

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-2

Urgent Routine

AGENDA DATE July 24, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing for August 28, 2012 at 9:10 a.m. to Consider Planning Commission's Recommendation for Denial of General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map 2012-01, Del Rio Villas

STAFF RECOMMENDATIONS:

1. Set a public hearing for August 28, 2012, at 9:10 a.m. to consider Planning Commission's recommendation for denial of a three-part application requesting to make the following modifications to a 4.31 acre parcel located at the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area: 1) Amend the General Plan designation from LDR (Low Density Residential) to P-D (Planned Development) and the Del Rio Community Plan (part of the General Plan) residential unit density allowance from 2 to 4.5 units per acre; 2) Amend the zoning designation from R-A (Rural Residential) to P-D (Planned Development); and 3) Subdivide into a gated development of 18 condominiums and a common area parcel. APN: 004-059-044
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 project will be evaluated and included in the subsequent report for the public hearing.

BOARD ACTION AS FOLLOWS:

No. 2012-392

On motion of Supervisor Chiesa, Seconded by Supervisor De Martini

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

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: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-P-8

DISCUSSION:

This is a three-part application requesting to make the following modifications to a 4.31 acre parcel located in the Del Rio Community Plan area: 1) Amend the General Plan designation from LDR (Low Density Residential) to P-D (Planned Development) and the Del Rio Community Plan (part of the General Plan) residential unit density allowance from 2 to 4.5 dwelling units per acre; 2) Amend the Zoning designation from R-A (Rural Residential) to P-D (Planned Development); and 3) Subdivide into a gated development of 18 condominiums and a common area parcel which will include landscaping, a swimming pool, access easements, an on-site package wastewater treatment plant, and drainage. The project will be served by public water from the City of Modesto (Del Este). The condominium parcels will be approximately 5,100 to 7,200 square feet in size

On November 4, 2010, the Planning Commission heard General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map 2010-01 - Del Rio Villas. This current application is exactly the same project that was heard on November 4, 2010. The Planning Commission voted 3-2 to recommend denial of the 2010 application to the Board of Supervisors; however the applicant withdrew the application before it could be heard by the Board of Supervisors.

The current application was heard by the Planning Commission at a public hearing on July 5, 2012, and on a 6-1 vote recommended the Board of Supervisors deny the request.

At this time, this item simply sets the date and time for a hearing on the matter before the Board of Supervisors to consider the proposed request.

POLICY ISSUES:

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

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Angela Freitas, Interim Planning and 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
GENERAL PLAN AMENDMENT APPLICATION NO. 2012-01
REZONE APPLICATION NO. 2012-01
VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2012-01
DEL RIO VILLAS**

NOTICE IS HEREBY GIVEN that on August 28, 2012, at 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider a three-part application requesting to make the following modifications to a 4.31 acre parcel: 1) Amend the General Plan designation from LDR (Low Density Residential) to P-D (Planned Development) and the Del Rio Community Plan (part of the General Plan) residential unit density allowance from 2 to 4.5 units per acre; 2) Amend the Zoning designation from R-A (Rural Residential) to P-D (Planned Development); and 3) Subdivide into a gated development of 18 condominiums and a common area parcel which will include landscaping, a swimming pool, access easements, a package treatment plant, and drainage. The property is located at the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area. APN: 004-059-044. A CEQA Mitigated Negative Declaration will be considered.

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 24, 2012

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 18, 2012

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 18th, 2012

(By Electronic Facsimile Signature)



NOTICE OF PUBLIC HEARING FOR
GENERAL PLAN AMENDMENT
APPLICATION NO. 2012-01, REZONE
APPLICATION NO. 2012-01, VESTING
TENTATIVE SUBDIVISION MAP AP-
PLICATION NO. 2012-01 - DEL RIO
VILLAS

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Pub Dates Aug 18, 2012