

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development *RMD*

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE July 20, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing for August 17, 2010 at 6:35 p.m. to Consider Planning Commission's Recommendation for Approval of Community Plan Amendment No. 2009-01 and Rezone Application No. 2009-01, Pelandale Commercial

STAFF RECOMMENDATIONS:

1. Set a public hearing for August 17, 2010 at 6:35 p.m. to consider Planning Commission's recommendation for approval of Community Plan Amendment No. 2009-01 and Rezone Application No. 2009-01, Pelandale Commercial, a request to amend the Salida Community Plan and zoning designation from Highway Commercial Planned Development (HCPD) to Planned Development (P-D) and P-D (151) to a new Planned Development (P-D) zone on property located at the northeast corner of Sisk Road and Pelandale Avenue, directly adjacent to the City of Modesto, in the Salida area. APN: 135-029-019.
2. Authorize the Clerk of the Board to publish notice of hearing as required by law.

FISCAL IMPACT:

There are no fiscal impacts associated with setting the public hearing. Impacts associated with the community plan amendment and rezone will be evaluated and included in the subsequent report for the public hearing.

BOARD ACTION AS FOLLOWS:

No. 2010-468

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Assistant Clerk

DISCUSSION:

This is a request to amend the Salida Community Plan and zoning designation of an 8.71 acre parcel from Highway Commercial Planned Development (HCPD) to Planned Development (P-D) and P-D (151) to a new Planned Development (P-D) zone to permit construction of 107,000± square feet of new buildings for retail commercial and drive-thru businesses.

The project site is located at the northeast corner of Sisk Road and Pelandale Avenue, in the Salida area, and is improved with a strawberry stand in the spring and Christmas tree sales in the winter. The surrounding uses consist of: MID Lateral No.6 and P-D (180) to the north (approved and developed as a light industrial park); City of Modesto and Northgate Village Shopping Center to the east; City of Modesto and Pelandale Avenue to the south; and Sisk Road and P-D (162) to the west (approved and developed for mini-mart and retail center).

The applicants are proposing that development occur in three (3) phases. Phase One will consist of bringing water and sewer facilities to the parcel by June of 2014. Phase Two includes completion of underground infrastructure and off-site improvements such as curb, gutter, sidewalk, and pavement along the Sisk Road portion of the project site by June of 2015. Construction of the proposed buildings will be completed on or before June of 2022 in Phase Three.

The applicant is requesting uses consistent with the neighboring Northgate Village Shopping Center. Consequently, the proposed development will consist of commercial uses such as a large retail/wholesale store, restaurant and eateries, and various retail, service, or administrative offices. Hours of operation were not provided as it is expected the project site will operate as an extension of the Northgate Village Shopping Center in the City of Modesto; however, typical hours of operation for businesses in the area are generally from 8 a.m. to 10 p.m., seven days a week.

On June 3, 2010, the Planning Commission held a public hearing and unanimously recommended the Board of Supervisors approve the request.

This item simply sets the date and time for a hearing on the matter before the Board of Supervisors.

POLICY ISSUES:

The Board should determine if setting a hearing for this proposed community plan amendment and rezone furthers the goals of Efficient Delivery of Public Services.

Approval to Set a Public Hearing for August 17, 2010 at 6:35 p.m. to Consider Planning Commission's Recommendation for Approval of Community Plan Amendment Application No. 2009-01 and Rezone Application No. 2009-01, Pelandale Commercial
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STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Kirk Ford, Planning & Community Development Director. Telephone: (209) 525-6330



CLERK OF THE BOARD OF SUPERVISORS

Christine Ferraro Tallman

1010 Tenth Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

**NOTICE OF PUBLIC HEARING FOR
COMMUNITY PLAN AMENDMENT NO. 2009-01 AND
REZONE APPLICATION NO. 2009-01
PELANDALE COMMERCIAL**

NOTICE IS HEREBY GIVEN that on August 17, 2010, at 6:35 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider Planning Commission's recommendation for approval of a request to amend the Salida Community Plan and zoning designation of an 8.71 acre parcel from Highway Commercial Planned Development (HCPD) to Planned Development (P-D) and P-D (151) to a new P-D to permit construction of 107,000 square feet of new buildings for retail and drive thru businesses. The property is located at the northeast corner of Pelandale Avenue and Sisk Road, in the Modesto area. APN: 135-029-019. A CEQA Mitigated Negative Declaration will be considered for this project.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: July 20, 2010

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:

Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Aug 07, 2010

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

August 9th, 2010

(By Electronic Facsimile Signature)

Marie Dieckman

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING FOR
COMMUNITY PLAN AMENDMENT
2009-01 AND REZONE APPLICATION
2009-01 PELANDALE COMMERCIAL

NOTICE IS HEREBY GIVEN that on August 17, 2010, at 6:35 p.m. or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider Planning Commission's recommendation for approval of a request to amend the Salida Community Plan and zoning designation of an 8.71 acre parcel from Highway Commercial Planned Development (HCPD) to Planned Development (P-D) and P-D (151) to a new P-D to permit construction of 107,000 square feet of new buildings for retail and drive thru businesses. The property is located at the northeast corner of Pelandale Avenue and Sisk Road, in the Modesto area. APN: 135-029-019. A CEQA Mitigated Negative Declaration will be considered for this project. NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: July 20, 2010. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk. Pub Dates Aug 7, 2010



August 6, 2010

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS
2010 AUG - 9 1 A 11: 43

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, August 17, 2010**, starting at **6:35 P.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

Planning Commission's recommendation for approval of Community Plan Amendment No. 2009-01 and Rezone Application No. 2009-01 - Pelandale Commercial - A request to amend the Salida Community Plan and zoning designation of an 8.71 acre parcel from Highway Commercial Planned Development (HCPD) to Planned Development (P-D) and P-D (151) to a new P-D to permit construction of 107,000 square feet of new buildings for retail and drive thru businesses. The property is located at the northeast corner of Pelandale Avenue and Sisk Road, in the Modesto area.

The property is further identified as Assessor's Parcel No. 135-029-019

The Board of Supervisors will also consider approval of a Mitigated Negative Declaration for this item.

At the above noticed time and place, all interested persons will be given an opportunity to speak.

Materials submitted to the Board of Supervisors for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned.

If you challenge the above item in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors, at or prior to, the public hearing.

For further information, please call (209) 525-6330, or email: planning@mail.co.stanislaus.ca.us.

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that: I am employed in the County of Stanislaus, California.

I am over the age of eighteen years and not a party to the within entitled cause; my business address is:

Stanislaus County Administration Building
Department of Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354


On August 6, 2010, I served the attached Notice of Public Hearing:
(Date)

COMMUNITY PLAN AMENDMENT APPLICATION NO. 2009-01, REZONE APPLICATION NO. 2009-01 - PELANDALE COMMERCIAL on the parties listed below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Modesto, California, addressed as follows:

SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on August 6, 2010, at Modesto, California.
(Date)

Crystal D Rein
(Type or print name)


Signature

COMMUNITY PLAN AMENDMENT APPLICATION NO. 2009-01, REZONE APPLICATION NO. 2009-01 - PELANDALE COMMERCIAL

Attachment A

Distribution List

X	AGRICULTURE COMMISSIONER		NATURAL RESOURCES CONSERVATION
	AIRPORT LAND USE COMMISSION	X	PACIFIC GAS & ELECTRIC
X	ALLIANCE	X	PARKS & FACILITIES
	ANIMAL SERVICES		POSTMASTER:
X	BUILDING PERMITS DIVISION - STEVE TREAT	X	PUBLIC WORKS - ANGIE HALVERSON JUDY LINDSAY - DRAINAGE BILL CARDOZA - MORGAN RD TRAFFIC
X	CAL TRANS DISTRICT 10		PUBLIC WORKS - TRANSPORTATION
	CEMETERY DISTRICT		RAILROAD
	CENTRAL VALLEY FLOOD PROTECTION		REDEVELOPMENT
X	CHIEF EXECUTIVE OFFICE		REGIONAL WATER QUALITY CONTROL
X	CITY OF: MODESTO		RISK MANAGEMENT
	COMMUNITY SERVICES AGENCY (CSA)	X	SAN JOAQUIN VALLEY APCD
X	SALIDA SANITARY DIST	X	SCHOOL DIST 1: SALIDA
	COOPERATIVE EXTENSION	X	SCHOOL DIST 2: MODESTO
	CORPS OF ENGINEERS	X	SHERIFF
X	COUNTY COUNSEL	X	StanCOG
	COUNTY OF:	X	STAN CO ERC
	DEPARTMENT OF CONSERVATION Land Resources / Mine Reclamation		STAN CO FARM BUREAU
	DEPT OF FORESTRY	X	STANISLAUS FIRE PREVENTION BUREAU
X	ENVIRONMENTAL RESOURCES	X	STATE CLEARINGHOUSE
X	FIRE PROTECTION DIST: SALIDA		STATE LANDS COMMISSION
	FISH & GAME	X	SUPERVISOR DIST 3: GROVER
X	HAZARDOUS MATERIALS		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
	HOSPITAL DIST:	X	TELEPHONE COMPANY: AT&T
X	IRRIGATION DIST: MODESTO	X	TRIBAL CONTACTS
X	LAFCO		TUOLUMNE RIVER TRUST
X	MOSQUITO DIST: EASTSIDE	X	UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)
	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES		US FISH & WILDLIFE
X	MUNICIPAL ADVISORY COUNCIL: SALIDA		WATER DIST: