

**MINUTES  
TRACY CITY PLANNING COMMISSION  
WEDNESDAY, FEBRUARY 24, 2016, 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

Chair Mitracos called the meeting to order at 7:01 p.m., and led the pledge of allegiance.

**ROLL CALL**

Roll call found Chair Mitracos, Vice Chair Tanner, Commissioners Orcutt, Sangha, and Ransom present. Also present were staff members Bill Sartor, Assistant City Attorney; Alan Bell, Senior Planner; Scott Claar, Senior Planner; Kimberly Matlock, Associate Planner; and Sandra Edwards, Recording Secretary.

**MINUTES APPROVAL** – It was moved by Commissioner Orcutt and seconded by Commissioner Sangha, to approve the Regular Meeting minutes of August 12, 2015, September 23, 2015, and October 14, 2015. Voice vote found all in favor; passed and so ordered.

**DIRECTOR'S REPORT REGARDING THIS AGENDA** – No report.

**ITEMS FROM THE AUDIENCE** – None.

**1. NEW BUSINESS**

- A. PUBLIC HEARING TO RECOMMEND ADOPTION OF THE 2015 – 2023 GENERAL PLAN HOUSING ELEMENT AND CEQA NEGATIVE DECLARATION** – Alan Bell, Senior Planner, introduced Veronica Tam, of Veronica Tam and Associates who provided the presentation.

The Commission discussed how housing projects were analyzed, rezoning parcels, minimum density, housing projects and the ability to achieve the Regional Housing Needs Allocation number, and inclusionary housing.

Chair Mitracos opened the public hearing. As no one was wishing to address the Commission, the public hearing was closed.

It was moved by Commissioner Orcutt and seconded by Commissioner Sangha that the Planning Commission recommend that the City Council adopt the Housing Element Negative Declaration and the 2015–2023 Housing Element. Roll call vote found Commissioners Orcutt, Sangha, Vice Chair Tanner and Chair Mitracos in favor; Commissioner Ransom abstained. Motion carried 4-0-0-1.

- B. PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT APPLICATION FOR AN EATING AND/OR DRINKING ESTABLISHMENT WITH ENTERTAINMENT AT 1005 E. PESCADERO AVENUE, UNIT #109 – APPLICANT IS HARPREET GILL AND PROPERTY OWNER IS 51 NEWCO LLC –**

**APPLICATION NUMBER CUP15-0008** – Commissioner Sangha recused herself from consideration of the item. Scott Claar, Senior Planner, provided the staff report.

The Commission asked for clarification regarding the Police Department's involvement in the application process, any special conditions of approval regarding security, and the possibility that the area was turning into a nightclub district.

The public hearing was opened.

A representative of the Venue stated the business would be a high-end, top notch restaurant and bar, adding that the night club piece of the business would operate Thursday through Sunday with security guards on site.

Also clarified for the Commission was that the business would serve a full menu, and a dress code was required.

A resident asked what age the Venue is geared toward. The representative stated for those in their twenties.

The public hearing was closed.

It was moved by Commissioner Ransom and seconded by Vice Chair Tanner that the Planning Commission approve the Conditional Use Permit application for an eating and/or drinking establishment with entertainment at 1005 E. Pescadero Avenue, Unit 109, subject to the conditions as stated in the Planning Commission Resolution dated February 24, 2016. Voice vote found all in favor; passed and so ordered.

- C. **PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FOR AN AUTOMOTIVE IMPOUND YARD AT 1133 AND 1175 W. ELEVENTH STREET – APPLICANTS ARE JESSIE WATSON AND MICHAEL THOMAS AND PROPERTY OWNER IS KULDEEP SIDHU - APPLICATION NUMBER CUP14-0013** – Kimberly Matlock, Associate Planner, provided the staff report

The Commission discussed property lines and property owners.

Chair Mitracos opened the public hearing.

Jesse Watson, applicant, stated they lease the building from Don Yerian.

The Commission further discussed property lines and the business operating without permits.

The public hearing was closed.

It was moved by Commissioner Ransom and seconded by Vice Chair Tanner to take no action on the application. Voice vote found all in favor; passed, and so ordered.

- D. **PUBLIC HEARING TO CONSIDER A PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATION FOR AN EXTERIOR REMODEL OF AN EXISTING DRIVE-THRU RESTAURANT (BURGER KING) LOCATED AT 2890 W. GRANT LINE ROAD - APPLICANT IS SUNNY GHAI AND PROPERTY OWNER R/O 2011 LLC. APPLICATION NUMBER IS D15-0023** – Kimberly Matlock, Senior Planner, provided the staff report.

The Commission discussed the appearance of the back flow device on the north side of the property, the condition of the asphalt and paving, and the trash enclosure.

The public hearing was opened.

Sunny Ghai, owner, stated his company owns 70 restaurants across 4 states. Mr. Ghai indicated it took him one year to get permits with the City of Tracy and that it was a cumbersome process.

The Commission further discussed the trash enclosure, its ownership, and maintenance, the bollards, and landscaping.

The public hearing was closed.

It was moved by Commissioner Ransom and seconded by Vice Chair Tanner that the Planning Commission recommend that the City Council approve the Preliminary and Final Development Plan for the exterior remodel of the Burger King restaurant at 2890 W. Grant Line Road, based on the determinations contained in the Planning Commission Resolution dated February 24, 2016. The motion was withdrawn.

The public hearing was re-opened.

Mr. Ghai stated the added Condition of Approval was fine, if they find that the asphalt in question serves Burger King and is on Burger King property.

It was moved by Commissioner Ransom and seconded Commissioner Orcutt, that the Planning Commission recommend that the City Council approve the Preliminary and Final Development Plan for the exterior remodel of the Burger King restaurant at 2890 W. Grant Line Road, based on the determinations contained in the Planning Commission Resolution dated February 24, 2016, adding a condition to repair any damaged asphalt attached to the property. Voice vote found all in favor; passed and so ordered.

2. **ITEMS FROM THE AUDIENCE** – None.
3. **DIRECTOR'S REPORT** – None.
4. **ITEMS FROM THE COMMISSION** – Commissioner Ransom asked if the property on West Eleventh Street (former Kentucky Fried Chicken) was a code enforcement issue. Mr. Bell stated he has received the information, and will discuss the concern with Code Enforcement staff.

5. **ADJOURNMENT** – It was moved by Commissioner Ransom and seconded by Vice Chair Tanner to adjourn. Voice vote found all in favor; passed and so ordered.

Time: 8:50 p.m.

  
STAFF LIAISON

  
CHAIR