

MINUTES
TRACY CITY PLANNING COMMISSION
MAY 11, 2011
7:00 P.M.
TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTE APPROVAL

DIRECTOR'S REPORT REGARDING THIS AGENDA:

ITEMS FROM THE AUDIENCE

In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Planning Commission Member to sponsor the item for discussion at a future meeting.

1. OLD BUSINESS
2. NEW BUSINESS
 - A. PUBLIC HEARING TO CONSIDER AN APPLICATION TO EXTEND THE APPROVAL OF DEVELOPMENT REVIEW APPLICATION NUMBER 1-08-D FOR AN 11,554 SQUARE FOOT BUILDING AND SITE IMPROVEMENTS ON A SITE LOCATED AT THE NORTHWEST CORNER OF GANDY DANCER DRIVE AND MARS COURT, ASSESSOR'S PARCEL NUMBER 248-470-27 - APPLICANT IS SCHACK & COMPANY, INC. AND OWNER IS TRADITIONS MARTIAL ARTS ACADEMY, INC. - APPLICATION EXT11-0003
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

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The Planning Commission meeting was called to order by Chair Mitracos at 7:00 p.m.

The pledge of allegiance was led by Chair Mitracos.

ROLL CALL: Roll call found Commissioner Johnson, Commissioner Manne, Commissioner Ransom, Vice Chair Alexander, and Chair Mitracos present. Also present were staff members Kimberly Matlock, Assistant Planner; Bill Dean, Assistant Director of Development and Engineering Services; Bill Sartor, Assistant City Attorney; and Elizabeth Silva, Recording Secretary.

MINUTES

It was moved by Commissioner Ransom and seconded by Vice Chair Alexander to approve the minutes of February 21, 2011 and March 9, 2011 as written. Voice vote found all in favor; passed 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None

2. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER AN APPLICATION TO EXTEND THE APPROVAL OF DEVELOPMENT REVIEW APPLICATION NUMBER 1-08-D FOR AN 11,554 SQUARE FOOT BUILDING AND SITE IMPROVEMENTS ON A SITE LOCATED AT THE NORTHWEST CORNER OF GANDY DANCER DRIVE AND MARS COURT, ASSESSOR'S PARCEL NUMBER 248-470-27 - APPLICANT IS SCHACK & COMPANY, INC. AND OWNER IS TRADITIONS MARTIAL ARTS ACADEMY, INC. - APPLICATION EXT11-0003

Bill Dean, Assistant Director of Development and Engineering Services provided a brief description of the development review and extension process before the staff report was given. Mr. Dean indicated that staff would soon be bringing an item to the Commission regarding the life of development review permits and the extension process in order to be more business friendly.

Chair Mitracos asked about an extension for the Conditional Use Permit (CUP). Mr. Dean indicated that was different and would be addressed through the Zoning Code Update. Chair Mitracos stated that once there was a CUP, it ran with the land. Mr. Dean stated that was correct, and there was currently a six month period to establish the use for a CUP; if the use was not established in that time frame the permit would lapse.

Commissioner Ransom thanked Mr. Dean for the background information, and asked if there was a maximum amount of time that an extension had been granted for. Mr. Dean stated that he believed 5 years was the longest extension that had been approved. Mr. Dean indicated that more typically it had been a year; however in these economic times it seems a longer time is more appropriate.

Kimberly Matlock, Assistant Planner provided the staff report. Mrs. Matlock indicated that application was for the extension of an approval of an eleven thousand square foot building on the northwest corner of Gandy Dancer Drive and Mars Court. Mrs. Matlock further indicated the project was originally approved in 2008 and had been extended once before. Mrs. Matlock stated the applicant had contacted her and requested an extension of three years due to extraordinary economic conditions. Mrs. Matlock further stated the applicant was unable to construct the building at that time but intended to construct the project as soon as they had the means to do so. Mrs. Matlock indicated the building and site improvements met the current City Standards for architecture and site design. Mrs. Matlock stated at the time a building permit is issued the project will be required to meet all local, State and Federal building requirements in place at that time. Mrs. Matlock stated staff recommended approval of the application project.

Vice Chair Alexander asked what the period of time was that the Commission had the ability to extend an application, and stated that if this permit was extended another three years, and it had been two years since the approval, the next applicant could apply for a six or seven year approval. Mr. Dean stated that was exactly why staff would be bringing an ordinance before the Commission for City Council recommendation, to establish parameters for extensions. Mr. Dean stated that the Municipal Code stated the approval is one year. Mr. Dean stated that staff felt three years was a reasonable extension time, and this project was in an area that was not likely to have standards change.

Commissioner Ransom asked if the Commission was also extending the CUP for the project. Mrs. Matlock stated the CUP was already expired and was no longer eligible for an extension. Commissioner Ransom asked if the applicant would have to reapply for the CUP when the project was ready to move forward. Mrs. Matlock answered that was correct. Mr. Dean stated the Use Permit was highly site-specific and use-specific. Mr. Dean further stated that before the project moves forward, there may be changes which would make the use no longer desired for the site. Commissioner Ransom asked if that were to happen, would the applicant have to then find a new tenant with an appropriate use. Mr. Dean answered yes; the building would be the same with a different user.

Chair Mitracos stated he had a little familiarity with the area and he believed there was a church and another martial arts studio there. Mr. Dean stated that was correct. Chair Mitracos asked if that is looked at when issuing CUPs. Mr. Dean stated that 15 years ago jumpy houses did not exist and martial arts studios were few and far between. Mr. Dean stated the buildings in these areas are conducive to these uses because they have high ceilings, and inexpensive rents; however you don't want to end up with an area that is a "Martial Arts only" zone. Mr. Dean stated in the last 15 years this had been a growing area of need, and in the Zoning Code Update the issue would be looked at.

Chair Mitracos opened the public hearing.

Scott Schendel of Schack and Company, 1025 W. Central Avenue, addressed the Commission. Mr. Schendel stated he appreciated staff and the time they had spent on this project.

Commissioner Ransom asked if the property was listed for sale. Mr. Schendel stated to his knowledge the property was not for sale, and the owner did not intend on selling the property and fully intended on building the project when they received funding.

Vice Chair Alexander asked how serious the project applicants were, and when they would start construction. Mr. Schendel indicated the property owner was committed to the project and had funding in place before the economy turned. Mr. Schendel stated since the economy had turned the applicant had not been able to get adequate funding. Vice Chair Alexander asked if Mr. Schendel was confident that the owners would be able to receive funding and begin building the project when the economy picked up. Mr. Schendel indicated that he did not usually get involved in project financing however the applicant seemed intent on going forward with the project.

Commissioner Manne stated he had visited the site that afternoon and lived near the project. Commissioner Manne asked for information regarding the pond on the plan. Mr. Schendel indicated that it was a koi pond.

Chair Mitracos closed the public hearing.

Vice Chair Alexander stated he would like to know what the authority was of the Commission to extend a CUP for a project. Chair Mitracos stated that he thought the Commission would hear that information as part of the Zoning Code Update.

It was moved by Commissioner Ransom and seconded by Commissioner Manne to adopt a resolution approving a three-year extension of the Development Review Application 1-08-D, for the 11,554 square foot building and associated onsite improvements at the northwest corner of Gandy Dancer Drive and Mars Court, as stated in the Planning Commission Resolution dated May 11, 2011. Voice vote found all in favor; passed 5-0-0-0.

3. ITEMS FROM THE AUDIENCE --None

4. DIRECTOR'S REPORT

Mr. Dean thanked the Commission for its participation in the Downtown Specific Plan study session and stated there would be more sessions coming soon.

5. ITEMS FROM THE COMMISSION

Chair Mitracos thanked staff for the notification of the Planning 101 offered by SJCoG. Chair Mitracos stated he had attended one on a previous Thursday and found it very interesting. Chair Mitracos recommended that everyone attend the future sessions.


Commissioner Manne reminded the Commission to complete their ethics training. Mr. Sartor stated that it had to be completed every two years.

Commissioner Ransom asked what can be done as a Commission member when the media does not represent a meeting properly, and if there was an opportunity to write a rebuttal as a Commission. Mr. Dean answered that if the Commission had an issue with the item it could agendaize the item and have a discussion on it. Mr. Dean stated if a Commissioner had a personal feeling about the reporting of an item, they would be acting as an individual citizen. Chair Mitracos stated that there was an old saying that there was no such thing as bad publicity.

6. ADJOURNMENT

It was moved by Commissioner Manne and seconded by Commissioner Ransom to adjourn.

Time: 7:26 p.m.



CHAIR



STAFF LIAISON