

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, AUGUST 11, 2010**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of August 11, 2010, was called to order by Chair Hennecke at 7:00 p.m.

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

Absent: Planning Commissioners – Olson

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

2. MINUTES

“June 23, 2010”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, approved the Minutes of June 23, 2010 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 Hennecke called for the public hearing to consider the request of a variance to reduce the required three feet side yard setback to one foot at 1555 Vista Drive.

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

Hearing Opened to the Public

- Stacie Gaska, applicant, came forward to answer questions.
- Commissioner Kirsten asked if the covering was permanently attached to the ground. Ms. Gaska stated that it is not.

Public Portion of Hearing Closed

- Commissioner Kiser asked if there are any fire issues with this structure being so close to the residence. Director Bartlam stated that it is a completely open structure made of noncombustible materials, so there are no issues with fire.
- Commissioner Heinitz asked for clarification that the reason for this application and the other variance on the agenda is because of a disgruntled citizen turning in a bunch of possible violations of this type. Director Bartlam stated that that is correct.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Cummins second, approved the request of the Planning Commission for a variance to reduce the required three feet side yard setback to one foot at 1555 Vista Drive subject to the conditions in the attached resolution. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request of a variance to reduce the required three feet side yard setback to six inches at 1815 Royal Crest Drive.

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

Hearing Opened to the Public

- Gerald Grauman, applicant, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Cummins second, approved the request of the Planning Commission for a variance to reduce the required three feet side yard setback to six inches at 1815 Royal Crest Drive subject to the condition in the attached resolution. The motion carried by the following vote:

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

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request for a Use Permit to allow a Type 48 On-Sale General Alcoholic Beverage Control license at 100 North Cherokee Lane, Suite 5

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

Commissioner Heinitz pointed out the numbering error in the resolution.

Commissioner Heinitz asked for the word professional to be added to condition number 14 in reference to the security staff.

Commissioner Kiser asked if there is adequate parking. Mr. Bartlam stated that the parking is a part of a shared parking lot and will have adequate parking. Kiser stated his agreement with Commissioner Heinitz regarding the security staff.

Hearing Opened to the Public

- Noe Juaz Luna, applicant, came forward to answer questions. He stated that he is planning on having plenty of professional security on staff.

Public Portion of Hearing Closed

- Commissioner Kirsten disclosed that he spoke with the applicant and visited the site. He stated that the surrounding tenants had some concerns, but nothing too major. He is in favor of the project.
- Commissioner Mattheis stated his support for the project and added that if there happens to be any issues the resolution is written in a way that the Commission will have grounds to revoke the permit.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Mattheis second, approved the request of the Planning Commission for a Use Permit to allow a Type 48 On-Sale General Alcoholic Beverage Control license at 100 North Cherokee Lane, Suite 5 subject to the conditions in the attached resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kirsten, Kiser, Mattheis, and  
Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners – Olson

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request for a Use Permit to allow operation of a Charter School at 1530 West Kettleman Lane, Suite A.

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

Hearing Opened to the Public

- Paul Keefer, Representative for Rio Valley Charter School, came forward to answer questions.
- Commissioner Mattheis asked how many cars will be there when all thirty students are required on site. Mr. Keefer stated that it is hard to say.
- Commissioner Kirsten asked if the school will be occupying the entire space. Mr. Keefer stated that he would prefer Mr. Bennett to answer.
- Dennis Bennett, applicant and owner of the property, came forward to answer questions. Mr. Bennett stated that there will be more than enough parking. This is not a traditional school, so will not have the traditional noises and traffic that a typical public school has. He stated that the other tenants in the complex have not expressed any objections or concerns for this project. The driving for the most part should be done by parents.
- Commissioner Heinitz asked if, when the buildings were built, the project met the required parking. Mr. Bennett stated that it did.
- Commissioner Kirsten asked if the entire building will be utilized by the school. Mr. Bennett stated that it will not. The building is currently broken up into two units. The entire building is approximately 8800 square feet (sf) and the project space is for 4500 sf. There is currently a business occupying the space on a temporary basis.

*Continued*

Commissioner Mattheis recused himself because he just realized that his firm has been contacted by Mr. Bennett's staff regarding this project for evaluation.

- Carol Padden, resident adjacent to project site, came forward to state that she had concerns with the project when they received the initial notice in the mail. A gentleman from Mr. Bennett's office came around the neighborhood with more information which alleviated her concerns. Then she read the article in the Lodi News Sentinel that stated something different than what she was told, but now that she has attended the meeting she is convinced that this will be a positive use of the property.
- Taj Khan, property owner on Lakeshore, came forward to support the project, but is concerned about the possible 200 students. Mr. Keefer stated that this is an independent study style school. There will be students from all over the area attending the school, but not all of the students will be on site at one time. Mr. Khan asked if 200 students are being permitted. Mr. Bartlam stated that the school has several sites and will only be allowed 30 students at any given time at this location.
- Commissioner Kiser asked how many teachers and staff will be on site at any given time. Joy Groen, administrator for Rio Valley Charter School, stated that there are eight teachers on staff plus herself. There will also be Lodi Unified staff as well as a counselor that will come in once or twice a week.

Public Portion of Hearing Closed

- Commissioner Heinitz stated that he is in the parking lot on a regular basis and has never seen the parking lot at full capacity.
- Commissioner Cummins agreed.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the request of the Planning Commission for a Use Permit to allow operation of a Charter School at 1530 West Kettleman Lane, Suite A subject to the conditions in the attached resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kirsten, Kiser, Mattheis, and  
Chair Hennecke

Noes: Commissioners – None

Abstain: Commissioners – Mattheis

Absent: Commissioners – Olson

- e) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request to certify the proposed Negative Declaration 10-ND-01 as adequate environmental documentation for Pixley Park development plans.

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

Hearing Opened to the Public

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the request of the Planning Commission to certify the proposed Negative Declaration 10-ND-01 as adequate environmental documentation for Pixley Park development plans subject to the conditions in the attached resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kirsten, Kiser, Mattheis, and  
Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners – Olson

- f) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request to certify the proposed Negative Declaration 10-MND-02 as adequate environmental documentation for the proposed Westside Substation located at 2800 West Kettleman Lane.

Director Bartlam gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project. Mr. Bartlam introduced the new Electric Utility Director Liz Kirkley and Assistant Director Demy Bucaneg who were sitting in the audience.

Commissioner Mattheis asked about the aesthetics. Director Bartlam stated that it isn't feasible to put the power lines underground. He explained that there are a couple of items being required so that the project is less obtrusive; 50-foot set back from Kettleman Lane which gives staff the ability to have a dense landscape, the power lines will be enter the facility from the east along Westgate Drive and not on Kettleman, the site is going to be sunk about two feet, giving the ten-foot wall even more ability to screen the facility.

Hearing Opened to the Public

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Cummins second, approved the request of the Planning Commission to certify the proposed Negative Declaration 10-MND-02 as adequate environmental documentation for the proposed Westside Substation located at 2800 West Kettleman Lane subject to the conditions in the attached resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kirsten, Kiser, Mattheis, and  
Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners – Olson

4. PLANNING MATTERS/FOLLOW-UP ITEMS

- a. Finding of General Plan Consistency for the Capital Improvement Program

Director Bartlam stated that this is an item that doesn't come before the Commission on a regular basis, but is necessary. The requirement is that the Planning Commission make a finding that the projects on the attached list are consistent with the General Plan. Staff recommends that the finding be made that they are consistent with the General Plan.

Continued

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kirsten second, approved the request of the Planning Commission to make the finding that the Capital Improvement Program is consistent with the General Plan. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kirsten, Kiser, Mattheis, and  
Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners – Olson

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there is a memo in the packet and staff is available to answer any questions.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief presentation on the Surface Water Treatment Facility going in on the west side of Lodi Lake.

9. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report on the variety of items that the Committee has been reviewing. There is an upcoming Wine, Dine, Design event coming up on October 23<sup>rd</sup> at Hutchins Street Square.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Director Bartlam, on behalf of staff, thanked Commissioner Mattheis for his service on the Commission over the many years.

12. REORGANIZATION – COMMISSION REPRESENTATIVE TO VARIOUS COMMITTEES

a. Site Plan and Architectural Review Committee

Chair Hennecke asked for nominations. There being none, Commissioner Kiser stated that he would serve another term if no other Commissioner wished to do so.

VOTE:

The Planning Commission appointed Commissioner Kiser as the 2010/11 Planning Commission SPARC representative. There being no nominations, the motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kirsten, Kiser, Mattheis, and  
Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners – Olson

*Continued*

b. Art In Public Places

Chair Hennecke asked for nominations. There being none, Commissioner Kirsten stated that he would serve another term if no other Commissioner wished to do so.

VOTE:

The Planning Commission appointed Commissioner Kirsten as the 2010/11 Planning Commission Art In Public Places representative. There being no nominations, the motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kirsten, Kiser, Mattheis, and  
Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners – Olson

c. Greenbelt Task Force

Chair Hennecke asked for nominations. There being none, Chair Hennecke stated that he would serve the term if no other Commissioners wished to do so.

VOTE:

The Planning Commission appointed Chair Hennecke as the 2010/11 Planning Commission Greenbelt Task Force representative. There being no nominations, the motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kirsten, Kiser, Mattheis, and  
Chair Hennecke

Noes: Commissioners – None

Absent: Commissioners – Olson

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:10 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary