

**MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
APRIL 13, 2022, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20, which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via email, and WebEx during the meeting.

CALL TO ORDER

Chair Hudson called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Chair Hudson led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng, Commissioner Orcutt, and Chair Hudson present. Also present were: Scott Claar, Senior Planner; Victoria Lombardo, Senior Planner; Kimberly Matlock, Associate Planner; Kenneth Lipich, Assistant Planner; Nancy Ashjian, Assistant City Attorney; Al Gali, Associate Engineer; Majeed Mohamed, Assistant Engineer; Gina Peace, Executive Assistant; and Kellie Jones, Administrative Assistant.

MINUTES

Chair Hudson introduced the Regular Meeting Minutes from the March 9, 2022 meeting.

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Atwal to approve the March 9, 2022 Planning Commission Regular meeting minutes. A voice vote found all in favor. Passed and so ordered; 3-0-0-2. Commissioner Augustus, Commissioner Boakye-Boateng abstained, as they were not members of the Commission on March 9, 2022.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Scott Claar welcomed the two new commissioners.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

A. PUBLIC HEARING CONSIDER APPROVING A DEVELOPMENT REVIEW PERMIT TO ALLOW A CAR WASH FACILITY LOCATED AT 150 W. GRANT LINE ROAD, ASSESSOR'S PARCEL NUMBER 233-210-23. APPLICANT IS API

ARCHITECTURE PLUS AND OWNER IS WHEEL AD LLC. APPLICATION NUMBER IS D21-0009.

Kimberly Matlock, Associate Planner, and Jatinder Randhawa, Applicant, presented the staff report.

Staff addressed questions from the Commission.

Chair Hudson opened the Public Hearing at 7:58 p.m.

Marisol Arvizu, Travis Reil, Marianna Aguirre, Lizette Garcia, and Filotea Ardina addressed the Commission in opposition of the Project.

The Recording Secretary announced that three e-mails were received, from Kim Rodrigues, Elizabeth Cano, Cebrina Chagoya, and one voicemail from Cary Heard, all in opposition of the Project.

Chair Hudson closed the Public Hearing at 8:11 p.m.

ACTION: It was moved by Commissioner Atwal and seconded by Commissioner Orcutt that the Planning Commission approve a development review permit for a car wash facility, with the amendment that the applicant plant tall growing trees (such as an Italian Cypress Tree) in the Southeast corner, Application Number D21-0009, based on the findings contained in the Planning Commission Resolution dated April 13, 2022.

A roll call vote found Commissioner Atwal, Commissioner Boakye-Boateng, Commissioner Orcutt, and Chair Hudson in favor. Commissioner Augustus, opposed. Passed and so ordered; 4-1-0-0.

B. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2179 W. GRANT LINE ROAD (ASSESSOR'S PARCEL NUMBERS 214-560-02 & 214-560-03) - APPLICANT IS DOCTOR'S CHOICE MODESTO, LLC AND THE PROPERTY OWNER IS KM REALTY, LLC - APPLICATION NUMBER CUP21-0008.

Kimberly Matlock, Associate Planner, and Victoria Lombardo, Senior Planner, presented the staff report.

Shan Bal, representing the applicant, addressed the Commission.

Nancy Ashjian, Assistant City Attorney, answered questions from Commission.

Staff addressed questions from the Commission.

Chair Hudson opened the Public Hearing at 8:39 p.m.

Recording Secretary announced one e-mail was received, from Vaquero Farms, in opposition of the Project.

Chair Hudson closed the Public Hearing at 8:40 p.m.

ACTION: It was moved by Commissioner Atwal and seconded by Commissioner Orcutt that the Planning Commission approve a conditional use permit for a cannabis storefront retailer (dispensary) at 2179 W. Grant Line Road, based on the findings contained in the Planning Commission Resolution dated April 13, 2022.

A roll call vote found all in favor. Passed and so ordered; 5-0-0-0.

C. PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN EATING AND/OR DRINKING ESTABLISHMENT TO SERVE ALCOHOL AND PROVIDE ENTERTAINMENT AFTER 11:00 P.M. AT 117 W. 11TH ST. APPLICANT IS LORI FOUNTAIN AND PROPERTY OWNER IS RONALD E. BERGER TRUST. APPLICATION NUMBER CUP21-0002.

Kenneth Lipich, Assistant Planner, presented the staff report.

Lori Fountain, Applicant, addressed the Commission.

Staff addressed questions from the Commission.

Chair Hudson opened the Public Hearing at 8:52 p.m., but seeing as no one wished to speak, the Public Hearing was closed.

ACTION: It was moved by Commissioner Atwal and seconded by Commissioner Orcutt that the Planning Commission approve a conditional use permit to allow an eating and/or drinking establishment with alcohol and entertainment after 11:00 p.m. at 117 W. 11th St., Application Number CUP21-0002, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated April 13, 2022.

A roll call vote found all in favor. Passed and so ordered; 5-0-0-0.

DEVIATION:

DIRECTOR'S REPORT REGARDING THIS AGENDA (cont.)

Chair Hudson pointed out the need for election of a Vice Chair. Commissioner Orcutt volunteered for the position of Vice Chair. Commissioner Atwal seconded Commissioner Orcutt's nomination.

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Atwal that Commissioner Orcutt be elected Vice Chair of the Commission.

A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

2. ITEMS FROM THE AUDIENCE

None

3. DIRECTOR'S REPORT

None

4. ITEMS FROM THE COMMISSION

Commissioner Orcutt welcomed the new Commissioners and encouraged them to partake in any and all training opportunities.

Commissioner Atwal asked for clarification on asking the staff questions after the public hearing has ended.

Scott Claar clarified the Planning Commission Hearing process.

Chair Hudson also clarified the hearing process as well as addressed the reasoning behind having a Commission discussion after the hearing has been closed.

Commissioner Boakye-Boateng thanked the Commission and staff for their detailed presentations. He also noted the need for public awareness of zoning laws and what the laws could potentially bring to the area.

Commissioner Orcutt brought up the need to 'think outside of the box' when faced with issues and staff should offer applicants suggestions to benefit the project.


5. ADJOURNMENT

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Atwal to adjourn.

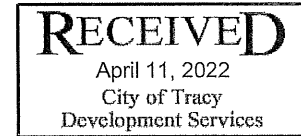
A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

Time: 9:04 p.m.


CHAIR


STAFF LIAISON

D21-0009 Tracy Car Wash
Attachment A



From:

Sent: Saturday, April 9, 2022 1:21 PM

To: Public Comment <publiccomment@cityoftracy.org>

Subject: Carwash

Hi, I'm from 21st st and just wanted to say that I don't think they should do it. Even though we're not super close to where it may be built, I've lived in similar conditions before and it really sucked. But I've noticed other spaces in the city of Tracy that aren't even being occupied, I think you should reconsider a different space. Thank you for listening:)

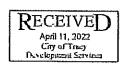
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Styles: Normal, No Spac..., Heading 1, Heading 2, Title, Subtitle, Subtle Em..., Emphasis

graph Styles

April 7, 2022



To whom it may concern:

RE: D21-0009 Tracy Car wash

I am writing this letter with major concern of a proposal for a car wash to be installed at 150 W. Grant Line Road.


It is a TERRIBLE idea to put a car wash in our back yards!!! First of all, our part of town is already a shit hole! Our streets are full of huge gaps and cracks that never get repaired, we have homeless living across the street at the park on Grant Line. We get NOTHING of any substance on our side of town.

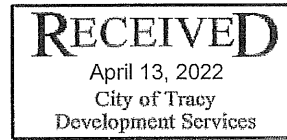
Give us a decent regular grocery store instead of damn car wash!!

We do not want the noise in our back yards or anything else to make our side of town worse! We already have the least amount of profit in our old homes, we don't need anything else to bring down the worth of our hokes. Find somewhere else to build a car wash away from our neighborhood.

I VOTE NO ON the Car Wash proposal at 150 W Grant Line Road.

Regards,


Homeowner on W 23rd Street
Tracy, CA



From: >

Sent: Wednesday, April 13, 2022 12:32 PM

To: Public Comment <publiccomment@cityoftracy.org>

Subject: D21-0009: Tracy Car Wash located at 150 w grant line rd

I received a letter today regarding the development of Tracy Car wash on 150w grant line road as a resident in the local area I vote NO for the reasons of more traffic and accidents on a already busy road ,ongoing noise that can disturb local residents nearby, contributing to the homeless encampment I already have to deal with on a daily basis as I live a couple blocks away from it. this car wash will become a hang out spot at night and near local residents and families.

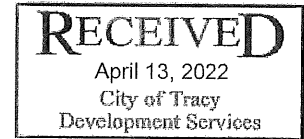
Once again I vote No

Thank you

Holly Dr, Tracy, CA 95376



Vaquero Farms Inc.



City of Tracy

Planning Commission

Re: CUP21-0008: Proposed Cannabis Dispensary at 2179 W Grant Line Road

To whom it may concern,

As a longtime property owner of 2175 W. Grantline Road, the adjoining property to the applicant for the Cannabis Dispensary at 2179 W. Grantline Road, we have a variety of concerns regarding the application and potential impact of this decision on Vaquero Farm's property. This proposed location is part of a condominium association, so business decisions of one owner has impacts on the other including items like insurance, tenant acceptability, and potential marketability of the property. Below is a breakdown of the impacts:

Insurance: (Property Insurance covers both 2175 & 2179 under same policy)

- a. Current Policy would be void because dispensary is federally illegal
- b. New Policy Quotes –(to be fair we obtained quotes, and this is the summary of what we got back)
 - i. Premium –for the policy in which we split 50/50 would increase by double, this puts an unfair burden on our tenant and Vaquero Farms Inc
 - ii. Exceptions –the policies covering these types of operations have numerous exceptions to coverage such as Mold or Fungus, Fire & Smoke limitation, assault & battery. These exceptions add a tremendous amount of risk and once again places an unfair burden on Vaquero Farms Inc.

Marketability:

Our current tenant is a federally chartered bank that has been at this location since the building's development. We feel that this could impact our ability to maintain them as a tenant as they cannot even do business with a dispensary as it is federally illegal and that could adversely impact their reputation. The implications of that could lead to a non-renewal of our




Vaquero Farms Inc.

Lease, putting Vaquero Farms Inc at significant risk of losing a tenant. Then to find a new tenant the market would be limited to businesses that would be okay with being associated with this type of the operation.

Another significant concern is the impact to area security as security guards hired by the dispensary location are hired to protect the interest of the dispensary, not the neighboring businesses and its customers.

Vaquero Farms, Inc. strongly feels that this type of operation should only be in a stand-alone building that does not have the type of direct implications to neighboring owners as this permit would. We respectfully request that the application CUP 21-0008 : Proposed Cannabis Dispensary at 2179 W. Grant Line Road for Doctor's Choice Modesto, LLC be denied.

Sincerely,


Vaquero Farms Inc