

Attachment ‘B’

Resolution No. 2024-____

**A RESOLUTION OF THE CITY OF Kerman Planning Commission
RECOMMENDING TO THE CITY COUNCIL ADOPT AN ORDINANCE
APPROVING REZONE 2023-02 TO AMEND THE OFFICIAL ZONING MAP OF
THE CITY OF Kerman TO PREZONE A PROPERTY CONTAINING
APPROXIMATELY 9.69 ACRES TO THE SD-R-4.5 (SMART DEVELOPMENT
COMBINING) ZONE DISTRICT AND REZONE A PROPERTY CONTAINING
APPROXIMATELY 19.65 ACRES FROM THE R-1-7 (SINGLE FAMILY
RESIDENTIAL) TO THE SD-R-4.5 (SMART DEVELOPMENT COMBINING)
ZONE DISTRICT LOCATED ON THE NORTH SIDE OF WEST KEARNEY
BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUES
(APN 020-140-22S & 020-140-23S)**

WHEREAS, an application was filed by Joseph Crown Construction & Development, pertaining to two parcels consisting of 29.34 acres located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues identified as APNs 020-140-22S and 020-140-23S (“Project Area”); and

WHEREAS, because a portion of the Project Area is outside of City limits and currently has County agricultural zoning, a rezone application to prezone the property is needed; and

WHEREAS, the Project Area has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (approximately 29.34 acres); and

WHEREAS, the requested Rezone 2023-02 proposes to prezone the Project Area within the County of Fresno that is currently zoned Agricultural Exclusive – 20 acres (AR-20) to SD-R-4.5 zoning district (APN 020-140-22S) as shown in the attached Exhibit ‘A’, consistent with the MDR land use designation; and

WHEREAS, the requested Rezone 2023-02 proposes to rezone the Project Area within the City of Kerman currently zoned Single-Family Residential (7000 SF Min. Lot) (R-1-7) to SD-R-4.5 zoning district (APN 020-140-23S) as shown in the attached Exhibit ‘A’, consistent with the MDR land use designation; and

WHEREAS, development of the project will be consistent with the development standards of the SD-R-4.5, including those conditions prescribed by the Planning Commission, based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, approval of the project would also require approval of Annexation 2023-02, Development Plan Permit 2023-03, and Tentative Subdivision Map 2023-02; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study, Mitigated Negative Declaration 2023-03 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the project, and this related Rezone and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the related Rezone and related entitlements were distributed for

public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

WHEREAS, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information contained in the mitigated negative declaration, and considered testimony received as a part of the public hearing process; and

WHEREAS, the Planning Commission now desires to recommend that the City Council approve Rezone 2023-02; and

NOW THEREFORE, be it resolved by the City of Kerman Planning Commission as follows:

1. Recitals. The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. The Planning Commission concurrently recommended approval of Initial Study and Mitigated Negative Declaration 2023-03 and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the Project. As such no additional environmental analysis is required, and the Planning Commission finds and recommends the Council find, that the development plan permit and related project entitlements are specifically anticipated and assessed for the proposed project in the Mitigated Negative Declaration and are consistent with the purpose and intent of the Mitigated Negative Declaration.
3. Rezone Findings. The Planning Commission finds, and recommends the City Council find, as follows:
 - a. The change is consistent with the General Plan. *The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone/rezone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Further, the pre-zoning and zoning change is consistent with the General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Land Uses as described below.*

The portion of the project site that is outside City limits is within the “Area 1” growth line of the Sphere of Influence as identified in the General Plan. Based on the site’s proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. Therefore, the project is consistent with General Plan Policy LU-3.2.

The portion of the project site that is outside City limits is contiguous to existing and approved development within City limits. Therefore, the project is consistent with General Plan Policy LU-3.3.

The project site is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the project is consistent with General Plan Policy LU-5.4.

- b. *The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community. The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval. As a result, this project will not adversely affect the public health, safety, and welfare of the community.*
 - c. *There will not be significant effects upon the quality of the environment and natural resources. An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.*
4. Recommendation for Approval. Given that all the findings can be made, the Planning Commission recommends that the City Council adopt an ordinance approving Rezone 2023-02, rezoning approximately 9.69 acres to the SD-R-4.5 (Smart Development Combining) zone district and rezoning approximately 19.65 acres from the R-1-7 (Single Family Residential) to the SD-R-4.5 (Smart Development Combining) zone district for those properties located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APN 020-140-22S & 020-140-23S) as set forth in Exhibit A.
5. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the Planning Commission shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Kerman.

I HEREBY CERTIFY that the foregoing Resolution was approved at a special meeting of the Planning Commission of the City of Kerman on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes:

Noes:

Absent:

Recused:

The foregoing resolution is hereby approved.

Scott Bishop
Chairperson

Attest:

Jesus R. Orozco
Planning Commission Secretary

Exhibit 'A': Proposed Rezone/Prezone (Rezone 2023-02)

Exhibit 'B': Proposed Area of Annexation (Annexation 2023-02)

Exhibit 'C': Draft Rezone 2023-02 Ordinance