

MINUTES

TURLOCK CITY PLANNING COMMISSION THURSDAY, APRIL 5, 2012 7:00 PM

YOSEMITE COMMUNITY ROOM TURLOCK CITY HALL, 156 SOUTH BROADWAY

COMMISSIONERS PRESENT: Bean, Brem, Fregosi, Hackler, Hillberg, Pedroza and Williams

COMMISSIONERS ABSENT: Dias and Salcedo

STAFF PRESENT: Debra Whitmore, Deputy Director of Development Services; Mike Pitcock, Director of Development Services; Phaedra Norton, City Attorney; Rose Stillo, Senior Planner; Adrienne Werner, Planning Technician; Katie Melson, Assistant Planner; 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 to approve the minutes of the February 2, 2012 Planning Commission meeting.

MOTION: Commissioner Hackler moved, Commissioner Pedroza seconded, to approve the minutes of the February 2, 2012 meeting as submitted. Motion carried unanimously with Commissioner Bean not present for this item; Commissioner Brem abstaining; and Commissioners Dias and Salcedo absent.

C. ANNOUNCEMENTS

Debbie Whitmore announced that there are three pieces of correspondence for the Commission at the dais: 1) an email from Jessie Orosco concerning items on the agenda; 2) a green sheet for Item G1; and 3) a request from staff to continue the sign workshop to May 3.

Commissioner Bean arrives.

D. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

There were none.

E. PUBLIC PARTICIPATION

Holly Walker asked to comment on the proposed use of the former Mervyn's building. Chairman Brem responded that comments could be made during the public hearing time for this item.

F. CONSENT CALENDAR

1. **2011 General Plan Implementation Report** – The California Government Code (Section 65400 (b)) requires that the Planning Agency prepare an annual report on the implementation of the General Plan for approval by the Legislative Body. This project is “Exempt” from the provisions of the California Environmental Quality Act (CEQA) under Section 15061 (b) (3) [General Rule] of the CEQA Guidelines and the City of Turlock CEQA Implementing Procedures Part IV (c).

MOTION: Commissioner Pedroza moved, Commissioner Bean seconded, to approve the Consent Calendar as presented. Motion carried unanimously with Commissioners Dias and Salcedo absent.

G. PUBLIC HEARINGS

CONSENT ITEMS*:

* None

NONCONSENT ITEMS:

MINOR DISCRETIONARY PERMIT 2011-13 (2480 GEER ROAD – DISCOUNT FOOD AND BEVERAGE STORE) Rose Stillo presented the staff report and said the applicant proposes to reuse a prior, approximately 62,000 square foot, “Mervyn’s” retail store for a discount food and beverage grocery store. Rose described what would be sold in the store and noted the building has been vacant since 2009. She provided information about landscaping, parking, a pallet area and outside light fixtures. She said changes include a new pallet recycling and organic bin enclosure area adjacent to residential neighbors which may present potential noise, aesthetics, and odor impacts. The anticipated noise from pallet stacking and moving has been evaluated in a noise study and mitigation measures have been added as conditions of approval. Specifically, a ten-foot-tall masonry wall is required along the north, south, and east sides of this outdoor storage area and the stacking height of pallets will be limited to ten feet. Rose noted that because the organic waste bins would generate odor, staff believes that pallet recycling and organic waste collection should take place inside the building to decrease potential impacts to adjacent residential neighbors.

Rose advised that the proposed grocery store is expected to operate 24 hours a day, seven days a week, and that new refrigeration equipment would be installed on the exterior of the building. She said that in order to limit noise from delivery trucks, the project is conditioned to only allow deliveries between the hours of 7:00 a.m. and 10:00 p.m. Additionally, to mitigate noise from mechanical equipment and vehicles, the project is conditioned to include a 10-foot wall along the east side of the project site and a 16 foot wall along the east side of the dock.

Rose noted that staff has received comments from the adjacent residential neighbors expressing concern that there would be a substantial increase in traffic as a result of the project. A traffic analysis was completed and the results indicated an acceptable level of service through the year 2030.

The Commission discussed the feasibility of moving the organic waste bins inside the building; forklift noise after 10:00 p.m.; the replacement of the parking lot lights with more energy efficient bulbs; the potential for glare from the parking lot lighting; and the 16 foot sound wall on the eastern side of the site.

Debbie Whitmore said that the project noise study addresses the forklift operation.

Chairman Brem commented about the greenhouse gas emission calculations used in the environmental documents.

John Reynolds, representing Retail Properties of America (formerly Inland Western MDS Portfolio LLC), said they are marketing the property and have received interest from various grocery stores.

Commissioner Fregosi commented about shopping cart containment measures.

Debbie Whitmore said Turlock has a shopping cart ordinance that addresses this issue.

John Reynolds noted the organic waste bins would have lids and used in lieu of a compactor and said these types of bins are not made to be used or contained inside of a building for commercial purposes. He stated that the applicant has accepted the hours of 7:00 a.m. to 10:00 p.m. placed on the loading and pallet area.

Chairman Brem asked if a tenant had been identified.

Mr. Reynolds responded that a tenant had not been identified at this time but they have received interest from grocery stores requesting a 24-hour operation.

Commissioner Pedroza noted comments made at prior public meetings that existing grocery-type stores were sufficient to meet the needs of the citizens of Turlock.

Mr. Reynolds said it has been a challenge to market this 60,000 foot space of building for uses other than a grocery store.

PUBLIC HEARING:

Chairman Brem opened the public hearing.

Holly and Brent Walker spoke and had concerns with the proposed 24-hour operation, the pallet area, the smell from organic waste bins, and the location of the loading dock. She asked that the light poles be hooded to prevent glare on their property and that a 24-hour operation not be approved. She also asked if the Planning Commission would be making the final decision to allow a 24-hour store.

Mr. Reynolds noted that the light poles will be hooded and that all lighting along the east wall will be replaced with LED bulbs.

Debbie Whitmore said the Planning Commission is the decision making body, but that their decision can be appealed to the City Council within 10 days from this meeting.

Brent Walker expressed concern that the "alley way" behind the building would be noisy because of the proposed pallet area.

Mr. Reynolds said the pallet area will be parallel to and not located right up against the east wall and that the acoustical material to be used will help deaden any noise from this area.

Laurie Sheridan commented that this approval allows any 24-hour store to locate in this building. She expressed concern about possible impacts to existing grocery stores, the cleanliness of the parking

lot, and noise from the refrigeration units.

Chairman Brem advised that the Planning Commission addresses the use of the facility, not economic issues, and said that any commercial project located near a residential area will create noise which can be mitigated in the conditions of approval of the project.

Debbie Whitmore noted that this decision is not for a specific tenant. She said the Planning Commission approves the use, and if a user meets all of the conditions they would be approved tonight with no further discussion.

Hearing no additional comment, Chairman Brem closed the public hearing.

Commissioner Fregosi said she would be concerned with a 24-hour operation at this location.

Commissioner Hackler expressed concern with the organic waste area being located directly behind the houses, and commented about the request for a 24-hour operation.

Mr. Reynolds responded that a 24-hour operation is the marketing request.

Commissioner Bean said she is also concerned with the smell from the organic matter and asked if there was any data on the circulation of a store that is open all night as she doesn't foresee much traffic during the night.

Debbie Whitmore noted that if the organic waste bin item was removed it would impact the emission reduction findings made in the initial study. Debbie advised that from a technical perspective under the California Environmental Quality Act, if a mitigation measure is eliminated the project would need to be re-circulated and come back to the Planning Commission for review.

The Commission discussed having the location of the organic waste bin made at staff level.

Debbie Whitmore said the decision approving an alternate location for the organic waste bin should be included in the conditions of approval. If it becomes a staff decision, the neighbors would need to be re-noticed and provided a site map showing the new location.

Mr. Reynolds said he would like to propose that the organic waste bins be moved to the loading dock area.

The Commission discussed the request for a 24-hour operation, the relocation of the loading dock and adding a condition that requires cleaning of the parking lots on a regular basis.

The consensus of the Commission was to add two conditions to the project 1) to require that the organic waste bins be located within the truck dock area, and 2) that the business operator would maintain the parking lot in a clean fashion.

MOTION: Commissioner Hackler moved, Commissioner Pedroza seconded, that the Planning Commission adopt a Mitigated Negative Declaration of Environmental Effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project, and having made the findings contained in Draft Planning Commission Resolution 2012-05. Motion carried unanimously with

Commissioners Dias and Salcedo absent

MOTION: Commissioner Hackler moved, Commissioner Pedroza seconded, that the Planning Commission approve Minor Discretionary Permit 2011-13, having determined that the appropriate findings can be made, subject to the conditions contained in Draft Planning Commission Resolution 2012-05 as amended to include a condition that the organic waste bins be moved within the loading dock area and a condition the business operator would maintain the parking lot in a clean fashion. Motion carried with Commissioner Fregosi dissenting and Commissioners Dias and Salcedo absent.

Debbie Whitmore advised the audience that this decision could be appealed to the City Council within 10 days.

H. OTHER MATTERS

1. **SIGN ORDINANCE WORKSHOP:** Debbie Whitmore asked that this item be continued to the May 3, 2012 meeting. Motion and Second (Fregosi/Bean) to continue the Sign Ordinance Workshop to May 3, 2012. Motion carried unanimously with Commissioners Dias and Salcedo absent.

I. COMMISSIONER'S CONSIDERATION

None

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

None

K. COMMISSIONER'S COMMENTS

Commissioner Pedroza commented on the status of the Mi Pueblo store.

Chairman Brem thanked the Commission for the opportunity to serve as their Chair for another year. He also commented on the Avena Bella project groundbreaking ceremony saying the developers were very complimentary of City staff.

Commissioner Pedroza complimented staff for their work on the Morgan Ranch Master Plan Project.

L. STAFF UPDATES

Debbie Whitmore updated the Commission on the following items:

- **MI PUEBLO:** construction has begun on South Soderquist as part of the project, there are active building permits on file and the easement issues have been resolved. She said that representatives of Mi Pueblo are in discussion with the developer.
- **HOUSING ELEMENT CERTIFICATION:** The City has received formal approval of the Housing Element by the State Housing and Community Development Department.

- **MORGAN RANCH MASTER PLAN:** A community meeting was held and staff has received good feedback and will move forward with the EIR.
- **LAFCO AGRICULTURAL MITIGATION POLICY:** Debbie provided an update on a potential annexation policy that may impose a 1:1 agricultural mitigation fee on all future city annexations.
- **AB 1779 INTERCITY PASSENGER RAIL ACT OF 2012 FOR SAN JOAQUIN CORRIDOR:** Debbie updated the commission on legislation that would allow local agencies to take over operation of the San Joaquin inter-city rail system from Caltrans.
- **DOWNTOWN PLAN UPDATE:** Debbie noted staff is moving forward with the update.

M. ADJOURNMENT: Having no further business Chairman Brem adjourned the meeting at 8:25 p.m.

Respectfully Submitted,



MIKE BREM
Chair



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