

ORDINANCE NO. 2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF AN APPROXIMATE 18-ACRE SITE FROM MC, CAMPUS INDUSTRIAL TO CS, SERVICE COMMERCIAL WITH A PD, PLANNED DEVELOPMENT OVERLAY

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAINS AS FOLLOWS:

- SECTION 1. ESTABLISHING A CS, SERVICE COMMERCIAL/PD, PLANNED DEVELOPMENT DESIGNATION ON APPROXIMATELY 18 ACRES LOCATED BETWEEN JUAN HERNANDEZ DRIVE AND HIGHWAY 101, SOUTH OF BARRETT AVENUE.**
- SECTION 2. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto and made a part of this ordinance, a zoning map entitled "Zoning Map - Lands of The Health Trust" being a part of Ordinance No. 2022, New Series, which gives the boundaries of the described parcel(s) of land.
- SECTION 3. DESCRIPTION OF LAND IN REZONING.** There hereby is attached hereto and made a part of this ordinance a legal description which gives the boundaries of the described parcel of land.
- SECTION 4. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and amended land use designation of the General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.070 of the Morgan Hill Municipal Code.
- SECTION 5.** The City Council of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City Council's independent judgment and analysis, and that the Mitigated Negative Declaration was adopted prior to action taken to adopt the Ordinance. The custodian of the documents or other material which constitute the record shall be the Community Development Department.
- SECTION 6.** The approved CS, Service Commercial/PD, Planned Development Zoning shall be subject to the following requirements:
1. The PD shall include the 18-acre site (APNs 817-09-039 & -041) and the adjacent 1.7-acre parcel (APN 817-09-040);
 2. A development plan shall be prepared for the overall approximate 20-acre area;
 3. The development plan shall address the transition from the adjacent school and residential uses to the proposed commercial development; and
 4. All uses proposed as part of the PD shall be reviewed and approved at the discretion of the City Council.

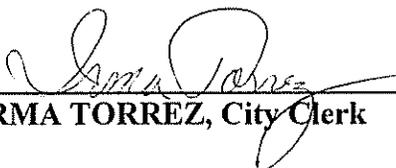
SECTION 7. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 8. Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 16th DAY OF NOVEMBER 2011, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 7th DAY OF DECEMBER 2011, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

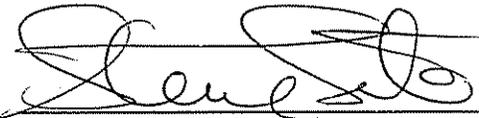
AYES: COUNCIL MEMBERS: Larry Carr, Rich Constantine, Marilyn Librers
Gordon Siebert, Steve Tate
NOES: COUNCIL MEMBERS: None
ABSTAIN: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None

ATTEST:



IRMA TORREZ, City Clerk

APPROVED:



STEVE TATE, Mayor

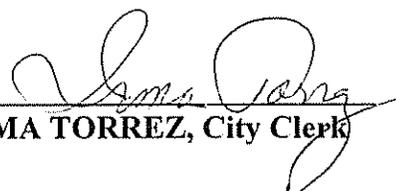
Effective: January 7, 2012

~ CERTIFICATION ~

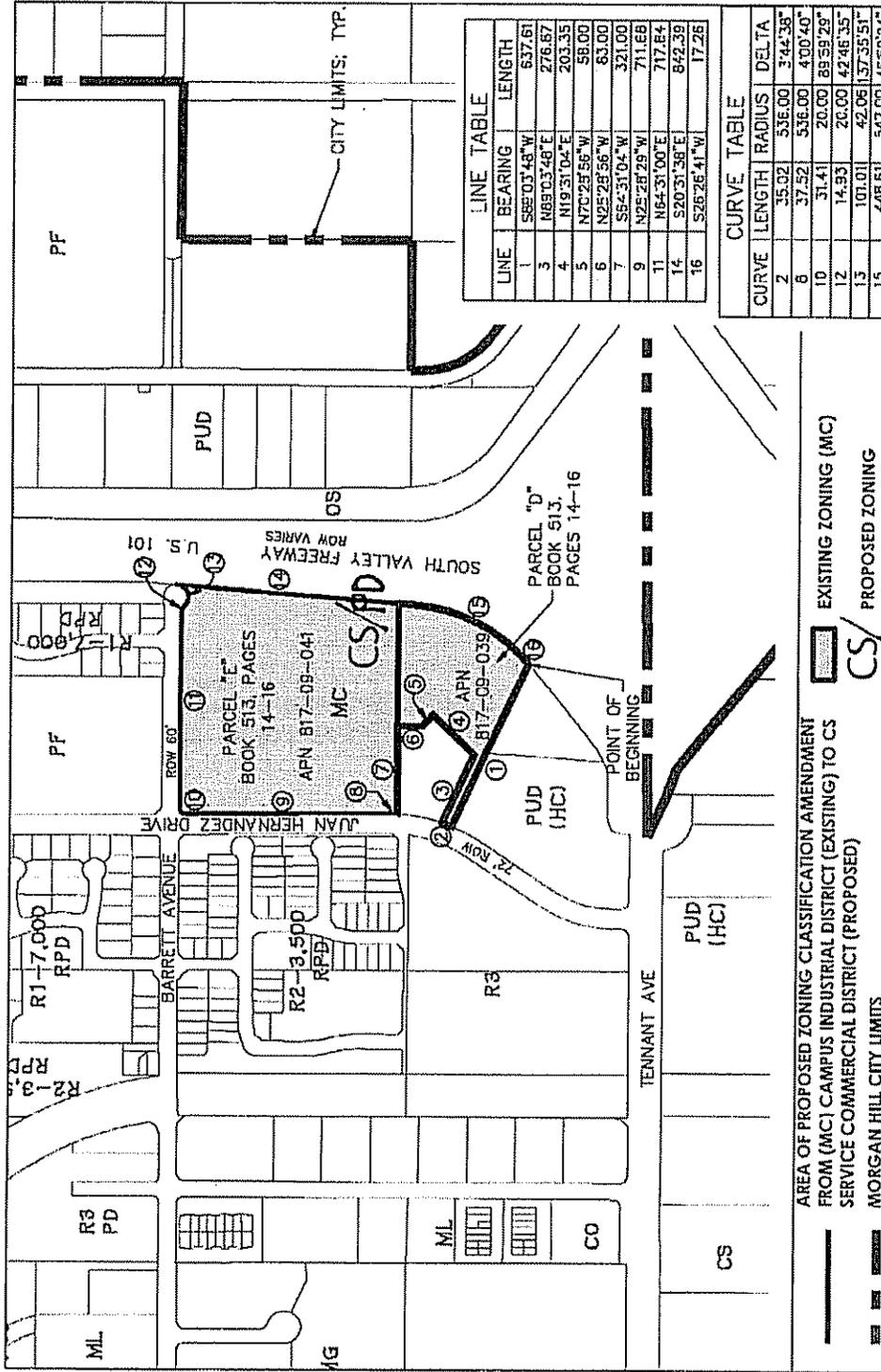
I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2022, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 7th day of December, 2011.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 2/13/12



IRMA TORREZ, City Clerk



LINE	BEARING	LENGTH
1	S88°03'48"W	637.61
3	N89°03'48"E	276.67
4	N19°31'04"E	203.35
5	N70°25'56"W	58.00
6	N25°28'56"W	83.00
7	S5°31'04"W	321.00
9	N25°28'29"W	711.68
11	N64°31'00"E	717.84
14	S20°31'36"E	842.39
16	S26°26'41"W	17.26

CURVE	LENGTH	RADIUS	DELTA
2	35.02	536.00	3°44'38"
8	37.52	536.00	4°00'40"
10	31.41	20.00	89°59'29"
12	14.93	20.00	42°46'35"
13	107.01	42.06	37°35'51"
15	448.61	547.00	45°59'24"

AREA OF PROPOSED ZONING CLASSIFICATION AMENDMENT
 FROM (MC) CAMPUS INDUSTRIAL DISTRICT (EXISTING) TO CS
 SERVICE COMMERCIAL DISTRICT (PROPOSED)
 MORGAN HILL CITY LIMITS

0 500 feet

Source: EMC Planning Group 2011
 Whitsion Engineers 2011

Map Showing Rezoning Lands of The Health Trust, Being a part of Ordinance No. ____, New Series
 Exhibit B
 0 Juan Hernandez Drive, Morgan Hill, CA

Description of Land

Legal Description

Real property in the City of Morgan Hill, County of Santa Clara, State of California, described as follows:

All of parcels "D" and "E", as shown on that certain Parcel Map filed for record in the Office of the Recorder, County of Santa Clara, State of California on May 24, 1983 in Book 513 of Maps, on Pages 14, 15, and 16, more particularly described as follows:

Beginning at the most southerly corner of said parcel "D", as shown on said Parcel Map;
Thence

- 1) South 89°03' 48" West, 637.61', thence
- 2) Along a non-tangent circular curve, concave west, the center of which bears South 89°03' 47" West, with a radius 536.00', through a central angle 3° 44' 38", an arc length of 35.02 feet; thence
- 3) North 89° 03' 48" East, 276.87 feet; thence
- 4) North 19° 31' 04" East, 203.35 feet; thence
- 5) North 70° 28' 56" West, 58.00 feet; thence
- 6) North 25° 28' 56" West, 83.00 feet; thence
- 7) South 64° 31' 04" West, 321.00 feet; thence
- 8) Along a non-tangent circular curve, concave southwest, the center of which bears South 68° 32' 11" West, with a radius 536.00', through a central angle 4° 00' 40", and arc length of 37.52 feet; thence
- 9) North 25° 28' 29" West, 711.68 feet; thence
- 10) Along a tangent circular curve, concave east, with a radius 20.00 feet, through a central angle 89° 59' 29", and arc length of 31.41 feet; thence
- 11) North 64° 31' 00" East, 717.84 feet; thence
- 12) Along a non-tangent circular curve, concave south, the center of which bears South 15°32' 49" East, with a radius 20.00 feet, through a central angle 42° 46' 35", an arc length 14.93 feet; thence
- 13) Along a tangent reverse circular curve, concave northwest, with a radius 42.06 feet, through a central angle 137° 35' 51", an arc length 101.01 feet; thence
- 14) South 20° 31' 38" East, 842.39 feet; thence
- 15) Along a non-tangent circular curve, concave west, the center of which bears South 69°29' 06" West, with a radius 547.00 feet, through a central angle 46° 59' 24", an arc length 448.61 feet; thence
- 16) South 26° 26' 41" West, 17.26 feet, more or less to the **Point of Beginning**

END OF DESCRIPTION