

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MARCH 9, 2011**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of March 9, 2011, was called to order by Chair Hennecke at 7:02 p.m.

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

Absent: Planning Commissioners – Jones

Also Present: Community Development Director Konradt Bartlam, City Attorney Stephen Schwabauer, Public Works Director Wally Sandelin, Associate Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“January 12, 2011”

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next meeting.

“February 9, 2011”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the Minutes of February 9, 2011 as written. (Commissioner Hennecke abstained because he was not in attendance of the subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request for a Use Permit to allow Type 20 and Type 70 Alcoholic Beverage Control licenses at 1337 East Kettleman Lane.

Commissioner Heinitz recused himself because of a professional relationship with the applicant.

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

Hearing Opened to the Public

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, approved the request of the Planning Commission for a Use Permit to allow Type 20 and Type 70 Alcoholic Beverage Control licenses at 1337 East Kettleman Lane subject to the conditions in the resolution. The motion carried by the following vote:

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

Commissioner Heinitz rejoined the Commission.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request for a Use Permit to allow Type 2, 9, 14, 17 and 20 Alcoholic Beverage Control licenses at 9 West Locust Street, Suite A.

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

Commissioner Heinitz asked if this space was already a wine tasting room. Mr. Bereket stated that it was not.

Hearing Opened to the Public

- Jeff Hanson, applicant, came forward to answer questions.
- Commission Heinitz asked which space this project was going to occupy. Mr. Hanson stated that it is the old Eilers Medical Supply.

Public Portion of Hearing Closed

- Commissioner Heinitz asked if everything including the wine tasting room is being approved tonight. Director Bartlam stated that the applicant is requesting the full complement of their wine business except production, hence the number of licenses. The project is going to be a phased in project.
- Commissioner Kiser asked about parking. Director Bartlam stated that the project is within the downtown parking district and there are about four to six stalls adjacent to the alley.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Cummins second, approved the request of the Planning Commission for a Use Permit to allow Type 2, 9, 14, 17 and 20 Alcoholic Beverage Control licenses at 9 West Locust Street, Suite A subject to the conditions in the resolution. The motion carried by the following vote:

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

Chair Hennecke recused himself because his office is within a 300 foot radius of the project. Vice Chair Olson chaired the item.

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Olson called for the public hearing to consider the request for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at 2401 West Turner Road; Suite 222.

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

Hearing Opened to the Public

- Masayuki Hattori, applicant, came forward to answer questions.
- Commissioner Heinitz welcomed Mr. Hattori and wished his business well.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the request of the Planning Commission for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at 2401 West Turner Road; Suite 222 subject to the conditions in the resolution. The motion carried by the following vote:

Ayes:	Commissioners –	Cummins, Heinitz, Kirsten, Kiser, and Olson
Noes:	Commissioners –	None
Abstain:	Commissioners –	None
Absent:	Commissioners –	Jones and Hennecke

Chair Hennecke rejoined the Commission.

Chair Hennecke stated that the following items 3d, 3e, and 3f will be presented as one item. Director Bartlam stated that a presentation will be made on all three items and then the Commission can make a motion on the items separately.

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request to Make Recommendation to The City Council to Certify The Proposed Mitigated Negative Declaration 10-MND-03 as adequate Environmental Documentation for The Proposed Project.
- e) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request to make a recommendation to the City Council to annex 30-acres of land south of the City limits for Commercial Development purposes; and request to Prezone associated with the annexation.
- f) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request for a Vesting Tentative Map to divide one parcel into nine commercial lots; and Site Plan and Architecture Review of the proposed Phase I of the proposed development.

Associate Planner Bereket gave a PowerPoint presentation based on the staff reports for items 3d, e, and f. Mr. Bereket pointed out the changes provided on blue sheets to the original documents that are a part of the packet; additions are underlined and deletions are crossed out. Staff recommends approval of the project.

Commissioner Heinitz asked if this project had been brought before the Commission before. Director Bartlam stated that it was not, but the Commission may have received a request to weigh-in on the environmental document that had been started in 2007 along with the earlier application.

Vice Chair Olson asked if this property was already entitled because it was a part of the General Plan EIR. Director Bartlam stated that it is not. The General Plan provides policies for moving forward with this and future projects. Commissioner Olson requested that staff explain in more detail how the traffic mitigation issues are being addressed. Director Bartlam with the assistance of the aerial PowerPoint slide explained how this area over that last five years or so has seen significant environmental review. There was a traffic study done with the recently adopted General Plan. Prior to that, the Reynolds Ranch Project, the Southwest Gateway and Westside

Projects, and the stand-a-lone document for the Harney Lane Specific Plan all addressed the traffic for this area.

Chair Hennecke asked what the process of rezoning entailed. Director Bartlam stated that the property can only be rezoned until LAFCO has approved the project for annexation.

Commissioner Kiser asked about the widening timeline for Harney Lane. Director Sandelin stated that as for the widening of Harney Lane itself studies have shown that the most important designing capacity happens at the intersections. At the Harney Lane/West Lane intersection there will be two or three lanes in each direction on each side of the intersection that will handle not only the traffic from this project but for the Reynolds Ranch as well. Commissioner Kiser asked about the Union Pacific Rail Road underpass. Director Sandelin stated that the proposed design contract will be going to the City Council later this year for the preparation of design and environmental documents for this project. The project is already on the Public Utility Commission list for funding and is currently number thirty-two which is relatively high. Council's approach to that project is to have the plans done early in anticipation of funding. The decision to make it an underpass or overpass has not yet been determined. The overpass is less costly, but the underpass is visually more pleasing. Commissioner Kiser asked about the Stockton Street intersection. Director Sandelin stated that the Stockton Street intersection will remain.

#### Hearing Opened to the Public

- Mike Carouba, applicant, came forward to answer questions. Mr. Carouba stated that Mr. Steve Herum was also here to answer questions should the Commission have any for him. He stated the history of the property from the time that he has been involved with it. Mr. Carouba added that this intersection will be a very dynamic intersection for Lodi. He also feels this development will be a very convenient placement for the citizens of Lodi.
- Vice Chair Olson asked if the specific user is for the first phase of the project could be disclosed. Mr. Carouba stated that in the first go-round with this application it was a medical user and Mr. Carouba and his group are trying very hard to get that type of user back.
- Commissioner Kiser asked why this project should be approved when there are so many vacant commercial spaces already in Lodi including the shopping center directly across the street. Mr. Carouba stated that the only SPARC approval is for the office space. Retail tends to follow rooftops and the economy is not yet ready for that.
- Commissioner Heinitz asked when the ground breaking would take place. Mr. Carouba stated that he would like to see it happen in about twelve to eighteen months. Commissioner Heinitz asked if there was a user under contract yet. Mr. Carouba stated that there is not.

#### Public Portion of Hearing Closed

- Commissioner Cummins asked staff if the items should be taken separately or all at once. Director Bartlam stated that they should be taken separately.
- Commissioner Heinitz stated his concern for the viability of Lodi being able to maintain another project of this nature.
- Commissioner Cummins stated that the vacancies around town tend to be in older establishments that are a little run-down. This project will definitely be a much more attractive space for potential business to be drawn to Lodi. Commissioner Heinitz stated that if Mr. Carouba develops and builds attracting the upper end clients which could make the area across the street more attractive to other individuals, this is where the catch twenty-two comes into effect making it difficult to make this decision.
- Commissioner Kiser stated that there are very attractive buildings sitting vacant on the corner of Lower Sacramento Road and Kettleman Lane. He is afraid that the economy is not able to support this project.

- Chair Hennecke stated that this project is out a year, year and a half and Mr. Carouba is taking the gamble that the economy will be turning around and supports the project.
- Commissioner Kirsten stated that he believes the Mitigated Negative Declaration meets the standards that it is required to meet and supports the project.
- Commissioner Cummins stated that the General Plan has this area zoned as Commercial and it will never be farmland again. With Costco about to open and the Reynolds Ranch Shopping Center being built out this is a great opportunity for this area and is in favor of the project.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, approved the request of the Planning Commission to Make Recommendation to The City Council to Certify The Proposed Mitigated Negative Declaration 10-MND-03 as adequate Environmental Documentation for The Proposed Project subject to the conditions in the resolution. The motion carried by the following vote:

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

Commissioner Cummins asked for clarification that the prezone is just a prelude to LAFCO's decision. Director Bartlam confirmed.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Cummins second, approved the request of the Planning Commission to make a recommendation to the City Council to annex 30-acres of land south of the City limits for Commercial Development purposes; and request to Prezone associated with the annexation subject to the conditions in the resolution. The motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Olson, Kirsten second, approved the request of the Planning Commission for a Vesting Tentative Map to divide one parcel into nine commercial lots; and Site Plan and Architecture Review of the proposed Phase I of the proposed development subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam reminded the Commission that the Budget Strategy Meetings have been taking place the first and third Tuesday's of each month and Vice Chair Olson is the Planning Commission representative, but would like to extend the invite to the rest of the Commission if they wish to attend.

6. ACTIONS OF THE CITY COUNCIL

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

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that staff is still waiting for the final comments from the State on the Housing Element. The development code is moving forward now that the mechanics of the funding process has been completed. Staff anticipates having some effort in four to six weeks to help re-invigorate the Development Code update.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Commissioner Kiser gave a brief report regarding the meeting held earlier this evening and passed around the information from the SPARC packet.

9. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the meeting that was held last week.

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 7:57 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary