

<p>CARNEGIE FORUM 305 WEST PINE STREET LODI, CALIFORNIA</p>	<p>AGENDA LODI PLANNING COMMISSION</p>	<p>REGULAR SESSION WEDNESDAY, SEPTEMBER 10, 2014 @ 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 – “July 23, 2014” & “August 13, 2014”
3. PUBLIC HEARINGS
 - a. Request for Planning Commission approval of a Use Permit to allow reconstruction of gas station canopy and gas storage tanks at 225 South Cherokee Lane. (Applicant: Mr. Ahmad Alruosan; File 2014-26 U; CEQA Determination: Exempt per Section 15303)

NOTE: The above items are quasi-judicial hearings and require 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. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
8. ART IN PUBLIC PLACES
9. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)
10. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF (NON-AGENDA ITEMS)
11. 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 to 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, JULY 23, 2014**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of July 23, 2014 was called to order by Vice Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – Olson

Also Present: Senior Planner Craig Hoffman, City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

2. MINUTES

“June 25, 2014”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Slater second, approved the minutes of June 25, 2014 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 9 lot subdivision map and design review of The Villas housing project at 2110 Tienda Drive. (Applicant: Mr. John M. Giannoni Jr.; File 2014-15 S SP; CEQA Determination: Exempt per Section 15332)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending that Staff is recommending approval of the project as conditioned with the addition of condition #45 as illustrated on the blue sheet provided at the meeting.

Commissioner Heinitz asked if each resident will have their own trash cans or a single trash enclosure. Mr. Hoffman stated that each unit will have their own trash cans. Mr. Heinitz asked if there will be plumbing in the bonus room over the garage. Mr. Hoffman stated that plumbing could be added to the plans based on what the potential buyer would like to see in the space. Mr. Heinitz asked if the project could be conditioned to not allow plumbing to be put into those rooms to avoid having it turned into a secondary dwelling unit down the road. Mr. Hoffman stated that the Commission can add that if they choose.

Vice Chair Kiser stated his concern with the bonus room having plumbing as well as his concern about the trash cans needing to be pushed to the curb, so that the trucks do not have to try to drive into the development. Mr. Hoffman stated that the trash cans will need to be brought out to Tienda Drive to avoid having the trucks come into the development. Mr. Kiser also stated that he would like to see some signage at the entrance to the drive way stating that there is no parking along that area

Commissioner Slater asked if there is a yard for the dwellings. Mr. Hoffman stated that there is yard area for the residences. Mr. Slater would like to see some sort of sustainable fencing material used and asked about guest parking. Mr. Hoffman stated that there will be two guest parking spaces on site and other guest parking on the street.

Hearing Opened to the Public

- John Giannoni, applicant, came forward to answer questions. Mr. Giannoni stated that his vision for the Villas is to give all generations a place to call home. The single story

dwelling is meant to accommodate the older generation with the master bedrooms on the first floor and the townhouses will give the younger generation a place to settle. This project is going to be a high quality and energy efficient product. He added that the bonus room reflects a restroom because no matter what the space is used for it will need a restroom. The fence material will be 4x4 pressure treated wood. There is also a large trash bin and extra parking on the property to the south of this project and the residents can use that area in case they are having an extra-large gathering.

- Commissioner Heinitz asked if a truck could get into the complex to pick up a trash bin. Mr. Giannoni stated that he would prefer not to have a garbage truck driving into the complex. Mr. Heinitz asked if a walkway could be added on the east side of the property for the residents in the back. Mr. Giannoni stated that there is a gate and walkway along the eastern edge of the property that the residents can use to access Tienda Drive.
- Vice Chair Kiser asked if there can be something put into the CC&Rs that states that the residents can use the trash bin and parking on the property to the south of the project. Mr. Giannoni stated that would be a good idea.
- Zack Wong, Civil Engineer for the project, came forward to confirm the moving of the garage door from the side of the garage to the rear on the end unit. Vice Chair Kiser stated his support for the change.
- Al Ellis, Attorney for the applicant, came forward to answer questions. He has been working with Mr. Giannoni on the CC&Rs for the project and if the Commission has any questions he is available to answer them. Mr. Ellis added that Mr. Giannoni is Maintain the landscaping for three years going up to ten years depending on when the project is completed to ensure that it stays health.
- Commissioner Hennecke asked how the CC&Rs will be able to enforce the requirements for the common areas. Mr. Ellis stated that the CC&Rs are like any other contract and can be enforced through legal means.
- Vice Chair Kiser asked if a homeowners association could be set up later. Mr. Ellis stated that the applicant does not feel that an HOA is necessary, but if the future owners want to start an association then they should be able to do so. Mr. Giannoni came forward to further explain his vision with the help of the illustrations. The product being produced with this project will be individually owned except for the entrance.
- Commissioner Heinitz asked if the area in the middle is common area. Mr. Giannoni stated that the property lines all meet in the middle and every resident owns their own share of the Piazza.
- Fred Baker, Lodi resident, came forward to state some concerns for the project. Mr. Baker stated that a walkway was required with his project next door to allow for the garbage cans to be brought out to the street. He stated that he would like to see the residences in the back moved to the front and the two-story townhouses moved to the rear of the property. He believes this would be a better look on Tienda Drive. Mr. Baker would like to know who he will need to talk to if there are repairs to the shared drive lane.

Commissioner Kirsten excused himself from the meeting at 7:42 p.m. because he is feeling ill.

- Roger Barker, Lodi resident, came forward to express his concerns for the project. Mr. Barker stated his agreement with staff on keeping the garage buildings for the single-family dwellings single story. He supports the condition for CC&Rs and hopes they will deal with any possible issues that may arise.
- Vice Chair Kiser stated that each dwelling will have its own fire suppression system. Mr. Kiser asked for clarification regarding staff recommending that the garage buildings be single story. Mr. Hoffman stated his confirmation that staff is recommending the garage buildings for the residences in the rear be single story. He added that if the Commission wishes to allow them to be two-story staff recommends a condition be added to the CC&Rs that states that they cannot be leased, sublet or rented out separately.

Public Portion of Hearing Closed

- Commissioner Hennecke asked if the CC&Rs would come back to the Commission. Mr. Hoffman stated that staff from various departments will be looking at the CC&Rs and approving them. Commissioner Slater asked if they could be brought back to the Commission as an informational item. Mr. Hoffman stated that he will bring them back to the Commission.
- Commissioner Heinitz amended the conditions by eliminating Condition #14 and stating that the CC&Rs clarify that the bonus rooms not be allowed to become rentals.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, finds the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332, the project is in-fill development and approve the Tentative Subdivision Map and architectural review for The Villas at 2110 Tienda Drive subject to conditions in the attached resolution along with additional condition 45 and amendments as stated below:

1 – Delete Condition #14.

2 - A statement to be added to the CC&Rs that will not allow for the bonus room to become a rental space.

The motion carried by the following vote:

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

- 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 a Use Permit Amendment (Condition 5 and 6) to allow an after school program (no additional students) at 2301 West Lodi Ave. (Applicant: Vineyard Christian Middle School; File 2014-21 U; CEQA Determination: Exempt per Section 15332)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project as conditioned.

Vice Chair Kiser asked if the portable classroom units will be staying. Mr. Hoffman stated that they will remain.

Commissioner Slater asked if there have been any complaints for this site. Mr. Hoffman stated that there have not been any protests submitted. Ms. Magdich stated that the City Attorney’s office has not received any complaints.

Hearing Opened to the Public

- Randal Oliver, Principal of Vineyard Christian Middle School, came forward to answer questions.
- Commissioner Heinitz stated that he has heard positive comments about the school.
- Commissioner Slater asked about the after school program. Mr. Oliver stated that the program will be to allow parents that need the extra time to pick up their children. They will have both indoor and outdoor activities during that time.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Hennecke second, finds the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, and

adopt a Resolution approving the Use Permit Amendment (Condition 5 and 6) to allow an after school program (no additional students) at 2301 West Lodi Avenue subject to the findings and conditions of approval contained in the draft Resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Senior Planner Hoffman stated that the Tentative Looking Ahead Project List has been provided and staff is available to answer any questions.

5. ANNOUNCEMENTS AND CORRESPONDENCE

Senior Planner Hoffman showed off the proposed façade improvements that Smart and Final has submitted. He added that the application will be going to the Site Plan and Architectural Review Committee in August.

6. ACTIONS OF THE CITY COUNCIL

None

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

None

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

None

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

Commissioner Hennecke asked about the liquor license that has been approved in his neighborhood. Mr. Hoffman and Ms. Magdich stated that the resident has been approved for an office only. The license is a wholesale license only. There will not be any liquor sold out of the house.

Commissioner Slater stated that there is a need to have an upper end gated community. Mr. Hoffman stated that he also sees the need. Mr. Heinitz stated that there is a very low turn around in these types of developments.

11. REORGANIZATION

a. Planning Commission Chair & Vice Chair

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Henitz second, approved the nomination of Commissioner Kiser for the 2014/15 Planning Commission Chair position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Slater second, approved the nomination of Commissioner Heinitz for the 2014/15 Planning Commission Vice Chair position. There being no other nominations the motion carried by the following vote:

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

b. Planning Commission Representatives to: SPARC and Art In Public Places

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Slater second, approved the nomination of Commissioner Kiser for the 2014/15 Planning Commission representative for the Site Plan and Architectural Review Committee position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Slater, Heinitz second, approved the nomination of Commissioner Kirsten for the 2014/15 Planning Commission representative for the Art In Public Places Committee position. There being no other nominations the motion carried by the following vote:

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

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:13 p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 13, 2014**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of July 23, 2014 was called to order by Vice Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – Cummins and Heinitz

Also Present: Senior Planner Craig Hoffman, City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

2. MINUTES

“July 23, 2014”

No motion made due to the lack of a quorum of Commissioners in attendance from the subject meeting. The July 23, 2014 minutes will be brought back to a future 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 Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Tentative Parcel Map to divide one parcel into two lots at 507 Daisy Ave. (Applicant: Aaron Shaddy; File 2014-24 P; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15315)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending that Staff is recommending approval of the project as conditioned.

Chair Kiser asked for clarification on the location of the project. Mr. Hoffman pointed out the subject parcel with the assistance of the PowerPoint slide.

Commissioner Kirsten asked if it was typical for the vehicle access to be in the alley. Mr. Hoffman stated that vehicle access is allowed in the alley, but the Zoning Code and General Plan would like to identify public roadways as the frontage for the residence.

Chair Kiser asked for clarification regarding staff position on having primary vehicle access in the alley. Mr. Hoffman stated that staff supports vehicle access coming from the alley.

Commissioner Slater asked if a fence will be built to divide the parcels. Mr. Hoffman stated that a fence could be built between the two parcels.

Commissioner Olson asked if the easement is put in the deed. City Attorney Magdich stated that the easement runs with the land, so it will need to be written into the deed.

Hearing Opened to the Public

- Aaron Shaddy, applicant, came forward to answer questions.
- Commissioner Olson asked Mr. Shaddy if he was going to be living in one of the dwellings. Mr. Shaddy stated that he will be keeping both lots and live in the rear dwelling. He added that he does not intend to sell the front dwelling at this time, but may in the future.
- Mr. Shaddy asked for clarification regarding being allowed to put a fence up between the two residences. Mr. Hoffman stated that a gate for access would need to be installed.

- Commissioner Hennecke stated his concern regarding a fence taking away the sightline of the back dwelling to the street. Mr. Hoffman stated that the fencing could be an open style like wrought iron. Mr. Kiser stated that the intention was to allow Police and Fire to see the house number from the public street.
- Commissioner Slater asked what material the driveway easement would be constructed from. Mr. Shaddy stated it will depend on whether or not he needs to leave the trees in the front yard. He would like to use pavers that way they can be adjusted if necessary. Mr. Slater asked who would be responsible for maintaining the access way. Mr. Hoffman stated that the property owner, in this case the applicant, would be responsible for maintaining the right-of-way. Ms. Magdich stated that if there were two separate property owners they could create a maintenance agreement for the access drive. Mr. Slater stated his concern over the future of the area. Mr. Hoffman stated that staff didn't want to see the trees removed just to accommodate the water line.
- Commissioner Olson stated that if the trees are going to cause a hazardous condition then she would like to see the applicant be able to remove them. Mr. Hoffman stated that he included condition seventeen because he didn't want to see the trees removed solely for the development, but if they become a safety issue then he would not have a problem with them being removed.

Public Portion of Hearing Closed

- Commissioner Kirsten would like to see the applicant be able to put up a fence if he so chooses.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Kirsten second, finds the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315, the project is in-fill development and approve the Tentative Parcel Map to divide one parcel into two lots at 507 Daisy Ave subject to conditions in the attached resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Senior Planner Hoffman stated that the Tentative Looking Ahead Project List has been provided and staff is available to answer any questions.

Commissioner Kirsten asked for clarification regarding which corner the gas station will be going. Mr. Hoffman stated it will be located on the northwest corner.

Planner Hoffman gave a brief presentation regarding the current growth management allocations. Mr. Hoffman believes that the actual build out of the most recent allocations will be market driven and there really isn't anyway to say for sure just how many will be built in the next few years. Commissioner Kirsten stated that he is not concerned about the fact that the impact fees were not raised before these projects were able to get their allocations that was the purpose of lowering them.

Commissioner Kirsten asked about the existing Wal-Mart building façade improvements. Mr. Hoffman stated that the site will need to be tenanted, torn down, or sold within six months after the existing Wal-Mart moves. Mr. Browman would like to keep the building and split it into three or four tenant spaces. Mr. Hoffman stated that the Super Wal-Mart site will need to come back for site review.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Senior Planner Hoffman stated that the memo has been provided and staff is available to answer any questions.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Chair Kiser gave a brief report regarding the Smart & Final façade improvement project that was approved by the Committee earlier this evening. Commissioner Kirsten stated that he has forwarded the possibility of using the building for future art projects on to the Art In Public Places Committee.

8. ART IN PUBLIC PLACES

Commissioner Kirsten stated that the committee did not meet last month, but hopes to be able to bring something about the interest in the Smart and Final location to the next meeting.

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

None

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

None

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:39 p.m.

ATTEST:

Kari Chadwick
Planning Commission Secretary

Item 3a



**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: September 10, 2014

APPLICATION NO: Use Permit Amendment: 2014-26 U

REQUEST: Request for Planning Commission approval of a Use Permit to allow reconstruction of gas station canopy and gas storage tanks at 225 South Cherokee Lane. (Applicant: Mr. Ahmad Alruosan; File 2014-26 U; CEQA Determination: Exempt per Section 15303)

LOCATION: 225 South Cherokee Lane
APN 043-140-58

APPLICANT: El Vino Food Mart
c/o Mr. Ahmad Alruosan
225 South Cherokee Lane
Lodi, CA 95240

PROPERTY OWNER: Mr. Ahmad Alruosan
225 South Cherokee Lane
Lodi, CA 95240

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Mr. Ahmad Alruosan to allow reconstruction of gas station canopy and gas storage tanks at 225 South Cherokee Lane, subject to the conditions in the attached resolution.

PROJECT/AREA DESCRIPTION

General Plan Designation: Mixed Use Corridor
Zoning Designation: MCO – Mixed Use Corridor
Property Size: 0.32 acres – 13,798 sq. ft.

The adjacent zoning and land use characteristics:

	ADJACENT ZONING DESIGNATIONS AND LAND USES		
	GENERAL PLAN	ZONING CLASSIFICATION	EXISTING LAND USE
North	Mixed Use Corridor	MCO – Mixed Use Corridor	Commercial – O’Riely’s Pub
North West	Medium Density Residential	RMD – Medium Density Residential	Single Family Residence
South	Mixed Use Corridor	MCO – Mixed Use Corridor	Commercial – A-1 Tires
East	Mixed Use Corridor	MCO – Mixed Use Corridor	Commercial - Wienerschnitzel
West	Mixed Use Corridor	MCO – Mixed Use Corridor	Single Family Residence

BACKGROUND

The project site has been a gas station / car oriented property since the late 1930's. In 1938 Richfield Oil Company constructed a gas / service station on site with two gas tanks and one oil tank. This site has undergone many upgrades and service station configurations. In the mid 1970's, the site became an Arco Service Station and a convenience mini mart was added. In 2002, the gas island canopy, pumps and fuel tanks were pulled. Since then, the site has continued to operate as a retail space / convenience store / mini mart.

In 2009, the Regional Water Quality Control Board found that the site was in compliance for removal of underground tanks and no further actions were required.

In 2010, the City approved an alcohol license for the site that permits the sale of beer and wine (Type 20). The current convenience store hours of operation are from 7:00 a.m. to 12:00 a.m. (mid-night).

REQUEST

The applicant is proposing to rebuild the canopy, gas islands and underground fuel tanks. The attached site plan identifies 4 gas islands (8 dispensers) with modified parking layout.

The applicant proposes to rebuild a gas station use that has historically been on the site. The convenience store will continue to operate from 7:00 a.m. to 12:00 a.m. (mid-night) and the gas pumps would allow for self-service 24 hours per day.

The applicant has modified some on-site parking to eliminate conflicts in front of the convenience store.

The project applicant is not in contract with a specific gas provider. Branding of the site will take place in the future that will require signage and site paint and color scheme.

ANALYSIS

Staff review of the project includes: compatibility with the surrounding area, impact to public roadways and on-site layout and use.

Compatibility

The project site is located at a major intersection within Lodi (Cherokee Lane and Lodi Ave.). The project is designated Mixed Use Corridor and gas stations are allowed subject to a use permit. The site has historically been a service station use. There are residential uses to the west and northwest. The convenience store blocks the residences from the proposed gas station pumps. The properties along Lodi Ave will convert over time to offices, retail uses and higher density housing.

Roadways

The project site includes driveways onto Cherokee Lane and Lodi Ave. These driveways are not blocked by any barriers and traffic will be able to enter the site without backing up onto the public roadways. The project proposal is not looking to make changes to public facilities.

On-Site Layout

The proposed site has a tight configuration. There may be conflicts with cars parking in front of the convenience store and cars filling up along the first bank of gas pumps. There is ample parking and additional spaces can be located along Lodi Ave. The convenience store is approximately 2000 sq. ft. and the site is over-parked. The store only needs 8 spaces.

The proposed canopy and underground gas tanks are essentially in the same location as before.

The discretionary Use Permit procedure enables Planning and other city staff to impose conditions designed to avoid, minimize or mitigate potentially adverse effects of a certain use upon the community or other properties in the vicinity. Staff believes that the Planning Commission can make the required findings, in accordance with Lodi Development Code § 17.40.040(F), to approve the requested Use Permit. The required findings are as follows:

1. *The proposed use is allowed with a Use Permit within the applicable zoning district and complies with all applicable provisions of this Development Code.* **Comment:** The project site is located within the Mixed Use Corridor. The proposed use is consistent with the development code subject to approval of a Use Permit. There are no known code enforcement actions or violations on the property.
2. *The proposed use is consistent with the General Plan and any applicable specific plan.* **Comment:** The General Plan land use designation for the project site is Mixed Use Corridor, which permits the proposed use. The conditions for the restriction of the conditional use are consistent with the General Plan, will not affect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.
3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.* **Comment:** The proposed site modifications are consistent with historical uses and structures on the site. The proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within a mixed use commercial area with all the required off-street parking provided on the subject site. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.
4. *The location, size, design, and operating characteristics of the proposed use is compatible with the existing and future land uses in the vicinity.* **Comment:** The existing use complies with all requirements as set forth for the issuance of a 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 is located in a commercial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing facility and no expansion is proposed.
5. *The proposed project is in compliance with the California Environmental Quality Act (CEQA) and the Lodi Environmental Review Guidelines.* **Comment:** The project is found to be categorically exempt from CEQA review under 14 CCR §15303. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure and is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations and would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site of the proposed project can be adequately served by all required utilities and public services.

Staff believes the Commission can make the required findings to approve the Use Permit Amendment as proposed. The existing property use does not have any complaints over the use and operations. In staff's opinion, the proposed modification would not produce any adverse impacts on

the adjacent properties in terms of noise, parking, litter, disorderly behavior, or other objectionable influences. The permit is conditioned to mitigate typical concerns related to noise and nuisance related to late night activities. If, in the future, concerns arise, and the Director/Police Department determines it necessary, the Use Permit can be subject to review by the Planning Commission to consider the business's operation for compliance with the conditions of the Use Permit.

ENVIRONMENTAL ASSESSMENT:

The project is found to be categorically exempt from CEQA review under 14 CCR §15303. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure and is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations and would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site of the proposed project can be adequately served by all required utilities and public services.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published in the Lodi News Sentinel on Saturday, August 30 2014. Thirty-seven (37) 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 expressed their interest of the project.

RECOMMENDED MOTIONS

Should the Planning Commission agree with staff's recommendation, the following motion is suggested:

"I move that the Planning Commission adopt a Resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, and adopt a Resolution approving the Use Permit to allow reconstruction of gas station canopy and gas storage tanks at 225 South Cherokee Lane, subject to the findings and conditions of approval contained in the draft Resolution."

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the request with attached or alternate conditions
- Deny the request
- Continue the request.

Respectfully Submitted,

Concur,

Craig Hoffman
Senior Planner

Stephen Schwabauer
Community Development Director

ATTACHMENTS:

- A. Vicinity / Aerial Map
- B. Site Plan
- C. Pictures of similar 4 pump canopies
- D. Draft Resolution

VICINITY MAP



225 South Cherokee Lane

REVISIONS:

- 1
- 2
- 3

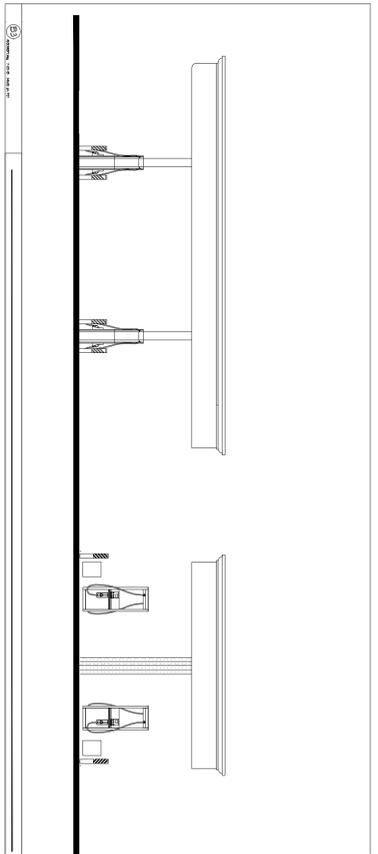
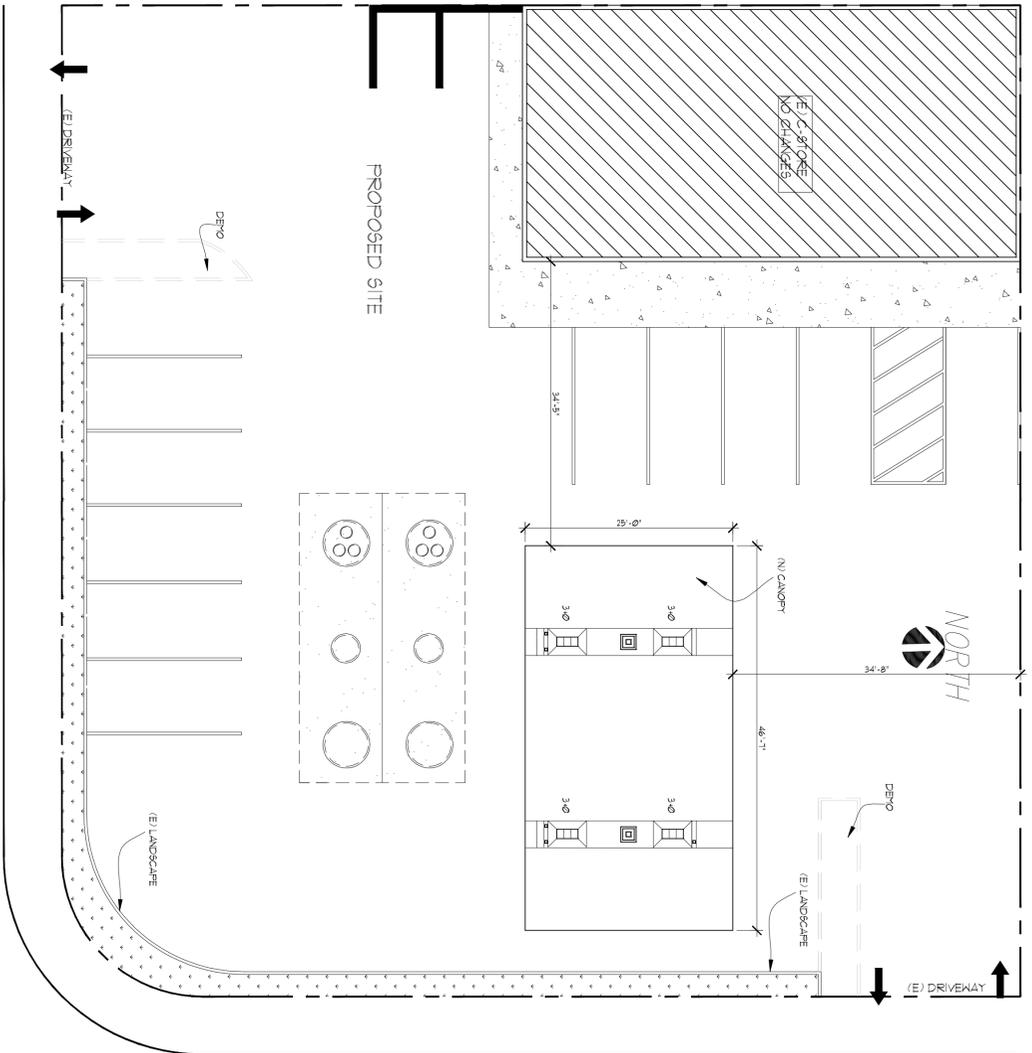
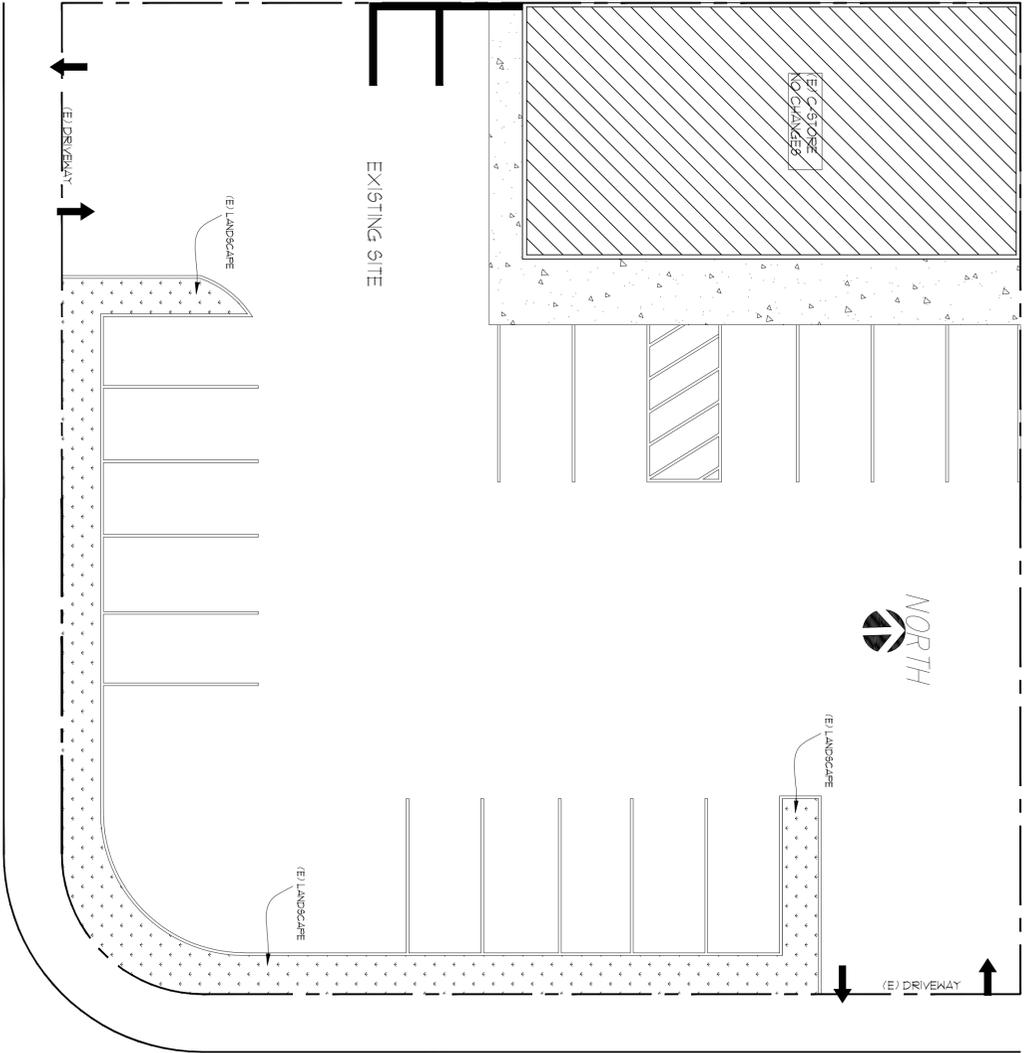
EBB Design-MVP PETROLEUM

Design and Drafting

Sacramento, Ca
PHONE 916-877-1133 email:ebazan1@yahoo.com

NEW CANOPY/DISPENSERS
225 E. CHEROKEE LN
LODI, CA

DATE: 6/20/14
DRAWN: E.B.
SCALE: 1/8" = 1'-0"
SHEET: 1



30



Shell Station at Cherokee Lane and Elm Street



**RESOLUTION NO. P.C. 14-XX
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING
THE REQUEST OF AHMAD ALRUOSAN FOR A USE PERMIT FOR THE
RECONSTRUCTION OF GAS STATION CANOPY AND GAS STORAGE
TANKS AT 225 SOUTH CHEROKEE LANE**

- 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 17.74; and
- WHEREAS**, the project proponents are El Vino Food Mart, c/o Mr. Ahmad Alruosan, 225 South Cherokee Lane, Lodi, CA 95240; and
- WHEREAS**, the project parcel is owned by Mr. Ahmad Alruosan, 225 South Cherokee Lane, Lodi, CA 95240 ; and
- WHEREAS**, the project is located at 225 South Cherokee Lane, Lodi, CA (APN 043-140-58); and
- WHEREAS**, the property has a General Plan designation of Mixed Use Corridor and is zoned Mixed Use Corridor (MCO); and
- WHEREAS**, a gas station requires the approval of a Use Permit by the Planning Commission; and
- WHEREAS**, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of this particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; 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 is found to be categorically exempt from CEQA review under 14 CCR §15303. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure and is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations and would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site of the proposed project can be adequately served by all required utilities and public services.
2. The project site is located within the Mixed Use Corridor. The proposed use is consistent with the development code subject to approval of a Use Permit. There are no known code enforcement actions or violations on the property.
3. The General Plan land use designation for the project site is Mixed Use Corridor, which permits the proposed use. The conditions for the restriction of the conditional use are consistent with the General Plan, will not affect neighborhood compatibility; and will not cause the operation of the conditional use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas.

4. The proposed site modifications are consistent with historical uses and structures on the site. The proposed use is consistent with the Zoning Code and the General Plan policies. As such, the subject site is adequate in size and shape to accommodate the proposed use within a mixed use commercial area with all the required off-street parking provided on the subject site. Further, the project will not have a negative effect on the public health, safety, or welfare; or be materially injurious to persons, properties or improvements in the vicinity.
5. The existing use complies with all requirements as set forth for the issuance of a 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 is located in a commercial area that is accessible from public streets. Existing street networks are adequate in size and shape to accommodate the quantity and quality of traffic generated by the proposed use without any significant impacts to the street system. Third, the proposed use, as conditioned, will not have an adverse effect upon the use, enjoyment or valuation of property in the neighborhood because the proposed use will be located within an existing facility and no expansion is proposed.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that Use Permit Application No. 2014-26 U is hereby approved, subject to the following conditions:

Community Development-Planning

1. The applicant/project proponent and/or 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 Use Permit 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 Use Permit 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. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
3. If operation of this use results in conflicts pertaining to parking, noise, traffic, loitering, public safety or other impacts, at the discretion of the Community Development Department, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
4. The City Council, Lodi Police Department, the Planning Commission and City staff may, at any time, request that the Planning Commission conduct a hearing on this 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. The subject property and its immediate surrounding shall be maintained neat and clean at all times. The subject property and its immediate surrounding shall be maintained free from debris and graffiti at all times. The property owner shall remove any debris or graffiti within

24-hours upon notification by the City. Litter on the site and any litter scattered on nearby property, streets, and sidewalks shall be removed daily. If necessary, the applicant shall steam clean the project site and its immediate surrounding premises as often as needed.

6. In the event of graffiti or other extraneous markings occurring, the applicant/operator and/or successors in interest and management shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
7. Any change in operational characteristics, expansion in area or other modification to the approved plans shall require an amendment to this Use Permit or the processing of a new Use Permit.
8. The applicant/project proponent and/or property owner and/or developer and/or successors in interest and management shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons and employees. All noise generated by the proposed use shall comply with the provisions of Chapter 9.24 and other applicable noise control requirements.
9. The applicant shall obtain Operational Permits from the Lodi Fire Department, Fire Prevention Bureau for the gas station operation and underground storage tanks. The Fire Department may be contacted at 25 East Pine Street, Lodi, CA 95240-2127. Phone Number (209) 333-6739.
10. The project shall apply and receive approval from the San Joaquin County Environmental Health Department for the installation of an underground storage tank system.

Community Development-Building

11. Separate building permits are required for the underground tanks, canopy, vapor recovery system and the signage. All plan submittals shall be based on the City of Lodi Building Regulations and currently adopted 2013 California Building code. Please review our policy handouts for specific submittal procedures.
12. The underground fuel tanks and the fuel dispensers shall meet all fire, life, safety requirements as specified by Chapter 23 of the 2013 California Fire Code.
13. Vapor recovery system shall be located a minimum of 20' from the nearest fuel dispenser and a minimum of 10' from any building or property line. 2013 CFC, Section 2306.7.9.2.2
14. It appears the existing accessible parking space is to be relocated. Plans to specify and show accessible parking spaces in compliance with 2013 CBC, Sections 11B-208.2, 11B-502 and Table 11B-208.2. At least one space shall be van accessible as per 2013 CBC, Section 11B-208.2.4.
15. Provide complete and adequate accessible parking details to specify and show:
 - a) A 9' wide x 18' deep accessible parking space(s) with 5' wide striped access aisle. "Van accessible" parking spaces shall be a minimum 12' wide x 18' deep with a 5' wide access aisle or 9' wide with an 8' wide access aisle. 2013 CBC, Section 11B-502.2
 - b) The access aisle(s) may be located on either side of the accessible parking space(s), except "van accessible" parking spaces shall have the access aisle located on the passenger side of the accessible parking space. Two accessible parking spaces shall be permitted to share a common access aisle. 2013 CBC, Sections 11B-502.3.4, 11B-502.3

- c) The access aisles shall be marked with a blue painted borderline around their perimeter. The area within the blue borderlines shall be marked with hatched lines a maximum of 36" on center in a color contrasting with the aisle surface, preferable blue or white. The words "NO PARKING" shall be painted in 12" high white letters in each access aisle. 2013 CBC, Section 502.3.3
 - d) The accessible parking spaces and the access aisles shall not exceed 2% cross slope in any direction. 2013 CBC, Section 11B-502.4.
16. Accessible fuel dispenser point of sale devices shall comply with the 2013 CBC, Section 11B-220.2
17. Site Plan to show an accessible path of travel from the building entrance to the accessible parking space and the accessible fuel dispenser. 2013 CBC, Sections 11B-206.1, 11B-206.2.1, 11B-206.2.2, 11B-206.2.4, 11B-206.4, 11B206.4.1.1, 11B-Division 4
18. Plans to specify walkways and sidewalks along accessible routes of travel (1) are continuously accessible, (2) have maximum 1/2" changes in elevation, (3) are minimum 48" in width, (4) have a maximum 2% cross slope, and (5) where necessary to change elevation at a slope exceeding 5% (i.e., 1:20) shall have ramps complying with 2013 CBC, Section 11B-405 or 11B-406 as appropriate. Where a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas shall be defined by a continuous detectable warning which is 36" wide, complying with 2013 CBC, Sections 11B-247.1.2.5 & 11B-705.1.2.5.

Public Works

19. Project design and construction shall be in compliance with the City of Lodi Stormwater Development Design Standards, and Design and Construction Standards.
20. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). Project compliance with ADA standards is the developer's responsibility.
21. Payment of the following fees prior to building permit issuance unless noted otherwise:
- a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b) Stormwater Compliance Inspection Fee prior to building permit issuance or commencement of construction operations, whichever occurs first.
 - c) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance may be required.
22. Payment of the following fee prior to temporary occupancy or occupancy of the building unless noted otherwise:
- a) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule.
- (The fees referenced above are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.)
23. Prior to any work within City Right-of- Way, the applicant shall obtain an encroachment permit issued by the Public Works Department.
24. The existing driveways serving the property may require replacement in order to comply with current Americans With Disability (ADA) Standards

- 25. Lodi Avenue and portions of Stockton Street north of Lodi Avenue currently are under a pavement moratorium. No pavement penetrations shall be made in these areas.
- 26. 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.
- 27. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

I certify that Resolution No. 14-XX was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 10, 2014 by the following vote:

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

ATTEST _____
Secretary, Planning Commission

Item 6a.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi Planning Commissioners
From: Craig Hoffman, Senior Planner
Date: Planning Commission Meeting of 09/10/14
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
August 12, 2014	Shirtsleeve	2014 Signal Priority Study (PW)
		Roundabout Presentation (PW)
August 19, 2014	Shirtsleeve	Receive Presentation on Downtown Permit Parking Fee (PW)
		Receive Presentation on Turner Road Parking Study (PW)
August 20, 2014	Regular	Receive Update on Potential Park Use Permit Ordinance (PRCS)
September 3, 2014	Regular	Set Public Hearing for October 1, 2014, to Certify a Mitigated Negative Declaration for the City of Lodi Industrial Wastewater Pipeline Extension (CD)
		Public Hearing to Consider Adopting Resolution Approving the 2013/14 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report; an Amendment of the 2014/15 Action Plan to Accommodate the Reallocation of Unused CDBG Funds; and Appropriating Funds (\$6,915) (CD)