

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 13, 2008**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of August 13, 2008, was called to order by Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – Hennecke and Olson

Also Present: Co-Interim Community Development Director Peter Pirnejad, City Attorney Stephen Schwabauer, Senior Planner David Morimoto, Assistant Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“June 25, 2008”

“July 9, 2008”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner , second, approved the Minutes of June 25, 2008 and July 9, 2008 as written.

No action could be taken on the above minutes because there was not a quorum present.

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 Kiser called for the public hearing to consider the request continued from July 7, 2008 for Planning Commission approval of a Use Permit to allow a Type-41 on-sale beer and wine license at Midtown Taqueria located at 1040 West Kettleman Lane Suite 4. (Applicant: Joe Doumit)

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

Randy Heinitz asked if there was a quorum present to hear this item. Co-Interim Director Pirnejad stated that the item has been re-advertised as a public hearing therefore the Commissioners present are eligible to vote.

Commissioner Kirsten disclosed that he had met with the applicant to discuss this item.

Hearing Opened to the Public

- Joe Doumit, applicant, came forward to answer questions.
- Commissioner Heinitz asked if the Mr. Doumit was aware of the condition that the local on-site manager will have to attend the mandatory ABC License training. Mr. Doumit stated that the manager lives here in Lodi and will be the person to attend the training.
- Commissioner Mattheis asked about the margaritas that are on the menu because the type of ABC license that is being applied for does not cover hard liquor. Mr. Doumit stated that they will be wine margaritas.

Continued

- Commissioner Kirsten stated that he talked with a few of the surrounding tenants and they were in support of the project.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kirsten second, approved the request of the Planning Commission for a Use Permit to allow a Type-41 on-sale beer and wine license at Midtown Taqueria located at 1040 West Kettleman Lane Suite 4 subject to the conditions in resolution P.C. 08-17. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Kirsten, Mattheis, and Chair Kiser

Noes: Commissioners – None

Absent: Commissioners – Hennecke 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 Kiser called for the public hearing to consider the request for Planning Commission approval of a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License and Live Entertainment at 112 W. Pine Street. (Applicant: Benson Ferry Vineyard).

Commissioner Kirsten recused himself because he has property interests in the area. Commissioner Heinitz asked if his property interest fell within the 500 foot radius. Commissioner Kirsten checked the property distance on his laptop and found that it fell outside of the 500 foot mark.

Co-Interim Director Pirnejad gave a brief PowerPoint presentation based on the staff report.

Commissioner Mattheis asked about the Live Entertainment being so close to the hotel. Co-Interim Director Pirnejad stated that the music is to staffs understanding meant to be background music.

Hearing Opened to the Public

- Alan Macisaac, Applicant, came forward to answer questions.
- Commissioner Mattheis asked about the type and hours of the music to be played. Mr. Macisaac stated that the music will lean toward the softer tones and will be shut down at 10 pm.

Public Portion of Hearing Closed

- Commissioner Mattheis asked that “Live Music” be added to condition #8 of Resolution P.C. 08-19. Co-Interim Director Pirnejad stated that the verbiage is in condition #7 in Resolution P.C. 08-20 pertaining to the Live Entertainment portion of the application.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Heinitz second, approved the request of the Planning Commission for of a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 112 W. Pine Street subject to the condition in resolution P.C. 08-19. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Mattheis, and Chair Kiser

Noes: Commissioners – None

Absent: Commissioners – Hennecke and Olson

Abstain: Commissioners – Kirsten

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Heinitz second, approved the request of the Planning Commission for of a Use Permit to allow Live Entertainment at 112 W. Pine Street subject to the condition in resolution P.C. 08-20. The motion carried by the following vote:

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

Commissioner 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 Kiser called for the public hearing to consider the review and recommend of Transit Oriented Development Design Guidelines to the City Council. (Applicant: City of Lodi Community Development Department).

Co-Interim Director Pirnejad gave a PowerPoint presentation based on the staff report.

Commissioner Heinitz stated his support of the document and asked about the parking problem once you start taking away the small parking lots scattered around the downtown area. Co-Interim Director Pirnejad stated that the parking issue will have to be addressed as they become more prominent. Co-Interim Director Pirnejad stated that having parking problems in a downtown is a sign of economic prosperity.

Commissioner Heinitz asked about subterranean parking. Co-Interim Director Pirnejad stated that cost will more than likely play a factor.

Chair Kiser stated his support of the document and stated that if you are looking at going three stories creating a subterranean parking area could be incorporated when the contractor is required to beef up the foundation.

Commissioner Mattheis stated his support for the document and asked about the conflicts of land use and working with developers. Co-Interim Director Pirnejad stated that the land use will be driven by the development, so by making the guidelines more flexible it gives the developers more room for creativity.

Commissioner Mattheis asked how these will work with our current and future General Plan Land Uses. Co-Interim Director Pirnejad stated that this is just the first step. The Planning Commission and City Council will need to ferret out how the ideas get implemented. Commissioner Mattheis stated that the Land Use designation in the document should be reconsidered because of the conflict with the General Plan and he suggests that it be changed.

Chair Kiser asked how many stories high the buildings downtown can go. Co-Interim Director Pirnejad stated six stories.

Vice Chair Cummins asked if the Council of Governments (COG) has had a chance to comment on the document. Co-Interim Director Pirnejad stated that the COG and the Railroad Company have both stated their support for the project.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, endorse the Transit Oriented Development Design Guidelines and recommend that the Lodi City Council Adopt Transit Oriented Development Design Guidelines as stated in resolution P.C. 08-21. The motion carried by the following vote:

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

4. PLANNING MATTERS/FOLLOW-UP ITEMS

- a. Confirm appointments to the Site Plan and Architectural Review Committee and the Greenbelt Task Force.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Cummins second, approved the appointment of Chair Kiser to SPARC. The motion carried by the following vote:

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

MOTION / VOTE:

The Planning Commission, on motion of Chair Kiser, Heinitz second, approved the appointment of Vice Chair Cummins to the Greenbelt Task Force. The motion carried by the following vote:

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

5. ANNOUNCEMENTS AND CORRESPONDENCE

Co-Interim Director Pirnejad stated that a new proposal for 730 S. Cherokee Lane will be coming up for SPARC review in the near future. Chair Kiser reminded the Commission that this is the same property that had the Gas Station project that the Commission denied.

6. ACTIONS OF THE CITY COUNCIL

Co-Interim Director Pirnejad gave a brief oral report on the items in the summary report.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Co-Interim Director Pirnejad stated that staff should be bringing the General Plan Update Alternatives before the Commission soon.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Chair Kiser gave a brief report on the July 21, 2008 meeting.

Co-Interim Director Pirnejad reminded the Planning Commission that the SPARC meetings will be moving to the 2nd & 4th Wednesdays of the month.

9. ART IN PUBLIC PLACES

Continued

Dave Kirsten gave a brief report on the July 23, 2008 meeting.

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Heinitz stated that three of the City Council members have expressed a desire to see a Tree Ordinance brought back to them for discussion. He also stated that according to an anonymous source the City is going to be cutting down several trees in Lawrence Park, and after making several phone calls to the City no one has been able to give him any answers.

Commissioner Mattheis stated that he would like the Commission to have another shot at creating an Ordinance that the City Council will like.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:30 p.m.

ATTEST:

Kari Chadwick
Community Development Department Secretary