

**PLANNING COMMISSION
RESOLUTION NO. 2025-24**

**A RESOLUTION RECOMMENDING TO THE CITY COUNCIL
ADOPTION OF AN AMENDMENT TO THE MODESTO URBAN AREA
GENERAL PLAN TO CHANGE THE LAND USE OF APPROXIMATELY
70 ACRES FROM BUSINESS PARK (BP) USES TO RESIDENTIAL (R)
USES (FITZPATRICK LAND DEVELOPMENT, LLC)**

WHEREAS, a General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan” (UAGP), was adopted by the City Council by Resolution No. 95-409 on August 15, 1995, in accordance with Section 65300 of the Government Code; and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-253, 2011-254, 2011-436, 2012-430, 2014-17, 2014-422, 2015-262, 2016-34, 2017-21, 2019-109, 2022-101, 2022-193, 2022-449 and 2024-022, copies of which are on file in the office of the City Clerk; and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body; and

WHEREAS, Fitzpatrick Land Development LLC has filed an application for a General Plan Amendment (File No. GPA-24-002) to amend the Land Use Element of the General Plan to change the land use designation of approximately 70 acres from Business

Park (BP) uses to Residential (R) uses, properties located north of Pelandale Avenue, south of Bangs Avenue, between Tully Road to the west and the former Tidewater Railroad alignment/future Virginia Trail Corridor to the east, within the Kiernan-McHenry Comprehensive Planning District (CPD); and

WHEREAS, said application was made concurrently with a proposed new Specific Plan document “Founders Point East” to allow for the development of the 70 acres together with 150 acres located between Bangs Avenue to the south, Kiernan Avenue, Tully Road to the west and the former Tidewater Railroad alignment/future Virginia Trail Corridor to the east,, 220 acres total within the Kiernan-McHenry Comprehensive Planning District (CPD) (Project ID SPL-24-001); and

WHEREAS, the application was made concurrently with the proposed annexation of the properties of the Founders Point East Specific Plan, located between Pelandale Avenue to the south, Kiernan Avenue to the north, Tully Road to the west and the former Tidewater Railroad alignment/future Virginia Trail Corridor to the east, a total annexation area of 220 acres (Project ID ANX-24-001); and

WHEREAS, an Initial Study has been prepared by staff, as required by CEQA; and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project

proponent, and a Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-14, was prepared; and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on March 31, 2025 and concluded on April 28, 2025; and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no changes to the document were necessary as a result; and

WHEREAS, the Mitigation Monitoring Plan (MMP) is included and described within the Initial Study/Mitigated Negative Declaration; and

WHEREAS, a public hearing was held by the Planning Commission on May 5, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Modesto that it hereby recommends that the City Council approve the amendment to the Land Use Element of the General Plan to change the designation of 70 acres from Business Park (BP) to Residential (R), and to find as follows:

1. The proposed General Plan amendment would result in new residential development that would be consistent with the allowable uses of the Residential (R) designation.
2. An Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-14, has been prepared by the City of Modesto that analyzed the proposed General Plan Amendment, and the Planning Commission has determined that, on the basis of the whole record before it, that while the project may have a potentially significant effect on the environment, the incorporation of project-specific mitigation measures would reduce the impact to a less than significant level. and that the Mitigated Negative Declaration should be adopted by the City Council.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Modesto that it hereby recommends to the City Council adoption of the proposed amendment to the Land Use Diagram of the Urban Area General Plan as described in **Exhibit “A,” attached** hereto and incorporated herein by reference.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on May 5, 2025, by Commissioner Grewal, who moved its adoption, which motion was seconded by Commissioner Russell, and carried by the following vote:

Ayes: Arroyo, Goriel, Grewal, Russell, Shanks

Noes: Black

Absent: Hauselman

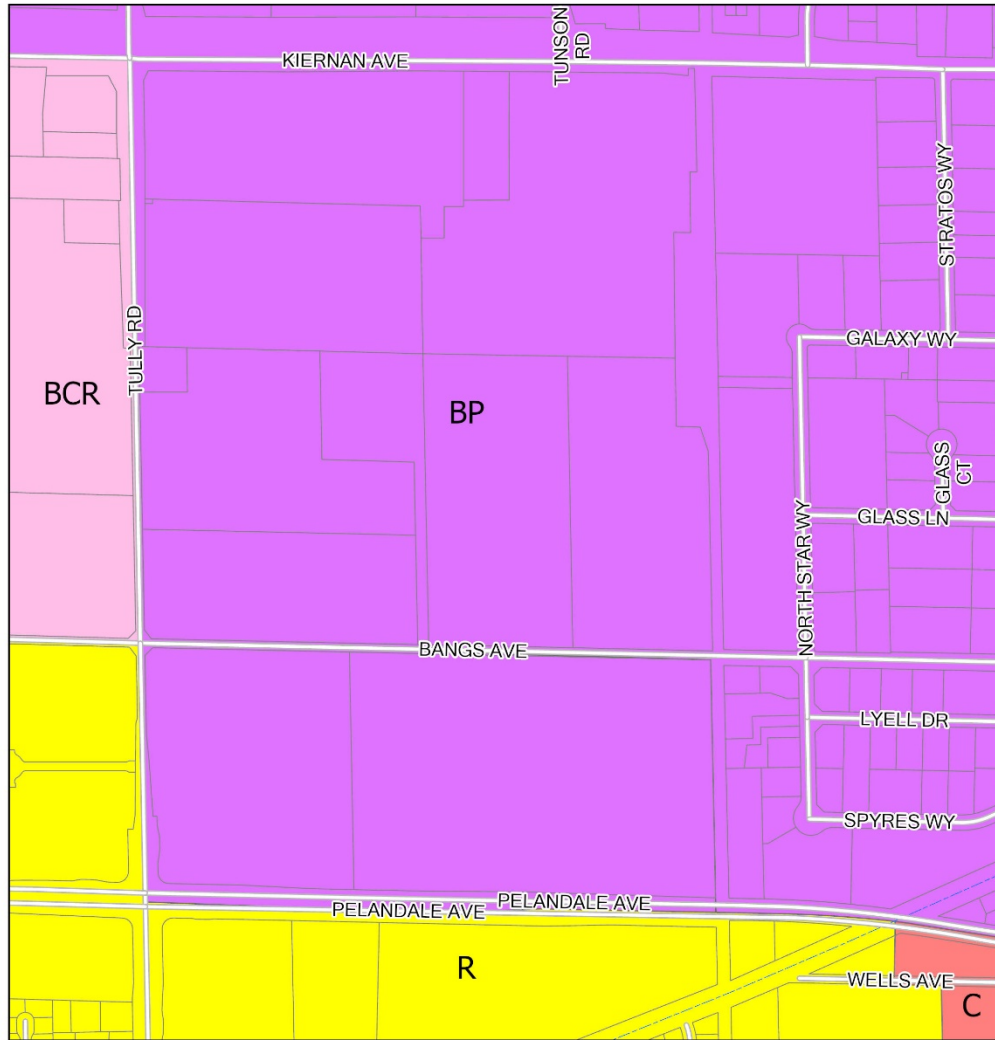
Recused: None

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

Signed copy on file in CEDD

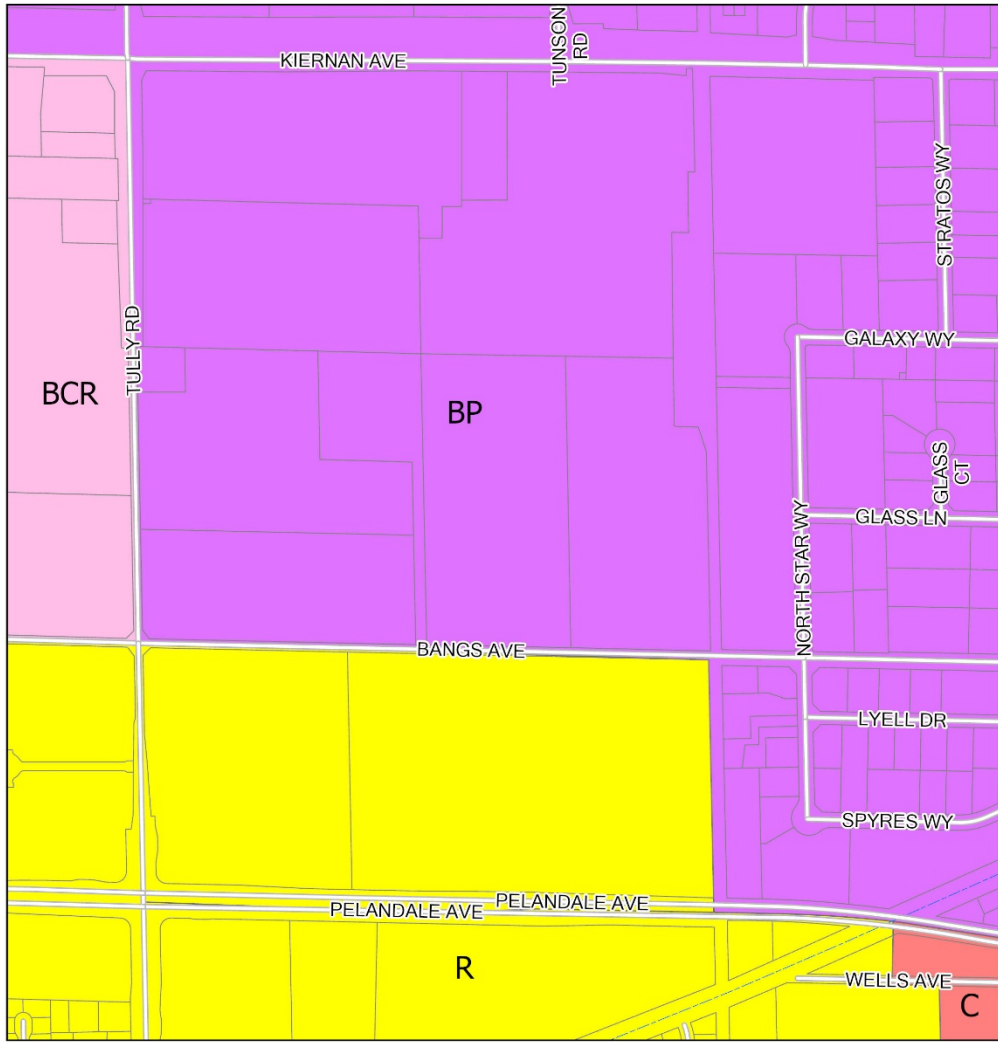
Jessica Hill, Secretary

EXHIBIT "A"
GENERAL PLAN AMENDMENT



Existing General Plan Land Use





Proposed General Plan Land Use

