

CC53a

CITY COUNCIL MEETING  
MAY 29, 1985

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PUBLIC HEARINGS

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Hinchman called for the Public Hearing to consider the Planning Commission's recommendation that the request of Mark Ehlers to amend the R-C-P, Residential-Commercial-Professional District to permit the rental and sale of special respiratory and convalescent equipment after acquiring a Use Permit from the Planning Commission be approved.

Council Member Snider asked to abstain from discussion and voting on the matter, because of a possible conflict of interest.

The matter was introduced by Community Development Director James Schroeder who responded to questions regarding the matter as were posed by the Council.

Mr. Mark Ehlers, 539 North Hutchins Street, Lodi, California, addressed the Council speaking on behalf of his request.

There being no other persons in the audience wishing to address the Council on the matter, Mayor Hinchman closed the Public Hearing.

Following additional discussion by the City Council, Council Member Olson moved for introduction of Ordinance No. 1356. An Ordinance amending the R-C-P, Residential-Commercial-Professional District to permit the rental and sale of special respiratory and convalescent equipment after acquiring a Use Permit from the Planning Commission. The motion was seconded by Mayor Pro Tempore Reid and Carried by the following vote:

- Ayes: Council Members - Olson, Reid and Hinchman  
(Mayor)
- Noes: Council Members - None
- Absent: Council Members - Pinkerton
- Abstain: Council Members - Snider

## COUNCIL COMMUNICATION

TO: THE CITY COUNCIL

DATE

NO.

FROM: THE CITY MANAGER'S OFFICE

May 23, 1985

SUBJECT: PUBLIC HEARING - ZONING ORDINANCE AMENDMENT

RECOMMENDED ACTION: That the City Council conduct a public hearing on a proposed Zoning Ordinance amendment as recommended by the Planning Commission and take action as deemed appropriate.

BACKGROUND INFORMATION: At its regular meeting of April 8, 1985, the Planning Commission heard a request presented by Mr. Mark Ehlers to recommend to the City Council an amendment to the Zoning Ordinance to permit an additional use in the R-C-P, (Residential-Commercial-Professional) district. Specifically the amendment, recommended by the Planning Commission, would permit the rental and sale of special respiratory and convalescent equipment after acquiring a use permit from the Planning Commission. This matter was originally heard at the regular City Council meeting of May 1, 1985. The Council has directed that the matter be re-heard at this meeting.

The attached exhibits are arranged in accordance with the chronology of events.

Respectfully submitted,



Thomas A. Peterson  
City Manager

TAP:jj

# Ehlers Respiratory Care

Home Respiratory and  
Convalescent Equipment

(209) 334-4407  
(LODI)  
(209) 463-8100  
(STOCKTON)  
539 North Hutchins Street  
Lodi, CA 95240

3/22/85

MR. JIM SCHROEDER  
COMMUNITY DEVELOPEMENT DIRECTOR  
CITY HALL

PLANNING COMMISSION-CITY OF LODI

TO WHOM IT CONCERNS,

I AM WRITING IN REGARDS TO A CONVERSATION WHICH I HAD WITH JIM SCHROEDER AT CITY HALL APPROXIMATELY 1 WEEK AGO. I OWN AND OPERATE EHLERS RESPIRATORY CARE. WE ARE INTERESTED IN LEASING SPACE FROM MR. CHUCK WENTLAND, CONSOLIDATED INVESTORS, IN THE HAM LANE PROFESSIONAL CENTER. QUESTIONS HAVE COME UP REGARDING THE RCP ZONING. UNDER THE PRESENT GUIDELINES, OUR TYPE OF BUSINESS IS NOT LISTED. WE RENT AND SELL SPECIAL RESPIRATORY AND CONVALESCENT EQUIPMENT TO PEOPLE IN NEED, MOST OFTEN THROUGH THE PRESCRIPTION OF A PHYSICIAN.

IT IS OUR FEELING THAT OUR BUSINESS IS TRULY MEDICAL RELATED AND SHOULD FALL UNDER THE SAME ZONING AS THE EXISTING BUSINESSES AT THE LOCATION. PERHAPS OUR TYPE OF BUSINESS WAS NOT TAKEN INTO CONSIDERATION WHEN THE ZONING GUIDELINES WERE ADOPTED.

IF NECESSARY I WOULD BE MORE THAN HAPPY TO APPEAR BEFORE THE PLANNING COMMISSION OR CITY COUNCIL TO EXPLAIN MY SITUATION. THANK YOU FOR YOUR HELP IN THIS MATTER.

SINCERELY,

Mark Ehlers

MARK EHLERS

NOTICE OF PUBLIC HEARING  
BY THE CITY COUNCIL OF THE CITY OF LODI  
TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION  
THAT THE REQUEST OF MARK EHLERS TO AMEND THE R-C-P,  
RESIDENTIAL-COMMERICAL-PROFESSIONAL DISTRICT TO PERMIT  
THE RENTAL AND SALE OF SPECIAL RESPIRATORY AND CONVALESCENT  
EQUIPMENT AFTER ACQUIRING A USE PERMIT FROM  
THE PLANNING COMMISSION BE APPROVED

NOTICE IS HEREBY GIVEN that at an Adjourned regular meeting to be held Wednesday, May 29, 1985 at the hour of 7:30 p.m. or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a public hearing in the Council Chambers, City Hall, 221 West Pine Street, Lodi, California, to consider the Planning Commission's recommendation that the request of Mark Ehlers to amend the R-C-P, Residential-Commercial-Professional District to permit the rental and sale of special respiratory and convalescent equipment after acquiring a Use Permit from the Planning Commission be approved.

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 either for or against the above proposal. 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, Lodi, California, at, or prior to, the Public Hearing.

Dated: May 15, 1985

By Order of the Lodi City Council

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk

(bb) Seven hundred and fifty square feet for each additional attached dwelling unit in a two-story building.

(cc) Five hundred square feet for each additional attached dwelling unit in a three-story or four-story building.

(iii) For other permitted types of buildings, the minimum lot area shall be sufficient to provide the yard areas and parking spaces hereinafter specified for the several types of buildings with a minimum lot width of fifty feet.

(c) Minimum Yards.

1. The required front, side and rear yards shall be the same as the R-GA District as provided in subsection (c) of section 27-7.

2. Land Coverage. The above minimum yards shall be increased where necessary so that in no case shall the maximum coverage of the main building and its accessory buildings exceed sixty percent of the area of the lot. (Ord. No. 862, § 3.)

✓  
**Sec. 27-9. R-C-P Residential-Commercial-Professional Office District.**

There is hereby established a residential-commercial-professional (R-C-P) District, and the following regulations shall govern except as otherwise provided in section 27-13:

(a) Permitted and Prohibited Uses.

(1) All uses permitted in the R-GA District with the same regulations applicable thereto.

(2) Institutions of an educational or philanthropic nature.

(3) Business and professional offices such as accountant, architect, attorney, contractor, doctor, dentist, engineer, insurance agent, real estate agency, finance company, bank, chiropractor, governmental agency and drive-in offices.

(4) Beauty shops and barbershops.

(5) Rest and convalescent homes.

(6) The following uses subject to securing a use permit:

(i) All uses permitted in the R-3 District as provided in subsection (a) paragraph 3 of section 27-7 except when included as a permitted use above.

(ii) Hospital.

(iii) Lodge or private club.

(iv) Funeral homes and mortuaries.

(v) Dispensing pharmacy or coffee shop when completely enclosed within a professional office complex or hospital and when serving as an accessory use.

(7) Prohibited uses include retail and wholesale businesses which involve the sale, processing or repair of materials or goods or the use of equipment other than ordinary office machines. Examples are: Drugstore, TV repair shop, printing shop, dry-cleaning pick-up station, reducing salon or health studio, commercial recreation facilities and assembly halls. Any uses not specifically permitted are prohibited.

(b) Height and Area.

(1) Building height limit: Two stories and not to exceed thirty-five feet.

(2) Building site area requirements:

(i) For the various residential types of buildings permitted the provisions shall be as follows:

(A) For one-family dwellings: a minimum of five thousand square feet and fifty feet in width for each main building and its accessory buildings.

(B) For two-family dwellings: a minimum of eight thousand square feet and eighty feet in width for each main building and its accessory buildings.

(C) For multiple-family and group dwellings: a minimum of four thousand square feet for the first dwelling unit and four thousand square feet for each additional attached dwelling unit, with a minimum lot width of one hundred feet.

(D) However, in areas that are adjacent to the Central Business District and surrounded by areas classified in the R-HD District, the provisions for dwellings shall be the same as the R-HD District, as provided in subsections (b)1 and 2 of section 27-8A.

(ii) For other permitted types of buildings, the minimum lot size shall be sufficient to provide the yard areas and parking spaces required, but in no case shall a lot contain less than four thousand square feet.

(c) Minimum Yards.

(1) For dwellings, the provisions shall be the same as the R-1 Zone.

(2) For other permitted buildings, the following minimum yards shall govern:

(i) Front Yard. Same as in R-4 District as provided in subsection (c) of section 27-8.

(ii) Side Yard. No side yard is required except that on lots adjacent to a residential zone, a five-foot yard shall be observed. On corner lots, a minimum yard of ten feet is required on the street side of the lot.

(iii) Rear Yard. Same as in the R-4 District as provided in subsection (c) of section 27-8.

(iv) Land Coverage. The above minimum yards shall be increased where necessary so that in no case shall the maximum coverage of the land by the main buildings and any accessory buildings exceed fifty percent of the total area of the lot.

(d) Special Requirements for the C-P Zone.

(1) Lots adjacent to a residential zone, upon development for nonresidential purposes, shall be screened with a solid fence of wood, masonry or such other materials as approved by the director of public works, six feet in height for the length of the boundary line between the two districts, excluding the required front yard or street side yard where the property shall be landscaped or screened by a three and one-half foot solid fence of the same material. All fencing erected under this section shall be maintained in good condition.

(2) Signs shall be limited to one square foot of sign for each five lineal feet of commercial frontage with the maximum size of any one sign being twelve square feet. The use of neon-type, flashing or moving signs is prohibited.

(3) All nonresidential operations shall be conducted within buildings.

(4) Any exterior lighting shall be directed away from nearby residential zones. (Ord. No. 649, § 9; Ord. No. 732, § 1; Ord. No. 774, § 1; Ord. No. 793, § 1; Ord. No. 852, § 4; Ord. No. 862, § 4; Ord. No. 890, § 2; Ord. No. 1154, § 1; Ord. No. 1172, § 1.)

**Sec. 27-9A. C-S Commercial Shopping District.**

The following regulations shall govern except as otherwise provided in section 27-13.

April 9, 1985

Mr. Mark Ehlers  
c/o Ehlers Respiratory Care  
539 North Hutchins Street  
Lodi, CA 95240

Dear Mr. Ehlers:

RE: Amendment - Residential-Commercial-Professional District.

At its meeting of Monday, April 8, 1985 the Lodi City Planning Commission recommended that the City Council approve your request to amend the R-C-P, Residential-Commercial-Professional District to permit the rental and sale of Special Respiratory and Convalescent Equipment after first acquiring a Use Permit from the Planning Commission.

The Planning Commission's recommendation has been forwarded to the City Council for final hearing and action. Mrs. Alice M. Reimche, City Clerk, will inform you of the time and place of the City Council's public hearing.

Sincerely,

JAMES B. SCHROEDER  
Community Development Director

cc: City Clerk  
C.A. Wentland, c/o Consolidated Investors.

# Ehlers Respiratory Care

Home Respiratory and  
Convalescent Equipment

334-4407

(209) 334-4407

(LODI)

(209) 463-8100

(STOCKTON)

539 North Hutchins Street  
Lodi, CA 95240

5/8/85

Hello,

My name is Mark Ehlers, I own and operate EHLERS RESPIRATORY CARE, INC., in Lodi. Approximately 7-8 weeks ago I inquired into the possibility of leasing space in the Ham Lane Professional Center in Lodi. At this time I was informed that the current RCP Zoning governing this property did not include my type of Business. To explain my background, I am a Certified Respiratory Therapist. I am in the business of Renting and Selling Respiratory-Convalescent Equipment. This is specialized equipment needed to treat the sick and disabled. This equipment is dispensed in the same manner as medicine, eye glasses, etc. I presently own and operate my business at 539 N Hutchins in Lodi. My intentions are to relocate my showroom and offices to the Ham Lane Complex to place us closer to the physicians, hospitals and medical profession which we work so closely with.

Following the information given to me on the zoning problem, I spoke with Mr. Jim Schroeder, Community Development Director, and followed up with a letter written to Jim and the Lodi Planning Commission (See Attachment). I also appeared before the Planning Commission last month and presented my background and reasons for requesting the change in the RCP Zoning. The Planning Commission voted 4-0 to grant a Use Permit. The Commission then made their recommendation to the City Council, and a Public Hearing was set for 5/1/85. A few days before the hearing, I received a notice in the mail regarding the Public Hearing on the RCP Zoning Change. Due to a complete oversight and misinterpretation on my part, I was not aware that I should appear at the Council Meeting to answer questions, etc.

Following the Council Meeting I learned that my request had been noted upon and denied. I have since spoke with various members of the Council to help clarify my position and requests. I now realize that I was in error in not attending the Council Meeting to present my information. I would greatly appreciate another opportunity to come before the Council and explain my reasons and request, I feel this would help clear up some confusion which seems to exist on this matter. I have explained to the representatives from the Ham Lane Professional Center that I will do what ever possible to correct this matter with the Lodi City Council. They have graciously given me 30 days to get this problem resolved.

I Thank You for your Time and Effort on Helping me with this Matter. I certainly have learned from this mistake and Hope the Council will understand my situation and work with me to correct this matter.

Sincerely,



MARK EHLERS