



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Conduct a Public Hearing to:

1. Consider the request of Dale Gillespie on behalf of Geweke Properties for a General Plan Amendment to redesignate a portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) from PR, Planned Residential and NCC, Neighborhood-Community Commercial to LDR, Low Density Residential and NCC, Neighborhood-Community Commercial.
2. Consider the request of Dale Gillespie on behalf of Geweke Properties to prezone a 19.7 acre portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23), C-S, Commercial Shopping and a 17.3 acre portion of those parcels R-2, 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.

**MEETING DATE:** February 7, 1996

**PREPARED BY:** Community Development Director

**RECOMMENDED ACTION:** That the City Council conduct a Public Hearing to:

1. Consider the request of Dale Gillespie on behalf of Geweke Properties for a General Plan Amendment to redesignate a portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) from PR, Planned Residential and NCC, Neighborhood-Community Commercial to LDR, Low Density Residential and NCC, Neighborhood-Community Commercial.
2. Consider the request of Dale Gillespie on behalf of Geweke Properties to prezone a 19.7 acre portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23), C-S, Commercial Shopping and a 17.3 acre portion of those parcels R-2, 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:** The above requests of Dale Gillespie on behalf of Geweke Properties were initiated by City Council action at its meeting of March 1, 1995. The matter was continued at the request of Mr. Gillespie so that Geweke Properties and the owners of the parcel to the south, across Kettleman Lane, could meet with Michael Friedman to discuss permitted land uses.

Although the land use question has not been answered, a new problem appears to require the early annexation of these parcels. In December 1995, the Board of Supervisors unilaterally canceled the annexation property tax agreements effective June 13, 1996. The County is now seeking to split all taxes (i.e., property, sales, TOT etc.) on newly annexed property.

APPROVED \_\_\_\_\_

H. DIXON FLYNN  
City Manager



recycled paper

CC-1

Council Communication

Meeting Date: February 7, 1996

Page 2

At the Planning Commission meeting of Monday, January 22, 1996, the Planning Commission recommended approval of the above requests by the following vote:

Ayes: Commissioners McGladdery, Rasmussen, Rice, Stafford and Chairman Marzolf.

Noes: Commissioners Lapenta and Schmidt.

By the same vote, the Planning Commission recommended that the City Council make the following findings concerning the project:

1. That the Plot Plan (LMC 17.30.100) and Development Schedule (LMC 17.30.100) are not approved at this time;
2. that the Plot Plan and Development Schedule are held in abeyance until such time that the City Council, Planning Commission and property owners have agreed on a new zoning classification which will outline the permitted uses; and
3. that the approval is with the understanding that future development will conform and be consistent with the plans and policies of the Downtown Revitalization Plan.

The LAFCO Executive Officer has informed the City that in order for an annexation to be considered at the April 19, 1996 LAFCO meeting, it must be received by his office by March 11, 1996. LAFCO policy requires that all property proposed for annexation must be rezoned. If the City Council fails to approve the rezoning, the annexation will not be accepted by the LAFCO staff.

The General Plan Amendment is required because the commercial area is being reconfigured to decrease the frontage on Kettleman Lane and partially eliminate discussions with Cal Trans concerning driveway locations and possible additional stop lights. The reconfiguration will also make the commercial depth of Lower Sacramento Road the same as the eastside of the street (i.e., Agnanos property).

FUNDING: None Required.

  
for James B. Schroeder  
Community Development Director

JBS/lw



ORDINANCE NO. 1622

AN ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING THE LAND USE ELEMENT OF THE LODI GENERAL PLAN  
BY REDESIGNATING THE PARCELS LOCATED AT 570 EAST TAYLOR ROAD  
AND 15201 NORTH LOWER SACRAMENTO ROAD (APN's 027-050-14 AND 23)  
FROM PR, PLANNED RESIDENTIAL AND NCC, NEIGHBORHOOD-  
COMMUNITY COMMERCIAL TO LDR, LOW DENSITY RESIDENTIAL AND  
NCC, NEIGHBORHOOD-COMMUNITY COMMERCIAL

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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 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) from PR, Planned Residential and NCC, Neighborhood-Community Commercial to LDR, Low Density Residential and NCC, Neighborhood-Community Commercial, as shown on the Vicinity Map, on file in the office of the Lodi City Clerk.

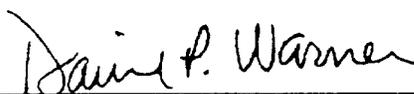
Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 - 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 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. 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.

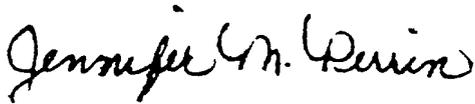
Approved this 21st day of February, 1996



DAVID P. WARNER

Mayor

Attest:



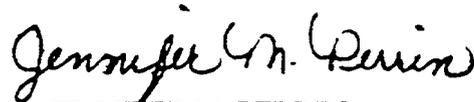
JENNIFER M. PERRIN  
City Clerk

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. 1622 was introduced at a regular meeting of the City Council of the City of Lodi held February 7, 1996 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held February 21, 1996 by the following vote:

Ayes:	Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
Noes:	Council Members - Davenport
Absent:	Council Members - None
Abstain:	Council Members - None

I further certify that Ordinance No. 1622 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. 1623

AN ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI  
AND THEREBY PREZONING THE PARCELS LOCATED AT 570 EAST TAYLOR  
ROAD AND 15201 NORTH LOWER SACRAMENTO ROAD (APN's 027-050-14 AND  
23) TO C-S, COMMERCIAL SHOPPING AND R-2, SINGLE-FAMILY RESIDENTIAL,  
WITH A CONDITION RELATING TO SCHOOL FACILITIES FUNDING

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

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

The parcels located at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) are hereby prezoned as follows:

19.7 acre portion C-S, Commercial Shopping and 17.3 acre portion R-2, Single-Family Residential, as shown on the Vicinity Map, on file in the office of the City Clerk.

Section 2. The above-described prezoning shall be conditioned upon the signing by the developer and/or owner of said parcels prior to the effective date hereof, of an agreement with Lodi Unified School District for the provision of school facilities funding. Failure to execute such agreement shall delete the parcel(s) subject thereto from the effects of this ordinance.

Section 3. 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.

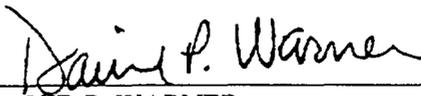
Section 4 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5 - 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 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 21st day of February, 1996

  
\_\_\_\_\_  
DAVID P. WARNER  
Mayor

Attest:

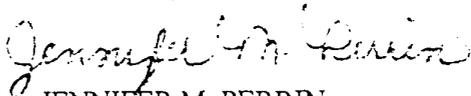
  
JENNIFER M. PERRIN  
City Clerk

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. 1623 was introduced at a regular meeting of the City Council of the City of Lodi held February 7, 1996 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held February 21, 1996 by the following vote:

- Ayes: Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
- Noes: Council Members - Davenport
- Absent: Council Members - None
- Abstain: Council Members - None

I further certify that Ordinance No. 1623 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

CITY COUNCIL

DAVID P. WARNER, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
RAY C. DAVENPORT  
STEPHEN J. MANN  
JACK A. SIEGLOCK

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6711  
FAX (209) 333-6842

H. DIXON FLYNN  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
RANDALL A. HAYS  
City Attorney

RECEIVED  
96 JAN 25 AM 10:52  
JENNIFER M. PERRIN  
CITY CLERK

January 24, 1996

Mr. Dale Gillespie  
c/o Geweke Properties  
P.O. Box 1210  
Lodi, CA 95241

RE: General Plan Amendment  
Rezoning  
Negative Declaration  
570 E. Taylor Road & 1520 N. Lower Sacramento Road

Dear Dale:

At its meeting of Monday, January 22, 1996 the Lodi City Planning Commission recommended approval of the following actions initiated by the Lodi City Council:

1. The request of Dale Gillespie on behalf of Geweke Properties for a General Plan Amendment to redesignate a portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) from PR, Planned Residential and NCC, Neighborhood-Community Commercial to LDR, Low Density Residential and NCC, Neighborhood-Community Commercial;
2. the request of Dale Gillespie on behalf of Geweke Properties to prezone a 19.7 acre portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23), C-S, Commercial Shopping and a 17.3 acre portion of those parcels R-2, Single-Family Residential; and
3. certification of the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

In regard to the General Plan Amendment and Rezoning, the Planning Commission is recommending that the City Council make the following findings:

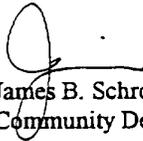
1. That the Plot Plan (LMC 17.30.100) and Development Schedule (LMC 17.30.100) are not approved at this time;
2. that the Plot Plan and Development Schedule are held in abeyance until such time that the City Council, Planning Commission and property owners have agreed on a new zoning classification which will outline the permitted uses; and
3. that the approval is with the understanding that future development will conform and be consistent with the plans and policies of the Downtown Revitalization Plan.

Mr. Dale Gillispie  
January 24, 1996  
Page 2

The City Council has set a public hearing for 7:00 p.m., Wednesday, February 7, 1996 to consider the above recommendations of the Planning Commission. In the event the City Council approves the General Plan Amendment, Rezoning and Negative Declaration, the City staff will recommend that annexation proceedings be initiated by the City.

If additional information or assistance is required, please call upon us.

Sincerely,

A handwritten signature in black ink, appearing to read 'James B. Schroeder', with a stylized flourish at the end.

James B. Schroeder  
Community Development Director

JBS/lw

cc: City Clerk



# CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: February 7, 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, February 7, 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) Consider request of Dale Gillespie on behalf of Geweke Properties for a General Plan Amendment to redesignate a portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) from PR, Planned Residential and NCC, Neighborhood-Community Commercial to LDR, Low Density Residential and NCC, Neighborhood-Community Commercial;
- b) Consider the request of Dale Gillespie on behalf of Geweke Properties to prezone a 19.7 acre portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23), C-S, Commercial Shopping and a 17.3 acre portion of those parcels R-2, Single-Family Residential; and
- c) 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

*Jennifer M. Perrin*  
Jennifer M. Perrin  
City Clerk

Dated: January 17, 1996

Approved as to form  
*John Luebberke*

John Luebberke  
Deputy City Attorney



## DECLARATION OF MAILING

### Public Hearing - GEWEKE PROPERTIES

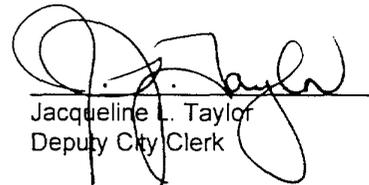
On January 18, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "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 January 18, 1996, at Lodi, California.

Jennifer M. Perrin  
City Clerk



Jacqueline L. Taylor  
Deputy City Clerk

PUBLIC HEARING LIST

EGEWIKE

Page 1 of 2

MARKING LIST FOR:	GEWEIKE WEST GPA, PREZONE 9 ANNEXATION	FILE #	CITY, STATE	ZIP
AP#	OWNER'S NAME	MARING ADDRESS		
027-050-13	Daryl & O Geweke Trs	P.O. Box 1310		
-14	"		Stockton	95212
-10	Angela S. Parisi	9949 Fernwood Rd		95242
-11	Takaji & Minko Kaba	2332 Rockingham Ct		
-03	Enbia Helet	345 E Taylor Rd	Lodi	95242
-20	Lanai A. J. A. Hedrick	209 E Hwy 12		95242
-21	Mexican American Catholic F	ed. P.O. Box 553		
-060-01	Merces P & P Guierrez	383 E Taylor Rd		
-02	James F & P Gilbertson Trs	641 N Pacific Ave		
-03	Mervin D & F.C. Badgley	449 E Taylor Rd		
-05	Daniel R & S M McNeil	441 E Taylor		
-06	Leland G & Mildred Frey	485 E Taylor Rd		
-39	"			
-08	"			
-09	Domingo Sanchez Frey	517 Taylor Rd		95342
-10	"			
-11	"			
-38	Kenneth G. Reising et al	246 N. Loma Dr		
-12	Kenneth A & Rita G. Roberts	Box 619 E Taylor		
-13	Gent Davis	P.O. Box 5842	Stockton	95306
-14	Velma L. Huber	643 E Taylor		
-15	Lester & H Wagner	15472 Hilde Lane		
-19	"			
-27	Bernadus & Renee Vander	heden 681 Taylor	Elk Grove CA	95624
-28	Arthur & Margaret L. Kazaku	n 10241 Sheldon Rd		
-29	Randy K & MA Zapara	695 E Taklot	Rd	95134
-34	Ray S. & Tammy S. Roberts	15431 Lusk Sacramento	Elk Grove	
-35	Arthur & Harlene L. Kazakian	10241 Sheldon Rd		
-030-12	Leland F & Maxine Christese	n 179 E Taylor Rd		95242
-23	Donald E & Elizabeth Clauss	n 620 W Coast		
-22	R Michael Fukunaga	14704 N Breckman Rd	Lodi	
-040-68	B DeLodi Plaza LP Brown	and Dr. 100 Swanway #22	6 Oakland	9462
-30	A & C Aragues et al	801 E Hwy 12	Lodi	
-10	Tom & Terry Killo Trs	12123 Lusk Sacramento		
-11	Phyllis J. Valades	15288 N Lusk Sacramento	San Francisco	94110
	"	22 Peters Ave		

PUBLIC HEARING LIST

E G E W E K E

PARCEL LIST CONT.	APN	OWNER'S NAME	MAILING ADDRESS	CITY, STATE	ZIP
027-336-03	-04	Michael M Schmitter	317 W. Lodi Ave	Lodi	95340
	-05	Resizer	2488 Anthony Ct		95342
	-06	Carolyn Hines Reichmuth	1358 Midvale Rd		95340
058-050-01	-02	Lodi Southwest Associates LP	301 S. Main Lane	Lodi	95342
	-01	Uffinger Inc	52511 Third St	Hanford	93330
	-42	First Lodi Plaza Associates	Estowmen Level 100 Susan Way	Costa Mesa	92621
	-44	"	"	"	

FILE #

CITY COUNCIL

DAVID P. WARNER, Mayor  
PHILLIP A. PENNINO,  
Mayor Pro Tempore  
RAY G. DAVENPORT  
JACK A. SIEGLOCK  
STEPHEN J. MANN

# CITY OF LODI

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

H. DIXON FLYNN  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
RANDALL A. HAYS  
City Attorney

February 8, 1996

Dale Gillespie  
c/o Geweke Properties  
P.O. Box 1210  
Lodi, CA 95241

RE: Crossroads Reorganization

We are in receipt of your request that we proceed with the annexation to the City of the above referenced parcel.

In order for the City of Lodi to proceed with the annexation of this parcel, it will be necessary for you to pay the following filing fees:

LAFCO	\$1,187.50 (one-half of the new development fees)
City of Lodi	\$1,000.00 (one-half of the annexation fee)
	<hr/>
	\$2,187.50

Please issue two separate checks (one payable to LAFCO; the other the City of Lodi), and mail or deliver to the City Clerk's office. You will be required to issue a check to the State Board of Equalization; however, we will notify you at the appropriate time as to the amount.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Sincerely,

  
Jennifer M. Perrin  
City Clerk

JLT

cc: James B. Schroeder,  
Community Development Director