

MINUTES
TRACY CITY PLANNING COMMISSION
JUNE 22, 2011
7:00 P.M.
CITY OF TRACY CONFERENCE ROOM 203
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. DOWNTOWN SPECIFIC PLAN STUDY SESSION
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 Scott Claar, Associate Planner; Bill Dean, Assistant Director of Development and Engineering Services Department; and Bill Sartor, Assistant City Attorney.

MINUTES – None

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean, Assistant Director of Development and Engineering Services Department reminded the Commission and members of the public there was not a microphone in the conference room, and to try to speak loudly and clearly to ensure the recording device could properly record the meeting for the minutes.

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None
2. NEW BUSINESS
 - A. DOWNTOWN SPECIFIC PLAN STUDY SESSION

Chair Mitracos opened the public hearing.

Mr. Dean indicated the meeting was to interact and record comments from the Commission and members of the public regarding the proposed Downtown Specific Plan (DSP). Mr. Dean further indicated the Plan was a draft and would become better with the input that was gathered.

Scott Claar, Associate Planner indicated it was the second in a series of approximately six DSP study sessions to look at the draft document. Mr. Claar stated staff was at a point when they were considering moving forward with the project but realized there was a necessity to review it and ensure that staff, the Commission, Council, and the public understood what was being considered. Mr. Claar further stated changes may need to be made along the way. Mr. Claar indicated at the previous study session the focus was land use in the Downtown Core and the Outer Core and at this session the focus would primarily be land uses on Eleventh Street. Mr. Claar gave a brief synopsis of uses that would and would not be permitted with the proposed DSP.

Chair Mitracos asked for clarification on the difference between non-conforming and conditional uses. Mr. Claar stated non-conforming uses exist throughout the City and many other communities. Mr. Claar further stated that uses which were allowed when they came in, but are no longer allowable uses in their locations are non-conforming. Mr. Claar indicated the use could continue, and could even be bought and sold as a non-conforming use; however if the location were to be vacant for a specific period of time the use would not be allowed to come back in. Mr. Claar added that if the business were to burn down it would not be allowed to be rebuilt as a non-conforming use. Chair Mitracos asked if there were no damage to the building could a non-conforming use continue. Mr. Claar answered yes, unless the use left and the building was left vacant. Chair Mitracos asked how long the building would be vacant for before it could no longer re-tenant with that use. Mr. Claar indicated the building would have 6 months to re-tenant with the same use and further, if the building re-tenanted with a conforming use it could not go back to the non-conforming use.

Mr. Dean stated that a conditional use was a use which may be an appropriate use in an area, but is not always going to be an appropriate use and so it is conditionally permitted on a case by

case basis. A citizen asked if the conditional uses had set rules or the conditions for a conditional use permit, or if they would have different conditions for each location. Mr. Dean answered each site would have different constraints and opportunities and so each site would be looked at separately. Mr. Dean added that whether or not the use gets permitted, and the conditions which would be placed on it would be site-driven and would come to the Planning Commission for approval.

A citizen commented he had always heard about how hard it was to get businesses to come to Tracy; however he felt that the City was kicking businesses out of town. The citizen further commented some businesses were dependent on having parking lots next their businesses and there were no parking lots downtown. The citizen also stated that there were no gas stations permitted downtown, and downtown residents would have to travel near the freeway to get gas.

A citizen stated she lived downtown, and she felt the only thing in the DSP which did not make sense to her was Eleventh Street was also the business route of I-205, and she thought having sit down restaurants would get people to spend their money in Tracy as they passed through.

Chair Mitracos asked what the reasoning was behind the limit on gas stations. Mr. Dean stated that everything in the plan is linked back to the vision for the downtown area. Mr. Dean indicated that in the past the area of Tenth Street and Central Avenue served all of Tracy when the City was much smaller, and over time, other parts of the City such as the mall and the I-205 area have competed with downtown. Mr. Dean further indicated over time the action of the City had allowed the area of downtown to stretch out and grow much larger. Mr. Dean stated that one of the main strategies of the plan were to get high density residential approximate to downtown, and another was to begin to limit the types of uses in areas around downtown, to get new uses coming into Tracy to go into the downtown area. Mr. Dean indicated the challenge was to figure out if the ideas in the plan were good ideas for today, or for a point further in the future.

A few citizens asked for definitions of the abbreviations used in the DSP. Chair Mitracos gave a few definitions. Mr. Claar provided more information regarding zoning designations in the downtown. Mr. Dean stated it was a good point and it would be kept in mind when preparing for the next session.

A property owner from the downtown area stated that with the proposed DSP his building be designated as Outer Core, and he was displeased that it would limit the uses allowed in his building. Chair Mitracos stated if the downtown was revitalized it would increase the value of the properties in the area. Commissioner Ransom indicated the document was in draft form and was the purpose of the meeting to discuss possible changes that may be needed, and she felt if the revitalization happened the business owners' properties would become more valuable.

A citizen stated it appeared staff was taking what the original plan is or was and waving a wand to make it something else. The citizen further stated the railroad ran through the downtown and would prohibit pedestrian traffic, as would the highway. Chair Mitracos stated they were talking about Eleventh Street and that was not a pedestrian area.

A citizen stated the Commissioners had no equity in the downtown area and the proposed changes. Chair Mitracos disagreed and stated that as citizens of Tracy the downtown area was important to everyone.

A citizen indicated that it appeared staff was taking the entire area of MacArthur to Tracy Boulevard and lumping it into the downtown area.

Dale Cose stated he was in support of most of the changes recommended by the consultants; however with the economy in its current state it was not the time to implement them. Mr. Cose indicated that times were tough and it was the time for status quo.

Mr. Dean indicated the ideas in the plan were just ideas at that time, and they were there to discuss them and decide which should be revised and which were ready to move forward.

A citizen comment was made that at the previous meeting it was indicated the DSP was ready to be adopted as is, and staff was trying to push the document through; however it needed to be tabled for five years. Chair Mitracos stated no one wanted to push the DSP through, and if they were the Study Sessions would not be held.

Tom Benigno commented that staff had not identified the problem they were trying to solve, or what the purpose of the DSP was.

A property owner in the downtown area indicated there was a desire to revitalize downtown but it shouldn't be at the expense of Eleventh Street, and there were some existing businesses on Eleventh such as El Tapatio which were in specialized buildings that wouldn't be appropriate for another use. The property owner suggested offering incentives to get the restaurants to locate in the downtown area rather than banning them from going into other areas such as Eleventh Street.

A citizen comment was made that business owners in the arterial roads are seeing the proposal as the City focusing on the downtown area, and excluding businesses in other areas.

Robert Tanner stated that the plan would replace sit down restaurants with fast food restaurants, which would contribute to trash and pollution on Eleventh Street. Mr. Tanner further added the Tarasco Market on Eleventh Street would be non-conforming and if it were to leave, there would be no grocery store within a mile of the downtown area.

Commissioner Ransom stated she was essentially hearing "if it's not broke don't fix it" regarding Eleventh Street. Commissioner Ransom further added that she personally as a citizen did not want to see a lot of fast food restaurants on Eleventh Street. Commissioner Ransom further stated that the DSP was not set in stone, and that the purpose of the meeting was to talk about what was proposed. Commissioner Ransom indicated at the previous session there was a property owner concerned with being outside of the boundary, and staff was flexible and was taking another look at how it would impact that property owner.

Vice Chair Alexander stated he felt the plan had a lot of opportunity for growth. Vice Chair Alexander stated he was concerned with the eight businesses that would become non-conforming, and he thought maybe staff could explore a way to include them in the plan.

Commissioner Johnson asked if the consultant saw the plan as an "all or nothing" package. Mr. Dean answered no. Commissioner Johnson asked if the DSP could relate solely to Central Avenue and Tenth Street. Mr. Dean stated he felt the City Council could set the boundaries of the plan where it wanted, and ultimately Council would set the boundaries of the plan.

Commissioner Johnson asked if changes could be made to the item which stated if the land use was non-conforming and there was more than 50% damage to the property, the use had to be brought up to current zoning, and also the requirement that if the building was vacant for 6 months the non-conforming use was no longer allowed. Bill Sartor, Assistant City Attorney indicated those requirements were by an existing ordinance and Council could change an ordinance at any time; however the ordinance was similar to many other agencies.

A citizen commented it would be nice to extend the amount of time that a non-conforming business could be vacant before the use was no longer allowed, as it sometimes takes up to a year for a space to be made ready for a new tenant.


A citizen asked what was going to happen to the Kentucky Fried Chicken project on the former used car lot on Eleventh Street. Mr. Dean answered the City had approved the project; however the corporation had decided not to move forward with the project at that time.

Chair Mitracos closed the public hearing.

3. ITEMS FROM THE AUDIENCE –None
4. DIRECTOR'S REPORT – None
5. ITEMS FROM THE COMMISSION - None
6. ADJOURNMENT

The meeting was adjourned by Chair Mitracos.

Time: 8:40 p.m.



CHAIR



STAFF LIAISON