

PLANNING COMMISSION  
RESOLUTION NO. 2024-01

A RESOLUTION APPROVING THE VESTING TENTATIVE PARCEL MAP OF PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF SOUTH CARPENTER ROAD AND HATCH ROAD INTERSECTION (STL COMPANY, LLC)

WHEREAS, STL Company, LLC has filed an application for a Vesting Tentative Parcel Map to divide 70.66 acres located at the southwest corner of South Carpenter Road and Hatch Road, into four parcels; and

WHEREAS, said Vesting Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on October 5, 2023, and was resubmitted on November 3, 2023, and was accepted for filing and deemed complete on November 6, 2023, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code; and

WHEREAS, copies of said Vesting Tentative Parcel Map have been sent to the local utility companies, the City Engineering and Transportation Department, the Fire Department, and Parks Planning Division; and

WHEREAS, City services, including sewer and water facilities are available; and

WHEREAS, a public hearing was held by the Planning Commission on January 8, 2024, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, this parcel map is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15315, "Minor Land Divisions", of the CEQA Guidelines which exempts the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed vesting tentative parcel map is consistent with the General Plan of the City of Modesto.
2. The proposed vesting tentative parcel map will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or regulations within the City of Modesto Municipal Code.
3. The discharge of waste as a result of the proposed vesting tentative parcel map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control

Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.

4. The proposed vesting tentative parcel map is exempt from CEQA, pursuant to Section 15315 "Minor Land Divisions", of the CEQA Guidelines which exempts the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.
5. The proposed vesting tentative parcel map complies with all applicable requirements of the Subdivision Map Act and of Title 4 of the Modesto Municipal Code regarding the subdivision of land.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Parcel Map of property located at the southwest corner of South Carpenter Road and Hatch Road, accepted for filing in the office of the Secretary of the Planning Commission on January 8, 2024, is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. At the time of development, any public improvements that are missing, damaged, or not to current City standards shall be designed and constructed per City standards in accordance with Modesto Municipal Code (Article 7-1.701). Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and streetlights. All public improvement plans shall be designed by a Registered Engineer, and reviewed and approved by the City Engineer prior to issuance of an Encroachment permit. A certificate giving notice of this requirement shall be placed on the Parcel Map.
2. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.
3. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5" of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.
4. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.

5. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.
6. Prior to recordation of a Final Map, the developer shall take all actions to secure and establish a mechanism to finance facilities, certain services, as well as certain operation and maintenance expenses, through the creation of a new Community Facilities District (CFD). The developer and the City will work toward a comprehensive list of facilities and improvements, and ongoing maintenance will be determined during the CFD formation process and listed in the CFD's Public Report. At the time of development, all existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
7. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) day approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on January 8, 2024, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on January 8, 2024, by Russell, who moved its adoption, which motion was seconded by Vazquez, and carried by the following vote:

Ayes:	Black, Russell, Shanks, Silva, Vazquez
Noes:	None
Absent:	Birring
Recused:	None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Signed copy on file in CED

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Jessica Hill, Secretary

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