



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Introduce an Ordinance Repealing Ordinance No. 847 an Ordinance Adopting a Specific Plan for Lower Sacramento Road from West Lodi Avenue to West Turner Road to Allow a New Driveway

MEETING DATE: March 19, 2008

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Introduce an ordinance repealing Ordinance No. 847 an Ordinance adopting a Specific Plan for Lower Sacramento Road from West Lodi Avenue to West Turner Road to allow an additional access point between Turner Road and Tejon Street to allow a new driveway on the west side of Lower Sacramento Road, approximately 450 feet south of Turner Road.

BACKGROUND INFORMATION: Ordinance No. 847, an ordinance adopting a specific plan for Lower Sacramento Road from West Lodi Avenue to West Turner Road, was adopted by the City Council on August 2, 1967 (Exhibit A). The intent of the ordinance was to limit permanent openings to Lower Sacramento Road to those areas indicated as "Access Points" by the Ordinance. Repealing the existing ordinance would permit an additional access point as described below.

A growth management application for a residential project to allow the construction of up to 47 single-family residential units near the southwest corner of Turner Road and Lower Sacramento Road has been submitted by Farmers & Merchants Bank. A new access opening onto Lower Sacramento Road is proposed. The proposed opening is approximately 450 feet south of Turner Road and 500 feet north of Tejon Street, as shown on the proposed plan (Exhibit B).

Farmers & Merchants Bank believes the access opening onto Lower Sacramento Road is critical to their project and is requesting that the City Council approve the right in/right out street opening prior to proceeding with their Growth Management Application.

Since the proposed project site is the last undeveloped property along Lower Sacramento Road between Turner Road and Lodi Avenue, staff recommends that Council approve the requested right in/right out private street opening (Exhibit B) by adopting an ordinance extinguishing Ordinance No. 847 rather than adopting an ordinance to amend the existing Specific Plan. Staff recommends approval of the additional access opening given the following:

1. Woodhaven Lane consists of a single southbound through lane at the Turner Road intersection to the east-most southbound lane on Turner Road, resulting in slower speeds through the intersection.
2. Eastbound Turner Road has a dedicated right-turn lane in the west-most southbound lane on Lower Sacramento Road.
3. Speeds are somewhat controlled by the traffic signal at the intersection.

APPROVED: _____
Blair King, City Manager

Introduce an Ordinance Repealing Ordinance No. 847 an Ordinance Adopting the Specific Plan for Lower Sacramento Road from West Lodi Avenue to West Turner Road to Allow a New Driveway
March 19, 2008
Page 2

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer

RCP/FWS/saw/pmf

Attachments

cc: Peter Pirnejad, Planning Manager
Senior Civil Engineer Welch
Stephen W. Haley, F & M Bank

25630

ORDINANCE NO. 847
AN ORDINANCE ADOPTING A SPECIFIC PLAN
FOR LOWER SACRAMENTO ROAD FROM WEST
LODI AVENUE TO WEST TURNER ROAD

The City Council of the City of Lodi does ordain as follows:

Section 1. Authority. Pursuant to the provisions of Chapter 3 (commencing at Section 65450) of Title 7 of the Government Code of the State of California and pursuant to that certain General Plan, as amended, for the City of Lodi adopted by City Council Resolution No. 1885 on October 5, 1955, a Specific Plan for Lower Sacramento Road from the north line of West Lodi Avenue to the south line of West Turner Road is hereby adopted.

The Specific Plan adopted hereby includes the regulations prescribed by this Ordinance and includes those certain drawings and explanations consisting of three pages attached to this Ordinance and marked "Exhibit A" and by this reference made a part of this Ordinance.

Section 2. Purpose. It is hereby declared that this Specific Plan is adopted to provide for and protect the health, safety, convenience and welfare of the citizens of the City of Lodi.

Section 3. Description.

(A) Page 1 of "Exhibit A" displays the Plan view of Lower Sacramento Road from West Lodi Avenue to West Turner Road.

(B) Page 2 of "Exhibit A" displays the Typical Section and the notes relating to the Plan view of Lower Sacramento Road from West Lodi Avenue to West Turner Road.

(C) Page 3 of "Exhibit A" displays the striping detail and the access and frontage road intersection detail for Lower Sacramento Road from West Lodi Avenue to West Turner Road.

Section 4. Definitions. The following definitions are applicable to this Ordinance:

1.

BOOK 3538 PAGE 179

CONTINUED

(A) Frontage road or street means a street parallel and adjacent to a limited access street and which provides access to lots abutting thereon.

(B) Residential subdivision means any subdivision as defined in Chapter 22, as amended, of the Lodi Municipal Code.

(C) Right-of-way means the area of Lower Sacramento Road of a width of 190 feet as displayed in "Exhibit A."

Section 5. Intent and Design.

(A) In the construction and maintenance of Lower Sacramento Road and in the development of property in the vicinity of Lower Sacramento Road, it is the intention of the City of Lodi that a limited access major street be installed for that portion of Lower Sacramento Road indicated on "Exhibit A" with permanent access opening limited to those areas indicated as "Access Points" on "Exhibit A." Frontage roads shall be continuous between permanent access openings.

(B) Notwithstanding other provisions of this Ordinance, the City Council may modify the location for any typical intersection at which no presently existing city street intersects.

(C) Every typical intersection shall be designed in the manner described on page 3 of "Exhibit A."

Section 6. Regulations. The minimum front yard or street side yard required for buildings or structures by Section 27 of the Lodi Municipal Code (Zoning Ordinance) as amended, shall be measured from the future right-of-way line as depicted on Page 1 of "Exhibit A."

Section 7. Violation. Any person whether as principal, agent, employee or otherwise violating or causing or permitting or assisting in any use of land which is in violation of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment in the County Jail for a term of not more than six (6) months or by both such fine and imprisonment.

Section 8. All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as such conflict may exist.

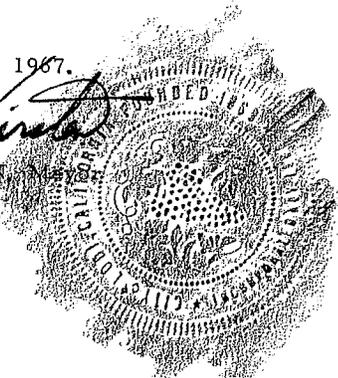
Section 9. This Ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 16th day of August, 1967.

Beatrice Garibaldi
Attest: Beatrice Garibaldi, City Clerk

SEAL

Jerald Kirsten
JERALD KIRSTEN, Mayor



State of California,

County of San Joaquin, ss.

I, Beatrice Garibaldi, City Clerk of the City of Lodi, do hereby certify that the foregoing Ordinance No. 847 was introduced at a regular meeting of the City Council of the City of Lodi held August 2, 1967, and was thereafter passed, adopted and ordered to print at a regular meeting held August 16, 1967, by the following vote:

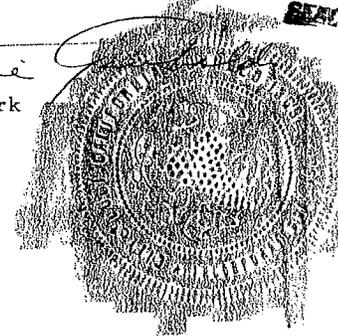
Ayes: Councilmen Brown, Culbertson, Hunnell, Walton and Kirsten

Noes: None Absent: None

I further certify that Ordinance No. 847 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

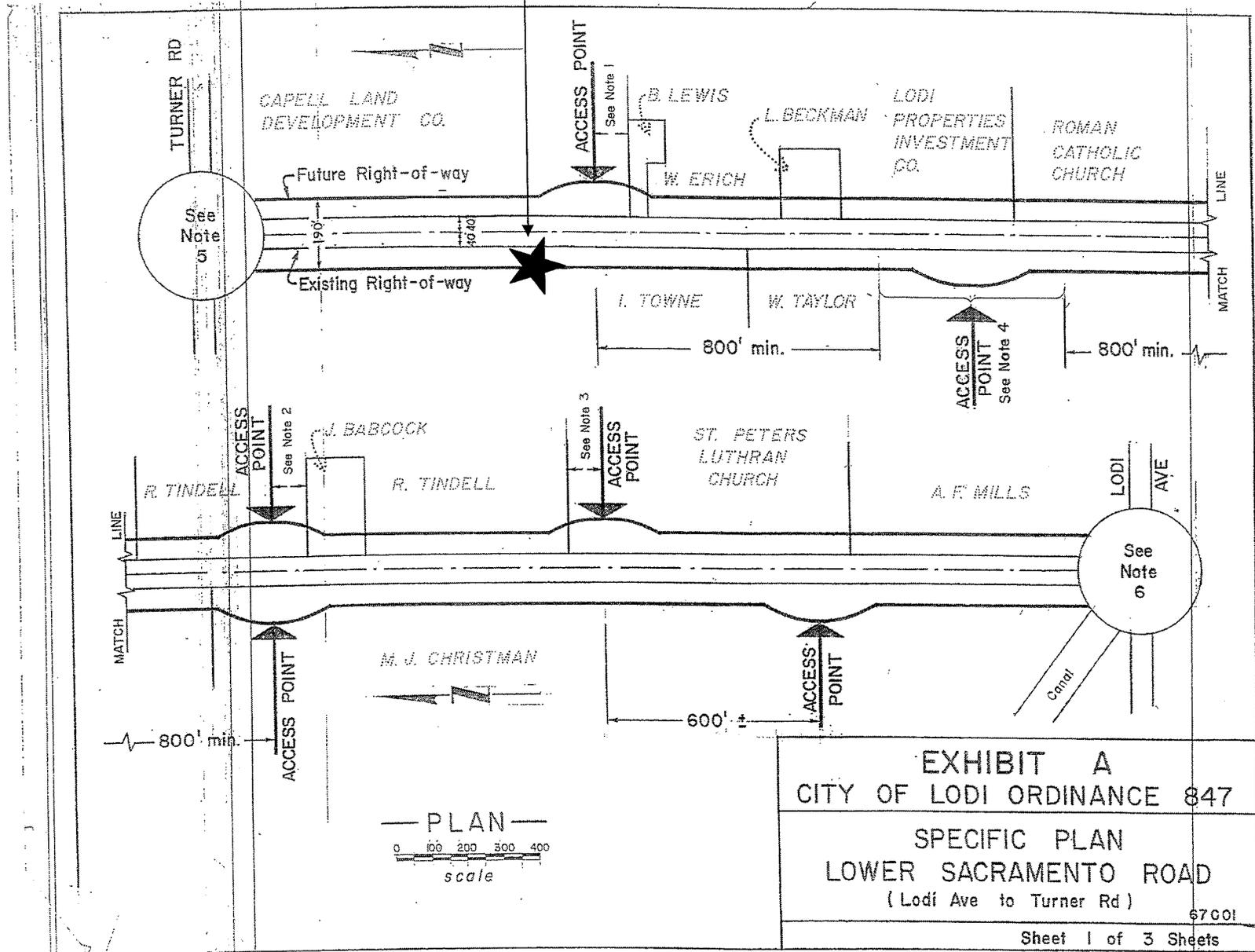
Beatrice Garibaldi
City Clerk

SEAL



35630	at 11 min. past 4 M.	JUN 9 1971
Recorded at request of	CITY OF LODI	
Official Records of	3533	San Joaquin County
Fees \$	GEORGE H. CHAPMAN, County Recorder	

Proposed Access Opening



TURNER RD

See Note 5

CAPELL LAND DEVELOPMENT CO.

Future Right-of-way

Existing Right-of-way

ACCESS POINT
See Note 1

B. LEWIS

W. ERICH

L. BECKMAN

LODI PROPERTIES INVESTMENT CO.

ROMAN CATHOLIC CHURCH

I. TOWNE

W. TAYLOR

800' min.

800' min.

ACCESS POINT
See Note 4

ACCESS POINT
See Note 2

J. BABCOCK

R. TINDELL

R. TINDELL

ACCESS POINT
See Note 3

ST. PETERS LUTHRAN CHURCH

A. F. MILLS

LODI AVE

See Note 6

MATCH

ACCESS POINT

800' min.

M. J. CHRISTMAN

600' ±

ACCESS POINT

Canal

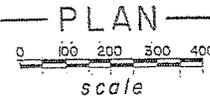
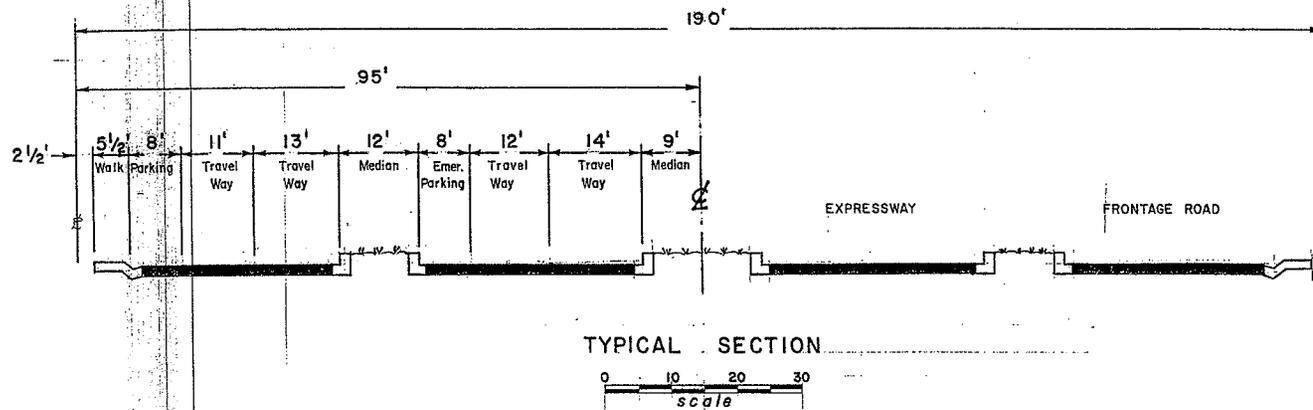


EXHIBIT A
CITY OF LODI ORDINANCE 847

SPECIFIC PLAN
LOWER SACRAMENTO ROAD
(Lodi Ave to Turner Rd)

6701

Sheet 1 of 3 Sheets



NOTES

1. South line of road shall be a minimum of 100 feet North of the North line of the parcel of land conveyed to B. G. Lewis by deed recorded July 14, 1961 in Book 2436, page 415, Official Records, San Joaquin County Records.
2. For street location see Specific Plan, Elm Street - Allen Drive to Lower Sacramento Road.
3. North line of road shall be a minimum of 100 feet South of the North line of the parcel of land conveyed to P. S. Taylor, et al, by decree of final distribution recorded October 9, 1964 in Book 2875, page 441, Official Records, San Joaquin County Records.
4. Road shall be a minimum distance of 800 feet (centerline to centerline) from the nearest road having direct access to expressway.
5. For intersection detail see Specific Plan, Intersection of Turner Road and Lower Sacramento Road.
6. For intersection detail see Specific Plan, Intersection of Lodi Avenue and Lower Sacramento Road.
7. Access to expressway shall be only at points so designated.
8. Property ownership is as of April 30, 1967 and is shown for ease in identification only.

<p>EXHIBIT A CITY OF LODI ORDINANCE 847</p>
<p>SPECIFIC PLAN LOWER SACRAMENTO ROAD (Lodi Ave to Turner Rd)</p>
<p>67C02</p>
<p>Sheet 2 of 3 Sheets</p>

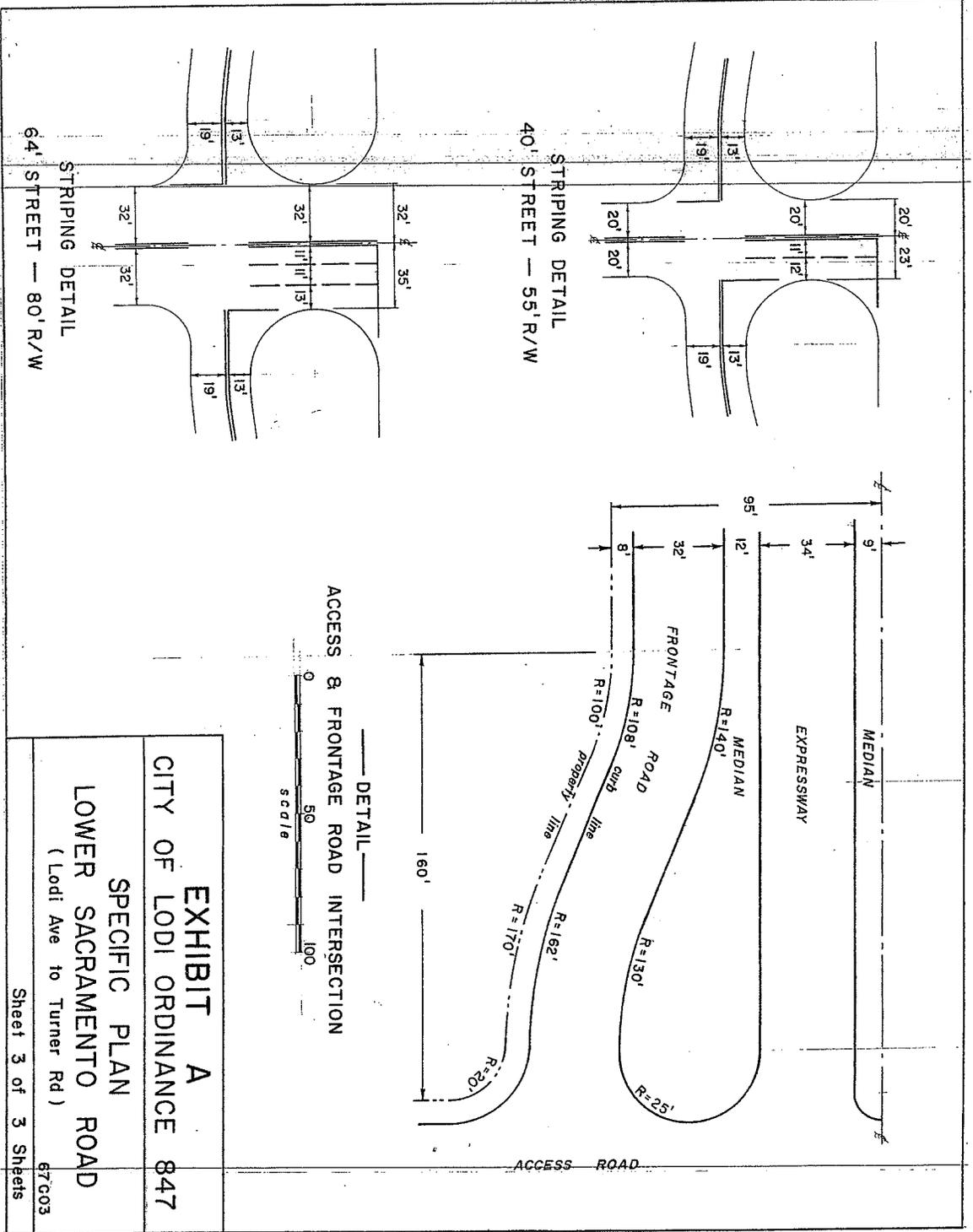


EXHIBIT A
CITY OF LODI ORDINANCE 847

SPECIFIC PLAN
LOWER SACRAMENTO ROAD
 (Lodi Ave to Turner Rd)

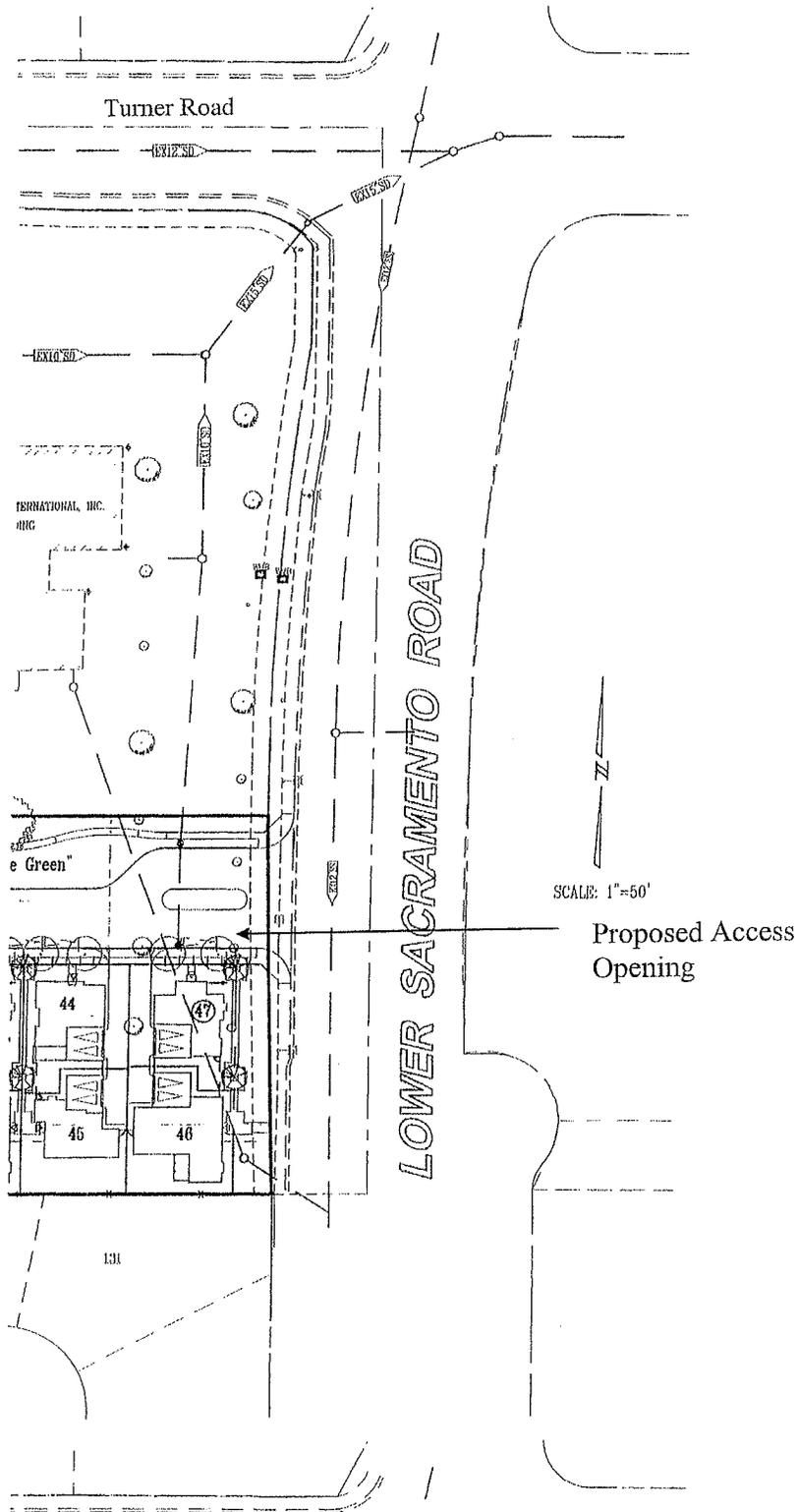
67C03
 Sheet 3 of 3 Sheets



CITY OF LODI

PUBLIC WORKS DEPARTMENT

Farmers & Merchant Bank Turner Road Site EXHIBIT B



ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LODI, REPEALING ORDINANCE 847 IN ITS ENTIRETY
RELATING TO A SPECIFIC PLAN FOR LOWER SACRAMENTO
ROAD FROM WEST LODI AVENUE TO WEST TURNER ROAD

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Ordinance 847, adopted August 2, 1967, adopting a specific plan for Lower Sacramento Road from West Lodi Avenue to West Turner Road is hereby repealed in its entirety .

SECTION 2. - All Ordinances and parts of Ordinances in conflict herewith are hereby repealed insofar as such conflict may exist.

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 ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published pursuant to law and shall become effective thirty (30) days from the date of passage and adoption.

Approved this ____ day of _____, 2008

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 March 19, 2008, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2008, 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 to Form:

D. STEPHEN SCHWABAUER
City Attorney