

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.16 OF THE STOCKTON MUNICIPAL CODE RELATED TO THE ZONING MAP, TO RECLASSIFY A PORTION OF THE PROPERTIES LOCATED AT THE SOUTH-WEST CORNER OF AIRPORT WAY AND SPERRY ROAD (P17-0013)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. FINDINGS AND INTENT

The City Council Finds that:

1. The proposed zoning amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code, because approving the Rezoning will allow the subject uses to comply with applicable provisions of the Development Code for the commercial development and the amendment maintains consistency with the General Plan designation and goals and policies as follows:

Land Use-4.5, Commercial Area Aesthetics – The City shall require that new commercial development incorporate landscaping and good design in accordance with Citywide Design Guidelines. The City’s Architectural Review Committee has reviewed and determined that the project’s proposed elevations, renderings, and materials are substantially in compliance with applicable provisions of the Citywide Design Review Guidelines.

ED—1 To maintain a thriving business community that provides a sound tax base for the City, jobs for the local workforce, and commercial shopping opportunities for residents and visitors alike. The proposed development would create jobs and provide services to an underserved area of Stockton.

2. The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety or general welfare of persons residing or working in the City, because the business owner will be required to install a video surveillance system inside and outside of the commercial buildings and security lighting around the exterior of the premises and the parking lot, helping to provide a safer environment for the store’s customers and area residents.
3. The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines, because an Initial Study/Final Mitigated Negative Declaration has been prepared and is intended to provide environmental clearance under CEQA for the Airport Sperry Commercial Project.

Additional Finding for Rezoning

4. The site would be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation and anticipated land use development, because the area is already supplied with the required infrastructure, utilities and accesses. Approval of the Rezoning will allow commercial uses nearby an existing residential neighborhood and provide convenient neighborhood retail and services to area residents.

SECTION II: AMENDMENT OF CODE

Title 16, Chapter 16.16, Section 16.16.030 of the Stockton Municipal Code is hereby amended as follows

The subject property, which is in the City of Stockton, County of San Joaquin, State of California, is hereby reclassified in accordance with the rezoning description contained in the Legal Description and Zoning Map, attached hereto as Exhibit A incorporated by this reference.

SECTION III: SEVERABILITY

If any of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end, the provisions of this act are severable.

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

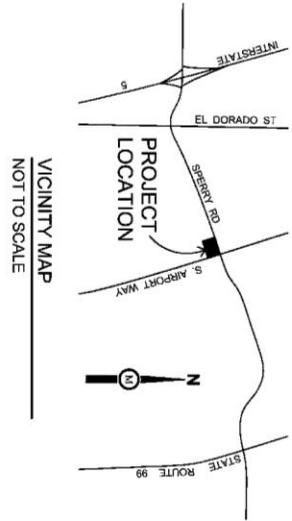
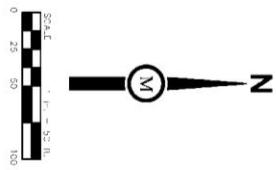
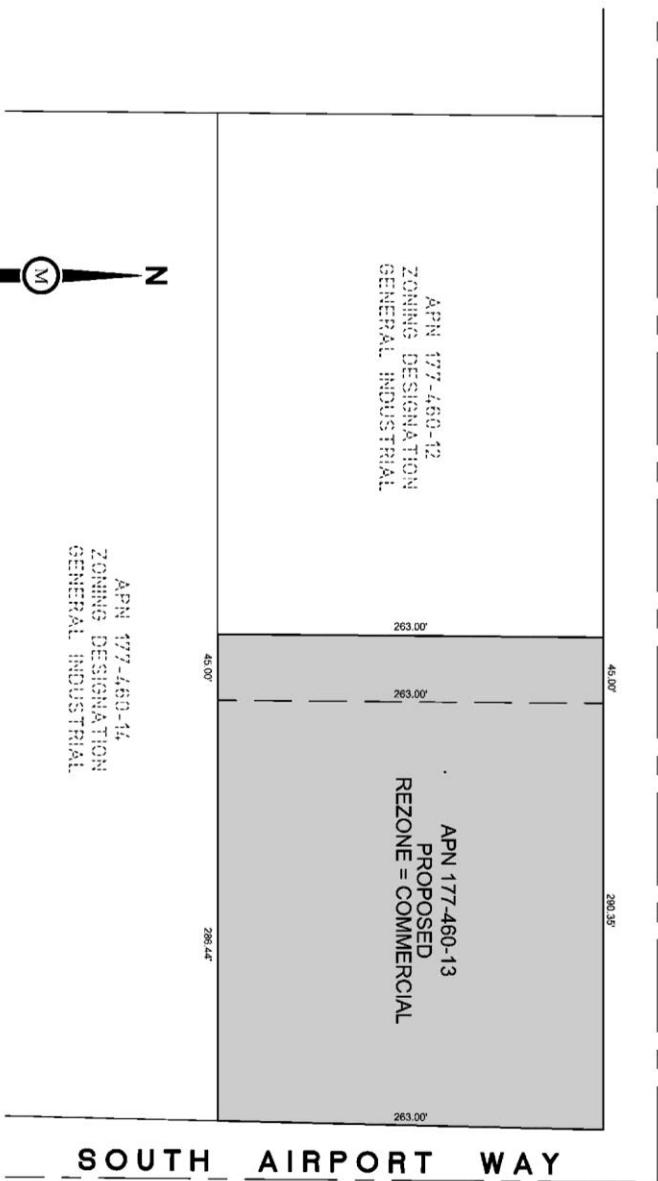
MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

BRET HUNTER, CMC
City Clerk of the City of Stockton

Rezone Legal Description

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF SAN JOAQUIN, CITY OF STOCKTON, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
 ALSO EXCEPTING THEREFROM ALL THAT PORTION CONNECTED TO THE COUNTY OF SAN JOAQUIN BY GRANT DEED RECORDED MARCH 22, 1978 IN VOLUME 4379 AT PAGE 86; SAN JOAQUIN COUNTY OFFICIAL RECORDS:
 PORTION OF APN: 117-460-13 & 117-460-012
 LOT SIX (6) IN BLOCK ONE (1) AS SHOWN UPON MAP ENTITLED TERRA MARTE TRACT, SAN JOAQUIN COUNTY RECORDS, EXCEPT THE WEST 400 FEET THEREOF AS DESCRIBED IN THE GRANT DEED TO BEN M. RISHWAIN RECORDED AS DOCUMENT NO. 2014-07/931 ON JULY 21, 2014;
 AND THE EASTERN 1/4 OF PARCEL FOUR, AS SAID PARCEL OF LAND IS DESCRIBED IN THE GRANT DEED TO SPERRY INVESTORS, LLC RECORDED AS DOCUMENT NO. 2005-106984 ON MAY 12, 2006;
 EXCEPTING THEREFROM THAT PORTION AS CONTAINED IN PARCEL VIII AS DESCRIBED IN THE FINAL ORDER OF CONDEMNATION, RECORDED JANUARY 13, 1971 IN BOOK 3460 OFFICIAL RECORDS PAGE 288, SAN JOAQUIN COUNTY RECORDS 17-460-012



REZONE MAP

Airport Petroleum, Inc.

A portion of the West 400 feet of Lot Six (6) in Block One (1) as shown upon the Map entitled Terra Marte Tract filed for record June 12, 1912 in Vol. 6 of Maps and Plats, Page 28, San Joaquin County Records.

County of SAN JOAQUIN State of CALIFORNIA
 March 2017 Sheet 1 of 1



PREPARED BY OR UNDER THE SUPERVISION OF ANDREW KLUNZIK, VER. III, PLS