

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 26, 2015**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of August 26, 2015 was called to order by Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – None

Also Present: Senior Planner Craig Hoffman, Deputy City Attorney John Fukasawa, Deputy Public Works Director Charles Swimley and Administrative Secretary Kari Chadwick

2. MINUTES

“July 22, 2015”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Cummins second, approved the minutes of July 22, 2015 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, Chair Kiser called for the public hearing to consider the request of the Planning Commission for rescission of Use Permit 2014-06 for a Type-47 On-Sale Beer, Wine and Distilled Spirits for McGuire’s On Elm Street Irish Pub at 24 W Elm Street. (Applicant: Gary Arnold; File 13-U-18; CEQA Determination: Exempt per Section 15321)

Commissioners Kirsten and Heinitz recused themselves from the public hearing due to having a property interest in the sphere of influence of this project.

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

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

- Commissioner Hennecke asked if the Use Permit transfers with new ownership. Mr. Hoffman stated that the Use Permit runs with the property. He added that normally there is a condition that is placed on Use Permits that would render the Permit useless if there is no activity within six months of adoption.
- Commissioner Slater asked if the payment made by the applicant at time of application submittal is refunded when the application is rescinded. Mr. Hoffman stated that it is not. Those funds were used during the original application process.
- Commissioner Olson asked why an incentive for selling the property would be requested to be removed. Mr. Hoffman stated that the applicant that applied for the permit is not going to be able to utilize it and it has been unused for over a year. Chair Kiser added

that he wouldn't like to see someone else pick up the property and the Use Permit without having to come before the Planning Commission.

- Commissioner Hennecke asked if the owner was present. Mr. Hoffman stated he is not present and does not have a problem with the Use Permit being rescinded.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Slater second, finds that the rescission of the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopts a Resolution rescinding the Use Permit resolution 2014-06 allowing a Type-47 ABC license at 24 W. Elm St. subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

Commissioners Kirsten and Heinitz rejoined the commission.

- b) 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:
 - I. Growth Management Allocation for 22 Low-Density Residential Lots; and
 - II. A Subdivision Map for the Vintner Square Subdivision, a 9 acre, 57 unit subdivision; and
 - III. Adopt Development Standards for the subdivision known as Vintner Square located within Low Density Residential Zoning District.

South of Taylor Road and west of Lower Sacramento Road
(Applicant: Vintners Square LLC; File: 2015-14 GM / S / PD; CEQA Status: Section 15183 – Previous Environmental Review)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report.

Chair Kiser asked if there will be a fund set up to maintain the roads within the development. Mr. Hoffman stated that there will be a Home Owners Association (HOA) set up to maintain the roads and other common areas.

Vice Chair Heinitz asked if the school district has been consulted on this project. Mr. Hoffman stated that the project is routed to the school district as part of the application process.

Commissioner Olson disclosed that she had a discussion with the applicant regarding the project.

Commissioner Olson asked if the park was going to fall under the HOA. Mr. Hoffman stated that it is a private park and will be maintained under the HOA.

Commissioner Slater disclosed that he had a discussion with the applicant regarding the project.

Commissioner Slater asked about the type of fencing to be used within the development. Mr. Hoffman stated that condition number 20 addresses the type of fencing material to be used.

Commissioner Kirsten disclosed that he had a discussion with the applicant regarding the project.

Commissioner Cummins disclosed that he had a discussion with the applicant regarding the project.

Commissioner Hennecke asked how Police and Fire are planning to keep up with the amount of growth. Mr. Hoffman stated that the growth has just begun to get started and Police and Fire have

been planning for this event. Mr. Hennecke asked how the draught situation is being addressed for the new developments. Mr. Hoffman stated that the State has handed down specific regulations that are being enforced by the City. Mr Fukasawa stated that staff is in the process of updating the City's water conservation ordinance to comply with the State requirements. Mr. Hoffman continued with his presentation. Staff is recommending approval of the project as conditioned.

Kiser asked if there is a designated area for guests to park. Mr. Hoffman stated that there is room for guests to park on the street which meet the City standards.

Mr. Hoffman responded to the email comment letter from Ms. Hannesson by stating that this is a different type of project.

Hearing Opened to the Public

- Chris Conklin, applicant, came forward to answer questions. Mr. Conklin introduced his team and thanked staff for all of their hard work. He went over a few of the highlights of the project; the landscaped areas will be done to a very high standard, there will be man gates at the main gate as well as at each end of the development, there will be emergency vehicle gates at each end of the development as well, the pocket park is centrally located and will be directly in front of the entrance, there will be a variety of lot sizes, and there are two additional exits at each end of the development.
- Vice Chair Heinritz complimented the past projects done by Grupe and asked if there has been any dialogue with Lowes regarding the noise that can be generated by the loading dock. Mr. Conklin stated that they will be in contact with Lowes to discuss any possible issues.
- Commissioner Olson asked if there is a way to re-time the signal light at the crosswalk between Lowes and Safeway to accommodate the elderly or small children. Mr. Swimley stated that the timing should be set correctly on City lights, but if anyone finds that not to be the case they should notify Public Works staff.
- Commissioner Hennecke asked if there is going to be a walking path or access through the pocket park to reach the shopping center. Mr. Conklin stated that there was quite a bit of discussion regarding putting in a pass through, but in the end it was not thought to be a good idea. Mr. Hoffman added that the shopping center development was not planned with pedestrian access at that location and would require some redesign of the commercial development.
- Robert Lee, Architect for the project, came forward to present the floor plans and architecture plans.
- Chair Kiser asked what type of architecture will be offered for the rear view for the optional patio area. Mr. Lee stated that not all sides have been drawn out yet. He added that the full architectural plans will be submitted at a later date, but the plan is to have the rear architecture match the front. He added that the intent is for all four sides of the dwelling to have architectural interest. Mr. Kiser asked what type of roofing material was going to be used. Mr. Lee stated that they are currently planning on using architectural composition.
- Commissioner Hennecke asked what the price range will look like. Mr. Conklin stated high 300's to mid 400's.
- Chair Kiser asked what type of fencing will be used. Mr. Lee stated that he believes the fences will be wood fences. Mr. Kiser asked about a list of items such as draught resistant landscaping and energy efficient lighting. Mr. Lee stated that they will be installing draught tolerant landscapes, LED lighting fixtures throughout the dwellings and they will all be solar ready. Mr. Kiser asked if solar will be an option for installation at time of original build. Mr. Lee stated that he believes Grupe has that option.

- Commissioner Slater asked what type coating will be used on the stucco. Mr. Lee stated that they are still discussing that detail.
- Chair Kiser asked if the architectural details will be going to SPARC. Mr. Hoffman stated that they will not. The approval of the PD Guidelines is where the approvals stop on the architectural process.
- The Commission had some discussion regarding bringing back the final architectural drawings. The consensus of the Commission was to have the architectural plans brought back for approval.
- Commissioner Slater asked how much room is between the rear of the house and the back property line. Mr. Hoffman stated that it is a minimum of 10 feet. Mr. Slater asked how smart of the homes going to be. Mr. Lee stated that Grupe will probably have a variety of packages offering various smart home items.
- Ray Quanka, Woodbridge resident, came forward to support the project. He expressed is disappointment in all of the dwellings being two-story. He would also like to see the wall along Lower Sacramento Road have some sound proofing qualities.
- Lamar Hedrick, resident, came forward to get some clarification regarding where the project was located. Mr. Hoffman pointed to the location of Mr. Hedrick's property just outside the City limits and then to the project site. Mr. Hedrick was satisfied with the location.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15183, and adopts a Resolution approving the 22 Low-Density Residential Growth Management Allocations; a Subdivision Map for the Vintner Square Subdivision with 57 units; and adopt Development Standards for the subdivision subject to conditions of approval contained in the Blue sheet draft resolution with the added condition that the architectural drawings be brought back to the Commission for approval provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Kirsten, Olson, Slater and Chair Kiser
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 Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow expansion of a personal fitness training studio within an existing industrial building located at 1205 E. Vine Street. (Applicant: Michael Phelan; File 2015-25 U; CEQA Determination: Categorical Exemption Pursuant to CEQA Guidelines Section 15332 In-Fill Development Projects)

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

Hearing Opened to the Public

- Michael Phelan, applicant, came forward to answer questions. Mr. Phelan thanked staff for all of the help they have given him during the planning of this project. He gave a brief background of how the business came to fruition and how it has grown over the years. He

also added a few examples of how they and their cross fit community have given back to the citizens of Lodi.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, and adopts a Resolution approving a Use Permit to allow expansion of a personal fitness training studio within an existing industrial building located at 1205 E. Vine Street subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

a) Downtown Vision and Direction.

Mr. Hoffman stated that Captain Griffin is in attendance for help decipher the data that was distributed.

Captain Griffin came forward to explain why there is so much data and why it has taken so long to get the information generated. Mr. Griffin stated that he has noticed that there have been a few calls for noise issues for Stooges. Discussion took place regarding the incident that started at the El Dorado and ended up at the corner of Sacramento and Elm Street.

Commissioner Kirsten asked about the happenings at just the Vintage. Captain Griffin stated that they are doing a lot better. The owners have met with Police staff and have implemented many of the suggestions made by staff.

Captain Griffin stated that the Police Department received a grant from ABC and staff will be have a both at the Grape Festival for people to test their blood alcohol level. Police will also be going around to the various downtown bars and offering the same service in an effort to try and educate people in their consumption of alcohol.

Commission Cummins asked if there would be a positive impact if there was a mandatory closure time of midnight. Captain Griffin stated that he believes it would be a positive move.

Commissioner Olson asked if there is a correlation between the age, type of drink, location, cost, etc to the types and number of calls. Captain Griffin stated that there is a correlation between the type of music and the number of calls. The fact that there are so many alcohol establishments within a four block radius could be a factor as well. Ms. Olson asked what types of questions the Commission should be asking the applicants to ensure there are minimal problems. Captain Griffin stated that ensuring that there is training on identifying people that have too much to drink. Ms. Olson asked if it is the younger crowd that is causing the majority of the problems. Captain Griffin stated that the twenty to mid thirty year olds seem to be involved in the most incidents.

Captain Griffin asked what the Commission thought of the information that they received regarding the call outs. The Commission as a whole felt the information was helpful. Commissioner Heinitz stated that the most interesting things happen between midnight and three am according to the surveillance cameras in the plaza between Bank of America and the Lodi Hotel. Mr. Heinitz asked

it ABC should be playing a larger role in ensuring that staff members at the bars are trained to spot people that may be coming from other establishments and have already had enough to drink. Captain Griffin stated that it would be helpful if ABC did some spot checks now and again.

Vice Chair Heinitz stated that he agrees with Commissioner Cummins idea and would like to see all of the alcohol establishments closing at midnight.

Commissioner Hennecke stated that most of the calls look like they are between midnight and 2:00 am, so it sounds like shutting down the bars at midnight is a good idea.

Commissioner Kirsten asked what areas the Commission should be keeping tabs on. Captain Griffin stated Gary's, Stooges, and Vintage. Mr. Hoffman stated that the Rainbow Club has recently changed ownership and they are drawing a little different crowd and causing a bit of trouble.

Commissioner Slater stated that he likes the idea of closing all of the bars at midnight, but unfortunately that will only affects the bars that have Use Permits and that doesn't seem fair. Captain Griffin stated that there are consequences for closing down the bars with Use Permits in that you will now have a larger concentration of people at the bars that can stay open until 2 am.

Commissioner Olson asked about any additional drug activities in and around the various establishments. Captain Griffin stated that he does not have that information handy.

Commission Cummins would like to request that staff research the problems other Cities are having in this area. He would like to find a loophole that would allow the City to control the operating hours of these establishments.

Commissioner Hennecke would like to see a representative from ABC attend a meeting to help guide.

Chair Kiser thanked Captain Griffin for all of the work that was put into the report given.

b) Art In Public Places Development Impact Fee Discussion and Possible Direction.

Mr. Hoffman stated that this is a concern of Commissioner Kirsten's based on a conversation he had with Parks Recreation and Cultural Services Director Jeff Hood. It seems there has been a miscommunication between Mr. Hood and the previous City Manager. There is a portion of the Impact Fees that will go to Art in Public Places (AIPP). There isn't an option to not pay those fees. Mr. Hoffman stated that it is still possible for a developer to come before the AIPP to request that some of the funds be spent on their project.

Commissioner Kirsten asked how often the fees are reviewed. Mr. Hoffman stated that he believes they are reviewed once a year, and will confirm that with Public Works Director Wally Sandlin. Mr. Kirsten asked if the percentage that the AIPP receives has dropped. Mr. Hoffman stated that he does not believe that to be the case. He added that he will do a bit of research to confirm his beliefs. Mr. Kirsten stated that a long term committee member stated that the percentage was lowered and would appreciate any information Mr. Hoffman can supply in this area.

Commissioner Kirsten would like to see the percentage reviewed now that the economy has made a positive turn.

Commissioner Slater left the meeting.

Commissioner Kirsten gave his report for AIPP (see notes under Art In Public Places).

5. ANNOUNCEMENTS AND CORRESPONDENCE

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

6. ACTIONS OF THE CITY COUNCIL

None

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report and commended Roger Stafford for the work done on the AIPP flyer. There will be a call to artists sent out for the bike rake project out in front of the entrance of the Grape Bowl. Commissioner Hennecke stated his appreciation with the flyer.

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

None

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

Chair Kiser would like to discuss the Baker and Giannoni projects and the lack of HOA's. Vice Chair Heinitz stated that an HOA is quite a bit more involved than CC&Rs. Mr. Kiser would like to know the consensus of the Commission on requiring HOA's instead of CC&R's for these types of projects. Mr. Kirsten stated that the Commission may not be able to change the projects that have already been approved, but it sounds like a good discussion for future projects.

11. REORGANIZATION

a. Chair & Vice Chair

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the nomination of Commissioner Heinitz for the 2015/16 Planning Commission Chair position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the nomination of Commissioner Hennecke for the 2015/16 Planning Commission Vice Chair position. There being no other nominations the motion carried by the following vote:

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

b. SPARC and Art In Public Places Representatives

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Hennecke, Cummins second, approved the nomination of Commissioner Kiser for the 2015/16 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 – Cummins, Heinitz, Hennecke, Kirsten, Olson and Chair Kiser
Noes: Commissioners – None
Absent: Commissioners – Slater

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the nomination of Commissioner Kirsten for the 2015/16 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 – Cummins, Heinitz, Hennecke, Kirsten, Olson and Chair Kiser
Noes: Commissioners – None
Absent: Commissioners – Slater

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:45 p.m.

ATTEST:



Kari Chadwick
Planning Commission Secretary