

A. 1. CALL TO ORDER – Chair Constance Anderson called the meeting to order at 6:03 p.m.

Chair Anderson explained that the Planning Commission and staff were participating in the meeting via zoom video.

2. ROLL CALL:

Commissioner Souza	Commissioner Davis	Commissioner Reape	Commissioner Varani	Commissioner Dias	Commissioner Deol	Chair Anderson
Yes	Yes	Yes	Absent	Absent	Yes	Yes

PRESENT: Commissioners Ray Souza, Matthew Davis, Jim Reape, Sukhminder Deol, and Chair Constance Anderson

ABSENT: Commissioner Anokeen Varani and Elvis Dias

3. SALUTE TO THE FLAG

B. APPROVAL OF MINUTES

C. ANNOUNCEMENTS

Deputy Director of Development Services Katie Quintero informed the Planning Commission that additional letters from neighbors in response to item G.2 have been green sheeted.

D. PUBLIC PARTICIPATION

Chair Anderson opened the floor for public participation. Hearing no one, Chair Anderson closed the floor for public participation.

E. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

2. DISCLOSURE OF EX PARTE COMMUNICATIONS:

Chair Anderson asked the Planning Commission if there were any conflicts of interest or disclosures of ex parte communications. There were none.

F. PUBLIC HEARING CONSENT CALENDAR

Chair Anderson stated there was nothing on the Public Consent Calendar.

G. PUBLIC HEARINGS
***CONSENT ITEMS**

1. **PLANNED DEVELOPMENT 280; VTSM 2021-02 (BALISHA RANCH):** Deputy Director Quintero presented the staff report explaining the applicant is proposing to subdivide a 17.4-acre parcel into 50 single-family residential homes located at 2930 E Tuolumne Rd. A Planned Development is required to allow for deviations from the minimum lot size, lot dimensions and setbacks required in the R-E Zoning District as established in the East Tuolumne Master Plan. She explained that these deviations would make it possible to subdivide the parcel into more single-family lots than the existing development standards would accommodate, allowing the property to develop at the higher end of the allowable density range. The development meets the required density of the Very Low-Density Residential Zoning District with a proposed density of 3 units per acre with exceptions to the 14,500 square foot minimum lot size. The project shows a dual use drainage basin will be installed and landscaped to handle the stormwater for the development as well as an open space area. The General Plan calls for more compact development and increasing densities to help conserve farmland, reduce air quality impacts and conserve water.

Deputy Director Quintero stated that staff has received calls and correspondence from the public with questions and concerns about the proposed project. Questions were asked about the density of the average lot size, the possible construction of two-story homes along the southern property line, and concerns about increased traffic in the area. Staff explained the allowed number of units is based on the size of the lot, 17.4 acres, multiplied by the allowable density, 3 units per acre, totaling a maximum of 52 units allowed. She also explained that there will be three entrances into the development which will alleviate the traffic impacts.

Public Comment

Chair Anderson opened the floor for public comment

Ben Bazar, applicant, expressed his excitement to bring this development to Turlock and thanked Deputy Director Quintero for the help with this project. Mr. Bazar stated he had several public inquiries interested in purchasing these homes.

Andrew Arnold, neighbor, stated concern that the 50 lots being developed will cause additional traffic and will decrease the value of his home in the Wyndfair estates area.

Milt Trieweler spoke in favor of the project stating the compacted lots will help save on water usage and liked the three entrances into the development. He thanked the City staff and the developer for this well planned subdivision.

Chair Anderson closed the public comment

Deputy Director Quintero stated the project is in compliance with the very low-density zoning for the 17.4 acres which allows 3 units per acre allowing the development to build up to 52 lots and the applicant is asking for a deviation to the lot size and set back. This project will be heard at City Council for final approval.

Commissioner Reape expressed he was in favor of the aesthetics of the development with the lots and homes being different sizes but was concerned with the excess speeding on Tuolumne Road from Johnson Road to Waring Road

MOTION:

Environmental:

Commissioner Reape moved seconded by Commissioner Souza that the Planning Commission adopt a Mitigated Negative Declaration of Environmental Effect and the Mitigation Monitoring Program having made the findings in draft Planning Commission Resolutions 2021-08 & 2021-09. Motion carried 5/2 by the following vote:

Commissioner Souza	Commissioner Davis	Commissioner Reape	Commissioner Varani	Commissioner Dias	Commissioner Deol	Chair Anderson
Yes	Yes	Yes	Absent	Absent	Yes	Yes

Motion Recommending the City Council Approve Rezone 2021-01 and Planned Development 280

Commissioner Reape moved, seconded by Commissioner Souza that the Planning Commission recommend that the City Council approve Rezone 2021-01 and Planned Development 280 having determined that the appropriate findings can be made, subject to the conditions of approval contained in draft Resolution No. 2021-08. Motion carried 5/2 by the following vote:

Commissioner Souza	Commissioner Davis	Commissioner Reape	Commissioner Varani	Commissioner Dias	Commissioner Deol	Chair Anderson
Yes	Yes	Yes	Absent	Absent	Yes	Yes

Approving Vesting Tentative Subdivision Map 2021-02:

Commissioner Reape moved, seconded by Commissioner Souza that the Planning Commission approve Vesting Tentative Subdivision Map No. 2021-02, having determined that the appropriate findings have been made, subject to the conditions of approval listed in draft Resolution No. 2021-09. Motion carried 5/2 by the following vote:

Commissioner Souza	Commissioner Davis	Commissioner Reape	Commissioner Varani	Commissioner Dias	Commissioner Deol	Chair Anderson
Yes	Yes	Yes	Absent	Absent	Yes	Yes

- VARIANCE 2021-01 (PERFECT UNION):** Deputy Director Quintero stated the applicant is requesting a variance for a standalone monument sign to be located at 2500 N. Golden State Boulevard. She explained that the Turlock Municipal Code (TMC) limits cannabis signs to only display the business's name and that standalone monument signs are prohibited. Although this location previously did have an unpermitted pole sign it was removed as part of the Conditional Use Permit agreement.

Deputy Director Quintero explained that the applicant has provided two design and location options for the proposed monument sign. Option 1 is a 6' tall 6' wide monument sign located outside of the front yard fencing along Golden State Boulevard and option 2 is a 12' tall 8' wide monument sign located on the inside of the front yard fencing. The applicant's variance request states the site is set back 113' from the roadway where the speed limit is 50 mph and on a merging lane making the location hard to see. Deputy Director Quintero stated the findings needed must show the variance complies with the sign program and is not granting special privileges.

Commissioner Reape stated it does not show it complies with the cannabis sign ordinance, and there is a banner on the fence, freestanding signs in the parking lot and a mural on side of the building with an image of cannabis flower.

Deputy Director Quintero stated the banners are not permitted and are in violation with the TMC and will need to be removed. She explained that the mural flower image was sent to the police department for clarification and was told the flower was not a representation of a cannabis flower and it could be permitted.

Chair Anderson asked why the request was for a monument sign instead of a directory sign.

Deputy Director Quintero stated a smaller directory sign would be allowed but the applicant is requesting a monument sign due to speed of roadway.

Commissioner Souza asked what size is allowed for a monument sign.

Deputy Director Quintero stated currently in the cannabis sign ordinance, monument signs are not allowed at all.

Commissioner Souza asked if there was a special privilege given for the mural on the wall.

Deputy Director Quintero stated the sign painted on the wall is allowed in the sign ordinance and is permitted.

Public Comment

Chair Anderson opened the floor for public comment

Caity Maple, vice president of Perfect Union, stated she was unaware of the banner or the other signs and will take them down. She explained the reason for the sign variance request was due to negative reviews they received from customers about being unable to find their business.

Commissioner Souza asked what the flower on their mural was.

Caity Maple stated it was a flower design logo and was not intended to depict anything about cannabis.

Commissioner Souza asked why the banner was put up.

Caity Maple stated with the high-speed limit on the street and how the building is set back so far, customers cannot see the building. The new monument sign would face the roadway so the business could easily be found.

Chair Anderson closed the public comment

Commissioner Reape explained when he went by the property the entrance was blocked by the landscaping. He stated he is sympathetic to the request but feels they need to set a precedence for other cannabis businesses to conform to the sign program so he will be voting no on this request.

Commissioner Souza, stated he agreed with Commissioner Reape and he was sensitive to the situation, but agreed with Commissioner Reape about setting a precedence. Therefore, his vote would also be no.

MOTION:

Commissioner Souza moved seconded by Commissioner Reape that the Planning Commission determined Variance No. 2021-01 (Perfect Union) to be "Exempt" from the provisions of the California Environmental Quality Act (CEQA) but denies Variance 2021-01 stating the appropriate findings cannot be made as stated in Draft Resolution No. 2021-11. Motion carried to deny 5/2 by the following vote:

Commissioner Souza	Commissioner Davis	Commissioner Reape	Commissioner Varani	Commissioner Dias	Commissioner Deol	Chair Anderson
Yes	Yes	Yes	Absent	Absent	Yes	Yes

H. OTHER MATTERS:

Chair Anderson noted there were none.

I. COMMISSIONER'S CONSIDERATION

Chair Anderson noted there were none.

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

Chair Anderson noted there were none.

K. COMMISSIONERS COMMENTS

Commissioner Souza acknowledged and appreciated all the work that was done to present the variance.

L. STAFF UPDATES

Deputy Director Quintero introduced the new Associate Planner Mark Marshall and congratulated Senior Planner Adrienne Werner for receiving employee of the month.

M. ADJOURNMENT

Chair Anderson asked for a motion to adjourn the meeting. Motion by Commissioner Reape and motion carried unanimously. The meeting was adjourned at 7:13 p.m.

RESPECTFULLY SUBMITTED

Constance Anderson
Chair

Katie Quintero
Deputy Director of Development Services