

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, AUGUST 10, 2016
7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chair Ransom led the pledge of allegiance.

ROLL CALL

Roll Call found Chair Ransom, Vice Chair Tanner, Commissioners Orcutt, Hudson, and Sangha present. Also present were Andrew Malik, Development Services Director; William Dean, Assistant Development Services Director; Nash Gonzalez, Contract Planner; Kat Wellman, Deputy City Attorney; Gina Peace, Executive Assistant; and Sandra Edwards, Recording Secretary.

MINUTES APPROVAL – None.

DIRECTOR'S REPORT REGARDING THIS AGENDA – Mr. Dean stated agenda Item 1-B would be continued and not considered at tonight's meeting. Mr. Dean introduced Dan Doporto, legal counsel, and Gina Peace, the new Executive Assistant in Development Services.

ITEMS FROM THE AUDIENCE – None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A FENCING AND INDOOR ARCHERY STUDIO USE AT 1005 E. PESCADERO AVENUE, APN 213-060-40; APPLICANT IS ALAN GAGNER II AND PROPERTY OWNER IS 51 NEWCO, LLC, ET AL; APPLICATION NUMBER CUP16-0005 – Nash Gonzalez, Contract Planner, provided the staff report, noting that there was a correction in the resolution.

Commissioner Sangha recused herself from consideration of the item due to a possible conflict.

Commissioner Orcutt noted that there is entryway gate with posted hours, and inquired if the new center is adhering to these hours. Mr. Malik stated he was not sure; the posted hours are left over from the previous Outlet Center.

Chair Ransom opened the public hearing.

Hailey Gagner, of 342 E. 21st Street, Tracy, property manager for the office introduced herself. Applicant Alan Gagner is out of town for training, but available via phone.

Chair Ransom inquired about what age group the proposed studio would accommodate. Hailey stated that the studio would service youth ages 8 years old and up. In addition, the proposed studio would be working with Boy Scouts of America so boys can earn their archery badges.

Commissioner Hudson asked about safety constraints at the studio. Architect for the project, Messier Benitz of Sunnyvale, explained that the walls will be fully encased with padding. An 8-inch CMBU wall is required; details are included in building documents.

Commissioner Orcutt inquired if the studio will be operated similar to a firing range, with a range master. Applicant intends to use a three whistle system – standard archery practice. On the line, a single whistle indicates safe to shoot, double whistle means to stop and students are open to retrieve arrows, and three whistles indicates an emergency stop. Part of the curriculum is to see how each individual student is shooting, so there will be an instructor on the line at all times, and ensuring that students are being safe.

Vice Chair Tanner wondered if only bows will be used, or if crossbows will also be used at the studio. There will not be any crossbows, per the applicant. Applicant plans to teach both types of fencing: Olympic-style and Old English broad sword fighting.

As there was no one further wishing to address the commission, the public hearing was closed.

Chair Ransom expressed her concern that there is no vision for the former Outlet Center. Andrew Malik stated it is a challenged site for retail. The new owner is looking for uses other than retail, such as educational uses, night clubs, and banquet facilities.

ACTION: It was moved by Commissioner Orcutt and second by Vice Chair Tanner that the Planning Commission hereby approves a Conditional Use Permit to allow a fencing and indoor archery studio at 1005 E. Pescadero Avenue, Unit #127, Application Number CUP16-0005, based on the findings and subject to the conditions as stated in Exhibit 1. Voice vote found Commissioners Hudson and Orcutt, Chair Ransom, and Vice Chair Tanner in favor; Commissioner Sangha absent.

Commissioner Sangha rejoined the Commission at 7:22 p.m.

- B. PUBLIC HEARING TO CONSIDER APPROVAL OF A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A 461,810 SQUARE FOOT INDUSTRIAL DISTRIBUTION BUILDING WITH CORRESPONDING PARKING AND LANDSCAPE IMPROVEMENTS AND TO CONSIDER APPROVAL OF A VESTING TENTATIVE PARCEL MAP TO SUBDIVIDE THE PROPERTY FROM THE ADJACENT DEVELOPMENT, LOCATED AT 1305 E. PESCADERO AVENUE - APPLICANT IS HPA, INC; OWNER IS INDUSTRIAL PROPERTY TRUST- APPLICATION NUMBERS D16-0001 AND MS16-0001 – Item removed from consideration.
- C. RECOMMEND CITY COUNCIL INTRODUCE AN ORDINANCE TO CREATE AN OVERLAY ZONE TO ESTABLISH LAND USE LIMITATIONS AND ADDITIONAL DEVELOPMENT STANDARDS ALONG THE I-205 CORRIDOR EAST OF

TRACY BOULEVARD. APPLICATION NUMBER ZA16-0003 – Bill Dean, Assistant Development Services Director, provided the staff report.

Commission questions and comments followed.

Commissioner Orcutt asked if exceptional provisions would be allowed to match existing, grandfather buildings, but Bill Dean said that there were not any such provisions in the Overlay Ordinance.

Chair Ransom requested clarification in the zoning, and asked if this area only affected industrial properties. Bill Dean says the Ordinance only affects new development of large, industrial property only. Commission discussed PUD's as drafted, and Ordinance applies to industrial PUD's, not commercial or residential PUD's.

Commissioner Tanner asked to clarify if the setback would be 500-feet, plus an additional 100-foot, for 600-feet total, and Bill Dean clarified that the rule is no building located within 100 feet of right of way line, and no larger buildings (greater than 75,000 square feet) within 500 feet. Smaller buildings could be built in between the 100 foot setback, and the 500 foot larger building setback, such as a smaller office building.

Commissioner Hudson worried that this Overlay would limit the value of land to homeowners. Bill Dean says it is hard for staff to determine the current market for large or small buildings. Commissioner Hudson inquired if there is enough room to put a large building on these lots. Bill Dean said the Overlay would absolutely limit the use of the lot. Andrew Malik said it depends on how the site is utilized. Commissioner Hudson said there are 33 warehouses approved in San Joaquin County, but only 6 or 7 were below 75,000 square feet, and this Overlay would limit the City's ability to do business with those companies. Commissioner Tanner asked how many properties will be affected by this overlay proposal, and Bill Dean responded that only approximately 9 parcels would be affected at this time.

Commissioner Sangha asked if property owners had been notified and Bill Dean assured that property owner were notified and the department has received several phone call inquiries.

Chair Ransom asked if there was another goal in mind with this overlay proposal, other than the beautification goal, as mentioned. Bill Dean said it was intended to limit large industrial buildings being placed right along the freeway to create a better looking freeway corridor.

Chair Ransom questioned, with planning staff being the experts, if this is the most appropriate way to achieve an aesthetically pleasing corridor. Bill Dean believes this is a better tool to utilize rather than outright re-zoning, given City Council's direction.

Chair Ransom asked about the difference between what the General Plan provides versus this Overlay ordinance, with regards to corridor aesthetics. Bill

Dean clarified that the General Plan sets the broad vision; it is general. While the overlay gets into the specifics, the General Plan is not as specific.

Vice Chair Tanner referred to DCT, who changed the color of their building and increased the landscaping, and this was done without an overlay. He mentioned some businesses being bought out and said how business is changing, and he doesn't want to limit businesses. Bill Dean said an economic analysis done last year regarding the changing nature of a number of industries. Bill Dean agreed that you can absolutely achieve the outcomes, such as DCT, without an overlay, but this is the direction staff was given by council. Vice Chair Tanner reiterated his concern that the overlay might limit the land owners' ability to sell land.

Commissioner Hudson wonders if this could be considered a regulatory taking. Kat Wellman, Deputy City Attorney, assured him no; zoning legally limits the use of land and buildings, but this Overlay is not close to a regulatory taking, unless there is no legitimate use of the property.

Commissioner Orcutt wants flexibility, because we don't know what is coming in the future. Commissioner Sangha asked why we have to limit potentials on these properties. Bill Dean reminded the Commission that they can recommend anything they like to City Council.

Commissioner Hudson also wants to maintain flexibility, and believes there are other things we can do to ensure that the corridor is visually appealing.

Chair Ransom asked if this overlay is necessary and why now, what else can go into the 500 foot setback, and inquired about the economic impact. She would like staff to provide other positive examples where this is done well. She wants to make sure to protect the economic vitality of that corridor.

Bill Dean responded that this setback is just one way to achieve the goal of Council, to limit land use, and reiterated that Commission agrees that this permit is one the Commission should have eyes on. He said that many cities have overlays like this, but each city is different; there is no one example that is relevant.

Chair Ransom opened the public hearing.

A resident named Boris asked if this ordinance would affect the freeway or roadways right-of-way. Andrew Malik indicated no.

As a business owner, Commissioner Sangha wonders what the land will be worth, as a result of this Ordinance, thus she is not in favor of an overlay. Vice Chair Tanner does not see a need for the 500-foot overlay. Commissioner Orcutt believes the overlay would provide a heightened focus area, but still believes projects need to be approved by Commission and Council, and should have flexibility, and he is in favor of a zone that includes heightened focus.

Commissioner Hudson believes we need to maintain flexibility, and we already have rules and procedures in place that can monitor those large businesses. When he reads analysis, he sees a need for head of household jobs, and this overlay sends a message, that may not be our intent, that Tracy is not open to do business. We do need to ensure that those buildings (industrial) need to look good.

Chair Ransom would like those who asked for this to be specific, in regards to what cannot be done with our General Plan and design guidelines, and how does this help or go with the goal of economic vitality and generating jobs for the city. What design standards can we put in place that will achieve what Council wants.

Bill Dean suggested the Commission suggest edits for the Ordinance.

Kat Wellman, Deputy City Attorney, summarizing what the Commission is interested in seeing, is if the corridor could be dealt with using design issues.

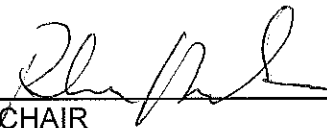
ACTION: It was moved by Commissioner Ransom and seconded by Commissioner Hudson to not recommend an ordinance creating an I-205 overlay zone as discussed, because of concerns regarding the necessity of the ordinance as opposed to the flexibility that that would be offered through design standards and the General Plan as the tool to drive the design of the corridor, concerns regarding the preservation of economic vitality as we look at future development and job creation, and concerns regarding the necessity to be so restrictive to limit land use for property owners. Voice vote found Commissioner Sanga and Vice Chair Tanner in favor; Commissioner Orcutt opposed.

2. ITEMS FROM THE AUDIENCE – None.
3. DIRECTOR'S REPORT – None.
4. ITEMS FROM THE COMMISSION – Commissioner Orcutt inquired about a request regarding availability for a Planning Commission and City Council Joint Workshop. Andrew Malik, Development Services Director, replied that there was a workshop set for September 6th, regarding design standards.
5. ADJOURNMENT – Upon motion by Commissioner Orcutt and second by Commissioner Ransom, the meeting was adjourned.

Time: 8:48 p.m.



STAFF LIAISON



CHAIR