

PLANNING COMMISSION
RESOLUTION NO. 2015-24

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 11-3-8 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL (R-2) ZONE AND PLANNED DEVELOPMENT P-D(333) TO LOW DENSITY RESIDENTIAL (R-1) ZONE, MEDIUM-HIGH DENSITY RESIDENTIAL (R-3) ZONE, AND GENERAL COMMERCIAL (C-2) ZONE, PROPERTY LOCATED ON THE WEST SIDE OF DALE ROAD, NORTH OF VINTAGE FAIRE MALL (VALLEY VENTURES, LLC)

WHEREAS, a verified application for an amendment to Section 11-3-8 of the Zoning Map was filed by Valley Ventures LLC on July 2, 2015 to reclassify from the Medium Density Residential Zone, R-2, and Planned Development P-D(333) to Low Density Residential Zone, R-1, Medium-High Density Residential Zone, R-3, and General Commercial Zone, C-2, property located west of Dale Road and north of Vintage Faire Mall, described as follows:

R-2 to R-1

All that portion of the Remainder No. 2 parcel as shown on the Parcel Map filed in Book 39 of Parcel Maps at Page 61, Stanislaus County Records, lying in Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southeast corner of the real property as described in the 1982 City of Modesto Zoning Ordinance No. 2147-C.S. for Planned-Development Zone P-D(333), on file at the City Clerk's Office and being the intersection of the South line of said Remainder No. 2 with the centerline of Dale Road, also being the East line of said Section 11; thence South 89° 25' 36" West, along the South lines of said Remainder No. 2 and said P-D(333), 2010.56 feet to the Southeast corner of said P-D(333) and the TRUE POINT OF BEGINNING of this description; thence North 00° 19' 13" West, along the West line of said P-D(333), 499.33 feet to the Northwest corner of said P-D(333) and being the beginning of a non-tangent curve to which a radial line bears North 26° 55' 01" East from the center; thence along the North line of said P-D(333) the following four courses:

1. 126.67 feet, Southeasterly along said non-tangent curve, concave to the Southwest, having a radius of 830.00 feet and a central angle of 8° 44' 40" to the beginning of a reverse curve;
2. Thence 526.74 feet, Easterly along said reverse curve, concave to the Northeast, having a radius of 830.00 feet and a central angle of 36° 21' 41";
3. Thence North 89° 18' 00" East, 158.85 feet to the beginning of a tangent curve;
4. Thence 228.76 feet, Easterly along said tangent curve, concave to the Northwest, having a radius of 700.00 feet and a central angle of 18° 43' 29";

Thence North 00° 19' 16" West, 452.89 feet; thence North 89° 17' 55" East, 287.82 feet to the beginning of a tangent curve; thence 122.53 feet, Southeasterly along said tangent curve, concave to the Southwest, having a radius of 280.00 feet and a central angle of 25° 04' 24"; thence North 00° 19' 16" West, 36.39 feet to the North Line of said Remainder No. 2; thence South 89° 17' 55" West, along said North line,

1864.28 feet to the Northern most Northwest corner of said Remainder No. 2, being the East line of Blue Bird Drive as shown on said Parcel Map; thence along the said East line the following three courses:

1. South 00° 11' 22" East, 130.54 feet to the beginning of a tangent curve;
2. Thence 23.49 feet, Southeasterly along said tangent curve, concave to the Northeast, having a radius of 15.00 feet and a central angle of 89° 43' 18";
3. Thence South 00° 05' 49" West, 60.00 feet to the South line of Vintage Drive as shown on said Parcel Map;

Thence North 89° 54' 00" West, along said South line 170.75 feet to the Western most Northwest corner of said Remainder No. 2; thence South 00° 19' 12" East, along the West line of said Remainder No. 2, a distance of 560.00 feet to the Southwest corner of said Remainder No. 2; thence South 89° 53' 46" East, along the South line of said Remainder No. 2, a distance of 499.86 feet to an angle point in said South line; thence North 89° 25' 36" East, along said South line, 130.11 feet to the point of beginning.

Also including the easterly Right-of-Way of Blue Bird Drive and the southerly Right-of-Way of Vintage Drive, being immediately adjacent to the abovementioned description.

Containing 20.9 acres, more or less.

P-D(333) to R-1

All that portion of the Remainder No. 2 parcel as shown on the Parcel Map filed in Book 39 of Parcel Maps at Page 61, Stanislaus County Records, lying in Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southeast corner of the real property as described in the 1982 City of Modesto Zoning Ordinance No. 2147-C.S. for Planned Development Zone P-D(333), on file at the City Clerk's Office and being the intersection of the South line of said Remainder No. 2 with the centerline of Dale Road also being the East line of Said Section 11; thence South 89° 25' 36" West, along the South lines of said Remainder No. 2 and said P-D(333), 926.31 feet to the TRUE POINT OF BEGINNING of this description; thence South 89° 25' 36" West, continuing along said South lines, 1084.25 feet to the Southwest corner of said P-D(333); thence North 00° 19' 13" West, along the West line of said P-D(333), 499.33 feet to the Northwest corner of said P-D(333) and being the beginning of a non-tangent curve to which a radial line bears North 26° 55' 01" East from the center; thence along the North line of said P-D(333) the following four courses:

1. 126.67 feet, Southeasterly along said non-tangent curve, concave to the Southwest, having a radius of 830.00 feet and a central angle of 8° 44' 40" to the beginning of a reverse curve;
2. Thence 526.74 feet, Easterly along said reverse curve, concave to the Northeast, having a radius of 830.00 feet and a central angle of 36° 21' 41";
3. Thence North 89° 18' 00" East, 158.85 feet to the beginning of a tangent curve;

4. Thence 228.76 feet, Easterly along said tangent curve, concave to the Northwest, having a radius of 700.00 feet and a central angle of 18° 43' 29";

Thence South 00° 19' 16" East, 97.76 feet; thence North 89° 40' 44" East, 100.00 feet; thence South 00° 19' 16" East, 211.70 feet to the point of beginning.

Containing 7.762 acres, more or less.

R-2 to R-3

All that portion of the Remainder No. 2 parcel as shown on the Parcel Map filed in Book 39 of Parcel Maps at Page 61, Stanislaus County Records, lying in Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southeast corner of the real property as described in the 1982 City of Modesto Zoning Ordinance No. 2147-C.S. for Planned Development Zone P-D(333), on file at the City Clerk's Office and being the intersection of the South line of said Remainder No. 2 with the centerline of Dale Road also being the East line of said Section 11; thence South 89° 25' 36" West, along the South lines of said Remainder No. 2 and said P-D(333), 926.31 feet; thence North 00° 19' 16" West, 211.70 feet; thence South 89° 40' 44" West, 100.00 feet; thence North 00° 19' 16" West, 97.76 feet to THE TRUE POINT OF BEGINNING of this description being on the North line of said P-D(333) and the beginning of a non-tangent curve to which a radial line bears South 19° 25' 29" East from center; thence 288.39 feet, Northeasterly along said North line being said non-tangent curve, concave to the Northwest, having a radius of 700.00 feet and a central angle of 23° 36' 17" to the beginning of a reverse curve; thence 273.73 feet, Northeasterly along said North line being said reverse curve, concave to the Southeast, having a radius of 700.00 feet and a central angle of 22° 24' 18" to the beginning of a non-tangent curve to which a radial line bears North 58° 20' 41" East from center; thence 101.93 feet, Northwesterly along said non-tangent curve, concave to the Southwest, having a radius of 220.00 feet and a central angle of 26° 32' 46"; thence North 00° 19' 16" West, 68.07 feet to the beginning of a non-tangent curve to which a radial line bears North 24° 22' 19" East from center; thence 122.53 feet, Northwesterly along said non-tangent curve, concave to the Southwest, having a radius of 280.00 feet and a central angle of 25° 04' 24" to a parallel line being 10.00 feet, measured at right angles, Southerly of the North line of said Remainder No. 2; thence South 89° 17' 55" West, along said parallel line, 287.82 feet; thence South 00° 19' 16" East, 452.89 feet to the point of beginning.

Containing 3.189 acres, more or less.

P-D(333) to R-3

All that portion of the Remainder No. 2 parcel as shown on the Parcel Map filed in Book 39 of Parcel Maps at Page 61, Stanislaus County Records, lying in Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southeast corner of the real property as described in the 1982 City of Modesto Zoning Ordinance No. 2147-C.S. for Planned-Development Zone P-D(333), on file at the City Clerk's Office and being the intersection of the South line of said Remainder No. 2 with the centerline of Dale Road, also being the East line of said Section 11; thence South 89° 25' 36" West, along the South lines of said Remainder No. 2 and said P-D(333), 656.14 feet to the TRUE POINT OF BEGINNING of this description; thence South 89° 25' 36" West, 270.17 feet; thence North 00° 19' 16" West, 211.70 feet; thence South 89° 40' 44" West, 100.00 feet; thence North 00° 19' 16" West, 97.76 feet to the North line of said P-D(333) and to the beginning of a non-tangent curve to which a radial line bears South 19° 25' 29" East from center; thence 288.39 feet, Northeasterly along said North line being said non-tangent curve, concave to the Northwest, having a radius of 700.00 feet and a central angle of 23° 36' 17" to the beginning of a reverse curve; thence 273.73 feet, Northeasterly along said North line being said reverse curve, concave to the Southeast, having a radius of 700.00 feet and a central angle of 22° 24' 18" to the beginning of a non-tangent curve to which a radial line bears North 58° 20' 41" East from center; thence 2.27 feet, Southeasterly along said non-tangent curve, concave to the Southwest, having a radius of 220.00 feet and a central angle of 00° 35' 27" to the beginning of a reverse curve; thence 178.93 feet, Southeasterly along said reverse curve, concave to the Northeast, having a radius of 280.00 feet and a central angle of 36° 36' 49"; thence South 89° 25' 36" West, 241.44 feet; thence South 00° 19' 16" East, 479.20 feet to the point of beginning.

Containing 3.426 acres, more or less.

R-2 to C-2

All that portion of the Remainder No. 2 parcel as shown on the Parcel Map filed in Book 39 of Parcel Maps at Page 61, Stanislaus County Records, lying in Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the Southeast corner of the real property as described in the 1982 City of Modesto Zoning Ordinance No. 2147-C.S. for Planned Development Zone P-D(333), on file at the City Clerk's Office and being the intersection of the South line of said Remainder No. 2 with the centerline of Dale Road, also being the East line of said Section 11; thence South 89° 25' 36" West, along the South lines of said Remainder No. 2 and said P-D(333), 656.14 feet; thence North 00° 19' 16" West, 479.20 feet; thence North 89° 25' 36" East, 241.44 feet to the beginning of a non-tangent curve to which a radial line bears South 22° 19' 18" West from center; thence 178.93 feet, Northwesterly along said non-tangent curve, concave to the Northeast, having a radius of 280.00 feet and a central angle of 36° 36' 49" to the beginning of a reverse curve; thence 2.27 feet, Northwesterly along said reverse curve, concave to the Southwest, having a radius of 220.00 feet and a central angle of 00° 35' 27" to THE TRUE POINT OF BEGINNING of this description, being on the North line of said P-D(333) and the beginning of a non-tangent curve to which a radial line bears North 20° 37' 28" West from center; thence 243.42 feet, Easterly along said North line being said non-tangent curve, concave to the South, having a radius of 700 feet and a central angle of 19° 55' 28"; thence North 89° 18' 00" East, along said North line, 310.46 feet to the Northeast corner of said P-D(333)

being on said centerline of Dale Road and the East line of said Section 11; thence North 00° 19' 16" West, along said centerline, 134.96 feet to the Easterly extension of the North line of said Remainder No. 2; thence South 89° 17' 55" West, along said extension and then along said North line, 619.67 feet; thence South 00° 19' 16" East, 104.46 feet to the beginning of a non-tangent curve to which a radial line bears North 31° 47' 55" East from center; thence 101.93 feet, Southeasterly along said non-tangent curve, concave to the Southwest, having a radius of 220.00 feet and a central angle of 26° 32' 46" to the point of beginning.

Containing 1.995 acres, more or less.

P-D(333) to C-2

All that portion of the Remainder No. 2 parcel as shown on the Parcel Map filed in Book 39 of Parcel Maps at Page 61, Stanislaus County Records, lying in Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the Southeast corner of the real property as described in the 1982 City of Modesto Zoning Ordinance No. 2147-C.S. for Planned-Development Zone P-D(333), on file at the City Clerk's Office and being the intersection of the South line of said Remainder No. 2 with the centerline of Dale Road, also being the East line of said Section 11; thence South 89° 25' 36" West, along the South lines of said Remainder No. 2 and said P-D(333), 656.14 feet; thence North 00° 19' 16" West, 479.20 feet; thence North 89° 25' 36" East, 241.44 feet to the beginning of a non-tangent curve to which a radial line bears South 22° 19' 18" West from center; thence 178.93 feet, Northwesterly along said non-tangent curve, concave to the Northeast, having a radius of 280.00 feet and a central angle of 36° 36' 49" to the beginning of a reverse curve; thence 2.27 feet, Northwesterly along said reverse curve, concave to the Southwest, having a radius of 220.00 feet and a central angle of 00° 35' 27" to the North line of said P-D(333) and the beginning of a non-tangent curve to which a radial line bears North 20° 37' 28" West from center; thence 243.42 feet, Easterly along said North line being said non-tangent curve, concave to the South, having a radius of 700.00 feet and a central angle of 19° 55' 28"; thence North 89° 18' 00" East, along said North line, 310.46 feet to the Northeast corner of said P-D(333), being on said centerline of Dale Road and the East line of said Section 11; thence South 00° 19' 16" East, along said centerline, 640.13 feet to the point of beginning.

Containing 9.021 acres, more or less.

WHEREAS, a public hearing was held by the Planning Commission on October 19, 2015 in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2015-18, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2007072023)

and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required.

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 rezone will provide for new housing and commercial development that is compatible with surrounding land uses which include single-family and multi-family residential uses, commercial uses, medical and professional offices.
2. The requested change will result in an orderly planned use of land because the project will provide for the development of a vacant infill property with single-family residential uses of the same density as the neighborhood to the north, multi-family residential uses in addition to existing multi-family developments to the west, and provide for commercial uses along the Dale Road frontage which is predominately developed with residential, regional commercial and professional office uses.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the allowable uses of the Low Density Residential (R-1) Zone, Medium-High Density Residential (R-3) Zone and General Commercial (C-2) Zone is consistent with the site's General Plan Land Use Designation of Mixed Use (MU), which allows for commercial and residential uses.
4. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
5. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
6. No new or additional mitigation measures or alternatives are required.
7. The subsequent project is within the scope of the project covered by the Master EIR.
8. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
9. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which

was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that the application of Valley Ventures LLC to amend Section 11-3-8 of the Zoning Map to reclassify the property described above from Medium Density Residential Zone, R-2, and Planned Development P-D(333) to Low Density Residential Zone, R-1, Medium-High Density Residential Zone, R-3 and General Commercial Zone, C-2, be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on October 19, 2015, by Chris Tyler, who moved its adoption, which motion was seconded by Dennis Smith and carried by the following vote:

Ayes:	Carter, Escutia-Braaton, Lucas, Morad, Smith, Tyler
Noes:	None
Absent:	Grewal
Recused:	None

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

Original, signed copy on file in CEDD
Patrick Kelly, Secretary