

PLANNING COMMISSION
RESOLUTION NO. 2022-17

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO SECTION 17-3-9 OF THE ZONING MAP TO REZONE FROM COMMERCIAL-INDUSTRIAL (C-M) ZONE TO GENERAL COMMERCIAL (C-2) ZONE, PROPERTY LOCATED AT 1707 MCHENRY AVENUE (CITY OF MODESTO)

WHEREAS, a verified application for an amendment to Section 17-3-9 of the Zoning Map was filed by the City of Modesto on May 10, 2022 to reclassify from Commercial-Industrial Zone, C-M, to General Commercial, C-2, property located at 1707 McHenry Avenue described as follows:

C-M to C-2

All that certain real property situate in the City of Modesto, County of Stanislaus, State of California, lying within the Southeast Quarter of Section 17, Township 3 South, Range 9 East, Mount Diablo Meridian, described as follows:

All that portion of Lot 2 of the Fresno Tract being more particularly described as follows:

Beginning at the northwest corner of "Parcel A" of the Parcel Map recorded on December 21, 1966 in Volume 2 of Parcel Maps at Page 113, Stanislaus County Records, thence South 00°30' 40" East along the west line of said "Parcel A" a distance of 419.11 feet, thence North 88° 31' 30" West a distance of 259.39 feet, thence North 00° 30' 00" West a distance of 411.82 feet, thence South 89° 46' 25" West a distance of 256.71 feet to the point of Beginning.

Also including the northerly half of Judith Lane and the westerly half of McHenry Avenue immediately adjacent to the above description.

3.34 acres, more or less.

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

APN 119-005-021.

WHEREAS, a public hearing was held by the Planning Commission on June 20, 2022 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 2022-16, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2014042081) 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 proposed change will not be detrimental to the public health, safety, or welfare because the current Commercial Industrial (C-M) Zone is a legacy zone that permits industrial uses that are not compatible with nearby residential uses, said zone originally enacted in July of 1955 to allow for the operation of a then-existing milk processing facility that has since been demolished and redeveloped with new retail commercial and professional office uses. The requested change to General Commercial (C-2) would allow for the retail and professional office buildings to remain. Industrial uses would not be allowed that could be incompatible with surrounding uses.
2. The proposed change will result in an orderly planned use of land because rezone will align existing retail and professional office development with the current General Plan land use designation of Commercial (C) uses and provide for uses as allowed in the General Commercial (C-2) Zone.
3. The proposed change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the change would allow existing professional office and retail commercial uses to remain.
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.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that the application of the City of Modesto to amend Section 17-3-9 of the Zoning Map to reclassify the property described above, located at 1707 McHenry Avenue, from Commercial-Industrial (C-M) Zone, to General Commercial (C-2) Zone, be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on the 20th day of June, 2022, by Shanks, who moved its adoption, which motion was seconded by Vasquez and carried by the following vote:

Ayes: Birring, Pollard, Shanks, Vasquez, Vohra, Morad
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