

Thursday, December 7, 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 Anderson called the meeting to order at 6:02 p.m.

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

ABSENT: Commissioner Sukhminder Deol, Ray Souza

2. SALUTE TO THE FLAG

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

B. APPROVAL OF MINUTES

Vice Chair Anderson asked for a motion to approve the minutes of the Regular Meeting of November 2, 2023.

MOTION:

Commissioner Reape moved, seconded by Commissioner Davis to accept the minutes of the November 2, 2023 meeting. Motion carried 5/0 by the following vote:

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

C. ANNOUNCEMENTS

Planning Manager Adrienne Werner introduced the City Engineer, Bill Morris.

She also noted there are four green sheets at the dais. She explained that two of the green sheets were communications received from members of the community for public hearing item G.1, the proposed Starbucks at 1100 W Main Street, an email received for item G.3 the Variance request, and an email from the applicant for PD 281 requesting to remove the item from the agenda as they will be revising their site plan.

D. PUBLIC PARTICIPATION

Vice Chair Anderson opened the floor for public participation.

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

E. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

2. DISCLOSURE OF EX PARTE COMMUNICATIONS:

Vice Chair Anderson asked the Planning Commission if there were any conflicts of interest or disclosures of ex parte communications.

There were none.

F. PUBLIC HEARINGS

***CONSENT ITEMS**

Vice Chair Anderson noted there were five items:

1. MINOR DISCRETIONARY PERMIT NO. 2023-06 (MCG ARCHITECTURE)

Planning Manager Adrienne Werner presented the staff report. She explained the applicant is proposing to construct a 2,192 square foot Starbucks restaurant with a drive-through and outdoor patio space located on a vacant pad at 1100 W. Monte Vista Ave. She explained that Minor Discretionary Permits are typically reviewed and approved by the Planning staff; however, staff received several emails and a phone call from citizens in opposition to the project. Staff notified the applicant of the concerns raised and explained that the Minor Discretionary Permit has been forwarded to the Planning Commission for consideration in accordance with TMC §9-5-311(c).

During the review process Planning Manager Werner explained that staff became concerned with the layout of the project, particularly the location of the drive-through exit, entrance to the parking area in front of the Starbucks restaurant, the entrance to the drive-through lane, and the location of the trash enclosures. These features were located on the southeast side of the building and use the same driveway entrance to exit and enter the parking area and drive-through lane increasing the potential for conflicts. The concern is vehicles wanting to enter the drive-through lane would potentially back up into the drive aisle and blocking cars trying to exit the drive-through and cars trying to get into the parking stalls. Staff felt these potential vehicle conflicts would impact cars entering and exiting from Crowell Road. Staff believed the entrance to the parking area in front of Starbucks should be modified to only allow vehicles exiting the drive-through to exit out the drive aisle. Planning Manager Werner and the City Engineer Bill Morris felt that limiting the driveway entrance to an exit only would reduce the potential for conflicts.

In response to staff's concerns, the applicant commissioned a study by Fehr & Peers analyzing the trip making characteristics of drive-through customers, parking customers, and drive-through vehicle queues for the proposed Starbucks. Fehr & Peers' recommendation was to leave the site plan as submitted and make no modifications to the drive-aisles or circulation pattern. Staff met with the applicants via Zoom to discuss the Fehr & Peers analysis and the concerns staff still had regarding onsite circulation and potential vehicle conflicts.

The applicant took staff's concerns into consideration and revised the site plan. The revised site plan relocated the drive-through exit from the southeast side of the building to the southwest side of the building providing quicker and easier access to Crowell Road. Moving the drive-through exit to the southwest side of the building removes the potential for vehicles exiting the

drive-through to encounter vehicles turning into the drive-aisle to park or access the drive-through entrance lane.

Commissioner Davis asked if customers will be forced to turn right from the drive-through exit onto Crowell Road.

Planning Manager Werner answered no. Vehicles will be able to turn left and drive back into the shopping center.

Commissioner Reape asked if it is known how many vehicles stack in the other drive-through business across the street.

Planning Manager Werner answered no; however, the cars queuing in the drive-through lane would back up into the drive-aisle and not onto Crowell Road.

Commissioner Anderson noted that the Planning Commission wanted something constructed to minimize cars entering the Dutch Bros parking lot from impacting Crowell Road.

Adrienne answered that delineators had been installed on Crowell Road limiting access to the shopping center to right-in, right-out only.

Commissioner Anderson asked about the location of the trash enclosures.

Planning Manager Werner clarified the trash enclosures are in the same location as the original site plan but are angled to meet Turlock Scavengers requirements.

Public Hearing

Vice Chair Anderson opened the floor for public hearing.

Robert Puffer spoke of his concerns with the traffic the Starbucks drive-through will cause. He asked if the drive-through entrance can be shifted up about 10 feet to increase the number of vehicles stacking.

Milt Trieweiler spoke about the trend of restaurants reducing indoor dining and building more drive-throughs impacting air quality.

David Zylstra, the project manager, made himself available for any questions.

Commissioner Reape asked if the entrance to the drive-through can be moved.

David Zylstra answered that drive-through lane is right at the property line and could not be moved further north because they do not own the other parcel.

Commissioner Reese asked if any other businesses on the property had contacted staff.

Planning Manager Werner answered no.

MOTION:

Commissioner Reape moved, seconded by Commissioner Davis determining that the project is "Categorically Exempt" from the provisions of CEQA, and that all of the appropriate

findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2023-24 and grants Minor Discretionary Permit 2023-06. Motion carried 5/0 by the following vote.

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

2. ANNUAL REVIEW OF CONDITIONAL USE PERMIT NO. 2020-01 and DEVELOPMENT AGREEMENT FOR NATURAL HEALING CENTER (NHC):

Planning Manager Werner presented the staff report and explained that in accordance with City Council Resolution 2020-145 the Planning Commission is required to annually review NHC's Conditional Use Permit and Development Agreement for compliance with the conditions of approval for the operation of the cannabis retail dispensary and review and make a recommendation to the City Council regarding whether or not NHC has complied in good faith with the terms and conditions of their Development Agreement.

Planning Manager Werner provided a brief background on the delay NNH experience between the granting of the CUP and the date they began operation. She explained that due to an appeal of the Planning Commission's granting of the CUP and subsequent litigation NHC was unable to meet the 6-month timeline outlined in the DA.

She explained NHC is in compliance with the Planning and Building Divisions' conditions. She stated the public benefit amount deposited as of October 4th was \$125,000. Because NHC has not been in operation for a year the financial audit has not yet been done.

Planning Manager Werner went on to explain when responding to calls for service, the location is indexed by where the incident occurred or where the officer should respond in order to contact the victim. If the officer responds to the parking lot for Perfect Union the address and business name will be indexed in the report. If no report was made, the officer did not find probable cause to show a crime occurred. None of the 9 calls resulted in the filing of a report or arrests. NHC is in compliance with the Police Department conditions.

Public Hearing

Vice Chair Anderson opened the floor for public hearing.

Vice Chair Anderson thanked staff and had no comments or questions since her questions were answered in the staff report.

Commissioner Reese asked if NHC will come up for review again in one-year or with all other reviews.

Planning Manager Werner answered that she would like to bring all annual reviews together at one time, but Evergreen Market was approved earlier this year and is in process as well as two

indoor cannabis grows so it may not happen next year but the goal is to get them on track to bring to the Commission at the same time.

Vice Chair Anderson closed public comment.

Commissioner Reape thanked Planning Manager Werner for answering his questions in her report.

MOTION:

Commissioner Reape moved, seconded by Commissioner Reese determining that the project is Categorically Exempt from the provisions of CEQA and find that NHC is in compliance with the conditions of approval contained in City Council Resolution 2020-145 and Conditional Use Permit No. 2020-01 and that all of the appropriate findings can be made subject to the conditions of approval contained in draft Planning Commission Resolution No. 2023-13. Motion carried 5/0 by the following vote:

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

MOTION:

Commissioner Reape moved, seconded by Commissioner Reese that the Planning Commission recommend the City Council find that NHC has complied in good faith with the terms and conditions of the development agreement and that all of the appropriate findings can be made subject to the conditions of approval contained in draft Planning Commission Resolution No. 2023-14. Motion carried 5/0 by the following vote:

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

3. VARIANCE NO. 2023-01 (2560 & 2562 MOONEYHAM COURT – REDUCED SETBACKS FOR TEA HOUSE):

Planning Manager Werner presented the staff report. She explained that the property owner is requesting a variance from the required rear and side yard setbacks to allow the existing 10'x10', 13'5" tall accessory structure (tea house) to remain in its current location of 20" from the rear property line and 33" from the side property line. The property is located at 2560 & 2562 Mooneyham Court and zoned Planned Development 216, with an underlying zoning designation of Residential Estate (RE). The Variance is in response to a complaint filed with the Building & Safety Division regarding an accessory structure located in the rear and side yard setbacks and possibly requiring a building permit. The property owner provided drone pictures of the property

he had taken prior to purchasing the property and before the tea house was constructed. The shed seen in the drone pictures appears to be on the fence line and in the setbacks for accessory structures. Planning Manager Werner explained it is difficult to determine the size and height of the shed from the drone pictures. The site plan provided by the property owner showed that the tea house can be relocated and/or modified to meet the 10' rear and side yard setbacks.

Planning Manager Werner explained setbacks for accessory structures on properties in the residential estate zoning district are 10-feet from the side and rear property lines. The variance application being presented is well outside of the standards with the current setbacks.

Commissioner Davis commented that surrounding properties have structures that may be in their setbacks.

Planning Manager Werner answered that the City is complaint based. Staff does not go out and actively seek violations; however, if we do receive a complaint we have to respond. She explained that without further information she could not speak to accessory structures on the surrounding properties.

Commissioner Davis asked if a building permit would be needed.

Planning Manager Werner replied that a structure over 120 square feet would need a building permit or if it had plumbing or electrical, regardless of size, would require a building permit. She added all detached structures taller than 7' in height would have to maintain the setbacks regardless of the size.

Commissioner Johnson asked if the variance application is specific to leaving the structure in place or requesting to reduce the setbacks.

Planning Manager Werner confirmed the request is to leave the tea house in place 20" from the rear property line and 33" from the side property line.

Public Hearing

Vice Chair Anderson opened the floor for public hearing.

John Leoniak, the property owner, handed out photos that were taken of the property and the tea house to the Commissioners and staff. Mr. Leoniak spoke about the purchase of the property in 2017 and there was a shed in the same area when he bought the property. He explained the reasoning for the tea house was to provide a space where his wife, Dr. Leoniak, an infectious disease physician, can have a place of solitude. He asked that the Planning Commission approve his request for a variance.

Vice Chair Anderson asked Mr. Leoniak about the bamboo enclosure.

John Leon answered that it is a decorative separation wall and does not impede visibility.

Rod Scott, a neighbor, spoke in favor of the project. He said the tea house does not bother him and is not affecting any other property owners where it is currently located.

Robert Puffer spoke against granting the variance saying that if the variance is approved it can open a can of worms. Other property owners would be coming forward asking for variances.

Commissioner Johnson asked if staff considered where the tea house could be moved on the property.

Planning Manager Werner answered no, the property owner didn't propose any other location.

Commissioner Johnson asked Mr. Leoniak if he considered other locations for the tea house. He noted that the overhang on the tea house drains onto the block wall and into the neighbor's yard. Commissioner Johnson stated he may have been open to alternatives if something had been proposed.

John Leoniak stated he can't move the tea house because he would have to remove other backyard features.

Vice Chair Anderson asked Planning Manager Werner if there were other options to come into compliance other than moving tea house.

Planning Manager Werner answered no. The variance application received is requesting for the tea house to remain in its current location. No other options were proposed by Mr. Leoniak. She noted that if the structure was reduced in height to 7' or less it could stay in its current location.

Vice Chair Anderson asked if there are any options other than a variance.

Planning Manager Werner explained that the variance application was in response to the complaint. If the application for the Variance had not been received the complaint process would have continued. After a period of time of non-compliance an administrative citation and possible fines would be issued until the property came into compliance. The structure is in violation of the Municipal Code and violation has to be corrected.

Commissioner Reape spoke about his experience with his backyard structure and the permitting process he had gone through before buying the structure. He sympathized with the circumstances, but does not think the findings can be made to support the request.

Commissioner Davis asked the applicant if neighbors made any complaints.

John Leoniak responded no, although he knew who filed the complaint.

Commissioner Davis asked how tall the windows and doors are on the structure are since the complaint spoke about lack of privacy.

John Leoniak estimated the doors to be about 8-feet in height and felt there is no invasion of privacy.

MOTION:

Commissioner Reape moved, seconded by Commissioner Reese determining that the project is Categorically Exempt from the provisions of CEQA and deny Variance Application

No. 2023-01 having determined the appropriate findings cannot be made as outlined in Draft Planning Commission Resolution No. 2023-22. Motion carried 4/1 by the following vote:

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

Planning Manager Werner explained to Mr. Leoniak that he can appeal the Planning Commission’s decision to the City Council.

Mr. Leoniak asked how he can file an appeal.

Planning Manager Werner answered he would need to contact the City Clerk’s office to file the appeal.

4. PLANNED DEVELOPMENT 281, REZONE 2022-02, and VTSM 2022-02 (MONARCH PLACE):

Vice Chair Anderson explained that the applicant has request the project be taken off the calendar. However, the public hearing will be opened but the Commissioner’s will take no action on the item.

Public Hearing

Vice Chair Anderson opened the floor for public hearing.

Milt Trieweiler spoke about building apartments on the property instead of single-family homes.

Hearing no one else, Vice Chair Anderson closed the floor to public hearing.

5. ORDINANCE AMENDMENT 2023-01 (Accessory Dwelling Unit)

Senior Planner Katie Quintero presented the staff report. She explained the ordinance amendment is proposed to various sections of Title 9 of the Municipal Code to bring the Turlock Municipal Code into compliance with State law for accessory dwelling units (ADUs) including junior accessory dwelling units (JADUs). Ms. Quintero briefly highlighted the state law explaining that the intent of the law was to make it easier for property owners to build ADUs. She noted that Stanislaus County, in partnership with several cities in the county, worked together on pre-approved plans for ADUs.

Commissioner Johnson asked if the ADU plans are available online.

Senior Planner Quintero answered staff is working to make them available on the City of Turlock website.

Commissioner Johnson asked if the pre-drawn plans include fire sprinklers or structural engineering.

Senior Planner Quintero responded that fire sprinklers and solar plans are not included in the pre-approved plans. She added that an ADU would require fire sprinklers only if the main house has fire sprinklers.

Commissioner Anderson asked if solar is required.

Senior Planner Quintero answered yes.

Vice Chair Anderson asked if she could explain the language regarding the height and the proximity of a proposed ADU to a major transit stop.

Senior Planner Quintero answered the increase in height to 18' and the proximity to a major transit stop speak more to not requiring additional parking for the ADU but the language in State Law doesn't really give insight into the reason.

Public Hearing

Chair Anderson opened the floor for public hearing.

Milton Trieweiler spoke in favor of having pre-approved plans for ADUs and suggested that something similar could be made available for apartment complexes. He asked if a variance could be requested for the residential development on Roberts Road.

Senior Planner Quintero answered that a general plan amendment would be required for the residential development.

Robert Puffer asked if the maximum height is 18feet, can it be placed 4-feet from the fence.

Senior Planner Quintero answered yes State Law allows an ADU to be built with 4-foot side and rear yard setbacks.

Vice Chair Anderson asked if converting an existing structure to an ADU and changing the footprint would it be allowed.

Senior Planner Quintero answered yes. If the existing structure didn't meet setbacks and an owner wanted to convert it to an ADU we couldn't make them move the structure to meet setbacks.

MOTION:

Commissioner Reape moved, seconded by Commissioner Davis determining the project is exempt from the provisions of CEQA pursuant to Section 15061 (b)(3) [General rule] of the CEQA Guidelines and recommends that the City Council adopt Ordinance Amendment 2023-01 (Amendment to the Turlock Municipal Code Related to Land Use and Zoning Regulations for Accessory Dwelling Units), having made the findings contained in draft Planning Commission Resolution No. 2023-27. Motion carried 5/0 by the following vote:

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

H. OTHER MATTERS:

Vice Chair Anderson noted there were none.

I. COMMISSIONER’S CONSIDERATION

Vice Chair Anderson noted there were none.

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

Vice Chair Anderson noted there were none.

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.

There were none.

L. STAFF UPDATES

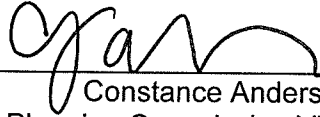
Planning Manager Werner explained that Katie Quintero has stepped down as Development Services Director and is now the Senior Planner. She explained she would be assuming the role of Interim Development Services Director until the position is filled.

Commissioner Reape welcomed Katie back as the Senior Planner.

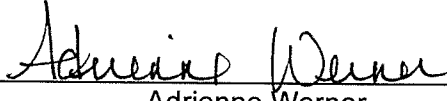
M. ADJOURNMENT

Having no further business, Vice Chair Anderson asked for a motion to adjourn the meeting. Motion by Commissioner Reape. Motion carried unanimously by a voice vote. The meeting was adjourned at 8:08 p.m.

RESPECTFULLY SUBMITTED



Constance Anderson
Planning Commission Vice Chair



Adrienne Werner
Interim Development Services Director/Planning Manager
Development Services