

ORDINANCE NO. 2015-296

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING AN AMENDMENT TO THE ZONING MAP ASSOCIATED
WITH THE VICTORIA OAKS SUBDIVISION
(FILE GPA/ZC/MJS/UP 05-28)**

WHEREAS, the Town of Windsor Planning Department received an application from Niniv Tamimi requesting a General Plan Amendment, Zone Change, Subdivision, Use Permit, and Design Review for an 89 lot single-family residential subdivision known as Victoria Oaks (previously Hembree Village). The project consists of three parcels located on Hembree Lane for a total of 17+/- acres. A General Plan Amendment is requested to change the existing land use designation from High Density Residential (HDR 12-16 units/acre) to Village Residential ("VR" 5-8 units/acre) and the Zoning to "PD" Planned Development. Current General Plan: High Density Residential 12-16du/ac Special Area G; Current Zoning: "HDR" High Density Residential 12-16 du/ac. The property is located at 6808, 6816 and 6842 Hembree Lane, Windsor, CA, 95492; APN: 163-130-030, 031, & 032; and

WHEREAS, by Resolution No. 3238-15, incorporated herein by reference, the Town Council adopted a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program for the proposed project; and

WHEREAS, by Resolution No. 3239-15, incorporated herein by reference, the Town Council adopted a General Plan amendment associated with the proposed project; and

WHEREAS, the Town of Windsor Planning Commission recommended approval of an amendment to the Zoning Map to the Town Council in Resolution No. 627-15, incorporated herein by reference; and

WHEREAS, in accordance with the provisions of law, the Town Council did conduct a duly noticed public hearing on October 7, 2015 on said application at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Town Council considered the Mitigated Negative Declaration, the Planning Commission recommendation, a staff report dated October 7, 2015, and all written and oral testimony submitted at the public hearings; and

NOW, THEREFORE, the Town Council of the Town of Windsor does ordain as follows:

SECTION 1. Recitals.

The above recitals are true and correct and adopted as findings.

SECTION 2. Findings.

The Town Council finds that:

1. The proposed amendment is consistent with the General Plan. The project includes a General Plan amendment which includes a decrease in density supported by the Town Council. The density reduction was analyzed during the review process and found to be consistent with the goals of the General Plan Housing Element to provide flexibility for infill development. The proposed PD zoning reflects the amended General Plan land use designation.
2. The proposed amendment would not be detrimental to the public interest, health, safety, conveniences, or welfare of the Town. *The project does not include any design features that would impact public health, safety, and welfare. The PD zoning allows flexibility to tailor development to the site.*
3. The site is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land use/development. *The site is relatively flat and is consistent with the development and density to the north. Access is provided off Hembree Lane and Victory Lane. The project has been designed to allow future development access to the properties to the north.*
4. The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance.

SECTION 3. Approval. The zoning for 17+/- acres at 6808, 6816, and 6842 Hembree Lane is amended from “HDR” High Density Residential 12-16 DU/AC to “PD” Planned Development as depicted in Exhibit “1” attached and incorporated herein by reference.

SECTION 4. Severability.

If any section, subsection, sentence, clause or phrase or word in this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared unconstitutional, unlawful or otherwise invalid.

SECTION 5. Effective Date and Publication.

This Ordinance shall take effect and be in force 30 days following its passage. Before the expiration of fifteen (15) days after its passage, this Ordinance, or a summary thereof, as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulations published and circulated in the Town of Windsor.

PASSED, APPROVED AND ADOPTED this 21st day of October 2015, by the following vote:

**AYES: COUNCILMEMBERS FOPPOLI, FUDGE, SALMON,
VICE MAYOR MILLAN AND MAYOR OKREPKIE**
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



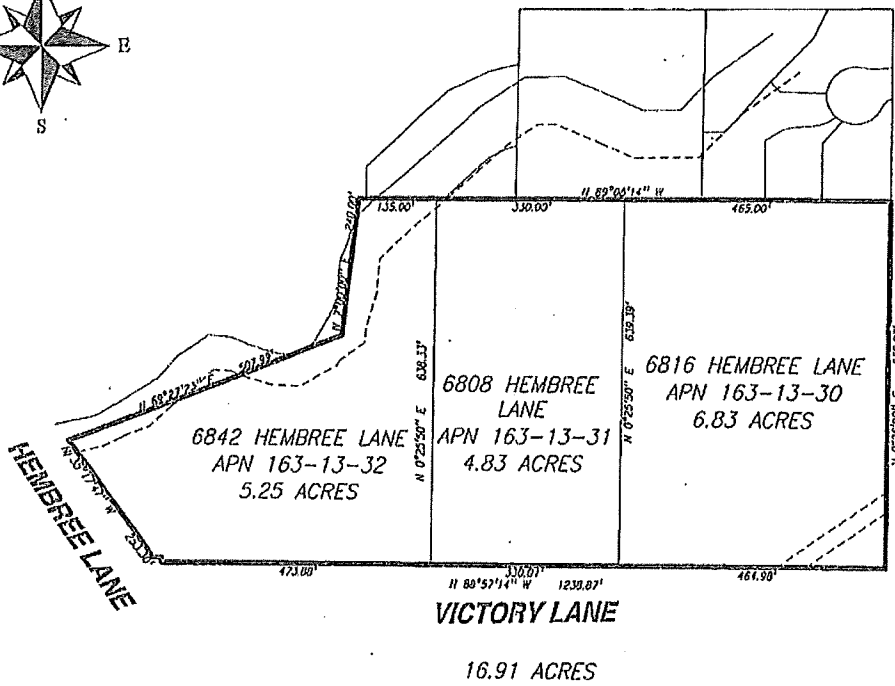
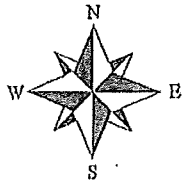
BRUCE OKREPKIE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK

Attachment:
Exhibit "A" Zoning District Exhibit



ZONING DISTRICT EXHIBIT

Project Name: Victoria Oaks Subdivision
Address: 6808, 6816 and 6842 Hembree Lane
Acreage: 16.91 Gross Acres
Existing Zoning: HDR - High Density Residential 12-16 DU/AC
Proposed Zoning: PD - Planned Development



BENCHMARK ENGINEERING, INC.
 CIVIL ENGINEERING & LAND SURVEYING
 1121 OAKDALE ROAD, SUITE 1 • MODESTO, CALIFORNIA • 95356
 (209) 540-9300 FAX: (209) 540-9305

ZONING DISTRICT EXHIBIT
VICTORIA OAKS
 TOWN OF WINDSOR, CALIFORNIA

DRAWN BY:	RM
DATE:	9-18-13
SHEET:	1 OF 1
JOB:	202107