

## RESOLUTION 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, RECONSIDERING ITS ACTION DENYING THE APPEAL FOR CENTERPOINT CONTAINER YARD 2 TO REMOVE A CONDITION REGARDING THE HOURS OF OPERATION AND MODIFYING PLANNING COMMISSION CONDITION #24, HOURS OF OPERATION 8:00 A.M. TO 5:00 P.M.; RESCINDING RESOLUTION 2019-92; CONDITIONALLY APPROVING THE APPEAL; AND APPROVING A MEMORANDUM OF UNDERSTANDING

WHEREAS, the Manteca Planning Commission, at a noticed Public Hearing on May 28, 2019, considered a Commercial Site Plan for CenterPoint Container Yard 2 (SPC 17-38 & 17-40) and approved it by adding an additional condition of approval: "Property owner shall ensure at all times the hours of operation of Container Yard 2 will be no earlier than 6:00 a.m. and no later than 8:00 p.m." (COA # 24); and

WHEREAS, on June 6, 2019, the property owner, CenterPoint Properties Trust, filed a timely appeal of the decision to remove this additional condition of approval regarding allowable hours of operation pursuant to Manteca Municipal Code section 17.08.070; and

WHEREAS, the Manteca City Council, at a noticed Public Hearing on July 16, 2019, denied an appeal from the property owner (CenterPoint Properties Trust) of the May 29, 2019, Planning Commission Decision to conditionally approve Commercial Site Plan No. 17-38 & 17-40 with an additional condition of approval regarding allowable hours of operation; and

WHEREAS, the Manteca City Council modified the Planning Commission condition of approval # 24 to state: "Property owner shall ensure at all times the hours of operation of Container Yard 2 will be no earlier than 8:00 a.m. and no later than 5:00 p.m.;" and

WHEREAS, in consideration of approving the Memorandum of Understanding between the City of Manteca and CenterPoint Properties Trust, the City Council now desires to conditionally approve the appeal by CenterPoint Properties to remove the Hours of Operation Restriction (condition of approval #24) and rescind Resolution 2019-92.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manteca, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.
2. The City Council rescinds Resolution 2019-92.
3. The City Council conditionally approves CenterPoint Properties Trust appeal for Container Yard 2 to remove a condition regarding the Hours of Operation and modified Planning Commission Condition #24, Hours of Operation 8:00 a.m. to 5:00 p.m. conditioned upon approving and execution of a Memorandum of Understanding with CenterPoint Properties Trust concerning working with the Union Pacific Railroad, the U.S. Army Corps of Engineers, and the South San Joaquin Irrigation District, extending Intermodal Way, deferring PFIP Transportation Fees and establishing an Area of Benefit, Container Yard 2, N. Airport Way, and a Community Facilities Maintenance District.
4. The City Council authorizes the City Manager to sign the Memorandum of Understanding.
5. All other conditions approved by the Planning Commission on May 28, 2019, remain in full effect excepting condition of approval #24 limiting the hours of operation.
6. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Manteca at a public meeting of said City Council held on the 17<sup>th</sup> day of September 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR: \_\_\_\_\_  
BENJAMIN J. CANTU  
Mayor

ATTEST: \_\_\_\_\_  
LISA BLACKMON  
City Clerk