



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Set a Public Hearing for November 16, 2005 to consider an appeal of the Planning Commission's decision to deny the request of Kirk Smith on behalf of Velvet Grill for a Use Permit (U-05-011) to allow a Type 41 Alcoholic Beverage License for on sale beer and wine with a restaurant at 1421 South Ham Lane, Suite A.

MEETING DATE: November 2, 2005

PREPARED BY: Associate Planner, Mark Meissner

RECOMMENDED ACTION: That the City Council sets a Public Hearing for November 16, 2005 to consider an appeal of the Planning Commission's decision to deny the request of Kirk Smith on behalf of Velvet Grill for a Use Permit (U-05-011) to allow a Type 41 Alcoholic Beverage License for on sale beer and wine with a restaurant at 1421 South Ham Lane, Suite A.

FUNDING: None

A handwritten signature in cursive script, appearing to read "Randy Hatch".

Randy Hatch
Community Development Director

MM/RH/kjc

APPROVED: Blair King, City Manager

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

BLAIR KING, City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

September 26, 2005

Kirk Smith
Velvet Grill
1421 S. Ham Lane
Lodi, CA 95242

**APPEAL OF PLANNING COMMISSION DECISION (09-14-05):
To deny a Use Permit to allow a Type 41 Alcoholic Beverage Control
License for on sale beer and wine with eating establishment at 1421 S. Ham Ln.**

The City Clerk's Office is in receipt of your correspondence regarding the above subject dated September 26, 2005, which has been timely filed in accordance with Lodi Municipal Code 17.72.110. This letter is to inform you that in addition to providing a copy to the City Council we have forwarded your correspondence to the following departments for information, referral, or handling: 1) City Manager, 2) City Attorney, and 3) Community Development Department.

Your check in the amount of \$300 to appeal the decision of the Planning Commission was forwarded to the Community Development Department. You will be notified in writing of the date this matter will be considered by the City Council.

Should you have any questions regarding this, please contact the City Clerk's Office at (209) 333-6702.

Sincerely,



Susan J. Blackston
City Clerk

cc w/enclosure: City Manager
City Attorney
Community Development Department
City Council

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
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BLAIR KING, City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

October 28, 2005

Kirk Smith
Velvet Grill
1421 S. Ham Lane
Lodi, CA 95242

**APPEAL OF PLANNING COMMISSION DECISION (09-14-05)
To deny a Use Permit (U-05-011) to allow a Type 41 Alcoholic Beverage
Control License for on sale beer and wine with a restaurant at
1421 S. Ham Lane, Suite A**

This is to notify you that at the City Council meeting of November 2, 2005 at 7:00 p.m. or as soon thereafter as the matter can be heard, in the Council Chamber, at the Carnegie Forum, 305 West Pine Street, Lodi, the Council will consider setting the date for the public hearing pertaining to the above matter.

Enclosed is a copy the November 2, 2005 City Council agenda and staff report related to Consent Calendar Item E-12 as prepared by the Community Development Department. The Community Development Department is recommending that the hearing be scheduled for **November 16, 2005**. Please note that prior to voting on the Consent Calendar the Mayor will offer an opportunity to the public to make comments. Should you wish to do so, please submit a "Request to Speak" card (*available in the Carnegie Forum*) to the City Clerk prior to the opening of the meeting.

Should you have any questions, please contact me at 333-6702, or the Community Development Department at 333-6711.



Susan J. Blackston
City Clerk

cc: Community Development Department



**Please immediately confirm receipt
of this fax by calling 333-6702**

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: **SPECIAL NOTICE OF PUBLIC HEARING FOR NOVEMBER 16, 2005**, Consider an appeal of the Planning Commission's decision to deny the request of Kirk Smith on behalf of Velvet Grill for a use permit (U-05-011) to allow a Type 41 Alcoholic Beverage License for on sale beer and wine with a restaurant at 1421 South Ham Lane, Suite A

LEGAL AD

PUBLISH DATE: November 5, 2005

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY NOVEMBER 3, 2005

ORDERED BY: SUSAN J. BLACKSTON
CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK


DANA R. CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 11:55 AM (time) on 11/3/05 (date) 2 (pages)
DIANE Phoned to confirm receipt of all pages at 3:00 PM (time) JLT DFC JMP (initials)



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 16, 2005

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, November 16, 2005** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) to consider an appeal of the Planning Commission's decision to deny the request of Kirk Smith on behalf of Velvet Grill for a Use Permit (U-05-011) to allow a Type 41 Alcoholic Beverage License for on sale beer and wine with a restaurant at 1421 South Ham Lane, Suite A

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston
 City Clerk

Dated: November 2, 2005.

Approved as to form:

D. Stephen Schwabauer
 City Attorney



DECLARATION OF MAILING

PUBLIC HEARING FOR NOVEMBER 16, 2005, CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY THE REQUEST OF KIRK SMITH ON BEHALF OF VELVET GRILL FOR A USE PERMIT (U-05-011) TO ALLOW A TYPE 41 ALCOHOLIC BEVERAGE LICENSE FOR ON SALE BEER AND WINE WITH A RESTAURANT AT 1421 SOUTH HAM LANE, SUITE A.

On November 3, 2005, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Consider an Appeal of the Planning Commission's decision to deny the request of Kirk Smith on behalf of Velvet Grill for a use permit (U-05-011) to allow a Type 41 Alcoholic Beverage License for on sale beer and wine with a restaurant at 1421 South Ham Lane, Suite A

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

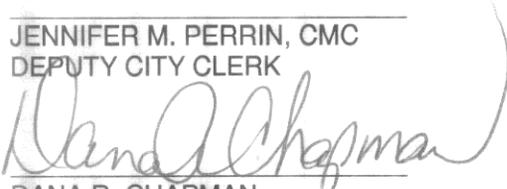
Executed on November 3, 2005, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK



DANA R. CHAPMAN
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK



DECLARATION OF POSTING

PUBLIC HEARING FOR NOVEMBER 16, 2005, CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY THE REQUEST OF KIRK SMITH ON BEHALF OF VELVET GRILL FOR A USE PERMIT (U-05-011) TO ALLOW A TYPE 41 ALCOHOLIC BEVERAGE LICENSE FOR ON SALE BEER AND WINE WITH A RESTAURANT AT 1421 SOUTH HAM LANE, SUITE A.

On Thursday, November 3, 2005, in the City of Lodi, San Joaquin County, California, a notice of public hearing to Consider an Appeal of the Planning Commission's decision to deny the request of Kirk Smith on behalf of Velvet Grill for a use permit (U-05-011) to allow a Type 41 Alcoholic Beverage License for on sale beer and wine with a restaurant at 1421 South Ham Lane, Suite A

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 3, 2005, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK



DANA R. CHAPMAN
ADMINISTRATIVE CLERK