

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 13, 2013**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 13, 2013 was called to order by Chair Kirsten at 7:00 p.m.

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

Absent: Planning Commissioners – Cummins and Heinitz

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.

“January 9, 2013”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the Minutes of January 9, 2013 as written. (Commissioner Hennecke abstained because he was not in attendance of the subject meeting)

Chair Kirsten recused himself from items 3a and 3b because he has property interest in the sphere of influence of the project.

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, Vice Chair Jones called for the public hearing to consider the request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) and Type 42 (On-Sale Beer and wine) Alcoholic Beverage Control license at 25 North School Street. (Applicants: Michael and Debra Green; File Number: 12-U-21)

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

Hearing Opened to the Public

- Debra and Michael Green, applicants, came forward to answer questions.
- Vice Chair Jones asked if there will be other wineries showcased at this location. Ms. Green stated that the business will be showcasing a variety of local wineries. Jones stated that the ABC License includes beer and asked if a brewery will be opened up at this location also. Ms. Green stated that there will not be a brewery on site, but they will bring in other venter product for special events.

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 a Type 2 (Winery) and Type 42 (On-Sale Beer and wine) Alcoholic Beverage Control license at 25 North School Street subject to the conditions in the resolution. The motion carried by the following vote:

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

- 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 an on-sale beer and wine license within an existing building in Downtown Business District located at 14 S. School Street, Suite B. (Applicant: Jamie Watts; File Number: 13-U-02)

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

Commissioner Kiser asked if this was going to be a bar rather than a restaurant. Director Bartlam stated that the applicant can better address her vision for the business.

Commissioner Hennecke asked if there is a number at which we feel that there is an over saturation of wineries in the downtown. Director Bartlam stated no. Hennecke ask how many wineries there are in the downtown area. Bartlam stated that there are 10 or 11 if you expand the downtown to the eastside of the railroad tracts. Vice Chair Jones asked how many of those are bars. Bartlam stated that number only reflects wineries/wine tasting. He added that the concern he would have would be if all of these businesses were concentrated in a single block.

Hearing Opened to the Public

- Jamie Watts, applicant, came forward to answer questions.
- Chair Jones asked where the food is going to be coming from. Ms Watts stated that the business is a bit different. It will be a type of lounge with live entertainment such as piano, jazz, comedy, and old movies, and will then be complimented by appetizers from the various downtown restaurants.
- Commissioner Kiser asked what the hours will be. Ms. Watts stated that the doors will open at 6 am for coffee and danishes and the closing time will be 9 pm, but will vary depending on the time of year and day of the week. They will be staying open later on Thursdays, Fridays, and Saturdays.

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 an on-sale beer and wine license within an existing building in Downtown Business District located at 14 S. School Street, Suite B subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Hennecke, Kiser, Olson and Vice Chair Jones
Noes: Commissioners – None
Absent: Commissioners - Cummins, Heinitz, 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 for approval of a Tentative Parcel Map to divide one parcel into four lots at 2540 Legacy Way. (Applicant: Foster Advantage, Inc. File No. 12-P-01)

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

Vice Chair Jones asked why this wasn't done sooner. Director Bartlam stated that the owner chose not to divide and now the new owner wishes to do so.

Commissioner Olson asked what the plan is for the new parcels. Director Bartlam stated that staff is only aware that the applicant is requesting a division of the lot, but Mr. Murphy may know more about what the applicant intends to do with the parcels.

Hearing Opened to the Public

- Joe Murphy, with Dillon and Murphy representative of the owner, came forward to answer questions. Mr. Murphy stated that he does not believe the owner intends to develop the property herself.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Jones second, approved the request for a Tentative Parcel Map to divide one parcel into four lots at 2540 Legacy Way subject to the conditions in the resolution. The motion carried by the following vote:

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

- 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 review for consistency with the General Plan related to proposed abandonment of a portion of an existing Access Easement on private property located at 2223 West Kettleman Lane

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the request to be forwarded to the City Council.

Vice Chair Jones asked if the City paid for the easement. Director Bartlam stated that he was not aware of a payment. Mr. Bereket stated that there was not a payment made to the City.

Commissioner Kiser asked if this is the same property that the church came to the Planning Commission for an expansion plan. Director Bartlam stated that this is the same property.

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 for consistency with the General Plan related to proposed abandonment of a portion of

an existing Access Easement on private property located at 2223 West Kettleman Lane subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that the City Council took the action to adopt the Development Code with no modification. The code should go into affect in about six weeks.

Chair Kirsten asked if the Walnut Street Closure had gone before Council yet. Director Bartlam stated that it had not.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. ART IN PUBLIC PLACES

Chair Kirsten gave a brief report regarding the last meeting. Director Bartlam added that staff has applied for Transportation Grant monies to be used to finish the street enhancements on Sacramento Street from Oak to Lodi Avenue and if successful some of the funds could be used for art.

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

None

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

Commissioner Olson asked if Code Enforcement suffered any cuts during the last budget. Director Bartlam stated that there is currently one vacancy and the City has recently hire one and a half enforcement employees. Olson mentioned that she stumbled across an area that has fallen in disrepair and was curious as to if enforcement action has been taken. Bartlam stated that the Code Enforcement Division works off of public complaints.

Commissioner Hennecke asked if Public Works is the department to contact if a curb is in need of painting.

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:31 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary