MINUTES
TRACY CITY PLANNING COMMISSION
FEBRUARY 23, 2011
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 AND DEVELOPMENT REVIEW APPLICATION TO DEVELOP AN AUTOMOBILE SERVICE STATION WITH 8-DISPENSER CANOPY, 2,900 SQUARE FOOT CONVENIENCE STORE, AND DRIVE THROUGH CAR WASH ON A 1.667-ACRE SITE WITHIN THE INDUSTRIAL AREAS SPECIFIC PLAN, LOCATED AT THE SOUTHEAST CORNER OF TRACY BOULEVARD AND VALPICO ROAD, EAST OF AND ADJACENT TO WALGREENS – APPLICANT IS BARGHAUSEN CONSULTING ENGINEERS, INC. AND OWNER IS SOUTH TRACY LAND PARTNERS, LLC - APPLICATION NUMBERS CUP10-0005 AND D10-0008

   B. REPORT OF CONSISTENCY WITH THE CITY OF TRACY GENERAL PLAN FOR FOUR PROPERTIES TO ALLOW FOR THE POTENTIAL ACQUISITION OF THE PROPERTIES BY THE CITY. ASSESSOR'S PARCEL NUMBERS 235-150-06, 23 AND 24 AND 235-068-06 - APPLICATION NUMBER DET11-0001

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

* * * * *

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; Bill Dean, Assistant Director of Development and Engineering Services; Bill Sartor, Assistant City Attorney; and Elizabeth Silva, Recording Secretary.

MINUTES

Chair Mitracos asked if there was a note added to the minutes regarding the Brown Act discussion. Bill Sartor, Assistant City Attorney stated that there had been a discussion which had taken place after the meeting was adjourned, and there was an email sent out after the meeting to all the Commissioners stating that it was acceptable for the Planning Commission to have discussion not on the agenda regarding placing items on a future agenda. Chair Mitracos stated that he wanted it to be clarified on the record and it was now on the record. It was moved by Commissioner Ransom and seconded by Commissioner Manne to approve the minutes as written. Voice vote found all in favor; passed 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None

2. NEW BUSINESS

   A. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW APPLICATION TO DEVELOP AN AUTOMOBILE SERVICE STATION WITH 8-DISPENSER CANOPY, 2,900 SQUARE FOOT CONVENIENCE STORE, AND DRIVE THROUGH CAR WASH ON A 1.667-ACRE SITE WITHIN THE INDUSTRIAL AREAS SPECIFIC PLAN, LOCATED AT THE SOUTHEAST CORNER OF TRACY BOULEVARD AND VALPICO ROAD, EAST OF AND ADJACENT TO WALGREENS – APPLICANT IS BARGHAUSEN CONSULTING ENGINEERS, INC. AND OWNER IS SOUTH TRACY LAND PARTNERS, LLC - APPLICATION NUMBERS CUP10-0005 AND D10-0008

The staff report was provided by Victoria Lombardo, Senior Planner. Mrs. Lombardo stated that previously there had been an approval for a different service station. Mrs. Lombardo further stated that the original plan for the site included a Walgreens, McDonalds, and service station with a six dispenser canopy and a convenience store and fast food restaurant, although there was not a particular vendor in mind. Mrs. Lombardo indicated that the approvals expired. Mrs. Lombardo stated that the current applicant had approached staff with a design for a service station with an eight dispenser canopy as well as a convenience store and a separate drive-

through car wash. Mrs. Lombardo indicated generally the layout was similar as the center was already existing and the drive aisles were set. Mrs. Lombardo stated the style and design of the project was different than the original approval; however staff had focused on making sure the project was consistent with the existing buildings on the site. Mrs. Lombardo stated the design included the use of a lot of stone and stucco, and included mansard roof lines consistent with the other buildings on the site. Mrs. Lombardo indicated staff recommended approval of the project. Mrs. Lombardo pointed out there had been a typo in the Resolution for the item in which the date at the top was incorrect; however it had been corrected on the Resolution for signature.

Chair Mitracos asked for information regarding the fourth parcel on the site. Mrs. Lombardo stated that originally it was anticipated to be a bank or retail building. Mrs. Lombardo further stated that it had been designed to have a drive-through, but did not necessarily need to be built with a drive-through.

Chair Mitracos opened the public hearing.

Peter Tobin of Barghausen Consulting Engineers, Inc. of Walnut Creek addressed the Commission. Mr. Tobin stated it was refreshing to be moving forward on the use permit within two months of the application. Mr. Tobin stated it was important to note that this would be a franchise location, not a corporate location. Mr. Tobin stated that he would like to submit for the building permit in April. Commissioner Ransom asked when the applicant thought they would begin construction. Mr. Tobin stated it would probably begin in August. Vice Chair Alexander asked how long the construction would take. Mr. Tobin answered typically it would take about 100 days. Vice Chair Alexander asked if there would be any restaurant included on the site. Mr. Tobin answered that this was strictly a fuel station and AM/PM with no quick-serve restaurant. Vice Chair Alexander asked if there would be any other auto service on site. Mr. Tobin answered there would not be.

Commissioner Johnson asked if the facility was going to be a 24 hour facility. Mr. Tobin answered it would. Commissioner Johnson asked if the residents on the other side of Tracy Boulevard had been notified of the project. Mrs. Lombardo indicated that the public hearing notice was sent out to the 300 foot radius as required, and typically staff goes a little beyond that requirement when residential use was involved and there had not been any contact with anyone who had received the public hearing notice. Commissioner Johnson asked for information regarding the railroad spur on easterly 40 feet of the site. Mr. Tobin stated that was part of the overall size of the parcel. Commissioner Johnson asked if there was an easement for the building next door to use the rail line or if it was open property. Mr. Tobin indicated that it was his understanding it was open property however the railroad has rights to a portion of it and in terms of developable land it was maybe 55 feet deep. Commissioner Johnson asked if the railroad would maintain the property. Mr. Tobin stated that there was a required maintenance agreement and he was sure that the Arco owner would take care of weeds and such on the property.

Commissioner Ransom asked if the applicant would be using any environmental friendly standards in the construction of the building. Mr. Tobin stated that the actual layout includes some green-type items such as roofing systems, insulation, and caulking but it would not be green building. Commissioner Ransom asked for clarification on the franchise versus corporate site aspect. Mr. Tobin stated that the owner already owned several AM/PMs and was not a new franchisee. Mr. Tobin further added that he felt when there was a situation where an owner lived in town and everyone knew them the franchises were much more successful.

Chair Mitracos asked if the logo was a new logo for AM/PM. Mr. Tobin indicated that it was the standard logo and had been around for a while.

Chair Mitracos asked about the signage for the project and in particular the element over the door. Mrs. Lombardo stated that the sign ordinance was open to interpretation. Mrs. Lombardo stated that there was a sign on the carwash area in which the blue background was counted as signage because it did not fit in with the surrounding architecture. Mrs. Lombardo further stated that on the north side the line under the sign was counted as signage as it was obviously meant to draw attention to the sign; however the stripe on the west elevation was not counted as signage as it was 8-10 feet away from the lettering and under an awning area. Chair Mitracos stated that he searched AM/PM logos, and had not seen any with the stripe. Chair Mitracos asked if staff looked at things such as paint used to draw attention to a business. Mrs. Lombardo stated that there was a part of the sign ordinance which prohibits "excessive competition for visual attention"; however there were a lot of precedent-setting court cases regarding how and if logos can be regulated in signage. Mrs. Lombardo stated that in her opinion this was a typical corporate logo. Chair Mitracos asked if this was looked at in terms of square footage, and if it met the requirements including the carwash. Mrs. Lombardo answered it was, that they were in compliance, and they were allowed a lot of frontage because there were pad sites and they were allowed to count several sides of all the buildings.

Vice Chair Alexander asked how many jobs the AM/PM would create. Chair Mitracos reopened the public hearing. Mr. Tobin answered that there would be 14-18 jobs created. Chair Mitracos reclosed the public hearing.

Commissioner Manne stated that he had correspondence with the City Attorney's office regarding his wife's relationship with Chevron and found that there was not a conflict in interest, as well his proximity to the project and found he was well over 750 feet. Commissioner Manne stated that he thought the project looked great, and as a resident of the neighborhood he was really looking forward to a station nearby, and a carwash.

Commissioner Ransom agreed with Commissioner Manne's comments.

Vice Chair Alexander stated he felt any project that would bring jobs into Tracy was great.

It was moved by Commissioner Ransom and seconded by Commissioner Manne to approve the Conditional Use Permit and Development Review applications to develop an automobile service station with 8-dispenser canopy, 2,900 square foot convenience store, and drive through car wash on a 1.667-acre site located at the southeast corner of Tracy Boulevard and Valpico Road, Assessor Parcel Number 248-020-21, Application Numbers CUP10-0005 and D10-0008, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated February 23, 2011. Voice vote found all in favor; passed 5-0-0-0.

B. REPORT OF CONSISTENCY WITH THE CITY OF TRACY GENERAL PLAN FOR FOUR PROPERTIES TO ALLOW FOR THE POTENTIAL ACQUISITION OF THE PROPERTIES BY THE CITY. ASSESSOR'S PARCEL NUMBERS 235-150-06, 23 AND 24 AND 235-068-06 - APPLICATION NUMBER DET11-0001

The staff report was provided by Bill Dean, Assistant Director of Development and Engineering Services. Mr. Dean stated the City was interested in possibly acquiring two sites in the Downtown area. Mr. Dean stated he wanted to draw attention to the Goal LU-5 and Objective

LU-5.1 and Policy P1 in the new General Plan relating to targeting new uses in the Downtown area and pursuing additional anchors which generate additional visits to the Downtown. Mr. Dean stated this report is one step in the process. Mr. Dean indicated one of the sites is known as the Bowtie. Mr. Dean stated staff recommended the Commission report the potential acquisition of the property is in conformance with the General Plan.

Commissioner Ransom asked if this was a traditional acquisition, or if the City was attempting eminent domain. Mr. Dean answered that the City was attempting a friendly acquisition. Mr. Sartor added that it was simply a matter of negotiating a fair price, and as far as he knew there was no intention to pursue eminent domain at all. Commissioner Ransom asked if staff had an idea of what would go on the sites, or if this was just a matter of getting the area ready for when the City is ready to begin working on Downtown. Mr. Dean stated that he thought it was the latter as staff had been focusing on the downtown for revitalization, and the acquisition of key properties was part of the strategy. Mr. Dean further stated that there were holdings to north with the Transit Station and to the south with the Grand Theater. Mr. Sartor added it was also a matter of timing because there were some interested sellers.

Commissioner Manne asked if the property was available to be sold to the market. Mr. Dean stated that he was not aware if the property had been listed. Commissioner Manne asked if the recommendation was open for a certain amount of time. Mr. Dean answered this recommendation was one that would not expire. Commissioner Manne asked if there was an economic benefit to purchasing the property. Mr. Dean stated the potential down the road was to further construct the revitalization strategy downtown, and that was the benefit. Mr. Dean added it was hard to answer because the purchase price had not been negotiated, and the purchase would not happen if the terms were not agreed upon. Commissioner Manne asked if staff knew what the City would do with the property once purchased. Mr. Dean answered that a specific user had not been identified. Commissioner Manne asked if there was a City amenity being planned for the sites. Mr. Dean answered at that point it had not been planned. Commissioner Manne asked if it could become a possibility in the future. Mr. Dean stated that it was possible, however the planning for public facilities had gone through the Public Facilities Master Plan process and these sites had not been part of that plan.

Commissioner Ransom asked if whatever was decided for the site, it had to be consistent with the Downtown Specific Plan (DSP). Mr. Dean stated that ultimately it had to conform to zoning in the General Plan. Mr. Dean further stated that the current zoning in the General Plan was CBD, with a General Plan designation of Commercial, and sometime in the future it would be designated and zoned through the DSP.

Chair Mitracos stated that the land was basically Brownfield land and needed to be cleaned up, and whoever buys the land in the future will need to clean it. Mr. Dean stated that was true and the measure of cleanup was determined by the end use. Mr. Dean stated that the Brownfield grant money was an important tool, however one had to own the site to use the Brownfield money.

Chair Mitracos stated that when working on the DSP, the consultants identified that a tool for revitalizing the downtown area was to create residential units in the Bowtie area. Commissioner Manne stated that essentially the City would be a pass-through owner, and the sites would be developed at a later date by a developer. Commissioner Manne stated that his concern was that the City would be purchasing the land to sell it to another owner without any benefit to the City so why spend the money.

Mr. Dean stated the item before the Commission was not regarding the development of the site but rather to report whether or not the purchase is consistent with the General Plan. Mr. Dean stated it has long been a practice of Cities and Redevelopment Agencies to use the tools at their disposal to encourage positive change in an area. Mr. Dean further stated this was the exercise of the tools at the City's disposal.

Chair Mitracos asked if it was easier for a public agency to clean up a piece of property than a private owner. Mr. Dean stated he didn't know if it would be easier but there were more resources available to a public entity. Mr. Dean indicated this was a very grant-heavy environment, and therefore it may be easier for a public agency at this time.

Vice Chair Alexander asked what the driving force was behind the purchase of the properties. Mr. Dean stated that the driving force was to try to use the City's resources to create positive change in the downtown area. Vice Chair Alexander asked if the major project was to revitalize downtown Tracy. Mr. Dean answered yes. Vice Chair Alexander asked if staff had an idea of fair market value for a comparable property in the downtown area. Mr. Dean stated that he was not aware, and that would be a next step in the process.

Commissioner Johnson asked if there was a plan all along to purchase the property for development, as there was a map in the DSP showing a site plan. Mr. Dean stated it had been thought about, and the site plan Commissioner Johnson was referring to was a concept for the Downtown area. Mr. Dean further stated the purchase of the Bowtie was talked about for many years.

Chair Mitracos stated that he felt it was a tremendous opportunity.

It was moved by Commissioner Johnson and seconded by Vice Chair Alexander to report that the potential acquisition of Assessor's Parcel Numbers 235-150-06, 23 and 24, and 235-068-06 is consistent with the City of Tracy General Plan, based on the findings contained in the Planning Commission Resolution dated February 23, 2011. Voice vote found all in favor; passed 5-0-0-0.

3. ITEMS FROM THE AUDIENCE – None

4. DIRECTOR'S REPORT – None

5. ITEMS FROM THE COMMISSION - None

6. ADJOURNMENT

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

Time: 7:47 p.m.

CHAIR

STAFF LIAISON