

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, MARCH 14, 2012 @ 7:00 PM</p>
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For information regarding this agenda please contact:

Kari Chadwick @ (209) 333-6711
Community Development Secretary

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the Community Development Department, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the Community Development Department as soon as possible and at least 24 hours prior to the meeting date.*

1. ROLL CALL
2. MINUTES – “February 8, 2012”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission to make a Recommendation to the City Council to approve rezoning of properties located at 515 and 617 South Lower Sacramento Road from R-1, C-S and R-C-P to Planned Development (PD)-35. (Applicant, Kristmont West Shopping; File # 11-Z-01)
 - b. Request for Planning Commission approval of a Use Permit to establish a retail landscape supply business and a collection center for wood and yard waste for an off-site processing at 1101 East Lodi Avenue. (Applicant: Eric Horton, on behalf of Green Man Materials; File Number: 11-U-20)
 - c. Request for Planning Commission approval of a Use Permit to operate a fitness center known as Anytime Fitness, in an approximately 4,050 sq. ft. building located at 210 North Ham Lane. (Applicants: Stone Bros. Management Inc.; File Number: 12-U-02)
 - d. Request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control license at 14 South School Street. (Applicant: Alan Freeman; File Number: 12-U-03)

NOTE: The above item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31

4. PLANNING MATTERS/FOLLOW-UP ITEMS
5. ANNOUNCEMENTS AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
 - a. Council Summary Memo
7. DEVELOPMENT CODE UPDATE
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. ART IN PUBLIC PLACES

10. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)

11. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF (NON-AGENDA ITEMS)

12. ADJOURNMENT

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

***NOTICE: Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item.*

Right of Appeal:

If you disagree with the decision of the commission, you have a right of appeal. Only persons who participated in the review process by submitting written or oral testimony, or by attending the public hearing, may appeal.

Pursuant to Lodi Municipal Code Section 17.72.110, actions of the Planning Commission may be appealed to the City Council by filing, within ten (10) business days, a written appeal with the City Clerk and payment of \$300.00 appeal fee. The appeal shall be processed in accordance with Chapter 17.88, Appeals, of the Lodi Municipal Code. Contact: City Clerk, City Hall 2nd Floor, 221 West Pine Street, Lodi, California 95240 – Phone: (209) 333-6702.

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 8, 2012**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 8, 2012, was called to order by Chair Olson at 7:00 p.m.

Present: Planning Commissioners – Cummins, Heinitz, Hennecke, Jones, Kiser, Kirsten and Chair Olson

Absent: Planning Commissioners – None

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Associate Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“May 11, 2011”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kisten, Cummins second, approved the Minutes of May 11, 2011 as written. (Commissioners Jones, Heinitz & Olson absent)

“September 14, 2011”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Heinitz second, approved the Minutes of September 14, 2011 as written. (Commissioners Jones, Kiser, & Olson absent)

“December 14, 2011”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Cummins second, approved the Minutes of December 14, 2011 as written. (Commissioners Heinitz, Jones, & Kirsten absent)

Chair Olson stated that item 3a at the request of the applicant will be postponed to a future meeting.

3. PUBLIC HEARINGS

a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Olson called for the public hearing to consider the request for a Use Permit to establish a wood processing, composting and recycling facility at 1045 East Lockeford Street. (Applicant: Eric Horton, on behalf of Green Man Materials: File Number: 11-U-20)

b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Olson called for the public hearing to consider the request for a Use Permit to allow a Type-48 On-Sale General ABC license at 117 North Sacramento Street. (Applicants: Rodney Paiste and John Russell. File Number: 11-U-21)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Commissioner Heinitz stated that he and Vice Chair Kirsten visited the site at the request of the applicants and believes that this will be a great venue and a big improvement to the area.

Vice Chair Kirsten disclosed that he met with the applicant prior to the public hearing.

Commissioner Kiser disclosed that he met with the applicants and also believes this will be a big improvement to the area.

Hearing Opened to the Public

- Jason Ojeda, project manager and representative for the applicants, came forward to answer questions.
- Vice Chair Kirsten asked if Mr. Ojeda or the applicants operate a similar business elsewhere. Mr. Ojeda stated that he operates one in Sacramento and Mr. Russell just opened one up last week.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request of the Planning Commission a Use Permit to allow a Type-48 On-Sale General ABC license at 117 North Sacramento Street subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Jones, Kiser, Kirsten and Chair Olson
 Noes: Commissioners – None

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Olson called for the public hearing to consider the request for a Use Permit to allow a Type 42 On-Sale Beer and Wine Alcoholic Beverage Control license at 100 North Cherokee Lane, Suite 5. (Applicant: Antonia Marquez de Perez. File Number: 12-U-01)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Vice Chair Kirsten stated that he met with the applicant prior to the public hearing.

Hearing Opened to the Public

- Esteban Bermejo, representative and translator for the applicant, came forward to answer questions.
- Vice Chair Kirsten asked if the applicant has experience with this type of business. Mr. Bermejo stated that Ms. Marquez de Perez did own a business in Stockton, but due to the proximity to residential they had to shut down.
- Chris Gianulias, owner of the property, came forward to support the project. He would like to see the space rented to eliminate any further problems with break-ins and other issues that occur with vacant commercial property.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the request of the Planning Commission for a Use Permit to allow a Type 42 On-Sale Beer and Wine Alcoholic Beverage Control license at 100 North Cherokee Lane, Suite 5 subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Jones, Kiser, Kirsten and Chair Olson
Noes: Commissioners – None

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

None

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that the State of California Housing and Community Development Department has issued its final certification letter to close the Housing Element. The Development Code update is in motion and a variety of product will be coming to the Planning Commission in the future for review and discussion.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Vice Chair Kirsten gave a brief report regarding the meetings that have taken place since the Commissions last meeting.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:23 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

Zoning Change Request from R-1,C-S, & R-C-P to PD-35
@ 515 & 617 S. Lower Sacramento Rd. by Kristmont West

Item 3a

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 14, 2012

APPLICATION NO: 11-Z-01

REQUEST: Request for Planning Commission to make a Recommendation to the City Council to approve rezoning of properties located at 515 and 617 South Lower Sacramento Road from R-1, C-S and R-C-P to Planned Development (PD)-35. (Applicant, Kristmont West Shopping; File # 11-Z-01)

LOCATION: 515 South Lower Sacramento Road
APN: 027-400-09
Lodi, CA 95242
Lot Size: 9.3 acres

PROPERTY OWNER: Kristmont West
7700 College Town Drive #111
Sacramento, CA 95826

LOCATION: 617 South Lower Sacramento Road
APN: 207-400-10
Lodi, A 95242
Lot Size: 1.01 acres

PROPERTY OWNER: Zinfandel Plaza, LLC
7700 College Town Drive #101
Sacramento, CA 95826

APPLICANT: The same as above.

RECOMMENDATION

Staff recommends the Planning Commission recommend to the City Council approval of the Rezone application, subject to conditions of approval outlined in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: Commercial
Zoning Designation: C-S: Commercial Shopping, R-1, Single Family Residence and R C-P, Residential, Commercial and Professional.
Property Size: Approximately 10.4 acres

The adjacent zoning and land use characteristics:

	General Plan	Zone	Land Use
North	Commercial	PD-35: Planned Development 35	Variety of stores
South	Low Density Residential	PD-16: Planned Development 16	Temple Baptist Church
East	Low Density Residential	R-1 and R-2 Residences	Single Family Residences
West	High and Medium Density Residential	PD-42: Planned Development 42	Agricultural land

SUMMARY

The application involves two properties that are together zoned R-1, R-C-P and C-S. The properties are located at 515 and 617 South Lower Sacramento Road, Assessor's Parcel Numbers: 027-400-09 and 207-400-10, respectively. The owner is petitioning to rezone these properties to Planned Development (PD)-35. PD-35 zoning district covers the area commonly known as Raley's Shopping Center, which is located immediately north of the project sites and is also owned by the same entity. Rezoning of the properties to PD-35 would create a uniform zoning designation and permit commercial development to occur. The City's General Plan designates the subject sites as Commercial. Staff recommends that the Commission recommend approval of the proposed rezoning as shown in Attachment "6" to the City Council based on the findings and subject to the conditions contained in the attached resolution. No development plans for the property are proposed at this time. The only action currently before the Commission is the proposal to rezone the properties.

BACKGROUND

This rezoning application involves two parcels located near the corner of Lower Sacramento Road and Lodi Avenue. The property located at 617 South Lower Sacramento Road contains an old residential house converted to an office. The second parcel is located at 515 South Lower Sacramento Road and is a vacant parcel. Both parcels are owned by the same entity. The area was annexed into the City in 1966. The shopping center was developed sometime prior to that. Many additions to the center have been made since its first phase was completed, including the U.S.A gas station, and the movie theater (since demolished).

In 2000, the property owner applied for a Zoning Amendment to change the zoning of the shopping center to Planned Development (PD). However, the two subject properties were excluded. The vacant parcel currently features three zoning designations divided equally. The northern 1/3 is zoned Shopping Center (C-S), the southern 1/3 is zoned Residential-Commercial-Professional (R-C-P), and the middle part is zoned Single Family Residence (R-1). The second parcel is zoned R-C-P and contains an office. Both parcels feature a General Plan Commercial land use designation. No development is proposed at this time.

ANALYSIS

The application involves two properties that contain three different City zoning designations. These properties are located at 515 and 617 South Lower Sacramento Road. These zoning designations are R-1, Single Family Residence, R-C-P, Residential Commercial and Professional, and C-S, Shopping Center. The owner petitions to amend Planned Development (PD)-35 to include these two parcels. PD-35 covers the Raley's Shopping center, which is also owned by the applicant. PD-35 was established to allow commercial development. The City's General Plan designates both sites as commercial. Rezoning of these properties to PD-35 would be consistent with the General Plan land use policy. The request was prompted from a desire of the applicant to develop the vacant parcel for commercial uses. The R-1 zoning designation prohibits commercial uses. Thus, the applicant requests the zoning designations be changed to Planned Development 35.

The planned development district is designed to accommodate various types of development such as neighborhood commercial, shopping centers, grouped professional and administrative office area, commercial serve centers and other types of commercial and residential uses. The change in zoning designation to planned development would allow development of the parcels as specifically permitted in §17.33.040. The Planned Development District, as defined in the City's Zoning Ordinance, provides the flexibility for applicants to design their own development criteria. This includes setbacks, heights, lot coverage and other land use issues as defined in §§ 17.33 Planned Development District (P-D) of the City's Ordinances. At this time, no development is proposed. However, future development plans are subject to review and approval by Site Plan and Architecture Review Committee (SPARC) and possibly Planning Commission.

Per City Code, the Planning Commission must make the following findings in order to recommend approval of a proposed rezoning to the City Council:

- (1) The proposed zoning amendment is in general conformance with the General Plan

The proposed rezoning conforms to the General Plan in that it will still allow commercial development on the property consistent with the commercial development prescribed by the Land Use Chapter of the General Plan should the property owner decide to propose such development in the future. In the mean time, rezoning will remove any constraints imposed by the current zoning designations.

- (2) The public necessity, convenience, and general welfare require the adoption of the proposed rezoning.

At the present time, there is an inherent contradiction between the General Plan and the zoning designations. When the City adopted the current General Plan, it changed the land use designation to Commercial per the property owner's request. The presence of residential designation prohibits commercial development. As such, planning staff recommends that the properties be rezoned from R-1, R-C-P and C-S to Planned District (35). Approval of the requested rezoning will make the zoning consistent with the current General Plan and facilitate the development of the site today with a more viable land use or new land use plan.

The applicant will not be required to pay impact fees for the proposed rezoning because no development is proposed. When an application is submitted to develop the properties, the developer will be required to pay the applicable impact fees in effect at the time building permits are obtained. Staff finds the proposed request to amend the Zoning designation to Planned Development 35 is consistent with the General Plan. Staff further finds that the request is reasonable and provides for the existing and future needs of the residents of the area, and that it integrates well with the surrounding land uses. Therefore, staff recommends the Planning Commission find the proposed rezoning application exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline 15183 and 15061(b)(3) which exempts projects that have no potential for having a significant impact on the environment; find the project consistent with the General Plan for the reasons enumerated in this staff report; find that the rezoning fulfills the applicable requirements set forth in §17.33 of the Lodi Municipal Code; and recommend to the City Council to adopt an ordinance to rezone the properties from R-1, R-C-P and C-S to Planned Development-35, based upon the findings and subject to the conditions of approval set forth in draft resolution.

ENVIRONMENTAL ANALYSIS:

The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed zoning change is a project under CEQA.

Staff has reviewed the project to determine the required level of review under CEQA. The proposed zoning change is exempt from CEQA under State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review. The proposed rezone is consistent with the Lodi's General Plan land use designation of Commercial. Further, the certified General Plan EIR analyzed the commercial development of this property and its potential impacts. Therefore, the project qualifies for the identified exemption. In addition, this proposed rezoning is exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline 15061(b)(3) in that it is not a project which has the potential to have a significant impact on the environment because it will not change

the allowable commercial use of the property consistent with the current General Plan land use designation.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on March 3, 2011. A total of 32 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Request with Alternate Conditions
- Deny the Request
- Continue the Request

Respectfully Submitted,

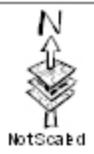
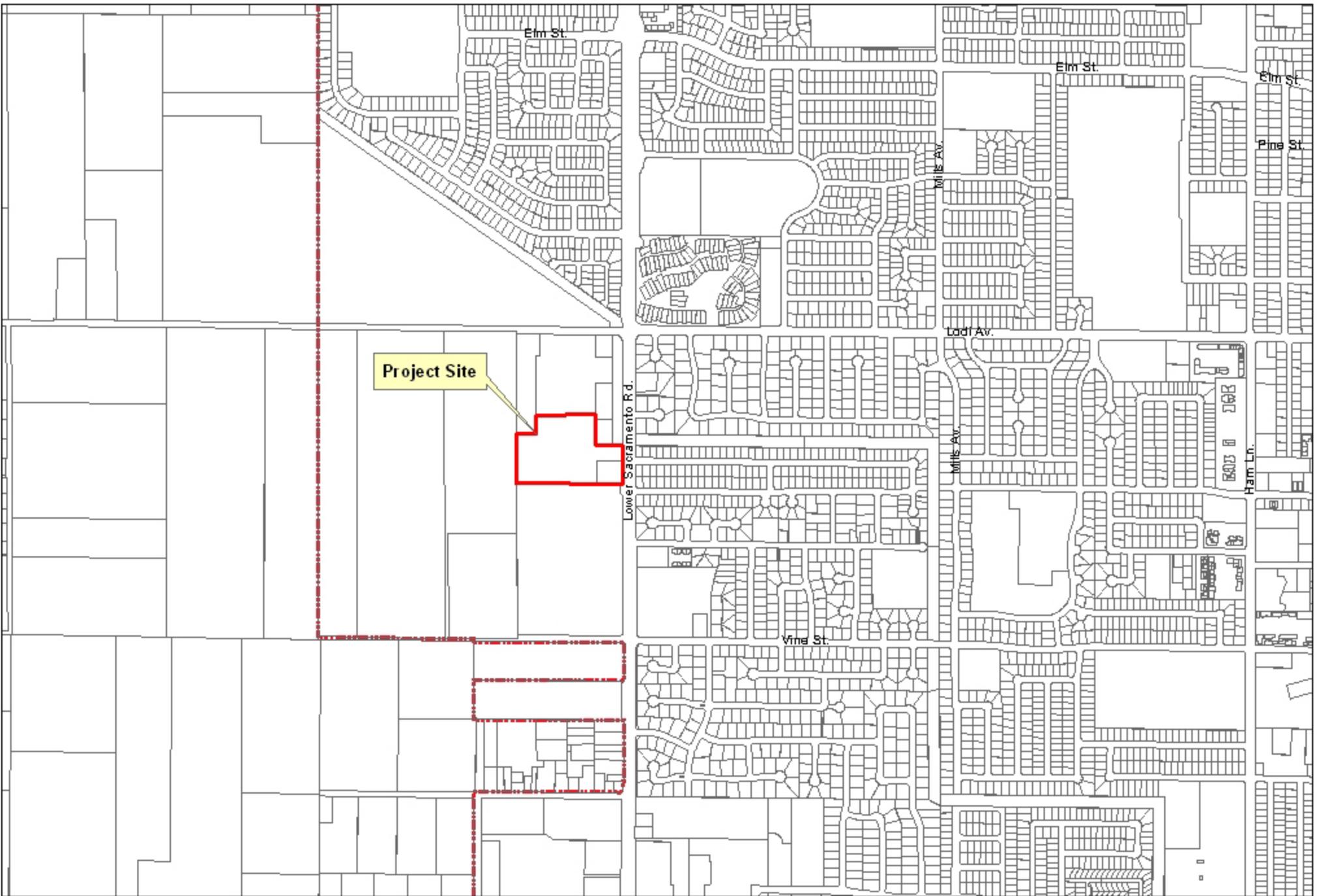
Concur,

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Map
3. Site Plan
4. Existing General Plan and Zoning Maps
5. Proposed Zoning Map
6. Draft Resolution



Vicinity Map

-  Project Site
-  City Limits

Aerial Map



Kristmont West Shopping
515 South Lower Sacramento Road
APN: 027-400-09
Lodi, CA 95242

 Project Site
 City Limits

PARCEL REZONE

515 & 617 S. Lower Sacramento Road
APNs 027-400-09 & 027-400-10

DEVELOPER:
Tom Smith
1771 Quartz Drive
Auburn, CA 95602
(916) 698-7700

OWNER:
Krismont West
7700 College Town Dr #111
Sacramento, CA 95826
(916) 363-2600

ENGINEER:
Greg Cook, R.C.E.
P.O. Box 18442
South Lake Tahoe, CA 96151
(530) 544-7774

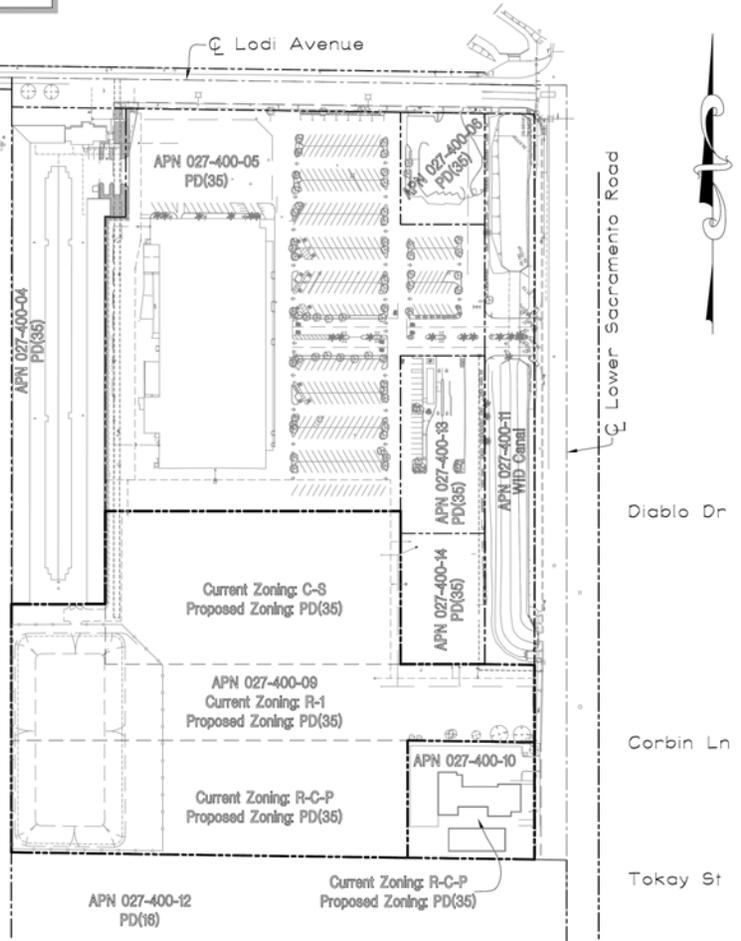
Assessor's Parcel Number:	027-400-09	027-400-10
Street Address:	515 S Lower Sacramento Rd	617 S Lower Sacramento Rd
Lot Area:	9.3 Acres	45,003 sf
Current Zoning:	C-S, R-1, R-C-P	R-C-P
Proposed Zoning:	PD (35)	PD (35)
Land Use:	Vacant Commercial	Office Use



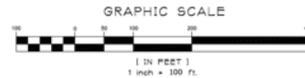
Vicinity Map

Scale: NTS

APN 027-400-16
PD(42)



REZONING PLAN



No.	Description	Prep. By	County Approval	Date

ENGINEER
GREGORY J. COOK
P.O. BOX 18442
SOUTH LAKE TAHOE, CA 96151
530-544-7774

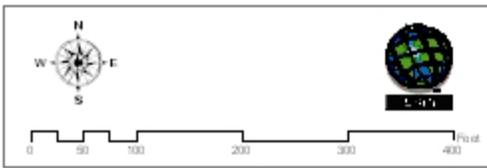
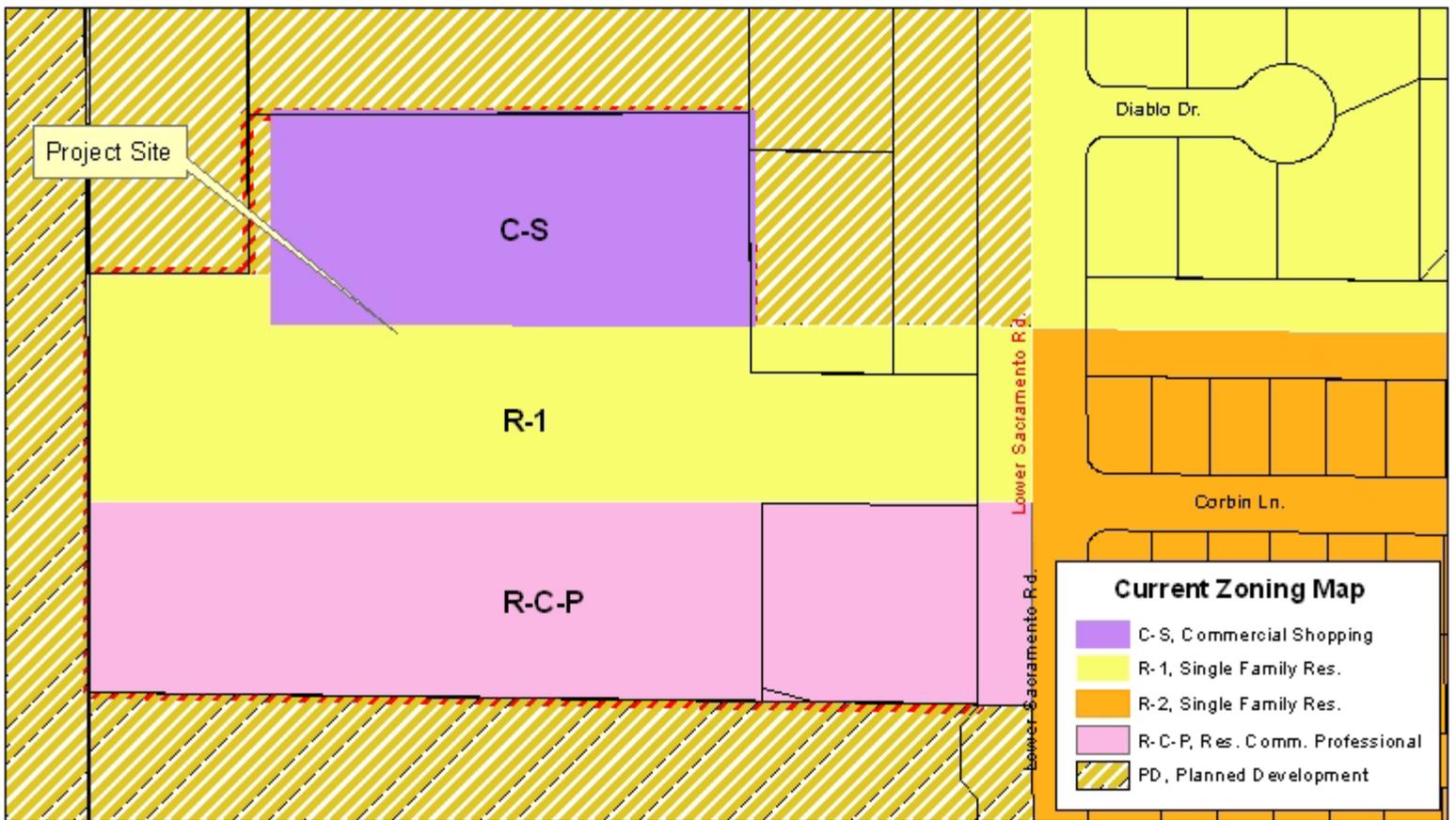
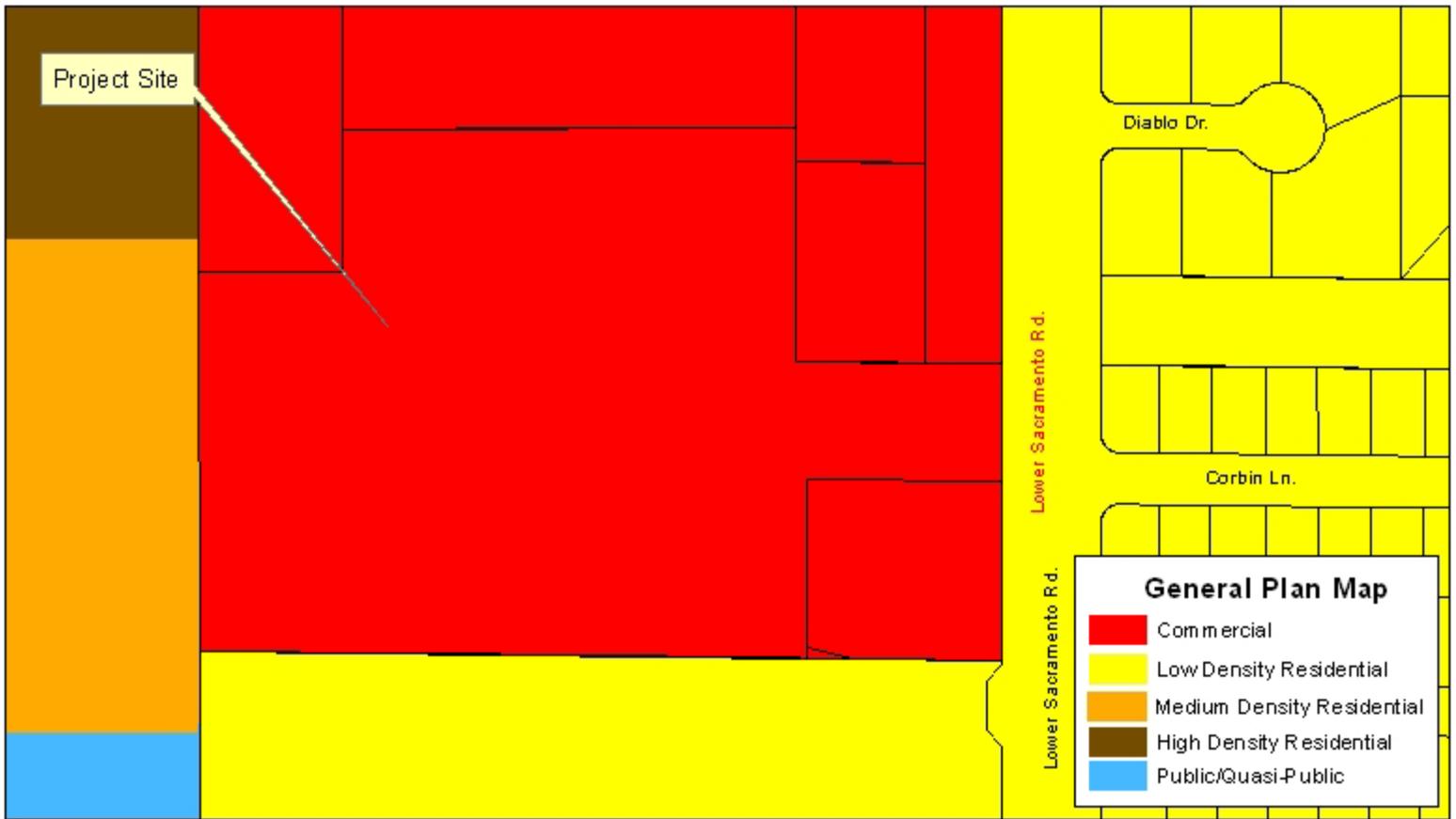
Rezoning Plan

Krismont West
515 & 617 S Lower Sacramento Road
Lodi, CA
APNs: 027-400-09 & 027-400-10

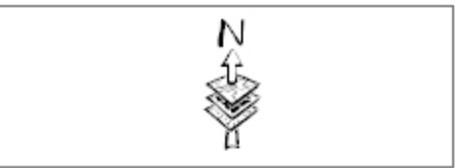
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S.A.M.
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November 14, 2011
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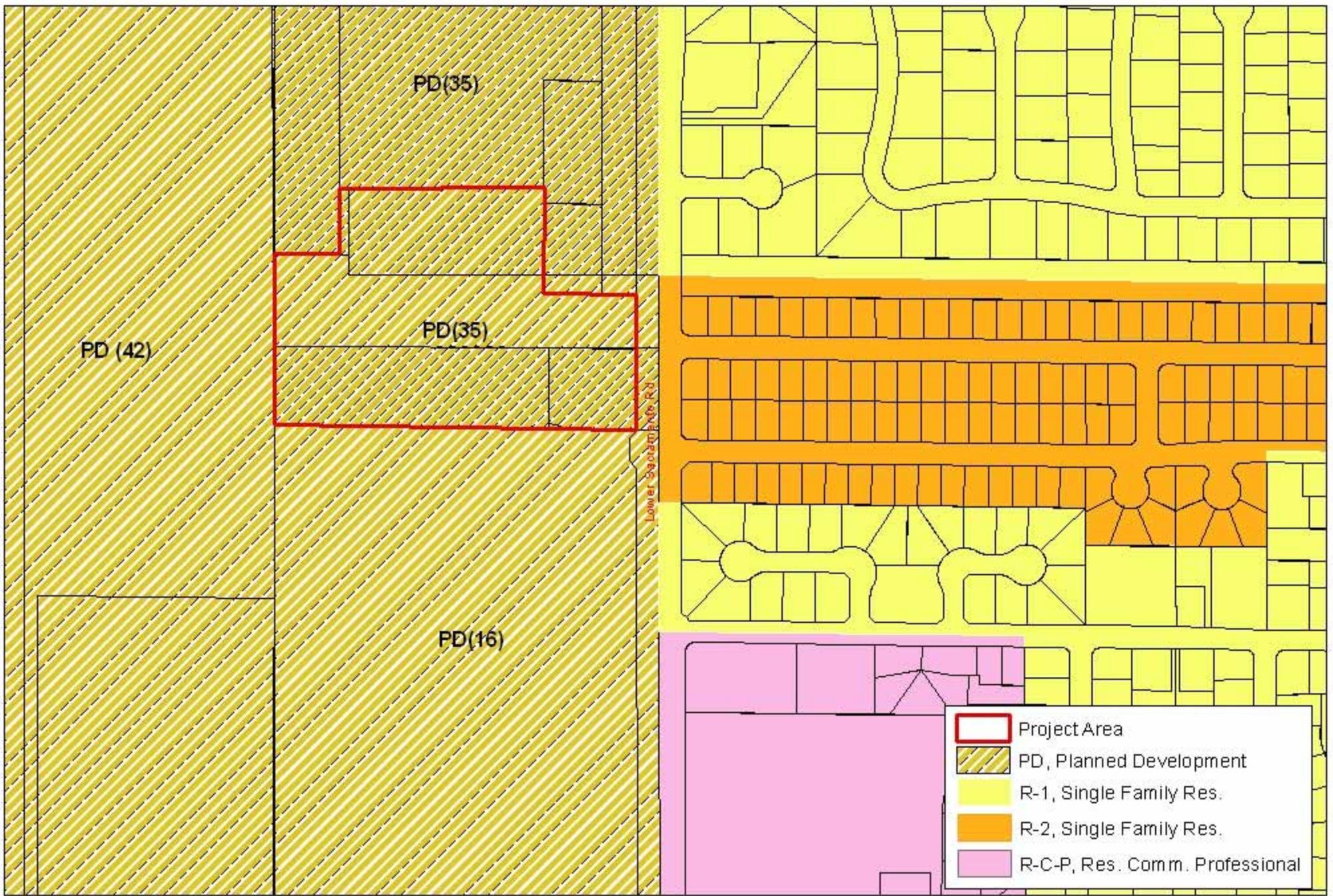
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515 and 617 S. Lower Sacramento Road
Lodi, CA 95242





Proposed Zoning Change

515 and 617 S. Lower Sacramento Road
Lodi, CA 95242



P.C. RESOLUTION NO. 12-

A RESOLUTION OF THE CITY OF LODI PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE REZONING 515 AND 617 SOUTH LOWER SACRAMENTO ROAD FROM R-1, SINGLE FAMILY RESIDENCE, R-C-P, RESIDENTIAL COMMERCIAL AND PROFESSIONAL, AND C-S, SHOPPING CENTER TO PLANNED DEVELOPMENT (PD)-35

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments; and

WHEREAS, On November 3, 2011, the City of Lodi received an application from Tom Smith, on behalf of Kristmont West, (referred to as “applicant”), to rezone 515 and 617 South Lower Sacramento Road, Assessor’s Parcel Numbers: 027-400-09 and 027-400-10, respectively; and

WHEREAS, the subject property located at 515 South Lower Sacramento Road (APN:027-400-09) is owned by Kristmont West, 7700 College Town Drive #111, Sacramento, CA; and

WHEREAS, the subject property located at 617 S. Lower Sacramento Road (APN:027-400-10) is owned by Zinfandel Plaza, LLC, 7700 College Town Drive #101, Sacramento, CA; and

WHEREAS, the subject properties have a General Plan designation of Commercial; and

WHEREAS, the subject property located at 515 South Lower Sacramento Road (APN:027-400-09) is zoned R-1, C-S, and R-C-P; and

WHEREAS, the subject property located at 617 South Lower Sacramento Road (APN:027-400-10) is zoned R-C-P; and

WHEREAS, the requested rezoning is to change the zoning designations of 515 South Lower Sacramento Road (APN: 027-400-09) from R-1, C-S, and R-C-P to Planned Development 35; and

WHEREAS, the requested rezoning is to change the zoning designations of 617 South Lower Sacramento Road (APN: 027-400-10) from R-C-P to Planned Development 35; and

WHEREAS, the proposed zoning change is consistent with the General Plan and other applicable standards; and

WHEREAS, the proposed zoning change would allow commercial development to occur on the sites; and

WHEREAS, the Planning Commission of the City of Lodi conducted the public hearing at the time and place stated in the notice and afforded all persons interested in the matter of the rezoning, or in any matter or subject related thereto, an opportunity to appear before the Commission and be heard and to submit any testimony or evidence in favor of or against the approval of the application; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

NOW, THEREFORE, BE IT FOUND that the Planning Commission of the City of Lodi incorporates the staff report and attachments, project file, testimony presented at the time of the hearing, and written comments, on this matter, and, hereby, makes the following findings:

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review. The proposed rezone is consistent with the General Plan land use designation of Commercial. Further, the certified

General Plan EIR analyzed the commercial development of this property and its potential impacts. Therefore, the project qualifies for the identified exemption. In addition, this proposed rezoning is exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline 15061(b)(3) in that it is not a project which has the potential to have a significant impact on the environment because it will not change the allowable commercial use of the property consistent with the current General Plan land use designation.

2. Implementation of the Rezoning will not result in significant physical change in the environment and in that the site is an infill project and will not alter the impervious surface.
3. The proposed Rezoning will not have impacts that are individually limited but cumulatively considerable because this is an infill project that is currently served by all public utilities and services.
4. The proposed rezoning is in complete conformance with the General Plan in that it will permit commercial development on the properties consistent with the type of use and range prescribed by the Land Use Chapter of the General Plan should the owner of the properties decide to propose such development in the future.
5. The public necessity, convenience, and general welfare require the adoption of the proposed rezoning in that leaving the properties zoned as R-1, R-C-P and C-S with associated restrictions prescribed by the Zoning Ordinance is illogical and places unnecessary governmental constraints. The underlying General Plan land use designation of the subject properties is Commercial, so rezoning the property to Planned Development 35 will make the zoning consistent with the current General Plan, remove governmental constraint and facilitate the development of the infill project site.
6. It is found that the required zoning change to Planned Development 35 (PD-35) Zoning District does not conflict with adopted plans or policies of the General Plan and will serve sound planning practice.
7. It is further found that the project parcel of the proposed Planned Development 35 (PD-35) Zoning District is physically suitable for commercial development.
8. Future development of the project sites will be required to adhere to all applicable standards adopted by the City, improvements mandated by the City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance as well as all other applicable standards.
9. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the California Building Code.

NOW, THEREFORE, BE IT DETERMINED, AND RESOLVED, that the Lodi Planning Commission hereby recommends the City Council rezone properties located within the City of Lodi, specifically at 515 South Lower Sacramento Road (APN:027-400-09) and 617 S. Lower Sacramento Road (APN:027-400-10) to Planned Development 35 (PD-35), subject to the following development conditions and standards for the proposed PD-35 Zoning District:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

2. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety shall be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
3. All applicable state statutes, and local ordinances, including all applicable Building and Fire Code requirements for hazardous materials shall apply to the project. In an event of a conflict, the strictest law or regulation shall apply.
4. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Public Works Department, Engineering:

The conditions listed below will be required at the time of development of the subject parcels:

5. Design and installation of all public utilities and street improvements necessary to serve the parcels in accordance with City Master Plans including the following "off-site" improvements:
 - a. Expansion of the private basin to serve the parcels;
 - b. Extension of all public utilities in Tokay Street;
6. Dedication of street right-of-way as required by the City of Lodi.
7. Dedication of public utility easements as required by the various utility companies and the City of Lodi.
8. Extension of Tokay Street and construction of full width improvements to the western property boundary.
9. Abandonment of one of the two driveway entrances on Lower Sacramento Road.
10. Payment of fees in conformance with the Public Works Fee and Service Charge Schedule. Fees to be paid shall be those in effect at the time of development.

Dated: March 14, 2012

I hereby certify that Resolution No. 11- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 14, 2011, by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:

ATTEST: _____
Secretary, Planning Commission

Use Permit for Retail Landscape Supplies & Collection of Yard Waste/Wood
@ 1101 E. Lodi Ave. by Eric Horton (Green Man Materials)

Item 3b.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 14, 2012

APPLICATION NO: Use Permit: 11-U-20

REQUEST: Request for Planning Commission approval of a Use Permit to establish a retail landscape supply business and a collection center for wood and yard waste for an off-site processing at 1101 East Lodi Avenue. (Applicant: Eric Horton, on behalf of Green Man Materials: File Number: 11-U-20).

LOCATION: 1101 East Lodi Avenue
APN: 049-060-29
Lodi, CA 95240

APPLICANT: Eric Horton
3030 South Highway 99
Stockton, CA 95212

PROPERTY OWNER: Westamerica Bank
P. O. Box 1220
Suisun City, CA 94585

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Eric Horton, on behalf of Green Man Materials, for a Use Permit to allow a collection center for wood and yard waste for an off-site processing at 1101 East Lodi Avenue, subject to the conditions in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: Industrial
Zoning Designation: M-2, Heavy Industrial
Property Size: 1.6-acres (70,349 sq. ft.)

The adjacent zoning and land use characteristics:

	General Plan	Zone	Land Use
North	Industrial	M-2, Heavy Industrial	Warehouse/industrial use
South	Industrial	M-2, Heavy Industrial	Warehouse/industrial use
East	Industrial	M-2, Heavy Industrial	Warehouse/industrial use
West	Industrial	M-2, Heavy Industrial	Warehouse/industrial use

SUMMARY

The applicant, Eric Horton, on behalf of Green Man Materials, proposes a retail landscape supply business and a collection center for wood and yard waste for an off-site processing in a vacant industrial building located at 1101 East Lodi Avenue. The applicant operates a landscape material business (wholesale and retail) in Stockton (unincorporated area) and would like to open a similar operation in Lodi. Products sold by Green Man Materials include but are not limited to: rock, sand, compost, planter mix, top soil, and paving stones. If

approved, collected material for recycling would be removed within 72-hours and processed off-site into a variety of products including wood playground chips, colored mulch, fuel for wood burning power plants and compost.

BACKGROUND

The project site contains a vacant industrial building with multiple onsite parking and unused yard space. The building was previously used by stone fabrication business that has been closed since 2009. Available City records indicate there is no pending Code violation. The applicant applied for and was granted a building permit to convert his tenant space for the proposed use.

ANALYSIS

The applicant is proposing to utilize a vacant building located at 1101 East Lodi Avenue for a retail landscape supply business and a collection center for wood and yard waste for an off-site processing. Materials collected would consist of wood and yard waste and would be removed within 72-hours. The property has a General Plan land use designation of Industrial, and zoning land use designation of M-2, Heavy Industrial, which permits the proposed use subject to a Use Permit (LMC §17.48.030). All recyclable materials would be collected within the building envelop and would not require physical expansion of the existing vacant building.

The project site contains a vacant building, onsite parking spaces and measures approximately 1.6-acres. Outdoor activities include retail displays, bulk material storage (retail landscape type materials (bark, mulch, sand, loam, etc.)). Storage bunkers will not exceed 8 feet in height and 18-24 feet in width. Indoor activities involve raw material storage and additional retail capacity. The proposed hours of operation are 6:00 a.m. to 6:00 p.m. Monday through Sunday. The business is expected to employ up to three (3) fulltime persons. Typical customers include: landscape contractors and designers, homeowners, and municipal government agencies and school districts. The proposed business has been conditioned to not purchase, handle, or dispose of any materials deemed to be hazardous or even remotely hazardous. In addition, the applicant is required to filter and manage all run off from the project site in accordance with the City's Storm Water Management Program.

The discretionary Use Permit procedure enables the Planning and city staff to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or other properties in the vicinity. Staff proposes operational conditions limiting the use of the outdoor space, orderly removal of collected materials within 72-hours, limiting outdoor pillage of materials to 8' or less in height, and noise and odor control mitigation measures. Staff believes that the Planning Commission can make the required findings to approve the requested Use Permit. The proposed use is appropriate for the specific location in that the site is located in a warehouse building and is surrounded by similar heavy commercial and industrial uses. The proposed use is in accord with the purpose of the M-2 zoning district and General Plan land use designation in that collection center for wood and yard waste is conditionally permitted uses in the M-2 district. Staff also believes that the use would benefit the City in that it would create additional revenue by contributing to the sales tax base in the City.

Staff sent copies of the application to various City departments for comments and review. Their comments and requirements have been incorporated into the attached resolution. Staff believes that the proposed Use Permit is consistent with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. The project site is appropriate for the proposed use given its isolation from residential and commercial uses. The collection of recyclable material will occur within the building envelop and would not be apparent from the exterior of the building.

Therefore, staff finds that the use of an existing building for this business will be compatible with the adjacent uses and will not negatively impact the surrounding neighborhood. In addition, the proposed project would not only provide additional employment opportunities and help preserve the City of Lodi's economic welfare, but provide economic activity to the neighborhood. The proposed facility will be consistent with the goals and objectives as specified in the General Plan for Industrial businesses and help occupy an underutilized building that is in need of economic activity. As such, staff recommends that the Planning Commission approve the project, subject to the conditions outlined in the attached resolution.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on March 14, 2012. Fourteen (14) public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the request with attached or alternate conditions
- Deny the request
- Continue the request

Respectfully Submitted,

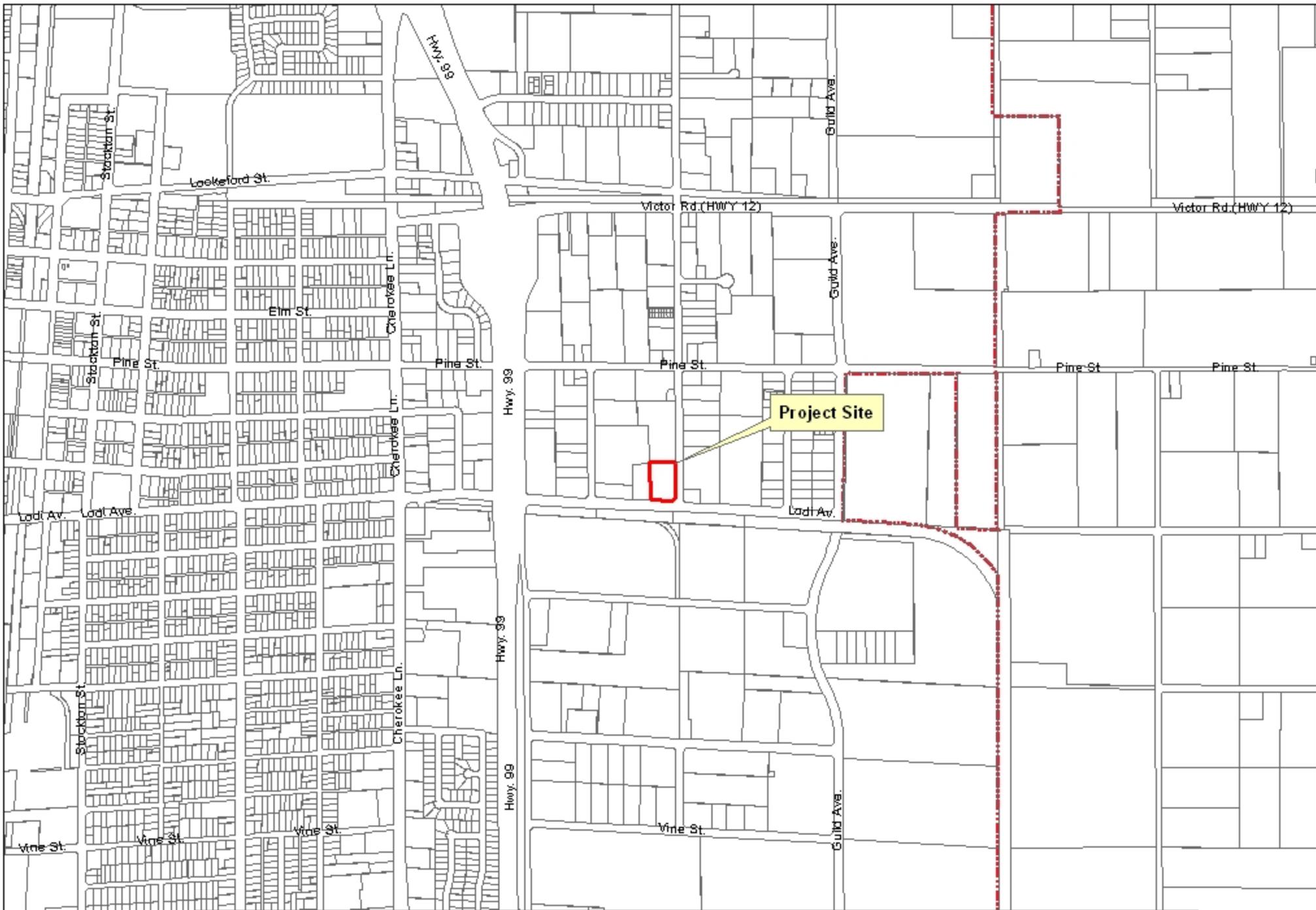
Concur,

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. Proposed Floor Plan
4. Applicant's Project Description
5. Draft Resolution



Vicinity Map
 1101 East Lodi Avenue
 APN: 049-060-290
 Lodi, CA 95240

-  Project Site
-  City Limits



Street View



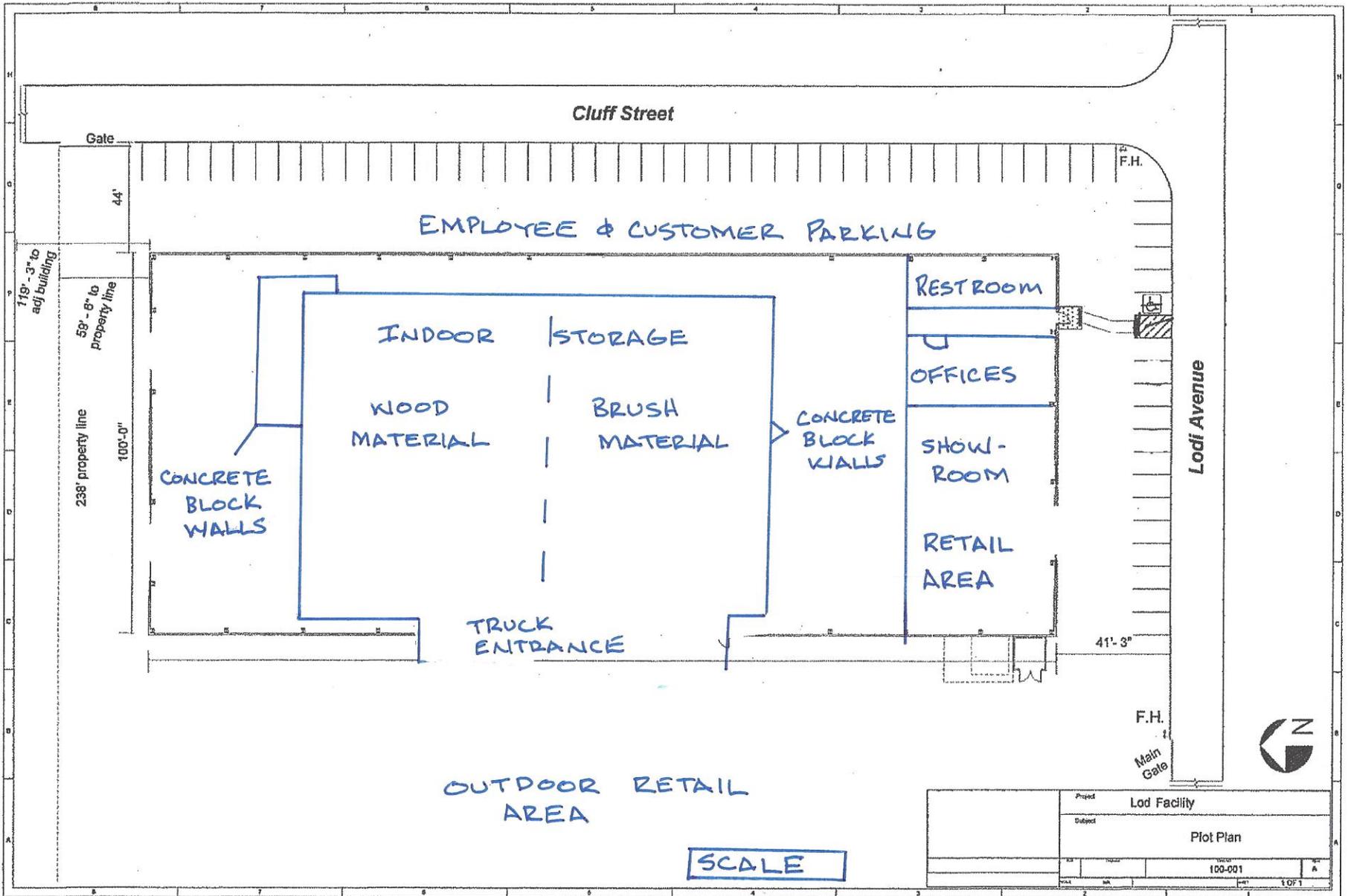
Project Area Map

Aerial Map



Green Man Materials
1101 East Lodi Avenue
APN: 049-060-29
Lodi, CA 95240





SCALE

Project	Lod Facility		
Subject	Plot Plan		
NO.	100-001	DATE	1 OF 1

Green Man Materials

Landscape Material Sales and Receipt of Operating Feedstock

Green Man Materials operates a landscape material business (wholesale and retail) in Stockton (unincorporated area). Products sold by Green Man include but are not limited to: rock, sand, compost, planter mix, top soil, and paving stones. Processing of wood and green material for re-sale will be done at an offsite location and removed from the site in no less than 72 hours.

Green Man proposes to carry out a similar operation at 1011 E. Lodi Avenue in Lodi, CA. Albeit, on a smaller scale than the Stockton operation. The site consists of 2.6 acres of useable property. Outdoor activities include retail displays, bulk material storage (retail landscape type materials (bark, mulch, sand, loam, etc.)). Storage bunkers will not exceed 8 feet in height and 18-24 feet in width. Indoor activities will include raw material storage and additional retail capacity.

The proposed hours of operation are 7:30 a.m. to 4:00 p.m. Monday through Sunday. Up to three (3) full time year-round employees will be hired as a result of the business. Typical customers include: landscape contractors and designers, homeowners, and municipal government agencies and school districts. Initially, up to 40 transactions may occur on a daily basis.

Green Man is very much a green business! Nearly 100% of what we sell is made of recycled material and the end use of our products is creating a “greener” environment. Customers will reduce their carbon footprint due to our proximity to population centers. We strive to find the greenest products and materials and introduce them to our customers. For example, we sell Rubber Bark, made from 100% recycled tires. We support our local community through contributions to charitable and outreach organizations.

Green Man Materials looks forward to working with the community of Lodi and serving its citizens with affordable, green alternatives.

RESOLUTION NO. P.C. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING A USE PERMIT (11-U-20) TO ESTABLISH A RETAIL LANDSCAPE SUPPLY BUSINESS AND A COLLECTION CENTER FOR WOOD AND YARD WASTE FOR AN OFF-SITE PROCESSING AT 1101 EAST LODI AVENUE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project site is located at 1101 East Lodi Avenue, Lodi, CA 95240 (APN: 049-060-29); and

WHEREAS, the project proponent is Eric Horton, on behalf of Green Man Materials, 3030 South Highway 99, Stockton, CA 95212; and

WHEREAS, the project property owner is Westamerica Bank, P. O. Box 1220, Suisun City, CA 94585; and

WHEREAS, the property has a General Plan designation of Industrial and is zoned M-2, heavy Industrial; and

WHEREAS, the requested Use Permit to to establish a retail landscape supply business and a collection center for wood and yard waste for an off-site processing at 1101 East Lodi Avenue; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt from CEQA per Article 19 §15321, Class 21 (a) (2); and

WHEREAS, pursuant to City of Lodi Zoning Ordinance § 17.72.110, this resolution becomes effective ten (10) business days from its adoption in the absence of the filing of an appeal; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

Based upon the evidence within the staff report and project file the Planning Commission finds:

1. The project was found to be Categorical Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures have been required.
2. The proposed use is in accord with the objective of the Zoning Ordinance, the purposes of the land use district, in which it is located and is appropriate to the specific location, in that large recycling facilities are conditionally permitted in the M-2 (Heavy Industrial) District; and, in that the proposed project to collect wood and yard waste materials for off-site processing is consistent with General Plan.
3. The proposed use is not detrimental to the health, safety and general welfare of the City in that the proposed business will be conducted within an a vacant industrial building; and, in that the facility will operate under a suite of environmental health and safety measures;
4. The proposed use will not adversely affect the orderly development or the preservation of property within the City in that the proposed expansion will continue an existing industrial use that is appropriate in the current location; and, in that no physical changes to the site are necessary to accommodate the proposed business.

5. The proposed use will not create an enforcement problem in that the proposed use is primarily industrial in nature and is properly located in the M-2 zoning district and will continue to operate under a suite of environmental health and safety measures;
6. The proposed use will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints in that the use is private and does not require any additional public services.
7. The proposed use would not have a substantial adverse economic effect on nearby uses because operation of the proposed business in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.
8. The conditional use is subject to and must comply with specific local conditions and additional regulations as deemed necessary by other regulatory or permit authorities. The approval does not relieve the applicant from an obligation to obtain any state or federal permits for recycling facilities

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 11-U-20 is hereby approved, subject to the following conditions:

1. The applicant/Operator and/or successors in interest and management shall defend, indemnify, and hold the City of Lodi, its agents, officers, and employees harmless of any claim, action, or proceeding (including legal costs and attorney's fees) to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the applicant of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.
2. The project proponent/applicant and/or developer and/or successors in interest and management shall maintain the project site free of litter, shopping-carts or any other undesirable materials and shall be cleaned of loose debris on a daily basis.
3. The project proponent/applicant and/or developer and/or successors in interest and management shall be responsible for picking up all litter and waste material within any public or private right-of-way within 300 feet of the tenant space boundaries.
4. Any equipment used for the business shall comply with the Noise Ordinance. If complaints are received and verified by the City regarding noise from equipment associated with the facility, the applicant/operator and/or successors in interest and management shall mitigate and/or make any necessary modifications so noise levels comply with acceptable standards identified in the City's General Plan.
5. Noise levels shall not exceed sixty-five (65) dBA, as measured from the outside wall of the building envelop. The business hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Sunday, unless modified in writing and approved by the Planning Division. All business related to the facility, including removal recyclable materials shall be within these approved hours.
6. The applicant/operator and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. The applicant/operator and/or successors in interest and management shall not accept, process, handle any hazardous materials as defined by LMC 8.20.010.
8. Subsequent modifications of this approval, which do not intensify the use, including but not limited to alteration of parking and circulation design, minor changes to the conditions of approval, interpretations of the conditions of approval relative to intent, necessity of, and timing, may be approved by the Community Development Director, unless the Community

Development Director requires a Substantial Conformance or Revised Permit application in accordance with the Zoning Ordinance.

9. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall be subject to the revocation procedures in accordance with the City of Lodi Municipal Code.
10. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
11. At all times during the conduct of the use(s) allowed by this permit, the use(s) shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.
12. Any sign(s) shall require a building permit from the Community Development Department. Said sign(s) shall be in full compliance with the City of Lodi Sign Ordinance and any applicable master sign program for the subject site.
13. An operational permit shall be required from the Lodi Fire Department for the operation of the recycling center. 2010 CFC, Section 105.6.45. Please contact the Lodi Fire Prevention Bureau at 25 East Pine Street, Lodi - (209) 333-6735.
14. If operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Community Development Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
15. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
16. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: March 14, 2012

I certify that Resolution No. 12- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 14, 2012 by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Use Permit to Operate a Fitness Center @ 210 N. Ham Ln.
Applicant: Stone Bros. Management Inc.

Item 3c.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 14, 2012

APPLICATION NO: Use Permit: 12-U-02

REQUEST: Request for Planning Commission approval of a Use Permit to operate a fitness center known as Anytime Fitness, in an approximately 4,050 sq. ft. building located at 210 North Ham Lane. (Applicants: Stone Bros. Management Inc.; File Number: 12-U-02)

LOCATION: 210 North Ham Lane
(APN: 037-100-24)
Lodi, CA 95240

APPLICANT: Stone Bros. Management Inc.
5757 Pacific Avenue, Suite 220
Stockton, CA 95207-5159

PROPERTY OWNER: Stones of Surry PTP
5757 Pacific Avenue, Suite 220
Stockton, CA 95207-5159

RECOMMENDATION

Staff recommends that the Planning Commission approve the requested Use Permit to operate a fitness center known as Anytime Fitness at 210 North Ham Lane, subject to the conditions outlined in the draft resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Commercial

Zoning Designation: C-1, Neighborhood Commercial

Property Size: .33 acre (14,374.8 sq ft)

The adjacent zoning and land use are as follows:

	General Plan	Zone	Land Use
North	Commercial	C-1, Commercial-Light Industrial	Starbucks Coffee Shop
South	Low Density Res.	R-2, Low Density Residence.	Residence
East	High Density Residence	R-GA, Residential Garden Apt.	Apartment Complex
West	Commercial	C-S, Commercial-Shopping	Mixed use shopping center

SUMMARY

The applicant has requested approval of a conditional use permit to occupy a 4,050 square foot suite for a fitness center known as Anytime Fitness at 210 North Ham Lane, located near the corner of Ham Lane and Lockeford Street. The project site is within the C-1 Zone, which allows for health club facilities and studios with the approval of a Use permit. The proposed fitness center would provide fitness opportunities in the form of approximately 44 weight and cardiovascular machines and a tanning facility for members 24 hours a day, 365 days a year. The center would be staffed daily from 6:00 a.m. to 7:30 p.m., providing employment for 2 people. The center offers one-on-one training 6:00 a.m. to 7:30 p.m. but offers no group classes such as aerobics, spinning, yoga, etc. A security system, which operates 24 hours a day, ensures members are safe during times when no staff is present. This security system is described in detail in the following Analysis section of this report with the entire system included in the

attachments. Anytime Fitness currently has over 400 locations nationwide with approximately 800 more opening soon within its system.

BACKGROUND

Available City records indicate the project site was used a pizzeria called Straw Hat Pizza Palace, who occupied the site from the late 1960s until 1998. The previous building was demolished and vacant building was built 1999. The building was specifically built for Blockbuster video rental chain who occupied it until late 2009 and has been vacant since then. The site contains one building totaling 4,050 sq. ft and provides seventeen (17) onsite parking stalls. Vehicular access to the site is provided from the ingress/egress point on Ham Lane. There are no outstanding code violations.

ANALYSIS

Conditionally permitted uses are those uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding uses and properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits.

Land Use Compatibility: One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding properties. The location of the proposed fitness center is in a mixed use area consisting of neighborhood-serving shopping centers with retail stores, restaurants and personal service uses as well as existing medium density residential development to the east. There are single family homes directly south of the site. There is a fuel station and a Starbucks coffee shop to the north of the project site. Small fitness centers, open 24-hours a day, within these types of centers, serve as a convenience to members within the surrounding neighborhoods with both traditional and nontraditional schedules, allowing access to fitness facilities convenient for their individual needs. Staff believes the proposed fitness center, would be compatible with the surrounding businesses and residential uses.

Security: Using a key/pad access system, Anytime Fitness would be open to members on a 24-hour basis. The access system is integrated with the onsite security systems including closed-circuit television, motion detection for entry doors, and personal security devices. These features allow members to feel secure in the club, even when the site is not staffed. According to statistics provided by the applicant, on average, Anytime Fitness clubs have 600 members, and of that membership, approximately 10% choose to workout between the hours of 10:00 p.m. and 5:00 a.m. Since the establishment of Anytime Fitness in 2002, there have been zero security incidents system wide.

The main member entrance door is equipped with a proximity access control system. To gain entrance, the member holds their electronic key fob or membership card in front of a device called a proximity reader. The proximity reader gathers information from the member's key fob/card and transmits it to a computer inside the fitness center. The computer system will then determine if the key is valid and if the member should be admitted to the club. If it is valid, the computer transmits an "OK" signal back to the proximity access controller, which then triggers a release mechanism in the door allowing the member to access the facility.

As a member enters, they pass by a mechanism called a tailgate detection system. This system validates only one person to enter the facility at a time. If more than one person tries to enter the facility on one key/card access, an audible alarm is triggered by the tailgate system notifying the member that someone has entered the facility behind them and triggers another alarm to the Digital Video Recorder (DVR), which will speed up the images per second on the member entrance door camera. The DVR also creates an alarm log within itself to notify the club owner that a tailgate violation has occurred, and to allow for easier video review.

Each club is equipped with a number of surveillance cameras offering adaptable camera positions and, for added security, a smoke-colored dome is placed over each camera to conceal the direction its lens is pointing. The 24-hour security system is continuously active, and can supply immediate help in case of emergency or injury. This is achieved through the use of wired and wireless personal security devices

(PSD). When a PSD button is pressed, the security monitoring company will immediately call the local authorities, and contact the owner.

Staff has contacted cities of Brentwood, Dixon, Dublin and San Ramon, where similar operating Anytime Fitness facilities exist. All the cities report they have had no problems or calls regarding the centers since they became operational from 2007 onward. Staff has also been in contact with the City of Galt Planning staff, where another area Anytime Fitness is located. They report there have been no policing problems associated with the business. The largest Anytime Fitness facility is located in Sacramento and it measures approximately 4,300 sq. ft in size.

Noise: All fitness center activities would be located within the building envelop; therefore, staff does not anticipate any adverse noise impacts upon the surrounding area. In addition, the relatively small size of the center would limit membership size and alter peak hours. If there becomes a concern regarding noise, a condition has been added to allow for review of the permit by the Community Development Department or, if needed, return to the Planning Commission for additional conditions or even revocation of the permit.

Parking: The parking for building was constructed per Lodi Municipal Code §17.60.100, at a ratio of 1 space per 250 square feet for general commercial-type uses. There are 17 parking spaces immediately available on-site, which are sufficient to serve the 4,050 square feet of space at the required ratio for general commercial uses. Anytime Fitness would occupy the entire building, requiring 17 parking spaces at the general commercial rate of 1 parking space per 250 square feet of space. This ratio is comparable to Twin Arbors or Fitness Works parking ratio. In addition, our research reveals that Anytime Fitness does not generate traffic demands generally associated with gyms, recreational centers or similar establishments. A point for consideration is that Anytime Fitness provides equipment only and offers no training sessions, classes or organized activities. The jurisdictions we spoke with all concur that Anytime Fitness is more like a studio type of center similar to Curves or Pilate without the organized activities. Staff believes that there will be sufficient parking for the proposed use with no impacts upon the parking availability for other tenants. If parking becomes a concern in the future, a condition has been added to allow for review of the permit by the Community Development Department or, if needed, return to the Planning Commission for additional conditions or even revocation of the permit.

Signage: No signage is proposed as part of this application; however, any signage would be required to conform to sign standards established by the Lodi Municipal Code Section 17.63, and would require plan submittal for review and approval by Community Development Department prior to installation.

In staff's opinion, the proposed use would not produce any adverse impacts on the adjacent properties in terms of noise, parking, litter, disorderly behavior, or other objectionable influences. Conditions have been added to mitigate typical concerns related to fitness centers and other similar establishments. If, in the future, concerns arise, and the Director/Police Department determines it necessary, the Use Permit can be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit. The City further reserves the right to periodically review the area for potential problems. If the operator is unable to abide by the conditions of approval, or prevent objectionable conditions from occurring, the Police Department or the Planning Commission will have the authority to modify, suspend, or revoke this Use Permit approval. Therefore, staff believes the proposed fitness center use would be beneficial to the other businesses as well as the proximate neighborhoods.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on Saturday, March 3, 2012. Twenty-nine (29) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve with additional/different conditions
- Deny the Use Permit request
- Continue the request

Respectfully Submitted,

Concur,

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

- A. Vicinity Map
- B. Aerial Photo
- C. Existing and Proposed Floor Plan
- D. Company Profile and Security Plan
- E. Draft Resolution



Vicinity Map
210 North Ham Lane
(APN: 037-100-24)
Lodi, CA 95240

 Project Site

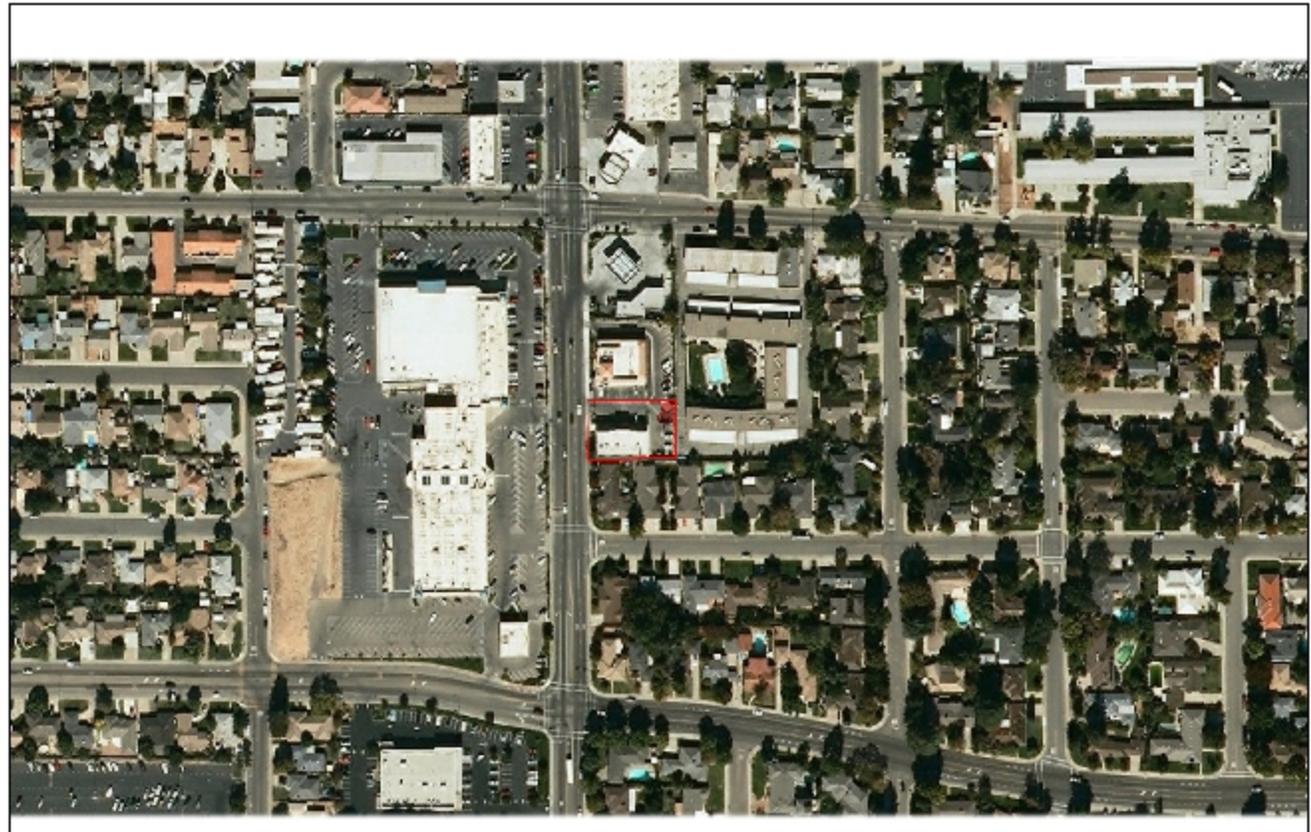


Street View



Project Area Map

Aerial Map



Not Scaled

Anytime Fitness
210 North Ham Lane
(APN: 037-100-24)
Lodi, CA 95240

 Project Site

Parcel # 037-100-24
 Total Bldg. SF = 4050
 Total Regular Parking Stalls = 15
 Total ADA Parking Stalls = 2
 Total All Parking Stalls = 17
 Proposed Use: 24 HR Fitness Center

PARKING/USE SURVEY 210 N. HAM LANE

TO:



IMMANUEL BEREKET
 Associate Planner

COMMUNITY DEVELOPMENT
 221 WEST PINE STREET
 P.O. BOX 3006
 LODI, CALIFORNIA 95241-1910

(209) 333-6711
 FAX (209) 333-6842
 email: lbereket@lodi.gov

FROM:



Wade Sellers
 Regional Property Manager

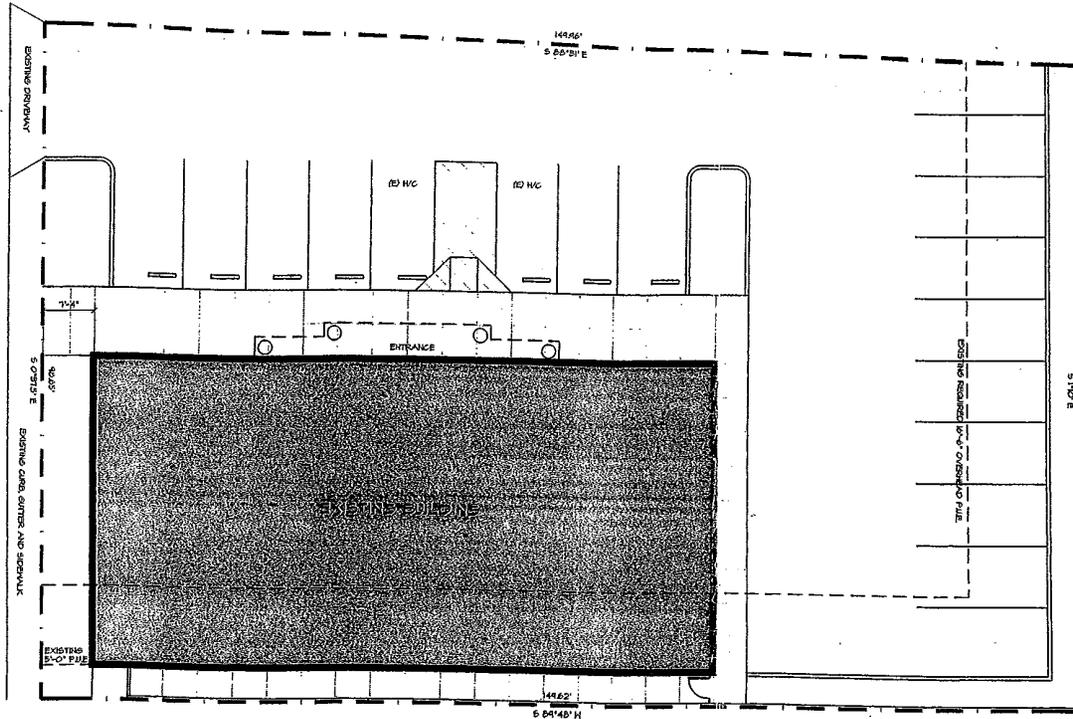
5757 Pacific Avenue, Suite 220
 Stockton, California 95207
 P: 209-478-1781 F: 209-952-1654

3300 Tully Road, Suite D-5
 Modesto, California 95350
 P: 209-524-4714 F: 209-572-4142
 wade.sellers@stonebrosmgmt.com

RECEIVED

FEB 07 2012

PLANNING DEPT
 CITY OF LODI



Anytime Fitness Business Operational Info:

Average client use time – 30 to 60 minutes.

Peak hours are 6a-9a; 4p-8p; M – F.

Weekend traffic dispersed throughout the day.

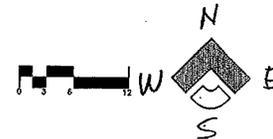
Average parking ratio during peak times is 5 cars per 1000sf.

Facility will not offer daycare, smoothie bar, swimming pool, sauna, or any other feature that normally create lingering by clients.

Members are in and out in less than an hour.

SITE PLAN

SCALE: 1/8" = 1'-0"



CODE COMMENTARY

Construction: Verify
 Sprinkled: Unknown
 Occupancy: B
 Exits Required: 2

THE CODE INFORMATION PROVIDED IS ASSUMED FOR REFERENCE - VERIFY ALL CODE REQUIREMENTS WITH LOCAL BUILDING CODE PRIOR TO ANY WORK.

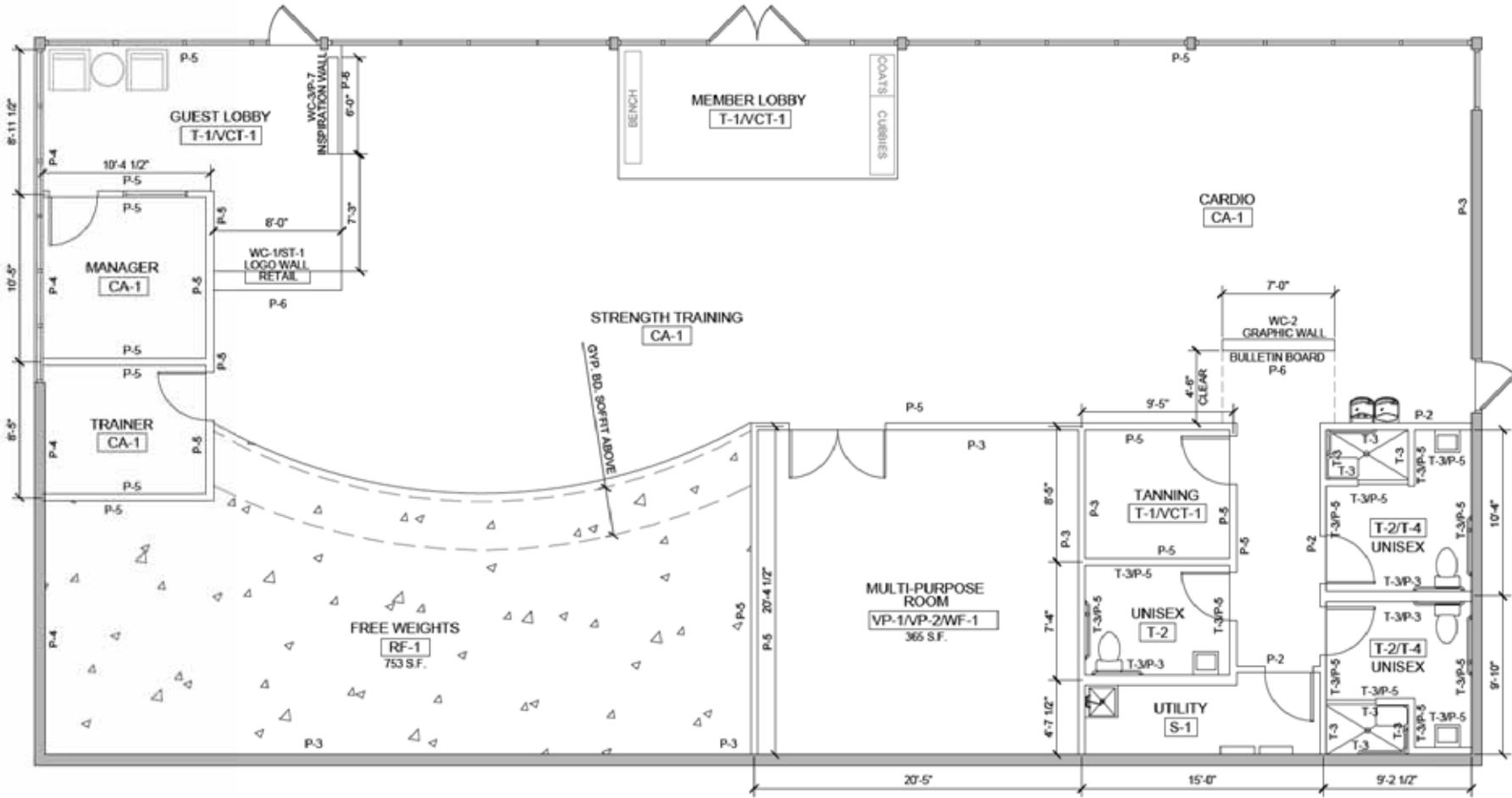
DISCLAIMER:
 EXISTING BACKGROUND, INCLUDING DIMENSIONS, ARE PROVIDED BY THE FRANCHISEE - VERIFY ALL DIMENSIONS IN FIELD AND NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO START OF ANY CONSTRUCTION

BRAND MATTERS! This document was created to ensure each club within the Anytime Fitness family embodies the spirit of the brand. The information provided conveys the aesthetics as well as the functionality of the club including, but not limited to: materials, finishes, design elements and layout.

This document is not to be used for construction. A qualified design professional(s) should be engaged to prepare detailed construction documents and ensure compliance with all applicable codes and regulations.

ABBREVIATIONS:
 CA = Carpet Floor
 T = Porcelain Tile
 VCT = Vinyl Composite Tile
 RF = Rubber Floor
 VP = Vinyl Plank Floor
 WF = Wood Floor
 S = Sealed Concrete Floor
 P = Paint
 WC = Wallcovering
 ST = Manufactured Stone

DRAWING KEY:
 [Solid Line] = Existing Wall
 [Dashed Line] = New Wall
 [Dotted Line] = Demo Wall
 [Solid Arch] = Existing Door
 [Dashed Arch] = New Door
 [Dotted Arch] = Demo Door
 [Wavy Line] = Floor Transition



PROPOSED FLOOR PLAN

1
EX A

NOT TO SCALE

FLOOR FINISH KEY:
 [Pattern] RF-1 [Pattern] CA-1 [Pattern] OTHER FLOORING AS NOTED



PROJECT LOCATION:
 LODI, CA - 4,062 +/- s.f.
 DESIGN SCHEME: EARTH
 DATE: 01/10/12
 DRAWN BY: KMB PROJECT NO.: ATF6324-12

S2i signature: _____ Date: _____
 C2i signature: _____ Date: _____
 Franchisee signature: _____ Date: _____

REV	DESCRIPTION	DATE
1	corporate comments	01/31/12



NOT FOR CONSTRUCTION
EXHIBIT A
 PROPOSED FLOOR PLAN



Community Information Guide



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Fast Facts

Anytime Fitness is the #1 co-ed fitness club in the world with more than 1,300 clubs now open!

Accolades:

- The International Health, Racquet and Sportsclub Association’s annual IHRSA Global 25, published in the July 2009 issue of Club Business International, found Anytime Fitness added 369 units in 2008 – more than any other club company in the industry.
- The Minneapolis St. Paul Business Journal named Anytime Fitness #1 on its “Fast 50” list of the Fastest Growing Companies in Minnesota for 2008, based on a two-year revenue growth rate of 348%.
- In its 2010 Franchise 500® rankings, Entrepreneur magazine awarded Anytime Fitness the following:
 - Franchise 500 Rank - #43 (up from #47 in 2009)
 - Fastest-Growing Franchises - #12
 - Top Global Franchises - #37 (up from #41 in 2009)
- USA Today and The National Minority Franchising Initiative named Anytime Fitness among the “Top 50 franchises for minorities” (November, 2009 & 2008).
- Honored as “Military Friendly Franchise” by GI-Jobs (April 2010)
- MoneySense named Anytime Fitness #6 on its list of Top 10 Global Franchises Under \$50k
- For the 5th year in a row, Franchise Business Review honored Anytime Fitness with its top rating and an “FBR 50 Franchisee Satisfaction Award.”

Watch us grow:

- 1,584% growth rate (2004 – 2009).
- A new club opens every business day.
- A new member joins every 3 minutes.

Items of interest:

- Anytime Fitness is the first and only co-ed fitness franchise in the world with more than 1,300 clubs.
- Anytime Fitness clubs are now open in 48 states, Canada, Australia, New Zealand, Mexico, and India.
- By the end of 2010, Anytime Fitness expects to have territories sold in Europe, Asia, The Middle East, and beyond.
- 56% of Anytime Fitness franchisees own multiple clubs or franchise territories.
- The Anytime Fitness Express model is designed for clubs with under 2,500 square feet and a market size typically less than 5,000 people. This is an ideal offering for rural markets or as a complement to a full-sized club in an existing territory.

Anytime Fitness, LLC
12181 Margo Ave S | Hastings, MN 55033 | anytimefitness.com | 800.704.5004

Minnesota Franchise Reg. #4424

For New York residents: This advertisement is not an offering. An offering can only be made by a prospectus filed first with the Department of Law of the State of New York. Such filing does not constitute approval by the Department of Law.



Convenience & Affordability

Most recognize the need for exercise, but few actually make it happen. Convenience is often cited as a hurdle. And, finding a club that is affordable and welcoming can be a challenge. It seems that many are still looking for that elusive fitness club.

Anytime Fitness, the world's first 24-hour fitness, tanning, and reciprocal membership franchise, offers the convenience and affordability many people are seeking.

At Anytime Fitness, members can workout any time of the day or night. They use a security-access card to enter the club, even when it is not staffed.

Convenience is the number one service Anytime Fitness provides its members. Due to a territory structure that allows clubs to be placed every three miles in densely populated areas, 90% of our membership lives within .5 to 5 miles of their main club. This availability is an advantage for all members, but especially for seniors, who may not have the ability or desire to travel far from their home. Many members can walk

to their club from either home or work, reducing their dependence on driving or using mass transit.

Inside each club, members will find topnotch equipment that is safe and easy-to-use. Our strength-training equipment does not include free weights. Rather, we use plate-loaded systems, which allow for solo workouts that do not require a spotter or exercise partner. While increasing safety and reducing injuries, this type of equipment also spans the varying fitness levels of our members, which ranges from beginner to elite.

With membership dues typically less than \$49 dollars a month, Anytime Fitness clubs offer an affordable fitness option for everyone. In contrast to the low price tag, Anytime Fitness clubs are scrupulously clean and bright, with expertly designed workout areas. Each club has one main workout room that is well lit and offers a full view of the club's external surroundings. Plus, Anytime Fitness offers private and secure restrooms and changing areas.

Testimonials

Safety is of the highest concern to Anytime Fitness, which is why each club is equipped with the latest in access, security, and surveillance systems. This level of protection has been noticed by those in law enforcement. Here's what they had to say...

April 17, 2007

To whom it may concern,

I am a police officer for the St. Paul Police Department, where I have worked for over 11 years. When looking for a fitness facility, my husband came across the Anytime Fitness located at 1679 Suburban Avenue in St. Paul, Minnesota. This facility is located in the team district where I currently work as an investigator, so I am extremely familiar with crime statistics in that area. I compared Anytime Fitness with other available clubs in the area, and we ultimately chose Anytime Fitness for several reasons.

I believe the facility has taken necessary and reasonable precautions to protect the safety of patrons, particularly during non-staffed hours. There are wireless personal security devices available that are easily accessible to use in the event of an emergency. They also have a 24-hour security system that is active at all times. Furthermore, there are bubble cameras throughout the facility. There are floor-to-ceiling glass windows all along the front of the club, which allow easy viewing of the entire facility. The entrance is very well lit, as well as the club. Almost all of the equipment is Nautilus type equipment, which can be operated by one person and is very safe to use. The free weight benches have safety bars to prevent the weight bar from falling and injuring a person. All of the cardiovascular equipment has emergency stop mechanisms, and is located in the front of the facility. The doors automatically lock after a person enters and leaves, and are only opened with a passkey.

As a police officer, I cannot make official endorsements. However, my husband and I feel that the Anytime Fitness club in St. Paul does provide members with a reasonable degree of safety and security during non-staffed hours.

Sincerely,
Tina Kill
Tina.Kill@ci.stpaul.mn.us

“As a lieutenant with the local police department,

I certainly understand the concerns for some individuals who may come in after staffed hours... The security that is in place in the Anytime Fitness facilities is second to none.”

Lt. Allen Eason,
Jacksonville (FL)
Sheriff’s Office

See page 13 for
full text of letter.

“I have been a full-time law enforcement officer for over 15 years.

Criminals are like water, they take the path of least resistance. Anytime Fitness Clubs not only have security systems in place, but state-of-the-art security systems that are functional, effective, and user friendly... Our personal security devices work 200 yards from our building. Our members are encouraged to take one with them at night into the parking lot (which is also under video surveillance) if they feel it is necessary for safety’s sake.”

James A. Bussell,
Patrol Sergeant/Shift
Commander,
Traverse City Police Dept.
Owner, Anytime Fitness
of Traverse City

See page 14 for
full text of letter.



Security Systems

“How can a club securely offer 24-hour access?”

Using a proprietary access system, Anytime Fitness clubs are open to their members on a 24-hour basis. **The access system is fully integrated with our member check-in software and onsite security systems, which include closed-circuit television and tailgate detection for entry doors.** All this allows members to feel secure in the clubs, even when they are not staffed.

On average, Anytime Fitness clubs have 600 members. Of that membership, approximately 10% choose to workout between the hours of 10:00 PM and 5:00 AM. Using advanced member tracking software, we know there is rarely only one person in the club during those hours. Even so, the use of personal security devices is strongly encouraged by club owners during non-staffed hours.

Law enforcement officials familiar with the Anytime Fitness security systems concur that the systems effectively deter criminal activity. (Letters supporting this conclusion can be found in the addendum on pages 14-16.) We are proud to state that with nearly 1,000 clubs in operation across the nation, the custom-designed security and surveillance systems in use at our clubs have worked to ensure member safety.

The following information describes the typical security scenarios for entering and leaving the club, using the security and remote monitoring systems, and using the tanning suites:

Typical Entry Procedure

The main member entrance door is equipped with a proximity access control system.

To gain entrance, the member holds their key fob or membership card in front of a device called a proximity reader.

The proximity reader gathers information from the member’s key fob/card and transmits it to a computer inside the fitness center. The computer system will then determine if the key is valid and if the member should be admitted to the club.

If valid, the computer transmits an OK signal back to the proximity access controller. The receipt of an OK signal triggers a release mechanism in the door, either a door strike or a magnetic lock. The member can then enter the facility.

Typical entry procedure continued on next page...

Security Systems

Typical entry procedure continued...

As the member enters, they pass by a mechanism called a tailgate detection system. This system validates only one person to enter the facility at a time.

If more than one person tries to enter the facility on one key/card access, an audible alarm is triggered by the tailgate system. This alarm will notify the member that someone has entered the facility behind them.

The tailgate system also triggers another alarm to the Digital Video Recorder (DVR), which will speed up the images per second on the member entrance door camera.

The DVR also creates an alarm log within itself to notify the club owner that a tailgate violation had occurred, and to allow for easier video review.

Each club is equipped with a number of surveillance cameras. They offer adaptable camera positions using a three-axis system. For added security, a smoke-colored dome is placed over each camera to conceal the direction its lens is pointing. For more information, see Typical Use of Remote Monitoring (CCTV and DVR).

A dedicated high resolution camera is positioned by the member entrance door for added security.

Typical Use of the Remote

Monitoring System (CCTV and DVR):

The main purpose of the CCTV (Closed Circuit Television) system is for the member's safety and peace of mind. The components of the CCTV system are the Digital Video Recorder, the security cameras, and software and hardware integration with the club's computer system.

Typically, member activities are recorded over each day, unless an incident or emergency requires further review or investigation. If this is the case, the owner of a facility will have the ability to review selected video footage and extract it from the DVR for future reference.

No audio recordings of any kind are used in Anytime Fitness facilities.



Tailgate Detection System



Surveillance Cameras

Security Systems

Typical Use of the Security System

Anytime Fitness clubs make use of a multi-zone security system. In this setup, **24-hour zones are active at all times, and burglary zones are armed manually.**

A 24-hour zone is continuously active, and can secure areas of your club that are vulnerable during your operating hours or supply immediate help in case of emergency or injury.

The 24-hour zone includes wired and wireless personal security devices (PSD).

PSDs offer instant emergency notification in the event of a serious accident or illness.

When a PSD button is pressed, the security monitoring company will immediately call the local authorities, and next they will contact the facility/club owner.

If emergency personnel are dispatched to the club when it is not staffed, they may obtain a key from a knock box. This is a small box installed on the exterior of the club, near the entry door.

The burglary zone includes the motion detector, wireless door contacts, and glass break detectors. The exterior doors of the club are protected with wireless door contacts. Installing this type of detector will deter club members from opening a service or employee entrance door to allow nonmembers into the club when it is not staffed.



The club's business office is secured using a passive infrared motion detector. This type of detector will not register movement from outside a window, eliminating false alarms.

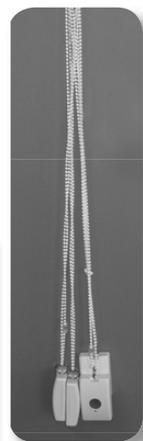
When a burglary zone is tripped, the security monitoring company will call the facility/club owner first, and next they will contact the local authorities, if directed to do so by club personnel.



First Aid Kit



Wired Personal Security Device



Wireless Personal Security Device

Security Systems

Typical Exit Procedures

The member will exit through the same door in which they entered.

As the member leaves, they will engage a free-exit mechanism. Examples of this mechanism include a paddle or crash bar. Regardless of the type of mechanism that is installed, it will be a mechanical device and not an electrical one. This means that a loss of power will not affect a member's ability to exit the facility.

The tailgate system is also equipped with a free-exit control, which means that a member does not have to hold their key/card in front of a proximity reader to exit the facility.

Typical Tanning Procedure

The member enters the tanning suite (entering does not require their card/key) and locks the door from the inside.

Once inside, a member can begin their tanning session by having their key/card read by a proximity reader, which is located inside the tanning suite.

After the key/card is read, the club's computer system will verify that the member is eligible to use the tanning facilities. It will also verify that the member has not already tanned on the same day. The system will not allow a member to tan more than once within a 24-hour timeframe.

Finally, the system will turn on the tanning bed and allow it to run for a pre-determined amount of time.

Emergency Equipment

As of April 28, 2008, Anytime Fitness, Inc. instituted a policy that requires each of its franchised locations to have an Automated External Defibrillator (AED) installed on site. The AED must be installed in such a manner that it is accessible to and in clear view of all members. The new mandated AED policy affects all currently open clubs and all clubs that are in the development process. By September 1, 2008, all clubs must have an AED on site.



In addition to the security system components, the following items must be installed at each Anytime Fitness club:

- A telephone for 911/Emergency call access and a corresponding sign that labels it as such.
- A sign in plain view with an advisory warning that indicates members of a non-staffed health spa should be aware that working out alone may pose risks to their health and safety.
- A sign in plain view providing instruction in the use of the Automated External Defibrillator (AED) and in cardiopulmonary resuscitation.



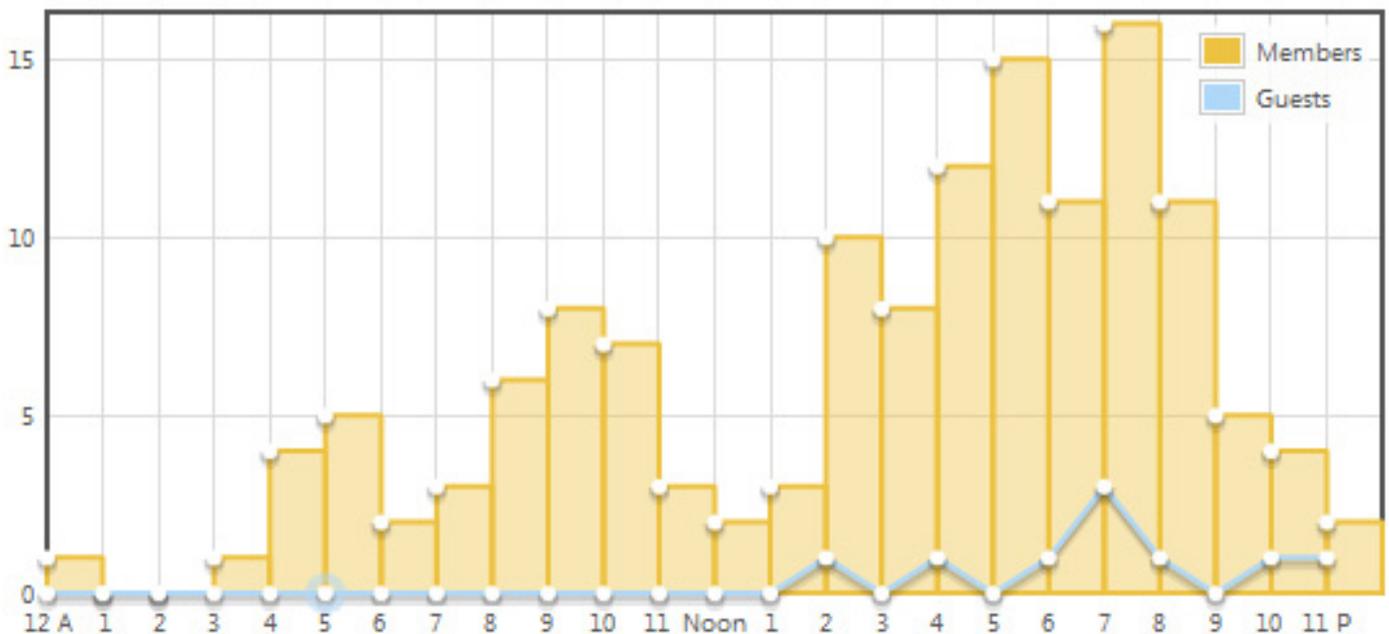
Usage Statistics

Anytime Fitness provides round-the-clock convenience to accommodate the busy lifestyles of our members. Although most of our members workout between 8 a.m. and 9 p.m., it's important that clubs remain open 24 hours a day to meet the needs of nurses, police officers, and others who work unusual hours.

As illustrated by the chart below, depicting hourly usage at a typical Anytime Fitness club, relatively few members visit the clubs between 10 p.m. and 5 a.m. Thus, noise and traffic during nighttime hours are not an issue.

Finally, because many of our members visit the clubs in pairs, arriving together, Anytime Fitness clubs do not require many parking spaces—typically 10 or fewer—even during peak hours.

Typical Anytime Fitness Club Usage by Hour





FAQs

Do you offer integrated technology systems?

Anytime Fitness offers a turnkey management system that has been successfully implemented in hundreds of clubs. Working with preferred solutions providers, our clubs benefit from complete systems integration. For example, access and security systems, billing and payment processing, membership and data management, tanning suite access systems, Point of Sale integration, and vending solutions.

What is membership reciprocity?

As a member-focused business, we are proud to offer the benefit of membership reciprocity. Club members have made it clear that they love this benefit, as it allows them to use hundreds of clubs nationwide for the price of a standard monthly membership. Plus, reciprocity clearly adds to the convenience we offer our members, which is the top reason consumers choose one particular club over another. In this way, Anytime Fitness stands alone, as no other fitness franchise offers the combination of 24-hour access and reciprocity between clubs.

Do you have corporate wellness programs in place?

Many corporations are now proactively encouraging their employees to make time for regular exercise. The benefits of regular exercise by employees are numerous. As workers increase their activity levels, they also improve

their health and may even prevent diseases. Anytime Fitness will work with corporations or businesses of any size to create customized wellness programs for their employees.

Do you participate in health plan reimbursement programs?

Many health plans are now reimbursing a portion of their member's health club fees. In doing so, they hope to motivate members to join a fitness club and increase their activity level. The health plan partners believe becoming more active will empower their members to take charge of their health, especially in regard to disease prevention. Six major health plan partners currently offer reimbursement programs to Anytime Fitness club members. The trend for these programs is on the rise, and our offerings are sure to increase in the coming months and years.

What type of service can a member expect at Anytime Fitness?

We clearly post our staffed service hours. Members can rely on those postings and will have access to a service professional during those hours. We respond to inquiries and requests within 24 hours. We offer a welcoming and clean environment to everyone, regardless of his or her fitness level or ability. Members can rely on a supportive atmosphere that encourages them to strive for and meet their fitness goals.

When is a gym not a gym?

Usage Permit and Zoning Class Considerations

Many municipalities use terms like “gymnasium” or “health club” to define certain facilities for usage permit and/or zoning classification purposes. Issues may arise, however, if those definitions presume that the applicant gym or health club is a large facility—occupying tens of thousands of square feet, serving thousands of members and requiring dozens or hundreds of parking spaces.

Anytime Fitness clubs typically occupy less than 6,000 square feet, serve approximately 700 members and require less than a dozen parking spaces. Thus, care should be taken so that appropriate usage permits and zoning classifications are applied.

In many instances, rather than “gymnasium” or “health club,” the most accurate term to apply to an Anytime Fitness club, for usage permit and/or zoning purposes, might be “studio” or “boutique” or a similar term. The customer profile, time spent in the facility, and traffic effects of an Anytime Fitness are much more similar to a personal spa or salon than a traditional, “big box” fitness center.

To avoid unnecessary confusion or delays, these sorts factors should be considered and discussed before a usage permit is completed and filed with municipal officials.





Addendum

April 17, 2007

Mark,

I'm writing you to let you know just how important proper security is for our business. As a lieutenant with the local police department I certainly understand the concerns for some individuals who may come in after staffed hours. We have been in business now for almost a year and we have not had one incident concerning security. **The security that is in place in the Anytime Fitness facilities is second to none.**

From the keycard reader at the door which captures the members name and picture to the nine cameras in our facility, it has made even the "smallest" woman feel safe during the late night early morning hours. Obviously in my job dealing with public safety on a daily basis, members almost expect me to have the best security in place for their safety. We tell each new member about our tailgate system, recorded cameras, and the panic buttons.

The security system alone has sold many memberships for our club. Just as important as the integrated security system is to the club it is also the "security" your members give to the club. My members will notify me if there is someone that tries to come into the club after hours. They act, in conjunction with the cameras, as an extra set of eyes in the facility.

Lt. Allen Eason
 Jacksonville (FL) Sheriff's Office
 Ph: 904-859-6883

Addendum

Mr. Daly,

I have been a full-time law enforcement officer for over 15 years. Criminals are like water, they take the path of least resistance. **Anytime Fitness Clubs not only have security systems in place, but state-of-the-art security systems that are functional, effective, and user friendly.**

I'm not aware of any other fitness center in Northern Michigan with security systems and procedures even remotely close to what Anytime Fitness offers.

We've been in operation almost four months. In that time, we've had NO thefts, NO assaults, NO injuries.

Our club is smaller and the interior layout is open by design. "Big Box" clubs, even when staffed, have multiple unsecure access points, isolated areas, and in my opinion are less safe even when staffed. Victims are more vulnerable when assailants are afforded isolation with the victim in an unmonitored environment (such as an empty aerobics room, steam room, closet, or office). Which is safer, a half awake minimum wage employee at 3 in the morning on the main floor of a 3 story gym, or our facility? For that matter, are employees mandated to be on every floor of a multi-story hotel?

I've issued 6 key fobs to our local Sheriff Department. Our facility is in a neighboring township. They have been issued to each midnight shift commander. Their department has immediate access to our club. I'm 100% positive that law enforcement will have quicker access to my facility than any other in town. How can we give out 6 keys to law enforcement and other gyms can't? Because of our security system, the ability to track access, and the ability to "turn our keys off" whenever we need to.

Our personal security devices work 200 yards from our building. Our members are encouraged to take one with them at night into the parking lot (which is also under video surveillance) if they feel it is necessary for safety's sake. In my opinion, ordinances and laws that prohibit our type of facility from operating stem from a lack of familiarity with the technology, procedures, and systems we have in place.

Anytime Fitness clubs help members achieve their fitness goals for many reasons, but one of the primary reasons is that it offers 24/7/365 availability. Our members feel a sense of ownership, which in itself is another level of security our club offers. I love walking into our club on a weekend or holiday and joking with members about how many gyms in town are open (the answer is ONE). If mandatory staffing was legislated in our community, the responsible officials could expect over 500 formerly happy and content citizens (not to mention their friends and family members) to be contacting them with their concerns.

continued on next page...



Addendum continued from page 14...

It's 1:11 AM as I write this letter (I'm working late again). I have one 25 year old female in the gym right now. She's here 3 nights a week around this time. I just asked her how this is working for her. She said she loves it. She works afternoons and goes to college during the day. If it wasn't for our facility, she'd have nowhere to workout. I asked her if she's ever felt vulnerable in our club. She laughed and said no. I asked her why. She said because of all the security we have. Everything is on camera.

I've dedicated a large portion of the last 15 years of my life to serving and protecting the citizens of our community. I've given over 100 presentations to community groups and schools concerning police operations, K9 operations, and schools about "Stranger Danger". With that said, and while also being an owner of an Anytime Fitness club, the assertion that our clubs are unsafe upsets me. If you feel I can be of anymore assistance please let me know.

Sincerely,
 James A. Bussell
 Patrol Sergeant/Shift Commander, Traverse City Police Department
 Owner, Anytime Fitness of Traverse City
 traverscity@anytimefitness.com



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Web Site: www.eiadvisors.com
P.O. Box 440848 Kennesaw, GA 30160

A DIVISION OF THOMPSON ENTERPRISES, LLC

Anytime Fitness, Inc.
Attn: Chuck Runyon
12181 Margo Avenue South
Hastings, MN 55033

Re: Insurance Program for Anytime Fitness franchisees

Dear Mr. Runyon,

I wanted to take this opportunity to thank you and your team for the fantastic work you do with your franchisees regarding training and systems. The Anytime Fitness model has not only proven to be an excellent business opportunity for a future club owner, it has also developed into one of the safest business operations this industry has over known.

We have been able to track the claims activity for the Anytime Fitness franchisees for several years now and we are happy to report that claim frequency and claim severity are both extremely low. This has enabled us to restructure the premium pricing with the insurance company underwriters on behalf of your franchisees which has translated into premium savings amounting to several hundred and, in some cases, thousands of dollars in insurance costs.

The combination of a smaller health club physical plant, minimal wet areas, easy to use equipment and digital surveillance, creates an extremely safe workout environment thereby enabling us to provide you with the best insurance policy available at a very low cost to your franchisees.

We are committed to continue to provide your club owners with excellent coverage, great premium pricing, and the very best customer service for many years to come. Thank you again for your support and please let me know if there is anything you need from us to help your franchisees going forward.

Sincerely,

A handwritten signature in black ink that reads "Ken M. Reinig". The signature is fluid and cursive.

Ken M. Reinig,
Senior Vice President



RESOLUTION NO. P.C. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING A USE PERMIT (12-U-02) TO ALLOW THE OPERATION OF A 4,050-SQUARE-FOOT FITNESS CENTER KNOWN AS ANYTIME FITNESS LOCATED AT 210 NORTH HAM LANE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project site is located at 210 North Ham Lane, Lodi, CA 95240 (APN: 037-100-24); and

WHEREAS, project proponent is Stone Bros. Management Inc., 5757 Pacific Avenue, Suite 220 Stockton, CA 95207-5159; and

WHEREAS, the project property owner is Stones of Surry PTP, 5757 Pacific Avenue, Suite 220, Stockton, CA 95207-5159; and

WHEREAS, the property has a General Plan designation of Commercial and is zoned C-1, Neighborhood Commercial; and

WHEREAS, the requested Use Permit to allow operation a fitness center known as Anytime Fitness, in an approximately 4,050 sq. ft. building located at 210 North Ham Lane, Lodi, CA 95240; and

WHEREAS, pursuant to City of Lodi Zoning Ordinance § 17.72.110, this resolution becomes effective ten (10) business days from its adoption in the absence of the filing of an appeal; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

Based upon the evidence within the staff report and project file the Planning Commission finds:

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15321, Class 21 (a) (2). The project is classified as an “Enforcement action by regulatory agencies” because it is the “adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” No significant environmental impacts are anticipated and no mitigation measures have been required.
2. The proposed use complies with all requirements as set forth for the issuance of this Use Permit, in that the site is adequate in size, shape and topography for the proposed use, consisting of an existing building. Second, the site has sufficient access to streets, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use, which is not expected to significantly increase due to the project. Third, the proposed use is deemed to be consistent to the General Plan and the Zoning Ordinance. Fourth, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare in that security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.
3. The harmony in scale, bulk, coverage and density of the proposed project is consistent with and compatible to the existing and proposed land uses around the subject site, in that the proposed Anytime Fitness facility will be located within an existing building, with no additions or expansions to the approved exterior thereby maintaining the approved scale, bulk, coverage and density of the building with no impacts upon the surrounding neighborhood.
4. The availability of public facilities and utilities is adequate to serve the proposed use, in that the Anytime Fitness facility will be located within an existing building where public facilities and services are provided, including sewer, water, electricity, phone, etc.

5. There would be no harmful effect upon the desirable neighborhood character with approval of this permit due to the building location within an established commercial neighborhood with no exterior additions proposed and an 8' high masonry wall separating the site from residential properties to the east.
6. The subject site will have adequate pedestrian and vehicular circulation and parking available, in that there is an adequate vehicle access point. Pedestrian movements are facilitated by paved and continuous path of travel that connects to the public sidewalk and the sidewalk accesses adjacent properties.
7. The generation of traffic would be minimal due to the fact that the project site is designed for vehicle use and the capacity of the surrounding streets is adequate to handle the proposed increase in use, due to Ham Lane being a major north-south thoroughfare and able to handle expanding traffic needs.
8. The location, design, landscaping and screening, and overall site planning of the proposed fitness center will provide an attractive, useful and convenient working and community-service area, in that the project has been landscaped with the original approval of the center and is located close to public transportation, arterial streets and residential neighborhoods.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 12-U-02 is hereby approved, subject to the following conditions:

1. The applicant/Operator and/or successors in interest and management shall defend, indemnify, and hold the City of Lodi, its agents, officers, and employees harmless of any claim, action, or proceeding (including legal costs and attorney's fees) to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the applicant of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.
2. The City of Lodi, the Planning Commission and Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on this Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of the Use Permit if the Use Permit becomes a serious policing problem.
3. The Applicant/Operator and/or successors in interest and management shall insure that the operation of the proposed facility does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
4. The proposed project shall be established and continuously operated in substantial conformance with the floor plan, written narrative, and other project submittals dated "Received, February 7, 2012" unless otherwise amended by the conditions of approval contained herein. Minor changes to the plans and operation may be allowed subject to the approval of the Community Development Director if found to be in substantial conformance with the approved exhibits.
5. On-site signage shall be allowed in accordance with the standards of the Lodi Municipal Code, and shall be submitted to the Community Development Department prior to installation for review and permitting.
6. In the event that the applicant proposes to modify any aspect of the business or modify the exterior of the building or site, the modification shall be subject to the review of the Community Development Director. The Community Development Director may approve the modification or refer the matter back to the Planning Commission if judged to be substantial.

7. If operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Community Development Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
8. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times. Graffiti shall be removed within twenty-four hours after issuance of a notice of order.
9. Approval of this Use Permit shall be subject to revocation procedures contained in Section 17.72 of the Lodi Municipal Code in the event any of the terms of this approval are violated or if the operation of the business is conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
10. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
11. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: March 14, 2012

I certify that Resolution No. 12- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 14, 2012 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Use Permit to allow a Type 2 ABC License @ 14 S. School St.
Applicant: Alan Freeman

Item 3d.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: March 14, 2012

APPLICATION NO: Use Permit: 12-U-03

REQUEST: Request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control license at 14 South School Street. (Applicant: Alan Freeman; File Number: 12-U-03).

LOCATION: 14 South School Street
APN: 043-036-19
Lodi, CA 95240

APPLICANT: Alan Freeman
257 East Century Blvd
Lodi, CA 95240

PROPERTY OWNER: Dobbins Properties LLC
2524 Canal Drive
Lodi, CA 95242-9178

RECOMMENDATION

Staff recommends that the Planning Commission approve Mr. Freeman's request for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control license to operate a wine tasting room at 14 South School Street, subject to the conditions outlined in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: DMU, Downtown Mixed Use

Zoning Designation: C-2, General Commercial (Downtown Business District)

Property Size: Tenant space is approximately 1,893 sq. ft.

The adjacent zoning and land use are as follows:

	General Plan	Zone	Land Use
North	Downtown Mixed use	C-2, General Commercial	Mixture of retail/commercial
South	Downtown Mixed use	C-2, General Commercial	Mixture of retail/commercial
East	Downtown Mixed use	C-2, General Commercial	Mixture of retail/commercial
West	Downtown Mixed use	C-2, General Commercial	Mixture of retail/commercial

SUMMARY

The applicant, Mr. Alan Freeman, seeks a Use Permit approval to operate a wine retail and wine tasting room in an existing building located at 14 South School Street. The facility will be located within an existing commercial building and it measures approximately 1,893 square feet in area. The applicant proposes to construct four separate wine tasting bars within the tenant space to lease to other wineries. Each wine bar will be separately staffed and operated by each winery. Mr. Freeman will not offer sale of wine or establish a wine bar within the store. He intends to sell wine related gift items such as decanters, stemware, cork screws and the like, which are not subject to the State ABC requirements or the City's Use Permit procedure. No exterior changes to the building are proposed. However, the applicant proposes an outdoor seating area for wine tasting purposes, similar to the other wineries in the Downtown District. The project area is in the downtown commercial center district, which features mixed use commercial and retail businesses. The

proposed use is consistent with the City's vision of making Lodi a wine tasting tourist destination. The applicant is not requesting signage at this time. Any future signage will be reviewed at staff level to ensure conformance with the approved sign program for the Downtown Business District.

BACKGROUND

Available City records indicate that the building has been used for various retail type uses since its construction. The most recent use was a second hand store. Currently, there are no outstanding City or Building Code violations. The project site is bordered by a variety of businesses on all sides. The project site is within the Downtown Parking District and, therefore, no onsite parking is required. The applicant applied for building permit to allow Tenant Improvement and his application is pending.

ANALYSIS

The applicant, Alan Freeman requests approval of a Use Permit to open a wine tasting room and retail sales in an existing building located at 14 South School Street. The applicant intends to use this location to sell wine related gift items such as decanters, stemware, cork screws and the like. Wearable logo items will also be made available for purchase. In addition, Mr. Freeman proposes to construct four (4) small wine bars/wine tasting rooms within the store. This portion of the proposed business requires a Use Permit. A Type 2 license is required by the State Department of Alcohol Beverage Control (ABC) for the operation of a winery and wine tasting. No food would be prepared at the project site. The proposed hours of operations are Monday-Thursday 11:00 a.m. – 9:00 p.m., Friday-Saturday 11:00 a.m.-10:00 p.m., and Sunday 11:00 a.m.-5:00 p.m. The proposed hours of operation are similar to other wine tasting rooms in Lodi.

The project is located in a General Commercial (C-2) zoning district and the building offers space for the type of business the applicants propose. The proposed business will be located within the City's downtown and will support and compliment other downtown businesses. The C-2 zoning district is designated for a variety of general commercial uses, including wineries. The proposed winery is consistent with the types of uses one would expect to find in a General Commercial zoning district. In the future, the applicant would like to serve wine on the sidewalk, similar to the Cellar Door and Benson Ferry Wine Tasting rooms. No crushing or making activities will occur at this location.

Section 17.72.040 of the Lodi Municipal Code requires a Use Permit for new Off-Sale and On-Sale alcohol licenses as well as changes in license type. The City established the Use Permit requirement to gain local control over whether or not a license is appropriate for a particular location. The State Department of Alcoholic Beverage Control primarily controls issuance based on concentration of licenses within a particular Census Tract. Census Tract 42.04 covers the area south of Holly Drive, west of Sacramento Street, north of Lodi Avenue, and east of Ham Lane. Because this area is within the downtown area, there is an existing over concentration of ABC licenses (29 on-sale and 4 off-sale) within this Census Tract. However, wineries, wine production facilities and associated wine tasting rooms and retail sales of wine are exempt from ABC regulations related to over-concentration and the need to obtain public necessity and convenience from the Planning Commission. However, the Commission should review the application to ensure that sale of alcohol will not adversely affect surrounding residents, businesses, and institutions and to ensure that any such use operates in a manner compatible with existing and future adjacent uses. In the past, the Planning Commission and the Planning staff have generally supported wineries and wine manufacturing operations that wish to acquire an ABC on-sale license because, typically, they do not create alcohol related problems.

The purpose of a Use Permit procedure is to adequately condition the project in a way to minimize potential negative impacts to the health, safety and general welfare of the community, residents, and surrounding properties. As part of the recommendation of approval, staff, working with the Police Department, has recommended operational conditions based upon the individual business plan to ensure the establishment will be compatible with the surroundings. The Police Department has reviewed and recommended operational conditions, which are incorporated into the draft resolution. The Public Works Department has reviewed the application and advised that the proposed outdoor

area will require an encroachment permit. Their requirement has been incorporated into the attached draft resolution.

The Community Development Department is of the opinion that the proposed project is consistent with the surrounding land uses and zoning; and with the City's policy to encourage the wine production and wine tasting industry. The intended nature of this operation does not promote excessive onsite consumption of alcohol and, therefore, staff does not expect any problems with the proposed establishment. Since no crushing is being proposed as part of this Use Permit, there will be no wine waste to be concerned about. The proposed use is consistent with the City's vision of making Lodi a wine tasting tourist destination. The wine tasting rooms are a large part of this vision for they not only compliment other downtown businesses such as restaurants and boutiques, but add to the character of the City by promoting local wineries and viticulture. Staff has contacted various City departments for review and approval. We, therefore, are recommending that the Use Permit be approved, subject to the attached resolution.

ENVIRONMENTAL ASSESSMENTS

The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an "Enforcement Action by Regulatory Agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. No significant impacts are anticipated and no mitigation measures have been required. No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on Saturday, March 3, 2012. Thirty-seven (37) public hearing notices were sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091 (a) 3. Public notice also was mailed to interested parties who had expressed their interest of the project.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve with additional/different conditions
- Deny the Use Permit and SPARC request
- Continue the request

Respectfully Submitted,

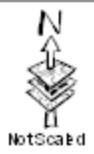
Concur,

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS

- A. Vicinity Map
- B. Aerial Map
- C. Plot Plan
- B. Existing and Proposed Floor Plan
- C. Draft Resolution



Vicinity Map
14 South School Street
APN: 043-036-19
Lodi, CA 95240



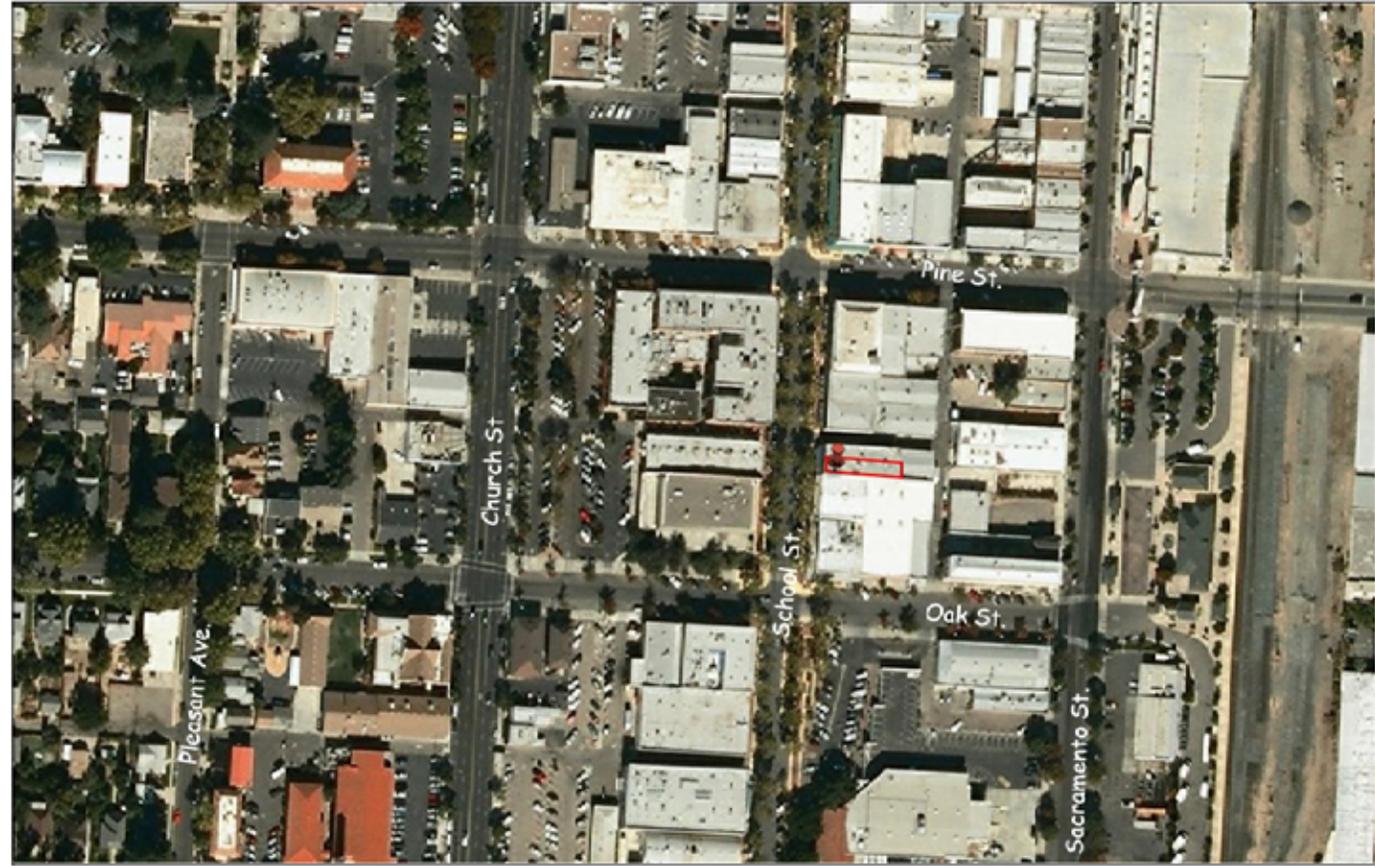


Street View



Project Aerial Map

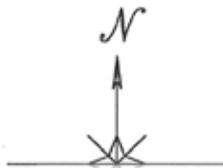
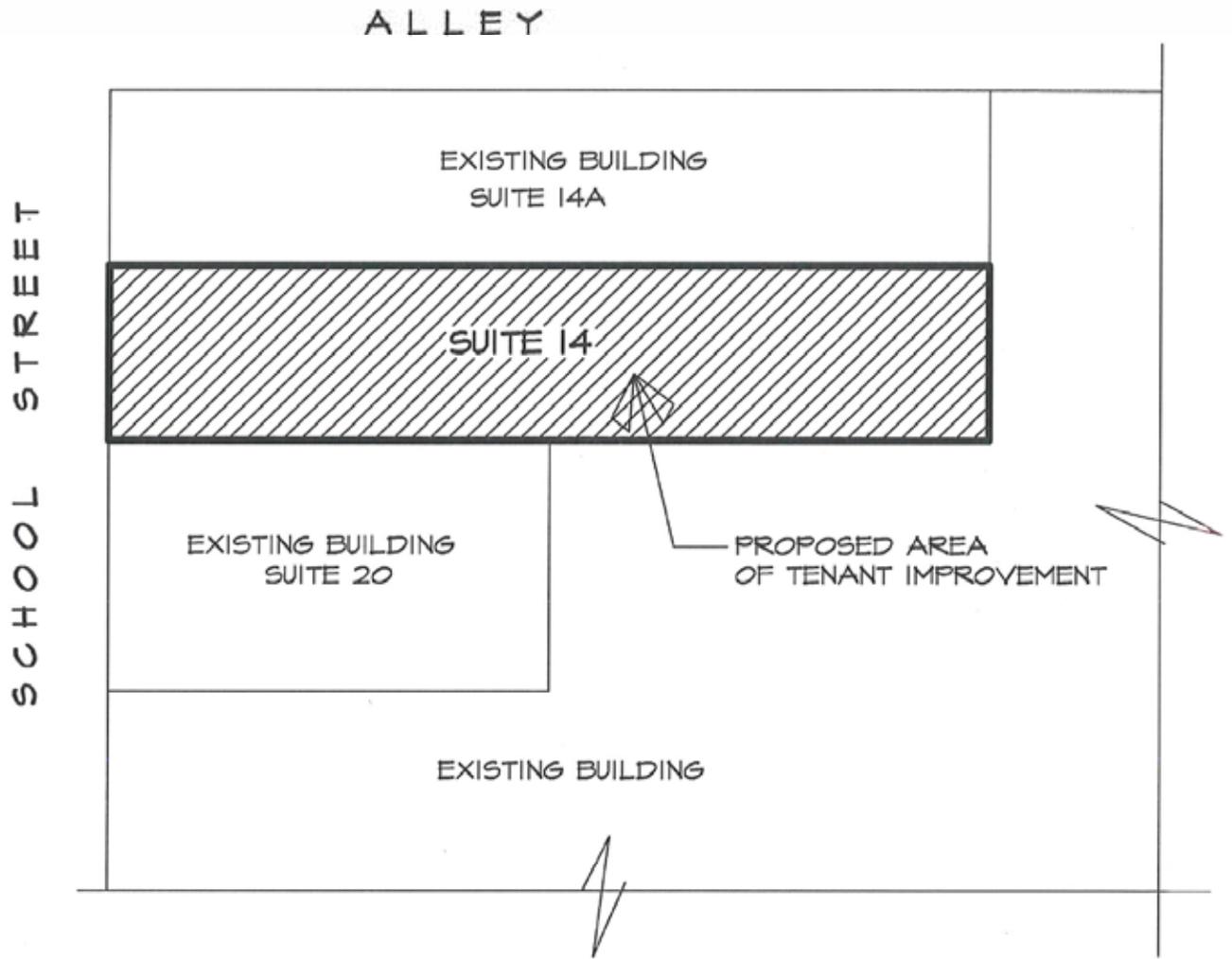
Aerial Map



Wine Ot Barrels and Tables
14 South School Street
APN: 043-036-19
Lodi, CA 95240



Project Site



PLOT PLAN

SCALE: ——— 1" = 20'-0"

RESOLUTION NO. P.C. 12-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF ALAN FREEMAN FOR A USE PERMIT TO ALLOW A TYPE-2 WINEGROWER ALCOHOLIC BEVERAGE CONTROL LICENSE AT 14 SOUTH SCHOOL STREET

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project proponent is Alan Freeman, 257 East Century Blvd, Lodi, CA 95240; and

WHEREAS, the project is located at 14 South School Street, Lodi, CA 95240 (APN: 043-036-19); and

WHEREAS, the property has a General Plan designation of Downtown Mixed Use and is zoned C-2, General Commercial and is within the Downtown Business District as well as the Downtown Parking District; and

WHEREAS, the project parcel is owned by Dobbins Properties LLC, 2524 Canal Drive, Lodi, CA 95242-9178; and

WHEREAS, the requested Use Permit to allow on-site wine tasting and retail sales thereof is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

WHEREAS, the State Department of Alcoholic Beverage Control has training available that clearly communicates State law concerning the sale of alcoholic beverages; and

WHEREAS, pursuant to City of Lodi Zoning Ordinance § 17.72.110, this resolution becomes effective ten (10) business days from its adoption in the absence of the filing of an appeal; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

Based upon the evidence within the staff report and project file the Planning Commission finds:

1. The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 15321 Class 21 (a) (2). The project is classified as an “Enforcement Action by Regulatory Agencies” because it is the “adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.” The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. No significant impacts are anticipated and no mitigation measures have been required.
2. The sale of alcoholic beverages for on-premise consumption as part of a wine tasting room and wine production operations is a permitted use in the C-2 zoning District. The site is suitable and adequate for the proposed use because establishment of a winery on this site would not create negative impacts on businesses, residents and instructional uses in the vicinity, and the applicant proposes to perform a tenant improvement in order to meet building code requirements.
3. The on-site consumption of wine in conjunction with a wine tasting room operation, in accordance with a Type 2 Alcoholic Beverage Control License and with the conditions attached herein, would be consistent and in harmony with the Downtown Mixed Use General Plan Land Use Designation and C-2 zoning District.
4. The proposed use is consistent with the General Plan because commercial uses such as the one proposed are permitted in accordance with Land Use Policy subject to a discretionary review.
5. The proposed use would not have an adverse economic effect on nearby uses because operation of a wine production operation in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be an economic benefit to the community.
6. The sale and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.

7. Steps can be taken by the Applicant/Operator to reduce the number of incidents resulting from the over-consumption of alcohol including the proper training and monitoring of employees serving alcohol; the careful screening of IDs of customers to avoid sales to under-aged individuals; limiting the number of drinks sold to individual customers to avoid over-consumption; providing properly trained staff to monitor customer behavior both in and outside of the establishment; and working with the Lodi Police Department to resolve any problems that may arise.
8. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator works with neighboring businesses and residents to resolve any problems that may occur.
9. The proposed use would not be detrimental to the general welfare of persons residing and working in the immediate vicinity, the neighborhood or the community at large because the sale of alcohol with a wine tasting operation is not typically associated with detrimental impacts to the community.
10. The proposed use is consistent with the City's vision of making Lodi a wine tasting tourist destination point.
11. The wine tasting room will add to the character of the City by promoting local wineries and viticulture.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 12-U-03 is hereby approved, subject to the following conditions:

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. The property owner and/or developer and/or successors in interest and management shall insure that the serving of alcohol does not cause any condition that will cause or result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public intoxication, drinking in public, harassment of people passing by, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests.
3. The property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
4. The project proponent/applicant/operator and/or developer and/or successors in interest and management shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 2. The Type 2 License shall be limited to on-site sale and wine tasting during the hours that the business is open for operation, Monday – Thursday from 11:00 am to 9 pm, Friday - Saturday 11:00 am to 10:00 pm and Sunday from 11:00 am to 5:00 pm or as otherwise modified by the Community Development Director. The on-site sale and consumption of wine shall occur only during the said hours.
5. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the Use Permit may be subject to review and revocation by the City of Lodi after a public hearing and following the procedures outlined in the City of Lodi Municipal Code. Additional reviews may be prescribed by the Community Development Director, the Police Department and/or Planning Commission as needed during and after the first two years of probationary period. Further, starting from the effective date the business commences the sale of wine, this Use Permit shall be subject to a one year, and two year review by the Community Development Director. If the Director determines it

necessary, the Director shall forward the review to the Planning Commission to review the business's operation for compliance with the conditions of the Use Permit, and in response to any complaints thereafter.

6. Prior to the issuance of a Type-2 license, the project proponent/applicant/operator and/or developer and/or successors in interest and management shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.
7. The Lodi Police Department may, at any time, request that the Planning Commission conduct a hearing on the Use Permit for the purpose of amending or adding new conditions to the Use Permit or to consider revocation of said Use Permit if it becomes a serious policing problem.
8. That applicants shall be allowed to use the wine tasting space for various events such as wine dinners catered by outside vendors, private mixers, wine tasting and parties for organizations and businesses who want to rent space, and to host feature wine tasting events that may include educational components.
9. All temporary and permanent signage proposed in connection with the wine making and wine tasting operation shall be reviewed and approved by the Community Development Department.
10. The wine tasting operation shall be conducted in a manner that will not adversely impact neighboring properties or businesses.
11. No wine crushing and/or making operations shall occur at this site.
12. The subject site shall be maintained in a sanitary, litter-free, graffiti-free, and respectable appearance. Any damage or vandalism sustained to the property shall be repaired within a maximum of fourteen (14) days.
13. The project proponent/applicant/operator and/or developer and/or successors in interest and management shall obtain a Downtown Encroachment Permit from the Public Works Department for the proposed outdoor seating.
14. Due to change of use and/or occupancy of the building, the applicant shall submit complete and adequate Tenant Improvement plans to the Building Division for review and approval. The said plans shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building Code.
15. Any fees due the City of Lodi for processing this Project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
16. All project design and construction shall be in full compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the developer's responsibility.
17. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

Dated: March 14, 2012

I certify that Resolution No. 12- was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 14, 2012 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST _____
Secretary, Planning Commission

Item 6a.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners
From: Rad Bartlam, Community Development Director
Date: Planning Commission Meeting of 03/14/2012
Subject: Past meetings of the City Council and other meetings pertinent to the Planning Commission

In an effort to inform the Planning Commissioners of past meetings of the Council and other pertinent items staff has prepared the following list of titles.

If you have any questions, please feel free to contact the Planning Department or visit the City of Lodi website at: <http://www.lodi.gov/city-council/AgendaPage.html> to view Staff Reports and Minutes from the corresponding meeting date.

Date	Meeting	Title
February 1, 2012	Regular	Provide Direction Regarding Requested Changes to Cardroom Ordinance Sections 5.12.140, "Rules and Regulations," and 5.12.170, "Gross Revenue Permit Fees" (CA)
February 15, 2012	Regular	Adopt Resolution Awarding Contract for the Development of the Climate Action Plan to AECOM, of Sacramento, and Appropriating Funds (\$120,000) (CD)
		Adopt Resolutions Approving Fiscal Year 2011/12 Mid-Year Budget Adjustments (CM)
March 6, 2012	Shirtsleeve	Review of the Annual Community Development Block Grant Funding Requests in the 2012/13 Action Plan