

CITY OF RIVERBANK

ORDINANCE 2024-XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING THE REZONING OF 5.9± ACRES TO PLANNED DEVELOPMENT
(PD), LOCATED AT 6448 CLAUS ROAD (APN: 062-039-048)**

THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS THE “CITY COUNCIL”) DOES HEREBY RESOLVE THAT:

WHEREAS, a General Plan Amendment, Rezone, Vesting Tentative Map and Architecture and Site Plan Review application has been received from Summerfaire Commerce Center, LLC (“Summerfaire”) with a request to rezone approximately 5.9± acres from a Planned Development zone (Commercial) to a new Planned Development zone (Residential); and

WHEREAS, the project site is currently zoned Planned Development (PD) with a General Plan Land Use designation of Community Commercial (C/C); and

WHEREAS, the applicant is proposing to rezone the property to a new Planned Development (PD Residential) from an existing Planned Development (PD Commercial); and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, September 17, 2024, to consider this proposed Rezone Ordinance (the “Rezone Ordinance”) and recommended approval with a 5-0 vote; and

WHEREAS, the City Council held a properly noticed public hearing on the proposed Rezone Ordinance, and considered the Planning Commission recommendations, and any public comments and all documents or testimony received; and

WHEREAS, the City Council for the City of Riverbank has made the following findings for adoption:

1. Pursuant to California Government Code Section 65855, the recommendation to City Council shall include the relationship to the applicable general or specific plan.
 - a. The property identified in this action has a General Plan Land Use Designation of Community Commercial (CC) and is zoned Planned Development (PD). The project proposes a Rezone to a new Planned Development (PD) to allow for Residential uses.

- b. The proposed Rezone to PD, in conjunction with the proposed General Plan Amendment (GPA), will continue the consistency between the General Plan and Zoning Code, pursuant to Government Code Section 65860.
2. Each individual unit of the development can be built in stages, as well as the total development, and can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.
3. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect.
4. Deviations from the standard ordinance requirements is warranted and additional amenities are incorporated in the development which offer certain redeeming features to compensate for any deviations that may be permitted.
5. The principles incorporated in the proposed development identify unique characteristics which could not otherwise be achieved under other zoning districts.
6. The PD rezone was not initiated by the City, so the findings above are required.

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

Section 1: The City Council of the City of Riverbank approves rezoning 5.9± acres to a new Planned Development zone for property located at 6448 Claus Road, APN: 062-039-048 to make the subject property consistent with the proposed General Plan Land Use Designation of Medium Density Residential (MDR).

Section 2: The City Clerk is hereby directed to cause the Official Zoning Map of the City of Riverbank to be revised to reflect the rezoning approved by this ordinance.

Section 3: Constitutionality, severability. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this chapter, or any part thereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

Section 4: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on October 8, 2024. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 22nd day of October, 2024; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council _____ vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan
City Attorney