

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, NOVEMBER 13, 2013**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of November 13, 2013 was called to order by Vice Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – Chair Jones

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

2. MINUTES

“October 9, 2013”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Heinitz second, approved the minutes of October 9, 2013 as written.

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, Vice Chair Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to operate a fitness center known as Twin Arbor Express in an approximately 6,000 sq. ft. building located at 369 South Lower Sacramento Road, Suite B. (Applicants: Lodi Athletic Clubs; File Number: 13-U-16; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

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

Commissioner Heinitz asked if there would be sufficient enough parking if all the tenant spaces were filled. Associate Planner Bereket stated that there will be enough parking. Heinitz asked if there has been any discussion with Raley’s to see if there employees could park closer to the store rather in front of this location because this could become a problem in the future.

Hearing Opened to the Public

- Larry Gilzean, Twin Arbor’s representative, came forward to answer questions. He stated that the company is pleased to be adding a fourth site to Lodi.
- Commissioner Olson asked what the capacity will be for this site. Mr. Gilzean stated that the occupancy is set at 79, but they only expect to have 40 to 50 people at any given time.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Kirsten, Slater second, approved the request for a Use Permit to operate a fitness center known as Twin Arbor Express in an approximately 6,000 sq. ft. building located at 369 South Lower Sacramento Road, Suite B subject to the conditions in the resolution. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at 315 South Cherokee. (Applicant: Darlene Victorino Machado; File Number: 13-U-17; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

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

Hearing Opened to the Public

- Darlene Machado, applicant, came forward to answer questions.
- Commissioner Slater asked why the establishment is now asking for the sale of alcohol. Ms Machado stated that she has had many requests by customers and she has her catering license and can rent out the restaurant in the evenings for private parties. She would like to be able to offer customers what they are asking for.
- Vice Chair Kiser asked if staff would be trained through ABC. Ms. Machado stated that she would have the staff members trained.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinritz, Olson second, approved the request for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at 315 South Cherokee subject to the conditions in the resolution. The motion carried by the following vote:

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

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Kiser called for the public hearing to consider the request of the Planning Commission Approval of a Tentative Parcel Map to divide one parcel into three lots at 2311 Cochran Road. (Applicant: Baumbach and Piazza, Inc., on behalf of Shirley A. Meath; File 13-P-02; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15315 (Class 15, Minor Land Divisions))

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Bereket pointed out a letter received from a property owner adjacent to the project. Staff recommends approval of the project as conditioned.

Commissioner Kirsten asked if the Commission could condition the project with a condition that only a single family dwelling be placed on the site. Director Bartlam stated that the Commission could place a condition on the parcel map, but that would be an unusual condition. The lot is 14,000 square feet and ample bit enough to accommodate a single-story dwelling.

Hearing Opened to the Public

- Steve Pechin, representative for the applicant, came forward to answer questions.
- Commissioner Kirsten asked what the height of the dwelling will be on the back lot. Mr. Pechin stated that he does not know what the intention is for the dwelling is at this time.
- Commissioner Slater asked about the flag lot access. He expressed his concerned over the congestion of having a narrow access. Mr. Pechin stated that there are several examples in the neighborhood where this plan works. Director Bartlam pointed out several examples on the aerial map of flag lots that are in and around this location. Commissioner Heinitz added that he personally has had several flag lot development success stories. The pole part of the lot belongs to the property owner unless there is a private easement to share the access.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Olson, Heinitz second, approved the request for a Tentative Parcel Map to divide one parcel into three lots at 2311 Cochran Road subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that a memo has been provided, and staff is available to answer any questions that the Commission may have.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report on the items heard at the meeting earlier this evening.

4. ART IN PUBLIC PLACES

Commissioner Kirsten reported that the City Council did approve the funding for the bronze statues for downtown.

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

None

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

Commissioner Heinitz asked about new businesses taking over existing business locations that have had a Use Permit in the past do they need a new Use Permit. Bartlam stated that the Use Permit runs with the land.

Commissioner Olson asked about people renting out their homes or trade homes and the collection of TOT. Bartlam stated that the issue with the collection of the TOT, Transient Occupancy Tax, is figuring out how to regulate the reporting of how often they rotate out of the residence.

Director Bartlam stated that Commissioner Jones's father passed away last week and staff extends their condolence to him and his family.

10. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:35 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary