



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Conduct public hearings to consider:

1. The request of Plummer Pontiac, 1011 S. Cherokee Lane, for a General Plan Amendment and Rezone of the rear .57 acre portion of the 3.45 acre parcel from ER, Eastside Residential to GC, General Commercial and rezone the property from R-1*, Single-Family, Eastside to C-2, General Commercial to allow for construction of a 4,800 square foot body/paint shop on the newly zoned property.
2. Appeal of Use Permit U-96-01, a request of Plummer Pontiac, to construct an automobile body and paint facility in an area zoned C-2, General Commercial.

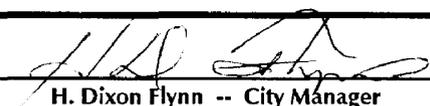
MEETING DATE: June 19, 1996

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council conduct a public hearing to consider the Planning Commission's recommendation to approve the applicant's request for a General Plan Amendment and Zone Change. Further, it is recommended that the City Council uphold the Commission action related to the appeal of Use Permit U-96-01.

BACKGROUND INFORMATION: The zoning for this property as shown was established in 1966. At that time, the easterly 100 feet of the property adjacent to Garfield Street was designated R-4, Multiple Family Residential in order to provide a land use barrier and to restrict commercial traffic from direct access to Garfield Street. The adjacent property to the south was subsequently built with an automobile dealership and apartments on the rear as the zoning contemplated. The subject property, however, has used the residentially zoned property for parking and storage of automobiles since the dealership was constructed in 1967. The zoning concept established in 1966 was the correct approach, but the City's zoning ordinance allows residentially zoned property to be used in such a manner that defeated the original intent. Today, the property, as viewed from the residential neighborhood, is an eyesore. A required twenty foot landscaped setback adjacent to Garfield has never been maintained and the six foot high chain link fence with wood slats does an inadequate job of screening the dealership operations from Garfield Street. Moreover, access to Garfield was never prohibited and now is required for safe and efficient circulation.

APPROVED: _____


H. Dixon Flynn -- City Manager

Council Communication

Meeting Date: June 19, 1996

Page 2

Staff's initial thought on this application was not positive. As mentioned, the initial concept of providing a buffer for neighborhood protection was good. In practice, the zoning allows for the current condition which is tolerable, but could be made better.

Further, since the zoning on this area of the City was reduced, the property owner now has the ability to construct approximately six single family units which would back up to the current auto body and paint building and have apartments on either side. Clearly, this is not a preferred situation. Based on the facts surrounding the issue, staff believes that the best course of action is to improve the current condition while trying to achieve the goals of the applicant and preserve the neighborhood to the west of the subject property.

The issues raised at the Planning Commission hearing centered on the applicant's current operation and not the potential expansion of the body and paint facility. As outlined in the minutes from the meeting, residents on Mission Street and Garfield Street complained about the speed and use of the street for "test driving" of cars that are being repaired in the service operation.

The Commission, in their deliberations, felt that the pre-existing problems would not be exacerbated by the proposal. Further, they felt that with a modification to the drive location, access down Mission Street may be relieved. The Commission suggested that Mr. Plummer deal with the off-site issues mentioned in an appropriate manner.

FUNDING: None Required



Konradt Bartlam
Community Development Director

KB/lw

Attachments

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: May 13, 1996

APPLICATION NO: General Plan Amendment GPA 96-2, Zoning Change Z-96-02, Use Permit 96-01, and Negative Declaration ND-96-03

REQUEST: To change the General Plan and Zone designation in order to allow for construction of a 4,800 square foot body/paint shop on the newly zoned property.

LOCATION: 1011 S. Cherokee Lane

APPLICANT: Plummer Pontiac Cadillac GMC Inc.
1011 S. Cherokee Lane
Lodi, CA 95240

PROPERTY OWNER: Dennis W. Plummer
1011 S. Cherokee Lane
Lodi, CA 95240

Site Characteristics:

General Plan Designation: ER, Eastside Residential
Zoning Designation: R-1* Single Family (Eastside)
Property Size: 110' x 250' (27,500 square feet)

Adjacent Zoning and Land Use:

North: R-1*, Single Family Residential (Eastside)/Apartments
South: R-1*, Single Family Residential (Eastside)/Apartments
East: C-2, General Commercial/Plummer Pontiac
West: R-1*, Single Family Residential (Eastside)/Single Family Residences

Neighborhood Characteristics:

The area to the north and south is developed with a mix of apartments and single family residences. To the west, houses were built in 1991/92, directly across Garfield Street. East of the subject property is Plummer Pontiac and ancillary automobile dealership uses.

ENVIRONMENTAL ASSESSMENTS:

Negative Declaration ND 96-03 was prepared for this project. No significant impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE:

Legal Notice for the General Plan Amendment and Zone Change was published on March 29, 1996. Notice for the Use Permit was published on May 3, 1996. A total of 42 notices were sent to all property owners of record within a 300 foot radius of the subject property.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend City Council approval of the General Plan Amendment and Zone change and approve the Use Permit subject to the conditions as set forth in the attached Resolution.

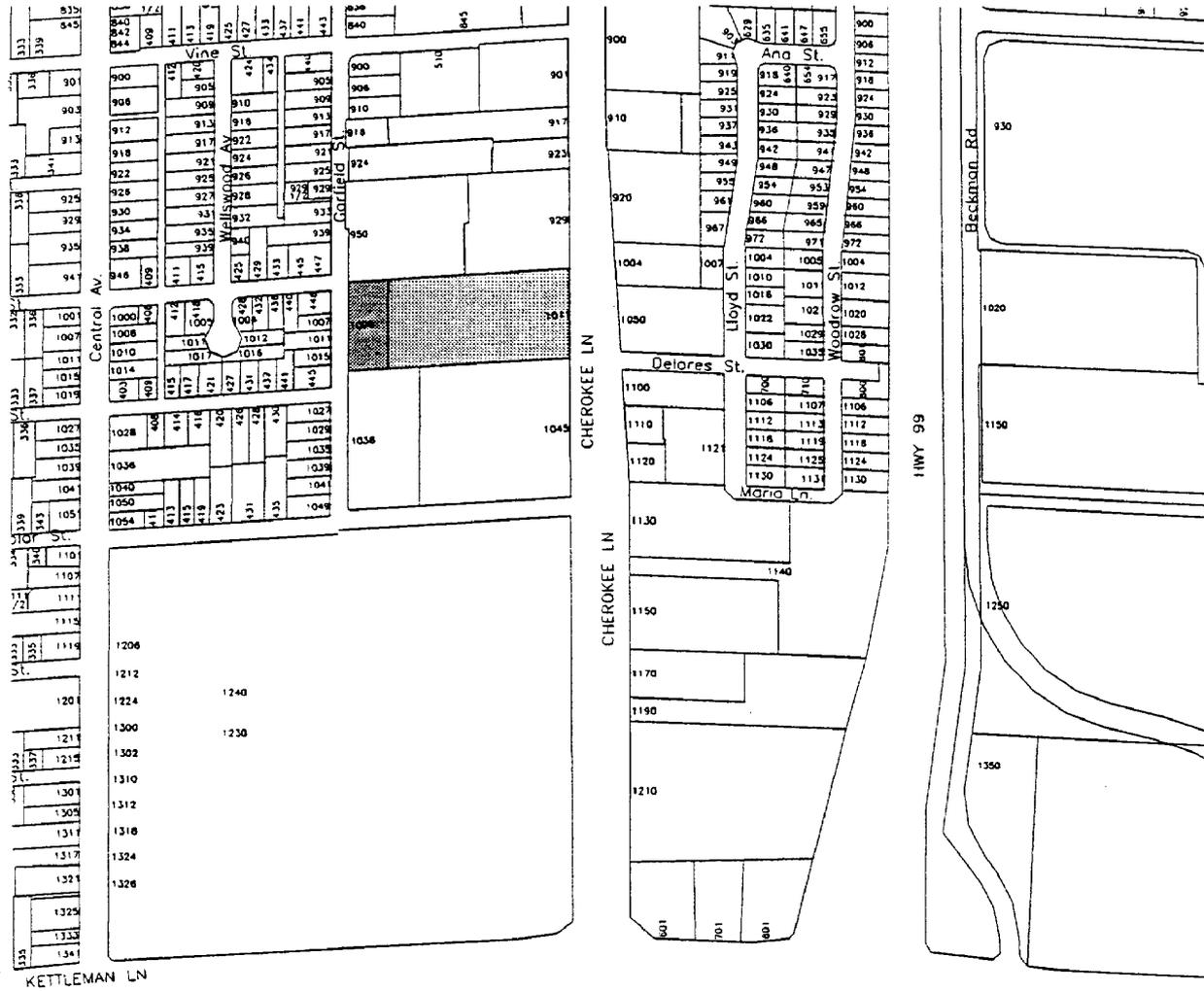
ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Recommend Denial
- Approve the Use Permit with alternate conditions
- Deny the Use Permit
- Continue the Request

ATTACHMENTS:

1. Negative Declaration 96-03
2. Vicinity Map
3. Draft Resolutions
4. Development Plan
5. Letter from Mike Smith Engineering dated April 16, 1996

VICINITY MAP



Plummer Pontiac
 Rezone R-1* to C-2
 GP Land Use Amend ER to GC
 1011 South Cherokee Lane
 Z-96-02

NEGATIVE DECLARATION

Notice is hereby given that the City of Lodi Planning Department has determined that the following proposal will have no "Significant Impact on the Environment". Supporting documentation is available in the form of a "Preliminary Environmental Assessment" and is available for public review in the Planning Department Office, City Hall Building, 221 W. Pine Street. Anyone wishing to appeal the issuance of this Declaration to the Planning Commission may do so no later than the date indicated as "Last date to Appeal".

Date: March 12, 1996
Detail/Body Shop

Project Title: Plummer Pontiac GPA/Rezone for

Responsible Agency: Lodi Planning Department Contact Person: Eric W. Veerkamp

NAME OF PERSON, FIRM, OR AGENCY UNDERTAKING PROJECT:

Address: Dennis W. Plummer/Plummer Pontiac, Cadillac, GMC; 1011 South Cherokee Lane City: Lodi County: San Joaquin

Phone: 369-3573

PROJECT DESCRIPTION OF NATURE, PURPOSE, AND LOCATION

The project consists of a General Plan Amendment and a Rezoning at Plummer Pontiac located at 1011 South Cherokee Lane, in Lodi. The proposal is to change the rear .57 acre portion of the 3.45 acre parcel from Residential, Eastside to General Commercial. If the zoning is changed, the property owners will construct a 4,800 square foot auto body/detail shop on the newly zoned property.

Project Location City
LODI

Project Location County
SAN JOAQUIN COUNTY

Last Date to Appeal: April 8, 1996

Address Where Preliminary Environmental Assessment is Available:

LODI CITY PLANNING DEPT.
221 W. Pine St., Lodi, CA 95240
Phone: (209) 334-5634

Environmental Assessment
INITIAL STUDY

1. PROJECT TITLE Plummer Pontiac Detail/Body Shop
2. LOCATION 1011 South Cherokee Lane, Lodi CA.
3. PROJECT DESCRIPTION: The Plummer Pontiac GP Amendment and Rezoning involves an approximately 110 foot by 250 foot piece of property at the western edge of the existing parcel at 1011 South Cherokee Lane. The project as proposed is to change the General Plan designation and zoning of this portion of the parcel from residential to commercial. This is necessary in order to construct a 4,800 square foot auto body/detail shop on the newly zoned land.
4. General Plan Designation (A) Existing (City), (B) Proposed
(A) ER: Eastside Residential (B) GC: General Commercial
5. Site Description and surrounding land use:

The existing 3.45 acre parcel at 1011 South Cherokee Lane contains Plummer Pontiac automobile dealership and service center. Currently housed on this piece of property is a fleet of new cars and trucks for sale, with display areas for both fleets. Also on the property is a sales office and a full service automobile repair shop. Finally, towards the rear of the property, there is an auto body and painting shop. The approximately .57 acre piece to be rezoned is at the western edge of the parcel and is currently used for short term and long term storage of miscellaneous autos, trucks, and parts.

The surrounding land uses with the exception of the eastern border, the remainder of the Plummer Pontiac dealership, are residential. On northern side of the property is the Garfield Manor, a 42 unit apartment complex. On the western side of the property across South Garfield Street are single family homes in the Wellswood Park subdivision. Finally, on the southern border of the property to be rezoned is the Village Green, a 60 unit apartment complex.
6. Zoning (A) Existing (City), (B) Proposed
(A) R-1, Eastside; Single Family Residential, (B) C-2; General Commercial Eastside

Will the Project Have a Significant Effect
Through Any of the Following Impacts?

7. a. Substantial alteration of natural topography, soil or subsoil features? NO
b. Substantially degrade surface or ground water quality? NO
c. Substantially deplete surface or ground water resources? NO
d. Substantially interfere with ground water flow or recharge? NO
e. Cause a significant affect related to flood, erosion or siltation? NO
f. Substantial interference with the habitat of any species of fish, wildlife or plant? NO
g. Violate ambient air quality standards or create substantial air emissions or objectionable odors?
NO
h. Substantially increase ambient noise or glare level for adjoining areas? NO
i. Substantial reduction of existing cropland? NO
j. Expose individuals or property to geologic, public health, traffic, flood, seismic or other hazards?
NO
k. Have a substantial, demonstrable, negative aesthetic effect? NO
l. Result in the disruption or alteration of an archeological, historical or paleontological site? NO
m. Cause or allow substantial increase in consumption in any natural resources? NO
n. Results in the use or waste of substantial amounts of fuel or energy? NO

- o. Necessitate major extensions of water, sewer, storm drain, electrical lines or public roads? **NO**
- p. Substantial increase in demand for or utilization of public services such as schools or fire or police protection? **NO**
- q. Substantially change transportation patterns related to existing traffic load, street capacity, parking availability or traffic safety? **MAYBE**
- r. Induce substantial growth, concentration or displacement of population? **NO**
- s. Result in an alteration or conflict with existing or planned land uses? **NO**
- t. Conflict with adopted plans, goals or policies of the City of Lodi? **NO**

Adverse impacts of the project and their magnitude:

See the remainder of the Initial Study on attached sheet.

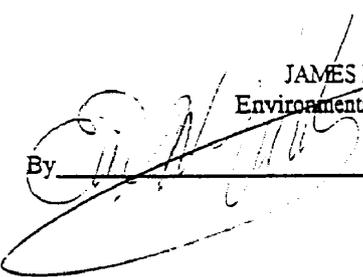
Mitigation Measures to Reduce Adverse Impacts Identified by Initial Study:

See attached portion of Initial Study.

RECOMMENDATION:

Negative Declaration

JAMES B. SCHROEDER
Environmental Review Officer

By  Date 03/12/96

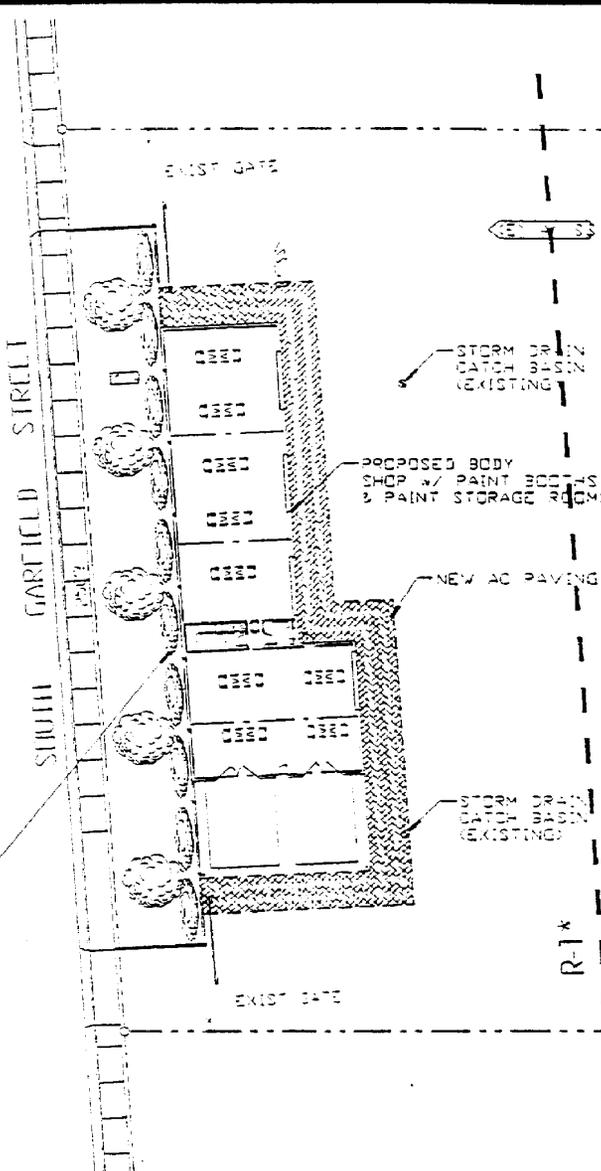
INITIAL STUDY

PLUMMER PONTIAC GPA/REZONE FOR DETAIL/AUTO BODY SHOP

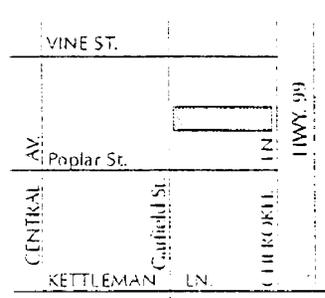
Impacts of the project and their magnitude:

q. Substantially change transportation patterns related to existing traffic load, street capacity, parking availability or traffic safety?

- 1) The project will not have an effect on transportation patterns related to existing traffic load.
- 2) The project will not have an effect on street capacity.
- 3) The project will not have an effect on traffic safety.
- 4) As stated under Goal B on page 5-3 of the General Plan Policy Document, "the City shall require an adequate number of off-street parking spaces in accordance with the City's standard". The current parking standard for general commercial and retail sales is one parking space per 500 square feet of building area. Using this standard, Plummer Pontiac will need to provide an additional 10 off-street parking spaces as a part of the project. Adverse impacts associated with changes in transportation patterns, traffic load, street capacity, parking availability, or traffic safety are mitigated to less than significant.



DETAIL NEW FABRICATING
RELOCATING PLANT



VICINITY MAP



Plummer Pontiac
 Rezone R-1* to C-2
 GP Land Use Amend ER to GC
 1011 South Cherokee Lane
 Z-96-02 4-8-96

RESOLUTION NO. P.C. 96-1

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN AMENDMENT TO
THE GENERAL PLAN AND ZONE CHANGE FOR THE WESTERLY .57 ACRES LOCATED
AT 1011 SOUTH CHEROKEE LANE FROM ER, EASTSIDE RESIDENTIAL TO GC,
GENERAL COMMERCIAL AND R-1*, SINGLE-FAMILY EASTSIDE TO C-2 , GENERAL
COMMERCIAL.**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on General Plan Amendment and Zone Change.

WHEREAS, the property is located at 1011 South Cherokee Lane.

WHEREAS, the project proponent is Dennis Plummer, 1011 South Cherokee Lane, Lodi, CA.

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Lodi as follows:

1. The Planning Commission finds that approval of the General Plan Amendment and Zone Change will result in good planning practice.
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 Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in this Resolution.
3. The Planning Commission hereby recommends to the City Council approval of an Ordinance adopting the General Plan Amendment and change of Zone as identified in this Resolution.

Dated: May 13, 1996

I hereby certify that Resolution No. 96-1 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on May 13, 1996, by the following vote:

AYES: Lapenta, McGladdery, Rice, Stafford and Marzolf

NOES: Schmidt

ABSENT: Rasmussen

ABSTAIN:

ATTEST:


Secretary, Planning Commission

RESOLUTION NO. P.C. 96-2

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING USE PERMIT NO. 96-01, SUBJECT TO THE CONDITIONS AS
SET FORTH HEREIN.**

WHEREAS, the Planning Commission has heretofore held a duly noticed public hearing, as required by law, on Use Permit Application No. 96-01, a request to operate an automobile body and paint facility, within the C-2, General Commercial designation in accordance with the Lodi Zoning Ordinance.

WHEREAS, the property is located at 1101 South Cherokee Lane.

WHEREAS, the project proponent is Dennis Plummer, 1101 South Cherokee Lane, Lodi, 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. 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 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 use applied for at the location set forth in the application is authorized by Chapter 17 of the Lodi Municipal code as amended.
3. It is further found that said use with conditions as imposed is desirable for the development of the community, is in harmony with the various elements and objectives of the General Plan and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.
4. It is hereby found that the site is adequate in size and shape to accommodate the proposed development and all of the yard setbacks, walls, fences, and landscaping and other features required to bring the site into conformity with the other elements of the neighborhood.
5. It is found that the proposed site relates to streets and highways which are property designed and shall be or are now improved to carry the type and quantity of traffic generated and to be generated by the proposed development.

6. It is found that with the conditions stated below, the use will not adversely effect the public health, safety or general welfare.
7. Use Permit No. 96-01 is hereby approved subject to conditions as set forth herein:
 - a. Development shall occur in substantial conformance with the plans submitted to the Planning Commission and labeled Exhibit "A", dated May 13, 1996, which include a site plan, the conditions contained herein, and all applicable City regulations.
 - b. A final, detailed, landscape and automatic irrigation plan shall be submitted for the review and approval of the Community Development Director and installed prior to occupancy of the site. Said plan shall provide for the rehabilitation of the landscape planter adjacent to Garfield Street and shall include 15 gallon screening quality trees a minimum of 15 feet on center.
 - c. The applicant shall provide for the resealing and restriping of the parking area prior to occupancy of the new building.
 - d. The existing chain link fence with slats located twenty feet from Garfield Street shall be replaced with eight foot high decorative masonry (brick, slumpstone, split face block, etc.) wall except for the access gate located at the northwest corner of the site.
 - e. The existing drive approach, drive and gate located at the north corner of the site shall be removed and replaced with the block wall noted in condition "e" and landscaping noted in condition "c". Access to Garfield Street shall occur only at the southwest corner of the site.
 - f. The rear of the building facing Garfield Street shall be constructed of the same material used for the block wall (condition "d")
 - g. No advertising signage or any other indication of business shall be allowed on the building or within the landscape setback adjacent to Garfield Street.
 - h. All other conditions of Use Permit No. 72-11 approved by the Lodi Planning Commission on February 28, 1972 shall remain in full force and effect.
 - i. Approval of Use Permit No. 96-01, shall be contingent upon City Council approval of GPA 96-2 and Zone Change Z-96-02.

Dated: May 13, 1996

I hereby certify that Resolution No. 96-2 passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on May 13, 1996, by the following vote:

AYES: Lapenta, McGladdery, Rice, Stafford and Marzolf

NOES: Schmidt

ABSENT: Rasmussen

ABSTAIN:

ATTEST:



Secretary, Planning Commission

Mike Smith Engineering
4 North Main Street
Lodi, CA (209) 334-2332

16 April 1996

Attn: Konradt Bartlan
City of Lodi
Community Development Department
221 W. Pine St.,
Lodi, CA

Re: New Body Shop For:
Plummer Pontiac
1011 Cherokee Ln.,
Lodi, CA

Dear Mr. Batlan,

This letter will address the items we discussed during our recent meeting regarding the above referenced project. We hope that this will answer any questions you may have because this project is important to both my client and myself.

The first item concerns the parking situation and what will happen to the displaced cars when this building is constructed. My client assures me that all employee, service and display vehicles will be contained on site. My client has also informed me that as of August there has been much more parking availability because the towing portion of their business has been moved to a different location.

The second item concerns the access to Garfield Street. At the present time there are two driveway access points out the west end of the property. One of these accesses, the north/west corner, is essential to continue the existing traffic flow through this business, and would cause a significant hardship if it were removed. One of these accesses, the south/west corner, will not cause a problem if it were to be removed. I have not yet discussed this subject with the Fire Prevention Department, but I am certain it will be a concern to them.

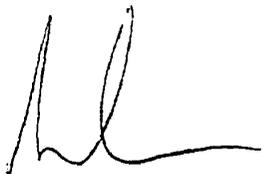
The final item concerns the noise. I have discussed this subject with the service manager, and he tells me that the noise will be moved from the existing body shop and concentrated in the new building. This will enable us to provide more control and reduce the noise which spills into the neighborhood. The apartments to the north and south will not get any relief from the noise, but it will not be increased because of this new project. We feel that the noise issue will benefit from this new building.

Another item which you have not discussed but will most likely arise, concerns the smell. The present spray booth was installed many years ago, and is out dated. The filter system on the new spray booth is far superior to that of the old booth, and will not only

reduce the odor, but also reduce the noxious fumes. The safety systems involving fire suppression, paint storage, and exhaust will be benefits of this new building.

This covers the items which we discussed, with answers which I hope are adequate to eliminate any confusion surrounding this project. My schedule is very flexible and I will be available if you have any further concerns or questions regarding our request.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. Smith', written in a cursive style.

Michael W. Smith
Mike Smith Engineering
RCE No. 44590

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

MONDAY

May 13, 1996

7:30 P.M.

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

Commissioners Present: Michael Lapenta, Chairman Marzolf, Jonathan McGladdery
Dorean Rice, John Schmidt, and Roger Stafford.

ROLL CALL

Commissioners Absent: Craig Rasmussen

Others Present: John Luebberke, Assistant City Attorney, Konradt Bartlam, Community
Development Director and Lisa Wagner, Secretary.

The minutes of April 22, 1996 were approved as mailed.

MINUTES
April 22, 1996

PUBLIC HEARINGS

CONTINUED REQUEST OF PLUMMER PONTIAC, 1011 S. Cherokee Lane, for a General Plan Amendment and Rezone of the rear .57 acre portion of the 3.45 acre parcel from ER, Eastside Residential to GC, General Commercial and rezone the property from R-1*, Single-Family, Eastside to C-2, General Commercial and a Use Permit to allow for construction of a 4,800 square foot body/paint shop on the newly zoned property. Community Development Director Bartlam presented this request and explained that Plummer Pontiac wished to expand its body and paint operation on the existing dealership parcel. The operation that has taken place on the rear of the property, mainly a parking area, for the last 30 years is consistent with the zoning code. The reason for the request is necessary because of the development of the new building and not necessarily the car storage or parking situation that has occurred. Community Development Director Bartlam stated that at first he was not in favor of the project. However, he felt that the potential body shop, along with some improvements, would make a better neighbor to the residential area to the west than the current situation. The conditions of the Use Permit were geared towards improving the characteristics of the new building and the adjacent residential area. Community Development Director Bartlam recommended approval of the General Plan Amendment, Zone Change and the Use Permit.

GENERAL PLAN
AMENDMENT,
REZONE & USE
PERMIT FOR
PLUMMER PONTIAC,
1011 S. CHEROKEE
LANE

Chairman Marzolf then opened the public hearing. He invited anyone who was in favor to come forward and speak. The first speaker was Mike Smith, 1824 Amberleaf Way, Lodi, CA. He is the Engineer for the project. He stated that the existing area consisted of a body shop, parking area with a chainlink fence with slats, and a unmaintained 20 foot setback. The current body shop and a new paint booth would be relocated to the new building and a masonry wall would be built to border the setback to alleviate some of the noise that will be created. An area would be designated for employee parking to eliminate any parking along the residential streets in the neighborhood. He agreed with all the conditions that were being recommended with the Use Permit.

HEARING OPENED
TO THE PUBLIC

Commissioner Stafford wished to go on record that he had been in contact with Mr. Smith prior to the meeting and they had discussed the above issues.

Dale Gillespie, Geweke Properties, 1045 S. Cherokee Lane, Lodi, CA. Geweke Properties owns the Village Green Apartments to the South of the proposed project. Mr. Gillespie said that he had researched the complaint records for the last 3 years and could not find any complaints in regard to noise being created from the Plummer property to the North. Mr. Geweke then presented a letter requesting that the Village Green property also be included in this General Plan Amendment and Rezone so that it too would have commercial zoning. Mr. Geweke had no plans at this time for the rezone, but in the future, they may desire to expand their dealership or some other commercial development.

Chairman Marzolf then invited any one who was in opposition to come forward and speak.

Robert Haro, Lodi Auto Detail, 929 S. Cherokee Lane, Lodi. He presented a petition to the Commission from residents within the area in question. He said that residents to the North of the Plummer property had reported noise complaints, during work hours, to the Lodi Police Department. He mentioned that he had spoke to the residents to the South of the Plummer property and they also voiced concern over the level of noise produced from the existing body shop. He felt there was a traffic problem currently due to the mechanics test driving vehicles in the area.

Bob Fisher, 440 Mission Street, Lodi. Mr. Fisher lives on Mission Street which is the street that joins the north exit of the Plummer property. He has complained several times to the Lodi Police Department and Plummer Pontiac regarding the speeding problem on Mission Street. He felt that the overflow of parking from the employees would impact the neighborhood. He also mentioned that there was a noise level problem Mission Street.

Tom Huff, 432 Mission Street, Lodi. Mr. Huff echoed comments regarding the speeding problem on Mission Street. He felt that an additional facility would increase problems that already exist. He was in favor of a block wall being installed for sound reduction.

Burdine Coy, 1029 S. Garfield Street, Lodi. Mrs. Coy stated that she had complained numerous times to Plummer Pontiac and the Lodi Police Department regarding the current speeding problem.

Barbara Fisher, 440 Mission Street, Lodi. Mrs. Fisher claimed that she had called Mr. Plummer several times and spoke to a number of people at Plummer Pontiac regarding the speeding problem. She was told that the problem would be corrected and as of now, nothing had been done.

Chairman Marzolf then invited Mr. Plummer to come forward and speak.

Dennis Plummer, 1562 Edgewood Drive, Lodi. Mr. Plummer claimed that he has never heard from any of the people who had been voicing complaints at the meeting. He said that he would be happy to resolve some of the issues that had been presented at this meeting. He indicated that it was hard to be a commercial use next to residential and the proposed body shop would beautify the area. He pointed out that present body shop had operated the same way over the past 30 years and the traffic issues presented tonight were not going to change with the new building.

Commissioner McGladdery suggested that due to the numerous traffic complaints, that the northwest access to the property be closed and that the southwest entrance become the main access to the property. He mentioned that with the northwest access being removed, this would alleviate the "straight shot" onto Mission Street. Traffic could then gain access to the property thorough the southwest entrance on Garfield Street which would create two turning movements before exiting the property, therefore they would not be able to gain speed.

ACTION ON GPA
AND REZONE FOR
PLUMMER PONTIAC

The Commission on motion of Commissioner Lapenta , Commissioner Rice second, recommend to the City Council approval of an amendment to the General Plan and Zone change to the westerly .57 acres located at 1011 South Cherokee Lane from ER, Eastside Residential to GC, General Commercial and R-1* Single-Family Eastside to C-2, General Commercial.

AYES: Lapenta, McGladdery, Rice, Stafford and Marzolf
NOES: Schmidt
ABSENT: Rasmussen
ABSTAIN: None

The Commission on motion of Commissioner McGladdery, Commissioner Lapenta second, adopted Resolution No. P.C. 96-2 with an amendment to condition "e" that the northwest access off the property be closed and the southwest access be the main access off Garfield Street.

ACTION ON USE
PERMIT 96-01

AYES: Lapenta, McGladdery, Rice, Stafford and Marzolf
NOES: Schmidt
ABSENT: Rasmussen
ABSTAIN: None

5/20/96

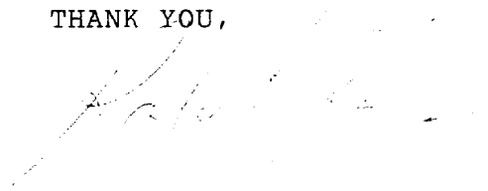
REPLY: ROBERT J. FISHER
440 MISSION ST.
LODI, CA 95241

I WOULD LIKE TO APPEAL THE APPROVAL BY THE PLANNING COMMISSION TO REZONE PLUMMER PONTIAC PROPERTY FROM EASTSIDE RESIDENTIAL TO GENERAL COMMERCIAL. I LIST THE FOLLOWING CONCERNS AS THE REASON FOR THIS APPEAL.

1. INCREASED TRAFFIC AND CONGESTION ON SEVERAL OF THE RESIDENTIAL STREETS IN THE AREA INCLUDING MISSION STREET, HENCE, LESS SAFETY FOR RESIDENTS.
2. BECAUSE THE WELLWOOD DEVELOPMENT IS A FAIRLY NEW DEVELOPMENT, I AM CONCERNED OF WHAT THIS REZONING MIGHT DO TO MY PROPERTY VALUE, AS I'VE ALREADY DONE UPGARDE TO THE PROPERTY IN THE AMOUNT OF OVER \$15,000.
3. WHAT GUARANTEE DO RESIDENTS HAVE THAT THE REZONING AND THE CONSTRUCTION OF ANOTHER COMMERCIAL BUILDING WILL IN FACT IMPROVE THE APPEARANCE OF THE AREA, WHEN MR. PLUMMER HIMSELF INDICATED AT THE MEETING THAT GARFIELD STREET WAS HIS ALLEY, AND WHO TAKES CARE OF THEIR ALLEY??
4. ALSO AT THAT MEETING IT WAS DISCUSSED THAT GEWEKE FORD HAS INTENTIONS OF GETTING A COMMERCIAL ZONING FOR THEIR PROPERTY IN BACK OF THEM WHICH IS NOW AN APARTMENT COMPLEX. THE CONCERN IS THAT WHOLE SECTION WILL GO COMMERCIAL!!

I WOULD BE GLAD TO DISCUSS THIS MATTER AT THE COUNCIL OR OTHER COMMUNITY METTING. MANY OTHER ISSUES ARE INVOLVED IN THIS MATTER ALSO.

THANK YOU,



ORDINANCE NO. 1634

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING THE LAND USE ELEMENT OF THE LODI GENERAL PLAN
BY REDESIGNATING THE REAR .57 ACRE PORTION OF THE 3.45 ACRE
PARCEL LOCATED AT 1011 S. CHEROKEE LANE, FROM ER, EASTSIDE
RESIDENTIAL TO GC, GENERAL COMMERCIAL

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Land Use Element of the Lodi General Plan is hereby amended by redesignating the rear .57 acre portion of the 3.45 acre parcel located at 1011 S. Cherokee Lane, from ER, Eastside Residential to GC, General Commercial, as shown on the Vicinity Map, on file in the office of the Lodi 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. 96-1.

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

Section 6. 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 _____, 1996

DAVID P. WARNER
Mayor

Attest:

JENNIFER M. PERRIN
City Clerk

State of California
County of San Joaquin, ss.

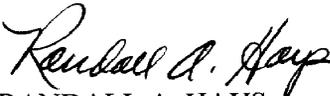
I, Jennifer M. Perrin, Deputy City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1634 was introduced at a regular meeting of the City Council of the City of Lodi held June 19, 1996 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1996 by the following vote:

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

I further certify that Ordinance No. 1634 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
City Clerk

Approved as to Form:


RANDALL A. HAYS
City Attorney

ORDINANCE NO. 1635

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING THE REAR .57 ACRE PORTION OF THE 3.45 ACRE PARCEL LOCATED AT 1011 S. CHEROKEE LANE FROM R-1*, SINGLE-FAMILY, EASTSIDE TO C-2, GENERAL COMMERCIAL

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 rear .57 acre portion of the 3.45 acre parcel located at 1011 S. Cherokee Lane (APN 047-400-07) is hereby rezoned from R-1*, Single-Family, Eastside to C-2, General Commercial, 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. 96-1.

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 ____, 1996

DAVID P. WARNER
Mayor

Attest:

JENNIFER M. PERRIN
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1635 was introduced at a regular meeting of the City Council of the City of Lodi held June 19, 1996 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1996 by the following vote:

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

I further certify that Ordinance No. 1635 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
City Clerk

Approved as to Form:


RANDALL A. HAYS
City Attorney

RESOLUTION NO. 96-82

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE ISSUANCE OF USE PERMIT NO. U-96-01 REQUESTED
BY PLUMMER PONTIAC TO CONSTRUCT AN AUTOMOBILE BODY AND PAINT
FACILITY, SUBJECT TO THE CONDITIONS AS SET FORTH IN PLANNING
COMMISSION RESOLUTION NO. 96-2

BE IT RESOLVED, that the Lodi City Council hereby approves the issuance of Use Permit No. U-96-01, requested by Plummer Pontiac to construct an automobile body and paint facility at 1101 South Cherokee Lane, subject to the conditions as set forth in Planning Commission Resolution 96-2 attached hereto and made a part hereof.

Dated: June 19, 1996

I hereby certify that Resolution No. 96-82 was passed and adopted by the Lodi City Council in a regular meeting held June 19, 1996 by the following vote:

AYES: COUNCIL MEMBERS - Davenport, Mann, Pennino, Sieglock
and Warner (Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


JENNIFER M. PERRIN
City Clerk

RESOLUTION NO. P.C. 96-2

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
APPROVING USE PERMIT NO. 96-01, SUBJECT TO THE CONDITIONS AS
SET FORTH HEREIN.**

WHEREAS, the Planning Commission has heretofore held a duly noticed public hearing, as required by law, on Use Permit Application No. 96-01, a request to operate an automobile body and paint facility, within the C-2, General Commercial designation in accordance with the Lodi Zoning Ordinance.

WHEREAS, the property is located at 1101 South Cherokee Lane.

WHEREAS, the project proponent is Dennis Plummer, 1101 South Cherokee Lane, Lodi, 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. 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 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 use applied for at the location set forth in the application is authorized by Chapter 17 of the Lodi Municipal code as amended.
3. It is further found that said use with conditions as imposed is desirable for the development of the community, is in harmony with the various elements and objectives of the General Plan and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.
4. It is hereby found that the site is adequate in size and shape to accommodate the proposed development and all of the yard setbacks, walls, fences, and landscaping and other features required to bring the site into conformity with the other elements of the neighborhood.
5. It is found that the proposed site relates to streets and highways which are property designed and shall be or are now improved to carry the type and quantity of traffic generated and to be generated by the proposed development.

6. It is found that with the conditions stated below, the use will not adversely effect the public health, safety or general welfare.
7. Use Permit No. 96-01 is hereby approved subject to conditions as set forth herein:
 - a. Development shall occur in substantial conformance with the plans submitted to the Planning Commission and labeled Exhibit "A", dated May 13, 1996, which include a site plan, the conditions contained herein, and all applicable City regulations.
 - b. A final, detailed, landscape and automatic irrigation plan shall be submitted for the review and approval of the Community Development Director and installed prior to occupancy of the site. Said plan shall provide for the rehabilitation of the landscape planter adjacent to Garfield Street and shall include 15 gallon screening quality trees a minimum of 15 feet on center.
 - c. The applicant shall provide for the resealing and restriping of the parking area prior to occupancy of the new building.
 - d. The existing chain link fence with slats located twenty feet from Garfield Street shall be replaced with eight foot high decorative masonry (brick, slumpstone, split face block, etc.) wall except for the access gate located at the northwest corner of the site.
 - e. The existing drive approach, drive and gate located at the north corner of the site shall be removed and replaced with the block wall noted in condition "e" and landscaping noted in condition "c". Access to Garfield Street shall occur only at the southwest corner of the site.
 - f. The rear of the building facing Garfield Street shall be constructed of the same material used for the block wall (condition "d")
 - g. No advertising signage or any other indication of business shall be allowed on the building or within the landscape setback adjacent to Garfield Street.
 - h. All other conditions of Use Permit No. 72-11 approved by the Lodi Planning Commission on February 28, 1972 shall remain in full force and effect.
 - i. Approval of Use Permit No. 96-01, shall be contingent upon City Council approval of GPA 96-2 and Zone Change Z-96-02.

Dated: May 13, 1996

I hereby certify that Resolution No. 96-2 passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on May 13, 1996, by the following vote:

AYES: Lapenta, McGladdery, Rice, Stafford and Marzolf

NOES: Schmidt

ABSENT: Rasmussen

ABSTAIN:

ATTEST: 
Secretary, Planning Commission



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: June 19, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, June 19, 1996** 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) Request of Plummer Pontiac, 1011 South Cherokee Lane, Lodi, for a General Plan Amendment and rezone of the rear .57 acre portion of the 3.45 acre parcel from ER, Eastside Residential to GC, General Commercial and rezone the property from R-1*, Single-Family, Eastside to C-2, General Commercial to allow for construction of a 4,800 square foot body/paint shop on the newly zoned property.
- b) Appeal by Robert J. Fisher, 440 Mission Street, Lodi, on the above matter.

Information regarding this item may be obtained in the office of the Community Development Director at 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.

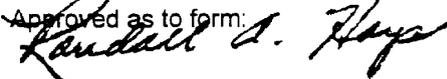
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: June 5, 1996

Approved as to form:



Randall A. Hays
City Attorney



DECLARATION OF MAILING

Public Hearing: Request of Plummer Pontiac

On June 6, 1996 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 copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

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 June 6, 1996, at Lodi, California.

Jennifer M. Perrin
City Clerk

Jacqueline L. Taylor
Deputy City Clerk


Linda S. Nichols
Administrative Clerk

C.P.A. E. zone, Use Permit /, Lummer Pontiac

	FirstName	LastName	Address1	City	State	PostalCode
1.	Safdar & Rubina	Khan	2113 Alpine Drive	Lodi	CA	95240
2.	Leona	Beam	932 S. Wellswood Avenue	Lodi	CA	95240
3.	Dave & Maryetta	Buell	1101 Stafford Street	Lodi	CA	95240
4.	Dayal & Jagjett	Chahal	3251 Southwycke Terrace	Fremon t	CA	94536
5.	Mohammad	Safdar	925 S. Garfield St.	Lodi	CA	95240
6.	Mohammad	Arshad	925 S. Garfield St	Lodi	CA	95240
7.	Denis	Mailloux	24239 Sutenfield Road	Acampo	CA	95220
8.	Robert	Gray	939 S. Garfield Street	Lodi	CA	95240
9.	A.H.	Tecklenburg	1752 N. Hunter Street	Stockto n	CA	95204
10.	Roberto	Contreas	1011 S. Garfield St.	Lodi	CA	95240
11.	Wilbert & Josefina	Opp	1015 S. Garfield Street	Lodi	CA	95240
12.	Maria	Barragan	1007 S. Garfield St.	Lodi	CA	95240
13.	Francisco & Dolo	Cisneros	1027 S. Garfield Street	Lodi	CA	95240
14.	Robert & Maxine	Heil	4400 Gateway Road	Bethel Island	CA	94511
15.	Grant	Harrison	1035 Garfield Street	Lodi	CA	95240
16.	John & Sherry	Schwall	1039 Garfield Street	Lodi	CA	95240
17.	Kevi	Toumazos	618 Las Juntas Street	Martine z	CA	94553
18.	Larry	Geweke	P.O. Box 1210	Lodi	CA	95241
19.	Daryl	Geweke	P.O. Box 1210	Lodi	CA	95241
20.	Dale	Edens	114 Benson Drive	Lodi	CA	95242
21.	Alexander	Scott	P.O. Box 82	Lodi	CA	95241
22.	Jorge & Sylvia	Caracosa	433 Mission St.	Lodi	CA	95240
23.	Jacqueline	Steele	12855 E. Collier	Galt	CA	95632
24.	Thomas	Huff	432 Mission St.	Lodi	CA	95240
25.	Isidro & Connie	Ibarra	436 Mission St.	Lodi	CA	95240
26.	Robert & Barbara	Fisher	440 Mission Street	Lodi	CA	95240
27.	Trina	Ferrero	1012 Wellswood Ct.	Lodi	CA	95240
28.	Brent	Workman	1016 Wellswood Ct.	Lodi	CA	95240
29.	For & Arshad	Dil	426 Concord St.	Lodi	CA	95240
30.	J. H. & C.M.	Daumer	428 E. Concord St.	Lodi	CA	95240
31.	Francisco	Diaz	430 E. Concord Street	Lodi	CA	95240
32.	Terrance D. & P	Drace	431 E. Concord Street	Lodi	CA	95240
33.	Adel	Beames	571 W. Taddei Road	Acamp o	CA	95220
34.	Joel	Molina	441 Concord Street	Lodi	CA	95240

	FirstName	LastName	Address1	City	State	PostalCode
35.	Glenn	Rieck	431 E. Poplar Street	Lodi	CA	95240
36.	Jerry & Sharon	Hughes	435 E. Poplar St.	Lodi	CA	95240
37.	Walter	Tecklenburg	935 S. Cherokee Lane	Lodi	CA	95240
38.	Russell	Triolo	1827 Edgewood Drive	Lodi	CA	95240
39.	Mohammad	Arshad	925 S. Garfield St.	Lodi	CA	95240
40.	John	Matos	1003 S. Garfield Street	Lodi	CA	95240
41.	Horacio	Ordonez	1019 S. Garfield St.	Lodi	CA	95240
42.	Dennis	Plummer	1011 S. Cherokee Lane	Lodi	CA	95240