

PLANNING COMMISSION
RESOLUTION NO. 2019-13

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTIONS 5-3-9 AND 8-3-9 OF THE ZONING MAP TO PREZONE 35.19 ACRES TO PLANNED DEVELOPMENT ZONE, P-D(607), PROPERTY LOCATED WEST OF MCHENRY AVENUE AND SOUTH OF PELANDALE AVENUE (TESORO HOMES AND CALANDEV, LLC)

WHEREAS, a verified application for an amendment to Sections 5-3-9 and 8-3-9 of the Zoning Map was filed by Tesoro Home and Calandev, LLC, on November 19, 2018, to prezone property in the unincorporated area west of McHenry Avenue and south of Pelandale Avenue to Planned Development zone, P-P-D, in order to allow for the annexation of said property, to provide for the subsequent development of single family residences in a gated subdivision on said properties; described as follows:

Prezone to P-P-D

All that portion of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 5, Township 3 South, Range 9 East, and a portion of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, being more particularly described as follows:

BEGINNING at the southwest corner of Lot "A" as shown on that map filed in Volume 52 of Parcel Maps at Page 18, Stanislaus County Records, thence commencing the following ten courses:

1. **South 88° 44' 29"** East, a distance of 182.2 feet, thence;
2. A Tangent Curve with a radius of 5067.5 feet, arc length of 588.27 feet, and **chord bearing South 85° 24' 57"** East, said curve being along the northerly Right-of-Way line of Pelandale Avenue and the southern lot line of the Remainder parcel as shown on that map filed in Volume 49 of Parcel Maps at Page 88, Stanislaus County Records, thence;
3. **South 0° 38' 19"** West, a distance of 118.99 feet to a point at the north corner of Lot "A" as shown on that map filed in Volume 33 of Maps at Page 17, Stanislaus County Records, thence;
4. **South 1° 11' 49"** East, a distance of 184.23 feet to a point at the southeast corner of aforementioned Lot "A" thence;
5. **South 88° 48' 11"** East, a distance of 215.08 feet, thence;
6. **South 1° 31' 0"** East a distance of 1186.82 feet, thence;
7. **North 88° 48' 26"** West, a distance of 524.89 feet, thence;
8. **South 70° 11' 8"** West, a distance of 535.66 feet, thence;
9. **North 1° 5' 32"** West, a distance of 1725.34 feet, thence;
10. **South 83° 31'18"** East, a distance of 60.54 feet to the Point of Beginning.

Containing 35.19 Acres, more or less.

WHEREAS, a public hearing was held by the Planning Commission on April 15, 2019, in 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 2019-08, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2014042081) 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 prezone of unincorporated area to Planned Development (P-P-D) would provide for development that is compatible with adjacent residential and storage uses.
2. The requested change will result in an orderly planned use of land because it would facilitate the development of a gated single family residential development that is compatible with adjacent residential and storage 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 allowed use of the Planned Development (P-P-D) Zone is consistent with the site's General Plan Land Use Designation of Residential.
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 Council as follows:

SECTION I

That Sections 5-3-9 and 8-3-9 of the Zoning Map be amended to classify property in the unincorporated area described above to Planned Development, P-P-D, in accordance with the following conditions:

1. Following annexation, but prior to development, the applicant shall apply for and received Planning Commission approval for a Planned Development amendment, to satisfy the requirements of Title 10, Chapter 7, Sections 101 – 109 of the Modesto Municipal Code.

SECTION II

BE IT FURTHER RESOLVED that the following uses shall be authorized in said Planned Development Zone:

1. A gated single family residential subdivision of no more than 111 dwellings and supporting infrastructure such as a stormwater drainage basin and open space for recreation.
2. Publicly-owned stormwater drainage basins.

SECTION III

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that they adopt a resolution certifying that the rezoning is within the scope of the General Plan EIR.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on April 15, 2019, by Commissioner Escutia-Braaton, who moved its adoption, which motion was seconded by Commissioner Smith and carried by the following vote:

Ayes:	Birring, Escutia-Braaton, Lucas, Pollard, Smith, Morad
Noes:	None
Absent:	Vohra
Recused:	None

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

Original, signed copy on file in CEDD
Steve Mitchell, Secretary

EXHIBIT A

