

MINUTES

TURLOCK CITY PLANNING COMMISSION THURSDAY, OCTOBER 1, 2009 7:00 PM

YOSEMITE COMMUNITY ROOM
TURLOCK CITY HALL, 156 SOUTH BROADWAY

COMMISSIONERS PRESENT: Salcedo, Hackler, Brem, Bean, Fregosi, Dias

ALTERNATE COMMISSIONERS (Non Voting): None

COMMISSIONERS ABSENT: Hillberg, Pedroza

STAFF PRESENT: Debra Whitmore, Deputy Director of Development Services; Mike Pitcock, Director of Development Services; Officer Christina Magana, Rose Stillo, Senior Planner; Katie Melson, Assistant Planner; Dorinda Soiseth, Staff Services Technician

A. CALL TO ORDER The meeting was called to order at 7:05 p.m.

B. APPROVAL OF MINUTES

Being no quorum of Commissioners who were present at the last meeting, the vote on the September 3, 2009 minutes will be continued to the November meeting.

C. ANNOUNCEMENTS

Debbie Whitmore announced upcoming Highway 165 Project Study Report public meetings, and the green sheet on Item G1, Conditional Use Permit No. 2009-06.

D. CONFLICT OF INTEREST DECLARATION

None

E. PUBLIC PARTICIPATION

None

F. CONSENT CALENDAR

None

G. PUBLIC HEARINGS

CONSENT ITEMS*:

None

NONCONSENT ITEMS:

- 1. CONDITIONAL USE PERMIT 2009-06 (Black Dot Wireless)** to authorize the installation and operation of a 70 foot tall cellular tower, (wireless communication facility), and associated equipment panels on a 600 square foot leased area at 830 E. Minnesota Avenue, more particularly described as Stanislaus

County Assessor's Parcel Number 072-024-016.

STAFF REPORT:

Rose Stillo presented the staff report and identified the project site and the location of the proposed cell tower. She said the request is for a 70' tall monopine cell tower that resembles a pine tree and includes a six-foot-tall masonry wall. She provided an overhead picture of the existing and target coverage area of the tower, and noted the only existing cell tower near this property is located at the hospital. Rose advised that comments have been received expressing concern that the proposed tower would have a significant effect on the property values in the neighborhood. Rose said that overall staff believes the applicant has proposed a project that substantially complies with the City's requirements for wireless communication facilities and staff is recommending approval.

Fred Ritter, representing Black Dot Wireless, spoke in favor of the project.

PUBLIC HEARING:

Chairman Brem opened the public hearing. No one spoke. Chairman Brem closed the public hearing.

The Commission discussed previously approved cell towers and how cell towers may effect neighborhoods. The consensus was that this tower will blend in with the trees in the neighborhood.

Commissioner Fregosi asked about a cell tower that the Commission had denied in the past that was located near a school.

There was discussion about the possibility of negative health effects due to cell towers.

Debbie Whitmore noted an FCC ruling that states local jurisdictions cannot deny cell towers due to health concerns.

Chairman Brem asked if co-location with another carrier would be possible.

Mr. Ritter advised that the tower was designed to accommodate co-location with another carrier.

Commissioner Salcedo asked if the tower would be affected by the weather, or if it would discolor over time.

Mr. Ritter said that weather can sometimes affect a cell tower but they are built to be maintained and improved, and that generally there is no degradation of the coloring.

MOTION: Commissioner Hackler moved, Commissioner Dias seconded, that the Planning Commission adopt a Mitigated Negative Declaration of Environmental Effect, having made the findings contained in Draft Planning Commission Resolution 2009-30

AYES:	Salcedo, Hackler, Brem, Bean, Fregosi, Dias
NOES:	None
ABSTAIN:	None
ABSENT:	Hillberg, Pedroza
NOT PARTICIPATING:	None
NON-VOTING:	None

MOTION: Commissioner Hackler moved, Commissioner Dias seconded, that the Planning Commission approve Conditional Use Permit No. 2009-06 (Black Dot Wireless), having determined that the appropriate findings can be made, subject to the conditions contained in Draft Planning Commission Resolution No. 2009-30.

AYES: Salcedo, Hackler, Brem, Bean, Fregosi, Dias
NOES: None
ABSTAIN: None
ABSENT: Hillberg, Pedroza
NOT PARTICIPATING: None
NON-VOTING: None

2. **CONDITIONAL USE PERMIT 2009-07 (COMMERCIAL ARCHITECTURE)** to authorize the re-facing of an existing non-conforming, 50' tall freeway sign and a new 6' tall 6' wide monument sign to replace the existing non-conforming monument sign located at 2219 Lander Avenue (Stanislaus County Assessor's Parcel Number 044-014-048).

Staff Report:

Katie Melson presented the staff report and said the request is to re-face an existing non-conforming freeway sign and to construct a new six foot tall by six foot wide monument sign to replace the existing non-conforming monument sign. She provided a history of the existing freeway sign and the conditions that would need to be met for a re-face. She said the applicant is asking to reface the top portion of the sign with an ARCO sign, an AM PM sign and an L.E.D illuminated price sign for Unleaded fuel. She noted that the L.E.D price portion of the sign does not conform to the design guidelines as it advertises a product sold on site, not just the business name. The applicant has provided an alternative design for the re-facing of the top portion of the freeway sign with just the ARCO and AMPM sign. This version conforms to the Design Guidelines and is the version staff is supporting.

The Commission discussed the visibility of the monument sign and noted it was located outside of the clear vision triangle.

Public Hearing:

Chairman Brem opened the public hearing. No one spoke. Chairman Brem closed the public hearing.

MOTION: Commissioner Fregosi moved, Commissioner Bean seconded, that the Planning Commission grant Conditional Use Permit No. 2009-07 (ARCO Gas Station Signs without an L.E.D price sign on freeway sign), having determined 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. 2009-31.

AYES: Salcedo, Hackler, Brem, Bean, Fregosi, Dias
NOES: None
ABSTAIN: None
ABSENT: Hillberg, Pedroza
NOT PARTICIPATING: None
NON-VOTING: None

G. OTHER MATTERS

Chairman Brem recognized Aben Williams for his time on the Commission.

I. COMMISSIONER'S CONSIDERATION:

None

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

1. **GENERAL PLAN AMENDMENT APPLICATION NO. 2009-03 AND REZONE NO. 2009-05 – FREITAS MINI STORAGE EXPANSION** – Debbie Whitmore updated the Commission on the status of the project.

K. COMMISSIONER'S COMMENTS

Commissioner Hackler commented about graffiti on the Auto Plaza building located along Highway 99.

L. STAFF UPDATES

Debbie Whitmore updated the Commission on the following items:

- General Plan and Housing Element Update status
- StanCOG's Regional Transportation Plan process
- Mobile Food Vendor and Large Family Day Care Ordinances

- M. ADJOURNMENT:** Having no further business Chairman Brem adjourned the meeting at 7:55 p.m.

Respectfully Submitted,

MIKE BREM
Chair

DEBRA A. WHITMORE
Deputy Director of Development Services,
Secretary of the Turlock Planning Commission