

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 13, 2011**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of April 13, 2011, was called to order by Chair Hennecke at 7:00 p.m.

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

Absent: Planning Commissioners – Kiser

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

2. MINUTES

“January 12, 2011”

MOTION / VOTE:

No Motion made because there was not a quorum of Commissioners in attendance to make the motion. Item continued to the next meeting “May 11, 2011”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Cummins second, approved the Minutes of March 9, 2011 as written. (Commissioner Jones 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 a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License at 1379 South Lower Sacramento Road, Suite 501. (Applicant: Rod Cockrum, on behalf of 4 U SMC, Inc. File Number: 11-U-05)

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

Hearing Opened to the Public

- Rod Cockrum, applicant, came forward to answer questions.
- Commissioner Cummins asked when the restaurant will be opening. Mr. Cockrum stated that the date has moved around a couple of times, but he is hoping to open in a week and half.
- Commissioner Jones asked about the menu. Mr. Cockrum stated primarily Wings and Strips, but they will also have Fries, Corn on the Cob, and a very unique Coleslaw.

Public Portion of Hearing Closed

- Commissioner Heinitz asked staff if the sale of food needs to out weigh the alcohol sales. Associate Planner stated that the food sales do need to be more than alcohol sales. Heinitz asked what happens if it doesn't work out that way. Director Bartlam stated that the item could be brought back to the Commission because it will not meet ABC's conditions as well as the Planning Commission conditions. Heinitz asked if the applicant will have the opportunity to upgrade the type of license if this occurs. Director Bartlam stated that with Planning Commission approval that would be an option.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Olson, Jones 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 1379 South Lower Sacramento Road, Suite 501 subject to the conditions in the resolution. The motion carried by the following vote:

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

- 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 a Type 2 (Winery) Alcoholic Beverage Control License and approval of façade improvements to an existing building located at 20 North School Street. (Applicant: Ryan Sherman, on behalf of Fields Family Vineyards and Winery; File Number: 11-U-07 & 11-SP-03)

Commissioner Kirsten recused himself because he has property interest with a 500 foot radius of this project and left the dais.

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

Hearing Opened to the Public

- Ryan Sherman, applicant, came forward to answer questions. Mr. Sherman stated that along with the Use Permit they are proposing to upgrade the façade with wood paneling and stucco.
- Chair Hennecke asked if other wineries would be sharing the space. Mr. Sherman stated that Fields Family will be the only winery in this space.
- Commissioner Heinitz asked if the tavern next door, Ollie's, is going to be participating in the outdoor seating shown on the proposed plan. Mr. Sherman stated that the elevation shows the outdoor seat to be contiguous across the entire building frontage and if a divider needs to be put up to divide the two spaces that can be done. He added that if Ollie's wants to include outdoor space in there license they would be responsible for getting that approval.
- Justin O'Byrne, partner of Ollie's, came forward to answer questions.
- Commissioner Heinitz asked if Ollie's would like to have out door seating. Mr. O'Byrne stated that it is the intention of the owners to try to bring the idea before the Commission in the future. They are trying to attract a more well rounded and educated drinking clientele to that area of Lodi. Commissioner Heinitz expressed is concern that if the tables and chair are available that Ollie's patrons may just try to move out to that area before the proper permission have been granted. Mr. O'Byrne stated that that will

not happen; they truly are trying to clean up the area and even try to discourage their patrons from standing out in front to smoke.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Cummins second, approved the request of the Planning Commission for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License and approval of façade improvements to an existing building located at 20 North School Street subject to the conditions in the resolution. The motion carried by the following vote:

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

Commissioner Kirsten rejoined the Commission.

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request for a Use Permit to allow a Type-2 Winegrower Alcoholic Beverage Control License located at 21 East Elm Street. (Applicant: Jeff Werter, on behalf of Toasted Toad Cellars. File Number: 11-U-08)

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

Chair Hennecke asked if there have been any issues with waste and fruit flies with the other wineries that crush downtown. Director Bartlam stated that there have not been any issues.

Hearing Opened to the Public

- Jeff Werter, applicant, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Kirsten, Jones second, approved the request of the Planning Commission for a Use Permit to allow a Type-2 Winegrower Alcoholic Beverage Control License located at 21 East Elm Street subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Continued

Director Bartlam stated that the Draft Housing Element was going to be brought to this meeting even without the final comments from the State, but because of a conference call scheduled for next week the decision was made to postpone it one more time.

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that the City Council has recently approved the Fireworks Ordinance.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the Bronzes being installed today and encouraged everyone to go out and take a look. The Taco Truck Cook-off has found a home in the Smart and Final parking lot and is scheduled for June 4th.

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 7:26 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary