

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 19, 2014
7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

Chair Orcutt called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Chair Orcutt led the pledge of allegiance

ROLL CALL

Roll Call found Chair Orcutt, Vice Chair Vargas, Commissioner Sangha, Commissioner Mitracos, and Commissioner Ransom present. Also present were staff members Bill Dean, Assistant Development Services Director, Kimberly Matlock, Assistant Planner, Bill Sartor, Assistant City Attorney, and Sandra Edwards, Recording Secretary.

MINUTES APPROVAL – None.

DIRECTOR'S REPORT REGARDING THIS AGENDA – Bill Dean, Assistant Development Services Director, reported

ITEMS FROM THE AUDIENCE – None.

1. **OLD BUSINESS** – None

2. **NEW BUSINESS**

- A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION TO ALLOW AN INDOOR SPORTS AND FITNESS TRAINING FACILITY AND ACADEMIC TUTORING STUDIO AT 3402 MARS COURT (APN 248-470-05) AND AN OUTDOOR SPORTS AND FITNESS TRAINING FIELD ON THE 2.7-ACRE VACANT PARCEL AT THE SOUTHWEST CORNER OF MARS COURT (APN 248-470-26). APPLICANT IS ELITE TRAINING ACADEMY OF CALIFORNIA, LLC. PROPERTY OWNERS ARE STIP SPE I, LLC AND HOF FINANCIAL I, LLC. APPLICATION NUMBER CUP14-0004

The subject property is located east of Tracy Boulevard in the vicinity of Gandy Dancer Drive and Mars Court (Attachment A: Location Map). The site includes an approximately 30,000 square foot existing building on an approximately 1.7 acre parcel at 3402 Mars Court (APN 248-470-05) and an approximately 2.7 acre vacant parcel at the southwest corner of Mars Court (APN 248-470-26).

The project consists of an indoor sports and fitness training facility and an academic tutoring studio proposed within a portion of the existing building at 3402 Mars Court and also an outdoor sports and fitness training field on the

vacant 2.7 acre parcel across the street (Attachment B: Site Plan and Floor Plan).

The indoor training facility and tutoring studio would be located in two separate tenant spaces, totaling approximately 13,320 square feet. The project would offer an after school program for children, which would include both a fitness training session and an academic session. The fitness center would include weights and cardio equipment. The facility would also offer training for a wide variety of sports throughout the day. A juice bar would be included for refreshments. The academic portion would provide the children with assistance on homework and be conducted in a separate, adjacent tenant space with classroom/study areas. The separation in tenant spaces is necessary to comply with State Building Code requirements related to assembly uses.

The outdoor facility would include a 2.7 acre multi-purpose practice field for sports, such as football, baseball, soccer, and track. The practice field would be an extension of the indoor sports and fitness facility and be used by the same members. The practice field would not be intended for tournaments or games, but would rather be used to reinforce the techniques and lessons taught indoors. The entire practice field would be irrigated and planted with grass.

The proposed use would primarily serve children and would function similar to a gymnastics, dance, or martial arts studio, with the majority of the children being dropped-off and picked-up later. Adults would also be able to use the fitness center. The operating hours would be 8:00 a.m. to 8:00 p.m., seven days a week. The peak times during the school year would be after school hours on weekdays and all day on weekends. Peak times during the summer would be all day, all week. The estimated maximum number of children during peak times would be approximately 120. The estimated maximum number of parents/adults to be present as spectators or fitness participants would be approximately 30. The maximum number of staff during peak times would be approximately 10.

The site is zoned Light Industrial (M1) and designated General Industrial by the City's Industrial Areas Specific Plan (ISP). The General Plan designation is Industrial (I). The surrounding areas to the north, west, and south are zoned Light Industrial (M1) and designated General Industrial by the ISP. The area to the east is zoned Planned Unit Development (PUD) for a residential subdivision, known as Glenbriar. The proposed use is allowed in the General Industrial designation of the ISP with approval of a Conditional Use Permit.

The Planning Commission has previously approved many other recreational and instructional uses in similar industrial areas. This particular building contains a church and a martial arts studio, which were both previously approved by the Planning Commission. Other tenants in the building include typical light industrial uses, such as warehouse, wholesale, distribution, and light manufacturing. The proposed use would be compatible with the uses permitted on this site and in the surrounding area because the hours of operation and characteristics of the use would not introduce noise, visual impacts, or other objectionable elements to the area.

The Tracy Municipal Code does not state specific off-street parking requirements for the proposed use. However, as is permitted by the Tracy Municipal Code, the Planning Commission has made the determination in previous years that the minimum parking requirements should be one space per employee and one space per every four non-driving age students for similar recreational and instructional uses, such as dance studios, karate studios, gymnastic studios, and children's jumpy places. This parking requirement is consistent with the applicant's expectation that most children will be dropped-off and picked-up later.

Based on the parking requirement stated above and the proposed project description, the number of required parking spaces would be 40. The existing site contains 23 parking spaces for the proposed tenant space. The applicant is proposing to add one on-site parking space and 16 off-site parking spaces. The addition of these 17 parking spaces would satisfy the minimum parking requirements for this use. The off-site parking spaces would be added to the existing row of parking located on the adjacent parcel to the north, which was constructed for the church.

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, which pertains to certain infill development projects, because the project is consistent with the General Plan and Zoning; occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; has no value as habitat for endangered, rare or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services. Therefore, no further environmental assessment is necessary.

Staff recommended that the Planning Commission approve a Conditional Use Permit to allow a sports and fitness training facility and academic tutoring studio at 3402 Mars Court, APN 242-040-05, and an outdoor sports and fitness training field on the 2.7 acre vacant parcel at the southwest corner of Mars Court, APN 242-040-36, Application Number CUP14-0004, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated November 19, 2014 (Attachment C: Planning Commission Resolution).

It was moved by and seconded by that the Planning Commission approve a Conditional Use Permit to allow a sports and fitness training facility and academic tutoring studio at 3402 Mars Court, APN 242-040-05, and an outdoor sports and fitness training field on the 2.7 acre vacant parcel at the southwest corner of Mars Court, APN 242-040-36, Application Number CUP14-0004, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated November 19, 2014.

- B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE KAGEHIRO PHASE 3 PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A 128-LOT RESIDENTIAL SUBDIVISION ON APPROXIMATELY 24 ACRES LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND KAGEHIRO DRIVE. THE APPLICANT AND PROPERTY OWNER IS STANDARD PACIFIC CORPORATION. APPLICATION NUMBER D14-0020**

On August 20, 2013, City Council approved the Kagehiro Phase 3 project, which included rezoning an approximately 47 acre parcel located at the southeast corner of Kagehiro Drive and Corral Hollow Road (Assessor's Parcel Number 242-040-36) from Low Density Residential (LDR) to Planned Unit Development (PUD), approving a Concept, Preliminary and Final Development Plan, and approving a Vesting Tentative Subdivision Map to create 252 residential lots for single-family homes (Application Numbers PUD13-0001 and TSM12-0001).

Standard Pacific Corporation has now purchased the western half of the Kagehiro Phase 3 property, approximately 24 acres (Attachment A: Location Map). On September 2, 2014, Standard Pacific submitted an application to amend the Kagehiro Phase 3 Preliminary and Final Development Plan regarding the architecture and design of the proposed houses.

The proposed amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan involves a change to the approved architecture for the western half of the Kagehiro Phase 3 property, approximately 24 acres, for a 128-lot residential subdivision because Standard Pacific Corporation desires to build houses with different architecture than previously approved (Attachment B: Preliminary and Final Development Plan/ Architectural Packet and Attachment C: Conceptual House Plotting Plan).

The proposed architecture consists of five plan types (all single-family detached homes) with four different elevation types per plan (total of 20 different house designs). The proposed houses range in size from approximately 2,300 square feet to 3,700 square feet, with one single-story plan type and the rest two-story. The proposed architecture includes a variety of building materials and interesting details. The architectural details are generally carried around to all four sides of the houses. The proposal includes setting back the garages a minimum of 30 feet from the front property line on at least 20% of the lots. The proposed amendment is consistent with the City's Design Goals and Standards.

As documented in the City Council approvals on August 20, 2013, the Kagehiro Phase 3 Preliminary and Final Development Plan and the Vesting Tentative Subdivision Map are consistent with the Residential Low designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011. All cumulative and offsite impacts associated with development and buildout of the project were fully addressed in the General Plan EIR and there are no site specific or peculiar impacts associated with the project that cannot be substantially mitigated to a less-than-significant level through the application of uniformly applied standards and policies that would be applied to the project. The proposed amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan, which involves a change only to the architecture, would not affect the previous findings. Therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required.

Staff recommended that the Planning Commission recommend that the City Council approve an amendment to the Kagehiro Phase 3 Preliminary and Final

Development Plan for a 128-lot residential subdivision on approximately 24 acres located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Application Number D14-0020, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated November 19, 2014.

It was moved by and seconded by that the Planning Commission recommends that the City Council approve an amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan for a 128-lot residential subdivision on approximately 24 acres located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Application Number D14-0020, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated November 19, 2014.

C. REPORT OF CONFORMITY WITH THE CITY OF TRACY GENERAL PLAN FOR THE DISPOSAL OF REAL PROPERTY LOCATED THE SOUTHEAST CORNER OF NAGLEE ROAD AND PARK AND RIDE DRIVE (APN 212-290-48). THIS IS A CITY INITIATED PROJECT - APPLICATION NUMBER DET14-0003

In April 2005, the City approved a Disposition and Development Agreement (DDA) with Armadillo Realty LLC., a Nevada limited liability company. The Agreement provides for the Developer to develop a Texas Roadhouse Restaurant and certain onsite and offsite improvements, which included streets, sidewalks, storm drains, sanitary sewers, common area landscaping, and other improvements on Parcel 1. The DDA also provided that the Developer develop certain infrastructure on the real property adjacent to Parcel 1, referred to as Parcel 2 (Attachment A), which consisted of a 4,000 square foot pad site and certain onsite and offsite improvements, which included streets, sidewalks, storm drains, sanitary sewers, common area landscaping, and other improvements.

Since the execution of that agreement, the site has not been occupied. Due to site constraints, the City has received sparse interest in developing the site, particularly as it relates to restaurants focused on providing a "sit-down style" business model. Becker Commercial Properties Tracy, LLC (BCP) is currently marketing the property under an Exclusive Negotiating Rights Agreement (ENRA) and has received a fully executed Letter of Intent from El Pollo Loco, a new restaurant use for the City of Tracy, which plans to develop and occupy the site. In order for development of the property to move forward, the subject property must be conveyed to the new property owner upon the execution of a purchase and sale agreement.

The City has initiated this disposal of real property because it has been determined that the subject property will not be needed for any future public facilities.

Whenever a public agency proposes to dispose of real property, California Government Code, Section 65402 requires a report of conformity with the General Plan. If the Planning Commission reports that disposal of the property is in conformance with the General Plan, City Council will conduct a public hearing

and decide whether or not to declare a surplus of property and vacate the property for sale.

The subject property has a General Plan land use designation of Commercial and a zoning designation of Planned Unit Development within the I-205 Corridor Specific Plan. The commercial land use designation allows restaurants. The proposed sale is for the development and operation of a restaurant on the site. The requested disposal of real property, therefore, is in conformance with the General Plan because it would allow commercial use of the land in conjunction with the adjacent restaurant uses.


The proposed disposal of real property is categorically exempt from the California Environmental Quality Act pursuant to Section 15312 of the CEQA Guidelines. This exemption pertains to surplus government property sales where the property proposed for disposal does not have significant value for wildlife habitat or other environmental purposes. The small parcel has no wetlands or stream crossings, has been graded and cleared for several decades, and is surrounded by urban uses, and therefore has no significant wildlife or environmental value.

Staff recommends that the Planning Commission report that the disposal of real property located at the southeast corner of Naglee Road and Park and Ride Drive is in conformity with the City of Tracy General Plan, as stated in the Planning Commission Resolution (Attachment B: Planning Commission Resolution).

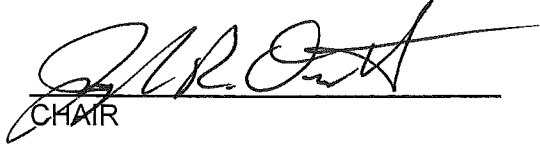
Move that the Planning Commission report that the disposal of real property located at the southeast corner of Naglee Road and Park and Ride Drive is in conformity with the City of Tracy General Plan, as stated in the Planning Commission Resolution.

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

6. ADJOURNMENT – It was moved by Commissioner and seconded by Commissioner to adjourn. Time: p.m.



STAFF LIAISON



CHAIR

