



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to consider the Planning Commission's recommendation that the City Council approve a Zone Change and a General Plan Amendment for the publicly zoned portion of 16891 North Lower Sacramento Road. The requested change in zoning is from PUB, Public to R-2, Residential Single-Family and the requested General Plan Amendment is from PQP, Public Quasi Public to LDR, Low Density Residential.

MEETING DATE: August 19, 1998

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council approve the Planning Commission's recommendation to approve a Zone Change, a General Plan Amendment, and certify a Negative Declaration for the above stated property.

BACKGROUND INFORMATION: This is a request for a Rezone and General Plan Amendment for a school site which is no longer required by the Lodi Unified School District. The school site is a portion of Lodi West Unit No. 5, a 121 single-family residential lot subdivision. Lodi West Unit No. 5, is approximately 25.4 acres in size and is located at 16891 North Lower Sacramento Road. The project site is generally located north of the residences under construction on Douglas Fir Drive, south of West Elm Street, east of the residences under construction on Elderica Way, and west of Lower Sacramento Road. Unit No. 5 makes up approximately one-third of the total single-family lots approved and allocated for the Lodi West Development Plan.

In December of 1997, the City Council approved the recommendation of the Planning Commission to amend the development plan for Lodi West to integrate 53 additional single-family lots into the original 284 unit development plan creating a new total of 337 lots. The development plan amendment created a single-family subdivision on what was originally reserved as an 11-acre school site. The issue was prompted by the Lodi Unified School District (LUSD) who chose not to purchase the school site and lifted their reservation on the property. As a condition of approval to the development plan amendment, the school site's General Plan land use designation and zoning were required to be amended for consistency with the proposed single-family residential subdivision.

Lodi West, Unit No. 5, has an average lot size of around 6,200 square feet, which is consistent with the proposed rezoning request and with the existing R-2, Single-Family zoning of the surrounding properties. R-2 zoning requires a minimum lot size of 5,000 square feet; all of the proposed lots exceed this minimum. The lots of Unit No. 5 are simply a continuation of the approved Lodi West Development Plan.

APPROVED: _____

H. Dixon Flynn -- City Manager

Council Communication

Meeting Date: August 19, 1998

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The Planning Commission held a public hearing on July 8, 1998 where they approved the Lodi West, Unit No. 5, Tentative Subdivision Map, and recommended approval of this General Plan Amendment, Zone Change, and certification of Negative Declaration ND-98-04. Given that the school site is no longer reserved by the school district, that there is an approved single-family residential development plan for the site, as well as an approved Tentative Subdivision Map in substantial conformance with the development plan, staff feels the General Plan Amendment and Rezone are a formality.

FUNDING: None required

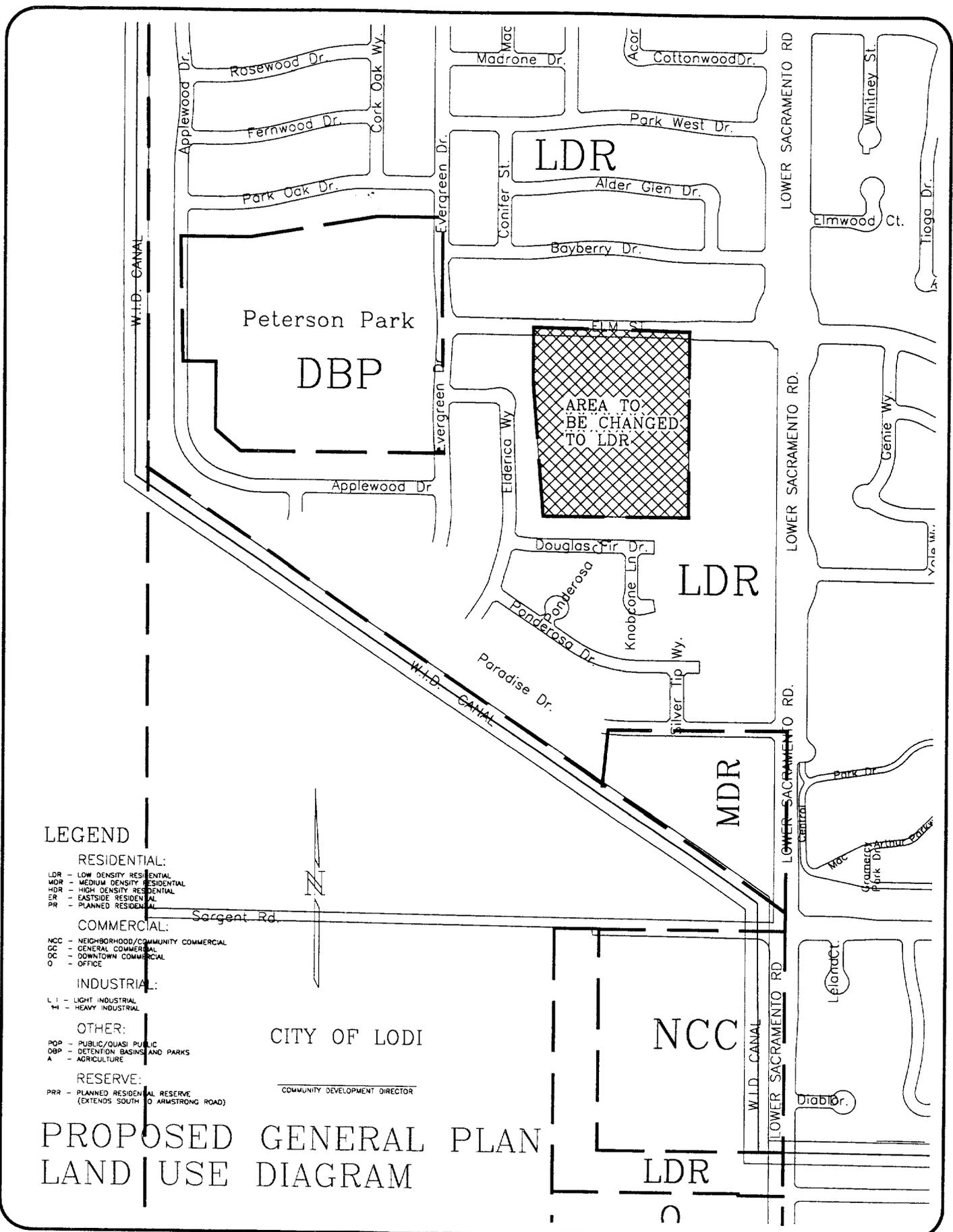


Konradt Bartlam
Community Development Director

Prepared by: Mark G. Meissner, Associate Planner

MM/mm

Attachments



LEGEND

- RESIDENTIAL:**
- LDR - LOW DENSITY RESIDENTIAL
 - MDR - MEDIUM DENSITY RESIDENTIAL
 - HDR - HIGH DENSITY RESIDENTIAL
 - ER - EASTSIDE RESIDENTIAL
 - PR - PLANNED RESIDENTIAL

- COMMERCIAL:**
- NCC - NEIGHBORHOOD/COMMUNITY COMMERCIAL
 - CC - GENERAL COMMERCIAL
 - DC - DOWNTOWN COMMERCIAL
 - O - OFFICE

- INDUSTRIAL:**
- LI - LIGHT INDUSTRIAL
 - HI - HEAVY INDUSTRIAL

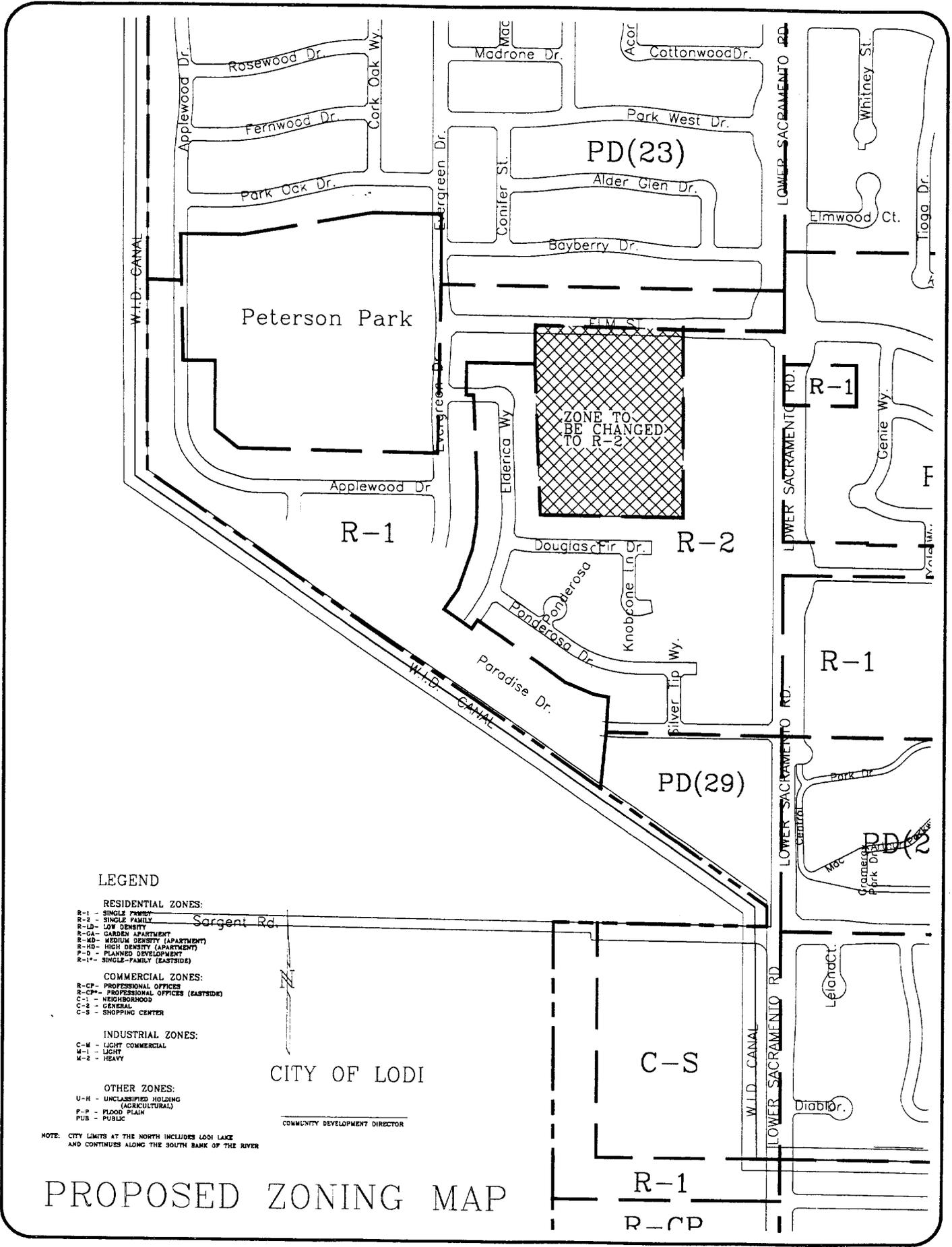
- OTHER:**
- POP - PUBLIC/QUASI PUBLIC
 - DBP - DETENTION BASINS AND PARKS
 - A - AGRICULTURE

- RESERVE:**
- PRR - PLANNED RESIDENTIAL RESERVE (EXTENDS SOUTH TO ARMSTRONG ROAD)

CITY OF LODI

COMMUNITY DEVELOPMENT DIRECTOR

**PROPOSED GENERAL PLAN
LAND USE DIAGRAM**



LEGEND

- RESIDENTIAL ZONES:**
- R-1 - SINGLE FAMILY
 - R-2 - SINGLE FAMILY
 - R-LD - LOW DENSITY
 - R-GA - GARDEN APARTMENT
 - R-MD - MEDIUM DENSITY (APARTMENT)
 - R-HD - HIGH DENSITY (APARTMENT)
 - P-D - PLANNED DEVELOPMENT
 - R-1* - SINGLE-FAMILY (EASTSIDE)

- COMMERCIAL ZONES:**
- R-CP - PROFESSIONAL OFFICES
 - R-CP* - PROFESSIONAL OFFICES (EASTSIDE)
 - C-1 - NEIGHBORHOOD
 - C-2 - CENTRAL
 - C-S - SHOPPING CENTER

- INDUSTRIAL ZONES:**
- C-M - LIGHT COMMERCIAL
 - M-1 - LIGHT
 - M-2 - HEAVY

- OTHER ZONES:**
- U-H - UNCLASSIFIED HOLDING (AGRICULTURAL)
 - F-P - FLOOD PLAIN
 - PUB - PUBLIC

CITY OF LODI

COMMUNITY DEVELOPMENT DIRECTOR

NOTE: CITY LIMITS AT THE NORTH INCLUDES LODI LAKE AND CONTINUES ALONG THE SOUTH BANK OF THE RIVER

PROPOSED ZONING MAP

MINUTES
LODI CITY PLANNING COMMISSION
CARNEGIE FORUM
305 WEST PINE STREET
LODI, CALIFORNIA

WEDNESDAY

July 8, 1998

7:00 P.M.

The Planning Commission met and was called to order by Chairman McGladdery.

Commissioners Present: John Borelli, Tim Mattheis, Craig Rasmussen, Dorean Rice, John Schmidt, and Chairman McGladdery. ROLL CALL

Commissioners Absent: Roger Stafford

Others Present: Konradt Bartlam, Community Development Director, John Luebberke, Deputy City Attorney, Eric Veerkamp, Associate Planner, and Lisa Wagner, Secretary.

The minutes of June 10, 1998 were approved as mailed with Commissioner Borelli abstaining from the vote.

MINUTES
June 10, 1998

PUBLIC HEARING

Request of Frontier Development for approval of a General Plan Amendment from PQP, Public/Quasi Public to LDR, Low Density Residential; a Rezone from PUB, Public to R-2, Residential Single-Family; and a Tentative Subdivision Map for Lodi West, Unit No. 5.

Request of Frontier
Development for
approval of a
General Plan
Amendment,
Rezone, and
Tentative
Subdivision Map
for Lodi West, Unit
No. 5

Certify the filing of Negative Declaration by the Community Development Director as adequate documentation on the Rezone, General Plan Amendment and Tentative Subdivision Map for Lodi West, Unit No. 5. Community Development Director Bartlam presented this matter to the Commission. He noted that this was a 25 1/2 acre project site known as a portion of Lodi West. Approximately 11 acres currently zoned PUB, Public was being changed to R-2, Residential Single-Family due to the Lodi Unified School District releasing their reservation on the proposed school site due to financial reasons. For consistency, the same area requires a General Plan Land Use Map amendment from PQP, Public/Quasi Public to LDR, Low-Density Residential. The proposed tentative map relots this area previous reserved for a school site, which the Commission reviewed during the Growth Management process. Fifty-three (53) allocations were given to the project. Any action involving the General Plan Amendment and Rezone would have to be approved by the City Council in their final form. Staff was recommending approval of the project.

HEARING OPENED TO PUBLIC

Steve Pechin, Baumbach & Piazza, Inc. Mr. Pechin is the Project Engineer. He stated that he was in agreement with all the conditions noted on the Resolution. He further stated that the project is a natural progression of the Lodi West Subdivision.

Commissioner Mattheis questioned Mr. Pechin on whether his client was in favor of

duplexes not being allowed with this Tentative Map. Mr. Pechin responded that his client did not have a problem with any of the conditions on the Resolution including the one that excluded duplexes from corner lots for the project.

Tom Douchette, 247 River Oaks Drive, Lodi. He stated that Frontier had no desire to place duplexes on corner lots. Frontier is now building six different style homes with various elevations.

Steven Jarret, 2681 Douglas Fir, Lodi. He asked that there only be single-family zoning given to the project. If something were to happen to Frontier, then he asked that the R-2 zoning be lifted from the project. Community Development Director Bartlam clarified that the proposed zoning was for single-family and the difference between R-1 and R-2 was the minimum lot size and that duplexes can be built on corner lots in the R-2 zoning. He further pointed out that the R-2 zoning was consistent with the rest of the subdivision.

George Bradley, 37 Elderica, Lodi. Mr. Bradley voiced his desire that duplexes not be allowed on corner lots. He also asked that should a different developer take over the project, that the residents be notified of any possible changes to the current zoning.

Commissioner Schmidt noted that on the Resolution, Item VII, No. 4f, should read "Off-site" improvements listed in Item #6, instead of "Off-site" improvements listed in Item #3.

Hearing Closed to the Public

The Planning Commission on motion of Commissioner Rasmussen, Schmidt second, certified the filing of a Negative Declaration by the Community Development Director as adequate documentation on the Rezone, General Plan Amendment and Tentative Subdivision Map for Lodi West, Unit No. 5.

AYES: Commissioners: Borelli, Mattheis, Rasmussen, Rice, Schmidt, and
Commissioner McGladdery

NOES: Commissioners:

ABSENT: Commissioners Stafford

ABSTAIN:

The Planning Commission on motion of Commissioner Rasmussen, Schmidt second, that the Commission recommend to the City Council approval of a General Plan Amendment from PQP, Public/Quasi Public to LDR, Low Density Residential; a Rezone from PUB, Public to R-2, Residential Single-Family; and a Tentative Subdivision Map for Lodi West, Unit No. 5. with a correction to Item 4f of the Resolution that should read "Off-site" improvements listed in Item #6.

AYES: Commissioners: Borelli, Mattheis, Rasmussen, Rice, Schmidt, and
Commissioner McGladdery

NOES: Commissioners:

ABSENT: Commissioners Stafford

ABSTAIN:

Revocation hearing for a Use Permit approved by the Planning Commission allowing a

RESOLUTION NO. P.C. 98-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI TO CERTIFY NEGATIVE DECLARATION, ND-98-04, AND TO RECOMMEND APPROVAL OF GENERAL PLAN LAND USE AMENDMENT, 98-2 AND REZONE, Z-98-03 TO THE CITY COUNCIL OF THE CITY OF LODI, SUBJECT TO CONDITIONS AS SET FORTH HEREIN.

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, to certify Negative Declaration ND-98-04 as adequate environmental documentation, and to recommend approval of General Plan Land Use Amendment 98-2, and Rezone, Z-98-03 to the City Council of the City of Lodi in accordance with the California Environmental Quality Act and Government Code.

WHEREAS, the subject property is generally located at 16891 North Lower Sacramento Road, Lodi, CA, APN 029-380-10;

WHEREAS, the property is zoned R-2, Single-Family Residential and PUB, Public;

WHEREAS, the project proponent is Frontier Development, 2375 West March Lane, Stockton, CA;

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows.

1. Negative Declaration, File Number ND-98-04 has been prepared and advertised in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in this Resolution.
2. It is hereby found that the site is physically suitable for the proposed type of development.
3. It is further found that the site is physically suitable for the proposed density of the development.
4. It is found that approval of the General Plan Land Use Amendment and Rezone will result in good Planning practice.

5. The Planning Commission of the City of Lodi hereby recommends approval of General Plan Land Use Amendment 98-2, and Rezone request Z-98-03 to the City Council of the City of Lodi.

Dated: July 8, 1998

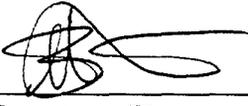
I hereby certify that Resolution No. 98-14 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on July 8, 1998 by the following vote:

AYES: Commissioners: Borelli, Mattheis, Rasmussen, Rice, Schmidt,
and McGladdery

NOES:

ABSENT: Commissioners: Stafford

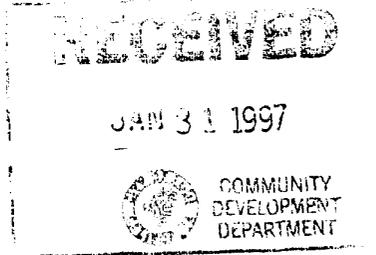
ABSTAIN:

ATTEST: 
Secretary, Planning Commission



LODI UNIFIED SCHOOL DISTRICT

FACILITY PLANNING DEPARTMENT
1305 East Vine Street, Lodi, California 95240



January 24, 1997

Konradt Bartlam
Community Development Director
City of Lodi
PO Box 3006
Lodi CA 95241-1910

RE: Northwest Lodi School Site - Batch Property

Dear Mr. Bartlam:

Mr. Robert Batch, present owner of the designated school site in the Lodi West subdivision, has informed the District that it is potentially his intention to proceed with measures to develop the property for residential purposes. Mr. Batch has maintained an open line of communication with the School District since expiration of the school reservation condition on his tentative map.

As the northwest area of Lodi develops, and particularly if there are to be future changes in the District's elementary school calendar, this site will be needed for an elementary school. However, the District Board and staff are aware that the reservation time has expired and we have informed Mr. Batch that at the present time and in the foreseeable future, we do not have the funds for acquisition of this site. Available funds are being used for higher priority projects in other areas of the city. Although this is a good location for a future elementary school and the District would very much like to retain it as such, the District will not oppose landowner efforts to obtain alternative land use designation for the subject property.

If you have any questions or I may provide additional information, please do not hesitate to contact me.

Sincerely,

Mary Joan (Mamie) Starr
Administrative Director of Facilities and Planning

MJS/ct

Attachment

cc: Mr. Robert Batch

RESOLUTION NO. 98-130

A RESOLUTION OF THE LODI CITY COUNCIL AMENDING
THE LAND USE ELEMENT OF THE LODI GENERAL PLAN BY
REDESIGNATING THE PUBLICLY ZONED PORTION OF
16891 NORTH LOWER SACRAMENTO ROAD FROM PQP,
PUBLIC QUASI PUBLIC, TO LDR, LOW DENSITY
RESIDENTIAL

=====

BE IT RESOLVED, by the City Council of the City of Lodi, that the Land Use Element of the Lodi General Plan is hereby amended by redesignating the publicly zoned portion of 16891 North Lower Sacramento Road from PQP, Public Quasi Public, to LDR, Low Density Residential, as shown on the Vicinity Map on file in the office of the Lodi City Clerk.

BE IT FURTHER RESOLVED that a Negative Declaration has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in their Resolution No. 98-14.

Dated: August 19, 1998

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I hereby certify that Resolution No. 98-130 was passed and adopted by the Lodi City Council in a regular meeting held August 19, 1998 by the following vote:

AYES: COUNCIL MEMBERS - Johnson, Land, Mann, Pennino and Sieglock
(Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


ALICE M. REIMCHE
City Clerk

ORDINANCE NO. 1663

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING THE PUBLICLY ZONED PORTION OF 16891 NORTH LOWER SACRAMENTO ROAD, FROM PUB, PUBLIC TO R-2, RESIDENTIAL SINGLE-FAMILY

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

The publicly zoned portion of 16891 North Lower Sacramento Road is hereby rezoned from PUB, Public to R-2, Residential Single-Family, as shown on the Vicinity Map, on file in the office of the City Clerk.

Section 2. A Negative Declaration has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in their Resolution No. 98-14.

Section 3 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

Section 6. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 7. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 1998

JACK A. SIEGLOCK
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1663 was introduced at a regular meeting of the City Council of the City of Lodi held August 19, 1998 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1998 by the following vote:

Ayes:	Council Members -
Noes:	Council Members -
Absent:	Council Members -
Abstain:	Council Members -

I further certify that Ordinance No. 1663 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form:

RANDALL A. HAYS
City Attorney



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: August 19, 1998

Time: 7:00 p.m.

For information regarding this notice please contact:

Alice M. Reimche

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, August 19, 1998** 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 to consider the following matter:

- a) Planning Commission's recommendation that City Council adopt a Rezone and General Plan Amendment for the publicly zoned portion of 16891 North Lower Sacramento Road from PUB, Public to R-2, Residential Single-Family and the requested General Plan Amendment is from PQP, Public Quasi Public to LDR, Low Density Residential.

Information regarding this item may be obtained in the office of the Community Development Department Director, 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 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 Public Hearing.

By Order of the Lodi City Council:

Alice M. Reimche
City Clerk

Dated: August 5, 1998

Approved as to form:

Randall A. Hays
City Attorney