

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

October 7, 2004

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Tony Cusenza, Rachelle Antinetti, Marie Assali, Allen Layman, Mike Navarro, Jim Poore, Andrew Souza, Ray Souza, and Helen White.
- Absent: No one.
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Angela Freitas, Senior Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Bella Badal, Department of Environmental Resources; Eva Rosa, Planning Commission Clerk
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM**
- A. No one spoke.
- IV. APPROVAL OF MINUTES**
- A. September 16, 2004  
Assali/A. Souza, 8-0, **APPROVED**  
Antinetti abstained.
- V. CORRESPONDENCE**
- Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. No correspondence.
- VI. CONFLICT OF INTEREST**
- A. Commissioner Layman's firm has a contract to design the facilities for Item VII-B, Rezone Application No. 2004-08 - Kiernan Station, and will be stepping down during that item.
- B. Commissioner Poore is familiar with the applicant in Item VII-B, Rezone Application No. 2004-08 - Kiernan Station, but this will not be a conflict.

**VII. PUBLIC HEARINGS ( \* - Consent Items )**

Commissioner Cusenza informed the public of the consent items and procedure.  
Public hearing opened.  
Public hearing closed.

**\*CONSENT ITEMS**

None

**NON-CONSENT ITEMS**

- A. REZONE APPLICATION NO. 2004-04 - RAY'S CARPETS** - Request to amend the zoning designation of a 1.02 acre portion of Planned Development 254 to a new Planned Development to allow a 12,950 square foot building to be built on the site. The applicant proposes to use, at the beginning, only 6,475 square feet with the remaining 6,475 square feet to be leased for office and retail uses (no food) but in the future will allow Ray's Carpet to expand into the entire building. The typical hours of operation for Ray's Carpet are 9:00 a.m. to 6:00 p.m., Monday through Saturday, with a maximum of six (6) employees. The applicant estimates an additional 6 to 8 employees for the remainder of the building which will be leased. The property is located on the south side of Kiernan Avenue, west of McHenry Avenue and east of Stratos Way, in the Modesto area. A Mitigated Negative Declaration will be considered.  
APN: 046-010-025  
Staff Report: Carole Maben Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.** (Report presented by Angela Freitas.)  
Public hearing opened.  
**OPPOSITION:** None.  
**FAVOR:** Dennis Wilson, Horizon Consulting.  
Public hearing closed.  
Assali/Antinetti, Unanimous (9-0), **RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE REZONE APPLICATION NO. 2004-04 - RAY'S CARPETS, SUBJECT TO THE DEVELOPMENT STANDARDS AND ACTIONS OUTLINED IN THE STAFF REPORT.**

6:20 p.m. - Commission Layman left the chamber.

- B. REZONE APPLICATION NO. 2004-08 - KIERNAN STATION** - Request to rezone a 27,270 square foot parcel from an A-2-10 (General Agriculture) zoning district to Planned Development to allow construction of a 10,260 square foot one-story building to be made up of small office/warehouse units. The project is located at the northwest corner of Kiernan Avenue and Elm Street in Salida. The Planning Commission will consider a Negative Declaration for this project.  
APN: 136-07-15  
Staff Report: Bob Kachel Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**  
Public hearing opened.

**OPPOSITION:** Duane Spyksma, 5107 Kiernan Avenue, Salida.

**FAVOR:** Gerry Hughes, P.O. Box 97, Salida.

Public hearing closed.

R. Souza/Poore, 5-3 (Antinetti, Cusenza, White) **RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE REZONE APPLICATION NO. 2004-08 - KIERNAN STATION, SUBJECT TO MODIFIED DEVELOPMENT STANDARD NO. 23 AND ACTIONS AS OUTLINED IN THE STAFF REPORT.**

7:45 p.m. Commission Layman returned to Chambers.

**VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)**

- A. None.

**IX. REPORT OF THE DIRECTOR**

**BOARD OF SUPERVISORS' ACTIONS OF SEPTEMBER 21, 2004**

- A. The Board approved minor amendments to the Ordinance regarding the regulation of corn mazes, hay mazes, and similar seasonal activities.
- B. The Board approved the Consolidated Annual Performance Evaluation Report for the Community Development Block Grant Program.
- C. The Board approved a Williamson Act Cancellation and a new contract pursuant to a minor lot line adjustment.

**BOARD OF SUPERVISORS' ACTIONS OF SEPTEMBER 28, 2004**

- A. The Board set a public hearing for October 12, 2004 at 9:25 a.m. to consider an appeal of the Planning Commission's denial of Use Permit Application No. 2003-36, B D Truck Body and Trailer Repair.
- B. The Board approved an ordinance of extending the redevelopment plan for a maximum period, in this instance 2 years, allowed by the Health and Safety Code in response to the state taking ERAF money from the Redevelopment Agency.
- C. The Board approved the Ordinance Amendment 2004-02, Amending Title 21 of the County Code relating to Large Scale Retail Businesses.
- D. The Board considered and approved construction of two single-family residences in the General Agriculture zoning district through Williamson Act Cancellation 2004-02, Use Permit Application 2003-26, Forrest Aarvig.
- E. The Board approved Specific Plan Amendment Application 2002-01, Tentative Map

Application 2002-05, Diablo Grande Unit 2A.

- F. The Board approved a lot line adjustment and a rescission of a Williamson Act Contract and a new Williamson Act contract.

**BOARD OF SUPERVISORS' ACTIONS OF OCTOBER 5, 2004**

- A. The Board approved Rezone Application 2003-15, Raman Patel. This was a request to designate a new Planned Development in Salida to allow a 95-room hotel located east of Highway 99 on Kiernan Court, Salida.

**MISCELLANEOUS & ON THE HORIZON**

California County Planning Commissioners Association will hold it's State Conference in Pleasanton November 11-14. Tomorrow is the deadline for getting your registration forms into our department. We must have them by noon for Marianne to get the checks cut and mailed to the California County Planning Commissioners Association.

**October 21, 2004**

- A. Two Parcel Maps, one with a Variance

**November 4, 2004**

- A. A Tentative Map with a Rezone
- B. A Variance with a Lot Line Adjustment
- C. A Use Permit
- D. Two Parcel Maps, one with a Variance

**X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN**

- A. Commissioner Cusenza thanked Staff for their hard work and the commissioners for their attention and deliberations today.

**XI. ADJOURNMENT**

The meeting was adjourned at 7:50 p.m.

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Ron E. Freitas, Secretary

(The above is a summary of the minutes of the Planning Commission. Complete tape(s) of the meeting are available from the Planning Director.)