

MINUTES
TRACY CITY PLANNING COMMISSION
SEPTEMBER 14, 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 A CONDITIONAL USE PERMIT APPLICATION FOR A PLACE OF WORSHIP AT 213 W. ELEVENTH STREET – APPLICANTS ARE JERALYN CREAR AND CYNTHIA CHESS AND OWNER IS COSMO RENTALS, INC. - APPLICATION NUMBER CUP11-0002
 - B. ELECTION OF OFFICERS
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
 - A. UPDATE ON DOWNTOWN WORKSHOP
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; Alan Bell, Senior Planner; Bill Sartor, Assistant City Attorney; and Elizabeth Silva, Recording Secretary.

MINUTES

It was moved by Commissioner Ransom and seconded by Commissioner Manne to approve the minutes of May 25, 2011; June 22, 2011; the Special Meeting of June 22, 2011; and July 13, 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 A CONDITIONAL USE PERMIT APPLICATION FOR A PLACE OF WORSHIP AT 213 W. ELEVENTH STREET – APPLICANTS ARE JERALYN CREAR AND CYNTHIA CHESS AND OWNER IS COSMO RENTALS, INC. - APPLICATION NUMBER CUP11-0002

The Staff report was provided by Kimberly Matlock, Assistant Planner. Mrs. Matlock stated that application was for a Conditional Use Permit (CUP) to allow a place of worship at 213 West Eleventh Street for Mountain's Hope Worship Center. Mrs. Matlock stated the location was the former Employment Development Department building, adjacent to the In Shape Health Club. Mrs. Matlock further stated the site was zoned Central Business District. Mrs. Matlock stated there was an on-site parking lot containing 20 spaces, and based on the assembly size proposed, the applicant would need 36 spaces. Mrs. Matlock indicated that one of the options for the additional 16 spaces would be a joint use parking agreement, and in fact there was an existing agreement with In Shape Sports Club. Mrs. Matlock further indicated that the applicant and In Shape were interested in the shared use parking agreement. Mrs. Matlock stated that should the joint use parking agreement be the chosen option, the applicant would need to have the agreement formally recorded, and the City would have an option to review the language. Mrs. Matlock noted that the second option was the Central Business Parking In Lieu Fee. Mrs. Matlock stated that should the applicant decide to utilize the fee, the applicant would need to pay for the additional 16 parking spaces. Mrs. Matlock indicated building was located on a site with three separate lots, and staff was asking for a recordation between the parking lot and the building in the form of an easement to alleviate the concern of the parking being separated from the building. Mrs. Matlock stated the applicant had invited neighbors to an introductory meeting to introduce themselves to the surrounding neighbors, and no concerns were raised at that meeting. Mrs. Matlock further stated staff had not received any negative comments regarding the application. Mrs. Matlock indicated staff felt the use was compatible to the surrounding area, and staff recommended approval of the project.

Vice Chair Alexander asked what In Shape's position was regarding the shared parking. Mrs. Matlock answered that in her last conversation with In Shape staff, they were interested in the shared use parking, and her understanding was the applicant was in conversations with In Shape to update the existing agreement to make it meet the City standards. Vice Chair Alexander asked how much the In Lieu Parking fee would be. Mrs. Matlock answered it was determined by a formula, based on development square footage, and she estimated it to be more than \$4000 and less than \$7000 for this particular project.

Commissioner Johnson asked Mrs. Matlock to expand on the lot line adjustment mentioned in the Conditions of Approval. Mrs. Matlock stated the building was straddling two lots, and the parking area was on all three lots. Mrs. Matlock stated there were number of ways to solve the problem. Mrs. Matlock indicated there was an option of a lot line adjustment however the property owner was concerned about the time and costs involved in that option. Mrs. Matlock further indicated there was an option of making a recordation between the lot and the building, tying them together through the lifetime of the building, and in this case it would be done by an easement. Mrs. Matlock stated that option does not address the lot line running through the building; however it was an existing condition which staff considered legal and non-conforming. Commissioner Johnson asked if the condition requiring the lot line adjustment should have been omitted from the Conditions of Approval. Mrs. Matlock indicated it was an error in the Conditions, and staff's intention was to recommend the recordation of the easement. Chair Mitracos asked if the item should be approved, could it be approved by eliminating Condition B.2 in the motion. Alan Bell, Senior Planner answered yes.

Commissioner Johnson asked if staff knew how the building was built with the lot line running through it. Commissioner Mitracos stated it was previously a Greyhound Bus station, and after that it was transformed into the EDD office. Commissioner Johnson asked if it was a non-conforming structure at that time. Mr. Bell stated it was unknown how it was constructed, and what the codes were at that time. Mr. Bell added that staff had not found any indication that it was constructed, maintained, or improved without compliance of City standards. Mr. Bell stated it was not uncommon to have a building constructed on a lot line, and in the past the downtown area had been divided into 25 foot wide lots, and residents would buy one, two or three lots and construct their home or business.

Commissioner Ransom asked if there was already an arranged agreement that the parking lot could not be sold separate from the building. Mrs. Matlock stated that agreement was not in place to her knowledge. Commissioner Ransom asked if it could be included in the Conditions of Approval. Mrs. Matlock stated it was included as condition B.4.2.

Commissioner Ransom asked if, as a matter of best practices, it would be best to do the lot line adjustment, notwithstanding the time and costs associated with it. Mr. Bell answered it would be cleaner, and easier for staff's successors, and would be the preferred way to go; however the applicant would be looking at several thousands of dollars in fees, hiring an engineer or surveyor to prepare the paperwork, and a month or two to process it.

Commissioner Ransom asked if there was a concern about the Wednesday evening service conflicting with the In Shape peak times with the shared parking lot agreement. Mrs. Matlock answered that her understanding is the Wednesday service was not as popular, and currently there was only about 5 cars for that service.

Chair Mitracos asked if the applicant could have bought all of their parking rights in the downtown area, and not had on-site parking. Mrs. Matlock answered yes, although that option was never discussed.

Chair Mitracos opened the public hearing.

Cynthia Chess, 308 N. Mill Valley Drive, Mountain House addressed the Commission as the applicant. Mrs. Chess stated she was the pastor of Mountain's Hope Worship Center. Mrs. Chess indicated approximately 85 percent of the members lived within the City of Tracy. Mrs. Chess stated the congregation had been practicing at Lammersville School for about four years and was looking forward to growing and coming into Tracy.

Vice Chair Alexander asked what applicants preferred parking solution was. Mrs. Chess answered the parking agreement was preferred. Vice Chair Alexander asked what the preference was regarding the lot lines on the property. Mrs. Chess stated that was more of an issue for the property owner.

Bill Sartor, Assistant City Attorney stated that in situations when the properties shared one owner, an easement was not the correct term, and it would rather be a covenant which ran with the land.

Commissioner Mitracos asked how long the applicant expected to be at this site before it was outgrown. Mrs. Chess answered five years, and they intended to build after that time.

Chair Mitracos closed the public hearing.

Chair Mitracos stated that he noticed there was not a way to cross from one parking lot to the other without going into the street. Chair Mitracos asked if there was a way to allow movement between the two lots. Mrs. Matlock answered In Shape's parking lot was parked at the minimum based on the Tracy Municipal Code, and staff would not recommend removal of spaces to allow the flow between lots.

It was moved by Commissioner Ransom and seconded by Commissioner Manne to approve the Conditional Use Permit application for a place of worship at 213 West Eleventh Street based on the findings and subject to the corrected conditions, removing condition B.2, and the Planning Commission Resolution dated September 14, 2011. Voice vote found all in favor; passed 5-0-0.

B. ELECTION OF OFFICERS

Chair Mitracos stated he liked the idea of rotating the Chair seat and wanted to know if other Commissioners agreed. Mr. Sartor indicated that the item was not on the agenda and as a policy it could not be discussed unless it was agendaized for further discussion at a later date. Chair Mitracos stated he was not discussing policy, but as an informal request, he would like to see it as a rotation.

Commissioner Johnson nominated Commissioner Manne as the Chair. Commissioner Ransom seconded the motion. Voice vote found Commissioner Johnson, Commissioner Manne, Commissioner Ransom, Chair Mitracos in Favor; Vice Chair Alexander opposed. Passed 4-1-0.

Chair Manne nominated Commissioner Ransom as Vice Chair. Commissioner Johnson seconded the motion. Voice vote found all in favor; passed 5-0-0-0.

3. ITEMS FROM THE AUDIENCE

Robert Tanner of 1371 Rusher Street asked if the Joint Downtown Workshop on October 4, 2011 were to become heated or if discussion run long, would Council cancel the regular Council meeting. Mr. Sartor indicated that the Council meeting starts at "7:00 or as soon thereafter" and quite often the Council meeting would start later if necessary. Mr. Tanner stated that the item for the workshop may become heated and could go longer than a couple of hours. Mr. Bell stated this was not the final meeting, but one in a series regarding the item.

Mr. Tanner stated at the previous downtown workshop the discussion was heated. Mr. Tanner further stated that citizens have the impression that after the coming workshop, the document is going to City Council for approval.

4. DIRECTOR'S REPORT

A. UPDATE ON DOWNTOWN WORKSHOP

Mr. Bell reminded the Commission of the Joint Workshop for the discussion of the Downtown Specific Plan on October 4, 2011 at 4:30 pm. Mr. Bell added the TCCA Board and the Chamber Board would be in attendance, Mr. Bell stated notices would be sent out to the downtown property owners and businesses, as well as a public hearing notice.

5. ITEMS FROM THE COMMISSION

Commissioner Ransom stated that she had spoken to Bill Dean, Assistant Director of Development and Engineering Services regarding the workshop, and asked that there be a broader community notification.

Chair Mitracos indicated he had met with a group putting on forums in Stockton, including private businesses, environmental groups, and government. Commissioner Mitracos stated the next forum would be on September 23, 2011 regarding SB375.

6. ADJOURNMENT

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

Time: 7:44 p.m.



CHAIR



STAFF LIAISON