

HUTCHINS STREET SQUARE CHARLENE POWERS LANGE THEATRE 125 S. HUTCHINS ST. LODI, CALIFORNIA	<b>AGENDA</b>  <b>LODI</b>  <b>PLANNING COMMISSION</b>	SPECIAL SESSION WEDNESDAY, JANUARY 14, 2009 @ 7:00 PM
--	--	--

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 discussed are referred to on the agenda are on file in the Office of the Community Development Department, located at 221 West 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. If you 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 – “December 18, 2008”
3. PUBLIC HEARINGS
  - a. Request of Browman Development Company and Wal-Mart Real Estate Business Trust to approve Use Permit U-02-12 to allow the construction of a commercial center in a C-S, Commercial Shopping District, and to allow the sale of alcoholic beverages at the Wal-Mart Supercenter; and  
 Consider approval of Vesting tentative Map 03-P-00 to create 12 parcels for the project.  
 Request of Browman Development Company and Wal-Mart Real Estate Business Trust for site plan and architectural approval of a new building to be constructed at 1600 Westgate Drive.

**NOTE: The above item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2008-31.**

4. PLANNING MATTERS/DEVELOPMENT CENTER
5. ANNOUNCEMENT AND CORRESPONDENCE
6. ACTIONS OF THE CITY COUNCIL
  - a. Summary Memorandum Attached
7. GENERAL PLAN UPDATE AND ZONING CODE UPDATE
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. ART IN PUBLIC PLACES
10. COMMENTS BY THE PUBLIC
11. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF
12. 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 of 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 2<sup>nd</sup> Floor, 221 West Pine Street, Lodi, California 95240 – Phone: (209) 333-6702.

<p>HUTCHINS STREET SQUARE CHARLENE POWERS LANGE THEATRE 125 S. HUTCHINS ST. LODI, CALIFORNIA</p>	<p style="text-align: center;"><b>AGENDA</b> <b>LODI</b> <b>PLANNING COMMISSION</b></p>	<p style="text-align: center;">SPECIAL SESSION WEDNESDAY, JANUARY 14, 2009 @ 7:00 PM</p>
--	---	--

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 – “December 18, 2008”
3. PUBLIC HEARINGS
  - a. Request of Browman Development Company and Wal-Mart Real Estate Business Trust to approve Use Permit U-02-12 to allow the construction of a commercial center in a C-S, Commercial Shopping District, and allow the sale of alcoholic beverages at the Wal-Mart Supercenter; and  
  
Consider approval of Vesting Tentative Map 03-P-001 to create 12 parcels for the project.  
  
Request of Browman Development Company and Wal-Mart Real Estate Business Trust for site plan and architectural approval of a new retail building to be constructed at 1600 Westgate Drive.

**NOTE: The above item is a quasi-judicial hearing and requires 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. Summary Memo Attached
7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE
8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE
9. ART IN PUBLIC PLACES
10. COMMENTS BY THE PUBLIC
11. COMMENTS BY THE PLANNING COMMISSIONERS & STAFF
12. 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 of 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 2<sup>nd</sup> 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, DECEMBER 18, 2008**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of December 18, 2008, was called to order by Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – Heinitz

Also Present: Interim Community Development Director Konradt Bartlam, Assistant Planner Immanuel Bereket, Deputy City Attorney Janice Magdich, Consultant Rajeev Bhatia, and Administrative Secretary Kari Chadwick

2. MINUTES

“November 12, 2008”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, approved the Minutes of November 12, 2008 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 request for Certification of the proposed Negative Declaration as an adequate environmental documentation for the proposed Tentative Parcel Map; and

Request for approval of a Tentative Parcel Map to divide Two Parcels into Seven Lots at 1235 E. Kettleman Lane and 1150 Beckman Road. (Applicant: Geweke Construction & Development, File #'s: 08-ND-03 & 08-P-06).

Assistant Planner Immanuel Bereket gave a brief PowerPoint presentation based on the staff report. Mr. Bereket went through the amendments in the resolution for this project as shown on the Blue Sheeted version presented to the Commission.

Hearing Opened to the Public

- John Farris, Geweke Construction, came forward to answer questions.

Public Portion of Hearing Closed

- Commissioner Kirsten stated his support of the project.
- Chair Kiser stated his support for the project.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Olson, Kirsten second, approved the request for Certification of the proposed Negative Declaration as adequate environmental documentation for the proposed Tentative Parcel Map subject to the conditions in the Resolution. The motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Hennecke, Olson second, approved the request for approval of a Tentative Parcel Map to divide Two Parcels into Seven Lots at 1235 E. Kettleman Lane and 1150 Beckman Road subject to the conditions in the Resolution. The motion carried by the following vote:

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

- 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 and recommend to the City Council the Draft Preferred Plan Alternative and report for the General Plan Update.

Interim Director Konradt Bartlam gave a brief presentation based on the staff report, which included a summary of the changes made to the plan based on comments made at the last meeting. Staff is recommending that the Planning Commission recommend to the City Council approval of the Draft Preferred Plan that is being presented tonight. The Plan puts emphasis on infill growth with the Mixed Use Corridor areas. It is important for the plan to be in line with the City’s policies. The City is split into three priority areas for the Growth Management Process; area one being worth the most points and area three being worth the least. This was done to control the way the City should grow and it has worked very well. Staff will be recommending that this policy stay in place with the area west of Lower Sacramento Road being a priority area one, the area south of Harney Lane being priority area two and the area west of the existing city boundary be priority area three. Since the last meeting the Lodi Unified School District has fine tuned their needs for school areas which are reflected in this new plan.

Commissioner Hennecke asked about the Urban Reserve area on the east side of the City being part of the 2% growth calculation. Mr. Bartlam stated that it is not part of that 2% because it is intended to be used as Industrial reserve, not residential. Hennecke asked why it is necessary to designate reserve areas at all. Mr. Bartlam stated that there are several reasons for the designation. One of which is to avoid a costly revision to the General Plan at a later date and another is to meet State requirements for housing for this area which is the purpose of the west reserve area. The State frowns on the City’s Growth Management Program because of the limited growth potential it provides.

Commissioner Mattheis asked about the deletion or shifting of the high density area that was in the western growth area. Mr. Bartlam stated that when the school site was moved further south it made sense to add a basin/park area adjacent to it shrinking the very large park area at the north end of the area. Mattheis asked about the shrinking of the Mixed Use area in the southern part of the plan. Mr. Bartlam stated that staff went back and took a closer look at the scale of the area and found that this ten acre area is sufficient. Staff feels that it is still enough to create an anchor for the neighborhood. Mr. Bhatia added that the mixed use areas will be encouraging high density residential. Mattheis stated his preference for the position of the Mixed Use Center in the southern area and wanted to know why it wasn’t placed in a more central location to be in a position to accommodate the Urban Reserve to the west. Mr. Bartlam stated that the positioning of the designation on Mills Avenue made the most sense and when the School District moved the school site the designation was moved to the opposite side of Mills to accommodate the change. Mattheis asked about the High Density area near the Downtown. Mr. Bartlam stated that that area has remained the same from the previous plan, but is intended to reflect what is currently there and provide some flexibility for re-use.

Commissioner Mattheis disclosed that he met with representatives from Capital Avenue Development regarding the plans for the Delta College site.

Continued

Commissioner Mattheis asked about the Delta College site and shouldn't there be some discussion on what the Land Uses will be if it is going to be included in some of the alternatives late on. Mr. Bartlam stated that there are a couple of different options that can be taken regarding this site. One is to include it and the detailed Land Uses in the Plan and another is to include the area in the plan as an Urban Reserve area. Commissioner Mattheis stated that he would like to have some discussion on the alternatives so that the Commission can give their input and some direction. Mattheis asked about the infill areas and new uses and what is included in those areas. Mr. Bartlam stated that the policies for these areas will be development along with the environmental document. The Mixed Use Centers and the Downtown Mixed Use are intended to give broad policy and then through the Development Code be able to drill down and give a more refined definition of the best uses (i.e. having High Density or Office use directly adjacent to a Retail Center).

Commissioner Olson asked about the process behind the Growth Management process. Mr. Bartlam stated that the Growth Management Program was implemented in 1991. The residential projects that apply for growth management get scored on a variety of levels. The projects that fall in the priority area one or two will get higher points than a project that is in priority area three. Infrastructure and School proximity are also considered in the scoring process. Olson asked if development or impact fees play a part in what is developed. Mr. Bartlam stated that development fees are not a part of the current process. The entire area including the Urban Reserve will need to be a part of the Master Planned for infrastructure purposes.

Chair Kiser asked about an underpass on Century Blvd. Mr. Bartlam stated that the current General Plan does have an underpass on Century as part of the plan. He is also aware that in recent history the City has been thinking of selling their right-of-way adjacent to the rail line. Kiser stated that when the City brought that before the Commission it was the Commissions recommendation not to sell the property. He feels that this is an ideal location for an underpass and would like to see it kept in the new General Plan. Mr. Bartlam stated that it is an appropriate recommendation for the Commission to make.

Commissioner Hennecke asked as follow-up from the last meeting about the Woodbridge area being in the Sphere of Influence. Mr. Bartlam stated that the area has been in the Sphere since before the current General Plan, but the City has no intention of annexing the area.

Chair Kiser called for a brief recess (8:12pm)

Chair Kiser called the meeting back to order (8:19pm)

#### Hearing Opened to the Public

- Pat Stocker, property owner along Hogan Lane, came forward to comment. Mr. Stocker stated that the Planned Residential Reserve (PRR) designation should be considered as a viable designation for the southern edge of the City. He would like to see a growth management process put in place for the way the retail grows as well. He is concerned that the area on the south east corner of Hwy 99 and Harney Lane will get developed before other areas that have been approved are fully developed. He expressed his concerns for the park area that follows the Woodbridge Irrigation Canal and just how well that has been thought out and how much input the property owners adjacent to it have been given.
- Pat Patrick, CEO Chamber of Commerce, came forward to comment. Mr. Patrick stated that there are three areas of concern; first, the statement by city staff within the plan regarding the wine industry being a focus of growth, the industrial area should be just as much of a focus; and second, the urban growth area to the west should be turned into Urban Reserve because the City has several areas currently on the map in the red hash marks which represents approximately 2500 homes that have already been approved and have no set date for ground breaking; third, the plan seems to be over saturated with retail/commercial areas and he believes in what Mr. Stocker stated regarding some phasing process being implemented for this use also.
- Commissioner Mattheis asked how far out should the area of interest go to the west. Mr. Patrick stated that ideally all the way to I-5, but looking at an area of interest that goes to the RR tracks should be considered.

*Continued*

- Commissioner Kirsten asked about the Chamber's vision for growth in 20, 30, or 40 years. Mr. Patrick stated that infill should be made a priority if the priority is to have a focus on the Wine Industry. Kirsten stated that based on Mr. Patrick's comments the Chamber doesn't want to see the City grow to the west or south. Mr. Patrick stated that if market forces are driving the building then he can see the necessity, but he doesn't believe that it will happen in this plans time. Kirsten stated that if it isn't planned for and the market starts to drive it then what. Mr. Patrick stated that he is a believer in market forces, but this just seems like a lot.
- Jim Migliori, commercial developer for the area in the SE corner of Hwy 99 and Harney Lane, came forward to express his dislike of the phasing idea for commercial. Commissioner Kirsten asked what is the down side of phasing commercial areas. Mr. Migliori stated that the market drives the building and placement of the centers. The proximity to Hwy 99 makes the area a desirable area for tenants and with the highway overpass improvements scheduled to be made it just makes sense to do the improvements on both sides of the highway at the same time.
- Mike Carouba came forward make comments. Mr. Carouba pointed out the letter sent in by Mr. Costa which was blue sheeted for the Commission. He stated that the meeting that Mr. Bartlam had with interested property owners that had concerns with the Mixed Use Centers must have worked because those people are not in attendance tonight. He would like to see the PRR Designation on the southern edge from the current General Plan kept in place with the new Plan. He would like to see the growth area on the western edge changed to Urban Reserve. He is concerned with the narrow strip of commercial property on the south west corner of Vine Street and Lower Sacramento Road. He would like to see some of the commercial growth areas placed in a Commercial Reserve Designation.

#### Public Portion of Hearing Closed

- Commissioner Kirsten asked about the Commercial designation on Vine and Lower Sac. Mr. Bartlam stated that the request came from the property owner. It is on a signalized intersection and warrants the designation.
- Commissioner Hennecke asked about the Open Space designation along the Irrigation Canal regarding discussion with property owners along the area. Mr. Bartlam stated that during the stakeholder meetings the Woodbridge Irrigation District stated that they would be open to more discussion on the idea. Hennecke stated that he would like to see all canal areas in the city limits have that designation or none of them. Hennecke asked if the City has ever used it's entire 2% residential growth allocations. Mr. Bartlam stated that if you were to look back you may find one or two years where the City met it's 2% allocation limit. He also reminded the Commission that the residential growth areas designated on the plan only represent 1.5% residential growth including the pipeline project as identified.
- Vice Chair Cummins asked about the Mixed Use Designation definition that Mr. Costa refers to in his email letter. Mr. Bartlam stated that Mr. Costa was a part of the meeting he held and he is correct with his statement. Cummins asked if there is a standard number of years for a General Plan to span (Stockton has chosen 25). Mr. Bartlam stated that it is historically a 20 year horizon. Cummins asked about the Delta College site and what would be the process in the future if it isn't included in this plan. Mr. Bartlam stated that there has to be some sort of linkage to allow for infrastructure. The question will be what that linkage will look like. If during this next year, the College Board changes its mind about the site, it could be included in the Final Plan.
- Commissioner Mattheis stated that he is not sure the plan is ready to be approved tonight. He prefers to leave the urban growth and Urban Reserve areas to the west in the plan. He does not feel there needs to be a phasing process placed on the Commercial/Retail areas; the market should take care of the need for growth there. The PRR should not be included to the south because that along with the Urban Reserve area would put the City over it's 2% potential growth per year for a 20 year plan. A Greenbelt Designation is the direction that we need to be looking in if the City is truly interested in protecting the buffer areas

around the City. The Century Blvd. underpass is a viable solution for traffic in that area and warrants more discussion. When the Alternatives for the Environmental Impact Report (EIR) come forward for discussion, Commissioner Mattheis would like to see a more detailed discussion regarding the Delta College site and how it will work in the future plans for the City.

Mr. Bartlam requested a brief recess.

Chair Kiser called for a brief recess (9:10pm)

Chair Kiser called the meeting back to order (9:13pm)

- Chair Kiser stated that he appreciates all the work that has gone into the plan. He would like to see the Delta College site incorporated somehow. The Century Blvd underpass should be left open for discussion.
- Commissioner Hennecke stated his appreciation for the changes in plan and does not see the Delta site as something to hold the plan up for. He believes that if the City Policies call for a 2% growth the General Plan should take that into consideration even if that goal is not met.
- Mr. Bartlam stated that Staff will bring the Alternatives for the EIR that Staff is looking at back to the Commission at a future date for further discussion.
- Commissioner Kirsten asked where the communication stands with the Delta Board. Mr. Bartlam stated that the City Manager has been in discussions with Dr. Rodriguez. Dr. Rodriguez does not want to assume what the new board will want to do and with the main supporter of the project resigning from the board it is a wait and see situation. City Staff has been in support of a possible College site and if we can assist that process by being flexible with our plan it may help.
- Chair Kiser asked what action should be taken at this point.
- Mr. Bartlam stated that based on the Commissions comments he would suggest passing this document on to the Council with the Commissions recommendation.
- Commissioner Mattheis asked about the Alternatives being a part of that recommendation before forwarding it on to the City Council. Mr. Bartlam stated that staff is suggesting that the Delta site and the PRR designation to the south be studied as alternatives in the Environmental Document. The alternatives can't be studied until the Preferred Plan is in place.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Hennecke second, approved the request to consider and recommend to the City Council the Draft Preferred Plan Alternative and report for the General Plan Update. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Mr. Bartlam stated that the Lodi Shopping Center Item will be back before the Commission on January 14, 2009 and the hearing will be held in the Theatre at Hutchins Street Square.

Commissioner Cummins stated that he will not be able to attend the meeting and with Commissioner Mattheis needing to recuse himself Chair Kiser asked if any of the other Commissioners would be

*Continued*

unable to make the meeting for quorum purposes. The other Commissioners stated that they would be able to attend.

6. ACTIONS OF THE CITY COUNCIL

Summary Memo Attached

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Mr. Bartlam stated that he recommended to the City Manager that the Development Code should follow the General Plan.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Commissioner Kirsten stated that he would give an update at the next meeting.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:28p.m.

ATTEST:

Konradt Bartlam  
Interim Community Development Director

# Item 3a.

**LODI  
PLANNING COMMISSION  
Staff Report**

---

**MEETING DATE:** January 14, 2009

**APPLICATION NO:** Use Permit U-02-12,  
Vesting Tentative Map 03-P-001  
Site Plan and Architectural Review 08-SP-08

**REQUEST:** The request of Browman Development Company to allow construction of the Lodi Shopping Center and allow all subsequent development approvals for the center. Specifically, to approve Use Permit U-02-12 to allow the construction of a commercial center in a C-S, Commercial Shopping District, and allow the sale of alcoholic beverages at the Wal-Mart Supercenter and Vesting Tentative Map 03-P-001 to create 12 parcels for the project. Finally, to approve the SPARC application concerning the Wal-Mart building.

**LOCATION:** 2640 West Kettleman Lane. Approximately 40 acres located at the southwest corner of west Kettleman Lane/State Route 12 and Lower Sacramento Road in west Lodi.

**APPLICANT:** Browman Development Company  
100 Swan Way, Suite 206  
Oakland, CA 94621

**PROPERTY OWNER:** Browman Development Company & Wal-Mart Real Estate  
100 Swan Way, Suite 206 Business Trust  
Oakland, CA 94621 Mail Stop 0555  
Bentonville, AR 72716-0555

**RECOMMENDATION:** Staff recommends that the Planning Commission approve the Use Permit, Vesting Tentative Map, and SPARC requests subject to the conditions listed in the Draft Resolutions as attached.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** NCC, Neighborhood / Community Commercial.

**Zoning Designation:** C-S, Commercial Shopping District.

**Property Size:** Approximately 40 acres, 36 acres for the shopping center development and 4 acres adjacent and southwest of the shopping center site for construction of a stormwater detention drain.

**Adjacent General Plan, Zoning and Land Use:**

**North (across W. Kettleman Ln):** General Plan; NCC, Neighborhood Community Commercial  
Zoning; C-S, Commercial Shopping Center  
Land Use; The Vintner's Square Shopping Center anchored by  
the Lowe's Home Improvement store

**South:** General Plan; LDR, Low Density Residential  
Zoning; PD, Planned Development  
Land Use; Currently Agricultural planted as a vineyard, but planned as the Southwest Gateway planned residential community

**West:** General Plan; PQP, Public/Quasi Public & HDR, High Density Residential  
Zoning; PUB, Public & PD, Planned Development  
Land Use; Currently agricultural, but planned for a utility substation and higher density residential as part of the Southwest Gateway planned residential community

**East (across Lower Sacramento Rd.):** General Plan; NCC, Neighborhood Community Commercial  
Zoning; C-S, Commercial Shopping Center  
Land Use; The Sunwest Plaza Shopping Center currently anchored by the existing Wal-Mart, J.C. Penny and the Food 4 Less Grocery Store.

**BACKGROUND:**

On December 10, 2008, the Lodi City Council certified the Final Revised Environmental Impact Report (FREIR) for the Lodi Shopping Center project. The action took place as a result of two appeals that were filed concerning the Planning Commission's decision to not certify the document at their October 8, 2008 meeting. At that October meeting, the balance of the requests that have been submitted were tabled in order for final action on the environmental document to take place. With the Council action, those requests are now back before the Commission for consideration.

**PROJECT DESCRIPTION:**

**Use Permit and Tentative Map Analysis:**

Approximately 18 years ago, the City's General Plan designated the southwest corner of West Kettleman Lane/State Route 12 and Lower Sacramento Road for the construction of large-scale retail development. Since that time, the centers on the other three corners have built out as envisioned. Major national retailers such as Wal-Mart, J.C. Penney, Target, and Lowe's have occupied these corners. The Lodi Shopping Center is proposed on the remaining fourth corner to be anchored by a Wal-Mart Supercenter. This type and scale of development is consistent with the activity that has occurred at the other three corners.

The City's Zoning Code requires that all plot plans for projects within the C-S, Commercial Shopping District receive Planning Commission approval. Over time, this review has been done through the Use Permit process. The Zoning Code also requires Use Permit approval for the sale of alcoholic beverages. The applicant is requesting a Use Permit and a Vesting Tentative Map in order to divide the property into 12 lots that will correspond to the number of buildings anticipated for the project.

The proposed project includes the construction of approximately 339,966 square feet of commercial retail uses, representing a variety of retail sales and services, to be contained in 12 buildings of varying sizes. The primary uses will be a Wal-Mart Supercenter which will occupy approximately 226,868 square feet of floor area, including approximately 70,000 square feet for grocery sales, 19,889 square feet for a garden center (including outdoor fenced area), and 6,437 square feet for an auto service shop. The Wal-Mart

Supercenter will not include the use of outdoor metal storage containers, and will not include a seasonal sales area in the parking lot.

A moderate sized retailer will occupy approximately 35,000 square feet on pad 12 in the southeast corner of the site. The remaining 11 buildings will range in size from 3,200 square feet to 14,788 square feet. Three of the 11 buildings will be occupied by fast food franchises, with another two buildings consisting of sit-down restaurants, and the remaining buildings occupied by such retail uses such as financial services/bank, professional/business services, and other retail sales and services.

The uses, layout and design of the shopping center has remained the same as that presented to and approved by the Planning Commission on December, 2004. The Wal-Mart building is located at the southwestern corner of the site, with 11 freestanding buildings located along Kettleman Lane and Lower Sacramento Road to the north and east. In the center of the shopping center is the main parking lot. The proposed vesting tentative map includes the Wal-Mart store and all corresponding parking in the largest lot (lot 12, 18.3 acres), with each of the remaining 11 buildings on their own lot with associated parking. These other lots are generally 1± acre in size, with the smallest (lot 8) being 0.53 AC and the largest (lot 11) being 2.6 AC. Internal travel lanes, parking medians and planters are located through-out the interior. Access to the Center is mainly from Westgate Drive and Lower Sacramento Road, with right turn in and out only from Kettleman Lane. As shown on the site plan, significant public improvements are required in order to build this project, as detailed in the draft conditions in the accompanying resolution of approval. The applicant will be responsible for the construction of Westgate Drive from Kettleman Lane to the southerly project boundary as well as the frontage improvements on Kettleman Lane and Lower Sacramento Road. The applicant is also responsible for the approximately 4 acre site across Westgate Drive to be used for storm water detention, all associated project right-of-way dedications, utility easements, engineering reports and studies, and fees. An encroachment permit from CalTrans for Kettleman Lane / State Route 12 will be needed.

Conditions in the draft Resolution cover fire safety, outdoor storage or display of merchandise, shopping cart storage, security and exterior lighting. Consistent with the prior approval by the City Council, conditions relative to re-use of the existing Wal-Mart building are also included. Further, even though CEQA environmental impact as to urban decay or physical deterioration from the Lodi Shopping Center cannot be made, the Planning Commission can make a decision that the economic effects of the Center on the Downtown should be addressed. To this end, staff is proposing a condition to require the Lodi Shopping Center to invest in the Downtown area. The aggregate value of the capital improvement must exceed \$700,000. Finally, a condition is included to incorporate all mitigation measures as specified in the certified FREIR.

The Use Permit will allow the sale of alcoholic beverages, for the Supercenter's use. No Use Permit for alcohol for any of the freestanding buildings has been applied for or is under consideration. The tenants of these freestanding buildings are not known to staff and have not been included in this request. Any such request in the future would require a Planning Commission Hearing at that time when the specific details of the requesting business are known. The Planning Commission has previously found that the sale of alcoholic beverages is incidental to a grocery store operation and that is what is being requested by the Wal-Mart Supercenter. As such, staff is recommending that the Planning Commission approve the request to sell alcohol.

The second Use Permit request emanates from the C-S zoning designation which specifically states that a "detailed plot plan of the proposed construction" be submitted to the Planning Commission. The design standards identified in the code are as follows:

- A. The site shall be designed and used as a unit, regardless of ownership of the land and buildings.

- B. All streets bordering the site shall be fully dedicated and improved by the developer.
- C. The design of the development shall include the landscaping of buildings and parking areas, the screening of nearby residential areas, and the enclosure or shielding of trash and disposal areas. Lights and signs shall be located to avoid disturbance to residential areas.
- D. Driveways, parking areas and loading areas shall be located so as to minimize traffic interference.

It is staff's opinion that the Planning Commission has little discretion regarding this Use Permit. Effectively, Section 17.58 of the Municipal Code adds additional design requirements to the project. These standards were adopted in 2004 specifically to deal with the design of large scale retail establishments like Wal-Mart. The applicant has met or exceeded each of these standards as presented and conditioned. Therefore, staff is recommending that the Planning Commission approve this request.

As previously discussed in the analysis, a vesting tentative map approval is requested to divide the site into 12 lots. The applicant has met the requirements of the City's subdivision ordinance and the State Subdivision Map Act. Staff recommends approval of this action and has included vesting tentative map conditions in the draft resolution.

**SPARC Review:**

Along with the plot plan and tentative map for the Lodi Shopping Center, preliminary elevations and colors for the Wal-Mart Supercenter have been submitted. No elevations or colors, landscaping plan, signage plan, materials, or other final plans for the rest of the Center or buildings have been submitted. As mentioned, this shopping center is subject to the City's Design Standards for Large Retail Establishments. The overall site layout, building footprints, parking areas, and access driveways provide the overall direction of the Center and were used by staff and the Planning Commission in the December 8, 2004 review to determine that this project complies with the Design Standards for Large Retail Establishments. As such, no further design, layout, or changes have been proposed.

The proposed project includes the construction of a new Wal-Mart Supercenter store with a building size of approximately 226,868 square feet. The Wal-Mart building would be located on the southwestern portion of the project site, and the building entrance would face east toward Lower Sacramento Road. The Wal-Mart Supercenter building is a single story structure. The architectural theme of the building is a contemporary style and uses construction materials commonly used in commercial shopping center construction. Architectural materials such as concrete masonry block, metal awnings, and exterior plaster finish will be utilized on the exterior of the building. The major materials used for architectural treatment include fawn (brown) colored stucco, fawn (brown) cultured stone veneer, split face (light brown) block, sea-green colored smooth finish metal panels, charcoal roofing material, hallow (gunmetal gray) metal doors and cornices, and black fencing. The body of the building will be in shades of brown. The ground level will have fawn (brown) colored stucco walls with fawn colored stone veneer accent walls near key entrances and along the lower eight feet of the exterior wall. The architectural treatment features are mostly used on the north and east elevation. Also on the main entrance, a canopy type architectural feature is proposed. The proposed main entry canopy will be clad with a brown cultured stone finish.

The west and south elevations do not feature the same detailed architectural treatment. The west (rear) elevation is a continuous wall with little architectural treatment to breakup the elevation of the building. The entire west elevation will have fawn (brown) colored stucco walls with metal doors painted to match the stucco. Cornices and accent trims are provided to break up the wall elevation. The ground level will also have cultured veneer stone elements. The midsection of the western elevation should receive further architectural treatment to add architectural interest to the wall. It is important to note that this elevation will be visible from across Westgate Drive.

The southern elevation will feature nearly identical architectural treatment as the west elevation. However, the proposed southern elevation is less of an issue. First, there will be an 8-foot tall masonry wall on the southern property line to block any view of this elevation from the project to the south. Second, unlike the western elevation, the southern elevation is not a continuous large mass elevation. Because the main axis of the building faces west (the longest elevation), the south elevation is the side of the building and is relatively small in size in comparison. A condition of approval is included in the SPARC Resolution regarding additional architectural treatment for the west elevation.

### **Circulation and Parking**

The site plan indicates six access points to three public streets. There will be three entrances/exits from Lower Sacramento Road, one from Kettleman Lane (HWY 12), and two from Westgate Drive. All three streets will have a raised center median that will restrict turning movements in some degree. The main entrance to the project parking lot is from Lower Sacramento Road and will be located near the middle of the project site. This entrance will have a traffic signal to control traffic flow and will allow both entering and exiting traffic to turn in both directions. The other access points from Lower Sacramento Road will be restricted to right turn in and right turn out movements. The direct driveway entrance from Kettleman Lane (Hwy. 12) will only permit a right-turn in and right-turn out traffic movement. Traffic can also access the shopping center from Kettleman Lane by way of Westgate Drive. This intersection is controlled by an existing traffic signal that will allow both right and left turning movements. The main (northern) access point from Westgate Drive will allow both right and left hand tuning movements. The southern access point will only allow right in, right out movements. Circulation to and from the site is very similar to the Vintners Square Center (Lowes) to the north.

The main parking lot is located on the east side of the Wal-Mart building. There will be smaller parking areas to serve the free-standing commercial pads. For the Wal-Mart building, a total of 965 parking spaces are proposed (4.45/1000). A total of 434 parking spaces are required, per City code (General Retail 1/500). The proposed number of parking stalls exceeds the minimum parking requirements.

There are 12 cart corrals proposed to be distributed throughout the parking lot. These cart corrals will be screened in brown CMU wall with wooden frames to provide additional ornamentation.

### **Landscaping and Signage**

The proposed landscape plan calls for various large shade trees, smaller trees, shrubs and ground covers. A total of 478 larger shade trees will be provided within the parking lot interior, along the southern and western edges the property line, and throughout the site. This total number of trees exceeds what the City code requires.

The approval of project signage is not a part of the current review and would be subject to City of Lodi codes and requirements to ensure they complement the building architecture and landscaping of the building. Signage applications and approvals would be done separately, should the project be approved.

### **PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit, Vesting Tentative Map, and Site Plan and Architectural Review was published on December 31, 2008 in the Lodi New Sentinel. The item was posted at City Hall and at the City of Lodi Library on December 31, 2008. 18 public hearing notices were sent out through the U.S. Postal Service which included all property owners of record within a 300-foot radius of the subject property as required by Government Code section 65091(a)3.

**CONCLUSION:**

Based on the fact that the applicant has met all of the City's requirements for these requests, staff recommends that the Planning Commission approve Use Permit U-02-12, Vesting Tentative Map 03-P-001 and adopt Resolution No P.C. 09-\_\_. Additionally, that the Planning Commission approve Site Plan and Architectural Review for the Wal-Mart building 08-SP-08, P.C. 09-\_\_

**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve with additional/different conditions
- Deny the Use Permit/Tentative Map
- Continue the requests

Respectfully Submitted,

Konradt Bartlam  
Interim Community Development Director

**ATTACHMENTS:**

1. Vicinity Map
2. Site Plan
3. Vesting Tentative Map
4. Wal-Mart Elevation and Hardscape Plan
5. Draft P.C. Resolutions; PC 09-\_\_ & PC 09-\_\_

# Vicinity Map



**SITE NOTES**

- AREA STRIPED WITH 4" SYSL AT 45° @ 2'-0" O.C.
- ACCESSIBLE RAMP. SEE DETAIL 9 ON SHEET C-8.3.
- PEDESTRIAN CROSSING SIGN W10-2 AND W10-2p TYPICAL AT PEDESTRIAN CROSSWALKS AS NOTED ON PLANS. SEE DETAIL 2 ON SHEET C-8.3.
- "YIELD" PAINTED YELLOW ON PAVEMENT TYPICAL. SEE DETAIL 5 ON SHEET C-8.1.
- ENHANCED PAVEMENT AREA. SEE ARCHITECTURAL PLANS FOR DETAILS.
- ENT FORDN. SEE ARCHITECTURAL PLANS FOR EXACT SIZE, LOCATION FOR STOPS, STAIRS AND/OR RAMPS THAT MAY BE REQUIRED. RAMP PAVEMENT FLUSH WITH THE TOP OF STOOP.
- 6" PIPE BOLLARD TYPICAL UNLESS NOTED OTHERWISE. SEE DETAIL 2 ON SHEET C-8.7.
- CART CROSSING SIGN. SEE DETAIL 1 ON SHEET C-8.7 AND DETAIL 10 ON SHEET C-8.2.
- 4" WIDE x 112" LONG YELLOW PAINTED TRUCK ALIGNMENT STRIPES.
- CONCRETE COMPACTOR PAD. REFER TO ARCHITECTURAL PLAN FOR EXACT LOCATION AND SLOPE.
- ACCESSIBLE PARKING SPACE TYPICAL. SEE DETAIL SHEET FOR ACCESSIBLE PARKING SPACE SIZE, SIGN AND SYMBOLS. (PAV-1 INDICATES VAN ACCESSIBLE SPACE). SEE DETAIL 3 ON SHEET C-8.1 & DETAIL 9 ON SHEET C-8.2.
- CONCRETE TRANSFORMER PAD. CONTRACTOR TO COORDINATE WITH LOCAL POWER COMPANY FOR DETAILS.
- PLACE STOP SIGN & PAINT STOP BAR & "STOP" PER DETAIL 6 ON SHEET C-8.1 AND DETAIL 1 ON SHEET C-8.2.
- PEDESTRIAN CROSSWALK. EDGE LINES PAINTED 5/8" WITH INSIDE STRIPING PAINTED 3/4" AT 2'-0" O.C. PERPENDICULAR TO EDGE LINES. SEE DETAIL 7 ON SHEET C-8.1.
- CART CORRAL. SEE DETAIL 5 ON SHEET C-8.7.
- A.D.A. SITE ENTRANCE SIGN. SEE DETAIL 5 ON SHEET C-8.2.
- 4" PAINTED YELLOW STRIPING AT 2'-0" O.C. (TYP). PERPENDICULAR TO PARKING SPACE. SEE DETAIL 8 ON SHEET C-8.2 (TYP).
- 24" CONCRETE CURB AND OUTER. SEE DETAIL 8 ON SHEET C-8.3.
- TRAFFIC FLOW ARROW. SEE DETAIL 1 SHEET C-8.1.
- CONCRETE (TYP). SEE DETAIL 7 ON SHEET C-8.3.
- MONUMENT SIGN (SEE ARCHITECTURAL PLANS).
- ASKE INDICATOR SIGNS (TYP). SEE DETAILS 9 & 11 ON SHEET C-8.2.
- CART CROSSING WITH WALK. SEE DETAIL 1 ON SHEET C-8.7.
- "NO TRUCKS" SIGN. SEE DETAIL 4 ON SHEET C-8.2.
- "TRUCK DRIVE" SIGN. SEE DETAIL 3 ON SHEET C-8.2.
- "RIGHT TURN ONLY" SIGN. SEE DETAIL 12 ON SHEET C-8.2.
- 10'x45' PALLET/PALE STORAGE AREA.
- TRUNCATED DORIES. SEE DETAIL 4 ON SHEET C-8.7.
- SAWCUT EXISTING EDGE OF PAVEMENT TO FORM A SMOOTH UNIFORM LINE. PLACE PROPOSED PAVEMENT AGAINST SAWCUT LINE & MATCH EXISTING GRADE.
- AT GRADE OVERHEAD DOOR LOCATION. SEE ARCHITECTURAL PLANS FOR EXACT SIZE AND LOCATION FOR COORDINATION WITH CIVIL PLANS.
- PLACE GREASE/OIL INTERCEPTORS. SEE ARCHITECTURAL PLANS FOR EXACT SIZE AND LOCATION.
- SEE DETAIL 1 ON SHEET C-8.1 FOR EXACT LOCATION AND SIZE OF ALL UTILITIES.
- MOUNT SECURITY CAMERA TO LIGHT POLE. SEE DETAIL 6, SHEET C-8.7.
- GRIND DOWN EXISTING STRIPING & REPLACE WITH NEW PROPOSED STRIPING.
- SEE DETAIL 5 ON SHEET C-8.1 FOR TYPICAL PARKING STALL STRIPING DETAIL.
- TRANSFORMER PAD. SEE ARCHITECTURAL PLANS FOR EXACT LOCATION.

**SITE DATA**

PROPOSED PARKING REGISTRATION  
 WAL-MART 52. FOOTAGE: 21470 SQ. FT.  
 STANDARD SPACES: 822 SPACES  
 ACCESSIBLE SPACES: 21 SPACES  
 CART CORRALS: 12 SPACES  
 TOTAL PROPOSED PARKING: 845 SPACES  
 PARKING RATIO: 4.45/1000

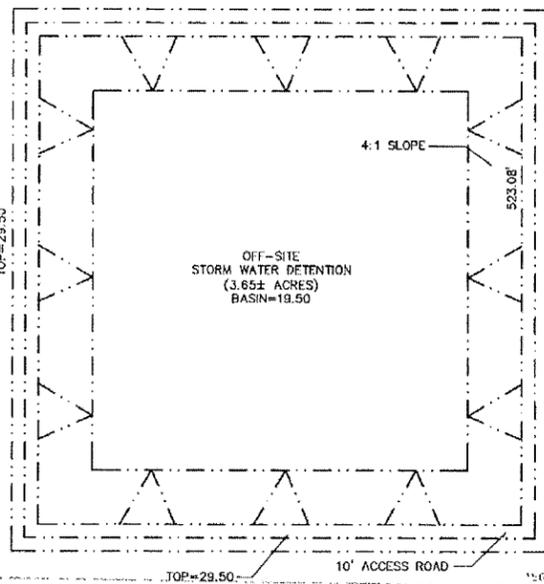
○ 15 ○ PARKING SPACES COUNT (TYP.)

--- PROPERTY LINE BOUNDARY

▨ HEAVY DUTY ASPHALT

▨ HEAVY DUTY CONCRETE

□ STANDARD DUTY ASPHALT



**DA** Doucet & Associates, Inc.  
 5500 Douglas Blvd., Suite 100  
 Sacramento, CA 95821  
 Phone: (916) 486-1000  
 Fax: (916) 486-1001  
 www.doucetandassociates.com  
 March, TX - Northampton, MA - Boston, MA

**WAL-MART**

SUPERCENTER #1789-03  
 KETTLEMAN LANE, HWY. 12  
 LODI, CA  
 SITE/HORIZONTAL PLAN

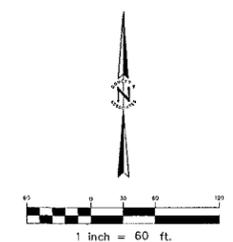
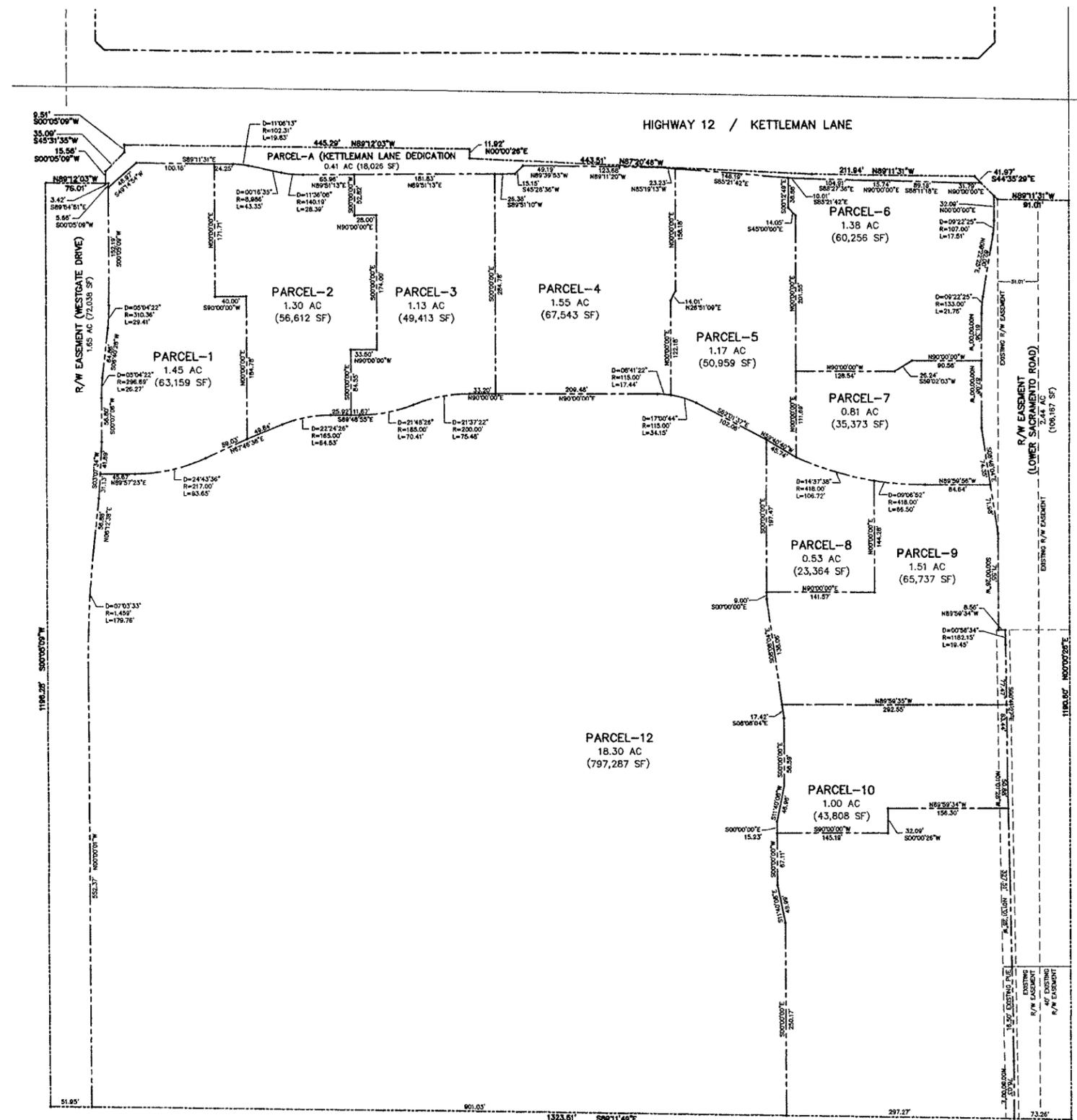
LOWERY SACRAMENTO ROAD

NO.	REVISION	DATE	DRAWN	APPROV.

Scale: 1" = 50'  
 Designed by: JF/AV  
 Drawn by: JF/AV  
 Reviewed by: SM  
 Date: Dec. 13, 2004

SHEET  
**C-2.1**  
 OF 34

Project No: 001-272



Vesting Tentative Map  
 Lot Layout  
 for  
 Lodi - III  
 APNs: 058-030-01 & 058-030-02  
 County of San Joaquin, California  
 August 15, 2008  
 Sheet 2 of 2



**DA** Doucet & Associates, Inc.  
 1025 Creekside Ridge Drive, Suite 175  
 Roseville, CA 95678-1936, Phone: (916) 780-2005 Fax: (916) 780-2015  
 www.doucetandassociates.com



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

Elevations

Project No:	NCA WME: 02-0206	REVISIONS
Scale:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucetus Design	
Checked By:	PLR	
DC:	WAP	

Any drawing and the design views are the property of William Parrish Design Development Consultants, Inc. Any reproduction, copying or other use of this drawing without the express prior written consent of WPDDC, Inc. is strictly prohibited and any violation thereof shall be subject to legal action. © WPDDC, Inc.

**WAL\*MART**

Lodi, California  
Store No. 1789-03





**Perspective 1**  
View Looking Northwest

Project No:	NCAWME-02-0206	REVISIONS
Scale:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucius Design	
Checked By:	PTB	
ADC:	WAP	

This drawing and the design shown are the property of William Parrish Design Development Consultants, Inc. Any reproduction, copying or other use of this drawing without the express prior written consent of WPDCC, Inc. is strictly prohibited and any violation thereof shall be subject to legal action. © WPDCC, Inc.

**WAL★MART**  
Lodi, California  
Store No. 1789-03



william parrish  
design development  
consultants, inc.  
1000 lakes drive, suite 405  
west covina, ca 91790  
p. 626.917.6888  
f. 626.917.6888  
w. www.wp2dc.com



**Perspective 2**

View Looking Northwest

Project No:	NCA WMT-02-0206	REVISIONS
Scale:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucrinas Design	
Checked By:	PLR	
SDC:	WAP	

No drawing and the design shown are the property of William Parrish Design Development Consultants, Inc. Any reproduction, copying or other use of this drawing without the express prior written consent of WPDDC, Inc. is strictly prohibited and any violation thereof shall be subject to legal action. © WPDDC, Inc.

**WALMART**

Lodi, California  
Store No. 1789-03



william parrish  
design development  
consultants, inc.

1000 lakes drive, suite 405  
west cosina, ca 91790  
p. 626.917.6800  
f. 626.917.6000  
w. www.wp2dc.com



**Perspective 3**

View Looking Southwest

Project No:	NCA WME-02-0206	REVISIONS
Client:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucius Design	
Checked By:	PLR	
DC:	WAP	

This drawing and the design shown are the property of William Parrish Design Development Consultants, Inc. Any reproduction, copying or other use of this drawing without the express prior written consent of WPDDC, Inc. is strictly prohibited and any violation thereof shall be subject to legal action. © WPDDC, Inc.

**WAL★MART**

Lodi, California  
Store No. 1789-03



william parrish  
design development  
consultants, inc.

1000 lakes drive, suite 405  
west covina, ca 91790  
p. 626.917.6000  
f. 626.917.6000  
w. www.wp2dc.com



Perspective 4

View Looking Southwest

Project No:	NCAWMT-02-0206	REVISIONS
Client:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucatus Design	
Checked By:	PLR	
DC:	WAP	

rendering and the design shown are the property of William Parrish Design Development Consultants, Inc. Any reproduction, copying or other use of this drawing without the express prior written consent of WPDDC, Inc. is strictly prohibited and any violation thereof shall be subject to legal action. © WPDDC, Inc.

**WALMART**

Lodi, California  
Store No. 1789-03



william parrish  
design development  
consultants, inc.

1000 Lakes Drive, Suite 405  
West Covina, CA 91790  
P. 626.917.6800  
F. 626.917.6800  
W. www.wp2dc.com



**Perspective 5**  
View Looking Southwest

Project No:	NCA WMT-02-0206	REVISIONS
Scale:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucitus Design	
Checked By:	PLR	
SDC:	WAP	

This drawing and the design shown are the property of William Parrish Design Development Consultants, Inc. Any reproduction, copying or other use of this drawing without the express prior written consent of WPDCC, Inc. is strictly prohibited and any violation thereof shall be subject to legal action. © WPDCC, Inc.

**WALMART**

Lodi, California  
Store No. 1789-03



william parrish  
design development  
consultants, inc.

1000 lakes drive, suite 405  
west covina, ca 91790  
p. 626.917.6800  
f. 626.917.6808  
w. www.wp2dc.com



Perspective 6  
View Looking Southeast

Project No:	NCA WME-02-0206	REVISIONS
Scale:	Reference Details	
Issue Date:	December 7, 2004	
Prepared By:	Lucitus-Design	
Checked By:	PLR	
ADC:	WAP	

This drawing and the design shown are the property of William Parrish Design Development Consultants, Inc. Any reproduction, copying or other use of this drawing without the express prior written consent of WPDDC, Inc. is strictly prohibited and any violation thereof shall be subject to legal action. © WPDDC, Inc.

**WAL★MART**  
Lodi, California  
Store No. 1789-03



william parrish  
design development  
consultants, inc.

1000 lakes drive, suite 405  
west covina, ca 91790  
p. 626.917.6800  
f. 626.917.6808  
w. www.wp2dc.com

KETTLEMAN ROAD HIGHWAY 12



**SUGGESTED PLANT LIST**

TREES:	COUNT
SEQUOIA SEMPERVIRENS SAGELE COAST REDWOOD	87
LIRIODENDRON TULIPIFERA TULIP TREE	26
PYRUS CALLERYANA ARISTOCRAT FLOWERING PEAR TREE	73
CELTIS OCCIDENTALIS HACKBERRY	68
LASERSTROEMIA TUBECARORA AND MUXBREE GRAPE MYRTLE	97
FRAXINUS RATYWOOD RAYWOOD ASH	40
PLATANUS RACEMOSA BLOODGOOD BYCAMORE	1
MALUS PRARIFERE CRABAPPLE	63
PODOCARPUS GRACILIOR FERN PINE	25
<b>ALL 1/2 GALLON SIZE TOTAL COUNT:</b>	<b>475</b>

**SHRUBS AND ACCENTS:**

- PITTOSPORUM TOBRA VARSATA  
VARISATED TOBRA
- LIGUSTRUM JAPONICUM TEXANUM  
JAPANESE PRIVET
- RHAPHOLEPS JACK EVANS  
PINK INDIA HAWTHORNE
- RHAPHOLEPS CLARA  
WHITE INDIA HAWTHORNE
- PLUMBAGO AURICULATA  
CAPE PLUMBAGO
- PRUNUS CAROLINIANA COMPACTA  
DWARF CAROLINA LAUREL CHERRY
- ESCALONIA TERRE  
DWARF ESCALLONIA
- BUXUS JAPONICA GREEN BEAUTY  
JAPANESE BOXWOOD
- PHOTNIA FRASER  
RED PHOTNIA
- PHORUM TENAX RUBRUM  
RED FLAX
- DISTIS BICOLOR  
YELLOW BUTTERFLY RB
- PHORUM TENAX PINK STRIPE  
PINK STRIPE FLAX FLAX
- AGAPANTHUS AFRICANUS WHITE  
LILY OF THE NILE
- HEMEROCALLIS YELLOW EVERGREEN  
DAYLILY

**GROUND COVERS:**

- COPROSMIA KRKI  
PROSTRATE COPROSMIA
- TRACHELOSPERMUM JASMINODES  
STAR JASMINE
- GAZANIA MTSUWA YELLOW  
YELLOW GAZANIA
- LANTANA PURPLE  
YELLOW LANTANA
- SOD LAWN

NOTE THAT THIS PLAN IS CONCEPTUAL IN NATURE, NOT ALL SHRUBS OR PLANTING MAY BE SHOWN, TREES SPECIES AND COUNT IS REPRESENTATIVE OF WHAT WILL BE SHOWN ON THE CONSTRUCTION DOCUMENTS.  
 ALL PLANTERS SHALL BE PLANTED WITH GROUND COVERS OR SHRUBBERY GROUPINGS.  
 ALL PLANTERS ARE TO BE MULCHED WITH A 2" LAYER OF BARK MULCH.  
 THE IRRIGATION SYSTEM SHALL BE AN AUTOMATIC UNDERGROUND TYPE USING LOW VOLUME, MULTI-OUTLET DRIP BUBBLERS WITH 1/4" TUBING TO EACH INDIVIDUAL PLANT, OR IN-LINE DRIP TUBING AND POPUP, LOW VOLUME SPRAY HEADS.  
 ALL LANDSCAPING SHALL BE IN COMPLIANCE WITH THE CITY OF LODI'S WATER USE LANDSCAPING GUIDELINES.

**JAMES FERGUSON CLABAUGH**  
 LANDSCAPE ARCHITECT  
 4536 SHAWN LANE  
 VACAVILLE, CA 95688  
 PHONE/ FAX: 707-449-3916

These drawings are the instrument of the service and shall not be used, in part or in whole, for any work not specifically contracted with James Ferguson Clabaugh Landscape Architect. Copyright 2004.

**LODI SHOPPING CENTER**  
 LOWER SACRAMENTO ROAD  
 AND  
 KETTLEMAN ROAD  
 LODI, CALIFORNIA

Scale	1" = 60'	REVISIONS
Date	7/15/05	No. Date
Job No.		
Designed by	J.C.	
Drawn by	J.C.	

**PRELIMINARY LANDSCAPE PLAN**

Sheet No.  
**PL-1**  
 of 1

**SITE PLAN**  
 SCALE: 1" = 60' - 0"

**RESOLUTION NO. P.C. 09-\_\_\_**

**A RESOLUTION OF THE LODI PLANNING COMMISSION APPROVING USE PERMIT FILE NO. U-02-12, TO ALLOW THE CONSTRUCTION OF A COMMERCIAL SHOPPING CENTER IN THE C-S ZONE AND SALE OF ALCOHOLIC BEVERAGES AT THE WAL-MART SUPERCENTER, AND TENTATIVE PARCEL MAP 03-P-001, TO CREATE 12 PARCELS FOR THE PROJECT RELATING TO THE LODI SHOPPING CENTER**

=====  
**WHEREAS,** an application was filed by Browman Development Company for a commercial shopping center at 2640 W. Kettleman Lane more particularly described as Assessor’s Parcel Numbers 058-030-08 and 058-030-02 and portion of 058-030-09; and

**WHEREAS,** the application is for the following approvals: Use Permits for the construction of commercial structures as required by the C-S Commercial Shopping District and for the sale of alcoholic beverages, as well as a Vesting Tentative Map to create 12 parcels for the project; and

**WHEREAS,** the Planning Commission of the City of Lodi, after more than ten (10) days published notice, held a public hearing before said Commission on January 14, 2009; and

**WHEREAS,** the project is consistent with all elements of the General Plan. In particular, the following Goals and Policies:

- A. Land Use and Growth Management Element, Goal E, “To provide adequate land and support for the development of commercial uses providing goods and services to Lodi residents and Lodi’s market share.”
- B. Land Use and Growth Management Element, Goal E, Policy 7, “In approving new commercial projects, the City shall seek to ensure that such projects reflect the City’s concern for achieving and maintaining high quality.”
- C. Land Use and Growth Management Element, Goal E, Policy 3, “The City shall encourage new large-scale commercial centers to be located along major arterials and at the intersections of major arterials and freeways.”
- D. Housing Element, Goal C, “To ensure the provision of adequate public facilities and services to support existing and future residential development”.
- E. Circulation Element, Goal G, “To encourage a reduction in regional vehicle miles traveled.”
- F. Circulation Element, Goal A, Policy 1, “The City shall strive to maintain Level of Service C on local streets and intersections. The acceptable level of service goal will be consistent with financial resources available and the limits of technical feasibility.”
- G. Noise Element, Goal A, “To ensure that City residents are protected from excessive noise.”
- H. Conservation Element, Goal C, Policy 1, “The City shall ensure, in approving urban development near existing agricultural lands, that such development

will not constrain agricultural practices or adversely affect the economic viability of adjacent agricultural practices.”

- I. Health and Safety Element, Goals A, B, C, and D, “To prevent loss of lives, injury and property damage due to flooding.” To prevent loss of lives, injury, and property damage due to the collapse of buildings and critical facilities and to prevent disruption of essential services in the event of an earthquake. To prevent loss of lives, injury, and property damage due to urban fires. To prevent crime and promote the personal security of Lodi residents.
- J. Urban Design and Cultural resources, Goal C, “To maintain and enhance the aesthetic quality of major streets and public/civic areas.”

**WHEREAS,** the design and improvement of the site is consistent with all applicable standards adopted by the City. Specifically, the project has met the requirements of the Lodi Zoning Ordinance with particular emphasis on the standards for large retail establishments; and

**WHEREAS,** the design of the proposed project and type of improvements are not likely to cause public health or safety problems in that all improvements will be constructed to the City of Lodi standards; and

**WHEREAS,** these findings, as well as the findings made within City Council Resolution No. 2008-238 certifying Final Revised Environmental Impact Report EIR-03-01, are supported by substantial evidence in the record of this proceeding and before this body.

**WHEREAS,** the City of Lodi has invested over sixteen million dollars in its Downtown area to revitalize and create a specialty retail and commercial destination within the City, and

**WHEREAS,** the Lodi Shopping Center will create retail and commercial shopping opportunities outside of the Downtown area, and

**WHEREAS,** the City of Lodi is committed to revitalizing its Downtown area and is requiring that all new retail and commercial developments contribute to that effort, and

**WHEREAS,** the City of Lodi recognizes that the applicant will make an in kind contribution to the redevelopment of the Downtown area

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** as follows:

- 1. The foregoing recitals are true and correct and incorporated herein by reference.
- 2. Said Tentative Map complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- 3. Said Site Plan complies with the requirements of the Commercial Shopping (C-S) Zoning District.
- 4. The submitted plans, including site plot plan and architectural elevations for the major anchor building, for the project is approved subject to the following conditions.

- A. The approval of the Use Permit expires within 24 months from the date of this Resolution. Should any litigation be filed regarding this project, the time limit shown shall be tolled during the pendency of the litigation. Final Map conforming to this conditionally approved Tentative Map shall be filed with the Public Works Department in time so that the Public Works Department may approve said map before its expiration pursuant to City Council Resolution 2008-125, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the final map, as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the developer's responsibility to track the expiration date. Failure to request an extension will result in a refiling of the Tentative Map and new review processing of the map.
- B. Prior to submittal of any further plan check or within 90 days of the approval of this project, whichever occurs first, the applicant shall sign a notarized affidavit stating that "I (we), \_\_\_\_\_, the owner(s) or the owner's representative have read, understand, and agree to implement all mitigation measures identified in the Final Environmental Impact Report for the Lodi Shopping Center and the conditions of the Planning Commission approving U-02-12 and 03-P-001." Immediately following this statement will appear a signature block for the owner or the owner's representative, which shall be signed. Signature blocks for the Community Development Director and City Engineer shall also appear on this page. The affidavit shall be approved by the City prior to any improvement plan or final map submittal.
- C. Prior to issuance of any building permit on the site, each building shall be reviewed by the Site Plan and Architectural Review Committee for consistency with this resolution as well as all applicable standards of the City.
- D. All applications for Site Plan and Architectural Review Committee consideration shall comply with the following conditions:
  - 1. All buildings shall comply with the requirements of C-S zoning district and meet setback requirements from the right of way shown on the site plan. All buildings shall implement building elements and materials illustrated on the submitted elevation or otherwise consistent with the architectural theme presented on the submitted elevation of the major tenant building.
  - 2. Submit a construction landscape plan consistent with the submitted conceptual landscape plan. The applicant shall also insure that the overall ratio of trees, including perimeter landscaping is equal to one tree for every four parking spaces. Further, said plan shall demonstrate that the City's requirement for parking lot shading is met.
  - 3. The applicant shall select and note on all plans common tree species for the parking lot and perimeter areas from the list of large trees as identified in the Local Government Commission's "Tree Guidelines for the San Joaquin Valley".
  - 4. All drive-through eating facilities shall have a "double service window" configuration and pullout lane to minimize auto emissions.
  - 5. Cart corrals shall to be provided in the parking lot adjacent to Wal-Mart and distributed evenly throughout the lots rather than concentrated along the main drive aisle. In addition, a cart corral shall be provided as close as possible to the two bus stop/shelters provided on-site. Further, cart corrals shall be

permanent with a design that is consistent with the theme of the center. Portable metal corrals shall be prohibited. Developer shall install landscaping, curbing and other features to discourage removal of carts from the site. However, if such features prove ineffective, the Planning Director may require the installation of a cart wheel locking system.

6. Trash enclosures shall be designed to accommodate separate facilities for trash and recyclable materials. Trash enclosures having connections to the wastewater system shall install a sand/grease trap conforming to Standard Plan 205 and shall be covered.
  7. Hardscape items, including tables, benches/seats, trashcans, bike racks, drinking fountains, etc. shall be uniform for all stores throughout the shopping center
  8. All signage shall be in compliance with a detailed Sign Program that shall be submitted to SPARC for review and approval with the first building plan review.
  9. Said program shall require all signs to be individual channel letter at the standards provided by the zoning ordinance.
  10. Any bollards installed in a storefront location shall be decorative in style and consistent with the theme of the shopping center. Plain concrete bollards, or concrete filled steel pipe bollards shall not be permitted.
- E. All landscaped area shall be kept free from weeds and debris, maintained in a healthy growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. Unhealthy, dead, or damaged plant materials shall be removed and replaced within 30 days following written notice from the Community Development Director.
- F. The following items are conditions of approval for the vesting tentative parcel map, all to be accomplished prior to, or concurrent with, final parcel map filing unless noted otherwise:
1. Project must receive and comply with all terms of the Cal Trans encroachment Permit necessary for access to Highway 12 directly from the Project and from Westgate Drive. Any conditions imposed by Cal Trans for the encroachment permit that result in site plan modifications shall be reviewed by City staff for consistency with Project approvals.
  2. Dedication of street right-of-way as shown on the parcel map with the following changes/additions:
    - a) Street right-of-way dedications on Westgate Drive shall be in conformance with the lane geometries, transitions and turn pocket configurations resulting from Item #1 above. The dedications shall be to the approval of the Public Works Department.
    - b) Right-of-way dedications on Lower Sacramento Road and Kettleman Lane shall be in conformance with the lane geometries resulting from Item #1 above and City of Lodi street geometric requirements for this project and to the approval of the Public Works Department and Caltrans. Right-of-way dedications on Kettleman Lane shall be made to Caltrans in conformance with their requirements. Separate parcels shall be created for Caltrans dedications. It should be anticipated that Caltrans will require street

widening improvements west of the project boundary. Acquisition of any right-of-way necessary to meet Caltrans requirements shall be the responsibility of the developer.

- c) Lower Sacramento Road is an established STAA route and turning movements to and from the roadway into private driveways and intersecting streets are required to demonstrate that accommodation has been made for the truck turning movement in conformance with Public Works requirements.
  - d) The right-of-way dedication and driveway design at the south project driveway on Lower Sacramento Road shall accommodate and be in conformance with the California Semitrailer wheel track (18m/60ft radius) turning template.
  - e) Right-of-way dedications at all proposed project driveway locations shall be sufficient to accommodate the handicap ramps and public sidewalks at the crosswalk locations. In addition, the right-of-way dedication at the proposed traffic signal location on Lower Sacramento Road shall be sufficient to allow installation of the traffic signal improvements within the public right-of-way.
3. Dedication of public utility easements as required by the various utility companies and the City of Lodi, including, but not limited to, the following:
    - a) A PUE along the southerly property line sufficient to accommodate the installation of electric utility overhead transmission lines and underground conduit bank outside proposed landscape areas, and the extension of water, wastewater and industrial waste transmission lines between Lower Sacramento Road and Westgate Drive. We anticipate the required PUE along the south project boundary will be on the order of 65 to 75 feet. It may be possible to reduce the width of the PUE by realigning some of the pipes through the shopping center site. The actual alignment and width will be to the approval of the Public Works Department and City of Lodi Electric Utility.
    - b) A PUE at the proposed signalized project driveway to accommodate the installation of traffic signal loops.
    - c) A PUE at the existing southerly Sunwest Plaza (Food 4 Less) driveway to accommodate the installation of traffic signal loops. Acquisition of the PUE is the responsibility of the developer and must be accomplished prior to recordation of any final parcel map.
  4. Provide a private access easement providing a clear path of travel for pedestrian traffic from the public right-of-way to all parcels within the boundaries of the map in conformance with ADA requirements. The private access easement shall be shown on the map and shall be recorded by separate instrument concurrently with the final parcel map.
  5. In order to assist the City in providing an adequate water supply, the property owner is required to enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the proposed Lodi Shopping Center, and that the City may charge fees for the delivery of such water in accordance with City rate policies.

The agreement establishes conditions and covenants running with the land for all lots in the parcel map and provides deed provisions to be included in each conveyance.

Submit final map per City requirements including the following:

- a) Preliminary title report.
- b) Standard note regarding requirements to be met at subsequent date.

6. Payment of the following:

- a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.

G. The following items are conditions of approval for the vesting tentative parcel map and use permit that will be deferred until the time of development:

1. Engineering and preparation of improvement plans and estimate per City Public Improvement Design Standards for all public improvements for all parcels at the time of development of the first parcel. Plans to include:

- a) Detailed utility master plans and design calculations for all phases of the development, including the proposed temporary storm drainage detention basin. Detailed utility master plans have not been developed for the area between Kettleman Lane on the north, Harney Lane on the south, Lower Sacramento Road on the east and the current General Plan boundary on the west. The project site is at the upstream boundary of the storm drain and wastewater utilities for this area. The developer's engineer shall provide a detailed drainage master plan, including engineering calculations, for the entire area as well as all phases of the proposed project. The developer's engineer shall prepare and submit a work plan/scope for master plan preparation for approval by the City Engineer prior to start of master plan work. Master plans need to be coordinated with the Southwest Gateway development. City staff will assist in the master planning process to the extent practicable. Should City staff be unable to meet developer's schedule, developer shall have the option to pay the City to contract for supplemental outside consultant services to expedite review and approval of the master planning work.
- b) Current soils report. If the soils report was not issued within the past three (3) years, provide an updated soils report from a licensed geotechnical engineer.
- c) Grading, drainage and erosion control plan.
- d) Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP).
- e) All utilities, including street lights and electrical, gas, telephone and cable television facilities.
- f) Landscaping and irrigation plans for street medians and parkway areas in the public right-of-way.
- g) Undergrounding of existing overhead utilities, excluding transmission lines.

- h) Installation of the proposed traffic signal at the main project driveway on Lower Sacramento Road. The traffic signal shall be designed to operate as an eight phase signal.
- i) Modification of the existing southerly Sunwest Plaza (Food 4 Less) driveway to widen the driveway to the approval of the Public Works Department.
- j) Installation/modification of the traffic signal at the Kettleman Lane/Westgate Drive intersection as required by the project.
- k) Traffic striping for Lower Sacramento Road, Westgate Drive and Kettleman Lane.

A complete plan check submittal package, including all the items listed above plus the Map/Improvement Plan Submittal cover letter, Improvement Plan Checklist and engineering plan check fees, is required to initiate the Public Works Department plan review process for the engineered improvement plans.

- 2. There is limited wastewater capacity in the wastewater main in Lower Sacramento Road. The area of the shopping center site containing the proposed Walmart store lies outside the service area for the Lower Sacramento Road wastewater line. Developer shall perform a capacity analysis using approved flow monitoring protocols to assess the viability of utilizing the Lower Sacramento Road wastewater line on an interim basis. Wastewater facilities outside the Lower Sacramento Road service area shall be designed to allow future connection to the wastewater main in Westgate Drive. If the capacity analysis indicates that interim capacity in the Lower Sacramento Road wastewater line is not available, wastewater collection facilities shall be constructed to serve the project to the satisfaction of the Public Works Director.
- 3. Installation of all public utilities and street improvements in conformance with City of Lodi master plans and design standards and specifications, including, but not limited to, the following:
  - a) Installation of all curb, gutter, sidewalk, traffic signal and appurtenant facilities, traffic control or other regulatory/street signs, street lights, medians and landscaping and irrigation systems in Westgate Drive, Kettleman Lane and Lower Sacramento Road.
  - b) All improvements on Kettleman Lane shall be in conformance with City of Lodi and Caltrans requirements and require a Caltrans encroachment permit. The Caltrans encroachment permit submittal package shall include a terminal access route application for STAA trucks. Additional right-of-way acquisition outside the limits of the map may be required. The City of Lodi will assist the developer in obtaining the additional right-of-way that may be required. Design and construction staking for the Kettleman Lane improvements will be performed by the City at the Developer's expense.
  - c) Street improvements in Westgate Drive shall be in conformance with the lane geometries, transitions and turn pocket configurations resulting from Item #1 above and landscaped median, parkway and sidewalk improvements required by the City. Developer shall have no obligation to do any work on Westgate Drive west of the westernmost curb.
  - d) Modification of the existing southerly Sunwest Plaza (Food 4 Less) driveway to construct a driveway to the approval of the Public Works Director. Acquisition

of additional right-of-way and construction easements from the adjacent property to the south (APN # 058-140-04) may be necessary to accomplish this work and shall be the responsibility of the developer.

- e) The extension/installation of all public utilities, including, but not limited to, the extension/installation of master plan water, wastewater, storm drainage and recycled water mains to the south end of Westgate Drive, the extension of water, wastewater and industrial waste transmission lines through the shopping center site from Lower Sacramento Road to Westgate Drive and the installation of recycled water main in Lower Sacramento Road and Westgate Drive from Kettleman Lane to the south project boundary. The cost of extending or installing recycled water mains shall be eligible for reimbursement. The developer's engineer shall work with Public Works Department staff to resolve public utility design issues.
- f) Relocation of existing utilities, as necessary, and undergrounding of existing overhead lines, excluding electric (64 kv) transmission lines.
- g) Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP) approved by the City Council on March 5, 2003, and shall employ the Best Management Practices (BMPs) identified in the SMP.
  - i) The City's adopted Stormwater Development Standards for new projects in conformance with the conditions of the City's Stormwater Discharge Permit. *The design of projects containing more than 5,000 square feet of impervious area, retail gasoline outlets and trash enclosures is significantly affected by these Standards.* The project shall be required to comply with the requirements of the Standards.
  - ii) State-mandated construction site inspections to assure compliance with the City of Lodi Storm Discharge Permit are required. The fee for the inspections is the responsibility of the developer and must be paid prior to commencement of site grading and/or construction operations.
  - iii) If bioswales are to be used, they need to be clearly delineated and detailed on the site plan and the landscape plan. Most trees are not compatible with bioswales.

The City and Applicant shall enter into an improvement agreement for the installation of public improvements required as part of the Project prior to the development of the first parcel.

- 4. The proposed temporary storm drainage basin shall be designed in conformance with City of Lodi Design Standards §3.700 and must be approved by the City's Public Works Department. Acquisition of property to accommodate the construction of the temporary drainage basin is the responsibility of the developer. All drainage improvements shall be designed for future connection to permanent public drainage facilities when they become available. In the event the Utility Master Plan referenced in paragraph 4(G)(1)(a) locates the permanent storm drainage basin in the same location as the temporary storm drainage basin, Project shall be entitled to reimbursement for its construction costs minus any cost to retrofit the temporary basin to serve as a permanent basin and meet public works permanent basin standards and specifications. Project's Stormwater Impact Fee shall be deferred pursuant to a Deferred Fee

Payment Agreement as provided in Lodi Municipal Code Section 15.64.040 until such time as the reimbursement contingency set forth in this paragraph is resolved.

5. A Caltrans encroachment permit is required for all work in the Kettleman Lane right-of-way, including landscape and irrigation improvements in the median and parkway along the site frontage. Based on past experience, Caltrans will not allow landscape and irrigation improvements within their right-of-way unless the City enters into an agreement with Caltrans covering maintenance responsibilities for those improvements. The City is willing to execute such an agreement, however, the developer will be required to execute a similar landscape maintenance agreement with the City assuming the city's responsibilities for the landscape and irrigation improvements in the parkways.
6. Design and installation of public improvements to be in accordance with City master plans and the detailed utility master plans as previously referenced above.

Note that the developer may be eligible for reimbursement from others for the cost of certain improvements. It is the developer's responsibility to request reimbursement and submit the appropriate information per the Lodi Municipal Code (LMC) §16.40

7. 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.
8. The following improvements shall be constructed with the development of the first parcel zoned for commercial development:
  - a) Installation of all street improvements on Lower Sacramento Road, Kettleman Lane and Westgate Drive. Street improvements for Lower Sacramento Road and Westgate Drive shall be constructed from the signalized intersections on Kettleman Lane to the south boundary of the parcel map. Street improvements along the frontages of Parcels 1, 12 and "A" shall extend to and include the installation of the westerly curb and gutter.
  - b) Modification of the existing southerly Sunwest Plaza (Food 4 Less) driveway to widen the driveway to the south as shown on the site plan and construct a driveway to the satisfaction of the City's Public Works Department.
  - c) The extension/installation of all public utilities necessary to serve the commercial development and/or required as a condition of development.
  - d) Temporary storm drainage detention basin to serve the project.
9. Acquisition of street right-of-way, public utility easements and/or construction easements outside the limits of the map to allow the installation of required improvements on Kettleman Lane, Lower Sacramento Road and Westgate Drive.
10. All property dedicated to the City of Lodi shall be free and clear of all liens and encumbrances and without cost to the City of Lodi and free and clear of environmental hazards, hazardous materials or hazardous waste. Developer shall prepare and submit a hazardous materials report and all property owners shall indemnify the City against any and all hazardous materials and/or ground

water contamination existing on their individual property at the time of dedication for all property/easements dedicated to the City.

11. Abandonment/removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes prior to approval of public improvement plans.
12. The project shall provide for a prorated share of the on-going maintenance costs of median landscape improvements in Kettleman Lane, Lower Sacramento Road and Westgate Drive by annexation to the Lodi Consolidated Landscape and Maintenance District 2003-1 prior to acceptance of the public improvements. All costs associated with annexation to the District shall be the Developer's responsibility.
13. Payment of the following:
  - a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
  - b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of building permit issuance.
  - c) Wastewater capacity impact fee at the time of building permit issuance.
  - d) County Facilities Fees at the time of building permit issuance.
  - e) Regional Transportation Impact Fee (RTIF) at the time of building permit issuance.
  - f) The City is currently developing a Water Capacity Impact Fee to pay for the costs to construct a water treatment plant necessary to provide water to the Project. In lieu of paying the fee as ultimately adopted, Project has agreed to pay a current fee estimate of \$765,050 (1.43 times project Sewer Service Units (SSU's) times \$5,000) prior to the development of the first parcel. The purpose of paying a fee now is to obtain certainty of costs and the Project shall not be subject to future assessment or refund in the event the fee is ultimately higher or lower than the amount set forth above.
  - g) Stormwater compliance inspection fee prior to commencement of site grading and/or construction operations.
  - h) Reimbursement fees per existing agreements:
    - i. Reimbursement Agreement RA-02-02. The reimbursement fee for 2008 is \$38,296.24. The fee is adjusted annually on January 1. The fee to be paid will be that in effect at the time of payment. The fee shall be paid prior to approval of the public improvement plans.
    - ii. Resolution No. 2007-52 establishing an area of benefit and reimbursable costs for Lower Sacramento Road (Kettleman Lane to Harney Lane) improvements. The reimbursement fee for 2008 is \$86,956.08. The fee is adjusted annually on January 1. The fee to be paid will be that in effect at the time of payment. The fee shall be paid prior to approval of the public improvement plans.
    - iii. The developer of the Vintner's Square Shopping Center has submitted a request for reimbursement in conformance with LMC 16.40

Reimbursements for Construction covering public improvements in Kettleman Lane and Westgate Drive constructed with that development which benefit the Lodi Shopping Center project. We anticipate that the Reimbursement Agreement will be presented to the City Council for approval in the near future. Any reimbursement fees approved by the City Council that affect the Lodi Shopping Center site will have to be paid prior to approval of the public improvement plans.

- i) City Resolution 2006-234, adopted on December 20, 2006 amended the Electric Utility Department's Rules & Regulations 13, 15 and 16 and requires new development and this Project to pay the full cost of extending electric facilities to serve the Project.

The above fees 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.

14. Obtain the following permits:

- a) San Joaquin County well/septic abandonment permit.
- b) Caltrans Encroachment Permit for work in Caltrans right-of-way.

15. The City will participate in the cost of the following improvements in conformance with LMC §16.40 Reimbursements for Construction:

- a) Master plan storm drain facilities and lines.
- b) Master plan water mains.
- c) Master plan reclaimed water mains.
- d) Industrial waste lines.

Please note that construction of master plan wastewater facilities to serve the project site is not included in the City's Development Impact Mitigation Fee Program and is not subject to impact mitigation fee credits for sewer facilities or reimbursement by the City.

- H. Install fire hydrants at locations approved by the Fire Marshal.
- I. Shopping carts shall be stored inside the buildings or stored in a cart storage area adjacent to the entrance of the building.
- J. No outdoor storage or display of merchandise shall be permitted at the project unless a specific plan for such display is approved by SPARC. At no time shall outdoor storage or display be allowed within the parking area, drive aisle or required sidewalks of the center.
- K. Vending machines, video games, amusement games, children's rides, recycling machines, vendor carts or similar items shall be prohibited in the outside area of all storefronts. The storefront placement of public telephones, drinking fountains and ATM machines shall be permitted subject to the review and approval of the Community Development Director.
- L. All storage of cardboard bales and pallets shall be contained within the area designated at the rear of the Wal-Mart building for such use. No storage of cardboard or pallets may exceed the height of the masonry enclosure at any time.
- M. The loading area shown in front of the Wal-Mart building shall be stripped and posted with "NO PARKING – LOADING ONLY" signs to the satisfaction of the Community Development Director.

- N. A photometric exterior lighting plan and fixture specification shall be submitted for review and approval of the Community development Director prior to the issuance of any building permit. Said plans and specification shall address the following:
1. All project lighting shall be confined to the premises. No spillover beyond the property line is permitted.
  2. The equivalent of one (1) foot-candle of illumination shall be maintained throughout the parking area.
- O. Exterior lighting fixtures on the face of the buildings shall be consistent with the theme of the center. No wallpacks or other floodlights shall be permitted. All building mounted lighting shall have a 90-degree horizontal flat cut-off lens unless the fixture is for decorative purposes.
- P. All parking light fixtures shall be a maximum of 25 feet in height. All fixtures shall be consistent throughout the center.
- Q. All construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday. No exterior construction activity is permitted on Sundays or legal holidays.
- R. Prior to the issuance of a building permit for the new Wal-Mart Supercenter, the applicant shall ensure one of the following with respect to the existing Wal-Mart building located at 2350 West Kettleman Lane ("Building"):
- a) The owner of the Building shall have entered into signed lease(s) with bona-fide tenant(s) for at least 50% of the Building square footage (not including the fenced, outdoor garden center). The signed lease(s) required hereunder shall include a lease(s) with a bona-fide retailer(s) or restaurant for a minimum of two-thirds of the Building frontage (not including the fenced, outdoor garden center); or
  - b) The owner of the Building shall have entered into a fully executed purchase agreement for the Building with a bona-fide retailer; or
  - c) The Applicant shall present to the City a cash escrow account, subject to the approval of the City Attorney, which account shall be for the purpose of securing applicant's obligation to demolish the Building not later than 90 days after the opening to the general public of the new Wal-Mart Supercenter (the "Opening Date"). The amount of the deposit shall be equal to the City estimated reasonable costs to demolish the Building (based on a licensed contractor estimate) plus \$100,000. The escrow account shall be paid to City in the event that Option (a), (b) or (c) is not satisfied within 90 days of the Opening Date. If Option (a), (b) or (c) is satisfied within 90 days after the Opening Date, the cash in the escrow account shall be refunded in full to the Applicant.

If the Applicant does not satisfy this condition under Option (a), (b) or (c) within 90 days after the Opening Date, the City shall use the funds to demolish the Building with any balance reverting to the City as compensation for its expense and inconvenience incurred to demolish the Building. The owner of the Building shall present evidence that any lender on the Building consents to the demolition in a form subject to the approval of the City Attorney. This condition shall be recorded against the property as a deed restriction, which runs with the land.

Applicant and Wal-Mart agree to enter into any agreements that are necessary in order to implement this condition.

- S. No materials within the garden or seasonal sales area shall be stored higher than the screen provided.
- T. Wal-Mart shall operate and abide by the conditions of the State of California Alcoholic Beverage Control license Type 21, off sale-general.
- U. Wal-Mart shall insure that the sale of beer and wine does not cause any condition that will result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passerby, assaults, batteries, acts of vandalism, loitering, illegal parking, excessive or loud noise, traffic violations, lewd conduct, or police detention and arrests.
- V. This Use Permit is subject to periodic review to monitor potential problems associated to the sale of alcoholic beverages.
- W. Prior to the issuance of a Type 21 license by the State of California Alcoholic Beverage Control Department, the management of the Wal-Mart store shall complete the Licensee Education on Alcohol and Drugs (LEAD) as provided by the State Alcoholic Beverage Control Department. In the event that Wal-Mart has training that is equivalent to the LEAD program, such documentation shall be submitted to the Community Development Director for review and approval.
- X. The project shall incorporate all mitigation measures as specified in the adopted Final Revised Environmental Impact Report EIR-03-01 for the project.
- Y. The submitted Use Permit, Tentative Map and associated plot plan are hereby approved subject to the conditions set forth in this resolution.
- Z. No variance from any City of Lodi adopted code; policy or specification is granted or implied by the approval of this Resolution.
- AA. The sliding gates that are shown in the rear of the Wal-Mart building shall have a knock box system at each gate for Fire Department access.
- BB. Buildings, which are fire sprinkled, shall have Fire Department connections within 50 feet of a fire hydrant, subject to the Fire Marshall's approval.
- CC. Fire lanes shall be identified per Lodi Municipal Code 10.40.100 and marked in locations specified by the Fire Marshall. All fire lanes shall be a minimum of 24-foot-wide.
- DD. The water supply for the project shall meet the requirements for fire hydrants and fire sprinkler demand and system approved by the Fire Marshall.
- EE. Developer shall pay for the linkage study that the City is required to do based on Program 11 of the recently adopted Housing Element of the General Plan. The developer shall receive a credit for the amount paid against the final fee as adopted by the City Council.
- FF. Wal-Mart shall provide proof of sale, to a non Wal-Mart related entity, of the existing Wal-Mart property located at 2350 W. Kettleman Lane prior to the issuance of the

building permit for the new Wal-Mart Supercenter without condition on the right of purchaser to lease or sell the existing Wal-Mart building.

GG. Wal- Mart shall not allow overnight camping of any type (i. e. campers, recreational vehicles, tents) within the parking lot or site.

HH. The developer shall invest in a building and/or capital improvements within the Downtown area, as defined by the Community Development Director, but no smaller than the area described in the June 1997 Downtown Development Standards and Guidelines plus the Pine Street Corridor extending to Washington. Investment shall be defined as supporting construction, rehabilitation, acquisition, tenant improvements and other improvements. The developer may make or support improvements to commercial buildings or property it owns or rents independently or in partnership with others, or to commercial property owned by others in partnership with owners and/or tenants. The downtown investment must be made no later than seven and a half (7.5) years from the issuance of final certificate of occupancy for the largest retail tenant. The total aggregate value of the capital improvements resulting from developer’s investment must exceed \$700,000.

Dated: January 14, 2009

I hereby certify that Resolution No. 09-\_\_ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on January 14, 2009, by the following vote:

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

ATTEST: \_\_\_\_\_  
Secretary, Planning Commission

**RESOLUTION NO. P.C. 09-\_\_**

**A RESOLUTION OF THE LODI PLANNING COMMISSION APPROVING THE REQUEST OF BROWMAN DEVELOPMENT COMPANY FOR ARCHITECTURAL APPROVAL OF A NEW COMMERCIAL BUILDING TO BE CONSTRUCTED AT 2640 W. KETTLEMAN LANE (WALMART)**

=====

**WHEREAS,** an application was filed by Browman Development Company for a commercial shopping center at 2640 W. Kettleman Lane more particularly described as Assessor's Parcel Numbers 058-030-08 and 058-030-02 and portion of 058-030-09; and

**WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested architectural approval, in accordance with the Lodi Municipal Code, Section 17.72.070; and

**WHEREAS,** the project proponent is Browman Development Company; and

**WHEREAS,** the project is consistent with all elements of the General Plan. In particular, the following Goals and Policies:

- A. Land Use and Growth Management Element, Goal E, "To provide adequate land and support for the development of commercial uses providing goods and services to Lodi residents and Lodi's market share."
- B. Land Use and Growth Management Element, Goal E, Policy 7, "In approving new commercial projects, the City shall seek to ensure that such projects reflect the City's concern for achieving and maintaining high quality."
- C. Land Use and Growth Management Element, Goal E, Policy 3, "The City shall encourage new large-scale commercial centers to be located along major arterials and at the intersections of major arterials and freeways."
- D. Housing Element, Goal C, "To ensure the provision of adequate public facilities and services to support existing and future residential development".
- E. Circulation Element, Goal G, "To encourage a reduction in regional vehicle miles traveled."
- F. Circulation Element, Goal A, Policy 1, "The City shall strive to maintain Level of Service C on local streets and intersections. The acceptable level of service goal will be consistent with financial resources available and the limits of technical feasibility."
- G. Noise Element, Goal A, "To ensure that City residents are protected from excessive noise."
- H. Conservation Element, Goal C, Policy 1, "The City shall ensure, in approving urban development near existing agricultural lands, that such development will not constrain agricultural practices or adversely affect the economic viability of adjacent agricultural practices."
- I. Health and Safety Element, Goals A, B, C, and D, "To prevent loss of lives, injury and property damage due to flooding." To prevent loss of lives, injury, and property damage due to the collapse of buildings and critical facilities and to prevent disruption of essential services in the event of an earthquake. To

prevent loss of lives, injury, and property damage due to urban fires. To prevent crime and promote the personal security of Lodi residents.

- J. Urban Design and Cultural resources, Goal C, "To maintain and enhance the aesthetic quality of major streets and public/civic areas."

**WHEREAS,** the design and improvement of the site is consistent with all applicable standards adopted by the City. Specifically, the project has met the requirements of the Lodi Zoning Ordinance with particular emphasis on the standards for large retail establishments; and

**WHEREAS,** approval of the requested architectural drawings will allow the construction of a commercial building that will comply with the City's Zoning Ordinance and Building Code regulations.

**WHEREAS,** the design of the proposed project and type of improvements are not likely to cause public health or safety problems in that all improvements will be constructed to the City of Lodi standards; and

**WHEREAS,** these findings, as well as the findings made within City Council Resolution No. 2008-238 certifying Final Environmental Impact Report EIR-03-01, are supported by substantial evidence in the record of this proceeding and before this body.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. Said Site Plan complies with the requirements of the Commercial Shopping (C-S) Zoning District.
3. The submitted plans, including site plot plan and architectural elevations for the major anchor building, for the project is approved subject to the following conditions:
  - a. All conditions contained in Use Permit Resolution No. P.C. 09-\_\_ shall apply to this approval.
  - b. The proposed building shall comply with all zoning and building code regulations.
  - c. The finished building shall be consistent with the plans approved by the Planning Commission.
  - d. The applicant shall submit appropriate plans to the Community Development Department for plan check and building permit. The final plans shall include the architectural features such as the approved colors, the building elevations including the cornice, trim caps, and curbed canopy, and other elements approved by the Planning Commission. Any significant alteration to the building elevations as approved by the Planning Commission shall require approval by the Planning Commission. Signage shall be individual letters.
  - e. Further architectural treatment shall occur on the west elevation. Such treatment shall result in a visual break in the elevation.
  - f. The proposed building must comply with all Planning Commission requirements; as well as the requirements of the Community Development, the Public Works, the Electric Utility and the Fire Departments; and all other utility agencies.
  - g. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

- h. The Developer shall pay for Electric Utility Department charges in accordance with the Electric Department's Rules and Regulations.
- i. The applicant shall submit load calculations and Electric drawings to Electric Utility as part of a building permit process. Load calculations and Electric drawings are needed for service equipment location, PUE requirements, and service sizing. Should the load calculations and Electric drawings require a change of site plan, the Planning Department shall forward the site plan to the Planning Commission for review and approval.
- j. This resolution does not constitute a complete plan check. Complete plan check shall be completed during building permit process.
- k. Wal-Mart shall employ the energy efficient measures proven effective, at the time of Plan Check submittal, by its High Efficiency (HE) program in the building design and construction. However, the measures used shall, at a minimum, be as energy efficient as those proven energy efficiency measures, or comparable measures, outlined more fully in the letter addressed to the City of Lodi from J. Kelly Collier, Senior Design Manager for Wal-Mart Real Estate and Design dated October 6, 2008 and presented to the Planning Commission at their October 8, 2008 meeting.

Dated: January 14, 2009

I hereby certify that Resolution No. PC 09-\_\_ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on January 14, 2009, by the following vote:

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

ATTEST: \_\_\_\_\_  
Secretary, Planning Commission

# Item 6a.



## MEMORANDUM, City of Lodi, Community Development Department

**To:** City of Lodi Planning Commissioners  
**From:** Rad Bartlam, Interim Community Development Director  
**Date:** Special Planning Commission Meeting of 1/14/09  
**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
December 17, 2008	REGULAR	Prospective Sale of Real Property located at 217 East Lockeford Street, Lodi, California (APN #041-220-02); the Negotiating Parties are City of Lodi and R. Wayne Craig, Agent for Buyers Eagles Lodge of Lodi; Government Code §54956.8
		Set Public Hearing for January 7, 2009, to Solicit Feedback on Potential Uses of Neighborhood Stabilization Program Funds Being Made Available by the California Department of Housing and Community Development (CD)
		Conduct Public Meeting to Allow Public Testimony Regarding the Resolution of Intention to Expand the Lodi Tourism Business Improvement District to Include Flag City Hotels within the Business Improvement District (CA)
January 7, 2009	REGULAR	Set a Public Hearing for February 11, 2009, for a joint session with the Planning Commission to receive a report and recommendation on the Preferred General Plan Alternative (CD)
		Public Hearing to Solicit Feedback on Potential Uses of Neighborhood Stabilization Program Funds Being Made Available by the California Department of Housing and Community Development (CD)
		Provide Direction Regarding Requested Ordinance Change Increasing the Number of Legal Cardroom Games, Expanding Cardroom Hours, and Increasing the Number of Tables (CA)