

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE REZONING PROPERTY LOCATED AT 6343 TAM O'SHANTER DRIVE FROM IG (INDUSTRIAL, GENERAL) TO IL (INDUSTRIAL, LIMITED), (P16-0633)

The applicant, Ziongate International Christian Center, Inc., purchased the 0.90-acre site at the above-noted location in October of 2016, and intends to operate a religious facility on the subject site; and

The site is currently zoned IG (Industrial, General), which does not allow the above-noted use; and

The applicant has submitted a Rezoning application to rezone the site from IG to IL (Industrial, Limited) to establish the planned religious facility; and

The subject site is designated for Industrial land uses on the General Plan Map and is zoned IG on the Zoning Map; and

The Rezoning of the property from IG to IL will be consistent with the site's existing General Plan designation and will result in a less intensive land use than those allowed in the IG zone; and

Approval of the Rezoning to allow the planned use will be consistent with the Development Code, because a religious facility is permitted as a by-right use in the IL zone; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON AS FOLLOWS:

1. The Planning Commission of the City of Stockton, in accordance with SMC Section 16.116.050.B, finds and determines:

A. The proposed Rezoning ensures and maintains internal consistency with the general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with the Development Code, because the subject use is permitted as a by-right use in the IL zone. The requested Rezoning will be consistent with the following General Plan policies:

- i. Land Use Policy No. LU-5.5, Compatible Land Use - The City shall ensure an adequate separation between sensitive land uses

(residential, educational, healthcare) and industrial land uses to minimize land use incompatibility associated noise, odors, and air pollutant emissions from industrial uses. Approval of the Rezoning will allow a planned religious facility on the site and the use will create a land use buffer between adjacent CO and IG zoned parcels. It will generate less intensive environmental impacts, including noise, traffic, air pollution, and odors, than other existing and permitted uses that would otherwise be permitted in the IG zone; and

- ii. Land Use Policy No. LU-7, Maintaining a Current General Plan - The City shall maintain the General Plan to ensure that it reflects the needs and desires of those who live, work, and vacation in San Joaquin County. The Rezoning of the subject site from IG to IL will be consistent with the site's current Industrial General Plan designation, because the planned use is permitted as a by-right use in the IL zone and would provide religious, counseling, and educational services to serve the community.

B. The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City. The subject Rezoning from IG to IL is not expected to endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City, because the planned re-use of the site's existing building is a lower-intensity use than the type of heavy industrial activity allowed under the current zoning.

C. The proposed action is a Categorically Exempt use, in accordance with the provisions of Section 15301, Class 1, of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because approval of the Rezoning request will result in a less intensive land use than would otherwise be permitted in the IG zoning district. For that reason, the planned use of the subject site is not expected to result in any significant adverse impacts related to traffic, noise, air quality, or water quality and the site will be adequately served by all required utilities and public services.

D. The site(s) would be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s), because the area is already supplied with the required infrastructure and has access to a public right-of-way. Approval of the Rezoning will allow the planned re-use of the existing building and there are no known physical constraints associated the subject site and planned use.

2. The Planning Commission hereby recommends that the City Council rezone the subject property from IG to IL, as set forth in Exhibit 1 (Proposed Ordinance, Legal Description, and Zoning Map), attached hereto and incorporated by this reference.

PASSED, APPROVED and ADOPTED: April 27, 2017.

ELIZABETH HULL, CHAIR
CITY OF STOCKTON PLANNING COMMISSION

ATTEST:

DAVID KWONG, SECRETARY
CITY OF STOCKTON PLANNING COMMISSION