

MINUTES
TRACY CITY PLANNING COMMISSION
JUNE 27, 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. PUBLIC HEARING TO CONSIDER A PROPOSAL TO ADOPT A NORTHEAST INDUSTRIAL SPECIFIC PLAN, AMEND THE TEXT OF THE ZONING ORDINANCE TO INCLUDE A NORTHEAST INDUSTRIAL SPECIFIC PLAN ZONE AND REZONE THE NORTHEAST INDUSTRIAL PLANNING AREA FROM PLANNED UNIT DEVELOPMENT TO NORTHEAST INDUSTRIAL SPECIFIC PLAN. APPLICATION NUMBERS SPA12-0003, ZA12-0006 AND R12-0003
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 Johnson, Commissioner Sangha, Vice Chair Ransom and Chair Manne present; Commissioner Mitracos was absent. Also present were staff members Victoria Lombardo, Senior Planner; Bill Dean, Assistant Director of Development Services; Bill Sartor, Assistant City Attorney; and Elizabeth Silva, Recording Secretary.

MINUTES – None

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean, Assistant Director of Development Services stated the election of officers was missing from the agenda and would be on the next meeting agenda.

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None
2. NEW BUSINESS
 - A. **PUBLIC HEARING TO CONSIDER A PROPOSAL TO ADOPT A NORTHEAST INDUSTRIAL SPECIFIC PLAN, AMEND THE TEXT OF THE ZONING ORDINANCE TO INCLUDE A NORTHEAST INDUSTRIAL SPECIFIC PLAN ZONE AND REZONE THE NORTHEAST INDUSTRIAL PLANNING AREA FROM PLANNED UNIT DEVELOPMENT TO NORTHEAST INDUSTRIAL SPECIFIC PLAN. APPLICATION NUMBERS SPA12-0003, ZA12-0006 AND R12-0003**

The staff report was provided by Victoria Lombardo, Senior Planner. Mrs. Lombardo stated the purpose of the item was linked to the Economic Development Strategic Plan. Mrs. Lombardo indicated when the land in the Northeast Industrial Area (NEI) area was annexed into the City it was zoned Planned Unit Development (PUD), which required all proposed development to go to City Council for approval. Mrs. Lombardo stated the proposal was to convert the Concept Development Plan to a Specific Plan, which would allow the Development Services Director to approve the project if it met the development standards of the plan. Mrs. Lombardo stated this could streamline the approval process for projects in the area. Mrs. Lombardo stated there was one change to the plan which would be to the maximum building height limit, changing it from 46 feet to 60 feet. Mrs. Lombardo stated staff had provided a revised proposed Ordinance which was an exhibit to the Resolution. Mrs. Lombardo stated the revisions were technical changes to the wording but did not change the intent of the Ordinance. Mrs. Lombardo indicated staff recommended approval of the conversion of the PUD and rezone to a Specific Plan. Mr. Dean

added that over the years, the Commission had spent time on Conditional Use Permits in the NEI area, and that would not change.

Chair Manne asked how changing this could make the process easier for the Planning Commission. Mrs. Lombardo indicated the current process would take a staff review, then a Planning Commission approval, and then final approval by the City Council, which, because of agenda deadlines and public hearing deadlines, could potentially tack on months to the approval process. Mr. Dean added that there would still be a procedural due process; and it would just be brought to the director level. Chair Manne asked for clarification that this did not take out any due process. Mr. Dean stated this was correct.

Commissioner Johnson asked if this was just proactive, and not do any particular complaint. Mrs. Lombardo stated this was staff originated, however historically there had been developer complaints about the amount of time a development approval would take. Commissioner Johnson asked for clarification about the appeal process. Mr. Dean stated if a project was approved on any level, there is a ten day appeal period, during which time anyone can appeal the decision. Commissioner Johnson asked if the Director would hear the appeal. Mr. Dean stated an appeal would come before Commission.

Vice Chair Ransom asked for clarification on the public hearing notice time period. Mrs. Lombardo stated the public hearing noticing would be the same, however the hearing could be scheduled at any time rather than having to wait for a regularly scheduled Planning Commission meeting.

Vice Chair Ransom asked for information regarding the flood plain. Mrs. Lombardo stated none of the properties in the plan were actually in the flood plain.

Vice Chair Ransom asked about the policy objective regarding manufacturing uses. Mrs. Lombardo stated the plan was originally written with the hope that higher-tech businesses would come to Tracy; and the plan was written that way because there was already an ISP (Industrial Areas Specific Plan) consisting mainly of the South Tracy and MacArthur areas which was mainly warehousing uses.

Vice Chair Ransom stated the proposed animal shelter didn't seem to fit the area. Mrs. Lombardo stated Council had approved a list of CIP projects and a large project approved was the animal shelter on a specific site within the plan area. Mr. Dean added that placing an Animal Shelter near a restaurant or a daycare center may not be a good fit either. Vice Chair Ransom asked if it was placed there as a conditional use because there was no else to put it, and if it was a good fit for the area. Mr. Dean stated it fit an industrial setting, and there were many animal shelters in industrial settings.

Vice Chair Ransom asked what type of minerals could be extracted at a later date as stated in the plan. Mrs. Lombardo stated in most of the City Specific Plans, and in the Code there

contained this type of language. Mrs. Lombardo further stated on most title documents for homes this language was included which stated you have purchased the land and the structure but not the rights to mineral deposits.

Vice Chair Ransom asked why auto supplies stores were conditionally permitted. Mrs. Lombardo stated staff felt this was directed toward a retail-type store, and not wholesale manufacturer sales.

Chair Manne asked about auto dismantling uses. Mrs. Lombardo stated most of the time, auto dismantling uses involved outdoor-storage and that was not an allowable use.

Commissioner Johnson asked if the higher height limit would be for commercial businesses also. Mrs. Lombardo answered it would be for industrial and office types of buildings.

Buddy Ender of 2399 East Grant Line Road addressed the Commission. Mr. Ender asked if staff was saying it was ok to place an animal shelter in a warehouse area. Mrs. Lombardo answered yes. Mr. Ender stated that should never happen. Mr. Ender stated he just received the notice earlier in the week, and he would have liked to review the documents that were being discussed. Mrs. Lombardo stated the documents were available on the website, at City Hall, and at the public library. Mr. Ender further stated there were pieces of land in the plan that he believed were in fact in the flood plain. Mrs. Lombardo stated the document staff had used was the FEMA Federal Flood Plain Map. Mr. Ender stated their map was printed wrong. Mr. Ender stated he was a truck driver and he did not feel 10 days was long enough of a public hearing notice period.

Marilyn Marty of Grant Line Road stated she didn't agree with making a change to allow quicker approval of development. Ms. Marty stated she farmed, and would continue to farm. Ms. Marty added she felt the development was going to make it harder to farm, and the farmers were being restricted more and more. Ms. Marty asked how the new Grant Line Road would affect her getting to her property, and the farm equipment getting to the property.

Vice Chair Ransom asked if this proposal would make any change to the right to farm, or if the proposal would make any changes to the roadway and sidewalks. Mr. Dean stated this item before the Commission was for a name change to the existing document and zoning change to the area.

Mr. Ender asked how Ms. Marty would be able to spray her fields by aircraft if it was surrounded by tall buildings. Chair Manne stated Ms. Marty would still be allowed to farm, and if there was a proposed tall building proposed next to farmland, it would be reviewed before approved. Mr. Dean stated the point is well taken about the right to farm.

Commissioner Johnson stated he felt this was a reasonable expectation that this become a Specific Plan. Commissioner Johnson further stated this was just streamlining the process, and removing the Commission from the process in the cookie cutter applications.

Joseph Ruse of 2513 Paradise Road addressed the Commission and asked if residents would still be receiving a mailing regarding applications. Mrs. Lombardo stated there was a legal noticing requirement for 300 feet from the subject property and often times staff would pull out a map and go further than that minimum requirement. Mr. Dean stated Mr. Ruse's name would be added to a mailing list.

Robert Tanner addressed the Commission and stated the Tri-Valley Herald only publishes three days a week now. Mrs. Lombardo stated the City publishes through a contract, and the last time the City put out a request for bids, the Tracy Press did not even respond.

It was moved by Commissioner Johnson and seconded by Vice Chair Ransom that the Planning Commission recommend the City Council adopt an NEI Specific Plan, approve a zone text amendment to the Tracy Municipal Code to create an NEI Specific Plan Zone, and approve the rezoning of the NEI Project Area from PUD to NEI Specific Plan, based on the findings contained in the Planning Commission Resolution dated June 27, 2012. Voice vote found all in favor, with Commissioner Mitracos absent. 4-0-1-0.

3. ITEMS FROM THE AUDIENCE – None

4. DIRECTOR'S REPORT

Mr. Dean stated that should anyone have any questions regarding the previous staff item, they could contact Victoria Lombardo anytime before July 17, 2012.

5. ITEMS FROM THE COMMISSION

Commissioner Sangha stated she hoped this item would speed up the development process and she supported the process streamlining.

Chair Manne stated Commissioner Mitracos was ill this evening.


6. ADJOURNMENT

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

Time: 7:53 p.m.



CHAIR



STAFF LIAISON