



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Set public hearing for May 18, 2005, to consider the appeal from Lowe's HIW, Inc., regarding the Planning Commission's decision of April 13, 2005, pertaining to the application of design standards for Large Retail Establishments to their Lodi store.

MEETING DATE: May 4, 2005

PREPARED BY: Community Improvement Manager

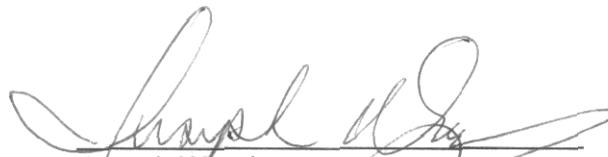
RECOMMENDED ACTION: That the City Council set a public hearing for May 18, 2005, to consider the appeal from Lowe's HIW, Inc., regarding the Planning Commission's decision of April 13, 2005, pertaining to the application of design standards for Large Retail Establishments to their Lodi store.

BACKGROUND INFORMATION: At their April 13th, 2005 meeting, the Planning Commission conducted a Public Hearing regarding the review of outside storage/display limitations for the Lowe's store located at 1389 S. Lower Sacramento Road. After considerable discussion through the public hearing process, the Planning Commission approved a motion confirming that the Design Standards for Large Retail Establishments do apply to the project in question, therefore determining that any proposed plan for outdoor storage/display must meet those guidelines.

On April 18th, 2005, an appeal from Jennifer E. Renk, attorney from the law firm of Steefel, Levitt and Weiss, was received on behalf of their client, Lowe's HIW, Inc., seeking the City Council's review of the Planning Commission's decision. A copy of that appeal is attached for reference.

FISCAL IMPACT: Not Applicable

FUNDING AVAILABLE: Not Applicable



Joseph Wood
Community Improvement Manager

cc: City Attorney
Planning Commission
Jennifer E. Renk, Steefel, Levitt & Weiss

APPROVED: 

Blair King, City Manager



RECEIVED

2005 APR 18 AM 8:30

CITY CLERK
CITY OF LODI

April 15, 2005

Via Federal Express

City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

Re: Appeal of Planning Commission Decision on Lowe's Store
on April 13, 2005

Dear City Clerk:

On April 13, 2005, the Planning Commission determined that the City Design Standards for Large Retail Establishments applied to the certain aspects of the Lowe's store located at Lower Sacramento Blvd and Kettleman Lane.

On behalf of our client, Lowe's HIW, Inc., we appeal the Planning Commission decision to the City Council. Lowe's does not agree that the Design Standards apply to the Lowe's project or site plan, in particular, the store's outdoor display and storage. The reasons that the Design Standards are not applicable are set forth in our letter to the Planning Commission, dated April 13, 2005 (which is attached hereto), and the testimony before the Planning Commission, both of which are incorporated herein by this reference.

Enclosed is a check for the appeal fee of \$250.00.

Please provide us notice of the date on which the City Council will consider this appeal.

Sincerely,

Jennifer E. Renk

Enclosure
19132:6442118.1

<input checked="" type="checkbox"/>	CC	<input type="checkbox"/>	HR
<input checked="" type="checkbox"/>	CM	<input type="checkbox"/>	IS
<input checked="" type="checkbox"/>	CA	<input type="checkbox"/>	LIB
<input checked="" type="checkbox"/>	CD	<input type="checkbox"/>	PR
<input type="checkbox"/>	EUD	<input type="checkbox"/>	PD
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RECEIVED

2005 APR 18 AM 8:30

CITY CLERK
CITY OF LODI

April 13, 2005

19132

VIA FACSIMILE

Members of the Planning Commission
City of Lodi
221 W. Pine Street
Lodi, CA 95242

Re: Agenda Item 3(e)—Determination of Applicability of Design Standards for Large Retail Establishments to the Lowe's Store in the City of Lodi

Dear Members of the Planning Commission:

We represent Lowe's HIW, Inc. in connection with the Planning Commission's consideration on April 13th of the applicability of the City's Design Standards for Large Retail Establishments (Design Standards) to the fully entitled and operational Lowe's store in the City of Lodi. For the reasons stated below, we urge the Planning Commission to determine that, in fact, such retroactive application of these Design Standards is not only inappropriate, but unnecessary in light of Lowe's ongoing efforts to work with the City to find an acceptable solution to its outdoor display and storage needs.

I. Introduction

By way of background, the Vintner's Square Shopping Center was approved by the Planning Commission on May 14, 2003. On May 22, 2003, the Site Plan and Architectural Review Committee (SPARC) held a special meeting in order to consider the Lowe's proposal to build a 161,234 square foot commercial home improvement center within the Vintner's Square Shopping Center. Based on staff's recommendation, SPARC approved the site plan with conditions based on findings that it provided the elements for a well designed shopping center, was consistent with the project analyzed in the Environmental Impact Report, and complied with all applicable provisions of the Commercial Shopping (C-S) zoning district.

Although staff had recommended that SPARC add a condition that would prohibit all outdoor storage and displays, after much deliberation, SPARC unanimously passed a motion with a modified condition that read: **"The storage and/or display of materials shall be allowed in defined areas that are identified by SPARC prior to the final occupancy of the building."** The minutes reflect that SPARC contemplated allowing up to at least seven (7)

months after the building was constructed for this outdoor area to be defined in order to provide for input from store management. Lowe's willingly accepted this condition.

In March 2004, Lowe's pulled its building permit in order to begin construction. At the end of October 2004, the City issued its Certificate of Occupancy and the Lowe's store opened on November 3, 2004. Directly prior to the store's opening, Lowe's submitted its outdoor storage plan to SPARC and a hearing was held on November 1, 2004. At this hearing, staff recommended a plan allowing for limited outdoor display and storage with the following three conditions:

- A minimum 8-foot wide sidewalk must be maintained in front of the store pursuant to the requirements of the Large-Scale Design Requirements adopted earlier this year.
- No display or storage of materials will be allowed in parking, drive or loading areas as depicted on the approved site plan.
- A minimum 4-foot wide sidewalk is required around the building for ADA and emergency access.

After further consideration, Lowe's determined that the imposition of the first condition was too restrictive for the space in front of its store and asked that it be able to withdraw and revise the plan. Specifically, Lowe's realized that the 8-foot wide sidewalk requirement stemming from the Design Standards was too onerous for its display needs. Lowe's also objected to the City's application of the Design Guidelines to its project that had been approved well before the City adopted the Design Standards. SPARC then tabled the item and staff subsequently requested that the Planning Commission agenda an item to discuss and determine the applicability of the Design Standards to the Lowe's outdoor storage and display issue.

II. **Applicability of Design Standards for Large Retail Establishments**

For the reasons set forth below, we believe that these Design Standards should not be applied to the Lowe's outdoor storage/display plan.

- **Design Standards do not apply retroactively to the Lowe's project.**

In May 2003, SPARC approved the Lowe's project and the City issued a building permit in March 2004. On April 7, 2004, **almost one year after the City's approval of the Lowe's project**, the Lodi City Council adopted Ordinance No. 1746, Design Standards for Large Retail Establishments, effective thirty days thereafter on May 7, 2004. The Lowe's project was approved and permitted months before the Design Standards became effective and at no time did SPARC ever discuss their applicability to the Lowe's project.

Furthermore, by the City's own terms, the language of the ordinance clearly indicates that these Design Standards apply only to **future** large-scale retail projects and not to those that have already been approved. Here, Lowe's is not only approved, but constructed and open. Therefore, under the terms of its own ordinance, the Design Standards do not apply, and a retroactive application is not permissible.

- **Outdoor display is part of the overall Lowe's project and is not a "new" project.**

SPARC adopted a condition of approval providing for outdoor display and storage during its original consideration of the Lowe's project. The outdoor display plan is not a "new" project for purposes of applying the subsequent Design Standards. The outdoor display is incidental to, and part of, the original Lowe's project and is therefore not subject to the Design Standards. Moreover, the Design Standards would not apply to the outdoor/display question because the area in question does not meet the ordinance's 25,000 square foot threshold.

- **Lowe's meets the spirit and intent of the Design Standards.**

When Lowe's prepared its site plan for approval, it relied upon the requirements in place at the time. If the City had an 8-foot minimum sidewalk requirement in place prior to Lowe's approval, Lowe's would have designed its site plan to accommodate the outdoor display areas in such a way that would comply while meeting its display needs. Now, however, in fairness to Lowe's, it would be inappropriate to apply these Design Standards after the fact. Therefore, Lowe's asks that it be allowed to work with SPARC and staff to resolve the outdoor display/storage absent the Design Standards but in keeping with the City's vision for large scale retail development.

III. **Conclusion**

Lowe's asks that the Planning Commission determine that the Design Standards are inapplicable to the Lowe's outdoor storage/display plan. More importantly, however, Lowe's would like to stress its commitment to working with staff to arrive at a mutually acceptable solution that conforms to the spirit and intent of the City's Design Standards for Large Retail Establishments. Lowe's has enjoyed a productive relationship with the City thus far and looks forward to continuing in this vein.

Members of the Planning Commission
April 13, 2005
Page Four



Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer E. Renk". The signature is fluid and cursive.

Jennifer E. Renk

cc: John Beckman, Mayor
Members of the City Council
D. Stephen Schwabauer, City Attorney

19132:6440170.3

CITY COUNCIL

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

CITY OF LODI

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

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

April 18, 2005

Jennifer E. Renk
Steeffel Levitt & Weiss
One Embarcadero Center, 30th Floor
San Francisco, CA 94111-3719

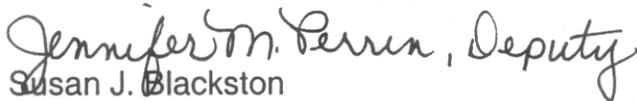
RE: APPEAL OF PLANNING COMMISSION DECISION (04/13/05)
Determination that the Lowe's store in Lodi would abide by the design standards for Large Retail Establishments

The City Clerk's Office is in receipt of your correspondence regarding the above subject dated April 15, 2005, which has been timely filed in accordance with Lodi Municipal Code 17.72.110. This letter is to inform you that in addition to providing a copy to the City Council we have forwarded your correspondence to the following departments for information, referral, or handling: 1) City Manager, 2) City Attorney, and 3) Community Development.

Your check in the amount of \$250 to appeal the decision of the Planning Commission was forwarded to the Community Development Department. You will be notified in writing of the date this matter will be considered by the City Council.

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

Sincerely,


Susan J. Blackston
for City Clerk

SJB/jmp

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



RECEIVED

2005 APR 18 AM 8:30

CITY CLERK
CITY OF LODI

April 15, 2005

Via Federal Express

City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

Re: Appeal of Planning Commission Decision on Lowe's Store
on April 13, 2005

Dear City Clerk:

On April 13, 2005, the Planning Commission determined that the City Design Standards for Large Retail Establishments applied to the certain aspects of the Lowe's store located at Lower Sacramento Blvd and Kettleman Lane.

On behalf of our client, Lowe's HIW, Inc., we appeal the Planning Commission decision to the City Council. Lowe's does not agree that the Design Standards apply to the Lowe's project or site plan, in particular, the store's outdoor display and storage. The reasons that the Design Standards are not applicable are set forth in our letter to the Planning Commission, dated April 13, 2005 (which is attached hereto), and the testimony before the Planning Commission, both of which are incorporated herein by this reference.

Enclosed is a check for the appeal fee of \$250.00.

Please provide us notice of the date on which the City Council will consider this appeal.

Sincerely,

Jennifer E. Renk

Enclosure
19132:6442118.1

<input checked="" type="checkbox"/> CC	<input type="checkbox"/> HR
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<input type="checkbox"/> FIN	<input type="checkbox"/> PW
<input type="checkbox"/> FD	<input type="checkbox"/> COM

CITY COUNCIL

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

CITY OF LODI

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

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

April 28, 2005

Steeffel, Levitt & Weiss
Jennifer E. Renk
One Embarcadero Center, 30th Floor
San Francisco, CA 94111-3719

APPEAL OF PLANNING COMMISSION DECISION (04-13-05)
Determination that the Lowe's store located at 1389 S. Lower Sacramento Road would abide by the Design Standards for Large Retail Establishments

This is to notify you that at the City Council meeting of May 4, 2005 at 7:00 p.m. or as soon thereafter as the matter can be heard, in the Council Chamber, at the Carnegie Forum, 305 West Pine Street, Lodi, the Council will consider setting the date for the public hearing pertaining to the above matter.

Enclosed is a copy the May 4, 2005 City Council agenda and staff report related to Consent Calendar Item E-19 as prepared by the Community Development Department. The Community Development Department is recommending that the hearing be scheduled for **May 18, 2005**. Please note that prior to voting on the Consent Calendar the Mayor will offer an opportunity to the public to make comments. Should you wish to do so, please submit a "Request to Speak" card (*available in the Carnegie Forum*) to the City Clerk prior to the opening of the meeting.

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



Susan J. Blackston
City Clerk

cc: Community Development Department

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which is annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

May 7th

all in the year 2005.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Witness my hand and seal at Lodi, California, this 7th day of May, 2005

Diane Rosales

Signature

RECEIVED

This space is for the County Clerk's Filing Stamp

2005 JUN 13 AM 8:36

CITY CLERK
CITY OF LODI

Proof of Publication of Notice of Public Hearing

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, May 18, 2005 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) the appeal from Lowe's HIW, Inc., regarding the Planning Commission's decision of April 13, 2005, pertaining to the application of design standards for Large Retail Establishments to their Lodi store.

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the 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:
Susan J. Blackston
City Clerk
Dated: May 4, 2005

Approved as to form:
D. Stephen Schwabauer
City Attorney
May 7, 2005 — 08501768

8501768



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: May 18, 2005

Time: 7:00 p.m.

For information regarding this notice please contact:

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, May 18, 2005** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) the appeal from Lowe's HIW, Inc., regarding the Planning Commission's decision of April 13, 2005, pertaining to the application of design standards for Large Retail Establishments to their Lodi store.

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

A handwritten signature in black ink, appearing to read "Susan J. Blackston".

Susan J. Blackston
City Clerk

Dated: May 4, 2005

Approved as to form:

A handwritten signature in black ink, appearing to read "D. Stephen Schwabauer".

D. Stephen Schwabauer
City Attorney



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

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

ADVERTISING INSTRUCTIONS

**SUBJECT: SET PUBLIC HEARING FOR MAY 18, 2005, TO CONSIDER THE APPEAL FROM
LOWE'S HIW, INC., REGARDING THE PLANNING COMMISSION'S DECISION
OF APRIL 13, 2005, PERTAINING TO THE APPLICATION OF DESIGN
STANDARDS FOR LARGE RETAIL ESTABLISHMENTS TO THEIR LODI STORE**

LEGAL AD

PUBLISH DATE: SATURDAY, MAY 7, 2005

TEAR SHEETS WANTED: Three (3) please

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

DATED: THURSDAY, MAY 5, 2005

ORDERED BY: _____
KARI J. CHADWICK
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

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

SEND PROOF OF ADVERTISEMENT. THANK YOU!!

LNS Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
Phoned to confirm receipt of all pages at _____ (time) _____ Jac _____ KJC _____ Jen (initials)



DECLARATION OF POSTING

SET PUBLIC HEARING FOR MAY 18, 2005, TO CONSIDER THE APPEAL FROM LOWE'S HIW, INC., REGARDING THE PLANNING COMMISSION'S DECISION OF APRIL 13, 2005, PERTAINING TO THE APPLICATION OF DESIGN STANDARDS FOR LARGE RETAIL ESTABLISHMENTS TO THEIR LODI STORE

On Friday, May 6, 2005, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider the appeal from Lowe's HIW, Inc., regarding the Planning Commission's decision of April 13, 2005, pertaining to the application of design standards for Large Retail Establishments to their Lodi store, (attached hereto, marked Exhibit "A"), was posted at the following four locations:

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

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

Executed on May 6, 2005, at Lodi, California

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

Jacqueline L. Taylor, CMC
Deputy City Clerk

Kari J. Chadwick
Administrative Clerk

Jennifer M. Perrin, CMC
Deputy City Clerk



DECLARATION OF MAILING

SET PUBLIC HEARING FOR MAY 18, 2005, TO CONSIDER THE APPEAL FROM LOWE'S HIW, INC., REGARDING THE PLANNING COMMISSION'S DECISION OF APRIL 13, 2005, PERTAINING TO THE APPLICATION OF DESIGN STANDARDS FOR LARGE RETAIL ESTABLISHMENTS TO THEIR LODI STORE

On May 6, 2005, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a notice to set public hearing for May 18, 2005, to consider the appeal from Lowe's HIW, Inc., regarding the Planning Commission's decision of April 13, 2005, pertaining to the application of design standards for Large Retail Establishments to their Lodi store, 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 May 6, 2005, at Lodi, California.

ORDERED BY:

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

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

KARI J. CHADWICK
ADMINISTRATIVE CLERK

CITY OF LODI

CITY HALL, 221 W. PINE ST.
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

**SET PUBLIC HEARING FOR MAY 18, 2005, TO CONSIDER THE APPEAL FROM LOWE'S
HIW, INC., REGARDING THE PLANNING COMMISSION'S DECISION OF APRIL 13, 2005,
PERTAINING TO THE APPLICATION OF DESIGN STANDARDS FOR LARGE RETAIL
ESTABLISHMENTS TO THEIR LODI STORE**

also mailed to:

⑦ Planning Commissioners

Member(s)

Eddie Aguirre
Dennis Haugan
Randy Heinitz
Tim Mattheis
Gina Moran
David Phillips
Dennis White

Jennifer E. Renk
c/o Steefel Levit & Weiss
One Embarcadero Center, 30th Floor
San Francisco, CA 94111-3719

Pat Patrick
c/o Chamber of Commerce
35 S. School Street
Lodi, CA 95240

Lowe's Home Improvement Store
Attn: Erik Hajek
1389 S. Lower Sacramento Road
Lodi, CA 95242

CITY OF LODI

CITY HALL, 221 W. PINE ST.
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

CERTIFIED MAIL™



7003 3110 0001 9935 9364

**Notice of
Public Hearing**

Steefel, Levitt & Weiss
Jennifer E. Renk
One Embarcadero Center, 30th Floor
San Francisco, CA 94111-3719

CITY OF LODI

CITY HALL, 221 W. PINE ST.
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

**Notice of
Public Hearing**

Steefel, Levitt & Weiss
Jennifer E. Renk
One Embarcadero Center, 30th Floor
San Francisco, CA 94111-3719

CITY COUNCIL

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

CITY OF LODI

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FAX (209) 333-6807
cityclrk@lodi.gov

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

May 5, 2005

MAILED CERTIFIED MAIL
AND REGULAR U.S. POSTAL DELIVERY

Steeffel, Levitt & Weiss
Jennifer E. Renk
One Embarcadero Center, 30th Floor
San Francisco, CA 94111-3719

NOTICE OF CITY COUNCIL PUBLIC HEARING – May 18, 2005

This letter is to notify you that a public hearing will be held by the City Council on **Wednesday, May 18, 2005, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

This hearing is being held to consider your appeal of the Planning Commission decision on April 13, 2005 pertaining to the application of Design Standards for Large Retail Establishments to the Lodi Lowe's store.

If you challenge the proposed action 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 Council at, or prior to, the public hearing. *Note: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.*

Should you have any questions, please contact my office or the Community Development Department at (209) 333-6711.

Sincerely,



Susan J. Blackston
City Clerk

cc: Community Development Department