



Legislation Details (With Text)

File #: 19-437 **Version:** 1 **Name:**
Type: Discussion Items **Status:** Agenda Ready
File created: 8/26/2019 **In control:** CITY COUNCIL
On agenda: 9/17/2019 **Final action:**
Title: In light of new information, reconsider adopting a resolution conditionally approving an appeal from CenterPoint Properties Trust of the May 28, 2019, decision denying the appeal for CenterPoint Container Yard 2 to remove a condition regarding the Hours of Operation and modified Planning Commission Condition #24, Hours of Operation 8:00 a.m. to 5:00 p.m.; conditioned upon approval and execution of a Memorandum of Understanding with CenterPoint Properties Trust concerning working with the Union Pacific Railroad, the U.S. Army Corps of Engineers, and the South San Joaquin Irrigation District, extending Intermodal Way, deferring PFIP Transportation Fees and establishing an Area of Benefit, Container Yard 2, N. Airport Way, and a Community Facilities Maintenance District; rescind Resolution 2019-92; and authorize the City Manager to sign the Memorandum.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1 - Memorandum of Understanding, 2. Attachment 2 - Exhibit A - Intermodal Way Extension, 3. Attachment 3 - Resolution, 4. Attachment 4 - CenterPoint CY2 - Intermodal Way Q and A, 5. Attachment 5 - PowerPoint - CenterPoint Properties MOU

Date	Ver.	Action By	Action	Result
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City Council Agenda

Memo to: Manteca City Council

From: Greg Showerman, Community Development Director

Date: September 17, 2019

Subject: Memorandum of Understanding between the City of Manteca and CenterPoint Properties Trust and Hours of Operation Restriction on Container Yard 2

In light of new information, reconsider adopting a resolution conditionally approving an appeal from CenterPoint Properties Trust of the May 28, 2019, decision denying the appeal for CenterPoint Container Yard 2 to remove a condition regarding the Hours of Operation and modified Planning Commission Condition #24, Hours of Operation 8:00 a.m. to 5:00 p.m.; conditioned upon approval and execution of a Memorandum of Understanding with CenterPoint Properties Trust concerning working with the Union Pacific Railroad, the U.S. Army Corps of Engineers, and the South San Joaquin Irrigation District, extending Intermodal Way, deferring PFIP Transportation Fees and establishing an Area of Benefit, Container Yard 2, N. Airport Way, and a Community Facilities Maintenance District; rescind Resolution 2019-92; and authorize the City Manager to sign the Memorandum.

Background:

On November 2, 2010, the City Council certified an Environmental Impact Report (EIR) for the Northwest Airport Way Master Plan (Master Plan). The Master Plan covers approximately 300.3 acres and its stated purpose is to implement the goals, objectives, and policies of the Manteca General Plan as they relate to future development projects in the area bordering the Union Pacific Rail facility, including an intermodal facility with warehouse, distribution, and other industrial uses.

In accordance with the Master Plan, MCR Engineering, on behalf of CenterPoint Properties, applied for Commercial Site Plan No. 17-38 & 17-40 to construct a new 486-position container yard on 16.12 acres with associated landscaping and improvements. Development would also include adjacent roadways and a storm drain basin totaling 25.95 acres.

On May 28, 2019, the Planning Commission conducted a public hearing on the Project. Numerous residents spoke in opposition to the project. Staff also received two phone calls, two letters, and one email expressing concerns about the project. At the conclusion of the public hearing, the Planning Commission approved the Project (3-2) by adding an additional condition of approval: "Property owner shall ensure at all times the hours of operation of Container Yard 2 will be no earlier than 6:00 a.m. and no later than 8:00 p.m." On June 6, 2019, the property owner, CenterPoint Properties, filed a timely appeal of the decision to remove this additional condition of approval regarding allowable hours of operation.

On July 16, 2019, the City Council held a public hearing to consider CenterPoint's appeal of the decision to remove the additional condition regarding hours of operation. After taking public testimony and comment, Council moved to deny the appeal for CenterPoint Container Yard 2, SPC 17-38 & 17-40 to remove a condition regarding allowable hours of operation, and modified the Planning Commission's condition of approval #24 further restricting the hours of operation from 8:00 a.m. to 5:00 p.m.

CenterPoint Properties has graciously been working with Community Development Staff to author the attached Memorandum of Understanding (MOU). The MOU provides a way forward to construct the Intermodal Way Extension, across the UPRR property, while at the same time allowing Container Yard 2 to move through the permitting process and begin construction.

Recommendation:

In light of the efforts by CenterPoint and Community Development Staff to respect the concerns of the citizens expressed at the Public Hearing on May 28, Staff recommends that the City Council reconsider its action denying the appeal for CenterPoint Container Yard 2 to remove a condition regarding the Hours of Operation and modifying Planning Commission Condition #24, Hours of Operation 8:00 a.m. to 5:00 p.m.; rescind Resolution 2019-92; adopt the attached resolution conditionally approving the appeal; and approve the attached Memorandum of Understanding that will allow CenterPoint to move forward with Container Yard 2 while at the same time providing a mechanism to construct Intermodal Way.

Fiscal Impact:

Should the City Council approve the MOU, it would defer collection of \$758,064 in PFIP Transportation Fees until an Area of Benefit (AOB), which would follow, is established and the properties within the AOB develop and reimburse the PFIP Transportation Fee account.

Documents Attached:

Attachment 1 - Memorandum of Understanding

Attachment 2 - Exhibit A - Intermodal Way Extension

Attachment 3 - Resolution

Attachment 4 - CenterPoint CY2 - Intermodal Way Q and A

Attachment 5 - PowerPoint - CenterPoint Properties MOU