

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 14, 2010**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of April 14, 2010, was called to order by Chair Cummins at 7:00 p.m.

Present: Planning Commissioners – Hennecke, Kirsten, Kiser, Mattheis, and Chair Cummins

Absent: Planning Commissioners – Heinitz and Olson

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

2. MINUTES

“March 24, 2010”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, approved the Minutes of March 24, 2010 as written. (Commissioner Mattheis abstained due to his absence from 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 Cummins called for the public hearing to consider the request for a variance to increase the size of a second dwelling unit from 400 square feet to 672 square feet at 1320 South Washington Street.

Assistant Planner Bereket gave a brief PowerPoint presentation based on the staff report. Mr. Bereket pointed out the email received by Mr. and Mrs. Daniels expressing their concerns. Staff is recommending approval of this application

Commissioner Kirsten asked if the applicant did the work. Mr. Bereket stated that he did not.

Hearing Opened to the Public

- Hazoor Shah, applicant, came forward to answer questions.
- Commissioner Kirsten asked if the unpermitted work was disclosed at the time of the purchase. Mr. Shah stated that he was told that the work may have been done without permits.

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 variance to increase the size of a second

dwelling unit from 400 square feet to 672 square feet located at 1321 South Washington Street subject to the conditions in the attached resolution. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Cummins called for the public hearing to consider the request for a Use Permit to allow a Type 48 On-Sale General ABC license at 651 North Cherokee Lane, Suite E.

Assistant Planner Bereket gave a brief PowerPoint presentation based on the staff report. Mr. Bereket stated that the findings should be taken from the resolution on the Blue Sheet. Staff is recommending denial of this application.

Vice Chair Hennecke asked if the applicant is asking for a 300 foot waiver. Mr. Bereket stated that the applicant is asking for the Planning Commission to ignore that condition.

Hearing Opened to the Public

- Noe Juarez Luna, applicant, came forward to ask for a chance to prove that he can operate this business at this location without disturbing the residential neighbors.
- Chair Cummins asked how far away the current location is from this location. Mr. Luna stated that it is next door to this project. Mr. Bereket pointed out the location on the map.
- Commissioner Kirsten stated that he can appreciate Mr. Luna's situation and the desire he has to stay in business, but if the Planning Commission approves a project like this it could set a precedence that may end up reflecting badly on them. The Commission has to consider the surrounding residences and the opinion of staff. The 300 foot buffer is there for a reason. Mr. Luna stated that he is not going to use the back parking lot for customer parking. This should help avoid noise being next to the residences. Mr. Bartlam stated that one of the concerns staff had was that back parking lot and the fact that it can not be seen easily by police patrol. Kirsten asked if Mr. Luna talked with the Police Department before applying. Mr. Luna stated that he did and the officer he spoke to stated that the Police Department does not reject projects they only make recommendations.
- Commissioner Kiser stated that he understands what Mr. Luna is going through, but he still has to consider the surrounding area. He would like to see the project in a different location. Mr. Luna stated that he has spoken with the residents that border the project site and they do not have a problem with the project. The problem with the El Rancho is that the space is too small and people filter outside and leave the doors open.
- Hennecke asked staff to update the Commission on what type of license the El Rancho has. Mr. Bartlam stated that the El Rancho has the same type of license that Mr. Luna is asking for. Hennecke asked how far the residential area is from the El Rancho. Mr. Bartlam stated that the building is 200 to 250 feet from the residential zone. The 300 foot mark was established because of past experiences and staff is confident that it is a fair distance.
- Chair Cummins asked if Mr. Luna currently holds a beer and wine license with the restaurant. Mr. Luna stated that he does hold a beer and wine license, but the

restaurant didn't do well. Commissioner Kiser stated that the license was good at a different location. Mr. Bartlam stated that the difference between the two locations is the current location is a restaurant and the proposed is not. There will be a completely different atmosphere from an establishment that serves food with alcohol and what is essentially going to be a nightclub/bar.

- Gloria Juarez, Sonora Avenue resident which is directly behind the project location, came forward to object to the project. She stated that she did not speak with Mr. Luna. This project is too close to her home.

Public Portion of Hearing Closed

- Commissioner Kirsten stated that he would like to see Mr. Luna try opening this business in another location.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Kiser second, denied the request of the Planning Commission for a Use Permit to allow a Type 48 On-Sale General ABC license at 651 North Cherokee Lane, Suite E subject to the conditions in the attached resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam referenced the memo in the packet and stated that staff is available for questions. He also stated that the City Council adopted the General Plan last week unanimously. The Housing Element should be made available to the Commission in the near future. Mr. Bartlam also announced that he has taken on the Interim City Manager's position, but will continue his duties with the Community Development Department.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that staff has provided a letter that was received recently from the Farm Bureau. It is the only correspondence received since the Planning Commission's recommendation. Staff is working on the new zoning map and the new zoning code will be brought to the Commission for final say.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Commissioner Kirsten updated the Commission on the Crane Sculpture situation.

10. COMMENTS BY THE PUBLIC

Continued

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Director Bartlam asked if the Commission would please close the meeting in memory of Commissioner Olson's Mother who passed away this week.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:45 p.m.

ATTEST:

Konrad Bartlam
Planning Commission Secretary