



**REPORT TO THE CITY COUNCIL**

May 14, 2009

**FROM:** KEITH BERGTHOLD, Interim Director  
Planning and Development Department

**THROUGH:** MIKE SANCHEZ, Planning Manager  
Planning Division 

**BY:** DAVID BRAUN, Planner III  
Planning Division 

**SUBJECT:** CONSIDER INITIATION FOR REZONING OF THREE PARCELS TOTALING APPROXIMATELY 4.64 ACRES LOCATED ON THE EAST SIDE OF NORTH BRYAN AVENUE AND THE WEST SIDE OF NORTH HAYES AVENUE BETWEEN WEST ASHLAN AND WEST GETTYSBURG AVENUES

AGENDA ITEM NO.  
COUNCIL MEETING 5-14-09

APPROVED BY
 DEPARTMENT DIRECTOR
CITY MANAGER

**BACKGROUND**

The Planning and Development Department is requesting that the Council consider initiation of rezoning on three parcels totaling approximately 4.64 acres as required for the annexation of approximately 67 acres of property into the City of Fresno. This request is being made on behalf of the developer of property in the vicinity of these parcels (The McCaffrey Group).

The Local Agency Formation Commission's (LAFCo's) policy requires all parcels within annexation areas to be rezoned consistent with the 2025 Fresno General Plan and corresponding community plan prior to annexation. The requested rezoning is required on the three parcels totaling approximately 4.64 acres to facilitate the annexation of approximately 63 additional acres. The three parcels to be rezoned are identified in attached Exhibit A and the corresponding vicinity maps.

Vesting Tentative Tract No. 5891, Rezone Application No. R-07-29 and Conditional Use Permit Application No. C-07-308 have been approved on approximately 63 acres within the annexation area to allow for the development of this property with a single family residential planned development subdivision. Through discussions between the City, County and LAFCo, it was determined that in order to annex these properties, it would be necessary to annex the subject three parcels as well.

It is also noted that there are ten parcels located northwesterly of the Ashlan and Hayes Avenue intersection, which are identified as "additional parcels" on the attached vicinity map, that have not been included within the proposed annexation. The City, County and LAFCO staff's have all indicated that these ten parcels should be included within the proposed annexation. As a result, the Council should be aware that if the LAFCO Board determines that any or all of these ten parcels should be included within the annexation boundaries, a second rezoning application will need to be initiated for those parcels.

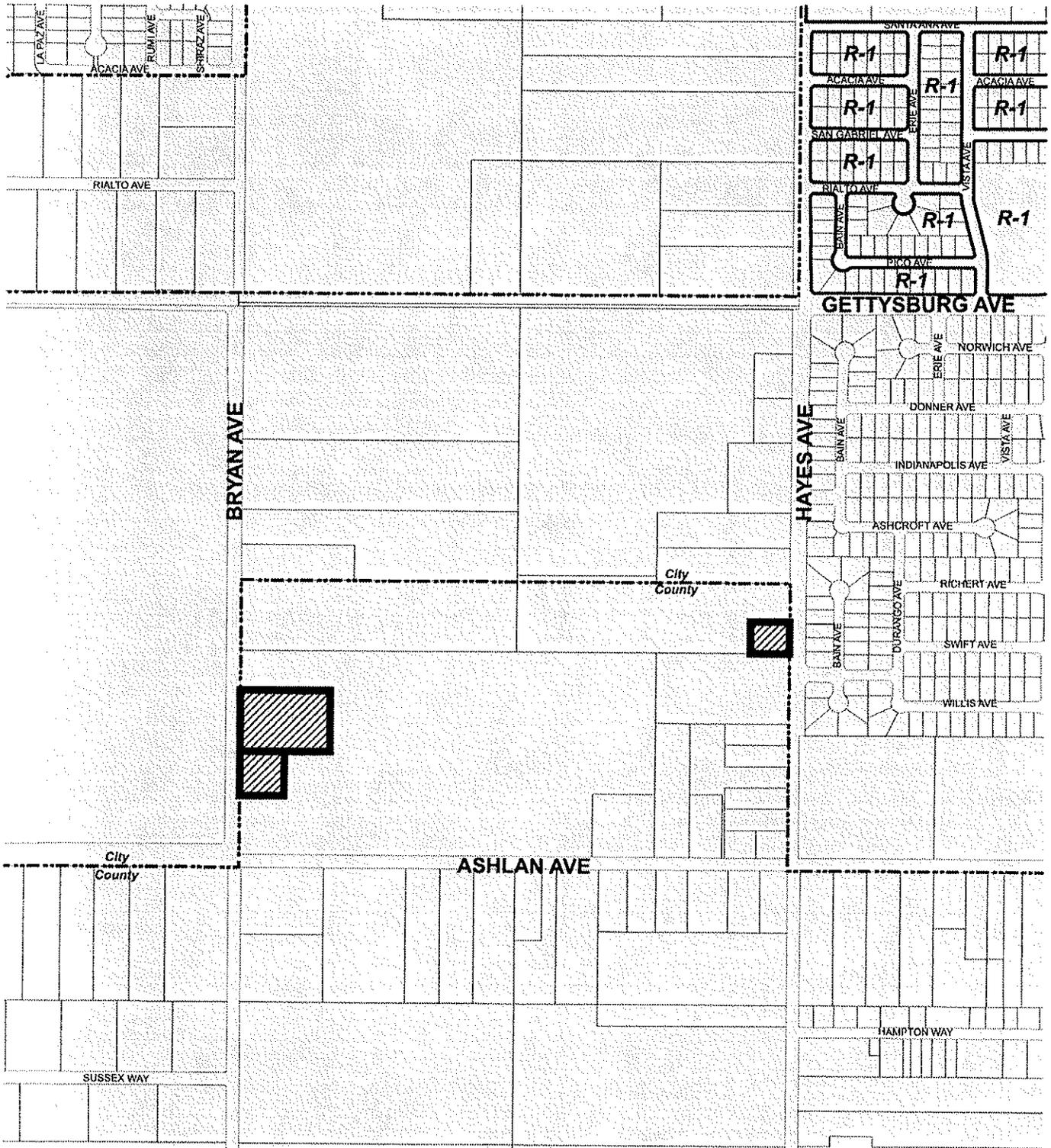
Section 12-401-A-1 of the Fresno Municipal Code allows the City Council to initiate, by resolution, a rezone application to propose a change in the zoning on properties thus making them consistent with the general plan and respective community plans. Council initiation of a rezone does not constitute support or denial of the rezoning request, but allows the process to begin an evaluation of the appropriateness of the proposed rezoning of the parcels, prior to any public hearings before the Planning Commission and City Council.

## **RECOMMENDATION**

Staff recommends the City Council take the following action:

1. **APPROVE** the attached Council Resolution initiating a rezoning application on three parcels identified in Exhibit A and the corresponding vicinity maps.

Attachments:           Vicinity Maps  
                              Aerial Photo  
                              Exhibit A - Rezone Parcels  
                              Council Resolution



**LEGEND**



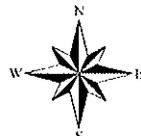
SUBJECT PROPERTIES TO BE PREZONED



U.G.M. Area

**VICINITY MAP**

**PLANNING & DEVELOPMENT DEPARTMENT**



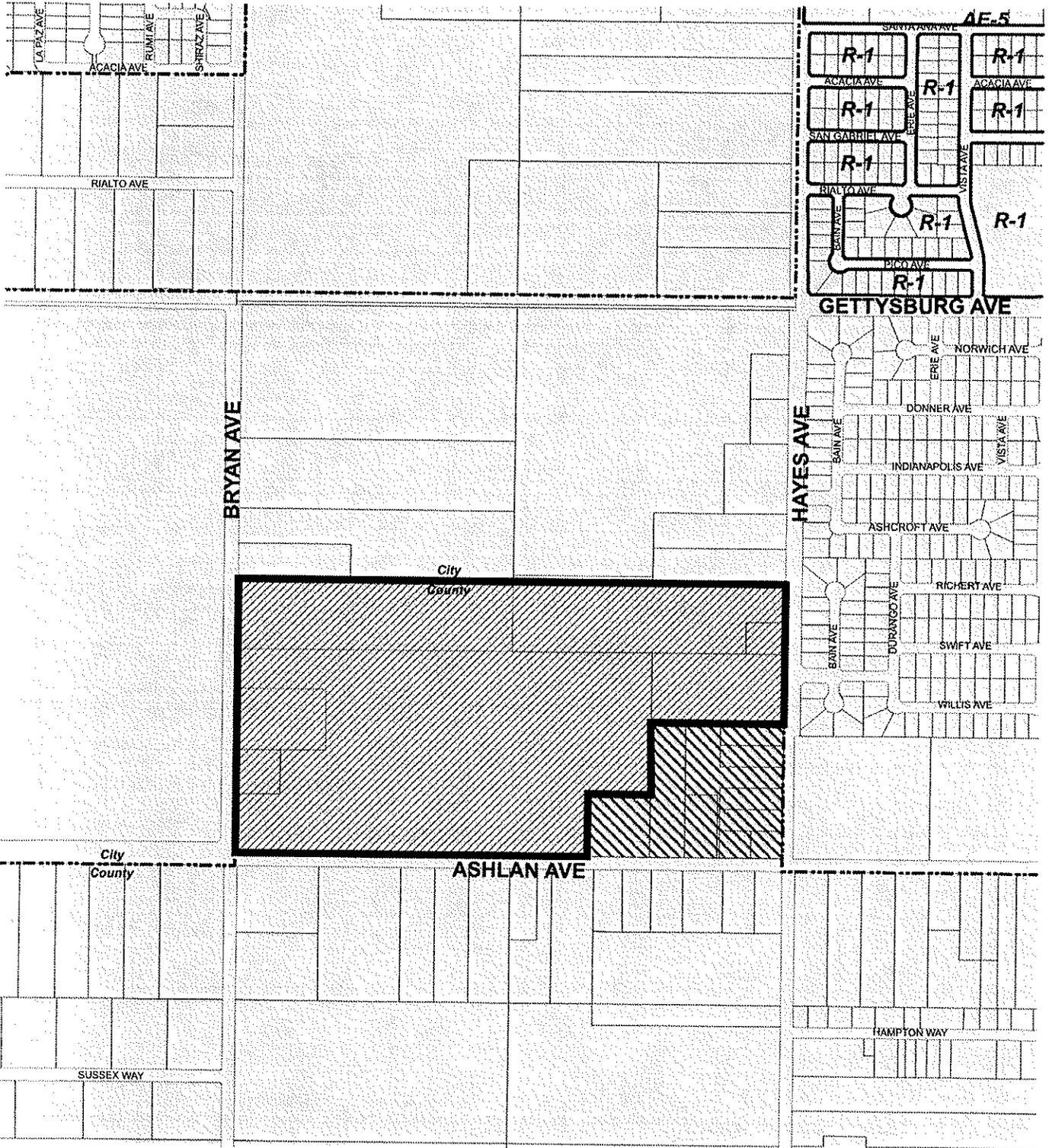
NOT TO SCALE

A.P.N.: 512-070-06.16.35

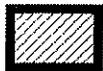
ZONE MAP: 2044

BY/DATE: D.N. / 4-28-09

North of W. Ashlan Ave. betwn., N. Bryan and N. Hayes Aves.



**LEGEND**



ASHLAN-BRYAN NO. 1 REORGANIZATION



Additional Parcels



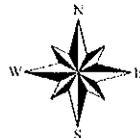
U.G.M. Area

**VICINITY MAP**

ASHLAN - BRYAN NO. 1 REORGANIZATION

North of W. Ashlan Ave. betwn., N. Bryan and N. Hayes Aves.

**PLANNING & DEVELOPMENT DEPARTMENT**



NOT TO SCALE

A.P.N.: 512-070-06,07,16,17S,35,50,61

ZONE MAP: 2044

BY/DATE: D.N. / 4-3-09

# City of Fresno

 User\_Obj\_Layer

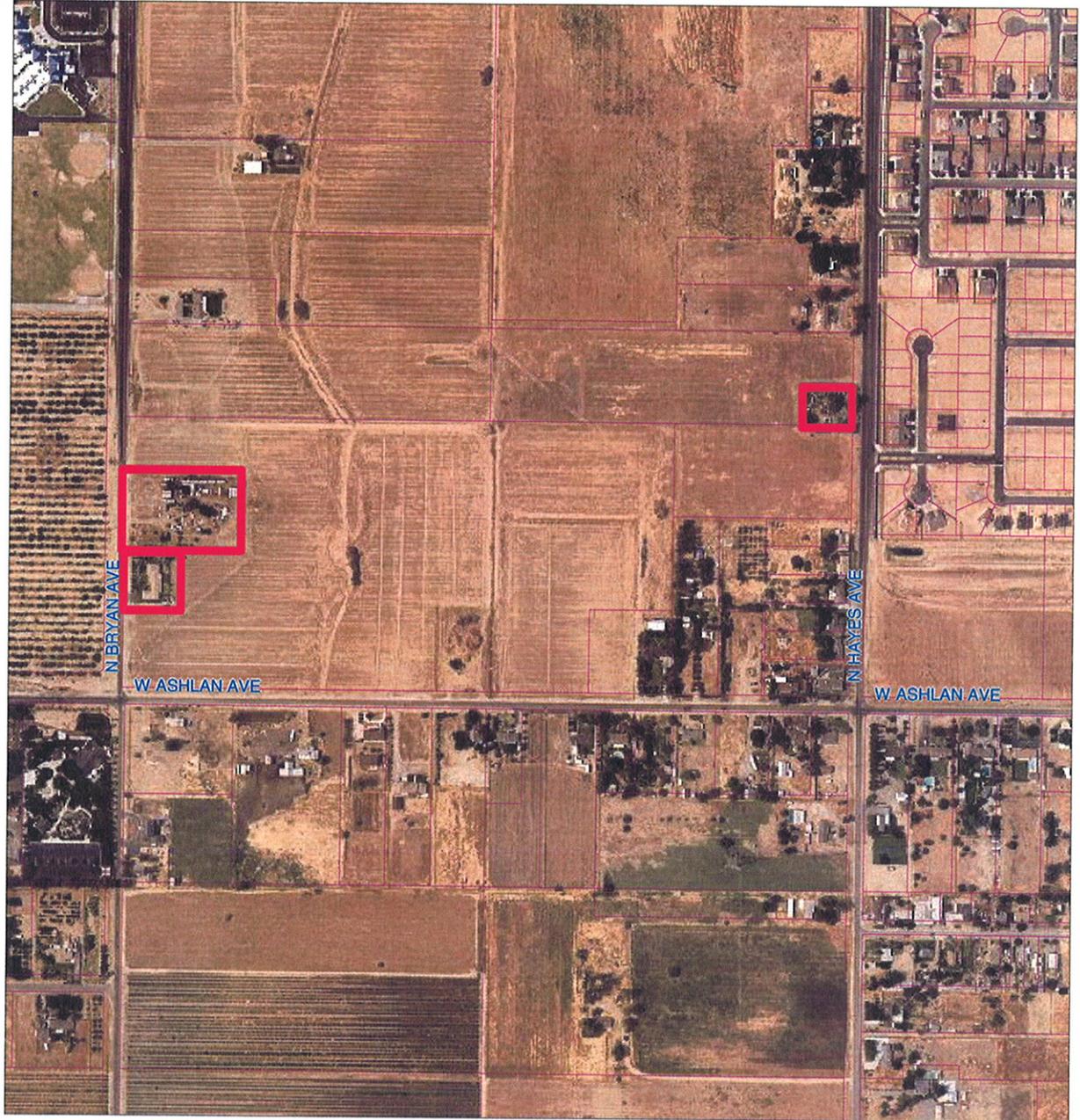
**Parcels**

 Parcels

**Aerials**

 City Limits

 Fresno County



SCALE 1 : 7,160

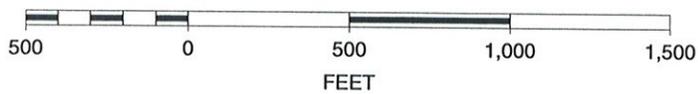


Exhibit A

APN	Owner	Property Address	Acres	Rezone	
				From	To
512-070-06	JOHN AND SALLY MORENO	4191 N. HAYES AVENUE	.74	RR (COUNTY)	R-1/UGM
512-070-35	ANDREW AND FLORENCE SCARABELLO TRUSTEES	4102 N. BRYAN AVENUE	1.0	RR (COUNTY)	R-2/UGM
512-070-16	JCH FAMILY LIMITED PART. DBH FAMILY LIMITED PART.	4118 N. BRYAN AVENUE	2.9	RR (COUNTY)	R-2/UGM
<b>Total Acreage =</b>			<b>4.64</b>		

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA,  
INITIATING REZONING ON THREE PARCELS, TOTALING APPROXIMATELY  
4.64 ACRES, WITHIN THE CITY OF FRESNO SPHERE OF INFLUENCE.

WHEREAS, on November 19, 2002, by Resolution No. 2002-379, the City Council adopted the 2025 Fresno General Plan, which correspondingly updated the Community Plans, and by Resolution No. 2002-378 certified Master Environmental Impact Report No. 10130, which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno's designated urban boundary line and extended sphere of influence; and,

WHEREAS, Section 12-401-A-1 of the Fresno Municipal Code allows the City Council to initiate, by resolution, a rezone application to consider a change of zoning on properties thus making them consistent with the general plan and their respective community plan; and,

WHEREAS, the Local Agency Formation Commission (LAFCo) requires all affected properties to be rezoned as a condition of annexation; and,

WHEREAS, on May 14, 2009, the City of Fresno Planning and Development Department requested the City Council initiate a rezone application on 3 parcels (as identified on Exhibit A), totaling approximately 4.64 acres, located within the City of Fresno Sphere of Influence, to rezone the parcels consistent with the 2025 Fresno General Plan and respective community plan land use designations; and,

WHEREAS, the proposed rezoning of properties is consistent with various objectives and policies of the 2025 Fresno General Plan.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Fresno does ordain as follows:

1. The Council hereby initiates a rezoning application on three parcels, encompassing approximately 4.64 acres within the City of Fresno Sphere of Influence, as identified on attached Exhibit "A".
2. The Council hereby directs the Planning and Development Department to take all necessary steps, follow all necessary procedures and prepare all necessary documents, including CEQA documentation, reports and findings to rezone the parcels.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA        )  
COUNTY OF FRESNO        )  
CITY OF FRESNO            )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

REBECCA E. KLISCH  
City Clerk

By \_\_\_\_\_

APPROVED AS TO FORM

JAMES C. SANCHEZ  
City Attorney

By   
John Fox, Deputy City Attorney  
5/4/2009

Initiation of Rezoning  
Filed by City of Fresno  
APN Nos. 512-070-06,16, 35

Exhibit A

APN	Owner	Property Address	Acres	Rezone	
				From	To
512-070-06	JOHN AND SALLY MORENO	4191 N. HAYES AVENUE	.74	RR (COUNTY)	R-1/UGM
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