MINUTES
TRACY CITY PLANNING COMMISSION
OCTOBER 13, 2010
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 AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW AUTOMOTIVE REPAIRS AND SERVICES AT 385 W. LARCH ROAD, ASSESSOR'S PARCEL NUMBER 212-200-09. THE APPLICANT AND PROPERTY OWNERS ARE JOHN AND GITANA DAYTON. APPLICATION NUMBER CUP10-0004

   B. PUBLIC HEARING TO CONSIDER A REZONING FROM MEDICAL OFFICE TO MEDIUM DENSITY CLUSTER AND GENERAL PLAN MAP AMENDMENT FROM OFFICE TO RESIDENTIAL MEDIUM OF TEN LOTS (APPROXIMATELY 2.3 ACRES) ON THE SOUTH SIDE OF CARLTON WAY AND EAST AND WEST SIDES OF BESSIE AVENUE; THE APPLICANT IS YUSU HSIUNG; APPLICATION NUMBERS R10-0002 AND GPA10-0001

   C. STATUS UPDATE ON CITY-WIDE GIS PROJECT

   D. VERBAL STATUS UPDATE ON CITY-WIDE GENERAL PLAN AMENDMENT

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

   A. NEW PLANNING COMMISSION BYLAWS

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

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The Planning Commission meeting was called to order by Chair Mitracos at 7:00 p.m.

The pledge of allegiance was led by Chair Mitracos.

ROLL CALL: Roll call found Commissioner Johnson, Commissioner Manne, Commissioner Ransom, Vice Chair Alexander, and Chair Mitracos present. Also present were staff members Victoria Lombardo, Senior Planner; Alan Bell, Senior Planner; Bill Sartor, Assistant City Attorney; and Elizabeth Silva, Recording Secretary.

MINUTES

It was moved by Commissioner Johnson and seconded by Commissioner Manne to approve the minutes of June 9, August 11, and August 25, 2010 as written. Voice vote found all in favor; passed 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Alan Bell, Senior Planner stated that staff would like to continue Item 2-D due to a staff illness if it would please the Commission. Chair Mitracos stated the item would be continued, as there was no one in the audience to speak to the item.

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None

2. NEW BUSINESS

   A. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW AUTOMOTIVE REPAIRS AND SERVICES AT 385 W. LARCH ROAD, ASSESSOR'S PARCEL NUMBER 212-200-09. THE APPLICANT AND PROPERTY OWNERS ARE JOHN AND GITANA DAYTON. APPLICATION NUMBER CUP10-0004

Mr. Bell stated the item was to consolidate a towing business and a service business at two locations to one at 385 W. Larch Road. Mr. Bell stated that the site is zoned light industrial, and the automobile towing was a permitted use in the zone; however auto repair is a conditionally permitted use. Mr. Bell state that the site had an existing building, a portion of which would be used for auto repair and the remainder would be used for vehicle storage. Mr. Bell stated that the towing operation was currently in use. Mr. Bell indicated staff recommended approval of the application.

Commissioner Ransom asked if there were neighbors in the area that were directly adjacent, and what were those uses. Mr. Bell stated that he did not remember specific uses, but there was warehouse, storage, and light manufacturing. Mr. Bell stated that the applicant was present, and might have met with the neighbors in the area.

Chair Mitracos asked if the site was vacant. Mr. Bell stated the towing business had been in operation, which is a principally permitted use.

Chair Mitracos opened the public hearing.

John Dayton and his wife Gitana addressed the Commission as owners and applicants. Mr. Dayton provided information on his business and the surrounding uses. Chair Mitracos asked what businesses were in the area. Mr. Dayton stated that there seemed to be several shipping and receiving and manufacturing businesses. Chair Mitracos asked what business had been in the location before theirs. Mr. Dayton answered there had been boat sales, truck repair, auto repair, and a recycling center. Mr. Dayton further stated that they had taken off siding, re-sided two sides of the building, paved and striped the front parking lot. Mr. Dayton stated that they would like to have the front half of the building for auto service, the back half for indoor storage of impounded vehicles under investigation, and the back outdoor storage for regularly impounded vehicles.

Mrs. Dayton provided pictures of the site before and after the repairs they had made.

Commissioner Manne stated that he had met the applicants earlier that day, and the pictures did not do any justice to the work they have done on the building. Commissioner Manne stated that the work had made a great improvement to the area. Commissioner Manne asked if the applicants planned on any screening. Mr. Dayton stated that he would like to use a mesh attached to the chain link fence that would be fully opaque.

Vice Chair Alexander asked how long the applicants had been in the towing and repair business. Mr. Dayton answered fourteen years. Vice Chair Alexander asked for information regarding the amount of square feet for storage. Mr. Dayton stated that about half of the square footage would be storage. Vice Chair Alexander asked how many vehicles would the applicant be able to store inside the building. Mr. Dayton indicated that half of the building would be designated for auto repair, and the back half would be for storage, and no auto repair would be allowed in the area designated for storage. Vice Chair Alexander asked if the applicant planned on doing any auctioning of cars at the site. Mr. Dayton stated that most of the cars which were not picked up after being impounded did not have any value. Mr., Dayton stated that approximately 85 percent of the cars not picked up would be dismantled. Mr. Dayton further stated that the small number of cars which were sellable would be sold by word of mouth, as his business was not permitted to advertise the sale of autos.

Commissioner Johnson asked of the other buildings used by the applicants were leased. Mr. Dayton answered they other buildings were leased.

Vice Chair Alexander asked how soon the applicant planned to begin operating the business. Mr. Dayton stated that he would like to have all operations in the location by November.

Mr. Dayton stated that the neighbors behind his current location on Grant Line would be happy to see the business move.

Chair Mitracos closed the public hearing.

Commissioner Manne stated that he was delighted to see the growth in the present economy, and that he was pleased with the improvements to the property.

Mr. Bell stated that there were two typos in the Conditions of Approval in regards to the address, and the correct address was 385 W. Larch Road.

It was moved by Commissioner Ransom and seconded by Commissioner Manne to approve the Conditional Use Permit to allow automotive repairs and services at 385 W. Larch Road, application number CUP10-0004, based on the findings and subject to the Conditions contained in the Planning Commission Resolution dated October 13, 2010. Voice vote found all in favor; passed 5-0-0-0.

B. PUBLIC HEARING TO CONSIDER A REZONING FROM MEDICAL OFFICE TO MEDIUM DENSITY CLUSTER AND GENERAL PLAN MAP AMENDMENT FROM OFFICE TO RESIDENTIAL MEDIUM OF TEN LOTS (APPROXIMATELY 2.3 ACRES) ON THE SOUTH SIDE OF CARLTON WAY AND EAST AND WEST SIDES OF BESSIE AVENUE; THE APPLICANT IS YUSU HSIUNG; APPLICATION NUMBERS R10-0002 AND GPA10-0001

The staff report was provided by Mr. Bell. Mr. Bell stated that the Medical Office zone was set up about 20 years after the hospital was constructed, to support the hospital and its supporting uses. Mr. Bell stated that there have been several developments in recent years in the Medical Office Zone which resulted in reducing the demand of the medical offices and facilities around the hospital including the announcement that the hospital plans to relocate to the west side of Lammers Road. Mr. Bell stated that the owner of one of the properties in the Medical Offices area had submitted an application to rezone his property back to residential, medium-density cluster to match the surrounding residential zoning. Mr. Bell further stated staff found as they evaluated the proposal that it made sense, and felt that the nine surrounding residential lots should be included. Mr. Bell provided maps of the Medical Office Zone, and the subject properties. Mr. Bell stated that the site was a full block away from Tracy Boulevard, and once the hospital moved, it would be extremely difficult to fill the spaces as they are currently zoned. Mr. Bell stated that staff recommended the ten lots be rezoned, and the General Plan changed to recognize the existing residential development. Mr. Bell added that attached to the staff report was a Negative Declaration (Neg Dec), and staff recommended that the Commission recommend City Council adopt the Neg Dec.

Chair Mitracos stated that his home was 500 feet away from the subject properties, and asked if he should refrain from discussion. Bill Sartor, Assistant City Attorney stated that if his home was 500 feet away from all the homes, it was not necessary to refrain, unless Chair Mitracos felt that he had a conflict.

Commissioner Ransom asked how many additional parcels would be left in the area which will have a similar issue. Mr. Bell answered that as part of the Zoning Code Update, staff will review the whole Medical Offices zone, however with this project staff decided to take the immediately adjacent properties and include them with the application.

Vice Chair Alexander asked if the hospital staff had provided input on the project. Mr. Bell answered that staff had met with the hospital representatives twice, and corresponded with them by telephone and email, and had received their support on the issue. Vice Chair Alexander asked if the surrounding residents had provided input. Mr. Bell answered that there had been a two page informational letter sent to the surrounding neighbors, and also several public notices regarding the application. Mr. Bell answered that he had received two telephone calls, and all feedback had been positive.

Commissioner Johnson asked what the zoning in the area was before it was Medical Office. Mr. Bell stated that he had seen a zoning map from 1956 and it was a residential zone, and that there was also a park which occupied part of the hospital site before the hospital was built. Commissioner Johnson asked for information regarding the statement that the study which stated that there could be seven more units on the site. Mr. Bell answered that for CEQA purposes staff looked at the worst case scenario when there was no proposal. Mr. Bell further stated that with parking requirements, and lot line requirements that would not really be feasible.

Commissioner Ransom asked if there was anything that would prevent residential with the option of light office. Mr. Bell answered that with what was proposed the short answer was no. Mr. Bell added that the proposed zoning allowed for medium density, single family homes, duplexes and triplexes. Mr. Bell stated that the City allowed something called a home occupation permit which allowed up to 400 square feet of a residential home for business, but did not allow non-resident employees, or customers to travel to the home.

Chair Mitracos stated that he had lived in the neighborhood for 60 years, and the zoning had changed many times. Chair Mitracos indicated that he felt the zoning made sense. Chair Mitracos stated that a property across the street from the subject property on the southwest corner was zoned and used as an office, and the sale of the property was a very long process due to the zoning. Mr. Bell clarified that the property being discussed was the southwest corner, and the applicant had come to staff with a number of code enforcement issues. Chair Mitracos stated that he had thought the property being discussed was the southeast corner and now this made more sense to him.

Chair Mitracos opened the public hearing.

Henry Liu, 1672 Fallen Leaf Drive, Milpitas addressed the commission as the applicant and co-owner. Mr. Liu stated that originally they had wanted to use the property as a medical office, however the amount of money required to turn the property into a medical office was tremendous.

Chair Mitracos closed the public hearing.

Commissioner Ransom asked if the idea of having residential and light office as a mixed use neighborhood would be a good option in this area. Mr. Bell stated that typically a mixed use area happened in areas where there was a business area which also allow residences. Mr. Bell indicated in the Zoning Code Update staff would allow mixed use in commercial areas such as in the Highway Commercial Zone, and the Downtown Zone. Mr. Bell stated that the use would be more for the area of Tracy Boulevard, which was a major arterial and would have high visibility.

Commissioner Johnson stated that he had looked at the area, and he thought the proposal worked.

It was moved by Commissioner Johnson and seconded by Commissioner Manne that the Planning Commission recommend the City Council adopt the Negative Declaration for the project; approve the General Plan Map amendment from Office to Residential Medium; and approve rezoning from Medical Office to Medium Density Cluster. Voice vote found Vice Chair Alexander, Commissioner Johnson, Commissioner Manne and Chair Mitracos in favor and Commissioner Ransom abstained; passed 4-0-0-1.

C. STATUS UPDATE ON CITY-WIDE GIS PROJECT

Victoria Lombardo, Senior Planner introduced consultant Jason Bone, with Critigen. Mr. Bone provided an electronic presentation of the capabilities of the GIS software. Mr. Bone stated that he would like to show how all the information which had been gathered over the last several years had been compiled, and would be available to the citizens and customers through the GIS software. Mr. Bone stated that there would be three applications of the GIS site: one for residents looking for general information about their community, one geared toward the development community, and one focused on City demographic information. Mr. Bone demonstrated the software.

Chair Mitracos asked who would maintain the information. Mr. Bone stated that City staff would maintain it.

Mr. Sartor stated that there was a legal requirement for GIS mapping of some infrastructure and the City piggy-backed on that to get a little more usefulness out of the software.

Commissioner Johnson stated that he used this type of software in his job a lot, and it was nice as a customer to be able to access the information on his own, instead of trying to get a hold of a person.

Chair Mitracos stated the software would save a lot of staff time.

D. VERBAL STATUS UPDATE ON CITY-WIDE GENERAL PLAN AMENDMENT

This item was continued until a later date.

3. ITEMS FROM THE AUDIENCE – None

4. DIRECTOR'S REPORT

A. NEW PLANNING COMMISSION BYLAWS

Mr. Sartor stated that the Commission had previously discussed this at the Chair's request. Mr. Sartor stated that the new Bylaws included language regarding the AB1234 training, and the Form 700 requirements.

Chair Mitracos asked for the Brown Act training requirement. Mr. Sartor answered that there was no requirement for a yearly training on the Brown Act, and it is covered very broadly in the

AB1234 training. Mr. Sartor further stated that from time to time staff liked to have a more in depth Brown Act training, and he would be happy to do so by request.

Chair Mitracos stated that the bylaws indicated that the regular meetings were held in the Tracy Community Center.

5. ITEMS FROM THE COMMISSION – None

6. ADJOURNMENT

It was moved by Commissioner Manne and seconded by Commissioner Alexander to adjourn.

Time: 8:23 p.m.

CHAIR

STAFF LIAISON