

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, DECEMBER 17, 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. and led the pledge of allegiance.

ROLL CALL - Roll call found Commissioners Mitracos, Ransom, Sangha, Tanner, and Chair Orcutt present. Also present were staff members Bill Dean, Assistant Development Services Director, Alan Bell, Senior Planner, Victoria Lombardo, Senior Planner, Bill Sartor, Assistant City Attorney, and Sandra Edwards, Recording Secretary.

MINUTES APPROVAL - It was moved by Commissioner Ransom and seconded by Commissioner Sangha to approve the minutes of November 19, 2014. Voice vote found Commissioners Mitracos, Ransom, Sangha and Tanner in favor; Chair Orcutt abstained.

DIRECTOR'S REPORT REGARDING THIS AGENDA – Bill Dean, Assistant Development Services Director, congratulated Robert Tanner on his appointment to the Planning Commission.

ITEMS FROM THE AUDIENCE – None.

1. **OLD BUSINESS** – None.

2. **NEW BUSINESS**

- A. **PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN AND A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A 21,300 SQUARE FOOT, AUTO BODY REPAIR FACILITY ON AN APPROXIMATELY 1.66-ACRE SITE LOCATED ON THE NORTH SIDE OF AUTO PLAZA DRIVE (AT 2705 AUTO PLAZA DRIVE) ADJACENT TO AND EAST OF THE DEPARTMENT OF MOTOR VEHICLES BUILDING (APNS 212-270-15 AND A PORTION OF APN 212-040-11). THE REQUEST INCLUDES A PLANNING COMMISSION DETERMINATION REGARDING CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR THE CITY TO SELL A 42-FOOT-WIDE STRIP OF PROPERTY (APPROXIMATELY 7,120 SQUARE FEET) TO THE PROJECT DEVELOPER. APPLICANT IS SCHACK AND COMPANY, INC. FOR ARMIN AND LORI A. GHORBANI REVOCABLE TRUST** – Alan Bell, Senior Planner, provided the staff report. Mr. Bell provided a location map of the site on the overhead projector, which is located in the I-205 corridor specific plan, adjacent to the Department of Motor Vehicles site and a block north of the Winco Shopping Center. The proposed building is centrally located on the site. Other nearby businesses include an auto body repair, a tire store, and numerous auto dealers with auto service, and is consistent with City standards. The building is constructed of painted tilt-up concrete panels, glass store fronts, and metal-wrapped columns at the front of the building, near and facing Auto Plaza Drive. Mr. Bell outlined parking opportunities for customers and employees.

The subject property is adjacent to a City-owned and maintained storm-drain pond (DB10). The City acquired and developed DB10 approximately 20 years ago.

On the south side of DB10 is an approximately 42-foot-wide strip of property formerly used as a drainage ditch by the Naglee-Burke Irrigation District. Naglee-Burke Irrigation District discontinued use of the ditch many years ago. The proposed Tracy Collision site is adjacent to approximately 7,120 square feet of the unused, 42-foot-wide strip of City-owned property. This request is similar to the action taken when the Department of Motor Vehicles and Tracy Volkswagon developed their parcels. The 42-foot wide strip of property is outside of any improvements or plans the City would use for the parcel.

Staff recommended that the Planning Commission find that the sale of this property is consistent with the City's General Plan. Staff also recommended that the Planning Commission approve the Conditional Use Permit, and recommend that City Council approve the PUD Preliminary and Final Development Plan. Mr. Bell stated that the Planning Commission had been provided with three resolutions: one for the property sale, one to approve the Conditional Use Permit, and the last to recommend City Council approve the PUD Preliminary and Final Development Plan.

Commissioner Mitracos asked if the 42-foot strip could be used for a future bike or walking path. Mr. Bell stated the idea had been discussed with various City departments stating the use of the property discontinues half way west of Naglee Road towards Lammers Road. Mr. Bell added portions of the parcel have already been sold to neighboring businesses.

Commissioner Mitracos stated he was concerned that the City did not truncate any possibilities for the future. Mr. Bell discussed typical bike paths.

Chair Orcutt shared his experience regarding bike paths and connectivity, having served on the Transportation Commission.

Commissioner Mitracos referred to the vegetative swale on the perimeter of the property. Mr. Bell stated the requirement was largely driven by the State and now the City's storm water requirements.

Commissioner Ransom asked if the application for the sale of the parcel conformed to the General Plan and the parcel did not sell, could the applicant still move forward with their project. Mr. Bell stated if the sale did not occur, the applicant would have to revert to the original proposal that included a smaller building and smaller parking lot.

Commissioner Ransom asked for clarification regarding the revised resolutions and findings. Mr. Bell outlined the differences between the resolutions and their corresponding findings.

Commissioner Tanner asked for clarification regarding the address of the building. Mr. Bell stated the building would not be addressed until a building permit was obtained and would be an odd number.

Chair Orcutt asked for clarification regarding Condition of Approval B21 regarding a radio coverage system. Mr. Bell stated it was new building code requirement related to a series of antenna interior to the structure to allow fire personnel to communicate. Bill Dean, Assistant Development Services Director, added it was more of a reminder when a new code requirement is approved.

Chair Orcutt opened the public hearing.

Dan Schack of Schack and Company, on behalf of the applicants, addressed the Planning Commission. Mr. Schack stated they had been working on the project for approximately six months and asked the Planning Commission for their approval.

Commissioner Mitracos stated he appreciated the letter that the Ghorbani's submitted.

Commissioner Tanner stated he also liked the idea of sales tax coming away from the County and into the City. Commissioner Tanner asked for clarification regarding the number of new jobs. Mr. Ghorbani stated it would double the number of employees he currently has.

Chair Orcutt asked if the applicant's previous site would be maintained. Mr. Schack stated another use has already been planned for the previous site.

Chair Orcutt stated he was concerned that the site might not be large enough. Mr. Schack stated the applicants have performed due diligence and a methodical review has been undertaken, and that he believes this is exactly what he needs.

Chair Orcutt closed the public hearing.

Commissioner Ransom stated she also appreciated the letter from the applicant, which outlined their goals and plans.

It was moved by Commissioner Ransom and seconded by Commissioner Tanner that the Planning Commission determine that the sale of the 42-foot strip is consistent with the General Plan and that the City Council approve the Tracy Collision PUD Preliminary and Final Development Plan and approve the Tracy Collision Conditional Use Permit. Voice vote found all in favor; passed and so ordered.

- A. MINOR AMENDMENT TO THE PLAZA ONE FINAL DEVELOPMENT PLAN TO REPLACE PARKING STALLS WITH AN OUTDOOR DINING AREA ADJACENT TO THE BUILDING AT 2986 WEST GRANT LINE ROAD - APPLICANT IS JS KENDALL CONSTRUCTION, INC. FOR PLAZA ONE, LLC** – Victoria Lombardo, Senior Planner, provided the staff report. Ms. Lombardo stated the project was located in the Wal Mart Shopping Center and was a mirror image of what was done for the Five Guys Restaurant. Ms. Lombardo discussed outdoor dining and landscaping. Ms. Lombardo added that the applicant proposed eliminating six parking spaces to allow for a sitting/waiting area. To achieve that goal, City Council would have to approve a minor amendment to the final development plan. Ms. Lombardo added that staff had no concerns with the proposal and recommended that the Planning Commission recommend City Council approval.

Commissioner Mitracos asked if there was another segment of the building. Ms. Lombardo stated the two buildings butt up against each other. The western building is occupied by Mels Diner and Yippe Yogurt. On the adjacent building they are connected by a trellis with a vacant space to the west of the Five Guys Space.

Commissioner Mitracos asked if Mel's was a chain. Ms. Lombardo stated it was a franchise.

Commissioner Ransom asked if adding the 1,200 square feet required a change to the parking requirement. Ms. Lombardo stated no, and added the General Plan update discussed policies to allow for outdoor seating and that the outdoor seating did not count as floor space in regard to parking requirements. Ms. Lombardo discussed the I-205 Specific Plan regarding parking requirements.

Commissioner Ransom asked if there were any exclusive arrangements regarding burger establishments. Ms. Lombardo stated the owner of the two businesses is the same and Mel's specializes in breakfast, but also has burgers.

Chair Orcutt opened the public comment portion of the meeting. As there was no one wishing to address the Commission, the public comment period was closed.

It was moved by Commissioner Mitracos and seconded by Commissioner Ransom to recommend City Council approve the minor amendment to the Plaza One Final Development Plan to replace eight parking stalls with an outdoor dining area, waiting area and landscaping, based on the findings contained in the Planning Commission Resolution dated December 17, 2014. Voice vote found all in favor; passed and so ordered.

3. ITEMS FROM THE AUDIENCE – None.
4. DIRECTOR'S REPORT – Bill Dean stated he was encouraged by having business previously located in the County moving to the City, and to see general plan policies brought into effect. Mr. Dean added it has been a great year with the Commission considering a wide arrange of applications and that he appreciated the time and discipline the Commission has committed.
5. ITEMS FROM THE COMMISSION –
 - A. Nomination of Vice Chair. Commissioner Mitracos motioned to nominate himself; Commissioner Sangha seconded the motion. Voice vote found all in favor; passed and so ordered.

Chair Orcutt apologized for his absence at the last commission meeting, adding he was grateful to City staff to allow him to remain on the commission and keep his commitment.

Commissioner Ransom asked if the outside patio areas downtown around Town and Country and Emos restaurants were handicap accessible. Mr. Dean stated there is a sidewalk dining permit process and that accessibility is addressed. Mr. Bell added that in this case the sidewalk dining ordinance calls for a minimum of 48 inches of passage.

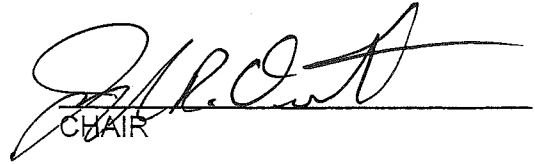
Commissioner Mitracos commented that one of the new businesses looks like the architecture includes pallets.

6. ADJOURNMENT – It was moved by Chair Orcutt, and seconded by Commissioner Sangha to adjourn. Time: 7:50 p.m.



A handwritten signature in cursive script that reads "Bill Dean".

STAFF LIAISON



A handwritten signature in cursive script that reads "J. Orcutt".

CHAIR

