

MINUTES

TURLOCK CITY PLANNING COMMISSION THURSDAY, AUGUST 4, 2011 7:00 PM

YOSEMITE COMMUNITY ROOM
TURLOCK CITY HALL, 156 SOUTH BROADWAY

COMMISSIONERS PRESENT: Salcedo, Hackler, Hillberg, Brem, Fregosi, Dias & Pedroza

COMMISSIONERS ABSENT: Bean, Williams

STAFF PRESENT: Debra Whitmore, Deputy Director of Development Services; Police Sergeant Nino Amirfar; Katie Melson, Assistant Planner, Adrienne Werner, Planning Technician; Dorinda Soiseth, Staff Services Technician

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

B. APPROVAL OF MINUTES

Chairman Brem asked for corrections or a motion for approval of the minutes from the July 7, 2011 Planning Commission meeting. Motion by Commissioner Fregosi, seconded by Commissioner Pedroza and carried unanimously to approve the minutes as submitted, with Commissioners Bean and Williams absent, and Commissioners Hackler, Hillberg and Dias abstaining.

C. ANNOUNCEMENTS

Debbie Whitmore brought the commissioners attention to the public hearing minutes on Tentative Parcel Map 11-04 allowing the creation of two individual parcels on the Avena Bella project site located at 500 W. Linwood Ave.

Debbie noted the "green sheets" for the Amendment to Conditional Use Permit 2004-07 (Two Guys Catering/Red Brick Café) that included changes to conditions of approval listed in Draft Resolution 2011-19 and a letter opposing the project.

D. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

Commissioner Salcedo stated he had a conflict with items F1, F2, and F3.

E. PUBLIC PARTICIPATION

None

F. CONSENT CALENDAR

To avoid the appearance of a conflict of interest, Commissioner Salcedo steps down.

1. 2010/2011 REVIEW OF PUBLIC WORKS PROJECTS FOR CONSISTENCY WITH THE TURLOCK GENERAL PLAN. To review the 2010/2011 list of public works projects for consistency with

the Turlock General Plan, pursuant to Government Code §65401. The annual review facilitates the coordination of public works projects undertaken by the City of Turlock and other public agencies with facilities located within the City's boundaries.

2. 2011/2012 REVIEW OF PUBLIC WORKS PROJECTS FOR CONSISTENCY WITH THE TURLOCK GENERAL PLAN. To review the 2011/2012 list of public works projects for consistency with the Turlock General Plan, pursuant to Government Code §65401. The annual review facilitates the coordination of public works projects undertaken by the City of Turlock and other public agencies with facilities located within the City's boundaries.

3. FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FOR CONSISTENCY WITH THE TURLOCK GENERAL PLAN. To determine that the Five Year Capital Improvement Program (CIP), spanning the years 2011/2012 through 2015/2016, is consistent with the Turlock General Plan's goals and policies, pursuant to Government Code §65401.

MOTION: Commissioner Fregosi moved, Commissioner Hillberg, seconded, to approve the Consent Calendar as submitted. Motion carried unanimously with Commissioners Bean and Williams absent and Commissioner Salcedo not participating.

Commissioner Salcedo is reseated.

G. PUBLIC HEARINGS - CONSENT ITEMS*:

1. AMENDMENT TO CONDITIONAL USE PERMIT NO. 1989-36 (TURLOCK COVENANT CHURCH) The Turlock Covenant Church is proposing to amend their existing Conditional Use Permit to allow a K-12 private school to operate on the second floor of the Education Building. The total school enrollment will be no more than 140 students. Typical school hours would be 8:00 am – 4:00 pm, Monday through Friday. The project is located at 260 High Street, more specifically described as Stanislaus County Assessor's Parcel No. 050-024-027.

Chairman Brem asked for public comment. No one spoke.

MOTION: Commissioner Fregosi moved, Commissioner Hillberg seconded, that the Planning Commission find the Amendment to Conditional Use Permit No. 1989-36 (Turlock Covenant Church) to be Categorical Exempt from the provisions of CEQA, and approve the Amendment to Conditional Use Permit No. 1989-36, having determined that the appropriate findings have been made, subject to the conditions of approval listed in Draft Resolution No. 2011-07. Motion carried unanimously with Commissioners Bean and Williams absent.

2. *The applicant has requested that this item be continued to the September 1, 2011 Planning Commission meeting.* AMENDMENT TO PLANNED DEVELOPMENT 230 (SAMA PROPERTIES, LLC)

MOTION: Commissioner Hillberg moved, Commissioner Salcedo seconded, that the Planning Commission continue Amendment to Planned Development 230 (Sama Properties LLC) to the September 1, 2011 Planning Commission meeting. Motion carried unanimously with Commissioners Bean and Williams

absent.

NONCONSENT ITEMS:

3. AMENDMENT TO CONDITIONAL USE PERMIT NO. 2004-07 (TWO GUYS CATERING) To amend the existing Conditional Use Permit to allow for indoor and outdoor live entertainment and to extend the hours of operation until 1:30 a.m. for the bar and restaurant located at 153 S. Broadway, Stanislaus County APN 061-016-046.

Katie Melson presented the staff report and said that in 2004 a Conditional Use Permit authorized the banquet hall/conference facility; in 2007 this permit was amended to allow the conversion of a parking lot into an outdoor venue for weddings and events; and in 2009 Red Brick Café was approved to operate as a restaurant. The request that is before the Commission tonight is to allow the Red Brick Café to be open until 1:30 AM and to allow live entertainment in the café and the fenced outdoor area. She reviewed the alcohol use and business management strategy and noted that one safety personnel would be provided for every 100 patrons, gang attire would not be permitted, an owner or manager must be onsite in addition to the bar tender to monitor occupancy load, public safety concerns shall be reported to the Police Department and the Police Chief can review this permit in six months and administratively amend the conditions of approval. She noted that any additional conditions can be appealed to the Planning Commission.

She advised that the requested hours of operation are 11:00 AM to 1:30 AM seven days a week, with the exception of December 31st until 2:00 AM. Full meals will be available until 10:00 PM and appetizers until 11:00 PM, with alcohol sales stopping one half hour prior to the closing time as permitted in the hours of operation. She continued by saying that the outdoor live entertainment shall cease at 9:00 PM Sunday through Thursday and at 10:00 PM Friday and Saturday, and the facility shall comply with the Noise Ordinance at all times and be subject to a six-month review. She reviewed the parking requirements in the Downtown Core and noted that the restaurant cannot be occupied at the same time the banquet hall is in use during regular business hours of Monday – Friday from 8:00 AM to 5:00 PM.

Katie also provided an overview of conditions for similar types of businesses in the downtown area, and conditional use permit versus the Alcoholic Beverage Control (ABC) conditions. She reviewed the findings that need to be made for project approval and said that staff is recommending approval including the amended resolution provided in the green sheet.

Chairman Brem asked if a wedding reception could be held at the same time as the restaurant operation.

Katie responded that the events cannot run concurrently on Monday – Friday from 8:00 AM to 5:00 PM, but that during the evening hours both facilities can operate at the same time.

Commissioner Pedroza asked if security personnel were required to be bonded.

Katie advised that the Police Department did not require they be bonded.

Sgt. Nino Amirfar, Turlock Police Department, advised that these types of business can hire and train their own staff because they have the liability.

Chairman Brem asked for clarification of what type of conditions could be added during the six-month review.

Commissioner Salcedo leaves the room.

Sgt. Amirfar said conditions would be based on information from officer bar checks along with other complaints and may trigger administrative action.

Commissioner Salcedo is reseated.

Chairman Brem asked about the distinction between a restaurant and a bar.

Sgt. Amirfar noted that ABC defines a bone fide restaurant to include a professional kitchen and menu as described in the business and professions code. He said that a Type 47 liquor license is restaurant license that allows beer, wine and spirits to be sold onsite. A Type 47 license requires a public convenience and necessity hearing and is issued by ABC, not the municipality. A Type 48 license requires local municipality review prior to issuance. He advised that ABC can condition a liquor license and the City can apply standards. The Police Department has set guidelines (standard conditions) which have shown to mitigate some of the issues created after midnight. These standard conditions were applied to Red Brick/Two Guys and they have met with the Police Department to mitigate any issues.

Commissioner Fregosi asked what would constitute a disturbance and asked if businesses would have full discretion on what to report

Sgt. Amirfar replied that Penal Code 415 clearly describes what problems can be addressed by the Police Department, but that businesses can call whenever needed and are mandated to report disturbances that create a "disorderly house".

Commissioner Pedroza asked about the number of disturbance calls at this location.

Sgt. Amirfar said that there have been minimal calls at this location since 2008 including an auto burglary and a report of trespassing.

Mike Warda, an attorney representing Ed Samo and Steve Backus, offered to answer any questions.

Commissioner Dias commented about the request for live entertainment.

Mr. Warda noted there has been live entertainment during past wedding events with no complaints received.

Commissioner Hackler asked if the food sales would match the alcohol sales.

Mr. Warda noted they are required to maintain the same level as being provided now as the intent is to make sure this is not a full bar.

PUBLIC HEARING:

Chairman Brem opened the public hearing.

Peggy Bacca, a resident in the neighborhood, said that the business has not been an issue in past but is concerned with the noise levels of any outside amplified music.

Sgt. Amirfar said the business is required to comply with the noise ordinance, and that the direction of speakers will be away from the residences and will face the railroad tracks.

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

Chairman Brem commented that these business owners have an experienced pattern of being good community citizens and business people.

MOTION: Commissioner Dias moved, Commissioner Pedroza seconded that the Planning Commission find Amendment to Conditional Use Permit No. 2004-07 (Two Guys Catering) to be Categorically Exempt from the provisions of CEQA, and approve Amendment to Conditional Use Permit No. 2004-07, having determined that the appropriate findings have been made, subject to the conditions of approval listed in Draft Resolution No. 2011-19 as amended by the green sheet. Motion carried unanimously with Commissioners Bean and Williams absent.

H. OTHER MATTERS

None

I. COMMISSIONER'S CONSIDERATION

None

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

None

K. COMMISSIONER'S COMMENTS

Commissioner Fregosi asked about the status of County project, Use Permit 2011-06 Avila and Sons at the corner of Washington and Fulkerth Roads.

Debbie Whitmore said there was no additional information available at this time.

Chairman Brem asked about the underground work being done at Johnson and Quincy Roads.

Debbie did not have any information but will refer the question to the City Engineer.

Commissioner Hackler noted that the WISP Business Advisory Committee had selected Turlock Regional Industrial Park as their new marketing name.

Commissioner Fregosi commented about some surveying work she noticed being done on Countryside Drive.

Debbie advised that this site has been permitted for a shopping center use.

Commissioner Dias commented about the current remodeling at the Target store.

Debbie noted that this work does fit within the existing ordinance.

Commissioners Hackler and Pedroza commented on National Night Out activities that they attended.

Chairman Brem asked about the status of the recently approved Mi Pueblo store.

Debbie said the project is in the building permit review staged and that they had reached an agreement with neighbor.

Commissioner Dias asked about the property adjacent to the Mi Pueblo site that had been approved for an event center.

Debbie said there has been no movement on this project.

L. STAFF UPDATES

Debbie Whitmore updated the Commission on the following items:

- **SB 2 HOMELESS SHELTER ORDINANCE:** The City Council approved the SB2 boundaries as recommended by the Planning Commission. There are two organizations looking to expand their current operations to address the homeless issue.
- **CALIFORNIA HIGH SPEED RAIL:** As part of the State budget resolution \$2,000,000 has been designated for a high speed rail alternatives analysis that will identify potential station locations, will also include public feedback on the alignments.
- **MORGAN RANCH MASTER PLAN:** Staff and the developer are close to finalizing the land plan. Next will be a community meeting to obtain input, then the EIR process will begin. Infrastructure solutions have been indentified and this will be a higher density project that is consistent with the General Plan update.
- **NEW WORLD COMMUNITY DEVELOPMENT AND CODE ENFORCEMENT PACKAGE:** This is the software for land use and permits tracking, and will go to the City Council for approval on August. 23. This software will help to streamline processes and provide more information to customers.
- **DEVELOPMENT COLLABORATIVE UPDATE:** Sharon Silva, Chamber CEO, has been selected as the new chair for this committee. They will be working to define their purpose for the future and to establish by-laws.

M. ADJOURNMENT: Having no further business Chairman Brem adjourned the meeting at 8:02 p.m.

Respectfully Submitted,

MIKE BREM
Chair

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