



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Conduct a public hearing to consider two different appeals, one from the Vineyard Christian Middle School and one from a group of neighbors regarding the Planning Commission's decision of July 26, 2006 to approve the site and architectural plan for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church located at 2301 West Lodi Avenue. (File # 06-SP-06)

MEETING DATE: September 6, 2006

PREPARED BY: Community Development Department

RECOMMENDED ACTION: That the City Council deny both appeals and uphold the Planning Commission's decision to approve a modified site plan and architectural design for the Vineyard Christian Middle School located on the grounds of Lodi Avenue Baptist Church, 2301 West Lodi Avenue.

BACKGROUND INFORMATION: The Vineyard Christian Middle School (VCMS) is a private middle school for 6th, 7th and 8th grade students. The school has been temporarily operating in Woodbridge for the past two years while it looked for a permanent facility for their school. On February 8, 2006, VCMS made a request to the Planning Commission for a Use Permit to locate their school on a portion of the property of Lodi Avenue Baptist Church located at 2301 West Lodi Avenue. There was a lengthy hearing and the Planning Commission heard from many speakers both for and against the project. The neighbors were concerned about the impact the proposed school might have on their neighborhood. They expressed concerns about increased traffic on Allen Drive, increased noise and litter, and the aesthetic impact on the school buildings. Because many questions were raised during the hearing, the Planning Commission continued the hearing to the following meeting of February 22, 2006 in order to obtain additional information from City staff, neighbors and the applicants.

On February 22, 2006, the Planning Commission continued the public hearing and received additional testimony and information from both the public and City staff. Following the conclusion of the hearing, the Planning Commission voted to grant a Use Permit to VCMS to locate their school on the Lodi Avenue Baptist Church property. The Use Permit was granted with a number of conditions placed on the project by the Planning Commission to address the various concerns of the neighborhood. One of the conditions was that the project be reviewed and approved by the Lodi Site Plan and Architectural Review Committee (SPARC) for final site plan and architectural issues prior to obtaining building permits.

APPROVED: 
Blair King, City Manager

Following the Planning Commission's approval of the project, several of the neighbors filed an appeal to the City Council, requesting that the Council overturn the Planning Commission's decision to grant the Use Permit.

On April 19, 2006, the City Council held a Public Hearing on the appeal of the VCMS Use Permit. Following an extensive discussion on the project, the City Council denied the appeal and upheld the decision of the Planning Commission to grant the Use Permit to Vineyard Christian Middle School.

Vineyard Christian Middle School then proceeded to the next step in the process, which was to submit their plans to the Site Plan and Architectural Review Committee (SPARC) for their approval. Prior to the SPARC meeting, VCMS placed the school buildings on the property at a location different from that shown on the approved Use Permit. On June 19, 2006, the VCMS project was reviewed by SPARC. The applicants made a presentation to the Committee showing a revised site plan and colored building elevations. The plans reviewed by SPARC differed somewhat from the plans presented to the Planning Commission however the Committee felt that the changes did not significantly alter the project and in some ways improved the overall site plan. Changes included rearranging the placement of the class room buildings, moving the buildings slightly south on the property, replacing an existing church building with a new restroom building of roughly the same size and location. The presentation also included plans for new fencing and landscaping along Allen Drive and a modification of the driveway and traffic circulation pattern. Following a thorough review of the proposal, SPARC approved the project subject to a list of conditions. One of the conditions was that VCMS return to the Committee with a final design of the fencing along Allen Drive as well as a landscape plan for the street frontage for final approval.

Some of the neighbors felt that SPARC had erred in their approval of the VCMS plans. They felt that the plans were substantially different than the plans approved by the Planning Commission and that the changes should not have been approved. Based on their concerns, they appealed the decision of SPARC to approve the VCMS site plan and building elevations and requested that the Planning Commission overturn SPARC' approval of the project design

On July 26, 2006, the Planning Commission held a Public Hearing to hear the appeal of the SPARC approval for the Vineyard Christian Middle School. The appealing parties, the project applicants and other interested parties all spoke before the Planning Commission detailing their thoughts on the issue. The neighbors appealing the SPARC decision felt that the plan approved by the Committee included changes that were not consistent with the plans approved by the Planning Commission. They felt that the changes made to the plans created additional impacts on their neighborhood, particularly the changes in the location and orientation of the classrooms, the addition of the restroom building and the relocation of the entry driveway. In response, VCMS stated that the changes were relatively minor in nature and were made to improve the overall project, improve student safety and provide a restroom facility for the school. They also stated that they were working around existing utilities on the site and trying to accommodate the preferences of the Church in terms of site modifications. After lengthy discussion, the Planning Commission took a vote on the appeal. The vote was 4-2 to deny the appeal and consequently the actions of the Site Plan and Architectural Review Committee stand.

Although the approval by SPARC was not overturned, the Planning Commission did make modifications to the approved SPARC plan. In addition to the conditions previously required by the Planning Commission and SPARC, the Planning Commission added the following conditions:

- 1) VCMS shall construct a 6-foot high fence along the entire Allen Street frontage of the school. The portion of the fence adjacent to the school buildings shall be a 6-foot high solid masonry fence. The masonry wall shall extend across the entire frontage of the school buildings, creating a visual screen between the buildings and Allen Drive. The remaining portion of the fence, extending from the north end of the masonry fence to the north property line of the school grounds shall be a 6-foot tall painted steel-tube fence with masonry pilasters every 16' on center. The area on the Allen Street side of the fence shall be planted with climbing vines and other types of landscaping to further screen the property. All fencing, landscaping designs, and planting material shall be subject to the review and approval of the Community Development Director.
- 2) The air-conditioner units on the ends of the modular buildings shall be covered with a screen wall as shown on the architectural elevations submitted to the Planning Commission. The walls shall be designed to visually screen the air-conditioners from Allen Drive and to provide some noise attenuation. The area adjacent to the screen shall be landscaped with climbing vines or other landscaping to provide further visual screening. The design of the screen wall, landscape design and planting material shall be subject to the review and approval of the Community Development Director.
- 3) The on-site circulation and parking area must be designed with the traffic flow moving in a counter clockwise direction. Both the entry and the exit to the school parking lot are to be located at the southern driveway, closest to Lodi Ave. A temporary barrier shall be placed across the center driveway to close this driveway during school hours. The parking lot must be re-stripped to reflect the change in the traffic flow direction. This circulation and parking plan must be analyzed and approved by the Public Works Department. If the VCMS plan does not work, the Planning Commission will re-visit the issue.
- 4) Enhanced landscaping shall be installed in the planter area south of the school buildings between the two driveways to the parking area. The landscaping plan and planting material shall be subject to the review and approval of the Community Development Director.
- 5) All required conditions as imposed by the Planning Commission and SPARC shall be installed and completed prior to the classrooms being occupied by students for school purposes.

Following the Planning Commission's action approving a modified site plan and architectural elevations for the VCMS project, two different appeals were filed within the legal appeal period. The appeals are as follows:

- 1) Vineyard Christian Middle School is appealing Condition #5 (listed above) that requires all conditions be complied with prior to the opening of the school. VCMS proposes to open the school once the buildings and general site work are completed and be able to install the fencing and other site improvements, including landscaping, by an agreed upon date that may extend beyond the time of the opening of school.
- 2) A group of the neighbors are appealing the project based on several different issues that include:
 - a. That changes made to the site plan violate the conditions of the original Use Permit.
 - b. That a change in the traffic circulation pattern will create traffic issues for the neighborhood.
 - c. That the applicant has made procedural violations in installing the classroom buildings and modifying the site that should void the Use Permit.

Based on the actions taken at the July 26, 2006 Planning Commission meeting, VCMS has submitted a revised plan that incorporates the 4 site plan conditions (listed above) required by the Planning Commission at their July 26 meeting. These include the required fencing along Allen Drive, the enhanced landscaping along the entire street frontage, the screening of the air-conditioners and a revised traffic circulation and parking design. VCMS also contracted with a traffic engineering consultant to prepare a traffic study based on the proposed circulation and parking design. This study will be completed and available as part of the staff presentation at the City Council meeting.

COUNCIL OPTIONS:

- Deny both appeals and confirm the Planning Commission's action of approval regarding the Use Permit. This is the recommended action.
- Approve the VCMS appeal, allowing the school to open while some work is still in progress.
- Approve the neighbors appeal and void all or a portion of the previous Planning Commission and SPARC approvals.

FISCAL IMPACT: None

FUNDING AVAILABLE: Not Applicable



Randy Hatch
Community Development Director

Attachments:

1. Resolution
2. Background information

cc: City Attorney

RESOLUTION NO. 06-_____

A RESOLUTION OF THE LODI CITY COUNCIL DENYING BOTH APPEALS AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE'S APPROVAL OF THE MODIFIED SITE PLAN AND BUILDING ELEVATIONS OF VINEYARD CHRISTIAN MIDDLE SCHOOL LOCATED AT 2301 WEST LODI AVENUE AND APPROVING A SIXTH MODULAR BUILDING, TRASH ENCLOSURE, FENCE AND LANDSCAPING (FILE #06-SP-06)

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

WHEREAS, the project proponent is Vineyard Christian Middle School; and

WHEREAS, the proponent obtained a Use Permit from the Lodi Planning Commission for a private middle school on February 22, 2006; and

WHEREAS, the property is zoned R-1, residential single-family; and

WHEREAS, the property is located at 2301 West Lodi Street; Lodi CA (APN 029-130-31); and

WHEREAS, the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and

WHEREAS, Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school with an enrollment of up to 84 students, that proposes to occupy a portion of the church property; and

WHEREAS, Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on church property; and

WHEREAS, schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit in accordance with Section 17.09.030 of the City of Lodi Municipal Code; and

WHEREAS, there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and

WHEREAS, the existing youth center building located furthest north of the existing church classroom buildings shall be replaced with a newer modular building; and

WHEREAS, all legal prerequisites to the adoption of said Resolution have occurred; and

WHEREAS, the Planning Commission approved a Use Permit for the VCMS on February 22, 2006, said Use Permit was appealed and the City Council denied the appeal of the

Planning Commission approval of the use permit thereby reaffirming the decision of the Planning Commission granting the Use Permit; and

WHEREAS, the proponent obtained approval from the Lodi Site Plan and Architectural Review Committee (SPARC) on June 19, 2006 to certain modifications of the use permit; and

WHEREAS, an appeal of the decision of SPARC to approve the Site Plan, driveway and various architectural related elements of the project was filed with the Community Development Director via the City Clerks office in accordance with the Lodi Municipal Code, Section 17.81.070; and

WHEREAS, the Planning Commission heard the appeal on July 26, 2006 and denied the appeal, confirming the actions of SPARC, adding 5 additional conditions; and

WHEREAS, two appeals of the decision of the Planning Commission to approve a revised site plan, driveway and various architectural related elements of the project were filed with the City Clerk's office in accordance with Municipal Code, Section 17.81.070; and

WHEREAS, based upon the evidence within the staff report and project file, the City Council of the City of Lodi hereby finds as follows:

1. That the Lodi Planning Commission and the Lodi Site Plan and Architectural Committee acted within the scope of their authority in approving the plans of Vineyard Christian Middle School.
2. That the plans approved by SPARC were substantially consistent with the plans approved by the Planning Commission which were endorsed by the City Council and that the changes in the site plan were made to improve the operation of the school and increase student safety.
3. That the changes made in the site plan will not create any additional significant impacts on the neighborhood.
4. The denial of this appeal will not constitute any special treatment of privilege to the Vineyard Christian Middle School.
5. That the conditions placed on the project by both the Planning Commission and the Site Plan and Architectural Review Committee will reduce or eliminate many of the issues brought forth by the public during the public hearings.
6. That the improvements made on the property including the new fencing and landscaping required for the Allen Drive frontage will enhance the overall appearance of the property.
7. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no natural habitat and no significant environmental impacts are anticipated and no mitigation measures have been required.

8. That the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.
9. That the church property has sufficient available space to accommodate the five modular school buildings and a playground area.
10. That because the church and the school have different schedules for the use of the property, the two uses will be compatible and will be able to share the property.
11. That the school can operate at this location without creating an adverse impact on the surrounding neighborhood.
12. That the 40 parking spaces on site with the additional 22 to 24 spaces curbside are expected to be adequate for both the school and church.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED, that the City Council upholds the original approval of the Site Plan and Architectural Review Committee and the added conditions of the Planning Commission (file number 06-SP-06), subject to the following conditions:

1. The Building Owner shall submit appropriate plans to the Community Development Department for plan check and building permit.
2. All construction shall be done with proper Building Department and Fire Department approvals and permits.
3. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.
4. The parking and driveway dimensions must comply with City parking design standards. (Public Works Standard Plan #134). The approved onsite traffic circulation plan must be designed with the traffic flow moving in a counter clockwise direction. Both the entry and the exit to the school parking lot must be located at the southern driveway, closest to Lodi Ave. A temporary barrier must be placed across the center driveway to close this driveway during school hours. The parking lot must be re-stripped to reflect the change in the traffic flow direction. The driveways must have appropriate directional signs. This circulation and parking plan must be analyzed and approved by the Public Works Department. If this plan is not feasible, the Planning Commission will re-visit the issue.
5. VCMS shall modify school hours so they will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, which ever works better for the school. The time difference shall be at least 10 minutes.
6. The regular school hours shall be Monday through Friday approximately 8:30 am to 3:10 pm (or modified per condition 5) with some allowance for additional time for special school events. No outdoor competitive sport events other than those

associated with physical education or normal school activities shall be held on-site.

7. VCMS shall coordinate its schedule of activities with Lodi Avenue Baptist Church to minimize scheduling conflicts.
8. VCMS shall prepare "Parking Lot Instructions" which shall be subject to review and approval by the Community Development Director. VCMS shall provide the family of each student a copy of the document and obtain their agreement to adhere to the requirements.
9. VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor shall make sure that the traffic flows smoothly and safely by assisting parents and making sure that the "Parking Lot Instructions" are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.
10. VCMS shall provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.
11. VCMS shall provide parking for the physically disabled. The parking spaces shall be located as close as possible to the primary entrance of the school; and
 - a. Provide identification signs for the parking spaces including the "Tow away" sign at each entrance or visible from each space.
 - b. The slope of a parking space shall not exceed $\frac{1}{4}$ inch per foot.
 - c. Provide one van parking space.
12. A refuse enclosure that complies with City standards shall be constructed. Plans for the enclosure shall show dimensions and building materials and the enclosure shall be large enough to include an area for recycling containers as well as solid waste. Plans shall be submitted to the Community Development Department for approval.
13. VCMS shall provide an adequate number of garbage receptacles placed around the school campus. VCMS shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. VCMS shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.
14. VCMS shall construct a 6-foot high fence along the entire Allen Street frontage of the school. The portion of the fence adjacent to the school buildings shall be a 6-foot high solid masonry fence. The masonry fence shall extend across the entire frontage of the school buildings, creating a visual screen between the buildings and Allen Drive. The remaining portion of the fence, extending from the north end of the masonry fence to the north property line of the school grounds shall be a 6-foot tall painted steel-tube fence with masonry pilasters every 16-feet on

center. The area on the Allen Drive side of the fence shall be planted with climbing vines and other types of landscaping to further screen the property. All fencing, landscaping designs and plant material shall be subject to review and approval by the Community Development Director.

15. A detailed landscape plan shall be submitted to the Community Development Department for approval. The plan must provide for new landscaping along the Allen Drive frontage. The landscaping shall include a 24" to 30" high mounding feature along this frontage. The mound shall be planted with ground cover, shrubs and trees to provide a landscaped screening effect along the street. The landscape Plan and plant material shall be subject to review and approval by the Community Development Director.
16. The classroom buildings shall be given additional architectural treatment. The walls of the buildings will be painted to match the church buildings field color, currently a "Driftwood Dune" color. The trim around all the windows, doors and roofs shall all be painted to match the church's trim color, currently an "Oregon Trail" paint color to provide some contrasting color to the classrooms. The applicant should also consider additional treatment that could improve the exterior appearance of the buildings. All paint colors shall be subject to the review and approval of the Community Development Director.
17. The air conditioner units on the ends of the modular buildings shall be covered with a screen wall as shown on the architectural elevations submitted to the City. The walls shall be designed to visually screen the air-conditioners from Allen Drive and to provide some noise attenuation. The area adjacent to the screen shall be landscaped with climbing vines or other landscaping to provide further visual screening. The design of the screen wall, landscaping plan and plant material shall be subject to the review and approval of the Community Development Director.
18. Enhanced landscaping shall be installed in the planter area south of the school buildings between the two driveways to the parking area. The landscaping plan and plant material shall be subject to the review and approval of the Community Development Director.
19. Payment of Development Impact Mitigation Fees is required at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be \$58,301.04. The fees are based on information provided by Vineyard Christian Middle School and contained in the SPARC application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,800 square feet and a building pad area of 14,000 square feet. This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and the impact fee schedule in effect at the time of issuance of the building permit. A change in the fees is anticipated in the near future.
20. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff

showing the locations of the required signs and markings is available. The work shall be completed by the owner's contractor under the terms of an encroachment permit issued by the Public Works Department prior to commencement of the work. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first. All work shall be done in conformance with City standards and specifications.

21. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, the estimated cost would be approximately \$2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.
22. Any new driveways shall be commercial driveways conforming to Standard Plan 111. The unused driveway shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way.
23. Construction and storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003.
24. The location of the over-head electric power line shown on the site plan will need to be confirmed by the City. If the actual location of the line conflicts with any proposed buildings or with Electric Utility Department standards, the line may need to be relocated with the relocation cost paid by the applicant.
25. VCMS shall obtain all required building and fire permits for any new work and shall obtain all required permits and pay established penalties for work already done without permits.
26. The conditions imposed by the Planning Commission and SPARC as set forth hereinabove shall be installed and completed prior to the classrooms being occupied by students for school purposes.

BE IT FURTHER RESOLVED, based on these findings, the City Council denies both appeals and upholds the decision of the Planning Commission and the Site Plan and Architectural Review Committee approving the modified plans of Vineyard Christian Middle School for a new school at 2301 West Lodi Avenue subject to said conditions of approval.

Dated: September 6, 2006

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I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 6, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

Approved as to Form:

JANICE D. MAGDICH
Deputy City Attorney

2006-_____

Planning Commission
February 8, 2006
Staff Report and
Minutes

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: February 8, 2006

APPLICATION NO: Use Permit U-05-020

REQUEST: The request of Lodi Avenue Baptist Church for approval of a Use Permit to allow operation of the Vineyard Christian Middle School on their property at 2301 W. Lodi Ave.

LOCATION: 2301 West Lodi Ave.
APN 029-130-31

APPLICANT: Lodi Avenue Baptist Church
2301 West Lodi Ave.
Lodi, CA 95242

PROPERTY OWNER: 1st Southern Baptist
2301 West Lodi Ave.
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Lodi Avenue Baptist Church to allow the Vineyard Christian Middle School to locate a private middle school on their church property at 2301 West Lodi Ave., subject to the conditions in the attached resolution.

SUMMARY

Lodi Avenue Baptist Church is proposing to locate a Christian middle school (six, seventh and eighth grade) on a portion of their church property at 2301 West Lodi Ave. The school, Vineyard Christian Middle School (VCMS), is currently located on the site of Woodbridge School, which is currently being remodeled. When the Woodbridge School remodel is complete, VCMS will need to relocate to a different site. Lodi Avenue Baptist Church has made available an unused portion of their property for the school. Before VCMS can relocate to this property, they will need to secure a Use Permit from the Lodi Planning Commission for the operation of a school. The school will operate Monday through Friday, from 8:30 am to 3:10 pm. The school has a student population of 75 that will be housed in five modular buildings that will be moved on to the site.

PROJECT/AREA DESCRIPTION

General Plan Designation: LDR, Low density residential.

Zoning Designation: R-1, residential single-family

Property Size: 2.64-acres.

The adjacent zoning and land use designations are as follows:

- North:** R-1, residential single-family and Public. The property immediately north of the church property contains a private swimming club that is open seasonally. North of the pool is Henry Graves Park, a City park/basin.
- South:** R-1. The area to the south, across Lodi Ave. is single-family residential.
- East:** R-1. The area to the east, across Allen Drive is single-family residential.
- West:** PD (27) Planned Development. West of the church site is Parkview Terrace, an 8.2-acre planned unit development that contains an adult residential community.

BACKGROUND

Vineyard Christian Middle School is an existing private 6th, 7th and 8th grade Christian middle school that is located on a temporary basis on the grounds of the Woodbridge School, a school site owned by the Lodi Unified School District (LUSD). The LUSD buildings on the site are being extensively remodeled to provide a modern elementary school facility. During the remodeling all the LUSD students have been relocated to other schools and no public school students are currently on site. The VCMS students are housed in modular classroom buildings located on a corner of the school property. The Woodbridge Elementary School is scheduled to reopen in the fall of 2006. When this happens, VCMS will have to relocate, and they have selected the Lodi Ave. Baptist Church property at 2301 West Lodi Ave. as their choice for a new school site. The VCMS is not directly affiliated with the Lodi Ave. Baptist Church and will only be leasing land from the church.

ANALYSIS

The Lodi Avenue Baptist Church is located on a 2.6-acre parcel of land at the northwest corner of Allen Drive and West Lodi Ave. The church and related Sunday school classrooms are located on the south half of the property. The north half of the property contains a portion of the church parking lot, an open lawn area and a church parsonage, which is located on the northern-most portion of the property. The Vineyard Christian Middle School will be located in the center of the property between the church and the church parsonage. The proposed site is partially paved and partially planted in lawn. The classrooms will be placed on the paved area which is currently part of the church parking lot and the lawn area will serve as the school playground. Placement of the school buildings on the paved area will result in the loss of approximately 14 parking spaces, leaving the church with approximately 47 parking spaces. The City's parking standards are based on one parking space required for every four seats in the church sanctuary. The Lodi Ave. Baptist Church has a sanctuary that seats 300 people. This requires 75 parking spaces. According to the church, their normal Sunday services are attended by 80 to 100 parishioners. Based on their actual attendance, they will have sufficient parking, even after the reduction in the number of parking spaces.

Vineyard Christian Middle School is proposing to place five modular buildings on the church site. Each of the buildings is 20' x 40' in size. Four of the units will be classrooms and the fifth unit will house an office and restroom facilities. The five buildings will be arranged in a U-shape facing south. The grass area to the north of the buildings will serve as outdoor play areas. There will also be some paved play areas adjacent to the classrooms. Parking for the 5 staff members will be provided adjacent to the school. A 5-foot high fence will be constructed along the east side of the school to provide a separator between the school and Allen Drive.

According to their application, VCMS has a student population of 75 middle-school students who attend school from 8:30 am to 3:10 pm. Monday through Friday on a traditional school calendar.

For a period of one-half hour before and after school, students are regularly dropped off or picked up by parents or guardians. A regular school day includes seven 45-minute class periods, a 15-minute morning break, and a 45-minute lunch period. Students eat lunch outside on picnic tables or in the class rooms. The school is a closed campus. The school does offer a sports program but most practices and games are held off-site at other Lodi facilities. The application states that activities conducted before or after the hours of 8:00 am or 4:00 pm are typically held off campus.

The school will operate during daytime hours, Monday through Friday. By contrast, the church is most active on weekends, particularly on Sundays and on certain weekday nights. Because the facilities operate on different schedules, there should be minimal conflict between the church and the school. According to the site plan there is sufficient space on the Lodi Avenue Baptist church property to accommodate the school without significantly impacting the church. The area that the school will occupy is currently unused by the church and will not affect their operations.

The church property is located on the corner of Lodi Ave. and Allen Drive. Lodi Ave. is a major east-west arterial serving much of central Lodi and has an average daily vehicle trip count of 6,900 vehicles per day. Lodi Avenue along with Allen Drive will provide the access to the school site. Allen Drive has an average daily trip count of 761, fairly typical for a residential street. Figures provided by the school indicate that the school will have 75 students and 5 employees. Using data from the Institute of Traffic Engineers (ITE), middle schools generate 1.6 vehicle trips per students/employees. The school could generate 130 additional daily vehicle trips. It is likely that some students will carpool, walk or bike to school, reducing the number of vehicle trips. The increase in traffic volume will probably be most noticeable on Allen Drive. The impact of the additional vehicles will be lessened to some degree by the fact that the school site is near the intersection of Lodi Ave. so many of the vehicle trips will only travel one or two blocks of Allen Drive. While the additional vehicle trips may be noticeable to neighbors, particularly the 5 or 6 houses that are directly across from the church property, an increase of 130 vehicle trips on Allen Drive is still within the acceptable traffic volume for a residential street.

The school will have some buffering from surrounding properties. The properties most directly affected will be the 6 corner parcels along the east side of Allen Drive directly across the street from the church property. They will experience some increase in traffic on Allen Drive adjacent to their properties and an increase in the level of activity on the church property, including noise as a result of the presence of the school. Properties to the south will be buffered by the existing church buildings on the property as well as Lodi Ave., a four-lane street that separates them from the church property. The property to the west is an adult residential community. They are separated from the church property by a six-foot high block wall. The block wall surrounds their complex on three sides and is higher along Lodi Ave. and Lower Sacramento Road. Because of the wall and the fact that their entrance is on Lodi Ave., they will not be directly affected by the increased traffic or be visually affected by the increase in the level of activity created by the school. They may experience some increase in noise although it will be limited to day time hours and primarily during periods when the students are outside of the classrooms.

The block wall separating the properties will reduce the noise levels and there are numerous trees planted on both sides of the fence that visually screen the school site from the houses to the west.. To the north, there is a church parsonage, a private seasonal swim club facility and a City park/basin. Only the church parsonage will be affected to any degree and presumably the church has considered this before making the site available to the school. Overall, the school will be buffered as well as most school sites in Lodi. Almost all schools in Lodi are located in residential areas and most have residences that face, side or rear to the school property. Schools are a permitted use in residential zones with approval of a Use Permit. In most cases the schools, particularly the public schools, have a much larger student population and a much larger campus. Generally speaking, schools and neighborhoods seem to coexist and the sponsors of the Vineyard

Christian Middle school seem willing to address any problems that may come up once the school is in operation.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorical Exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is classified as an “In-fill Project”, less than 5-acres in size; surrounded by urban development and served by City utilities; consistent with the zoning and where no significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE

Legal Notice for the Use Permit was published on January 28, 2006. 62 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

Respectfully Submitted,

Concurred,

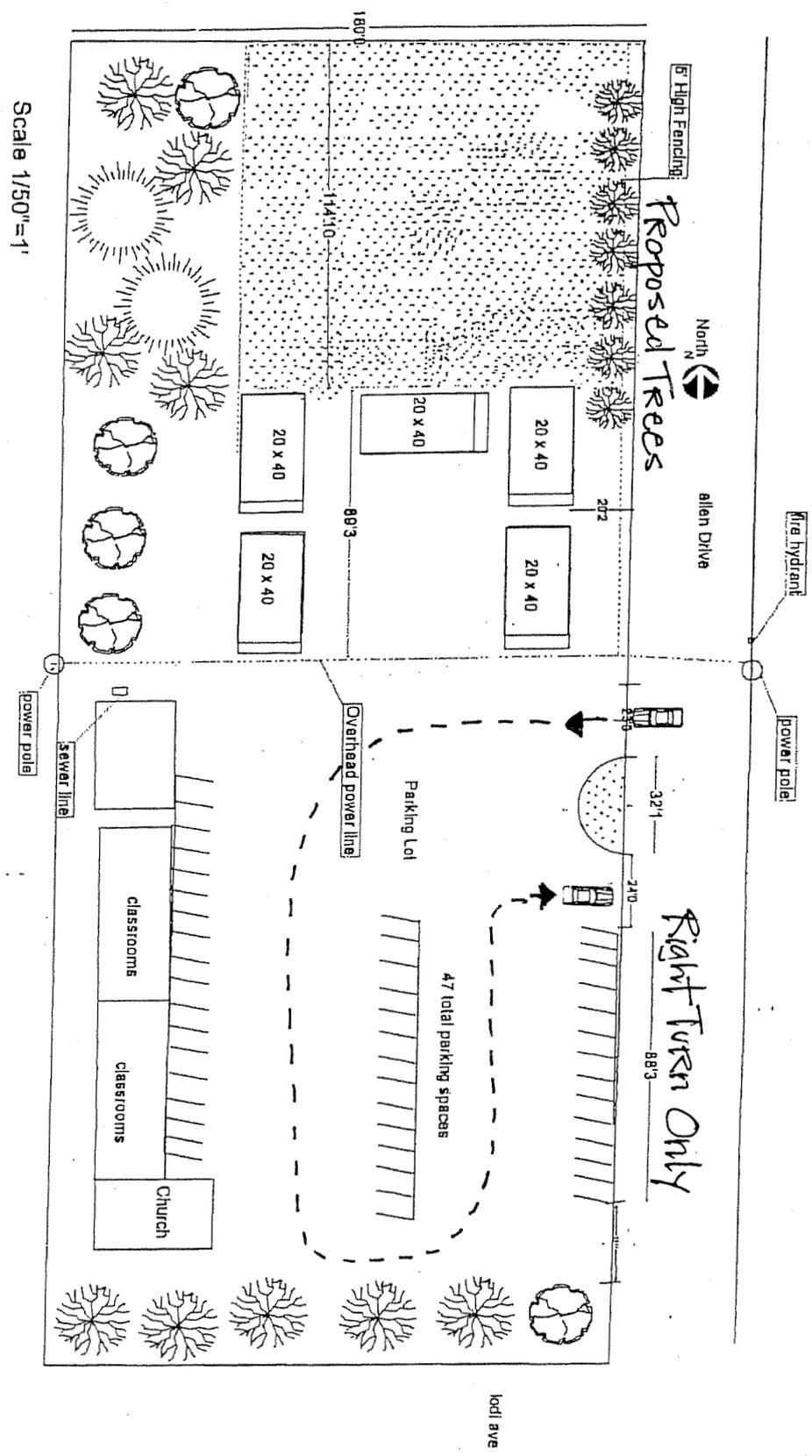
David Morimoto
Senior Planner

Randy Hatch
Community Development Director

- ATTACHMENTS**
1. Vicinity Map
 2. Site Plans
 3. Aerial photo
 4. Draft Resolution

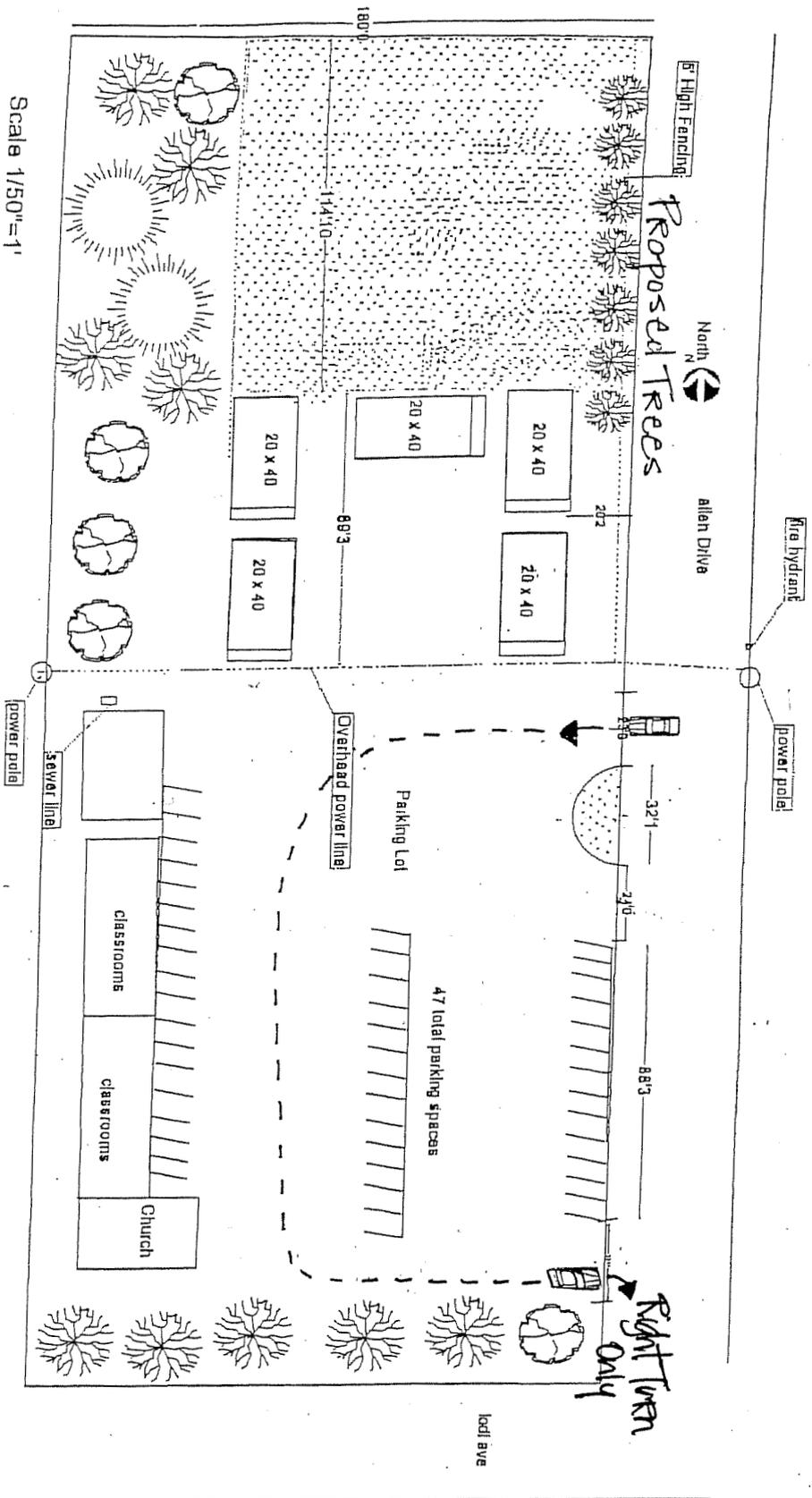
RH/pp/dm/kc

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Scale 1/50"=1'

Exhibit B



Scale 1/50"=1'

Exhibit A

ATTENTION

VINEYARD CHRISTIAN MIDDLE SCHOOL FAMILIES!

IMPORTANT PARKING LOT INSTRUCTIONS

Beginning immediately, note the following directions for parking lot procedures:

- Please use the **PARKING LOT ONLY** for pickup and drop-off of students. **DO NOT** park or stop on Allen Drive.
- Please enter the school parking lot from Allen Drive. Access the parking lot from the **NORTH** driveway only.
- Proceed into the parking lot, heading due west, following the circular flow of traffic— as indicated on the attached map.
- **DO NOT** stop in the flow of traffic...pull into a parking spot and park!
- During morning drop off, students are to exit the cars **ONLY** after they are parked, and proceed to the campus. Students will be assisted by parking lot attendant.
- After school, students will wait on campus. With the assistance of the parking lot attendant, students will access **ONLY** parked vehicles.
- When exiting the parking lot, pull back into the flow of traffic and exit from the **SOUTH** driveway **ONLY**- as indicated on the attached map. When entering onto Allen Drive, make a **RIGHT TURN ONLY**.
- Proceed south on Allen Drive to Lodi Avenue.

Please keep traffic on Allen Drive to a minimum. Access to VCMS between the hours of 8:00 a.m. and 4:00 p.m. is limited to the parking lot. Thank you for your cooperation in the matter.

RESOLUTION NO. P.C. 06-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF LODI AVENUE BAPTIST CHURCH FOR A USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE ON CHURCH PROPERTY AT 2301 WEST LODI AVENUE

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

WHEREAS, the project proponent is Lodi Avenue Baptist Church; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the property is zoned R-1, residential single-family; and

WHEREAS, the property is located at 2301 West Lodi Avenue, Lodi, CA (APN 029-130-31); and

WHEREAS, the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and

WHEREAS, Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school that would like to occupy a portion of the church property; and

WHEREAS, the Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on their property; and

WHEREAS, schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit accordance with Section 17.09.030 of the City of Lodi Municipal Code; and

WHEREAS, there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and

WHEREAS, Vineyard Christian Middle School operates Monday through Friday on a traditional school schedule; and

WHEREAS, the school anticipates that most extra-curricular events; including athletic programs, practices and games will be held off-site at other local facilities; and

WHEREAS, the Vineyard Christian Middle School is a closed campus and students will not leave campus during school hours with out permission of the school administration; and

Based upon the evidence within the staff report and project file by the Planning Commission of the City of Lodi makes the following findings:

1. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no habitat and no significant impacts are anticipated and no mitigation measures have been required.
2. It is determined that the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.
3. It is determined that the church property has sufficient available space to accommodate the five modular school buildings and a playground area.

4. It is determined that because the church and the school have different schedules for the use of the property, the two uses will be compatible and be able to share the property.
5. It is determined that the school can operate at this location without creating an adverse impact on the surrounding neighborhood.
6. It is determined that the 47 parking spaces on site are expected to be adequate for both the school and church.

NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED, that Use Permit Application No. U-05-020 is hereby approved, subject to the following conditions:

- A. The final site plan and building elevations for the project be reviewed and approved by the City of Lodi Site Plan and Architectural Review Committee (SPARC) prior any building being permanently located on the property.
- B. All construction be done with proper Building Department and Fire Department approvals and permits.
- C. The parking lot be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.
- D. The VCMS monitor the morning and evening drop-off and pick-up periods to assure that traffic flow on and off the site is safe and does not adversely affect traffic flow on adjacent streets.
- E. The VCMS provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.
- F. The VCMS coordinate their schedule for activities with the Lodi Ave. Baptist Church to minimize scheduling conflicts.
- G. Payment of Development Impact Mitigation Fees at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be \$52,420.50. Fee calculations are shown on the Development Impact Mitigation Fee Summary Sheet which will be provided to the applicant. The fees are based on information contained in the use permit application and represent 75 students, 5 full time equivalent (FTE) employees, a building area of 4,000 square feet and a building pad area of 14,000 square feet. This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and will be those in effect at the time of issuance of the building permit. A change in the fees is anticipated in the near future.
- H. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available for reference. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first.

The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, we estimate the cost to be approximately \$2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public

Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

- I. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.
- J. The VCMS shall construct a fence (the design to be approved by the Community Development) along the east side of the school as a separator between the school and Allen Drive.
- K. The regular school hours shall be Monday – Friday approximately 8:30 am to 3:10 pm with some allowance for additional time for school events and no outside practices or games other than those associated with physical education shall be held on-site.

Dated: February 8, 2006

I hereby certify that Resolution No. 06-05 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 8, 2006 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Secretary, Planning Commission

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 8, 2006**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 8, 2006, was called to order by Chair Heinitz at 7:00 p.m.

Present: Planning Commissioners – Cummins, Haugan, Kuehne, Moran, White, and
Chair Heinitz

Absent: Planning Commissioners – None

Also Present: Community Development Director Randy Hatch, Senior Planner David Morimoto,
Planner Manager Peter Pirnejad, Deputy City Attorney Janice Magdich, and
Administrative Secretary Kari Chadwick

2. MINUTES

a) None

Note: Item “b” was heard first.

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 Heinitz called for the public hearing to consider The request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue. (File#: U-05-020, Applicant: Lodi Avenue Baptist Church)
CEQA Status: Exempt Resolution #: P.C. 06-05.

David Morimoto, Senior Planner, reported that The Vineyard Christian Middle School (VMCS) is an existing school that is located on the Woodbridge Middle School grounds. In the fall of 2006 the LUSD plans to open the campus again as a grade school and therefore the private school is in need of a new home. The site they have selected is Lodi Avenue Baptist Church property. The Church is surrounded by single family homes on the east, south and west sides and to the north is a community pool and Graves Park. VMCS would like to locate the buildings in the middle section of the parcel. The zoning ordinance does allow for a school in residential neighborhoods with a Use Permit. They would like to open at the 2301 West Lodi Avenue address in the fall of 2006. They operate Monday through Friday on a standard school calendar during the hours of 8:30 – 3:10 p.m. with a half hour before and after for drop offs and pickups. They would like to locate five modular buildings in the center of the property. Three of the buildings will be used for classrooms, one for a multi-purpose room, and the fifth will be a combination of office and restrooms. They will be a tenant leasing the area from the church not an affiliate of the church. There will be no sporting events held on the premise other than regular PE activities. A five foot fence will be put along Allen Drive to help secure the school area from Allen Drive.

In response to Chair Heinitz, Mr. Morimoto stated that the fence would start at the north end and come down to the parking lot area. The applicant hasn't indicated what style of fence they plan on putting up.

In response to Commissioner Cummins, Mr. Morimoto stated that the current parking is sufficient for the current church attendance but would fall short if the church was filled to capacity. There is parking available on the street but that is not used to meet required parking.

In response to Commissioner Moran, Mr. Morimoto stated that the traffic on Lodi Avenue would not be significantly affected but Allen Drive would get an increase of 130 vehicle trips per operating day. Paula Fernandez in the Public Works department didn't feel that the traffic in the intersection would be significant. Public Works did anticipate having to post for a school zone and the painting of crosswalks.

In response to Chair Heinitz, Mr. Morimoto stated that there is not a requirement for the amount of grass area that a school has to have. It would be possible to push the modulars back further onto the grass area to allow more parking if necessary.

In response to Vice Chair Kuehne, Mr. Morimoto stated that the traffic department didn't indicate that there was a problem given the amount of accidents.

In response to Commissioner Moran, Mr. Morimoto stated that the applicants have indicated that they will be moving the dumpsters so the flow of traffic in and out of parking lot would be more cohesive. Randy Hatch, Director, added that the final plans are not before the Planning Commission because the design process will go to SPARC if the Use Permit is approved.

Mr. Morimoto mentioned that the Community Development Department received three letters in protest of the project and they have been copied for the Commissioners. He also went through photos taken of the property and the surrounding areas.

In response to Commissioner White, Mr. Morimoto stated that there are seventy five students currently enrolled in the school.

Hearing Opened to the Public

- George Lepart, representative for Vineyard Christian Middle School, read a letter in support of the school from Pat Patrick, Chamber of Commerce. The church and LUSD have had a very good relationship. The School has made many improvements to the current site and plan to do the same to the project site. A chain link fence does not meet the standards for this school and has not been an option in the design process. Mr. Lepart shared some future design ideas shown on design boards.

In response to Commissioner Cummins, Mr. Lepart stated that there could only be a maximum of 84 total students which works out to be 28 students per grade.

In response to Vice Chair Kuehne, Mr. Lepart stated that the School meetings/Chapel will be held in one of the modular buildings and Vinewood Community Church has agreed to be their home sports complex. The student teacher ratio will not increase. He also stated that the flow of the drop off and pick up will be whatever it needs to be to work cooperatively with the surrounding neighborhood and staffs recommendations. The School start and stop times can be modified to work along with the times of St. Peters School.

In response to Chair Heinitz, Mr. Lepart stated that the modulars will be removed when the addition to the church is made.

In response to Commissioner Haugan, Mr. Lepart stated that the cost is not something that the school is worried about at this time. The results that are seen in the students that come from the school are what make it worth the effort. Previously used modulars are what will probably be used on the site, but regardless of what is used they will be made to be sightly and tidy.

Pastor Mike Abdollahzadeh, Senior Pastor of Lodi Avenue Baptist Church, came forward to express the support of the church officials and the congregation for this project.

In response to Chair Heinitz, Pastor Abdollahzadeh stated that he had approached some of the neighbors that were out walking and it was not well received. He also stated that some of the school board members also went in small groups around the neighborhood, but was not aware of the results of that outing.

Paula Peterson, 2224 Jackson Street, came forward to express her reluctance to have the school in her neighborhood because of the traffic issues. She and her husband walk everyday and see the way the parents drive. Her husband was hit by one of the "responsible" parents dropping off their child at St. Peters. The traffic is already bad and will be an issue. Mrs. Peterson also expressed her concern with the lack of area that the students have for physical education. She would also like to know where the students will be eating their lunches.

Linda Reichert, 2219 West Walnut Street, came forward to express her reluctance to have the school in the neighborhood because of the traffic and the lack of facilities for the students to eat their lunch and have some recreation area. The grass area along the fence is currently used by the cats in the neighborhood for hunting and for a sandbox. It is not sanitary for children. It is also an ankle breaker with all the pot holes that are there. Her other concerns are regarding landscaping, the type of fencing and the entire look of the area after the modulars are placed on the property. Chair Heinitz reassured her that this would not be the final step in the process for the school. They will still have to go before the SPARC Committee for a site plan review. She would also like everyone to keep in mind that this school is not a neighborhood school in so far as the students attending the school are not from the neighborhood which means that all the students will have to be driven to and from the school.

In response to Vice Chair Kuehne, Mr. Lepart stated that the lunch area will be outside in good weather and in the portables when the weather is poor.

Public Portion of Hearing Closed

- In response to Commissioner Haugan, Mr. Hatch stated that the Public Works Department has taken into account the information regarding the traffic that already exists. He also stated that there will be 47 parking spaces left for cars after the modulars have been put into place and that there will be space available for picking up the children during bad weather.

Commissioner Cummins stated that all schools have traffic issues. The school is a positive move toward meeting our infill needs. He is also comfortable with SPARC handling the aesthetics of the project.

MOTION:

Commissioner Cummins motioned, Heinitz second for the purpose of discussion only to approve the request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue.

Discussion on the motion:

Chair Heinitz stated that he is a big supporter of the people coming out and stating their opinion. He has a big concern with the traffic issue because like Mrs. Reichert said this is not a neighborhood school and that will mean up to an additional seventy-five cars twice a day on that street.

Motion never went to vote.

MOTION:

Vice Chair Kuehne motioned, Cummins second to add an amendment to the original wording to modify condition, Item K with a start time of 8:30 a.m. to a finish time of 3:05 p.m.

Under discussion on the motion:

Commissioner Haugan would like to see the project happen but would like to see the request continued with additional work by staff to see if something can be done with the traffic issue to help gain the support of the people that live there, but as the motion stands now he would have to vote no.

In response to Commissioner Cummins, Mr. Hatch stated that the Public Works Department determined that the increase in traffic would not be significant over and above the current pattern. Staff can go back and request further information if that is helpful to satisfy everybody's concerns. Mr. Hatch also stated that the intersection does not warrant a traffic light.

Commissioner Moran would have to vote no at this point. She would like more information from Public Works regarding the traffic issue.

The motion failed by the following vote:

Ayes: Commissioners – Kuehne and Cummins
Noes: Commissioners – Haugan, Moran, White, and Chair Heinitz
Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Haugan, Kuehne second, to continue the Item to the meeting of February 22, 2006.

Ayes: Commissioners – Cummins, Haugan, Kuehne, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Abstain: Commissioners – None

The motion to continue carried.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider The request for approval of a Tentative Parcel Map to allow an existing office building to be divided into a six-unit office condominium at 1745 West Kettleman Lane. (File#: 05-P-009, Applicant: Western Professional Buildings)
CEQA Status: Exempt Resolution #: P.C. 06-06

David Morimoto, Senior Planner, reported that this item had a related item before the Planning Commission last year when the lot was created. A six unit office building has been constructed and the offices were designed to be six separate units with separate entries under one single owner. The idea now is to create six separate office condominiums with six separate owners with an association to manage the property (e.g., landscaping, repairs, etc.). The parcel would be owned in common by all the owners of the condos. The property is surrounded by other offices and single-family residents.

In response to Chair Heinitz, Mr. Morimoto stated that the offices were constructed with a potential property line wall. The building code does not treat this type of condo the same

Continued

as a residential condo. The Buyers will have to go through the Department of Real Estate for CC&R's.

In response to Commissioner Haugan, Mr. Morimoto stated that the CC&R's would cover the agreement of who takes care of the grounds. Randy Hatch, Community Development Director, stated that there is a condition in the resolution (section 4) that gives City staff the opportunity to review and modify the CC&R's if necessary to insure property maintenance.

Hearing Opened to the Public

- Brian Gorbet, Dillon and Murphy Engineers, came forward to answer questions and stated that he concurred with Staffs findings.

Public Portion of Hearing Closed

- No Commission Discussion

MOTION / VOTE:

The Planning Commission, motion of Commissioner Haugan, Moran second, to approve the request for approval of a Tentative Parcel Map to allow an existing office building to be divided into a six-unit office condominium at 1745 West Kettleman Lane. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kuehne, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Abstain: Commissioners – None

4. PLANNING MATTERS

A new section that will be appearing from time to time will be "Planning Matters" it will consist of articles and information that might be of interest.

Mr. Hatch reported on current larger planning projects. There has been forward movement in the Frontiers EIR, a draft is expected in March. The Blue Shield/Reynolds Ranch NOP is out for comment and in another month or so we will have an EIR for that.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Next week council will hold the Miller Ranch Public Hearing.

Mayor Pro Tempore Johnson asked to re-visit the Council authorization to get proposals to hire a consultant regarding the greenbelt issue.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

9. ART IN PUBLIC PLACES

None

Continued

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Haugan asked if the Commission should have a CEQA desk book. Mr. Hatch responded that there are many books and manuals available but the best place for the Commissioners to get information is at the Monterey Conference.

Janice Magdich invited the Commissioners to participate in the Centennial Cookbook that the City is putting together.

12. ADJOURNMENT

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

ATTEST:

Randy Hatch
Community Development Director

Planning Commission
February 22, 2006
Staff Report and
Minutes

**CITY OF LODI
PLANNING COMMISSION
Supplemental Staff Report**

MEETING DATE: February 22, 2006

APPLICATION NO: Use Permit U-05-020

REQUEST: The request of Lodi Avenue Baptist Church for approval of a Use Permit to allow operation of the Vineyard Christian Middle School on their property at 2301 W. Lodi Ave.

LOCATION: 2301 West Lodi Ave.
APN 029-130-31

APPLICANT: Lodi Avenue Baptist Church
2301 West Lodi Ave.
Lodi, CA 95242

PROPERTY OWNER: 1st Southern Baptist
2301 West Lodi Ave.
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Lodi Avenue Baptist Church to allow the Vineyard Christian Middle School to locate a private middle school on their church property at 2301 West Lodi Ave., subject to the conditions in the attached resolution and any of the attached supplemental conditions.

SUMMARY

Lodi Avenue Baptist Church is proposing to locate a Christian middle school (six, seventh and eighth grade) on a portion of their church property at 2301 West Lodi Ave. The school, Vineyard Christian Middle School (VCMS), is currently located on the site of Woodbridge School, which is currently being remodeled. When the Woodbridge School remodel is complete, VCMS will need to relocate to a different site. Lodi Avenue Baptist Church has made available an unused portion of their property for the school. Before VCMS can relocate to this property, they will need to secure a Use Permit from the Lodi Planning Commission for the operation of a school. The school will operate Monday through Friday, from 8:30 am to 3:10 pm. The school has a student population of 75 that will be housed in five modular buildings that will be moved on to the site.

PROJECT/AREA DESCRIPTION

General Plan Designation: LDR, Low density residential.

Zoning Designation: R-1, residential single-family

Property Size: 2.64-acres.

The adjacent zoning and land use designations are as follows:

- North:** R-1, residential single-family and Public. The property immediately north of the church property contains a private swimming club that is open seasonally. North of the pool is Henry Glaves Park, a City park/basin.
- South:** R-1. The area to the south, across Lodi Ave. is single-family residential.
- East:** R-1. The area to the east, across Allen Drive is single-family residential.
- West:** PD (27) Planned Development. West of the church site is Parkview Terrace, an 8.2-acre planned unit development that contains an adult residential community.

BACKGROUND

At the Planning Commission meeting of February 8, 2006, a public hearing was held to consider the request of the Lodi Avenue Baptist Church for a Use Permit to allow the Vineyard Christian Middle School to locate their school on the Church property. At the meeting, several neighbors of the Church spoke to express their objections to the proposed school being placed on this property. The issues the neighbors were most concerned with are as follows:

1). Traffic on Allen Drive.

Neighbors were concerned that the proposed school will generate additional traffic on Allen Drive. They indicated that Allen Drive was a residential street with relatively low traffic volumes. They were concerned that the addition of 75 students and 5 staff would impact the street and neighborhood, particularly during morning and afternoon pick-up and drop-off periods. They also felt that the problem was compounded by the nearby St. Peters Lutheran School located at the corner of Oxford Way and Lower Sacramento Road. They felt that many of the parents of students at St. Peters also used Allen Drive to come and go from that school. They felt the combination of traffic from both schools would create a hazardous situation on Allen Drive.

2). Increased activity, noise and litter as a result of the school being located on this property.

Neighbors were concerned that the school will generate more activity on the church property relative to what was there now. They felt that the church was a relatively unobtrusive use, with activity primarily on Sundays and during special events at the church. The school will have students on site Monday through Friday, 9 months a year. They felt that the added presence of students would create noise and litter that will affect the neighborhood.

3). Aesthetic concerns.

Neighbors were concerned about the visual effects the school would have on the neighborhood. The applicant's are proposing to move 5 modular buildings onto the property. These will include 4 classrooms buildings and one office building. The neighbors expressed concern about the appearance of the buildings and how they would look from their residences across Allen Drive. They noted that the property is open along the Allen Drive frontage and there is no fence or other type of screening. There are only a limited number of trees planted along Allen Drive and no shrubs or other landscaping that could serve to screen the property.

ANALYSIS

Staff has reviewed the concerns expressed at the meeting and has the following comments:

1). Traffic.

Based on our calculations, the school could generate 130 additional vehicle trips per day. This would be in addition to the current volume of 761 vehicle trips per day on Allen Drive. The capacity of Allen Drive is approximately 2000 vehicle trips per day. Even with the addition of the school traffic, the potential total of 900 vehicle trips will be less than 50% of the design capacity for Allen Drive. In our estimation, the added traffic will not significantly impact the capacity or the safety of traffic on Allen Drive.

While the added traffic will not be an engineering issue, staff acknowledges that the neighbors, particularly those immediately adjacent to the school site will notice an increase in traffic. This will be most noticeable during the pick-up and drop-off periods. The perceivable change is compounded by the fact that traffic volumes on Allen Drive are relatively low so any increase is noticeable. It is possible that over time the neighbors will become accustomed to the school traffic and the additional traffic will become less noticeable. In staff's opinion, the additional traffic generated by the school is not so much an engineering issue of traffic safety or congestion but more of an issue of perception by the neighborhood and the public. The street clearly has the capacity to safely handle the anticipated traffic volumes generated by the school. Whether the possible effects on the neighborhood are acceptable is more of a policy issue than a traffic engineering issue. The City and the applicants would like to explore every reasonable alternative to try to reduce the traffic effects on the neighborhood. Staff has worked with the school to try to come up with ideas that may help the situation. The following options are put forth for consideration:

- a) Rearrange the driveway layout and the travel route of vehicles entering and exiting the school property. Two alternatives are being suggested to the original driveway proposal. Alternate 1 (Exhibit A) is to require vehicles to enter the school grounds at the northern most driveway. Vehicles will proceed to a designated area, to pick-up or drop-off their student and proceed south through the parking lot and exit at the southern most driveway, turning right onto Allen Drive. Under this alternative, the center driveway will be temporarily closed during school hours. Alternate 2 (Exhibit B) will have the vehicles entering the northern-most driveway then proceed to the drop-off zone. The vehicles will then loop around the entire parking lot and will exit the property at the center driveway, making a right hand turn onto Allen Drive. Under this alternative, the southern most driveway would be temporarily closed during school hours. Under both alternatives, new on-site signing would be required to designate the path of travel for vehicles and to designate the right-turn-only at the exit driveway.

Both alternatives provide increased vehicle stacking room on-site. By allowing vehicles to maneuver in the parking lot there is less chance of vehicles having to wait on Allen Drive before entering the property. Requiring that exiting vehicles only turn right on Allen Drive will mean that most vehicles will only travel a short distance on Allen when exiting the property and that there will be fewer conflicts with passing traffic. Alternative 1 will further reduce the impact by having the vehicles exit at the driveway closest to the Lodi Ave. intersection. This will further limit the distance exiting vehicles

will travel on Allen Drive. This alternative will also spread the vehicles over two more widely separated driveways instead of concentrating them at the center of the property.

b) The VCMS has also suggested the following methods that they feel will help alleviate the traffic situation:

- i. One is to stagger their school start and finish times with St. Peters Elementary School, to reduce the amount of overlap. VCMS will be willing to start either earlier or later than St. Peters, depending on what works better for each school. This will reduce the concentration of traffic and spread it out over a slightly longer time span.
- ii. Another suggestion made by VCMS is to have an adult traffic monitor onsite every morning and afternoon during drop-off and pick-up times. This person will monitor the traffic flow and work with parents to get students on and off the property safely and with minimal conflicts with passing street traffic. This person would also monitor the students to make sure they get to class safely.
- iii. Finally VCMS has created a parking lot instruction sheet (exhibit c) that they will hand-out to each school family. The sheet contains the procedure for the pick-up and drop-off of students. This includes the requirement that during both drop-off and pick-up vehicles must be in a parking space before students may exit or enter the vehicle. They are also planning to require that all drop-offs and pick-ups be made from vehicles that are in the parking lot. Students can not exit or enter vehicles parked on Allen Drive.

2). Addressing the question of increased activity on the property and the related potential for noise and litter.

- a) There is no question that the VCMS will bring more people onto the property. This problem is somewhat offset by the limited number of students (75) enrolled in the school and the limited number of grades (3 class rooms). Unlike larger schools that have multiple lunch periods and P.E. or recess periods that stretch throughout the day, VCMS will have a single break in the morning and a single lunch period. The rest of the time, students will be in the class room. Additionally, the school will be a closed campus so students will not be leaving campus to eat lunch. The closed campus and the single lunch period will reduce the impacts on the surrounding neighborhood by limiting the time students are outside of the classroom. Having a closed campus will also make it easier to monitor any potential litter problem. School supervisors can make sure students put their lunch litter in designated garbage cans. Also students will not be out in the neighborhood during lunch periods.

Having students on the site will increase the ambient noise level during school hours. There will be some increase in noise during drop-off and pick-up periods and when students are outside the class room. This is a relatively quiet neighborhood so it is possible that nearby neighbors will hear some increased level of noise. What level of disturbance they will experience is hard to quantify. Generally school related noise is not considered an unusual noise source by the City's Noise Ordinance. Schools have historically been considered part of residential neighborhoods and are permitted by the City Zoning Ordinance in residential zones. Almost all schools in Lodi as well as in

other cities are located in residential areas. Schools and their related noises have traditionally been accepted as part of the every day activity of communities. VCMS will not have school buses or traditional sports fields so they will generate less noise than most schools.

VCMS can reduce the potential noise problems by monitoring vehicles entering and exiting the school property. Vehicles should avoid using their car horn or playing loud stereos. Students can also be monitored to avoid unnecessarily loud noises when they are outdoors.

3). Aesthetics.

- a) In order to improve the appearance of the proposed school site, one of the conditions of approval will be that the project be reviewed by the Site Plan and Architectural Committee (SPARC). The Committee can require the applicant to add various features to their project to improve the overall appearance of the project. This could include fencing; additional landscaping, especially along Allen Drive; changes in the color or appearance of the buildings; parking lot improvements and other site related changes that the Committee feels will improve the design of the school.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is classified as an “In-fill Project”, less than 5-acres in size; surrounded by urban development and served by City utilities; consistent with the zoning and where no significant environmental impacts are anticipated and no mitigation measures have been required.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

Respectfully Submitted,

Concurred,

David Morimoto
Senior Planner

Randy Hatch
Community Development Director

ATTACHMENTS

1. Original staff report
2. Exhibits
3. Vicinity Map
4. Draft Resolution & Supplemental Conditions

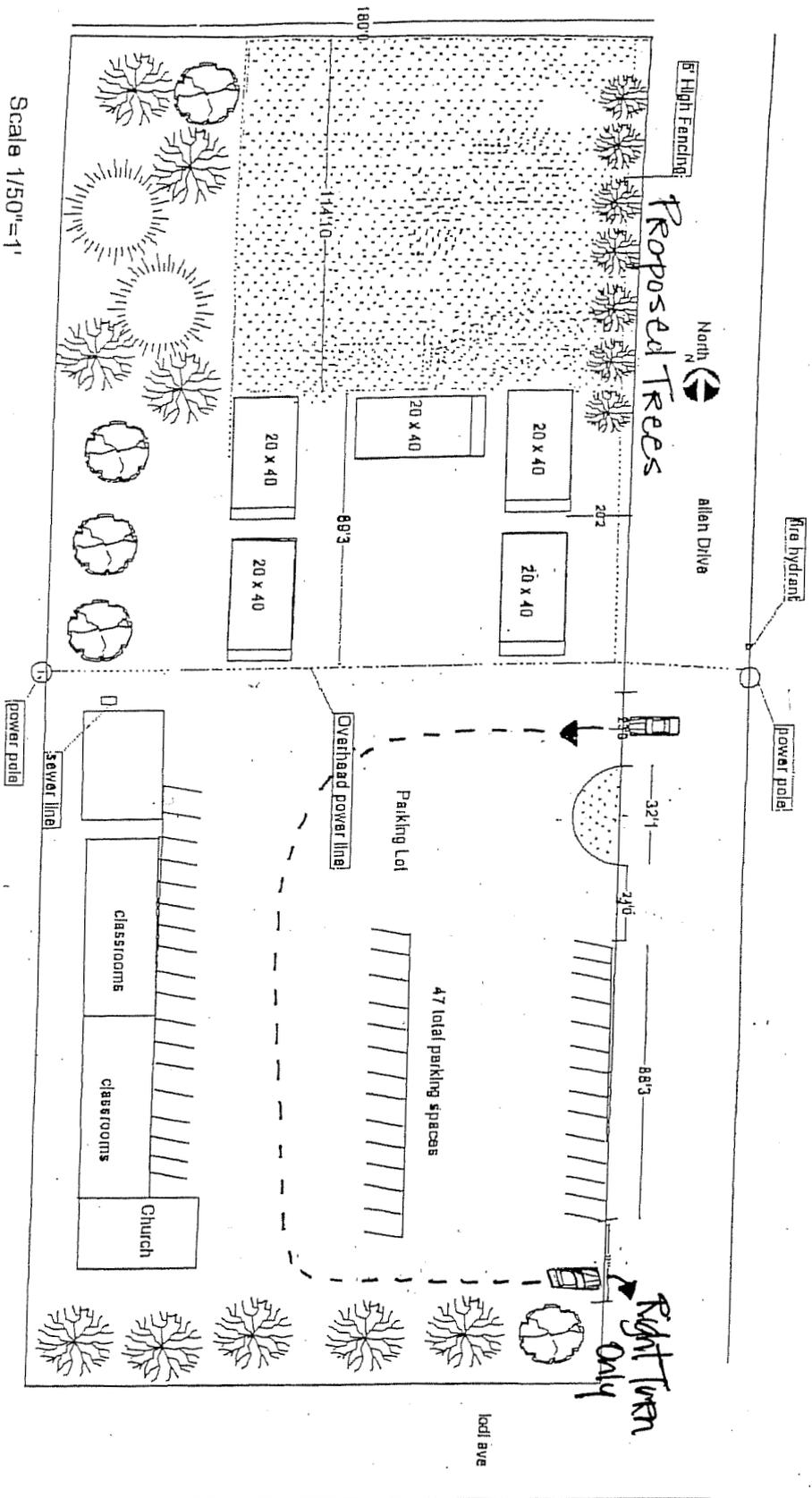


Exhibit A

ATTENTION

VINEYARD CHRISTIAN MIDDLE SCHOOL FAMILIES!

IMPORTANT PARKING LOT INSTRUCTIONS

Beginning immediately, note the following directions for parking lot procedures:

- Please use the **PARKING LOT ONLY** for pickup and drop-off of students. **DO NOT** park or stop on Allen Drive.
- Please enter the school parking lot from Allen Drive. Access the parking lot from the **NORTH** driveway only.
- Proceed into the parking lot, heading due west, following the circular flow of traffic— as indicated on the attached map.
- **DO NOT** stop in the flow of traffic...pull into a parking spot and park!
- During morning drop off, students are to exit the cars **ONLY** after they are parked, and proceed to the campus. Students will be assisted by parking lot attendant.
- After school, students will wait on campus. With the assistance of the parking lot attendant, students will access **ONLY** parked vehicles.
- When exiting the parking lot, pull back into the flow of traffic and exit from the **SOUTH** driveway **ONLY**- as indicated on the attached map. When entering onto Allen Drive, make a **RIGHT TURN ONLY**.
- Proceed south on Allen Drive to Lodi Avenue.

Please keep traffic on Allen Drive to a minimum. Access to VCMS between the hours of 8:00 a.m. and 4:00 p.m. is limited to the parking lot. Thank you for your cooperation in the matter.

RESOLUTION NO. P.C. 06-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF LODI AVENUE BAPTIST CHURCH FOR A USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE ON CHURCH PROPERTY AT 2301 WEST LODI AVENUE

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

WHEREAS, the project proponent is Lodi Avenue Baptist Church; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the property is zoned R-1, residential single-family; and

WHEREAS, the property is located at 2301 West Lodi Avenue, Lodi, CA (APN 029-130-31); and

WHEREAS, the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and

WHEREAS, Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school that would like to occupy a portion of the church property; and

WHEREAS, the Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on their property; and

WHEREAS, schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit accordance with Section 17.09.030 of the City of Lodi Municipal Code; and

WHEREAS, there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and

WHEREAS, Vineyard Christian Middle School operates Monday through Friday on a traditional school schedule; and

WHEREAS, the school anticipates that most extra-curricular events; including athletic programs, practices and games will be held off-site at other local facilities; and

WHEREAS, the Vineyard Christian Middle School is a closed campus and students will not leave campus during school hours with out permission of the school administration; and

Based upon the evidence within the staff report and project file by the Planning Commission of the City of Lodi makes the following findings:

1. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no habitat and no significant impacts are anticipated and no mitigation measures have been required.
2. It is determined that the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.
3. It is determined that the church property has sufficient available space to accommodate the five modular school buildings and a playground area.

4. It is determined that because the church and the school have different schedules for the use of the property, the two uses will be compatible and be able to share the property.
5. It is determined that the school can operate at this location without creating an adverse impact on the surrounding neighborhood.
6. It is determined that the 47 parking spaces on site are expected to be adequate for both the school and church.

NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED, that Use Permit Application No. U-05-020 is hereby approved, subject to the following conditions:

- A. The final site plan and building elevations for the project be reviewed and approved by the City of Lodi Site Plan and Architectural Review Committee (SPARC) prior any building being permanently located on the property.
- B. All construction be done with proper Building Department and Fire Department approvals and permits.
- C. The parking lot be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.
- D. The VCMS monitor the morning and evening drop-off and pick-up periods to assure that traffic flow on and off the site is safe and does not adversely affect traffic flow on adjacent streets.
- E. The VCMS provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.
- F. The VCMS coordinate their schedule for activities with the Lodi Ave. Baptist Church to minimize scheduling conflicts.
- G. Payment of Development Impact Mitigation Fees at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be \$52,420.50. Fee calculations are shown on the Development Impact Mitigation Fee Summary Sheet which will be provided to the applicant. The fees are based on information contained in the use permit application and represent 75 students, 5 full time equivalent (FTE) employees, a building area of 4,000 square feet and a building pad area of 14,000 square feet. This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and will be those in effect at the time of issuance of the building permit. A change in the fees is anticipated in the near future.
- H. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available for reference. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first.

The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, we estimate the cost to be approximately \$2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public

Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

- I. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.
- J. The VCMS shall construct a fence (the design to be approved by the Community Development) along the east side of the school as a separator between the school and Allen Drive.
- K. The regular school hours shall be Monday – Friday approximately 8:30 am to 3:10 pm with some allowance for additional time for school events and no outside practices or games other than those associated with physical education shall be held on-site.

Dated: February 8, 2006

I hereby certify that Resolution No. 06-05 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 8, 2006 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Secretary, Planning Commission

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 22, 2006**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 22, 2006, was called to order by Chair Heinitz at 7:00 p.m.

Present: Planning Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White,
and Chair Heinitz

Absent: Planning Commissioners – None

Also Present: Community Development Director Randy Hatch, Senior Planner David Morimoto,
Deputy City Attorney Janice Magdich, City Engineer Wally Sandelin, and
Administrative Secretary Kari Chadwick

Introduction of the new Planning Commissioner Wendel Kiser

2. MINUTES

a) None

3. PUBLIC HEARINGS

a) Pursuant to action taken by the Planning Commission on February 8, 2006 to continue the Public Hearing to February 22, 2006, Chair Heinitz re-opened the public hearing to consider the request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue. (File#: U-05-020, Applicant: Lodi Avenue Baptist Church) CEQA Status: Exempt Resolution #: P.C. 06-05.

David Morimoto reported that at the previous meeting on February 8, 2006 some of the neighbors brought to staffs attention some of their concerns. There were three major issues consisting of traffic problems, the possibility of littering, and the look of the property with portables and screening. The traffic increase on Allen Drive will be approximately 130 trips per day. The last traffic count on Allen Drive was approximately 761 vehicle trips per day and staff feels that the street can handle the additional traffic because the capacity of the street is roughly 2000 vehicle trips per day. The neighbors would most likely notice the additional traffic on Allen Drive but that increase would not rise to a significant level, a level beyond the roads design capacity. Staff came up with two new alternatives for the traffic flow to help minimize the adverse affect to the neighborhood which are shown in exhibit A and B (see attached), in the packet. The driveways not in use would be blocked off.

In response to Chair Heinitz, Wally Sandlin, City Engineer, stated that adding a condition of putting up no parking signs on Allen Drive could be a possibility. It would be subject to the review of both the Police Department and the City Council.

In response to Chair Heinitz, Mr. Morimoto stated that the supplemental conditions following the proposed Resolution are alternatives for the Commissioners to choose from. He also stated that taking a driveway down the entire length of the property was an idea that was looked at but a good deal of the grass area would have to be taken up.

David Morimoto also reported that the Vineyard Christian Middle School (VCMS) would be willing to acknowledge St. Peters by staggering the drop off and pick up times and they have already talked with the St. Peters Principal. VCMS are also going to have an

adult traffic monitor at both times. The school officials are going to create a handout of how to drop off and pick up their students to pass out to all the parents.

In response to Commissioner Moran, Mr. Sandlin stated that there has been one accident reported at the corner of Allen Drive and Lodi Avenue in the last four years. It involved two vehicles traveling east bound on Lodi Avenue. Mr. Morimoto added that the incident in which the gentleman was hit happened over in front of St. Peters.

In response to Vice Chair Kuehne, Mr. Morimoto stated that Staff felt exhibit A spread out the traffic the best.

Hearing Re-Opened to the Public

- George Lepart, Vineyard Christian Middle School, came forward to thank the staff and honored the neighbors for all of their respect shown at the Hearing. The VCMS Board went out and observed the area during the high traffic times for five consecutive days and created a chart to show the flow of traffic for both the north and south bound directions on Allen Drive. The information gathered was the same as what the City had reported previously. It was never the intent to stage the drop offs or pick ups on Allen Drive. The adult monitor has already been put in place at the current site and will continue at the new one. The School is more than willing to stagger times to help alleviate the traffic issue. A chain link fence was never an option of the School. VCMS intends to put something up that will be indicative of the neighborhood and of the Church. A liaison is being established to interface with the neighborhood during this time and throughout the entire process of getting this project up and running.

Dean Ruiz, 1118 Chateau Court with Hakeem, Ellis & Marengo, stated that the staff report indicates that staff feels this is an opportunity for infill. The applicant has gone above and beyond to be accommodating and has indicated that they are willing to work with the neighborhood. The School is looking forward to working with SPARC so that an aesthetically pleasing plan for both the school and the neighborhood can be established. There has been no history indicating that noise or littering will be a problem with this project.

Pat Patrick, 2848 Applewood Drive, came forward to support the project. He stated that he is looking at the project from three different angles, one from a leadership position in the community, two from a consumer of the educational product that the school produces and third as a Dad. He supports the application because this type of school is good for creating good citizens for our community. Having an up-close and personal view of the quality of this organization, he sees no economic reason for the property values to go down in the neighborhood. As a dad, the school has been a very positive experience for he and his family.

David Johnson, 2200 Jackson Street, came forward to oppose the project. He and his wife live about a half a block from the project site. They shopped around before they bought the house. They bought there because they liked how quite the street was. They had to pay top dollar for the house because of the location. They paid it because they wanted a quite, low traffic area for their kids play in the yard.

Paula Peterson, 2224 Jackson Street, came forward to oppose the project. She and the neighbors have been canvassing the neighborhood and the feeling is the same. She feels that people will pick the path of least resistance and when the traffic can't get across Lodi Avenue people will start using the neighborhood streets to get to an from the school. Mrs. Peterson handed in a map depicting the neighborhood which showed the

homes that are for and against the project. She stated that she and her husband bought in the neighborhood for the quite and would like to keep it that way. There have been two car accidents that have ended up in the Pastor's yard and a car that recently came across Lodi Avenue, part of the Church property and ended up in her neighbor's yard. There are traffic accidents, it is a hectic corner.

Paul Taormina, 2225 Jackson Street, came forward to oppose the project. The area is already noisy with the garbage lid slamming. Pastor Mike Abdollahzadeh has been asked to address this already and nothing has been done. People litter by throwing beer cans and bottles in the area. Then there will be the added noise from dogs being walked and barking at the added commotion. We just don't want this school across the street from us.

Bob Peterson, 2224 Jackson Street, came forward to oppose the project. At the last meeting Pastor Mike came forward to talk about his enlightenment in regards to this project and how he approached two of the neighbors and after telling them about the project he was shocked and dismayed at their negativity toward the project. What Pastor Mike forgot to mention was that he told them that the project would not go forward without neighborhood support. While canvassing the neighborhood, we found that there was only one household that had attended Lodi Avenue Baptist Church actually living in the neighborhood. Pastor Mike's daughter is the only student that we know of that actually lives in the neighborhood that will be attending the school, all the other students will have to be driven in from other areas. A neighborhood should have the right to shape its own destiny.

Dean Walker, 2207 Capell, came forward to oppose the project. The site has only 60 parking spaces and some of those will have to go to make room for the portables. The site has no room to grow and churches and schools want to thrive and grow. Lodi Avenue will have a lot of extra traffic and left hand turns off Allen Drive will cause more problems than have been addressed. The buildings will be portables and will be unsightly for the neighborhood. He was disappointed with the lack of notification to all of the property owners that will be affected.

Linda Engrav-Clarke, 2101 Jackson Street, came forward to support the project. She signed the petition that was passed around and after signing the petition read the letter that came with it and had regrets. She tried to take her name off of it but was unable to get a hold of Mrs. Peterson. The letter gives the impression that all children are noisy and that all portables are ugly and that isn't the case. The letter also referred to speeding which is already a problem, but she felt that if this tight nit neighborhood felt speeding was such a problem she would have had a petition presented to her regarding that issue. She questions the intent of the petition and feels that the Church and School are trying to accommodate the needs and wishes regarding the concerns that the neighborhood has brought forward.

Kevin Stevens, 1408 Graffigna Avenue, came forward in support of the project. He is a parent of two children that have been involved with the school since it's inception. The parents and students have stepped up and shown that they do care about the neighborhood that their school is in by the actions shown at the Woodbridge Middle School site. The improvements made there were made by them. The students are taught honor and respect and it shows in both the look and attitude of the school. He coaches a soccer team at the Henry Graves Park and during that season the traffic and noise far exceed the expectation of the schools traffic. He would like to be able to live in

this neighborhood and wouldn't mind living across the street from this school because of the people that will be there.

Mary Colbert, 2133 Jackson Street, came forward to oppose the project. She has lived in the neighborhood for a long time and has made the decision to stay. She is concerned about the traffic filtering down Jackson Street. She is very concerned with what will happen down the road as staff changes with the school. She then drew correlations with a public school in the Bay Area and the problems that her daughter has had with the students and the lack of respect shown by them to her daughters property. She can hear the soccer games and the pool in the summer time because she is outside more. She and her husband looked at several homes before buying on Jackson Street and avoided a home on Virginia Street because of it's proximity to Vinewood School.

Scott Gaston, 2307 Aladdin Way, came forward to support the project. He lives one block in from Graves Park and has a child going to the Vineyard Christian Middle School. He doesn't feel traffic will be a problem. Everyone bought in the neighborhood with the church already there and given the property size should have expected the church to try and grow. The quality of the staff and parents that are involved with the school are top notch and he is very glad to have his daughter become a recent addition to the student body. He was not approached with a petition against the school but if he had been he would not have signed it.

Myrna Pitchford, 1525 West Elm Street, came forward to support the project. The differences between a public and private school are like black and white. The kids will be more of a help in the area than a problem because of what they are taught. Everything changes and there are so many other things that could go into this area that could be worse for the neighborhood.

Chris Johnson, 2200 Jackson Street, came forward to oppose the project. She went to a Christian School and kids are kids and will be loud. She bought the house because of the quite and the traffic will take that away. She understands that the parents that are taking their children to this school want to have an environment where they can instill the proper values in them and hopes they can find a site where they can do that and are able to grow as well. Trash even with the best intentions will inevitable find it's way into the surrounding neighborhood.

Michele Borges, 2124 Jackson Street, came forward to oppose the project. She has children that go to a private school and parents are people and will get in a hurry and will not always follow the rules. She is concerned with the children playing in the yard and just getting out of the neighborhood to take her kids to school, which is already a problem. She stated that the student body size where her child goes is 200+.

Alyssa Oliver, 707 South Church Street, came forward to support the project. She feels the residents have a fear of the unknown. VCMS is not a public school. The top attendance of the School is 87 students. There are no plans for growth. She as a founding board member stated that if the school is going to grow it will look for a new site. Trash is an issue for the school also and past practice will show that there will be a positive change. The only noise will be daytime noise during PE, recesses and at lunch time. The public schools in the area release between 2:15 and 2:30 p.m. and VCMS releases at 3:00 p.m. leaving a significant gap to help alleviate the traffic issues. It is unfair to compare a K-8 public school to a 6-8 Christian school. This will be a positive place in the neighborhood.

In the response to Chair Heinitz, Mr. Hatch stated that the school will be limited to exactly what they are asking for which is 75 students and if they wish to increase it they must come back with an amendment to the Use Permit.

Nicholas Bettencourt, 2114 Jackson Street, came forward to oppose the project. This is not a character issue it's a safety issue for our kids. We bought in the neighborhood without a school and that is what we want. It isn't fair to have this school going in down the street from where we live; this is being force feed down our throats.

Linda Engrav-Clark, 2101 Jackson Street, came forward a second time in support of the project. She bought the home in 1993 and knows that change happens. The people that bought in the area knew the church was there and could see the potential of growth.

George Lepart, Vineyard Christian Middle School, came forward to answer some of the statements made by the neighborhood. He also wanted to clarify that there are currently 75 students enrolled in the school and the maximum would be 84 which is 28 students per grade.

Chair Heinitz stated that the Commission and Staff are trying their very best to find a solution that will satisfy everyone's needs.

Public Portion of Hearing Closed

- Chair Heinitz asked to have the map brought back up again so he could see where the church's entrances and exits lined up with Jackson or Walnut Streets and received clarification of which entrances and exits would be used for drop offs and pick ups.

In response to Commissioner Moran, Mr. Hatch stated that if there is an expansion of the church then they would have to come back and get an amendment for the church or the school. If there were any new construction it would be brought back to the Commission.

In response to Commissioner Haugan, Mr. Hatch stated that the document was prepared for 75 students but the Commission can change it tonight to the mentioned 84. There are no set rules regarding the number of students per class from the City's point of view. The number of students per modular will come to staffs attention when the building department gets the application for the building permit.

OPEN TO APPLICANT FOR CLARIFICATION:

In the response to Vice Chair Kuehne, Mr. Lepart stated that the maximum number of students will be 28 per grade which is one sixth grade, one seventh grade, and one eighth grade class. The fourth modular will be for multi-purpose use.

CLOSED TO APPLICANT

Commissioner Haugan and Chair Heinitz both stated that it does make a difference how many students are allowed now and it should be clarified in the resolution tonight.

In response to Commissioner Kiser, Mr. Hatch stated that the supplemental conditions and traffic options should address the traffic issue. Conditions can be added to hold the school responsible for the way their students arrive and leave based on the chosen

conditions. It would be difficult to enforce, but the school can be held responsible if the actions are not adhered to.

Vice Chair Kuehne noted that the people were split on the issue. He also went to St. Peters and talked with the principal about the complaints that were filed and found that they were usually on the days that a school function occurred outside of school hours. He also said that he could not remember any accidents occurring around the school. The traffic flow seemed to flow well in the Allen Street and Lodi Avenue area.

MOTION / VOTE:

The Planning Commission, motion of Vice Chair Kuehne, Cummins second, to approve the amendment of section G at the 8th whereas to read that the total student population be 84 students and would reflect the appropriate dollar change.

In response to Commissioner Haugan, Mr. Hatch stated that amendments can be made and voted on before the main motion.

Commissioner Cummins commented that churches house schools all over the City and it has been a common practice for many years. He is in support of this project.

The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White, and Chair Heinitz

Noes: Commissioners – None

Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, motion of Haugan, Kuehne second, to approve the amendment of Item J to include that the Vineyard Christian Middle School shall install additional features along Allen Drive to screen the school from the street. These features can include new fencing, shrubs, trees and any other items deemed appropriate by SPARC. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White, and Chair Heinitz

Noes: Commissioners – None

Abstain: Commissioners – None

In response to Commissioner Kiser, Mr. Hatch stated that the applicant must go to SPARC and the issue of the look and age of the portables can be handled there.

MOTION / VOTE:

The Planning Commission, motion of Kuehne, Cummins second, to approve the supplemental conditions numbers 1, 3, 4, 5, & 7 as provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White and Chair Heinitz

Noes: Commissioners – None

Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, motion of Commissioner Cummins, Kuehne second, to approve the request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue subject to the conditions of the attached resolution as well as the additions of the supplemental conditions numbered 1, 3, 4, 5, & 7 as well as the amended Item G and Item J blended with supplemental condition number 6.

Commissioner Moran stated her opposition to items 5 and 6 of the resolution because she has not seen anything to show that the traffic will not have an adverse effect on the neighborhood. She also has an issue with the lack of parking spaces should the church decide to take on a variety of activities over and above the regular church services. She can not support this project.

Commissioner Haugan stated that he has been to the site and has not seen anything to show that the traffic will be an issue. He believes that this is a good use for the property. He would also like to see the trash set behind a screen and recycling bins used. He supports this project.

Chair Heinitz went out and looked to see how Zion Middle School cues their parents in for drop offs and pick ups and they are very diligent about taking their traffic completely off of Ham Lane and everything is done in their parking lot. They do have a bigger parking lot than this project, but he had no doubt that the Vineyard School will be just as diligent about getting the cars off of the street. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kuehne, and Chair Heinitz

Noes: Commissioners – Kiser, Moran, and White

Abstain: Commissioners – None

4. PLANNING MATTERS

Staff received the proposals for the General Plan and the draft of the Zoning Ordinance.

Janice Magdich went over the policy passed by council, regarding outside of meeting communication; just letting everyone know if there has been any communication with anyone that directly relates to the issue at hand outside of this forum.

In response to Chair Heinitz, Ms. Magdich stated that it is always a good idea when obvious opposition is present to mention the appeal process.

In response to Commissioner Moran, Ms. Magdich stated that the disclosure of outside communication should come before starting the deliberation portion of the Public Hearing.

In response to Commissioner Cummins, Mr. Hatch stated that staff gives Commissioners all the City's rules and regulations (the facts), it is the Commissions job to interpret for the public in regards to the intangibles.(ie. Aesthetics)

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Randy Hatch reported that the Miller Ranch project received the approvals from Council. There were two conditions added to collect for any additional fees incurred by the outside consultant and extra planning time for additional review.

Continued

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

In response to Chair Heinitz, Mr. Hatch stated that the Blue Shield/Reynolds Ranch Project does have to go through a process starting with the Planning Commission. The City Council authorized staff to hire an outside consultant to try to sheppard it through as fast as it can get done. The site is in the General Plan as a planned residential reserve.

In response to Commissioner Moran, Peter Pirnejad, Planning Manager, stated that the scoping meeting for the Blue Shield/Reynolds Ranch EIR was last week and a presentation before the Planning Commission is scheduled for when the draft EIR has been prepared. The NOP runs through March 7, 2006.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:40 p.m.

ATTEST:

Randy Hatch
Community Development Director



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Conduct a public hearing to consider the appeal of the Planning Commission's decision of February 22, 2006, to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue (Applicant, Lodi Avenue Baptist Church; File #U-05-20).

MEETING DATE: April 19, 2006

PREPARED BY: Community Development Department

RECOMMENDED ACTION: That the City Council deny the appeal and uphold the Planning Commission's decision to grant a Use Permit for Vineyard Christian Middle School to locate a private middle school on the grounds of Lodi Avenue Baptist Church, 2301 West Lodi Ave.

BACKGROUND INFORMATION: At their meeting of February 8, 2006 the Lodi Planning Commission held a Public Hearing to consider the request of Vineyard Christian Middle School for a Use Permit to locate a private school on the property of Lodi Avenue Baptist Church, 2301 West Lodi Avenue. Following extensive public testimony and discussion, the Public Hearing was continued to the following meeting date of February 22, 2006 to allow the Planning Commission to receive additional information from all interested parties and City staff. Based on the information received at the Public Hearings, the Planning Commission voted to approve the Use Permit at the meeting of February 22, 2006. (see attached February 8, 2006 and February 22, 2006 Planning Commission staff reports)

Review of Public Hearings of February 8, 2005 and February 22, 2006.

During the Public Hearings of February 8, 2006 and February 22, 2006, some of the residents of the neighborhood near the proposed school site spoke in opposition to the granting of the Use Permit for the Vineyard Christian Middle School. Their primary concern was the impact that the school would have on their neighborhood, which they characterized as a quiet residential area. The neighbors expressed concerns about added traffic on Allen Drive, and increased noise and litter that they felt would be a result of the proposed school. They were also concerned about the aesthetic impacts the school buildings would have on their neighborhood.

In order to address the neighbor's concerns, the Planning Commission continued the Public Hearing of February 8, 2006 to their next meeting of February 22, 2006. They directed staff to work with the applicant to determine if there were solutions that could be developed that would address the concerns of the neighbors. At the February 22 meeting, staff presented the Planning Commission with several

APPROVED: _____
Blair King, City Manager

possible conditions that could be placed on the project to address some of the issues raised by the neighbors. The Planning Commission also took additional public comments regarding the project and the new conditions. Based on the information presented at the public hearings, the Planning Commission determined that the Lodi Avenue Baptist Church property at 2301 West Lodi Avenue was an appropriate location for the proposed Vineyard Christian Middle School and approved the Use Permit 4 to 3. (Kiser, Moran, White opposed).

As part of their presentation before the Planning Commission, residents of the neighborhood submitted to the Planning Commission a petition signed by a number of the residents expressing their opposition to the proposed school. Following the Planning Commission's approval of the Use Permit, some of the neighbors submitted an appeal requesting that the City Council overturn the actions of the Planning commission and deny the Vineyard Christian Middle School Use Permit.

COUNCIL OPTIONS:

- Deny appeal – confirm Planning Commissions action of approval. This is the recommended action.
- Grant appeal – granting the appeal would reverse the Planning Commission approval denying the Use Permit for the school.

FISCAL IMPACT: No Fiscal Impact

FUNDING AVAILABLE: No Funding Required.

Ruby Paiste, Interim Finance Director

Randy Hatch
Community Development Director

Attachments:

- Planning Commission Resolution No. P.C. 06-05
- Vicinity Map
- aerial map
- site plan: Exhibit A
Exhibit B
- Exhibit C – Proposed Parking lot instructions
- Planning Commission Staff Reports:
February 8, 2006
February 22, 2006
- Planning Commission Minutes:
February 8, 2006
February 22, 2006
- Written Comments

cc: City Attorney

RESOLUTION NO. P.C. 06-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING THE REQUEST OF LODI AVENUE BAPTIST CHURCH FOR A USE
PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE ON
CHURCH PROPERTY AT 2301 WEST LODI AVENUE**

- WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and
- WHEREAS,** the Planning Commission continued the public hearing from February 8, 2006 to the meeting of February 22, 2006 in order to receive additional information from the applicant and City staff; and
- WHEREAS,** the project proponent is Lodi Avenue Baptist Church; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and
- WHEREAS,** the property is zoned R-1, residential single-family; and
- WHEREAS,** the property is located at 2301 West Lodi Avenue, Lodi, CA (APN 029-130-31); and
- WHEREAS,** the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and
- WHEREAS,** Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school with an enrollment of up to 84 students, that would like to occupy a portion of the church property; and
- WHEREAS,** Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on their property; and
- WHEREAS,** schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit in accordance with Section 17.09.030 of the City of Lodi Municipal Code; and
- WHEREAS,** there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and
- WHEREAS,** Vineyard Christian Middle School operates Monday through Friday on a traditional school schedule; and
- WHEREAS,** the school anticipates that most extra-curricular events; including athletic programs, practices and games will be held off-site at other local facilities; and
- WHEREAS,** the Vineyard Christian Middle School is a closed campus and students will not leave campus during school hours with out the permission of the school administration; and

Based upon the evidence within the staff report and the project file, the Planning Commission of the City of Lodi makes the following findings:

1. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no natural habitat and no significant environmental impacts are anticipated and no mitigation measures have been required.

2. It is determined that the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.
3. It is determined that the church property has sufficient available space to accommodate the five modular school buildings and a playground area.
4. It is determined that because the church and the school have different schedules for the use of the property, the two uses will be compatible and will be able to share the property.
5. It is determined that the school can operate at this location without creating an adverse impact on the surrounding neighborhood.
6. It is determined that the 47 parking spaces on site are expected to be adequate for both the school and church.

NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED, that Use Permit Application No. U-05-020 is hereby approved, subject to the following conditions:

- A. The final site plan and building elevations for the project be reviewed and approved by the City of Lodi Site Plan and Architectural Review Committee (SPARC) prior to any buildings being permanently located on the property.
- B. All construction is done with proper Building Department and Fire Department approvals and permits.
- C. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.
- D. The Vineyard Christian Middle School (VCMS) shall modify the existing parking lot, including driveways to accommodate the traffic ingress and egress plan shown on Exhibit A. This will require the closure of the center driveway and new signing at the two remaining driveways. The northern driveway shall be signed "School Entrance" and the south driveway shall be signed "School Exit", "Right Turn Only". Additional pavement directional arrows maybe required and the parking stalls realigned to match the direction of traffic flow.
- E. The VCMS shall modify their school hours so they will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, which ever works better for the school. The time difference shall be at least 10 minutes.
- F. The VCMS shall prepare "Parking Lot Instructions" which shall be subject to review and approval by the Community Development Director. The School shall provide the family of each student a copy of the document and have them agree to adhere to the requirements.
- G. That VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor will make sure that the traffic flows smoothly and safely by assisting parents and making sure that the "Parking Lot Instructions" are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.
- H. The VCMS shall upgrade the landscaping along Allen Drive to improve the appearance of the school from the street. These features will include new

shrubs, trees and any other items deemed appropriate by SPARC. The VCMS shall also construct a fence (the design to be approved by SPARC) along the east side of the school as a separator between the school grounds and Allen Drive.

- I. VCMS shall provide an adequate number of garbage receptacles placed around the campus. The School shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. The School shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.
- J. The VCMS provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.
- K. The regular school hours shall be Monday through Friday approximately 8:30 am to 3:10 pm (or modified per condition E) with some allowance for additional time for special school events. No outdoor competitive sport events other than those associated with physical education or normal school activities shall be held on-site.
- L. The VCMS coordinate their schedule for activities with the Lodi Ave. Baptist Church to minimize scheduling conflicts.
- M. Payment of Development Impact Mitigation Fees at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be \$57,301.04. Fee calculations are shown on the Development Impact Mitigation Fee Summary Sheet which will be provided to the applicant. The fees are based on information contained in the use permit application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,000 square feet and a building pad area of 14,000 square feet. This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and will be those in effect at the time of issuance of the building permit. A change in the fees is anticipated in the near future.
- N. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available for reference. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first.
- O. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, we estimate the cost to be approximately \$2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

P. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

Dated: February 22, 2006

I hereby certify that Resolution No. 06-05 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 22, 2006 by the following vote:

AYES: Commissioners: Cummins, Haugan, Kuehne, and Chair Heinitz

NOES: Commissioners: Kiser, Moran, and White

ABSENT: Commissioners: None

ABSTAIN: Commissioners: None

ATTEST: _____
Secretary, Planning Commission

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: February 8, 2006

APPLICATION NO: Use Permit U-05-020

REQUEST: The request of Lodi Avenue Baptist Church for approval of a Use Permit to allow operation of the Vineyard Christian Middle School on their property at 2301 W. Lodi Ave.

LOCATION: 2301 West Lodi Ave.
APN 029-130-31

APPLICANT: Lodi Avenue Baptist Church
2301 West Lodi Ave.
Lodi, CA 95242

PROPERTY OWNER: 1st Southern Baptist
2301 West Lodi Ave.
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Lodi Avenue Baptist Church to allow the Vineyard Christian Middle School to locate a private middle school on their church property at 2301 West Lodi Ave., subject to the conditions in the attached resolution.

SUMMARY

Lodi Avenue Baptist Church is proposing to locate a Christian middle school (six, seventh and eighth grade) on a portion of their church property at 2301 West Lodi Ave. The school, Vineyard Christian Middle School (VCMS), is currently located on the site of Woodbridge School, which is currently being remodeled. When the Woodbridge School remodel is complete, VCMS will need to relocate to a different site. Lodi Avenue Baptist Church has made available an unused portion of their property for the school. Before VCMS can relocate to this property, they will need to secure a Use Permit from the Lodi Planning Commission for the operation of a school. The school will operate Monday through Friday, from 8:30 am to 3:10 pm. The school has a student population of 75 that will be housed in five modular buildings that will be moved on to the site.

PROJECT/AREA DESCRIPTION

General Plan Designation: LDR, Low density residential.

Zoning Designation: R-1, residential single-family

Property Size: 2.64-acres.

The adjacent zoning and land use designations are as follows:

- North:** R-1, residential single-family and Public. The property immediately north of the church property contains a private swimming club that is open seasonally. North of the pool is Henry Graves Park, a City park/basin.
- South:** R-1. The area to the south, across Lodi Ave. is single-family residential.
- East:** R-1. The area to the east, across Allen Drive is single-family residential.
- West:** PD (27) Planned Development. West of the church site is Parkview Terrace, an 8.2-acre planned unit development that contains an adult residential community.

BACKGROUND

Vineyard Christian Middle School is an existing private 6th, 7th and 8th grade Christian middle school that is located on a temporary basis on the grounds of the Woodbridge School, a school site owned by the Lodi Unified School District (LUSD). The LUSD buildings on the site are being extensively remodeled to provide a modern elementary school facility. During the remodeling all the LUSD students have been relocated to other schools and no public school students are currently on site. The VCMS students are housed in modular classroom buildings located on a corner of the school property. The Woodbridge Elementary School is scheduled to reopen in the fall of 2006. When this happens, VCMS will have to relocate, and they have selected the Lodi Ave. Baptist Church property at 2301 West Lodi Ave. as their choice for a new school site. The VCMS is not directly affiliated with the Lodi Ave. Baptist Church and will only be leasing land from the church.

ANALYSIS

The Lodi Avenue Baptist Church is located on a 2.6-acre parcel of land at the northwest corner of Allen Drive and West Lodi Ave. The church and related Sunday school classrooms are located on the south half of the property. The north half of the property contains a portion of the church parking lot, an open lawn area and a church parsonage, which is located on the northern-most portion of the property. The Vineyard Christian Middle School will be located in the center of the property between the church and the church parsonage. The proposed site is partially paved and partially planted in lawn. The classrooms will be placed on the paved area which is currently part of the church parking lot and the lawn area will serve as the school playground. Placement of the school buildings on the paved area will result in the loss of approximately 14 parking spaces, leaving the church with approximately 47 parking spaces. The City's parking standards are based on one parking space required for every four seats in the church sanctuary. The Lodi Ave. Baptist Church has a sanctuary that seats 300 people. This requires 75 parking spaces. According to the church, their normal Sunday services are attended by 80 to 100 parishioners. Based on their actual attendance, they will have sufficient parking, even after the reduction in the number of parking spaces.

Vineyard Christian Middle School is proposing to place five modular buildings on the church site. Each of the buildings is 20'x 40' in size. Four of the units will be classrooms and the fifth unit will house an office and restroom facilities. The five buildings will be arranged in a U-shape facing south. The grass area to the north of the buildings will serve as outdoor play areas. There will also be some paved play areas adjacent to the classrooms. Parking for the 5 staff members will be provided adjacent to the school. A 5-foot high fence will be constructed along the east side of the school to provide a separator between the school and Allen Drive.

According to their application, VCMS has a student population of 75 middle-school students who attend school from 8:30 am to 3:10 pm. Monday through Friday on a traditional school calendar.

For a period of one-half hour before and after school, students are regularly dropped off or picked up by parents or guardians. A regular school day includes seven 45-minute class periods, a 15-minute morning break, and a 45-minute lunch period. Students eat lunch outside on picnic tables or in the class rooms. The school is a closed campus. The school does offer a sports program but most practices and games are held off-site at other Lodi facilities. The application states that activities conducted before or after the hours of 8:00 am or 4:00 pm are typically held off campus.

The school will operate during daytime hours, Monday through Friday. By contrast, the church is most active on weekends, particularly on Sundays and on certain weekday nights. Because the facilities operate on different schedules, there should be minimal conflict between the church and the school. According to the site plan there is sufficient space on the Lodi Avenue Baptist church property to accommodate the school without significantly impacting the church. The area that the school will occupy is currently unused by the church and will not affect their operations.

The church property is located on the corner of Lodi Ave. and Allen Drive. Lodi Ave. is a major east-west arterial serving much of central Lodi and has an average daily vehicle trip count of 6,900 vehicles per day. Lodi Avenue along with Allen Drive will provide the access to the school site. Allen Drive has an average daily trip count of 761, fairly typical for a residential street. Figures provided by the school indicate that the school will have 75 students and 5 employees. Using data from the Institute of Traffic Engineers (ITE), middle schools generate 1.6 vehicle trips per students/employees. The school could generate 130 additional daily vehicle trips. It is likely that some students will carpool, walk or bike to school, reducing the number of vehicle trips. The increase in traffic volume will probably be most noticeable on Allen Drive. The impact of the additional vehicles will be lessened to some degree by the fact that the school site is near the intersection of Lodi Ave. so many of the vehicle trips will only travel one or two blocks of Allen Drive. While the additional vehicle trips may be noticeable to neighbors, particularly the 5 or 6 houses that are directly across from the church property, an increase of 130 vehicle trips on Allen Drive is still within the acceptable traffic volume for a residential street.

The school will have some buffering from surrounding properties. The properties most directly affected will be the 6 corner parcels along the east side of Allen Drive directly across the street from the church property. They will experience some increase in traffic on Allen Drive adjacent to their properties and an increase in the level of activity on the church property, including noise as a result of the presence of the school. Properties to the south will be buffered by the existing church buildings on the property as well as Lodi Ave., a four-lane street that separates them from the church property. The property to the west is an adult residential community. They are separated from the church property by a six-foot high block wall. The block wall surrounds their complex on three sides and is higher along Lodi Ave. and Lower Sacramento Road. Because of the wall and the fact that their entrance is on Lodi Ave., they will not be directly affected by the increased traffic or be visually affected by the increase in the level of activity created by the school. They may experience some increase in noise although it will be limited to day time hours and primarily during periods when the students are outside of the classrooms.

The block wall separating the properties will reduce the noise levels and there are numerous trees planted on both sides of the fence that visually screen the school site from the houses to the west.. To the north, there is a church parsonage, a private seasonal swim club facility and a City park/basin. Only the church parsonage will be affected to any degree and presumably the church has considered this before making the site available to the school. Overall, the school will be buffered as well as most school sites in Lodi. Almost all schools in Lodi are located in residential areas and most have residences that face, side or rear to the school property. Schools are a permitted use in residential zones with approval of a Use Permit. In most cases the schools, particularly the public schools, have a much larger student population and a much larger campus. Generally speaking, schools and neighborhoods seem to coexist and the sponsors of the Vineyard

Christian Middle school seem willing to address any problems that may come up once the school is in operation.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is classified as an “In-fill Project”, less than 5-acres in size; surrounded by urban development and served by City utilities; consistent with the zoning and where no significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE

Legal Notice for the Use Permit was published on January 28, 2006. 62 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

Respectfully Submitted,

Concurred,

David Morimoto
Senior Planner

Randy Hatch
Community Development Director

- ATTACHMENTS**
1. Vicinity Map
 2. Site Plans
 3. Aerial photo
 4. Draft Resolution

RH/pp/dm/kc

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**CITY OF LODI
PLANNING COMMISSION
Supplemental Staff Report**

MEETING DATE: February 22, 2006

APPLICATION NO: Use Permit U-05-020

REQUEST: The request of Lodi Avenue Baptist Church for approval of a Use Permit to allow operation of the Vineyard Christian Middle School on their property at 2301 W. Lodi Ave.

LOCATION: 2301 West Lodi Ave.
APN 029-130-31

APPLICANT: Lodi Avenue Baptist Church
2301 West Lodi Ave.
Lodi, CA 95242

PROPERTY OWNER: 1st Southern Baptist
2301 West Lodi Ave.
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Lodi Avenue Baptist Church to allow the Vineyard Christian Middle School to locate a private middle school on their church property at 2301 West Lodi Ave., subject to the conditions in the attached resolution and any of the attached supplemental conditions.

SUMMARY

Lodi Avenue Baptist Church is proposing to locate a Christian middle school (six, seventh and eighth grade) on a portion of their church property at 2301 West Lodi Ave. The school, Vineyard Christian Middle School (VCMS), is currently located on the site of Woodbridge School, which is currently being remodeled. When the Woodbridge School remodel is complete, VCMS will need to relocate to a different site. Lodi Avenue Baptist Church has made available an unused portion of their property for the school. Before VCMS can relocate to this property, they will need to secure a Use Permit from the Lodi Planning Commission for the operation of a school. The school will operate Monday through Friday, from 8:30 am to 3:10 pm. The school has a student population of 75 that will be housed in five modular buildings that will be moved on to the site.

PROJECT/AREA DESCRIPTION

General Plan Designation: LDR, Low density residential.

Zoning Designation: R-1, residential single-family

Property Size: 2.64-acres.

The adjacent zoning and land use designations are as follows:

- North:** R-1, residential single-family and Public. The property immediately north of the church property contains a private swimming club that is open seasonally. North of the pool is Henry Glaves Park, a City park/basin.
- South:** R-1. The area to the south, across Lodi Ave. is single-family residential.
- East:** R-1. The area to the east, across Allen Drive is single-family residential.
- West:** PD (27) Planned Development. West of the church site is Parkview Terrace, an 8.2-acre planned unit development that contains an adult residential community.

BACKGROUND

At the Planning Commission meeting of February 8, 2006, a public hearing was held to consider the request of the Lodi Avenue Baptist Church for a Use Permit to allow the Vineyard Christian Middle School to locate their school on the Church property. At the meeting, several neighbors of the Church spoke to express their objections to the proposed school being placed on this property. The issues the neighbors were most concerned with are as follows:

1). Traffic on Allen Drive.

Neighbors were concerned that the proposed school will generate additional traffic on Allen Drive. They indicated that Allen Drive was a residential street with relatively low traffic volumes. They were concerned that the addition of 75 students and 5 staff would impact the street and neighborhood, particularly during morning and afternoon pick-up and drop-off periods. They also felt that the problem was compounded by the nearby St. Peters Lutheran School located at the corner of Oxford Way and Lower Sacramento Road. They felt that many of the parents of students at St. Peters also used Allen Drive to come and go from that school. They felt the combination of traffic from both schools would create a hazardous situation on Allen Drive.

2). Increased activity, noise and litter as a result of the school being located on this property.

Neighbors were concerned that the school will generate more activity on the church property relative to what was there now. They felt that the church was a relatively unobtrusive use, with activity primarily on Sundays and during special events at the church. The school will have students on site Monday through Friday, 9 months a year. They felt that the added presence of students would create noise and litter that will affect the neighborhood.

3). Aesthetic concerns.

Neighbors were concerned about the visual effects the school would have on the neighborhood. The applicant's are proposing to move 5 modular buildings onto the property. These will include 4 classrooms buildings and one office building. The neighbors expressed concern about the appearance of the buildings and how they would look from their residences across Allen Drive. They noted that the property is open along the Allen Drive frontage and there is no fence or other type of screening. There are only a limited number of trees planted along Allen Drive and no shrubs or other landscaping that could serve to screen the property.

ANALYSIS

Staff has reviewed the concerns expressed at the meeting and has the following comments:

1). Traffic.

Based on our calculations, the school could generate 130 additional vehicle trips per day. This would be in addition to the current volume of 761 vehicle trips per day on Allen Drive. The capacity of Allen Drive is approximately 2000 vehicle trips per day. Even with the addition of the school traffic, the potential total of 900 vehicle trips will be less than 50% of the design capacity for Allen Drive. In our estimation, the added traffic will not significantly impact the capacity or the safety of traffic on Allen Drive.

While the added traffic will not be an engineering issue, staff acknowledges that the neighbors, particularly those immediately adjacent to the school site will notice an increase in traffic. This will be most noticeable during the pick-up and drop-off periods. The perceivable change is compounded by the fact that traffic volumes on Allen Drive are relatively low so any increase is noticeable. It is possible that over time the neighbors will become accustomed to the school traffic and the additional traffic will become less noticeable. In staff's opinion, the additional traffic generated by the school is not so much an engineering issue of traffic safety or congestion but more of an issue of perception by the neighborhood and the public. The street clearly has the capacity to safely handle the anticipated traffic volumes generated by the school. Whether the possible effects on the neighborhood are acceptable is more of a policy issue than a traffic engineering issue. The City and the applicants would like to explore every reasonable alternative to try to reduce the traffic effects on the neighborhood. Staff has worked with the school to try to come up with ideas that may help the situation. The following options are put forth for consideration:

- a) Rearrange the driveway layout and the travel route of vehicles entering and exiting the school property. Two alternatives are being suggested to the original driveway proposal. Alternate 1 (Exhibit A) is to require vehicles to enter the school grounds at the northern most driveway. Vehicles will proceed to a designated area, to pick-up or drop-off their student and proceed south through the parking lot and exit at the southern most driveway, turning right onto Allen Drive. Under this alternative, the center driveway will be temporarily closed during school hours. Alternate 2 (Exhibit B) will have the vehicles entering the northern-most driveway then proceed to the drop-off zone. The vehicles will then loop around the entire parking lot and will exit the property at the center driveway, making a right hand turn onto Allen Drive. Under this alternative, the southern most driveway would be temporarily closed during school hours. Under both alternatives, new on-site signing would be required to designate the path of travel for vehicles and to designate the right-turn-only at the exit driveway.

Both alternatives provide increased vehicle stacking room on-site. By allowing vehicles to maneuver in the parking lot there is less chance of vehicles having to wait on Allen Drive before entering the property. Requiring that exiting vehicles only turn right on Allen Drive will mean that most vehicles will only travel a short distance on Allen when exiting the property and that there will be fewer conflicts with passing traffic. Alternative 1 will further reduce the impact by having the vehicles exit at the driveway closest to the Lodi Ave. intersection. This will further limit the distance exiting vehicles

will travel on Allen Drive. This alternative will also spread the vehicles over two more widely separated driveways instead of concentrating them at the center of the property.

b) The VCMS has also suggested the following methods that they feel will help alleviate the traffic situation:

- i. One is to stagger their school start and finish times with St. Peters Elementary School, to reduce the amount of overlap. VCMS will be willing to start either earlier or later than St. Peters, depending on what works better for each school. This will reduce the concentration of traffic and spread it out over a slightly longer time span.
- ii. Another suggestion made by VCMS is to have an adult traffic monitor onsite every morning and afternoon during drop-off and pick-up times. This person will monitor the traffic flow and work with parents to get students on and off the property safely and with minimal conflicts with passing street traffic. This person would also monitor the students to make sure they get to class safely.
- iii. Finally VCMS has created a parking lot instruction sheet (exhibit c) that they will hand-out to each school family. The sheet contains the procedure for the pick-up and drop-off of students. This includes the requirement that during both drop-off and pick-up vehicles must be in a parking space before students may exit or enter the vehicle. They are also planning to require that all drop-offs and pick-ups be made from vehicles that are in the parking lot. Students can not exit or enter vehicles parked on Allen Drive.

2). Addressing the question of increased activity on the property and the related potential for noise and litter.

- a) There is no question that the VCMS will bring more people onto the property. This problem is somewhat offset by the limited number of students (75) enrolled in the school and the limited number of grades (3 class rooms). Unlike larger schools that have multiple lunch periods and P.E. or recess periods that stretch throughout the day, VCMS will have a single break in the morning and a single lunch period. The rest of the time, students will be in the class room. Additionally, the school will be a closed campus so students will not be leaving campus to eat lunch. The closed campus and the single lunch period will reduce the impacts on the surrounding neighborhood by limiting the time students are outside of the classroom. Having a closed campus will also make it easier to monitor any potential litter problem. School supervisors can make sure students put their lunch litter in designated garbage cans. Also students will not be out in the neighborhood during lunch periods.

Having students on the site will increase the ambient noise level during school hours. There will be some increase in noise during drop-off and pick-up periods and when students are outside the class room. This is a relatively quiet neighborhood so it is possible that nearby neighbors will hear some increased level of noise. What level of disturbance they will experience is hard to quantify. Generally school related noise is not considered an unusual noise source by the City's Noise Ordinance. Schools have historically been considered part of residential neighborhoods and are permitted by the City Zoning Ordinance in residential zones. Almost all schools in Lodi as well as in

other cities are located in residential areas. Schools and their related noises have traditionally been accepted as part of the every day activity of communities. VCMS will not have school buses or traditional sports fields so they will generate less noise than most schools.

VCMS can reduce the potential noise problems by monitoring vehicles entering and exiting the school property. Vehicles should avoid using their car horn or playing loud stereos. Students can also be monitored to avoid unnecessarily loud noises when they are outdoors.

3). Aesthetics.

- a) In order to improve the appearance of the proposed school site, one of the conditions of approval will be that the project be reviewed by the Site Plan and Architectural Committee (SPARC). The Committee can require the applicant to add various features to their project to improve the overall appearance of the project. This could include fencing; additional landscaping, especially along Allen Drive; changes in the color or appearance of the buildings; parking lot improvements and other site related changes that the Committee feels will improve the design of the school.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is classified as an “In-fill Project”, less than 5-acres in size; surrounded by urban development and served by City utilities; consistent with the zoning and where no significant environmental impacts are anticipated and no mitigation measures have been required.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

Respectfully Submitted,

Concurred,

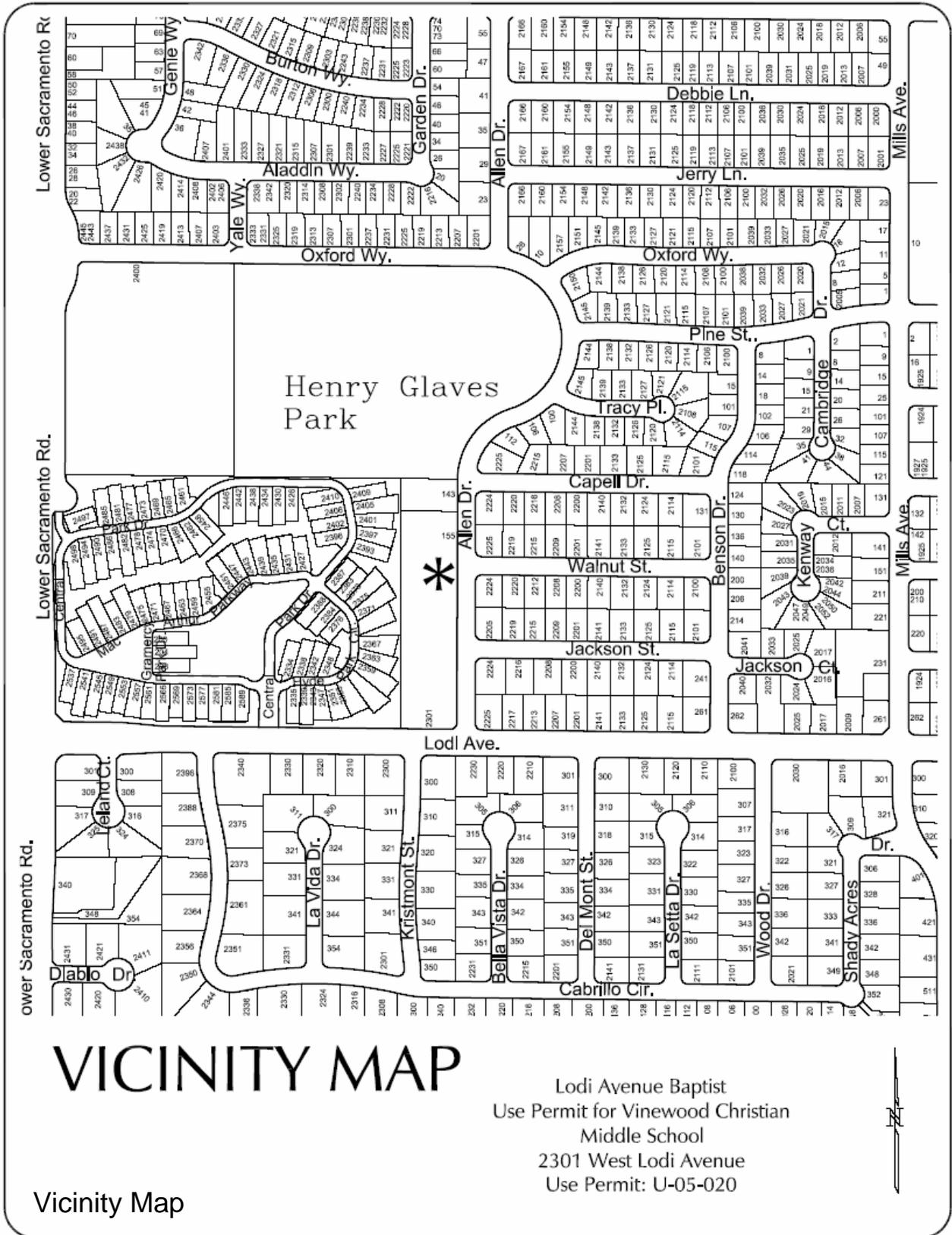
David Morimoto
Senior Planner

Randy Hatch
Community Development Director

- ATTACHMENTS**
- 1. Original staff report
 - 2. Exhibits
 - 3. Vicinity Map
 - 4. Draft Resolution & Supplemental Conditions



City of Lodi, Community Development, Planning Division.



VICINITY MAP

Lodi Avenue Baptist
 Use Permit for Vinewood Christian
 Middle School
 2301 West Lodi Avenue
 Use Permit: U-05-020



Vicinity Map



Aerial
City of Lodi, Community Development, Planning Division.





City of Lodi, Community Development, Planning Division.

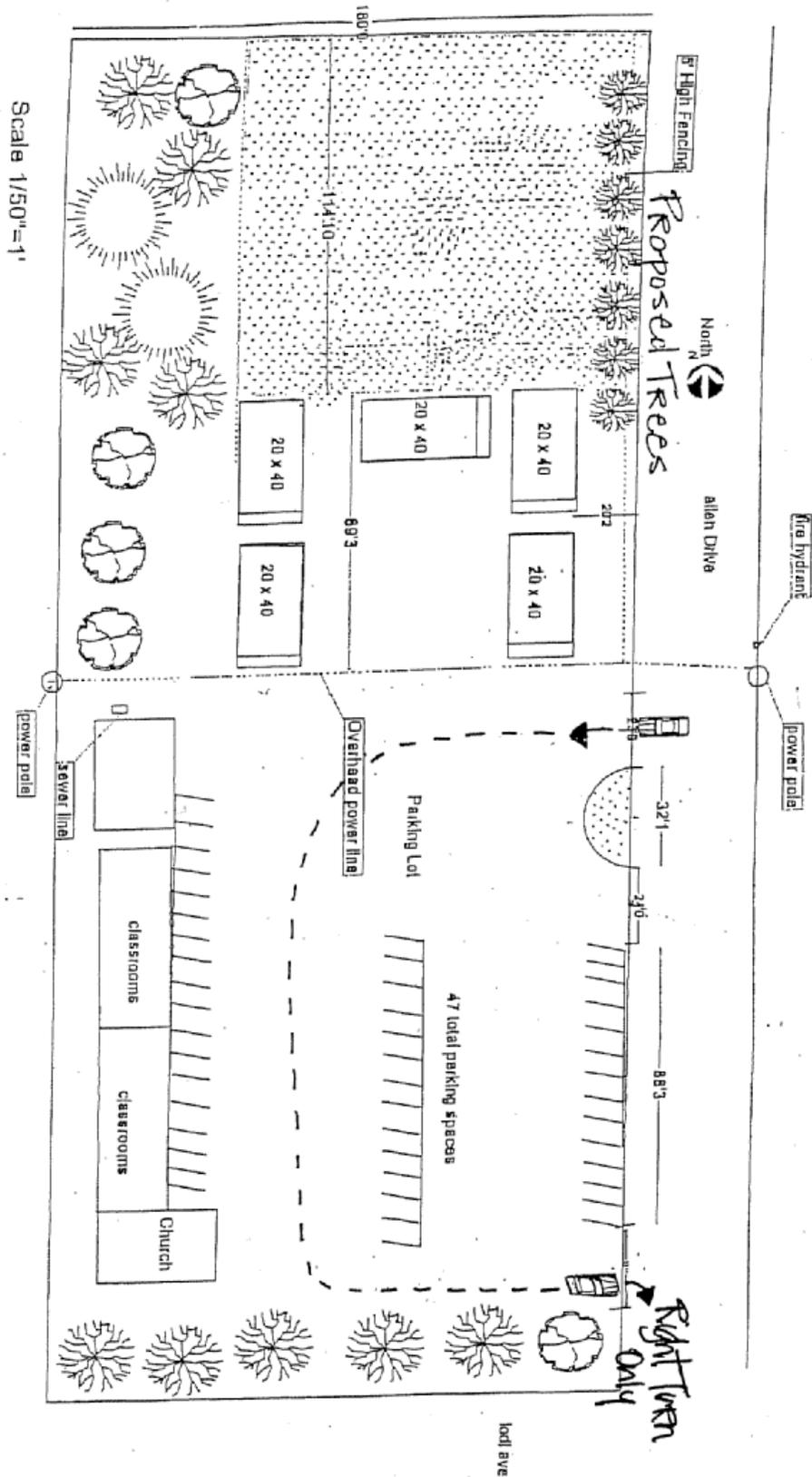


Exhibit A



City of Lodi, Community Development, Planning Division.

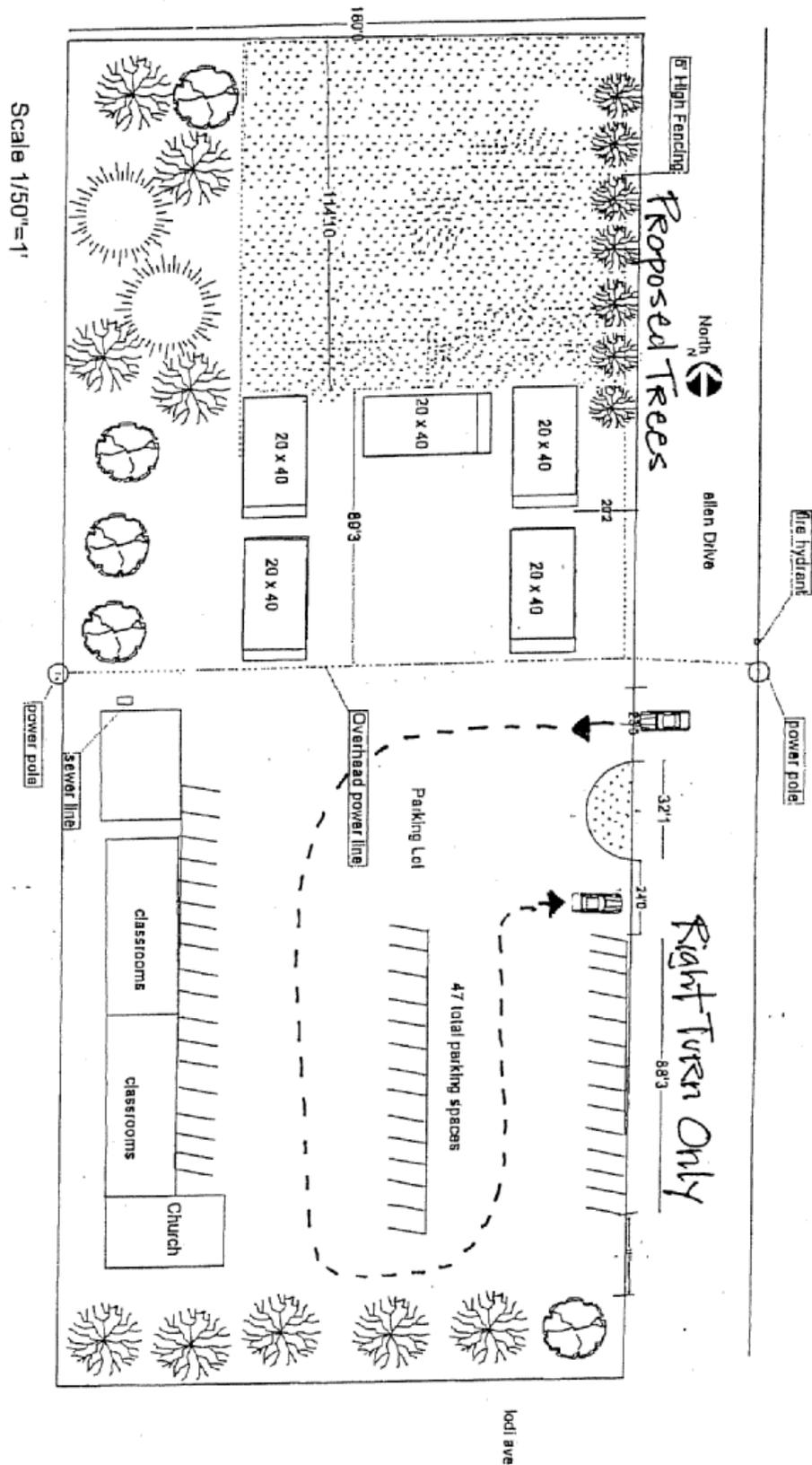


Exhibit B



City of Lodi, Community Development, Planning Division.

ATTENTION

VINEYARD CHRISTIAN MIDDLE SCHOOL FAMILIES!

IMPORTANT PARKING LOT INSTRUCTIONS

Beginning immediately, note the following directions for parking lot procedures:

- Please use the **PARKING LOT ONLY** for pickup and drop-off of students. **DO NOT** park or stop on Allen Drive.
- Please enter the school parking lot from Allen Drive. Access the parking lot from the **NORTH** driveway only.
- Proceed into the parking lot, heading due west, following the circular flow of traffic– as indicated on the attached map.
- **DO NOT** stop in the flow of traffic...pull into a parking spot and park!
- During morning drop off, students are to exit the cars **ONLY** after they are parked, and proceed to the campus. Students will be assisted by parking lot attendant.
- After school, students will wait on campus. With the assistance of the parking lot attendant, students will access **ONLY** parked vehicles.
- When exiting the parking lot, pull back into the flow of traffic and exit from the **SOUTH** driveway **ONLY**- as indicated on the attached map. When entering onto Allen Drive, make a **RIGHT TURN ONLY**.
- Proceed south on Allen Drive to Lodi Avenue.

Please keep traffic on Allen Drive to a minimum. Access to VCMS between the hours of 8:00 a.m. and 4:00 p.m. is limited to the parking lot. Thank you for your cooperation in the matter.

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 8, 2006**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 8, 2006, was called to order by Chair Heinitz at 7:00 p.m.

Present: Planning Commissioners – Cummins, Haugan, Kuehne, Moran, White, and
Chair Heinitz

Absent: Planning Commissioners – None

Also Present: Community Development Director Randy Hatch, Senior Planner David Morimoto,
Planner Manager Peter Pirnejad, Deputy City Attorney Janice Magdich, and
Administrative Secretary Kari Chadwick

2. MINUTES

a) None

Note: Item “b” was heard first.

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 Heinitz called for the public hearing to consider The request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue. (File#: U-05-020, Applicant: Lodi Avenue Baptist Church)
CEQA Status: Exempt Resolution #: P.C. 06-05.

David Morimoto, Senior Planner, reported that The Vineyard Christian Middle School (VMCS) is an existing school that is located on the Woodbridge Middle School grounds. In the fall of 2006 the LUSD plans to open the campus again as a grade school and therefore the private school is in need of a new home. The site they have selected is Lodi Avenue Baptist Church property. The Church is surrounded by single family homes on the east, south and west sides and to the north is a community pool and Graves Park. VMCS would like to locate the buildings in the middle section of the parcel. The zoning ordinance does allow for a school in residential neighborhoods with a Use Permit. They would like to open at the 2301 West Lodi Avenue address in the fall of 2006. They operate Monday through Friday on a standard school calendar during the hours of 8:30 – 3:10 p.m. with a half hour before and after for drop offs and pickups. They would like to locate five modular buildings in the center of the property. Three of the buildings will be used for classrooms, one for a multi-purpose room, and the fifth will be a combination of office and restrooms. They will be a tenant leasing the area from the church not an affiliate of the church. There will be no sporting events held on the premise other than regular PE activities. A five foot fence will be put along Allen Drive to help secure the school area from Allen Drive.

In response to Chair Heinitz, Mr. Morimoto stated that the fence would start at the north end and come down to the parking lot area. The applicant hasn't indicated what style of fence they plan on putting up.

In response to Commissioner Cummins, Mr. Morimoto stated that the current parking is sufficient for the current church attendance but would fall short if the church was filled to capacity. There is parking available on the street but that is not used to meet required parking.

In response to Commissioner Moran, Mr. Morimoto stated that the traffic on Lodi Avenue would not be significantly affected but Allen Drive would get an increase of 130 vehicle trips per operating day. Paula Fernandez in the Public Works department didn't feel that the traffic in the intersection would be significant. Public Works did anticipate having to post for a school zone and the painting of crosswalks.

In response to Chair Heinitz, Mr. Morimoto stated that there is not a requirement for the amount of grass area that a school has to have. It would be possible to push the modulars back further onto the grass area to allow more parking if necessary.

In response to Vice Chair Kuehne, Mr. Morimoto stated that the traffic department didn't indicate that there was a problem given the amount of accidents.

In response to Commissioner Moran, Mr. Morimoto stated that the applicants have indicated that they will be moving the dumpsters so the flow of traffic in and out of parking lot would be more cohesive. Randy Hatch, Director, added that the final plans are not before the Planning Commission because the design process will go to SPARC if the Use Permit is approved.

Mr. Morimoto mentioned that the Community Development Department received three letters in protest of the project and they have been copied for the Commissioners. He also went through photos taken of the property and the surrounding areas.

In response to Commissioner White, Mr. Morimoto stated that there are seventy five students currently enrolled in the school.

Hearing Opened to the Public

- George Lepart, representative for Vineyard Christian Middle School, read a letter in support of the school from Pat Patrick, Chamber of Commerce. The church and LUSD have had a very good relationship. The School has made many improvements to the current site and plan to do the same to the project site. A chain link fence does not meet the standards for this school and has not been an option in the design process. Mr. Lepart shared some future design ideas shown on design boards.

In response to Commissioner Cummins, Mr. Lepart stated that there could only be a maximum of 84 total students which works out to be 28 students per grade.

In response to Vice Chair Kuehne, Mr. Lepart stated that the School meetings/Chapel will be held in one of the modular buildings and Vinewood Community Church has agreed to be their home sports complex. The student teacher ratio will not increase. He also stated that the flow of the drop off and pick up will be whatever it needs to be to work cooperatively with the surrounding neighborhood and staffs recommendations. The School start and stop times can be modified to work along with the times of St. Peters School.

In response to Chair Heinitz, Mr. Lepart stated that the modulars will be removed when the addition to the church is made.

In response to Commissioner Haugan, Mr. Lepart stated that the cost is not something that the school is worried about at this time. The results that are seen in the students that come from the school are what make it worth the effort. Previously used modulars are what will probably be used on the site, but regardless of what is used they will be made to be sightly and tidy.

Pastor Mike Abdollahzadeh, Senior Pastor of Lodi Avenue Baptist Church, came forward to express the support of the church officials and the congregation for this project.

In response to Chair Heinitz, Pastor Abdollahzadeh stated that he had approached some of the neighbors that were out walking and it was not well received. He also stated that some of the school board members also went in small groups around the neighborhood, but was not aware of the results of that outing.

Paula Peterson, 2224 Jackson Street, came forward to express her reluctance to have the school in her neighborhood because of the traffic issues. She and her husband walk everyday and see the way the parents drive. Her husband was hit by one of the "responsible" parents dropping off their child at St. Peters. The traffic is already bad and will be an issue. Mrs. Peterson also expressed her concern with the lack of area that the students have for physical education. She would also like to know where the students will be eating their lunches.

Linda Reichert, 2219 West Walnut Street, came forward to express her reluctance to have the school in the neighborhood because of the traffic and the lack of facilities for the students to eat their lunch and have some recreation area. The grass area along the fence is currently used by the cats in the neighborhood for hunting and for a sandbox. It is not sanitary for children. It is also an ankle breaker with all the pot holes that are there. Her other concerns are regarding landscaping, the type of fencing and the entire look of the area after the modulars are placed on the property. Chair Heinitz reassured her that this would not be the final step in the process for the school. They will still have to go before the SPARC Committee for a site plan review. She would also like everyone to keep in mind that this school is not a neighborhood school in so far as the students attending the school are not from the neighborhood which means that all the students will have to be driven to and from the school.

In response to Vice Chair Kuehne, Mr. Lepart stated that the lunch area will be outside in good weather and in the portables when the weather is poor.

Public Portion of Hearing Closed

- In response to Commissioner Haugan, Mr. Hatch stated that the Public Works Department has taken into account the information regarding the traffic that already exists. He also stated that there will be 47 parking spaces left for cars after the modulars have been put into place and that there will be space available for picking up the children during bad weather.

Commissioner Cummins stated that all schools have traffic issues. The school is a positive move toward meeting our infill needs. He is also comfortable with SPARC handling the aesthetics of the project.

MOTION:

Commissioner Cummins motioned, Heinitz second for the purpose of discussion only to approve the request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue.

Discussion on the motion:

Chair Heinitz stated that he is a big supporter of the people coming out and stating their opinion. He has a big concern with the traffic issue because like Mrs. Reichert said this is not a neighborhood school and that will mean up to an additional seventy-five cars twice a day on that street.

Motion never went to vote.

MOTION:

Vice Chair Kuehne motioned, Cummins second to add an amendment to the original wording to modify condition, Item K with a start time of 8:30 a.m. to a finish time of 3:05 p.m.

Under discussion on the motion:

Commissioner Haugan would like to see the project happen but would like to see the request continued with additional work by staff to see if something can be done with the traffic issue to help gain the support of the people that live there, but as the motion stands now he would have to vote no.

In response to Commissioner Cummins, Mr. Hatch stated that the Public Works Department determined that the increase in traffic would not be significant over and above the current pattern. Staff can go back and request further information if that is helpful to satisfy everybody's concerns. Mr. Hatch also stated that the intersection does not warrant a traffic light.

Commissioner Moran would have to vote no at this point. She would like more information from Public Works regarding the traffic issue.

The motion failed by the following vote:

Ayes: Commissioners – Kuehne and Cummins
Noes: Commissioners – Haugan, Moran, White, and Chair Heinitz
Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Haugan, Kuehne second, to continue the Item to the meeting of February 22, 2006.

Ayes: Commissioners – Cummins, Haugan, Kuehne, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Abstain: Commissioners – None

The motion to continue carried.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider The request for approval of a Tentative Parcel Map to allow an existing office building to be divided into a six-unit office condominium at 1745 West Kettleman Lane. (File#: 05-P-009, Applicant: Western Professional Buildings)
CEQA Status: Exempt Resolution #: P.C. 06-06

David Morimoto, Senior Planner, reported that this item had a related item before the Planning Commission last year when the lot was created. A six unit office building has been constructed and the offices were designed to be six separate units with separate entries under one single owner. The idea now is to create six separate office condominiums with six separate owners with an association to manage the property (e.g., landscaping, repairs, etc.). The parcel would be owned in common by all the owners of the condos. The property is surrounded by other offices and single-family residents.

In response to Chair Heinitz, Mr. Morimoto stated that the offices were constructed with a potential property line wall. The building code does not treat this type of condo the same

Continued

as a residential condo. The Buyers will have to go through the Department of Real Estate for CC&R's.

In response to Commissioner Haugan, Mr. Morimoto stated that the CC&R's would cover the agreement of who takes care of the grounds. Randy Hatch, Community Development Director, stated that there is a condition in the resolution (section 4) that gives City staff the opportunity to review and modify the CC&R's if necessary to insure property maintenance.

Hearing Opened to the Public

- Brian Gorbet, Dillon and Murphy Engineers, came forward to answer questions and stated that he concurred with Staffs findings.

Public Portion of Hearing Closed

- No Commission Discussion

MOTION / VOTE:

The Planning Commission, motion of Commissioner Haugan, Moran second, to approve the request for approval of a Tentative Parcel Map to allow an existing office building to be divided into a six-unit office condominium at 1745 West Kettleman Lane. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kuehne, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Abstain: Commissioners – None

4. PLANNING MATTERS

A new section that will be appearing from time to time will be "Planning Matters" it will consist of articles and information that might be of interest.

Mr. Hatch reported on current larger planning projects. There has been forward movement in the Frontiers EIR, a draft is expected in March. The Blue Shield/Reynolds Ranch NOP is out for comment and in another month or so we will have an EIR for that.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Next week council will hold the Miller Ranch Public Hearing.

Mayor Pro Tempore Johnson asked to re-visit the Council authorization to get proposals to hire a consultant regarding the greenbelt issue.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

9. ART IN PUBLIC PLACES

None

Continued

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Haugan asked if the Commission should have a CEQA desk book. Mr. Hatch responded that there are many books and manuals available but the best place for the Commissioners to get information is at the Monterey Conference.

Janice Magdich invited the Commissioners to participate in the Centennial Cookbook that the City is putting together.

12. ADJOURNMENT

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

ATTEST:

Randy Hatch
Community Development Director

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 22, 2006**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 22, 2006, was called to order by Chair Heinitz at 7:00 p.m.

Present: Planning Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White,
and Chair Heinitz

Absent: Planning Commissioners – None

Also Present: Community Development Director Randy Hatch, Senior Planner David Morimoto,
Deputy City Attorney Janice Magdich, City Engineer Wally Sandelin, and
Administrative Secretary Kari Chadwick

Introduction of the new Planning Commissioner Wendel Kiser

2. MINUTES

a) None

3. PUBLIC HEARINGS

a) Pursuant to action taken by the Planning Commission on February 8, 2006 to continue the Public Hearing to February 22, 2006, Chair Heinitz re-opened the public hearing to consider the request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue. (File#: U-05-020, Applicant: Lodi Avenue Baptist Church) CEQA Status: Exempt Resolution #: P.C. 06-05.

David Morimoto reported that at the previous meeting on February 8, 2006 some of the neighbors brought to staffs attention some of their concerns. There were three major issues consisting of traffic problems, the possibility of littering, and the look of the property with portables and screening. The traffic increase on Allen Drive will be approximately 130 trips per day. The last traffic count on Allen Drive was approximately 761 vehicle trips per day and staff feels that the street can handle the additional traffic because the capacity of the street is roughly 2000 vehicle trips per day. The neighbors would most likely notice the additional traffic on Allen Drive but that increase would not rise to a significant level, a level beyond the roads design capacity. Staff came up with two new alternatives for the traffic flow to help minimize the adverse affect to the neighborhood which are shown in exhibit A and B (see attached), in the packet. The driveways not in use would be blocked off.

In response to Chair Heinitz, Wally Sandlin, City Engineer, stated that adding a condition of putting up no parking signs on Allen Drive could be a possibility. It would be subject to the review of both the Police Department and the City Council.

In response to Chair Heinitz, Mr. Morimoto stated that the supplemental conditions following the proposed Resolution are alternatives for the Commissioners to choose from. He also stated that taking a driveway down the entire length of the property was an idea that was looked at but a good deal of the grass area would have to be taken up.

David Morimoto also reported that the Vineyard Christian Middle School (VCMS) would be willing to acknowledge St. Peters by staggering the drop off and pick up times and they have already talked with the St. Peters Principal. VCMS are also going to have an

adult traffic monitor at both times. The school officials are going to create a handout of how to drop off and pick up their students to pass out to all the parents.

In response to Commissioner Moran, Mr. Sandlin stated that there has been one accident reported at the corner of Allen Drive and Lodi Avenue in the last four years. It involved two vehicles traveling east bound on Lodi Avenue. Mr. Morimoto added that the incident in which the gentleman was hit happened over in front of St. Peters.

In response to Vice Chair Kuehne, Mr. Morimoto stated that Staff felt exhibit A spread out the traffic the best.

Hearing Re-Opened to the Public

- George Lepart, Vineyard Christian Middle School, came forward to thank the staff and honored the neighbors for all of their respect shown at the Hearing. The VCMS Board went out and observed the area during the high traffic times for five consecutive days and created a chart to show the flow of traffic for both the north and south bound directions on Allen Drive. The information gathered was the same as what the City had reported previously. It was never the intent to stage the drop offs or pick ups on Allen Drive. The adult monitor has already been put in place at the current site and will continue at the new one. The School is more than willing to stagger times to help alleviate the traffic issue. A chain link fence was never an option of the School. VCMS intends to put something up that will be indicative of the neighborhood and of the Church. A liaison is being established to interface with the neighborhood during this time and throughout the entire process of getting this project up and running.

Dean Ruiz, 1118 Chateau Court with Hakeem, Ellis & Marengo, stated that the staff report indicates that staff feels this is an opportunity for infill. The applicant has gone above and beyond to be accommodating and has indicated that they are willing to work with the neighborhood. The School is looking forward to working with SPARC so that an aesthetically pleasing plan for both the school and the neighborhood can be established. There has been no history indicating that noise or littering will be a problem with this project.

Pat Patrick, 2848 Applewood Drive, came forward to support the project. He stated that he is looking at the project from three different angles, one from a leadership position in the community, two from a consumer of the educational product that the school produces and third as a Dad. He supports the application because this type of school is good for creating good citizens for our community. Having an up-close and personal view of the quality of this organization, he sees no economic reason for the property values to go down in the neighborhood. As a dad, the school has been a very positive experience for he and his family.

David Johnson, 2200 Jackson Street, came forward to oppose the project. He and his wife live about a half a block from the project site. They shopped around before they bought the house. They bought there because they liked how quite the street was. They had to pay top dollar for the house because of the location. They paid it because they wanted a quite, low traffic area for their kids play in the yard.

Paula Peterson, 2224 Jackson Street, came forward to oppose the project. She and the neighbors have been canvassing the neighborhood and the feeling is the same. She feels that people will pick the path of least resistance and when the traffic can't get across Lodi Avenue people will start using the neighborhood streets to get to an from the school. Mrs. Peterson handed in a map depicting the neighborhood which showed the

homes that are for and against the project. She stated that she and her husband bought in the neighborhood for the quite and would like to keep it that way. There have been two car accidents that have ended up in the Pastor's yard and a car that recently came across Lodi Avenue, part of the Church property and ended up in her neighbor's yard. There are traffic accidents, it is a hectic corner.

Paul Taormina, 2225 Jackson Street, came forward to oppose the project. The area is already noisy with the garbage lid slamming. Pastor Mike Abdollahzadeh has been asked to address this already and nothing has been done. People litter by throwing beer cans and bottles in the area. Then there will be the added noise from dogs being walked and barking at the added commotion. We just don't want this school across the street from us.

Bob Peterson, 2224 Jackson Street, came forward to oppose the project. At the last meeting Pastor Mike came forward to talk about his enlightenment in regards to this project and how he approached two of the neighbors and after telling them about the project he was shocked and dismayed at their negativity toward the project. What Pastor Mike forgot to mention was that he told them that the project would not go forward without neighborhood support. While canvassing the neighborhood, we found that there was only one household that had attended Lodi Avenue Baptist Church actually living in the neighborhood. Pastor Mike's daughter is the only student that we know of that actually lives in the neighborhood that will be attending the school, all the other students will have to be driven in from other areas. A neighborhood should have the right to shape its own destiny.

Dean Walker, 2207 Capell, came forward to oppose the project. The site has only 60 parking spaces and some of those will have to go to make room for the portables. The site has no room to grow and churches and schools want to thrive and grow. Lodi Avenue will have a lot of extra traffic and left hand turns off Allen Drive will cause more problems than have been addressed. The buildings will be portables and will be unsightly for the neighborhood. He was disappointed with the lack of notification to all of the property owners that will be affected.

Linda Engrav-Clarke, 2101 Jackson Street, came forward to support the project. She signed the petition that was passed around and after signing the petition read the letter that came with it and had regrets. She tried to take her name off of it but was unable to get a hold of Mrs. Peterson. The letter gives the impression that all children are noisy and that all portables are ugly and that isn't the case. The letter also referred to speeding which is already a problem, but she felt that if this tight nit neighborhood felt speeding was such a problem she would have had a petition presented to her regarding that issue. She questions the intent of the petition and feels that the Church and School are trying to accommodate the needs and wishes regarding the concerns that the neighborhood has brought forward.

Kevin Stevens, 1408 Graffigna Avenue, came forward in support of the project. He is a parent of two children that have been involved with the school since it's inception. The parents and students have stepped up and shown that they do care about the neighborhood that their school is in by the actions shown at the Woodbridge Middle School site. The improvements made there were made by them. The students are taught honor and respect and it shows in both the look and attitude of the school. He coaches a soccer team at the Henry Graves Park and during that season the traffic and noise far exceed the expectation of the schools traffic. He would like to be able to live in

this neighborhood and wouldn't mind living across the street from this school because of the people that will be there.

Mary Colbert, 2133 Jackson Street, came forward to oppose the project. She has lived in the neighborhood for a long time and has made the decision to stay. She is concerned about the traffic filtering down Jackson Street. She is very concerned with what will happen down the road as staff changes with the school. She then drew correlations with a public school in the Bay Area and the problems that her daughter has had with the students and the lack of respect shown by them to her daughters property. She can hear the soccer games and the pool in the summer time because she is outside more. She and her husband looked at several homes before buying on Jackson Street and avoided a home on Virginia Street because of it's proximity to Vinewood School.

Scott Gaston, 2307 Aladdin Way, came forward to support the project. He lives one block in from Graves Park and has a child going to the Vineyard Christian Middle School. He doesn't feel traffic will be a problem. Everyone bought in the neighborhood with the church already there and given the property size should have expected the church to try and grow. The quality of the staff and parents that are involved with the school are top notch and he is very glad to have his daughter become a recent addition to the student body. He was not approached with a petition against the school but if he had been he would not have signed it.

Myrna Pitchford, 1525 West Elm Street, came forward to support the project. The differences between a public and private school are like black and white. The kids will be more of a help in the area than a problem because of what they are taught. Everything changes and there are so many other things that could go into this area that could be worse for the neighborhood.

Chris Johnson, 2200 Jackson Street, came forward to oppose the project. She went to a Christian School and kids are kids and will be loud. She bought the house because of the quite and the traffic will take that away. She understands that the parents that are taking their children to this school want to have an environment where they can instill the proper values in them and hopes they can find a site where they can do that and are able to grow as well. Trash even with the best intentions will inevitable find it's way into the surrounding neighborhood.

Michele Borges, 2124 Jackson Street, came forward to oppose the project. She has children that go to a private school and parents are people and will get in a hurry and will not always follow the rules. She is concerned with the children playing in the yard and just getting out of the neighborhood to take her kids to school, which is already a problem. She stated that the student body size where her child goes is 200+.

Alyssa Oliver, 707 South Church Street, came forward to support the project. She feels the residents have a fear of the unknown. VCMS is not a public school. The top attendance of the School is 87 students. There are no plans for growth. She as a founding board member stated that if the school is going to grow it will look for a new site. Trash is an issue for the school also and past practice will show that there will be a positive change. The only noise will be daytime noise during PE, recesses and at lunch time. The public schools in the area release between 2:15 and 2:30 p.m. and VCMS releases at 3:00 p.m. leaving a significant gap to help alleviate the traffic issues. It is unfair to compare a K-8 public school to a 6-8 Christian school. This will be a positive place in the neighborhood.

In the response to Chair Heinitz, Mr. Hatch stated that the school will be limited to exactly what they are asking for which is 75 students and if they wish to increase it they must come back with an amendment to the Use Permit.

Nicholas Bettencourt, 2114 Jackson Street, came forward to oppose the project. This is not a character issue it's a safety issue for our kids. We bought in the neighborhood without a school and that is what we want. It isn't fair to have this school going in down the street from where we live; this is being force feed down our throats.

Linda Engrav-Clark, 2101 Jackson Street, came forward a second time in support of the project. She bought the home in 1993 and knows that change happens. The people that bought in the area knew the church was there and could see the potential of growth.

George Lepart, Vineyard Christian Middle School, came forward to answer some of the statements made by the neighborhood. He also wanted to clarify that there are currently 75 students enrolled in the school and the maximum would be 84 which is 28 students per grade.

Chair Heinitz stated that the Commission and Staff are trying their very best to find a solution that will satisfy everyone's needs.

Public Portion of Hearing Closed

- Chair Heinitz asked to have the map brought back up again so he could see where the church's entrances and exits lined up with Jackson or Walnut Streets and received clarification of which entrances and exits would be used for drop offs and pick ups.

In response to Commissioner Moran, Mr. Hatch stated that if there is an expansion of the church then they would have to come back and get an amendment for the church or the school. If there were any new construction it would be brought back to the Commission.

In response to Commissioner Haugan, Mr. Hatch stated that the document was prepared for 75 students but the Commission can change it tonight to the mentioned 84. There are no set rules regarding the number of students per class from the City's point of view. The number of students per modular will come to staffs attention when the building department gets the application for the building permit.

OPEN TO APPLICANT FOR CLARIFICATION:

In the response to Vice Chair Kuehne, Mr. Lepart stated that the maximum number of students will be 28 per grade which is one sixth grade, one seventh grade, and one eighth grade class. The fourth modular will be for multi-purpose use.

CLOSED TO APPLICANT

Commissioner Haugan and Chair Heinitz both stated that it does make a difference how many students are allowed now and it should be clarified in the resolution tonight.

In response to Commissioner Kiser, Mr. Hatch stated that the supplemental conditions and traffic options should address the traffic issue. Conditions can be added to hold the school responsible for the way their students arrive and leave based on the chosen

conditions. It would be difficult to enforce, but the school can be held responsible if the actions are not adhered to.

Vice Chair Kuehne noted that the people were split on the issue. He also went to St. Peters and talked with the principal about the complaints that were filed and found that they were usually on the days that a school function occurred outside of school hours. He also said that he could not remember any accidents occurring around the school. The traffic flow seemed to flow well in the Allen Street and Lodi Avenue area.

MOTION / VOTE:

The Planning Commission, motion of Vice Chair Kuehne, Cummins second, to approve the amendment of section G at the 8th whereas to read that the total student population be 84 students and would reflect the appropriate dollar change.

In response to Commissioner Haugan, Mr. Hatch stated that amendments can be made and voted on before the main motion.

Commissioner Cummins commented that churches house schools all over the City and it has been a common practice for many years. He is in support of this project.

The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White, and Chair Heinitz

Noes: Commissioners – None

Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, motion of Haugan, Kuehne second, to approve the amendment of Item J to include that the Vineyard Christian Middle School shall install additional features along Allen Drive to screen the school from the street. These features can include new fencing, shrubs, trees and any other items deemed appropriate by SPARC. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White, and Chair Heinitz

Noes: Commissioners – None

Abstain: Commissioners – None

In response to Commissioner Kiser, Mr. Hatch stated that the applicant must go to SPARC and the issue of the look and age of the portables can be handled there.

MOTION / VOTE:

The Planning Commission, motion of Kuehne, Cummins second, to approve the supplemental conditions numbers 1, 3, 4, 5, & 7 as provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White and Chair Heinitz

Noes: Commissioners – None

Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, motion of Commissioner Cummins, Kuehne second, to approve the request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue subject to the conditions of the attached resolution as well as the additions of the supplemental conditions numbered 1, 3, 4, 5, & 7 as well as the amended Item G and Item J blended with supplemental condition number 6.

Commissioner Moran stated her opposition to items 5 and 6 of the resolution because she has not seen anything to show that the traffic will not have an adverse effect on the neighborhood. She also has an issue with the lack of parking spaces should the church decide to take on a variety of activities over and above the regular church services. She can not support this project.

Commissioner Haugan stated that he has been to the site and has not seen anything to show that the traffic will be an issue. He believes that this is a good use for the property. He would also like to see the trash set behind a screen and recycling bins used. He supports this project.

Chair Heinitz went out and looked to see how Zion Middle School cues their parents in for drop offs and pick ups and they are very diligent about taking their traffic completely off of Ham Lane and everything is done in their parking lot. They do have a bigger parking lot than this project, but he had no doubt that the Vineyard School will be just as diligent about getting the cars off of the street. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kuehne, and Chair Heinitz

Noes: Commissioners – Kiser, Moran, and White

Abstain: Commissioners – None

4. PLANNING MATTERS

Staff received the proposals for the General Plan and the draft of the Zoning Ordinance.

Janice Magdich went over the policy passed by council, regarding outside of meeting communication; just letting everyone know if there has been any communication with anyone that directly relates to the issue at hand outside of this forum.

In response to Chair Heinitz, Ms. Magdich stated that it is always a good idea when obvious opposition is present to mention the appeal process.

In response to Commissioner Moran, Ms. Magdich stated that the disclosure of outside communication should come before starting the deliberation portion of the Public Hearing.

In response to Commissioner Cummins, Mr. Hatch stated that staff gives Commissioners all the City's rules and regulations (the facts), it is the Commissions job to interpret for the public in regards to the intangibles.(ie. Aesthetics)

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Randy Hatch reported that the Miller Ranch project received the approvals from Council. There were two conditions added to collect for any additional fees incurred by the outside consultant and extra planning time for additional review.

Continued

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

In response to Chair Heinitz, Mr. Hatch stated that the Blue Shield/Reynolds Ranch Project does have to go through a process starting with the Planning Commission. The City Council authorized staff to hire an outside consultant to try to sheppard it through as fast as it can get done. The site is in the General Plan as a planned residential reserve.

In response to Commissioner Moran, Peter Pirnejad, Planning Manager, stated that the scoping meeting for the Blue Shield/Reynolds Ranch EIR was last week and a presentation before the Planning Commission is scheduled for when the draft EIR has been prepared. The NOP runs through March 7, 2006.

12. ADJOURNMENT

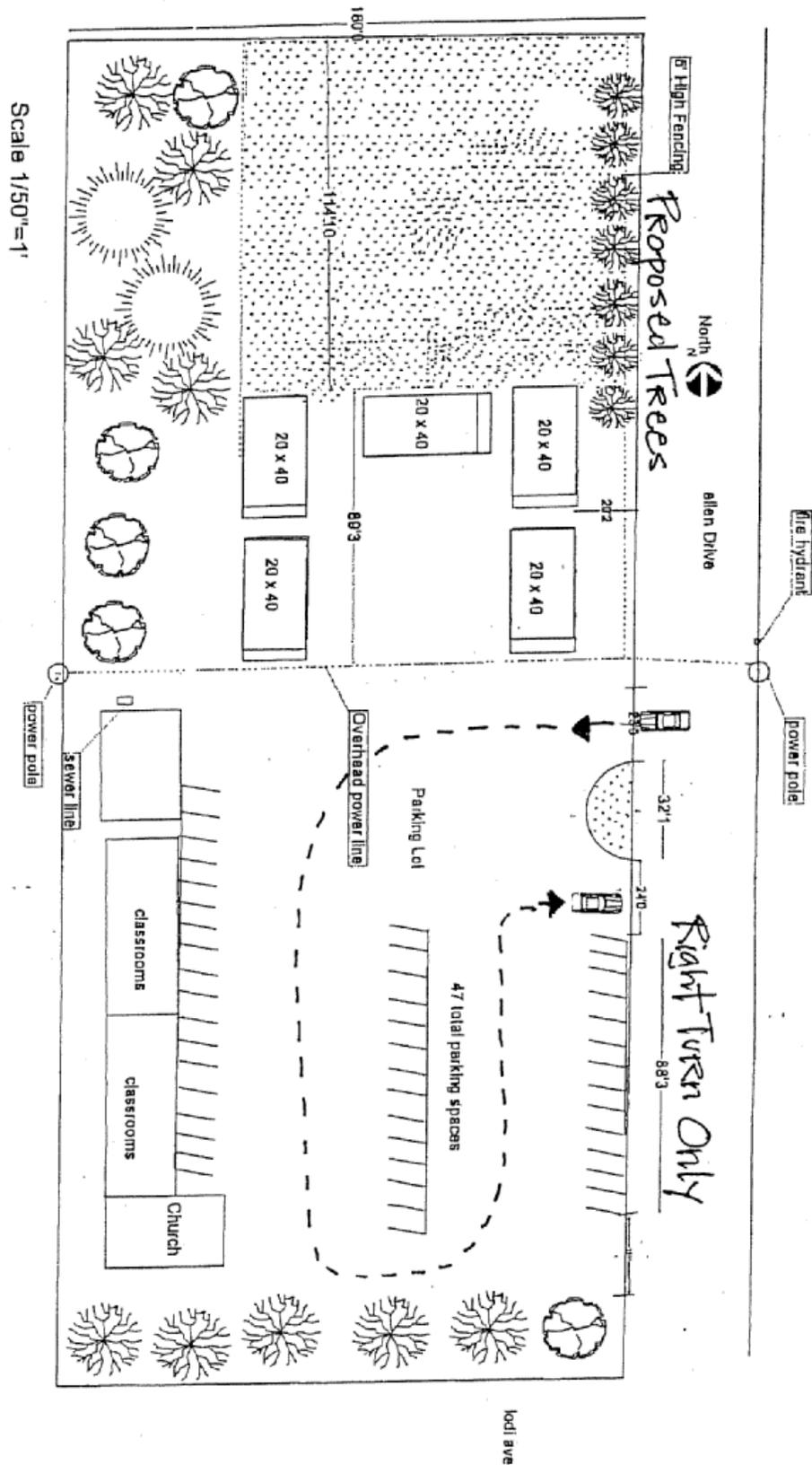
There being no further business to come before the Planning Commission, the meeting was adjourned at 9:40 p.m.

ATTEST:

Randy Hatch
Community Development Director



City of Lodi, Community Development, Planning Division.



Scale 1/50"=1'

Exhibit B

RECEIVED

FEB 01 2006

January 30, 2006

City of Lodi Planning Commission
Community Development Director
P.O. Box 3006
Lodi, California
95241-1910

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Chairman, Members of Lodi Planning Commission:

Reference is made to the pending public hearing to consider a Use Permit to allow the Vineyard Middle School to locate at the Lodi Avenue Baptist Church. I apologize that due to other conflicts we will not be able to attend the February 8, 2006 hearing to consider this item. However, we want to register our objection to this Use Permit being approved. While we have always enjoyed the Lodi Avenue Baptist Church as our neighbors, the location of a school on their property is wrong for several reasons.

First, placing the school in this location will no doubt require the location of more portable buildings on the property. As you have no doubt noticed during your on-site review of the property, it is not very deep which will mean the portables will be located in full view of residences in the area, not very pleasing aesthetically to say the least.

Secondly, there is the matter of increased traffic in the neighborhood. Assuming the enrollment is only 75 people, that's 150 extra vehicles in the neighborhood each day. We have lived in our house for 36 years and bought here originally because of the quiet neighborhood.

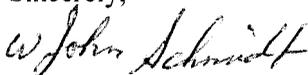
Thirdly, there is the issue of increased noise from the students attending the school. We're certainly not opposed to the students, but we bought next to a church, not a school. Lastly, there is the matter of increased trash that all schools seem to generate. Prevailing winds will bring it directly into our yard.

Having said the above, I question the decision to consider this request without requiring that an Environmental Impact Report be prepared to address the above issues, as well as those not mentioned. As a former Lodi Planning Commissioner I would not have considered this request without an EIR addressing all of the potential adverse impacts of the project to the community. How can you consider this permit as Exempt?

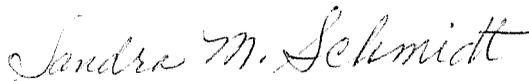
I would hope that you will consider very carefully what you are being asked to approve, consider what it will do to the local community, put yourself in our position and vote No.

Thank-You for hearing our concerns,

Sincerely,



W. John Schmidt
2216 W. Walnut St.
Lodi, Ca. 95242



Sandra M Schmidt
2216 W. Walnut St.
Lodi, Ca. 95242

February 2, 2006

Randy Hatch
Community Development Director
City of Lodi Planning Commission
P.O. Box 3006
Lodi, CA 95241-1910

RECEIVED

FEB 03 2006

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

To: Director, Members of Lodi Planning Commission

Re: RESOLUTION #: P.C. 06-05

We are expressing our opposition to the approval of a Use Permit, Vineyard Christian Middle School to locate on the property at 2301 West Lodi Ave.

Due to prior commitments, we are unable to attend the meeting on February 8, 2006.

We have lived at 2225 West Walnut Street (north-east corner of Walnut and Allen), which is across the street from the proposed school site, for 34 years. We have never had any problems with Lodi Avenue Baptist Church; however, to establish a school in this mostly residential area will present some problems.

1. More portable buildings on this property. It does not appear to be large enough to accommodate them and they would not present a good appearance in this residential area.
2. More noise will certainly surround us with the increase of cars and students. There may be even more trash for us to pick up as we try to keep our streets free of litter, which many of us do. We knew the church was here when we moved to our home, but never thought we would be living by a school. We certainly approve of students in a clean and good environment, but there must be a better local location for them.
3. The traffic in this area, on a two-lane street, will increase immensely, with the dropping off and picking up of students. We really wonder for the safety of the children. In times past we have had cars try to make the curve by our close park as fast as they can; even having them crash into neighbors yards and trees, and speeding so fast their cars have turned around in the middle of the street. How safe will it be?
4. Before you allow your approval of P.C. 06-05, please think of us living so close and crowded with traffic, and how a school located so near will affect us.

Please vote NO. We respect your careful consideration.

Sincerely,



O. Carlton Martin and Edna L. Martin
2225 W. Walnut St.
Lodi, CA 95242-3238

February 5, 2006

RECEIVED

FEB 07 2006

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Randy Hatch
Community Development Director
P.O. Box 3006
Lodi, CA 95241-1910

RE: File # U-05-020 Lodi Avenue Baptist Church requesting
a Use Permit to allow Vineyard Christian Middle School to
locate a private school on the property at 2301 W. Lodi Ave.

We are **AGAINST** the approval of this Use Permit.

We have resided at 2225 Jackson Street (N.E. corner of Jackson and Allen) for nearly 17 years. The proposed area for the school is directly across from our bedroom window (on Allen Drive side). Obviously, when we bought our house the church was there, but we never anticipated a school being there too. If we had wanted to live across from a school, we would have bought a house across from a school. A while back, the church put a mobile home on the site that was only supposed to be temporary, however it remains there today.

As we understand it, they will move portable buildings to the site. This is mostly a residential neighborhood and we feel that the appearance of these portables will be degrading to the neighborhood. Let us mention again, that these will be located across from our bedroom window. We will not welcome the noise of cars, car doors slamming, loud talking of students, heating and air conditioning units on the portables and other noises that are associated with schools. Imagine this happening to you.

Allen Drive is a two-lane street. We all ready have a traffic problem. Speeding is the biggest problem. There is a private school located at Elm and Oxford and a lot of the parents that drop off their children drive up Oxford which loops around and becomes Allen Drive. Several times there have been crashes onto yards and into trees because of speeding.

Litter is also a concern. For several years, again across from our bedroom window, on the church property there has been a newspaper recycle bin and a trash dumpster. People have dumped at all hours - day and night. Even with these dumpsters, we are cleaning up litter that has blown into our yard from across the street. Obviously, the dumpsters will be relocated, but we will still have the potential of more trash and litter in the area.

We're sure that there are other locations more suitable for their school.
We do not feel that our neighborhood is. We urge you to please vote **NO**.
Thank you for your consideration.

Paul Taormina & Dana Ashbaugh
2225 Jackson Street
Lodi, CA 95242
(209) 333-1800



February 7, 2006

Lodi Planning Commission
City Hall, City of Lodi

Dear Commissioners,

I'm out of town and unable to speak personally before you tonight. Therefore I want to speak through this letter on behalf of the relocation of Vineyard Christian School.

Vineyard is a distinguished organization; Vineyard strives for the combination of educational excellence and the spiritual preparation of young people. Vineyard is all about preparing young people to be successful in life. From what I know, there is no middle-school educational experience better than Vineyard. It is important to have such an institution as it "raises the bar" of educational standards for other schools here in Lodi.

The faculty and board of directors at Vineyard are some of the most professional, caring and dedicated people in Lodi. The project as I understand it, places the school on the property of Lodi Avenue Baptist Church, just off Lodi Avenue. This combination is a winner for students and the city alike as it promotes cohesiveness and is positive for both organizations.

I wholeheartedly support this project and ask you to do the same tonight.

Sincerely,

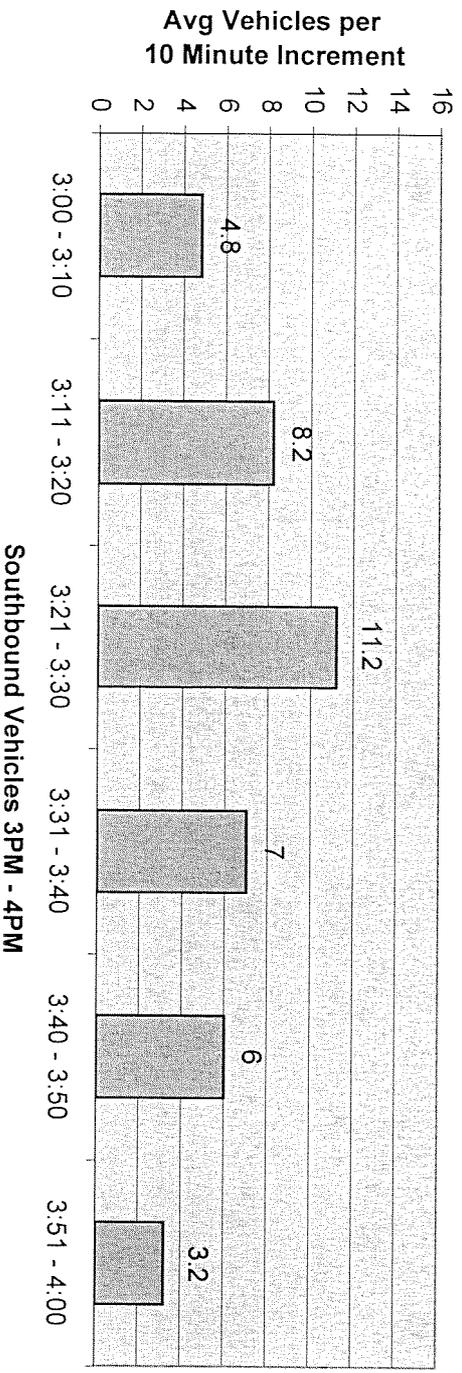
A handwritten signature in black ink, appearing to read "Pat Patrick", written over a horizontal line.

Pat Patrick
President / CEO
Lodi Chamber of Commerce

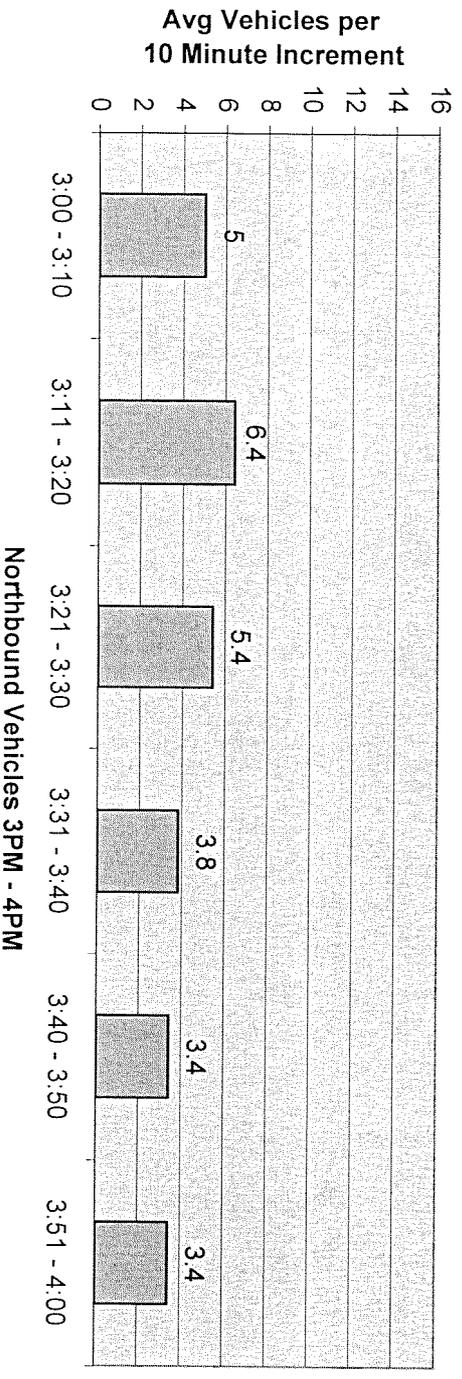
Prepared by
Applicant X

Study Period February 10 - February 16, 2006

Avg Total Vehicles Traveling Southbound PM
Between 3:00 PM - 4:00 PM : **40.4**
(or .67 vehicles per minute)



Avg Total Vehicles Traveling Northbound PM
Between 3:00 PM - 4:00 PM : **27.4**
(or .45 vehicles per minute)



February 10th, 2006

8:00AM - 9:00AM

3:00PM - 4:00PM

Southbound to LODI AVE.

Northbound from LODI AVE.

Southbound to LODI AVE.

Northbound from LODI AVE.

#	NEIGHB	TIME	# IN CAR	NEIGHB	TIME	# IN CAR	#	NEIGHB	TIME	# IN CAR	NEIGHB	TIME	# IN CAR
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2		8:08 AM	2		8:07 AM	2	2	Yes	3:04 PM	1	Yes	3:00 PM	1
3		8:09 AM	1		8:11 AM	1	3	Yes	3:05 PM	1		3:01 PM	1
4		8:09 AM	1		8:12 AM	1	4		3:06 PM	2		3:06 PM	1
5	Yes	8:10 AM	1		8:22 AM	2	5		3:10 PM	1		3:08 PM	1
6	Yes	8:13 AM	1		8:24 AM	2	6		3:11 PM	1		3:08 PM	3
7		8:14 AM	2		8:38 AM	1	7		3:12 PM	2		3:09 PM	2
8	Yes	8:15 AM	2		8:42 AM	1	8		3:14 PM	2		3:09 PM	1
9		8:15 AM	1	Yes	8:47 AM	2	9		3:15 PM	1		3:10 PM	1
10		8:16 AM	1		8:54 AM	2	10		3:15 PM	1	Yes	3:12 PM	1
11	Yes	8:16 AM	1	Yes	8:59 AM	1	11		3:16 PM	2		3:14 PM	1
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14		8:18 AM	1				14		3:18 PM	1	Yes	3:20 PM	2
15		8:18 AM	1				15		3:18 PM	2		3:20 PM	1
16		8:18 AM	2				16		3:19 PM	3		3:23 PM	1
17		8:19 AM	1				17	Yes	3:22 PM	1		3:23 PM	1
18		8:20 AM	2				18		3:23 PM	2	Yes	3:29 PM	1
19		8:24 AM	2				19		3:24 PM	2		3:30 PM	1
20		8:25 AM	1				20		3:24 PM	1	Yes	3:31 PM	3
21		8:26 AM	1				21		3:24 PM	2		3:34 PM	1
22		8:28 AM	1				22		3:25 PM	2		3:36 PM	1
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24		8:29 AM	1				24		3:26 PM	1		3:37 PM	1
25		8:30 AM	1				25		3:26 PM	2		3:38 PM	1
26	Yes	8:30 AM	1				26		3:30 PM	2	Yes	3:40 PM	1
27		8:32 AM	1				27		3:30 PM	2		3:41 PM	1
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February 13th, 2006

8:00AM - 9:00AM

3:00PM - 4:00PM

Southbound to LODI AVE.

Northbound from LODI AVE.

Southbound to LODI AVE.

Northbound from LODI AVE.

#	NEIGHB	TIME	# IN CAR	NEIGHB	TIME	# IN CAR	#	NEIGHB	TIME	# IN CAR	NEIGHB	TIME	# IN CAR
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5		8:06 AM	1		8:15 AM	1	5	Yes	3:06 PM	1		3:13 PM	1
6		8:06 AM	1		8:15 AM	1	6	Yes	3:10 PM	1		3:14 PM	2
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55		8:56 AM	1				55						
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February 14th, 2006

8:00AM - 9:00AM

3:00PM - 4:00PM

Southbound to LODI AVE.

Northbound from LODI AVE.

Southbound to LODI AVE.

Northbound from LODI AVE.

#	NEIGHB	TIME	# IN CAR	NEIGHB	TIME	# IN CAR	#	NEIGHB	TIME	# IN CAR	NEIGHB	TIME	# IN CAR
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4		8:03 AM	1	Yes	8:07 AM	2	4		3:08 PM	1		3:09 PM	2
5	Yes	8:03 AM	1	Yes	8:10 AM	1	5		3:08 PM	3		3:10 PM	1
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12		8:08 AM	1		8:20 AM	1	12		3:22 PM	2	Yes	3:19 PM	2
13		8:10 AM	1	Yes	8:21 AM	1	13		3:22 PM	1		3:21 PM	1
14		8:11 AM	1	Yes	8:28 AM	1	14		3:22 PM	2		3:21 PM	2
15		8:11 AM	1		8:28 AM	1	15		3:22 PM	4		3:22 PM	1
16		8:13 AM	1		8:30 AM	1	16		3:23 PM	4		3:23 PM	1
17		8:14 AM	2	Yes	8:31 AM	1	17		3:23 PM	3	Yes	3:29 PM	1
18		8:15 AM	1		8:32 AM	1	18		3:25 PM	1		3:29 PM	1
19		8:15 AM	1	Yes	8:34 AM	1	19		3:25 PM	2		3:34 PM	1
20		8:15 AM	1	Yes	8:43 AM	1	20		3:25 PM	1		3:36 PM	3
21		8:16 AM	1	Yes	8:44 AM	1	21		3:29 PM	1		3:38 PM	1
22		8:16 AM	1	Yes	8:46 AM	1	22		3:29 PM	1		3:38 PM	1
23		8:17 AM	1	Yes	8:52 AM	1	23		3:30 PM	1	Yes	3:42 PM	1
24	Yes	8:18 AM	1		8:55 AM	1	24		3:32 PM	2		3:46 PM	1
25		8:18 AM	1		8:56 AM	1	25		3:35 PM	1		3:46 PM	1
26		8:21 AM	1				26		3:36 PM	1		3:47 PM	1
27		8:21 AM	2				27		3:38 PM	1		3:51 PM	1
28		8:21 AM	1				28		3:42 PM	1		3:54 PM	1
29	Yes	8:23 AM	2				29		3:43 PM	1		3:59 PM	2
30		8:25 AM	1				30		3:44 PM	2		3:59 PM	1
31		8:25 AM	1				31		3:44 PM	1			
32		8:25 AM	2				32		3:45 PM	1			
33		8:25 AM	1				33		3:47 PM	2			
34		8:26 AM	1				34		3:50 PM	1			
35		8:27 AM	1				35		3:53 PM	2			
36		8:27 AM	1				36	Yes	3:55 AM	1			
37	Yes	8:28 AM	1				37		3:56 PM	1			
38	Yes	8:28 AM	1				38	Yes	3:59 PM	1			
39		8:29 AM	1				39		3:59 PM	1			
40		8:29 AM	1				40						
41		8:29 AM	1				41						
42		8:36 AM	1				42						
43		8:39 AM	1				43						
44		8:40 AM	2				44						
45	Yes	8:40 AM	1				45						
46		8:40 AM	1				46						
47		8:45 AM	1				47						
48		8:47 AM	2				48						
49	Yes	8:48 AM	1				49						
50		8:59 AM	1				50						
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60							60						

February 15th, 2006

8:00AM - 9:00AM

3:00PM - 4:00PM

Southbound to LODI AVE.

Northbound from LODI AVE.

Southbound to LODI AVE.

Northbound from LODI AVE.

#	NEIGHB	TIME	# IN CAR	NEIGHB	TIME	# IN CAR	#	NEIGHB	TIME	# IN CAR	NEIGHB	TIME	# IN CAR
1		8:00 AM	1		8:01 AM	1	1		3:02 PM	1		3:09 PM	1
2		8:00 AM	1		8:03 AM	1	2		3:02 PM	1		3:13 PM	1
3		8:03 AM	1		8:06 AM	1	3	Yes	3:06 PM	1		3:15 PM	1
4		8:04 AM	1		8:07 AM	1	4		3:07 PM	1	Yes	3:17 PM	2
5		8:04 AM	1	Yes	8:11 AM	1	5		3:08 PM	3	Yes	3:19 PM	1
6		8:05 AM	2		8:16 AM	2	6	Yes	3:08 PM	1	Yes	3:21 PM	2
7		8:06 AM	1		8:17 AM	1	7	Yes	3:12 PM	1		3:21 PM	1
8		8:07 AM	1		8:20 AM	1	8		3:12 PM	1		3:24 PM	1
9		8:08 AM	2		8:21 AM	1	9		3:12 PM	1	Yes	3:25 PM	1
10		8:08 AM	1		8:23 AM	2	10		3:13 PM	1	Yes	3:29 PM	1
11		8:09 AM	2		8:28 AM	1	11		3:15 PM	2	Yes	3:38 PM	2
12		8:11 AM	1		8:29 AM	2	12	Yes	3:16 PM	1		3:38 PM	1
13		8:11 AM	1		8:32 AM	1	13		3:17 PM	1		3:40 PM	2
14		8:11 AM	1		8:35 AM	1	14	Yes	3:19 PM	2	Yes	3:42 PM	1
15		8:13 AM	1		8:37 AM	1	15		3:19 PM	1	Yes	3:43 PM	1
16		8:13 AM	2		8:39 AM	1	16		3:20 PM	2	Yes	3:45 PM	1
17		8:15 AM	2		8:40 AM	1	17		3:20 PM	2		3:47 PM	2
18		8:15 AM	1		8:49 AM	2	18		3:20 PM	2		3:49 PM	1
19		8:16 AM	1		8:49 AM	1	19	Yes	3:22 PM	1		3:52 PM	1
20		8:18 AM	1	Yes	8:57 AM	1	20		3:22 PM	1		3:56 PM	1
21		8:19 AM	1				21		3:23 PM	1		3:58 PM	1
22		8:19 AM	2				22		3:23 PM	2			
23		8:20 AM	1				23		3:24 PM	2			
24		8:20 AM	1				24		3:24 PM	2			
25		8:20 AM	1				25		3:26 PM	2			
26		8:22 AM	1				26	Yes	3:27 PM	4			
27		8:24 AM	1				27		3:27 PM	3			
28		8:24 AM	1				28		3:27 PM	1			
29		8:24 AM	1				29		3:30 PM	2			
30		8:25 AM	2				30		3:32 PM	1			
31		8:25 AM	1				31		3:33 PM	2			
32		8:28 AM	1				32	Yes	3:35 PM	1			
33		8:28 AM	1				33		3:37 PM	3			
34		8:28 AM	2				34		3:38 PM	1			
35		8:29 AM	1				35		3:40 PM	1			
36		8:37 AM	1				36		3:41 PM	2			
37		8:37 AM	1				37		3:45 PM	2			
38		8:38 AM	1				38		3:45 PM	1			
39		8:38 AM	2				39		3:46 PM	1			
40		8:41 AM	2				40		3:48 PM	1			
41		8:41 AM	1				41		3:48 PM	1			
42	Yes	8:42 AM	2				42		3:49 PM	2			
43		8:43 AM	1				43	Yes	3:52 PM	1			
44		8:44 AM	1				44	Yes	3:56 PM	1			
45		8:44 AM	2				45						
46		8:47 AM	1				46						
47		8:51 AM	1				47						
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February 16th, 2006

8:00AM - 9:00AM

3:00PM - 4:00PM

Southbound to LODI AVE.

Northbound from LODI AVE.

Southbound to LODI AVE.

Northbound from LODI AVE.

#	NEIGHB	TIME	59		NEIGHB	TIME	82		NEIGHB	TIME	29 + 28 = 57		NEIGHB	TIME	# IN CAR
			# IN CAR	# IN CAR			# IN CAR	# IN CAR							
1	Yes	8:01 AM	1			8:00 AM	1	1	Yes	3:07 PM	2		3:02 PM	1	
2		8:03 AM	1		Yes	8:04 AM	2	2		3:13 PM	1		3:03 PM	1	
3	Yes	8:03 AM	1		Yes	8:05 AM	1	3		3:17 PM	2		3:06 PM	1	
4		8:04 AM	1			8:08 AM	1	4		3:17 PM	2		3:06 PM	1	
5		8:05 AM	3			8:08 AM	1	5		3:19 PM	1		3:08 PM	2	
6		8:06 AM	2		Yes	8:09 AM	1	6		3:20 PM	2		3:10 PM	2	
7		8:06 AM	1		Yes	8:09 AM	2	7		3:21 PM	3		3:11 PM	1	
8		8:07 AM	1		Yes	8:10 AM	1	8		3:22 PM	1		3:14 PM	1	
9		8:08 AM	1			8:10 AM	1	9		3:22 PM	2		3:15 PM	1	
10		8:08 AM	1			8:13 AM	1	10		3:25 PM	2	Yes	3:15 PM	1	
11		8:10 AM	1			8:17 AM	1	11		3:26 PM	2	Yes	3:17 PM	1	
12		8:10 AM	1			8:20 AM	2	12		3:27 PM	1		3:19 PM	1	
13		8:11 AM	1		Yes	8:23 AM	1	13		3:28 PM	2		3:20 PM	1	
14		8:12 AM	1		Yes	8:27 AM	1	14		3:29 PM	2		3:20 PM	1	
15		8:12 AM	1			8:28 AM	1	15		3:30 PM	2		3:21 PM	1	
16		8:13 AM	1		Yes	8:41 AM	1	16		3:34 PM	1		3:22 PM	1	
17		8:13 AM	2		Yes	8:42 AM	2	17		3:34 PM	2		3:24 PM	1	
18		8:14 AM	1			8:42 AM	1	18		3:35 PM	2	Yes	3:24 PM	1	
19		8:14 AM	1		Yes	8:43 AM	1	19		3:38 PM	1		3:24 PM	1	
20	Yes	8:14 AM	1		Yes	8:49 AM	1	20	Yes	3:38 PM	1		3:25 PM	1	
21		8:15 AM	1			8:51 AM	1	21		3:39 PM	1		3:26 PM	2	
22		8:16 AM	1		Yes	8:52 AM	1	22		3:43 PM	2		3:31 PM	1	
23		8:16 AM	1			8:55 AM	1	23		3:45 PM	2	Yes	3:42 PM	1	
24		8:17 AM	2					24		3:46 PM	1		3:45 PM	1	
25		8:18 AM	1					25		3:48 PM	2	Yes	3:48 PM	1	
26	Yes	8:18 AM	2					26		3:49 PM	1		3:54 PM	1	
27		8:18 AM	1					27		3:51 PM	2	Yes	3:54 PM	2	
28		8:19 AM	1					28		3:57 PM	1	Yes	3:56 PM	1	
29		8:19 AM	1					29		3:58 PM	1				
30		8:19 AM	1					30							
31	Yes	8:20 AM	1					31							
32		8:22 AM	1					32							
33		8:24 AM	1					33							
34		8:24 AM	1					34							
35		8:26 AM	1					35							
36		8:26 AM	1					36							
37		8:27 AM	1					37							
38		8:28 AM	1					38							
39		8:28 AM	2					39							
40	Yes	8:31 AM	1					40							
41	Yes	8:31 AM	1					41							
42		8:32 AM	2					42							
43		8:32 AM	2					43							
44		8:35 AM	1					44							
45	Yes	8:35 AM	1					45							
46		8:36 AM	1					46							
47	Yes	8:38 AM	1					47							
48		8:39 AM	1					48							
49		8:46 AM	2					49							
50		8:46 AM	1					50							
51	Yes	8:47 AM	1					51							
52		8:49 AM	1					52							
53	Yes	8:49 AM	1					53							
54		8:50 AM	1					54							
55		8:51 AM	1					55							
56		8:52 AM	1					56							
57		8:53 AM	1					57							
58		8:54 AM	1					58							
59		8:59 AM	1					59							
60								60							

RECEIVED

FEB 22 2006

COMMUNITY DEVELOPMENT DEPT.
CITY OF LODI

February 22, 2006

To: Lodi Planning Commission

We are opposed to the Use Permit allowing Vineyard Christian Middle School to locate at 2301 W. Lodi Avenue (corner of Lodi Avenue and Allen Drive).

We are submitting petitions signed by the residents of the surrounding neighborhood opposing the proposed school due to an increase in traffic and noise. We feel that the proposed site is not large enough to accommodate a middle school.

Thank you for your consideration in this matter.

Sincerely,

The Residents of:
W. Jackson Street
W. Walnut Street
Capell Street
Benson Drive
W. Pine Street
Allen Drive

TO: LODI CITY PLANNING COMMISSION

THIS PETITION OPPOSES THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I OPPOSE THE ABOVE MENTIONED USE PERMIT.

NAME: Janice Pinkham
SIGNATURE: Janice Pinkham
DATE: 02-14-06
ADDRESS: 2140 Capell Dr.
Lodi, Ca 95242

Members
of Lodi Ave
Baptist Church

NAME: Eibert Pinkham
SIGNATURE: Eibert Pinkham
DATE: 2-14-06
ADDRESS: 2140 Capell Dr
Lodi Ca. 95242

NAME: Michele Borges
SIGNATURE: Michele Borges
DATE: 2/15/06
ADDRESS: 2124 Jackson St
Lodi CA 95242

NAME: Mark Borges
SIGNATURE: Mark Borges
DATE: 2-15-06
ADDRESS: 2124 Jackson St.
Lodi, CA 95242

NAME: Daniel Ross
SIGNATURE: Daniel Ross
DATE: 2-15-06
ADDRESS: 2301 Jackson St.
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: VERNON BAUER
SIGNATURE: Vernon Bauer
DATE: 2-11-06
ADDRESS: 2140 W. Walnut

NAME: Karen Goss
SIGNATURE: Karen Goss
DATE: 2/11/06
ADDRESS: 2224 W Walnut St

NAME: Edna L. Martin
SIGNATURE: Edna L. Martin
DATE: 2-11-06
ADDRESS: 2225 W. W.C
EDNA L. MARTIN

NAME: Carlton Martin
SIGNATURE: Carlton Martin
DATE: 2-11-06
ADDRESS: 2225 W Walnut St
Lodi, CA 95212

NAME: LINDA W. REICHERT
SIGNATURE: Linda W. Reichert
DATE: 2-11-2006
ADDRESS: 2219 W. Walnut St
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: W. JOHN SCHMIDT
SIGNATURE: W. John Schmidt
DATE: 2/9/06
ADDRESS: 2216 W. WALNUT ST
Lodi, CA. 95242

NAME: Sandra M. Schmidt
SIGNATURE: Sandra M. Schmidt
DATE: 2/9/06
ADDRESS: 2216 W. Walnut St.
Lodi, CA 95242

NAME: Elizabeth A. Weatherman
SIGNATURE: Elizabeth A. Weatherman
DATE: 2-10-06
ADDRESS: 2216 Jackson St
Lodi, Ca 95242

NAME: Julian G. Weatherman
SIGNATURE: Julian G. Weatherman
DATE: 2-10-06
ADDRESS: 2216 Jackson St
Lodi, Ca 95242

NAME: Nina Nunez
SIGNATURE: Nina M. Nunez
DATE: 02/10/06
ADDRESS: 2209 Jackson St
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: _____
SIGNATURE: Bob Healy
DATE: 2-15-06
ADDRESS: 2179 Jackson
Lodi, CA 95242

NAME: _____
SIGNATURE: Paula Peterson
DATE: 2/10/06
ADDRESS: 2224 Jackson St
Lodi, CA 95242

NAME: _____
SIGNATURE: ROBERT PETERSON
DATE: 2-10-06
ADDRESS: 2224 JACKSON ST
LODI, CA 95242

NAME: _____
SIGNATURE: Dana Ashbaugh
DATE: 2-11-06
ADDRESS: 2225 JACKSON ST.
Lodi, CA 95242

NAME: _____
SIGNATURE: Allison Weichert
DATE: 2/11/06
ADDRESS: 2219 W. Walnut St.
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Collette Corell
SIGNATURE: Collette Corell
DATE: 2/11/06
ADDRESS: 2215 W. Walnut
Lodi CA 95242

NAME: PATRICIA F PAULE
SIGNATURE: Patricia F Paule
DATE: 2-11-06
ADDRESS: 2101 W. Walnut St
Lodi Ca 95242

NAME: LOREN E PAULE
SIGNATURE: Loren E Paule
DATE: 2-11-06
ADDRESS: 2101 W. WALNUT ST.
LODI CA 95242

NAME: Joe McGrath
SIGNATURE: Joe McGrath
DATE: 2/11/06
ADDRESS: 2119 W. Walnut St
Lodi CA 95242

NAME: Barbara Hiers
SIGNATURE: Barbara Hiers
DATE: 2-11-06
ADDRESS: 2137 W. Walnut
Lodi, Ca. 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Emil Koepplin
SIGNATURE: ~~Emil Koepplin~~ Emil Koepplin
DATE: 2-10-06
ADDRESS: 2219 Jackson St
Lodi CA, 95242

NAME: ANNA KOEPPLIN
SIGNATURE: Anna Koepplin
DATE: 2-10-06
ADDRESS: 2219 Jackson St
Lodi CA 95242

NAME: Sam Peterson
SIGNATURE: SPeterson
DATE: 2/10/06
ADDRESS: 2215 Jackson St.
Lodi, CA 95242

NAME: Eric Peterson
SIGNATURE: Eric J Peterson
DATE: 2/10/06
ADDRESS: 2215 Jackson St.
Lodi, CA 95242

NAME: Jackie Healy
SIGNATURE: Jackie Healy
DATE: 2/10/06
ADDRESS: 2140 Jackson St.
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: JAMES REHEW
SIGNATURE: James Reweh
DATE: 2/11/06
ADDRESS: 2219 W. Walnut St
Lodi, CA

NAME: JO WHITE
SIGNATURE: Jo White
DATE: 2-11-06
ADDRESS: 2141 Jackson
LODI CA 95242

NAME: Brenda Wright
SIGNATURE: Brenda Wright
DATE: 2-11-06
ADDRESS: 2125 Jackson St.
Lodi, Ca. 95242

NAME: DAVID WRIGHT
SIGNATURE: David Wright
DATE: 2-11-06
ADDRESS: 2125 JACKSON ST.
LODI CA 95242

NAME: CHARLES AHR
SIGNATURE: Charles Ahr
DATE: 2-11-06
ADDRESS: 241 BENSON

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I OPPOSE THE ABOVE MENTIONED USE PERMIT.

NAME: Anne Morken
SIGNATURE: Anne Morken
DATE: 2/19/06
ADDRESS: 2224 Capell Drive
Lodi, CA 95242

NAME: IREACY M. DORTH
SIGNATURE: Ireacy M. Dorth
DATE: 02/19/06
ADDRESS: 2225 CAPELL DR.,
LODI, CA 95242

NAME: DANIEL P. DORTH
SIGNATURE: Daniel P. Dorth
DATE: 2/19/06
ADDRESS: 2225 CAPELL DR.,
LODI, CA 95242

NAME: Robin Daniels
SIGNATURE: Robin Daniels
DATE: 2/20/06
ADDRESS: 2124 West Walnut Street
Lodi, CA 95242

NAME: CRAIG DANIELS
SIGNATURE: Craig Daniels
DATE: 2/20/06
ADDRESS: 2124 WEST WALNUT
LODI CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Rosanna Ahr
SIGNATURE: Rosanna Ahr
DATE: 2-11-06
ADDRESS: 241 Benson Dr
Lodi, CA 95242

NAME: Shelly Schatz
SIGNATURE: Shelly Schatz
DATE: 2-11-06
ADDRESS: 2132 W. Jackson St.
Lodi CA 95242

NAME: Glen Schatz
SIGNATURE: Glen Schatz
DATE: 2-11-06
ADDRESS: 2132 W. Jackson
Lodi, CA 95242

NAME: Chris Johnson
SIGNATURE: Chris Johnson
DATE: 2-11-06
ADDRESS: 2700 Jackson St.
Lodi CA 95242

NAME: DAVE JOHNSON
SIGNATURE: Dave Johnson
DATE: 2-11-06
ADDRESS: 2200 Jackson St.
LODI, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Angela Ganem
SIGNATURE: Angela Ganem
DATE: Feb 11, 2006
ADDRESS: 131 Benson Dr. Lodi CA 95242

NAME: Mike Ganem
SIGNATURE: Mike Ganem
DATE: 2-11-06
ADDRESS: 131 Benson Dr Lodi CA 95242

NAME: Paul Jaramila
SIGNATURE: Paul Jaramila
DATE: 2-11-06
ADDRESS: 2225 Jackson
Lodi CA 95242

NAME: Michelle McGrath Swigert
SIGNATURE: Michelle McGrath Swigert
DATE: 2-11-06
ADDRESS: 2114 W Walnut St
Lodi CA 95242

NAME: Sandy Alberbin
SIGNATURE: Sandy Alberbin
DATE: 2/11/06
ADDRESS: 2133 W. Walnut St
Lodi Ca. 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION OPPOSES THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I OPPOSE THE ABOVE MENTIONED USE PERMIT.

NAME: Derek Albertson
SIGNATURE: Derek Albertson
DATE: 2-11-06
ADDRESS: 2133 W. WALNUT LODI 95242

NAME: Ruth Smida
SIGNATURE: 2125 W. WALNUT
DATE: Lodi CA 95242
ADDRESS: 2/14/06
Ruth A. Smida

NAME: JOHN A JUST
SIGNATURE: John A. Just
DATE: 2-14-06
ADDRESS: 2124 Capell Dr.
Lodi

NAME: Keray Dunnington
SIGNATURE: Keray Dunnington
DATE: 2-14-06
ADDRESS: 2125 Capell Drive
Lodi

NAME: ALMA MASIC
SIGNATURE: Alma Masic
DATE: 2-14-06
ADDRESS: 2133 W. CAPELL DR
LODI, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Dolores L. HANSON
SIGNATURE: Dolores L. Hanson
DATE: 11 Feb 2006
ADDRESS: 2208 JACKSON ST
LODI, CA 95242

NAME: KALIE BOSS
SIGNATURE: [Signature]
DATE: 2-15-06
ADDRESS: 2201 Jackson St.
Lodi CA 95242

NAME: Mary Nell Colbert
SIGNATURE: 2133 Jackson Street - Lodi
DATE: February 15, 2006
ADDRESS: Mary Colbert

NAME: Donald R Colbert
SIGNATURE: Donald R Colbert
DATE: 2/15/06
ADDRESS: 2133 JACKSON ST.
Lodi-CA 95242

NAME: Shirley MacLaughlin
SIGNATURE: Shirley macLaughlin
DATE: 2-19-06
ADDRESS: 2115 Jackson Street
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION OPPOSES THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I OPPOSE THE ABOVE MENTIONED USE PERMIT.

NAME: CRIS CLARKE
SIGNATURE: Cris Clarke
DATE: 2/19/06
ADDRESS: 2101 JACKSON ST.
LODI, CA 95242

NAME: LINDA ENGRAU-CLARKE
SIGNATURE: Linda Engrau-Clarke
DATE: 2/19/06
ADDRESS: 2101 JACKSON ST.
LODI, CA 95242

NAME: YOSHIKO D. TAKAO
SIGNATURE: Yoshiko D. Takao
DATE: 2/19/06
ADDRESS: 2115 W. WALNUT ST.
LODI, CA 95242

NAME: NICHOLAS W. BETTENCOURT
SIGNATURE: Nicholas W. Bettencourt
DATE: 2/19/2006
ADDRESS: 2114 JACKSON ST.
LODI, CA 95242

NAME: KAREN BETTENCOURT
SIGNATURE: Karen Bettencourt
DATE: 2/19/06
ADDRESS: 2114 JACKSON ST
LODI, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION OPPOSES THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I OPPOSE THE ABOVE MENTIONED USE PERMIT.

NAME: Sharon Davis
SIGNATURE: Sharon Davis
DATE: 2/19/06
ADDRESS: 2200 Capell Dr.
Lodi CA 95242

NAME: Pamela J. Matlock
SIGNATURE: Pamela J. Matlock
DATE: 2/20/05
ADDRESS: 2215 W. Capell Dr.
Lodi, CA 95242

NAME: Tracy Garcia
SIGNATURE: Tracy Garcia
DATE: 2-20-06
ADDRESS: 106 Allen Dr.
Lodi, Ca. 95242

NAME: Arnoldy Garcia
SIGNATURE: Arnoldy Garcia
DATE: 2-20-06
ADDRESS: 106 Allen Dr
Lodi, Ca. 95242

NAME: Dawn Hammons
SIGNATURE: Dawn Hammons
DATE: 2-20-06
ADDRESS: 100 S Allen Dr.
Lodi, CA. 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION OPPOSES THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I OPPOSE THE ABOVE MENTIONED USE PERMIT.

NAME: Bryan Rogers
SIGNATURE: Bryan Rogers
DATE: 2/13/06
ADDRESS: 115 Benson Dr.
Lodi, CA 95242

NAME: Tina Rogers
SIGNATURE: Tina Rogers
DATE: 2/13/06
ADDRESS: 115 Benson Dr.
Lodi, CA 95242

NAME: NANCY WEIBLE
SIGNATURE: Nancy Weible
DATE: 2-14-06
ADDRESS: 2206 W. Walnut St.
Lodi, Calif 95242

NAME: ANNE BUSACCA
SIGNATURE: ANNE BUSACCA
DATE: 2/14/06
ADDRESS: 2201 W WALNUT

NAME: LUVERNE SMIDA
SIGNATURE: LUVERNE SMIDA
DATE: 2/14/06
ADDRESS: 2125 W WALNUT
LODI CA.
L. Smida

TO: LODI CITY PLANNING COMMISSION

THIS PETITION OPPOSES THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I OPPOSE THE ABOVE MENTIONED USE PERMIT.

NAME: DOUGLAS HAUSER
SIGNATURE: Douglas Hauser
DATE: 2-20-06
ADDRESS: 14 BENSON DR.

NAME: Charlene Bess
SIGNATURE: Charlene Bess
DATE: 2-20-06
ADDRESS: 106 BENSON DR.

NAME: LISA TLIFF
SIGNATURE: Lisa Tliff
DATE: 2/20/06
ADDRESS: 114 BENSON DRIVE

NAME: Don Bettencourt
SIGNATURE: Don Bettencourt
DATE: 2/20/06
ADDRESS: 2101 Capell ST.
Lodi CA. 95242

NAME: Ray Davis
SIGNATURE: Ray Davis
DATE: 2/20/06
ADDRESS: 134 BENSON DRIVE
Lodi Ca 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Janet DAVIS
SIGNATURE: Janet Davis
DATE: 2/20/06
ADDRESS: 136 Benson Dr.
Lodi CA 95242

NAME: Robert Martinez
SIGNATURE: Robert Martinez
DATE: 2-21-06
ADDRESS: 140 Benson DR
Lodi CA 95242

NAME: John Stellatino
SIGNATURE: John Stellatino
DATE: 2-21-06
ADDRESS: 130 Benson

NAME: JOSEPH OLIPHANT + Mrs
SIGNATURE: Joseph Oliphant
DATE: 2-21-06
ADDRESS: 200 Benson Drive
Lodi

NAME: WAYNE & DENISE LOCKMILLER
SIGNATURE: Denise Lockmiller
DATE: 2/21/06
ADDRESS: 2106 W. PINE ST LODI, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION OPPOSES THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I OPPOSE THE ABOVE MENTIONED USE PERMIT.

NAME: Carla Hilton
SIGNATURE: Carla Hilton
DATE: 2-20-06
ADDRESS: 2216 Capell Drive
Lodi Ca 95242

NAME: May DeJong
SIGNATURE: May DeJong
DATE: 2-21-06
ADDRESS: 107 Benson Dr
Lodi, Ca. 95242

NAME: Harold Williams
SIGNATURE: Harold Williams
DATE: 2-21-06
ADDRESS: 107 BENSON DR

NAME: Gilbert ~~W~~ Wood
SIGNATURE: Gilbert Wood
DATE: 2/21/06
ADDRESS: 15 Benson Dr
Lodi, Calif

NAME: DAN CASTELANELLI
SIGNATURE: Dan Castelanelli
DATE: 2/21/06
ADDRESS: 101 BENSON DR.
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION OPPOSES THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I OPPOSE THE ABOVE MENTIONED USE PERMIT.

NAME: Kenna Buus
SIGNATURE: [Signature]
DATE: 2-20-06
ADDRESS: 2144 W. Pine St.
Lodi, CA. 95242

NAME: BRIDGET JYONO
SIGNATURE: Bridget M. Jyono
DATE: 2-20-06
ADDRESS: 2145 W. PINE ST
LODI, CA. 95242

NAME: BOB S. JYONO
SIGNATURE: [Signature]
DATE: 2-20-06
ADDRESS: 2145 W. PINE ST
LODI, CA. 95242

NAME: MR. & MRS. GABRIEL
SIGNATURE: [Signature]
DATE: 2-20-06
ADDRESS: 2126 W. PINE ST.
LODI, CA 95242

NAME: Pat McDonald
SIGNATURE: [Signature]
DATE: 2-20-06
ADDRESS: 2125 W. Pine St.
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION OPPOSES THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I OPPOSE THE ABOVE MENTIONED USE PERMIT.

NAME: Edward Ojeda
SIGNATURE: Edward Ojeda
DATE: FEB. 20, 2006
ADDRESS: 2120 W. PINE ST.
LODI, CA 95242

NAME: Katie Riedinger
SIGNATURE: Katie Riedinger
DATE: 2-20-06
ADDRESS: 2114 W. Pine St
LODI, CA 95242

NAME: Tim Robbins
SIGNATURE: Tim Robbins
DATE: 2-20-06
ADDRESS: 2115 W Pine Lodi CA. 95242

NAME: Cathy Barnes
SIGNATURE: Cathy Barnes
DATE: 2-20-06
ADDRESS: 2039 W. Pine St
Lodi, Ca 95242

NAME: Theodore Eachus
SIGNATURE: Theodore Eachus
DATE: 2/20/06
ADDRESS: 2033 W. Pine St.
Lodi, CA. 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION OPPOSES THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I OPPOSE THE ABOVE MENTIONED USE PERMIT.

NAME: Thomas J Orozco
SIGNATURE: [Signature]
DATE: 2-20-06
ADDRESS: 2114 Capell DR 95242

NAME: Thomas Orozco
SIGNATURE: [Signature]
DATE: 2-20-06
ADDRESS: 2114 Capell DR 95242

NAME: Brenda Cuozco
SIGNATURE: [Signature]
DATE: 02-20-06
ADDRESS: 2114 Capell Dr.
Lodi, CA 95242

NAME: _____
SIGNATURE: _____
DATE: _____
ADDRESS: _____

NAME: _____
SIGNATURE: _____
DATE: _____
ADDRESS: _____

TO: LODI CITY PLANNING COMMISSION

THIS PETITION OPPOSES THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I OPPOSE THE ABOVE MENTIONED USE PERMIT.

NAME: Darlene K. Castellanelli
SIGNATURE: Darlene K. Castellanelli
DATE: 2-21-06
ADDRESS: 101 Benson drive
Lodi, CA 95242

NAME: Robbie BRANDT
SIGNATURE: Robbie Brandt
DATE: 2/21/06
ADDRESS: Lodi CA

NAME: Linda Bianchi
SIGNATURE: Linda Bianchi
DATE: 2-21-06
ADDRESS: 2121 W. Pine St.
Lodi CA 95242

NAME: _____
SIGNATURE: _____
DATE: _____
ADDRESS: _____

NAME: _____
SIGNATURE: _____
DATE: _____
ADDRESS: _____

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: _____
SIGNATURE: Sharon Hasenfus
DATE: 2/20/06
ADDRESS: 2208 Capell Dr.
Lodi CA 95242

NAME: _____
SIGNATURE: Charles Hasenfus
DATE: 2/20/06
ADDRESS: 2208 Capell Dr.
Lodi, Calif. 95242

NAME: _____
SIGNATURE: _____
DATE: _____
ADDRESS: _____

NAME: _____
SIGNATURE: _____
DATE: _____
ADDRESS: _____

NAME: _____
SIGNATURE: _____
DATE: _____
ADDRESS: _____

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: _____
SIGNATURE: Wayne Lockmiller
DATE: 2/20/06
ADDRESS: 2209 Caprice
Lodi CA

NAME: _____
SIGNATURE: Wayne Lockmiller Wayne Lockmiller
DATE: FEB 21, 2006
ADDRESS: 2106 W Pine ST
Lodi Ca 95242

NAME: _____
SIGNATURE: _____
DATE: _____
ADDRESS: _____

NAME: _____
SIGNATURE: _____
DATE: _____
ADDRESS: _____

NAME: _____
SIGNATURE: _____
DATE: _____
ADDRESS: _____

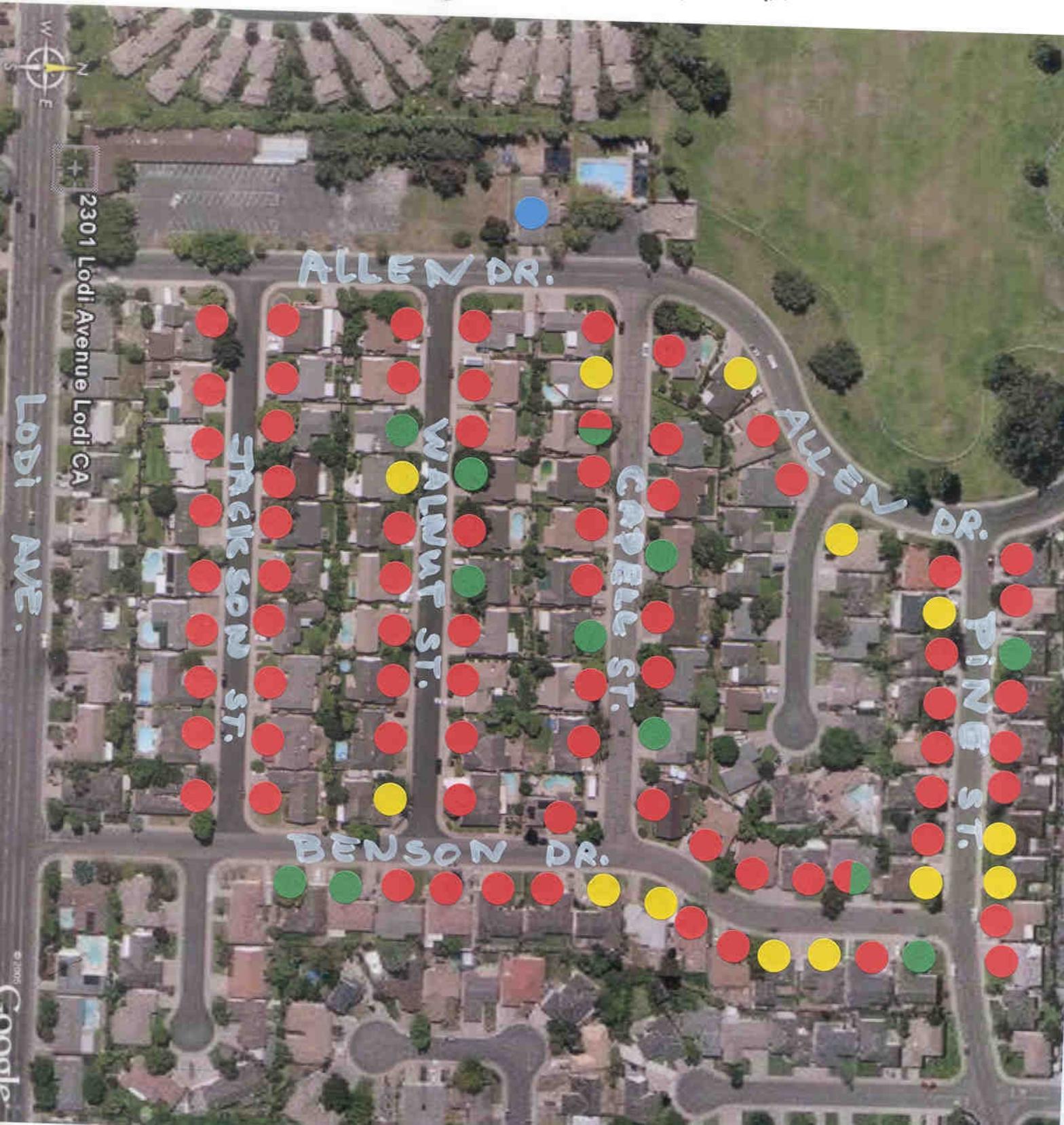
72 ● OPPOSED

13 ● UNABLE TO CONTACT

10 ● NEUTRAL

2 ● 1 OPPOSED - 1 NEUTRAL

1 ● APPROVES



February 26, 2006

Council Member John Beckman
Lodi City Council
C/O City Clerks Office
P.O. Box 3006
Lodi, 95241-1941

<input checked="" type="checkbox"/>	CC	<input type="checkbox"/>	HR
<input checked="" type="checkbox"/>	CM	<input type="checkbox"/>	IS
<input checked="" type="checkbox"/>	CA	<input type="checkbox"/>	LIB
<input checked="" type="checkbox"/>	CD	<input type="checkbox"/>	PR
<input type="checkbox"/>	EUD	<input type="checkbox"/>	PD
<input type="checkbox"/>	FIN	<input type="checkbox"/>	PW
<input type="checkbox"/>	FD	<input type="checkbox"/>	COM

CITY CLERK'S NOTE:
Appeal fee has not yet been received.
Deadline to file is March 8, 2006.

RE: Use Permit for Vineyard Christian
Middle School

Dear Council Member John Beckman,

The Planning Commission voted 4-3 to allow a Use Permit for Vineyard Christian Middle School to relocate their 5 portable buildings to the parking lot of Lodi Avenue Baptist Church located at 2301 W. Lodi Avenue (corner of Lodi Avenue and Allen Drive).

Clearly, two of the planning commissioners had their minds made up at the first of the two hearings. Commissioner Bill Cummins said he was a Minister and Commissioner Doug Kuehne has children that attend St. Peter's School and is totally pro-private school. They both should have excused themselves from voting because they are bias. Neither of them was interested in the neighborhood's concerns or opinions.

At the second hearing, a petition was presented to the commission. Over 100 signatures were collected from the residents of Benson Tract opposing the Use Permit. It was irresponsible to ignore the fact that the majority of the neighborhood – people who live and own property in the area – opposes the school. We don't have a say in what happens to our neighborhood?

Vineyard Christian Middle School is a 6th, 7th & 8th grade school with 84 students. It is not a neighborhood school. Only one student lives in our neighborhood and it happens to be Lodi Avenue Baptist Church's minister's child. All the others will be driven to and from school.

We currently live in a fairly quiet neighborhood. We want to keep it that way. We do not want the added traffic and noise. We all ready have that with St. Peter's School. We are also concerned about our property values.

We know of another location that is more appropriate for their school site and it was brought to their attention.

We are appealing the planning commission's decision to grant the Use Permit.
We urge you to oppose the Use Permit. Thank you for your consideration in
this matter.

Sincerely,

Handwritten signatures of Paul Taormina and Dana Ashbaugh. The signature of Paul Taormina is written in a cursive style with a long horizontal flourish. Below it, the signature of Dana Ashbaugh is also in cursive.

Paul Taormina & Dana Ashbaugh
2225 Jackson Street
Lodi, CA 95242
(209) 333-1800

March 5, 2006

Council Member
Lodi City Council
C/O City Clerks Office
P.O. Box 3006
Lodi, 95241-1941

RE: Use Permit for Vineyard Christian Middle School

Dear Council Member

The Planning Commission voted 4-3 to allow a Use Permit for Vineyard Christian Middle School to relocate their 5 portable buildings to the parking lot of Lodi Avenue Baptist Church located at 2301 W. Lodi Avenue (corner of Lodi Avenue and Allen Drive).

Clearly, two of the planning commissioners had their minds made up at the first of the two hearings. Commissioner Bill Cummins said he was a Minister and Commissioner Doug Kuehne has children that attend St. Peter's School and is totally pro-private school. They both should have excused themselves from voting because they are bias. Neither of them was interested in the neighborhood's concerns or opinions.

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We currently live in a fairly quiet neighborhood. We want to keep it that way. We do not want the added traffic and noise. We all ready have that with St. Peter's School. We are also concerned about our property values.

We know of another location that is more appropriate for their school site and it was brought to their attention.

We are appealing the planning commission's decision to grant the Use Permit. We urge you to oppose the Use Permit. Thank you for your consideration in this matter.

Sincerely,

Emil Kaepplin
Anna Kaepplin
2219 Jackson St
Lodi, Ca 95242

<input checked="" type="checkbox"/>	CC	<input type="checkbox"/>	HR
<input checked="" type="checkbox"/>	CM	<input type="checkbox"/>	IS
<input checked="" type="checkbox"/>	CA	<input type="checkbox"/>	LIB
<input checked="" type="checkbox"/>	CD	<input type="checkbox"/>	PR
<input type="checkbox"/>	EUD	<input type="checkbox"/>	PD
<input type="checkbox"/>	FIN	<input type="checkbox"/>	PW
<input type="checkbox"/>	FD	<input type="checkbox"/>	COM

Lodi City Council:

Mar. 29, 2006

We are traveling and wont be able to attend the appeal meeting on April 19, 2006. We do want to again state our feelings of no school in our neighborhood on allen Dr. We are a very small neighborhood and not many thru streets. We do not need any extra traffic - cars or pedestrians on these streets. There will be congestion at the stop sign at Lodi Ave. There will be noise and any kind of portables do not improve the looks of any property. There is also a person that had been registered as a sex offender living within one block. We really like our neighborhood and hope you can see the way to leave it that way.

Respectfully,
Patricia Paule
Loren Paule

2101 W. Walnut
Lodi, Ca. 95242

RECEIVED

APR - 3 2006

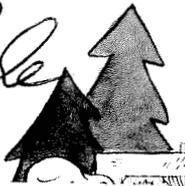
City Clerk
City of Lodi

You
stand out
in any
crowd!

CITY CLERK'S NOTE:

This communication pertains to the appeal of the Planning Commission's decision on 02-22-06 to approve a Use Permit (U-05-020) for Vineyard Christian Middle School to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 W. Lodi Avenue. The public hearing before the City Council has been scheduled for April 19, 2006.

CC: City Council, City Manager, City Attorney, and Community Development Director



CITY CLERK'S NOTE:

This communication pertains to the appeal of the Planning Commission's decision on 02-22-06 to approve a Use Permit (U-05-020) for Vineyard Christian Middle School to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 W. Lodi Avenue. The public hearing before the City Council has been scheduled for April 19, 2006.

CC: City Council, City Manager, City Attorney, and Community Development Director

RECEIVED

MAR 29 2006

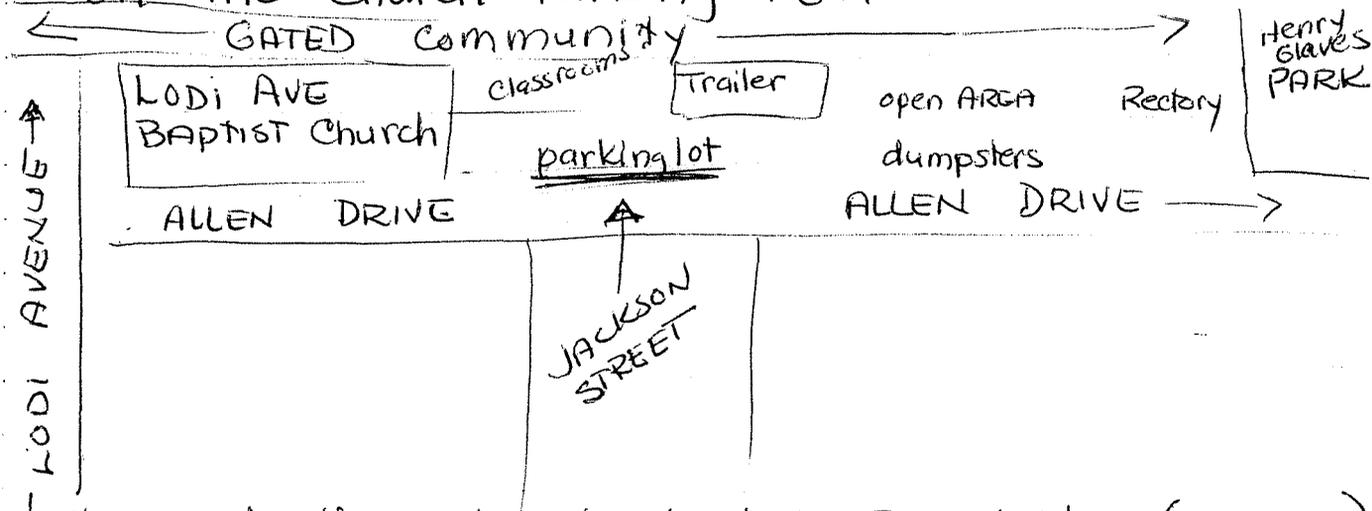
City Clerk
City of Lodi

2208 Jackson Street
Lodi, California 95242
home phone (209) 369-4138

March 24, 2006

To whom it may concern:

I too am a homeowner on Jackson Street - Just 3 houses east of the church parking lot of the LODI AVENUE BAPTIST Church. Our short street ends at ALLEN DRIVE and if you were to cross the street you would be on the Church Parking lot.



Where do they plan to install 5 portables (TRAILERS) on this small site!!! Where will the children have a playground for P.E.?

I would like to request members of the City Council and members of the PLANNING Commission to please go inspect the church site and visualize how they plan to put 5 portables on that available Church space.

If the members of the LODI AVENUE Baptist Church are so set on having a school why

don't they purchase land for a new site that would be big enough to build permanent buildings. (example - St. Peters Lutheran School has a lovely campus with permanent buildings and adequate parking for staff and visitors.)

The site at the corner of LODI AVENUE and ALLEN DRIVE does not have adequate space:

This has been a quiet, wonderful neighborhood for the 30+ years that I have lived in my home. There will be added traffic, noise and commotion. Will the portables add value to our property all along this street? Go by the schools with portables and ask yourself - "Do I want them by my home!!!"

Please listen to the citizens that live in this neighborhood and realize that we should all have the opportunity to express our views since its our area that will be affected by traffic bringing 84 (+ or -) students to the church site daily!!!

Dolores L. HANSON
LODI

RECEIVED

MAR 29 2006

3-27-06

City Clerk
City of Lodi

CITY CLERK'S NOTE:

This communication pertains to the appeal of the Planning Commission's decision on 02-22-06 to approve a Use Permit (U-05-020) for Vineyard Christian Middle School to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 W. Lodi Avenue. The public hearing before the City Council has been scheduled for April 19, 2006.

CC: City Council, City Manager, City Attorney, and Community Development Director

Dear Sirs

re

Object To

a school on Allen Dr
Vineyard Middle
School.

We live at

2125 W. Walnut

Lodi.

Luverne Smida

Ruth Smida

Phone # 334 - 0814

 Mr. & Mrs. Luverne Smida
2125 W. Walnut St.
Lodi, CA 95242

Lodi City Council
C/O City Clerk's Office
P.O. Box 3006
Lodi, Ca. 95241-1941

CITY CLERK'S NOTE:

This communication pertains to the appeal of the Planning Commission's decision on 02-22-06 to approve a Use Permit (U-05-020) for Vineyard Christian Middle School to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 W. Lodi Avenue. The public hearing before the City Council has been scheduled for April 19, 2006.

CC: City Council, City Manager, City Attorney, and Community Development Director

RECEIVED

APR - 3 2006

City Clerk
City of Lodi

Mayor Susan Hitchcock, Members of
The Lodi City Council:

Thank you for the opportunity to express our concerns about the pending Vineyard Christian School Use Permit to be considered by the City Council on April 19, 2006.

Having lived across the street from the Lodi Avenue Baptist Church for nearly 36 years we have always considered them as extremely good neighbors, always considerate of those around them. However, their decision to allow a school to locate on this small piece of property is not a good decision, one that certainly does not conform to their past consideration of the neighborhood.

As you may have noticed from your site-visit to this rather shallow piece of property, the proposed portable buildings will be in full view of the residences across the street, certainly detracting from the nice, aesthetically pleasing residential atmosphere we've strived to maintain throughout the years. Principal Karen Hale is quoted in the March 7, 2006 edition of the Lodi News Sentinel as saying "Anyone who knows us knows we can be nothing but a blessing." I would submit that she and the parents bringing their children to our neighborhood, only to leave at the end of each day to go home to their nice neighborhoods, unobstructed by portable buildings, could easily say something like that. But, how about those of us that must contend with this 24 hours a day, knowing that our property values have been adversely affected by being located in sight of these buildings?

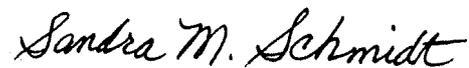
Secondly, and with all due respect to city's Traffic Department, Allen Drive is not a safe street in this area. In the time we've lived here we've seen two cars "driven", and wrecked, on corner lots across from the church property, and one wrecked on the area being proposed for the school, all as a result of drivers losing control while coming out of the curve just north of the proposed site. Perhaps, as we've heard, police records don't show this but we've witnessed it and have spoken to police on site at one of the accidents.

We are not opposed to Christian schools, in fact we are supportive of them, but this is not the proper location for one. We therefore urge that you, as a representative of all of us, consider the neighborhood that will be most affected by this school, and vote No on this Use Permit. Thank-you for considering our feelings.

Sincerely,



W. John Schmidt
2216 W. Walnut St.
Lodi, Ca. 95242



Sandra M. Schmidt
2216 W. Walnut St.
Lodi, Ca. 95242

RESOLUTION NO. 2006-70

A RESOLUTION OF THE LODI CITY COUNCIL UPHOLDING THE
PLANNING COMMISSION'S DECISION AND APPROVING THE REQUEST
OF LODI AVENUE BAPTIST CHURCH FOR A USE PERMIT TO ALLOW
VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE ON CHURCH
PROPERTY AT 2301 WEST LODI AVENUE, SUBJECT TO THE
CONDITIONS AS RECOMMENDED BY THE PLANNING COMMISSION

WHEREAS, notice thereof having been published according to law, an affidavit of which is on file in the office of the City Clerk, a public hearing was held April 19, 2006, by the Lodi City Council to consider the appeal of the Planning Commission decision of February 22, 2006, to approve a Use Permit for Vineyard Christian Middle School (VCMS) to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church located at 2301 West Lodi Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council determines that *public convenience or necessity* would be served by the issuance of Use Permit (U-05-20) and does hereby uphold the Planning Commission's decision and does hereby approve the request of Lodi Avenue Baptist Church for a Use Permit to allow VCMS to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue, subject to the following conditions as recommended by the Planning Commission:

- A. The final site plan and building elevations for the project be reviewed and approved by the City of Lodi Site Plan and Architectural Review Committee (SPARC) prior to any buildings being permanently located on the property.
- B. All construction is done with proper Building Department and Fire Department approvals and permits.
- C. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church, the City reserves the right to revisit parking needs and may require additional parking conditions.
- D. The VCMS shall modify the existing parking lot, including driveways to accommodate the traffic ingress and egress plan shown on Exhibit A. This will require the closure of the center driveway and new signing at the two remaining driveways. The northern driveway shall be signed "School Entrance" and the south driveway shall be signed "School Exit," "Right Turn Only." Additional pavement directional arrows may be required and the parking stalls realigned to match the direction of traffic flow.
- E. The VCMS shall modify its school hours so it will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, whichever works better for the school. The time difference shall be at least 10 minutes.
- F. The VCMS shall prepare "Parking Lot Instructions," which shall be subject to review and approval by the Community Development Director. The School shall provide the family of each student a copy of the document and have them agree to adhere to the requirements.

- G. The VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor will make sure that the traffic flows smoothly and safely by assisting parents and making sure that the "Parking Lot Instructions" are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.
- H. The VCMS shall upgrade the landscaping along Allen Drive to improve the appearance of the school from the street. These features will include new shrubs, trees, and any other items deemed appropriate by SPARC. The VCMS shall also construct a fence (the design to be approved by SPARC) along the east side of the school as a separator between the school grounds and Allen Drive.
- I. The VCMS shall provide an adequate number of garbage receptacles placed around the campus. The School shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. The School shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.
- J. The VCMS shall provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.
- K. The regular school hours shall be Monday through Friday approximately 8:30 a.m. to 3:10 p.m. (or modified per condition E) with some allowance for additional time for special school events. No outdoor competitive sport events other than those associated with physical education or normal school activities shall be held on-site.
- L. The VCMS shall coordinate its schedule for activities with the Lodi Avenue Baptist Church to minimize scheduling conflicts.
- M. Payment of Development Impact Mitigation Fees at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be \$57,301.04. Fee calculations are shown on the Development Impact Mitigation Fee Summary Sheet, which will be provided to the applicant. The fees are based on information contained in the use permit application and represent 84 students, 5 full-time equivalent employees, a building area of 4,000 square feet, and a building pad area of 14,000 square feet. This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and will be those in effect at the time of issuance of the building permit. A change in the fees is anticipated in the near future.
- N. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available for reference. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first.

- O. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, the cost is estimated to be approximately \$2,856.00 (cost estimate available), which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.
- P. No variance from any City of Lodi adopted code, policy, or specification is granted or implied by the approval of this resolution.

BE IT FURTHER RESOLVED that this conditional use permit shall be subject to periodic review for compliance with these conditions by the Planning Commission.

Dated: April 19, 2006

I hereby certify that Resolution No. 2006-70 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 19, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, and Johnson
NOES: COUNCIL MEMBERS – Mounce
ABSENT: COUNCIL MEMBERS – None
ABSTAIN: COUNCIL MEMBERS – Mayor Hitchcock

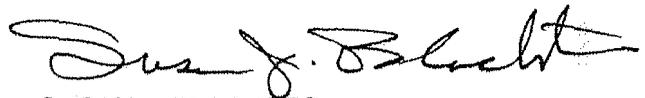

SUSAN J. BLACKSTON
City Clerk

EXHIBIT A



City of Lodi, Community Development, Planning Division.

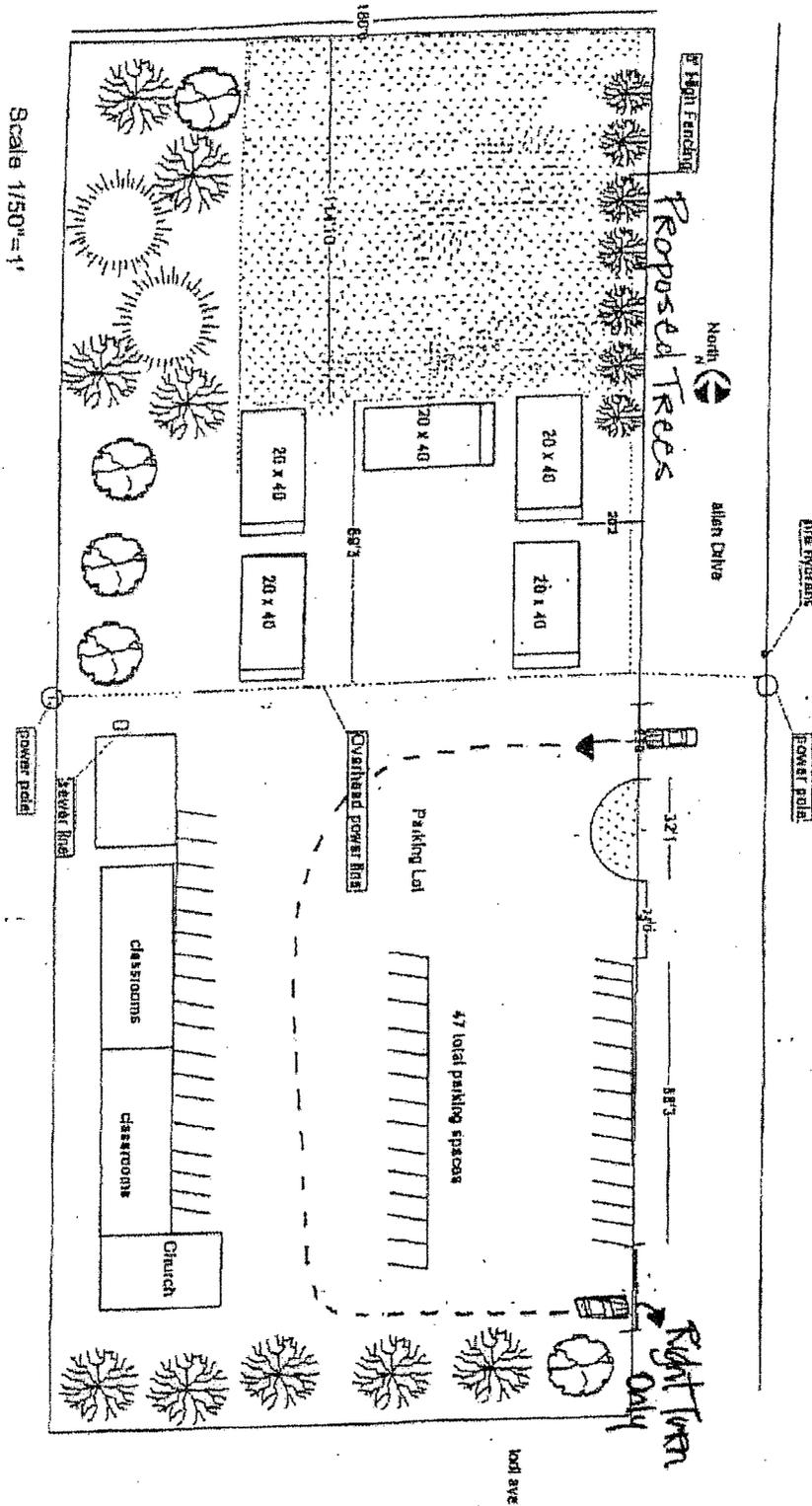


Exhibit A

City Council Partial
Minutes
(appeal only)

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Ken Owen, representing Christian Community Concerns, thanked Council for its decision to display the National motto in the Carnegie Forum lobby. He invited everyone to attend the May 4 National Day of Prayer.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

None.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- In reference to the earlier presentation regarding the Police Partners, City Manager King clarified that Lodi does not enforce laws for the purpose of generating revenue; rather, it imposes fines for the purpose of achieving compliance with the law.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider the appeal of the Planning Commission's decision of February 22, 2006, to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue (Applicant, Lodi Avenue Baptist Church; File #U-05-20).

NOTE: Due to a potential conflict of interest related to the location of her home to the vicinity of the proposed project, Mayor Hitchcock abstained from discussion and voting on this matter and vacated her seat at the dais at 8:01 p.m.

MOTION TO LIMIT DEBATE:

The City Council, on motion of Mayor Pro Tempore Johnson, Beckman second, voted to limit the main presentations to 15 minutes and public comments to 3 minutes each. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mounce
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Mayor Hitchcock

Peter Pirnejad, Planning Manager, explained that staff's recommendation to uphold the Planning Commission's decision is based on consistency with the City's zoning ordinance and assessment of public safety. The City's Traffic Engineer reported that from 2003 to March 2006 there has been one reported collision in the area. Daily vehicle traffic volume on Allen Drive is 5,000 vehicle trips per day. The latest traffic count on Allen Drive shows 761 vehicle trips per day, and with the addition of the Vineyard Christian Middle School, it is anticipated to increase by 130 vehicle trips per day, which still results in a level of service "A". A public hearing was held before the Planning Commission on February 8 and continued to February 22, at which a vote took place to approve the use permit based on a revised and improved circulation element. Condition D in the conditions of approval address what staff and the applicant consider to be the best traffic flow pattern. Mr. Pirnejad reviewed the 16 conditions of approval as were outlined in the Planning Commission's Resolution No. P.C. 06-05.

Hearing Opened to the Public

- Bob Peterson felt that Planning Commissioner Cummins had a conflict of interest because he is a pastor of a church and, therefore, should have abstained from voting on the matter. The Planning Commission's vote was 4 to 3, so if Commissioner Cummins

had abstained it would have been a tie vote and the Use Permit would not have been approved. Planning Commissioner Kuehne could be perceived as having a conflict of interest because after the February 8 presentation he congratulated members of the Vineyard School for their work at Woodbridge School and disclosed that his own children attend St. Peters Christian School. One of the issues that could not be mitigated was how parents would come into the neighborhood to get to the school, as they could enter by any of the side streets.

- Paula Peterson displayed a map of the neighborhood that showed those in favor of and those opposed to the Vineyard Middle School project. She collected 130 signatures on a petition of those who were opposed to placing the middle school on the grounds of Lodi Avenue Baptist Church. She felt that more people in the neighborhood should have been made aware of the project, rather than just the minimum requirement of 300 feet surrounding the school site. She cited negative impacts of traffic, noise, and appearance. Residents in the area purchased their homes because it is a quiet neighborhood. Ms. Peterson disputed the results of the traffic report, as she knew of five accidents that occurred during the past two years. She did not believe it was possible to mitigate the noise of a middle school.

In response to the conflict of interest allegations, City Attorney Schwabauer did not believe that either rose to the level of a conflict within the meaning of the Fair Political Practices Act. Neither Planning Commissioner had a personal financial interest in the project. In regard to the matter of a tie vote, Mr. Schwabauer explained that either side could have appealed the decision, or in the case of a tie vote, a non-decision.

- Karen Hale, Principal of Vineyard Christian Middle School, reported that the school opened in 2004. Currently, it operates out of five modular buildings on the site of Woodbridge Middle School; however, its lease ends in June. It has three classrooms; one class for 6th, 7th, and 8th grades not to exceed 28 students in each class and is in session from 8:30 a.m. to 3:10 p.m. Its after school athletic enrichment program is located off site. She assured Council that all rules, regulations, conditions, and expectations set forth by the Planning Commission and the Site Plan and Architectural Review Committee (SPARC) will be adhered to.

In answer to questions posed by Council Member Hansen, Ms. Hale estimated that 10 cars at a time, up to a total of 40, would be at the school. She did not foresee many of the parents using the side streets. Approximately ten of the students walk to school.

SPEAKERS IN FAVOR

- George Liepart stated that Lodi has a rich, healthy, and ongoing tradition of church / school relationships. It is a part of the community that has been in place for years and there have not been any challenges or problems with them. Vineyard Christian Middle School will be using newer modular buildings, which will be painted, refurbished, landscaped, etc. in accordance with SPARC direction.

Council Member Hansen disclosed that he met prior to the meeting with Mr. Liepart to discuss the project.

Council Member Beckman stated that he met with David and Christy Roberts in their home to discuss this matter. He also spoke previously with one of the proponents of the project who asked that the public hearing be held when all five members of the Council were present.

Council Member Mounce spoke prior to the meeting to Ms. Peterson, Ms. Oliver, Ms. Pitchford, and two members of the school, in addition to receiving numerous calls and emails about the matter.

Mayor Pro Tempore Johnson disclosed that he spoke with Paul Teramino who was opposed to the project; Ron Httle who was in favor; and Michael Hakeem, attorney representing Vineyard Christian Middle School.

- Alyssa Oliver distributed maps and photos (filed) and noted that neither of the school driveways align with the side streets. There is only one way in and one way out of the parking lot, and curb drop off or pick up is not allowed. Parents have received written instructions. There will be an adult monitor present.
- Kevin Huber, parent of a student at Vineyard School, spoke in support of the school curriculum and the proposed site. He stated that the project is a compatible use in the neighborhood and could be considered a model of how to utilize existing facilities, thus taking up less vacant land.
- Mike Hakeem, attorney representing Vineyard School, noted that there are many examples of schools in Lodi that are adjacent to residential areas, many with larger school populations, and those existing facilities have not had conflicts. There will be no offsite lunch. The traffic pattern has been reconfigured by the Planning Commission with a right-turn, right-out only. The scheduling and timing of the school has been geared not to conflict with St. Peters Lutheran School. In addition, Vineyard School has coordinated its schedule with church activities. There will be a school contact person available to the neighbors at all times to deal with issues that may surface. The school will be required to construct a five-foot fence on Allen Drive. He pointed out that the conditional use permit allows the City to bring the matter back for conditional review, revisitation of mitigation, or for revocation if necessary.
- Stacy Moffatt, parent of a Vineyard School student, commented that change is always difficult. She noted that the school has an elevated standard of excellence and asked Council to uphold the Planning Commission decision.
- Pat Patrick, parent of a Vineyard School student, stated that school leadership personnel are caring of the children and parents' concerns, respectful, professional, and focused on quality. He stated that the parking lot is large enough to handle all the cars that would be there at one time during drop off or pick up. He felt that the school creates great citizens and asked the Council to uphold the Planning Commission's decision.
- Christi Hilscher pointed out that neighborhoods sometimes change and a church brings activity to areas.
- Olivia Oliver mentioned that she attended Vineyard School last year and felt that it was an excellent opportunity that prepared her well for high school. Students at the school are held to very high standards.
- Linda Engrav-Clarke believed that the school would be a positive impact on the neighborhood. Ms. Clarke mentioned that she originally signed the petition in opposition to the school; however, after learning more about it she changed her mind. She stated that the school is acting in good faith to solicit neighborhood input regarding aesthetic qualities residents would like to see in the school. She disputed comments made about accidents in the area, as she felt if they occurred, the City's traffic engineers would have known about it.
- Tammi Enos, Secretary for the Vineyard School, asked when people quit loving the noise of children.

- Marsha Fitzgerald, parent of a student at Vineyard School, recalled that she had opposed the construction of a continuation school near her home. Neighbors picketed the school because they feared the worst. Ms. Fitzgerald reported that no problems have occurred in the year and a half that the school has been in operation. Residents' fears had been unfounded. She mentioned that students at Vineyard School learn the importance of serving the community.

RECESS

At 9:34 p.m., Mayor Pro Tempore Johnson called for a recess, and the City Council meeting reconvened at 9:41 p.m.

I. PUBLIC HEARINGS (Continued)

I-1 SPEAKERS IN OPPOSITION
(Cont'd.)

- Linda Reichert noted that Vineyard School is not a public/free school, yet it is inserting itself into an already existing mature neighborhood over the opposition of 85% of the residents surrounding it. The two Planning Commissioners who voted against the matter expressed concern regarding the parking spaces. If other uses occur during the day while the school is in session there will not be adequate parking.
- Rico Bianchi stated that there are five schools within walking distance of his home and he complained of traffic congestion and speeding.
- Treacy Dorth stated that the area is already noisy and the Vineyard School will worsen it and create traffic problems.
- David Johnson expressed safety concerns and believed that traffic will increase as a result of the Vineyard School.
- Dean Walker stated that the school will consume 25 parking spaces and there will not be enough remaining for the church. The church is required to have one parking space for every four of its 300 seats. He suggested that if Council is going to uphold the Planning Commission decision that it do so on the condition that the neighborhood approve the architectural review process through SPARC.
- Delores Hansen mentioned that she sent a letter to Council about this matter. She felt that the school would not have adequate space and was opposed to portable buildings and noise impacts.
- Chris Johnson stated that she chose to purchase a home in an established, quiet neighborhood that would not change. She voiced concern about increased traffic and noise.

REBUTTAL

- Paula Peterson stated that no one had taken into consideration the concentration of traffic in the area due to St. Peters, Reese, and Lodi High Schools.
- Mike Hakeem pointed out that City staff has determined that the average daily traffic could equal or exceed 2,000 cars a day and not violate the planning and safety principles established under the City's program element. With 761 cars currently and the 130 added, the street capacity will only be at 50%. SPARC will review the modular buildings, and the community will have an opportunity to participate and provide input to determine their appearance. Regarding noise, he mentioned that there will be only one recess and one lunch period Monday through Friday.

Public Portion of Hearing Closed

Community Development Director Hatch reported that the modular buildings would take up 14 of the existing 61 parking spaces. The church has 80 to 100 parishioners, though its capacity is 300. The Planning Commission made a finding that 47 parking spaces were adequate for both the school and church.

Council Member Beckman stated that in this situation there is a private property owner who wants to lease some of its land for a use allowed under the City's zoning laws. Mr. Beckman explained that he tends to approve an allowable use unless there is a demonstrated harm that is going to be inflicted upon someone else, and that is not the case in this situation. He saw this matter as private property rights being exercised properly.

MOTION:

Council Member Beckman made a motion, Hansen second, to adopt Resolution No. 2006-70 upholding the Planning Commission's decision and approving the request of Lodi Avenue Baptist Church for a Use Permit to allow Vineyard Christian Middle School to locate on church property at 2301 West Lodi Avenue, subject to the conditions as recommended by the planning commission.

DISCUSSION:

Council Member Mounce expressed concern regarding parking. She preferred to view finished plans and SPARC review prior to making a decision. She noted that personal property rights also include all the people who own property in the neighborhood surrounding the project.

Council Member Hansen had confidence in the conditional use process and noted that it could be revoked if promises and conditions were not adhered to.

VOTE:

The above motion carried by the following vote:

- Ayes: Council Members – Beckman, Hansen, and Johnson
- Noes: Council Members – Mounce
- Absent: Council Members – None
- Abstain: Council Members – Mayor Hitchcock

RECESS

At 10:26 p.m., Mayor Pro Tempore Johnson called for a recess, and the City Council meeting reconvened at 10:32 p.m. Mayor Hitchcock returned to the dais.

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Hansen, Mounce second, unanimously directed the City Clerk to post for the following expiring terms:

Greater Lodi Area Youth Commission

(Adult Advisors)

- Dale Jones Term to expire May 31, 2006
- Elizabeth Mazzeo Term to expire May 31, 2006
- Brad VanderHamm Term to expire May 31, 2006

Site Plan and Architectural
Review Committee Staff
Report and Minutes



MEMORANDUM, City of Lodi, Community Development Department

To: Site Plan and Architectural Review Committee
From: Community Development Department
Date: June 19, 2006
Subject: The request of Vineyard Christian Middle School for SPARC approval for 5 modular classroom buildings to be placed on the grounds of Lodi Avenue Baptist Church located at 2301 West Lodi Avenue.

RECOMMENDATION

Staff recommends that the Site Plan and Architectural Review Committee approve the request of Vineyard Christian Middle School for the addition of five modular classroom buildings totaling 4,800 square feet and as well as modifications to the parking lot, driveways and landscaping at 2301 West Lodi Avenue, subject to the SPARC Common Design Requirements, and Supplemental Conditions.

SUMMARY

The applicant, Vineyard Christian Middle School, is requesting SPARC approval of the site plan and building elevations for a private school to be located on the grounds of Lodi Avenue Baptist Church at 2301 W. Lodi Avenue. The project involves the placement of five modular classroom buildings that will be located in what is now a portion of the church's parking lot. Each of the classroom buildings will be 24'x 40' in size (960 sq. ft.) and the five buildings will total 4,800 square feet. The modular classrooms will comply with building code standards, particularly as it relates to attachment to the ground. The project will also include modification of the existing church parking lot, additional landscaping and a new fence along Allen Drive.

BACKGROUND

On February 22, 2006, the Planning Commission conditionally approved a Use Permit to allow the Vineyard Christian Middle School to construct a private 6th-8th grade school for a maximum of 84 students on the property of the Lodi Avenue Baptist Church. The decision to approve the Use Permit was appealed to the City Council by some of the residents in the neighborhood. On April 20, 2006, the City Council held a public hearing on the matter and denied the appeal, upholding the Planning Commission's decision. One of the conditions was that the project be reviewed by SPARC.

ANALYSIS

The Vineyard Christian Middle School (VCMS) is an existing private middle school for 6th, 7th and 8th grade students. The school is temporarily located on the grounds of the Woodbridge Elementary School in Woodbridge. The Woodbridge site, owned by the Lodi Unified School District was available to VCMS during the period the campus has been undergoing a major renovation and the LUSD students were relocated to other school sites. VCMS utilized modular classroom buildings on a portion of the Woodbridge site that was not being used for construction purposes. The renovations to the Woodbridge School will be completed in time for the fall school year and the LUSD will be moving back onto the school site. VCMS will have to relocate to a new site and they have determined that the Lodi Ave. Baptist Church site best suits their needs.

The school site will occupy the northern half of the church property. This area is currently a parking lot and an open grass field. The 5 modular classroom buildings will

be located on the paved parking area and the grass field will be used for a playground. Additionally there will be a smaller modular building that will serve as restrooms for the school and will be located west of the classroom buildings. The restroom building will replace an older church building in the same location that was recently removed.

In addition to the buildings, the project will involve the redesign of the existing parking lot, construction of a new fence along Allen Drive and the installation of new landscaping along the street frontage.

Staff, after reviewing the submitted plans has determined that there are several changes that must be made to the site plan. First, the parking layout does not match the design approved as a part of the Use Permit. The Planning Commission specifically approved a plan that had cars entering the site at the center driveway on Allen Drive and exiting from the southern driveway closest to Lodi Ave. This was done to minimize the traffic impact on neighborhood and the traffic flow on Allen Drive and Lodi Ave. The submitted site plan shows traffic going in the reverse direction. The site plan will need to be revised to reverse the flow of traffic to match what was approved by the Planning Commission. The parking lot will also have to be striped to reflect the new parking design and circulation.

Second, the proposed design places buildings in front of the northern-most driveway so it will no longer function as a driveway into the property. In order to eliminate any confusion and to improve the aesthetics of the site, the City will require that the driveway be removed and replaced with curb, gutter, sidewalk and landscaping.

Third, the site plan does not really show what is proposed for the new landscaping. Staff is recommending that the area along Allen Drive between the new fence and the street be contoured with a continuous mound ranging between 24" and 30" in height. The mound shall be planted with, groundcover, shrubs and trees to provide some screening between the school building and the residences across the street.

Finally, staff is recommending that the classroom buildings be given some additional architectural treatment. This can be done by requiring the painting of the trim around the doors, windows and roof fascia with the "Oregon Trail" paint color. This will provide some contrasting color to the buildings.

The proposed buildings will utilize two colors. The walls of the modular classroom buildings will be wood siding painted a "Drifting Dune" color. The roof, window and door trim will be painted an "Oregon Trail" paint color.

SUPPLEMENTAL CONDITIONS

In addition to the Committee's Common Design Requirements, staff recommends the following supplemental conditions:

1. The Building Owner shall submit appropriate plans to the Community Development Department for plan check and building permit.
2. The plans and final project shall comply with all conditions approved by the Planning Commission as part of Use Permit 05-U-020.
3. The parking and driveway dimensions must comply with City parking design standards. (Public Works Standard Plan #134). The parking lot design shown on the submitted site plan does not conform to the plan approved by the Planning Commission. The approved plan must be redesigned with the traffic flow moving in a counter clockwise direction. The entry to the school parking lot must be located at the center driveway and the exit must be located at the southern driveway, closest to Lodi Ave. The parking lot must be re-striped to reflect the change in the traffic flow direction. The driveways must have appropriate directional signs.

4. Provide parking for the physically disabled. The spaces shall be located as close as possible to the primary entrance.
 - a. Provide identification signs for the parking spaces including the "Tow away" sign at each entrance or visible from each space.
 - b. The slope of a parking space shall not exceed ¼ inch per foot.
 - c. Provide one van parking space.
5. A refuse enclosure that complies with City standards shall be constructed. Plans for the enclosure shall show dimensions and building materials and the enclosure shall be large enough to include an area for recycling containers as well as solid waste. The enclosure shall be landscaped on all visible sides except the entrance. Plans shall be submitted to the Community Development Department for approval.
6. A fence, no less than 5' in height will be constructed along the Allen Drive frontage of the school. SPARC will determine the type of fencing material and the final design will be reviewed and approved by the Community Development Department.
7. A detailed landscape plan shall be submitted to the Community Development Department for approval. The plan must provide for new landscaping along the Allen Drive frontage. The landscaping shall include a 24" to 30" high mounding feature along this frontage. The mound shall be planted with groundcover, shrubs and trees to provide a landscaped screening effect along the street.
8. The classroom building shall be given additional architectural treatment. The walls of the buildings will be painted a "Driftwood Dune" color. The trim around all the windows, doors and roofs shall all be painted an "Oregon Trail" paint color to provide some contrasting color to the classrooms. The applicant should also consider additional treatment that could improve the exterior appearance of the buildings.
9. Payment of Development Impact Mitigation Fees is required at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be \$58,301.04. The fees are based on information provided by Vineyard Christian Middle School and contained in the SPARC application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,800 square feet and a building pad area of 14,000 square feet. This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and the impact fee schedule in effect at the time of issuance of the building permit. A change in the fees is anticipated in the near future.
10. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available. The work shall be completed by the owner's contractor under the terms of an encroachment permit issued by the Public Works Department prior to commencement of the work. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first. All work shall be done in conformance with City standards and specifications.
11. Any new driveways shall be commercial driveways conforming to Standard Plan 111. The unused northernmost driveways shall be removed and replaced with curb, gutter

and sidewalk in conformance with City standards. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way.

12. Construction and storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003.
13. The location of the over-head electric power line shown on the site plan will need to be confirmed by the City. If the actual location of the line conflicts with any proposed buildings or with Electric Utility Department standards, the line may need to be relocated with the relocation cost paid by the applicant.

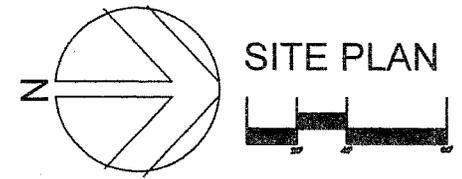
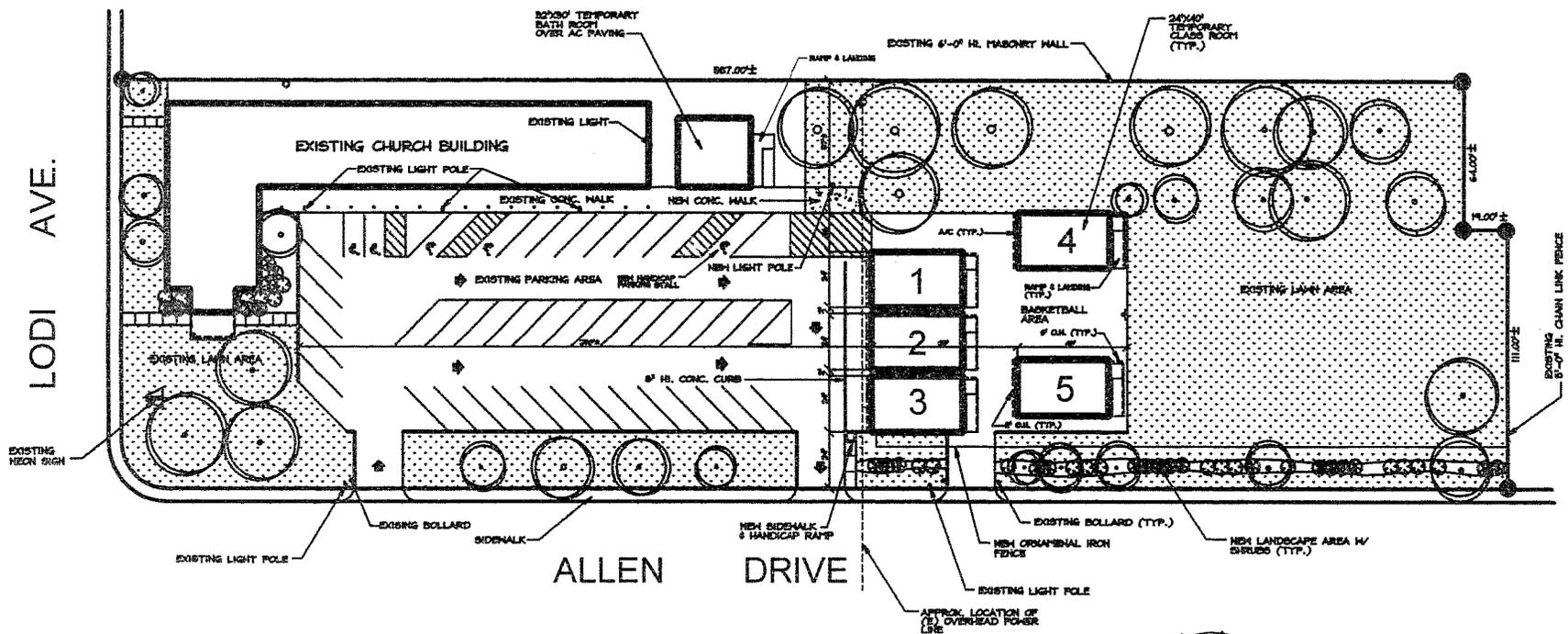
Prior to reliance on this conditional approval, the applicant shall sign an affidavit, stating that the applicant has read, understands and will comply with the above conditions. **This affidavit shall be returned to the City of Lodi Planning Department.**

Respectfully Submitted,

Concur,

David Morimoto
Senior Planner

Peter Pirnejad
Planning Manager



**PROPOSED TEMPORARY CLASS ROOM FOR
LODI AVENUE BAPTIST CHURCH**

**SITE PLAN AND ARCHITECTURAL
REVIEW COMMITTEE MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
MONDAY, June 19, 2006**

1. CALL TO ORDER / ROLL CALL

The Regular Site Plan and Architectural Review Committee meeting of June 19, 2006, was called to order by Chair Sellesest at 5:15 p.m.

Present: Committee Members – Haugan, Slater and Sellesest.

Absent: Committee Members – Stafford and Kundert.

Also Present: Community Development Director Hatch, Planning Manager Pirnejad and Senior Planner Morimoto.

2. MINUTES

a) None

3. REVIEW ITEM

a) **The request of Vineyard Christian Middle School for SPARC approval of the site plan and elevations for a private middle school to be located on the grounds of Lodi Ave. Baptist Church, 2301 West Lodi Ave.**

Staff reviewed this item for the Committee. The project was described as a new campus for the Vineyard Christian Middle School (VCMS) which is currently located in Woodbridge. Earlier this year, the Planning Commission granted a Use Permit to allow the use of the church property for the school. VCMS proposes to install 5 modular class rooms building on the site as well as a modular restroom facility. The buildings will be placed near the center of the church property, on what is now a portion of the parking lot. North of the buildings is a grass area that will be the school playground. The school will have a maximum of 84 students in three classes. The modular buildings will be used for a period of several years until permanent class rooms can be constructed on the church site.

Staff went over some of the proposed design features of the project and some changes suggested by staff. Among the changes suggested by staff are the following:

- 1) Painting the trim around all doors, windows and roof lines a contrasting brown "Oregon Trail" color.
- 2) Redesign the parking lot to have the traffic flow go in a counter clockwise direction as approved by the Planning Commission. This will require that the lot be re-stripped. Signs will need to be placed at the appropriate driveways.
- 3) Landscape the area between the proposed fence and the City sidewalk. The landscaped area shall include a continuous mound of with a height between 24" and 30"s that will be planted with groundcover, shrubs and trees. The landscaping shall provide some screening between the school and the adjacent residential neighborhood.
- 4) That any unused driveway is removed and replaced with curb, gutter sidewalk and landscaping.

Present to speak on the project was Ron Hittle representing VCMS. Mr. Hittle spoke about the project and addressed some of the staff requirements. He stated that they were in general agreement with the requirements except for the requirement to remove and rebuild the northern driveway. He noted that the modular buildings were a temporary situation and they were planning to build a permanent facility sometime in the future. When asked, he could not give a specific timetable for when this might happen. He proposed that the time being they be allowed to leave the driveway and instead install decorative bollards to block access to the driveway.

The Committee asked a number of questions of Mr. Hittle which he attempted to address. Committee Member Slater asked about the location of a refuse area, the bathroom configuration, the type of landscaping and the parking lot.

Mr. Hittle explained that the refuse enclosure will be away from the street in the area near the restroom. The restroom building will have both a men's and women's section as well as a staff restroom. The landscaping will utilize existing trees and will be supplemented with additional planting. A detailed landscape plan will be submitted to the City for staff approval. The parking lot will be given a slurry seal and re-stripped to conform to the approved site plan.

Mr. Slater and other Committee members discussed the issue of the driveway removal. They generally felt that something should be done to modify the driveway to keep anyone from driving through, but they did not necessarily think that the entire driveway had to be removed. They also discussed the placement of the modular units and the direction the air conditioners will face. They felt that the proposed configuration was the best solution.

There were several members of the audience that came forward to speak. These included Bob and Paula Peterson, 2224 Allen Drive. They were concerned that the driveway configuration did not conform to the design approved by the Planning Commission. Community Development Director Hatch explained that while not identical, he felt that the proposal was close enough to the same design and the minor change would not significantly affect the way the facility functioned. The Peterson's also spoke in opposition to the proposed wrought-iron fence. They felt that the fence should be a solid masonry fence that would provide some sound attenuation for the neighbors to the east. Mr. Hatch explained that SPARC had the ability to determine what type of fencing was appropriate for the project.

Also present to speak were Paul Taormino and Dana Ashbaugh, 2225 Jackson Street. They also wanted a solid fence instead of the wrought-iron fence. Mr. Taormino said that except for the fence he was okay with the rest of the project.

Mr. Hittle addressed the Committee and stated that their primary concern with the masonry fence would be the cost. Because they were on a limited budget, they would like to seek the most economical solution for the fencing. Mr. Hatch noted that SPARC did not have to consider cost and could require what ever they felt was appropriate for the situation.

Committee Member Haugen felt that the fencing proposed by the applicant met the requirement of the Planning Commission and would be an attractive fence. Other members expressed their thoughts on the fencing.

Finally after extensive discussion, the Committee decided to approve the project subject to the standard and supplemental conditions on the staff report with two exceptions. The Committee was willing to approve the location of the buildings, the colors of the building and the areas for landscaping. The stated that the applicant could move forward with the relocation of the buildings to prepare for the opening of the school. SPARC did however, make the requirement that the applicant's work with the neighbors to come up with a fence design and choice of material that would be acceptable to all parties. They also wanted to see a design for the unused driveway that would help them determine whether the driveway should be removed or could simply be modified.

MOTION / VOTE:

SPARC, on motion of Member Slater, second by Member Haugen, approved the request of Vineyard Christian Middle School for a new school facility subject to the conditions on the attached affidavit and two additional conditions. The conditions are that VCMS return for SPARC approval with a fence plan that is acceptable to all parties and with a design solution for the unused driveway. The vote was as follows:

Ayes: Committee Members, Haugen, Slater, Selleseth.
Noes: Committee Members, none.
Abstain: None.

Continued

4. ADJOURNMENT

There being no further business to come before the Site Plan and Architectural Review Committee, the meeting was adjourned at 7:00 p.m.

ATTEST:

David Morimoto
Senior Planner

Site Plan and Architectural
Review Committee
Appeal

**APPEAL TO CITY OF LODI SITE PLAN AND ARCHITECTURAL
REVIEW COMMITTEE'S (SPARC'S) CHANGES TO USE PERMIT
APPLICATION NO. U-05-020 FOR LODI AVENUE BAPTIST
CHURCH TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL
TO LOCATE ON CHURCH PROPERTY AT 2301 WEST LODI
AVENUE**

The Lodi Planning Commission and the Lodi City Council approved Use Permit Application No. U-05-020 for Lodi Avenue Baptist Church to allow Vineyard Christian Middle School to locate on church property at 2301 West Lodi Avenue subject to a number of conditions. At SPARC's May 19th meeting, at which we were present, VCMS presented changes which are in direct violations of four (4) of the sixteen (16) conditions. They were asked to work with the neighbors in the resolution of these items. To date no neighbor has been contacted by VCMS or any party involved in the project; therefore we are appealing the three (3) violations as follows:

- B) "All construction is done with proper Building Department and Fire Department approvals and permits."
- 1) Construction has started. According to both Randy Hatch, Community Development Director, and Richard Prima, Director of Public Works, no Building Department and/or Fire Department approvals and permits have been issued.
 - 2) Why didn't the Project Manager pull permits before the work began? He also should have submitted changes to the use permit in an addendum so that they could have been reviewed by the Building Department and the Planning Commission. This is what is required for all members of the community. The Project Manager directed work to start on the project prior to obtaining work permits.
 - 3) What actions does the City of Lodi take when construction is started without proper permits? It is our understanding that if permits have not been issued prior to the filing of this appeal, they shall not be issued until the appeal has been heard.
- C) "The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church, the City reserves the right to revisit parking needs any may require additional parking conditions."
- 1) SPARC directed the redesign of the parking lot including traffic flow, signing, and restriping. The city's requirement for Lodi Avenue Baptist Church is 75 parking spaces. This was reduced to 47 spaces which does not accommodate church activities. Will the redesign of the portables which was adopted by SPARC cause loss of anymore parking spaces?
 - 2) In the February 8, 2006, City of Lodi Planning Commission Staff Report, Mr. Morimoto, Senior Planner, said that "There is not a requirement for the amount of grass area that a

school has to have. It would be possible to push the modulares back further onto the grass area to allow more parking if necessary.

D) “The Vineyard Christian Middle School (VCMS) **shall** modify the existing parking lot, including driveways to accommodate the traffic ingress and egress plans shown on Exhibit A. This will require the closure of the center driveway and new signing at the two remaining driveways. The northern driveway shall be signed “School Entrance,” and the south driveway shall be signed “School Exit, Right Turn Only.” Additional pavement directional arrows may be required and the parking stalls realigned to match the direction of traffic flow.”

1) The northern driveway was chosen for traffic ingress to mitigate potential traffic problems and “to increase vehicle stacking room on site. By allowing vehicles to maneuver in the parking lot there is less chance of vehicles having to wait on Allen Drive before entering the property. This will further limit the distance vehicles need to travel on Allen Drive. This will also spread the vehicles over two more widely separated driveways instead of concentrating them at the center of the property.” (Planning Commission Minutes of February 22, 2006)

2) Prior to the SPARC meeting of May 19, 2006, VCMS changed the layout of their portables. This change dictated that the northern driveway be abolished and the center driveway be used to accommodate traffic ingress. Also prior to the SPARC meeting and approval, VCMS bulldozed the northern driveway in direct violation of condition **D** as stated above.

a) We have been told by both Randy Hatch and Richard Prima that using the center driveway for traffic ingress is a safety issue as it creates an intersection at Allen Drive and Jackson Street. The safety issue is augmented by the fact that it is not an exact intersection but slightly offset. Traffic will be entering the center driveway from three directions at the same time: West on Jackson Street and North and South on Allen. The Planning Commission has very valid concerns about the dangerous traffic flow pattern created by using the center driveway for ingress.

b) Mr. George Lepart, representative for VCMS at the February 8, 2006, Lodi Planning Commission meeting stated, “The flow of the drop off and the pick-up will be whatever it needs to be to work cooperatively with the surrounding neighborhood and staff’s recommendations.

H) “The VCMS shall upgrade the landscaping along Allen Drive to improve the appearance of the school from the street. These features will include new shrubs, trees and any other items deemed appropriate by SPARC. The VCMS shall also construct a fence (the design to be approved by SPARC) along the east side of the school as a separator between the school grounds and Allen Drive.”

1) During discussions with both the Planning Commission and the City Council, it was agreed that a fence running from the parsonage to the south edge of the northern driveway would be the most appropriate separator between the school grounds and Allen Drive.

- 2) VCMS is now proposing a wrought iron fence and landscaping along the Allen Dr. frontage.
 - a) A wrought iron fence and landscaping will not deflect noise or the heat created by the air conditioning units. We request a seven (7) foot sound wall from the north edge of the property where the parsonage is located to the north side of the far south drive way.
 - b) Examples of this type of wall can be seen along the west side of Lower Sacramento Road between Lodi Avenue and Elm Street.
- 3) SPARC directed Ron Hittle, President of VCMS Board, to contact Paul Taormina and/or Dana Ashbaugh to come up with a fence design and choice of material that would be acceptable to all parties. To date, neither Paul nor Dana have been contacted.

Although not listed as specific conditions in the use permit, we would like the Planning Commission and the City Council to review the following issues:

1. Portables

- a. All parties involved agreed that VCMS would put five (5) portable buildings on the property – three (3) for classrooms, one (1) for administrative offices, and one (1) for a multipurpose room and restrooms. This configuration has also changed to be six (6) portables – the original five (5) and an additional portable for restrooms. Dennis Haugan of the Planning Commission and SPARC has informed us that since the youth center building at the church was torn down, VCMS can justify placing another portable building on the property as the total number of buildings does not exceed the original number on the property. However, the youth center was a church building used for church purposes. The restrooms that are replacing it are for school use, not church use. Statements made by VCMS representatives at prior city meetings emphasized that the school's portables would be self-contained, and they would not be sharing facilities with the church. Therefore, the additional 6th portable to be used for a restroom is actually a VCMS portable and not a replacement for the church portable that was destroyed.
- b. What are the code requirements for portable foundations? Currently pressure treated wood is being placed flat on the ground for the foundations. Pressure treated wood contains poisonous carcinogens and any water runoff will carry carcinogens into city drains.
- c. How old are the portables? Are these portables condemned portables from Elk Grove School District? (Public schools have a twenty (20) year use code.) What is the remaining life expectancy of these portables? If the permanent school is not built in a timely manner, these portables may outlive their life expectancy. A time limit requirement should be placed on the portables at this site.

During the SPARC meeting on May 19, 2006, Bob Peterson requested the changes already put in place that are in violation of the use permit go back to the Planning Commission or the City Council. His request was denied. Randy Hatch stated that the changes were within the scope of the authority of SPARC. We are concerned that SPARC overruled the Planning Commission by approving a new project design. We would like to know what SPARC's authority is and what their limitations are. We would also like SPARC to know and understand what their authority and limits are.

We respectfully request Deputy City Attorney Janice Magdich to:

1. Review the violations of the use permit.
2. Review if Commissioner Cummins has a conflict of interest being he is pastor of another local church and is being asked to rule on another local church's use permit.
3. Decide if sanctions are in order and whether the use permit should be revoked.

During the April 19, 2006 City Council Meeting, Council Member Hansen stated that he "had confidence in the conditional use process" and noted that it could be revoked if promises and conditions were not adhered to. We request the issues listed above be reviewed by the Planning Commission and the City Council before any further work is done by VCMS at the 2301 West Lodi Avenue property.

Paul Taormina, 2225 Jackson St. Lodi, Ca. 95242
(209) 333-1800

Date

Dana Ashbaugh, 2225 Jackson St. Lodi, Ca. 95242
(209) 333-1800

Date

Bob Peterson, 2224 Jackson St. Lodi, CA 95242
(209) 369-3729

Date

Paula Peterson, 2224 Jackson St. Lodi, CA 95242
(209) 369-3729

Date

Planning Commission
July 26, 2006
Staff Report and
Minutes

CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE: July 26, 2006

REQUEST: An appeal to the Lodi Planning Commission to overturn the decision of the Lodi Site Plan and Architectural Review Committee (SPARC) to approve the site plan and building elevations for the Vineyard Christian Middle School located at 2301 W. Lodi Ave. (File #06-SP-06)

LOCATION: 2301 West Lodi Ave.
APN 029-130-31

APPLICANT: Applicant:
Vineyard Christian Middle School
2301 West Lodi Ave.
Lodi, CA 95242

APPEALANTS: Appealing parties:
Paul Taramino/Dana Ashbaugh
2225 Jackson St.
Lodi, CA 95242

Bob and Paula Peterson
2224 Jackson St.
Lodi, CA 95240

PROPERTY OWNER: 1st Southern Baptist
2301 West Lodi Ave.
Lodi, CA 95242

RECOMMENDATION

City staff has provided two alternative resolutions for consideration: one denying the appeal and upholding the decision of SPARC regarding re-configuration of the school buildings and elimination of the northern driveway and use of the middle driveway; and one upholding the appeal requiring the original placement and configuration of the modular school buildings and use of the northern driveway and elimination of the middle driveway. Both resolutions would also allow: (1) a sixth modular building (bathroom building) to be placed in the general location of a former church modular; (2) approve a 6 foot high solid stucco system wall to screen the modular classrooms; (3) a 6 foot high block trash enclosure; and (4) landscaping along Allen Drive generally from the entrance driveway north beyond the classrooms.

PROJECT/AREA DESCRIPTION

General Plan Designation: LDR, Low density residential.
Zoning Designation: R-1, residential single-family
Property Size: 2.64-acres.

The adjacent zoning and land use designations are as follows:

- North: R-1, residential single-family and Public. The property immediately north of the church property contains a private swimming club that is open seasonally. North of the pool is Henry Glaves Park, a City park/basin.
- South: R-1. The area to the south, across Lodi Ave. is single-family residential.
- East: R-1. The area to the east, across Allen Drive is single-family residential.
- West: PD (27) Planned Development. West of the church site is Parkview Terrace, an 8.2-acre planned unit development that contains an adult residential community.

BACKGROUND

Vineyard Christian Middle School is an existing private 6th, 7th and 8th grade Christian middle school that was located on a temporary basis on the grounds of the Woodbridge School, a school site owned by the Lodi Unified School District (LUSD). The LUSD buildings on the site were being extensively remodeled to provide a modern elementary school facility. During the remodeling all the LUSD students have been relocated to other schools and no public school students were on site. The VCMS students were housed in modular classroom buildings located on a corner of the school property. The Woodbridge Elementary School is scheduled to reopen in the fall of 2006. When this happens, VCMS will have to relocate, and they have selected the Lodi Ave. Baptist Church property at 2301 West Lodi Ave. as their choice for a new school site. The VCMS is not directly affiliated with the Lodi Ave. Baptist Church and will only be leasing land from the church.

On February 8, 2006, Vineyard Christian Middle School appeared before the Lodi Planning Commission to request a Use Permit to open the VCMS on the property of Lodi Ave. Baptist Church. The site plan presented to the Planning Commission showed the school being located on the northern half of the church property. The classroom buildings were arranged in a U-shape with the open end facing south. The buildings were located on a portion of the church parking lot with the grass area behind the buildings proposed for a recreation area. They also proposed to utilize the northern-most driveway as the vehicular entrance to the school and the southern-most driveway as the exit. VCMS proposed to have a maximum of 84 students and plan to have 5 teachers and staff, the school will operate Monday through Friday, from 8:30 am to 3:10 pm. At this meeting there were numerous speakers who addressed the Planning Commission both in favor and in opposition to the project. Because of the many issues and questions that were presented during the hearing, the PC voted to continue the hearing to their next meeting to allow the applicant and staff time to address some of these issues. The neighbors were particularly concerned with the following issues:

1). Traffic on Allen Drive.

Neighbors were concerned that the proposed school will generate additional traffic on Allen Drive. They indicated that Allen Drive was a residential street with relatively low traffic volumes. They were concerned that the addition of 84 students and 5 staff would impact the street and neighborhood, particularly during morning and afternoon pick-up and drop-off periods. They also felt that the problem was compounded by the nearby St. Peters Lutheran School located at the corner of Oxford Way and Lower Sacramento Road. They felt that many of the parents of students at St. Peters also used Allen Drive to come and go from that school. They felt the combination of traffic from both schools would create a hazardous situation on Allen Drive.

2). Increased activity, noise and litter as a result of the school being located on this property.

Neighbors were concerned that the school will generate more activity on the church property relative to what was there now. They felt that the church was a relatively unobtrusive use, with activity primarily on Sundays and during special events at the church. The school will have students on site Monday through Friday, 9 months a year. They felt that the added presence of students would create noise and litter that will affect the neighborhood.

3). Aesthetic concerns.

Neighbors were concerned about the visual effects the school would have on the neighborhood. The applicant's are proposing to move 6 modular buildings onto the property. These will include 3 classrooms buildings, one office building, one bathroom building, and a joint use school/church multi-use building. The neighbors expressed concern about the appearance of the buildings and how they would look from their residences across Allen Drive. They noted that the property is open along the Allen Drive frontage and there is no fence or other type of screening. There are only a limited number of trees planted along Allen Drive and no shrubs or other landscaping that could serve to screen the property.

At the Planning Commission meeting of February 22, 2006, City staff addressed the questions raised during the previous Planning Commission meeting. Staff specifically attempted to address the issues raised by the neighbors at the February 8th meeting.

1). Traffic.

Based on City calculations, the school could generate 130 additional vehicle trips per day. This would be in addition to the current volume of 761 vehicle trips per day on Allen Drive. The capacity of Allen Drive is approximately 2000 vehicle trips per day. Even with the addition of the school traffic, the potential total of 900 vehicle trips will be less than 50% of the design capacity for Allen Drive. In the City's estimation, the added traffic will not significantly impact the capacity or the safety of traffic on Allen Drive.

While the added traffic will not be an engineering issue, we do acknowledge that the neighbors, particularly those immediately adjacent to the school site will notice an increase in traffic. This will be most noticeable during the pick-up and drop-off periods. The perceivable change is compounded by the fact that traffic volumes on Allen Drive are relatively low so any increase is noticeable. It is possible that over time the neighbors will become accustomed to the school traffic and the additional traffic will become less noticeable. In staff's opinion, the additional traffic generated by the school is not so much an engineering issue of traffic safety or congestion but more of an issue of perception by the neighborhood and the public. The street clearly has the capacity to safely handle the anticipated traffic volumes generated by the school. Whether the possible effects on the neighborhood are acceptable is more of a policy issue than a traffic engineering issue. The City has worked with the school to try to come up with ideas that may help the situation. The following options are put forth for consideration:

- a) The driveway layout and the travel route of vehicle entering and exiting the school property was to require vehicles to enter the school grounds at the northern most drive way. Vehicles will proceed to a designated drop-off area, pick-up or drop-off their student and proceed south through the parking lot and exit at the southern most driveway, turning right onto Allen Drive. Under this alternative, the center driveway will be closed. Under this proposal, new signing will be required to designate the path of travel for vehicles and to designate the right-turn-only at the exit driveway.

This proposal provides increased vehicle stacking room on-site. By allowing vehicles to maneuver in the parking lot there is less chance of vehicles having to wait on Allen Drive before entering the property. Requiring that exiting vehicles only turn right on Allen Drive will mean that most vehicles will only travel a short distance on Allen when exiting the property and that there will be fewer conflicts with passing traffic. This will also spread the vehicles over two more widely separated driveways instead of concentrating them at the center of the property.

- b) The VCMS has also suggested other methods that they feel will help alleviate the traffic situation. One is to stagger their school start and finish times with St. Peters Elementary School, to reduce the amount of overlap. VCMS will be willing to start either earlier or later than St. Peters, depending on what works better for each school. This will reduce the concentration of traffic and spread it out over a slightly longer time span.
 - c) Another suggestion made by VCMS is to have an adult traffic monitor onsite every morning and afternoon during drop-off and pick-up times. This person will monitor the traffic flow and work with parents to get them on and off the property safely and with minimal conflicts with passing street traffic. This person would also monitor the students to make sure they get to class safely.
 - d) Finally VCMS has created a parking lot instruction sheet that they will hand-out to each school family. The sheet contains the procedure for the pick-up and drop-off of students. This includes the requirement that during both drop-off and pick-up vehicles must be in a parking space before students may exit or enter the vehicle. They are also planning to require that all drop-offs and pick-ups be made from vehicles that are in the parking lot. Students can not exit or enter vehicles parked on Allen Drive.
- 2). Addressing the question of increased activity on the property and the related potential for noise and litter.

- a) There is no question that the VCMS will bring more people onto the property. This problem is somewhat off set by the limited number of students (84) that will be enrolled in the school and the limited number of grades (3 grades). Unlike larger schools that have multiple lunch periods and P.E. or recess periods that stretch throughout the day, VCMS will have a single break in the morning and a single lunch period. The rest of the time, students will be in the classroom. Additionally, the school will be a closed campus so students will not be leaving campus to eat lunch. The closed campus and the single lunch period will reduce the impacts on the surrounding neighborhood by limiting the time students are outside of the classroom. Having a closed campus will also make it easier to monitor any potential litter problem. School supervisors can make sure students put their lunch litter in designated garbage cans. Also students will not be out in the neighborhood during lunch periods.

Having students on the site will increase the ambient noise level during school hours. There will be some increase in noise during drop-off and pick-up periods and when students are outside the classroom. This is a relatively quiet neighborhood so it is possible that nearby neighbors will hear some increased level of noise. What level of disturbance they will experience is hard to quantify. Generally school related noise is not considered an unusual noise source by the City's Noise Ordinance. Schools have historically been considered part of residential neighborhoods and are permitted by

the City Zoning Ordinance in residential zones. Almost all schools in Lodi as well as in other cities are located in residential areas. Schools and their related noises have traditionally been accepted as part of the every day activity of communities. VCMS will not have school buses or traditional sports fields so they will generate less noise than most schools.

VCMS can reduce the potential noise problems by monitoring vehicles entering and exiting the school property. Vehicles should avoid using their car horn or playing loud stereos. Students can also be monitored to avoid unnecessarily loud noises when they are outdoors.

3). Aesthetics.

- a) In order to improve the appearance of the proposed school site, one of the conditions of approval was that the project be reviewed by the Site Plan and Architectural Committee (SPARC). The Committee can require the applicant to add various features to their project to improve the overall appearance of the project. This could include fencing; additional landscaping, especially along Allen Drive; changes in the color or appearance of the buildings; parking lot improvements and other site related changes that the Committee feels will improve the design of the school.

There were also numerous member of the audience who spoke both for and against the granting of the Use Permit. Following a lengthy discussion, the Planning Commission conditionally approved the granting of the Use Permit to allow VCMS to locate a private middle school on the grounds of the Lodi Ave. Baptist Church at 2301 W. Lodi Ave. The conditions as outlined in the Resolution included:

- A. The final site plan and building elevations for the project be reviewed and approved by the City of Lodi Site Plan and Architectural Review Committee (SPARC) prior to any buildings being permanently located on the property.
- B. All construction is done with proper Building Department and Fire Department approvals and permits.
- C. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.
- D. The Vineyard Christian Middle School (VCMS) shall modify the existing parking lot, including driveways to accommodate the traffic ingress and egress plan. This will require the closure of the center driveway and new signing at the two remaining driveways. The northern driveway shall be signed "School Entrance" and the south driveway shall be signed "School Exit", "Right Turn Only". Additional pavement directional arrows maybe required and the parking stalls realigned to match the direction of traffic flow.
- E. The VCMS shall modify their school hours so they will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, which ever works better for the school. The time difference shall be at least 10 minutes.
- F. The VCMS shall prepare "Parking Lot Instructions" which shall be subject to review and approval by the Community Development Director. The School shall provide the family of each student a copy of the document and have them agree to adhere to the requirements.

- G. That VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor will make sure that the traffic flows smoothly and safely by assisting parents and making sure that the "Parking Lot Instructions" are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.
- H. The VCMS shall upgrade the landscaping along Allen Drive to improve the appearance of the school from the street. These features will include new shrubs, trees and any other items deemed appropriate by SPARC. The VCMS shall also construct a fence (the design to be approved by SPARC) along the east side of the school as a separator between the school grounds and Allen Drive.
- I. VCMS shall provide an adequate number of garbage receptacles placed around the campus. The School shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. The School shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.
- J. The VCMS shall provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.
- K. The regular school hours shall be Monday through Friday approximately 8:30 am to 3:10 pm (or modified per condition E) with some allowance for additional time for special school events. No outdoor competitive sport events other than those associated with physical education or normal school activities shall be held on-site.
- L. The VCMS coordinate their schedule for activities with the Lodi Ave. Baptist Church to minimize scheduling conflicts.
- M. Payment of Development Impact Mitigation Fees at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be \$57,301.04. Fee calculations are shown on the Development Impact Mitigation Fee Summary Sheet which will be provided to the applicant. The fees are based on information contained in the use permit application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,000 square feet and a building pad area of 14,000 square feet. This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and will be those in effect at the time of issuance of the building permit. A change in the fees is anticipated in the near future.
- N. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available for reference. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first.
- O. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, the estimated cost would be approximately \$2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

Following the Planning Commission's approval of the Use Permit some of the neighbors submitted an appeal requesting that the City Council overturn the actions of the Planning Commission and deny the VCMS Use Permit. On April 19, 2006, the City Council conducted a public hearing to consider the appeal of the Planning Commission's decision to approve the Use Permit for the VCMS. The City Council denied the appeal and affirmed the Planning Commission's approval of the Use Permit.

On June 16, 2006, SPARC reviewed the VCMS proposal to determine the adequacy of the site layout and building design. VCMS presented a revised site plan to the Committee that had some differences from the plan reviewed by the Planning Commission and endorsed by the City Council. The first change included moving the location of the classroom buildings south approximately 60 feet. This will place the buildings in front of the northern most drive way. This would block this driveway and require that the center driveway be utilized as the entrance to the school. Because of the southward shift, the new location also placed the buildings entirely on the paved parking area and did not encroach on the grass field as originally proposed. A second change was a different arrangement for the buildings. The pattern of the 5 buildings being arraigned in a horseshoe pattern with the open end to the south was changed to 5 buildings in two lines (3 classrooms to the south and 2 to the north) perpendicular to Allen Drive. Third, the revised plan showed a sixth building. The restroom building replaced an existing modular building that was used by the church and has been removed from the property. A joint use church/school building was placed among the classrooms. Fourth, the plan reviewed by SPARC showed a wrought-iron fence along the Allen Drive frontage between the school and the street with modest landscaping.

The Committee asked staff about the differences in the plans and it was staff's opinion that the changes would not substantially affect the way the school functioned or its relationship to the surrounding neighborhood and could be approved by SPARC if desired. The one issue staff felt needed to be addressed in more detail was the issue of the fencing and landscaping between the fence and the sidewalk. The Committee felt that the proposed wrought-iron fence may not be the best solution and they instructed the applicant to work with the neighbors to develop a fence design that is acceptable to both parties. They wanted the fence and landscaping plan to be more fully developed and returned to SPARC for final approval. VCMS agreed to this solution. In order to allow VCMS to proceed with their project in a timely manner, SPARC conditionally approved the overall site plan and building elevations subject to the fence and landscaping plan being approved by SPARC at a subsequent meeting. Other conditions included the following:

1. The Building Owner shall submit appropriate plans to the Community Development Department for plan check and building permit.
2. The plans and final project shall comply with all conditions approved by the Planning Commission as part of Use Permit 05-U-020.
3. The parking and driveway dimensions must comply with City parking design standards. (Public Works Standard Plan #134). The parking lot design shown on the submitted site plan does not conform to the plan approved by the Planning Commission. The approved plan must be redesigned with the traffic flow moving in a counter clockwise direction. The entry to the school parking lot must be located at the center driveway and the exit must be located at the southern driveway, closest to Lodi Ave. The parking lot must be re-stripped to reflect the change in the traffic flow direction. The driveways must have appropriate directional signs.
4. Provide parking for the physically disabled. The spaces shall be located as close as possible to the primary entrance.

- a. Provide identification signs for the parking spaces including the “Tow away” sign at each entrance or visible from each space.
 - b. The slope of a parking space shall not exceed ¼ inch per foot.
 - c. Provide one van parking space.
5. A refuse enclosure that complies with City standards shall be constructed. Plans for the enclosure shall show dimensions and building materials and the enclosure shall be large enough to include an area for recycling containers as well as solid waste. The enclosure shall be landscaped on all visible sides except the entrance. Plans shall be submitted to the Community Development Department for approval.
 6. The classroom buildings shall be given additional architectural treatment. The walls of the buildings will be painted a “Driftwood Dune” color. The trim around all the windows, doors and roofs shall all be painted an “Oregon Trail” paint color to provide some contrasting color to the classrooms. The applicant should also consider additional treatment that could improve the exterior appearance of the buildings.
 7. Payment of Development Impact Mitigation Fees is required at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be \$58,301.04. The fees are based on information provided by Vineyard Christian Middle School and contained in the SPARC application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,800 square feet and a building pad area of 14,000 square feet. This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and the impact fee schedule in effect at the time of issuance of the building permit. A change in the fees is anticipated in the near future.
 8. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available. The work shall be completed by the owner’s contractor under the terms of an encroachment permit issued by the Public Works Department prior to commencement of the work. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first. All work shall be done in conformance with City standards and specifications.
 9. Any new driveways shall be commercial driveways conforming to Standard Plan 111. The unused northernmost driveways shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way.
 10. Construction and storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003.
 11. The location of the over-head electric power line shown on the site plan will need to be confirmed by the City. If the actual location of the line conflicts with any proposed buildings or with Electric Utility Department standards, the line may need to be relocated with the relocation cost paid by the applicant.
 12. Standard SPARC requirements.

Several days after the SPARC meeting, some of the neighbors filed an appeal of the SPARC approval of the VCMS project. The appeal was based on their feeling that the plans approved by SPARC were significantly different than the plans approved by the Planning Commission. They

also felt that the applicants had proceeded with work on the project before all approvals had been obtained.

ANALYSIS

The Lodi Avenue Baptist Church is located on a 2.6-acre parcel of land at the northwest corner of Allen Drive and West Lodi Ave. The church and related Sunday school classrooms are located on the south half of the property. The north half of the property contains a portion of the church parking lot, an open lawn area and a church parsonage, which is located on the northern-most portion of the property. The Vineyard Christian Middle School will be located in the center of the property between the church and the church parsonage. The proposed site is partially paved and partially planted in lawn. The classrooms will be placed on the paved area which is currently part of the church parking lot and the lawn area will serve as the school playground. Placement of the school buildings on the paved area will result in the loss of approximately 14 parking spaces. The resulting loss plus the redesign of the parking layout will leave the church with approximately 40 parking spaces. The City's parking standards are based on one parking space required for every four seats in the church sanctuary. The Lodi Ave. Baptist Church has a sanctuary that seats 300 people. This requires 75 parking spaces. The existing 54 parking spaces for the church, while less than the 75 required by code, is an existing condition that staff believes was in compliance when the church was constructed. This represents a legal non-conforming or "grandfather" condition. According to the church, their normal Sunday services are attended by 80 to 100 parishioners. Based on their actual attendance, they will have sufficient parking, even after the reduction in the number of parking spaces. In addition, the church is located on a corner and has significant street frontage for parking. Although properties are not credited for street parking, staff estimates that an additional 22 to 24 cars could parallel park adjacent to the church property making up for the loss of 14 spaces due to the school.

The Vineyard Christian Middle School plan, as reviewed by SPARC, is proposing to place five modular buildings on the church site. Each of the buildings is 20'x 40' in size. Three of the units will be classrooms, one will be a joint church/school multi-use building and the fifth unit will house both an office and classroom facilities. The five buildings will be arranged with three buildings along the new sidewalk next to the parking lot and two buildings north along the lawn area with both groupings perpendicular to Allen Drive. There is also a sixth modular building that will be a restroom facility. This 30'x 36' building will be located on the west side of the parking lot and will replace an existing church building that has recently been removed. The location will be identical to the previous building. The grass area to the north of the classrooms will serve as outdoor play areas. There will also be some paved play areas adjacent to the classrooms. Parking for the 5 staff members will be provided adjacent to the school. A fence, at least 5-feet in height will be constructed along the east side of the school to provide a separator between the school and Allen Drive.

According to their application, VCMS will have a student population of up to 84 middle-school students who attend school from 8:30 am to 3:10 pm. Monday through Friday on a traditional school calendar. For a period of one-half hour before and after school, students are regularly dropped off or picked up by parents or guardians. A regular school day includes seven 45-minute class periods, a 15-minute morning break, and a 45-minute lunch period. Students eat lunch outside on picnic tables or in the classrooms. The school is a closed campus. The school does offer a sports program but most practices and games are held off-site at other Lodi facilities. The application states that activities conducted before or after the hours of 8:00 am or 4:00 pm are typically held off campus.

The school will operate during daytime hours, Monday through Friday. By contrast, the church is most active on weekends, particularly on Sundays and on certain weekday nights. Because the

facilities operate on different schedules, there should be minimal conflict between the church and the school. According to the site plan there is sufficient space on the Lodi Avenue Baptist church property to accommodate the school without significantly impacting the church. The area that the school will occupy is currently unused by the church and will not affect their operations.

The church property is located on the corner of Lodi Ave. and Allen Drive. Lodi Ave. is a major east-west arterial serving much of central Lodi and has an average daily vehicle trip count of 6,900 vehicles per day. Lodi Avenue along with Allen Drive will provide the access to the school site. Allen Drive has an average daily trip count of 761, fairly typical for a residential street. Figures provided by the school indicate that the school will have 84 students and 5 employees. Using data from the Institute of Traffic Engineers (ITE), middle schools generate 1.6 vehicle trips per students/employees. The school could generate 134 additional daily vehicle trips. It is likely that some students will carpool, walk or bike to school, reducing the number of vehicle trips. The increase in traffic volume will probably be most noticeable on Allen Drive. The impact of the additional vehicles will be lessened to some degree by the fact that the school site is near the intersection of Lodi Ave. so many of the vehicle trips will only travel one or two blocks of Allen Drive. While the additional vehicle trips may be noticeable to neighbors, particularly the 5 or 6 houses that are directly across from the church property, an increase of 134 vehicle trips on Allen Drive is still within the acceptable traffic volume for a residential street.

There were other issues that were discussed during the hearing process. One was the change regarding which driveway would be used for the entry to the school. The original plan utilized the northernmost driveway as the entrance and the southernmost driveway as the exit. The revised plan eliminates the northern driveway and instead uses the center driveway as the entrance. The Community Development Department asked the traffic engineering division of the Public Works Dept. to look at this issue. They responded as follows:

“As indicated in the City’s Design Standards Section 1.401, the number, location, and width of permitted driveways is regulated by the Public Works Department and shall be based on the demonstrated needs of the parcel being served. They shall not be excessively detrimental to the abutting street capacity, safety, and/ or efficiency. As requested, my staff has reviewed the proposed project driveways for the two alternatives being considered.”

“The site presently has three driveways, only two of which are needed for the proposed circulation plan. With either alternate, one driveway is to be abandoned per City standards and the southernmost driveway is to be for exiting.”

“The alternative using the northernmost driveway for ingress is preferred as it is further from the Jackson Street intersection. The middle driveway is only 23 feet north of Jackson Street. However, given the low volumes on Allen Drive and Jackson Street, using the middle driveway would be acceptable with on-site provisions to avoid on-street stacking. Such provisions should include a no-stopping or parking zone along the curb of the school buildings.”

“As previously conditioned with the use permit, the parking lot also needs to be restriped to provide circulation for the proposed northerly entrance and southerly exit.”

Another issue that was raised was the change in the location and arrangement of the classroom buildings. The revised site plan moves the buildings further south by approximately 60 feet. The change in location will place the buildings in front of the northernmost driveway, thereby eliminating its use and requiring the center driveway to be used as the school entrance. The change in location will also place the buildings in the line of sight to more residences on Jackson Street. Whether this is a problem is to a degree a matter of opinion. In the new location, more of

the houses, particularly those on the south side of Jackson Street will be able to see the classroom buildings. Most of those will be from one hundred to several hundred feet away. The perceived visual impact of this issue can be lessened by some of the conditions required by SPARC. These include repainting the buildings to improve their appearance. SPARC also required new fencing along the Allen Drive frontage to help screen the school and finally there was a requirement to put in additional landscaping between the fence and the sidewalk. The proposed fence will consist of a 6-foot high stucco wall with a rounded decorative top running from the school entrance to the furthest northern extent of the modular buildings. The new landscaping will include a continuous raised berm, groundcover, shrubs and trees along the frontage of the school in front of the stucco wall. Vines are proposed to climb the stucco wall both for appearance and to prevent graffiti. The trash enclosure will be designed to City standards and located back next to the side of the existing church building and the new 6th building housing bathrooms. These features will help to soften the visual impact the buildings will have.

The other issue related to the placement of the buildings was the direction they were facing. In the original layout, the buildings were placed in a U-shape, with the open end facing south. In the revised plan, the buildings are in two groupings perpendicular to Allen Drive. From a visual standpoint, there would be little difference. In either case, what would be most visible from the street would be the side of the two buildings that side on Allen Drive. They would look more or less the same regardless of which direction they were facing. There was some discussion about the direction the air conditioners were facing and how that would affect the neighbors. Here again, regardless of whether the buildings are oriented to the north or the south, the air conditioners will be facing in the direction of someone's residence. If they face south they will be more oriented towards Jackson Street. If they face north, they will be oriented more towards the residences on Capell Dr. or Walnut Street. The school is separated from the residences to the east by the width of Allen Drive. Additionally, it is not uncommon for most homes in Lodi to have air conditioners, whether ground mounted, roof mounted or window mounted, so any related noise would not be unusual.

Finally, there was the issue of the "sixth" building. This is a 30'x32' modular restroom building that was placed on the property. This was not indicated on the original site plan approved by the Planning Commission. The building replaces a previous existing building that was located in the same place on the property. The previous building was owned and utilized by the church but apparently was no longer in use. The applicants removed the church building and replaced it with the new restroom building. The two buildings are roughly the same size and shape, the only difference is the new building is a restroom instead of a classroom building. How the Planning Commission wants to treat this building is something the Commission will need to discuss.

The school will have some buffering from surrounding properties. The properties most directly affected will be the 6 corner parcels along the east side of Allen Drive directly across the street from the church property. They will experience some increase in traffic on Allen Drive adjacent to their properties and an increase in the level of activity on the church property, including noise as a result of the presence of the school. Properties to the south will be buffered by the existing church buildings on the property as well as Lodi Ave., a four-lane street that separates them from the church property. The property to the west is an adult residential community. They are separated from the church property by a six-foot high block wall. The block wall surrounds their complex on three sides and is higher along Lodi Ave. and Lower Sacramento Road. Because of the wall and the fact that their entrance is on Lodi Ave., they will not be directly affected by the increased traffic or be visually affected by the increase in the level of activity created by the school. They may experience some increase in noise although it will be limited to day time hours and primarily during periods when the students are outside of the classrooms.

The block wall separating the properties will reduce the noise levels and there are numerous trees planted on both sides of the fence that visually screen the school site from the houses to the west. To the north, there is a church parsonage, a private seasonal swim club facility and a City park/basin. Only the church parsonage will be affected to any degree and presumably the church has considered this before making the site available to the school. Overall, the school will be buffered as well as most school sites in Lodi. Almost all schools in Lodi are located in residential areas and most have residences that face, side or rear to the school property. Schools are a permitted use in residential zones with approval of a Use Permit. In most cases the schools, particularly the public schools, have a much larger student population and a much larger campus. Generally speaking, schools and neighborhoods seem to coexist.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorical Exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is classified as an "In-fill Project", less than 5-acres in size; surrounded by urban development and served by City utilities; consistent with the zoning and where no significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE

Legal Notice for the Use Permit was published on July 14, 2006. 65 Public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Deny the Appeal and uphold the SPARC approval allowing a change in configuration and driveway with the added elements of the 6th building, trash enclosure, fence and landscaping
- Uphold the Appeal and overturn the SPARC approval returning to the original configuration and driveway with the added elements of the 6th building, trash enclosure, fence and landscaping
- Uphold the Appeal and adopt different conditions for the project
- Continue the Appeal

Respectfully Submitted,

Concurred,

David Morimoto
Senior Planner

Randy Hatch
Community Development Director

ATTACHMENTS 1. Vicinity Map
 2. Site Plans
 3. Aerial photo
 4. Draft Resolutions

RH/pp/dm/kc

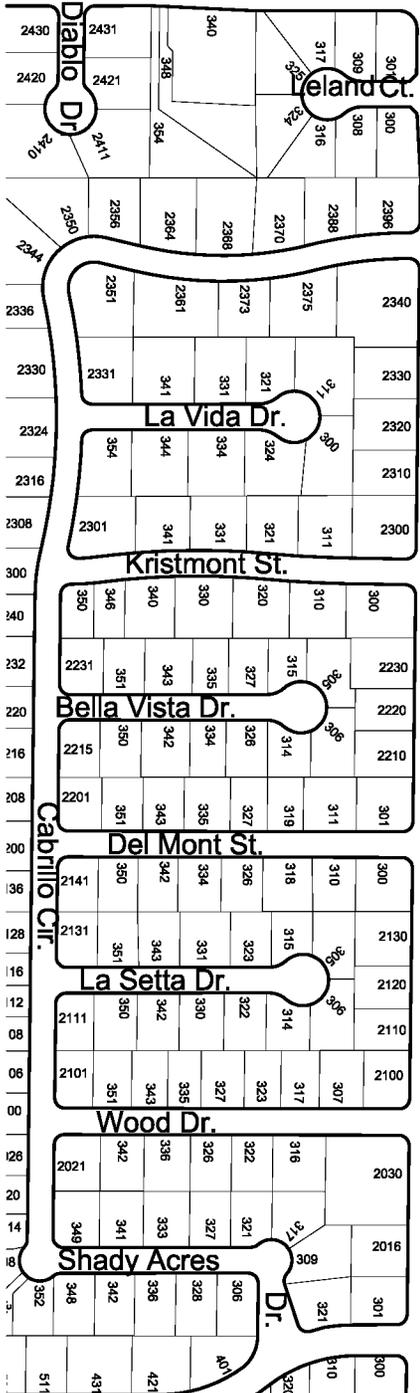
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VICINITY MAP

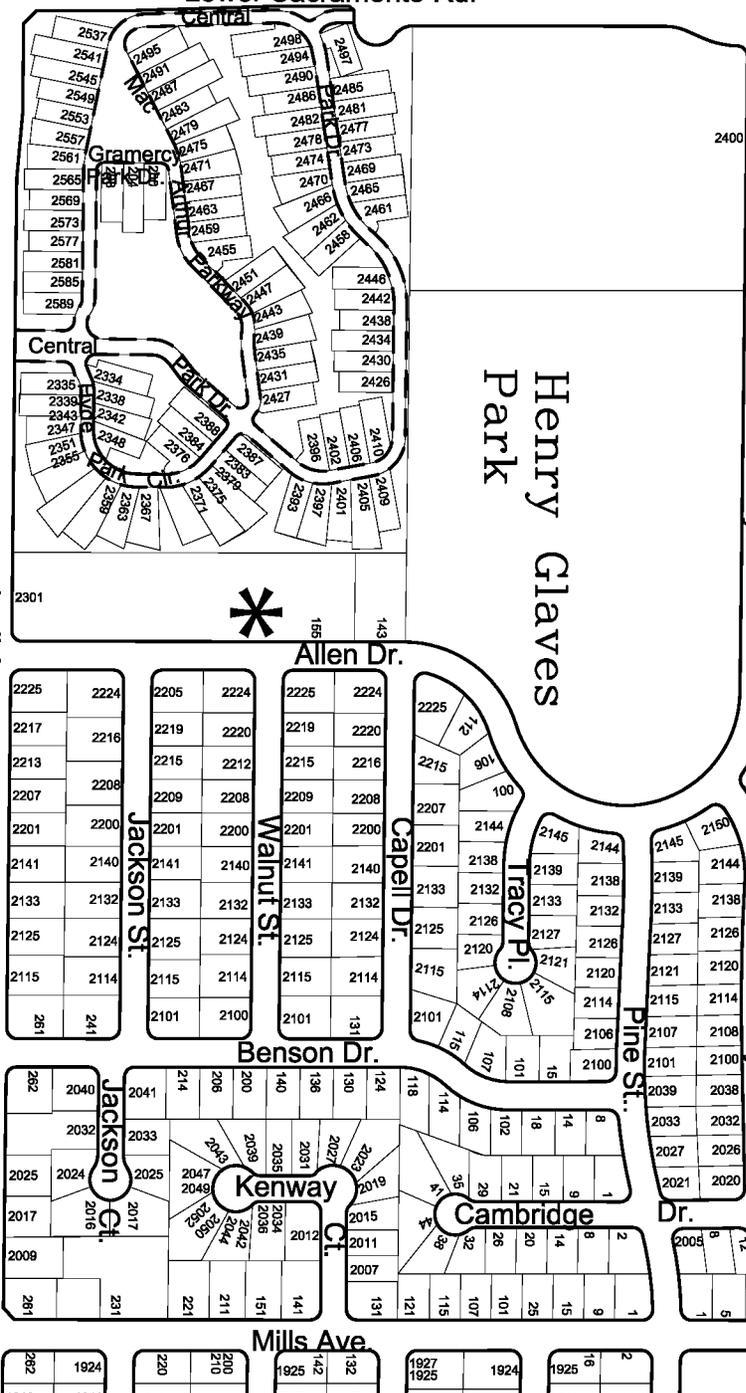
Lodi Avenue Baptist
 Use Permit for Vinewood Christian
 Middle School
 2301 West Lodi Avenue
 Use Permit: U-05-020



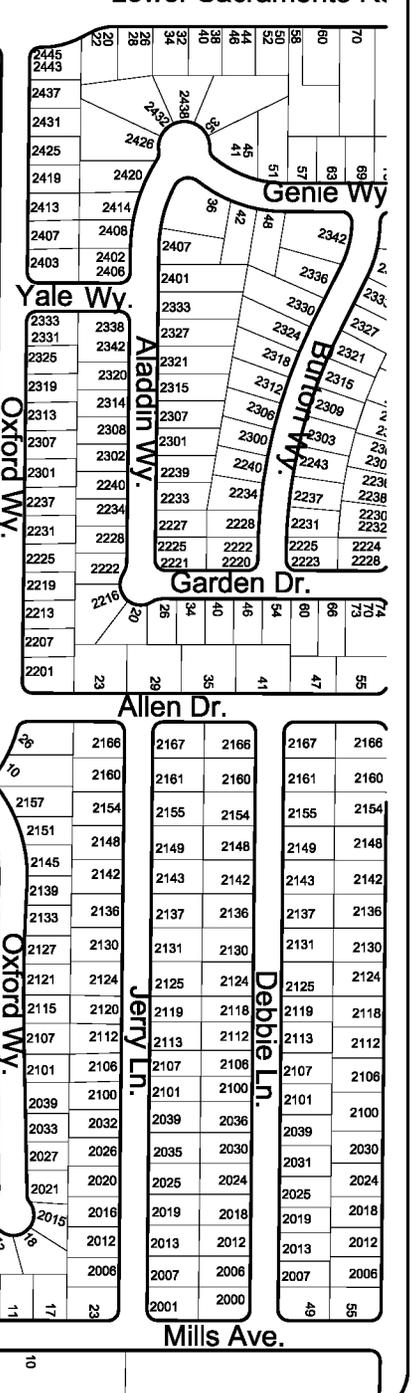
Lower Sacramento Rd.



Lower Sacramento Rd.



Lower Sacramento Rd.



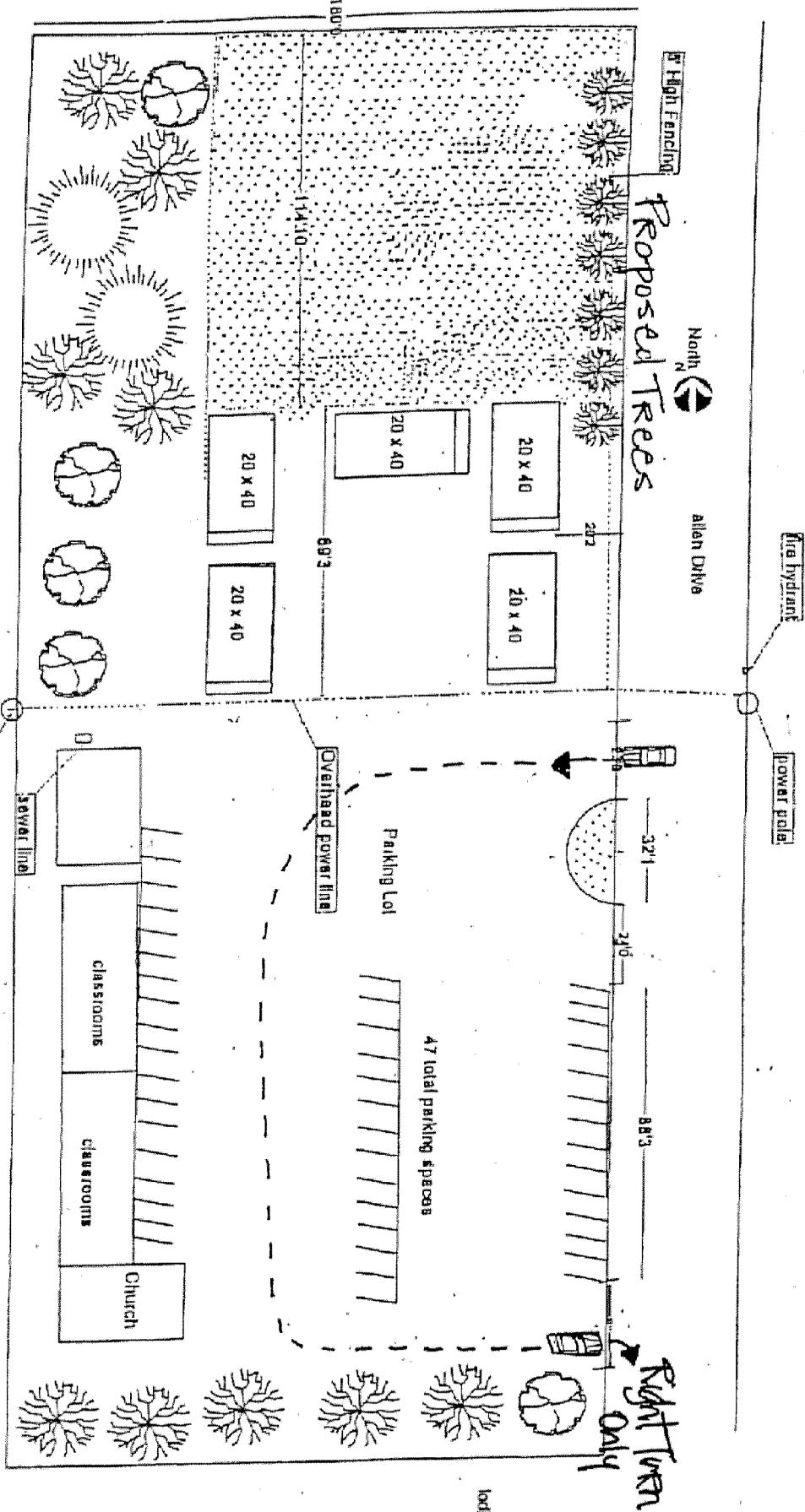


Project Location

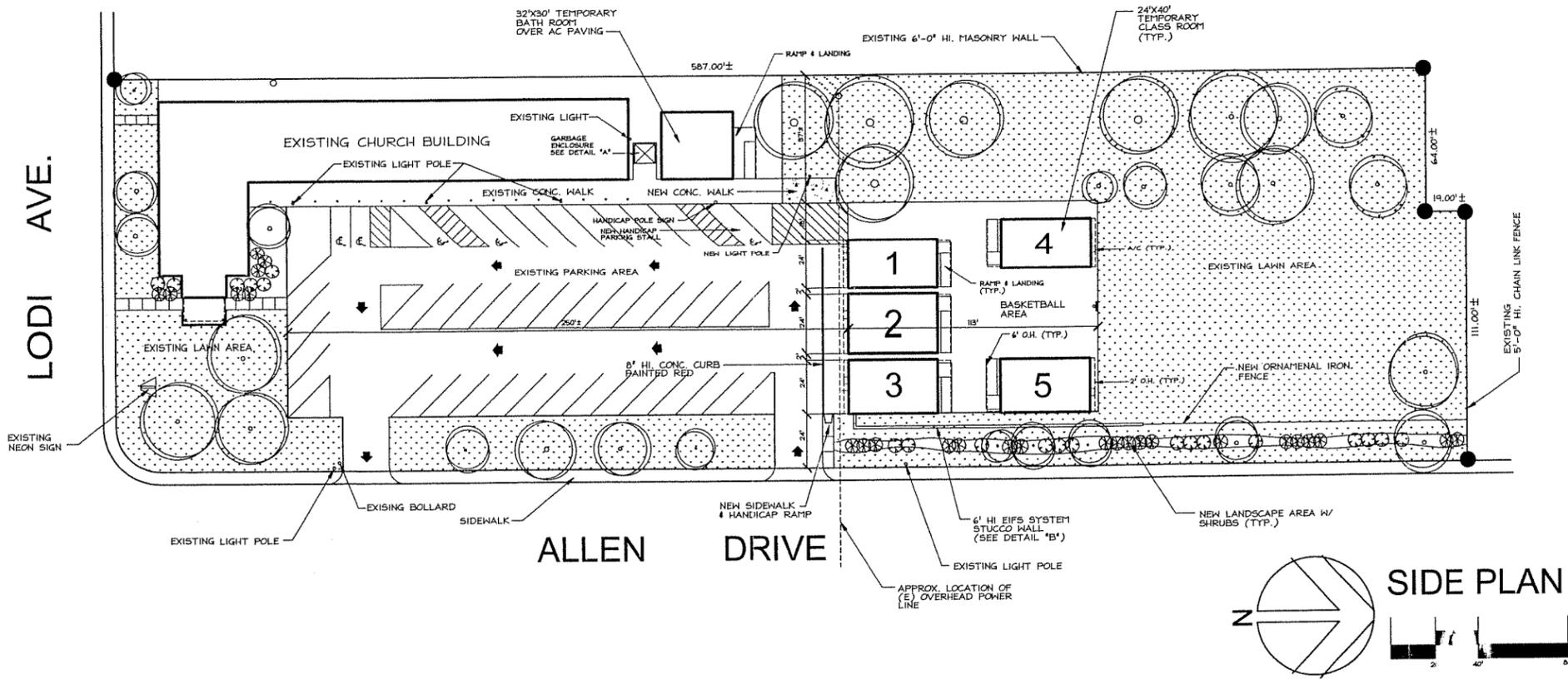


City of Lodi, Community Development, Planning Division.

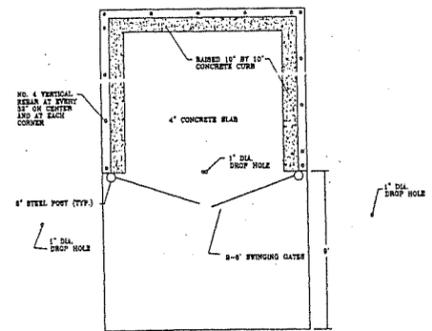
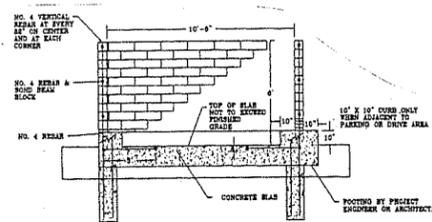
Scale 1/50"=1'



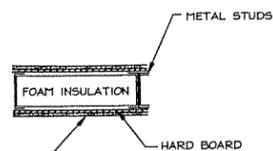
Lodi



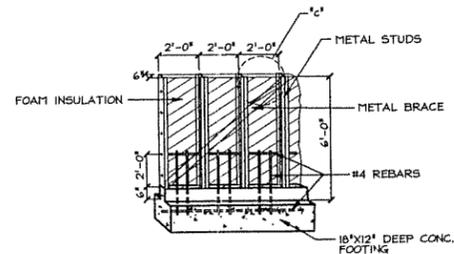
PROPOSED TEMPORARY CLASS ROOM FOR LODI AVENUE BAPTIST CHURCH



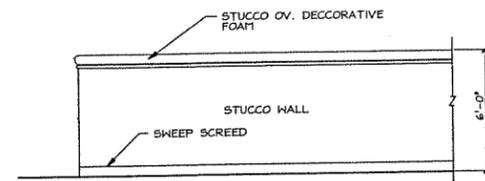
GARBAGE ENCLOSURE
DETAIL "A"



DETAIL "C"
SCALE: 3/4"=1'-0"



DETAIL "B"
SCALE: 1/4"=1'-0"



6' HI EIFS SYSTEM STUCCO WALL
SCALE: 1/4"=1'-0"

ARNAIZ COMPANIES

3400 EIGHT MILE ROAD
STOCKTON, CA 95212
(209)931-9740 FAX (209)931-9741



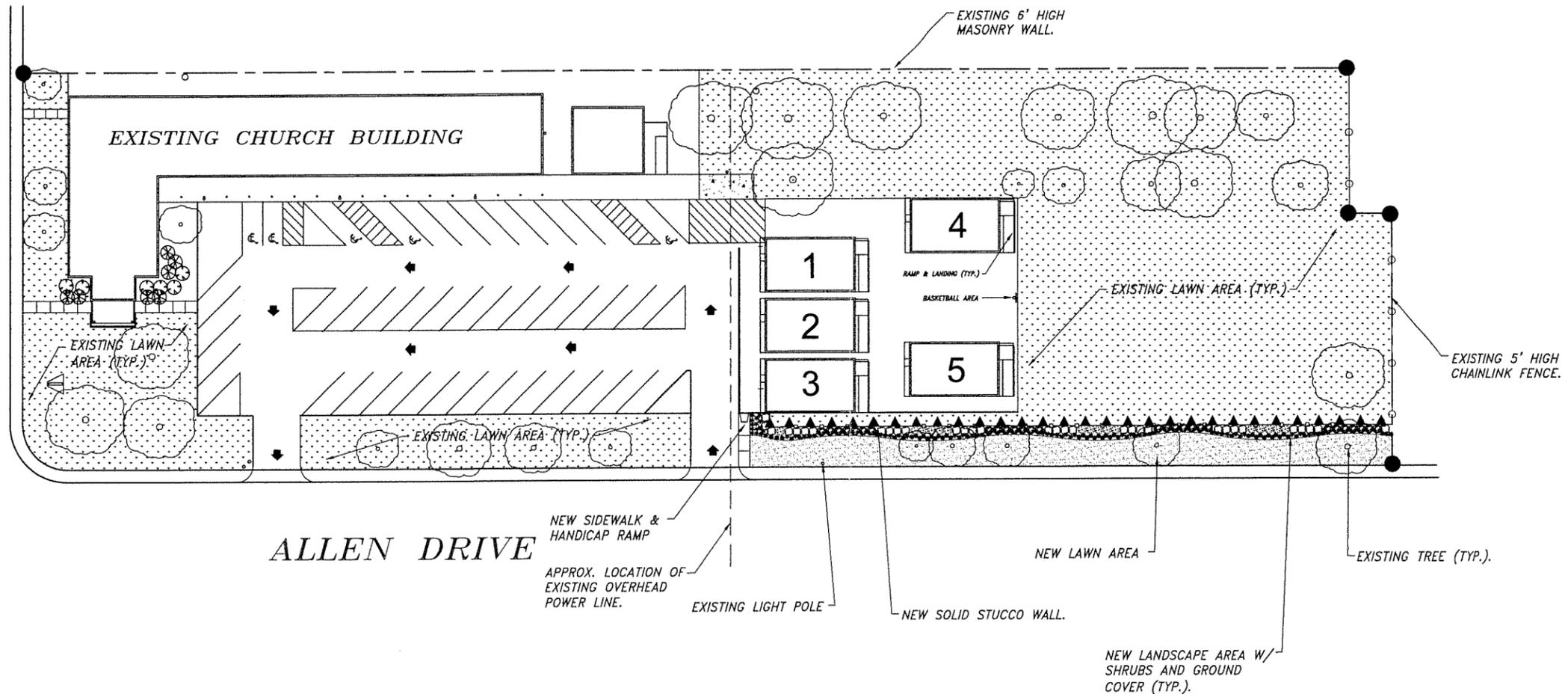
4 copies 5/16 x 11
+ Disk (2)

LODI AVENUE BAPTIST CHURCH
LOCATED AT 2301 W. LODI AVE. LODI

DESIGNER
DR
APPROVED
DATE
SHEET NO.

OF

LODI AVENUE



ALLEN DRIVE

PLANT LIST

Symbol	Size	Botanical Name	Common Name	Quantity
TREES				
		Existing Tree, to remain		
SHRUBS				
	5 Gal.	Escallonia 'Fragrant'	Escallonia	28
	5 Gal.	Phormium 'Atropurpureum'	New Zealand Flax	32
	5 Gal.	Xylosma C. 'Compacta'	Xylosma	16
	1 Gal.	Hemerocallis Hybrids	Daylily	66
	1 Gal.	Verbena Peruviana	Verbena	6
	1 Gal.	Tulbaghia V. 'Silver Lace'	Society Garlic	36
GROUNDCOVERS AND ACCENTS				
		Existing Lawn		
	Sod	Dwarf Fescue	Sod Lawn	4,146 sf.
VINES				
	5 Gal.	Hedera helix	English Ivy	30

Note: Vines shall be planted on the Street side of the wall and have been shown behind wall for graphical clarity only.

LANDSCAPE PLAN

SCALE: 1" = 30'



DATE:	DESCRIPTION:	BY:

ODYSSEY DESIGN GROUP, INC.
 LANDSCAPE ARCHITECTURE
 800 W. EIGHT MILE RD. STOCKTON, CA 95209
 (209) 962-8732 (209) 367-0163 FAX
 LICENSE # 4567
 www.odysseylandscape.com



SHEET TITLE:
 LANDSCAPE PLAN

LODI AVENUE
 BAPTIST CHURCH
 2301 W Lodi Avenue
 LODI, CA
 ARNAIZ COMPANIES

DATE: 07-18-06
SCALE: 1" = 30'
DRAWN: JN
REVIEWED:
SHEET
L1
OF 1 SHEETS

NOT FOR CONSTRUCTION



PROPOSED TEMPORARY CLASS ROOM FOR
LODI AVENUE BAPTIST CHURCH

LODI AVENUE BAPTIST CHURCH
LOCATED AT 2301 W. LODI AVE. LODI



ARNAIZ COMPANIES
3400 EIGHT MILE ROAD
STOCKTON, CA 95212
(209)931-9740 FAX (209)931-9741

DESIGNER

DR

APPROVED

DATE

SHEET NO.

OF



RESOLUTION NO. P.C. 06-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI DENYING THE APPEAL AND UPHOLDING THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE'S DECISION TO APPROVE THE SITE PLAN AND BUILDING ELEVATIONS OF VINEYARD CHRISTIAN MIDDLE SCHOOL LOCATED AT 2301 WEST LODI AVENUE AND APPROVING A SIXTH MODULAR BUILDING, TRASH ENCLOSURE, FENCE AND LANDSCAPING (FILE #06-SP-06)

- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Appeal, in accordance with the Lodi Municipal Code, Section 17.72.070; and
- WHEREAS**, the project proponent is Vineyard Christian Middle School; and
- WHEREAS**, the proponent obtained a Use Permit from the Lodi Planning Commission for a private middle school on February 22, 2006; and
- WHEREAS**, the property is zoned R-1, residential single-family; and
- WHEREAS**, the property is located at 2301 West Lodi Street; Lodi CA (APN 029-130-31); and
- WHEREAS**, the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and
- WHEREAS**, Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school with an enrollment of up to 84 students, that would like to occupy a portion of the church property; and
- WHEREAS**, Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on their property; and
- WHEREAS**, schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit in accordance with Section 17.09.030 of the City of Lodi Municipal Code; and
- WHEREAS**, there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and
- WHEREAS**, the existing youth center building located furthest north of the existing church classroom buildings shall be replaced with a newer modular building; and
- WHEREAS**, all legal prerequisites to the adoption of said Resolution have occurred; and
- WHEREAS**, an appeal of the decision of the Planning Commission to approve the project was filed with the City Clerks office in accordance with the Lodi Municipal Code, Section 17.88.060; and
- WHEREAS**, the City Council denied the appeal of the Planning Commission approval of the subject property thereby reaffirming the decision of the Planning Commission of February 22, 2006; and
- WHEREAS**, the proponent has obtained approval of the project from the Lodi Site Plan and Architectural Review Committee (SPARC) on June 19, 2006; and
- WHEREAS**, an appeal of the decision of SPARC to approve the site plan, driveway and various architectural related elements of the project was filed with the

Community Development Director via the City Clerks office in accordance with the Lodi Municipal Code, Section 17.81.070; and

Based upon the evidence within the staff report and project file, the Planning Commission of the City of Lodi finds:

1. That the Lodi Site Plan and Architectural Committee acted within the scope of their authority in approving the plans of Vineyard Christian Middle School.
2. That the plans approved by SPARC were substantially consistent with the plans approved by the Planning Commission and that the changes in the site plan were made to improve the operation of the school and increase student safety.
3. That the changes made in the site plan will not create any additional significant impacts on the neighborhood.
4. The denial of this appeal will not constitute any special treatment of privilege to the Vineyard Christian Middle School.
5. That the conditions placed on the project by both the Planning Commission and the Site Plan and Architectural Review Committee will reduce or eliminate many of the issues brought forth by the public during the public hearings.
6. That the improvements made on the property including the new fencing and landscaping required for the Allen Drive frontage will enhance the overall appearance of the property.
7. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no natural habitat and no significant environmental impacts are anticipated and no mitigation measures have been required.
8. It is determined that the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.
9. It is determined that the church property has sufficient available space to accommodate the five modular school buildings and a playground area.
10. It is determined that because the church and the school have different schedules for the use of the property, the two uses will be compatible and will be able to share the property.
11. It is determined that the school can operate at this location without creating an adverse impact on the surrounding neighborhood.
12. It is determined that the 40 parking spaces on site with the additional 22 to 24 spaces curbside are expected to be adequate for both the school and church.

NOW THEREFORE, BE IT DETERMINED AND RESOLVED, that Planning Commission upholds the original approval of the Site Plan and Architectural Review Committee (file number 06-SP-06), subject to the following conditions:

1. The Building Owner shall submit appropriate plans to the Community Development Department for plan check and building permit.

2. All construction shall be done with proper Building Department and Fire Department approvals and permits.
3. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.
4. The parking and driveway dimensions must comply with City parking design standards. (Public Works Standard Plan #134). The approved plan must be designed with the traffic flow moving in a counter clockwise direction. The entry to the school parking lot must be located at the sites existing center driveway and the exit must be located at the southern driveway, closest to Lodi Ave. The parking lot must be re-striped to reflect the change in the traffic flow direction. The driveways must have appropriate directional signs.
5. The VCMS shall modify their school hours so they will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, which ever works better for the school. The time difference shall be at least 10 minutes.
6. The regular school hours shall be Monday through Friday approximately 8:30 am to 3:10 pm (or modified per condition 5) with some allowance for additional time for special school events. No outdoor competitive sport events other than those associated with physical education or normal school activities shall be held on-site.
7. The VCMS shall coordinate their schedule for activities with the Lodi Ave. Baptist Church to minimize scheduling conflicts.
8. The VCMS shall prepare "Parking Lot Instructions" which shall be subject to review and approval by the Community Development Director. The School shall provide the family of each student a copy of the document and have them agree to adhere to the requirements.
9. That VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor will make sure that the traffic flows smoothly and safely by assisting parents and making sure that the "Parking Lot Instructions" are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.
10. The VCMS shall provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.
11. The VCMS shall provide parking for the physically disabled. The spaces shall be located as close as possible to the primary entrance.
 - a. Provide identification signs for the parking spaces including the "Tow away" sign at each entrance or visible from each space.
 - b. The slope of a parking space shall not exceed ¼ inch per foot.
 - c. Provide one van parking space.
12. A refuse enclosure that complies with City standards shall be constructed. Plans for the enclosure shall show dimensions and building materials and the enclosure shall be

large enough to include an area for recycling containers as well as solid waste. Plans shall be submitted to the Community Development Department for approval.

13. The VCMS shall provide an adequate number of garbage receptacles placed around the campus. The School shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. The School shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.
14. The VCMS shall construct a 6-foot high stucco wall along the east side of the school as a separator between the school grounds and Allen Drive. The wall shall run from the school entrance to the furthest northern extent of the modular buildings.
15. The classroom building shall be given additional architectural treatment. The walls of the buildings will be painted to match the church buildings field color, currently a "Driftwood Dune" color. The trim around all the windows, doors and roofs shall all be painted to match the church's trim color, currently an "Oregon Trail" paint color to provide some contrasting color to the classrooms. The applicant should also consider additional treatment that could improve the exterior appearance of the buildings. All paint colors shall be subject to the review and approval of the Community Development Director.
16. Payment of Development Impact Mitigation Fees is required at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be \$58,301.04. The fees are based on information provided by Vineyard Christian Middle School and contained in the SPARC application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,800 square feet and a building pad area of 14,000 square feet. This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and the impact fee schedule in effect at the time of issuance of the building permit. A change in the fees is anticipated in the near future.
17. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available. The work shall be completed by the owner's contractor under the terms of an encroachment permit issued by the Public Works Department prior to commencement of the work. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first. All work shall be done in conformance with City standards and specifications.
18. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, the estimated cost would be approximately \$2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

19. Any new driveways shall be commercial driveways conforming to Standard Plan 111. The unused driveway shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way.
20. Construction and storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003.
21. The location of the over-head electric power line shown on the site plan will need to be confirmed by the City. If the actual location of the line conflicts with any proposed buildings or with Electric Utility Department standards, the line may need to be relocated with the relocation cost paid by the applicant.
22. The VCMS shall obtain all required building and fire permits for any new work and shall obtain all required permits and pay established penalties for work already done without permits.
23. All conditions placed on this project must be completed prior to the classrooms being occupied for school purposes.

24. Final landscape plans and plant material shall be subject to the review and approval of the Community Development Director.

THEREFORE, based on these findings, the City Council denies both appeals and upholds the decision of the Planning Commission and the Site Plan and Architectural Review Committee approving the modified plans of Vineyard Christian Middle School for a new school at 2301 West Lodi Avenue subject to said conditions of approval.

Dated: September 6, 2006.

I hereby certify that Resolution 06-___ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 6, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

RESOLUTION NO. P.C. 06-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE APPEAL AND VOIDING THE APPROVAL OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE'S DECISION TO APPROVE THE SITE PLAN AND BUILDING ELEVATIONS OF VINEYARD CHRISTIAN MIDDLE SCHOOL LOCATED AT 2301 WEST LODI AVENUE AND APPROVING A SIXTH MODULAR BUILDING, TRASH ENCLOSURE, FENCE AND LANDSCAPING (FILE #06-SP-06)

- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Appeal, in accordance with the Lodi Municipal Code, Section 17.72.070; and
- WHEREAS**, the project proponent is Vineyard Christian Middle School; and
- WHEREAS**, the proponent obtained a Use Permit from the Lodi Planning Commission for a private middle school on February 22, 2006; and
- WHEREAS**, the property is zoned R-1, residential single-family; and
- WHEREAS**, the property is located at 2301 West Lodi Street; Lodi CA (APN 029-130-31); and
- WHEREAS**, the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and
- WHEREAS**, Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school with an enrollment of up to 84 students, that would like to occupy a portion of the church property; and
- WHEREAS**, Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on their property; and
- WHEREAS**, schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit in accordance with Section 17.09.030 of the City of Lodi ; and
- WHEREAS**, there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and
- WHEREAS**, the existing youth center building located furthest north of the existing church classroom buildings shall be replaced with a newer modular building; and
- WHEREAS**, all legal prerequisites to the adoption of said Resolution have occurred; and
- WHEREAS**, an appeal of the decision of the Planning Commission to approve the project was filed with the City Clerks office in accordance with the Lodi Municipal Code, Section 17.88.060; and
- WHEREAS**, the City Council denied the appeal of the Planning Commission approval of the subject property on April 19, 2006 thereby reaffirming the decision of the Planning Commission of February 22, 2006; and
- WHEREAS**, the proponent has obtained approval of the project from the Lodi Site Plan and Architectural Review Committee (SPARC) on June 19, 2006; and
- WHEREAS**, An appeal of the decision of SPARC to approve the Site Plan, Driveway and various architectural related elements of the project was filed with the

Community Development Director via the City Clerks office in accordance with the Lodi Municipal Code, Section 17.81.070; and

Based upon the evidence within the staff report and project file, the Planning Commission of the City of Lodi finds:

1. The changes to the site plan as approved by the Site Plan and Architectural Review Committee were not consistent with the Planning Commission approval of February 22, 2006 or the City Council reaffirmation of the Commission's approval.
2. That the changes made in the site plan which include the reorientation of the building and circulation plan will create an additional impact on the neighborhood requiring a return to the original configuration and driveway.
3. That the conditions placed on the project by the Site Plan and Architectural Review Committee will not reduce or eliminate many of the issues brought forth by the public during the public hearings regarding the changed site plan.
4. That improvements made on the property including the new fencing and landscaping required for the Allen Drive frontage will enhance the overall appearance of the property.
5. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no natural habitat and no significant environmental impacts are anticipated and no mitigation measures have been required.
6. It is determined that the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.
7. It is determined that the church property has sufficient available space to accommodate the five modular school buildings and a playground area.
8. It is determined that because the church and the school have different schedules for the use of the property, the two uses will be compatible and will be able to share the property.
9. It is determined that the school can operate at this location without creating an adverse impact on the surrounding neighborhood.
10. It is determined that the 47 parking spaces on site with the additional 22 to 24 spaces curbside are expected to be adequate for both the school and church.

NOW THEREFORE, BE IT DETERMINED AND RESOLVED, that the Planning Commission denies the approval of the Site Plan and Architectural Review Committee of the changes to the site plan and thereby upholds the appeal subject to the following conditions:

1. All approvals shall revert back to the original approvals set forth by the Planning Commission on February 22, 2006 and subsequent City Council reaffirmation of said approval on April 19, 2006. The Building Owner shall submit appropriate plans to the Community Development Department for plan check and building permit.
2. All construction shall be done with proper Building Department and Fire Department approvals and permits.

3. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.
4. The Vineyard Christian Middle School (VCMS) shall modify the existing parking lot, including driveways to accommodate the traffic ingress and egress plan. This will require the closure of the center driveway and new signing at the two remaining driveways. The northern driveway shall be signed "School Entrance" and the south driveway shall be signed "School Exit", "Right Turn Only". Additional pavement directional arrows maybe required and the parking stalls realigned to match the direction of traffic flow.
5. The VCMS shall modify their school hours so they will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, which ever works better for the school. The time difference shall be at least 10 minutes.
6. The regular school hours shall be Monday through Friday approximately 8:30 am to 3:10 pm (or modified per condition 5) with some allowance for additional time for special school events. No outdoor competitive sport events other than those associated with physical education or normal school activities shall be held on-site.
7. The VCMS coordinate their schedule for activities with the Lodi Ave. Baptist Church to minimize scheduling conflicts.
8. The VCMS shall prepare "Parking Lot Instructions" which shall be subject to review and approval by the Community Development Director. The School shall provide the family of each student a copy of the document and have them agree to adhere to the requirements.
9. That VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor will make sure that the traffic flows smoothly and safely by assisting parents and making sure that the "Parking Lot Instructions" are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.
10. The VCMS shall provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.
11. Provide parking for the physically disabled. The spaces shall be located as close as possible to the primary entrance.
 - a. Provide identification signs for the parking spaces including the "Tow away" sign at each entrance or visible from each space.
 - b. The slope of a parking space shall not exceed ¼ inch per foot.
 - c. Provide one van parking space.
12. A refuse enclosure that complies with City standards shall be constructed. Plans for the enclosure shall show dimensions and building materials and the enclosure shall be large enough to include an area for recycling containers as well as solid waste. Plans shall be submitted to the Community Development Department for approval.
13. VCMS shall provide an adequate number of garbage receptacles placed around the campus. The School shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. The School shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.

14. The VCMS shall construct a 6-foot high stucco wall along the east side of the school as a separator between the school grounds and Allen Drive. The wall shall run from the school entrance to the furthest northern extent of the modular buildings.
15. The classroom building shall be given additional architectural treatment. The walls of the buildings will be painted to match the church buildings field color, currently a "Driftwood Dune" color. The trim around all the windows, doors and roofs shall all be painted to match the church's trim color, currently an "Oregon Trail" paint color to provide some contrasting color to the classrooms. The applicant should also consider additional treatment that could improve the exterior appearance of the buildings. All paint colors shall be subject to the review and approval of the Community Development Director.
16. Payment of Development Impact Mitigation Fees is required at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be \$58,301.04. The fees are based on information provided by Vineyard Christian Middle School and contained in the SPARC application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,800 square feet and a building pad area of 14,000 square feet. This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and the impact fee schedule in effect at the time of issuance of the building permit. A change in the fees is anticipated in the near future.
17. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available. The work shall be completed by the owner's contractor under the terms of an encroachment permit issued by the Public Works Department prior to commencement of the work. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first. All work shall be done in conformance with City standards and specifications.
18. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, the estimated cost would be approximately \$2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.
19. Any new driveways shall be commercial driveways conforming to Standard Plan 111. The unused driveway shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way.
20. Construction and storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003.
21. The location of the over-head electric power line shown on the site plan will need to be confirmed by the City. If the actual location of the line conflicts with any proposed

buildings or with Electric Utility Department standards, the line may need to be relocated with the relocation cost paid by the applicant.

- 22. The VCMS shall obtain all required building and fire permits for any new work and shall obtain all required permits and pay established penalties for work already done without permits.
- 23. Final landscape plans and plant material shall be subject to the review and approval of the Community Development Director.

THEREFORE, based on these findings, the Planning Commission denies the decision of the Site Plan and Architectural Review Committee thereby reverting all approvals back to the original approvals set forth by the Planning Commission on February 26, 2008 and subsequent City Council reaffirmation of said approval on April 19, 2006 subject to the attached modifications and conditions of approval.

Dated: July 26, 2006.

I hereby certify that Resolution 06-26 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on July 26, 2006, by the following vote:

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

ATTEST:

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 26, 2006**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of July 26, 2006, was called to order by Chair Heinitz at 7:00 p.m.

Present: Planning Commissioners – Kiser, Kuehne, Mattheis, Moran, White, and Chair Heinitz

Absent: Planning Commissioners – Cummins

Also Present: Community Development Director Randy Hatch, Planning Manager Peter Pirnejad, Senior Planner David Morimoto, Deputy City Attorney Janice Magdich, Building Official Jerry Herzick, Public Works Director Richard Prima, and Administrative Secretary Kari Chadwick

The new Commissioner, Tim Mattheis, was welcomed.

2. MINUTES

“March 8, 2006”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Moran, Kuehne second, approved the minutes of March 8, 2006, as written. Note there is a quorum of four Commissioners

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 Heinitz called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit for a on and off sale, grower winery, Type 2 ABC License for M2 Vintners, Inc., Layne Montgomery at 1376 E. Turner Rd.

David Morimoto, Senior Planner, reported that this application is for a Grower Winery, type 2 ABC license. The Commission approved two other similar licenses in this same area. The applicant will be crushing, bottling, and storing wine on the premises. They will also have an office and a wine tasting room at the location. Trucks will be hauling the grapes to the building and the crushing operation will occur inside. The applicants have already made arrangements with two locale vineyard owners to take the grape skins and stems.

Hearing Opened to the Public

- Layne Montgomery, 7980 Calvador Way, Sacramento, came forward to answer questions. He stated that he and his partner, Chris Mathini, will be crushing grapes and storing wine with a tasting room.

In response to Commissioner Kuehne’s question: Are you producing wine now? Mr. Montgomery stated that he has been crushing and producing wine in Amador County, but would like to move everything here.

In response to Chair Heinitz’s question: In your other operation have you had public events and if so how often? Mr. Montgomery stated that they have not had any big events at this point, just a private party or two. The company’s first vintage was bottled in April and has only been on the market since June.

In response to Chair Heinitz’s question: Mr. Hatch could you please refresh my memory as to what we’ve done in the past regarding public events at these small wineries? Mr. Hatch stated that the most significant thing is to ensure they are in the correct zone and then through a temporary Use Permit we can allow for these types of activities. In the new Zoning Code there will be provisions for an administrative review process to accommodate these types of events.

Continued

In response to Commissioner Mattheis's question: Has staff reviewed the truck ingress/egress and turn around radius? Mr. Hatch stated that the driveway does have the appropriate turn around room.

In response to Commissioner Kiser's question: Are the trucks that will be coming into the location full size 65-foot trucks? Mr. Montgomery stated that the trucks will typically be pickups pulling a single trailer. The object is to get the trucks in and out of the area as fast as possible.

In response to Commissioner Kiser's question: Do you plan on growing larger in a short period of time? Mr. Montgomery stated that there is an option to grow into the storage facility next door and hopefully in a year or two we will be back asking to move in there.

Jeffrey Kirst, 222 W. Lockeford Street, came forward to support the project. Mr. Kirst owns the property at 1378 E. Turner Road and would like to urge the Commission to support this project.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner White, Kiser second, approved the request for a Use Permit for an on and off sale, Grower Winery, Type 2 ABC License for M2 Vintners, Inc., Layne Montgomery at 1376 E. Turner Rd subject to the attached resolution. The motion carried by the following vote:

Ayes: Commissioners – Kiser, Kuehne, Mattheis, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Absent: Commissioners – Cummins

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider the request for approval of a Use Permit for an on sale beer and wine, Type 41 ABC License for Kasey Voorheis, Pizza World, at 651 N. Cherokee Lane.

Mr. Morimoto reported that this project is requesting a beer and wine, type 41 ABC license. This will be an on-site sales license only. The restaurant will only be able to sell alcohol during the hours that they are selling food. There haven't been any reported problems with this area and Staff is recommending approval.

Hearing Opened to the Public

- Kasey Voorheis, 513 N. Poplar, Manteca, came forward to answer questions.

In response to Chair Heinitz's question: Are you in the restaurant business at this time? Mr. Voorheis stated that this is his first restaurant and it will be a sole proprietorship not a chain.

In response to Chair Heinitz's question: Do you have background in the restaurant business? Mr. Voorheis stated that he has been managing Pizza Restaurants for almost 12 years.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kuehne, Kiser second, to approve the request for a Use Permit for an on sale beer and wine, Type 41 ABC License for Kasey Voorheis, Pizza World, at 651 N. Cherokee Lane subject to the attached resolution. The motion carried by the following vote:

Continued

Ayes: Commissioners – Kiser, Kuehne, Mattheis, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Absent: Commissioners – Cummins

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider the appeal of a SPARC approval for the Vineyard Christian Middle School (VCMS) located at 2301 W. Lodi Ave.

Randy Hatch, Community Development Director, reported that this is an appeal to over turn the Site Plan and Architectural Review Committee's (SPARC) approval of the site plan and building elevations on June 18, 2006 however the entire proposal is being brought before the Commission for the convenience of all parties. Commissioner Mattheis has been provided all the past materials regarding this issue and is able to vote in this case. The focus of the appeal is the layout of the buildings and the driveway. There are two resolutions in the packet to choose from, one denying the appeal and the second upholding the appeal. Both resolutions have the same conditions that are not subject to the appeal. There has been a sixth building for restrooms added to the use permit which would replace a building that had belonged to the church, there is now a 6 foot high masonry wall to run along Allen Drive, and a 6 foot high block wall to be used as a trash enclosure. Mr. Hatch went through the time line and requirements that have occurred up to date: Starting with the original application brought before the Planning Commission, the appeal of that decision to the City Council, the City Council denying the appeal, the applicant then going to SPARC showing a revised plan with a 6th building and a reverse horseshoe pattern for the portables, and finally the appeal of that decision to the Planning Commission. SPARC did not approve the proposed tubular fence nor the landscaping, those items were postponed to a future SPARC meeting, but because of the appeal the entire project is back before the Planning Commission. The school is now proposing a 6ft high masonry wall with vines and shrubs on the eastside adjacent to Allen Drive. The sixth building will be replacing a building that the church had been using and the bathroom hookups are already on site. Mr. Hatch asked the Public Works Department to look at the switch in access of the northern most driveway to the middle driveway and how it affects the flow of traffic and the answer was that the northern most driveway would be preferred however due to the low volume of traffic on Allen Drive and Jackson Street using the Middle driveway is acceptable. Staff does not have any objections to using the middle driveway from a traffic standpoint and from a technical point of view there is no adverse affect by moving to the middle driveway.

Commissioner Mattheis stated that he did meet with Mr. Hittle, the proponent, and that his architectural firm has a business relationship with one of the school board members, but there has been no financial contract or contractual agreement with the school or the school board.

Commissioner Kiser stated that the color renditions don't even come close to what it looks like.

Commissioner Moran stated that she spoke with Mr. Perret by phone. She also stated that she had gone out and counted the parking spaces and she only counted 40. Mr. Hatch responded by stating that the parking spaces will be changed to be put on a slant and by doing so will be increased.

Chair Heinitz asked for Mr. Herzick to come forward to answer questions. Jerry Herzick, Building Official, came forward to answer questions.

In response to Chair Heinitz's question: What is the normal process for an application like this one? Mr. Herzick stated that once the Use Permit is approved the applicant submits for the required building permits. The plans are taken in at the Building Department, circulated to the various departments around the City for comments or revisions, and once the approved plans are brought back to the building department a permit can be issued.

Continued

In response to Chair Heinitz's request for information regarding the foundation of a portable building. Mr. Herzick stated that pressure treated wood can be used for the foundation according to the DSA (Division of State Architect) who sets the regulations on mobile classrooms. Mr. Herzick called DSA to get more information regarding the approved portable buildings being used for the classrooms. They informed him that nothing has changed and that the buildings are DSA approved.

In response to Chair Heinitz's question: Does using pressure treated lumber for the foundation cause any toxic material to be emitted? Mr. Herzick stated that there has been a change in the way they treat pressure treated lumber from using arsenic and chromium to using alkaline and copper and no toxics are emitted.

In response to Chair Heinitz's question: Should there have been a permit issued for the underground work that has already been done on the site? Mr. Herzick stated that yes there should have been permits pulled prior to and inspections done on all underground work before it was covered up.

In response to Vice Chair Kuehne's question: Do we have a standard or code that we follow regarding the screens that are to go around the air conditioning units? Mr. Herzick stated the mechanical code has distances regarding the working clearance and the manufactures recommendations are typically used to determine what type of screens are safe to use.

In response to Commissioner Kiser's question: Is the applicant going to be required to meet earthquake standards to put anchoring underneath the portables? Mr. Herzick stated that the system that is being used is not going to trigger a special inspection. The applicant is using galvanized pipe every eight feet on center that is driven into the ground to anchor the buildings to the foundations.

In response to Commissioner Kiser's question: Are you aware that the typical life of a portable is 20 years? Mr. Herzick stated that a mobile building is eligible for replacement after 20 years. There is no fixed age limit on the portable classrooms according to DSA. The lifespan varies depending on maintenance.

In response to Chair Heinitz's question: Would the City allow the sewer and water to come up on the exterior of a building? Mr. Herzick stated that normally the sewer lines would come from under the building.

In response to Vice Chair Kuehne's clarification questions: The underground work was not inspected?, Is the plumbing and sewer now on the exterior of the portable?, and would the plumbing and sewer need to be inspected if it was going to be run to it? Mr. Herzick stated that the electrical conduit is what was placed and covered up on the site without a permit. The Church had a manufactured home on the property with water and sewer hookups but that building had substandard conditions. Mr. Herzick also stated that there would have to be inspections for the sewer and water hookups, but there haven't been any as of yet.

In response to Commissioner Kiser's question: Isn't it City policy when you pull a building off its foundation and you have a sewer connection, you need to have the Public Works Department come out and inspect it? Mr. Herzick stated that in this case a demolition permit was not required because this was a manufactured home (mobile home).

In response to Commissioner Kiser's question: Is it possible that the sewer line was capped off and just paved over? Mr. Herzick stated that yes that is possible.

Mr. Hatch stated that the permits had been applied for but not issued. They had not been issued due to the appeals. The applicant was told that any work done prior to permit issuance would be at risk and all items that need to be inspected that have been covered up will need to be proven by what ever means necessary.

Continued

Chair Heinitz asked for Mr. Prima to come forward to answer questions. Richard Prima, Public Works Director, came forward to answer questions.

Chair Heinitz's asked for Mr. Prima's input on the proposed use of the middle driveway. Mr. Prima stated that the Public Works department has reviewed the plans all along and did not feel that the middle driveway would cause any problems.

In response to Chair Heinitz's question: Can you expand on the traffic issue as it relates to the feeder streets around Allen Drive? Mr. Prima stated that the traffic volume on Allen Drive is roughly 800 cars per day which is low for a Collector Street. The issue with traffic using Jackson Street to get to the school was not seen as a problem. Staff feels that the traffic will center on Allen drive.

In response to Commissioner Kiser's question: Originally Staff felt that the northern driveway would be the best option, right? Mr. Prima stated that the question of using the middle drive vs. the northern driveway wasn't raised initially because the original plans showed the northern driveway being used therefore staff only commented on that use.

In response to Commissioner Mattheis's question: Did staff look at a possible stacking problem if the middle driveway is used? Mr. Prima stated that the loading and unloading should take place further south in the parking lot to avoid a stacking problem on Allen Drive.

In response to Chair Heinitz's question: Are we able to redline the area of the parking lot fronting the portables? Mr. Prima stated that you do have the ability to red curb the area and sign it with no stopping.

In response to Commissioner Mattheis's question: Has the Fire Department looked at the access through the driveway and are they comfortable with it? Mr. Herzick stated that the Fire Department has looked at it and did not have any problems with the configuration.

Hearing Opened to the Public

- Bob Peterson, 2224 Jackson Street, came forward to show his support for the appeal. Mr. Peterson stated that he has been following this project from the beginning and is disappointed that VCMS has not been following the rules set forth by both the Planning Commission and City Council. Mr. Peterson would like to see this Use Permit revoked or at the very least put back to its original design and sanctions placed on VCMS.

Dolores Hanson, 2208 Jackson Street, came forward to support the appeal. Ms. Hanson was under the impression from what was said at the City Council Meeting from the first appeal that the portables were going to be about six years old. This is not the case. There was another Use Permit brought before the Planning Commission for the use of portable buildings for Jim Elliot Christian High School. A requirement was placed on the buildings to re-certify them bring them up to current standards. We, the neighborhood, feel this is a good idea. We would like to see a similar condition put on this Use Permit. The neighborhood would like to know if VCMS moves will the portables be going away as well.

Paula Peterson, 2224 Jackson Street, came forward to support the appeal. She is unhappy with the 6th building. All the Staff reports up until now have stated that there would only be five portables. She doesn't feel that VCMS has the right to replace a building that never belonged to them in the first place. She would like to see the Planning Commission uphold its original decision with the five portables. VCMS started the work on the 6th portable building prior to SPARC approval. Ms. Peterson brought in overhead pictures to share. She does not feel the layout is attractive or welcoming.

Linda Reichert, 2219 W. Walnut Street, came forward to support the appeal. She is speaking against the type of fencing proposed. The proposed wall will not act as a noise barrier and was not indicative of what was discussed. The neighborhood would like to have a block wall at least six foot high put in place. Ms. Reichert brought pictures to share on the overhead. There is already a block wall on the west side of the property dividing the church grounds and the housing development to the west.

Continued

Mary Colbert, 2123 Jackson Street, came forward to support the appeal. Safety is a major concern and feels that the school should also feel the same. The portables and electrical conduit were put in place and covered without the benefit of permits or the building inspector's approval. Who will be held responsible if someone were to get injured due to this taking place? Chances should not be taken with the lives of these children. Ms. Colbert feels that the neighborhood has been duped.

Chris Johnson, 2200 Jackson Street, came forward to support the appeal. Ms. Johnson stated that the City's parking standards require 75 parking spaces for the church. The parking will not be sufficient for the church now that VCMS has taken away some of the 54 existing parking spaces leaving only 40 spaces. Overhead pictures were brought and shared showing the lack of parking spaces. The stacking of vehicles is going to be a real problem during the drop off and pickup times of the school. The middle driveway is not currently wide enough to accommodate fire trucks or the garbage trucks that will need to access the parking lot.

In response to Chair Heinritz's question: Does the curb cut need to be widened to accommodate a fire or garbage truck? Mr. Hatch stated that it did not need to be widened.

Jackie Healy, 2140 Jackson Street, came forward to support the appeal. Ms. Healy brought overheads showing the chain of events. She pointed out all the conditions in the resolution that are being violated: 1 – that all building would be done with building permits, no building permits have been issued; 2 – there would be at least 47 parking spaces and now there are 40; 3 – the northern most driveway will be used and that driveway has been dug up; 4 – the fence is now being proposed to be different. There will be a stacking problem in the afternoon. All the parents will be there to pickup their kids at 3:15. Does SPARC have the authority to override the Planning Commission's and the City Council's decision?

Dave Johnson, 2200 Jackson St., came forward to support the appeal. Mr. Johnson does not feel that VMCS has proven their good neighbor promises. They have lost credibility with their actions. With all the violations that have already occurred this should not be a meeting to hear an appeal but to revoke the use permit.

Treacy Dorth, 2225 Capell Drive, came forward to support the appeal. Ms. Dorth would like to see the school taken out of her neighborhood. She also feels that the air conditioning units will be too loud.

Claudette Gaydon, 2220 Capell Drive, came forward to support the appeal. Ms. Gaydon would like to see the fence higher to alleviate the noise problems. The church and school were having a block party on May 20th and Ms Gaydon was having a memorial service for her son the same day. Three separate people went over to the church to ask them to turn down their microphone and they were told no. This is just unacceptable.

Rico Bianchi, 2121 West Pine Street, came forward to support the appeal. Mr. Bianchi would like to see the school start all over.

Ron Schnabel, 2041 Jackson Court, came forward to support the appeal. The traffic is going to pose a major problem.

The Chair Called for a 5 minute break

George Liepart, 907 W. Harney Lane, came forward to oppose the appeal. He stated that everything that has been done has been approved by or communicated to the Planning and building Staff. City Staff has been very supportive and helpful. This has not been an easy endeavor. Mr. Liepart stated that the configuration of the buildings changed specifically for the safety of the children. He also stated that the middle driveway was the proposed ingress/egress all along and that he brought a site plan display to the Planning Commission hearing and City Council appeal that used the middle driveway.

Greg Parrett, 4033 Meadow Oaks Drive, Burson, came forward to oppose the appeal. He stated that this was a temporary placement of the school buildings. Mr. Parrett went through the time line for the project: 1st – the CUP was applied for in December 2005; 2nd – the Public Hearing for Planning Commission was set for February 8th and continued to the 22nd; 3rd – the public hearing for City Council to hear the appeal of the Planning Commissions Decision was set for April 19th; 4th – the application for SPARC was submitted and then set for June 19th; 5th – the appeal of the SPARC decision is set for July

Continued

26, 2006 Planning Commission Meeting. The bathroom building is replacing an illegal building. Gerald King from Electrical Utilities Department approved the electrical line underground.

Pat Patrick, 2848 Applewood Drive, came forward to oppose the appeal. Mr. Patrick has two children going to the school. He believes that the school is a great school both academically and spiritually. He would like to see a fair decision made for both sides in this case.

Barry Morris, 1906 Jackson Street, came forward to oppose the appeal. He has been on the job site since the beginning and was there when Gerald King gave the okay to cover up the conduit.

Dennis Haugan, 1132 Port Chelsea, came forward to clear up some issues. There was a mention of the Certificate of Occupancy (CofO) at the SPARC meeting that was omitted from the minutes. The fence and vegetation had to be brought back to the SPARC before there would be a CofO issued. The SPARC Committee missed the driveway change. Mr. Haugan stated the driveway should be put back to where it originally was proposed to be. The 6th building was presented to SPARC as a replacement for the church building and has now become apart of this project.

Linda Engrav-Clarke, 2101 Jackson Street, came forward to oppose the appeal. She wanted to come forward and show that not everyone in the neighborhood objects to this project. Ms. Engrav-Clarke stated that she has stopped reading the paper because of all the negative press on this issue. She believes that the school has acted in good faith. She also believes the school will have a positive impact on the neighborhood.

Alyssa Oliver, 707 S. Church Street, came forward to oppose the appeal. She would like to see the VCMS project to move forward. The project is at the very beginning and looks bad but will only get better. We have not been able to continue due to this appeal and that is why it still looks as bad as it does. SPARC did not override the Planning Commission or the City Council. It is stated over and over in the Resolution that the final site plan and design will be approved by SPARC. VCMS has made several concessions that the neighborhood has requested.

Craig Cawelti, 18850 Jordan Lane, Woodbridge, came forward to oppose the appeal. This process has not gone forward in a haphazardly way. Mr. Cawelti feels that the look of the property will be very close to the artist rendition.

Mike Hakim, 3414 Brookside Road, Stockton, came forward to oppose the appeal. The applicant has been in constant communication with City Staff. The school has shown good faith in everything they have done. Please follow Staff's recommendation number one.

Rick Crawford, 112 School Street, came forward to oppose the appeal. Mr. Crawford has a daughter going to the school. He has been a contractor for years and the portables will be very solid and secure. The school will only have 84 students. He apologized to the neighbors for any hurt feelings that may have happened. This can not be compared to a public school with hundreds of students.

Randal Oliver, 707 S. Church Street, came forward to oppose the appeal. Mr. Oliver is a teacher at the school and is usually the parent that is out directing traffic. He also has had a child going to the school and will have another one going there soon. He would like to see VCMS be allowed to have a temporary fence for sixty days until the school can get a fence up that meets all the requirements.

Ron Schnabel, 2041 Jackson Court, came back up to question some of the statements made.

Linda Engrav-Clarke, 2101 Jackson Street, came back up to plead with the neighborhood to give the school the opportunity to do with their property what the home owners have done with theirs.

Public Portion of Hearing Closed

- Vice Chair Kuehne stated that he has gone through his check list and feels that all the concerns have been addressed except for the ingress and egress.

Chair Heinitz stated that he would like to see the northern driveway re-instated as the ingress/egress, a block wall 7ft high with a planter placed in front, and building three placed between building four and five allowing the use of the northern driveway.

Continued

Commissioner Kiser stated that he is uncomfortable with a lot of things with this project. He would like to see the original plan put back into place. He doesn't want to see a precedent take place in this case.

In response to Commissioner White's question: Does SPARC have the right to override the Planning Commission's resolution? Mr. Hatch stated that SPARC did not over rule the Planning Commission's decision. In the resolution there is an item stating that SPARC has the final say on the site plan.

Commissioner Mattheis concurred with Mr. Hatch in that the site plan is at the discretion of SPARC. The number of students, buildings and use of the site are at the discretion of the Planning Commission. Building violations should be left up to the Building Department. Moving portable number three would cause a lot of zig-zagging motion of the vehicles. He would rather see the area directly in front of the portables striped as a fire lane. He would like to see the site plan put back into SPARC's court.

In response to Commissioner Mattheis's question: Is the whole project before us tonight for a final decision for expediency purposes? Mr. Hatch stated that the new resolutions take the SPARC decision away and end it here. The whole project is now being presented to you for a final decision.

In response to Chair Heinitz's question: Would it work to have the southern most driveway become the new ingress/egress or ingress and the middle driveway become the egress with a left turn only going north on Allen Drive? Mr. Hatch stated that Mr. Prima was still available to answer that question. Mr. Prima responded that the extra traffic onto Lodi Avenue would not be an issue. It is preferred to have two driveways for a lot this big.

In response to Commissioner Mattheis's question: Is there enough space for a large vehicle to turn around within the parking lot? Mr. Prima stated that the turn radius would probably result in the loss of a couple of parking spaces. Chair Heinitz stated that if the northern driveway was blocked off during school hours you could gain parking there.

In response to Commissioner Mattheis's question: What about Fire ingress/egress? Mr. Prima stated that normally on a lot this size we like to see two access points, but doing engineering from the podium is not a good idea.

Mr. Hatch stated that the northern driveway could be blocked during school hours and left open during church hours, but he would be concerned with the permanent closure of the driveway.

Vice Chair Kuehne asked for the public hearing to be re-opened so some of these questions could be answered by the pastor of the church.

Re-opened to the public

Pastor Mike, 2130 E. Lodi Avenue, came forward to answer questions. He would like to see both driveways left open for the church functions, and closing one of them during school hours would be acceptable.

Lousie Hickingbottom, 624 Joaquin Street, came forward to state that there were two bathrooms and a kitchen in the portable building that was taken away, and they were used regularly.

Rico Bianchi, 2121 W. Pine Street, came forward to say that the idea of redoing the parking lot sounds like it might work. He also stated that using the original configuration for the buildings could work and then for the safety of the kids put up a fence along the driveway creating an enclosed courtyard.

Mary Colbert, 2133 Jackson Street, came back up to the podium to state that students know not to go after a ball that has been kicked into a parking lot.

Continued

Tammy Morris, 1906 Jackson Street, came forward to object to the block wall. She doesn't understand that if the neighborhood wants the project to be esthetically pleasing why put up a big block wall that doesn't fit with the rest of the neighborhood.

Alyssa Oliver, 707 S. Church Street, came forward to state that the safety of the students is the school's primary concern. The block wall also blocks the view of who is standing on the other side of that wall. The School understands that you don't want to hear the children, but for their safety we would like to be able to see who is lurking on the other side of the wall.

Delores Hanson, 2208 Jackson Street, came forward to state that when trying to go left onto Lodi Avenue from Allen Drive there will be a stack up of cars because it is difficult to make that turn with the lights at Mills Avenue and Lower Sacramento Road.

Vice Chair Kuehne stated that when he drops his children off at St. Peters for school he has not with first hand experience had a problem with turning left on to Lodi Avenue from Allen Drive.

George Liepart, representing VCMS, came forward to address the fence running along the south edge of the portables and the air conditioning units. The area south of the portables is designated as a fire lane so there will not be any parking in that area. The air conditioning units will be covered with screening per the color rendering.

Paula Peterson, 2224 Jackson Street, came forward to state that condition D on the City Council Resolution 2006-70 states that the northern driveway shall be the egress and ingress. Mrs. Peterson would like the Commissioners to consider the fact that Ms. Magdich stated at the last Planning Commission meeting that shall is not a wiggle word.

Public hearing portion Re-closed

Randy Hatch stated that the reconfiguring of the traffic route to use the southern most driveway for an ingress/egress could work.

In response to Commissioner Moran's question: In this new configuration will the cars have to cross each other in the parking lot causing a stacking problem? Mr. Prima stated that the stacking would all be on site and therefore not a problem.

In response to Commissioner Mattheis's question: Would moving all the parking into the middle of the parking lot creating a larger area for a turning radius around the outside of the parking area and then having the route come off the street make an immediate right and work its way counter clockwise around the parking lot help to alleviate the stacking problem? Mr. Prima stated that the turn from the street and then trying to make an immediate right would cause stacking on the street versus in the parking lot and Staff's opinion is that stacking in the parking lot is the better choice.

In response to Vice Chair Kuehne's question: The concern with having the immediate right once in the parking lot isn't based on the turn radius for a larger vehicle it's for the traffic flow, correct? Mr. Prima stated that anything that occurs on site that makes it difficult to maneuver tends to create problems at the entrance and can cause stacking on the street.

In response to Chair Heinitz's question: Is the current driveway wide enough to have an entrance and exit? Mr. Prima stated that for an entrances and exit the space needs to be twenty four feet wide.

In response to Commissioner Mattheis's question: Can we make it so that the parking spaces on the end where the vehicles will be making their turn can be blocked off or striped to give the vehicles more of a turning radius? Mr. Prima stated that the parking spaces can be striped or labeled for no parking for the school and still leave it open for church parking.

Continued

In response to Vice Chair Kuehen's question: The northern driveway can have a chain put across it during school hours? Mr. Prima stated that for safety purposes cones across the entrance would be a better option.

Commissioner Moran stated that she would like to see the solid wall continue on further north past the classrooms. She also likes the idea of running the fence on the south edge of the portables along the driveway.

Chair Heintz would like to see a wall continue south toward Lodi Avenue along the parking lot area.

Discussion was had to dress up the south end of the portables and the idea of putting the screens up to cover the air conditioning units and then dressing up the screens with climbing vines and shrubs was favored.

Mattheis would like to clarify that the fencing is painted tube steel not wrought iron.

Chair Heintz suggested putting block columns in between the painted tube steel fence sections and putting them every sixteen foot on center was agreed upon after some discussion.

Mr. Hatch wanted to point out that the wall proposed in Conditions C & D is a sound wall.

Commission Mattheis stated that the word temporary keeps being brought up but nowhere does he see that this is a temporary placement. Mr. Hatch stated that a condition can be placed on the Use Permit. Ms. Magdich suggested that a specific amount of time be placed on the Use Permit to be brought back for review.

Commissioner White stated that he feels for the neighborhood and would like to see a block wall put in because the stucco wall will end up with holes in it after the children get done throwing and kicking balls at it. He would also like to see the southern most driveway work for the ingress/egress or the northern most driveway put back in and the original parking lot configuration used.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kuehne, Mattheis second, to deny the appeal of the SPARC approval for the Vineyard Christian Middle School (VCMS) located at 2301 W. Lodi Avenue subject to the attached resolution and added conditions of a masonry fence running from the most southern corner of building 3 to the most northern corner of building 5 and continuing north an Iron Tubing fence with masonry pillars every sixteen feet on center with vines growing on all of it and shrubs and landscaping along Allen Drive, the ingress/egress per Mr. Prima at the southern entrance, covers are to surround the air conditioning units per rendering with vines growing on the covers and landscaping between the covers to soften them, landscaping from the northern driveway to the southern property line along Allen Drive.

Commissioner Moran stated that she can not support this decision.

Commissioner White would like to be sure that the southern ingress/egress will work. Mr. Hatch stated that staff thinks it will work but we will have to verify.

Commissioner Kiser stated that he was not comfortable planning on the cuff and can't support this project.

Mr. Hatch stated that this could be approved subject to drawings that work and if they don't the issue comes back to the Planning Commission.

Continued

Chair Heinitz called for the question and the motion carried by the following vote:

Ayes: Commissioners – Kuehne, Mattheis, White, and Chair Heinitz
Noes: Commissioners – Kiser and Moran
Absent: Commissioners – Cummins

Chair Heinitz called for a 5 minute break to allow the Forum to clear.

4. PLANNING MATTERS

- a. Review and recommend to the City Council the approval of the Eastside Mobility Access Plan (EMAP).

Peter Pirnejad, Planning Manager, reported that a grant was applied for and granted to fund a study on improvements in the public right-of-ways creating a culturally pleasing pedestrian path way from Central Avenue leading via Lodi Avenue to the multi-mobile station on Sacramento Street. The public has had a major part in creating this plan. This is not a redevelopment plan; it is a guideline for Public Works to use when making improvements in these areas.

Rosemary Donnelly, MIG Consultant, came forward to give a PowerPoint presentation (attached) highlighting the: Project timeline, Pictures of the charets, the study area, overall principles, Sacramento Street (existing – recommended), Lodi Avenue (least pedestrian friendly), Central Avenue, and the Project results.

Commissioner Mattheis stated that he likes the plan and wanted to know if Lodi Avenue east of Stockton Street went down to two lanes? Ms. Donnelly stated that yes it did. Commissioner Mattheis would like to see an alternative for the link from Sacramento Street to Stockton Street along Lodi Avenue.

Chair Heinitz stated that Maple Square (SE corner of Sacramento Street and Lodi Avenue) is not a park. He would like to see if something can be done there.

Commissioner Mattheis noted that there are some inconsistencies of what the property at the SE corner of Sacramento Street and Lodi Avenue is called.

Mr. Pirnejad wanted to reiterate that these are just guidelines for Public Works.

OPEN TO THE PUBLIC

Amy Mianda, 416 Eden Street, came forward to state she would like to see the basics done before the beautification.

Anne Cerney, 900 W. Vine Street, came forward to comment on the project. She would like to have seen a better effort made to include the ethnic community. She is concerned for the private property owners in the project area and if any of their property could be considered under emanate domain if they are unable to do these improvements. The word redevelopment is mentioned in the document and this is another concern. Ms. Cerney would like to see the property on the SE corner of Lodi Avenue and Sacramento Street considered for a park and the building that is on the property preserved for some kind of community use.

CLOSED TO THE PUBLIC

Commissioner Moran stated that she works for Cal-Trans but had nothing to do with the issuance of the grant.

Commissioner Mattheis would like to see an alternative plan for the area along Lodi Avenue between Sacramento and Stockton Streets with a park at the SE corner of Sacramento Street and Lodi Avenue.

Continued

MOTION/VOTE:

The Planning Commission on the motion of Commissioner Moran, Kiser second approved the request of staff to recommend the Eastside Mobility Access Plan (EMAP) to the City Council subject to the resolution with revisions as discussed above. The motion carried by the following vote:

Ayes: Commissioners – Kiser, Kuehne, Mattheis, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Absent: Commissioners – Cummins

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

None

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Mr. Hatch announced that a new Liaison needed to be voted on and that when we do the re-organization of the Commission that would be a good time to pick someone to fill that spot.

8. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

9. ART IN PUBLIC PLACES

None

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 12:10 a.m.

ATTEST:

Randy Hatch
Community Development Director

Randy,
E-F

RECEIVED

JUL 10 2006

City Clerk
City of Lodi

July 6, 2006

Honorable Mayor Hitchcock,

This letter is an expression of concern about the Vineyard Christian Middle School that is being constructed in our neighborhood. Our address is 2133 Jackson Street and we have lived here since 1974.

On Wednesday July 5th we arrived home after a 7 day vacation away from Lodi, turning the corner we were appalled at the site of the portables located on the property of Lodi Avenue Baptist Church. We immediately recognized that the building were not configured on the property as was discussed at the Planning Commission Meeting that we attended. That was not the only difference that we noted at the time, the entrance to the school has been changed which creates a terrible safety hazard with the "T" traffic pattern the new entrance has presented.

After talking with a member of the Planning Commission we also discovered that the construction has begun without Building Permits required by the City. How can this happen especially when we know that young children will be occupying these buildings? Suppose that there was a fire or the portables were not properly put on foundations, or that the electrical conduits under the new blacktop was not done properly, what kind of problem would the City have at that time?

There is also the problem of the sound barrier wall that was promised, I rest assured that a wrought iron fence is not a solution to sound.

This project is not at all what we as neighbors were promised, we find the whole project unsafe for the students and unlawful as far as City Code.

We were also told that the portables that would be brought in would be fairly new, well portables are old at the age of 20 and my investigation shows that these portables are close to the age of 14, that is not fairly new!

My husband and I would like a reply to each of these concerns, we Mayor Hitchcock live in this neighborhood and have to live with decisions that you and other City Officials make in our name, please make good choices for us and the children of this school.

Sincerely,

Donald and Mary Colbert

Donald & Mary Colbert

Steve and Diane Johnson
2216 Jackson St.
Lodi, CA 95242

RECEIVED

JUL 25 2006

COMMUNITY DEVELOPMENT DEPT.
CITY OF LODI

Community Development Director
P.O. Box 3006
Lodi, CA 95241-1910

To the attention of Randy Hatch,

July 21, 2006

My husband and I bought our house at 2216 Jackson Street in March of this year. We were notified that Vineyard Christian Middle School would be using the church sight during the escrow process. We would like our views to be known.

Our family wholeheartedly supports the school and would be happy to have them in our neighborhood. It saddens and embarrasses us that our neighbors have been so difficult during this entire process.

Please consider this viewpoint when listening to the appeal of the SPARC approval for the Vineyard Christian Middle School. Not all of the neighbors that live around Lodi First Baptist Church have a negative view of the school going in. You have our support and we hope that you uphold your original decision to allow the school to utilize this space.

Sincerely,


Steve Johnson


Diane Johnson

July 22, 2006

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JUL 25 2006

COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Mr. Randy Hatch
Community Development Director
P.O. Box 3006
Lodi, CA 95241-1910

Dear Mr. Hatch,

I expressed my concerns to you several months ago via e-mail regarding the relocation of Vineyard Christian Middle School to the Lodi Avenue Baptist Church Site. My concerns at the time were increased traffic and an unsafe environment for the surrounding neighborhood, which the original Use Permit has tried to alleviate. While I still feel there are issues which need to be addressed regarding traffic, (perhaps an additional Stop Sign at Oxford and Allen), the fact that VCMS is not abiding by rules and regulations is even more of a concern.

I live in the neighborhood and drive by the site every day. What they are doing is creating a blight to the neighborhood. Although I was not pleased at the relocation due to traffic concerns, I am even more upset that the design/layout of the property has been changed to be disadvantageous for the neighborhood.

After reading information in the Lodi News Sentinel and Stockton Record, I am led to believe that VCMS was assuming that once they had started, the Planning Commission would just say "Oh, that was a bad thing to do, but go ahead and finish since you have done so much work already". Please do not let them get away with nothing more than a delay and "a slap on the wrist".

I urge the Lodi City Council and the Lodi Planning Commission to hold VCMS accountable to the plans that were approved. Why should they be exempt from following guidelines that are set with a great deal of thought? Along with my fellow neighbors, I am asking the Planning Commission to enforce the original Use Permit conditions and require VCMS to put the portables back to the original configuration of a horseshoe design, use the far north driveway, and construct a block sound wall with landscaping to help detract from the unsightly buildings and noise.

I thank you for your time in considering this matter.

With Concern,



Brenda Colla
23 N. Allen Dr.
Lodi, CA 95242

Cc: Lodi City Council

CITY OF LODI

CITY COUNCIL

SUSAN HITCHCOCK,
Mayor

BOB JOHNSON,
Mayor Pro Tempore

JOHN BECKMAN

LARRY D. HANSEN

JOANNE MOUNCE



BLAIR KING,
City Manager

JENNIFER M. PERRIN,
Interim City Clerk

D. STEPHEN SCHWABAUER,
City Attorney

CITY HALL, 221 WEST PINE STREET / P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
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August 17, 2006

David Johnson
2200 Jackson Street
Lodi, CA 95242

RE: NOTICE OF CITY COUNCIL PUBLIC HEARING – September 6, 2006

This letter is to notify you that a public hearing will be held by the City Council on **Wednesday, September 6, 2006, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

This hearing is being held to consider your appeal of the Planning Commission's decision on July 26, 2006, regarding site and architectural plan approval for the Vineyard Christian Middle School, located at 2301 West Lodi Avenue (Appellants: Vineyard Christian Middle School and David Johnson et al., regarding File# 06-SP-06).

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. *NOTE: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.*

Should you have any questions, please contact my office or Community Development Director, Randy Hatch, at (209) 333-6711.

Sincerely,


Jennifer M. Perrin
Interim City Clerk

JMP

cc: Community Development Director

**APPEAL TO CITY OF LODI SITE PLAN AND ARCHITECTURAL
REVIEW COMMITTEE'S (SPARC's) AND PLANNING
COMMISSION CHANGES TO USE PERMIT APPLICATION
#U-05-020 FOR LODI AVENUE BAPTIST CHURCH TO ALLOW
VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE ON
CHURCH PROPERTY AT 2301 WEST LODI AVENUE**

The Lodi Planning Commission and the Lodi City Council approved Use Permit Application No. U-05-020 for Lodi Avenue Baptist Church to allow Vineyard Christian Middle School to locate on church property at 2301 West Lodi Avenue subject to a number of conditions. At SPARC's June 19th meeting VCMS presented changes which are in direct violation of three (3) of the sixteen (16) conditions.

VIOLATIONS OF USE PERMIT:

Condition B: "All construction is done with proper Building Department and Fire Department approvals and permits."

- 1) Construction has started. According to both Randy Hatch, Community Development Director, and Richard Prima, Director of Public Works, no Building Department and/or Fire Department approvals and permits have been issued.
- 2) Why didn't the Project Manager pull permits before the work began? He also should have submitted changes to the use permit in an addendum so that they could have been reviewed by the Building Department and the Planning Commission. This is what is required for all members of the community. The Project Manager directed work to start on the project prior to obtaining building permits.

Condition C: "The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church, the City reserves the right to revisit parking needs and may require additional parking conditions."

- 1) SPARC directed the redesign of the parking lot including traffic flow, signing, and restriping. The City's requirement for Lodi Avenue Baptist Church is 75 parking spaces. This was reduced to 40 spaces which does not accommodate church activities. Will the redesign of the parking lot which was adopted by the Planning Commission cause loss of anymore parking spaces?
- 2) In the February 8, 2006, City of Lodi Planning Commission Staff Report, Mr. Morimoto, Senior Planner, said that "There is not a requirement for the amount of grass area that a school has to have. It would be possible to push the modulares back further onto the grass area to allow more parking if necessary."

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06 AUG -9 PM 3:38
CITY CLERK
CITY OF LODI

Condition D: "The Vineyard Christian Middle School (VCMS) **shall** modify the existing parking lot, including driveways to accommodate the traffic ingress and egress plans shown on Exhibit A. This will require the closure of the center driveway and new signing at the two remaining driveways. The northern driveway shall be signed "School Entrance," and the south driveway shall be signed "School Exit, Right Turn Only." Additional pavement directional arrows may be required and the parking stalls realigned to match the direction of traffic flow."

- 1) The northern driveway was chosen for traffic ingress to mitigate potential traffic problems and "to increase vehicle stacking room on site. By allowing vehicles to maneuver in the parking lot there is less chance of vehicles having to wait on Allen Drive before entering the property. This will further limit the distance vehicles need to travel on Allen Drive. This will also spread the vehicles over two more widely separated driveways instead of concentrating them at the center of the property." (Planning Commission Minutes of February 22, 2006)
- 2) Prior to the SPARC meeting of June 19, 2006, VCMS changed the layout of their portables. This change dictated that the northern driveway be abolished and the center driveway be used to accommodate traffic ingress. Also prior to the SPARC meeting and approval, VCMS bulldozed the northern driveway in direct violation of condition **D** as stated above.
 - a) We have been told by both Randy Hatch and Richard Prima that using the center driveway for traffic ingress is a safety issue as it creates an intersection at Allen Drive and Jackson Street. The safety issue is augmented by the fact that it is not an exact intersection but slightly offset. Traffic will be entering the center driveway from three directions at the same time: West on Jackson Street and North and South on Allen. The Planning Commission has very valid concerns about the dangerous traffic flow pattern created by using the center driveway for ingress.

Although not listed as specific conditions in the use permit, we would like the City Council to review the following issue:

1. Portables

- a. These portables were built in 1990. What is the remaining life expectancy of these portables? If the permanent school is not built in a timely manner, these portables may outlive their life expectancy. A time limit requirement should be placed on the portables at this site.

During the SPARC meeting on June 19, 2006, Bob Peterson requested the changes already put in place that are in violation of the use permit go back to the Planning Commission or the City Council. His request was denied. Randy Hatch stated that the changes were within the scope of the authority of SPARC. We are concerned that SPARC overruled the City Council and Planning Commission by approving a new project design. We would like to know what SPARC's authority is and what their limitations are. We would also like SPARC to know and understand what their authority and limits are.

During the April 19, 2006 City Council Meeting, Council Member Hansen stated that he "had confidence in the conditional use process" and noted that it could be revoked if promises and conditions were not adhered to. We request the issues listed above be reviewed by the City Council before any further work is done by VCMS at the 2301 West Lodi Avenue property.



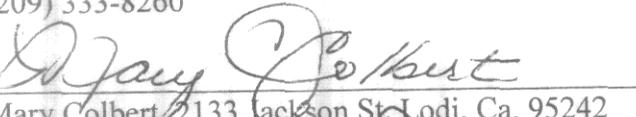
David Johnson, 2200 Jackson St. Lodi, CA 95242
(209) 369-9108

8/9/06
Date



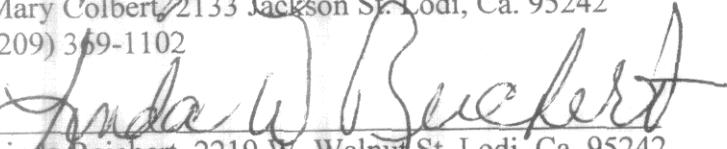
Dean Walker, 2207 Capell Drive. Lodi, CA 95242
(209) 333-8260

8/6/06
Date



Mary Colbert, 2133 Jackson St. Lodi, Ca. 95242
(209) 369-1102

8/6/06
Date



Linda Reichert, 2219 W. Walnut St. Lodi, Ca. 95242
(209) 334-4602

8-6-06
Date

CITY COUNCIL
SUSAN HITCHCOCK,
Mayor
BOB JOHNSON,
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
JOANNE MOUNCE

CITY OF LODI



BLAIR KING,
City Manager

JENNIFER M. PERRIN,
Interim City Clerk

D. STEPHEN SCHWABAUER,
City Attorney

CITY HALL, 221 WEST PINE STREET / P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807 / www.lodi.gov

MAILED CERTIFIED MAIL
AND REGULAR U.S. POSTAL DELIVERY

August 17, 2006

Craig Cawelti
VCMS Board of Directors
18850 Jordan Lane
Woodbridge, CA 95258

RE: NOTICE OF CITY COUNCIL PUBLIC HEARING – September 6, 2006

This letter is to notify you that a public hearing will be held by the City Council on **Wednesday, September 6, 2006, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

This hearing is being held to consider your appeal of the Planning Commission's decision on July 26, 2006, regarding site and architectural plan approval for the Vineyard Christian Middle School, located at 2301 West Lodi Avenue (Appellants: Vineyard Christian Middle School and David Johnson et al., regarding File# 06-SP-06).

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. *NOTE: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.*

Should you have any questions, please contact my office or Community Development Director, Randy Hatch, at (209) 333-6711.

Sincerely,


Jennifer M. Perrin
Interim City Clerk

JMP

cc: Community Development Director

July 27, 2006

RECEIVED

2006 JUL 27 AM 8:28

CITY CLERK
CITY OF LODI

On July 26th the City of Lodi Planning Commission approved the LABC and Vineyard Christian Middle Schools application for a use permit. There were numerous conditions place on the permit. We agree with all the conditions the Planning Commission placed upon the permit. Although, we would like to appeal the decision not to allow the applicant 60 days to complete the condition of the block wall and landscaping starting from the day of final approval to occupy begins. We need to open school as soon as possible and this would help us with the moving the project forward.

Respectfully submitted,



CRAIG CAWELTI

Vineyard Christian Middle School Board of Directors

<input checked="" type="checkbox"/> CC	<input type="checkbox"/> HR
<input checked="" type="checkbox"/> CM	<input type="checkbox"/> IS
<input checked="" type="checkbox"/> CA	<input type="checkbox"/> LIB
<input checked="" type="checkbox"/> CD	<input type="checkbox"/> PR
<input type="checkbox"/> EUD	<input type="checkbox"/> PD
<input type="checkbox"/> FIN	<input type="checkbox"/> PW
<input type="checkbox"/> FD	<input type="checkbox"/> COM



Please immediately confirm receipt of this fax by calling 333-6702

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

NOTICE OF PUBLIC HEARING ON SEPTEMBER 6, 2006, TWO APPEALS OF THE PLANNING COMMISSION'S SITE AND ARCHITECTURAL PLAN APPROVAL FOR THE VINEYARD CHRISTIAN MIDDLE SCHOOL AT 2301 WEST LODI AVENUE. (APPELLANTS: VINEYARD CHRISTIAN MIDDLE SCHOOL AND DAVID JOHNSON, ET AL. REGARDING FILE #06-SP-06).

LEGAL AD

PUBLISH DATE: SATURDAY, AUGUST 18, 2006

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: JENNIFER M. PERRIN, INTERIM CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, AUGUST 17, 2006

ORDERED BY: JENNIFER M. PERRIN
INTERIM CITY CLERK

JENNIFER M. PERRIN, CMC
INTERIM CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS DIANT Faxed to the Sentinel at 369-1084 at 3:45 pm (time) on 8/17/06 (date) 2 (pages)
Phoned to confirm receipt of all pages at 3:54 (time) JLT DRC JMP (initials)



DECLARATION OF POSTING

NOTICE OF PUBLIC HEARING ON SEPTEMBER 6, 2006, TWO APPEALS OF THE PLANNING COMMISSION'S SITE AND ARCHITECTURAL PLAN APPROVAL FOR THE VINEYARD CHRISTIAN MIDDLE SCHOOL AT 2301 WEST LODI AVENUE. (APPELLANTS: VINEYARD CHRISTIAN MIDDLE SCHOOL AND DAVID JOHNSON, ET AL. REGARDING FILE #06-SP-06).

On Friday, August 18, 2006, in the City of Lodi, San Joaquin County, California, Notice of Public Hearing on September 6, 2006, two appeals of the Planning Commission's site and architectural plan approval for the Vineyard Christian Middle School at 2301 West Lodi Avenue. (Appellants: Vineyard Christian Middle School and David Johnson, et al. File # 06-SP-06), was posted at the following locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 18, 2006, at Lodi, California.

ORDERED BY:

**JENNIFER M. PERRIN
INTERIM CITY CLERK**

JENNIFER M. PERRIN, CMC
INTERIM CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

A handwritten signature in cursive script, appearing to read "D. Chapman", written over a horizontal line.

DANA R. CHAPMAN
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

NOTICE OF PUBLIC HEARING ON SEPTEMBER 6, 2006, TWO APPEALS OF THE PLANNING COMMISSION'S SITE AND ARCHITECTURAL PLAN APPROVAL FOR THE VINEYARD CHRISTIAN MIDDLE SCHOOL AT 2301 WEST LODI AVENUE. (APPELLANTS: VINEYARD CHRISTIAN MIDDLE SCHOOL AND DAVID JOHNSON, ET AL. REGARDING FILE #06-SP-06).

On August 18, 2006, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Public Hearing for two appeals of the Planning Commission's site and architectural plan approval for the Vineyard Christian Middle School at 2301 West Lodi Avenue. (Appellants: Vineyard Christian Middle School and David Johnson, et al. File # 06-SP-06), was posted at the following locations:

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 18, 2006, at Lodi, California.

ORDERED BY:

JENNIFER M. PERRIN
INTERIM CITY CLERK, CITY OF LODI

ORDERED BY:

JENNIFER M. PERRIN, CMC
INTERIM CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

A handwritten signature in black ink, appearing to read "D. Chapman", written over a horizontal line.

DANA R. CHAPMAN
ADMINISTRATIVE CLERK



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: September 6, 2006

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin
Interim City Clerk
Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, September 6, 2006** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) two appeals of the Planning Commission's site and architectural plan approval for the Vineyard Christian Middle School at 2301 West Lodi Avenue. (Appellants: Vineyard Christian Middle School and David Johnson, et al. File #06-SP-06).

Information regarding this item may be obtained in the *Community Development Department*, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. *Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.*

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
Interim City Clerk

Dated: August 16, 2006

Approved as to form:



D. Stephen Schwabauer
City Attorney

Vineyard Christian Middle School appeal Public Hearing

OWNER OF RECORD
2355 HYDE PARK CIR
LODI, CA 95242
|||

OWNER OF RECORD
12740 OXFORD DR
LA MIRADA, CA 90638
|||

Lodi Avenue Baptist Church
2301 W. Lodi Ave.
Lodi, CA 95242
|||

Vineyard Christian Middle School
P.O. Box 210
Woodbridge, CA 95258
|||

CLARKE, CRIS L & LINDA
ENGRAV
2101 JACKSON ST
LODI, CA 95242
|||

During the April 19, 2006 City Council Meeting, Council Member Hansen stated that he "had confidence in the conditional use process" and noted that it could be revoked if promises and conditions were not adhered to. We request the issues listed above be reviewed by the City Council before any further work is done by VCMS at the 2301 West Lodi Avenue property.


David Johnson, 2200 Jackson St. Lodi, CA 95242
(209) 369-9108

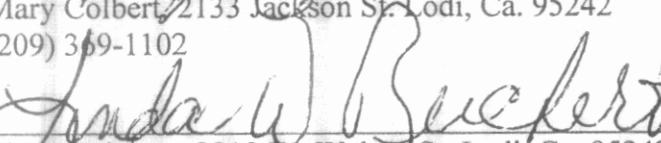
3/9/06
Date


Dean Walker, 2207 Capell Drive. Lodi, CA 95242
(209) 333-8260

8/6/06
Date


Mary Colbert, 2133 Jackson St. Lodi, Ca. 95242
(209) 369-1102

8/6/06
Date


Linda Reichert, 2219 W. Walnut St. Lodi, Ca. 95242
(209) 334-4602

8-6-06
Date

Craig Cavelli, VCMS
18850 Board of
Directors
Jordan Ln.
Woodbridge
95258

CITY COUNCIL

SUSAN HITCHCOCK, Mayor
BOB JOHNSON,
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
JOANNE MOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

BLAIR KING, City Manager
JENNIFER M. PERRIN
Interim City Clerk
D. STEPHEN SCHWABAUER
City Attorney

August 25, 2006

Dana Ashbaugh & Paul Taormina
2225 Jackson Street
Lodi, CA 95242

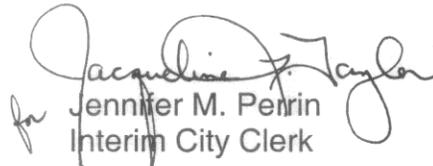
**RE: VINEYARD CHRISTIAN MIDDLE SCHOOL-PUBLIC HEARING SET FOR
SEPTEMBER 6, 2006**

I am in receipt of your correspondence of August 22, 2006, in which you requested that your letter be distributed to the Lodi City Council for consideration with regarding to the discussion related to the above issue.

In addition to providing the City Council a copy, as addressed, we have forwarded your correspondence to the following departments for information, referral, or handling: 1) City Manager, 2) City Attorney, and 3) Community Development Director.

Should you have questions, please call the City Clerk's Office at (209) 333-6702.

Sincerely,


Jennifer M. Perrin
Interim City Clerk

JMP/DRC

cc: City Manager
City Attorney
Community Development
9/6/06 Agenda Packet
File

August 22, 2006

Re: Vineyard Christian Middle School

RECEIVED

AUG 24 2006

City Clerk
City of Lodi

Dear Mayor Hitchcock,

We know you are tired of hearing about this issue, however, it is an important issue for our neighborhood. We deserve your full attention in this matter. Let us remind you that 90% of the neighborhood opposed this project, but after the City Council heard our appeal in April, the neighbors accepted your decision to uphold the Planning Commission's decision to approve the use permit. Councilmember Hansen said at that meeting that he "had confidence in the conditional use process" and noted that it could be revoked if promises and conditions were not adhered to. Fair enough and we moved on. But everything changed in June when several specific conditions were violated.

What really bothers us is the fact that VCMS began work two weeks prior to submitting new plans to SPARC for approval. VCMS dug trenches, buried the electrical conduit by paving over it and then placed the portables on top in a different configuration than what was approved (Plan A) by the Planning Commission and upheld by the City Council. VCMS also tore out the northern driveway (Condition D) which was an important condition discussed at both meetings. This driveway was chosen for traffic ingress to mitigate potential traffic problems on Allen Drive. This was all done **WITHOUT PERMITS AND INSPECTIONS** (Condition B). This also creates valid safety issues and you should be concerned since children will be occupying these portables. What we would like to know is **HOW DID VCMS KNOW IT WAS GOING TO BE APPROVED?** Why is the City of Lodi looking the other direction when it comes to enforcing their own use permit, mandates and conditions? According to Randy Hatch, city staff only had one hour to review these plans prior to the SPARC meeting. How can they make logical decisions regarding these new plans which had major changes in only one hour?

Condition D clearly states that the northern driveway **shall** be used for ingress. Now, we quote Deputy City Attorney Janice Magdich, "**shall**

means **MUST. SHALL IS NOT A WIGGLE WORD LEGALLY. SHALL MEANS YOU WILL-YOU MUST. SHALL IS VERY CLEAR - YOU WILL DO IT. IT IS A NON-WIGGLE WORD.** This was explained at the Planning Commission meeting on June 28, 2006. The southern driveway was designated for egress and the center driveway was required to be closed.

We also find it hard to believe that the people from VCMS involved with this project didn't know that they needed permits and inspections to do the work they had started. First of all, the project manager knows these things and admitted to taking a risk. The person doing the electrical work (VCMS board member) certainly knows and you can't tell us that the Stockton Fire Chief (VCMS board member) wouldn't know either, especially when they kept saying that they've been working very closely with the city. These are intelligent people. City Attorney Stephen Schwabauer said at the City Council meeting (August 16th) that VCMS had presented the wrong exhibits at the Planning Commission meetings in February and at the City Council meeting in April. He said that VCMS showed plans that they didn't intend to use. He also said that VCMS didn't know that they were the wrong plans and that he had no reason to doubt them. I'm sorry, but come on, who's that ignorant? They are completely different plans. Besides, why present and get approval on plans you don't intend to follow? How can anyone believe that after four to five hours of discussion at the Planning Commission and City Council meetings that no VCMS board member or project manager wouldn't notice the proposed and debated plans are not consistent with their current plans?

As presented to the Planning Commission and City Council prior to SPARC, VCMS was to have five portable buildings – all self-contained and VCMS would not be sharing facilities with the church. At SPARC on June 19th, VCMS presented plans to add a sixth portable and changed the portable configuration which was two weeks after VCMS demolished the northern driveway and set the new foundations in different locations. The sixth portable is to replace a modular building that the church destroyed (without a permit of course) that was used for church purposes. The sixth portable is **not** a replacement for the church modular, but for VCMS. VCMS also stated that the portables were going to be newer (6 or 7 years old) and in fact are 16 years old (public schools have a 20 year use code).

VCMS has also stated that these portables are “temporary” but cannot give any kind of time frame as to when they will be building a permanent school. Since the portables are 16 years old, a time limit requirement should be placed on the portables at this site. And, by some unforeseen circumstance, if the school would close or move, then there should be a requirement that the portables are removed in a timely manner.

VCMS has submitted an appeal regarding the fence/sound wall condition. The Planning Commission says they need to have it completed **before** VCMS can occupy. VCMS wants to occupy before constructing the fence. Please give this some serious thought before you decide. VCMS has changed everything that they had presented to the Planning Commission, City Council and the neighborhood. **They did not follow the conditions set forth by the Planning Commission and upheld by the City Council.** How can we trust them to ever build the fence/sound wall? **VCMS doesn't do as they say.** We believe that's why the Planning Commission added that condition to insure it would be done.

People need to be held accountable for their actions. **ACTIONS DO SPEAK LOUDER THAN WORDS.** If VCMS is not forced to comply with the original conditions of the use permit, then that sends a dangerous message to the community and legally can be used as a rationale for not following city rules. We believe that Plan A should be enforced along with the original conditions plus the condition that VCMS must complete the fence/sound wall before VCMS can occupy. The fact that VCMS did work without required permits and inspections should also be addressed and VCMS should be held accountable.

Thank you for your consideration in this matter and we will trust that you, as an elected official, will make the **right** decisions toward resolving these issues and see that solutions are met with the up most respect toward **both** our neighborhood and the school.

Sincerely,



Dana Ashbaugh & Paul Taormina
2225 Jackson Street
Lodi, CA 95242
(209) 333-1800

VCMS

VINEYARD CHRISTIAN MIDDLE SCHOOL

RECEIVED

2006 SEP -5 AM 9:10

CITY CLERK
CITY OF LODI

September 1, 2006

David Johnson
2200 Jackson St.
Lodi, CA 95242

Mary Colbert
2133 Jackson St.
Lodi, CA 95242

Dean Walker
2207 Capell Drive
Lodi, CA 95242

Linda Reichert
2219 W. Walnut St.
Lodi, CA 95242

SUBJECT: 2301 West Lodi Avenue, Lodi, California
Use Permit Application #U-05-020

Dear Mr. Johnson, Mr. Walker, Ms. Colbert and Ms. Reichert:

In a sincere effort to settle this matter and resolve your concerns as discussed in recent meetings, we offer this Letter Agreement to memorialize our understanding of the agreement reached with you to conclude all appeals.

1. Vineyard Christian Middle School, in cooperation with Lodi Avenue Baptist Church, agrees to abide by all conditions recently imposed by the Lodi Planning Commission, as approved by the Lodi City Council, and by the Lodi Site Plan Architectural Review Committee ("SPARC") at its recent meeting.

2. Vineyard Christian Middle School voluntarily agrees to plant and maintain redwood trees, of a size 10 foot or taller, at a location 8 feet on center between the sidewalk and the block wall and continuing between the sidewalk and the tubular fence, from the northern driveway of the property at 2301 West Lodi Avenue, to the north end of the property. Vineyard Christian Middle School will plant the trees prior to the first day of student occupancy.

In consideration for this agreement, the Vineyard Christian Middle School and the undersigned property owners mutually agree to dismiss all appeals now pending before the City of Lodi and its Council, commissions and committees regarding the property at 2301 West Lodi Avenue, Lodi, California, and to fully and finally resolve all complaints on file in this matter.

P.O. Box 210
Woodbridge, CA 95258
Phone: 209-333-8300
www.vineyardchristianmiddleschool.org

VCMS

VINEYARD CHRISTIAN MIDDLE SCHOOL

RECEIVED

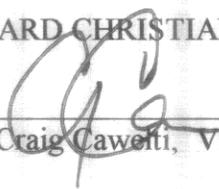
2006 SEP -5 AM 9: 11

CITY CLERK
CITY OF LODI

We sincerely desire to be a good neighbor and provide a worthwhile service to the children of the Lodi community. We pledge a spirit of cooperation in the peaceful and workable resolution of the concerns you have expressed.

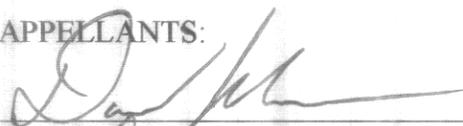
Agreed to this 5 day of September, 2006, at Lodi, California.

VINEYARD CHRISTIAN MIDDLE SCHOOL

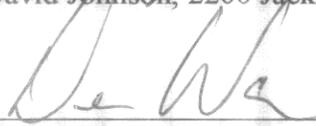
By: 
Craig Cawelti, Vice President/Board Member

In consideration of the promises and agreement set forth herein, we hereby withdraw all appeals now pending before the City of Lodi, effective this 5 day of September, 2006, and request the City of Lodi to dismiss our appeals and cancel any and all hearings on the appeals in this matter.

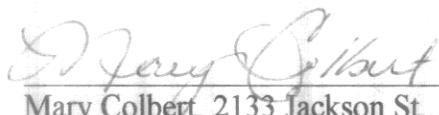
APPELLANTS:


David Johnson, 2200 Jackson St., Lodi, CA 95242

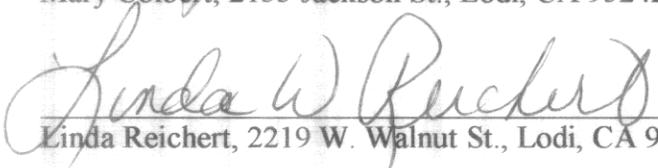
9/5/06
Date


Dean Walker, 2207 Capell Drive, Lodi, CA 95242

9/4/06
Date


Mary Colbert, 2133 Jackson St., Lodi, CA 95242

9/2nd/06
Date


Linda Reichert, 2219 W. Walnut St., Lodi, CA 95242

9-2-06
Date

P.O. Box 210
Woodbridge, CA 95258
Phone: 209-333-8300
www.vineyardchristianmiddleschool.org