

**PLANNING COMMISSION
RESOLUTION NO. 2025-26**

**A RESOLUTION RECOMMENDING TO THE CITY COUNCIL
AN AMENDMENT TO SECTION 5-3-9 OF THE ZONING MAP TO
PREZONE TO SPECIFIC PLAN (P-SP) ZONE TO FOR THE
FOUNDERS POINT EAST SPECIFIC PLAN, 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, a verified application for an amendment to Section 5-3-9 of the Zoning Map was filed by Fitzpatrick Land Development, LLC on April 11, 2024 to prezone the Founders Point East Specific Plan area to Prezone Specific Plan (P-SP) Zone, properties located north of Pelandale Avenue, south of Kiernan Avenue, east of Tully Road and west of the former Tidewater Railroad/future Virginia Trail Corridor, described as follows:

Prezone to P-SP:

All that land situated in the West Half of Section 5 of Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Assessor's Parcel No. 046-002-001

All that portion of the Southwest Quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, bounded and particularly described as follows, to wit:

Beginning at the Northwest corner of the said Southwest Quarter of said Section 5, and running thence Easterly along the North line of said Southwest Quarter a distance of 1697.73 feet, more or less, to the Northwest corner of land conveyed to Charles Luchessa, et at, by Deed recorded in Volume 16 of Official Records, at Page 406, in the County Recorder's Office of said Stanislaus County; thence South along the West line of land so conveyed to Charles Luchessa a distance of 17.77 chains; thence North 88 ° 17' West a distance of 1699.05 feet, more or less, to the West line of said section 5; thence North along said last named line, a distance of 17.77 chains to the point of beginning.

EXCEPTING THEREFROM the East 20 acres thereof.

ALSO, EXCEPTING THEREFROM that parcel conveyed to County of Stanislaus by Deed recorded March 13, 1986, in Reel 101, Image 1834, described as follows:

All that portion of the Southwest Quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, state of California, described as follows:

Beginning at the intersection of the present South line of 40 foot wide Bangs Avenue with the present East line of 40 foot wide Tully Road; thence South $88^{\circ} 35'$ East, 20.00 feet South of and parallel with the centerline of said Bangs Avenue, 40.00 feet; thence South $53^{\circ} 42' 06''$ West 49.00 feet to a point on the East line of said Tully Road; thence North $0^{\circ} 57'$ West, 20.00 feet East of and parallel with the centerline of said Tully Road, 30.00 feet to the point of beginning.

ALSO, EXCEPTING THEREFROM that parcel conveyed to the City of Modesto by that certain Grant Deed recorded September 1, 2005, Instrument No. 2005-0158866 Stanislaus County Records.

ALSO, EXCEPTING THEREFROM that parcel conveyed to the City of Modesto by that certain Final Order of Condemnation recorded October 2, 2007, Instrument No. 2007- 0123525 Stanislaus County Records.

ALSO, EXCEPTING THEREFROM that parcel conveyed to the City of Modesto by that certain Grant Deed recorded December 15, 2009, Instrument No. 2009-0119104 Stanislaus County Records.

Assessor's Parcel No. 046-002-001

Parcel One:

The East 20 acres of the following described property:

All that portion of the Southwest quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northwest corner of said Southwest quarter of said Section 5 and running thence Easterly along the Northerly line of said Southwest quarter, a distance of 1697.73 feet, more or less, to the Northwest corner of land conveyed to Charles Luchessa, et al, by Deed recorded in Vol. 16 of Official Records, at page 406, said Stanislaus County Records; thence South, along the West line of land so conveyed to Charles Luchessa, a distance of 17.77 chains; thence North 88 degrees $17'$ West, a distance of 1699.05 feet, more or less, to the West line of said Section 5; thence North along said last named line a distance of 17.77 chains to the point of beginning.

EXCEPTING THEREFROM all that portion of said land as Granted to the City of Modesto in that certain Grant Deed recorded December 1, 1999, as Instrument No. 1999-0112066.

ALSO EXCEPTING THEREFROM all that portion contained in the "Final Order of Condemnation Action in Eminent Domain", recorded August 22, 2007, as Instrument No. 2007-0108074, of Official Records.

Parcel Two:

The East 936.53 feet of the following:

All that portion of the Southwest quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at a post set for the interior quarter corner of said Section 5, above, Township and Range; thence South 0 degrees 43' East, 17.77 chains; thence North 88 degrees 17' West, 39.63 chains and 20 feet to the center of a Country road running North and South between Sections 5 and 6 of said Township and Range; thence North 0 degrees 40' West, 17.77 chains along the centerline of said country Road to the Northwest corner of the Southwest quarter of said Section 5; thence South 88 degrees 18' East, 39.61 chains and 20 feet to the point of beginning.

EXCEPTING THEREFROM all that portion of said land as Granted to the City of Modesto in that certain Grant Deed recorded December 1, 1999, as Instrument No. 1999-0112066.

ALSO EXCEPTING THEREFROM all that portion contained in the "Final Order of Condemnation Action in Eminent Domain", recorded August 22, 2007, as Instrument No. 2007-0108074, of Official Records.

Also including the following land as described below:

All that land situated in the Northwest Quarter of Section 5 of Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

Beginning at the Northwest corner of Section 5 of Township 3 South, Range 9 East, thence east along the northerly line of said Section 5 a distance of 2625 feet; thence South 1° 39' 47" East a distance of 2686 feet; thence North 89° 13' 27" West a distance of 2612 feet; thence North 1° 2' 2" West a distance of 2671 feet to the Point of Beginning.

ALSO INCLUDING all of the right-of-way of Tully Road the right-of-way of the former Tidewater Railroad/future Virginia Trail Corridor, all being immediately adjacent to the above descriptions.

233 acres, more or less.

WHEREAS, a public hearing was held by the Planning Commission on May 5, 2025 in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; 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 30, 2025 and concluded on April 28, 2025; and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no significant 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 requested change will not be detrimental to the public health, safety, or welfare because the prezone of unincorporated area to Prezone Specific

Plan (P-SP) Zone for the Founders Point East Specific Plan will allow for implementation of the Specific Plan upon annexation of the area to the City of Modesto.

2. The requested change will result in an orderly planned use of land because the prezone to Prezone Specific Plan (P-SP) Zone will allow for development of the area upon annexation with uses that would be compatible with surrounding uses in accordance with the Specific Plan.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan (as amended) and any applicable specific plan(s) because the allowed uses would be consistent with the General Plan Land uses of Business Park (BP) and Residential (R), and the Founders Point East Specific Plan.
4. 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 recommends to the City Council that the application of Fitzpatrick Land Development LLC to amend Section 5-3-9 of the Zoning Map to prezone the property described above to Prezone Specific Plan (P-SP) Zone be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on May 5, 2025, by Grewal, who moved its adoption, which motion was seconded by 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