

A. CALL TO ORDER – Chairman Dias called the meeting to order at 6:00 pm.

PRESENT: Commissioners Elvis Dias, Geoff Powers, Kristin Bettencourt, Jim Reape, Constance Anderson, Matthew Davis, and Anokeen Varani.

ABSENT: None

B. APPROVAL OF MINUTES

1. Accepting minutes of Planning Commission meeting of November 1, 2018.

MOTION: Commissioner Reape seconded by Commissioner Anderson to accept the minutes as submitted.

AYES: Commissioners Dias, Bettencourt, Anderson, Davis, Reape and Varani

NOES: None

ABSTAIN: Commissioner Powers

ABSENT: None

C. ANNOUNCEMENTS

Principal Planner Katie Quintero stated staff had received two letters regarding Variance 2018-02 and they were provided as green sheets to the Commission on the dais.

D. PUBLIC PARTICIPATION

Chairman Dias opened the floor for Public Participation. Hearing no one, Chairman Dias closed the floor for Public Participation

E. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

None

2. DISCLOSURE OF EX PARTE COMMUNICATIONS

None

The following agenda items are subject to the requirement for disclosure of Ex Parte Communications:

Planning Commissioners will disclose Ex Parte Communications immediately following the introduction of each of these items by the Planning Commission Chairman, as they appear on the agenda below.

- **F.1 GENERAL PLAN CONFORMITY FOR AQUISION OF REAL PROPERTY**
- **G.1 VARIANCE 2018-02 – 2500 FULKERTH ROAD (PYLON SIGN)**
- **G.2 VARIANCE 2018-03 – HAUCK’S GRILL PROJECTING SIGN-142 W MAIN**

F. CONSENT CALENDAR

1. **GENERAL PLAN CONFORMITY FOR ACQUISITION OF REAL PROPERTY:**

Principle Planner Katie Quintero explained this item is to determine if the acquisition (purchase) of two parcels totaling approximately .92 acres by Turlock Unified School District, to accommodate a proposed expansion to an existing school site, is in conformance with the Turlock General Plan, pursuant to Public Resources Code Section 21151.2 and Government Code section 65402. The properties are zoned Public/Semi Public (P) and are located at 233 and 217 Soderquist Road, Stanislaus County APN: 061-001-006 and 061-001-007. The sites are currently developed with single family homes and are adjacent to Osborn Elementary School. In accordance with the public resource code, TUSD sent notice to Planning for comment. The school district does not have a final design of the proposed site plan but permitted use. The City will not be involved in the purchase of property.

Milt Trieweiler, spoke in favor, commenting that the project was a good expansion of the school site. Mr. Trieweiler suggested wrought iron fencing be used instead of chain link fencing.

MOTION: Commissioner Reape moved, seconded by Commissioner Powers determining the proposed project Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3)[Review for Exemption] of the CEQA Guidelines and the proposed acquisition of 233 and 217 Soderquist Road is in conformity with the Turlock General Plan.

AYES: Commissioners Dias, Bettencourt, Anderson, Davis, Reape, Varani and Powers
NOES: None
ABSTAIN: None
ABSENT: None

G. **PUBLIC HEARINGS**

***CONSENT ITEMS**

NONCONSENT ITEMS

These items will be individually discussed and reviewed in detail.

1. **VARIANCE 2018-02 - 2500 FULKERTH ROAD (PYLON SIGN):** Principal Planner Katie Quintero presented the staff report and explained that the applicant is requesting a variance from multiple Municipal Code Standards applying to freeway oriented pylon signs.

Katie Quintero provided an illustration of the proposed 85-foot freeway oriented sign and the proposed location. She further described the surrounding area and zoning and noted the residential subdivision to the east of the project site.

Katie Quintero detailed the specific variance requests:

- TMC 9-2-518(7) Freeway-oriented pylon signs:
- (vi) Pylon signs shall maintain a minimum ***setback of fifteen (15')*** feet from the front or corner side property line. Interior side and rear yard setbacks for the zoning district shall be maintained. When no setbacks are required for the

zoning district, a minimum ten (10') foot setback shall be maintained to all property lines.

- *Site plan shows minimum 8' setback*

- (vii) Maximum sign area for the pylon sign shall be four hundred fifty **(450) square feet per side.**

- *544 square feet per side proposed*

- (viii) The maximum allowable sign area per establishment shall be **seventy-five (75) square feet per side.**

- *90 square feet per side proposed*

This is a variance not a sign program, applicant supplied statement requesting it. Katie Quintero explained that the Planning Commission has the authority to grant a variance to the provisions of the sign ordinance that pertain to height, location, sign area, shape, projection, clearance, duration, sign type and number of signs. However, findings for a variance require the Planning Commission to determine that there are unique or special circumstances, or physical attributes that applies to the property that strict application of the standards would create an impact to the property that was not intended and makes it impossible for the property to benefit from property rights other properties in the same zoning district have.

The applicant submitted a statement explaining the reasons for the requested deviations. The applicant's statement stated the pylon sign will make the proposed gas station and convenience store more visible for potential patrons looking for a convenient, safe, affordable location for gasoline and refreshments. The applicant statement provided no information regarding a unique circumstance or physical attributes that necessitates deviating from the standards in the Municipal Code and that granting the variance would not constitute a special privilege for the applicant that other properties would not be entitled to.

Principal Planner Quintero outlined three potential Planning Commission actions:

1. Granting approval of the Variance request as submitted.
2. Granting approval of the Variance request with no variance granted for total sign area, tenant sign area, or setbacks.
3. Disapproving the Variance request.

Commissioner Anderson asked what the sizes of the parcels along the freeway were.

Katie Quintero answered that the parcels vary in size from 1 acre to 19 acres.

Commissioner Dias asked if other two gas stations on Fulkerth had freeway signs.

Katie Quintero answered that the other two gas stations do not have freeway oriented signs.

Commissioner Reape asked what types of signs the gas station would be allowed.

Katie Quintero answered typical walls signs and a monument price sign would be allowed.

Commissioner Anderson asked about other signage options on the freeway. Katie Quintero answered that the applicant would need to work with CalTrans for any sign on the freeway.

Amin Salkhi, the applicant, addressed the Commission and re-stated that the request for the 85-foot freeway sign was to provide visibility for patrons traveling along Highway 99.

Chairman Dias noted that the applicant's written statement doesn't address the findings for a variance that the Commission would have to make. Chairman Dias asked if the applicant has tried to contact owners of the existing freeway signs for possible co-location.

Amin Salkhi, answered that they did not feel that the existing signs were well maintained and are not tall enough to let the traveling public know where they are.

Chairman Dias opened the public hearing.

Milt Trieweiler, spoke in opposition of the project, stating that staff worked long and diligently to establish a sign ordinance that would limit sign clutter along the freeway and within the City. The addition of this sign would create more clutter and he is in support of staff not recommending approval and the Planning Commission not approving the variance.

John Lazar, spoke in favor of the project, and believed Option 2 was a good compromise. Mr. Lazar stated he represents the current property owners and the properties have been a challenge to sell. He believed approval of the variance would help the property sell and develop.

Denise Soares spoke against the project explaining that she lives in the homes directly to the east of the properties. Ms. Soares stated that an 85-foot illuminated sign would light up her backyard. She also stated that the sign is too big for being so close to homes.

Bob Puffer asked if not approving the variance was a deal breaker.

Amin Salkhi answered yes.

Bob Puffer asked if the applicant could apply for a sign district.

Katie Quintero explained that a sign district was a comprehensive sign program that would include several contiguous parcels. However, a request for a freeway oriented sign would still have to meet the requirements of 20-acres or more with 1,000 feet of freeway frontage.

Chairman Dias closed the public hearing.

Commissioner Reape spoke in favor of developing the properties. Commissioner Reape expressed his appreciation for the hard work that went into writing the sign ordinance. Commissioner Reape further stated the Commission needed to be mindful of the neighbors and the impact the sign would have on the existing

residences and suggested the applicant work within sign ordinance without requesting the variance.

Commissioner Powers stated that the request for a variance goes against everything staff and the Commission worked on in the sign ordinance and provided no clear definition or explanation of need for a variance from the standards.

Commissioner Varani asked the purpose of the request to increase the sign area above what is provided for in the sign ordinance.

Amin Salkhi answered that he thought he sent several options that would meet the sign area detailed in the ordinance. He stated he believed some of the concerns can be addressed and he would be will to work with staff.

Commissioner Davis spoke in opposition explaining that by granting this variance the Commission would be setting a precedent for other parcels along the freeway that do not meet the standards. Commissioner Davis asked if the sign can be placed on another parcel, possibly on the other side of the freeway, and include several of the properties in the area into a sign district.

Katie Quintero answered yes.

MOTION: Commissioner Reape moved, seconded by Commissioner Anderson to disapprove Variance No. 2018-02 (2500 Fulkerth Road Pylon Sign) having determined that the project is "Categorically Exempt" from the provisions of CEQA, and that all of the findings cannot be made as outlined in Draft Planning Commission Resolution No. 2018-28.

AYES: Commissioners Dias, Anderson, Reape, Powers, Davis, Bettencourt, and Varani
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: None

2. VARIANCE 2018-03 - HAUCK'S GRILL PROJECTING SIGN-142 W MAIN:

Principal Planner Katie Quintero presented the staff report. She explained the applicant is requesting a variance from the standards established in Turlock Municipal Code which establishes a maximum projection of 6½-feet into the public right-of-way for any projecting sign. The proposed sign projects approximately 7½-feet over the public right-of-way at West Main Street and Broadway Avenue.

Planner Quintero stated that the sign meets the design standards and is within the allowed sign area. The blade sign was designed to harken back to the signs that were in downtown Turlock and on the Hauck's Pharmacy in particular. The exposed neon cabinet would typically not be permitted, however, under the new sign ordinance an iconic sign such as this sign can be permitted upon approval by the Planning Commission.

Katie outlined three options for the Commission to consider:

1. Grant approval of the variance as submitted.

2. Disapprove the variance, granting approval of the proposed sign limiting the projection into the right-of-way to 6½- feet.
3. Disapprove the variance.

Commissioner Dias inquired about the outcome from previous sign request in 2016.

Katie Quintero answered the previous sign request was approved but at 60% smaller than what the applicant was proposing. They subsequently did not move forward with installing a smaller sign. Katie further explained that the previous sign would have projected 93" versus 90" for this request.

Commissioner Dias asked what the awning projection was and if the sign would project further than the awning.

Katie Quintero answered that the awning projects 10-feet over the right of way but the awning does not project beyond the awning.

The Commission discussed the projection of the sign from the corner of the building.

Commissioner Anderson asked if being classified as an iconic sign gives leniency for sign size.

Katie Quintero answered there is no record of the size of the original sign. The size and illumination of the proposed classifies it as an iconic sign.

Scott Elias, applicant, stated that they are requesting a variance to allow the sign to project and additional 1-foot into the right-of-way. The design and illumination of the sign is intended to preserve and enhance the historic character of the downtown, increase visibility pedestrians and cars.

Chairman Dias opened the public hearing.

Milt Trieweller, spoke against the sign, noting that other business in the downtown are able to comply with the standards in the ordinance and doesn't believe the sign will be meaningful.

Tom Gallo, owner of the restaurant, made himself available to answer questions.

Chairman Dias closed the public hearing.

Commissioner Reape stated that having sign project at an angle reduces the visual impact but expressed concern that other businesses located on building corners will want similar signs and would this type of sign be desirable for other locations.

The Commissioners discussed various aspects of the sign ordinance, the projection and angle of the sign, and the height location of the sign on the building.

MOTION: Commissioner Powers moved, seconded by Commissioner Reape, determining the Variance 2018-03-Hauk's Grill Projecting Sign, is "Exempt" from CEQA pursuant to Section 15311(a)(Accessory Structures-On Premise Signs) of

the CEQA Guidelines, and that all of the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2018-22.

AYES: Commissioners Dias, Anderson, Reape, Powers, Davis,
Bettencourt, and Varani
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: None

H. OTHER MATTERS

None

I. COMMISSIONERS CONSIDERATION

1. Adoption of 2019 Planning Commission meeting calendar.

MOTION: Commissioner Anderson moved, seconded by Commissioner Powers approving the 2019 Planning Commission meeting calendar as presented.

AYES: Commissioners Dias, Anderson, Reape, Powers, Davis,
Bettencourt, and Varani
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: None

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

Principal Planner Katie Quintero explained that any projects located within 1-mile of the City limits is deemed within our sphere of influence and Stanislaus County will ask for comments from the City of Turlock. The Planning Commission will not take any action on these items, but may offer comments to staff.

1. **PLN 2018-1002-1301 N Washington Road Dan Avila** (between Fulkerth Road and West Main Street): Stanislaus County CEQA referral for a request to develop a 180,000 square-foot warehouse for the receiving, sorting, storing, packaging and shipping of agricultural produce grown on the site and on other property owned and operated by the applicant. Located across from Blue Diamond outside City limits did get approval from County, but needs additional water. Water and CFD fees need to be paid to City for transportation fees to use City roadways and emergency staff.
2. **PLN 2018-057- Northwest corner of the intersection of North Golden State Boulevard and East Keyes Road, abutting State Route 99, in the community of Keyes (APN 045-050-007):** Stanislaus County CEQA referral for a request to rezone on 5.15 acre parcel from A-2-10 to Planned Development to develop various commercial uses for the traveling public.
3. **PLN 2018-078-Southwest corner of Keyes Road and North Golden State Boulevard, adjacent to State Route 99, in the Community of Keyes (APN 045-**

050-008). Stanislaus County CEQA referral for a request to rezone a 6.8 acre parcel from A-2-40 to Planned Development to construct a 30,000 square foot Semi-Truck lease, rental and service facility and a 5,000 square foot office. Within Keyes community plan-far enough away from us but Keyes Community collects water from Turlock. Requested grease and sand interceptor to not impact our treatment facility.

K. COMMISSIONERS COMMENTS

Chairman Dias wished everyone a Merry Christmas and Happy New Year and reminded the Commissioners that the next meeting is scheduled for January 17th.

L. STAFF UPDATES

Principle Planner Katie Quintero stated the interviews for the Assistant Planner position are scheduled for the week of December 17th.

M. ADJOURNMENT

Chairman Dias asked for a motion to adjourn the meeting. Motion by Commissioner Anderson and carried unanimously. The meeting was adjourned at 7:48 p.m.

Geoff Powers
Commission Vice Chair

Katie Quintero
Principal Planner