

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

1. CALL TO ORDER / ROLL CALL

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

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

Absent: Planning Commissioners – Cummins and Heinitz

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

2. MINUTES

“May 11, 2011”

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

“June 8, 2011”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the Minutes of June 8, 2011 as written.

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request for a variance to reduce rear yard setback to less than one foot at 500 West Vine Street. (Applicants: Valerie McFee. File No. 11-A-02)

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

Commissioner Kirsten asked if the similar cases mentioned are due to the proximity to the property line and asked if they were going to be coming before the Commission in the future. Mr. Bereket stated that the proximity to the property line is a common factor with the application and this should be the last of the items from this round of reporting.

Hearing Opened to the Public

- Valerie McFee, applicant, came forward to answer questions. Ms. McFee stated that several different plans have been gone through, but this is the only one that works.
- Commissioner Kirsten asked when the easement on Hutchins was donated to the City. Ms. McFee stated that her grandparents were required to grant the easement back in 1988.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Olson second, approved the request of the Planning Commission for a variance to reduce rear yard setback to less than one foot at 500 West Vine Street subject to the conditions in the resolution.

Vice Chair Olson commended Ms. McFee for try to meet the zoning requirements.

The motion carried by the following vote:

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

- 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-41 On-Sale Beer and Wine Alcoholic Beverage Control License at Woodbridge Pizzeria located at 1110 W Kettleman Lane, Suite 2. (Applicant: Elizabeth Castillo. File Number: 11-U-14).

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

Hearing Opened to the Public

- Elizabeth Castillo, applicant, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, 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 Woodbridge Pizzeria located at 1110 W Kettleman Lane, Suite 2 subject to the conditions in the resolution. The motion carried by the following vote:

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

- 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-41 On-Sale Beer and Wine Alcoholic Beverage Control License at located at 550 South Cherokee Lane Suite J. (Applicant: Ernesto Rodriguez. File Number: 11-U-15)

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

Hearing Opened to the Public

- Alma Rodriguez, applicant's daughter, came forward to answer questions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, 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 located at 550 South Cherokee Lane Suite J subject to the conditions in the resolution. The motion carried by the following vote:

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

Commissioner Kirsten stated that he will have to recuse himself from the next item due to the project proximity to property he has a financial interest.

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Hennecke called for the public hearing to consider the request for Use Permit to allow outdoor seating and drinking area at Ollie's Pub in conjunction with their existing Type-48 On-Sale General ABC license at 22 North School Street. (Applicant: Sean Guthrie, on behalf of Ollie's Pub. File Number: 11-U-16)

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

Chair Hennecke asked if Officer Badel's concerns were related to Ollie's staff serving alcohol on the patio area. Mr. Bereket stated that the concern was related to visibility of customers on the patio and the requirement of installing cameras was the solution. There is also a requirement that a staff member be present whenever there is a sale of alcohol in that area.

Hearing Opened to the Public

- Sean Guthrie, applicant, came forward to answer questions. He stated that with the façade improvements that have been made the patio is a natural extension of the bar area.
- Chair Hennecke asked if there is a divider between Ollie's and the space next door. Mr. Guthrie stated that there are wine barrels set up to work as a divider. This was a requirement of ABC.
- Commissioner Jones stated his approval of the façade improvements that have already been made and wanted to know if this is going to become a smoking area. Mr. Guthrie stated that it is not intended to be a smoking area. There is an area in the back for smoking.
- Chair Hennecke asked staff if smoking is allowed on the patio. Director Bartlam stated that the application has not been conditioned for no smoking and the City does not have an ordinance on the books at this time.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner, second, approved the request of the Planning Commission for Use Permit to allow outdoor seating and drinking area at Ollie's Pub in conjunction with their existing Type-48 On-Sale General ABC license at 22 North School Street subject to the conditions in the resolution. The motion carried by the following vote:

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

*Continued*

Commissioner Kirsten rejoined the Commission.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam congratulated both Commissioners Hennecke and Kirsten on their reappointment to the Planning Commission.

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 there have been many conversions and staff is still hopeful in getting the issues resolved with the State regarding the Housing Element.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Commissioner Kirsten gave a brief report regarding the last meeting. The Sculptures downtown have been removed and the experience seems to have been a positive one.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Chair Hennecke thanked everyone for their support as Chair.

12. REORGANIZATION

a. Planning Commission Chair & Vice Chair

MOTION / VOTE:

The Planning Commission, on motion of Chair Hennecke, Kiser second, approved the nomination of Vice Chair Olson for the 2011/12 Planning Commission Chair position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Olson second, approved the nomination of Commissioner Kirsten for the 2011/12 Planning Commission Vice Chair position. There being no other nominations the motion carried by the following vote:

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

*Continued*

- b. Planning Commission Representatives to: SPARC, Greenbelt Taskforce, & Art In Public Places

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Jones second, approved the nomination of Commissioner Kiser for the 2011/12 Planning Commission representative for the Site Plan and Architectural Review Committee position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Chair Hennecke, Jones second, approved the nomination of Commissioner Olson for the 2011/12 Planning Commission representative for the Greenbelt Taskforce position. There being no other nominations the motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the nomination of Commissioner Kirsten for the 2011/12 Planning Commission representative for the Art In Public Places Committee position. There being no other nominations the motion carried by the following vote:

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

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:33 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary