

Thursday, April 6, 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 – Chair Matthew Davis called the meeting to order at 6:00 p.m.

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

ABSENT: Commissioner Mark Reese

2. SALUTE TO THE FLAG

Chair Davis led those in attendance in the Pledge of Allegiance.

3. ELECTION OF OFFICERS

Commissioner Reape nominated Ray Souza for the 2023 Planning Commission Chair. Motion carried 6/1 by the following vote

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

Commissioner Reape nominated Constance Anderson the 2023 Planning Commission Vice Chair. Motion carried 6/1 by the following vote

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

B. APPROVAL OF MINUTES

Chair Davis asked for a motion to approve the minutes of the Regular Meeting of March 2, 2023.

MOTION:

Commissioner Reape moved, seconded by Commissioner Souza to accept the minutes of the March 2, 2023 meeting. Motion carried 5/2 by the following vote:

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

C. ANNOUNCEMENTS

Planning Manager Adrienne Werner announced that Joanne Foster was promoted to Assistant Planner.

Planning Manager Adrienne Werner noted the green sheet at the dais. The green sheet clarifies several conditions of approval in draft Resolution 2023-05 for The Evergreen Market cannabis retail business.

D. PUBLIC PARTICIPATION

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

E. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

2. DISCLOSURE OF EX PARTE COMMUNICATIONS:

Chair Davis 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

1. GENERAL PLAN IMPLEMENTATION REPORT: Planning Manager Adrienne Werner explained that the Annual General Plan Implementation Report informs the City Council on the progress of implementing the General Plan, including how the City is meeting its share of the regional housing needs. The City must submit the annual report to the State Housing and Community Development division (HCD) by April 1st annually. The implementation report was approved by the City Council at their March 14th meeting and was submitted to HCD by the April 1st deadline.

MOTION:

Commissioner Reape moved, seconded by Commissioner Anderson to accept the 2022 General Plan Implementation report. Motion carried 6/1 by the following vote:

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

2. PUBLIC HEARINGS

***CONSENT ITEMS**

Chair Davis noted there were two items:

1. CUP 2022-07 THE EVERGREEN MARKET (TURLOCK), INC: Planning Manager Adrienne Werner presented the staff report explaining the applicant is requesting to operate a commercial cannabis retail dispensary in the existing building located at 101 E. Glenwood Avenue. Planning Manager Werner briefly provided background information regarding the Cannabis Business Pilot

Program and the history of The Evergreen Market. She explained that in 2019 The Evergreen Market was selected as the #2 candidate in the cannabis pilot program for retail dispensaries. A location on Golden State Boulevard was chosen that they chose not to move forward for the dispensary. The new location on Glenwood was chosen and the application for the Development Agreement and Conditional Use Permit submitted. At the January 5th Planning Commission meeting the Commission recommended the city Council approve the Development Agreement with Evergreen Market. The City Council approved the Development Agreement at their February 4th

Planning Manager Werner explained the existing zoning and noted current site conditions. She explained that there are currently 45 parking spaces onsite, more than 10 spaces required by the TMC. In addition, there are two food trucks currently operating on the property. She also highlighted additional Municipal Code Standards such as odor control, security, and distance from a school. Planning Manager Werner provided the Commission with illustrations of the distance of the Evergreen Market to Cunningham Elementary School. She noted that just drawing a direct line across Geer Road to the school property is approximately 778-feet and driving distance north on Geer Road and turning on Linwood is approximately 1,359-feet to the school. Both distances exceed the minimum distance in the TMC.

Planning Manager Werner discussed the TMC standards for signs. She explained that Evergreen Market would be allowed one wall sign. She explained that there is an AM/PM pole sign onsite. The Development Agreement prohibits the developer from using the pole sign to advertise the cannabis business.

Planning Manager Werner noted the green sheet and explained the changes to the resolution to provide clarity and consistency. The items were:

- References to regulatory agencies has been updated to Department of Cannabis Control (DCC).
- Clarification regarding the operation of the two food trucks onsite.
- Corrected information regarding the California Code of Regulations.
- Correction in the Engineering conditions referencing the correct street names.
- Clarification regarding the requirement for street trees and fencing.

Planning Manager Werner further explained that the two food trucks on the property will be allowed to continue doing business. She explained that food trucks must renew their permits annually and currently the food trucks are permitted to operate until 12/31/2023. The food trucks will be allowed to operate until the cannabis dispensary is issued a temporary certificate of occupancy or a certificate of occupancy. If the dispensary is not operational when it is time to renew the food vendor permits the permits may be renewed with the condition that once the dispensary receives a temporary certificate of occupancy or certificate of occupancy they must stop operating. No new mobile food vendor permits will be issued for the property.

Commissioner Sousa asked if the pole sign can be removed as it is abandoned.

Planner Manager Werner stated staff would need to start the process to abandon it in order for it to be removed.

Commissioner Davis expressed concern with the mobile food vendors customers loitering.

Planning Manager Werner stated once a temporary certificate of occupancy or a certificate of occupancy is issued the trucks will no longer be able to operate at this location.

Commissioner Sousa asked about the timeline of the 5-year pilot program.

Attorney George Petrulakis stated the Adhoc committee is addressing this issue as it is still unclear as each business has a different time period.

Commissioner Deol commented the pilot program should stop when this 5-year contract is done

Attorney George Petrulakis explained the four operators have four different start dates. It will be up to the City Council whether or not to end the pilot program

Commissioner Anderson asked if there was a limit to the number of occupants in the dispensary at one time.

Officer Russ Holeman stated there is a maximum occupancy number for the dispensary but that is determined by the fire and building codes.

Public Hearing

Chair Davis opened the floor for public hearing.

Applicant Ariana Van Alstine with Evergreen requested to remove condition of approval #2 and allow the food trucks to remain as it undermines the intent of the City to promote potential businesses. She also asked that the Police condition #34 regarding monitoring cannabis consumption in the premises and outside the premises be changed to "in the parking lot."

Commissioner Anderson asked for explanation of how the customers enter the facility.

Ariana Van Alstine explained that customers will enter through the front doors where their IDs are checked by the security guard before they enter the retail area and checked again before their purchases are completed.

Chair Davis closed the floor to public hearing.

Commissioner Anderson suggested creating a more permanent yet separate space on the property so the two food trucks could remain.

Commissioner Davis inquired about police condition #34 which states the applicant shall discourage customers from consuming any cannabis products outside the premises.

Attorney George Petrulakis stated the City interprets the condition as monitoring customers on the premises and immediately adjacent to the property.

Commissioner Anderson asked if the condition to remove the food trucks can be removed from the resolution.

Attorney George Petrulakis stated that the condition to remove the food trucks will remain in the resolution to be consistent with the resolutions and conditions for the other dispensaries and honor the mobile food permits that have been issued for this year. He added that allowing food trucks on properties with cannabis retail businesses may be something the Ad Hoc Committee could review.

MOTION:

Commissioner Reape moved, seconded by Commissioner Anderson granting Conditional Use Permit No. 2022-07 (The Evergreen Market having determined that the project is "Categorically Exempt" from the provisions of CEQA, and that all of the appropriated findings can be made, subject to the conditions of approval contained in

draft Planning Commission Resolution No. 2023-05 with the amendments set forth on the green sheet. Motion carried 6/1 by the following vote:

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

2. DEVELOPMENT AGREEMENT FOR 680 D ST., LLC., (dba FLAVOR FARMS TURLOCK):

Planning Manager Adrienne Werner explained this item is for the development agreement for a cannabis indoor cultivation, manufacturing and distribution facility. The CUP will come back to the Planning Commission for approval at a later date. The Planning Department received the complete application for the Development Agreement on February 16, 2023. The Police Department has completed the background checks and nothing was found to disqualify them.

Planning Manager Werner explained that the proposed development agreement before the Commission is for a 5-year term. She explained how the public benefit amounts are broken down based on the area of the building for the cultivation canopy, manufacturing, and 2.5% of gross receipts for distribution. She also noted that public notices were sent out to property owners within a 500’ radius of the project site and no comments were received.

Public Hearing

Chair Davis opened the floor for public hearing.

Mike Warda, applicant, stated that 680 D ST LLC would like the name on the DA to be Flavor Farms Turlock LLC. Mr. Warda also noted the changes in the DA that were made for consistency and clarification. The changes are discussed below:

Section 2.3 – Developer shall begin operations of the Cannabis Business Project under the Authorized License within six (6) months of the issuance of a Conditional Use Permit changed to 12 months due to the time it takes to go through the building permitting process.

Section 2.10 development of the Cannabis Business Project shall be subject to changes occurring from time to time to the California Building Standards should read the operator will comply with the current building permit codes.

Hearing no other comments, Chair Davis closed the floor to public hearing.

MOTION:

Commissioner Reape moved, seconded by Commissioner Anderson determined that the project to be “Categorically Exempt” from the provisions of CEQA, and that all of the appropriated findings can be made, subject to the conditions of approval contained in draft Resolution No. 2023-06 and recommend the City Council approve the Development Agreement between the City of Turlock and 680 D St LLC, dba Flavor Farms Turlock LLC including the amendments to the name change and changing when the business must be operation from 6 months to 12 months. Motion carried 6/1 by the following vote:

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

H. OTHER MATTERS:

Chair Davis noted there were none.

I. COMMISSIONER’S CONSIDERATION

Chair Davis noted there were none.

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

Chair Davis noted there was one:

1. PLN2022-0066 (FIVE STAR CARRIER XPRESS, INC. at 2232 and 2230 Golf Road, Stanislaus County APN 044-031-002): Planning Manager Werner explained the applicant is requesting to legalize a commercial truck parking facility on an approximately 9.85-acre parcel in the County. This item is outside the City limits of Turlock but is within the one-mile radius of the sphere of influence. A response was sent to Stanislaus County addressing concerns regarding the trucking facility being located so close to residential zoning in the Morgan Ranch Master Plan area. The properties directly across Golf Road is zoned for residential use. Additionally, Golf Road is proposed to install roundabouts and is difficult to see how semi-trucks would maneuver around them.

K. COMMISSIONERS COMMENTS

Commissioners may provide a brief report on notable topics of interest. The Brown Act does not allow discussion or action by the Commission.

Commissioners had no comments

L. STAFF UPDATES

Planning Manager Werner stated there were none.

M. ADJOURNMENT

Having no further business, Chair Davis asked for a motion to adjourn the meeting. Motion by Commissioner Reape. Motion carried unanimously by a voice vote. The meeting was adjourned at 7:00 p.m.

RESPECTFULLY SUBMITTED

Matthew Davis
Planning Commission Chair

Adrienne Werner
Planning Manager
Development Services