

Resolution No. **2025-08-14-0302**

STOCKTON PLANNING COMMISSION

RESOLUTION RECOMMENDING THE CITY COUNCIL DENY PREZONING OF ASSESSOR'S PARCEL NUMBER 072-450-26 TO COMMERCIAL, GENERAL (CG), AND THE DENIAL OF DESIGN REVIEW FOR A DRIVE THROUGH QUICK-SERVE RESTAURANT AT 9324 THORNTON ROAD (P23-0295)

On November 19, 2023, the applicant, Anil Yadav, submitted a request for Prezoning Assessor's Parcel Number APN 072-450-26 to Commercial, General (CG) Zone and Design Review; and

On July 10, 2025, the Planning Commission held a duly noticed public hearing, pursuant to Stockton Municipal Code (SMC) Section 16.116.040(D), to consider the proposed Prezoning and Design Review requests, at which all times all interested parties had the opportunity to be heard; and

On July 10, 2025, and prior to acting on this request, the Planning Commission considered each request and recommends that the City Council deny the Prezoning of the parcel to Commercial, General (CG), and the denial of the Design Review request; now, therefore,

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

SECTION I. PREZONE CLASSIFICATION

The Planning Commission recommends the City Council deny the request for a Zoning Map Amendment to Prezone Assessor's Parcel Number 072-450-26, presently located in the County of San Joaquin, State of California, and recommends the City Council deny the annexation request to the City of Stockton.

Pursuant to SMC Section 16.116.050(B), Mandatory Findings of Fact for All Amendments, staff is unable to make all of the following findings of fact, as applicable to this type of amendment, which are required in order to approve an amendment:

A. The proposed Prezone action ensures and maintains internal consistency with the general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance. The 2040 General Plan Land Use Map designates the subject site Commercial. Pursuant to Table 2-1 (General Plan Relationship to Development Code) of the General Plan, the Commercial, General (CG) Zone is compatible with the General Plan Land Use Map designation of Commercial.

B. The proposed Prezone action would not create any inconsistencies with SMC Title 16 (Development Code). Since the proposed Prezone pertains to the Zoning Map only, the text of Title 16 (Development Code) would remain unchanged.

C. The proposed Prezone action would further the following General Plan policies:

- i. *Goal LU-4: Attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state.* The Project proposes a retail establishment that will provide jobs to the community, not only during construction of the site, but during operation of the business.
- ii. *Policy LU-4.2: Attract employment- and tax-generating businesses that support the economic diversity of the city.* The Project is a retail establishment that will provide employment opportunities to the community and will generate tax revenue for the City.
- iii. *Policy LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.* The Project is located on a vacant and prominent corner parcel in an urbanized area of the City. Implementation of the Project will provide for an attractively designed building and a fully landscaped site.

D. The proposed Prezone action will 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 of the following: the anticipated traffic impacts from the Project to the already heavily impacted intersection of Thornton Road and Wagner Heights Road, especially the proximity of the driveway on Wagner Heights to the traffic light at Thornton; the impacts to the adjacent residences from the Project's odor, light, and noise, vehicle headlights into adjacent residences, and impacts from the operation of the drive through 24 hours a day and the limited height of the wall separating the Project from the neighboring residence.

E. The proposed Prezone action complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because the proposed Project is Categorically Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15303(c), New Construction or Conversion of Small Structure, since it includes the construction of a store, motel, office, restaurant or similar structure, not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four (4) commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

Additionally, the proposed Project is Categorically Exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15332, In-Fill Development Projects as 1) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and 5) the site can be adequately served by all required utilities and public services.

F. Based on the information included in the conceptual project plans, the subject site would not be physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation and anticipated land use development. The Project site abuts roadways that, while developed to current City standards, have a history of high traffic volumes and traffic incidents. Adding additional driveways onto these thoroughfares would exacerbate the problem. The adjoining land uses to the east are residential and the intensity of the Project would cause noise, odor, and light pollution into the adjacent residences.

SECTION II. DESIGN REVIEW

The Planning Commission denies the request for Design Review.

Per SMC 16.120.060, the Planning Commission has determined that the Project does not meet the adopted City standards and guidelines, and is not consistent with all of the following findings:

1. The proposed development is consistent with all applicable provisions of this Development Code, including general development standards for all development and specific development in the Commercial, General (CG) zone.

2. The general design considerations, including the character, quality, and scale of design are consistent with the purpose/intent of this chapter and the Citywide Design Guidelines for commercial development.

3. The proposed structure was designed to complement the architectural design of the existing commercial buildings. The proposed structure is visually compatible with surrounding commercial type developments.

4. The location and configuration of the proposed structure is not compatible with its site and with surrounding sites as it does not take into account the adjacent residential neighborhood, its high traffic volumes, and would have vehicle headlights shining into the residences at the Wagner Heights Road point of egress. Not only are the headlights into the adjacent residences a nuisance, but adding this business in an area with high traffic volumes on Wagner Heights Road and Thornton Road could yield more

traffic incidents.

5. The proposed preliminary landscape plan is consistent with the State Mandated MWELO Program. The project proposes an attractive landscaped frontage to ensure visual relief and to complement structures and provides for an attractive environment.

6. The design and layout of the proposed project interferes with the use and enjoyment of neighboring existing or future development. It has two points of ingress and egress, one on Thornton Road and one on Wagner Heights Road, which are major thoroughfares in the area with high traffic volumes and incidents. There are already significant pedestrian and vehicular hazards in this area with the high traffic volume, and even higher when school is in session.

7. The building design and related site plan, including on-site parking and the drive through, has not been designed and integrated to ensure the intended use will best serve patrons of the site. The driveway configurations place vehicles onto heavily traveled roadways, which have a high rate of incidents.

SECTION III: PLANNING COMMISSION ACTION

Based on its review of the entire record herein, including the July 10, 2025, Planning Commission staff report, all supporting, referenced, and incorporated documents, and all comments received, the Planning Commission denies the requested Design Review and recommends the City Council deny Rezoning of the site.

PASSED, APPROVED, and ADOPTED August 14, 2025.



JEFF SANGUINETTI, CHAIR
City of Stockton Planning Commission

ATTEST:



MICHAEL MCDOWELL, SECRETARY
City of Stockton Planning Commission