reason this site was selected.

There was discussion of other sites that had been considered for this project; hours of operation proposed for the entertainment center including the outdoor bocce ball court; the capacity of the center; the number of jobs that may be created and the type of liquor license that would be issued for the business.

Rod Scott, a partner in the project, commented about various bowling alleys he had visited, and the research done in order to develop the concept for this entertainment center.

PUBLIC HEARING:

Chairman Brem opened the public hearing.

Myra DeMartini, speaking via telephone call, spoke against the project because existing crime and noise levels in the area already cause problems to her health and said this project will add to all existing problems.

Pieter Hoex spoke in favor of the project.

Jay Sharping spoke against the project as it will change the residential nature of the neighborhood by bringing additional noise and traffic.

Mr. Murray said that Turlock needs this type of facility but he emphatically opposes the proposed location of the center.

Stan Grant expressed concern with the building color and elevations.

Troy Old spoke in favor of the project.

Amarjit Pahal, student body president at CSUS, spoke in favor of the project because it will provide a safe environment for college students.

Commissioner Pedroza asked about mitigating traffic flow away from residential streets on to Monte Vista Avenue. City Engineer Mike Pitcock said that the width of Crowell Road would prohibit a left turn only median.

Kathy Halsey, David Halsey, Keith Quinlan, Bill Simpson, Grayson Blakeley and Dave Magina spoke in favor of the project saying it is a great compliment to the neighborhood and good for the City.

Ken DeMartini, speaking via telephone call, spoke against the project saying it will have a detrimental effect on his wife's deteriorating health.

Greg Oliveira, Janet Smith, Jerod Sommerville and Elizabeth Sommerville spoke in favor of the project.

Chairman Brem closed the public hearing.

Commissioner Salcedo asked about other parcels that were considered for the project. Jim Theis responded and said that the proposed location was selected as a business decision.

Commissioner Hackler thanked staff for their work on this project and said, for the record, concerning the public comment of "the colors are growing on me" that we need to keep in mind the aesthetics of the building in relation to the surrounding neighborhood. He also said the outdoor bocce ball court hours need to be established and would not support it being open on a 24 hour basis. He stated that we need to make sure that if this project is approved it is built.

Commissioner Fregosi said that although she is in favor of a center like this she is concerned with the proposed location as it does not conform to the current General Plan. She commented that the understanding of the neighbors is that this is residentially zoned land and she is not convinced this is the only and best location for this project. She is also concerned that the adjacent property owner will file a rezone application; and that the required findings cannot be made to approve the project.

Commissioner Bean said this is a great project but she is also concerned with the land use issue as it is an encroachment to a residential area and that the required findings cannot be made.

Chairman Brem noted that there are several components to this project including the land use issue, but said this project is better than some that have been approved but not built. He expressed concern with construction noise and would prefer no construction on Sunday.

Dennis Fitzpatrick, project developer, advised that there will be a designated construction noise person who will monitor complaints and concerns from the neighborhood.

The Commission discussed construction noise and hours allowed by the Turlock Municipal Code and the consensus was to prohibit construction on Sundays.

Commissioner Dias expressed concern with the additional traffic on Monte Vista, Crowell and Dels Lane from the project.

City Engineer Mike Pitcock provided information on a traffic study done for the project in relation to the impact on neighboring streets.

The Commission discussed color and design of the building; hours of operation for the center and outdoor bocce ball court; 24-hour opening for special events as an exception only; and construction hours.

Chairman Brem called for a 10-minute recess at 9:45 PM.

Chairman Brem reconvened the meeting at 9:55 PM

Chairman Brem re-opened the public hearing.

Sgt. Nino Amirfar provided information about the noise complaints and crime statistics for the area around the project.

Chairman Brem closed public hearing in order to consider a motion to continue Item H.1, as some members of the audience were waiting for that item.

H. OTHER MATTERS:

1. RECOMMENDATION TO THE CITY COUNCIL CONCERNING THE REGULATION OF DISCOUNT SUPERSTORES IN THE CITY OF TURLOCK

Chairman Brem asked for a show of hands of those in the audience who were there for the "Big Box" item. There were several. Due to the lateness of the hour, Chairman Brem asked for a motion to continue the Big Box item to the December 2, 2010 regular meeting of Planning Commission.

MOTION: Commissioner Hackler moved, Commissioner Bean seconded, that the Planning Commission continue the recommendation to the City Council concerning the regulation of discount superstores in the City of Turlock to the December 2, 2010 regular meeting of the Planning Commission. Motion carried unanimously.

Chairman Brem re-opened public hearing for the Family Entertainment Center.

G. 2. (a) GENERAL PLAN AMENDMENT 2010-02, REZONE 2010-02 [PLANNED DEVELOPMENT 267]] (FAMILY ENTERTAINMENT CENTER)

Keith Knudsen said he would prefer a 4:00AM closing time for the entertainment center.

Bill Simpson commented about bowling alleys in residential areas.

Chairman Brem closed public hearing.

The Commissioners reviewed each of the required findings that need to be made in relation to approving the project.

Debbie Whitmore responded to questions from the Commissioners.

Chairman Brem and Commissioner Hackler said the required findings could be made from a broad community perspective.

The Commission discussed the project at length in relation to the required findings that need to be made to approve the project.

Chairman Brem stated that this is a higher and better use of the property for the entire community.

Commissioner Pedroza said that it is not the Planning Commission's job to ask what other sites were considered for a project as that is a business decision made by the applicant.

The Commission discussed adding the following conditions to the project:

- Planning Commission to review the elevations and paint color at the time the building permit is submitted and prior to sign-off by the Planning Division.
- Hours of operation - Sunday through Thursday the center will close at 1:00AM; Friday and Sat. the center will close at 2:30AM.
- The Planning Commission will review the project after six months of operation to look at extending the closing time to 4:00AM.
- A seven-day notice will be provided to the Turlock Police Dept. prior to any 24-hour special events, which could be held any day of the week, subject to a review by the Planning Commission after 6 months of operation.
- Hours of operation - outdoor bocce ball court – Sunday through Thursday to close by 10:00PM and midnight on Friday and Saturday nights.
- Construction will be prohibited on Sundays.

Debbie Whitmore advised that there will be no cost to the applicant for the Planning Commission to review the final building elevations and color, or to come back to the Planning Commission for the six month review.

Chairman Brem asked that the project be reviewed after six months of being open for business.

MOTION: Commissioner Hillberg moved, Commissioner Hackler seconded, that the Planning Commission adopt a Mitigated Negative Declaration of Environmental Effect, having determined that the City of Turlock, as lead agency for the proposed project, has prepared an Initial Study to make the findings contained in Draft Planning Commission Resolutions 2010-08 and 2010-09 as amended.

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

MOTION: Commissioner Hillberg moved, Commissioner Hackler seconded, that the Planning Commission recommend the City Council adoption of General Plan Amendment 2010-02 and approve Rezone 2010-02 (Planned Development 267), having determined that the appropriate findings can be made, subject to the conditions contained in Draft Planning Commission Resolutions 2010-08 and 2010-09, as amended, to include Planning Commission review of the elevations and paint color at the time the building permit is submitted and prior to sign-off by the Planning Division; revised hours of operation as noted above; a seven-day notification to the Turlock Police Department prior to any 24-hour event subject to a mandatory six-month review by the Planning Commission; and construction shall be prohibited on Sundays.

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

(b) PLANNED DEVELOPMENT 267 SIGN PROGRAM (TEN PIN FUN CENTER SIGN PROGRAM)

Katie Melson presented the staff report and noted the required findings that need to be made to approve the sign package. She provided an overhead picture of the proposed signs and reviewed why it does not meet the design guidelines. She advised that staff is concerned with the precedent that may be set by approving the requested signs, and provided an overhead picture of what staff is proposing for the sign.

There was discussion about wall signs and the modified design provided by staff.

Jack Abley, Arrow Sign Co., provided information of the signs proposed for the project.

Rod Scott, applicant, said the signs will be for identification purposes and include tenants that are inside the entertainment center.

Ralph Ogden, owner of the future office building on Crowell Road, spoke about the signage needs for the office building and the restaurant inside the center.

The Commission discussed limiting the proposed monument sign on Monte Vista and Crowell to eight feet in height with two wings, proportional in height to the proposed monument sign. The name of the shopping center ("Crossroads Center") and the Ten Pin Fun Center are to be depicted on the taller monument sign, while the two wings are restricted to the restaurant in the Ten Pin Fun Center ("Miko's") and one of the office users operating in Outbuilding #1 along Crowell Rd. The wings shall be restricted to graphic business logos (no business names), one on each side of the monument sign.

The Commission concurred with staff's recommendation on the Monte Vista and Crowell monument signs. The Monte Vista monument sign is to be limited to six feet in height with two spaces, one for the Ten Pin Fun Center and the other for the restaurant in the Ten Pin Fun Center ("Miko's"). The Crowell monument sign is limited to four feet in height, may not be internally illuminated (must be externally illuminated), and is limited to the Ten Pin Fun Center

only.

PUBLIC HEARING:

Chairman Brem opened the public hearing. No one spoke. Chairman Brem closed the public hearing.

MOTION:

Commissioner Salcedo moved, Commissioner Bean seconded, that the Planning Commission recommend the City Council approve Planned Development 267 (Ten Pin Fun Center) Sign Program, as amended, having determined that the project is Categorically Exempt from the provisions of CEQA, and that all of the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2010-11 as amended to include modifications to the three monument signs as follows:

- **Monte Vista and Crowell Monument Sign:** The monument sign on Monte Vista and Crowell shall be limited to eight feet in height with two wings, proportional in height to the proposed monument sign. The name of the shopping center ("Crossroads Center") and the Ten Pin Fun Center are to be depicted on the taller monument sign, while the two wings are restricted to the restaurant in the Ten Pin Fun Center ("Miko's") and one of the office users operating in Outbuilding #1 along Crowell Rd. The design of the wing signs shall be restricted to graphic business logos (no business names), one on each side of the monument sign.
- **Monte Vista Monument Sign:** The Monte Vista monument sign shall be limited to six feet in height with two spaces, one for the Ten Pin Fun Center and the other for the restaurant in the Ten Pin Fun Center ("Miko's").
- **Crowell Monument Sign:** The Crowell monument sign shall be limited to four feet in height, may not be internally illuminated (must be externally illuminated), and is limited to the Ten Pin Fun Center only.

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

H. OTHER MATTERS –

1. RECOMMENDATION TO THE CITY COUNCIL CONCERNING THE REGULATION OF DISCOUNT SUPERSTORES IN THE CITY OF TURLOCK

This matter was continued to the December 2, 2010 Planning Commission meeting by the earlier action of the Commission.

I. COMMISSIONER'S CONSIDERATION

None

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

None

K. COMMISSIONER'S COMMENTS

None

L. STAFF UPDATES

Debbie Whitmore provided an update on the Smart Valley Places HUD Planning Grant that was recently awarded to Turlock.

M. ADJOURNMENT: Having no further business Chairman Brem adjourned the meeting at 11.25 p.m.

Respectfully Submitted,

MIKE BREM
Chair

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