

PLANNING COMMISSION  
RESOLUTION NO. 2016-19

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) ZONE TO GENERAL COMMERCIAL (C-2) ZONE, PROPERTY LOCATED AT 1115 OAKDALE ROAD, WEST SIDE OF OAKDALE ROAD WEST OF MORNINGSIDE DRIVE (GFF & R II)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by GFF & R II on October 4, 2016 to reclassify from Low Density Residential Zone, R-1, to General Commercial Zone, C-2, property located at 1115 Oakdale Road west of Morningside Drive described as follows:

R-1 to C-2:

All of Parcel 2 as shown on that certain map filed for record on December 22, 2011 in Book 56 of Parcel Maps at Page 72, Stanislaus County Records.

Together with the western 155 feet of Parcel C as shown on that certain map filed on November 2, 1987 in Volume 40 of Parcel Maps, Page 16, Stanislaus County Records, as adjusted by that Lot Line Adjustment filed on January 20, 2004 as "Adjusted Parcel 2", Document No. 2004-0007484-00, Stanislaus County Records.

Including also the west one-half of Oakdale Road, being immediately adjacent to the above-described land.

WHEREAS, a public hearing was held by the Planning Commission on November 21, 2016 in the Chambers, 1010 Tenth Street, Modesto, California, 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 2016-23, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2007072023) and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety, or welfare because it will provide for new general commercial uses that is compatible with nearby professional office and commercial uses.
2. The requested change will result in an orderly planned use of land because the project will provide for new development within vacant infill land that is adjacent to existing professional office and commercial uses.

3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the allowable uses in the General Commercial (C-2) Zone are consistent with the site's General Plan Land Use Designation of Mixed Use (MU), which allows for office uses.
4. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
5. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
6. No new or additional mitigation measures or alternatives are required.
7. The subsequent project is within the scope of the project covered by the Master EIR.
8. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
9. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that the application GFF & R II to amend Section 22-3-9 of the Zoning Map to reclassify the property described above from Low Density Residential Zone, R-1, to General Commercial Zone, C-2, be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on November 21, 2016, by Rosa Escutia-Braaton, who moved its adoption, which motion was seconded by Carmen Morad and carried by the following vote:

Ayes:	Esutia-Braaton, Lucas, Morad, Pollard, Smith, Vohra
Noes:	None
Absent:	Carter
Recused:	None

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

Original, signed copy on file in CEDD  
Patrick Kelly, Secretary