

MINUTES
TRACY CITY PLANNING COMMISSION
FEBRUARY 22, 2012
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. CONDUCT A SCOPING SESSION TO OBTAIN COMMENTS FROM THE PUBLIC ON WHAT INFORMATION SHOULD BE INCLUDED IN THE PROPOSED ELLIS SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT
 - B. PUBLIC HEARING TO CONSIDER A GENERAL PLAN LAND USE DESIGNATION AMENDMENT OF A 10-ACRE SITE IN THE EASTLAKE AND ELISSAGARAY RANCH SUBDIVISIONS FROM PUBLIC FACILITIES TO RESIDENTIAL LOW. THE APPLICANT IS CHRIS TYLER AND THE PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBER GPA10-0004
 - C. PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT FROM DOWNTOWN (D) TO COMMERCIAL (C) AND REZONE FROM LIGHT INDUSTRIAL (M-1) TO PLANNED UNIT DEVELOPMENT (PUD) – THE SITE INCLUDES FIVE PARCELS ON THE NORTH SIDE OF W. SIXTH STREET BETWEEN N. "B" STREET AND N. "C" STREET (615 N. "C" ST., 63 W. SIXTH ST., 69 W. SIXTH ST., 77 W. SIXTH ST., AND 99 W. SIXTH ST., TRACY; ASSESSOR'S PARCEL NUMBERS 235-066-08 THRU 12) – THE APPLICANT IS STAN SHORE FOR THE STAN SHORE TRUST
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT

5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

* * * * *

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 Kimberly Matlock, Assistant Planner; Alan Bell, Senior Planner; Bill Dean, Assistant Director of Development Services; Bill Sartor, Assistant City Attorney; and Elizabeth Silva, Recording Secretary.

MINUTES

It was moved by Vice Chair Ransom and seconded by Commissioner Johnson to approve the minutes of December 21, 2011 and January 11, 2012 as written. Voice vote found all in favor; passed 5-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None
2. NEW BUSINESS
 - A. CONDUCT A SCOPING SESSION TO OBTAIN COMMENTS FROM THE PUBLIC ON WHAT INFORMATION SHOULD BE INCLUDED IN THE PROPOSED ELLIS SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT

The staff report was provided by Bill Dean, Assistant Director of Development Services. Mr. Dean stated the purpose of this item was not to answer questions about the outcomes of the environmental analyses but rather to discuss what should be included in the analyses for the Environmental Impact Report (EIR). Mr. Dean introduced Laura Worthington-Forbes of RBF Consulting. Ms. Worthington-Forbes provided an electronic presentation. Ms. Worthington-Forbes provided a brief overview of the Environmental Review process, and where they were in the process thus far. Ms. Worthington-Forbes indicated the Ellis Specific Plan (ESP) was a comprehensive planning document serving as the zoning for the Ellis project site. Ms. Worthington-Forbes stated the project was for up to 2250 residential units, and commercial and recreational uses. Ms. Worthington-Forbes provided a brief summary of issues which had been identified for review in the EIR for the Ellis Project. Ms. Worthington-Forbes stated the intent for this item was to solicit comments for the Ellis EIR, and the comments should be submitted to Bill Dean, Assistant Director of Development Services.

Commissioner Johnson asked if this was essentially a do-over of the previous project application or if there were changes to the proposed project. Mr. Dean stated the plan itself was essentially the same with a few minor changes. Commissioner Johnson asked for specifics on the changes. Mr. Dean stated he did not have the specifics at this time and staff was in the process of learning from the applicant what the changes would be. Mr. Dean stated the nature of the changes would be to make the document more of a zoning document, and tighten the standards.

Commissioner Alexander asked what the major concerns were which had resulted in the project being brought to court. Mr. Dean stated the previous project, which was not the focus of this discussion, had members of TRAQC concerned with various analyses that were performed such as traffic, air quality and water resources.

Vice Chair Ransom asked for information regarding the airport and the concerns with the approach to the airport zone and if there was a solution to address the concerns. Mr. Dean stated he did not have an answer this evening but it was a question which would be looked at as the project goes forward.

Chair Manne opened the public hearing.

Mark Connolly, 121 East Eleventh Street, addressed the Commission on behalf of TRAQC. Mr. Connolly provided the Commission with a letter to staff regarding the previous project, and copies of the statement of Decision from the Judge who heard the case. Mr. Connolly stated he had gone through the Initial Study, and also the EIR for the previous project and he noted some major changes, however some of the changes required by the Judge's decision had not occurred. Mr. Connolly stated one of the issues not addressed was inadequacy of the description of the project. Mr. Connolly stated if the project was built out, the residents would only have 3 acres of passive use park which was less than the 4 acres minimum and the 5 acre objective, and the other acreage would be made up of the aquatic center which they would have to pay a fee to use. Mr. Connolly stated at best this project was providing less than the minimum open-space parkland than would be required. Mr. Connolly indicated the language in the Initial Study was ambiguous regarding complying with the Airport Land Use Plan, and the Airport zones. Mr. Connolly indicated that he and the Judge disagreed that there was no study needed for the natural gas pipelines running under the site. Mr. Connolly stated in terms of the airport they were taking the same argument that it did not need to be studied but would be studied as a courtesy. Mr. Connolly stated this project did not provide one single benefit beyond any other development project.

Carol Dominguez of 1580 Hearthsong Drive, Manteca addressed the Commission. Mrs. Dominguez stated she was currently serving on Pipeline Safety Trust's newly formed National Pipeline Safety Advocacy Committee. Mrs. Dominguez stated she was not here as an expert, rather was here a citizen concerned with the City's plan of development over PG&E's pipelines currently located in rural areas. Mrs. Dominguez stated she had taken on PG&E with the CPUC regarding the planned development of the sports facility on the antenna farm, and won her case. Mrs. Dominguez stated it was the City Council who had misspent \$4.5 million on the sports facility. Mrs. Dominguez indicated she was surprised the City was using the same consulting firm that had produced the previous EIR. Mrs. Dominguez stated written comments were made during the review period regarding the safety and of the natural gas pipelines. Mrs. Dominguez stated the response in the FEIR was "operation of the pipelines by PG&E and construction activities by project contractors would be in accordance with State and Federal regulations

regarding pipeline operations." which did not address the issues raised in the comment. Mrs. Dominguez stated the City had argued comments made at later hearings regarding these safety concerns were not relevant. Mrs. Dominguez stated on December 16, 2011 commenters had again argued a 660 foot setback was required. Mrs. Dominguez stated the analysis and responses regarding the setback were insufficient. Mrs. Dominguez stated there was no analysis regarding why a 100 foot setback was sufficient, and a 660 foot setback was unnecessary. Mrs. Dominguez stated she had brought documents and requested the documents be reproduced for City Council and the Planning Commission. Mrs. Dominguez stated she had brought a study which provided the formula for determining the explosion zone, and therefore how far a setback should be. Mrs. Dominguez stated she also brought the Pipeline Safety Trust's Landowners Guide to Pipelines, and the National Transportation Safety Board's report on the PG&E San Bruno pipeline rupture and fire. Mrs. Dominguez stated she used to come and talk about the pipelines and people would respond to her that it could never happen; and since then, San Bruno happened. Mrs. Dominguez stated this project as well as any other project on the PG&E pipelines was out of the question, and was a complete and utter disregard for the public safety.

Dave Anderson, Vice President of the Tracy Airport Association addressed the Commission. Mr. Anderson stated he wanted to discuss the impact of the project on the Tracy Airport. Mr. Anderson stated the City was obligated by Title 49 of the U.S. Code to protect the Airport from encroachment and required to mitigate any risks. Mr. Anderson stated the City was required to operate the airport to perpetuity or return it to the Federal Government, and he had included a copy of the deed to the airport for the record. Mr. Anderson stated part of the process of developing around airports; the Public Utility Code required the Airport Land Use Commission and the City to use the Airport Planning Guide, which he had included. Mr. Anderson indicated the City was obligated to use the most current information to determine the safety of the airport, as was determined in a lawsuit in Watsonville where the Judge ruled that the City was obligated to use all of and the most recent of information in determining the safety of the airport and its zones. Mr. Anderson stated in the Surland and Tracy versus TRAQC decision, the Judge included this ruling in his decision. Mr. Anderson stated the safety zones were implemented after a jet landed in an ice cream parlor at the end of a runway in Sacramento in 1976. Mr. Anderson stated the swimming pool in the Ellis project would be built at the end of the runway. Mr. Anderson stated in 2008 in Las Vegas there were engine failures which resulted in fatalities when the aircrafts landed in the neighborhood built near the end of the airport. Mr. Anderson stated the Airport Master Plan calls for the City to purchase the land at the end of the runway as a safety zone, and it hasn't been done, though it has been in the plan since 1996. Mr. Andersons stated before homes were built across the street from the airport, many pilots went before Council and said it was a bad idea to build houses near the airport, and noise would be a problem. Mr. Anderson added that last year representatives of the City and the FAA met with the residents of those homes who were complaining about the noise of the Airport. Mr. Anderson stated Ellis would be right at the departure part of the runway. Mr. Anderson stated the City should look at alternative sites for this project.

Chair Manne asked Mr. Anderson if there was air traffic over Glenbriar Estates, as that was the neighborhood he lived in. Mr. Anderson answered yes. Chair Manne asked if these concerns had been voiced before that project was built. Mr. Anderson answered yes. Chair Manne asked what the result was of those comments. Mr. Anderson stated the City blew them off. Mr. Anderson added there was a school there that should not be there because it was too close to the center line of runway, and Caltrans had told the City not to build it there.

Commissioner Mitracos asked if it was correct that Caltrans had jurisdiction over a portion of this, and the FAA had some requirements also. Mr. Anderson stated that was correct. Commissioner Mitracos asked if any of the parameters had changed in the last two to three years. Mr. Anderson stated the size of the protection zones around the airport had increased in the last few years, and there was more legislation regarding protecting the airports. Commissioner Mitracos stated Caltrans had made recommendations, but not mandates or the project would not have been built. Mr. Anderson stated the City had ultimate authority about what it puts where. Commissioner Mitracos asked what the role of the FAA was in regulating this issue. Mr. Anderson stated the FAA had specific stipulations protecting in the area above the airport, but not what goes on the ground. Mr. Anderson said it was the City's responsibility to act to protect its citizens and it shouldn't build houses near an airport, or over natural gas pipelines, or even near rail lines.

Commissioner Alexander stated he remembered an expert from the FAA had come to the previous meeting and indicated he felt the project was safe. Mr. Anderson stated he was not an expert from the FAA, he was an expert hired by Surland who used to work for the FAA. Commissioner Alexander stated the gentleman had said he had over thirty years' experience with the FAA. Mr. Anderson stated he himself was an expert too, as a pilot licensed by the FAA.

Stephen Bradford, a Tracy resident, addressed the Commission. Mr. Bradford stated he would like to see urban heat islands addressed in the EIR. Mr. Bradford stated they had been identified by NASA and they were contributing to global warming. Mr. Bradford stated as the heat islands grow, the demand for energy grows. Mr. Bradford stated a lot could be done to mitigate the impact of the project through the design. Commissioner Alexander asked if Mr. Bradford had brought any specific information on the issue. Mr. Bradford stated he had not brought anything; however he found the information on the NASA website.

Shelley Simonich of 1407 Aldacourrou Street addressed the Commission. Ms. Simonich stated no one had brought up the issue of the values of the homes in the City. Ms. Simonich stated when Edgewood was first built there was a lot of excitement, but after the homes were built, the values took a dip at least partly due to the noise of the ACE train. Ms. Simonich indicated that she could imagine the noise from an airplane coming in was not as loud as the ACE train. Ms. Simonich asked that the home values be considered, as they will affect a one to two mile radius from the homes in the project.

Chair Manne stated he could vouch for the noise of the ACE train.

Chair Manne closed the public hearing.

Commissioner Alexander stated he wished a representative from PG&E was present to ask questions regarding the pipeline issue. Vice Chair Ransom stated the concern has been included in the scoping process. Mr. Dean stated the comment regarding the pipelines was noted.

Chair Manne asked if SJCOG had any comments regarding the project. Mr. Dean stated the NOP and Initial Study had been routed in triplicate to SJCOG and no comments had been received to his memory.

B. PUBLIC HEARING TO CONSIDER A GENERAL PLAN LAND USE DESIGNATION AMENDMENT OF A 10-ACRE SITE IN THE EASTLAKE AND ELISSAGARAY RANCH SUBDIVISIONS FROM PUBLIC FACILITIES TO RESIDENTIAL LOW. THE APPLICANT IS CHRIS TYLER AND THE PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBER GPA10-0004

Kimberly Matlock, Assistant Planner provided the staff report. Mrs. Matlock indicated the item was for a proposed General Plan Land Use Designation amendment. Mrs. Matlock stated the site was a ten acre site located within the Elissagaray Ranch and Eastlake residential subdivisions. Mrs. Matlock stated the subject site was originally designated residential low, and in 2006-2011 General Plan update it was re-designated as Public Facilities to match other sites in the City that had been set aside as school or other public facility uses. Mrs. Matlock indicated the proposal was to change the designation from Public Facilities to Residential Low which would allow schools and other public facilities, single family homes, parks, places of worship, recreational uses, and other community centers. Mrs. Matlock stated public school was an allowable use in both land use designations. Mrs. Matlock indicated the application did not include any development proposal. Mrs. Matlock stated staff did recognize the school districts importance in this issue, and had reached out to the Tracy Unified School District (TUSD) on the application. Mrs. Matlock stated staff was told the school district had no commitment to build a school on this site at the current time, and was not opposed to the proposed amendment. Mrs. Matlock indicated staff had reached out to a much larger radius for the public hearing notice. Mrs. Matlock stated staff had received several comments regarding the application in which the primary concerns were regarding high density residential, and low income housing. Mrs. Matlock stated staff recommended approval of the application.

Chair Manne asked for clarification that if the application was approved, it did not preclude TUSD from building a school on the site. Mrs. Matlock answered that it did not.

Commissioner Mitracos asked for information regarding consistency standards regarding the development of the site. Mrs. Matlock stated the General Plan specified a density range for the Low Density Residential, and on the 10 acre site there could be a range of 21 to 58 homes. Mrs. Matlock stated the lot sizes would be similar to what is in the surrounding area, and architecture would be of the same standards or higher as the City does have adopted architectural standards for residential development. Commissioner Mitracos stated the neighborhood was built to the lower density range, and it could go to the higher range. Mr. Dean stated the designation of residential low would allow up to 5.8 units per acre which was consistent with its surroundings. Commissioner Mitracos stated once the zoning was there, there would not be any Planning Commission review. Mr. Dean stated the application was the first step in the process, and step two would be to look at the zoning of the site and ensure it was consistent with the General Plan, in this case PUD. Mr. Dean stated after that, in order to go through with the development of houses on the site, the project would have to go

through the subdivision process which is where the Commission was accustomed to reviewing the architecture, and the lay-out of the neighborhood. Mr. Dean stated should an application come before staff, it would be evaluated against City Standards, and the standards of the existing neighborhood. Commissioner Mitracos stated his concern was that the neighbors would be surprised by what is developed, but staff was saying there would still be an opportunity for public review. Mr. Dean stated that was correct.

Commissioner Mitracos stated he had spoken to representative of TUSD regarding the letter dated August 17, 2010 which references a Master Plan Facilities Analysis which was evidently still not complete. Commissioner Mitracos indicated the representative had stated there was a time constraint regarding how long TUSD could hold the property, and asked for information on the time constraint. Mr. Dean stated he did not have the exact numbers in mind; however there was a time limit in which the School District could have a hold on the land unless they have entered into an agreement with the private property owner. Commissioner Mitracos asked if in the future the site does not get developed, and the school district decided to go ahead and build the site, would the site have to be rezoned again. Mr. Dean answered no; it would be an allowable use in the Residential Low designation.

Chair Manne opened the public hearing.

Chris Tyler, 3208 Wycliffe Drive, Modesto addressed the Commission as the applicant and representative of the property owner. Mr. Tyler stated the entitlements of the subdivisions were done in the early 1990s and the original designation was Residential Low. In 2006 the City changed the proposed school site to Public Facilities. Mr. Tyler stated at that time there was still a development agreement which extended until 2007. Mr. Tyler indicated that it was clear from his correspondence with TUSD that they were not sure yet if the school was needed, and if it was, there was a variety of other viable sites that were available for the school. Mr. Tyler stated he had discussions with the neighbors in the area, and was surprised that the feedback he received was not concern about not building the school, but rather was they wanted something of quality to be built at the site.

Commissioner Mitracos asked for clarification of a statement Mr. Tyler made in the letter he had written. Mr. Tyler stated that what he meant by that statement was there was a contractual obligation to go back to the original home builders to ask if they wish to buy the site back, and there would naturally be some consistency in the design if they were to buy it; however he would not rely on that, and would keep the design standards for any design of the property.

Commissioner Johnson commended Mr. Tyler on his effort to do community outreach, and willingness to include his intentions on the letter to Ms. Goble.

Commissioner Alexander asked if TUSD had expressed why they chose not to go forward with a school at this site. Mr. Tyler stated at the time they felt they would need a

school in the area given the student generation rates that were projected; however they had found a way to accommodate the students elsewhere, and growth was happening more on the west side of Tracy.

Kelli Goble, 1201 Citadelle Street, addressed the Commission. Mrs. Goble stated her house backs up to the dirt lot. Mrs. Goble stated they had purchased the home with the hope that school would be built, but that ship had sailed. Mrs. Goble stated she would like to see something built there, and her concern was that there would not be 58 units. Mrs. Goble stated she wanted to see something similar to what was in the area and that it would not bring down the value of her home further. Chair Manne asked if Mrs. Goble would rather see a school built on the lot, or homes similar to hers. Mrs. Goble answered she would rather see homes built, as her children were older and in high school, and there were not enough young children in the area to warrant the school being built now.

Ubbo Coty, 738 Harold Smith Drive, addressed the Commission. Mr. Coty stated he was at the meeting where Mr. Tyler came to the Hidden Lake Homeowner's Association. Mr. Coty stated he asked Mr. Tyler what was his definition of a home and Mr. Tyler would not answer. Mr. Coty stated he was disturbed by that. Mr. Coty stated that he did not want to see more homes there, to bring down the value of the homes. Mr. Coty stated Hidden Lake prided itself on the lake, and he was concerned by the fact that a new development may use the name Hidden Lake. Mr. Coty further stated he was concerned by speeding traffic in the area, and wanted to know if there would be a traffic study in the area. Mr. Dean stated that the infrastructure in the area was designed to accommodate a lot more traffic than was currently in the area. Mr. Dean further stated traffic from a school site would have been more than the traffic from homes being developed on the site. Mr. Dean indicated speeding was a separate issue from the need for a traffic study which addressed the width of the street and other issues, and speeding traffic was more of traffic calming and could be addressed through Ripon Bhatia, Traffic Engineer.

Vice Chair Ransom asked if the zoning should have always been Residential Low as opposed to being changed to Public Facilities. Mr. Dean stated he appreciated the question and at the point in time it was accurate as to the intended land use for the property. Mr. Dean stated he wanted to make a comment about the nature of the quality of development. Mr. Dean stated that what was unique about the Planned Unit Development Zone was the standards were embodied in the project you are approving, and if at some point in the future, when an application gets approved for architecture and site layout that becomes fixed and becomes the zoning for the site. Vice Chair Ransom asked the applicant to verify that there were no immediate development plans for the site. Mr. Tyler stated there were no plans for the site, and this was just a step in the process. Mr. Tyler stated he was not opposed to a school and would like to still ask TUSD if they were interested in the site, but in his opinion that was not likely to happen.

Casey Goodall, Associate Superintendent for Business of TUSD, 1875 West Lowell Avenue, addressed the Commission. Mr. Goodall stated he came to TUSD in 1994 and at that time the issue was growth or too much growth. Mr. Goodall stated at the time, Bohn School did not appear to be able to handle the growth of the new development, but what happened was the growth in the Bohn area went down as this development went up; and Poet Christian was in the same area and had about the same capacity. Mr. Goodall further stated there was a five year timeline to protect citizens from School Districts tying up all the property. Mr. Goodall further indicated that as much as they would like to build the school, it didn't appear that it would be needed at this time. Mr. Goodall stated the school boundaries for elementary schools were smaller than those for the high schools, and there would not be a lot of growth within the elementary school boundaries.

Shelly Simonich of 1407 Aldacourrou Street addressed the Commission. Ms. Simonich stated she lived near the park on Dominique Street and was a real estate agent in the City. Ms. Simonich stated her concern was the value of the homes. Ms. Simonich stated the builder of a home was very important to the value of the homes, and if KB homes were built in the Pulte Homes area, the value of the area would go way down. Ms. Simonich indicated she was asking that there be more detail in the specs for the homes that may be built on the site. Ms. Simonich further stated the lot size should be large like the homes surrounding the lot. Vice Chair Ransom indicated Mr. Dean had stated that until there was a project, there would be no information available, and further, that the City could not discriminate on who the builder is or what options would be offered. Mr. Dean stated the City had no authority on who could develop the land or what goes on inside the home. Ms. Simonich asked about lot size. Mr. Dean stated that lot size was a land use issue, and would be regulated with the development application. Ms. Simonich stated that the lot size was important to the value of a home.

Edward Thomas of 2606 Ozark Drive addressed the Commission. Mr. Thomas stated that he had heard TUSD held an option on the property and he had not heard how long the option was for. Mr. Goodall stated the 5 year option expired about 12 years ago. Mr. Thomas asked why the owner had to wait for 12 years to do something. Mr. Dean stated the application had just been submitted 2 years ago,

Mariah, a resident of Elissagaray Ranch, addressed the Commission. Mariah stated she had purchased the home hoping the school would be built. Mariah stated she felt the reason why Bohn School was not overfilled because a lot of the residents wanted to transfer into Jefferson School District. Mariah further stated she did not want to see the lot sizes go down, and devalue her home.

Vice Chair Ransom asked for clarification that if this application was approved, a school could still be built on the site. Mr. Dean stated the application was to rezone to Residential Low, and schools were an allowed use for that designation. Mariah stated she would personally like to see a school built on the site.

Ubbo Coty addressed the Commission and stated he wanted to clarify that if the owner was allowed to rezone the property and sell the property for a profit, there was nothing to prevent them from the new owner from building whatever they wished. Mr. Coty further stated the new owner may want to build Section-8 housing. Chair Manne stated that if anything were to be built it would have to be approved by staff and Planning Commission, and maybe by City Council.

Lynda Gadd of 2689 Garazi Court addressed the Commission. Ms. Gadd stated she wanted to bring up crime in the area. Ms. Gadd stated the area was like an island and there had been an increase of crime in recent years. Ms. Gadd stated she felt having something built there would be good, but she was concerned with what was coming into the neighborhood.

Mariah, a citizen of Elissagaray Ranch asked what the possibility was to have a rezoning for Jefferson School District. Mr. Dean stated that was a school district issue and staff could not comment on that.

Don Abris, 1145 Dahlia Court, addressed the Commission. Mr. Abris stated he shared the comments of the previous commenters. Mr. Abris stated when he bought his home he had expected the school to be built. Mr. Abris stated Bohn School was not rated well, and he had to take his children to Manteca. Mr. Abris asked if the applicant had considered building a private school instead of a public school.

Commissioner Mitracos stated he appreciated that Mr. Tyler had made the effort to contact the residents. Commissioner Mitracos stated it was hard to predict the numbers for schools, and he felt this application made sense, and it did not preclude a school being built.

Commissioner Johnson stated he appreciated the input. Commissioner Johnson stated he was confident that the Commission would protect the interest of the citizens.

Chair Manne stated he appreciated the citizens coming out for the issue, and he had a similar issue in his neighborhood. Chair Manne stated this particular issue only affected the property owner at this point. Chair Manne stated the concerns which were raised needed to be brought back when there was a development application.

It was moved by Vice Chair Ransom and seconded by Commissioner Alexander that the Planning Commission recommend that the City Council approve an amendment to the General Plan land use designation of the 10-acre site in the Eastlake and Elissagaray Ranch subdivisions from Public Facilities to Residential Low. Voice vote found all in favor; passed 5-0-0-0.

Chair Manne called a five minute recess, and called the meeting to order at 9:36.

- C. PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT FROM DOWNTOWN (D) TO COMMERCIAL (C) AND REZONE FROM LIGHT INDUSTRIAL (M-1) TO PLANNED UNIT DEVELOPMENT (PUD) – THE SITE INCLUDES FIVE PARCELS ON THE NORTH SIDE OF W. SIXTH STREET BETWEEN N. “B” STREET AND N. “C” STREET (615 N. “C” ST., 63 W. SIXTH ST., 69 W. SIXTH ST., 77 W. SIXTH ST., AND 99 W. SIXTH ST., TRACY; ASSESSOR’S PARCEL NUMBERS 235-066-08 THRU 12) – THE APPLICANT IS STAN SHORE FOR THE STAN SHORE TRUST

The staff report was provided by Alan Bell, Senior Planner. Mr. Bell provided several maps of the property, and current and proposed zoning. Mr. Bell stated the application was for a rezone from Light Industrial to Planned Unit Development (PUD). Mr. Bell stated staff had received an inquiry for an auto service which was not an allowable use under the current zoning. Mr. Bell stated staff had received an application from the property owner to amend the General Plan and the zoning to allow for the uses proposed. Mr. Bell stated staff wanted to be sensitive to the homes across the alley, and included some development standards and behavior requirements not typically included in approvals for commercial or industrial projects. Mr. Bell stated the applicant was present as well as the proposed auto service business owner to answer any questions the Commission may have. Mr. Bell stated staff recommended approval of the application.

Commissioner Mitracos asked for information regarding the special landscaping. Mr. Bell stated in 1995 the site on the corner had no driveway on either Sixth or “C” Street. Mr. Bell further stated there was an application for a proposed driveway and a parking area, which did not leave enough room for required landscaping, and it was reduced to a two foot strip of landscaping on a portion of the property. Commissioner Mitracos stated he thought this was a creative way to find a use for the property without forgoing the long term vision.

Commissioner Johnson stated he felt the PUD was a powerful tool in this situation. Commissioner Johnson asked if, because it was a PUD, anything proposed on the site would have to come back to the Commission. Mr. Bell stated that the PUD Ordinance in Tracy was a bit cumbersome, and a new building would require a Planning Commission approval.

Commissioner Johnson asked for clarification on the requirement that uses had to be inside uses. Mr. Bell stated the five businesses would not be able to store merchandise or vehicles outside, or work on vehicles outside, due to proximity to residential uses.

Chair Manne opened the public hearing.

Stan Shore, 615 C Street addressed the Commission as the applicant and owner of one of the five parcels. Mr. Shore stated he had listed the property, and it was listed for 15 months. Mr. Shore further stated that he noticed within the first 6 months there was very little traffic on the street. Mr. Shore indicated in the 15 months there were only 5 serious inquiries. Mr. Shore stated he familiarized himself with the City’s master plan, and it hinged on the UPRR property being developed, which was going to be some time in the future. Mr. Shore stated he was in favor of the PUD because it would get the location occupied, they would clean the place up, and Mr. Shore stated he did not have a problem with the landscaping requirement. Mr. Shore indicated the auto repair business would be painting, installing new lighting and signs, and would be sharpest building on the street.

Mr. Dean stated that in all the PUDs he had been involved with, this was the most creative approach to try to work with the situation.

Chair Manne closed the public hearing.

Vice Chair Ransom stated it would change the look of the building and would be a good use and hopefully would inspire other sites in the area.

Chair Manne stated there was a building in Livermore that was a similar shape which restored classic cars, and was a museum.

It was moved by Commissioner Mitracos and seconded by Commissioner Alexander that the Planning Commission recommend that the City Council take the following action: 1. Approve the General Plan Amendment from Downtown (D) to Commercial (C), and; 2. Approve the rezoning of the site from Light Industrial (M-1) to Planned Unit Development (PUD) including the Concept, Preliminary and Final Development Plans. Voice vote found all in favor; passed 5-0-0.

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

It was moved by Vice Chair Ransom and seconded by Commissioner Mitracos to adjourn.

Time: 10:02 p.m.



CHAIR



STAFF LIAISON