

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 12, 2010**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of May 12, 2010, was called to order by Chair Cummins at 7:00 p.m.

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

Absent: Planning Commissioners – Kirsten and Mattheis

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

2. MINUTES

“April 14, 2010”

The minutes will be carried forward to the next Planning Commission Meeting due to the lack of a quorum of Commissioner that were 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 Cummins called for the public hearing to consider the request of a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 6 West Pine Street. (Applicant: Calwd Inc. dba Jeremy Wine Company; File Number: 10-U-02)

Assistant Planner Immanuel Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval.

Commissioner Heinitz disclosed that he spoke with several other winery owners in the area and they have all expressed their support of this project.

Commissioner Olson asked about the connection to Studio 6. Director Bartlam stated that the owner of 6 West Studio is also the applicant. Olson wondered if it was because of the limited amount of restrooms available in the space. Bartlam stated that the Building Division has reviewed the application and the restrooms available are sufficient for the occupancy.

Hearing Opened to the Public

- Jeremy Trettevik, applicant, came forward to answer questions. Mr. Trettevik stated that he believes this will be an added value to the downtown.
- Commissioner Heinitz stated his support for the project and appreciation of the building that is getting utilized.
- Commission Olson stated her support for the project and asked if the upstairs was going to be utilized for this project. Mr. Trettevik stated that it is not in the current plans.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Heinitz, Kiser second, approved the request of the Planning Commission for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control

License at 6 West Pine Street subject to the conditions in the resolution. The Motion carried by the following vote:

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

Director Bartlam added that 6 West Design Studio is the premier wine label designer in the area.

- 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 of a Use Permit to allow a Type-41 On-Sale beer and wine (Eating Place) Alcoholic Beverage Control license at 1110 West Kettleman Lane, Suite 19. (Applicant: Janis Bielski; File Number: 10-U-03)

Assistant Planner Immanuel Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval.

Hearing Opened to the Public

- Jan Beilski, applicant, came forward to answer questions. Ms. Beilski stated that she is excited about the project and would like to give local artists a chance to display their art.
- Commissioner Heinitz stated that the Lodi Art Commission would be a good art source. Ms. Beilski stated that she has been in contact with them.

Public Portion of Hearing Closed

- Chair Cummins stated his appreciation of the direction that the Bella Terra Plaza Group is headed with the property and also stated his support of the project.

MOTION / VOTE:

The Planning Commission, on motion of Hennecke, Kiser second, approved the request of the Planning Commission for a Use Permit to allow a Type-41 On-Sale beer and wine (Eating Place) Alcoholic Beverage Control license at 1110 West Kettleman Lane, Suite 19 subject to the conditions in the resolution. The motion carried by the following vote:

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

- c) 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 of a Use Permit to allow a Type-41 On-Sale beer and wine (Eating Place) Alcoholic Beverage Control License at 220 South Church Street., Suite 3. (Applicant: Leslie Phillips; File Number: 10-U-04)

Assistant Planner Immanuel Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval.

Hearing Opened to the Public

- Leslie Phillips, applicant, came forward to answer questions.

Continued

- Commissioner Olson asked about the hours of operation. Ms Phillips stated that the restaurant is open: Monday through Saturday from 10:30 am to 7:30 pm and Sunday 11:00 am to 7:00 pm.
- Jarad Phillips came forward to state his support of the project.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Heinitz, Hennecke second, approved the request of the Planning Commission for a Use Permit to allow a Type-41 On-Sale beer and wine (Eating Place) Alcoholic Beverage Control License at 220 South Church Street., Suite 3 subject to the conditions in the resolution. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam stated that the Court has accepted the subsequent documentation for the Lodi Shopping Center/Super Walmart EIR. The opponents still have an opportunity to appeal that decision. There has been an appeal filed by Mr. Luna regarding the Commission's decision for his project. The public hearing will be set at the Council's next meeting to be heard at the June 2nd meeting. There could possibly be the need for a special meeting for the Planning Commission in the second week of June due to the fact that the City Council has taken the Commission's regular meeting date for a special meeting of their own. Staff will contact the Commissioners with date options in the near future.

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that the appeals that have been filed by the Katakian's have been withdrawn and the project is now free to move forward. The action of the California Energy Commission regarding the Lodi Energy Center is a very significant project for the City of Lodi.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that the Administrative Draft version of the Housing Element should be distributed to the Commission soon.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

Gerald Grauman, resident on Royal Crest Drive, came forward to state his concern over the fact that he has been cited by the Community Improvement Division/Code Enforcement because he has a shed that is not in compliance with the City's zoning code. He was told that his shed was turned in by a disgruntled person that was also turned in for having an out of compliance structure and is now going around town turning in others. He put the shed up in 2004. He has spoken with Mr. Bartlam, Mr. Bereket, and Mr. Canright regarding the issues that he is now facing. Mr. Canright stated that the shed

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is in compliance with the Building Codes, but Mr. Bereket has stated that it does not comply with Zoning Codes. Commissioner Heinitz encouraged Mr. Grauman to take this issue to the City Council. Chair Cummins asked staff if this complaint is accurate. Mr. Bartlam stated that this is accurate. The suggestion that has been made to Mr. Grauman is that he submit a Variance Application. Chair Cummins asked Mr. Grauman if the shed could be moved. Mr. Grauman stated that he can not. An aerial was put up on the screen to show where the structure sits on the parcel. Commissioner Olson asked staff if there is any way to lump all of these types of issues together to help save the applicants money. Director Bartlam stated that they are all separate issues and should be looked at separately. Commissioner Heinitz stated that he feels that the Code Enforcement Division is misused in Lodi because of the current laws on the books and reiterated that Mr. Grauman should speak to the City Council.

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 7:38 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary