

Thursday, January 5, 2023
6:00 p.m.
City of Turlock Yosemite Room
156 S Broadway, Turlock, California

MINUTES
Regular Meeting
Turlock Planning Commission

A. 1. CALL TO ORDER – Vice Chair Jim Reape called the meeting to order at 6:00 p.m.

PRESENT: Commissioners Sukhminder Deol, Mark Reese, Ray Souza, Constance Anderson, Patrick Johnson and Vice Chair Jim Reape

ABSENT: Commissioner Matthew Davis

2. SALUTE TO THE FLAG

Vice Chair Reape led those in attendance in the Pledge of Allegiance.

3. OATH OF OFFICE FOR NEWLY APPOINTED COMMISSIONER (City Clerk)

1. Deputy City Clerk Lisa Schimmelfennig swore in the new Planning Commissioner Patrick Johnson to the Planning Commission. Commissioner Johnson was seated at the dais.

B. APPROVAL OF MINUTES

1. Vice Chair Reape asked for corrections or a motion to approve the minutes of the Regular Meeting of December 1, 2022.

MOTION:

Commissioner Souza moved, seconded by Commissioner Reese to accept the minutes as submitted. Motion carried 4/2 by the following vote:

Commissioner Davis	Commissioner Reese	Commissioner Souza	Commissioner Anderson	Commissioner Deol	Commissioner Johnson	Vice Chair Reape
Absent	Yes	Yes	Yes	Yes	Abstain	Yes

C. ANNOUNCEMENTS

Director of Development Services Katie Quintero introduced the new Assistant Planner Kate Bailey to the Planning Commissioners.

D. PUBLIC PARTICIPATION

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

E. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

2. DISCLOSURE OF EX PARTE COMMUNICATIONS:

Vice Chair Reape 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

Vice Chair Reape stated there was nothing on the public hearing consent calendar.

G. PUBLIC HEARINGS

***CONSENT ITEMS**

Vice Chair Reape noted there was one item:

1. DEVELOPMENT AGREEMENT FOR THE EVERGREEN MARKET

Director of Development Services Katie Quintero stated this is a recommendation to the City Council on a proposed Development Agreement between the City of Turlock and the Evergreen Market. Evergreen Market was selected second in the cannabis pilot program RFQ process and was approved in September 2019 for the location of 693 N Golden State. This site did not move forward and a new location was needed to be found.

Director Quintero stated this Development Agreement is for the new location at 101 E Glenwood Avenue and is proposed to have a five-year term with a few language changes proposed. The time given to open after CUP issuance was changed from six months to twelve months due to the amount of time the plan check and permit issuance process takes and the definition section was updated to include all new state regulations. The property meets the 600-foot distance from any school and new background investigations were completed for all personal. In Section 3.5 of the Development agreement, a condition was added stating the existing pole sign on the property will not be used. Public notices were sent out, with one neighbor replying in opposition of the business.

Director Quintero stated that if this Development Agreement is approved by Council, the Conditional Use Permit will come back to the Planning Commission.

Vice Chair Reape asked Captain Rodriguez to briefly explain the security requirements.

Captain Rodriguez stated the security requirements will be in the Conditional Use Permit not the Development Agreement however on-site security will be required.

Commissioner Anderson stated the report shows one security guard was eliminated from original RFQ submittal.

Captain Rodriguez stated that would comply with the security requirements.

Commissioner Souza asked the City Attorney to clarify the five-year cannabis pilot program and the timing of the program.

City Attorney George Petrulakis stated the five-year pilot program is tied to the five-year terms in each Development Agreement.

Public Hearing

Vice Chair Reape opened the floor for public hearing.

Ariana Van Alstine, works for the applicant, addressed several items:

- Timeliness of the project: the first building fell through, continued working to get a new building. Found this location and want to open asap.
- Safety and security: new location was previously a car dealership and has video surveillance there, they are working on a security plan.
- The pole sign on the property: This property is being leased they are not leasing the rights to the sign so they do not have any authority to use it.

David Fransen, expressed concern regarding the pilot program stating it was approved three years ago and the original Development Agreement was never signed and the City has lost over \$25,000 per month in revenue. Also, in 2019, the applicant did not have a secured location and did not progress through the system. Mr. Fransen suggested that this Development Agreement should be revisited and forwarded to the City Council to defer the entire program and nothing be agreed on tonight.

Ron Bridegroom, stated the in the original 2019 meeting a copy of the lease agreement for the original location was not provided even though it stated the location was secured. He explained that in the past three years, Firehouse and Perfect Union opened, NHC and Evergreen have not causing a loss of over one million dollars in potential revenue.

Concerned neighbor spoke against the project and asked if the applicant lived in Turlock because even with 24-7 Security for the building, this will bring more crime and crazy people to the area.

Vice Chair Reape closed the floor for public hearing.

Commissioner Souza asked how the five-year pilot program worked in the original Development Agreement in 2019.

City Attorney George Petrulakis stated the perception of the five-year pilot program from the previous lawyers was to focus on helping the financial situation of the City. The City Council then could choose not to renew the Development Agreements and staff will ask for direction from City Council regarding continuing the program.

Commissioner Souza asked about the business name change on the lease documents.

Applicant stated it is a different corporate entity and the name was changed to add Turlock.

Commissioner Souza asked what if the company changes after approval.

City Attorney George Petrulakis said the City Manager would have to review the new entity and approval would be needed.

Commissioner Reape asked what the sequence of events would be if they do not proceed at this location and if another company could take their spot.

Director Quintero stated that there is not an adopted timeline stating when they had to move forward. In the Development Agreement, it does state they must open within six months of the

issuance of the Conditional Use Permit. Evergreen did continue to have predevelopment meetings trying to find a new location.

Commission Anderson stated she noticed a change in Evergreen's management team and asked about why the continuances of the Development Agreements.

Ariana Van Alstine stated the change in management was a result of the amount of time this process took.

Commission Souza stated he was not comfortable with a yes vote for this project.

Commission Anderson asked if amendments are made after the joint meeting, would it change any businesses under a current agreement.

City Attorney George Petrulakis stated Evergreen had other minor clean up language suggestions but it would be cleaner to amend all existing Development Agreements at once if agreed upon in the upcoming joint meeting. He further explained that there would be discussion about the direction of what the five-year program would mean and how to streamline other businesses and amend ordinances and potentially put a tax on the ballot to collect the money instead of through the DAs. Attorney Petrulakis said Director Quintero has been trying to get his attention on the matter since March 2021.

Commissioner Reape stated the question on hand is entering into the agreement with this company and approve the selected location.

Commissioner Sousa stated the rules were set by the City Council and what was before him, the rules need to be looked at and addressed before this approval.

City Attorney George Petrulakis stated there is a provision in Development Agreement to implement additional amendments and changes to the ordinances. The Development Agreement is a vested right to operate business and acknowledges that we want to do business with this company.

Commissioner Souza stated the Planning Commission was previously promised changes could be made after the approvals.

City Attorney George Petrulakis stated that was from the old City Attorney who set up the program but this is not what was going to happen down the road.

MOTION:

Commissioner Reape moved, seconded by Commissioner Anderson recommending the City Council approve the Development Agreement between the City of Turlock and Evergreen Market and determined that the project is Categorical Exempt from the provisions of CEQA, and that all the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution 2022-08. Motion carried 5/1 by the following vote:

Commissioner Davis	Commissioner Reese	Commissioner Souza	Commissioner Anderson	Commissioner Deol	Commissioner Johnson	Vice Chair Reape
Absent	Yes	No	Yes	Yes	Yes	Yes

H. OTHER MATTERS:

Vice Chair Reape noted there were none.

I. COMMISSIONER'S CONSIDERATION

Vice Chair Reape noted there were none.

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

Vice Chair Reape noted there were none.

K. COMMISSIONERS COMMENTS

Commissioner Souza asked for an update on the Firehouse sign and the building on Olive and Golden State.

City Attorney George Petrulakis stated they are working on the Firehouse sign.

Director Quintero stated the owners of the building on Olive have asked for a three-month extension on the building permit.

L. STAFF UPDATES

Director of Development Services Katie Quintero stated the 2023 Point-in-time homeless count is looking for volunteers for the Turlock area for the dates of January 25th and 26th if anyone is interested.

M. ADJOURNMENT

Having no further business, Vice Chair Reape asked for a motion to adjourn the meeting. Motion by Commissioner Souza. Motion carried unanimously by a voice vote. The meeting was adjourned at 7:12 p.m.

RESPECTFULLY SUBMITTED

Jim Reape
Planning Commission Vice Chair

Katie Quintero
Director of Development Services