

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, JUNE 13, 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 – “May 9, 2012”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission to make a Recommendation to the City Council to approve rezoning of a property located at 515 South Lower Sacramento Road from R-1, C-S and R-C-P to Planned Development (PD)-35. (Applicant, Kristmont West Inc.; File # 11-Z-01)
 - b. Request for Planning Commission to amend approved Use Permit application 11-U-03 to allow Type 2, 9, 14, 17 and 20 Alcoholic Beverage Control licenses at 9 and 9 ½ West Locust Street. (Applicant: Jeff Hansen, on behalf of AH Wines, Inc. File Number: 11-U-03a)
 - c. Request for Planning Commission to amend approved Use Permit application 10-U-11 to allow operation of a Charter School at 1530 West Kettleman Lane Suites B & C. (Applicant: Dennis G. Bennett, on behalf of Rio Valley Charter School; File Number: 10-U-11a)

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, MAY 9, 2012**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of May 9, 2012, was called to order by Chair Olson at 7:00 p.m.

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

Absent: Planning Commissioners – Hennecke

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

2. MINUTES

“March 14, 2012”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Cummins second, approved the Minutes of March 14, 2012 as written. (Commissioners Jones and Kirsten abstain because they were not in attendance of the subject meeting)

“April 11, 2012”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the Minutes of April 11, 2012 with the with following changes: date changed in the title to reflect April 11, 2012 and remove the name Heinitz from the Ayes voting line under item 3a. (Commissioners Cummins and Heinitz abstain because they were not in attendance of the subject 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 allow Type 21 Off-Sale General and Type 42 On-Sale Beer and Wine Alcoholic Beverage Control license at 2418 West Kettleman Lane. (Applicant: Denise Rowman, on behalf of Beverages and More, Inc. File Number: 12-U-07)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project. A revised resolution has been provided on Blue Sheet and this is the resolution that will be adopted tonight.

Hearing Opened to the Public

- Liz Zaninovich, representative of the applicant, came forward to answer questions.
- Commissioner Heinitz asked if it is unusual to do tasting in the stores. Ms. Zaninovich stated that the company is starting this practice in all of their stores. Heinitz asked if they focus on local wines or is more on a promotional basis. Ms. Zaninovich stated that they will definitely make it available to local wineries.

Public Portion of Hearing Closed

- Chair Olson stated that she appreciates the re-use of an empty building.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kirsten, Kiser second, approved the request of the Planning Commission for a Use Permit to allow Type 21 Off-Sale General and Type 42 On-Sale Beer and Wine Alcoholic Beverage Control license at 2418 West Kettleman Lane subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there has been a memo provided in the packet and staff is available to answer any questions. The action that is pointed out in the memo regarding the Harney Lane grade separation project has had a few good turns for funding and is moving forward sooner than we thought with an estimated start date some time in 2014-15.

7. DEVELOPMENT CODE UPDATE

Director Bartlam stated that they have been working on the administrative drafts and hope to have new language to start reviewing with the Commission. Chair Olson asked if there has been much interaction with the public at this point. Bartlam stated that staff has not brought the public in at this point. Staff is still working through the two individual drafts and trying to bring them together into on cohesive document.

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 previous meetings. The Taco Truck Cook-Off is going to be happening on June 16th.

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 7:12 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary

Zoning Change Request from R-1, C-S, & R-C-P to PD (Planned Development)
@ 515 S. Lower Sacramento Rd.; Applicant: Kristmont West Inc.

Item 3a

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: June 13, 2012

APPLICATION NO: 11-Z-01

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

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

PROPERTY OWNER: Kristmont West Inc
7700 College Town Drive #111
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 9.3 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 rezoning of a property located at 515 South Lower Sacramento Road. The subject property is currently zoned R-1, R-C-P and C-S. The owner is petitioning to rezone the subject property 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 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 property.

BACKGROUND

This rezoning application involves a parcel located near the corner of Lower Sacramento Road and Lodi Avenue. The second parcel is located at 515 South Lower Sacramento Road and is a vacant parcel. 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 subject property 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).

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,

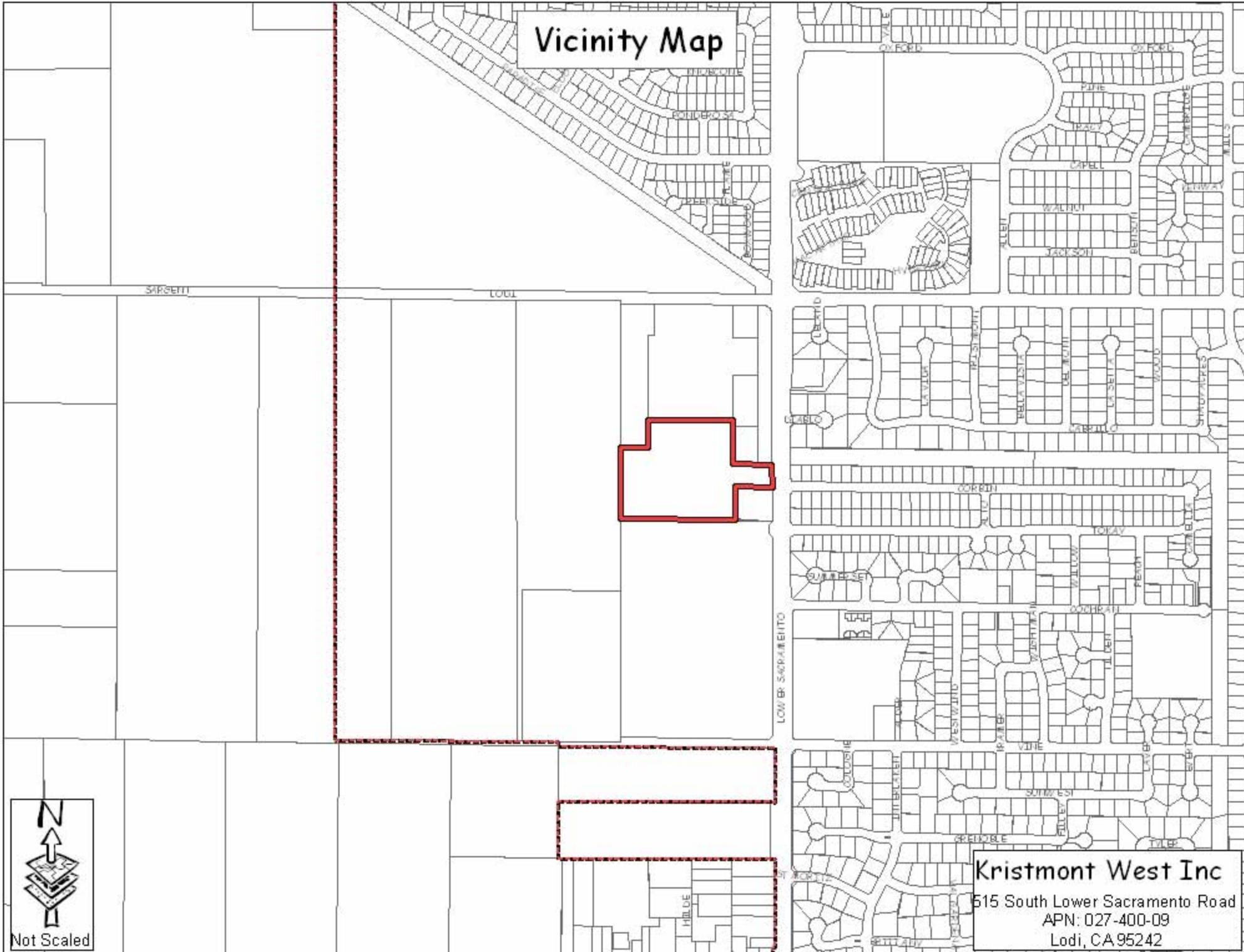
Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

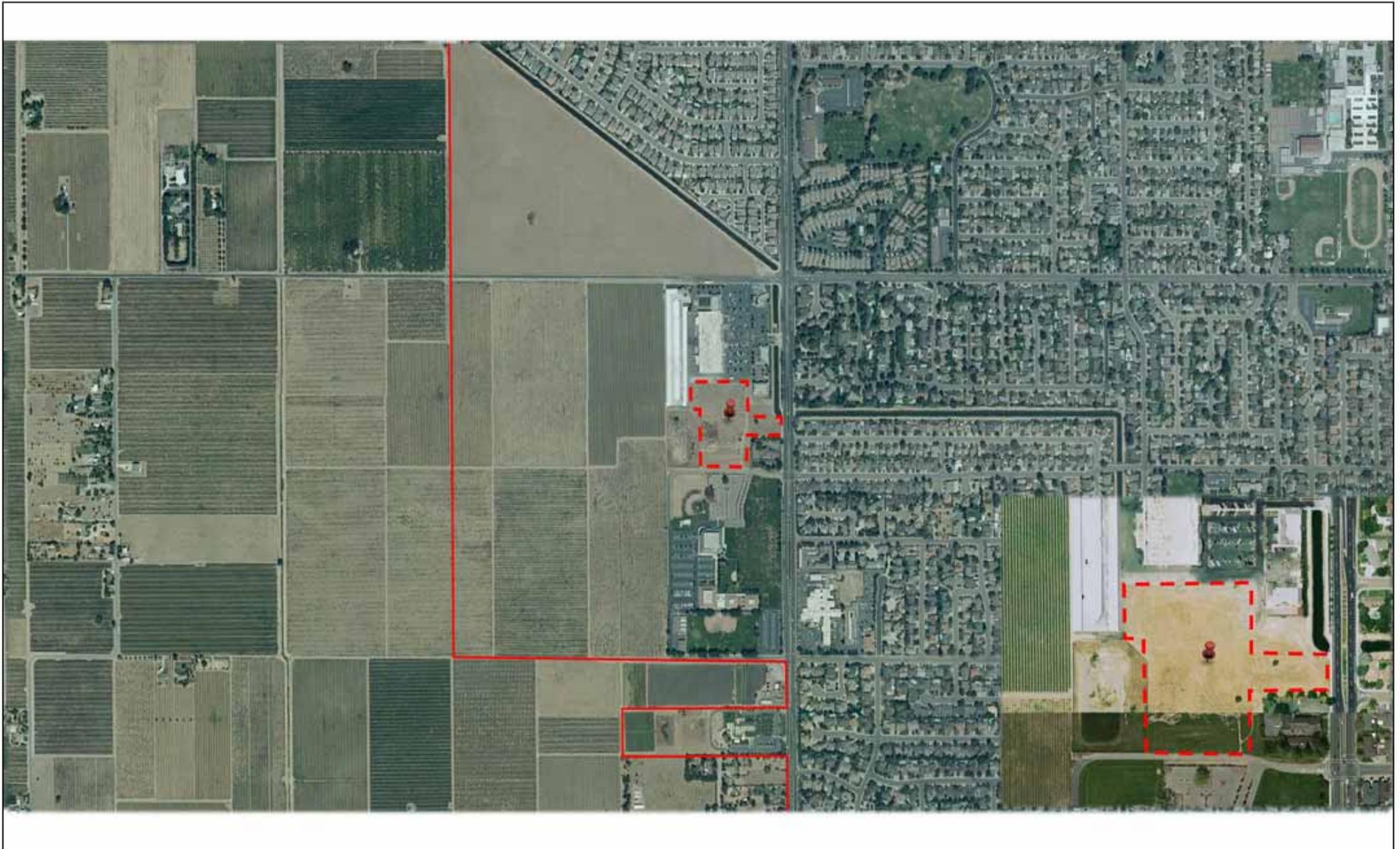
1. Vicinity Map
2. Aerial Map
3. Site Plan
4. Existing General Plan and Zoning Maps
5. Proposed Zoning Map
6. Draft Resolution

Vicinity Map



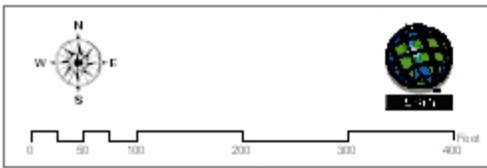
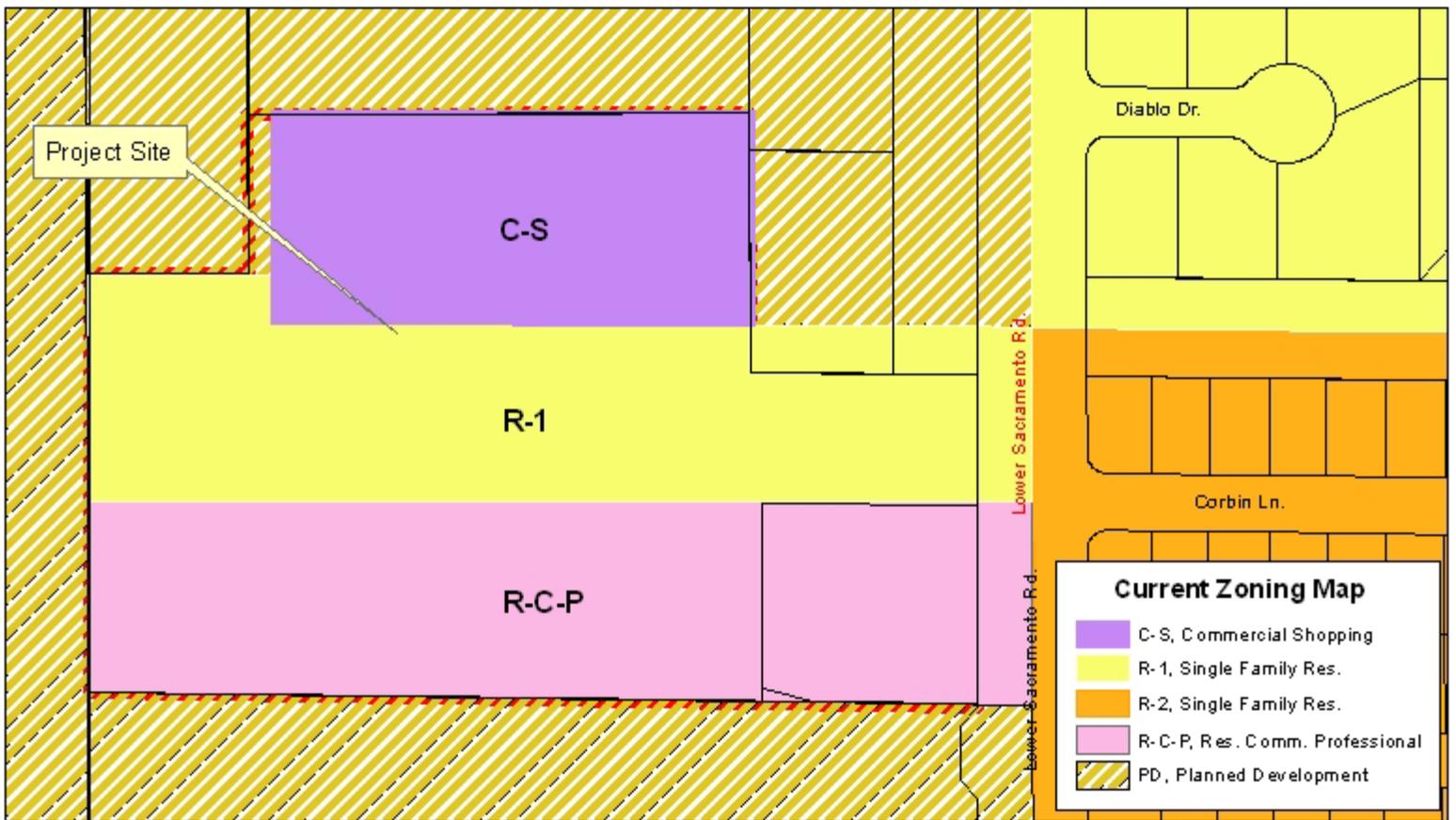
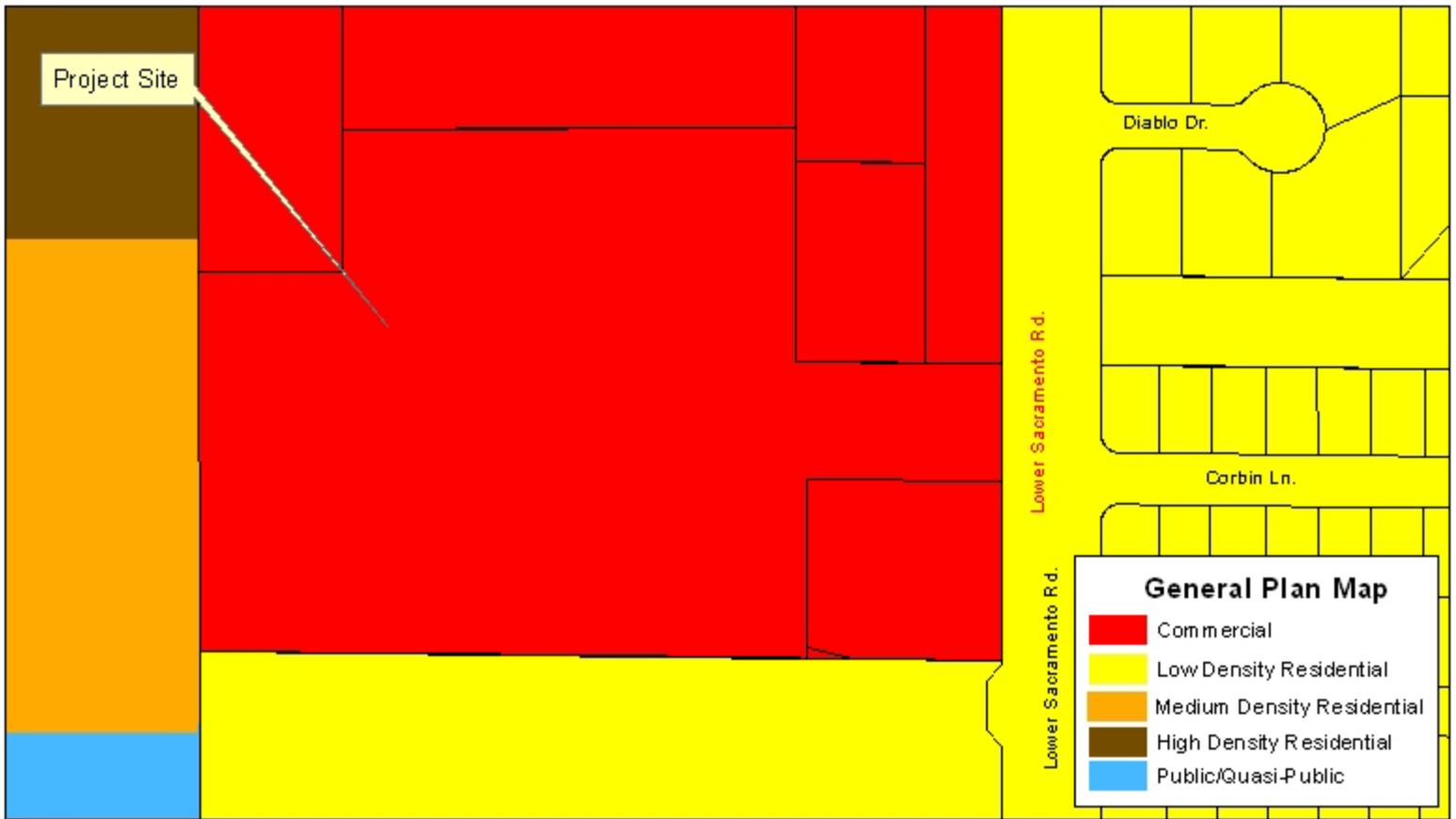
Kristmont West Inc
615 South Lower Sacramento Road
APN: 027-400-09
Lodi, CA 95242

Aerial Map

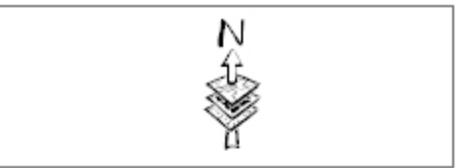


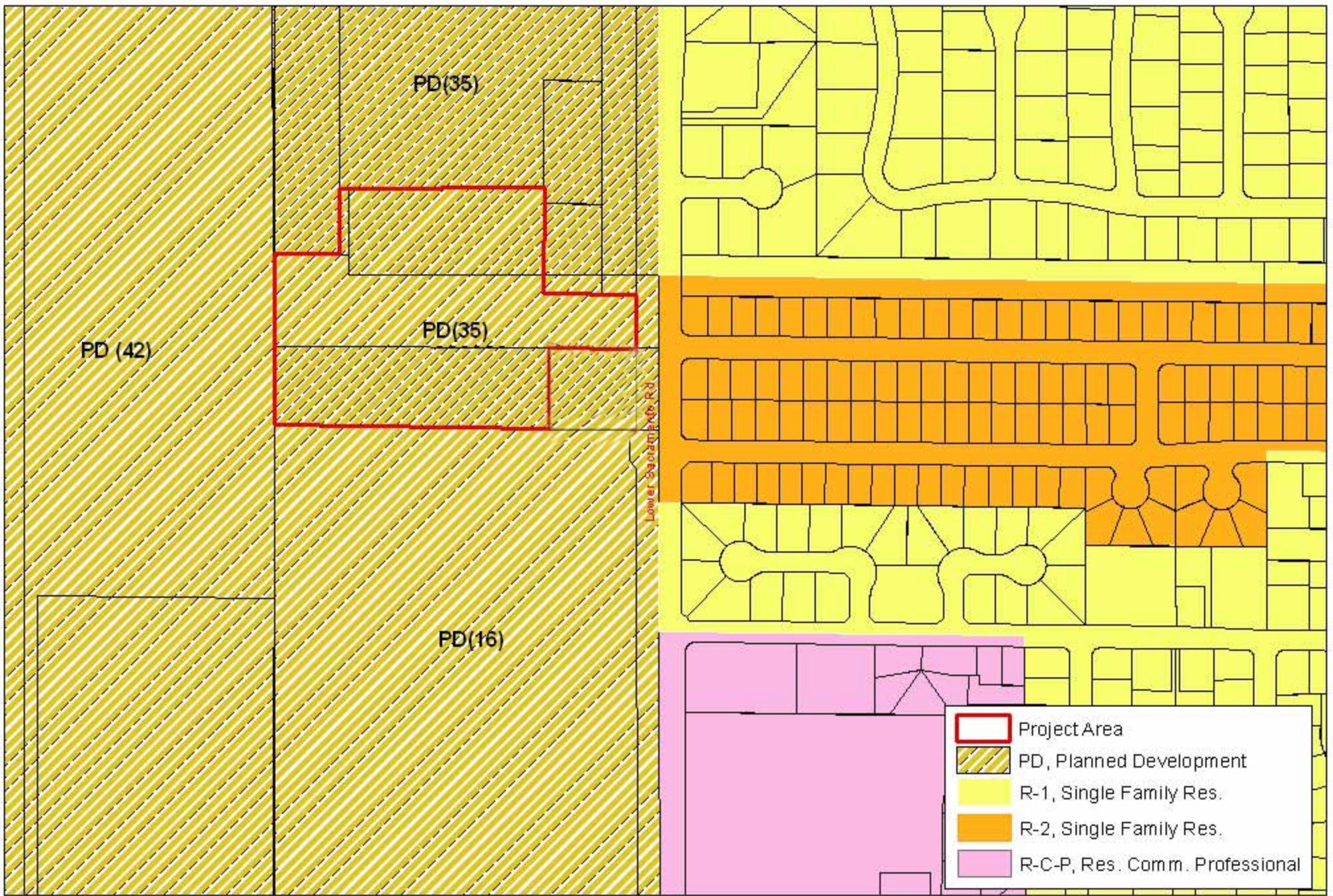
Kristmont West Shopping
515 South Lower Sacramento Road
APN: 027-400-09
Lodi, CA 95242

 Project Site
 City Limits



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 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 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 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 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 Categorical 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. All conditions for on- and off-site improvements shall be required at the time of a development application.

Dated: June 13, 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 June 13, 2012, by the following vote:

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

ATTEST: _____
Secretary, Planning Commission

Item 3b.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: June 13, 2012

APPLICATION NO: Use Permit: 11-U-03a

REQUEST: Request for Planning Commission to amend approved Use Permit application 11-U-03 to allow Type 2, 9, 14, 17 and 20 Alcoholic Beverage Control licenses at 9 and 9 ½ West Locust Street. (Applicant: Jeff Hansen, on behalf of AH Wines, Inc. File Number: 11-U-03a)

LOCATION: 9 West Locust Street and 9 ½ West Locust Street
(APN: 043-025-17)
Lodi, CA 95240

APPLICANT: Jeff Hansen, on behalf of AH Wines, Inc.
9 West Locust Street
Lodi, CA 95240

PROPERTY OWNER: John D and B Gerlack TRS
2449 Vintage Oaks CT
Lodi, CA 95242-9347

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Jeff Hansen, on behalf of AH Wines, Inc, to amend approved Use Permit to allow establishment and operation of a wine tasting room, storage and retail sale of beer and wine at 9 and 9 ½ West Locust Street, subject to the conditions in the attached resolutions.

PROJECT/AREA DESCRIPTION

General Plan Designation: Downtown Mixed Use
Zoning Designation: CM, Commercial-Industrial
Property Size: 0.36 Acres. (Tenant space measures 4,500 sq. ft.)

The adjacent zoning and land use are as follows:

	General Plan	Zone	Land Use
North	Downtown Mixed Use	Downtown Mixed Use	Commercial uses
South	Downtown Mixed Use	Downtown Mixed Use	Commercial uses
East	Downtown Mixed Use	Downtown Mixed Use	Commercial uses
West	Downtown Mixed Use	Downtown Mixed Use	Commercial uses

SUMMARY

The applicant, Jeff Hansen, on behalf of AH Wines, Inc., requests to amend an approved Use Permit application No. 11-U-03. Use Permit No. 11-U-03 was approved by the Planning Commission at its meeting of March 9, 2011. The Use Permit allowed establishment of a wine tasting room, storage and retail sale of beer and wine at 9 West Locust Street. The applicant would like to Use Permit expanded do as to cover the entire parcel. No exterior changes are proposed. Proposed hours of operation would remain the same.

BACKGROUND

The Planning Commission approved a Use Permit application on March 9, 2011. The Use Permit application allowed the applicant to utilize a vacant structure to establish and operate wine center. The proposal included a wine tasting room, wine import and export business, storage and distribution of wine to local and overseas businesses. The business opened last summer and has operated without any policing problems since.

ANALYSIS

AH Wines is currently located at 9 West Locust Street AH Wines petitioned and granted a Use Permit by the Planning Commission on March 9, 2011. The approved Use Permit (11-U-03) allowed a wine center in an existing vacant structure. The wine center included an office, wine storage, public warehouse, retail sale and wholesale distribution center. It will eventually include a wine tasting room. AH Wines is open Monday through Saturday from the hours of 8:00 am to 5:30 pm. These hours could change when a wine tasting room is established in the future.

AH Wines would like to expand its business to occupy the rest of the parcel. The parcel contains two buildings. Expansion of the Use Permit would allow expanded storage facility. The subject property and all the surrounding properties are within CM, Commercial-Industrial, zoning district, which permits a variety of industrial and commercial uses, including sale of alcohol for on and/or off site consumption.

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 (28 on-sale and 4 off-sale) within this Census Tract. Because this census tract is over concentrated, the City must make a finding of public need or convenience in order to approve an additional on-sale beer and wine license. Since Census Tract 42.04 is an area that currently exceeds the concentration of ABC license, approval of this Use Permit would require a determination that public convenience or necessity would be served by the issuance of this permit. Staff 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 this type of establishment. In addition, there will be no new licenses added to the census tract. This application is merely to extend existing ABC licenses to cover the entire parcel.

Staff has contacted various City departments for review and approval. Their requirements for approval have been added to the attached resolution. The proposed use is consistent with the City's vision of making Lodi a wine tasting tourist destination point. The wine industry is a large part of this vision and adds a character of the City by promoting local wineries and viticulture. All of the wine making operations will take place elsewhere. The only operation related to onsite consumption is that there will eventually be a wine tasting room.

The project is located in a C-M zoning district and the building offers space for the type of business the applicants propose. The business is located within the City's downtown and will support and compliment other downtown businesses. The C-M zoning district is designated for a variety of general commercial uses, including wineries. The Planning Commission and the Planning staff have generally supported these types of businesses in the past because wineries and wine tasting rooms do not generally create alcohol related problems. If problems or concerns related to the sale of alcoholic beverages occur in the future, staff and/or the Planning Commission may initiate a public hearing where the Commission would have the ability to amend conditions or revoke the Use Permit.

ENVIRONMENTAL ASSESSMENT

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 June 1, 2012. 54 public hearing notices were sent for both meetings 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 Requests with Alternate Conditions
- Deny the Requests
- Continue the Requests

Respectfully Submitted,

Concur

Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

ATTACHMENTS:

1. Vicinity Map
2. Aerial Picture
3. Site Plan and Floor Plan
4. Use Permit Application No. 11-U-03 staff report and resolution
5. Draft Resolutions

Vicinity Map



9 1/2
9 1/2
9

AH Wines
9 W. Locust and 9 1/2 W. Locust Street
(APN: 043-025-17)
Lodi, CA 95240

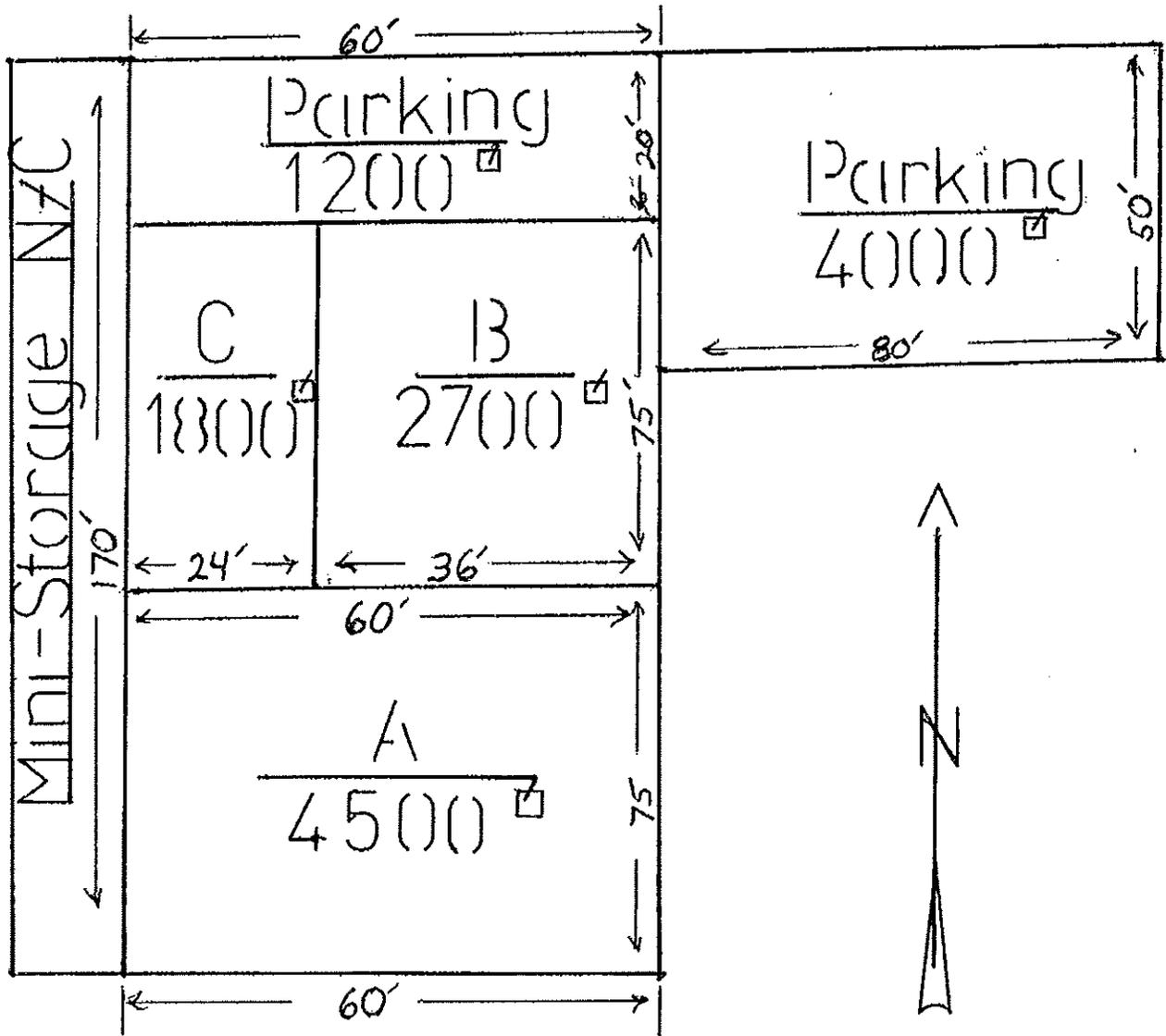
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Aerial Map



Exhibit A

Alley



9 W. LOCUST

RESOLUTION NO. P.C. 12-

**REQUEST FOR PLANNING COMMISSION TO AMEND APPROVED USE PERMIT
APPLICATION 11-U-03 TO ALLOW TYPE 2, 9, 14, 17 AND 20 ALCOHOLIC
BEVERAGE CONTROL LICENSES AT 9 AND 9 ½ WEST LOCUST 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 Jeff Hansen, on behalf of AH Wines, Inc., 2715 West Kettleman Lane, Suite 203-325., Lodi CA; and

WHEREAS, the project site is at 9 West Locust Street, Suite A, Lodi, CA (APN 043-025-17); and

WHEREAS, the project site is zoned C-M, Commercial-Light Industrial and has a General Plan designation of Downtown Mixed Use; and

WHEREAS, the Planning Commission previously approved Use Permit Application 11-U-03 to allow storage and sale of beer and wine for on-site and off-site consumption at 9 West Locust Street; and

WHEREAS, this application constitutes a request to amend Use Permit Application 11-U-03; and

WHEREAS, Census Tract 42.04 in which the proposed is located currently has an over concentration of licenses allowing on and off premise consumption of alcoholic beverages; and

WHEREAS, because Census Tract 42.04 has an over concentration of alcohol beverage control licenses, the planning Commission must make a finding of necessity or public convenience in order to permit the issuance of an additional Alcohol Beverage Control license in this tract; 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, all legal prerequisites to the adoption of this Resolution have occurred.

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. No significant impacts are anticipated and no mitigation measures have been required.
2. No new impacts were identified in the public testimony that were not addressed as normal conditions of project approval.
3. The sale of alcoholic beverages for on-premise and off-site consumption as part of a wine tasting room operation is a permitted use in the C-M zoning district. The site is suitable and adequate for the proposed use and would not create negative impacts on businesses in the vicinity.
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 a substantial adverse economic effect on nearby uses because operation of a wine tasting room 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 of alcoholic beverages for on-premise and off-site consumption is a normal part of business operations and provides a convenience for customers of the business.
7. The sale and consumption of alcohol can sometimes result in customer behavior problems that can require police intervention.
8. 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 on-site security 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.
9. 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.
10. 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.
11. The sale of alcoholic beverages at this location can meet the intent of the General Commercial zoning district and can provide a public convenience or necessity for customers of the business.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 11-U-03 is hereby approved, subject to the following conditions:

1. The Applicant/Operator shall defend, indemnify, and hold the City, its agents, officers, and employees harmless of any claim, action, or proceeding to attack, set aside, void, or annul this Use Permit, so long as the City promptly notifies the developer of any claim, action, or proceedings, and the City cooperates fully in defense of the action or proceedings.
2. The Applicant/Operator 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 Applicant/Operator shall operate and abide by the requirements and conditions of the State of California Department of Alcoholic Beverage Control License Type 2, 9, 14, 17 and 20. The Type 2 License shall be limited to on-site and off-site sale and consumption of wine during the hours that the wine tasting room is open for business or as otherwise modified by the Community Development Director.
4. 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.
5. Prior to the issuance of a Type 2, 9, 14, 17, and 20 ABC licenses, the Applicant/Operator shall complete Licensee Education on Alcohol and Drugs as provided by the State Department of Alcoholic Beverage Control.

6. Any changes to the interior layout of the business operation shall be subject to review and approval by the Planning Department and shall be subject to City review and approval.
7. No person who is in a state of intoxication shall be permitted within the wine tasting room nor shall an intoxicated patron already in the establishment be served additional alcoholic beverages. It is the responsibility of the business owner/operator to ensure no patron in a state of intoxication is allowed on to the premises.
8. The operator of the wine tasting room shall police the area surrounding the business to prevent patrons from congregating/loitering outside the premises and to prevent excessive noise or other objectionable behavior. Noise levels shall be monitored to insure that noise shall not violate the City's Noise Ordinance Section 9.24.020 and Section 9.24.030.
9. No wine crushing, wine making or similar activities shall be approved as part of this Use Permit.
10. The wine tasting operation shall be conducted in a manner that will not adversely impact neighboring properties or businesses.
11. Noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments.
12. The exterior of all the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
13. The operation of the business shall comply with all applicable requirements of the Municipal Code.
14. 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.
15. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: June 13, 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 June 13, 2011 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST: _____
Secretary, Planning Commission

Item 3c.

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: June 13, 2012

APPLICATION NO: Use Permit: 10-U-11a

REQUEST: Request for Planning Commission to amend approved Use Permit application 10-U-11 to allow operation of a Charter School at 1530 West Kettleman Lane Suites B & C. (Applicant: Dennis G. Bennett, on behalf of Rio Valley Charter School; File Number: 10-U-11a).

LOCATION: 1530 West Kettleman Lane, Suite A, B, & C
APN: 058-260-42
Lodi, CA 95242

APPLICANT: Dennis G. Bennett, on behalf of Rio Valley Charter School
P. O. Box 1597
Lodi, CA 95241

PROPERTY OWNER: Kettleman Professional Center LLC
1610 West Kettleman Lane
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Mr. Dennis G. Bennett, on behalf of Rio Valley Charter School, to amend approved Use Permit to allow a Kindergarten to 12 private school at 1530 West Kettleman Lane, subject to the conditions in the attached resolution.

PROJECT AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor
Zoning Designation: Planned Development 21 (PD-21)
Property Size: 8,880 sq. ft.

The adjacent zoning and land use characteristics:

	General Plan	Zone	Land Use
North	Mixed Use Corridor	Planned Development 33 (PD-33)	Single Family Residences
South	Mixed Use Corridor	Planned Development 21 (PD-21)	Single Family Residences
East	Mixed Use Corridor	Planned Development 15 (PD-15)	Commercial Use
West	Mixed Use Corridor	Planned Development 21 (PD-21)	Commercial Use

SUMMARY

The applicant seeks to amend an approved use permit. A Use Permit application was approved by the Commission at its regular meeting of August 11, 2010. The Use Permit allowed operation of a charter school (kindergarten to twelfth grades) at 1530 West Kettleman Lane, Suite A. The subject building contains three suites. The school operation is restricted to Suite A. Now, the applicant seeks to amend the approved Use Permit so that they can occupy the entire building. The school, Rio Valley Charter School, is a non-profit, independent study charter school based on independent study/home school curriculum. Since the school began operations, there have not been any Code Enforcement complaints and parking has not been an issue.

BACKGROUND

Rio Valley Charter School, a Pacific Charter Institute School, is a non-profit, independent study charter school for students in grades Kindergarten through 12. Rio Valley students meet with their teachers at the school site once per week. Students also have the opportunity to participate in small group workshops and tutoring to further enhance their education. Rio Valley Charter School is within a 3.08-acre parcel located on the east side of Lakeshore Drive and west of the Woodbridge Irrigation District (WID) canal. The existing single-story building is approximately 8,880 square feet. The school currently occupies a portion of the building and would like to occupy the rest of the building in phases. The project site has its own parking lot with a total of 193 parking spaces. Access to the site is provided from Lakeshore Drive and Kettleman Lane.

ANALYSIS

Rio Valley Charter School is located at 1530 West Kettleman Lane, Suite A. The building where the school is located measures approximately 8,880 sq. ft. in area. The building is divided to three suites of equal sizes. The school occupies a tenant space of approximately 4,512 sq. ft. in area. The school seeks to occupy the entire building. Rio Valley Charter School is a non-profit, independent study charter school for students in grades Kindergarten through twelve grade. Rio Valley students meet with their teachers at the school site once per week. Students also have the opportunity to participate in small group workshops and tutorial sessions. The school has less than 200 student body and seven (7) credentialed teachers and one (1) administrator on site. Teachers meet with students individually at appointments scheduled throughout the school week. Workshops and tutorial sessions are designed for small groups, with a limit of 12 students. Hours of operations are Monday through Friday from 8:00 p.m. - 5:00 p.m.

Rio Valley Charter School requests to amend the approved Use Permit in order to occupy the entire building. The project building contains three suites of equal size. The school would like to occupy one of the tenant spaces in their next phase of expansion to move its office operations and occupy the balance of the building at later date. When the application was first submitted in 2010, City staff and the Commission were concerned with the site compatibility and parking demands the school could generate. After public hearing, the Commission approved the Use Permit on its meeting of August 11, 2010.

Since the school began its operations in the fall of 2010, concerns that were raised at the hearing have not materialized. This is mostly due to the fact that the school schedule does not involve back-to-back sessions; thus, avoiding a situation where students would congregate between sessions and impact the operation of the other businesses within the same building or in the adjacent sites. In addition, students visit the office for one - two hours per week and generally there would be no more than 20 students in the office at any given time and each class size involves a maximum of twelve (12) students. The relatively small classrooms and student body size has is the primary reason the school has functioned well at this site. The reason the school is seeking to expand is to create additional space for one-on-one and group tutoring sessions. The school structure and classroom sizes will remain the same. However, additional space is needed in order to create spaces for tutorial services. The school would relocate its office operations to the adjacent tenant space and use its current space for tutorial services.

It is important to note that the school's activities occur only during the daytime with no evening functions, thereby rendering the request compatible with the residential uses to the south. Based on the school operation in the last two years, staff believes the requested amendment would not significantly alter the existing conditions. Should future problems arises, the City would have the ability to bring the application back to the planning commission for mitigation, or possible revocation, if necessary. Based on past experience with Rio Valley Charter School, staff believes that this would be unlikely. In addition, staff has recommended conditions of approval (Condition Nos. 2, 3 6 and 7 of attached resolution) that will ensure that the surrounding uses are not impacted due to noise, parking, traffic, or other objectionable influences. Therefore, from a land use perspective, staff finds the use to be acceptable on the subject property, as conditioned.

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 June 1, 2012. 89 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. No protest letter has been received.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

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

Respectfully Submitted,

Concur,

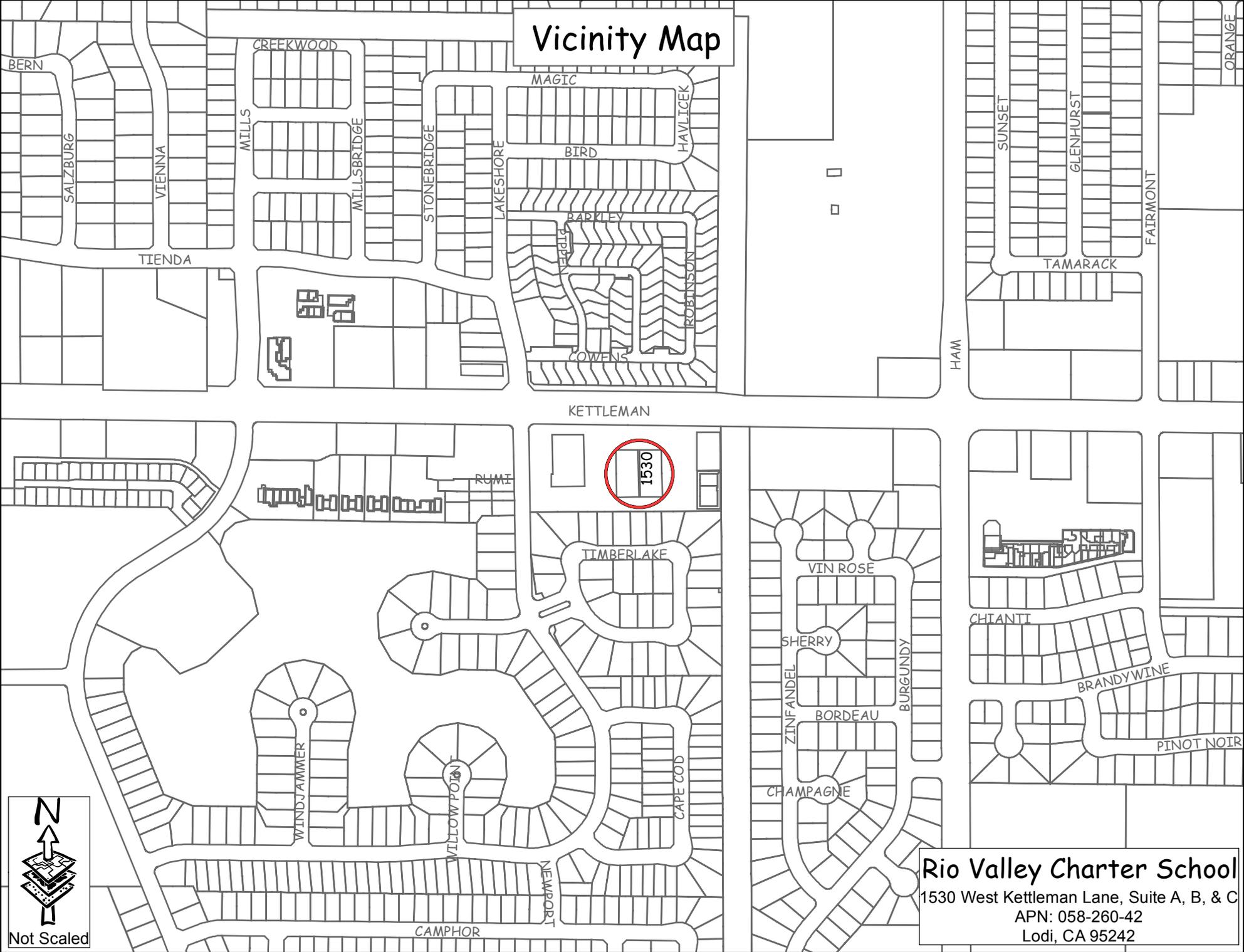
Immanuel Bereket
Associate Planner

Konradt Bartlam
Community Development Director

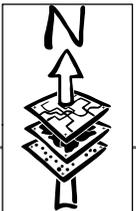
ATTACHMENTS

- A. Vicinity Map
- B. Aerial Photos
- C. Site Plan and Floor Plan
- D. Project Descriptions
- E. Use Permit Application 10-U-11 staff report and resolution
- F. Draft Resolution

Vicinity Map



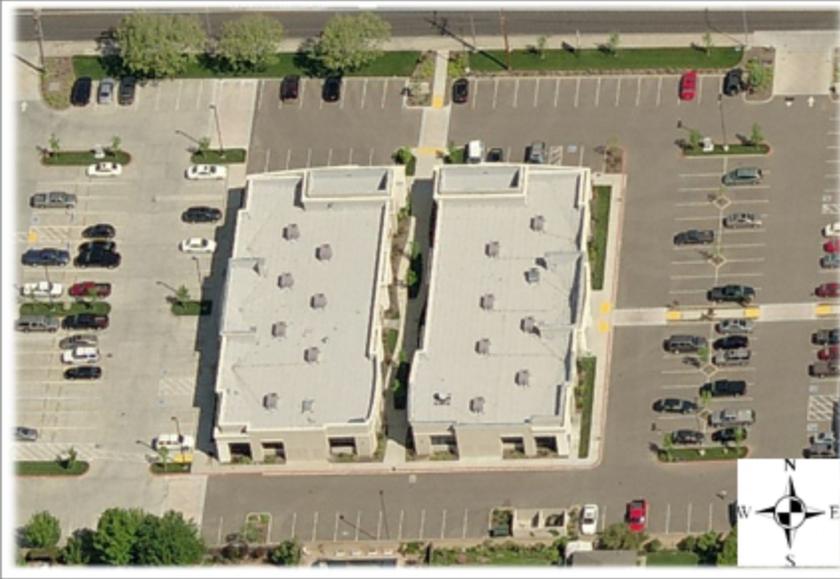
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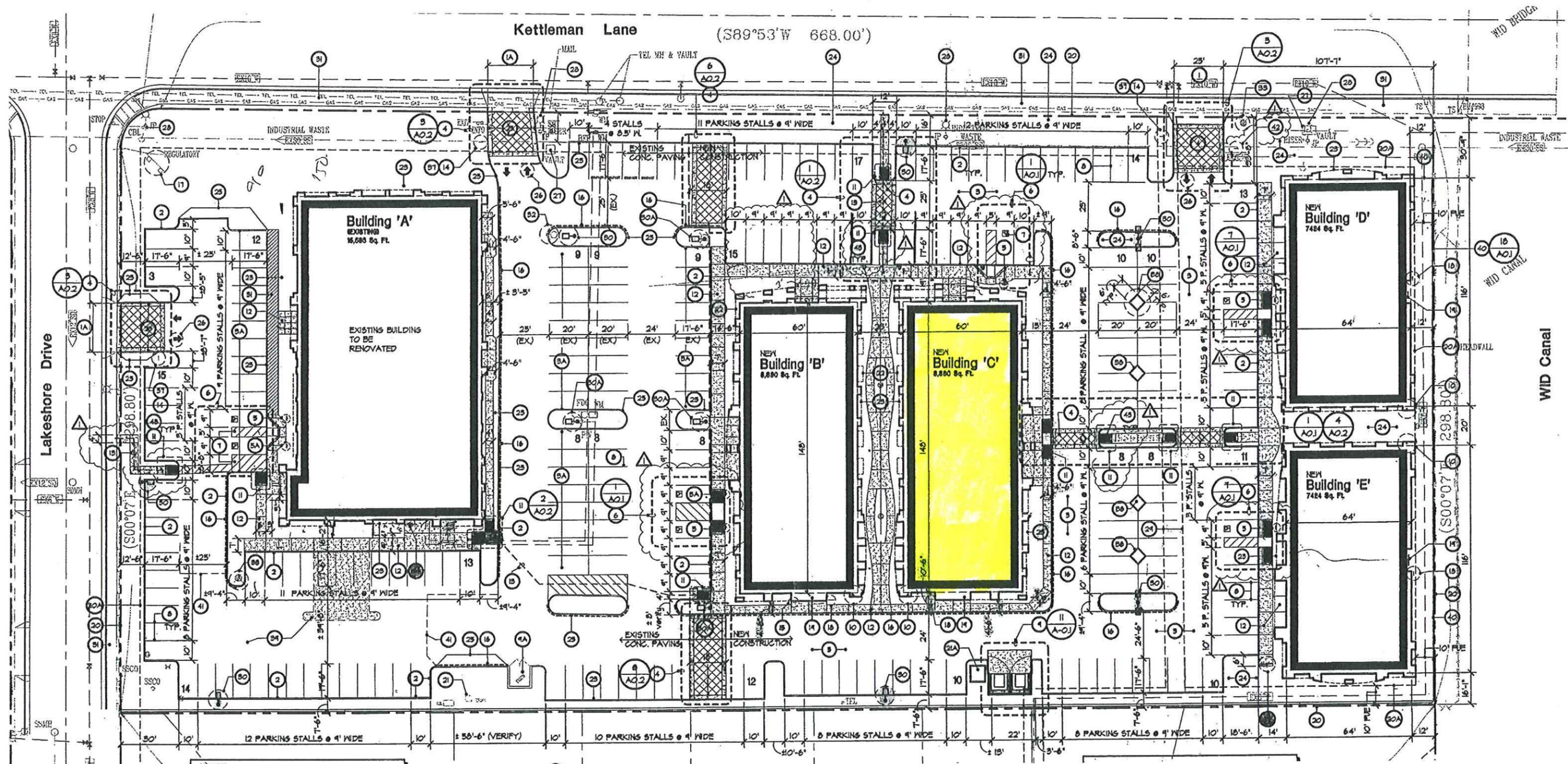


Not Scaled

Rio Valley Charter School
1530 West Kettleman Lane, Suite A, B, & C
APN: 058-260-42
Lodi, CA 95242

Aerial Map





Kettleman Lane (S89°53'W 668.00')

Lakeshore Drive

WID BRIDGE

WID CANAL

Building 'A'
EXISTING
16,683 sq. ft.

NEW Building 'B'
8,890 sq. ft.

NEW Building 'C'
8,890 sq. ft.

NEW Building 'D'
7,424 sq. ft.

NEW Building 'E'
7,424 sq. ft.

EXISTING BUILDING TO BE RENOVATED

INDUSTRIAL WASTE

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EXISTING CONC. PAVING

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NEW CONSTRUCTION

12 PARKING STALLS @ 9' WIDE

10 PARKING STALLS @ 9' WIDE

8 PARKING STALLS @ 9' WIDE

8 PARKING STALLS @ 9' WIDE

REGULATORY

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EXISTING Group "E" Occupancy
Rio Valley Charter School

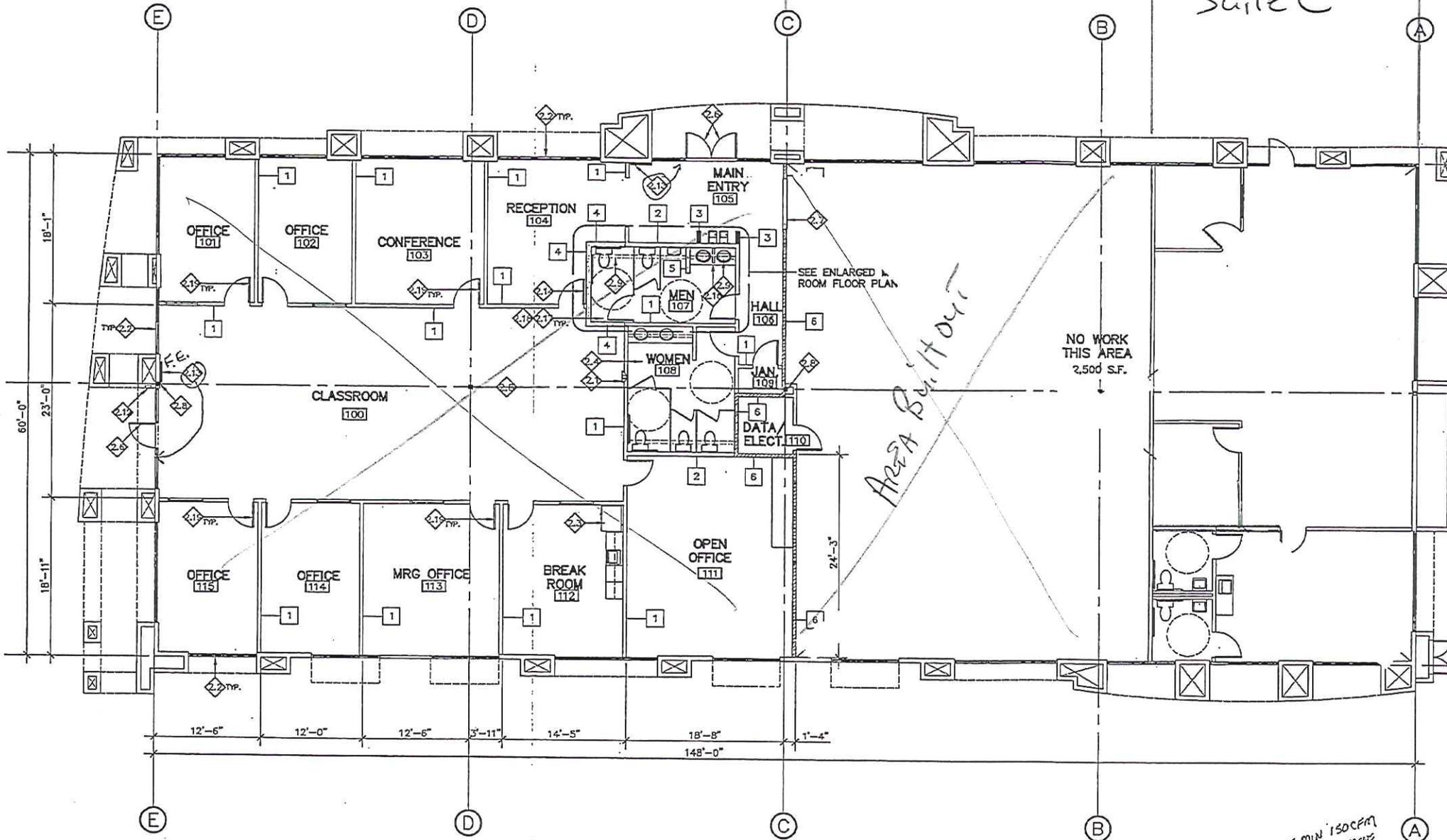
Suite A Phase 1

EXISTING Office TENANT

Suite B Phase 3

Proposed Space
For Rio Valley
Expansion

Suite C Phase 2



GROUP "E" OCCUPANCY

RESOLUTION NO. P.C. 12-

**REQUEST FOR PLANNING COMMISSION TO AMEND APPROVED USE PERMIT APPLICATION
10-U-11 TO ALLOW OPERATION OF A CHARTER SCHOOL AT 1530 WEST
KETTLEMAN LANE SUITES B & C.**

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 1530 West Kettleman Lane, Suite A, Lodi, CA 95242 (APN 058-260-42); and

WHEREAS, the project proponent is Dennis G. Bennett, on behalf of Rio Valley Charter School, P. O. Box 1597, Lodi CA 95241; and

WHEREAS, the project property owner is Kettleman Professional Center LLC, 1610 West Kettleman Lane, Lodi, CA 95242; and

WHEREAS, the property has a General Plan designation of Mixed Use Corridor and is Planned Development 21 (PD-21); and

WHEREAS, the Planning Commission previously approved Use Permit Application 10-U-11 to allow operation of a Rio Valley Charter School at 1530 West Kettleman lane, Suite A, Lodi, CA 95242; and

WHEREAS, this application constitutes a request to amend Use Permit Application 10-U-11; and

WHEREAS, a Use Permit is an enforcement action in accordance with the City of Lodi Zoning Ordinance; and

WHEREAS, private schools are permitted in Planned Development 21 (PD-21), subject to securing a Use Permit in accordance with § 17.09.030 of the LMC; and

WHEREAS, the project site is sufficient in size and location so as to permit a private charter school without impacting neighboring properties; 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 significant increase due to the project. Third, the proposed use is deemed to be part of the General Plan and the Zoning Ordinance, as private charter schools are permitted in the Planned Development 21 (PD-21) zoning district with Use Permit approval. 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. A private charter school, in accordance with a condition outlined herein, would be consistent and in harmony with the Mixed Use Corridor General Plan Land Use Designation and Planned Development 21 (PD-21) 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 a substantial adverse economic effect on nearby uses because operation of a private school in accordance with applicable laws and under the conditions of this Use Permit is anticipated to be a benefit to the community.
6. The proposed use can be compatible with the surrounding use and neighborhood if the business is conducted properly and if the Applicant/Operator and/or successors in interest and management work with neighboring businesses and residents to resolve any problems that may occur.
7. It is determined that because the school and the offices have different peak hours for drop-off/pick-up, the various uses will be compatible and will be able to share the parking spaces without any problems.
8. It is determined that the school can operate at this location without creating an adverse impact on the surrounding neighborhood.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit No. 10-U-11 is hereby amended, 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 regular school hours shall be Monday through Friday from 8:00 am to 5:00 pm. No outdoor competitive sport events/activities of any kind shall be held on-site. If additional hours and activities beyond what was stated in the applicant's written narrative and schedule of activities, dated "Received July 19, 2010", on file in the Planning Division, are desired, prior City review and approval is required. Such modification may be approved by the Director of Community Development if found to be in substantial conformance with the approval. The Director of Community Development may also refer the matter to the Planning Commission if the proposed changes would be significant.
3. If the operation of this use results in conflicts pertaining to parking, interior noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing.
4. The Applicant/Operator and/or successors in interest and management of the proposed Rio Valley Charter School shall notify all parents and guardians that double parking during drop-off and pick-up is prohibited.
5. The exterior doors of the business and the doors to the common hallway shall remain closed when not being used for ingress/egress purposes. The applicant shall inform all students not to loiter or make loud noises outside the suite and building before or after classes.
6. If signs are desired, the applicant shall submit a sign proposal to the City for review and approval prior to sign installation. All signage shall receive approval from the City of Lodi Community Development Department.
7. Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
8. The Applicant/Operator and/or successors in interest and management of the proposed Rio Valley Charter School shall maintain the area surrounding the tenant space in a clean and orderly manner at all times.
9. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site.

10. If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant suite.
11. Tenant Improvements shall be required for the Use Permit as the proposed. Approval of this Use Permit changes the use and occupancy of Suites B and C. Tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to school expansion to Suites B and C. Said tenant improvement plans shall be submitted, reviewed and approved prior to commencement of any work. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2010 California Building Code.
12. 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 sale of beer, wine and distilled spirits 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.
13. 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.
14. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Dated: June 13, 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 June 13, 2012 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: 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 06/13/2012
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
June 6, 2012	Regular	Adopt the Following Resolutions Pertaining to the November 6, 2012, General Municipal Election: (CLK) Res. a) Resolution Calling and Giving Notice of the General Municipal Election to Be Held on Tuesday, November 6, 2012, for the Election of Certain Officers of the City; Res. b) Resolution Requesting the San Joaquin County Board of Supervisors to Render Specified Services for the Conduct of a General Municipal Election to Be Held on Tuesday, November 6, 2012; Res. c) Resolution Setting Forth the Council's Policy Regarding Impartial Analyses, Arguments, and Rebuttal Arguments for Any Measure(s) that May Qualify to Be Placed on the Ballot for the November 6, 2012, General Municipal Election; and Res. d) Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters at the General Municipal Election to Be Held on Tuesday, November 6, 2012
		Adopt Resolution Approving the City of Lodi Financial Plan and Budget for the Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013, and Approving the Fiscal Year 2012/13 Appropriation Spending Limit (CM)