

PLANNING COMMISSION
RESOLUTION NO. 2019-09

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO THE LAND USE DIAGRAM OF THE URBAN AREA GENERAL PLAN, TO CHANGE THE DESIGNATION OF APPROXIMATELY 10.6 ACRES OF LAND FROM RESIDENTIAL (R) TO COMMERCIAL (C) (DOUGLAS FAMILY TRUST)

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan; and

WHEREAS, a General Plan for the City of Modesto, entitled "City of Modesto Urban Area General Plan," 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, 2004-233, 2005-70, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-435, 2011-253, 2011-254, 2012-430, 2012-17, 2014-422, 2015-262, 2016-34, and 2017-21, 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, the Land Use Element of the General Plan designates approximately 18 acres of land for Commercial uses and 62 acres of land for Residential uses in the Pelandale / McHenry Comprehensive Planning District, which is located outside the Modesto city limits and inside the City's general plan boundary; and

WHEREAS, the Pelandale / McHenry Comprehensive Planning District has restricted access making development of the area problematic; and

WHEREAS, Douglas Family Trust ("Applicant") submitted the Wells Avenue General Plan Amendment ("Project") application (File No. GPA-17-002) for a General Plan Amendment to redesignate approximately 10.6 acres from Residential (R) to Commercial (C), property located south of Pelandale Avenue and west of McHenry Avenue / State Route 108; and

WHEREAS, Applicant has also submitted an application for a zone change to Stanislaus County requesting an expired Planned Development (P-D) zone be replaced with a new P-D zone limiting uses on the property to mini storage and recreational vehicle parking, rezone to be approved by the Stanislaus County Board of Supervisors before the General Plan Amendment request is heard by Modesto City Council; and

WHEREAS, staff prepared a Negative Declaration (EA/C&ED 2017-22), which analyzed the potential environmental effects of the proposed Project, and determined that, on the basis of the whole record before it, there is no substantial evidence that the project will have a significant effect on the environment; and

WHEREAS, on March 18, 2019, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto,

California, at which hearing evidence both oral and documentary relating to this proposed amendment to the Modesto Urban Area General Plan was considered.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Modesto that it hereby recommends that the City Council find as follows:

1. The proposed amendment to the Land Use Diagram of the Urban Area General Plan is necessary to facilitate future commercial development of property identified as Assessor's Parcel Numbers 046-005-002 and 046-005-003, and portions of 046-009-008, 046-005-022 and 046-009-023.
2. A Negative Declaration, Environmental Assessment NO. EA/C&ED 2017-22, was prepared by the City of Modesto that analyzed the proposed project and the Planning Commission has determined that, on the basis of the whole record before it, there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration should be adopted by the City Council.
3. All project-related documentation, including the Negative Declaration, may be reviewed at the office of the official custodian of records, which in this case is the City of Modesto Community and Economic Development Director (or designee), located at 1010 Tenth Street, Suite 3100, Modesto CA.

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 General Plan land use diagram as described in Exhibit "A," attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the General Plan Amendment (File No. GPA-17-002), and related files. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on March 18, 2019, by Commissioner Escutia-Braaton who moved its adoption, which motion was seconded by Commissioner Birring, and carried by the following vote:

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

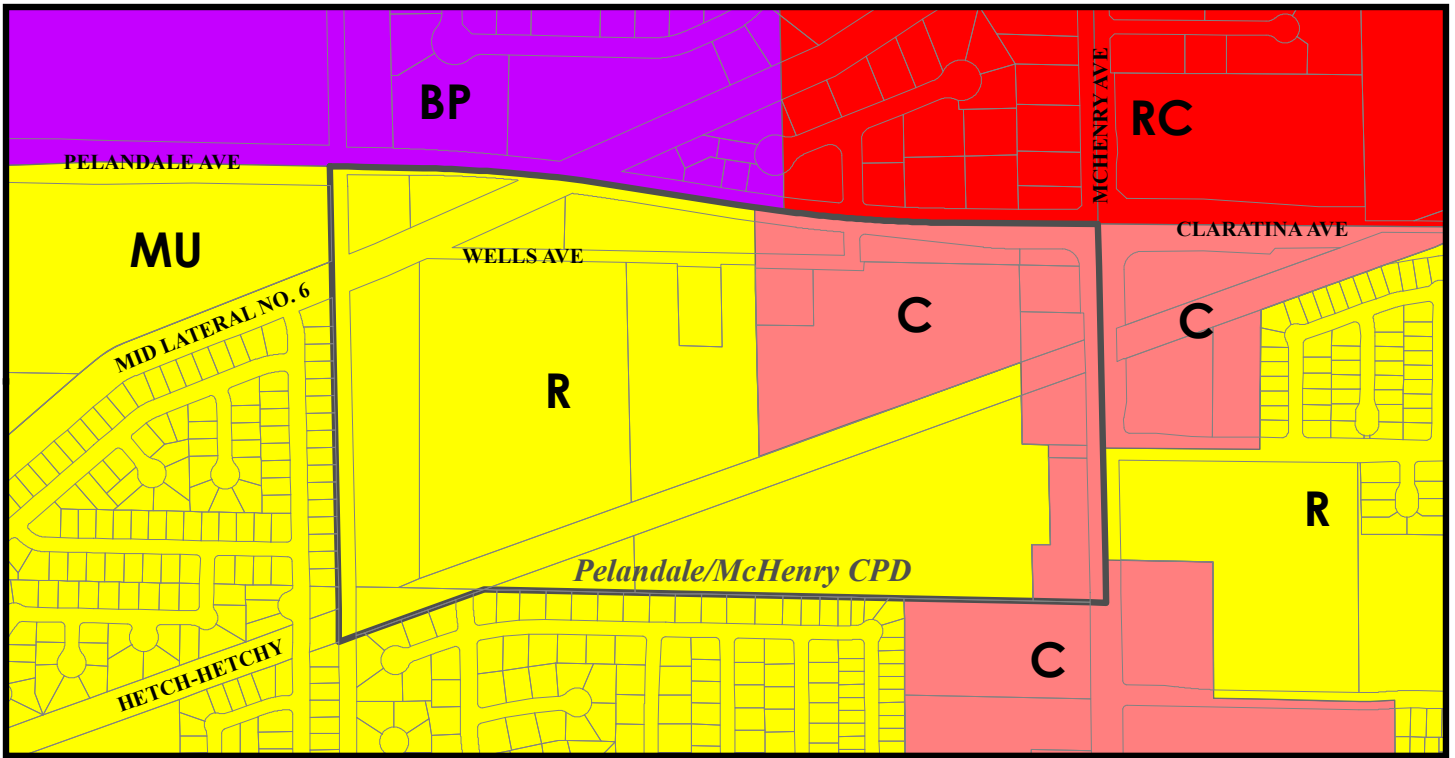
BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD

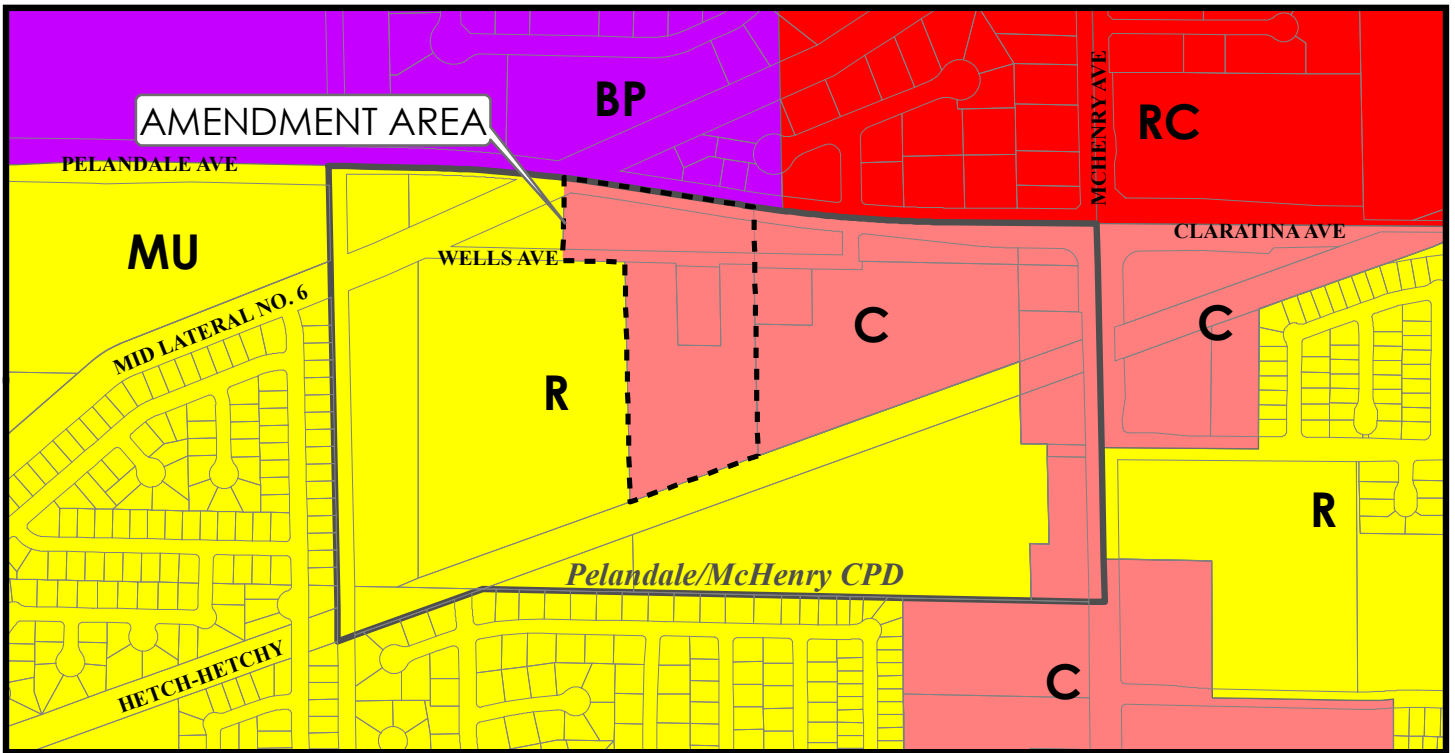
Steve Mitchell, Secretary

EXHIBIT "A"

**AMENDMENT TO THE LAND USE ELEMENT
OF THE URBAN AREA GENERAL PLAN**



CURRENT GENERAL PLAN LAND USE



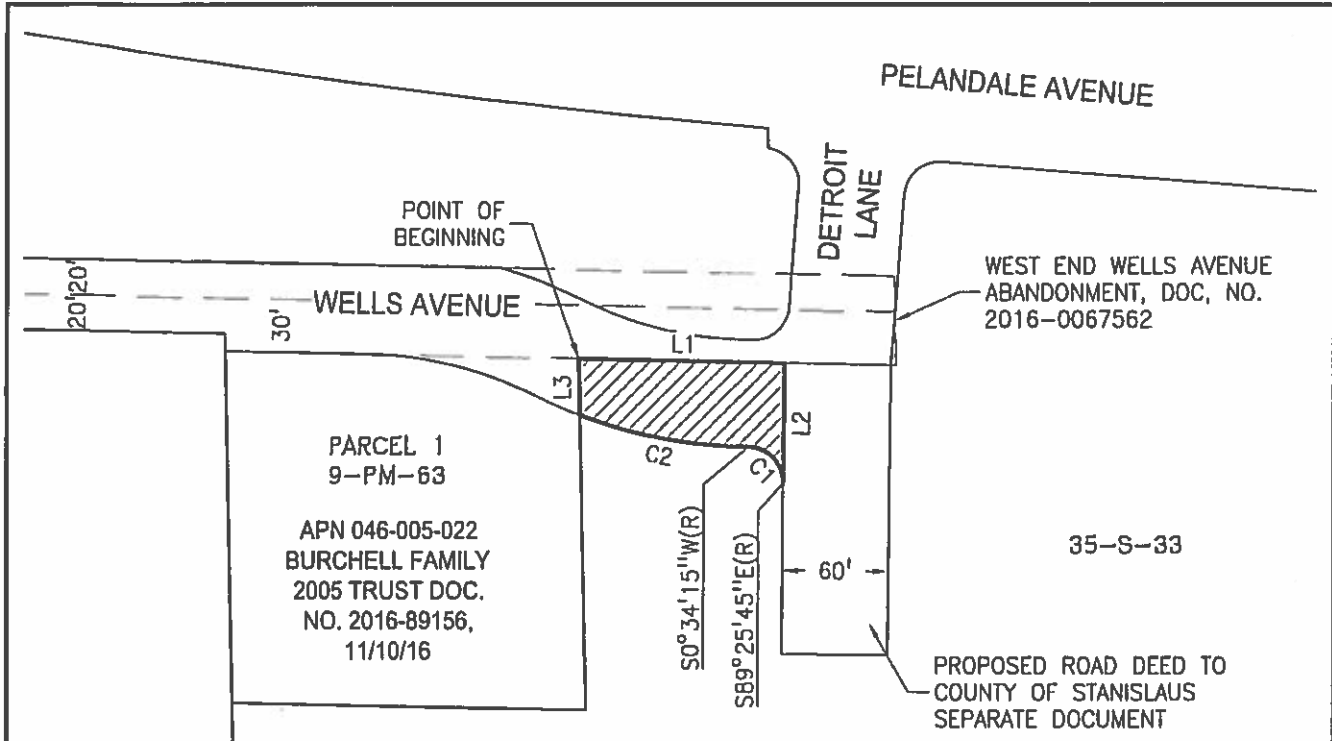
PROPOSED GENERAL PLAN LAND USE

Proposed General Plan Amendment from Residential (R) to Commercial (C)



EXHIBIT "B"

WELLS AVENUE RIGHT OF WAY DEDICATION



PROPOSED WELLS AVENUE EASEMENT 5,116 SQ. FT.

APN 046-005-023
PARCEL NO. 2
FINDLAY-SHACK PROPERTIES, LLC
DOC. NO. 2016-0089978

Kaiser Pelly



LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S88°48'10"E	116.67'
L2	S0°34'15"W	67.31'
L3	N1°13'48"W	31.75'

CURVE DATA TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	90°00'00"	20.00'	31.42'
C2	19°58'41"	280.00'	97.63'

11/21/2017



SCALE: 1" = 100'

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FINDLAY-SHACK PROPERTIES, LLC
WELLS AVENUE
COUNTY OF STANISLAUS, CALIFORNIA

RD
NOV 2017
EXHIBIT
PROPOSED WELLS AVENUE
RIGHT OF WAY DEDICATION

B