

MINUTES
TRACY CITY PLANNING COMMISSION
NOVEMBER 16, 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 AMENDMENT TO A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO DEVELOP A 1,200,420 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON A 160.34-ACRE SITE, LOCATED WEST OF AND ADJACENT TO 1605 AND 1705 NORTH CHRISMAN ROAD - APPLICANT IS KIER & WRIGHT; OWNER IS CATELLUS CORPORATE CENTER TRACY, LLC- APPLICATION D11-0009
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
 - A. DISCUSSION AND ACTION RELATED TO A RECOMMENDATION TO CITY COUNCIL FOR A CHANGE TO THE BYLAWS REGARDING THE ELECTION OF OFFICERS PROCEDURE
6. ADJOURNMENT

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

The pledge of allegiance was led by Chair Manne.

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

MINUTES

It was moved by Vice Chair Ransom and seconded by Commissioner Mitracos to approve the minutes of September 28, 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 AMENDMENT TO A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO DEVELOP A 1,200,420 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON A 160.34-ACRE SITE, LOCATED WEST OF AND ADJACENT TO 1605 AND 1705 NORTH CHRISMAN ROAD - APPLICANT IS KIER & WRIGHT; OWNER IS CATELLUS CORPORATE CENTER TRACY, LLC- APPLICATION D11-0009

The staff report was provided by Victoria Lombardo, Senior Planner. Mrs. Lombardo indicated the application was for an additional approval to be available on top of an existing approval at the site. Mrs. Lombardo stated the site had a project approved in 2008 for three large buildings, and two had been constructed. Mrs. Lombardo stated the applicant was looking to build the third building in a different configuration than had been previously approved. Mrs. Lombardo further stated this would give the applicant the flexibility based on market conditions, to pull a building permit for either approval, depending on the user and its' needs. Mrs. Lombardo indicated staff recommended approval of this application.

Commissioner Mitracos asked what the phasing would be for the current proposal; in particular what would happen to the detention basins. Mrs. Lombardo indicated there was an agreement in place from the previous approval which stated the detention basins would be filled in when

they were no longer needed, and the land could potentially be used for development. Mrs. Lombardo stated the phasing of the project would be determined by who the tenant was, as the building would be built to suit. Commissioner Mitracos asked about the expansion listed as Building Seven. Mrs. Lombardo stated there was currently no timeline available, but it would still be available for development.

Vice Chair Ransom stated it appeared there were two different configurations, and asked at what point the applicant would be committed to one configuration or the other. Mrs. Lombardo answered they would be committed when they submit for a building permit.

Commissioner Mitracos asked if there were any limits for coverage in the zoning. Mrs. Lombardo stated the maximum Floor Area Ratio (FAR) was 50%, and the original approval was 2.8 million and this proposal was smaller at 2.6 million square feet.

Chair Manne asked if there needed to be any traffic congestion analysis due to the proposed 2600 parking spaces. Mrs. Lombardo stated the Environmental Impact Report for the North East Industrial Area was based on any type of use, and so it was basically worst case scenario.

Chair Manne opened the public hearing.

Ben Peterson with Prologis addressed the Commission. Mr. Peterson stated he wanted to offer his thanks to staff for their work on the project. Mr. Peterson indicated there were two buildings existing, used by Crate and Barrel. Mr. Peterson indicated they had originally created the site plan for future expansion, not really knowing how much space they would need. Mr. Peterson further indicated they had determined they would not need as much square footage as originally thought. Mr. Peterson stated Crate and Barrel would retain a small portion of the land for future expansion, and the remaining land to the west would be available. Mr. Peterson indicated it was better for them to have more options given the state of the market, and this would give them more options and different ways to attract different users.

Commissioner Mitracos asked for information regarding the mezzanine. Mr. Peterson stated the mezzanine was designed not as office, but more as a warehouse mezzanine, for storage. Commissioner Mitracos asked if the building was built, it could be built with the center section first, and then expand. Mr. Peterson answered yes, and stated they had tried to design the buildings as flexible as possible, to attract the most possible types of uses. Commissioner Mitracos asked if Prologis owned Catellus. Mr. Peterson indicated that Catellus was a California based developer company that had spurred from the railroad companies and five years ago the two companies merged under the Prologis umbrella.

Commissioner Alexander asked when Phase II would be completed if the project was approved. Mr. Peterson stated that if a user had come through and wanted to build this particular building it was 2.6 million square feet, and that would be it on the site for quite awhile. Mr. Peterson stated in the future when the detention basins were filled in it would allow for smaller buildings being

developed. Commissioner Alexander asked if Mr. Peterson thought it would be maybe five to ten years. Mr. Peterson answered that was hard to say, and the infrastructure needed to be built before that could take place.

Commissioner Johnson stated he worked for a company that was in competition with Kier and Wright; however he could stay impartial on the application. Commissioner Johnson asked if the detention basin was taking care of the Best Management Practices (BMP). Mr. Peterson answered yes, and his understanding when the regional basin was created for the area, that would be the regional BMP. Commissioner Johnson asked if the water needed to be treated. Mr. Peterson stated it did not.

Robert Tanner, 1371 Rusher Street addressed the Commission. Mr. Tanner asked if this application had an open ended time frame. Mrs. Lombardo stated the zoning was Planned Unit Development, and basically the project was the zoning. Mrs. Lombardo indicated that zoning didn't expire; however there was a provision within the PUD Ordinance that stated if after three years, there was a change to the General Plan Land Use to the site, the approval could be revisited. Mr. Dean stated that is not to say that should there be a change to State Regulations, those changes wouldn't apply.

Chair Manne closed the public hearing.

Chair Manne indicated he felt an application like this created an opportunity to lay the groundwork to find an end user, and make Tracy more business friendly.

Commissioner Johnson stated he hoped that all 2600 parking spaces would be filled.

It was moved by Vice Chair Ransom and seconded by Commissioner Johnson that the Planning Commission recommend the City Council approve an amendment to the Preliminary and Final Development Plan to permit the development of a second PDP/FDP consisting of a 1,200,420 square foot industrial building on the 160.34-acre site, located west of and adjacent to 1605 and 1705 North Chrisman Road, Application Number D11-0009, subject to the conditions and based on the findings contained in the Planning Commission Resolution (Attachment F) dated November 16, 2011. Voice vote found all in favor; Passed 5-0-0-0.

3. ITEMS FROM THE AUDIENCE – N/A

4. DIRECTOR'S REPORT

Bill Dean, Assistant Director of Development Services, asked the Commission who had planned to attend the Downtown Workshop scheduled for the following Monday. Four Commissioners responded they planned on attending.

Mr. Dean stated the previous agenda item had literally come before staff a couple of weeks ago, and staff was able to accommodate an aggressive schedule. Mr. Dean further stated economic development and business friendly opportunities arrive in strange ways.

5. ITEMS FROM THE COMMISSION

B. DISCUSSION AND ACTION RELATED TO A RECOMMENDATION TO CITY COUNCIL FOR A CHANGE TO THE BYLAWS REGARDING THE ELECTION OF OFFICERS PROCEDURE

Vice Chair Ransom stated she still felt that the Bylaws needed to be more defined and were vague. Vice Chair Ransom further stated she had no preference whether there was a rotation or not. Vice Chair Ransom stated she would like to know where the other Commissioners stood on the issue.

Commissioner Alexander recommended that the Commission had a process of rotation of the Chair position based on seniority.

Commissioner Johnson said he may have jumped the gun at the previous election of officers. Commissioner Johnson stated he didn't feel this would need to be a change to the Bylaws, but there could be an agreement for a slower and more thoughtful process.

Commissioner Mitracos stated he personally would like to see a rotation of the Chair, and the easiest way to determine that would be by original appointment date. Commissioner Mitracos indicated he felt the Council policy that all the Bylaws were uniform was not really necessary.

Chair Manne stated he liked the rotation idea, and he liked the idea of having discussion before a nomination. Chair Manne stated he felt that the Bylaws were not stringent, and he did not know if the Commission wanted to make them more stringent for themselves. Chair Manne further stated that Council had appointed the Commission and had faith in the Commission members to make decisions. Chair Manne indicated he did not think it was necessary to change the Bylaws; however if the other Commission members wanted to do that, he would support it.

Commissioner Mitracos stated he felt that there should be discussion on the idea of a rotation of the Chair now. Commissioner Mitracos further stated if there was going to be an informal agreement, it should be made tonight.

Mr. Dean stated if there was an informal agreement among the Commission for a rotation of the Chair, it would be a gentlemen's and gentlewoman's agreement and would not be binding. Mr. Dean further stated if the Commission wanted a binding agreement, it would require a Bylaws change. Mr. Dean stated should the Commission choose to recommend a Bylaws change, staff would be going before Council to ask if it wanted to entertain the item on an agenda, and if it wanted to make the change across all Boards and Commissions. Mr. Dean added should the answer to either of these questions be yes, there would be process which would take time.

Vice Chair Ransom stated the current language is remedial, and there should be more guidance than just saying "hold an election".

Commissioner Johnson stated at the last meeting Mr. Sartor had stated it was the Chairman's position to lead the discussion. Commissioner Johnson indicated he felt if all the Commissioners were in agreement to have the discussion before a nomination and vote is made, it would be the Chairman's position to hold off the election until after a discussion.

Commissioner Mitracos stated the last Council meeting went until after 12:30 a.m., and he was hesitant to bring this item before them as loaded as they were.

Vice Chair Ransom stated her feeling was if you know something is wrong, you should do something about it. Vice Chair Ransom stated she wanted to go on record to say the Commission had the ability to fix the problem.

Commissioner Alexander stated he felt the Commission should fix the issue.

Commissioner Mitracos stated he was good with the agreement discussed, and he felt the issue was about the Commission and how it would run the process.

Chair Manne asked if the Commission decided on the agreement and it did not necessitate a Bylaws change, would the Commission members like to discuss the agreement process now. Vice Chair Ransom stated she thought it was known where each Commissioner stood.

Chair Manne opened the public discussion.

Robert Tanner 1371 Rusher addressed the Commission. Mr. Tanner stated he had not heard of any other Board or Commission having this problem. Mr. Tanner stated the Commission has made decisions about million dollar projects, and it needed to make a decision about how to have an election of Chair.

Commissioner Mitracos stated it was not so long ago that the Bylaws were not uniform, and the reason for that escaped him. Mr. Sartor indicated that Council had asked that all the Bylaws be uniform, which made it easier to know the Bylaws of a particular Board or Commission if a Commission member had a complaint.

Vice Chair Ransom stated that having a line or two which stated "before an election should take place, a discussion needs to happen" is not telling other Commissions what to do. Vice Chair Ransom stated she didn't know what other Commissions did, however when she left the last election of officers it hit her that it was not done as an election should be.

Chair Manne closed the public discussion.

Chair Manne asked if there were any further comments on the matter. Seeing there were none, the discussion was ended.

Vice Chair Ransom asked for an update on what was going on Central Avenue. Vice Chair Ransom stated she had spent six minutes on Central behind a Greyhound bus as it turned on Sixth Street and stopped to unload passengers and luggage. Mr. Dean stated there would be discussion on Central at the Monday night workshop. Vice Chair Ransom stated she was questioning the Downtown Plaza. Mr. Dean stated the comment would be passed on the appropriate staff person.

Chair Manne asked if the Agenda for the workshop on Monday had been released yet. Mr. Dean stated he had worked on it, and it would be published the following day.

6. ADJOURNMENT

It was moved by Commissioner Mitracos and seconded by Commissioner Alexander to adjourn.

Time: 8:01 p.m.



CHAIR

STAFF LIAISON