

**PLANNING COMMISSION
RESOLUTION NO. 2025-25**

**A RESOLUTION RECOMMENDING TO THE CITY COUNCIL
APPROVAL OF THE FOUNDERS POINT EAST SPECIFIC PLAN FOR
THE DEVELOPMENT OF 220 ACRES LOCATED NORTH OF
PELANDALE AVENUE, SOUTH OF KIERNAN AVENUE, EAST OF
TULLY ROAD AND WEST OF THE FORMER TIDEWATER
RAILROAD/FUTURE VIRGINIA TRAIL CORRIDOR (FITZPATRICK
LAND DEVELOPMENT LLC)**

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value; and

WHEREAS, the Modesto Urban Area General Plan includes a policy that requires the preparation of a comprehensive plan for all Comprehensive Planning Districts; and

WHEREAS, the Modesto Urban Area General Plan allows the implementation of a comprehensive plan through Specific Plans, as defined by Government Code Section 65450 et. Seq.; and

WHEREAS, the Kiernan-McHenry Comprehensive Planning District (CPD) of the General Plan is bordered by Kiernan Avenue to the north, Pelandale Avenue to the south, Tully Road to the west and McHenry Avenue to the east, said CPD consisting of 100 acres designated for Regional Commercial (RC) land uses and 370 acres for Business Park (BP) land uses, a total of 470 acres; and

WHEREAS, on April 11, 2024, Fitzpatrick Land Development LLC (“Applicant”) filed an application to propose the new Founders Point Specific Plan for two parcels totaling 70 acres located at the southwest corner of the Kiernan-McHenry

CPD, said properties bordered by Bangs Avenue to the north and Pelandale Avenue to the south, Tully Road to the west and the former Tidewater Railroad/future Virginia Trail Corridor to the east; and

WHEREAS, the application was made concurrently with an application for an amendment to the Land Use Element of the City of Modesto Urban Area General Plan to amend the Land Use designation of the two parcels from Business Park (BP) to Residential (R), (Project ID GPA-24-002), and the annexation of the two parcels totaling 70 acres bordered by Bangs Avenue to the north and Pelandale Avenue to the south, Tully Road to the west and the former Tidewater Railroad/future Virginia Trail Corridor to the east (Project ID ANX-24-001); and

WHEREAS the application was amended to include properties to the north of the site into the proposed Specific Plan and annexation area, 150 acres bordered by Bangs Avenue to the south and Kiernan Avenue to the north, Tully Road to the west and the former Tidewater Railroad/future Virginia Trail Corridor to the east, with development policies for the future development of business park uses within the 150 acres in accordance to the General Plan; and

WHEREAS, together with the inclusion of the 150 acres, the Specific Plan and annexation area is to be a combined area of 220 acres, all bordered by Pelandale Avenue to the south, Kiernan Avenue to the north, Tully Road to the west and the former Tidewater Railroad/future Virginia Trail Corridor to the east, and the Specific Plan document composed to allow for business park uses on the 150 acres north of Bangs Avenue and residential uses on the 70 acres south of Bangs Avenue; 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

WHEREAS, an Initial Study for the Project 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

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

1. The proposed Founders Point East Specific Plan is consistent with the Modesto Urban Area General Plan as amended by the proposed amendment to the General Plan Land Use Element by the Founders Point East Specific Plan, because:
 - a. The proposed Specific Plan complies with the requirement to prepare a comprehensive plan for Comprehensive Planning Districts; and
 - b. The proposed development of the properties within the Founders Point East Specific Plan is consistent with Business Park and Residential land use designations of the General Plan (as amended); and
 - c. The location of the properties within the proposed Specific Plan is immediately adjacent to the existing City incorporated area and is within the Sphere of Influence, and is consistent with General Plan Growth Goals II.B.1 which states “Keep urban development as contiguous as possible in order to minimize urbanization of valuable farmland, foster resident convenience, improve air quality, reduce automobile vehicle miles traveled, improve public health and safety, and provide for economy in City services”, II.F.1 which states “Facilitate the creation and expansion of business parks to achieve a more equitable jobs-housing balance”, and II.F.5 to “pursue a diverse supply of housing types and costs, as well as diverse supply of jobs with varying income potential, to balance local job and housing opportunities.”
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 project, and the Planning Commission has determined 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 that the Mitigated Negative Declaration should be adopted by the City Council.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council adoption of the proposed Founders Point East Specific 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 Arroyo, and carried by the following vote:

Ayes: Arroyo, Goriel, Grewal, Russell, Shanks
Noes: Black
Absent: Hauselmann
Recused: None

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

Signed copy on file in CEDD

Jessica Hill, Secretary

Attachment (Exhibit "A")