

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 9, 2013**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of October 9, 2013 was called to order by Chair Jones at 7:00 p.m.

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

Absent: Planning Commissioners – None

Also Present: Community Development Director Konradt Bartlam, Deputy City Attorney Janice Magdich, Neighborhood Services Manager Joseph Wood, and Administrative Secretary Kari Chadwick

2. MINUTES

“August 14, 2013”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Slater second, approved the minutes of August 14, 2013 as written. (Commissioners Heinitz and Jones abstained because they were not in attendance of subject meeting)

“September 11, 2013”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the minutes of September 11, 2013 as written. (Commissioners Hennecke and Kirsten abstained because they were not in attendance of 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 Jones called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a mixed martial arts studio and training facility within an existing industrial building located at 1744 Akerman Drive. (Applicant: Mike Kogan, on behalf of Diaz Ventures, LLC; File 13-U-14; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

Director Bartlam gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project as conditioned.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

- Commissioner Olson asked if staff had the floor plan on one of the slides. She would like to know how all of the equipment was going to fit into the space. There seems to be a lot of activity going on in the space. Director Bartlam stated that he did not have that plan on one of the slides.
- Vice Chair Kiser asked if the applicant is going to be required to bring the building up to code for ADA purposes. Director Bartlam stated that they will need to meet all the codes.

MOTION / VOTE:

The Planning Commission, on motion of Kirsten, Kiser second, approved the request to continue the Use Permit to allow a mixed martial arts studio and training facility within an existing industrial building located at 1744 Akerman Drive subject to the conditions in the resolution.

- Commissioner Heinitz stated his opposition to approving a project when the applicant doesn't attend the meeting to answer questions such as Commissioner Olson's.
- Commissioner Olson asked if it could be a matter of the applicant being late. Director Bartlam stated that they were informed of the meeting.
- Commissioner Heinitz asked if the Commission could continue the item to a future date rather than deny the application, so the applicant won't have to incur new fees. Director Bartlam stated that if the Commission wished they could continue the item to a future meeting.
- Commissioner Kirsten stated that he was fine with the application and comfortable with staff recommendation and would like his motion to stand.
- Commissioner Hennecke stated that his support for the project.
- Commissioner Olson stated her support for the project and her disappointment that the applicant wasn't able to make to answer questions.

The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to establish a ready-mix batch plant at 1560 East Pine Street. (Applicant: Reyes Jaramillo; File No. 13-U-11; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

Director Bartlam gave a brief PowerPoint presentation based on the staff report. The protest letters were pointed out to the Commission. Staff recommends approval of the project as conditioned.

Commissioner Hennecke asked for confirmation that there will not be any recycling on the property. Director Bartlam stated that the condition has been added because that is not the applicant's intent. Hennecke asked about the surplus concrete that customers bring back. Typically that is recycled. Bartlam stated that that is a good question for the applicant.

Vice Chair Kiser asked if the equipment has been check for the possibility of causing noise issues. Director Bartlam stated that the site is not going to be a crushing site. This will be very similar to the old US Rentals site.

Chair Jones asked about the distances on the sound level chart in the Blue Sheet letters. Mr. Snider stated that the column directly below the center circle is in feet.

Commissioner Heinitz asked if the chart that has been supplied is accurate and if the comparisons used correct. Director Bartlam stated that staff confirmed that the chart is accurate.

Hearing Opened to the Public

- Stephen Snider, representative for the applicant, came forward to answer questions. The facility is going to be mixing a yard at a time; it is not a large batch plant. Mr. Snider pointed out the correspondence that he sent to the Commission earlier today. He stated that the chart was sent to the Lodi Cemetery by his office along with some correspondence. The applicant has expressed his willingness to work with the neighbors if they have an event occurring at the cemetery.
- Commissioner Slater asked for confirmation regarding the fact that the business is only for the business use and not open to the public and if the applicant is willing to clean up any accidental

spillage of concrete in the streets. Mr. Snider stated that the applicant will definitely be proactive with any messes made by his business.

- Commission Hennecke asked if the trailers are the rotating trailers. Reyes Jaramillo stated that they are. Hennecke stated his concern for the noise that they put out. He would like to know what the noise factor is for the mobile trailers. Director Bartlam stated that our noise ordinance does not pertain to mobile noise sources.
- Mr. Snider questioned condition number twenty-nine addresses noise pertaining to the envelope of the building and there is no building involved with this situation. Bartlam stated that condition twenty-nine is directly out of the noise ordinance.
- Vice Chair Kiser asked if Mr. Jaramillo planned on getting a larger batch truck. Mr. Jaramillo came to the podium to answer the question. Kiser would like to insert a condition that would stipulate that only one yard trucks shall be used for the business. Mr. Jaramillo stated that he does not plan to increase the size at this time. Kiser asked if he would be okay with a condition that states that only one yard trailers will be used. Mr. Jaramillo stated that he isn't sure if he will be using larger trucks, so he isn't sure.
- Commissioner Heinitz stated that since there isn't any plan at this time to have bigger trucks then we should be able to put the condition in and Mr. Jaramillo could come back and ask to enlarge the truck size. Heinitz stated that he visited the site and commended Mr. Jaramillo for placing the batch site as far away from the cemetery as possible.
- Commissioner Slater stated his agreement with Commission Kiser and Heinitz.

Public Portion of Hearing Closed

- Vice Chair Kiser would like to have a condition added for limiting the size of the trailer.
- Commissioner Olson asked if there is already a condition in the resolution that limits the size. Director Bartlam stated that there isn't a condition that addresses the size of the trucks, but the condition could be added as number thirty-seven.
- Commissioner Kirsten stated that the sound conversion chart seems to nullify the eighty disciple level for the concerns of the cemetery. Kiser stated that when the tubs on the trailers are rotating with dry material the noise is higher than after it is mixed. Bartlam added not to take away from the cemetery's historic location, but once the trucks exist the property they are on an industrial street surrounded by industrial uses.

**MOTION / VOTE:**

The Planning Commission, on motion of Vice Chair Kiser, Heinitz second, approved the request to continue the Use Permit to establish a ready-mix batch plant at 1560 East Pine Street subject to the conditions in the resolution with the condition below added.

Director Bartlam stated:

Condition #37 – "The maximum size of any truck/trailer hauling concrete from the site shall not exceed one yard capacity."

The motion carried by the following vote:

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

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission Approval of:
  - Growth Management Allocation for 232 Low Density Residential Lots; and

- A Vested Subdivision Map for the Proposed Rose Gate Subdivision, a 50 acre, 232 lot, single-family residential subdivision
- Adopt Development Standards for the subdivision known as Rose Gate Subdivision located within Planned Development 42 Zoning District

(Applicant: FCB Homes, Inc.; File #'s: 13-S-01 and 13-GM-01; CEQA Status: Project Environmental Impact Report, State Clearinghouse No. 2005092096, Certified on November 15, 2006)

Director Bartlam gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project as conditioned.

Vice Chair Kiser asked if another development agreement would be put into place since the original agreement has been cancelled. Bartlam stated there would not be another agreement. Kiser asked if there was originally supposed to be a 300 foot easement over the Woodbridge Irrigation District Canal. Bartlam stated that the easement is only 100 foot, but there was originally a 300 foot easement set up to run along the westerly edge which was the original city limits line. That line was pushed further to the west with the adoption of the new General Plan.

Commissioner Slater asked about a few of the flag lots and the parking issues that can occur. Bartlam stated that his personal view of flag lot allows for design flexibility and it takes a special kind of home owner to live on a flag lot. Heinitz stated that flag lots can be very successful in Lodi.

Commissioner Heinitz asked about the retention basin being so large and the departure from the plan to put smaller parks and a long line of water retention along the westerly edge of the project with a walking/biking path. Bartlam state that this is an in-between basin/park combination and will allow for smaller neighborhood style parks to be placed in all of the subsequent new subdivisions.

Commissioner Olson asked what staffs thoughts are regarding the subdivision street size. Bartlam stated that the improvements to Lodi Avenue will be fully built out for the project up to the roundabout and will then transition back to a two-lane road. Olson asked if the public services are in place to services this development. Bartlam stated that the community facility district will be collecting 650 dollars per year per dwelling.

Commission Kiser asked if there will be parking on both sides of the street. Bartlam stated there will be parking on both sides.

Commission Hennecke asked about the fire trucks needing 24' and the sizes illustrated on the plans are smaller than that. Bartlam stated that this is the same type of layout that has existed for the last then years in the development south of Century Boulevard around Mills Avenue and the Fire Department has had no problems maneuvering in the trucks through the area.

Commissioner Heinitz asked if there will be a Mello-Roos fee paid. Bartlam stated that there will be only the Community Facilities District Fee paid which will cover more than a typical Landscape District fee. Jones asked it will include the slurry-sealing of the streets. Bartlam stated it would not.

#### Hearing Opened to the Public

- Tom Doucette, applicant, came forward to answer questions.
- Commissioner Hennecke disclosed that he has had a conversation with the applicant regarding the project.
- Chair Jones asked why the lot sizes. Doucette stated that it allows for a good variety of housing prices as well as different looks. There will be a good mix of single-story and two-story dwelling styles.
- Commissioner Heinitz stated his appreciation of the project. He also added his concern with the way that the corners turn out.
- Mr. Doucette added that the size of the streets has caused a few complaints from people that live there, but all of the studies say that they are safer because they cause the vehicles to naturally slow down. Heinitz stated that the only complaint that he has heard over the years is on garbage day it can be tough to find an open spot to put the cans.
- Kathy Polinski, Lodi resident, came forward to ask about the roundabout and if anyone using Lodi heading towards Davis Road will encounter it. It was confirmed that you will encounter the

roundabout if you head west on Lodi Avenue heading to Davis Road coming from Lower Sacramento Road.

Public Portion of Hearing Closed

- Commissioner Kirsten shared that on Myth-busters they confirmed that roundabouts make the roads safer. Heinitz stated that there is a roundabout in Woodbridge if you want to experience driving through one.
- Commissioner Hennecke stated his pleasure at seeing growth in Lodi.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Hennecke second, approved the request for a Vested Subdivision Map for Rose Gate Subdivision, a 50-acre, 234-lot, single-family residential subdivision, Development Standards for Rose Gate Subdivision and recommends that the City Council approve 232 Growth Management Allocations at 2875 West Lodi Avenue subject to the conditions in the resolution. The motion carried by the following vote:

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

Commissioner Heinitz asked Mr. Doucette to come forward and explain the reason for picking the name Rose Gate. Mr. Doucette came forward and explained that while developing the plans it came up that the City of Lodi's official flower is the Rose.

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Jones called for the public hearing to consider the request of the Planning Commission to recommend to the City Council Adoption of the Draft Climate Action Plan and Certify the Negative Declaration.

Director Bartlam introduced Joseph Wood, Neighborhood Services Manager and the Climate Action Plan (CAP) project manager. Mr. Wood introduced the item and the AECOM consultant representative, Culley Thomas, who has been working on this item with the City. Mr. Thomas gave a brief PowerPoint presentation based on the staff report.

Staff recommends that the Planning Commission recommend to the City Council approval of the plan as presented.

Chair Jones asked if the grant covered all of the costs to create the plan. Bartlam stated that it did not cover our staff costs; it did cover the consultant and outreach costs. Jones asked if the grant came from State or Federal monies. Bartlam stated that it was a Federal grant. Jones asked what the incentives will be. Culley stated that the incentives are the CEQA streamlining. Bartlam stated that the various businesses and homeowners can take advantage of the programs that are offered because the CAP is in place. The program is completely voluntary from a private sector standpoint, and will be mandatory for the City. There are things that are considered just good business that the City will be doing from an energy standpoint that will save the rate payers money. Jones stated that the State is mandating that energy companies be operating with 33% green energy by 2020; what percent of the City's energy sources? Bartlam stated that the City is currently at 20%. Culley added that currently all large hydro in California is not considered green. Bartlam stated that the State does not consider large Hydro green because of the offsetting environmental impacts such as damming rivers and streams.

Commissioner Slater complimented the City on the programs that have been offered already to the citizens. How are we going to be delivering the wastewater, purple pipe? Bartlam stated that our own plant is currently putting things into motion to be a zero discharge plant within the next five to ten years.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

- None

MOTION / VOTE:

The Planning Commission, on motion of Kirsten, Kiser second, approved the request to Recommend to the City Council Adoption of the Draft Climate Action Plan and Certify the Negative Declaration. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there wasn't a memo provided, but he would be happy to answer any questions the Commission may have.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

4. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report on recent meetings. The bronze statues may come back to the downtown. The first phase of the Utility Box painting project is complete and the next phases are being planned. The Commissioners complimented how the boxes have turned out. Jones asked if the money being spent on renting the statues be put toward purchasing permanent art. Kirsten stated that the statues are extremely pricey, so probably not the statues. Heinitz asked if the new developments will be bringing in new revenues for Art In Public Places. Bartlam stated it will. Bartlam clarified that the boxes are traffic signal boxes not electrical utility boxes.

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 8:31 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary