

PLANNING COMMISSION
RESOLUTION NO. 2021-03

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL THE DENIAL OF AN AMENDMENT TO SECTION 17-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) ZONE TO PLANNED DEVELOPMENT ZONE P-D(614) PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JUDITH LANE AND TIMOTHY AVENUE (CHRIS TRUDEL/U-HAUL)

WHEREAS, a verified application for an amendment to Section 17-3-9 of the Zoning Map was filed by Chris Trudel/U-Haul on December 17, 2021, to reclassify from Low Density Residential (R-1) Zone to Planned Development Zone P-D(614), property located at the southeast corner of Judith Lane and Timothy Avenue, described as follows:

R-1 to P-D

All that portion of the Southeast Quarter of Section 17, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 1 through 5 and the northerly 19.61 feet of Lot 6 of Block No. 6198 of the Hudelson Tract, Recorded on December 9, 1946 in Book 16 of Maps at Page 9, Stanislaus County Records.

Also including the 20-foot wide alley in Block 6198 of the above-mentioned map, and the south one-half of Judith Lane and the east one-half of Timothy Avenue, all immediately adjacent to this description.

Subject to all easements and/or rights of way of record.

Totaling 1.47 acres, more or less.

APN 119-005-017

WHEREAS, a public hearing was held by the Planning Commission on February 28, 2022, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

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

1. The requested change will be detrimental to the public health, safety, or welfare because the uses of the proposed Planned Development Zone, for a new warehouse facility to be operated in combination with a proposed self-storage and truck and equipment rental facility to be located on the property to the east, would be incompatible with the existing low density residential uses to the west of the rezone site and professional office uses to the north and south of the rezone site.

2. The requested change will not result in an orderly planned use of land because the proposed rezone to Planned Development allowing for a warehouse facility would change a residential zone into a zone that would lessen the intensity of land use to the extent that it would reduce the site's residential development capacity, in violation of Government Code 66300(b)(1)(A) of the State of California (Housing Crisis Act of 2019).

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council the denial of the application of Chris Trudel/U-Haul to amend Section 17-3-9 of the Zoning Map to reclassify the property described above from Low Density Residential (R-1) Zone, to Planned Development Zone P-D(614).

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 28, 2022, by Commissioner Vohra, who moved its adoption, which motion was seconded by Commissioner Pollard and carried by the following vote:

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| Ayes: | Birring, Morad, Pollard, Vazquez, Vohra, Shanks |
| Noes: | None |
| Absent: | Silva |
| Recused: | None |

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

Original, signed copy on file in CEDD
Steve Mitchell, Secretary