



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Conduct a Public Hearing to Consider the Following Requests of Chris R. Keszler and A. Fred Baker:

1. for General Plan Amendment GPA-LU-95-3 to redesignate the parcel at 2801 West Turner Road (APN 015-230-30) from NCC, Neighborhood-Community Commercial to LDR, Low Density Residential;
2. to rezone the parcel at 2801 West Turner Road (APN 015-230-39) from C-S, Commercial Shopping, to R-1, Single-Family Residential; and
3. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above requests.

**MEETING DATE:** July 5, 1995

**PREPARED BY:** Community Development Director

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**RECOMMENDED ACTION:** that the City Council conduct a Public Hearing to consider the following requests of Chris R. Keszler and A. Fred Baker:

1. for General Plan Amendment GPA-LU-95-3 to redesignate the parcel at 2801 West Turner Road (APN 015-230-39) from NCC, Neighborhood Community Commercial to LDR, Low Density Residential;
2. to rezone the parcel at 2801 West Turner Road (APN 015-230-39) from C-S, Commercial Shopping to R-1, Single-Family Residential; and
3. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

**BACKGROUND INFORMATION:** On May 19, 1993 the City Council introduced Ordinance No. 1577 which prezoned 451 East Turner Road (County address for 2801 West Turner Road) to C-S, Commercial Shopping and approved a General Plan Amendment redesignating the parcel from PR, Planned Residential to NCC, Neighborhood-Community Commercial. Subsequent to that Ordinance the Council initiated annexation proceedings for the subject property which was approved by the Local Agency Formation Commission (LAFCO).

APPROVED: \_\_\_\_\_

*Thomas A. Peterson*  
THOMAS A. PETERSON  
City Manager



recycled paper

City Council - Public Hearing to Consider GPA-LU-3 & Rezone for 2801 West Turner Road  
Meeting Date: July 5, 1995  
Page two

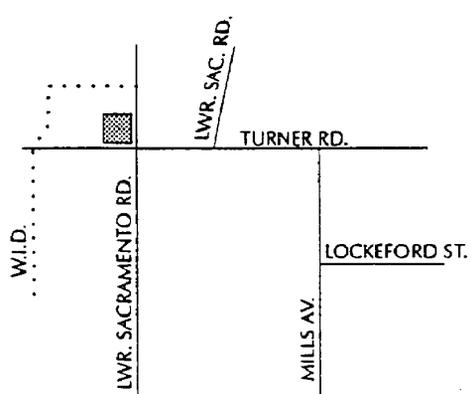
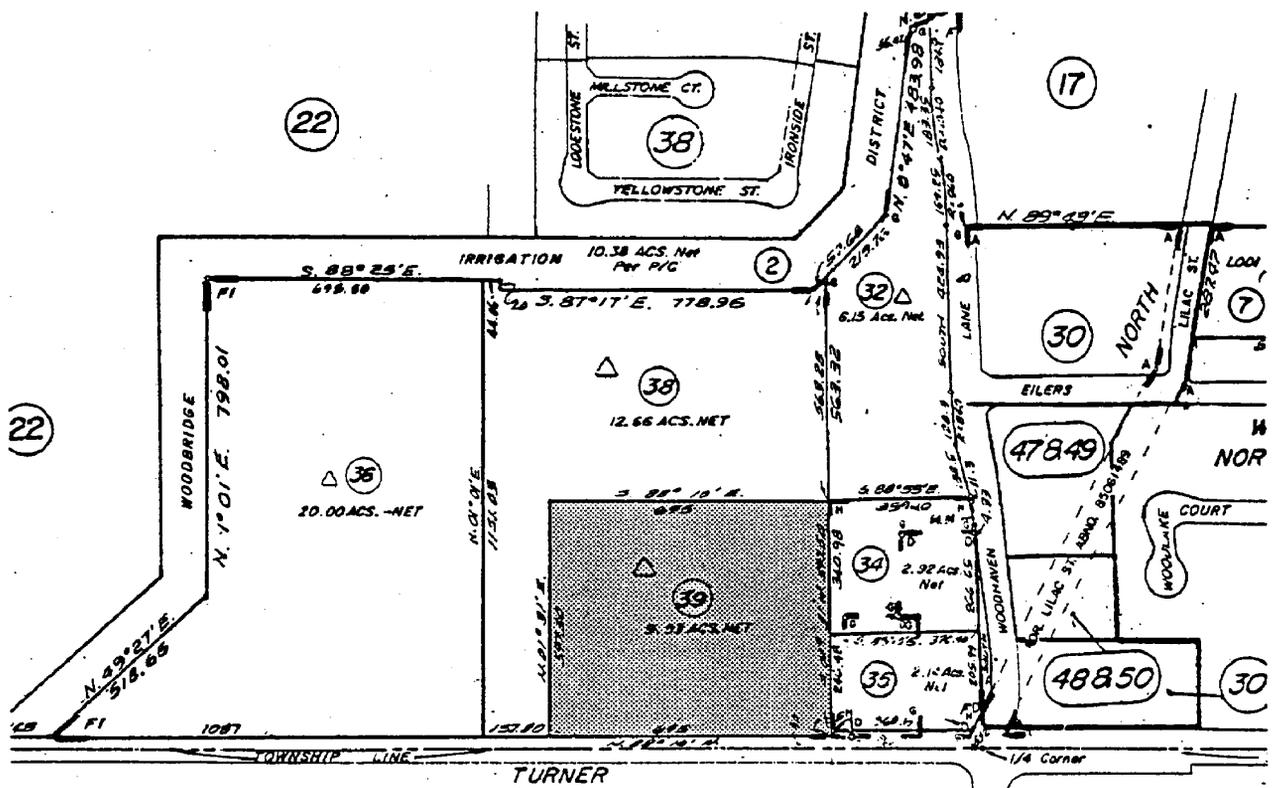
During the past two years the developers have been unable to generate any interest in a shopping center at this location and now believe tht the property could best be used as a high end single-family development.

Recently, Keszler-Baker applied to the Planning Commission and City Council to prezone the property north and east (i.e. APN's 015-230-36 and 38) of 2801 West Turner Road to R-1, Single-Family Residential. This request was approved and the annexation request for those properties is pending before LAFCO. The applicants believe that the commercial site should be added to the proposed residential subdivision.

FUNDING: Application fees.

  
James B. Schroeder  
Community Development Director

JBS/ck  
Attachments



Keszler/Baker  
 G.P. Amend & Rezone  
 2801 West Turner Road  
 GPALU 95-3  
 Z-95-07  
 5-22-95

PUBLIC HEARINGS

Chairman Stafford then continued the Public Hearing on Items 4 f. through 4 h., which were to consider the requests of Chris R. Keszler and A. Fred Baker for General Plan Amendment GPA LU 95-3, to redesignate the parcel at 2801 West Turner Road (APN 015-230-39) from NCC, Neighborhood-Community Commercial to LDR, Low Density Residential, and to rezone the parcel at 2801 West Turner Road from C-S, Commercial Shopping, to R-1, Single-Family Residential, and finally, to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects. Community Development Director Schroeder introduced this matter for the Planning Commission. He explained that approximately two years ago the City had approved a General Plan Amendment and rezoning to designate a 9.53 acre parcel on the north side of Turner Road to Commercial Shopping Center. At the same time this property was also annexed to the City. Subsequently, the property was not developed and there does not appear to be strong interest in developing the property for a shopping center. The property owners are back before the City to request that the parcel be redesignated low density residential and rezoned to R-1, Single-Family Residential.

BRIDGETOWN I  
GPA & REZONE  
NEIGHBORHOOD  
COMMUNITY  
COMMERCIAL  
TO  
LOW DENSITY  
RESIDENTIAL

Chairman Stafford asked about separating this General Plan Amendment from the other General Plan request located at Kettleman Land and Lower Sacramento Road. Mr. Schroeder stated that by separating the two the City will be utilizing two General Plan Amendments. However, he felt it would not be right to hold up Mr. Baker's request because of delays encountered by the Geweke Properties and Southwest Associates projects. He explained that he does not anticipate many additional General Plan requests in the near future, and if there are some, they could be grouped together and done with a single General Plan Amendment late in the year.

Coming forward to speak on the request was Fred Baker. Mr. Baker reviewed the history of the property and explained the reason for the original shopping center request. He explained that at that time a major tenant, Albertson's Super Market was interested in developing a store at that location and becoming the anchor for the shopping center. Shortly after the rezoning, Albertson's changed their mind and dropped out of the picture. Subsequently, there has been no interest by another major tenant to build in the shopping center. For that reason, the property owners now wish to rezone the property so it can be developed with a single-family residential subdivision. Mr. Baker noted that he and his partners also own the 32 acres which surround the subject site to the north and west. This property is currently going through the annexation process and it is planned for a single-family residential subdivision. If the rezoning is granted on the shopping center property, the two projects will be joined to create a single residential subdivision. He felt the residential project

will be more compatible with the surrounding residential development than a commercial shopping center.

Mr. Baker also reviewed with the Planning Commission his discussion with the Parks and Recreation Commission regarding a neighborhood park proposed for the subdivision. The Parks and Recreation Commission has requested a park which will be located in the center of the project. He noted that he does not entirely agree with the location or the size of the park. However, he is willing to abide by whatever the City determines is appropriate for the location. Several of the Planning Commissioners also commented on the proposed park with some feeling that a more appropriate location would be adjacent to Turner Road making it more accessible to people in the surrounding area. Community Development Director Schroeder stated he is not convinced that putting the park in the center of the project would be the best location. However, currently that was not an issue before the Planning Commission. He explained that the Planning Commission would have the opportunity to review the park issue at a later date when a specific development plan is submitted to the City. He felt that if there are philosophical differences between the Planning Commission and the Parks and Recreation Commission in terms of park location and size, it might be helpful for the two bodies to hold a joint meeting to discuss the matter.

Senior Planner Morimoto noted that he had participated in the task force that helped develop the Parks and Recreation Master Plan and he explained the philosophy behind the size and location criteria established by the Parks and Recreation Master Plan.

Following some additional discussion, the Planning Commission concluded that a rezoning of the property to single-family residential was appropriate and would be more consistent with the uses in the surrounding area. With that on a motion by Commissioner McGladdery, second by Commissioner Marzolf, the Planning Commission unanimously approved the filing of a Negative Declaration on the project by the Community Development Director. Next, on a motion by Commissioner McGladdery, second by Commissioner Schmidt, the Planning Commission unanimously approved the General Plan Amendment to redesignate the parcel at 2801 West Turner Road from NCC, Neighborhood Community Commercial to LDR, Low Density Residential, and to rezone the same parcel from C-S, Commercial Shopping, to R-1, Single-Family Residential.



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

## ADVERTISING INSTRUCTIONS

**SUBJECT:** PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION FOR GENERAL PLAN AMENDMENT GPA-LU 95-3 TO REDESIGNATE THE PARCEL AT 2801 WEST TURNER ROAD (APN-015-230-39) FROM NCC, NEIGHBORHOOD-COMMUNITY COMMERCIAL TO LDR, LOW DENSITY COMMERCIAL, TO REZONE THE PARCEL AT 2801 WEST TURNER ROAD (APN 015-230-39) FROM C-S, COMMERCIAL SHOPPING TO R-1, SINGLE-FAMILY RESIDENTIAL, AND TO CERTIFY THE FILING OF A NEGATIVE DECLARATION BY THE COMMUNITY DEVELOPMENT DIRECTOR AS ADEQUATE ENVIRONMENTAL DOCUMENTATION ON THE ABOVE PROJECTS. PUBLIC HEARING JULY 5, 1995

**PUBLISH DATE:** SATURDAY, JUNE 10, 1995

**TEAR SHEETS WANTED:** ONE

**AFFIDAVIT AND BILL TO:** JACQUELINE L. TAYLOR  
ACTING CITY CLERK

**DATED:** JUNE 8, 1995

**ORDERED BY:**

  
LINDA S. NICHOLS  
DEPUTY CITY CLERK



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: July 5, 1995

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

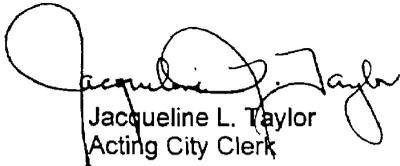
**NOTICE IS HEREBY GIVEN** that on **Wednesday, July 5, 1995** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Consider Planning Commission's recommendation for General Plan Amendment GPA-LU 95-3 to redesignate the parcel at 2801 West Turner Road (APN-015-230-39) FROM NCC, Neighborhood-Community Commercial to LDR, Low Density Commercial, to rezone the parcel at 2801 West Turner Road (APN 015-230-39) from C-S, Commercial Shopping to R-1, Single-Family Residential, and to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

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.

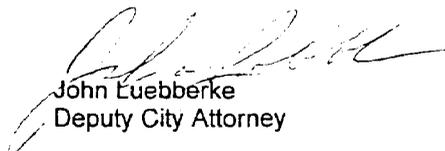
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

  
Jacqueline L. Taylor  
Acting City Clerk

Dated: June 8, 1995

Approved as to form:

  
John Luebberke  
Deputy City Attorney



## DECLARATION OF MAILING

On June 8, 1995 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 8, 1995, at Lodi, California.

Jacqueline L. Taylor  
Acting City Clerk

A handwritten signature in cursive script that reads "Linda S. Nichols". The signature is written in dark ink and is positioned above the printed name and title.

Linda S. Nichols  
Deputy City Clerk



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

**ADVERTISING INSTRUCTIONS**

**SUBJECT:** PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S  
RECOMMENDATIONS REGARDING REQUESTS OF BAKER AND KESZLER

**PUBLISH DATE:** SATURDAY, JULY 8, 1995

**TEAR SHEETS WANTED:** ONE

**AFFIDAVIT AND BILL TO:** JACQUELINE L. TAYLOR  
ACTING CITY CLERK

**DATED:** JULY 6, 1995

**ORDERED BY:**

A handwritten signature in cursive script that reads "Linda S. Nichols".

LINDA S. NICHOLS  
DEPUTY CITY CLERK



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: July 19, 1995

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

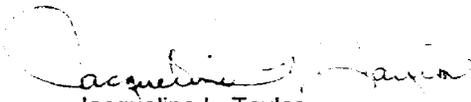
**NOTICE IS HEREBY GIVEN** that on **Wednesday, July 19, 1995** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Consider Planning Commission's recommendation for General Plan Amendment GPA-LU 95-3 to redesignate the parcel at 2801 West Turner Road (APN-015-230-39) FROM NCC, Neighborhood-Community Commercial to LDR, Low Density Commercial, to rezone the parcel at 2801 West Turner Road (APN 015-230-39) from C-S, Commercial Shopping to R-1, Single-Family Residential, and to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

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.

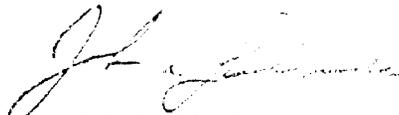
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

  
Jacqueline L. Taylor  
Acting City Clerk

Dated: July 6, 1995

Approved as to form:

  
John Luebberke  
Deputy City Attorney

ORDINANCE NO. 1619

AN ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING THE LAND USE ELEMENT OF THE LODI GENERAL PLAN  
BY REDESIGNATING THE PARCEL LOCATED AT 2801 WEST TURNER ROAD  
(APN 015-230-39) FROM NCC, NEIGHBORHOOD - COMMUNITY COMMERCIAL  
TO LDR, LOW DENSITY RESIDENTIAL

=====

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 parcels located at 2801 West Turner Road (APN's 015-230-39) from NCC, Neighborhood - Community Commercial to LDR, Low Density Residential, as shown on the Vicinity Map, on file in the office of the Lodi City Clerk.

Section 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 3. 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 July, 1995

\_\_\_\_\_  
STEPHEN J. MANN  
Mayor

Attest:

JACQUELINE L. TAYLOR  
Acting City Clerk

State of California  
County of San Joaquin, ss.

I, Jacqueline L. Taylor, Acting City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1619 was introduced at a regular meeting of the City Council of the City of Lodi held July 5, 1995 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 1995 by the following vote:

Ayes: Council Members -  
Noes: Council Members -  
Absent: Council Members -  
Abstain: Council Members - None

I further certify that Ordinance No. 1619 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JACQUELINE L. TAYLOR  
Acting City Clerk

Approved as to Form:

JOHN W. STOVALL  
City Attorney



ORDINANCE NO. 1620

AN ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI  
AND THEREBY REZONING THE PARCEL LOCATED AT 2801 WEST TURNER ROAD  
(APN 015-230-39) FROM C-S, COMMERCIAL SHOPPING TO R-1, SINGLE-FAMILY  
RESIDENTIAL WITH A CONDITION RELATING TO SCHOOL FACILITIES FUNDING

=====

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 parcel located at 2801 West Turner Road (APN's 015-230-39) is hereby rezoned to R-1, Single-Family Residential, as shown on the Vicinity Map, on file in the office of the City Clerk.

Section 2. 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 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. 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 July, 1995

\_\_\_\_\_  
STEPHEN J. MANN  
Mayor

Attest:

JACQUELINE L. TAYLOR  
Acting City Clerk

State of California  
County of San Joaquin, ss.

I, Jacqueline L. Taylor, Acting City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1620 was introduced at a regular meeting of the City Council of the City of Lodi held July 5, 1995 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 1995 by the following vote:

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

I further certify that Ordinance No. 1620 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JACQUELINE L. TAYLOR  
Acting City Clerk

Approved as to Form:

JOHN W. STOVALL  
City Attorney



**A. FREDERIC BAKER**

*Attorney at Law*

317 W Lodi Avenue  
Lodi, California 95240

Telephone (209) 333-2881  
Fax (209) 334-6501

June 27, 1995

Jackie Taylor  
Lodi City Clerk  
Lodi, California

Via Fax: (209) 333-6807

Re: July 5, 1995 City Council Agenda  
Bridgetowne Subdivision

Dear City Clerk:

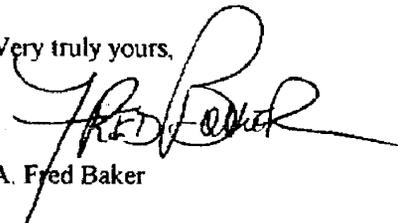
I will be unavoidably out of town for the July 5, 1995 City Council meeting. Our Bridgetowne Property was scheduled to be on the agenda that evening.

In speaking with Jim Schroeder, we agreed that the City Council may have some questions regarding this matter. Therefore, we request that this matter be continued until the next regular council meeting.

I will be in the office until Friday, June 30, so that should you have any questions or comments feel free to call me.

Thank you for your attention to this matter.

Very truly yours,



A. Fred Baker