

PLANNING COMMISSION  
RESOLUTION NO. 2017-09

A RESOLUTION DENYING THE APPEAL BY NAIEL AMMARI OF  
CONDITION NO. 4 OF THE CERTIFICATE OF APPROVAL FOR THE VALLEY  
CHILDREN'S MEDICAL CLINIC, PROPOSED ON PROPERTY LOCATED AT  
3525 PELANDALE AVENUE

WHEREAS, on November 28, 2016 the Valley Children's Medical Group applied for an administrative Development Plan Review for a new medical clinic to be located within the Office (O) Land Use Designation of the Kiernan Business Park Specific Plan, in accordance to Section IX-D of the Specific Plan, which provides for such review as specified by Title 10, Chapter 9, Article 10 of the Modesto Municipal Code; and

WHEREAS, Section III-B.2 of the Specific Plan allows that all permitted and conditional uses of the Professional Office (P-O) Zone be allowed within the Office (O) Land Use Designation of the Specific Plan; and

WHEREAS, Section IV-C of the Specific Plan allows that all development in the Office (O) Land Use Designation of the Specific Plan shall be subject to the development standards of the Professional Office (P-O) Zone as specified by Title 10, Chapter 4, Article 2 of the Modesto Municipal Code; and

WHEREAS, finding that the project met or exceeded all City Zoning Codes and Standards and the requirements of the Kiernan Business Park Specific Plan, said project was approved and granted a Certificate of Approval by the Director of Community and Economic Development on April 3, 2017; and

WHEREAS, said Certificate of Approval outlines specific conditions of approval for the project, to be fulfilled either prior to issuance of a building permit or prior to Certificate of Occupancy for the project; and

WHEREAS, Condition of Approval No. 4 of said Certificate specifies that:

"Prior to Certificate of Occupancy, the concrete panel wall along the east property line shall be increased to eight (8) feet in height, to the satisfaction of the Director of Community and Economic Development or designee. Construction drawings shall indicate materials, colors and height of proposed and existing walls and shall include a cross-section of the wall."; and

WHEREAS, Section IV-C of the Kiernan Business Park Specific Plan and Section 10-4.406, Table 4.4-1 of the Modesto Municipal Code allows that Professional Office uses where adjacent to existing residential uses shall provide a solid decorative masonry wall of seven (7) feet in height at minimum; and

WHEREAS, on April 10, 2017, Mr. Naiel Ammari, property owner of 4201 Papillon Drive, submitted to the Secretary of the Planning Division an appeal of Condition of Approval No. 4 of the Certificate of Approval, requesting that the wall contiguous to his property be increased to ten (10) feet in height; and

WHEREAS, a public hearing was held by the Planning Commission on May 1, 2017, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered.

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

1. The concrete wall as approved at eight (8) feet in height exceeds the minimum requirement of a seven (7) foot concrete masonry wall for Professional Office projects where adjacent to existing residential uses, as specified by IV-C of the Kiernan Business Park Specific Plan and Title 10, Chapter 4, Article 2 of the Modesto Municipal Code; and
2. All other aspects of the project meet or exceed the abovementioned development standards of the Professional Office (P-O) Zone and the Office (O) Land Use Designation of the Kiernan Business Park Specific Plan.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby denies the appeal of Mr. Naiel Ammari to Condition of Approval No. 4 of the administrative staff approval of the Valley Children's Medical Clinic, property located at 3525 Pelandale Avenue.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on May 1, 2017, by Commissioner Pollard, who moved its adoption, which motion was seconded by Commissioner Lucas and carried by the following vote:

Ayes:	Birring, Lucas, Pollard, Smith, Vohra
Noes:	None
Absent:	Escutia-Braaton
Recused:	None

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

Original, signed copy on file in CEDD

Steve Mitchell, Acting Secretary