

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 24, 2009**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of June 24, 2009, was called to order by Chair Kiser at 7:00 p.m.

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

Absent: Planning Commissioners – Mattheis and Kirsten

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

2. MINUTES

“May 27, 2009”

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Cummins, Olson second, approved the Minutes of May 27, 2009 as written.

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 for a Use Permit to allow a Type 48 on-sale General ABC license at 17 West Pine Street.

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

Commissioner Heinitz asked what a Type 48 ABC License allows. Mr. Bereket stated that this license includes Wine, Beer, and Distilled Spirits. Heinitz stated his disappointment in the way that this project has been presented as a wine bar when it is actually a nightclub style bar.

Hearing Opened to the Public

- Sonney Keophimane, applicant, came forward to answer questions.
- Commission Heinitz stated that everything to date indicates that this establishment will be serving wine, but the license is for distilled spirits also. Is this a bar? Mr. Keophimane stated that it is a bar.

Public Portion of Hearing Closed

- Vice Chair Cummins asked if this application is just for the ABC license. Director Bartlam stated that that is correct.
- Chair Kiser disclosed that he spoke with the applicant regarding this project.
- Commissioner Olson asked about the timeline for the Live Entertainment. Director Bartlam stated that staff expects that the application to be filed by the applicant when approval is given for this project. The second phase is for the second story space which will be used for wine tasting. There will be some significant building code upgrades needed for this part of the project which is why the applicants are phasing it in.
- Commissioner Hennecke asked why the Police Department didn't have a problem with this project, but has had problems with this type of project in the past. Director Bartlam stated

that the Police Department has become more pro-active in addressing these types of applications and has met with this applicant prior to them making their comments.

- Vice Chair Cummins asked if the City follows-up on whether or not the applicants complete the Certification Program for the State. Director Bartlam stated that that is verified with Alcohol Beverage Control Office.
- Chair Kiser asked about security. Director Bartlam stated that there is a set condition for these types of projects based on the Police Department's comfort level.
- Commissioner Olson asked if staff believes that this is consistent with the vision for downtown. Director Bartlam stated that it is.
- Commissioner Heinitz stated that he is torn with this project. He would like to have had this project presented as what it was intended to be not just a wine lounge. Commissioner Heinitz asked to have the public hearing re-opened to the public.

Hearing Re-Opened to the Public

- Mr. Keophimane came forward to answer questions from Commissioners.
- Commissioner Heinitz asked why the project has been presented the way it has. Mr. Keophimane stated that it was not the applicants' intention to misrepresent the project. Heinitz asked why not the other way around, a wine lounge to a bar. Mr. Keophimane stated that the project has been presented as a wine lounge because that is the clientele they want to attract and image they want to present. The distilled spirits are there to attract the people that do not want to drink wine.
- Commissioner Olson asked how many establishments the partners have managed and in how many years. Mr. Keophimane stated four establishments over seven years. Olson stated that establishments like this typically have problems during down economic times and wanted to know if the partners are aware of the area that they are trying to move into. Mr. Keophimane stated that they are aware of the risks and the area.
- Chair Kiser asked if Mr. Keophimane to give the Commission a breakdown of the experience that the partners possess. Mr. Keophimane stated that he managed two establishments prior to this project. He then introduced the other partners to represent their experience.
- Ermelindo Paiste came forward to give his background and experience.
- Rodney Paiste came forward to give is background and experience.
- Commissioner Olson asked what the target market is. Mr. Paiste stated that the target is the people in the downtown getting off work that would like to stop in to have a drink and relax before going home. Later in the evening the crowd will get younger.
- Vice Chair Cummins asked what the timeline is for the opening. Mr. Paiste stated that they would like to open in September.
- Edward Augustine came forward to give his background and experience.

Public Portion Closed

- Commissioner Heinitz asked if there is a provision in the resolution allowing the Planning Commission to revisit this item in the future. Vice Chair Cummins stated that condition number 4 has a review provision.

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Cummins, Olson second, approved the request of the Planning Commission for a Use Permit to allow a Type 48 on-sale General ABC license at 17 West Pine Street subject to the conditions in the resolution. The motion carried by the following vote:

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

- 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 a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 2 West Lockeford Street.

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

Chair Kiser asked if there were any foreseen problems with the traction line on Lockeford Street. Director Bartlam stated that that line is only used for General Mills, so there is no foreseen problem.

Commissioner Olson asked about the wastewater problem with the pumas left over from the crushing process. Director Bartlam stated that the pumas and lees will be hauled off to Waste Management or a suitable vineyard for disposal.

Commissioner Heinitz stated that the conditions regarding the hauling away of crushing debris were more stringent for the Dancing Fox and would like to see the time frame for the hauling away of the pumas and lees stated specifically in the resolution.

Hearing Opened to the Public

- Nick Sikeotis, applicant, came forward to address questions.
- Commissioner Heinitz asked if there would be a problem with adding a condition to make sure the skins and debris get hauled away within hours. Mr. Sikeotis stated that he would not have a problem with that.
- Commissioner Hennecke asked about the amount of product to be turned around at this facility. Mr. Sikeotis stated that they would crush about 120 to 150 tons the first year. There are 6 - 3100 gallon tanks right now and there is room for expansion which will allow growth up to 300 to 350 tons. Hennecke asked how the trucks will be staged to avoid back-ups. Mr. Sikeotis stated that the deliveries will be scheduled with the grower so that the trucks don't show up all at the same time. Hennecke asked staff to put the plot plan up on the overhead screen so that the truck delivery route could be demonstrated. Mr. Sikeotis stated that the winery has an agreement with the owner of the property directly to the west to stage delivery trucks if it becomes necessary.
- Commissioner Heinitz asked if any pumas would be stored on the lot to the west and if it would be agreeable to add a condition stating that the cueing of trucks is to take place on the property to the west of the project site. Mr. Sikeotis stated that there would not be any storage of pumas or other crushing debris on the lot that the winery is leasing to the west and has no problem with the added condition regarding the cueing of trucks to take place on that property.

Public Portion of Hearing Closed

- Commissioner Hennecke asked if there was a provision with the Dancing Fox to provide for future reviews. Mr. Bereket stated that there was not a provision for future review placed on that project. Commissioner Hennecke stated that he would feel better about approving the project if there was a provision added for future review.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Olson second, approved the request of the Planning Commission for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 2 West Lockeford Street subject to the conditions in the resolution with added verbiage below:

Continued

Director Bartlam stated the verbiage for the two conditions to be added to the Resolution:

- All winery waste shall not be stored outside and shall be properly disposed of within 24 hours of crush activity.
- All delivery truck cueing shall take place off of the public right-of-way.

The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Olson, and Chair Kiser

Noes: Commissioners – None

Absent: Commissioners – Kirsten and Mattheis

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam stated that even though a budget has been adopted by the City Council we are still waiting for the results of the State Budget. Senior Planner David Morimoto has submitted his letter of retirement which will take effect August 27th. He has 35 years in with the City and we hope to recognize that achievement at a meeting closer to his last day.

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that he is available to answer any questions regarding the memo in the packet. He also stated there has been approval to move forward with the Environmental Document for the Electric Utility's Power Line Project.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that the Administrative Draft Policies are still being reviewed by the departments and as soon as the draft policies are ready they will be brought to the Commission for review.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

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 8:03 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary