

EXHIBIT I

Conditions of Zoning and Analysis

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Bredefeld SECONDED BY Mathys

BILL NO. B-2

ORDINANCE NO. 98-2

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF FRESNO

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Director of the Development Department of the City of Fresno found the proposed rezoning in conformance with adopted plans and policies of the City and recommended to the Council of the City of Fresno an amendment to the Zoning Ordinance, which changes the real property described hereinbelow from one zone to another.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and based upon the Council's own independent review and consideration of the environmental documentation provided, the adoption of the proposed rezoning is in the best interests of the City of Fresno. The Council finds that with the implementation of the mitigation measures defined within the Initial Study for Environmental Assessment No. R-97-27, there is no substantial evidence in the record that the rezoning may have a significant effect on the environment, and the mitigated negative declaration prepared for this project is hereby approved. The above mitigation measures shall be incorporated in the project, implemented and monitored as specified in the monitoring checklist for Environmental Assessment No. R-97-27. The Initial Study for Environmental Assessment No. R-97-27 and monitoring checklist are incorporated into this ordinance and compliance therewith is made a condition of this rezoning.

Adopted 1/6/98
Approved 1/6/98
Effective See Sect 5

98-2

SECTION 2. The zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno is reclassified from the AE-5/UGM to the C-1/UGM/cz zone district:

That portion of Lot 124 of the Amended Plat of Perrin Colony No. 2, recorded in Volume 4, Page 68 of Plats, Fresno County Records, lying South of a line parallel with and 830 feet South of the North line of Lot 213 of said Perrin Colony No. 2.

EXCEPTING THEREFROM the East 434 feet of said Lot 124.

ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded April 5, 1989 as Document No. 89036079, Fresno County Records.

ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded February 13, 1992 as Document 92017661, Fresno County Records.

SECTION 3. The zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno is reclassified from the AE-5/UGM to the C-R/UGM/cz zone district:

The West One Half of Lots 85 and 86 and the East 434 feet of Lots 123 and 124 of the Amended Plat of Perrin Colony No. 2, recorded in Volume 4, Page 68 of Plats, Fresno County Records.

EXCEPTING THEREFROM the North 269 feet of said Lots 85 and 123, the East 170 feet of the West One Half of said Lots 85 and 86 and that portion of the West 219.26 feet of the East 389.26 feet of the West One Half of said Lot 86 lying South of a line parallel with and 1,090 feet South of the North Line of said Lot 85.

ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded April 5, 1989 as Document No. 89036079, Fresno County Records.

ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded February 11, 1992 as Document No. 92016354, Fresno County Records.

ALSO EXCEPTING THEREFROM that portion thereof deeded to the City of Fresno for Public Street purposes by deed recorded February 13, 1992 as Document No. 92017661, Fresno County Records.

SECTION 4. This ordinance shall be conditioned upon the record owners of the property described in Sections 2 and 3 executing and causing to be recorded a covenant running with the land guaranteeing the following conditions on the subject property:

1. The developer shall make improvements as required by the Fresno Metropolitan Flood Control District (FMFCD) to provide adequate capacity to serve this project. The FMFCD will require mitigation of the impacts generated by an anticipated increase in runoff--in excess of that created by medium density residential development.
2. Prior to the submittal of a special permit on any portion of the subject property, the developer shall meet with members of the neighborhood to the north of the site (Tract Nos. 2976 and 3656) and shall submit a conceptual site plan for the entire 55 acre property (as shown on Exhibit A) to the City Council.
3. The improvement of East Niles Avenue along the north boundary of the C-R zoned property, shall be completed upon development of the C-R zoned property or upon development of the single-family subdivision proposed to the north of Niles Avenue, whichever occurs first.
4. All proposed uses on the C-R zoned portion of the site shall be subject to review by the Development Director for compatibility with surrounding properties.
5. An athletic club proposed on the C-R zoned property shall be limited to 4,000 single memberships, 3,500 family memberships; and, 800 executive memberships. Memberships shall be for no less than one month.
6. The hours of operation for the athletic club will be limited to 5:00 a.m. to midnight; excluding holidays.
7. All athletic club activities, with the exception of the banquet facility, will be open only to members and their authorized guests.
8. There will be no celebrity sporting events or exhibitions, invitational tournaments, or league participation open to non-members or the general public at the athletic club.
9. Use and lighting of outdoor tennis courts at the athletic club shall be limited to hours of 7:00 a.m. to 10:00 p.m.

Ordinance Amending Official Zone Map

R-97-27

Page 4

10. The minimum building setback adjacent to the northerly property line of the C-R zoned property shall be 50 feet.
11. The City of Fresno, Development Department, reserves the right to review the need for additional parking after the first, second, and fifth year of operation of the athletic club; and if, at any time, it receives a complaint relative to an overflow of parking due to excess demand.
12. No car wash, cocktail lounge (if not subordinate to a restaurant), bar, or liquor store shall be allowed on the subject property.
13. There shall be a 30-foot landscaped setback along East Nees Avenue.
14. There shall be a 30-foot landscaped setback along North First Street starting at the intersection with Eaast Nees Avenue; with a gradual transition to a 50-foot landscaped setback north of Muncie Avenue.

SECTION 5. This ordinance shall become effective and in full force and effect at

12:01 a.m. on the thirty-first day after its passage and upon compliance with the requirements of the Fresno Municipal Code Sections 12-403-K and L.

Ordinance Amending Official Zone Map

R-97-27

Page 5

CLERK'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 6th day of January, 1998~~1997~~, by the following vote:

Ayes: Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys

Noes: None

Absent: None

Abstain: None

Dated this 1/6/1998 ~~1997~~

APPROVED AS TO FORM:

HILDA CANTÚ MONTÓY

City Attorney

By 

DEB:frg:let:K:\Common\CCR9727.ORD

REBECCA E. KLISCH

City Clerk

By 

~~Deputy~~

Application No. R-97-27

Filed by City of Fresno

Parcel No. 402-220-16, 18, 43

CONDITIONS OF ZONING ANALYSIS

1. ***The developer shall make improvements as required by the Fresno Metropolitan Flood Control District (FMFCD) to provide adequate capacity to serve this project. The FMFCD will require mitigation of the impacts generated by anticipated increase in runoff—in excess of that created by medium density residential development.***

The FMFCD provided comments on the project on August 24, 2017 and are included in the conditions of approval. Project approval will be subject to compliance with FMFCD comments, including submittal of grading plans and a drainage report to FMFCD for review and approval, as well as payment of FMFCD fees. Therefore, this condition of zoning has been met.

2. ***Prior to the submittal of a special permit on any portion of the subject property, the developer shall meet with members of the neighborhood to the north of the site (Tract Nos. 2976 and 3656) and shall submit a conceptual site plan for the entire 55 acre property to the City Council.***

The project applicant and operators conducted a neighborhood meeting on May 31, 2017, as well as on September 12, 2018. In both instances notices were mailed to surrounding property owners of which included Tract No. 2976 and 3656, which encompasses the single-family residences to the north and east of the subject property. Therefore, this condition has been met.

3. ***The improvement of East Niles Avenue along the north boundary of the C-R zoned property, shall be completed upon development of the C-R zoned property or upon development of the single-family subdivision proposed to the north of Niles Avenue, whichever occurs first.***

East Niles Avenue has been constructed and currently provides access to the neighborhood to the north of the parcel. Therefore, this condition of zoning has been met.

4. ***All proposed uses on the C-R zoned portion of the site shall be subject to review by the Development Director for compatibility with surrounding properties.***

The proposed project was reviewed by DARM staff. The department findings can be found in the staff report for project applications Plan Amendment Application No. A-17-009, Rezone Application No. R-17-013, and Conditional Use Permit Application No. C-17-101. Staff finds that the project is compatible with surrounding properties subject to conditions of approval dated October 3, 2018.

5. ***An athletic club proposed on the C-R zoned property shall be limited to 4,000 single memberships, 3,500 family memberships; and, 800 executive memberships. Memberships shall be for no less than one month.***

The project does not propose an athletic club; therefore, this condition of zoning is not applicable.

- 6. *The hours of operation for the athletic club will be limited to 5:00 a.m. to midnight; excluding holidays.***

The project does not propose an athletic club; therefore, this condition of zoning is not applicable to the proposed project.

- 7. *All athletic club activities, with the exception of the banquet facility, will be open only to members and their authorized guests.***

The project does not propose an athletic club; therefore, this condition of zoning is not applicable.

- 8. *There will be no celebrity sporting events or exhibitions, invitational tournaments, or league participation open to non-members or the general public at the athletic club.***

The project does not propose an athletic club; therefore, this condition of zoning is not applicable.

- 9. *Use and lighting of outdoor tennis courts at the athletic club shall be limited to hours of 7:00 a.m. to 10:00 p.m.***

The project does not propose an athletic club; therefore, this condition of zoning is not applicable.

- 10. *The minimum building setback adjacent to the northerly property line of the C-R zoned property shall be 50 feet.***

The proposed project is not located along the northerly property line since it is situated along East Nees Avenue. The project is located more than 500 feet south of the northern property line of the greater 22.81-acre parcel property.

- 11. *The City of Fresno, Development Department, reserves the right to review the need for additional parking after the first, second, and fifth year of operation of the athletic club; and if, at any time, it receives a complaint relative to an overflow of parking due to excess demand.***

The project does not propose an athletic club; therefore, this condition of zoning is not applicable.

- 12. *No car wash, cocktail lounge (if not subordinate to a restaurant), bar, or liquor store shall be allowed on the subject property.***

The proposed project does not include a car wash, cocktail lounge, bar, or liquor store. Therefore, this condition of zoning has been met.

- 13. *There shall be a 30-foot landscaped setback along East Nees Avenue.***

The project proposes a 30-foot landscaped setback along East Nees Avenue. Therefore, this condition of zoning has been met.

14. There shall be a 30-foot landscaped setback along North First Street starting at the intersection with East Nees Avenue; with a gradual transition to a 50-foot landscaped setback north of Muncie Avenue.

The project site does not abut North First Street; therefore, this condition of zoning is not applicable to the proposed project.