

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 9, 2008**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of July 9, 2008, was called to order by Chair Mattheis at 7:00 p.m.

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

Absent: Planning Commissioners – Cummins and Kirsten

Also Present: Planning Manager Peter Pirnejad, Senior Planner David Morimoto, Junior Planner Immanuel Bereket, and Building Inspector II Bob Vrabel

Chair Mattheis welcomed Commissioner Heinitz back to the Planning Commission.

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 Mattheis called for the public hearing to consider the request for 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.; File Number: 08-U-07)

Planning Manager Pirnejad gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval.

Chair Mattheis asked about the title on the Resolution stating that this license is for Taqueria Santa Cruz located at 2533 West Kettleman Lane Suite 403. Planning Manager Pirnejad stated that the resolution for Taqueria Santa Cruz was used as a boiler plate and the incorrect information in the title was missed, but will be changed to Midtown Taqueria located at 1040 West Kettleman Lane Suite 4.

Chair Mattheis asked if the restaurant was currently open. Senior Planner Morimoto stated that the restaurant that was operating in that location has been closed for several months.

Commissioner Heinitz stated that he has some concerns regarding the fact that the applicant is not present and there has been bad history in the area. He would like to the item continued to another date when the applicant can be present.

Commissioner Olson has some questions of the applicant as well regarding the menu showing tequila, but the license request is for a type 41 (beer and wine). Vice Chair Kiser and Commissioner Hennecke agreed.

Hearing Opened to the Public

- None

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Vice Chair Kiser, Heinitz second, continued the request for 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 to a date certain of July 23, 2008. The motion carried by the following vote:

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

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Mattheis called for the public hearing to consider the request for the Planning Commission to amend conditions of approval for the project site plan and architecture for the building located at 335 East Kettleman Lane (Applicant, Kenneth J. Gini, File # 07-SP-02).

Planning Manager Pirnejad gave a brief PowerPoint presentation based on the staff report. He also pointed out that staff did receive a letter of concern (attached to be back of the minutes) from Mr. Marchick. Staff is recommending approval.

Commissioner Heinitz stated that he feels that the applicant has tried to meet all the original conditions in good faith and after a visit to the site feels the project is well done.

Vice Chair Kiser stated that he also visited the site and believes that the roll-up doors are too narrow to drive a car through. He also feels that the project has enhanced the area.

Commissioner Olson asked if the intent was to make the roll-up doors ADA accessible. Chair Mattheis stated it was not.

Hearing Opened to the Public

- Ken Gini, applicant, came forward to answer questions. He stated that his intent was to meet the requirements set by the Planning Commission. Mr. Gini also stated that the doors will remain closed.

Public Portion of Hearing Closed

- Chair Mattheis stated his appreciation that the applicant has been working with staff to get the conditions modified.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the request for the Planning Commission to amend conditions of approval for the project site plan and architecture for the building located at 335 East Kettleman Lane as stated in Resolution P.C. 08-17. The motion carried by the following vote:

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

Chair Mattheis thank Bob Vrabel, Building Inspector, for attending the meeting.

Vice Chair Kiser asked for a copy of the ADA regulations used to determine access requirements for this project. Building Inspector Vrabel handed Vice Chair Kiser a copy.

Planning Manager Pirnejad noted that Mr. Doumit, applicant for item 3a has arrived.

4. PLANNING MATTERS/FOLLOW-UP ITEMS

- a. Update Planning Commission on Vineyard Christian Middle School Use Permit, 2301 West Lodi Avenue.

Planning Manager Pirnejad stated that this item and the next are for information only and are in response to discussions had with Commissioners. Staff thought that bringing items of a controversial nature back to the Commission would help to show what has worked and what hasn't.

Commissioner Heinitz stated that out of the three major objectors of the project two have moved and the grand-daughter of the third is attending the school.

Planning Manager Pirnejad gave a brief PowerPoint presentation based on the staff report.

- b. Update Planning Commission on Wine Country Card Room Use Permit, 1800 South Cherokee Lane.

Planning Manager Pirnejad gave a brief PowerPoint presentation based on the staff report.

Vice Chair Kiser asked who owns the ABC License for the bar. Planning Manager Pirnejad stated that a different person owns the license. Vice Chair Kiser stated that that was not how it was presented.

Item Opened for Public Comment

- Steven Schnider, Lawyer for the applicant came forward to clear up the ABC License question. The ownership of the bar in the current location is owned by the same person that owns the cardroom. There is a different owner for the bar on Sacramento Street.

Public Portion Closed

- c. Appoint two representatives from the Planning Commission to attend Development Code Update workshop style meetings.

Planning Manager Pirnejad stated that this item is to ask for two volunteers from the Commission to sit in on meetings with the development community regarding the Flag Lot Development Code item.

Chair Mattheis asked if these meetings are going to be noticed. Planning Manager Pirnejad stated that they will not be noticed. Chair Mattheis asked if there would be any benefit to having these meetings be noticed and open to the public. Planning Manager Pirnejad stated that after the initial meeting the item will then be brought back as a noticed public hearing for the public to voice their opinions.

Commissioner Heinitz and Vice Chair Kiser volunteered to sit in on the Flag Lot meetings.

5. ANNOUNCEMENTS AND CORRESPONDENCE

Planning Manager Pirnejad welcomed Randy Heinitz to the Commission.

Chair Mattheis reminded the Commission that there should not be any discussion of agenda items prior to the meeting being called to order.

6. ACTIONS OF THE CITY COUNCIL

- a. Chair Mattheis stated that questions can be asked regarding the summary memo in the packet.

Planning Manager Pirnejad pointed out a few items of interest.

7. GENERAL PLAN UPDATE/DEVELOPMENT CODE UPDATE

- a. Discussion of possible Heritage Tree Ordinance.

Chair Mattheis stated his disappointment in the City Leaders for not recognizing the necessity of a Tree Ordinance. He also stated that he is in favor of having a Heritage Tree Ordinance.

Commissioner Heinitz stated his favor for having a Vintage (Heritage) Tree Ordinance. There are several trees that come to mind on the east side of town that preserving them would work in well with any Redevelopment Plan. He also feels that cutting them down in the name of Redevelopment would be a sin. He would like to see the City Council take another look at a Vintage (Heritage) Tree Ordinance. It is hypocrisy for the City to call itself a Tree City and not have a Vintage Tree Ordinance.

Commissioner Olson stated that she does not understand why the Council made the decision that they did and agrees that Lodi should have some kind of Tree Ordinance.

Chair Mattheis stated that cutting down that old Cypress for the Gini Project over on Kettleman Lane is what brought the lack of a Tree Ordinance to light for him.

Vice Chair Kiser stated that another lot on Locust Street just recently cut down an old Cypress and agreed that a Tree Ordinance is necessary.

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Planning Manager Pirnejad stated that the Council felt a Tree Ordinance was necessary, but had a hard time getting around the idea of mandating private property rights and requiring residences to monitor how they effect on site trees as they remodel or expand.

Commissioner Heinitz pointed out that many other cities have these types of ordinances and asked if staff looked at any of them. Pirnejad stated that staff did look at other cities' ordinances and found that there are many different types; some are for specific trees others for take size into consideration.

Chair Mattheis stated that it sounds like the Commission is in agreement to incorporate some sort of tree preservation into the new Development Code. Everyone agreed.

Planning Manager Pirnejad stated that staff along with the Planning Commission Representative, Vice Chair Kiser, is meeting with people from the community that have expressed an interest in the Flag Lot Ordinance.

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. REORGANIZATION

a. Planning Commission Chair & Vice Chair

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Olson second, approved the appointment of Commissioner Kiser to the position of Chair by a unanimous vote.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Hennecke, Kiser second, approved the appointment of Commissioner Cummins to the position of Vice Chair by a unanimous vote.

b. Appoint Planning Commission Representative to SPARC, Art In Public Places, and Greenbelt Task Force.

SPARC

Commissioner Kiser volunteered to stay on SPARC. Chair Mattheis pointed out that tradition is to have the Vice Chair be the representative to this committee and would like to first see if Commissioner Cummins has any objections or conflicts to taking this seat before taking any other nominations. Everyone agreed.

Planning Manager Pirnejad stated that in Commissioner Cummins' email he states that he is already sitting on the Greenbelt Task Force.

Art In Public Places

Chair Mattheis stated that because Commissioner Kirsten was recently appointed to this committee that he should remain the representative.

Greenbelt Task Force

Commissioner Heinitz mentioned that maybe Commissioner Mattheis would like to sit on this one. Chair Mattheis would like to wait until the next meeting for nomination on this item considering

Continued

Commissioner Cummins is already a member and wouldn't want to bump him off if it was his desire to remain a member.

13. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:57 p.m.

ATTEST:

Kari Chadwick
Community Development Department Secretary