

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 9, 2008**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of April 9, 2008, was called to order by Chair Mattheis at 7:00 p.m.

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

Absent: Planning Commissioners – None

Also Present: Planning Manager Peter Pirnejad, Deputy City Attorney Janice Magdich, Senior Planner David Morimoto, Junior Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“March 26, 2008”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Cummins second, approved the Minutes of March 26, 2008 as written. (Chair Mattheis abstained because he was not at the subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing to consider the request of the Planning Commission for approval of the site plan and architecture of a convenience store with a gas station at 730 South Cherokee Lane.

Planning Manager Pirnejad gave a brief PowerPoint presentation based on the staff report. Staff recommends approval.

Vice Chair Kiser asked how the tanker truck would be able to come in to make a drop off. Planning Manager Pirnejad stated that staff feels it is possible, but it will be tight. Vice Chair Kiser does not believe it is possible.

Commissioner Kirsten thinks that there should be more trees in the landscaping plan. Planning Manager Pirnejad stated that staff is requiring trellises around the trash enclosures and could possibly fit another tree or two along Hale Road. Junior Planner Bereket stated that the landscape strip along Hale Road is too narrow to put larger trees and that is why we required more ground cover in that area.

Chair Mattheis stated that he agreed with Commissioner Kirsten regarding the landscaping. He is also concerned that the area for handicap customers is in the path of two-way vehicle travel, and the vehicles fueling up will be sticking out into the drive lanes. Junior Planner Bereket stated that there is only going to be one pump with two handles allowing only two vehicles to fuel at a time. Chair Mattheis stated that he would like to see a condition in the Resolution stating that.

Hearing Opened to the Public

- Aster Canet, representative of the applicant, came forward to answer questions. Mr. Canet stated that he sees handicap paths of travel crossing vehicle paths all the time. The company that will be delivering the fuel has seen the plans and stated that they believe they will be able to make the turns required.

- Commissioner White asked how many pumps there will be on the island. Mr. Canet stated that there will be two separate pumps with four handles, but only one car per side can fuel up at a time.
- Commissioner Kirsten wanted to know why the mansard roof was taken off the south side of the building. Mr. Canet stated that the roof was meant for the original building which was longer. Mr. Canet stated that the applicant may not be opposed to putting it back on the building.
- Chair Mattheis asked what will prevent four vehicles from trying to fuel up at the same time if there are four pumps available. Mr. Canet stated that he feels that the lack of available space for the cars will prevent it.

Public Portion of Hearing Closed

- Commissioner Hennecke stated his concerns for the project. He liked the elevations from the first time the application came before the Commission. He would also like to see only one pump placed on the island in a way so that no matter which way a vehicle pulls up to the pump it will not be blocking any of the drive lanes.
- Vice Chair Kiser stated his concerns for the project; Tanker truck not fitting, four handles will have four cars fueling. He stated that he can not support this project.
- Commissioner Cummins stated that he also shares the other Commissioners concerns and asked staff if there is a minimum lot size for this type of development. Planning Manager Pirnejad stated that there is not.
- Commissioner Kirsten stated his concerns for the project, but does not want to discourage the applicant. He feels that it would be inappropriate for the Commission to approve a project that could be a potential hazard.
- Chair Mattheis stated his concerns for the project; handicap path of travel and four pumps. He stated he can not support the project in its current form.
- Commissioner Olson stated her concerns for the tightness of the property and the speed in which the property will break down and become blighted do to the tightness of the lot.
- Commissioner Cummins asked to have the public hearing re-opened to the public to get some answers from the applicant regarding the concerns stated.

Public Hearing Re-Opened

- Aster Canet, came forward to offer some solutions to the concerns expressed; using only one pump on the island and placing a door on the south elevation to eliminate the handicap path of travel through the traffic travel area.
- Vice Chair Kiser re-stated his concern for the fueling vehicles sticking out into the drive lanes.
- Commissioner Hennecke stated that anyone with a truck towing a trailer/boat there would still be a problem.

Public Hearing Re-Closed

- Planning Manager Pirnejad offered new conditions to address some of the concerns:
 - Add to #16 – the applicant shall add three more Crape Myrtles along Hale Road to the maximum extent possible.
 - New #17 – The applicant shall be limited to two gas pumps with one handle each located on either side of the island.
 - New #18 – The applicant shall provide an ADA accessable door on the south side of the building in a manner that maintains a 24 foot isle to the neighboring site.

Continued

- Vice Chair Kiser stated that even with the added conditions he doesn't see this site working for this purpose. Commissioner Hennecke agreed.
- Commissioner Cummins ask if there is anyway that this could be configured so that it works. Discussion occurred regarding the probability of this use fitting on this site.
- Commissioner Olson stated that this project may not be the right one for this site and the right thing to do in this case may be to just deny this project.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Kirsten second, denied the plans for the site plan and architecture of a convenience store with a gas station at 730 South Cherokee Lane. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kirsten, Kiser, Olson, White, and Chair Mattheis.
Noes: Commissioners – None

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing to consider the request for approval of Negative Declaration 08-ND-01 as adequate environmental documentation for the proposed City Well No. 28.

Planning Manager Pirnejad stated that there have been some concerns brought up by San Joaquin County's Habitat Conservation Plan (HCP) staff that City staff is trying to address at this time and would like to have the item continued to a date uncertain.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, approved the request to continue item 3b for approval of Negative Declaration 08-ND-01 as adequate environmental documentation for the proposed City Well No. 28 to a date uncertain. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Hennecke, Kirsten, Kiser, Olson, White, and Chair Mattheis.
Noes: Commissioners – None

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Planning Manager Pirnejad stated that the Environmental Impact Report (EIR) for the Redevelopment Project Area has gone out for public review and should be brought before the Commission soon. Commissioner White asked who should be sitting on the Commission for this hearing. Deputy City Attorney Magdich stated that the Commissioners that were chosen by lot to sit at the first hearing should continue to sit in on all the hearings for the RDA, given that Commissioner Olson was not on the Commission at the time she may also be able to sit in on the hearing.

Planning Manager Pirnejad stated that the Lodi Shopping Center Revised Environmental Impact Report final draft is almost ready for release and the Commission will get copies as soon as that happens.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Planning Manager Pirnejad gave a brief report on the items listed on the memo attachment in the packet.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Continued

Planning Manager Pirnejad stated that the General Plan consultant has been contacted regarding an update and staff is waiting for a response. The Development Code Update will have a summary report brought before the Commission at the next meeting regarding all of the items that staff has compiled over the years that were of high enough importance that they could be implemented prior to the General Plan Update.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

10. ART IN PUBLIC PLACES

Commissioner Kirsten stated that he has been in contact with the head of the Committee, but there has not been any meetings yet.

11. COMMENTS BY THE PUBLIC

None

12. COMMENTS BY STAFF AND COMMISSIONERS

Planning Manager Pirnejad stated that if any of the Commissioners have any concerns or ideas regarding the layout of the agendas please feel to contact staff.

Deputy City Attorney Magdich stated that staff is available to discuss any concerns the Commissioners may have in regards to conflicts with the Redevelopment Project Area hearing.

Chair Mattheis would still like to see a Heritage Tree Ordinance put into place. Planning Manager Pirnejad stated that it will be part of the Development Code summary report.

Commissioner Cummins asked about the acting Community Development Director position. Planning Manger Pirnejad stated that Randy Hatch does not official depart until June 1st. The three managers in the department have been assisting in the duties that the director would normally take on.

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:17 p.m.

ATTEST:

Peter Pirnejad
Planning Manager