

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 14, 2009**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of October 14, 2009, was called to order by Chair Cummins at 7:00 p.m.

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

Absent: Planning Commissioners – Heinitz

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

2. MINUTES

“September 23, 2009”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kirsten, Olson second, approved the Minutes of September 23, 2009 with the added verbiage stated as follows by Commissioner Mattheis:

On page four in the sixth paragraph add “...well intentioned and the rush to legislate is.....” to the sentence beginning; “He believes it is”.

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 Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 139 South Guild Avenue, Suite 102. (Applicant: Arthur and Mary Koth; File Number: 09-U-10).

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

Commissioner Mattheis asked about the parking while the assembly type occupancy is being utilized. Planner Bereket stated that the entire parking lot is a shared space, so all of the spaces will be available for use for the wine tasting.

Commissioner Kirsten asked where in the county the business is currently being operated. Planner Bereket stated that that would be a better question for the applicant.

Hearing Opened to the Public

- Arthur Koth, applicant, came forward to answer questions.
- Commissioner Kirsten asked where the business is currently operating. Mr. Koth stated that the production portion of the operation is currently located at the home vineyard on Schmiedt Road and some production and storage is located on Gawne Road which is south east of Stockton.

Continued

- Commissioner Olson asked if the operation had a tasting room anywhere else. Mr. Koth stated that they do not. Olson asked what makes this site the right place for the operation. Mr. Koth stated that there are other wineries in the area and the thought is to move the entire operation to this location if the wine tasting room succeeds.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Hennecke second, approved the request of the Planning Commission for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 139 South Guild Avenue, Suite 102 subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Hennecke, Kirsten, Kiser, Olson, Mattheis, and Chair Cummins

Noes: Commissioners – None

Absent: Commissioners – Heinitz

- 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 approval of a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 1205 East Vine Street. (Applicant: Hello Wine. File Number: 09-U-11).

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

Hearing Opened to the Public

- John Caraccjolo, applicant, came forward to answer questions.
- Commissioner Kirsten asked if the winery was here before. Mr. Caraccjolo stated that the winery was at Vino Piazza in Lockeford at one time.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Olson second, approved the request of the Planning Commission for a Use Permit to allow a Type 2 (Winery) Alcoholic Beverage Control License at 1205 East Vine Street subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Hennecke, Kirsten, Kiser, Olson, Mattheis, Chair Cummins

Noes: Commissioners – None

Absent: Commissioners – Heinitz

- 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 review and comment on the comprehensive Draft General Plan.

Director Bartlam gave a brief presentation based on the memo and attachments that are a part of the packet.

Commissioner Kirsten stated he did some research on Green Building Standards and the City of Nashville is considering some alternatives to the LEED standards because of significant back log and cost associated with the certification process there. Kirsten stated that after his research he agrees with the direction staff is going.

Chair Cummins asked Commissioner Mattheis if his company has had any dealings with the LEED certification process. Commissioner Mattheis stated that yes they have done a couple of LEED certification projects and is in favor of the direction that Mr. Bartlam is going with the policies.

Commissioner Kiser would like more clarification on the street widths. He went out and measured Elgin Avenue and it is 20 feet in width at the corner where there is a bump out. Mr. Bartlam stated that at the bumped out corner on Elgin there isn't any intension to allow parking and is meant to slow traffic down in that area.

Commissioner Mattheis asked if the cross section 1 of Standard Plan 101 was going to be eliminated altogether. Mr. Bartlam stated that it would not be eliminated because of the fact that they already exist and are needed for repair purposes.

Vice Chair Hennecke asked for clarification on the standards. He does not feel that it is safe as currently written.

Commissioner Mattheis believes that the standard is providing a purpose of slowing down traffic in non-collector type streets and feels that it works.

Director Bartlam stated that based on the concerns still being expressed he would like to bring back examples of the different types of streets and why they are set up differently for different uses.

Commissioner Kiser stated that he uses Elgin on a regular basis for business and it is difficult for two vehicles to pass one another without one of them giving way to the other. Mr. Bartlam stated that the standard is working then. The standard is meant to deter through traffic from using Elgin in place of Kettleman Lane.

Commissioner Olson stated that she understands what the standards are intending to accomplish, but feels that the idea has created more of a nuisance.

Vice Chair Hennecke would like to see what staff brings back showing the different types of streets and the reasoning behind why they are used in some places and not others.

Chair Cummins stated his agreement with Commissioner Mattheis.

Commissioner Mattheis commended staff for a job well done with the Draft General Plan.

Hearing Opened to the Public

- Jane Wagner Tyack, Lodi resident, came forward to comment on the Draft General Plan. She commends staff for a job well done. Ms. Wagner is still concerned with the water conservation portion and would like to have more solid language placed in the policy. Mr. Bartlam stated that the verbiage needs to be vague because not all projects are created equal. There are policies pertaining to the re-harvesting of grey and rain water. The City Council has approved the contract to get the water meters in place in an accelerated time line which should be a deterrent for wasting water.
- Commissioner Mattheis went over some of his comments and concerns that he expressed regarding the water conservation issues from the last meeting. He also added that the supply and demand in relation to growth will be addressed in the EIR, which is the backup document to the policies. Mr. Bartlam stated that in the alternatives document that was released and then approved in early 2009 there is a good explanation of the impacts for each of the different growth options.

Continued

- Commissioner Hennecke asked if the Commercial and industrial areas are metered or billed a flat rate. Mr. Bartlam stated that they are metered.
- Bruce Fry, Acampo resident, came forward to express his concerns over the PRR designation being taken out of the new plan for the area south of Harney Lane. This is a very important issue for the property owners in that area. It is currently proposed to be a part of the Cluster Zoning and since the City Council has backed away from funding the EIR for that plan the residences would like to see it put back as PRR.
- Vice Chair Hennecke asked if there is a 100% buy in for the PRR designation by all of the property owners from that area. Mr. Fry stated that he can not state that 100% are on board but there is a majority of the property owners that would like to see the designation put back in to the General Plan.

Public Portion of Hearing Closed

- Commissioner Kirsten asked for a brief summary regarding the area Mr. Fry was referring to. Mr. Bartlam with the assistance of the current General Plan Map on the wall pointed out the PRR designation area and the proposed map on the PowerPoint screen pointed out the Armstrong Road Study Area. He stated that the City Council has backed off of the EIR for that Armstrong study area based on the hurdles that have been put in front of them by the County. The EIR will show a couple of different alternatives for that area.
- Director Bartlam stated that he has been taking the policies to other commissions and committees within Lodi. The Parks and Recreation Commission would like to have an additional policy within that element to deal with the financing of existing parks. The new language will be brought back with a later packet.
- Chair Cummins asked about the target date for the EIR. Mr. Bartlam stated that some time mid-November.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

Director Bartlam stated that the Downtown Summit is this Friday at 7 am at Hutchins Street Square, Kirst Hall.

6. ACTIONS OF THE CITY COUNCIL

None

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Director Bartlam stated that the desire is to bring the skeleton form of the Development Code designations and map for the Mixed Use Corridors and the Downtown Mixed Use area to the action meeting for the General Plan, so that they can be implemented along with the General Plan approval.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Continued

Commissioner Kirsten stated that there will be a dedication and unveiling of the sculpture on School Street this Friday in the evening. He also went over a few other items that were discussed at the meeting.

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 8:13 p.m.

ATTEST:

Konradt Bartlam
Planning Commission Secretary