

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 11, 2012**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of July 11, 2012, was called to order by Chair Olson at 7:00 p.m.

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

Absent: Planning Commissioners – Cummins and Jones

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

2. MINUTES

“June 13, 2012”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the Minutes of June 13, 2012 as written. (Commissioner Kirsten abstain because he was 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 Planning Commission to amend approved Use Permit application 12-U-07 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-07a)

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

Commissioner Heinitz asked if BevMo will have to go through the same ABC training as other types of bars or wine bars. Mr. Bereket stated that they will have to meet all the standards and participate in the necessary training that all other ABC applicants attend.

Hearing Opened to the Public

- Mike Klein, applicant representative, came forward to answer questions.
- Commissioner Heinitz asked if the other stores have the same conditions. Mr. Klein stated that all of the stores offer this service. Heinitz asked what the minimum age of employees and if all the employees attend the training. Mr. Klein stated that all employees must be at least 21 years of age and will attend the ABC training.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the request of the Planning Commission to amend approved Use Permit application 12-U-07 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 – Heinitz, Hennecke, Kirsten, Kiser and Chair Olson
Noes: Commissioners – None
Absent: Commissioners - Cummins and Jones

- 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 of the Planning Commission for a Use Permit to establish a warehousing and storage use for recycled materials, including California Redemption Value (CRV), cardboard, scrap metal and electronic waste at 235 North Washington Street (Applicant: Fawad Ebrahimi, on behalf of Go Green Recycling Inc: File Number: 12-U-09)

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

Hearing Opened to the Public

- Fawad Ebarhimi, applicant, came forward to answer questions.
- Commissioner Hennecke asked if there was any electronic waste breakdown on the site. Mr. Ebrahimi stated that the Lodi sites do not accept e-waste at this time.
- Commissioner Heinitz stated his appreciation that the current site is very well maintained.
- Bill Anderson, resident of Lodi, came forward to support the project.
- Shelly Stagho, resident of Lodi, came forward to support the project.

Public Portion of Hearing Closed

• MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request for a Use Permit to establish a warehousing and storage use for recycled materials, including California Redemption Value (CRV), cardboard, scrap metal and electronic waste at 235 North Washington Street subject to the conditions in the resolution. The motion carried by the following vote:

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

- 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 of the Planning Commission for a Use Permit to allow establishment of an automotive body/fender repair and paint shop at 21 North Stockton Street. (Applicant: Delia Rodriguez. File Number: 12-U-10)

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

Commissioner Heinitz asked why it is necessary for this to come before the Commission. Mr. Bartlam stated that the painting of the automobiles is what is triggering the Use Permit.

Commissioner Hennecke asked where the paint booth is going to be located on the floor plan. Mr. Bartlam stated that the paint booth will be one of the drop-in types and the exact location hasn't been determined. The applicant will have to go through the permitting process before installing the booth.

Chair Olson asked if the applicant has started the Air Resources Board application or Building permit process. Mr. Bartlam stated that Staff has suggested not starting that process since the Planning Commission is the first hurdle and if the Commission doesn't support the project then the process can't continue.

Commissioner Kiser asked if the building is going to have to be brought up to current code to accommodate the addition of the paint booth. Mr. Bartlam stated that the Building Department Plans Examiner will make that determination when reviewing the Tenant Improvement Plans.

Hearing Opened to the Public

- Florentino Melendrez, owner of the building, came forward to answer questions. Mr. Melendrez stated that there was a booth there when he bought the building, but it was not done with the proper permits, so the City made him take it out.
- Commissioner Heinitz asked if this is something that should be grandfathered-in. Mr. Bartlam stated that the booth was not registered previously and would not have passed code.
- Chair Olson asked if Mr. Melendrez was the owner of the building or the owner of the business. Mr. Melendrez stated that he is the owner of the building not the business.
- Commissioner Kirsten asked if he could see the letter from the San Joaquin County Air Quality Board that Mr. Melendrez referred to.

Public Portion of Hearing Closed

The Commission took a moment to look at the letter. A copy was not supplied to staff for the record.

- Commissioner Hennecke asked if the paint booth was required to be removed by the City. Mr. Bartlam stated that there are several staff members involved and which one initiated the removal conversation.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the request of the Planning Commission for a Use Permit to allow establishment of an automotive body/fender repair and paint shop at 21 North Stockton Street subject to the conditions in the resolution. The motion carried by the following vote:

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

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.

7. DEVELOPMENT CODE UPDATE

- a. Staff presentation on the Draft Development Code Section 2, Residential and Mixed Use Districts.

Director Bartlam gave a PowerPoint presentation based on the staff report. The current code was adopted back in 1954 and has been amended several times throughout the years. In 1999 the process was started to update the code, but it was put on hold due to staffing and other higher priorities. Then in 2006/7 the process was started again and put on hold again because the General Plan took priority. Now the General Plan is done and it is necessary to update the code to fit with the general plan land uses that have been created. The Commission will be asked to adopt a new Zoning Map at the end of this process also.

Commissioner Heinitz asked about the parks and basin style parks and the plan to develop a series of waterways, bridges, and fountains along the west side of Lodi. Should this be something that is included in this plan or does the Commission have to wait for a developer to bring it back. Mr. Bartlam stated that the General Plan addresses that on a broad policy position. The City is moving away from the combined basins and parks because of the State filtration regulations. The DeBenedetti Park is an example of the type of basin/park that the city will be moving toward, with a lower basin area that will have water for longer periods of time and a higher area that will remain relatively dry and usable for park purposes. The Westside and Southwest Gateway proposed plans have a series of neighborhood parks as part of their development plans.

Commissioner Kiser asked if the filtration will be with the use of purple pipe and recirculation of the water for other uses. Mr. Bartlam stated that isn't the intent and isn't a requirement with this code.

Chair Olson asked about the ratio relating to floor area. Mr. Bartlam stated that the ratio should be considered in the Commercial and Industrial areas and will depend on the site and use. It needs to be shown in the Mixed Use areas, but isn't really meant for Residential uses.

Commissioner Hennecke asked if street sizes are being addressed in this code. Mr. Bartlam stated that the size of the streets will be discussed in the Public Works Standards. It is the intent of Staff to bring those Standards back once the Development Code Update is complete.

Opened for Public Comment

- Steve Hailey, representative for Farmers and Merchants Bank, came forward to ask what will be the process to present ideas or concerns. Mr. Bartlam stated that viable options for getting your comments or concerns heard by staff are by making comments to the Commission here, submitting comments in writing to the Commission and/or to the Planning Division, and then there is the opportunity to make an appointment to speak with Immanuel Bereket or himself in person.
- Delores Androsky, property owner on Forest Avenue, came forward to ask if some of the older structures would be exempt from the new rules if they can't meet the requirements. Mr. Bartlam stated that non-conforming uses are not being created with this code change, but will more than likely offer more opportunities rather hindrances' for Ms. Androsky's properties.
- Chair Olson asked how long this code is intended to last. Mr. Bartlam stated that 25 to 30 years or at least as long as the General Plan.
- Commissioner Heinitz asked if the old drafts are being dusted off and used or completely put aside. Mr. Bartlam stated that design guidelines will be a part of this development code. It isn't the intent of staff to change the work that has already been done, but to make sure that the current code does not conflict with the current General Plan.
- Commissioner Kiser asked if there was going to be a historic area created. Mr. Bartlam stated there will not.

Closed to Public Comment

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 last meeting. The Taco Truck Cook-Off was a success.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Hennecke asked if there has been any word from the Wal Mart group. Mr. Bartlam stated that he is meeting with Mr. Browman and the reps from Wal Mart next week. The Supreme Court has extended the appeal date to August 23, 2012.

Commissioner Kiser asked if a tenant has been found for the current store. Mr. Bartlam stated that he isn't aware, but will be asking Mr. Browman when they meet.

Vice Chair Kirsten asked if the legal issue can be discussed. Deputy City Attorney Janice Magdich stated that the issue is a procedural issue of when the Attorney/Client privilege should have been raised to the court by the opponent.

Director Bartlam stated that the winning truck from the Taco Truck Cook Off will be at the Farmers Market tomorrow night.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:10 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary