

## MINUTES

TURLOCK CITY PLANNING COMMISSION  
THURSDAY, JUNE 6, 2013  
6:00 PM

YOSEMITE COMMUNITY ROOM  
TURLOCK CITY HALL, 156 SOUTH BROADWAY

---

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

**ALTERNATE COMMISSIONERS PRESENT:** Badal, Pollard

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Debra Whitmore, Deputy Director of Development Services; Phaedra Norton, City Attorney; Katie Melson, Associate Planner; Rose Stillo, Senior Planner; Dorinda Soiseth, Staff Services Technician

---

**A. CALL TO ORDER** The meeting was called to order at 6:02 p.m.

**B. APPROVAL OF MINUTES**

**1. Regular Meeting of April 4, 2013.**

**MOTION:** Commissioner Fregosi moved, Commissioner Salcedo seconded, to approve the minutes from the April 4 meeting as submitted. Motion carried unanimously with Commissioners Dias and Hillberg abstaining, and Alternate Commissioners Badal and Pollard not voting.

**2. Regular Meeting of May 2, 2013.** Commissioner Fregosi asked that "regarding green housing" be added to her Commissioner Comments to reference the type of presentation made at the Carnegie Center.

**MOTION:** Commissioner Dias moved, Commissioner Hillberg seconded, to approve the minutes from the May 2 meeting as amended. Motion carried unanimously with Commissioners Brem and Salcedo abstaining, and Alternate Commissioner Pollard not voting.

**C. ANNOUNCEMENTS** (*Debbie Whitmore*)

The next City Council "Critical Issues" Forum will be held on June 13 at Pitman High School.

Upcoming Special Planning Commission meetings:

- June 20 - a Community Workshop on the Downtown Plan Update and a Sign Ordinance Workshop.
- July 18, in lieu of July 4 – a Planned Development Amendment and a Conditional Use Permit.
- August 1 meeting is cancelled.
- August 15 – a presentation on the Valley Vision Stanislaus project.

The City has received an award from the Central Section American Planning Association for their newly adopted General Plan.

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

Commissioner Hackler stated that he has a conflict on Variance 2013-01 because he is the property owner.

**E. PUBLIC PARTICIPATION**

None

**F. CONSENT CALENDAR**

1. **GENERAL PLAN CONFORMITY FOR PUBLIC ACQUISITION OF 1129 N. OLIVE AVENUE AND THE ADJACENT PROPERTY TO THE SOUTH.** To determine that the purchase of properties located on North Olive Avenue, Stanislaus County Assessor Parcel Nos. 042-021-041 and 042-021-042, is in conformance with the Turlock General Plan.
2. **GENERAL PLAN CONFORMITY FOR PUBLIC ACQUISITION OF 1801 S. WALNUT ROAD.** To determine that the purchase of property located at 1801 S. Walnut Road, Stanislaus County Assessor Parcel No. 044-015-008, is in conformance with the Turlock General Plan.

Debbie Whitmore noted that the City is negotiating the purchase of these properties and taking action in preparation of this purchase.

**MOTION:** Commissioner Hillberg moved, Commissioner Fregosi seconded, to approve the Consent Calendar as submitted. Motion carried unanimously with Alternate Commissioners Badal and Pollard not voting.

**G. PUBLIC HEARINGS**

**CONSENT ITEMS\*:**

\* None

*To avoid the appearance of a conflict of interest Commissioner Hackler steps down on Variance 2013-01.*

**NONCONSENT ITEMS:**

**1. VARIANCE 2013-01 (MOONEYHAM COURT POOL PAVILION)**

Katie Melson presented the staff report and said that this is a request for a variance from the required rear and side yard setback for a pool pavilion building at 2531 Mooneyham Court. She said that the accessory structure regulations require a three foot setback for structures with a 10' ridge height and 7' eave height, and a five foot setback for structures with a 16' ridge height and a 10' eave height. The applicant is proposing a parapet wall to screen future solar equipment, which brings the height to 13'. She noted that if the parapet wall was removed the structure could be built with a five foot setback. She noted the unique shape of this lot and reviewed the findings that need to be made to grant a variance. Staff is recommending approval.

Nick Hackler, property owner at 2531 Mooneyham Court, said his architect thought that if the roof was sloped it would meet the setback regulations, and that the parapet wall was included to screen

future solar panel equipment.

### **Public Hearing**

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

**MOTION:** Commissioner Salcedo moved, Commissioner Hillberg seconded, that the Planning Commission determine Variance No. 2013-01 (Mooneyham Court Pool Pavilion) to be Exempt from the provisions of the California Environmental Quality Act (CEQA) and approve Variance Application No. 2013-01 (Mooneyham Court Pool Pavilion) having determined the appropriate findings can be made and subject to the conditions contained in Draft Resolution No. 2013-07. Motion carried unanimously with Commissioner Hackler not participating and Alternate Commissioner Badal not voting.

*Commissioner Hackler is re-seated.*

## **H. OTHER MATTERS**

### **1. CSUS BIKE SURVEY RESULTS**

Anthony Fagundes, a CSU Stanislaus Geography student, presented the results of a recent on-campus bike survey. The presentation included information about biking amenities in Davis, Chico, Cal Poly and Stanislaus. He said that 600 surveys were completed which identified circumstances, including poor road conditions and lack of bike lanes, that prevent students from riding their bikes to campus.

Chairman Brem said the City needs to build a partnership with CSU Stanislaus to make Turlock more bike friendly, and asked that this presentation be made to the City Council.

Debbie Whitmore said the Capital Facility Fee program will generate more revenue for bike path development, and noted that the City Council authorized staff to apply for a Caltrans planning grant for a bicycle master plan.

The consensus of the Commission was to keep this issue at the forefront of the community's attention to make Turlock more bicycle friendly.

Commissioner Badal commented about the work being done on the Healthy Communities initiative by the Chamber Board, which can also help to promote biking.

*Chairman Brem changed the order of the agenda to hear the County referral item prior to the Brown Act Training.*

## **J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS**

- 1. USE PERMIT APPLICATION NO. PLN 2013-0032 – R.A.M. FARMS, INC., 716 N. Daubenberger Road.** Debbie Whitmore provided information on this project and noted that staff has not received any complaints concerning their existing operation.

Chairman Brem asked about the proposed ice rink. Ron Macedo responded that it is a portable mat system unit that will be open the day after Thanksgiving through the second week of January.

**H. OTHER MATTERS**

**2. BROWN ACT PRESENTATION**

City Attorney Phaedra Norton provided general information on the Brown Act including teleconference meetings, public testimony, meeting location and ADA requirements, and outlined areas and events where this law does not apply. She said that any action taken must be done in public, and that all City documents are public documents unless an exception applies. She read a recent California Court of Appeals ruling against the County of Merced concerning the action taken on a Mitigated Negative Declaration that was not listed on their agenda.

Commissioner Fregosi commented that the Brown Act states it is voluntary to register your name at a public meeting, not a requirement.

**I. COMMISSIONER'S CONSIDERATION**

None.

**K. COMMISSIONER'S COMMENTS**

Commissioner Fregosi said that she attended the City Council workshop at the Senior Center and said it was very well run. She commented that the City Manager made a good presentation about the portion of road and property taxes that are distributed to the City, and said public comments included the need to maintain our existing roads, not build new roads.

**L. STAFF UPDATES (Debbie Whitmore)**

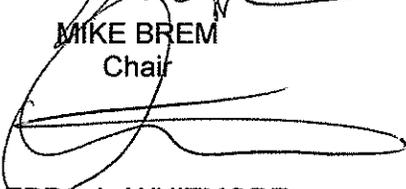
- The General Plan document is now available online.
- Staff is updating the CFF and master plan fee programs.
- StanCOG Regional Housing Needs Assessment – this is the first step in updating our Housing Element. StanCOG will be working with HCD to identify housing need numbers.
- Update on current projects – Sutter Gould is moving forward and in plan check; Blue Diamond is nearing completion and an open house is planned for June 18; McDonald's on Countryside will be undergoing renovations; Prime Shine and Yosemite Farm Credit are also in plan check.
- The proposed Mi Pueblo on West Main Street is still in litigation.
- The WalMart grocery store on Geer Rd is undergoing tenant improvements, but the City has not been provided a proposed opening date.

**M. ADJOURNMENT:** Having no further business Chairman Brem adjourned the meeting at 7:20 p.m.

Respectfully Submitted,



MIKE BREM  
Chair



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