

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, FEBRUARY 13, 2019**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 13, 2019 was called to order by Chair Olson at 7:00 p.m.

Present: Planning Commissioners – Cummins, Gomes, Hennecke, Hicks, Kirsten, Slater and Chair Olson

Absent: Planning Commissioners –

Also Present: City Planner Craig Hoffman, Deputy City Attorney John Fukasawa, Deputy Public Works Director/City Engineer Lyman Chang and Department Secretary Kari Chadwick

2. MINUTES

“January 9, 2019”

MOTION / VOTE:

No Motion/Vote was able to be made because the minutes were available for review.

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 Olson called for the public hearing to consider the request of the Planning Commission to approve a Subdivision Map for the Twin Arbors Subdivision, a 5.42 acre, 27 unit subdivision at 2040 Cochran Road. (Applicant: Lodi Athletic Clubs; File: 2018-38 S; CEQA Status: Section 15332 – In-fill development consistent with the General Plan and Zoning Code)

City Planner Craig Hoffman gave a brief presentation based on the staff report. Mr. Hoffman added that there was some concern expressed regarding the road width and stated that this will be a private roadway and will be maintained through an HOA for the development. The roadway will meet City standards. Staff is recommending approval of the project as conditioned in the draft resolution.

Commissioner Kirsten asked what the current standard is for the road width. Mr. Hoffman stated that it is 34 feet and this street is 33 feet wide. He added that it is wider than the current private road ways that are currently being built in other private developments.

Commission Cummins asked who will be paying for the lift station. Mr. Hoffman stated that the developer will be incurring the cost to put it in and the HOA will pay to maintain it.

Hearing Opened to the Public

- Larry Gilzean, applicant, came forward to answer questions.
- Commissioner Slater asked how the fees will be assessed for the HOA. Mr. Gilzean stated that they are assessed by the lot and he does not have the knowledge of what they will be or how they may increase over time.
- Mr. Hoffman stated that the application before the Commission is for the subdivision map. He added that once a developer chooses to develop the property they will then bring back an application for the Growth Allocations along with the proposed design guidelines.

- Ron Hilder, Tilden Drive resident, came forward to express concerns over the fact that this development is not going to blend with the existing neighborhood. He also stated that the setbacks are reduced from twenty feet to fifteen feet. Mr. Hoffman stated that the current setbacks per the Zoning Code are fifteen feet in the front yard, five on each side and ten in the rear yard. Mr. Hilder stated that the properties on Tilden that are directly adjacent to the proposed property all drain to a small retention pond that is on the site and is concerned with where the water will go now. Mr. Hoffman stated that he heard from several of the property owners on Tilden claiming that their properties slope toward the back. He stated that typically properties slope toward the front of the property or the street, so he is unaware of why property drainage would run across private property lines.
- Commissioner Kirsten asked if there is a deed restriction that states that the homeowners can't build a second story on to their homes. Mr. Hoffman stated that he isn't aware of anything.
- Kerry Hilder, Tilden resident, came forward to express concerns over the agreement that was made by the owner of the Twin Arbors property and the developer of Sunwest that limited the homes overlooking the club property to being single story homes. She stated that when she inquired with the Community Development Department Director she was told that she could not put a second story on her residence. She added that the reason for the pump station is because of the expense of raising the subdivision which would eliminate the need for this subdivision to be private. Ms. Hilder reaffirmed that the lots along Tilden crown in the middle and drain to the rear and front of the property.
- Ron Butler, Tilden resident, came forward to show where the existing drainage pond is located. Mr. Butler added that he had heard that originally the pond was created to drain the water off of the tennis courts or if they had to empty the pool. Ms. Hicks stated that when a developer develops a property they have the right to create areas like this to assist with drainage on their own property. She stated her concern regarding how the residential properties where allowed to drain to this property. Mr. Butler would like to see the pond stay and have it stay as a drainage pond. He stated his concerns over the lack of parking as well. Mr. Butler asked how many of the other developments back up to existing homes. Mr. Hoffman stated that Harvest Crossing and the Peterson Development both back up to existing developments.
- Commissioner Hennecke asked what the final grade will be at the pond area for the development. Mr. Hoffman stated that it will be higher.
- Commissioner Slater asked if the water from the pond intrudes into Mr. Butler's property. Mr. Butler stated that it does not intrude onto his property. Mr. Slater asked if all of the properties drain toward the pond. Mr. Butler stated that they all drain toward the backyard. Mr. Slater asked staff how the potential drainage problem can be mitigated. Mr. Hoffman stated that state law prohibits water to drain from one property to another. Mr. Slater asked how the Commission can force the developer to fix the neighbors backyards so that they don't drain to the rear. Mr. Hoffman stated that staff is not prepared to ask the developer to do that. Mr. Chang stated that staff can ask the developer to survey the properties and possibly put some sort of drain that leads out to Tilden.
- Commissioner Kirsten asked Mr. Peachin to come forward to explain the drainage issue.
- Steve Peachin, Baumbach and Pizza, came forward to help clarify the drainage issues. He stated that the properties along the western edge of the project do sit slightly higher than the project property. Mr. Peachin added that he wasn't a part of the original mapping process for the Sunwest Subdivision, but doesn't understand why three individual lots were allowed to drain to the back when all the other lots that are directly adjacent to the property drain out to the street in front of the homes. He continued by stating that if the new development was brought up to the same level as the surrounding neighbors then the new development would have the problem of the Tilden property draining onto the new housing development and cause problems. Mr. Peachin stated that the owners considered raising the property the two to two and half feet needed to accommodate the sewer flow needs, but didn't feel that would be fair to the neighboring properties since that would put this development a foot and a half higher than the adjacent properties. Mr. Kirsten asked why

there is a need for a retaining wall. Mr. Peachin stated that the City requires a retaining wall be installed for any elevations that exceed six inches from the adjacent property. Mr. Kirsten asked if that would stop water from draining off of the property. Mr. Peachin stated that it will be a solid masonry wall.

- Kerry Hilder, Tilden resident, came back up to read a statement in opposition to the project. The statement was not given to the Commission for the record.
- Commissioner Gomes asked what subdivision map Ms. Hilder is referring to in her statement. Ms. Hilder stated that she saw a map back in the 90's from Mr. Schroeder. Mr. Hoffman stated that there is no map on file or in any of the files that have been approved.
- Commissioner Kirsten asked about the language in the CC&R's. Ms. Hilder stated that the information is in the margins in her handwriting. Mr. Kirsten asked where the language is that states that the development is going to match the surrounding neighborhood. Mr. Hoffman stated that the residential guidelines in the zoning code states that new development should be consistent with the surrounding neighborhood. Mr. Kirsten asked where the language regarding the one-story to one-story and two-story to two-story houses being built adjacent is located in the CC&R's. Ms. Hilder stated that it is on page 2 section b.
- Commissioner Slater asked what the street width was on the first map verses this map. Mr. Hoffman stated that the width went from 32 feet to 33 feet. Mr. Slater asked where on the map or in the conditions does it limit the size and height of the dwelling that will be built on a particular parcel. Mr. Hoffman stated that there isn't a condition that limits the height or size. The Zoning Code regulates the area of the lot that can be covered by structures on the property. Mr. Slater asked if a developer comes forward and wants to lower the number of lots in the development. Mr. Hoffman stated that they can do that if they choose.
- Commissioner Gomes stated that there may be a misunderstanding regarding the single story structure is referring to the outbuildings on the same property not on surrounding properties. Chair Olsen concurred that is how she understood the language to read as well.
- Ron Heberle, Iris Drive, came forward to express his concern over the road widths. He stated that as a former Lodi Firefighter it is very difficult to negotiate the narrow roadways. He also stated his concerns with the lack of mitigation for the drainage issue. Vice Chair Cummins asked how the road widths are approved by Fire Administration but are difficult to navigate. Mr. Heberle stated that the guidelines are set by the City and those guidelines are not always the best ideas. Once the ideas are tried and fail the guidelines should be changed.

#### Public Portion of Hearing Closed

- Commissioner Kirsten stated that if the lots are draining into the pond and a retaining wall is installed shouldn't City staff be aware of that before building starts. Mr. Chang stated that the properties should not be draining onto an adjacent property and it isn't up to the city to mitigate that issue. Mr. Kirsten would like to see the city work to help mitigate this problem before it becomes an issue. He asked if a developer comes forward with a project that the Commission does not feel is conforming to the rest of the neighborhood can the application be denied. Mr. Hoffman stated that when a developer brings a Growth Allocation request forward the Commission does have the ability to deny the request if it does not feel the project conforms to the neighborhood.
- Commissioner Hennecke talked through the width of a street at 33 feet with two cars parked on either side at 8 feet each, can a fire truck fit between them. The consensus was that a fire truck can fit in 17 feet of space with the doors open.
- Commissioner Cummins asked if the CC&R's for Sunwest Unit 1 apply to this project. Mr. Hoffman stated that they do not apply to this proposed development.

- Commissioner Slater would like to see the road width increased to 34 feet. Mr. Hoffman stated that he would rather see the larger lots rather than a wider street. Mr. Slater added that he is having a real problem with the lack of concern by staff over the Tilden properties not being able to drain as they are currently. Mr. Hoffman stated that lots 1 – 6 along Tilden will have to agree to allow someone to come onto their property and do what needs to be done to mitigate the problem whether that be break up existing concrete or possibly tearing up establish flowerbeds.
- Vice Chair Cummins stated that there are several conditions in the resolution that refer to drainage. He asked if this will alleviate the problem. Mr. Chang stated that those conditions are from this map only. It does refer to offsite drainage issues. He added that if the current property owner decided today to fill the pond in with dirt there isn't anything that the city or this commission could do about the offsite issues it may cause for the neighboring parcels.
- Mr. Hoffman requested a five minute break to speak to the applicant.
- Chair Olson called for a 5 minute break (8:19).
- Chair Olson called the meeting back to order (8:23).
- Commissioner Hennecke asked if all subdivisions are supposed to be graded to drain to the street. Mr. Chang stated that all subdivisions are required to drain to the street. Mr. Hennecke stated for clarification that is a retaining wall is put in and it causes an issue for the neighbor because of the way that their properties drain whose responsibility is that to fix. Mr. Chang stated that the responsibility falls on the property owner whose property is draining to the rear instead of the front.

**MOTION / VOTE:**

The Planning Commission, on motion of Commissioner Cummins, Hennecke second, finds that the project has satisfied the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 – In-fill development consistent with the General Plan and Zoning Code and adopts a resolution approving a Subdivision Map for the Twin Arbors Subdivision, a 5.42 acre, 27 unit subdivision at 2040 Cochran Road, subject to the findings and conditions of approval contained in the draft resolution. The motion carried by the following vote:

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

**4. PLANNING MATTERS/FOLLOW-UP ITEMS**

Mr. Hoffman stated that a Notice of Intent for a development at the corner of Lower Sacramento Road and Turner Road that will have a public comment period brought before the Commission in March.

**5. ANNOUNCEMENTS AND CORRESPONDENCE**

None

**6. ACTIONS OF THE CITY COUNCIL**

None

**7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE**

Commissioner Slater gave a brief report regarding the item heard earlier tonight for the rebuilding of the F & M Bank on Cherokee Lane creating three tenant spaces. He added that F & M Bank will occupy one of the spaces along with Dutch Brothers Coffee and one other tenant.

8. ACTIONS OF THE LODI ART COMMISSION

Commissioner Kirsten gave a brief report regarding recent meetings. He added that the Walldogs will be proposing that the maintenance of the murals be moved to the City.

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

None

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

Commissioner Hennecke stated that there was a topic discussed at the state directors meeting which is in regards to a new tax law that has been proposed and the State has created maps with Opportunity Zones that will give you capital gains discounts if you have the properties in those areas. Lodi has a zone in the Blakely Park area.

Mr. Hoffman stated that in-fill developments are difficult and there are more that are headed to the Planning Commission in the near future. He added that the State isn't making any easier with the additional regulations that are imposed on jurisdictions regarding affordable housing. Mr. Hennecke stated that the State is using the idea of withholding transportation funds if jurisdictions don't meet the affordable housing requirements. He added that he spoke against the idea at the meeting by stating that it isn't good business to withhold funds from one program when the reason behind affordable housing not being built is the lack of funds.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8.37: p.m.

ATTEST:



Kari Chadwick  
Planning Commission Secretary