

ORDINANCE NO. 3777-C.S.

AN ORDINANCE ADOPTING A PRECISE PLAN FOR VILLAGE ONE PRECISE PLAN AREA NO. 35 SOUTH WITH AMENDMENT OF SECTION 18-3-10 OF THE ZONING MAP TO REZONE FROM SPECIFIC PLAN-HOLDING (SP-H) ZONE TO SPECIFIC PLAN (SP), PROPERTY LOCATED EAST OF CLAUS ROAD, SOUTH OF MILNES ROAD AND NORTH OF EAST BRIGGSMORE AVENUE. (DR HORTON BAY INC)

WHEREAS, the City Council, on October 16, 1990, adopted the Village One Specific Plan, pursuant to California Government Code Section 65450 et. seq., to implement the Modesto Urban Area General Plan in this area, and

WHEREAS, the Village One Specific Plan is divided into 35 precise plan areas, and a precise plan is required prior to development in each area, and

WHEREAS, on July 14, 2022 DR Horton Bay Inc. filed an application for a precise plan for the southern portion of Village One Precise Plan Area No. 35 and for concurrent rezoning from Specific Plan-Holding (SP-H) Zone to Specific Plan (SP) Zone for all that portion of Precise Plan Area No. 35 south of Milnes Road, generally referred to as Precise Plan Area No. 35 South, and

WHEREAS, said application was made concurrently with a proposed amendment to the Urban Area General Plan (File No. GPA-22-001) to amend the Land Use Element of the General Plan to change 140 acres from Business Park-Commercial-Residential (BCR) uses to Residential Uses (R), property located east of Merle Avenue, north of East Briggsmore Avenue, within the Village One Specific Plan, to facilitate development of a new 527-lot single-family residential project, “The Crossings”; and

WHEREAS, to facilitate said development the City of Modesto proposes an amendment to the Circulation Element of the General Plan to downgrade the classification of Claus Road between Sylvan Avenue and East Briggsmore Avenue from an Expressway to a four-lane Principal Arterial Street, and to downgrade East Briggsmore Avenue from Claus Road to the BNSF Railroad crossing from an Expressway to a four-lane Principal Arterial Street, and to amend Section VI.H.11 and VI.H.12 of the General Plan regarding the minimum sizing of Neighborhood Parks; and

WHEREAS, said application was made concurrently with a proposed amendment to the Village One Specific Plan to amend the land use designation of the above 140 acres from Business Park (BP) to Village Residential (VR) with associated text amendments (File No. SPA-22-003) together with a City-initiated amendment to the Circulation Diagram to amend the designation of Claus Road from a Class A Expressway to a four-lane Principal Arterial Street, and to amend the designation of East Briggsmore Avenue east of Claus Road from a Class C Expressway to a four-lane Principal Arterial Street; and

WHEREAS, said application was also made concurrently with a proposed Vesting Tentative Subdivision Map “The Crossings” to divide 84.1 acres of the Precise Plan area into 527 single-family residential lots, five landscape lots, and one park lot (File No. TSM-22-002); and

WHEREAS, said application was also made concurrently with a proposed Final Development Plan for the purpose of establishing residential development standards and architectural guidelines for The Crossings development (File No. FDP-22-003); and

WHEREAS, a public hearing was held by the Planning Commission on December 18, 2023, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering public comments, the Planning Commission, by Resolution No. 2023-33, recommended to the City Council the adoption of Precise Plan Area No. 35 South, and

WHEREAS, said recommendation also includes that the amendment of Section 18-3-10 of the Zoning Map to reclassify the area of Precise Plan No. 35 South from Specific Plan-Holding (SP-H) to Specific Plan (SP), and

WHEREAS, said matter was set for a public hearing of the City Council of the City of Modesto to be held on January 23, 2024 at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, a duly noticed public hearing to consider said recommendations of the Planning Commission was held at the date and time above mentioned, and

WHEREAS, the Council declared that the adoption of Precise Plan for Area No. 35 South of the Village One Specific Plan is required by public necessity convenience, and general welfare for the following reasons:

1. The proposed Precise Plan for Area No. 35 South is consistent with the Modesto Urban Area General Plan and Village One Specific Plan (as amended) because the site is adjacent to nearby single-family residential development to the west.
2. The Precise Plan document will facilitate new residential development with the establishment of land use, circulation, and utility plan requirements for such development.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

SECTION 1. APPROVAL OF PRECISE PLAN. That the City Council has reviewed and considered the Precise Plan for Area No. 35 South of the Village One Specific Plan as recommended by the Planning Commission, and the Council does hereby approve said Precise Plan No. 35 South, a copy of which is on file in the City Clerk's Office.

SECTION 2. ZONING CHANGE. As part of the adoption of Precise Plan Area No. 35 South, the area of the Precise Plan located in Section 18-3-10 of the Zoning Map is hereby amended to rezone the following described property from Specific Plan-Holding (SP-H) to Specific Plan (SP);

SP-H to SP

All that real property in the City of Modesto, County of Stanislaus, State of California, lying within the Northwest Quarter of Section 18, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, described as follows:

Commencing from the intersection of Claus Road and Milnes Road, said point being the northwest corner of Section 18, Township 3 South, Range 10 East; thence South 89° 51' 16" West a distance of 144.5 feet to the Point of Beginning; thence the following eight courses:

1. South 3° 28' 48" East a distance of 1,326.4 feet; thence
2. North 89° 51' 10" East a distance of 70.8 feet; thence
3. South 0° 17' 48" East a distance of 4,021.53 feet; thence
4. North 89° 57' 40" East a distance of 2,807.54 feet; thence
5. South 17° 41' 1" East a distance of 85.87 feet; thence
6. South 88° 47' 30" East a distance of 105.32 feet; thence
7. North 17° 58' 35" West a distance of 5,695.10 feet; thence
8. North 89° 39' 12" West a distance of 1,358.36 feet to the Pont of Beginning.

Also including the easterly one-half of the right-of-way of Claus Road, the southerly one-half of the right-of-way of Milnes Road, and the northerly one-half of the right-of-way of East Briggsmore Avenue, all immediately adjacent to the above description.

Totaling 255.87 acres, more or less.

APNs: 014-025-002, 014-025-015, 014-025-018, 014-025-019, 014-026-003, 014-026-017, 014-026-018, 014-026-025, 014-026-030 through 014-026-035.

SECTION 3. ZONING MAP. Section 18-3-10 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Alvarez, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: _____
SUE ZWAHLEN, Mayor

ATTEST:

BY: _____
DIANE NAYARES-PEREZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FINAL ADOPTION CLAUSE

The foregoing Ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, Councilmember Wright moved its final adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the Ordinance adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: _____
SUE ZWAHLEN, MAYOR

ATTEST: _____
DIANE NAYARES-PEREZ, City Clerk

Effective Date: March 7, 2024