SUBJECT: SECOND READING - ORDINANCE NO. 1668, ZONE CHANGE 2-2005 (SMEE BUILDERS)

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1668 approved Zone Change No. 2-2005. It was a change of zone from M-1 (Light Manufacturing) to RE (One Family Estate) for that 40± acre vacant site located on the northwest corner of South Jaye Street (unimproved) and Gibbons Avenue. The Ordinance was given a First Reading on May 3, 2005, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1668, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1668

Item No. 21
ORDINANCE NO. 1668

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2-2005 FROM M-1 (LIGHT MANUFACTURING) TO RE (ONE FAMILY ESTATE) FOR THAT 40± ACRE VACANT SITE LOCATED ON THE NORTHWEST CORNER OF SOUTH JAYE STREET (UNIMPROVED) AND GIBBONS AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 3, 2005, conducted a public hearing to consider General Plan Amendment 1-2005 (b) (formerly 2-2005) and Zone Change 2-2005 for that 40± acre vacant site located on the northwest corner of South Jaye Street (unimproved) and Gibbons Avenue; and

WHEREAS: General Plan Amendment 1-2005 (b) proposes to change the Land Use Designation of the General Plan from Industrial to Rural Density Residential for that 40± acre vacant site located at the northwest corner of South Jaye Street (unimproved) and Gibbons Avenue; and

WHEREAS: In conjunction with General Plan Amendment 1-2005 (b), Zone Change 2-2005 proposes to change the present zoning for the same site from M-1 (Light Manufacturing) to RE (One Family Estate); and

WHEREAS: A conceptual plan for a 61-lot rural residential subdivision (similar to Sierra Meadows under development to the west) is attached to the staff report. Prior to the applicant(agent submitting any tentative subdivision map for processing, General Plan Amendment 1-2005 (b), and Zone Change 2-2005 would have to be approved; and

WHEREAS: City staff is currently processing an unusually large number of General Plan Amendments. State law prohibits the amendment of any required element of the General Plan more than four times in any calendar year. For this reason, on April 19, 2005, the City Council opened the public hearing for General Plan Amendment 1-2005 (a) (formerly 1-2005 and Zone Change 1-2005) and continue those items to the meeting of May 3, 2005, so they could consider taking action concurrently with General Plan Amendment 1-2005 (b) (formerly 1-2005 and Zone Change 2-2005); and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City of Porterville, and the laws of the State of California, has determined that the public interest would best be served by approval of Zone Change 2-2005; and

WHEREAS: The City Council made the following findings in support of the approval of Zone Change 1-2005:

1. The Land Use Element of the General Plan (General Plan Amendment 1-2005 (b)) designates the subject site for Rural Density Residential uses.
2. That the proposed zoning to RE (One Family Estate) for the subject site is consistent with the proposed General Plan designation.

3. That all uses listed in Article 1, and Article 2 of the Porterville Zoning Ordinance will be allowed in the RE (One Family Estate) Zone subject to all other laws, rules and regulations.

4. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act and mitigation measures incorporated into the approval will be precedent to project implementation.

5. That this zoning classification will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 2-2005, is hereby re-zoned from M-1 (Light Manufacturing) to RE (One Family Estate) for that 40± acre site located at the northwest corner of south Jaye Street (unimproved) and Gibbons Avenue, more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A” subject to prior approval of General Plan Amendment 1-2005 (b); and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is re-zoned from M-1 (Light Manufacturing) to RE (One Family Estate) for that 40± acre site located at the northwest corner of South Jaye Street (unimproved) and Gibbons Avenue; and

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

___________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By _________________________
Georgia Hawley, Chief Deputy City Clerk
ZONE CHANGE 2–2005

PROPOSED ZONE CHANGE

M–1 TO RE

CITY COUNCIL ORDINANCE NO. 1668

EXHIBIT "A"