

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

DEPT: Planning and Community Development Af

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE August 7, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing for August 21, 2012, at 6:35 pm. to Consider Planning Commission's Recommendation for Approval of Rezone Application No. 2011-02, Randy Thomas

STAFF RECOMMENDATIONS:

1. Set a public hearing for August 21, 2012, at 6:35 p.m. to consider Planning Commission's recommendation to approve a request to rezone 42± acres in five (5) different P-D (Planned Development) zoning districts into one new P-D zone to allow new commercial and industrial uses, located at the southwest corner of St. Francis and McHenry Avenue in the Modesto area. APNS: 004-018-042; 004-021-003, 004, 006, 008, 010; 004-065-001, 014; 004-070-011, 047, 048
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. 2012-411

On motion of Supervisor Withrow, Seconded by Supervisor De Martini
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-Q-1

DISCUSSION:

This project is a request to rezone 42± acres in five (5) different P-D (Planned Development) zoning districts into one new P-D zone to allow new commercial and industrial uses. The proposed new uses are generally those allowed in a Planned Industrial (PI) zoning district with some limited retail sales added for products manufactured, distributed from, or installed on-site and a "Park and Sell" auto sales area. The applicants' original request also included an auction house specializing in vehicle auctions and auctions for surplus equipment and furniture as permitted uses. In response to concerns relating to noise, the applicant's request has been amended to include the auction house, subject to approval of a Use Permit at a later date.

The current application was heard by the Planning Commission at a public hearing on July 19, 2012, and on a 7-0 vote recommended the Board of Supervisors approval 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 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
REZONE APPLICATION NO. 2011-02
RANDY THOMAS**

NOTICE IS HEREBY GIVEN that on August 21, 2012, 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, 1010 10th St., Modesto, CA, to consider the Planning Commission's recommendation for approval of a request to rezone 42± acres in five (5) different Planned Development zones to one new Planned Development zone which will allow specific commercial and light industrial uses. The project is located just southwest of the McHenry Avenue (State Route 108)/St. Francis Avenue intersection, in the Modesto area. APNS: 004-018-042; 004-021-003, 004, 006, 008, 010; 004-065-001, 014; 004-070-011, 047, 048. 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: August 7, 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 11, 2012

NOTICE OF PUBLIC HEARING FOR
REZONE APPLICATION NO. 2011-02,
RANDY THOMAS

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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 11th, 2012

(By Electronic Facsimile Signature)

