

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 12, 2012**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of December 12, 2012, was called to order by Chair Kirsten at 7:00 p.m.

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

Absent: Planning Commissioners – Cummins

Also Present: Community Development Director Konradt 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

“October 10, 2012”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the Minutes of October 10, 2012 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 Kirsten called for the public hearing to consider the request for Planning Commission approval of a Use Permit to allow Type 21 off-Sale General Alcoholic Beverage Control license at 2355 West Kettleman Lane. (Applicant: Target Corporation. File Number: 12-U-14)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of project. Condition #11 should be removed from the resolution because it conflicts with the purpose of selling single serving sizes

Commissioner Heinitz asked if there will be additional training through ABC. Mr. Bereket stated that ABC does have a requirement for additional training when there are any changes in the license type.

Hearing Opened to the Public

- Beth Aboulafia, representative for Target, came forward to answer questions. Ms. Aboulafia stated that this request is being made along with a remodel of the store which now offers a full line of groceries.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Olson second, approved the request for a Use Permit to allow Type 21 off-Sale General Alcoholic Beverage Control license

at 2355 West Kettleman Lane subject to the conditions in the resolution. The motion carried by the following vote:

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

Chair Kirsten recused himself from items 3b) & 3c). 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 B (applicant: Vicki Snell; File Number: 12-U-17)

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

Hearing Opened to the Public

- Vickie Snell, applicant, came forward to answer questions.
- Commissioner Kiser asked Ms. Snell if she has been trained through ABC before. Ms Snell stated that she has not, but she along with her staff will be going through the training.
- Commissioner Olson asked Ms. Snell if she has owned a service business before. Ms. Snell stated that she has not, but her daughter who will be opening the business with her has been in the restaurant business for seven years.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke 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 B subject to the conditions in the resolution. The motion carried by the following vote:

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

Commissioner Kiser recused himself from item 3c) because he is related to the applicant of the proposed project.

- c) 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 2 (Winery) and Type 42 (On-Sale Beer and wine) Alcoholic Beverage Control license at 7 North School Street. (Applicants: Peter Marks, on behalf of Six Hands Winery and Sorelle Winery, LLC; File Number: 12-U-18)

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

Hearing Opened to the Public

- Peter Marks, applicant, came forward to answer questions.

- Commissioner Heinitz asked where the wineries are located right now. Mr. Marks stated that they, Six Hands, are located in Walnut Grove and Sorelle is located at Eight Mile Road and Highway 88.
- Commissioner Olson asked if the occupancy of 47 will be to low. Mr. Marks stated that it will be more of the intimate atmosphere that they are looking for and that they feel the downtown promotes.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Hennecke second, approved the request for a Use Permit to allow a Type 2 (Winery) and Type 42 (On-Sale Beer and wine) Alcoholic Beverage Control license at 7 North School Street subject to the conditions in the resolution. The motion carried by the following vote:

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

Chair Kirsten and Commissioner Kiser rejoined the Commission.

- d) 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 for approval to amend a previously approved Use Permit 07-U-01 to increase the number of tables, expand the hours of operation and increase the number of legal cardroom games at 1800 S. Cherokee Lane. (Applicant: Chris Ray, on behalf of Wine Country Cardroom & Restaurant. File Number: 12-U-20)

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

Commissioner Kiser asked if the applicant will still need to comply with shutting down the alcohol at 2am. Mr. Bereket stated that they will be required to follow state law in regards to the sale of alcohol.

Hearing Opened to the Public

- Steven Snider, representative of the applicant, came forward to answer questions. Mr. Snider stated some concerns in the resolution; 1 – The P.O. Box address should read 2367 not 560, 2 – Condition number 12 will not be a issue once the improvements are done because this will become a solid wall, and Condition number 24 states that there should not be any speakers outside the building envelope. There is a paging system outside that was there when the building was being utilized as a restaurant that the applicant would like to keep for the purpose of paging players.
- Chair Kirsten asked Mr. Snider if they have received any complaints from neighbors regarding the speaker system. Mr. Snider stated that they have not received any complaints from the neighbors. Kirsten asked staff for clarification. Director Bartlam stated that staff has received complaints from neighbors and the condition has been geared toward insuring that the speakers are not audible outside the property line.
- Commissioner Kiser stated that walkie-talkies might cure the problem with the paging system. He then asked if this expansion is going to lead to eliminating the restaurant. Mr. Snider stated that they are in the process of rebranding and redesigning the restaurant.

- Commissioner Olson asked what the bar hours are. Mr. Snider stated that the bar is open from the time that the cardroom opens until 2 am. Olson asked what the restaurant hours are. Snider stated that the restaurant hours are 8 am to 2 am. Olson asked why we are being asked to add an hour on either end. Mr. Snider stated that that is when poker players like to play. He added that this isn't a typical bar setting. It isn't a rowdy setting.
- Commissioner Hennecke asked what type of paging is done. Mr. Snider stated that it is for the players are waiting for a table or out taking a break. Hennecke suggested that maybe using the type of pagers that light up will alleviate the problem.
- Commissioner Heinitz stated his appreciation for the benefit that the establishment has brought to Lodi.
- Chair Kirsten stated his agreement with Commissioner Heinitz's sentiments.

Public Portion of Hearing Closed

- Commissioner Hennecke asked if there are any special conditions for the cardroom in regards to the ratio of food services verses alcohol. Mr. Bartlam stated that is no difference in the ratio.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the request to amend a previously approved Use Permit 07-U-01 to increase the number of tables, expand the hours of operation and increase the number of legal cardroom games at 1800 S. Cherokee Lane subject to the conditions in the resolution. The motion carried by the following vote:

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

Chair Kirsten recused himself from item 3e) because he has property interest within the sphere of influence of the proposed project. Vice Chair Jones moved to the Chair's seat.

- e) 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 from St Anne's Catholic Church (SACC) and School to permanently vacate Walnut Street from Pleasant Avenue to Church Street to create a park and plaza area between the church and school facilities.

Community Development Director Konradt Bartlam gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project and the Planning Commission will need to make the finding for vacating, closing, Walnut Street and forward the recommendation on to the City Council.

Commissioner Heinitz stated that he studied the traffic and spoke to the neighbors and he thought that Pleasant Avenue and Lee Avenue could be brought back to a two-way traffic with parking only on one side. Heinitz asked if the plaza will be open to everyone twenty four hours a day seven days a week. Mr. Bartlam stated that the commission could put that as a condition if that is their wish. Heinitz would like to see a condition that requires the employees to not park on Pleasant or on Walnut. He would like to see a cueing plan for the pick-up and drop-off of students.

Commissioner Kiser stated that he has a few of the same concerns as Commissioner Heinitz.

Commissioner Hennecke stated his concern about routing all the traffic through that narrow alleyway on the north side of the project.

Commissioner Olson asked if this will change the timing of the light on Church Street. Mr. Bartlam stated that it could be based on the triggering that is in the street. Olson asked if the ownership of the property will transfer to St. Anne's. Mr. Bartlam stated that the church will have to purchase the property. Olson stated that the maintenance of the property will then fall to the church. Bartlam confirmed that to be correct.

Commissioner Kiser asked if there will be a signal or stop sign at Pleasant and Walnut. Mr. Bartlam stated that there will not be a signal at that intersection.

Commissioners Olson, Kiser, Hennecke, and Jones stated that they had conversations with the applicant regarding the project.

Hearing Opened to the Public

- Father Brandon Ware, Pastor at St. Anne's, came forward to answer questions. Pastor stated that he has seen this done in other cities and the positive effect it has had on the community.
- Commissioner Kiser asked if Pastor Ware would be willing to agree to the conditions mentioned earlier by the Commissioners. Pastor Ware stated that he is willing to agree to the plaza never being closed to the community, but would need to be stepped through the other conditions at a little slower pace. Kiser asked if the church and school would be willing to go along with the condition of requiring employees to park in the parking lots and not on the streets. Pastor Ware stated that that sounds reasonable.
- Commissioner Olson is looking forward to watching this proposal grow, but would like to have some reassurance that the maintenance of the area will be taken care of by the Church. Pastor Ware stated that the church will be taking care of and maintaining the plaza. Olson encouraged Pastor Ware to create a maintenance fund for the plaza.
- Commissioner Heinitz asked about the funeral cueing that currently happens on Walnut Street. Pastor Ware showed on the plans what the thought was for cueing in cases of a funeral.
- Commissioner Hennecke asked if the parking lot on the east side of the church is mostly church parking and the parking lot on the west of the church is mainly for staff. Pastor Ware stated that the parking lot to the east is shared with the Methodist Church to the north and the parking lot to the west is for staff.
- Dan Phillips, Walnut Street resident, came forward to oppose the project. Mr. Phillips is concerned that the downtown will turn into a parking lot for the church. Even tonight the streets are packed with cars. It makes it difficult to get the leaves picked up by the City because there isn't a day that the church staff doesn't park in front of his house. He is concerned about the Fire Department getting to his house in a timely manner in the case of an emergency. Mr. Phillips read a letter written by his wife.
- Addison Beach, Walnut Street resident, came forward to express concerns about the project. Mr. Beach stated that his driveway is constantly blocked. He has concerns with the security at night, will this be a place for the homeless to hang out when it isn't being supervised. He would like to see permit parking for in front of his house. Commissioner Olson asked for clarification that the problem parkers are from the church and school. Mr. Beach stated that it is from the school and church. Commissioner Heinitz asked if there had been any outreach by the church. Mr. Beach stated that they did have an outreach BBQ.
- Sharon Simmons, Pleasant Avenue resident, came forward to express concerns about the project. Ms. Simmons stated that she has many of the same concerns. She suggested that the church demolish the house that they own across the street from her home to create additional parking for the project. Vice Chair Jones asked if Ms. Simmons is in support of the project. Ms. Simmons stated that she would support the project if the parking concern

would be addressed. Commissioner Hennecke asked if Ms. Simmons would be in support of taking Pleasant back to two-way traffic. Ms. Simmons stated that she would not be in support of that idea.

- Gerald Hanning, Hutchins Street resident, came forward to oppose the project, but would be okay with the project if it was left open to foot traffic. He suggested that the applicant try closing the street off for a trial-run and see how it works.
- Dale Stephens, Pleasant Avenue resident, came forward to oppose the project. Parking is a major issue. There is no parking in front of his house up until 9 pm and later. There used to be parking in the back of the church on the playground at one time. Unless there is something done with the parking Mr. Steven's can not support the project. Commissioner Olson asked if a parking permit for residences would alleviate the parking issue. Mr. Stephens stated that he honestly couldn't say with the apartments across the street. Commissioner Hennecke asked if the properties along this section of Pleasant have alley access to get additional parking. Commissioner Heinritz asked Mr. Stephens to keep an open mind and this could solve the problems that currently exist.
- Linda Larocca, Walnut Street resident, came forward to support the project. Ms. Larocca is more concerned with the speeding traffic that comes down the street currently. Blocking the street will alleviate this problem and make the area safer for the kids. The parking problem could be resolved if the school would open up the playground in the back for dropping off and picking up of students.
- Carmen Musch, Oak Street resident, came forward to support the project. Ms. Musch stated that the parking in the area isn't just because of the church and school, Hutchins Street Square and the downtown events are to blame.
- Annett Murdaca, Winerose Court resident and church parishioner, came forward to support the project. The parking issue can be worked out. The plaza will be a great place for people to come and rest or just to walk through. This will be a benefit to the Lodi community. Commissioner Olson asked if the public will be able to use this for personal use. Ms. Murdaca stated that people using the space for personal gain hasn't been discussed at this point.
- Bob Smith, Parkland Construction contractor for the project, came forward to support the project and answer design questions. Mr. Smith stated that the church has done quite a bit of outreach to the Community, City Staff, City Council, as well as the Planning Commissioners. A traffic study and parking study have been provided in the staff report. Vice Chair Jones asked about the number of parking spaces verses staff members. Mr. Smith stated that he did not have those figures in front of him, but that there has been much discussion with the Staff Members for both the church and school and believes through notification and education all the parking issues can be worked out. Commissioner Heinritz stated that the parking and cueing need to be conditions in the resolution.
- Dennis Taricco, Principal of St. Anne's School, came forward to address a question by Commissioner Olson regarding the staff parking on the streets. Mr. Taricco stated that the majority of the staff at the school park on Church Street, not on Pleasant. The playground in the back of the school is opened up for student pick-up after school. Commissioner Kiser stated that working on the education of the school staff and parents regarding the parking and the possibility of parking permits for residences could help with some of the objections, but there will have to be a commitment from the church and school. Mr. Taricco stated that he agrees with the idea and will make it a priority to get all school staffing to park in designated areas. Commissioner Hennecke stated that maybe putting the St. Anne's parking lot as a permit parking only for St. Anne's staff would help to stop other downtown parkers from using the St. Anne's parking lot. Hennecke asked Mr. Taricco to point out where the playground is and suggested using that as additional parking as well as a drop-off and pick-up area for students. Mr. Taricco stated that the area is opened up for parents to pick up their children in the afternoon. Mr. Taricco pointed out the school crossing sign that sits at Pleasant and Walnut and stated that it has been hit so many times that it is now attached with tape to keep it in place. This intersection is a true hazard.

- Dave Kirsten, downtown business owner, came forward to address the Commission. Commissioner Hennecke asked if Chair Kirsten was allowed to address the Commission on an item that he had to recues himself. Director Bartlam stated that Mr. Kirsten, Joe Citizen, is allowed to address the Commission. Mr. Kirsten stated his support for the project. He believes that clear language should be placed in the resolution that allows for the public access to be maintained in perpetuity for all of time.

Public Portion of Hearing Closed

- Commissioner Kiser stated that he would be in favor of the project only if the parking issues could be worked out. The area will need to be left open to the public forever, St. Anne's staff will have to park only in designated off street parking areas, and an approved cueing plan will need to be in place.
- Commissioner Heinitz asked what the options are for the Commission at this point. Mr. Bartlam stated that the resolution can be approved with additional conditions, the item can be continued, or the project can be denied.
- Commissioner Olson would like to see the resolution conditioned tonight rather than continuing the item to a later meeting. Mr. Bartlam suggests that the Commission direct staff to work with the City Traffic Engineer on the permit parking idea.
- Director Bartlam suggested the following conditions based on discussion:
 - The Plaza area shall not be closed from public access except for special events.
 - Staff parking for the St. Anne's church and school shall not use the public right-of way.
 - Drop-off routes for St. Anne's school will occur off of the public street and will be reviewed and approved by the Community Development Director prior to implementation.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request from St Anne's Catholic Church (SACC) and School to permanently vacate Walnut Street from Pleasant Avenue to Church Street to create a park and plaza area between the church and school facilities subject to the conditions in the resolution with the addition noted above. The motion carried by the following vote:

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

Chair Kirsten rejoined the Commission. He clarified the reason for recuesing himself from items 3b) and 3c) earlier was because of his property interest within the sphere of influence of the projects.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Director Bartlam stated that the Development Code Update will be going to the City Council to set the Public Hearing in February.

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.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

None

9. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)

None

10. COMMENTS BY STAFF AND COMMISSIONERS (NON-AGENDA ITEMS)

Commissioner Heinitz stated that he is concerned with the saturation of wine bars in the downtown. Even too much of a good thing can be bad. Chair Kirsten stated that if the free market is driving the need then it should be allowed.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:16 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary