

RESOLUTION NO. 2005-101

A RESOLUTION OF THE LODI CITY COUNCIL GRANTING THE APPEAL OF LOWE'S HIW, INC., RESCINDING THE PLANNING COMMISSION'S DECISION OF APRIL 13, 2005, THAT THE DESIGN STANDARDS FOR LARGE RETAIL ESTABLISHMENTS APPLY TO THE DESIGN AND REVIEW OF ALL OUTDOOR STORAGE AND DISPLAY OF MERCHANDISE

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WHEREAS, on April 13, 2005, the Lodi Planning Commission held a public hearing to review the outdoor storage/display limitations for the new Lowe's store located at 1389 S. Lower Sacramento Road; and

WHEREAS, the Lodi Planning Commission voted that Lowe's was under the new Design Standards for Large Retail Establishments; and

WHEREAS, an appeal of the Planning Commission decision was filed with the City Clerk's office on April 18, 2005, by Steefel, Levitt & Weiss on behalf of Lowe's HIW, Inc. seeking to overturn the decision of the Planning Commission, stating in part the following:

1. That the design standards do not apply retroactively to the Lowe's project;
2. That the outdoor display is part of the overall Lowe's project and is not a "new" project; and
3. That Lowe's meets the spirit and intent of the design standards.

WHEREAS, at its meeting held May 18, 2005, the Lodi City Council conducted a 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 its Lodi store.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby grant the appeal of Lowe's HIW, Inc., thereby rescinding the Planning Commission's decision of April 13, 2005, that the Design Standards for Large Retail Establishments apply to the design and review of all outdoor storage and display of merchandise at the Lowe's store in Lodi, and hereby refers the matter to the Site Plan and Architectural Review Committee for review.

Dated: May 18, 2005

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I hereby certify that Resolution No. 2005-101 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 18, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, and Mayor Beckman  
NOES: COUNCIL MEMBERS – Hitchcock  
ABSENT: COUNCIL MEMBERS – None  
ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk