

STANISLAUS COUNTY PLANNING COMMISSION

October 1, 2015

STAFF REPORT

**REZONE APPLICATION NO. PLN2015-0032
BELKORP AG**

REQUEST: TO REZONE 17.3± ACRES, FROM EXPIRED PLANNED DEVELOPMENT (P-D) 302 AND A-2-10 (GENERAL AGRICULTURE) TO A NEW P-D TO ALLOW H-1 USES, ESTABLISH AN AGRICULTURAL EQUIPMENT DEALERSHIP, CONSTRUCT A TWO STORY 57,000 SQUARE-FOOT BUILDING, AND ALLOW OUTDOOR DISPLAY AREAS FOR AGRICULTURAL EQUIPMENT

APPLICATION INFORMATION

Property Owner:	Gholam Rez and Rafat Assari, Sonia Sargisi Gracer, Gaby P. and Odette S. Polous, Claudette S. Cruz, Diana Porter-Suckow
Applicant:	Tim Stokes, Belkorp AG
Agent:	Rod Hawkins, Hawkins Engineering
Location:	4618 Nunes Road, east of Highway 99, west of N. Golden State Blvd., in the Keyes area.
Section, Township, Range:	31-4-10
Supervisorial District:	Two (Supervisor Chiesa)
Assessor's Parcel:	045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012
Referrals:	See Exhibit M Environmental Review Referrals
Area of Parcel(s):	17.3± acres
Water Supply:	Keyes Community Services District
Sewage Disposal:	Keyes Community Services District
Existing Zoning:	Expired P-D (302) and A-2-10
General Plan Designation:	Planned Development
Sphere of Influence:	Not Applicable
Community Plan Designation:	HC (Highway Commercial)
Williamson Act Contract No.:	Not Applicable
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Vacant
Surrounding Land Use:	Vacant agriculturally zoned property to the east; Hwy 99, and vineyards to the south and west; Nunes Road, residences, and Keyes Union School District to the north

RECOMMENDATION

Staff recommends the Planning Commission recommend that the Board of Supervisors approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to recommend approval of this project, Exhibit A provides an overview of all of the findings required for project approval.

BACKGROUND

The Board of Supervisors adopted the Community Plan for the unincorporated community of Keyes, along with certification of an Environmental Impact Report (EIR) and Mitigation, Monitoring and Reporting Plan (MMRP), in April of 2000. The Keyes Community Plan, found in the Land Use Element of the General Plan, reflects the themes of reasonable growth complete with implementation measures designed to improve the image of the town, improve services and otherwise carry out the vision of the Plan. According to the Keyes Community Plan, Planned Development in this area is envisioned to carry out development patterns similar to the General Plan designations of Highway Commercial and Planned Industrial with a focus on light industrial uses east of State Route (SR) 99 and heavy industrial uses west of SR 99. (See Exhibit F – *Keyes Community Plan Map and Mitigation Monitoring and Reporting Plan*). The Keyes Community Plan is discussed in further detail in the General and Community Plan Consistency section of this report.

The EIR identified potential environmental impacts and a series of mitigation measures were adopted to reduce identified impacts to less than significant level. Specific mitigation measures are applied as appropriate to individual projects within the area of the Keyes Community Plan on a case-by-case basis. Some of the mitigation measures for this project are carried forward from the Keyes Community Plan MMRP, and have been modified and updated due to changes in development standards, so as to provide equal or greater protection than the original mitigation measures. In some cases, standard development standards now address previously identified mitigation measures. The details of the Keyes EIR mitigation measures can be found in the attached Keyes Community Plan MMRP. (See Exhibit F – *Keyes Community Plan Map and Mitigation Monitoring and Reporting Plan*). Mitigation measures that are not applicable to the project have been omitted. For example, lands within the Keyes Community Plan area, with a General Plan designation of Agriculture are subject to farmland mitigation upon submittal of a General Plan Amendment/Rezone application. Because the project site is within the Keyes Community Plan area already designated as Highway Commercial and designated as Planned Development in the County General Plan, it is not subject to the farmland mitigation.

The project site was originally rezoned from A-2-10 to P-D 55 to allow a trucking business, and then rezoned to P-D 302 - Cherokee Plaza in April 2006, to allow construction of 50,000 square-feet of buildings to establish a beauty college, restaurants, and various retail/service establishments. The need for a rezone is due to the way that P-D 302 was approved for a specific use within a specific time frame. Failure to meet those requirements resulted in the expiration of P-D 302 and the need for further discretionary approval prior to development. In an effort to streamline future development, the project includes a request to allow H-1 uses subject to development standards established by this P-D. (See Exhibit D – *Permitted Uses*).

PROJECT DESCRIPTION

This is a request to rezone a 17.3± acre project site, from expired P-D 302 and A-2-10 to a new Planned Development (P-D), to allow H-1 uses and to establish an agricultural equipment dealership, construct a 57,000 square-foot, two-story building for service maintenance, retail sales, parts, and administrative offices, allow outdoor display areas for agricultural equipment, develop a 74-space parking lot and driveways and construct an approximately one acre drainage basin south of the proposed building. Wall signage is proposed on the south, east, and west top left corners of the buildings. Two pylon signs, one at 30-feet tall and located at the Golden State Boulevard entrance, and one at 60-feet tall and located at the northwestern corner of the site, are being proposed.

North Golden State Boulevard will serve as primary access to the site from the SR 99/Keyes Road Interchange. This access will be utilized as a shared ingress/egress when the undeveloped area

southeast of the Belkorp AG building develops. All existing driveways on Nunes Road shall be removed, except for a secondary access, east of the 8th Street/Grace Avenue intersection, on the northern boundary of the site. The southeastern portion of the project site not proposed as part of the agricultural equipment dealership as shown on the site plan, will also be rezoned to Planned Development, but left vacant and unimproved. This acreage may be utilized by other businesses provided the appropriate land use and building permits are obtained and that the uses comply with the permitted uses for this project. (See Exhibit D - *Permitted Uses*).

Proposed operating hours for the agricultural equipment are Monday through Saturday from 7:00 a.m. to 6:00 p.m.; however, there are no limitations on operating hours for this project. The building will have wall pack security lights and 30-foot light poles will be installed in the parking lot as required for parking lot safety.

Current development standards require all projects to maintain stormwater on-site. The project site includes a stormwater retention basin, which shall be “blended” into the project site via landscaping and/or screening so as to address visual impacts from SR 99 and North Golden State Boulevard. All landscaping shall comply with the California Water Model Ordinance and local drought control measures. The Keyes Community Services District (CSD) provides municipal services (sewer & water) for the Keyes community.

SITE DESCRIPTION

The 17.3 acre project site is located at 4618 Nunes Road is currently vacant and unimproved, except for the northwestern portion of the site which has remnant foundations, three driveways, and a drainage basin associated with the previous on-site trucking business. (See Exhibit B – *Maps*). The project site is bordered by SR 99, Nunes Road, and North Golden State Boulevard, in the unincorporated community of Keyes, just north of the Keyes Road Overpass and the northbound SR 99 on and off ramps. (See Exhibit B – *Maps*).

Surrounding land uses consist of a commercial and residential parcels, north of the site, zoned H-1 (Highway Frontage), R-1 (Single-Family) R-2 (Medium Density Residential) and R-3 (Multi-Family), Nunes Road, residential homes, and Keyes Union School District; vacant A-2-10 zoned properties with a Planned Development General Plan designation on property to the east; Highway 99, and vineyards to the south and west. Agriculturally zoned parcels in the immediate vicinity appear to be vacant and unimproved and fallow, as per application information and a visit to the site.

ISSUES

The following section is a discussion of issues identified by staff. Staff has evaluated these issues and provides the following comments:

Community Service District Annexation

Although the site is not currently served by municipal services (sewer & water), the applicant is proposing to have the site be served by the Keyes Community Services District (CSD), the provider of sewer and water for this community. The Keyes CSD provided a letter stating that they are capable of providing water and sewer services to the project site (the westerly half); however, prior to connection, the easterly half of the site must be annexed into the CSD via the LAFCO application and approval process. The water and sewer service is contingent on an agreement with the Keyes CSD regarding construction of infrastructure and the payment of fees. (See Exhibit E – *Keyes CSD Will-Serve Letter dated March 19, 2015 and Boundary and Sphere of Influence Map*). As of the date of this report, a request for annexation has not been submitted to LAFCO by the Keyes CSD. As per development standards a building permit for the project site will not be issued until:

1) the LAFCO annexation process is completed, 2) needed on and off-site water and sewer infrastructure has been completed, 3) CSD fees paid in full, and 4) a final will-serve letter submitted to the Building Permits Division.

Signage

The applicant's sign plan proposes wall signs on the south, east, and west top left corners of the proposed agricultural equipment sales building along with two free-standing twin post pylon signs. The pylon signs include one 30-foot tall sign located towards the North Golden State Boulevard entrance, in the equipment display area, and one 60-foot tall sign located at the northwestern corner of the site along SR 99. Planning staff has discussed concerns with the height of the proposed 30-foot pylon sign, with the applicant, and requested that it be modified to a monument sign not to exceed 6-feet in height. Staff also expressed the desire to have the project provide signage allowing for multi-tenant usage in an effort to avoid excessive signage. According to the project applicant the agricultural equipment dealer wants independent signage for their business and, as such, would not be amendable to multi-tenant signage. In an effort at compromise, the applicant has agreed to reduce the 30-foot high pylon sign to 20-feet in height. This reduction is reflected in the projects development standards. The development standards also limit any future signage on the vacant portions of the project site to be developed with H-1 uses to one monument sign, not to exceed 6-feet in height, on either side of North Golden State Boulevard. As such only two free-stand signs will be permitted for the entire project site. Any of the permitted signs may be utilized by a single or multiple tenants. The Planning Commission may amend the signage requirements as part of their recommendation to the Board of Supervisors.

This project was referred to the Keyes Municipal Advisory Council (MAC) as a part of the Early Consultation and the Initial Study; however, a response has not been received to date.

GENERAL AND COMMUNITY PLAN CONSISTENCY

Stanislaus County has adopted Community Plans for most of the unincorporated communities in the County. These plans outline the future growth patterns of each community. Each plan is used in conjunction with the General Plan to indicate the desired land use "vision" for the town.

The project site is within the Keyes Community Plan boundaries. There are no adopted design guidelines for the Keyes Community; however, the Keyes Community Plan encourages attractive and orderly development which preserves a small town atmosphere; the development of large, non-residential sites, with generous landscaping and Highway Commercial type uses along SR 99/Keyes Road Interchange; and the development of "Gateway" treatments and positive, high quality landscaped edges along SR 99 and major roads. "Gateway" treatments are not defined and, as such, could include landscape treatments around stormwater basins and signs, and/or aesthetically pleasing building and site design.

The Keyes Community Plan, adopted by the Board of Supervisors in April of 2000, identifies the project site as a Gateway area to the Keyes community, visible from SR 99, and needing to be designed and landscaped to improve and enhance the appearance of the site and area. Since the rear of the building faces SR 99 special design attention was paid to the appearance of the rear of the building. Renderings of the site show minimal landscaping but reflect a "clean" looking site. A conceptual landscape plan, included in the project's site plan, indicates the use of drought tolerant landscaping in the display area and existing landscaping on the Nunes Road and SR 99 frontages. (See Exhibit B – *Maps*). To insure compliance with the Keyes Community Plan, Development Standards have been added to this project requiring: 1) minimal signage be utilized to avoid visual "clutter" along the Keyes Road Interchange, and

2) submittal of a final landscape plan, compliant with the State Water Model Ordinance and local drought control measures, and containing “Gateway” and landscape treatments, as a part of the building permit.

Although there are no adopted design standards for Keyes, the following goals and policies of the Keyes Community Plan function as design guidelines for new development within the Keyes Community:

GOAL 2 - Improve the visual appearance of the Keyes Community.

Policy 1 - Encourage the development of identifiable community boundaries to establish a sense of community identity.

Policy 2 - Encourage the development of “Gateway” treatments at major entryways to the community.

Implementation Measures

3. Develop positive, high quality landscaped edges along State Route 99 and major roads leading into the community.

Landscaping

The Keyes Community Plan identifies community character as being crucial for establishing the overall vision of what constitutes a desirable and viable community. This project is being proposed north of and nearby the State Route 99/Keyes Road Interchange, an important gateway into the Keyes community which the Community Plan earmarks for high quality landscaping. Staff will review final landscape plans at building permit application, to insure that the proposed landscaping is low water using, drought tolerant, and meets the Plan’s guidelines for development of high quality landscaped edges and “Gateway” treatments in this area.

GOAL 4 - Promote highway-oriented commercial development in the State Route 99 corridor.

Policy 1 - The County shall encourage the location of businesses and services (e.g., restaurants, service stations, lodging) in the State Route 99 corridor to serve the traveling public and local residents.

Implementation Measures

1. Designate land adjacent to the State Route 99 / Keyes Road interchange with good highway visibility and access as Highway Commercial. Permitted uses shall be those determined by the County to be supportive of the overall goals and policies of the Keyes Community Plan.
2. Limit development adjoining State Route 99/Keyes Road Interchange to large sites and non-residential uses with generous landscaping

The project site is currently designated Planned Development in the General Plan and Highway Commercial in the Keyes Community Plan. The Highway Commercial land use designation adjacent to the State Route 99/Keyes Road Interchange is intended to provide for and promote concentration of commercial uses serving the needs of the traveling public. Traditional Highway Commercial uses include truck stops, restaurants, motels, service stations, overnight R.V. camping,

fruit stands and accessory uses such as towing service, minor emergency automobile repair, convenience market, and wine tasting; however, the Keyes Community Plan includes the flexibility to allow uses determined by the County to be supportive of the overall goals and policies of the Plan.

The County General Plan identifies the intent of the Planned Development (P-D) zoning designation as being for lands which, because of demonstrably unique characteristic, may be suitable for a variety of uses without detrimental effect on other property. The General Plan further identifies freeway interchange and frontage roads adjacent to major highways and freeways as appropriate locations for planned developments as well. A P-D zoning designation allows for the flexibility to provide a variety of uses and development standards, while retaining consistency with the County General Plan as a whole. The area south of the interchange has developed with businesses such as Chevron, Peterbilt, and FreshPoint (formerly Piranha Produce). Approval of this project would result in a development consistent with the aforementioned businesses and the Community Plan and, as such, staff believes this use can be determined by the County to be consistent with development in the area and supportive of the overall goals and policies of the Keyes Community Plan.

ZONING ORDINANCE CONSISTENCY

Community Plans are required to be consistent with the General Plan; however, Community Plans function as the General Plan in areas/communities where a Community Plan has been adopted. To approve the requested rezone, the Planning Commission must find that the proposed P-D zoning with H-1 uses is consistent with the Community Plan for the proposed project site. The Land Use Element of the General Plan states that the P-D zone is consistent with the Highway Commercial General Plan/Community Plan designation and, as such staff feels that the proposed P-D zoning for this site is consistent with the Keyes Community Plan.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues were raised. (See Exhibit M - *Environmental Review Referrals*.) A Mitigated Negative Declaration has been prepared for approval, prior to action on the rezone, as the project will not have a significant effect on the environment. (See Exhibit L – *Mitigated Negative Declaration*.) Development Standards reflecting referral responses have been placed on the project. (See Exhibit C - *Development Standards/Development Schedule*.)

An Early Consultation referral response was received from the CA Department of Fish and Wildlife, which included mitigation measures for raptors and Burrowing Owl. These mitigation measures included conservation easements, permanent easements purchased by the developer for perpetuation/survival of an identified species. As a result, the applicant opted to hire a biologist to perform a biological survey and recommend mitigation measures in compliance with CEQA. The biological survey determined that no special status plants, wildlife, or Waters of the United States were likely to occur on the site, nor were they present at the time of the biological survey; however, the biological survey did provide mitigation measures requiring pre-construction surveys for the presence of Swainson's Hawk during breeding/nesting season and pre-construction surveys for Burrowing Owl. Furthermore, although there was no evidence that Valley Elderberry Long Horned Beetle exists on-site, potential habitat (elderberry bushes) does and, as such, mitigation measures insuring protection of this resource have been incorporated in to the project's development standards. (See Exhibit G - *CA Department of Fish and Wildlife referral response dated April 27, 2015*, Exhibit H – *Biological Survey dated June 26, 2015* and Exhibit J – *Mitigation Monitoring Plan*.)

All rezone applications require that the applicant obtain a records search from the Central California Information Center (CCIC). The CCIC report that was submitted noted that even if the foundations of a building had been removed there could still be historical remains within the project area and, as such, afforded the project site a medium-high sensitivity for historical resources. Consequently, Planning staff recommended the applicant provide an archaeological survey for the site. The survey was conducted on April 26, 2015 and determined that no historical, archaeological, or cultural resources were likely to occur on site. (See Exhibit I – *Archaeological Survey dated April 30, 2015*).

The Department of Public Works and CalTrans reviewed this project as an Early Consultation and Initial Study referral. CalTrans responded to the Early Consultation with a request for additional information regarding the trucks to be used to transport the agricultural equipment and a recommendation that the project pay its fair share for any future improvements to the SR 99/Keyes Road intersection and ramps. Caltrans comments were shared with the Department of Public Works who responded with the applicant's fair share amount, as determined by the Keyes Community Plan and updated for inflation. The fair share fees have been added as a mitigation measure. Moreover, current Public Facilities Fees (PFF) will be imposed when the project developer applies for building permits. A Traffic Impact Assessment was not required as traffic movements were reviewed in the Keyes Community Plan, which considered the subject project site as utilized for a commercial type use on a Planned Development zoning.

On May 1, 2015, the Keyes Union School District submitted a letter commenting on the location of proposed driveways along Nunes Road as they are located in front of a Head Start facility. The District also commented on the potential safety concern for students that may walk along the Nunes Road. The site plan was amended, eliminating the two western most driveways and moved the main site entrance off of Nunes Road to N. Golden State Blvd. The revised site plan was circulated with the Initial Study and staff emailed the District to determine if the changes adequately addressed the District's concerns. To date, the County has not been contacted by the District, nor has a referral response to the Initial Study been received.

Due to the orientation of the driveways, it is possible that vehicle lights will have an impact on homes 258± feet to the north of the project's proposed driveway on Nunes Road, during the winter months. Because the proposed business will close by 6:00 p.m., this impact is expected to be less than significant; however, to insure that the neighbors to the north are not impacted, a condition of approval will be added to the project requiring that traffic leaving the site near dusk, shall utilize the Golden State Boulevard entrance/exit. The North Golden State Boulevard driveway is across from the vacant, northeastern-most portion of the subject parcel which will also be rezoned to Planned Development. Consequently, traffic utilizing the Golden State exit is not expected to result in impacts caused by vehicle lights.

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,267.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Development Standards ensure that this will occur.

Contact Person: Rachel Wyse, Associate Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Development Standards/Development Schedule
- Exhibit D - H-1 Permitted Uses
- Exhibit E - Keyes CSD Will-Serve Letter dated March 19, 2015 and Boundary and Sphere of Influence Map
- Exhibit F - Keyes Community Plan and Mitigation Monitoring and Reporting Plan
- Exhibit G - CA Department of Fish and Wildlife Referral Response dated April 27, 2015
- Exhibit H - Biological Survey dated June 26, 2015
- Exhibit I - Archaeological Survey dated April 30, 2015
- Exhibit J - Mitigation and Monitoring Plan
- Exhibit K - Initial Study
- Exhibit L - Mitigated Negative Declaration
- Exhibit M - Environmental Review Referrals

<I:\Planning\Staff Reports\REZ2015\REZ PLN2015-0032 - Belkorp AG\Planning Commission\October 1, 2015\Staff Report\STAFF REPORT.doc>

Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b) by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis;
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075;
3. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation and the Highway Commercial Community Plan designation;
4. Find that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; and
5. Approve Rezone Application No. PLN2015-0032 – Belcorp AG subject to the attached Development Standards.