

- A. CALL TO ORDER** – Chairwoman Fregosi called the meeting to order at 6:03 p.m.
PRESENT: Commissioners Bean, Dias, Hackler, Hillberg, Pedroza and
Chairwoman Fregosi
ABSENT: Commissioner Gonsalves

City Clerk Kellie Weaver administered the Oath of Office to Newly Appointed Planning Commissioner Elvis Dias.

B. APPROVAL OF MINUTES

1. Regular Meeting of June 4, 2015 – Motion and Second (Hillberg/Bean), to approve the minutes as submitted. Motion carried unanimously with Commissioners Dias, Pedroza and Hackler abstaining and Commissioner Gonsalves absent.

C. ANNOUNCEMENTS

Deputy Director Debbie Whitmore provided the following announcements:

1. There are Green Sheets for Items G.2 – rePlanet Buyback Center and G.3 – The Vista Student Housing Project.
2. There is a joint meeting of the City Council and Planning Commission scheduled for Tuesday, August 11, 2015.

- D. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**
None

2. DISCLOSURE OF EX PARTE COMMUNICATIONS

The following agenda items are subject to Ex Parte disclosure:

- **G.1 - CONDITIONAL USE PERMIT 2015-03 – LANDER CROSSINGS SIGN PROGRAM**
- **G.2 - MINOR DISCRETIONARY PERMIT 2015-08 – rePLANET BUYBACK CENTER**

The Planning Commission will disclose any Ex Parte Communications following the introduction of the item.

E. PUBLIC PARTICIPATION

Milt Trieweiler spoke about the homeless populations' situation in Turlock, and said that homeless people need to be treated with respect.

F. CONSENT CALENDAR

None.

G. PUBLIC HEARINGS

***CONSENT ITEMS**

*None.

NONCONSENT ITEMS

There were no disclosures of ex parte communications for agenda item G.1.

1. **CONDITIONAL USE PERMIT 2015-03 – LANDER CROSSINGS SIGN PROGRAM** To establish a Common Sign program for the Lander Crossings commercial center. Lander Crossings is a freeway oriented commercial center with approximately 30,000 square feet of retail space including an 85-room, 3-story hotel. The subject properties are located at 1811-1991 Lander Avenue, more particularly described as Stanislaus County Assessor's Parcel Numbers 044-064-013, 014, 021, 022, 025 and 026.

Assistant Planner Brenton Gibbons presented the staff report and provided a history of entitlements granted for this shopping center. He noted that the Sign Program will designate the anchor, major, minor, shop in-line and pad tenant signs. The proposal includes a freeway sign, an entry monument sign and a directory sign. Brenton advised that the proposed pylon sign will be a maximum height of 45 feet tall, which is comparable to previously approved pylon signs along Highway 99. Brenton reviewed the findings to be made and said that staff is recommending approval.

There was discussion about the sign being constructed at grade, and the availability for other stores to advertise on the sign.

Public Hearing:

Chairwoman Fregosi opened the public hearing.

Milt Trieweilor commented about the design of existing pylon signs that are located along Highway 99.

Hearing no additional comments, Chairwoman Fregosi closed the public hearing.

Commissioner Hackler said the shopping center and proposed sign are an improvement for the area.

MOTION: Commissioner Hackler moved, Commissioner Pedroza second, that the Planning Commission approve Conditional Use Permit No. 2015-03 (Lander Crossings Master Sign Program), 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. 2015-14. Motion carried unanimously with Commissioner Gonsalves absent.

There were no disclosures of ex parte communications for agenda item G.2.

2. **MINOR DISCRETIONARY PERMIT 2015-08 – rePLANET BUYBACK CENTER** - A proposal to install an approximately 500 square foot pre-fabricated State certified CRV buyback center in the rear parking lot of the Target store. Accepted recyclables are limited to aluminum, plastic, and glass. The proposed project is located at 3000 Countryside Drive more particularly described as Stanislaus County Assessor's Parcel Number 088-003-020.

Deputy Director Debbie Whitmore presented the staff report and said that this was a staff level permit that was brought to the Commission at the request of an adjacent property owner. She noted that the Buyback Center would include a reverse

vending machine and operate seven days per week from 7:00AM to 7:00PM, and be located in the rear parking area of the Target store. She advised that the adjacent property owner expressed concerns about possible vagrant activity as a result of the recycling business. The property owner was also concerned about the potential financial impact to adjacent business owners; litter; and that the Buyback Center would detract from the high-class nature of the existing shopping center. Debbie said that the project substantially complies with the City's requirements for small collection facilities and reverse bulk machines, and that with the addition of the proposed conditions of approval, including comments from Municipal Services as outlined in the green sheet, the project addresses the comments that have been provided. Staff is recommending approval.

Chairwoman Fregosi commented that furniture and other large items may be dropped off after hours. Debbie Whitmore advised that an attendant would be on site that could address those types of issues and then dispose of large items that may be dropped off.

Nancy Mertz, representing rePlanet Recycling, offered to answer questions.

Commissioner Pedroza asked if the concerns and problems expressed by the adjacent property owner existed at any current rePlanet buyback facilities.

Nancy Mertz noted they have a no loitering policy, and their employees work closely with local police departments to handle any problems.

Mike Renosti, also representing rePlanet, said that Target is requesting the buyback facility to help them comply with State recycling law.

Public Hearing:

Chairwoman Fregosi opened the public hearing.

Kyle Clayton, said he is the property manager for Excel Trust who recently acquired the Monte Vista Crossings shopping center. He said their concerns are that vagrancy would increase with the nature of the recycling activities. Mr. Clayton said his security staff has seen problems with loitering and the activity it brings; i.e. trash creation and sleeping around the site. He provided a photo of a rePlanet buyback center that is currently operating in another city.

There was discussion about the operating hours and where an attendant would be located on site, and the process of handling items that are dropped off when an attendant is not present.

Commissioner Hackler asked why the buyback center was located in the back of the parking area. Debbie Whitmore advised that staff required it to be out of site.

There was discussion that if the buyback building was more visible it may be less of a problem but may detract from the appearance of the center.

Kyle Clayton, representing Excel Trust, said that from their perspective they do not want it because a recycling buyback center is not conducive to their high standard.

Hearing no additional comments, Chairwoman Fregosi closed the public hearing.

The consensus of the Commission was that a buyback facility could potentially have the same problems no matter where it was located, but would be regulated by the Turlock Municipal Code, and that if the conditions of approval were not followed the permit could be revoked.

MOTION: Commissioner Hillberg moved, Commissioner Bean seconded, that the Planning Commission approve Minor Discretionary Permit 2015-08 (RePlanet Buyback Center), having determined that the project is exempt from the provisions of the CEQA pursuant to Section 15311 (Accessory Structures) of the CEQA Guidelines, and having found the appropriate findings can be made, subject to the conditions of approval contained in Draft Planning Commission Resolution No. 2015-17 as amended by the green sheet. Motion carried unanimously with Commissioner Gonsalves absent.

There were no disclosures of ex parte communications for this agenda item.

3. **GENERAL PLAN AMENDMENT 15-03; REZONE 15-01 (PD 272) THE VISTA STUDENT HOUSING:** The proposed project is located at 900 W. Monte Vista Ave; 3000 Crowell Road; 1010 W. Monte Vista Ave, Stanislaus County APNs: 071-006-021; 071-073-007 & 009. The applicant is requesting a General Plan Amendment and Rezone of the property from Community Commercial to High Density Residential to allow for the construction of a 180-unit, 600-bed student housing complex on three parcels totaling approximately 9.7 acres. Scheme 1 would result in the construction of four, three-story buildings approximately 40 feet in height and required parking. Scheme 2 would result in the construction of three, four-story buildings approximately 50 feet in height and required parking. The site will also include the construction of an approximately 6,460 square foot club house with outside volleyball and basketball courts and a swimming pool.

Deputy Director Debbie Whitmore provided a background of previously approved projects on this site, the most recent being the bowling alley entertainment center which was not developed. She said the proposed project is a 180-unit, 600-bed student housing complex on a 9.7 acre site. The project includes a club house, swimming pool and outdoor volleyball and basketball courts. Debbie said that there are two proposals: Scheme 1 is a 3 story option with 4 buildings and 532 parking spaces, and Scheme 2 is a 4-story option with 3 buildings and 601 parking spaces. Debbie said that the buildings do not have balconies, and the rooms are rented by the bedroom. There will be a 7 foot masonry wall constructed along the adjacent residential properties, and the development will be enclosed with a wrought iron fence. Debbie provided details about agency and public comments received concerning the project, and the findings that need to be made for approval.

David Moon, representing the applicant Coleraine Capital Group, provided information on the project partners, engineer, architect and contractor. He said the project is a state-of-the-art, LEED Silver certified, purpose-built housing for students only that includes 600 beds, a fitness center, a swimming pool and volleyball and basketball courts, and up to 600 parking spaces. Shuttle service will be available to the residents, and security features include 24-7 on-site property management and resident assistants; gates and access controls; lockable bedrooms with their own bathroom; video security cameras in public spaces in all facilities; security lighting; and state of the art life safety systems. Mr. Moon said that additional charges for parking would be imposed to discourage auto use.

Commissioner Dias commented that charging for parking may encourage students to park on the street which would be an impact to the neighborhood.

There was discussion about the timeline for development, the hours of operation for the pool and volleyball courts, and the distance of the courts and buildings to the adjacent homes.

Public Hearing:

Chairwoman Fregosi opened the public hearing.

Eileen Cross, representing the Miracle Foundation that owns property in the area, said they are concerned with the proposed 4-story buildings and the safety of the students crossing Monte Vista to access the campus. She suggested creating an overpass across Monte Vista Ave. for walkers and bicycles. Ms. Cross expressed concern that developers could build the units for student housing, then another investor could buy the property and not follow same rules. She would like to see strict guidelines guaranteed.

Nanette Snoke said that she lives adjacent to the site and is opposed to the project because it would add to the existing parking and traffic problems in the area.

Dave Halsey said he is concerned that they would charge for parking, and that traffic at the intersection will be impacted by pedestrians crossing Monte Vista Ave.

Kathy Halsey commented that she was disappointed that the bowling alley project is not moving forward, and is concerned with the long-term impact of what may happen if this project is not successful. She said she is concerned that the City does not have adequate fire equipment to respond to a 4-story building emergency. Ms. Halsey stated she has deep concerns with the long term impact of the development and is opposed to the project.

Leonard Van Elderen, representing Yosemite Farm Credit, commented that customers to their office could look directly in to the pool area of the development, and asked if the building could be repositioned with the pool. He said he would like to see a block wall along the commercial site for privacy.

Martha Moren said she is concerned with the height of the structures and would favor a 2-story design. She spoke against charging a fee for parking and said she does not support the project.

Brittany Bunch spoke in favor of the project, including an overhead walkway over Monte Vista Ave, and noted that the 600 additional parking spaces proposed in the project will help the neighborhood.

Robert Puffer spoke in favor of the project and said an extra 600 spaces off of Monte Vista Ave. would help the area.

Hearing no additional comments, Chairwoman Fregosi closed the public hearing.

Commissioner Pedroza asked if other locations had been considered.

David Moon responded that other locations had been considered but this site was the best property available in Turlock due its proximity to the campus.

There was discussion about the cost and feasibility of constructing an overhead walkway on Monte Vista Ave, and other possible pedestrian crossing options.

Commissioner Bean asked if there was adequate fire equipment to respond to a 4-story building. Debbie Whitmore noted that the Fire Department did not raise an issue with the proposal.

Vince Shupe, project architect, said the residential buildings would require a commercial sprinkler system, an exit to the roof for fire personnel and other California codes for fire protection would apply.

Deputy Director Debbie Whitmore said a deed restriction would be placed on the property to guarantee it would remain student housing.

The consensus of the Commission was to restrict the hours of operation for the basketball and volleyball courts, and not to charge students for parking at the facility.

Chairwoman Fregosi commented on the number of projects previously approved for this property. She said the Planning Commission has to make a difficult decision because the project is adjacent to single family residences, but is infill development and meets student housing needs because of the proximity to the University.

Commissioner Hackler commented that looking at a 4-story development from a neighbor's perspective is difficult; but from a community planning standpoint it is a great project.

MOTION: Commissioner Hillberg moved, Commissioner Bean seconded, that the Planning Commission adopt a Mitigated Negative Declaration of Environmental Effect and the Mitigation Monitoring and Reporting Program, 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 Resolution 2015-18. Motion carried unanimously with Commissioner Gonsalves absent.

MOTION: Commissioner Hillberg moved, Commissioner Bean seconded, that the Planning Commission recommend the City Council adopt Scheme 2 (four story option) proposed in General Plan Amendment 2015-03, approve Rezone 2015-01, and approve the Conditions of Approval for PD 272 (The Vista Student Housing) as amended to include the requirement for a masonry wall along east property line; no charge for the parking spaces; to restrict the hours of operation for the volleyball and basketball courts to 10:00PM on Sunday through Thursday and 11:00PM on Friday and Saturdays, having determined that the appropriate findings can be made, subject to the conditions contained in Draft Planning Commission Resolutions 2015-19, 2015-20 and 2015-21. Motion carried unanimously with Commissioner Gonsalves absent.

Deputy Director Debbie Whitmore advised that this project will be heard by the City Council on September 8, 2015.

RECESS: Chairwoman Fregosi called for a 5 minute recess at 8:37 PM.

RECONVENE: Chairwoman Fregosi re-convened the meeting at 8:45 PM

H. OTHER MATTERS

- 1) **Zoning Ordinance requirement for undergrounding of utilities:** Deputy Director Debbie Whitmore said that staff continues to receive requests from developers for an exemption from the requirement to underground utilities. She asked the Commission if this is something they would like to see on a future agenda. Commissioner Hackler noted that due to a possible conflict of interest he will step aside from any discussion and action on this item. The consensus of the Commission was to bring this issue to the Commission for future consideration.

I. COMMISSIONERS' CONSIDERATION - None

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS - None

K. COMMISSIONERS COMMENTS

Commissioner Hackler commented on the impact the drought is having on the trees that are located around the community and in City parks and medians.

Chairwoman Fregosi commented that the trees are dying in the parks. She also commented on a water summit at the Gallo Center that she recently attended.

Director Mike Pitcock advised that the Parks Division is on a restricted watering schedule due to the Governor's mandate that states cities cannot water turf in a median. He noted that he will take the Commission's concerns to the Parks Director.

Commissioner Dias said that he is happy to be back on the Commission. He commented that he was recently made aware of water-hydrant testing that allowed water to be flowing down the road and said we need to evaluate how this is being done.

L. STAFF UPDATES

- 1) **Implementation of the new Municipal Separate Storm Water and Sewer Permit (MS4) regulations:** Deputy Director Debbie Whitmore provided an update on the implementation of the MS4 permitting requirements that went into effect on July 1. Director Mike Pitcock provided information on the process for building permits as related to these regulations.
- 2) **New Counter Hours:** The Development Services Department is now open 5 days per week from 8:00AM to 5:00PM.

M. ADJOURNMENT Chairwoman Fregosi asked for a motion (Hillberg/Bean) to adjourn the meeting at 9:00PM. Motion carried unanimously.

RESPECTFULLY SUBMITTED



 Soraya Fregosi
 Chair



 Debra A. Whitmore
 Deputy Director of Development Services