



CITY OF SACRAMENTO

29

CITY PLANNING DEPARTMENT
927 TENTH STREET SACRAMENTO, CA 95814
SUITE 300 TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

December 8, 1982

City Council
Sacramento, California

Honorable Members in Session:

APPROVED
BY THE CITY COUNCIL

DEC 14 1982

OFFICE OF THE
CITY CLERK

SUBJECT: Appeal of Planning Commission's denial of a General Plan Amendment, Community Plan Amendment, and Rezoning request from R-3-R to M-1 (P82-236)

LOCATION: 2540 Connie Drive

SUMMARY

This is a request for entitlements necessary to develop a 4,000 sq. ft. office structure on a .5+ ac. vacant site. The Planning Commission denied the project and the applicant appealed the Commission's decision.

BACKGROUND INFORMATION

On May 11, 1971, the City Council rezoned the subject site from Garden Apartment, (R-2A) to Light Density Multiple Family-Review (R-3-R) based upon a proposal to develop a 14-unit apartment complex on the subject site. This complex was never developed.

The current proposal for a rezoning to Light Industrial (M-1) is requested for the development of a 4,000 sq. ft. office building. The Planning Commission, in concurrence with staff recommendation, denied the requested entitlements. The Commission and staff felt that the site is more appropriate for residential uses. It is located in an area that is primarily residential. Single dwellings are located to the north, south and east. There are commercial uses to the southwest. The rezoning of this site to non-residential will break the residential zoning pattern on the east side of Connie Drive.

VOTE OF COMMISSION

On November 10, 1982, the Planning Commission, by a vote of seven ayes, and two absent denied the requested entitlements.

City Council

-2-

December 8, 1982

RECOMMENDATION

If the Council concurs with the Commission, the proper action would be to deny the appeal based on findings of fact due on December 28, 1982.

If the Council does not concur with the Commission, the proper action would be to indicate an intent to grant the appeal based on findings of fact due on December 28, 1982.

Respectfully submitted,

Howard
for Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:TM:cp
Attachments
P82-236

December 14, 1982
District No. 3

29

NOTICE OF APPEAL OF THE DECISION OF THE SACRAMENTO CITY PLANNING COMMISSION

DATE: November 16, 1982

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning Commission of November 10, 1982 when: (Date)

X Rezoning Application _____ Variance Application
_____ Special Permit Application _____

was: _____ Granted X Denied by the Commission

GROUND'S FOR APPEAL: ..(Explain in detail)

This lot is in an approximate three block area of the city, bound on the west by Interstate 80 and the south by El Camino. The area is already transitioned substantially into business across the street from the lot and at areas north and west of the lot location. The residential aspect" of the neighborhood is poorly maintained, low-income*
PROPERTY LOCATION: 2540 Connie Drive, Sacramento, California

PROPERTY DESCRIPTION: 0.47 acre

ASSESSOR'S PARCEL NO. 266 - 382 - 01

PROPERTY-OWNER: Ned B. Walker

ADDRESS: 7413 Tierra Way, Fair Oaks, CA 95628

APPLICANT: Ned B. Walker

ADDRESS: 7413 Tierra Way, Fair Oaks, CA 95628

APPELLANT: (Ned B. Walker) ()
(SIGNATURE) PRINT NAME

ADDRESS: 7413 Tierra Way Fair Oaks

FILING FEE:

by Applicant: \$105.00 RECEIPT NO. 414
 by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF: _____

P- 82-236

5/82

(4 COPIES REQUIRED)

MVD
HY
WW
CP
MMM - (Original)

*housing, mostly on a rental basis.

SACRAMENTO CITY PLANNING COMMISSION

29

MEETING DATE Nov. 10, 1982 GENERAL PLAN AMENDMENT TENTATIVE MAP
 ITEM NO. 7a FILE NO. P- 82236 COMMUNITY PLAN AMENDMENT SUBDIVISION MODIFICATION
 M- _____ REZONING ENVIRONMENTAL DET.
 SPECIAL PERMIT OTHER _____
 VARIANCE _____

Recommendation LOCATION: 2540 Connie Drive

Favorable Unfavorable Petition Correspondence

NAME	PROPOSERS	ADDRESS
<u>Ned Walker</u>	<u>7413 Sierra Wy.</u>	<u>Fair Oaks, 95628</u>
<u>John Shaffer</u>	<u>2160 Rayale Rd.</u>	<u>Suite 30</u>

NAME	OPPONENTS	ADDRESS
<u>no opposition</u>		

MOTION NO. _____

MOTION:

	YES	NO	MOTION	2ND
Augusta	✓			
Beag	<u>absent</u>			
Goodin	✓			
Holloway	✓			
Larson	✓		✓	
Muraki	✓			
Silva	<u>absent</u>			
Simpson	✓			✓
Hunter	✓			

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE _____
- TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO _____ MEETING
- OTHER _____

29

CITY PLANNING COMMISSION

927 - 10th Street, Suite 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT Marr-Shaffer & Associates, 2160 Royale Rd., Suite 30, Sacramento, CA		
OWNER Ned B. Walker, 7413 Tierra Way, Fair Oaks, CA 95628		
PLANS BY _____		
FILING DATE	10/8/82	50 DAY CPC ACTION DATE _____ REPORT BY: TM:bw
NEGATIVE DEC.	10/29/82	EIR _____ ASSESSOR'S PCL. NO. 266-382-01

- APPLICATION:
1. Negative Declaration
 2. Amendment of General Plan from Residential to Industrial
 3. Amendment of Arden/Arcade Community Plan from Multiple Family Residential to Heavy Commercial & Industrial
 4. Rezone 0.5± acres from Light Density Residential, R-3-R, to Light Density Industrial (M-1)

LOCATION: 2540 Connie Drive

PROPOSAL: The applicant is requesting the necessary entitlements to develop a 4,000± square foot office building.

PROJECT INFORMATION:

1974 General Plan Designation: Residential
 1965 Arden/Arcade Community Plan Designation: Multiple Family Residential
 Existing Zoning of Site: R-3-R
 Existing Land Use of Site: Vacant

Surrounding Land Use and Zoning:

North: Single Family Residential; R-2A
 South: Two Family Residential; R-2-A
 East: Single Family Residential; RD-5 (County)
 West: Warehousing and shops; M-1

Parking Required: 10 spaces
 Parking Provided: 18 spaces
 Parking Ratio: 1 space per 400 sq. ft. of gross floor area
 Property Dimensions: 100' x 205'
 Property Area: 20,500± square feet
 Square Footage of Building: 4,000
 Topography: Flat
 Street Improvements: Existing
 Utilities: Available to site
 Exterior Building Colors: Earth tones
 Exterior Building Materials: Wood and glass

BACKGROUND INFORMATION: On May 11, 1971 the City Council rezoned the subject site from Garden Apartment (R-2A) to Light Density Multiple Family-Review (R-3-R) zone. The approved plans indicated an apartment complex of 14 units was to be developed on the subject site.

STAFF EVALUATION: The subject site is bordered by residentially zoned and utilized properties to the north, south, and east. These properties are zoned Garden Apartment (R-2A) and RD-5 (County single family zoning). The predominate land use in this general vicinity is single family residential (see attached land use map, Exhibit A). To the west of the site on the south side of Frienza are industrial zoned properties (M-1). These properties are developed with warehouses and other related uses.

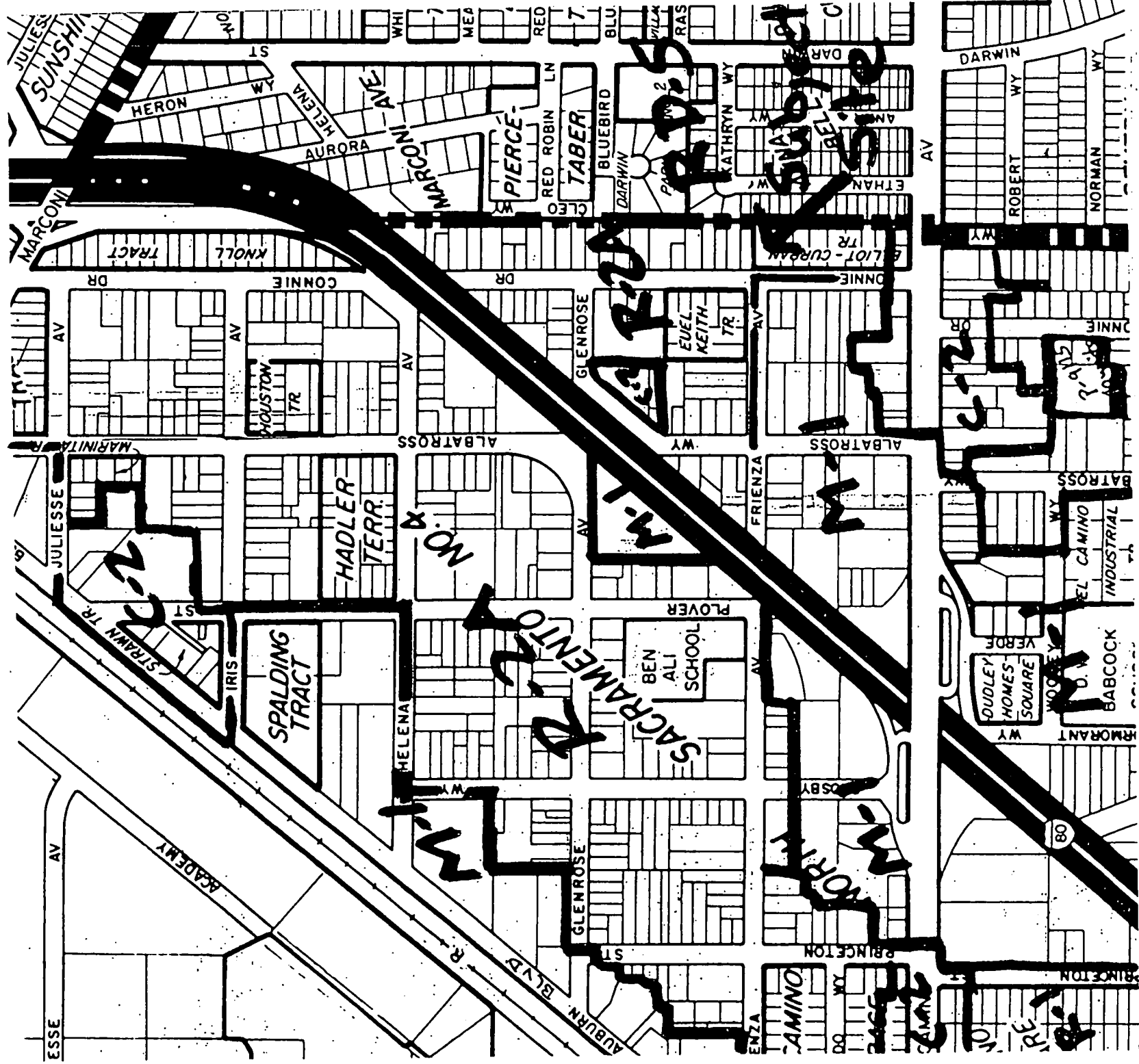
The applicant's stated intent is to develop the subject site with 4,000 square feet of office space for an engineering consultant firm. The applicant has indicated that he would accept an OB Office Building zone which would be consistent with the intended use. Staff finds that the rezoning request, if approved, would allow the intrusion of a non-residential use within an area designated, zoned and developed with residential land uses. Also, the expansion of the M-1 zoning is not warranted, based upon the availability of vacant land which can accommodate the proposed office use. The general area from Auburn Boulevard to Albatross Way (see location map) has a significant amount of under utilized or vacant M-1 zoned properties.

STAFF RECOMMENDATION: Staff recommends the following actions:

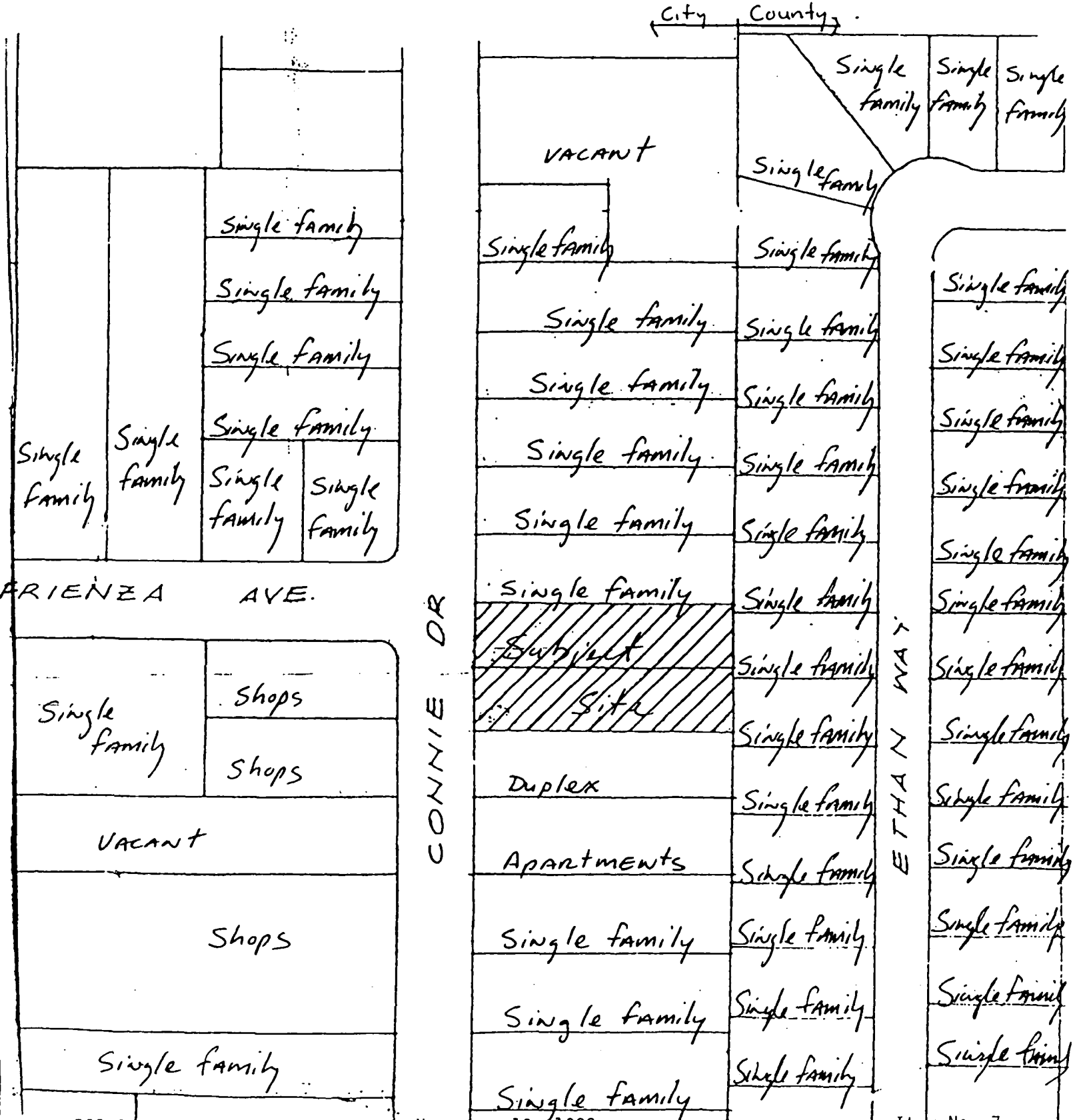
1. Ratification of the Negative Declaration;
2. Denial of the General Plan Amendment;
3. Denial of the Community Plan Amendment;
4. Denial of the Rezoning request.

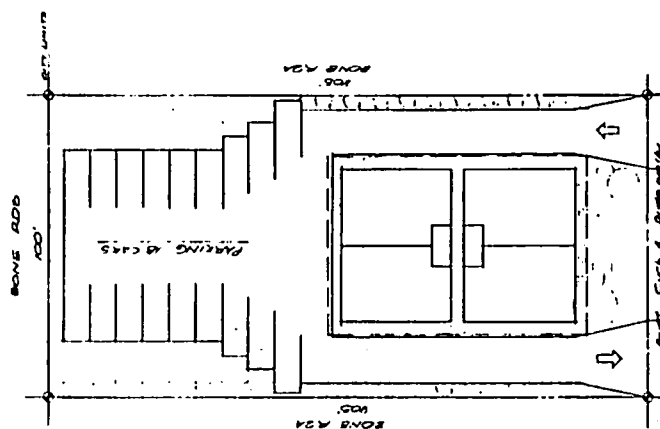
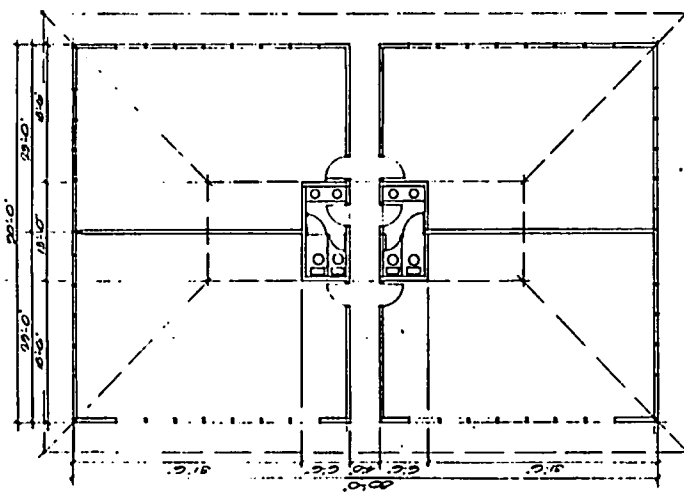
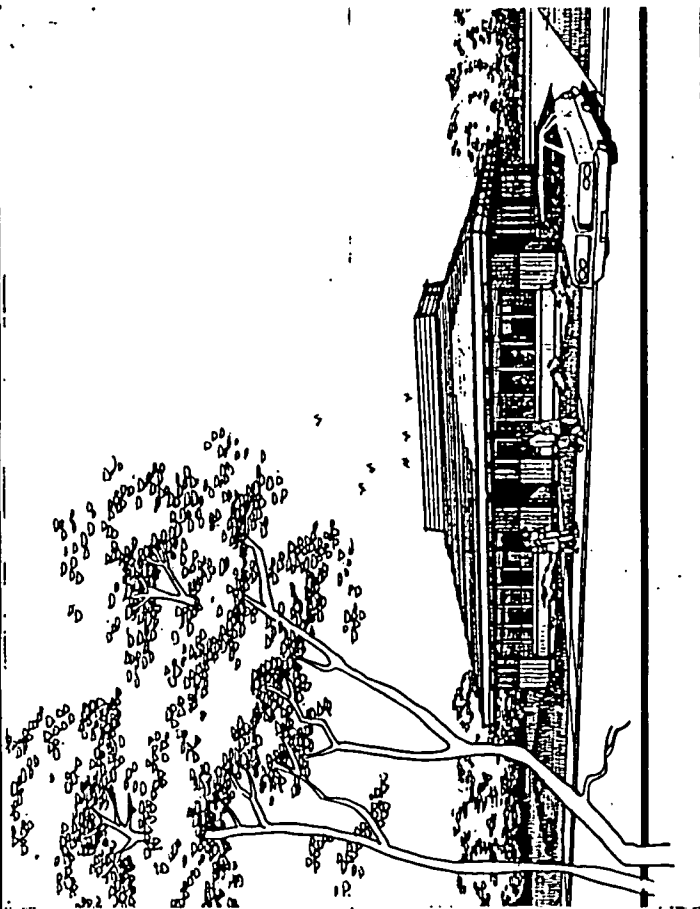
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LOCATION & ZONING MAP



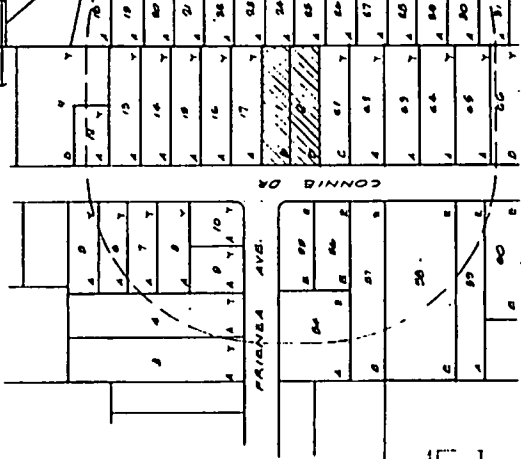
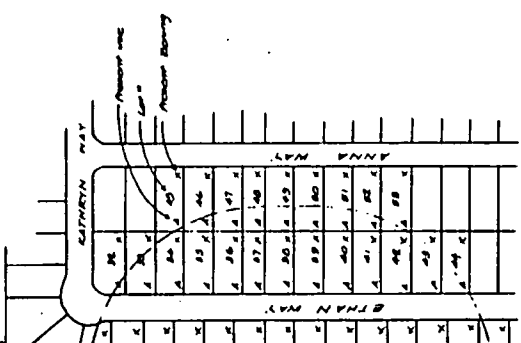
LAND USE MAP





SITE PLAN

FLOOR PLAN



OWNER: NED D. WILKINSON
 2437 W. 12th St.
 P.O. Box 100, Co. 40000

DATE: 10-20-82
 DRAWN BY: M. J. WILKINSON
 TOTAL AREA: 10,000 sq. ft.
 TOTAL BLDG. AREA: 4,000 sq. ft.

NOTES:
 1. SEE CITY MAP
 2. SEE CITY MAP
 3. SEE CITY MAP
 4. SEE CITY MAP
 5. SEE CITY MAP

LOCATION:
 P. 100
 T. 100

SACRAMENTO CITY PLANNING DEPARTMENT

29

Application Information

Application taken by/date: 10/8/82

Project Location 2540 Connie Drive

P No ~~9884~~

Assessor Parcel No. 266-382-01

Owners Ned B. Walker

Phone No. **P 82236**

Address 7413 Tierra Way, Fair Oaks, CA 95628

Applicant Marr-Shaffer & Associates

Phone No. 927-3141

Address 2160 Royale Road, Suite 30, Sacto., CA

Signature _____

C.P.C. Mtg. Date 11-10-82

REQUESTED ENTITLEMENTS

ACTION ON ENTITLEMENTS:

Filing Fees

- Environ. Determination Neg Dec.
- General Plan Amend for 0.47± ac. from Residential to Industrial
- Community Plan Amend (Arden/Arcade from Multiple () Family Residential to Heavy Commercial & Industrial
- Rezone 0.47± ac. from R-3-R to M-1
- Tentative Map _____
- Special Permit _____
- Variances _____
- Plan Review _____
- PUD _____
- Other _____

Commission date	Council date	Filing Fees
D		\$ _____
APPEALED		\$ _____
	Res. _____	\$ _____
D APPEALED		\$ _____
D APPEALED		\$ _____
	Ord. _____	\$ _____
	Res. _____	\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____

FEE TOTAL \$ _____
 RECEIPT NO. 370 GM-10/8/82
 By/date _____

Key to Entitlement Actions

- | | | |
|------------------------------------|---|--|
| R - Ratified | D - Denied | IAF - Intent to Approve based on Findings of Fact |
| Cd - Continued | RD - Recommend Denial | AFF - Approved based on Findings of Fact |
| A - Approved | RA - Recommend Approval | RPC - Return to Planning Commission |
| AC - Approved W/conditions | RAC - Recommend Approval W/conditions | CSR - Condition Indicated on attached Staff Report |
| AA - Approved W/amended conditions | RMC - Recommend Approval W/amended conditions | |

P 82236

NOTE: There is a thirty (30) consecutive day appeal period from date of approval. Action authorized by this document shall not be conducted in such a manner as to constitute a public nuisance. Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezonings, special permits and variances.

Gold - applicant receipt White - applicant permit Green - expiration book Yellow - department file Pink - permit book

P No ~~9884~~

NOTICE OF APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING COMMISSION

DATE: November 16, 1982

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City
Planning Commission of November 10, 1982 when:
(Date)

Rezoning Application Variance Application
 Special Permit Application _____

was: Granted Denied by the Commission

GROUNDS FOR APPEAL: (Explain in detail)

This lot is in an approximate three block area of the city, bound
on the west by Interstate 80 and the south by El Camino. The area is
already transitioned substantially into business across the street
from the lot and at areas north and west of the lot location. The
residential aspect" of the neighborhood is poorly maintained, low-income*
PROPERTY LOCATION: 2540 Connie Drive, Sacramento, California

PROPERTY DESCRIPTION: 0.47 acre

ASSESSOR'S PARCEL NO. 266 - 382 - 01

PROPERTY OWNER: Ned B. Walker

ADDRESS: 7413 Tierra Way, Fair Oaks, CA 95628

APPLICANT: Ned B. Walker

ADDRESS: 7413 Tierra Way, Fair Oaks, CA 95628

APPELLANT: (Ned B. Walker) ()
(SIGNATURE) PRINT NAME

ADDRESS: 7413 Tierra Way Fair Oaks

FILING FEE:
 by Applicant: \$105.00 RECEIPT NO. 414
 by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF: _____

P- 82-236

5/82

(4 COPIES REQUIRED) (MVD)

HY
WW
CP

*housing, mostly on a rental basis.

MM - (Original)

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE Nov. 10, 1982
 ITEM NO. 7a FILE NO. P- 82-236
 M- _____

GENERAL PLAN AMENDMENT
 COMMUNITY PLAN AMENDMENT
 REZONING
 SPECIAL PERMIT
 VARIANCE

TENTATIVE MAP
 SUBDIVISION MODIFICATION
 ENVIRONMENTAL DET.
 OTHER _____

Recommendation LOCATION: 2540 Connie Drive

Favorable
 Unfavorable Petition Correspondence

NAME	PROPOSERS	ADDRESS
<u>Ned Walker</u>	<u>7413 Sierra Wy.</u>	<u>Fair Oaks, 95628</u>
<u>John Shaffer</u>	<u>2160 Rayale Rd.</u>	<u>Suite 30</u>

NAME	OPPOSERS	ADDRESS
<u>No opposition</u>		

MOTION NO. _____

MOTION:

	YES	NO	MOTION	2ND
Augusta	✓			
Bong	<u>absent</u>			
Goodin	✓			
Holloway	✓			
Larson	✓		✓	
Muraki	✓			
Silva	<u>absent</u>			
Simpson	✓			✓
Hunter	✓			

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE _____
- TO RECOMMEND APPROVAL _____ & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO _____ MEETING
- OTHER _____



CITY OF SACRAMENTO

19

CITY PLANNING DEPARTMENT
927 TENTH STREET SACRAMENTO, CA 95814
SUITE 300 TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

November 30, 1982

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Rezone 0.47+ ac. from R-3-R, Light Density Residential to M-1,
Light Density Industrial.

LOCATION: 2540 Connie Drive

SUMMARY

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 38.

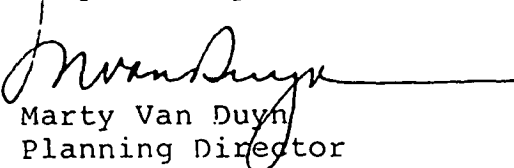
BACKGROUND

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

RECOMMENDATION

It is recommended that the item be passed for publication of title and continued to December 14, 1982.

Respectfully submitted,

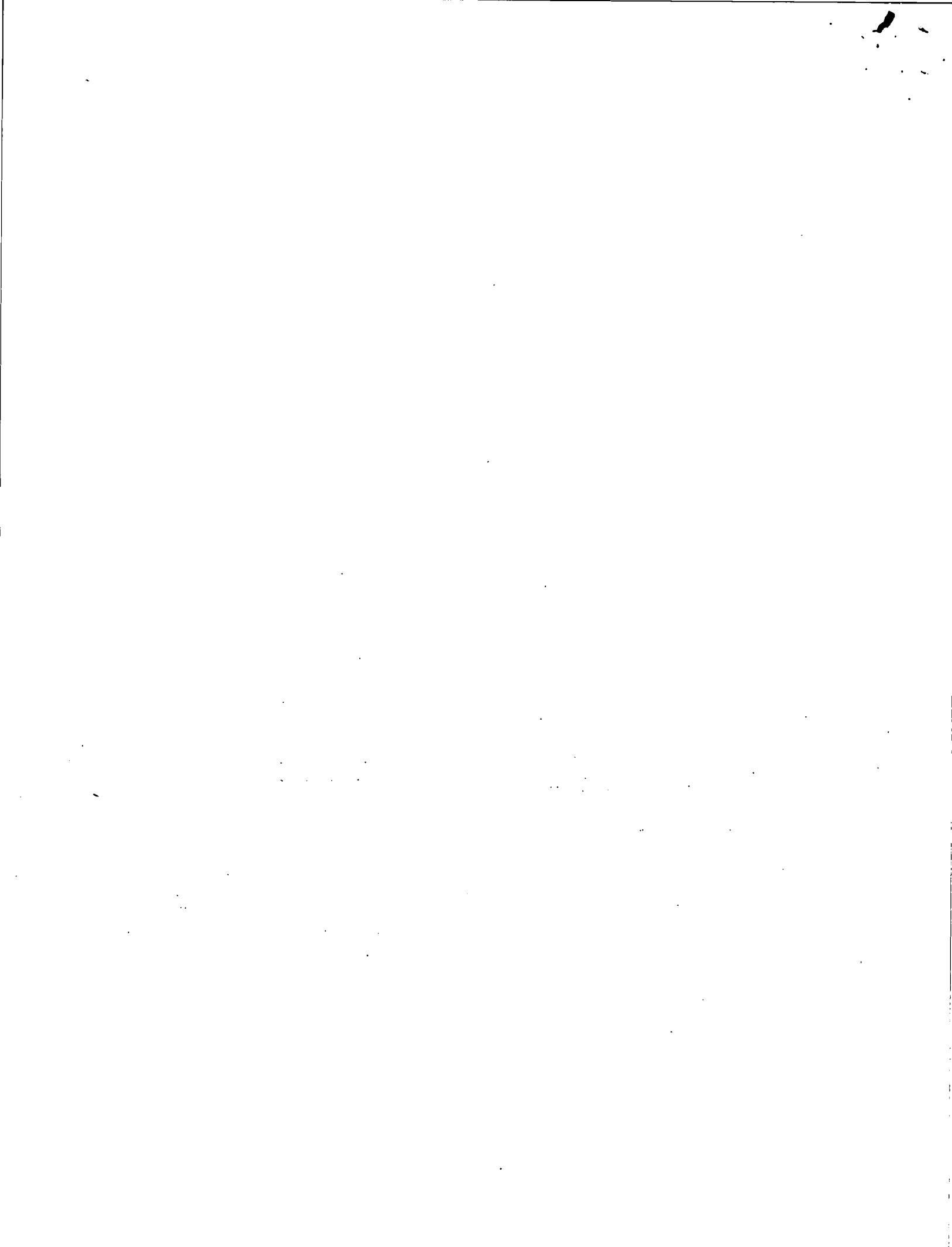

Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:cp
Attachment
P82-236

PASSED FOR
PUBLICATION
& CONTINUED
TO 12-14-82

December 7, 1982
District No. 3



ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED AT 2540 Connie Drive FROM THE R-3-R, Light Density Residential ZONE AND PLACING SAME IN THE M-1, Light Density Industrial ZONE (FILE NO. P-82-236) (APN: 266-382-01)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The territory described in the attached exhibit(s) which is in the R-3-R, Light Density Residential zone(s), established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone and placed in the M-1, Light Density Industrial zone(s).

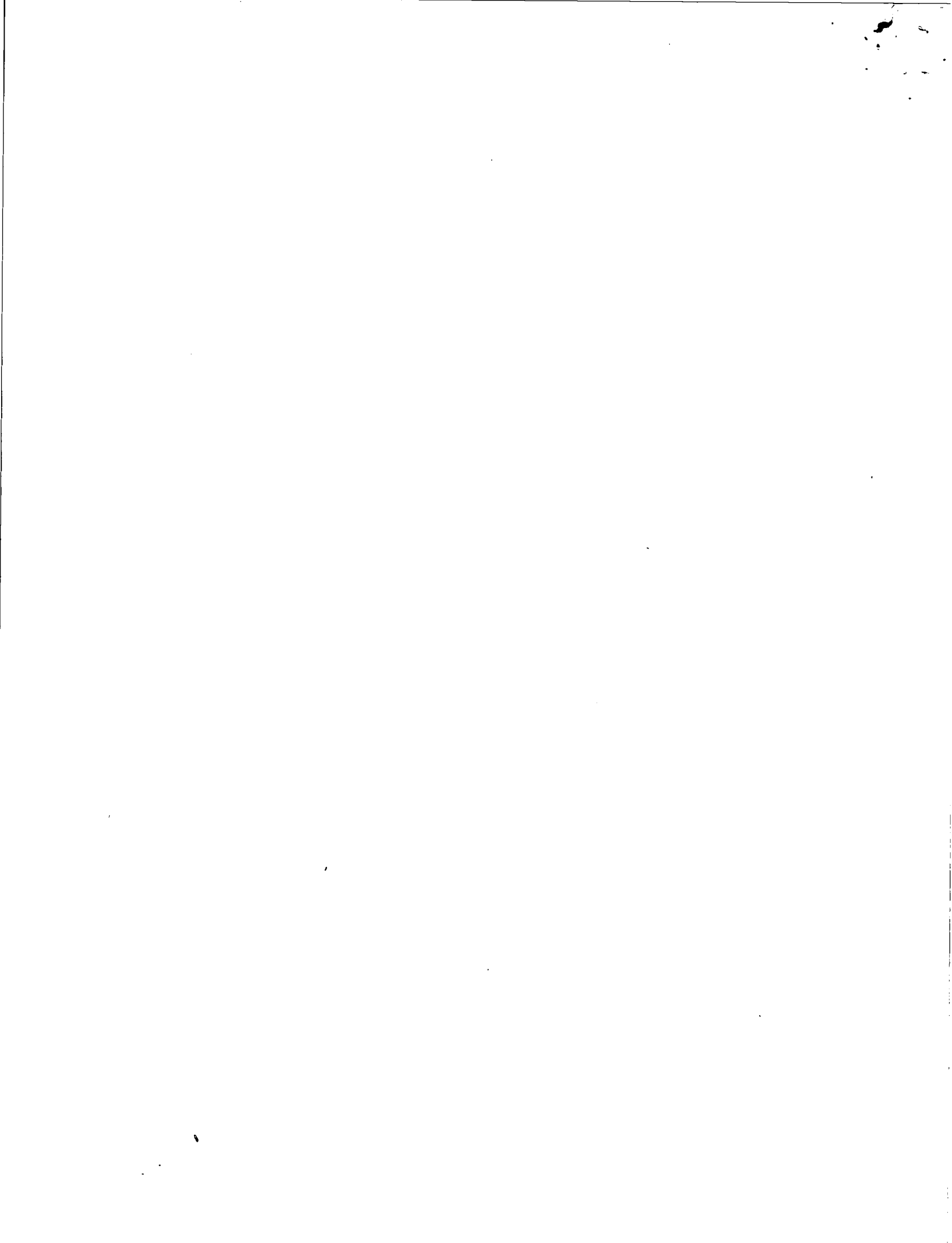
This action rezoning the property described in the attached exhibit(s) is adopted subject to the following conditions and stipulations:

a. A material consideration in the decision of the Planning Commission to recommend and the City Council to approve rezoning of the applicant's property is the development plans and representations submitted by the applicant in support of this request. It is believed said plans and representations are an integral part of such proposal and should continue to be the development program for the property.

b. If an application for a building permit or other construction permit is filed for said parcel which is not in conformity with the proposed development plans and representations submitted by the applicant and as approved by the Planning Commission November 10, 1982, on file in the office of the Planning Department, or any provision or modification thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Director shall report the matter to the Planning Commission as provided for in Ordinance No. 3201, Fourth Series.

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.



SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK



The land referred to herein is described as follows:

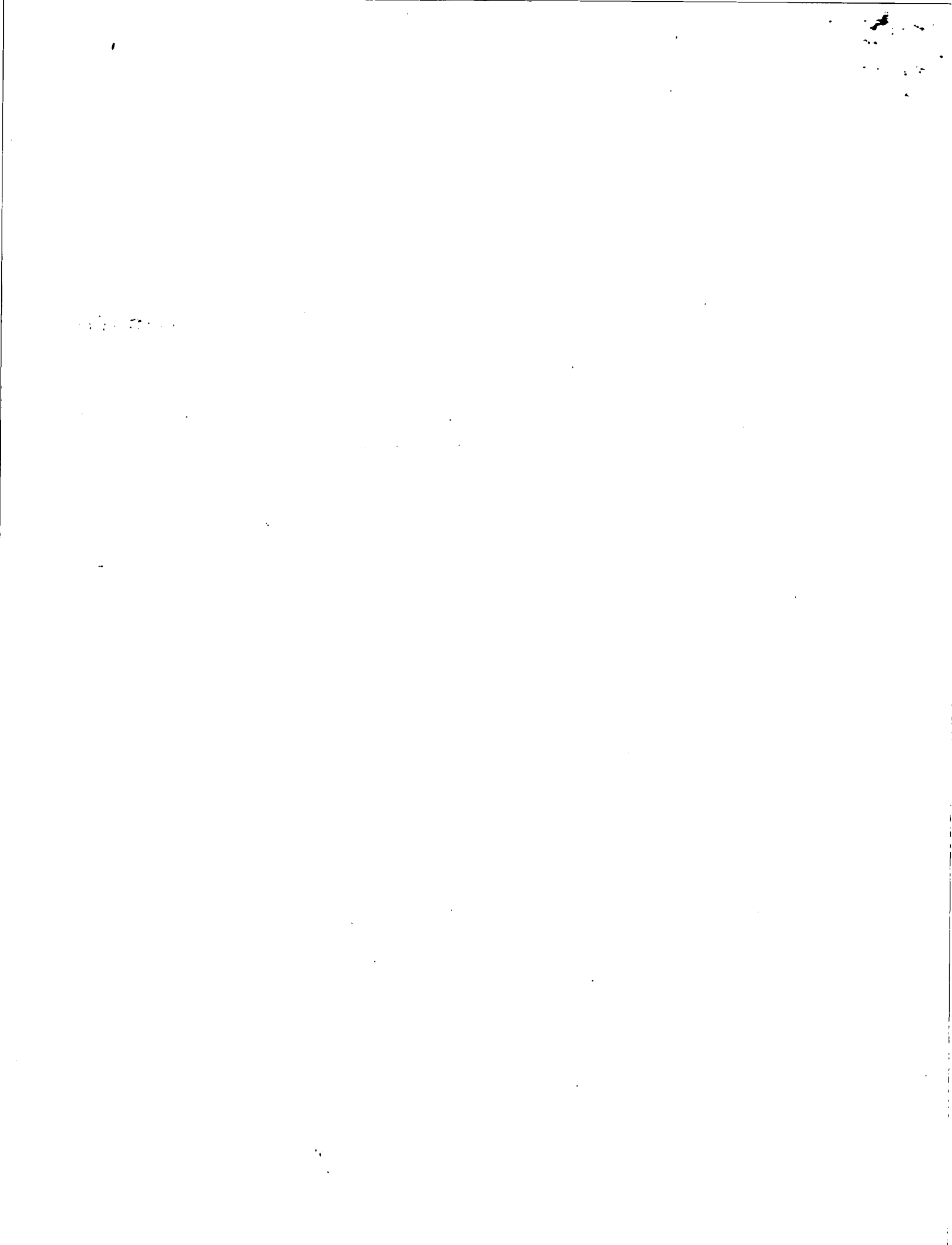
D E S C R I P T I O N

All that certain real property situate, lying, and being in the City of Sacramento, County of Sacramento, State of California, described as follows:

Lots 1 and 2, as shown on the "Map of Elliott-Curran Tract", recorded in the office of the County Recorder of Sacramento County on December 18, 1945, in book 22 of Maps, Map No. 52.

V2o4/4a / ps

P 82236



December 15, 1982 .

Ned B. Walker
7413 Tierra Way
Fair Oaks, CA 95628

Dear Mr. Walker:

On December 14, 1982, the Sacramento City Council heard your appeal from City Planning Commission action on various request for property located at 2540 Connie Drive (D3)(P82-236).

The Council adopted by motion its intent to deny your appeal contingent on Findings of Fact which are due December 28, 1982.

Sincerely,

Lorraine Magana
City Clerk

LM/emm/29

cc: Planning Department
Marr-Schaffer & Associates
(2160 Royal Road, Suite 30, Sacramento CA 95825)

