

PLANNING COMMISSION
RESOLUTION NO. 2024-08

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO PLANNED DEVELOPMENT ZONE P-D(470) TO AMEND THE ALLOWABLE USES TO ALLOW CERTAIN HIGHWAY COMMERCIAL (C-3) USES FOR PROPERTY LOCATED AT 1101 N CARPENTER ROAD (APN 081-052-045).

WHEREAS, on January 12, 2024, the City of Modesto received an application from Juan Bautista Mendoza to amend Planned Development P-D(470) to allow Highway Commercial (C-3) uses; and

WHEREAS, by Ordinance No. 2705-C.S., approved on April 3, 1990, the City Council established P-D(470); and

WHEREAS, P-D(470) currently allows the Neighborhood Commercial (C-1) Zone uses, and the proposed ordinance would substitute that for certain Highway Commercial (C3) uses; and

WHEREAS, the proposed change is consistent with the zoning of the parcels to the north of 1101 N Carpenter Road, which have existing Highway Commercial (C-3) zoning designations; and

WHEREAS, a public hearing was held by the Planning Commission on April 15, 2024, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2024-04, which concludes that the proposed amendment is within the scope of the General Plan Master Environmental Impact Report (SCH No. 2014042081) and finds the amendment in conformance with the Urban Area General Plan Master EIR.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines that the amendment to Planned Development Zone, P-D(470) will not be detrimental to the public health, safety, or welfare for the following reasons:

1. The proposed amendment is consistent with the Modesto Urban Area General Plan. The site is designated Commercial, which the proposed amendment's change to Highway Commercial (C-3) uses is consistent with.
2. The type of project is described in Chapter II of the Modesto Urban Area General Plan Master EIR (MEIR).
3. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
4. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project is within the scope of the MEIR.

5. Based on the Initial Study, the City of Modesto finds and determines:
 - a. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
 - b. No new or additional mitigation measures or alternatives are required.
 - c. The subsequent project is within the scope of the project covered by the Master EIR.
 - d. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
 - e. The application for the project was received on January 12, 2024, less than five years after the certification of the Master EIR, which occurred on March 6, 2019.
6. The Initial Study, Environmental Assessment No. EA/C&ED 2024-04, provides the substantial evidence to support finding numbers 5a-5e, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby finds and determines that the amendment to Planned Development Zone, P-D(470) will result in an orderly planned use of land, as the proposed allowable uses are comparable to those allowed in the parcels directly to the north of Planned Development P-D(470), and that, in consideration of the Residential uses to the west of the proposed site of the amendment, certain uses that could create potential nuisances have been excepted from the allowable uses of the Highway Commercial (C-3) Zone, as described below.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby finds and determines that the amendment to Planned Development Zone, P-D(470) is in accordance with the community's objectives as set forth in the General Plan and any applicable Specific Plans, as the General Plan designation for the proposed site of the amendment is Commercial (C), which the proposed amendment is in accordance with, and no Specific Plans are applicable to this area.

BE IT FURTHER RECOMMENDED by the Planning Commission that it recommends that the City Council amend the allowable uses of Planned Development P-D(470) as follows:

Allow only uses as allowed in the Highway Commercial (C-3) Zone, with the exception of the following uses that shall not be permitted:

- Outdoor Display, Major
- Recycling Facility, Large
- Banquet Hall

- Car Wash
- Ambulance Service
- Sign Painting Shop
- Heavy Vehicle Services
 - Farm Equipment Sales, Rental, Repair, & Service
 - Truck & Trailer Sales, Rental, Repair, & Service
- Light Vehicle Services
 - Minor Maintenance (minor tune up, smog check)
 - Repair and Service, Minor
 - Stereo Installation

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on April 15, 2024, by Commissioner Russell, who moved its adoption, which motion was seconded by Commissioner Black and carried by the following vote:

Ayes: Black, Grewal, Russell, Shanks
Noes: None
Absent: Birring, Silva, Vazquez
Recused: None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Signed copy on file CEDD

Jessica Hill, Secretary