

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 28, 2009**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of October 28, 2009, was called to order by Chair Cummins at 7:00 p.m.

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

Absent: Planning Commissioners – Hennecke

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

2. MINUTES

None

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 modular office and outdoor recreational vehicle storage area in conjunction with used car lot at 222 East Kettleman Lane. (Applicant, Todd Kulberg: File # 09-U-12).

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

Commissioner Heinitz asked staff to show on the PowerPoint slide where the property line falls. Assistant Planner Bereket with the use of a laser pointer showed the Commission where the property lines are located.

Commissioner Kirsten asked if the Use Permit expires in two years. Mr. Bartlam stated that only the Use Permit for the office falls under the two year time period. The applicant would have a couple of different options at that point; either remove the temporary office and replacing it with something permanent, or requesting an extension. Kirsten asked if it is required for there to be an onsite office. Mr. Bartlam stated that would be better answered by the applicant. Kirsten stated that in the presentation Mr. Bereket stated that the applicant was required to have an onsite office, is that correct. Mr. Bartlam stated that the DMV has a requirement for an office for the used car sales area.

Hearing Opened to the Public

- Todd Kulberg, applicant, came forward to answer questions. Mr. Kulberg stated that he sees the need for this type of business in the City of Lodi.
- Commissioner Olson asked about security. Mr. Kulberg stated that there is a service that will operate the cameras that will be positioned to watch the entire area. There is also razor wire that will be placed along the perimeter fencing. Olson asked if there were any provision for someone staying over night. Mr. Kulberg stated that there will be no one there over night. He added that the gates will be locked and the business closed at 6 p.m. Olson asked if there was going to be any provisions for dumping, cleaning, or repairing of any of the vehicles. Mr. Kulberg stated absolutely not.

*Continued*

- Commissioner Heinitz asked if the gates that are locked up at night were automatic. Mr. Kulberg stated that they will not be automatic. Access will only be granted to customers during business hours.
- Commissioner Kiser asked about the type of fencing that will be used to separate the two types of storage areas. Mr. Kulberg stated that the fencing will be chainlink.

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 modular office and outdoor recreational vehicle storage area in conjunction with used car lot at 222 East Kettleman Lane subject to the conditions in the resolution. The motion carried by the following vote:

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

- 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-47 On-Sale General (Eating Place) Alcoholic Beverage Control License at 317 East Kettleman Lane. (Applicant: James P. Murdaca, on behalf of Pietro's Pizza Parlors, Inc. File Number: 09-U-13).

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

Hearing Opened to the Public

- Annette Murdaca, applicant, came forward to answer questions.
- Commissioner Olson asked about the type of restaurant the Murdaca Family ran at this location. Mrs. Murdaca stated that the restaurant is a family run, family friendly restaurant.

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-47 On-Sale General (Eating Place) Alcoholic Beverage Control License at 317 East Kettleman Lane subject to the conditions in the resolution. The motion carried by the following vote:

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

- 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 for certification of the proposed Mitigated Negative Declaration 08-ND-01 as adequate environmental documentation for City Well No. 28 located at 2800 West Kettleman Lane. (Applicant, City of Lodi: File # 09-MND-02).

*Continued*

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

Commissioner Mattheis asked where the property that is indicated in the blue sheet letter of concern from Mr. Hedrick is in relation to the Well. Mr. Bartlam showed the Commission where Mr. Hedrick's property is in relation to the Well location with the help of the over-head. Lyman Chang, Senior Civil Engineer with the City of Lodi Public Works Department, came forward to answer questions. Mr. Bartlam added that the Well is 500' deep and the Hendrick's wells are at 100' & 150' and will not be effected by the City's Well.

Commissioner Olson asked who prepared the environmental document. Mr. Bartlam stated that City Staff prepared the document. Olson asked if this was typical. Bartlam stated that it depends on the project. A water well is one that would typically be done by staff. Olson stated that the Negative Declaration seemed a little boiler plate and just wondered if it was a standard format for this type of project. Bartlam stated that this is not a complex development project by definition. The only real environmental issue with the project is it's requirement to participate in the County Habitat Conservation Program.

Commissioner Kirsten asked if it is common for there to be compensation for Impacts. Mr. Bartlam stated that there has not been any compensation necessary in the past.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Mattheis, Heinritz second, approved the request of the Planning Commission for certification of the proposed Mitigated Negative Declaration 08-ND-01 as adequate environmental documentation for City Well No. 28 located at 2800 West Kettleman Lane subject to the conditions in the resolution. The motion carried by the following vote:

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

- d) 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 before opening the item up for discussion.

Hearing Opened to the Public

- Ann Cerney, Lodi resident and representative for Citizens for Open Government, came forward to comment on the Draft General Plan. Ms. Cerney would like to see more affordable housing placed into the plan. The integrated neighborhoods have always been a part of the growth in the San Joaquin County. It is important to have a variety of housing in every neighborhood. The building of affordable housing is very important to this community. Ms. Cerney would like to see the homeless community considered in any future plans.
- Mr. Bartlam stated that the Housing Element is being worked on in conjunction with this General Plan. Staff would like to get the Housing Element reviewed by the State prior to the document being brought before the Planning Commission.

*Continued*

- Commissioner Kirsten stated his appreciation of Ms. Cerney's comments and hopes she will keep coming back.

Public Portion of Hearing Closed

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

None

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

Mr. Bartlam stated that Staff is working on the backbone form of the new Zoning Code, so that the new designations in the General Plan can be implemented along with the General Plan.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

Commissioner Kirsten stated that the Jarret Maze project on the corner of Washington Street and Lodi Avenue will be unveiled on November 7<sup>th</sup>.

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 7:45 p.m.

ATTEST:

Konradt Bartlam  
Planning Commission Secretary