

Thursday, August 3, 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 Ray Souza called the meeting to order at 6:00 p.m.

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

ABSENT: None

**2. SALUTE TO THE FLAG**

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

**B. APPROVAL OF MINUTES**

1. Chair Souza asked for a motion to approve the minutes of the Regular Meeting of June 1, 2023.

**MOTION:**

Commissioner Anderson moved, seconded by Commissioner Reape to accept the minutes of the June 1, 2023 meeting. Motion carried 7/0 by the following vote:

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

**C. ANNOUNCEMENTS**

Planning Manager Adrienne Werner noted the green sheet at the dais noting that the elimination of the 10-foot rear yard setback is also being requested for the proposed restaurant building as part of PD282 and Rezone 2023-01.

Planning Manager Adrienne Werner introduced Alexia Fuentes as the new Staff Services Technician for the Planning Division.

**D. PUBLIC PARTICIPATION**

Chair Souza opened the floor for public participation.

Milt Trieweiler spoke on the importance of preserving the prime farmland in Stanislaus County.

Hearing no one else, Chair Souza closed the floor for public participation.

**E. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

**2. DISCLOSURE OF EX PARTE COMMUNICATIONS:**

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

**F. PUBLIC HEARINGS**  
**\*CONSENT CALENDAR**

Chair Souza noted there were none.

**G. PUBLIC HEARINGS**  
**\*NON-CONSENT ITEMS:**

Chair Souza noted there were two items:

- 1. CONDITIONAL USE PERMIT NO. 2022-04 (FLAVOR FARMS TURLOCK LLC):** Planning Manager Adrienne Werner explained the applicant is requesting to operate an indoor cannabis cultivation, manufacturing, and distribution business in the existing building located at 680 D Street.

Planning Manager Werner explained that all cannabis businesses wishing to operate within the City are required to enter into a Development Agreement with the City and obtain a Conditional Use Permit (CUP) prior to operating a cannabis business. At the April 6<sup>th</sup> meeting the Commission recommended the City Council adopt the ordinance approving a Development Agreement (DA) between the City of Turlock and Flavor Farms for the operation of the cannabis business. The City Council adopted the ordinance at their May 23<sup>rd</sup> meeting. A condition of the DA requires Flavor Farms to apply for a Conditional Use Permit.

Planning Manager Werner explained the 680 D Street site is located in the industrial zoning district which lists cannabis cultivation, manufacturing & distribution as a conditionally permitted use. The site meets the standards established for commercial cannabis uses and meets the TMC requirements for parking, odor control, and distance from schools, day care centers, and other youth facilities. Flavor Farms is required to prepare an odor control plan and provide a filtration system to ensure that the business does not create any odor impacts. This will be verified during the building permit review process.

Planning Manager Werner explained that the public benefit amount that Flavor Farms must pay is calculated on the square footage of the cultivation canopy. Planning Division condition #6 in draft Planning Commission Resolution 2023-17 requires a floor plan clearly identifying the square footage associated with the cultivation and manufacturing areas of the building be submitted as part of the building permit application. Flavor Farms is required to notify the City whenever these areas expand or are reduced in size.

Commissioner Anderson asked what the square footage of the building was.

Planning Manager Werner answered the building is approximately 54,000 square feet

Commissioner Anderson asked if they will use the entire building from the start or expand as they grow.

Planning Manager Werner said they will not use the entire building to start but will expand in phases as the business grows. She further explained the Planning Commission is approving the

project as a whole. As Flavor Farms grows within the building they are required to obtain the appropriate building permits.

Commissioner Souza asked about the signage for this location and asked if they are subject to the sign ordinance.

Planning Manager Werner answered that cannabis cultivation, manufacturing and distribution businesses are not open to the public and so their desire for exterior wall signs is not the same as the retail cannabis businesses. Any exterior signs are subject to the commercial cannabis uses in the sign ordinance.

Commissioner Souza asked if background checks were done and how it is done when the business is a limited liability corporation.

Planning Manager Werner answered the background checks were done and completed by the Police Department earlier this year and prior to the Planning Commission's recommendation to the City Council to approve the ordinance for the Development Agreement. Flavor Farms was required to identify the principals of the company in the RFQ. Background checks were run on the principals of the company.

Planning Manager Werner added that questions have risen in the past regarding the type of extraction non-volatile versus volatile is done that is done as part of the cannabis manufacturing process. Flavor Farms has indicated their process is non-volatile.

### **Public Hearing**

Chair Souza opened the floor for public hearing.

Mike Warda, attorney representing the applicant, explained that an extensive background check was done on all principals by investigator contract through the Police Department. Mr. Warda also confirmed that all extractions will be done with non-volatile chemicals such as CO2 or butane products.

Commissioner Souza asked how odor is measured and controlled.

Mike Warda said a charcoal system is used so the smell does not leave the area.

Milt Trieweiler expressed concern with the disposal of the solid waste from operations and any waste water generated by the process.

Planning Manager Werner stated Flavor Farms will have to show the process on their building plans. The Public Works Department will review the plans to ensure that the City's water system is protected.

Mike Warda explained there will be little discharge as the water is recirculated.

Chair Souza closed the floor to public hearing.

Commissioner Anderson noted a discrepancy in condition #26 of Resolution 2023-17 regarding the number of parking spaces. The number of parking spaces should be 44 and not 40 as written in the resolution.

**MOTION:**

Commissioner Reape moved, seconded by Commissioner Davis determining that the project is “Categorically Exempt” from the provisions of CEQA, that all of the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2023-17 and grants Conditional Use Permit No. 2022-04 (Flavor Farms Turlock LLC). Motion carried 7/0 by the following vote

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

- 2. PLANNED DEVELOPMENT 282 and REZONE 2023-01 (NIVEL RESTAURANT)** – Planning Manager Adrienne Werner presented the staff report explaining the applicant has submitted an application to construct a new 11,331 square foot, two-story restaurant with live entertainment located at 309 N. Center Street. The applicant is requesting a Planned Development to deviate from the standards in the Turlock Municipal Code (TMC) by eliminating the 5-foot side yard setback, the 10-foot rear yard setback, and the 10-foot front yard setback established in the Transitional Commercial (TC) zoning district. The building is proposed to be constructed on the front, side and rear property lines but is maintaining the 15’ corner side yard setback.

Planning Manager Werner explained that the property is the former site of the American Legion Hall and most recently Jura’s Pizza. In 2019 the applicant was granted a Conditional Use Permit to use the former restaurant building for a nightclub. The Planning Commission granted the Conditional Use Permit at the December 5, 2019 Planning Commission meeting. The applicant submitted a building permit for tenant improvements in June 2020. In 2021 the building sustained severe fire damage and was demolished in 2022.

Planning Manager Werner continued stating the proposed project, as proposed, cannot accommodate the 113 onsite parking spaces required by the TMC. The applicant has purchased the property to the east at 311 Mitchell Avenue that will be improved to provide a total of 27 onsite parking spaces. The applicant has also entered into an agreement with the property owner of the shopping center 334 N. Center Street to allow restaurant customers to use the 37 parking spaces in the parking lot. Planning Manager Werner stated there are 22 parking spaces abutting the properties on Center and Mitchell; however, they cannot be counted to meet the requirements per the TMC. Planning Manager pointed out that the properties to the east of the project are zoned Office Residential (OR). Restaurants are permitted in the OR zoning district with a CUP. The OR zoning district only requires 50% of the required parking to be onsite. If this project was located in the OR zoning district it would meet the TMC parking requirements.

As an added amenity for their customers, the applicant is requesting approval to provide live entertainment activities such as Mariachi bands, DJs, dancing, karaoke and amplified live and recorded music. Although the TMC does allow small bands, single entertainers and similar entertainment using low amplification, the types of entertainment the applicant is proposing is more in line with the TMC definition of a nightclub. A nightclub is required to obtain a CUP prior to operation, however since the applicant is requesting a Planned Development to deviate from

the TC development standards we felt it was more efficient to include live entertainment with the application.

The approval of the Planned Development would allow the restaurant to have live entertainment as defined in the TMC, eliminate the interior side, front and rear yard setbacks, and reduce the number of required onsite parking spaces. However, the approval of the Planned Development does not allow the restaurant to operate solely as a nightclub as defined by the Turlock Municipal Code.

Commissioner Reape asked what the size difference was from the current plans and what was approved before.

Planning Manager Werner stated the new building is approximately 300 square feet larger.

### **Public Hearing**

Chair Souza opened the floor for public hearing.

Omar Silva, the applicant's representative, stated this has been a challenging project with all the setback they have faced. The goal is to bring a unique type of dining to the downtown area. Mr. Silva explained that construction materials used for the building will be installed as recommended by the noise study that will help keep the noise from effecting the neighborhood.

Commission Reese asked if there will be security guards at the restaurant.

Omar Silva said yes, the requirement of security is included in the TPD conditions.

Commissioner Sousa asked how they monitor the sale of food sales since the type of alcohol license they are applying for says their food sales must be more than their alcohol sales.

Omar Silva stated that the restaurant must submit quarterly reports to ABC for auditing.

Planning Manager Werner clarified the quarterly audits are done by ABC and not the City. The restaurant must comply with the ABC conditions of their alcohol license.

Chair Souza closed the floor to public hearing.

Commissioner Anderson asked about an issue that Turlock Irrigation District has with the setbacks for the building and TID's public utilities easement

Planning Manager Werner answered that TID has submitted correspondence stating they no longer have an issue with the location of the building since the new building essentially has the same footprint as the previous building that burned.

### **MOTION:**

Commissioner Davis moved, seconded by Commissioner Reape determining the project is Categorical Exempt from the provisions of CEQA, that all of the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution 2023-18 and adding the elimination of the 10-foot rear yard

setback, and recommend the City Council approve Planned Development 282 and Rezone 2023-01. Motion carried 7/0 by the following vote:

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

**H. OTHER MATTERS:**

Chair Souza noted there were none.

**I. COMMISSIONER'S CONSIDERATION**

Chair Souza noted there were none.

**J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS**

Chair Souza noted there were none.

**K. COMMISSIONERS COMMENTS**

Chair Souza noted there were none.

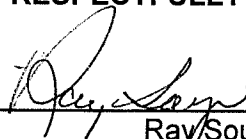
**L. STAFF UPDATES**

Planning Manager Werner stated a Tentative Parcel Map 23-01 was handed out at the dais. She explained that the Engineering Division conducts the public hearing for parcel maps and the minutes are provided to the Planning Commission for information purposes only.

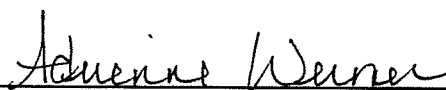
**M. ADJOURNMENT**

Having no further business, Chair Souza asked for a motion to adjourn the meeting. Motion by Commissioner Reape. Motion carried unanimously by a voice vote. The meeting was adjourned at 6:56 p.m.

**RESPECTFULLY SUBMITTED**



Ray Souza  
Planning Commission Chair



Adrienne Werner  
Planning Manager  
Development Services