

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 10, 2012**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of October 10, 2012, was called to order by Chair Kirsten at 7:00 p.m.

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

Absent: Planning Commissioners – Hennecke

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

2. MINUTES

“September 12, 2012”

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.

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 Kirsten called for the public hearing to consider the request for Planning Commission approval of a Use Permit to allow a Type-41 on-sale beer and wine license at King Tsin restaurant located at 1040 West Kettleman Lane Suite 1-A. (Applicant: Teresa Ju; File Number: 12-U-15)

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

Hearing Opened to the Public

- Teresa Ju, applicant, came forward to answer any questions.
- Commissioner Heinitz asked if everything was going to be the same on the menu. Ms. Ju stated that the menu will remain the same.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request for a Use Permit to allow a Type-41 on-sale beer and wine license at King Tsin restaurant located at 1040 West Kettleman Lane Suite 1-A subject to the conditions in the resolution. The motion carried by the following vote:

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

Chair Kirsten recused himself from item 3b) because he has property interest with in 300 feet of the proposed project. Vice Chair Jones moved to the Chair's seat.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Vice Chair Jones called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 121 South School Street, Suite A (applicant: Scott Porter; File Number: 12-U-16)

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

Hearing Opened to the Public

- Scott Porter, applicant, came forward to answer questions.
- Commissioner Kiser asked if this was his first time running a business. Mr. Porter stated that it will be his first business venture.
- Commissioner Heinitz asked Mr. Porter if he was aware that he would have to do ABC training. Mr. Porter stated that he was aware. Heinitz asked the age of the future employees. Mr. Porter stated the age will be 21 years and older if that is what is required by ABC.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Olson second, approved the request for a Use Permit to allow a Type-41 On-Sale Beer and Wine Alcoholic Beverage Control License located at 121 South School Street, Suite A subject to the conditions in the resolution. The motion carried by the following vote:

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

Chair 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 Kirsten called for the public hearing to consider the request of the Planning Commission to Recommend to the City Council for approval of the Draft Lodi Land Use and Development Code, Draft Zoning Map, and to certify the Negative Declaration

Community Development Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project and requests the Planning Commission make the recommendation to the City Council for approval.

Commissioner Heinitz asked who is going to monitor the rules and regulations under the new design guidelines for residential. Director Bartlam stated that the guidelines are suggestive unlike standards that are required. Heinitz asked about the agricultural buffer along the west side of Lodi. Bartlam stated that the zoning map does not show that, the Planned Development map for that area shows those particulars.

Chair Kirsten asked about the North West area of town getting a cell tower in a residential neighborhood. Director Bartlam stated that the code does not allow for cell towers in the residential designations, but there are several properties that could accommodate a tower in the subject area.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the request to Recommend to the City Council approval of the Draft Lodi Land Use and Development Code, Draft Zoning Map, and to certify the Negative Declaration subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there has been a memo provided in the packet and staff is available to answer any questions. Mr. Bartlam added that at the Council meeting last week, October 3, 2012, the Council Voted to give Mr. Giannoni nine Growth Management Allocations rather than the twelve he was asking for.

7. DEVELOPMENT CODE UPDATE

None

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

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 7:27 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary