

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, APRIL 10, 2013**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of April 10, 2013 was called to order by Chair Kirsten at 7:00 p.m.

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

Absent: Planning Commissioners – Heinitz and Olson

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

2. MINUTES

“September 12, 2012”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the Minutes of September 12, 2012 as written. (Commissioner Jones abstained because he was not in attendance of the subject meeting)

“February 13, 2013”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the Minutes of February 13, 2013 as written. (Commissioner Cummins abstained 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 Kirsten called for the public hearing to consider the request for Planning Commission approval of a Use Permit to operate a community care facility for non-ambulatory adults with developmental disabilities at 651 North Cherokee Lane, Suite E. (Applicant: Denise Lane, on behalf of Person Centered Services; File Number: 13-U-01)

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

Hearing Opened to the Public

- Denise Lane, representative for the applicant, came forward to answer questions. Ms. Lane stated that the adults are ambulatory.
- Commissioner Kiser asked if this is for an adult day care so that family can take care of other business. Ms. Lane stated that a number of the clients have their own apartments and are capable of taking care of themselves. The program is intended to further educate them with training type programs such as transit systems, vocational training, and other types of training items.

- Commissioner Cummins asked if this program was similar to the United Cerebral Palsy. Ms. Lane stated that the program is different but similar. The clients do not have Cerebral Palsy.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the request for a Use Permit to operate a community care facility for ambulatory adults with developmental disabilities at 651 North Cherokee Lane, Suite E subject to the conditions in the resolution. The motion carried by the following vote:

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

Vice Chair Jones recused himself from items b and c because he has property interest in the sphere of influence of the projects.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kirsten called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to establish concrete recycling for onsite processing and outdoor storage facility for recycling materials at 1011 East Lockeford Street. (Applicant: David Burkhart, on behalf of Lodi Aggregates, Inc; File Number: 13-U-03)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. He pointed out several of the conditions, 3, 4, 9, 12, 17, 21, 30 & 31, in the Resolution that are being used to help mitigate possible concerns. Staff recommends approval of the project as conditioned.

Commissioner Cummins asked if the dust management was mainly being handled through water. Director Bartlam stated that typically that is how it is handled.

Commissioner Kiser asked if limiting the height of the sound wall to 8 feet will cause an enforcement problem. Director Bartlam stated that monitoring the site typically is done on a complaint basis and occasionally by staff members driving by the location.

Hearing Opened to the Public

- David Burkhart, applicant, came forward to answer questions.
- Chair Kirsten asked if condition number 17 limiting the weight of heavy equipment will be a concern. Mr. Burkhart stated that it depends what the definition of heavy is. Director Bartlam stated that the main concern is the noise and dust that occurs when crushing takes place. If there is such a thing as light crushing then light equipment can be used. Mr. Burkhart stated that the crusher is a light machine and efficient, but it is noisy. Kirsten asked if the Commission took out the crushing item would that be more beneficial for you then continuing the entire issue. Burkhart stated that he would like the entire item continued because the crushing is very important to the business. He also added that there is a beautiful office right next door to Mr. Alegre's crushing site and it does not seem to get dirty.
- Commissioner Kiser asked what kind of equipment will be used. Mr. Burkhart stated that he will not take anything that will not fit in the crusher which has a two to four foot crushing window. He also added that asphalt will be a part of the recycling process. Kiser asked what size skip loader was going to be used. Burkhart stated that it is a big machine, probably 80,000 pounds. Kiser asked to have pictures of the equipment that will be used supplied to the Commission.

- Commissioner Hennecke would like to know the definition of heavy equipment. He has been around the construction business for some time and that is important. He asked if the crusher is stationary. Mr. Burkhart stated that it is on tracks and will be on site for one week or a month depending on demand. Hennecke asked if the machine was small enough to put in a building. Mr. Burkhart stated that it is small enough to put in a building, but building the building is the issue.
- Chair Kirsten asked Mr. Burkhart to be thinking of what can be done to alleviate the Commission's concerns regarding the noise and the definition of heavy equipment.
- Mr. Burkhart stated that he has been very impressed and pleased with the interaction with City staff.
- Nick Jones, local business owner, came forward to ask some clarification questions. He would like to know what brand of machinery is being used, if a snow machine is being used to help with dust control, what the additional trips will do to the traffic index, and does Mr. Burkhart own or rent the equipment. Chair Kirsten asked how Mr. Jones would compare the noise for this business to the existing type of business in the area. Jones stated that it will depend on whether or not it is an impact or jaw type crusher, also if there will be a Hoe Ram on site.
- Frank Alegre, local aggregate crushing business owner, came forward to address some concerns. He asked if the surrounding businesses were notified because according to F & H they were not notified and they are right next door to this project. Mr. Bartlam stated that F & H was notified through the LLC and they submitted a letter that is in front of the Commission on blue sheet. Mr. Alegre stated that Lockeford Street can not handle the traffic that is being proposed with this project. He does not know of any light or quiet equipment in this type of business. He does not feel that a Jaw Crusher will make a finished product, so he will need to use an impact crusher. Commissioner Kiser stated that he has some of the same concerns. Chair Kirsten clarified that Mr. Alegre was there to oppose the project. Mr. Alegre confirmed that he was there to oppose the project. Kirsten asked if Mr. Alegre receives complaints from his neighbor to the east. Mr. Alegre stated that on occasion he will receive some complaints.
- Chair Kirsten asked Mr. Burkhart to come back to the podium to address some of the concerns. Kirsten asked what the brand of the excavator. Mr. Burkhart stated that he will have a CAT. Kirsten asked about the dust control equipment brand. Burkhart stated that he uses Terex. Kirsten asked specifically about snow blowers. Burkhart stated that he isn't familiar with using snow blowers for dust control. He has heard of them being used to keep plastic out of the aggregate. Kirsten asked if the 160 truck trips estimate is an accurate figure. Burkhart stated that that sounded accurate. He added that the number of trips is market driven. Kirsten asked if the equipment is owned or rented. Burkhart stated that the equipment is leased. Kirsten asked how Mr. Burkhart would respond to the statement that there is no such thing as a small crusher. Burkhart stated that there are small crushers, but they are not very efficient. Kirsten asked for clarification of the type of crusher being used. Burkhart stated that he will be using a Jaw Crusher with the cone. It is the most efficient way of crushing the material. Chair Kirsten asked how he proposed to make the Commission comfortable with condition number 17. Burkhart stated that he is comfortable with postponing the hearing to a future date, so that he can supply the information that will make the Commission comfortable.
- Commissioner Hennecke asked staff about the traffic. Director Bartlam stated that staff is not concerned about the street being able to handle the additional traffic. Hennecke asked if the Commission approved this project as written, without the crushing being allowed, would that be acceptable. Mr. Burkhart stated that he does not want to be limited since this is a crushing business. He also added that the best way to not impact the neighbors is to run the most efficient business possible. Hennecke asked if the project could go forward with out crushing as stated in condition 17. Burkhart stated that

the limitation in condition 17 is the use of heavy equipment. Director Bartlam stated that staff is not as concerned with condition 17 as they are with condition 31 regarding noise. The noise standard of 65 DBA is relatively quiet. Staff can only give the applicant the requirements and it is up to them to know their business well enough to know if they can meet those standards. Mr. Burkhart stated that the location is ideal for this type of business. Bartlam would like to see time allowed for staff to be able to visit a site and measure the noise levels. Several Commissioners agreed.

- Mr. Burkhart stated that this is an asset to the community and the location couldn't be better to mitigate traffic.
- Commissioner Hennecke asked staff if the proper motion would be to table the item until the noise can be measured. Director Bartlam stated that staff would rather see the Commission continue the item to the May 8<sup>th</sup> meeting.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Hennecke, Kiser second, continued the request for a Use Permit to establish concrete recycling for onsite processing and outdoor storage facility for recycling materials at 1011 East Lockeford Street to the May 8, 2013 Planning Commission Meeting. The motion carried by the following vote:

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

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kirsten called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to establish a wine production facility at 1002 Black Diamond Way. (Applicant: Calwd, Inc., on behalf of Jeremy Wine Co.; File Number: 13-U-04)

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

Hearing Opened to the Public

- Jeremy Trettevik, applicant, came forward to answer questions.
- Commissioner Kiser asked if the condition in the resolution regarding the removal of waste within 24 hours is acceptable. Mr. Trettevik stated that all the conditions are acceptable.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the request for a Use Permit to establish a wine production facility at 1002 Black Diamond Way subject to the conditions in the resolution. The motion carried by the following vote:

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

Vice Chair Jones rejoined the Commission.

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kirsten called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to establish a wine production facility at 27 East Vine Street. (Applicant: Jeff Hansen, on behalf of AH Wines, Inc, DBA Lodi City Wines; File Number: 13-U-05)

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

Hearing Opened to the Public

- Jeff Hansen, applicant, came forward to answer questions. He added that bringing all of his production areas into one location will be a great benefit to the company.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Jones, Kiser second, approved the request for a Use Permit to establish a wine production facility at 27 East Vine Street subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam stated that the new Development Code is in full effect.

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that a memo has been provided in the packet and staff is available to answer any questions. Chair Kirsten asked about the Sacramento Street Improvements. Bartlam stated that the project will be using Transportation monies to complete the improvements that are already done along Sacramento Street through Oak Street. Kirsten asked if the money has been awarded. Bartlam stated that it has not, but we are very hopefully about our chances. Kirsten asked how much money is being expected. Bartlam stated about one million dollars. Kirsten asked if there was any city participation money being required. Bartlam stated that the City will have money for utilities in the project, but the street improvements will be fully grant money. Kirsten asked what is going to be accomplished. Bartlam stated that what you see between Pine Street and Oak Street will be carried down to Lodi Avenue. Hennecke asked about the InShape appeal item. Bartlam stated that the appellant withdrew the appeal just before the meeting, so the project should be moving forward.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report regarding the two items on the agenda from today's meeting. The first item was regarding an outdoor patio cover at a restaurant on Lodi Avenue and the second item is a façade alteration to a building on School Street in the downtown.

ART IN PUBLIC PLACES

Chair Kirsten gave a brief report regarding the last two meetings. The bike racks in front of the Library will be removed and replaced.

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

None

9. COMMENTS BY STAFF AND COMMISSIONERS (NON-AGENDA ITEMS)

None

10. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:20 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary