

ORDINANCE NO. 839

AN ORDINANCE AMENDING THE ZONING MAP TO REZONE FROM COMMUNITY COMMERCIAL (C2) TO NEIGHBORHOOD COMMERCIAL (C1) AND MULTIPLE FAMILY RESIDENTIAL URBAN (R4U) FOR CERTAIN PROPERTY LOCATED AT THE SOUTHWEST CORNER OF NORTH RIPON ROAD AND RIVER ROAD

WHEREAS, a verified application for rezoning (Z15-04) was filed by JKB Living ("Applicant") to rezone approximately 10 acres located at the southwest corner of North Ripon Road and River Road ("the Property") to allow for an apartment project and future neighborhood commercial development, and

WHEREAS, after a public hearing held on February 2, 2016, in the City Council Chambers located at 259 Wilma Avenue, Ripon, California, it was found and determined by the Planning Commission, by a vote of 4-1, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the rezoning to Multiple Family Residential and Neighborhood Commercial would provide for an apartment project development that is compatible with surrounding residential and future commercial uses. The requested zone change will result in an orderly planned use of land because the design features of the project and the conditions of approval will ensure that the project is compatible with the adjacent residential uses, and the requested zone change is in accordance with the goals and objectives as set forth in the Ripon General Plan 2040, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 6:00 PM on March 8, 2015 in the City Council Chambers located at 259 Wilma Avenue, Ripon, California, at which date and time said duly noticed public hearing-of the Council was held for the purpose of receiving public comment on the proposed amendment, and

WHEREAS, the City Council heard testimony at the public hearing of the City Council, closed the public hearing, and considered said testimony.

NOW THEREFORE, the Council of the City of Ripon docs ordain as follows:

SECTION 1. After a public hearing held on March 8, 2016 at the City Council Chambers located at 259 Wilma Avenue, Ripon, California, this Council finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety or welfare because the rezoning would provide for an apartment project and future neighborhood commercial development that is compatible with surrounding residential and future commercial uses;
2. The requested change will result in an orderly planned use of land because the design features of the project and the conditions or approval will ensure that the project is compatible with the adjacent residential uses;

3. The requested change is in accordance with the goal and objectives as set forth in the General Plan because the project is consistent with the Multiple Family Residential Urban (R4U) and Neighborhood Commercial (C2) General Plan Land Use Designation (as amended).

SECTION 2. ZONING CHANGE. The City of Ripon Zoning Map is hereby amended to reclassify the property as described in Exhibit "A", attached hereto and incorporated herein by reference, and further depicted in Exhibit "B", also attached hereto and incorporated herein by reference from C2 (Community Commercial) to – C1 (Neighborhood Commercial) and R4U (Multiple Family Residential Urban).

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Manteca Bulletin, the official newspaper of the City of Ripon, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Ripon held on the 8th day of March, 2016, and by majority vote of the council members present, further reading was waived.

The foregoing ordinance, having been published as required by law, and coming on for final consideration at the regular meeting of the Council of the City of Ripon held on the 12th day of April, 2016. Council member Michael Restuccia, who moved its final adoption, which motion being duly seconded by Council member Dean Uecker, was upon roll call carried and the ordinance adopted by the following vote:

AYES:	Restuccia, Uecker, Parks, Winchell, Zuber
NOES:	None
ABSENT:	None
ABSTAINING:	None

THE CITY OF RIPON,
A Municipal Corporation

By: 
JACOB PARKS, Mayor

ATTEST:


LISA ROOS, City Clerk

Exhibit “A”

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

All that certain property identified as “Designated Remainder” Parcel as shown upon Parcel Map filed for record in Book 17 of Parcel Maps at Page 38, San Joaquin County Records, more particularly described as follows:

A portion of the Northeast Quarter of the Southeast Quarter of Section 18, Township 2 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northeast corner of said Southeast Quarter; thence along the North line of said quarter, North 88° 25' West, 643.0 feet; thence South 0° 18' West, 882 feet; thence South 88° 25' East, 643 feet to the East line of said quarter; thence North along said quarter section line 882 feet to the point of .

EXCEPTING THEREFROM that portion along the East line lying within the county road.

ALSO EXCEPTING THEREFROM Parcels 1 and Parcel 2 as shown upon Parcel Map filed for record in Book 17 of Parcel Maps at Page 38, San Joaquin County Records.

ALSO EXCEPTING THEREFROM all that portion of said land lying within the exterior boundary lines of that certain subdivision entitled, “Chesapeake Landing”, filed for record September 24, 2002, in book 37 of Maps and Plats, at Page 45, San Joaquin County Records.

ALSO EXCEPTING THEREFROM all that portion of said land conveyed to the City of Ripon, by Grant Deed recorded May 15, 2003, as Instrument No. 2003-105140, San Joaquin County Records.

APN: 261-030-17

PARCEL TWO:

Lot 1 of “Ripona Tract” according to the Official Map thereof filed in Volume 3 of Maps and Plats, page 57, San Joaquin County Records.

EXCEPTING THEREFROM that portion along the East line lying within the county road.

ALSO EXCEPTING THEREFROM Parcels 1 and Parcel 2 as shown upon Parcel Map filed for record in Book 17 of Parcel Maps at Page 38, San Joaquin County Records.

ALSO EXCEPTING THEREFROM all that portion of said land lying within the exterior boundary lines of that certain subdivision entitled, “Chesapeake Landing”, filed for record September 24, 2002, in book 37 of Maps and Plats, at Page 45, San Joaquin County Records.

ALSO EXCEPTING THEREFROM all that portion of said land conveyed to the City of Ripon, by Grant Deed recorded May 15, 2003, as Instrument No. 2003-105140, San Joaquin County Records.

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PARCEL THREE:

Being a portion of Parcel 2 as shown upon that certain Parcel Map filed for record July 25, 1990 in Book 37 of Parcel Maps at Page 38, San Joaquin County Records more particularly described as follows:

Beginning at a point on the Westerly line of North Ripon Road at the Southeasterly corner of said Parcel 2, thence along said Westerly line North $00^{\circ} 43' 20''$ West, 23.01 feet to the TRUE POINT OF BEGINNING; thence leaving said Easterly line North $89^{\circ} 30' 29''$ West, 749.21 feet along a line parallel with and distant 23.00 feet Northerly measured at right angles from the Southerly line of said Parcel 2 to a point on the Easterly line of that certain Map of Tract No. 3186, filed for record on September 24, 2002 in Book 37 of Maps and Plats, at Page 45, San Joaquin County Records; thence along said Easterly line North $00^{\circ} 29' 38''$ West, 319.40 feet to a point on the Northerly line of said Parcel 2; thence along said Northerly line, North $89^{\circ} 30' 22''$ West, 747.94 feet to a point on the Westerly line of North Ripon Road; thence along said Westerly line South $00^{\circ} 43' 20''$ East, 319.39 feet to the true point of beginning.

The above legal description is also referred to as "Exhibit "B" Legal Description Lot Line Adjustment Adjusted Parcel 2", on Notice of Lot Line Adjustment recorded September 30, 2005, as Instrument No. 2005-244878, San Joaquin County Records.

PARCEL FOUR:

A non-exclusive irrigation easement over the Westerly 15 feet and the Southerly 15 feet of the Westerly 300 feet of Parcel 1 as shown upon Parcel Map filed for record in Volume 17 of Parcel Maps, page 38, San Joaquin County Records.

APN: 261-030-28