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## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to Consider and Approve the Recommendation of the Planning Commission to Rezone the Property Located at 515 South Lower Sacramento Road from R-1, C-S and R-C-P to Planned Development (PD)-35

**MEETING DATE:** September 19, 2012

**PREPARED BY:** Community Development Department

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**RECOMMENDED ACTION:** Public hearing to consider and approve the recommendation of the Planning Commission to rezone the property located at 515 South Lower Sacramento Road from R-1, C-S and R-C-P to Planned Development (PD)-35.

**BACKGROUND INFORMATION:** At the Planning Commission Meeting of June 13, 2012, the Commission considered a request for rezoning of the property located at 515 South Lower Sacramento Road from R-1 (Single Family Residence), R-C-P (Residential, Commercial, and Professional) and C-S (Commercial Shopping) to Planned Development (PD)-35. Rezoning of the property to PD-35 would create a uniform zoning designation and permit commercial development to occur. The City's General Plan designates the subject sites as Commercial. The Commission received a staff report; heard a staff presentation; asked questions of staff, as well as the applicant, and the general public; heard testimony in support and in opposition to the application; closed the public hearing, and voted 6-0, with one Commissioner absent, to recommend the City Council approve the applicant's request to rezone the property.

### ANALYSIS

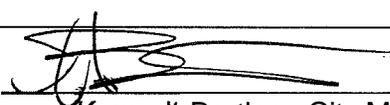
The subject property is located at 515 South Lower Sacramento Road. The parcel currently has three different zoning designations assigned to it: R-1, Single Family Residence, R-C-P, Residential Commercial and Professional, and C-S, Shopping Center. The owner is petitioning to rezone the subject property to Planned Development (PD)-35. PD-35 zoning district covers the area commonly known as the Raley's Shopping Center, which is located immediately north of the project site and is also owned by the same entity.

The Planned Development (PD)-35 District is designed to accommodate various types of commercial uses such as neighborhood commercial, shopping centers, professional and administrative offices, commercial service centers, and residential uses. The change in zoning designation to PD-35 would allow development of the vacant parcel as specifically permitted in the Lodi Municipal Code §17.33.040. The Planned Development District, as defined in the City's Zoning Ordinance, provides the flexibility for applicants to design their own development criteria. This includes setbacks, heights, lot coverage and other land use issues as defined in Lodi Municipal Code.

At the present time, there is an inherent contradiction between the General Plan and the current zoning designations. When the City adopted the current General Plan, it changed the land use designation to Commercial per the property owner's request. The presence of residential designation prohibits

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

  
Konradt Bartlam, City Manager

Commercial per the property owner's request. The presence of residential designation prohibits commercial development to occur. Approval of the requested rezoning would make the zoning consistent with the current General Plan and facilitate the development of the site by removing constraints imposed by the current zoning designations. At this time, no development is proposed. Future development plans will be subject to review and approval by the Site Plan and Architecture Review Committee (SPARC) and possibly the Planning Commission.

**FISCAL IMPACT:** Not applicable

**FUNDING AVAILABLE:** Not applicable



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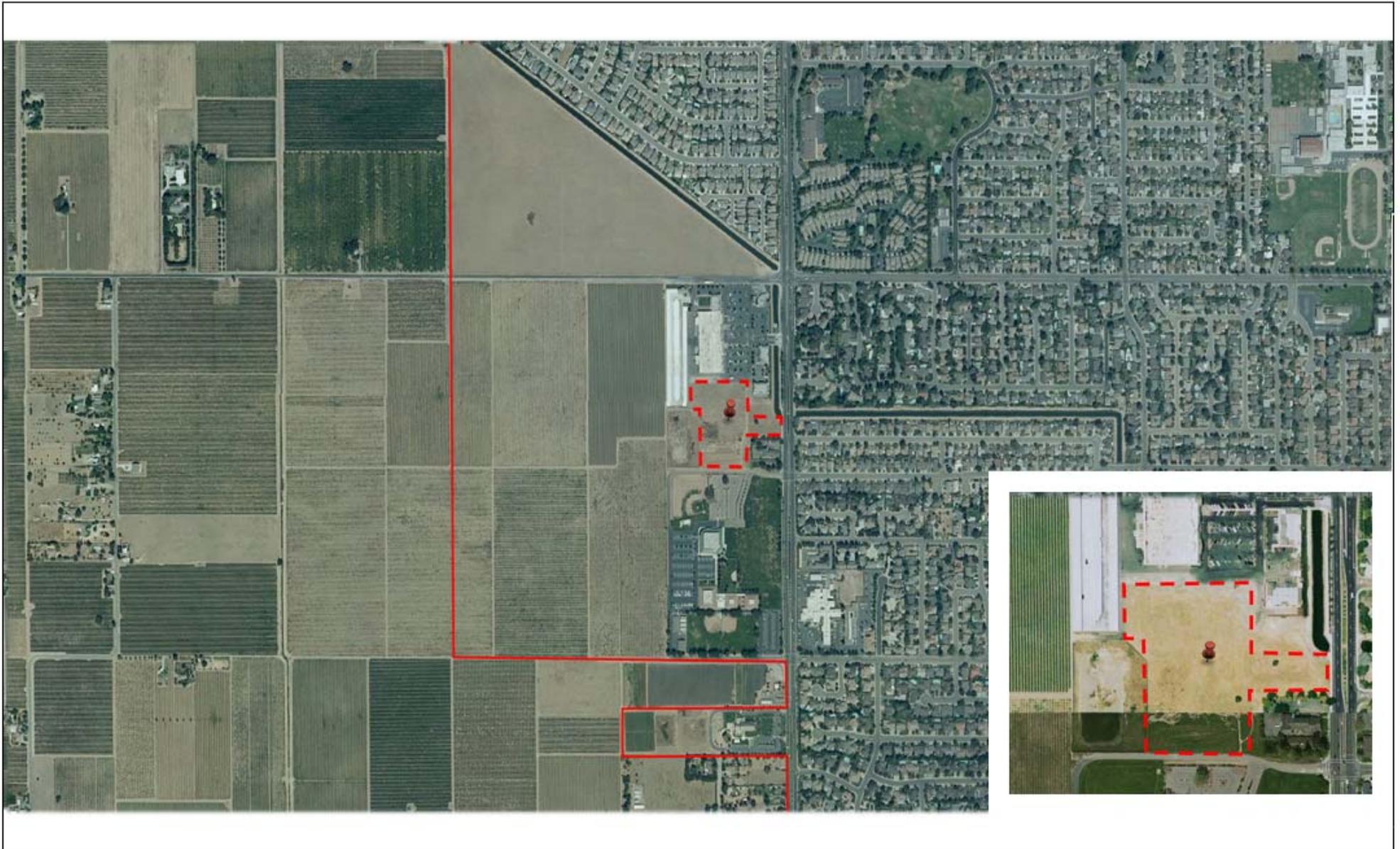
Konradt Bartlam  
Community Development Director

KB/IB

Attachment:

1. Aerial Map
2. Vicinity Map
3. General Plan Map
4. Proposed Zoning Map
5. Planning Commission Staff Report
6. Planning Commission Resolutions
7. Planning Commission minutes of June 13, 2012
8. Draft Ordinance

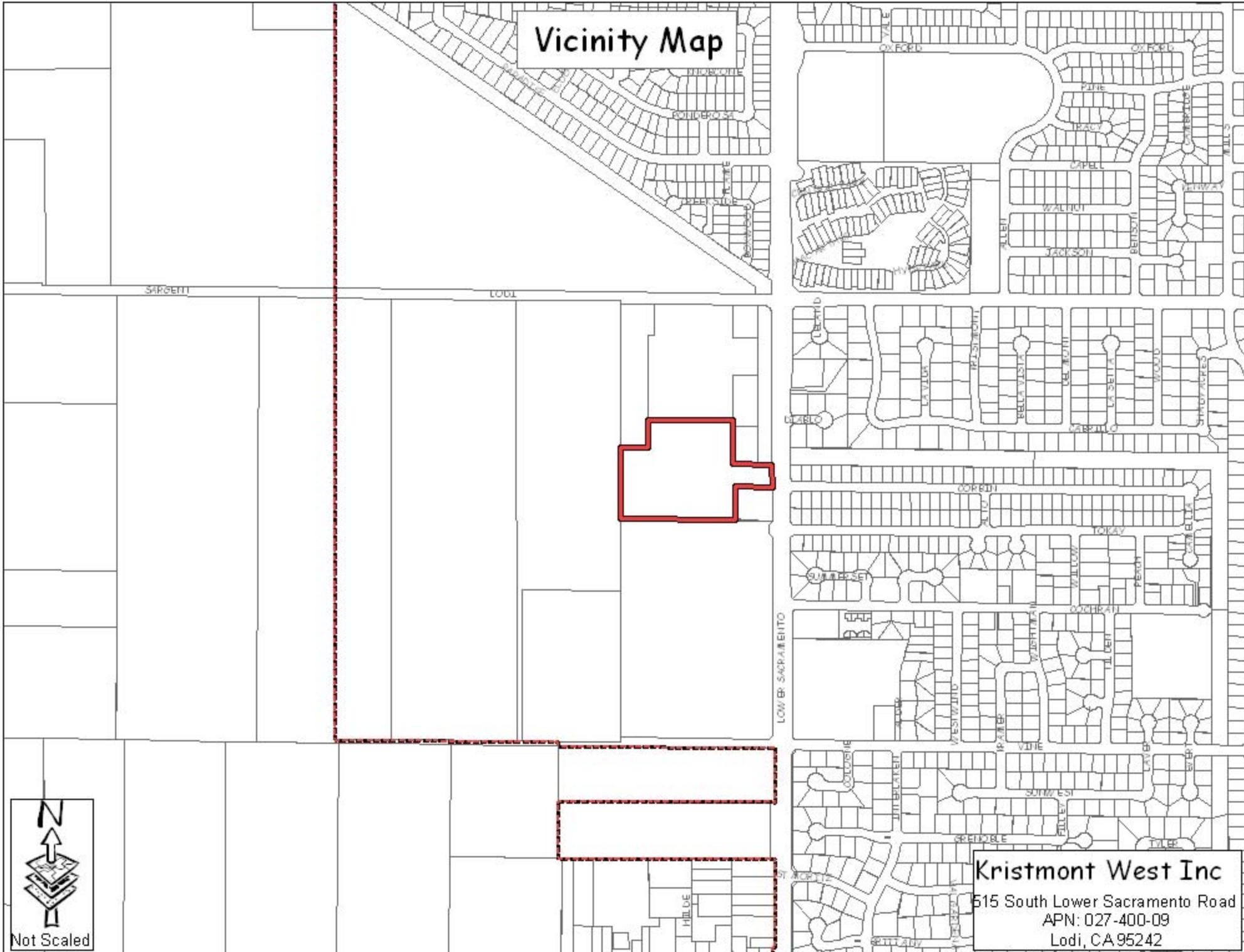
# Aerial Map



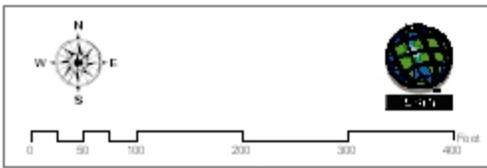
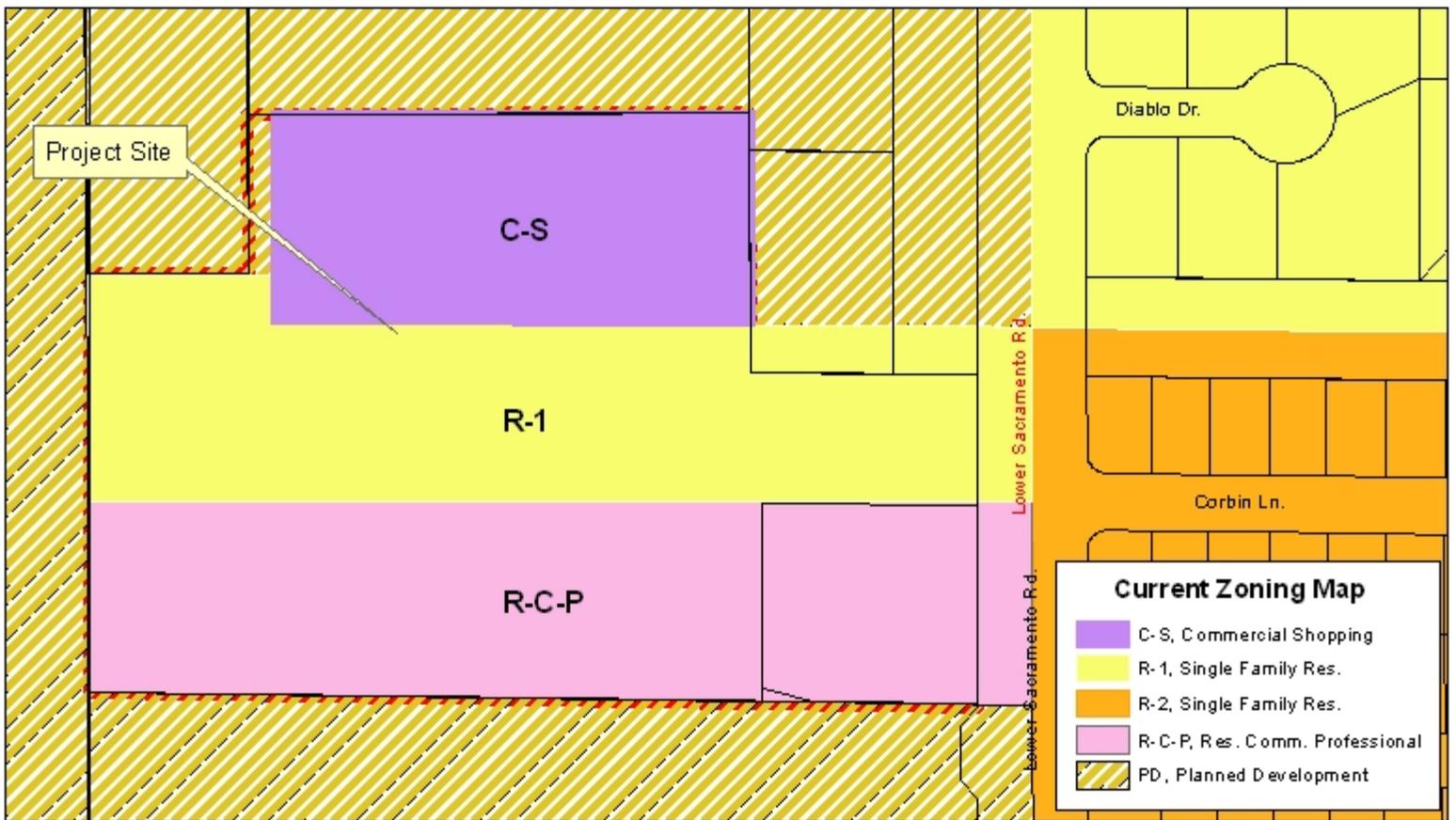
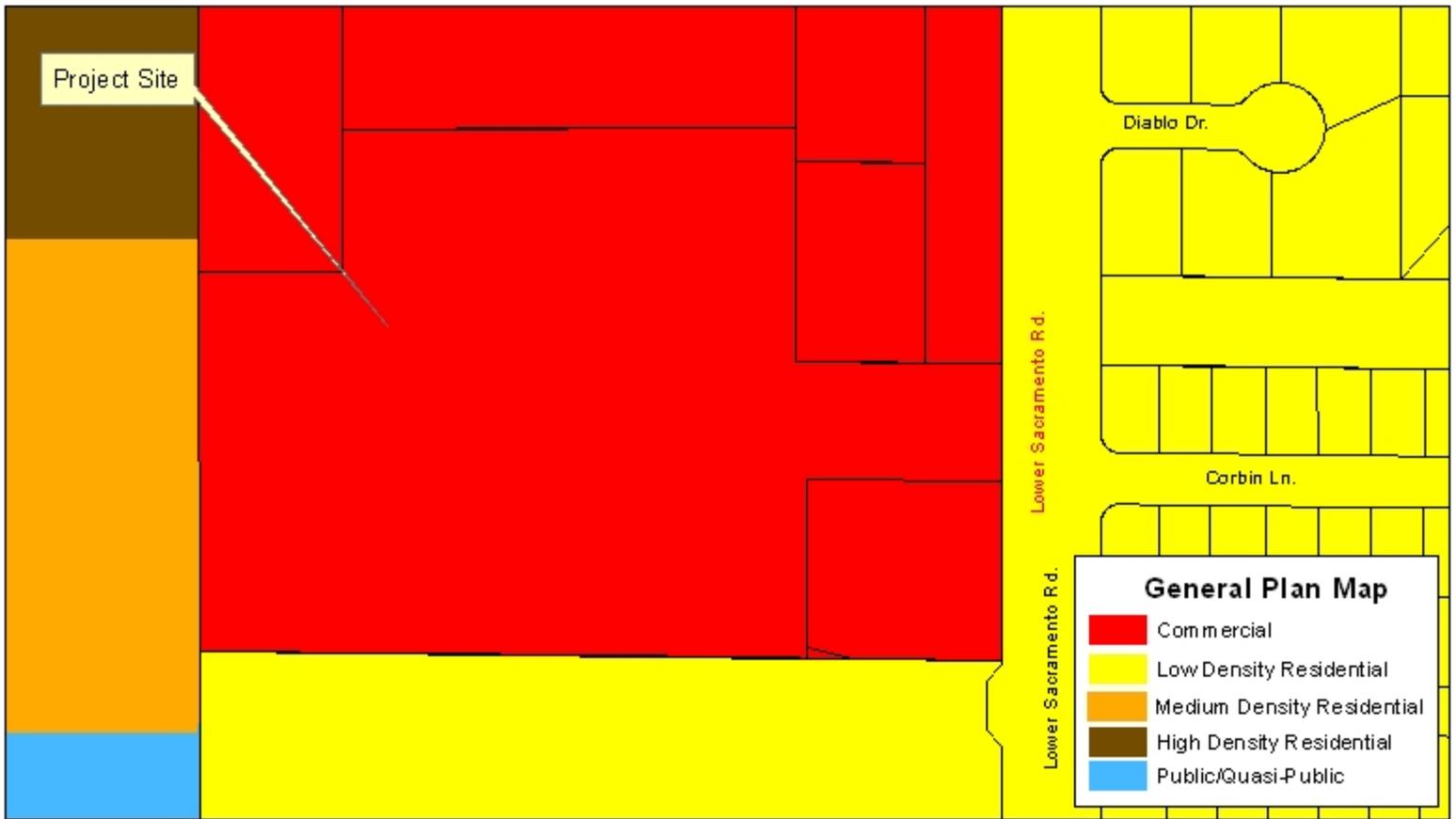
**Kristmont West Shopping**  
515 South Lower Sacramento Road  
APN: 027-400-09  
Lodi, CA 95242

 Project Site  
 City Limits

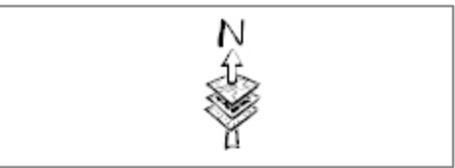
# Vicinity Map

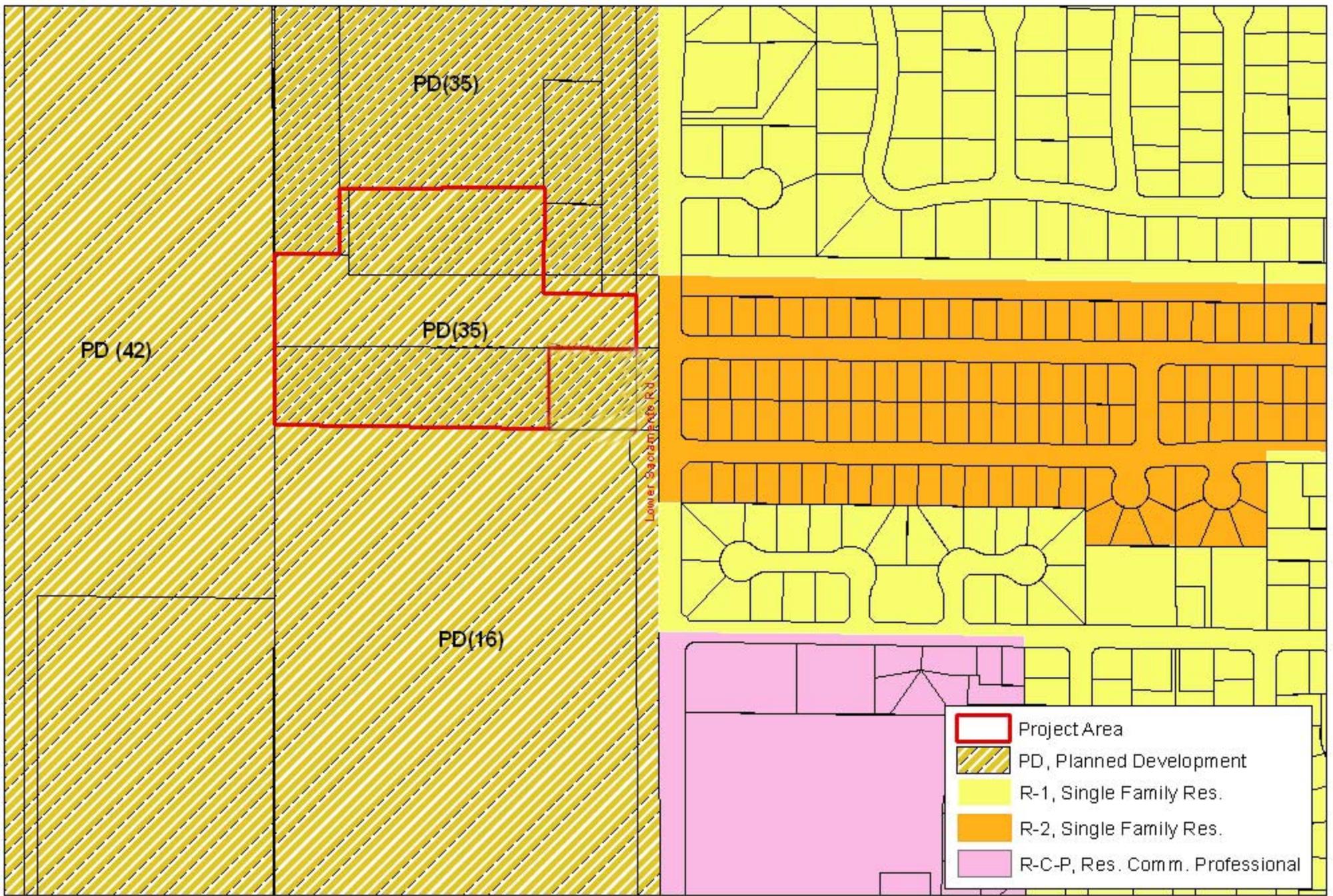


**Kristmont West Inc**  
615 South Lower Sacramento Road  
APN: 027-400-09  
Lodi, CA 95242



515 and 617 S. Lower Sacramento Road  
Lodi, CA 95242





## Proposed Zoning Change

515 and 617 S. Lower Sacramento Road  
Lodi, CA 95242



**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

**MEETING DATE:** June 13, 2012

**APPLICATION NO:** 11-Z-01

**REQUEST:** Request for Planning Commission to make a Recommendation to the City Council to approve rezoning of a property located at 515 South Lower Sacramento Road from R-1, C-S and R-C-P to Planned Development (PD)-35. (Applicant, Kristmont West Inc.; File # 11-Z-01)

**LOCATION:** 515 South Lower Sacramento Road  
APN: 027-400-09  
Lodi, CA 95242

**PROPERTY OWNER:** Kristmont West Inc  
7700 College Town Drive #111  
Sacramento, CA 95826

**APPLICANT:** The same as above.

**RECOMMENDATION**

Staff recommends the Planning Commission recommend to the City Council approval of the Rezone application, subject to conditions of approval outlined in the attached resolution.

**PROJECT AREA DESCRIPTION**

**General Plan Designation:** Commercial

**Zoning Designation:** C-S: Commercial Shopping, R-1, Single Family Residence and R C-P, Residential, Commercial and Professional.

**Property Size:** Approximately 9.3 acres

**The adjacent zoning and land use characteristics:**

	<b>General Plan</b>	<b>Zone</b>	<b>Land Use</b>
<b>North</b>	Commercial	PD-35: Planned Development 35	Variety of stores
<b>South</b>	Low Density Residential	PD-16: Planned Development 16	Temple Baptist Church
<b>East</b>	Low Density Residential	R-1 and R-2 Residences	Single Family Residences
<b>West</b>	High and Medium Density Residential	PD-42: Planned Development 42	Agricultural land

**SUMMARY**

The application involves rezoning of a property located at 515 South Lower Sacramento Road. The subject property is currently zoned R-1, R-C-P and C-S. The owner is petitioning to rezone the subject property to Planned Development (PD)-35. PD-35 zoning district covers the area commonly known as Raley's Shopping Center, which is located immediately north of the project sites and is also owned by the same entity. Rezoning of the properties to PD-35 would create a uniform zoning designation and permit commercial development to occur. The City's General Plan designates the subject sites as Commercial. Staff recommends the Commission recommend approval of the proposed rezoning as shown in Attachment "6" to the City Council based on the findings and subject to the conditions contained in the attached resolution. No development plans for the property are proposed at this time. The only action currently before the Commission is the proposal to rezone the property.

## **BACKGROUND**

This rezoning application involves a parcel located near the corner of Lower Sacramento Road and Lodi Avenue. The second parcel is located at 515 South Lower Sacramento Road and is a vacant parcel. The area was annexed into the City in 1966. The shopping center was developed sometime prior to that. Many additions to the center have been made since its first phase was completed, including the U.S.A gas station, and the movie theater (since demolished).

In 2000, the property owner applied for a Zoning Amendment to change the zoning of the shopping center to Planned Development (PD). However, the subject property were excluded. The vacant parcel currently features three zoning designations divided equally. The northern 1/3 is zoned Shopping Center (C-S), the southern 1/3 is zoned Residential-Commercial-Professional (R-C-P), and the middle part is zoned Single Family Residence (R-1).

## **ANALYSIS**

The application involves two properties that contain three different City zoning designations. These properties are located at 515 and 617 South Lower Sacramento Road. These zoning designations are R-1, Single Family Residence, R-C-P, Residential Commercial and Professional, and C-S, Shopping Center. The owner petitions to amend Planned Development (PD)-35 to include these two parcels. PD-35 covers the Raley's Shopping center, which is also owned by the applicant. PD-35 was established to allow commercial development. The City's General Plan designates both sites as commercial. Rezoning of these properties to PD-35 would be consistent with the General Plan land use policy. The request was prompted from a desire of the applicant to develop the vacant parcel for commercial uses. The R-1 zoning designation prohibits commercial uses. Thus, the applicant requests the zoning designations be changed to Planned Development 35.

The planned development district is designed to accommodate various types of development such as neighborhood commercial, shopping centers, grouped professional and administrative office area, commercial serve centers and other types of commercial and residential uses. The change in zoning designation to planned development would allow development of the parcels as specifically permitted in §17.33.040. The Planned Development District, as defined in the City's Zoning Ordinance, provides the flexibility for applicants to design their own development criteria. This includes setbacks, heights, lot coverage and other land use issues as defined in §§ 17.33 Planned Development District (P-D) of the City's Ordinances. At this time, no development is proposed. However, future development plans are subject to review and approval by Site Plan and Architecture Review Committee (SPARC) and possibly Planning Commission.

Per City Code, the Planning Commission must make the following findings in order to recommend approval of a proposed rezoning to the City Council:

- (1) The proposed zoning amendment is in general conformance with the General Plan  
The proposed rezoning conforms to the General Plan in that it will still allow commercial development on the property consistent with the commercial development prescribed by the Land Use Chapter of the General Plan should the property owner decide to propose such development in the future. In the mean time, rezoning will remove any constraints imposed by the current zoning designations.
- (2) The public necessity, convenience, and general welfare require the adoption of the proposed rezoning.

At the present time, there is an inherent contradiction between the General Plan and the zoning designations. When the City adopted the current General Plan, it changed the land use designation to Commercial per the property owner's request. The presence of residential designation prohibits commercial development. As such, planning staff recommends that the properties be rezoned from R-1, R-C-P and C-S to Planned District (35). Approval of the requested rezoning will make the zoning consistent with the current General Plan and facilitate the development of the site today with a more viable land use or new land use plan.

The applicant will not be required to pay impact fees for the proposed rezoning because no development is proposed. When an application is submitted to develop the properties, the developer

will be required to pay the applicable impact fees in effect at the time building permits are obtained. Staff finds the proposed request to amend the Zoning designation to Planned Development 35 is consistent with the General Plan. Staff further finds that the request is reasonable and provides for the existing and future needs of the residents of the area, and that it integrates well with the surrounding land uses. Therefore, staff recommends the Planning Commission find the proposed rezoning application exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline 15183 and 15061(b)(3) which exempts projects that have no potential for having a significant impact on the environment; find the project consistent with the General Plan for the reasons enumerated in this staff report; find that the rezoning fulfills the applicable requirements set forth in 517.33 of the Lodi Municipal Code; and recommend to the City Council to adopt an ordinance to rezone the properties from R-1, R-C-P and C-S to Planned Development-35, based upon the findings and subject to the conditions of approval set forth in draft resolution.

#### **ENVIRONMENTAL ANALYSIS:**

The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed zoning change is a project under CEQA.

Staff has reviewed the project to determine the required level of review under CEQA. The proposed zoning change is exempt from CEQA under State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review. The proposed rezone is consistent with the Lodi's General Plan land use designation of Commercial. Further, the certified General Plan EIR analyzed the commercial development of this property and its potential impacts. Therefore, the project qualifies for the identified exemption. In addition, this proposed rezoning is exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline 15061(b)(3) in that it is not a project which has the potential to have a significant impact on the environment because it will not change the allowable commercial use of the property consistent with the current General Plan land use designation.

#### **PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published on March 3, 2011. A total of 32 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3.

#### **ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve the Request with Alternate Conditions
- Deny the Request
- Continue the Request

Respectfully Submitted,



Immanuel Bereket  
Associate Planner

Concur,



Konrad Bartlam  
Community Development Director

#### **ATTACHMENTS:**

1. Vicinity Map
2. Aerial Map
3. Site Plan
4. Existing General Plan and Zoning Maps
5. Proposed Zoning Map
6. Draft Resolution

**P.C. RESOLUTION NO. 12- 08**

**A RESOLUTION OF THE CITY OF LODI PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE REZONING 515 SOUTH LOWER SACRAMENTO ROAD FROM R-1, SINGLE FAMILY RESIDENCE, R-C-P, RESIDENTIAL COMMERCIAL AND PROFESSIONAL, AND C-S, SHOPPING CENTER TO PLANNED DEVELOPMENT (PD)-35**

**WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments; and

**WHEREAS**, On November 3, 2011, the City of Lodi received an application from Tom Smith, on behalf of Kristmont West, (referred to as "applicant"), to rezone 515 and 617 South Lower Sacramento Road, Assessor's Parcel Numbers: 027-400-09 and 027-400-10, respectively; and

**WHEREAS**, the subject property located at 515 South Lower Sacramento Road (APN:027-400-09) is owned by Kristmont West, 7700 College Town Drive #111, Sacramento, CA; and

**WHEREAS**, the subject properties have a General Plan designation of Commercial; and

**WHEREAS**, the subject property located at 515 South Lower Sacramento Road (APN:027-400-09) is zoned R-1, C-S, and R-C-P; and

**WHEREAS**, the requested rezoning is to change the zoning designations of 515 South Lower Sacramento Road (APN: 027-400-09) from R-1, C-S. and R-C-P to Planned Development 35; and

**WHEREAS**, the proposed zoning change is consistent with the General Plan and other applicable standards; and

**WHEREAS**, the proposed zoning change would allow commercial development to occur on the sites; and

**WHEREAS**, the Planning Commission of the City of Lodi conducted the public hearing at the time and place stated in the notice and afforded all persons interested in the matter of the rezoning, or in any matter or subject related thereto, an opportunity to appear before the Commission and be heard and to submit any testimony or evidence in favor of or against the approval of the application; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred; and

**NOW, THEREFORE, BE IT FOUND** that the Planning Commission of the City of Lodi incorporates the staff report and attachments, project file, testimony presented at the time of the hearing, and written comments, on this matter, and, hereby, makes the following findings:

1. The project was found to be Categorically Exempt according to the California Environmental Quality Act, Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review. The proposed rezone is consistent with the General Plan land use designation of Commercial. Further, the certified General Plan EIR analyzed the commercial development of this property and its potential impacts. Therefore, the project qualifies for the identified exemption. In addition, this proposed rezoning is exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline 15061(b)(3) in that it is not a project which has the potential to have a significant impact on the environment because it will not change the allowable commercial use of the property consistent with the current General Plan land use designation.

2. Implementation of the Rezoning will not result in significant physical change in the environment and in that the site is an infill project and will not alter the impervious surface.
3. The proposed Rezoning will not have impacts that are individually limited but cumulatively considerable because this is an infill project that is currently served by all public utilities and services.
4. The proposed rezoning is in complete conformance with the General Plan in that it will permit commercial development on the properties consistent with the type of use and range prescribed by the Land Use Chapter of the General Plan should the owner of the properties decide to propose such development in the future.
5. The public necessity, convenience, and general welfare require the adoption of the proposed rezoning in that leaving the properties zoned as R-1, R-C-P and C-S with associated restrictions prescribed by the Zoning Ordinance is illogical and places unnecessary governmental constraints. The underlying General Plan land use designation of the subject properties is Commercial, so rezoning the property to Planned Development 35 will make the zoning consistent with the current General Plan, remove governmental constraint and facilitate the development of the infill project site.
6. It is found that the required zoning change to Planned Development 35 (PD-35) Zoning District does not conflict with adopted plans or policies of the General Plan and will serve sound planning practice.
7. It is further found that the project parcel of the proposed Planned Development 35 (PD-35) Zoning District is physically suitable for commercial development.
- a. Future development of the project sites will be required to adhere to all applicable standards adopted by the City, improvements mandated by the City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance as well as all other applicable standards.
9. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the California Building Code.

**NOW, THEREFORE, BE IT DETERMINED, AND RESOLVED**, that the Lodi Planning Commission hereby recommends the City Council rezone properties located within the City of Lodi, specifically at 515 South Lower Sacramento Road (APN:027-400-09) and 617 S. Lower Sacramento Road (APN:027-400-10) to Planned Development 35 (PD-35), subject to the following development conditions and standards for the proposed PD-35 Zoning District'

1. The property owner and/or developer and/or successors in interest and management shall, at their sole expense, defend, indemnify and hold harmless the City of Lodi, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include, but is not limited to, any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Lodi shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
2. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety shall be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.

3. All applicable state statutes, and local ordinances, including all applicable Building and Fire Code requirements for hazardous materials shall apply to the project. In an event of a conflict, the strictest law or regulation shall apply.
4. No variance from any City of Lodi adopted code, policy or specification is granted or implied by this approval.

Public Works Department. Enaineerina:

The conditions listed below will be required at the time of development of the subject parcels:

5. All conditions for on- and off-site improvements shall be required at the time of a development application.

Dated: June 13,2012

I hereby certify that Resolution No. **12-08** was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June **13,2012**, by the following vote:

AYES:	Commissioners:	Cummins, Heinitz, Hennecke, Jones, Kiser, and Chair Olson
NOES:	Commissioners:	None
ABSENT:	Commissioners:	Kirsten

ATTEST:   
Secretary, Planning Commission

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JUNE 13, 2012**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of June 13, 2012, was called to order by Chair Olson at 7:00 p.m.

Present: Planning Commissioners – Cummins, Heinitz, Hennecke, Jones, Kiser, and Chair Olson

Absent: Planning Commissioners – Kirsten

Also Present: Community Development Director Konradt Bartlam, Associate Planner Immanuel Bereket, and Administrative Secretary Kari Chadwick

2. MINUTES

“May 9, 2012”

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Kiser second, approved the Minutes of May 9, 2012 as written. (Commissioners Hennecke abstain because he was not in attendance of the subject meeting)

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Olson called for the public hearing to consider the request for Planning Commission to make a Recommendation to the City Council to approve rezoning of a property located at 515 South Lower Sacramento Road from R-1, C-S and R-C-P to Planned Development (PD)-35. (Applicant, Kristmont West Inc.; File # 11-Z-01)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Hearing Opened to the Public

- Tom Smith, representative of the property owner, came forward to answer questions. Mr. Smith stated that there are no current plans to develop the property.
- Steven Opp, Executive Pastor of Temple Baptist Church the property just south of the proposed rezoning, came forward to make some comments and ask some questions regarding the project. Mr. Opp asked if the C-S zoning could be explained. Director Bartlam stated that the PD-35 zoning designation would allow any kind of retail, office, gas station, restaurant, and it would allow for High-Density Residential. It would not allow other kinds of residential or industrial uses. Mr. Opp would like to see similar development as to the Raley's Shopping Center which he calls active development. He would not like to see any outdoor public storage which he calls passive development. Chair Olson asked if it was a visual objection or if it was due to something else. Mr. Opp stated that he will get into that a little bit later, but stated that there are already some issues with the property in the visual area. The outdoor storage of vehicles, RV's, and boats would cause a negative visual impact to the church property. Mr. Opp stated asked what the plan was for the retention basin as far as possible expansion. Mr. Bartlam stated that all of the Public Works conditions have been consolidated and staff will not know what requirements will be put in place until we receive a development plan. Mr. Opp stated that the basin is currently sitting on the south property line and if there

were to be an expansion on Tokay it would need to be altered. Mr. Bartlam stated that the basin may need to be moved once a development plan is presented. The current basin used to have a cyclone fence around it and it has been removed and there is a concern with the dangers that may be there. The church is concerned about the esthetics of any future project. Mr. Opp would like to know who will be responsible for the improvements to the extension of Tokay Street. Mr. Bartlam stated that there should be a sharing of the improvements once a project for development comes forward.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Kiser, Heinitz second, approved the request of the Planning Commission to make a Recommendation to the City Council to approve rezoning of a property located at 515 South Lower Sacramento Road from R-1, C-S and R-C-P to Planned Development (PD)-35 subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Jones, Kiser and Chair Olson  
Noes: Commissioners – None  
Absent: Commissioners - Kirsten

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Olson called for the public hearing to consider the request to amend approved Use Permit application 11-U-03 to allow Type 2, 9, 14, 17 and 20 Alcoholic Beverage Control licenses at 9 and 9 ½ West Locust Street. (Applicant: Jeff Hansen, on behalf of AH Wines, Inc. File Number: 11-U-03a)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Hearing Opened to the Public

- Robert Colarossi, applicant, came forward to answer questions.
- Commissioner Kiser asked when they planned on starting to do wine tasting. Mr. Colarossi stated that the area that they plan on expanding into will be used for storage. Kiser asked when the tasting would start in the current space. Mr. Colarossi stated there should be wine tasting in about a year.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Hennecke second, approved the request of the Planning Commission to amend approved Use Permit application 11-U-03 to allow Type 2, 9, 14, 17 and 20 Alcoholic Beverage Control licenses at 9 and 9 ½ West Locust Street subject to the conditions in the resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke, Jones, Kiser and Chair Olson  
Noes: Commissioners – None  
Absent: Commissioners - Kirsten

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Olson called for the public hearing to consider the request to amend approved Use Permit application 10-U-11 to allow operation of a Charter School at 1530 West Kettleman Lane Suites B & C. (Applicant: Dennis G. Bennett, on behalf of Rio Valley Charter School; File Number: 10-U-11a)

Associate Planner Bereket gave a brief PowerPoint presentation based on the staff report. Staff recommends approval of the project.

Hearing Opened to the Public

- Bob Smith, representative of Dennis Bennett, came forward to answer questions.
- Chair Olson asked if the administration office was located on site. Mr. Smith stated that administration is on site at all times.

Public Portion of Hearing Closed

- Commissioner Cummins asked if there have been any reported problems with the traffic in the area. Mr. Bartlam stated that there have not been any traffic issues.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, approved the request of the Planning Commission to amend approved Use Permit application 10-U-11 to allow operation of a Charter School at 1530 West Kettleman Lane Suites B & C subject to the conditions in the resolution. The motion carried by the following vote:

Ayes:	Commissioners –	Cummins, Heinitz, Hennecke, Jones, Kiser and Chair Olson
Noes:	Commissioners –	None
Absent:	Commissioners -	Kirsten

4. PLANNING MATTERS/FOLLOW-UP ITEMS

None

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Director Bartlam stated that there has been a memo provided in the packet and staff is available to answer any questions.

7. DEVELOPMENT CODE UPDATE

Director Bartlam stated that there should be a draft version of the Residential and the Mixed Use sections brought to the Commission to start the review process at the July meeting.

8. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Cummins asked if there has been any movement on the Super Wal Mart project. Mr. Bartlam stated that the formal appeal period has passed and the project is now approved, there isn't a set time table as of yet.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:30 p.m.

ATTEST:



Konradt Bartlam  
Planning Commission Secretary

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE LODL CITY COUNCIL AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING THE PARCEL LOCATED AT 515 SOUTH LOWER SACRAMENTO ROAD (APN: 027-4 00-09) PLANNED DEVELOPMENT 35 (PD-35) FROM R-1, C-S AND R-C-P

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BE IT ORDAINED BY THE LODL 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 515 South Lower Sacramento Road (APN: 027-400-09) is hereby rezoned as follows:

9.3 acres - 515 South Lower Sacramento Road (APN: 027-400-09) from R-1 (single family residence), C-S (Commercial Shopping), and R-C-P (Residential, Commercial and Professional) to Planned Development 35, as shown on the Vicinity Map, on file in the office 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 - 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 the 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 30 days from and after its passage and approval.

Approved this \_\_\_\_ of September, 2012

\_\_\_\_\_  
JOANNE MOUNCE  
Mayor

Attest:

RANDI JOHL  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held September 19, 2012, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2012, by the following vote:

- AYES:            COUNCIL MEMBERS –
- NOES;           COUNCIL MEMBERS –
- ABSENT:        COUNCIL MEMBERS –
- ABSTAIN:       COUNCIL MEMBERS –

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

RANDI JOHL  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney

---

**Kristmont West  
Rezoning Application**



**Community  
Development  
department**

September 2012

---

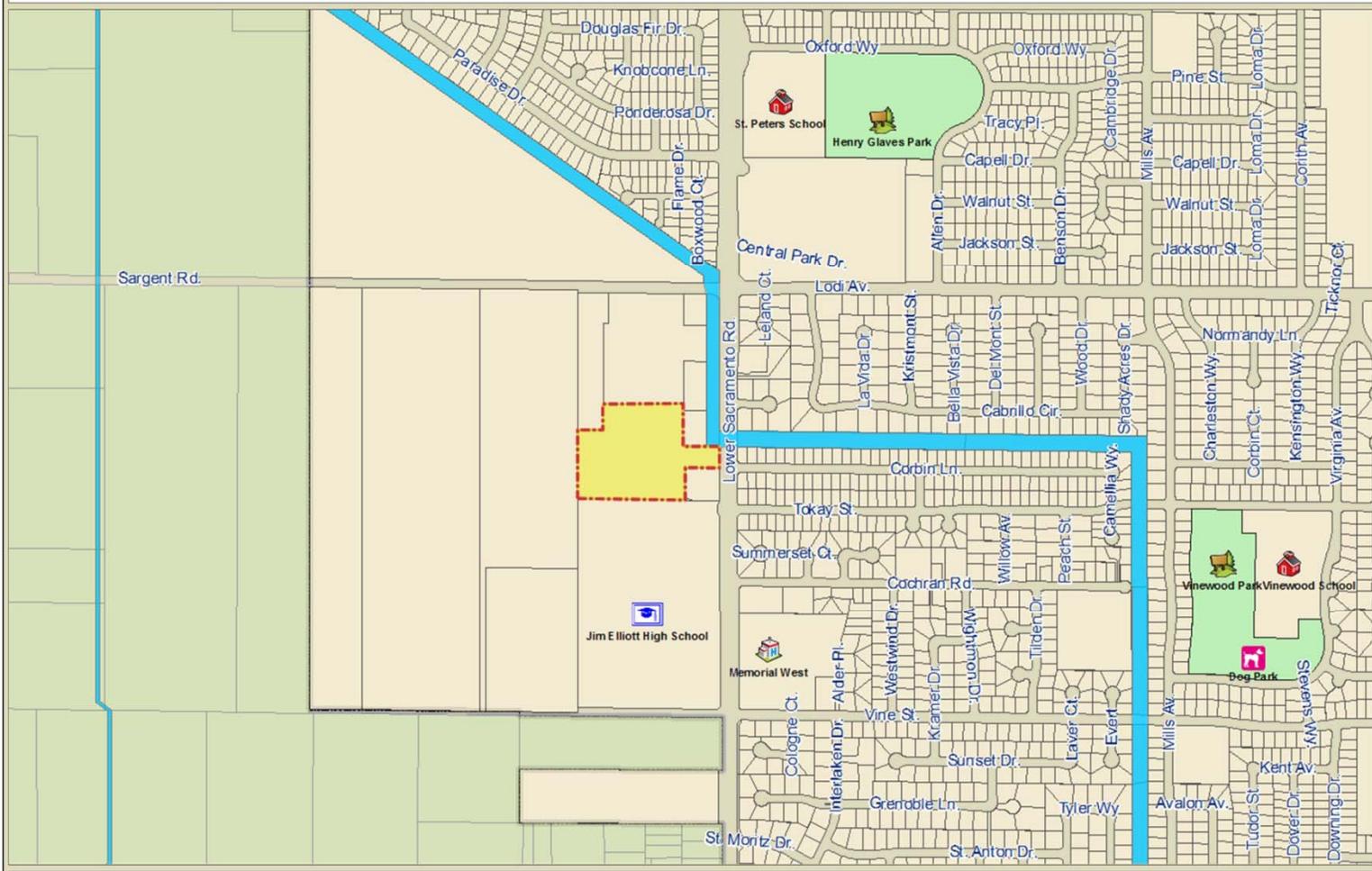
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# Background Information

- ◆ Rezoning Application
- ◆ Planning Commission
  - ◆ Recommended approval on June 13, 2012



# Vicinity Map



**Legend**

- City Limits
- Project Location

**Map Scale**  
1:7,185

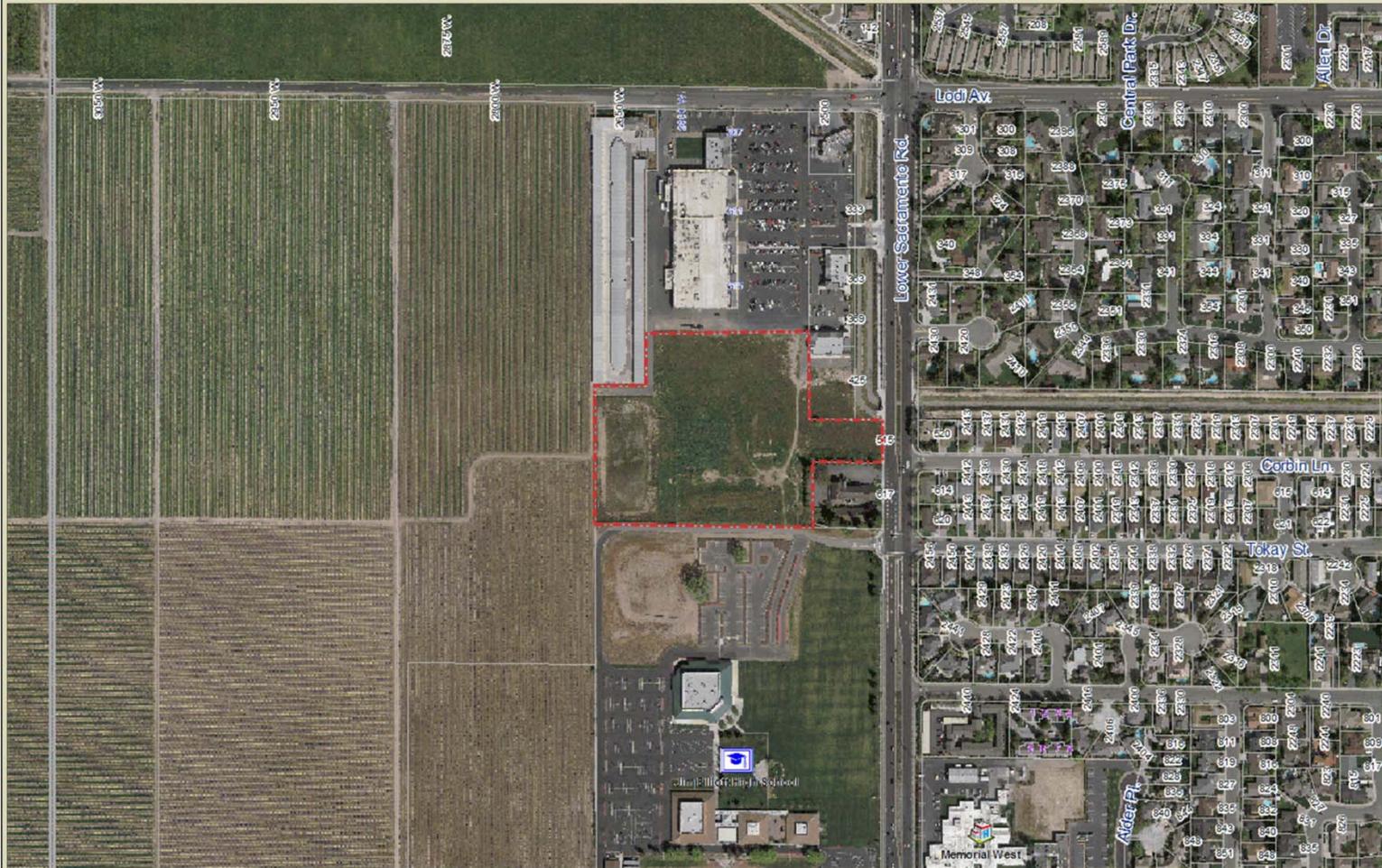
**Notes**  
For Reference Only

1,198 0 599 1,198 Feet  
 NAD\_1983\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
 © City of Lodi Geographic Information Systems

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION



# Aerial Map



**Legend**  
Project Location

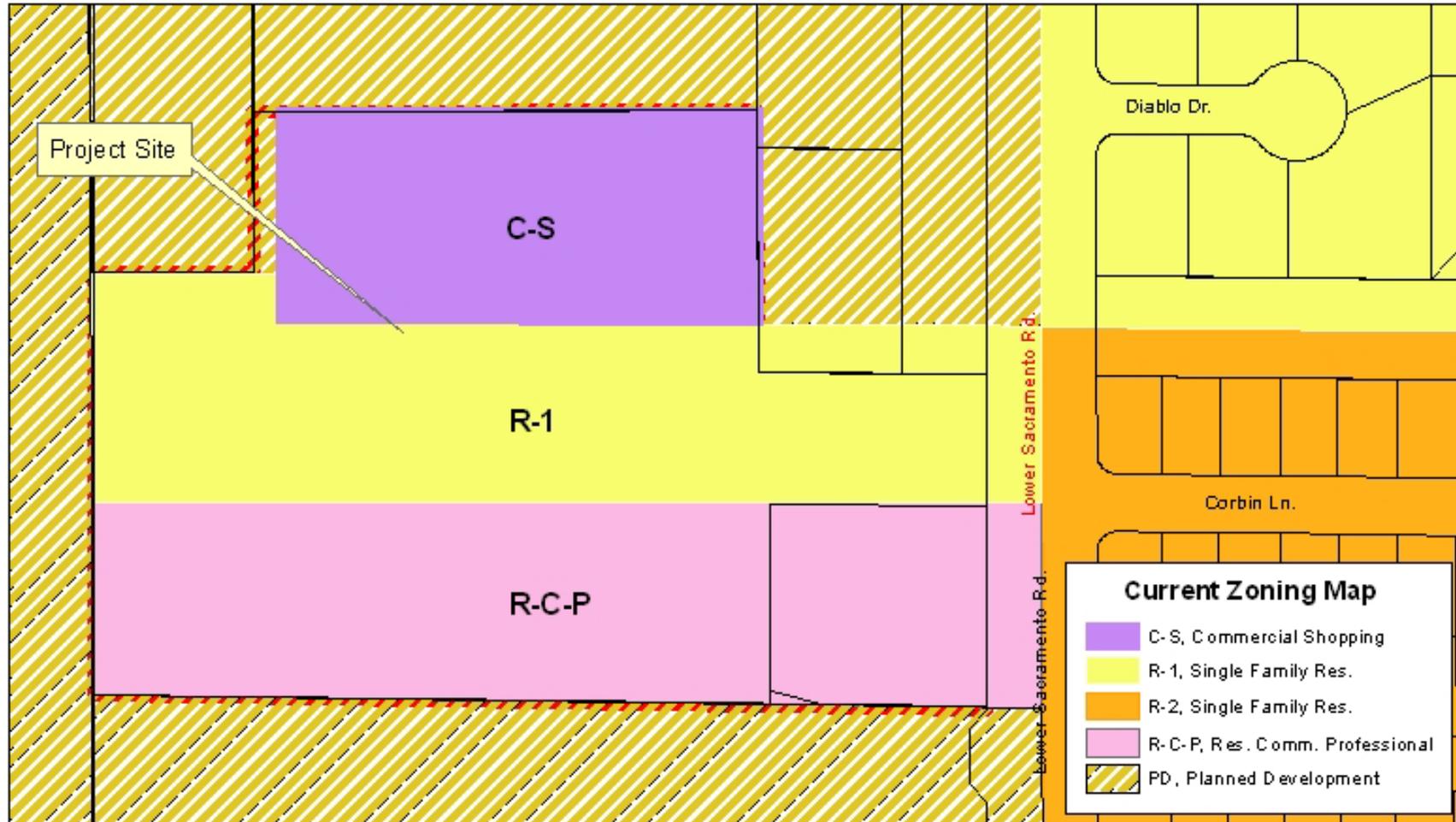
**Map Scale**  
1:3,593

**Notes**  
For Reference Only

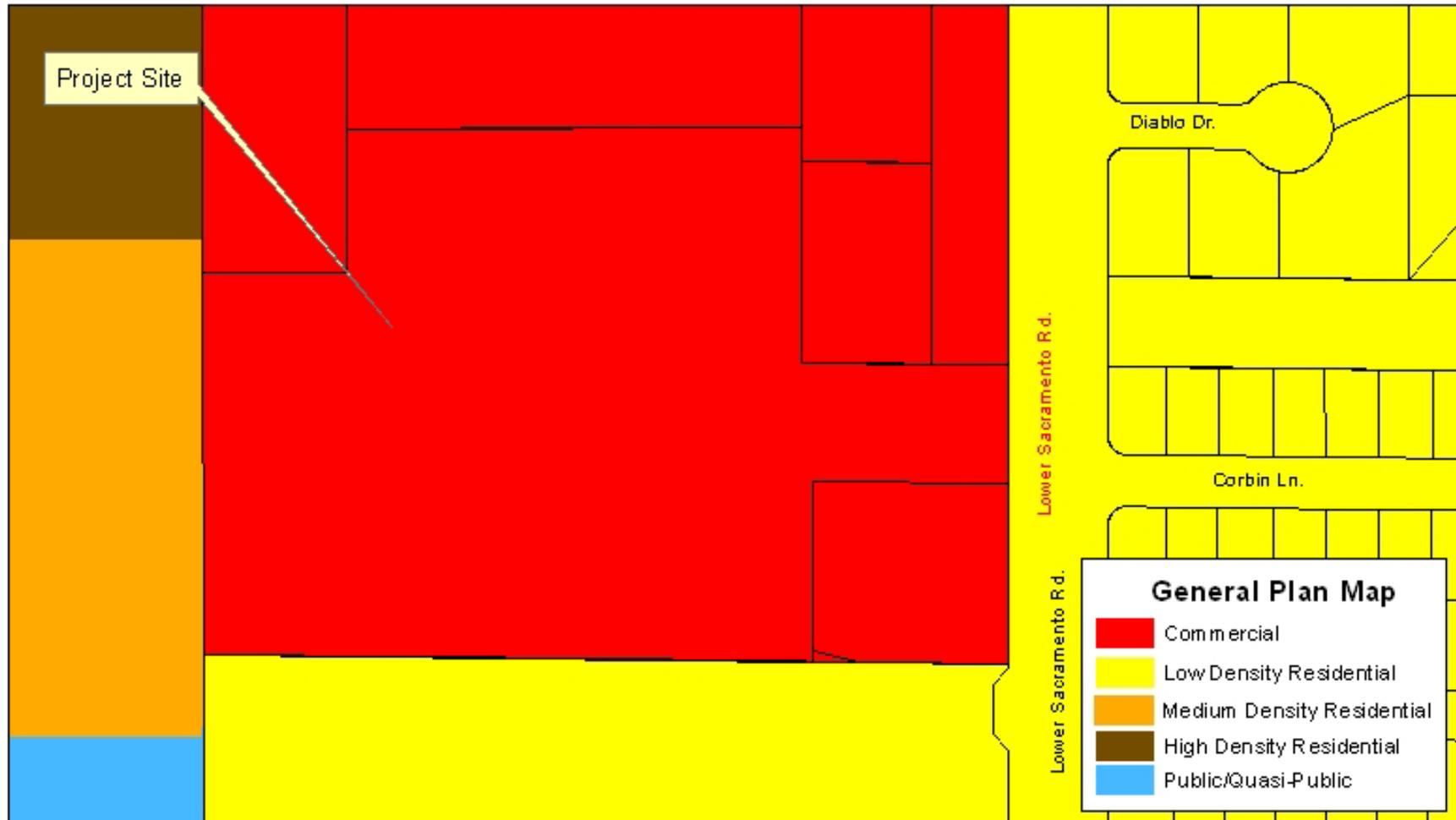
This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

599 0 299 599Feet  
NAD\_1983\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
© City of Lodi Geographic Information Systems

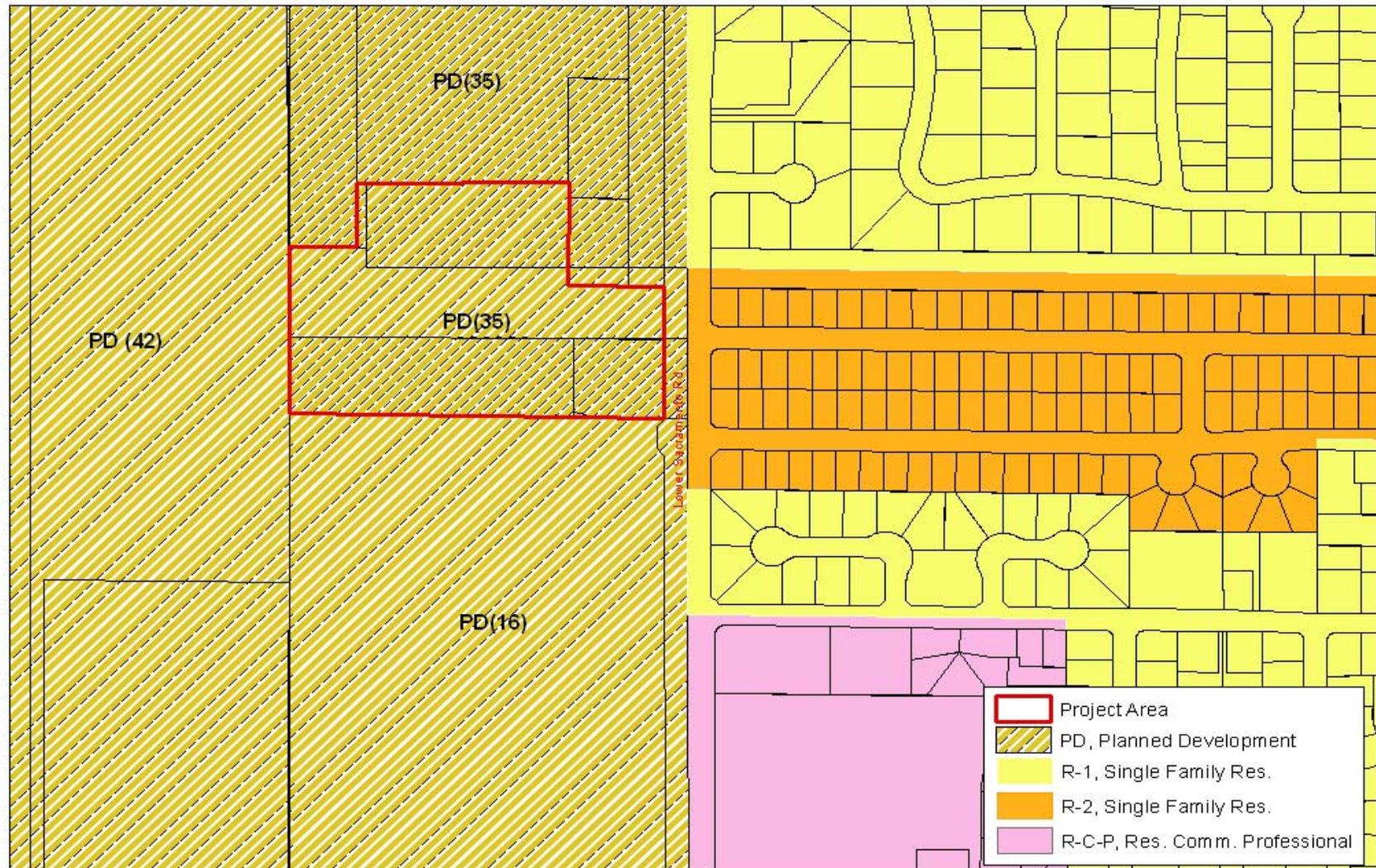
# Existing Zoning Map



# General Plan Map

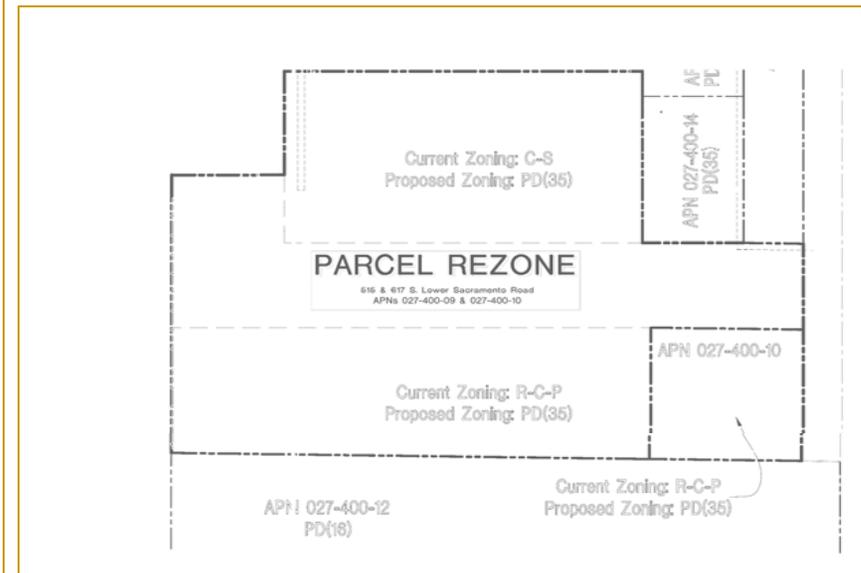


# Proposed Zoning Map



# Planned Development 35

- ◆ PD-35
  - ◆ Commercial
  - ◆ Residential,
  - ◆ Office,
  
- ◆ Goals:
  - ◆ Consistency with General Plan
  - ◆ Remove zoning constraints
  - ◆ Facilitate Development





*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: PUBLIC HEARING TO CONSIDER AND APPROVE THE RECOMMENDATION OF THE PLANNING COMMISSION TO REZONE PROPERTY LOCATED AT 515 SOUTH LOWER SACRAMENTO ROAD FROM R-1, C-S, AND R-C-P TO PLANNED DEVELOPMENT (PD)-35**

**PUBLISH DATE: SATURDAY, AUGUST 18,2012**

**LEGAL AD**

**TEAR SHEETS WANTED: One (1) please**

**SEND AFFIDAVIT AND BILL TO: LNS ACCT. #0510052**  
RANDI JOHL, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED: THURSDAY, AUGUST 16,2012**

**ORDERED BY: RANDI JOHL  
CITY CLERK**

*Jennifer M. Robison*  
**JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK**

\_\_\_\_\_  
**MARIA BECERRA  
ADMINISTRATIVE CLERK**

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

Faxed to the Sentinel at 369-1084 at \_\_\_\_\_ (time) on \_\_\_\_\_ (date) \_\_\_\_\_ (pages)  
LNS \_\_\_\_\_ Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ JMR \_\_\_\_\_ MB (initials)



## **DECLARATION OF POSTING**

### **PUBLIC HEARING TO CONSIDER AND APPROVE THE RECOMMENDATION OF THE PLANNING COMMISSION TO REZONE PROPERTY LOCATED AT 515 SOUTH LOWER SACRAMENTO ROAD FROM R-1, C-S, AND R-C-P TO PLANNED DEVELOPMENT (PD)-35**

On Thursday, August 16, 2012, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider and approve the recommendation of the Planning Commission to rezone property located at 515 South Lower Sacramento Road from R-1, C-S, and R-C-P to Planned Development (PD)-35 (attached and marked as Exhibit A) was posted at the following locations:

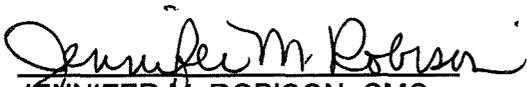
Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

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

Executed on August 16, 2012, at Lodi, California.

ORDERED BY:

**RANDI JOHL  
CITY CLERK**

  
JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK



## **DECLARATION OF MAILING**

### **PUBLIC HEARING TO CONSIDER AND APPROVE THE RECOMMENDATION OF THE PLANNING COMMISSION TO REZONE PROPERTY LOCATED AT 515 SOUTH LOWER SACRAMENTO ROAD FROM R-1, C-S, AND R-C-P TO PLANNED DEVELOPMENT (PD)-35**

On Thursday, August 16, 2012, 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 of Public Hearing to consider and approve the recommendation of the Planning Commission to rezone property located at 515 South Lower Sacramento Road from R-1, C-S, and R-C-P to Planned Development (PD)-35, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

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 August 16, 2012, at Lodi, California.

ORDERED BY:

**RANDI JOHL**  
**CITY CLERK, CITY OF LODI**

  
~~JENNIFER M. ROBISON, CIVIL~~  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK



# CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: September 19, 2012

Time: 7:00 p.m.

For information regarding this notice please contact:

**Randi Johl**

**City Clerk**

**Telephone: (209) 333-6702**

**EXHIBIT A**

### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Wednesday, September 19, 2012**, 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 item:

- a) **Recommendation of the Planning Commission to rezone property located at 515 South Lower Sacramento Road from R-1, C-S, and R-C-P to Planned Development (PD)-35.**

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2<sup>nd</sup> Floor, Lodi, 95240, 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 close of the public hearing.

By Order of the Lodi City Council:

Randi Johl  
City Clerk

**Dated: August 15, 2012**

Approved as to form:

D. Stephen Schwabauer  
City Attorney

## 300' Mailing List for the Rezoning of 515 S. Lower Sacramento Rd.

**EXHIBIT B**

PARCEL #	OWNER NAME	CARE OF	STREET	CITY	STATE	ZIP5
2710102	DAETWEILER, ESTHER K TR		2449 CORBIN LN	LODI	CA	95242
2710103	MCCANN, GARY & TAMMY		2354 E SPIESS RD	ACAMPO	CA	95220
2710104	CHRISTY, NEFF EMERY TR		2437 CORBIN LN	LODI	CA	95242
2710125	WOODBIDGE, IRRIG DIST					0
2710201	SIEGLOCK, JACK & BRENDA		1702 TIMBERLAKE CIR	LODI	CA	95242
2710202	WITHERS, JUDITH TR ETAL		2448 CORBIN LN	LODI	CA	95242
2710203	BOYER, HARVEY V SR & INA M TR		2442 CORBIN LN	LODI	CA	95240
2710204	MURATA, GARY & ROSE		9051 E HARNEY LN	LODI	CA	95240
2710236	ELLIS, ANNA H TR		2443 W TOKAY ST	LODI	CA	95242
2710237	VASQUEZ, RUBEN G & PETRA		2449 W TOKAY ST	LODI	CA	95242
2710238	JOINES, RALPH T & MARSHA P TR		15360 STRATFORD DR	SAN JOSE	CA	95124
2734005	FURR, SHIRLEY A GELDERT TR		2420 DIABLO DR	LODI	CA	95242
2734006	BELLA, ETTORE BRUNO TR		2430 DIABLO DR	LODI	CA	95242
2740004	KRISTMONT WEST		7700 COLLEGE TOWN DR #111	SACRAMENTO	CA	95826
2740005	WESTGATE SHOPPING CENTER LLC	AKT - DEVELOPM ENT INC	7700 COLLEGE TOWN DR #101	SACRAMENTO	CA	95826
2740009	KRISTMONT WEST		7700 COLLEGE TOWN DR #111	SACRAMENTO	CA	95826
2740010	ZINFANDEL PLAZA LLC		7700 COLLEGE TOWN DR #101	SACRAMENTO	CA	95826
2740011	KRISTMONT, WEST		7700 COLLEGE TOWN DR #111	SACRAMENTO	CA	95826
2740012	TEMPLE BAPTIST CHURCH OF LODI		801 S LOWER SAC RD	LODI	CA	95242
2740013	WESTGATE SHOPPING CENTER LLC	AKT DEVELOPM ENT INC	7700 COLLEGE TOWN DR #101	SACRAMENTO	CA	95826
2740014	KRISTMONT WEST CORP	AKT DEV ATTN JEAN	7700 COLLEGE TOWN DR STE 101	SACRAMENTO	CA	95826
2740015	LODI WESTSIDE PROPERTIES LLC		10100 TRINITY PKWY STE 420	STOCKTON	CA	95219
2740017	LODI CITY OF		CITY HALL	LODI	CA	95240