



CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT

725 "J" STREET

SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

July 8, 1981

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of the City Planning Commission's Denial to Rezone
7+ Vacant Acres from A to M-1 to Develop a Truck Terminal
(P-8943)

LOCATION: Northeast corner of Raley Boulevard and Main Avenue

SUMMARY

Attached is the necessary resolution, ordinance, and rezoning agreement to approve the rezoning of the above referenced project based on the plans that were submitted. The rezoning ordinance and agreement also include the conditions of approval.

BACKGROUND INFORMATION

On May 19, 1981, the City Council granted the appeal to allow the rezoning of the site to M-1 subject to conditions. The Council directed staff to prepare the necessary ordinances, resolutions, and agreements to assure compliance of the conditions of the rezoning.

RECOMMENDATION

The proper Council action would be to:

1. Adopt the Rezoning Ordinance;
2. Adopt the Resolution that will authorize the City Manager and City Clerk to execute the Rezoning Agreement.

APPROVED
BY THE CITY COUNCIL

JUL 14 1981

OFFICE OF THE
CITY CLERK

Respectfully submitted,

Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION

WALTER J. SLIPE
CITY MANAGER

MVD:HY:jm
Attachments
P-8943

July 14, 1981
District No. 1

ORDINANCE NO. 81-066

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

3. ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED AT THE NORTHEAST CORNER OF RALEY BOULEVARD AND MAIN AVENUE FROM THE A AGRICULTURAL ZONE AND PLACING SAME IN THE M-1 LIGHT INDUSTRIAL ZONE (FILE NO. P-8943) (APN: 215-275-20)

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 A Agricultural zone(s), established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone and placed in the M-1 Light Industrial Zone zone(s).

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

- a. Owner shall develop, maintain and operate Property in substantial conformity with the development plans and representations submitted by Owner to City and the City Council of City in support of the requested rezoning, said plans and representations having been a material consideration in the decision of the City Council of City to grant the requested rezoning. Said plans and representations are on file in the Planning Department of City and are incorporated herein by this reference.
- b. In the event an application for a building permit or other construction permit is filed for the Property for construction which is not in substantial conformity with the plans and representations referenced in (a) immediately preceding, no such permit shall be issued and the Planning Director shall report the matter to the City Council of City.
- c. Owner shall make an irrevocable offer of dedication, in a form approved by the City Attorney of City, for a 40-foot half-section for those portions of Main Avenue and Raley Boulevard adjacent to the Property to City prior to approval of the rezoning, said offer to be conditioned on approval of the rezoning and to be effective on the effective date of the ordinance rezoning the Property.

APPROVED
BY THE CITY COUNCIL

JUL 14 1981

OFFICE OF THE
CITY CLERK

d. Owner shall make an irrevocable offer of dedication, in a form approved by the City Attorney of City, for the necessary right-of-way for an expanded intersection at Main Avenue and Raley Boulevard, said offer to be conditioned on approval of the rezoning and to be effective on the effective date of the ordinance rezoning the Property.

e. Owner shall prepare a sewer and drainage study for the review and approval of the City Engineer of City prior to the issuance of any building or other construction permit for construction on the Property.

f. Owner agrees to participate in any future assessment districts involving the Property to provide for sewer, drainage, curbs, gutters, sidewalks, street pavement and street lights as set forth in Exhibit III, which is attached hereto and incorporated herein by reference.

g. Owner shall obtain the approval of the Health Department of the County of Sacramento to install a septic system on the Property of appropriate size and design to service the proposed development prior to issuance of any building or other construction permit for any construction of the Property.

h. Owner shall install full street improvements and offsite drainage facilities in accordance with the Standard Specifications of City in effect at the time of installation for those portions of the site proposed for development, as indicated on the development plans and representations referenced in (a) above, prior to issuance of any building or other construction permit for any construction on the Property.

i. Owner shall provide an acoustical study assessing the proposed project (office) for consistency with the 1975 City General Plan Noise Element prior to issuance of building permit.

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

P-8943

LEGAL DESCRIPTION

ALL THAT POR. OF LOT 336 AS SHOWN ON PLAT OF "ACME
ACRES" RECORDED IN BK 14 OF MAPS, MAP NO. 27 SACTO.,
CO. RECORDS EXCEPTING THEREFROM THE NORTH 132'.

P-8943

RESOLUTION NO. 81-533

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION AUTHORIZING EXECUTION OF
AGREEMENTS RELATING TO THE REZONING
OF CERTAIN PROPERTY FROM A TO M-1, (P-8943)

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

That the City Manager and City Clerk are hereby authorized and directed to execute on behalf of the City of Sacramento agreements with Madeline Hatfield relating to the rezoning of and participation in the formation of an assessment district concerning the following described property:

Lot 336 of "Plat of Acme Acres," as shown on the official plat thereof recorded in Book 14 of Maps, Map No. 27, Sacramento County Records, excepting therefrom the north 132.00 feet thereof.

MAYOR

ATTEST:

CITY CLERK

APPROVED
BY THE CITY COUNCIL

JUL 14 1981

OFFICE OF THE
CITY CLERK

AGREEMENT NO.

THIS AGREEMENT made this _____ day of _____, 1981, by and between "Owner," as identified in Item (a) of Exhibit I of this Agreement, and the CITY OF SACRAMENTO, a municipal corporation, herein called "City".

W I T N E S S E T H:

WHEREAS, Owner is the owner of real property, herein called the "Property," situated in the City of Sacramento, which Property is described in Item (f) of Exhibit I of this Agreement; and,

WHEREAS, the Property is now zoned as specified in Item (b) of Exhibit I; and,

WHEREAS, Owner has applied for a rezoning of the Property pursuant to which application the Property is being rezoned from its present zoning classification to the zoning classification or zoning classifications specified in Item (c) of Exhibit I; and,

WHEREAS, public hearings have been held upon said application before the Council of the City of Sacramento, State of California, and after having considered the matter presented, it has been determined that certain conditions to the rezoning of said real property must be imposed so as not to create any problems inimical to the health, safety and the general welfare of the City of Sacramento;

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED that inasmuch as the zoning specified in Item (c) of Exhibit I is being granted, the said rezoning shall be subject to the conditions specified in the following paragraphs:

1. The Exhibits I, II and III, completed and attached hereto, are incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.

2. Owner shall comply with the conditions, specified in Exhibits II and III of this Agreement, in the manner and within the time periods specified in Exhibits II and III of this Agreement.

3. In the event Owner, any successor in interest of Owner, or any person in possession of the Property described in Item (f) of Exhibit I violates or fails to perform any of the conditions of this Agreement within thirty (30) days after notice thereof as provided in Paragraph 4, the City Council of the City may instruct the City Attorney of City to institute legal proceedings to enforce the provisions of this Agreement. The City Council of City may also initiate proceedings to rezone the Property to the classification specified in Item (b) of Exhibit I or any other suitable classification; provided, that nothing herein shall be construed to limit the authority of City to exercise its police power to rezone the Property as it may deem appropriate at any time.

4. Notice of violation of provisions of this Agreement shall be sent to Owner at the address specified in Item (d) of Exhibit I and to the street address of the property described in Item (d) of Exhibit I. Any subsequent title holder, any lien holder, or party in possession of the Property shall also receive notice of such violation at an address other than as specified in Item (d) of Exhibit I by filing with the City Clerk of City the address to

which the notice is to be sent, with reference to this Agreement and the Resolution authorizing its execution.

5. In the event suit is brought by the City Attorney of City to enforce any of the provisions of this Agreement, Owner agrees to pay to City a reasonable sum to be fixed by the Court as attorney's fees.

6. Each and every one of the provisions of this Agreement herein contained shall bind and inure to the benefit of the successor in interest of each and every party hereto, in the same manner as if they had herein been expressly named.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

OWNER:

CITY:

CITY OF SACRAMENTO, a
municipal corporation

By _____

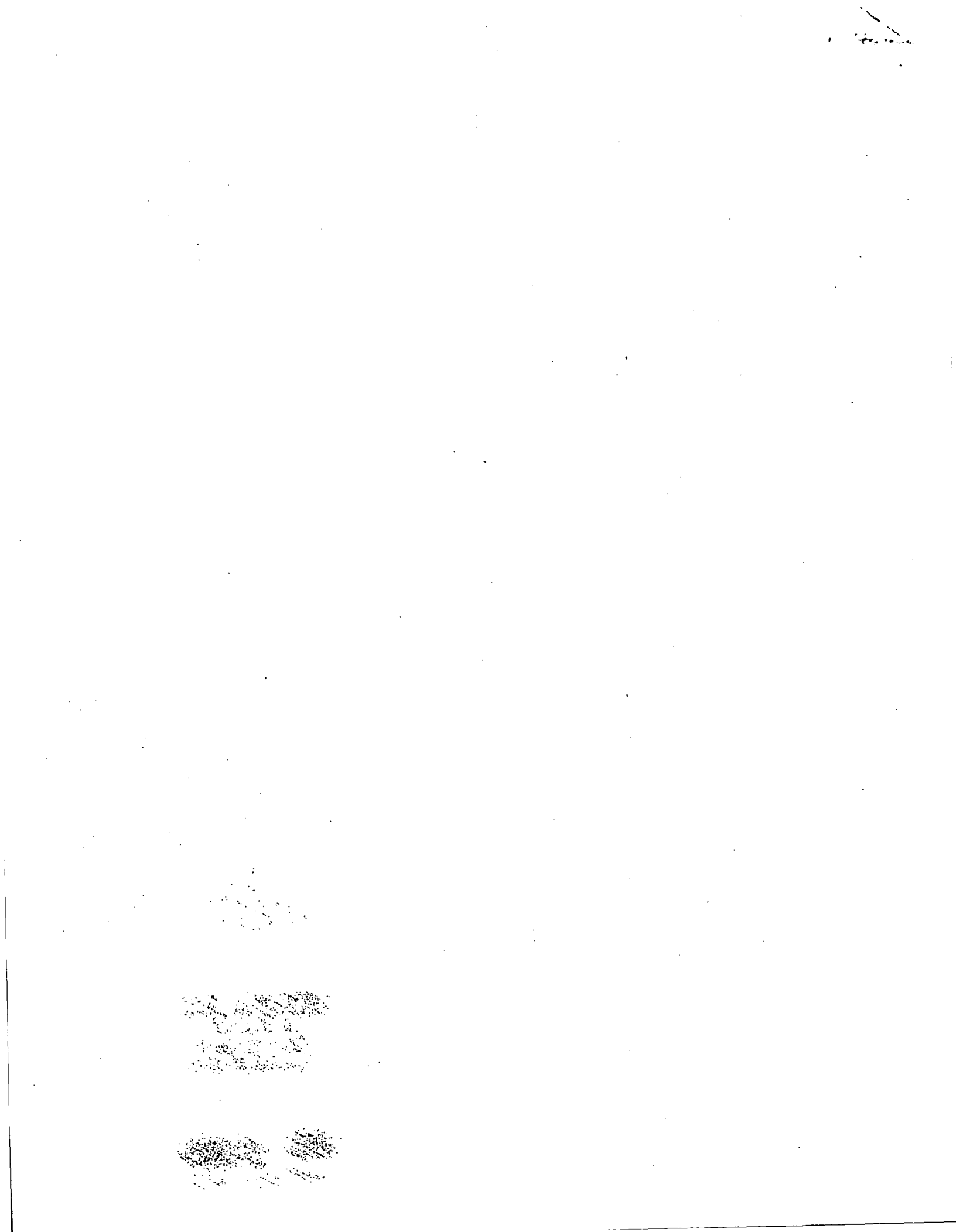
Its _____

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



CITY OF SACRAMENTO



CITY PLANNING DEPARTMENT
725 "J" STREET
SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

July 1, 1981

City Council
Sacramento, California.

Honorable Members in Session:

SUBJECT: Ordinance Amending the Districts Established by the Comprehensive Zoning Ordinance No. 2550, Fourth Series, as Amended, by Removing Property Located at the Northeast Corner of Raley Boulevard and Main Avenue from the A Agricultural Zone and Placing Same in the M-1 Light Industrial Zone (P-8943)

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 July 14, 1981.

Respectfully submitted,

Marty Van Duyn
Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

jm
Attachment
P-8943

APPROVED
BY THE CITY COUNCIL

JUL - 7 1981
Cont. to 7-14-81
OFFICE OF THE
CITY CLERK

July 7, 1981
District No. 2

3.

ORDINANCE NO.

, FOURTH SERIES

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED AT NORTHEAST CORNER RALEY BLVD. & MAIN AVE. FROM THE A AGRICULTURAL ZONE AND PLACING SAME IN THE M-1 LIGHT INDUSTRIAL ZONE

ZONE (FILE NO. P-8943) (APN: 215-275-20)

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 A Agricultural _____ zone(s), established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone and placed in the _____ M-1 Light Industrial Zone _____ 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 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.

c. Applicant shall dedicate a 40-foot half-section for Main Avenue and Raley Boulevard, prior to issuance of building permits.

d. Applicant shall dedicate the necessary right-of-way for an expanded intersection at Main Avenue and Sully Street prior to building permit approval.

e. The applicant shall prepare a sewer and drainage study for the review and approval of the City Engineer prior to issuance of building permits.

f. Applicant shall enter into an agreement with the City to participate in any future assessment districts to provide for sewer, drainage, curbs, gutters, sidewalks, street pavement and street lights.

g. Applicant shall demonstrate to the County Health Department that the site is suitable for a septic system.

h. Full street improvements and off-site drainage shall be installed for the section of property to be developed. Improvements must be provided for before issuance of any building permit.

i. Provide an acoustical study assessing the proposed project (office) for consistency with the 1975 City General Plan Noise Element prior to issuance of building permit.

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:

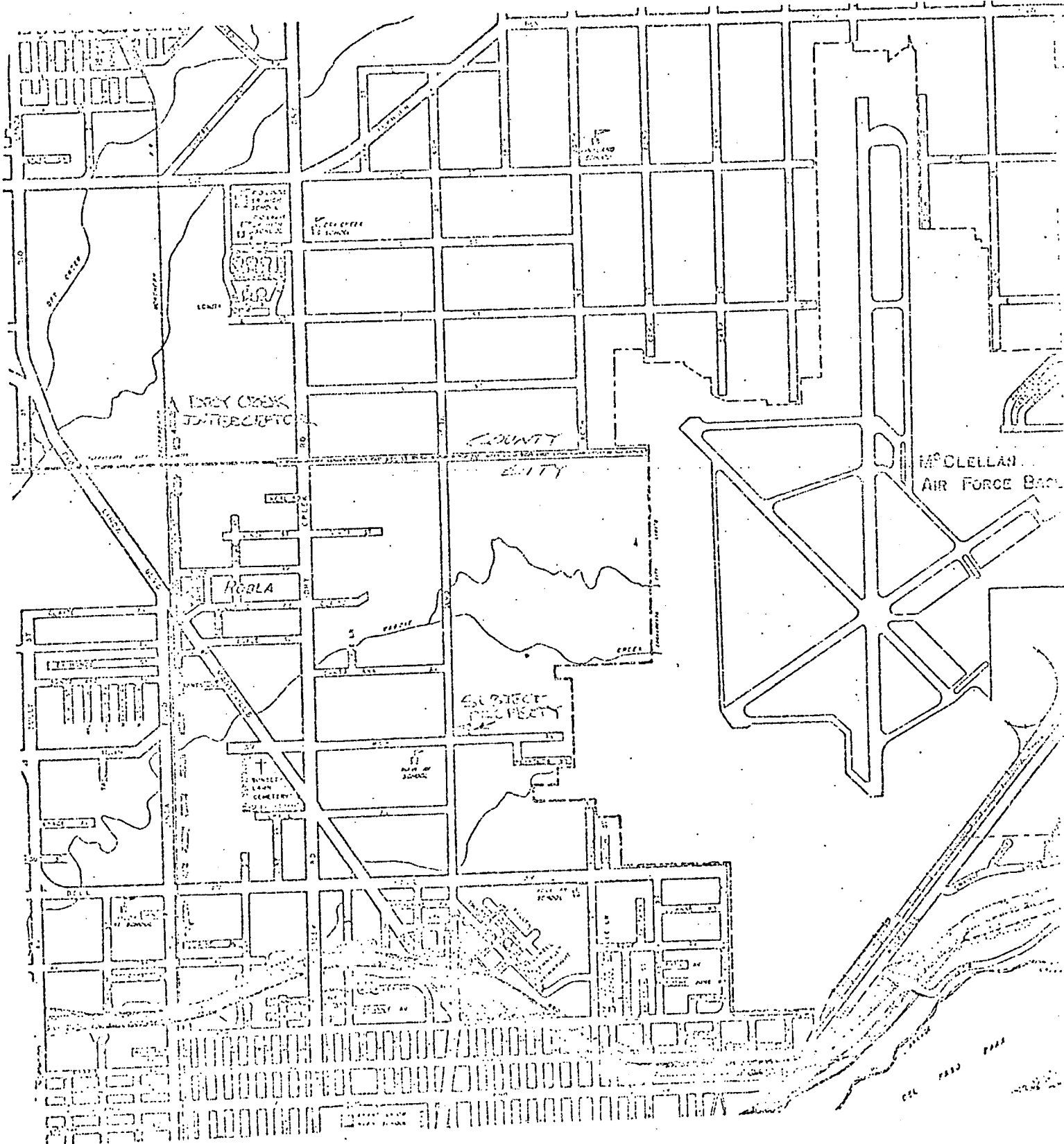
EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

INTERCEPTOR LOCATION MAP



~~FILED~~
32

GARDNER LAND PLANNERS, INC.

2532 GARFIELD AVENUE / CARMICHAEL, CA 95608 / (916) 482-5177

LAND SURVEYING - CIVIL ENGINEERING

June 24, 1981

City of Sacramento
City Planning Department
725 J Street
Sacramento, CA 95814

Subject: File No. P-8941
Assessor's Parcel No. 215-273-20

Gentlemen:

We hereby request that the final hearing on rezone application for the subject parcel be continued for one week or to your next open-City Council meeting for the purpose of preparing final agreements and other documents relating to the rezoning of the property.

Yours very truly

GARDNER LAND PLANNERS, INC.
Agent for Hatfield Trucking Co.

By Gilbert A. Gardner
Gilbert A. Gardner *cm.*

GAG:m

RECEIVED OFFICE
CITY CLERK'S
CITY OF SACRAMENTO
JUN 25 2:53 PM '81

FILED
By the City Council
Office of the City Clerk
Cont. to
7-7-81
JUN 30 1981
FILED
By the City Council
Office of the City Clerk
Cont. to
7-14-81