

STANISLAUS COUNTY PLANNING COMMISSION

October 6, 2022

STAFF REPORT

PARCEL MAP APPLICATION NO. PLN2022-0052 MOTOR CITY COURT

REQUEST: TO SUBDIVIDE A 37,960± SQUARE-FOOT PARCEL INTO TWO PARCELS, 17,639 AND 20,321 SQUARE FEET IN SIZE, IN THE PLANNED DEVELOPMENT (P-D) (143) ZONING DISTRICT.

APPLICATION INFORMATION

Applicant:	Dennis Wilson, Horizon Consulting
Property owner:	Craig Kirland et al (Craig Kirland, Moises Gutierrez, Roger Rickett, and Sharyl Rickett)
Agent:	Dennis Wilson, Horizon Consulting
Location:	308 and 312 Motor City Court, between Bangs and Pelandale Avenues, in the Modesto area.
Section, Township, Range:	5-3-9
Supervisory District:	Four (Supervisor Grewal)
Assessor's Parcel:	046-008-023
Referrals:	See Exhibit E Environmental Review Referrals
Area of Parcel(s):	37,960± square feet Proposed Parcel 1: 17,639± square feet Proposed Parcel 2: 20,321± square feet
Water Supply:	City of Modesto
Sewage Disposal:	Private septic system
General Plan Designation:	Planned Development
Community Plan Designation:	N/A
Existing Zoning:	Planned Development (P-D) (143)
Sphere of Influence:	City of Modesto
Williamson Act Contract No.:	N/A
Environmental Review:	CEQA Guidelines Section 15315 (Minor Land Division).
Present Land Use:	Commercial warehouse buildings occupied by separate automotive businesses, paved parking lot, and frontage landscaping.
Surrounding Land Use:	Light industrial and automotive uses in all directions, and City of Modesto to the south.

RECOMMENDATION

Staff recommends the Planning Commission 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 approve the project, Exhibit A provides an overview of all the findings required for project approval, which include parcel map findings.

PROJECT DESCRIPTION

The project is a request to subdivide a 37,960± square-foot parcel into two parcels, 17,639 and 20,321 square feet in size, in the Planned Development (P-D) (143) zoning district. The existing site is developed with two warehouses, 4,700 square feet (312 Motor City Court) and 5,264 square feet (308 Motor City Court) in size. If approved, Proposed Parcel 1 will include the 4,700 square-foot warehouse, which is currently occupied by an automobile customization business, and Proposed Parcel 2 will include the 5,264 square-foot warehouse, which is currently occupied by an automotive repair business (see Exhibit B – *Maps and Site Plan*). No physical changes to the existing developed property are proposed as part of this project request. The resulting parcels will continue to be served by the City of Modesto for public water services and individual septic systems, which will remain within each proposed parcel boundary.

The warehouse buildings were developed as part of the Motor City Business Park, approved by the Board of Supervisors on April 28, 1987, under Rezone Application No. 85-28 – Lavery Business Park No.4.

SITE DESCRIPTION

The project site is located at 308 and 312 Motor City Court, between Bangs and Pelandale Avenues, in the Modesto area. The project site is surrounded by light industrial and automotive uses in all directions. The City of Modesto is located south of the project site. Additionally, the project site is located within the Local Agency Formation Commission (LAFCO) adopted Sphere of Influence for the City of Modesto.

The project site was created by Parcel Map 88-41 (41-PM-47), recorded on December 29, 1988, which divided 4.62 acres into seven parcels. The recorded parcel map included a restriction on access from Pelandale Avenue and provided shared access to the newly created parcels via two shared driveways, one located on Motor City Court and the other on Detroit Lane, and also provided access easements throughout the interior of the parcels. The access easements will continue to provide access to both resulting parcels.

The balance of the property has been paved and developed with a total of 44 parking stalls, including 14 parking spaces around the exterior of each building and eight parking spaces within the interior of each building, and with perimeter landscaping installed along the property frontage. The resulting parcels will include 14 on-site paved parking stalls each, but the map will also include a reciprocal parking, access, and utility easements for the benefit of the resulting parcels. Each parcel will retain a portion of the existing perimeter landscaping. Additionally, development of the business park included installation of dry sewer lines for future connection to the City of Modesto.

ISSUES

No issues have been identified during the review of this project; standard conditions of approval

have been applied to the project (see Attachment C – *Conditions of Approval*).

GENERAL PLAN CONSISTENCY

The site is currently designated as Planned Development (P-D) in the Stanislaus County General Plan. The intent of the P-D General Plan designation is for land that can be found to have demonstrably unique characteristics that can suit a variety of uses without detriment to surrounding property.

The Stanislaus County's General Plan Sphere of Influence (SOI) policy states, that development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities, shall be referred to that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what conditions are necessary to ensure that development will comply with city development standards. Requested conditions for such things as sewer service in an area where none is available shall not be imposed. Approval from a city does not preclude the County decision-making body from exercising discretion, and it may either approve or deny the project. The project site lies within the Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for the City of Modesto and, as such, was referred to the City for review. The City's referral response provided written support of the project and requested a condition of approval be added regarding reciprocal access between the proposed parcels. A condition of approval has been added requiring a reciprocal access easement between the two resulting parcels be placed on the recorded map.

Being as there will be no change in the use of the site, staff believes the proposed map is consistent with the General Plan.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

The site is currently zoned Planned Development (P-D) (143), which was adopted by the Board of Supervisors in 1987, to allow for light industrial and low-traffic generating commercial uses. P-D zoning districts have no minimum parcel size requirement and shall be consistent with an approved development plan indicating the specific future use of each parcel.

The project proposes to create two parcels 17,639 and 20,321± square feet in size, which will each encompass one of the existing warehouse buildings. A Planned Development District allows for unique development standards such as lot coverage, building setbacks and off-street parking. The proposed parcels are of a large enough size to accommodate the existing development in terms of parking and access (see Exhibit B – *Maps and Site Plan*). P-D (143) required all development to meet Chapter 21.76 – Off Street Parking, of the County Code. At the time of construction of the two existing warehouses, the site was developed with off-street parking of one space for every 300 square feet of floor space for each building, which is consistent with County requirements. Each proposed parcel will maintain the one space for every 300 square feet of floor space standard. Additionally, the project will be required to include a reciprocal parking easement for sharing of the parking spaces and the connected drive aisles. Any future new users will be required to demonstrate off-street parking compliance prior to issuance of a business license. Stormwater runoff will continue to be managed via the use of a joint storm water basin, developed for the entire business park. An easement will be placed on the project to ensure utility easements (water, sewer, and stormwater) are recorded on the parcel map for the benefit of both resulting parcels. The proposed parcel map is consistent with the adopted P-D (143) development standards, which will remain in effect, if the map is approved.

Both the Planned Development zoning district and the Subdivision Ordinance require connection to public water and sewer services when services are available within a half mile of the project site or when a project is located within a city or special district's service area or sphere of influence. However, the Subdivision Ordinance allows the Planning Commission to permit the signing of an agreement for future connection to public water and sewer when creating four or fewer parcels and when the project site is located more than 100 feet away for the closest utility line.

Currently, the project site is served by the City of Modesto for water services, however, the closest public sewer line is 1,300 feet from the project site. Each building has been developed with individual septic systems. At the time of development of the business park, the project site did not meet any of the criteria that would have required connection to sanitary sewer as outlined in the County's Planned Development zoning district, however, dry sewer lines were installed for future connection. The City of Modesto has not requested connection to City sewer services as part of this request.

As part of the Early Consultation referral for this project request, the County's Department of Environmental Resources (DER) stated that if any future alteration of the existing septic facilities were to take place prior to connection to public sewer facilities, current DER standards shall be met. A condition of approval has been placed on the project requiring compliance prior to the issuance of any building permit that requires alteration of the septic facilities.

The proposed project is consistent with both the County's Zoning and Subdivision Ordinance.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (Section 21000, et seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A project under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed project is a project under CEQA.

A Notice of Exemption has also been prepared for the project, which declares that the project is exempt from CEQA on the basis of CEQA Guideline Section 15315 (Minor Land Divisions). As stipulated by the exemption, the proposed project is consistent with the exemption as it is located within a commercial or industrial zoning district, will result in four or fewer parcels, is in conformance with the County's General Plan, does not require a variance to the Zoning Ordinance or exception to the Subdivision Ordinance, meets local standards for all services and access, and has not been previously subdivided within the past two years (see Exhibit D – *Notice of Exemption*).

As part of the environmental review process, the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit E – *Environmental Review Referrals*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C – *Conditions of Approval*).

Contact Person: Jeremy Ballard, Associate Planner, (209) 525-6330

PM PLN2022-0052

Staff Report

October 6, 2022

Page 5

Attachments:

Exhibit A - Findings and Actions Required for Project Approval

Exhibit B - Maps and Site Plans

Exhibit C - Conditions of Approval

Exhibit D - Notice of Exemption

Exhibit E - Environmental Review Referrals

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Findings and Actions Required for Project Approval

1. Find the project is exempt as per CEQA Guidelines Section 15315, Minor Land Division and order the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder's Office.
2. Find that:
 - a. The proposed parcel map is consistent with applicable general and specific plans as specified in Section 65451 of California Code, Government Code.
 - b. The design or improvement of the proposed parcel map is consistent with applicable general and specific plans.
 - c. The site is physically suitable for the type of development.
 - d. The site is physically suitable for the proposed density of development.
 - e. The designs of the parcel map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.
 - f. The design of the parcel map or type of improvements is not likely to cause serious public health problems.
 - g. The design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
3. Approve Parcel Map Application No. PLN2022-0052 – Motor City Court, subject to the attached Conditions of Approval.

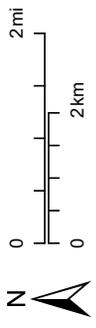
MOTOR CITY COURT

PM
PLN2022-0052

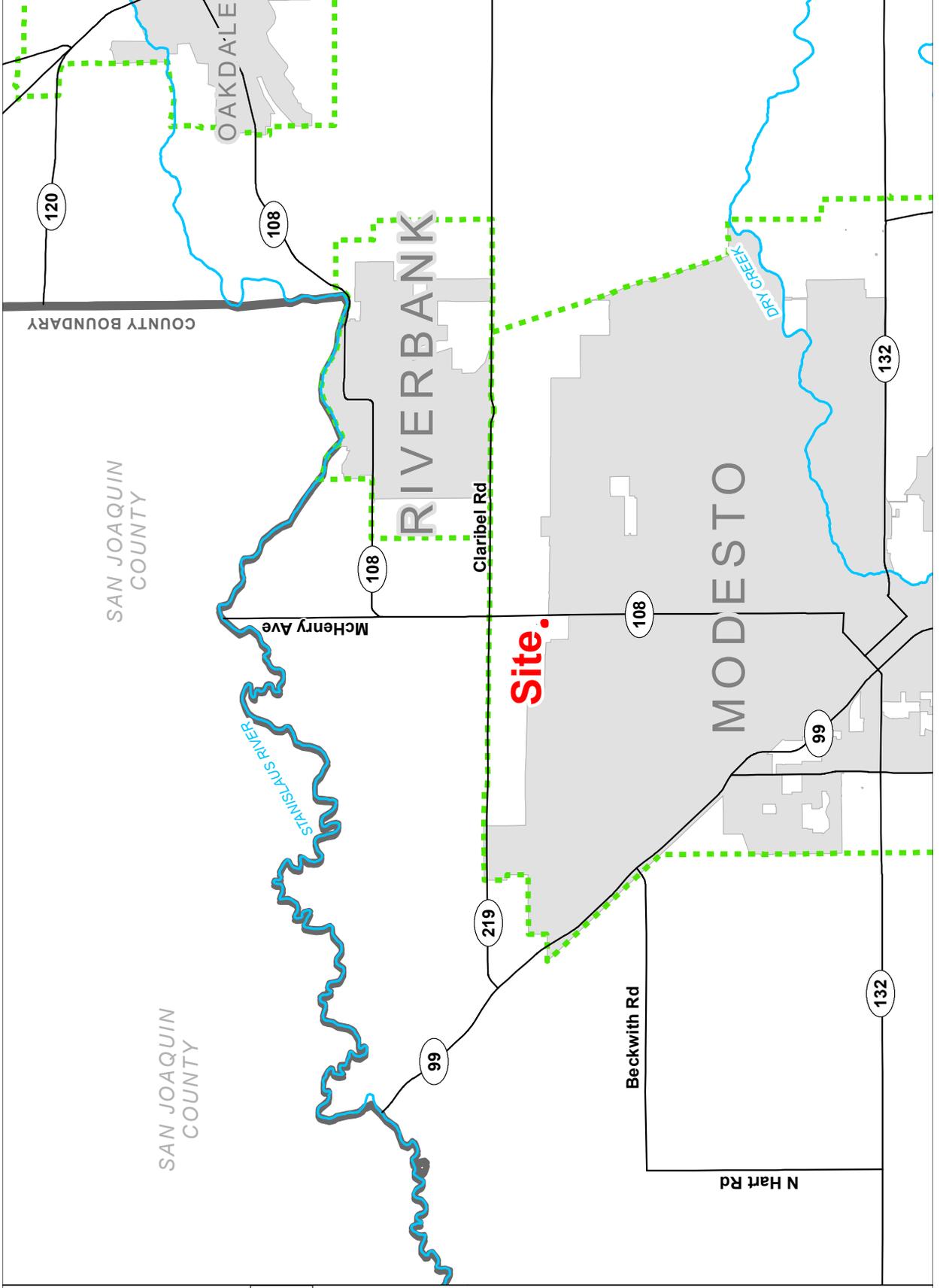
AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road
-  River



Source: Planning Department GIS
Date: 5/18/2022



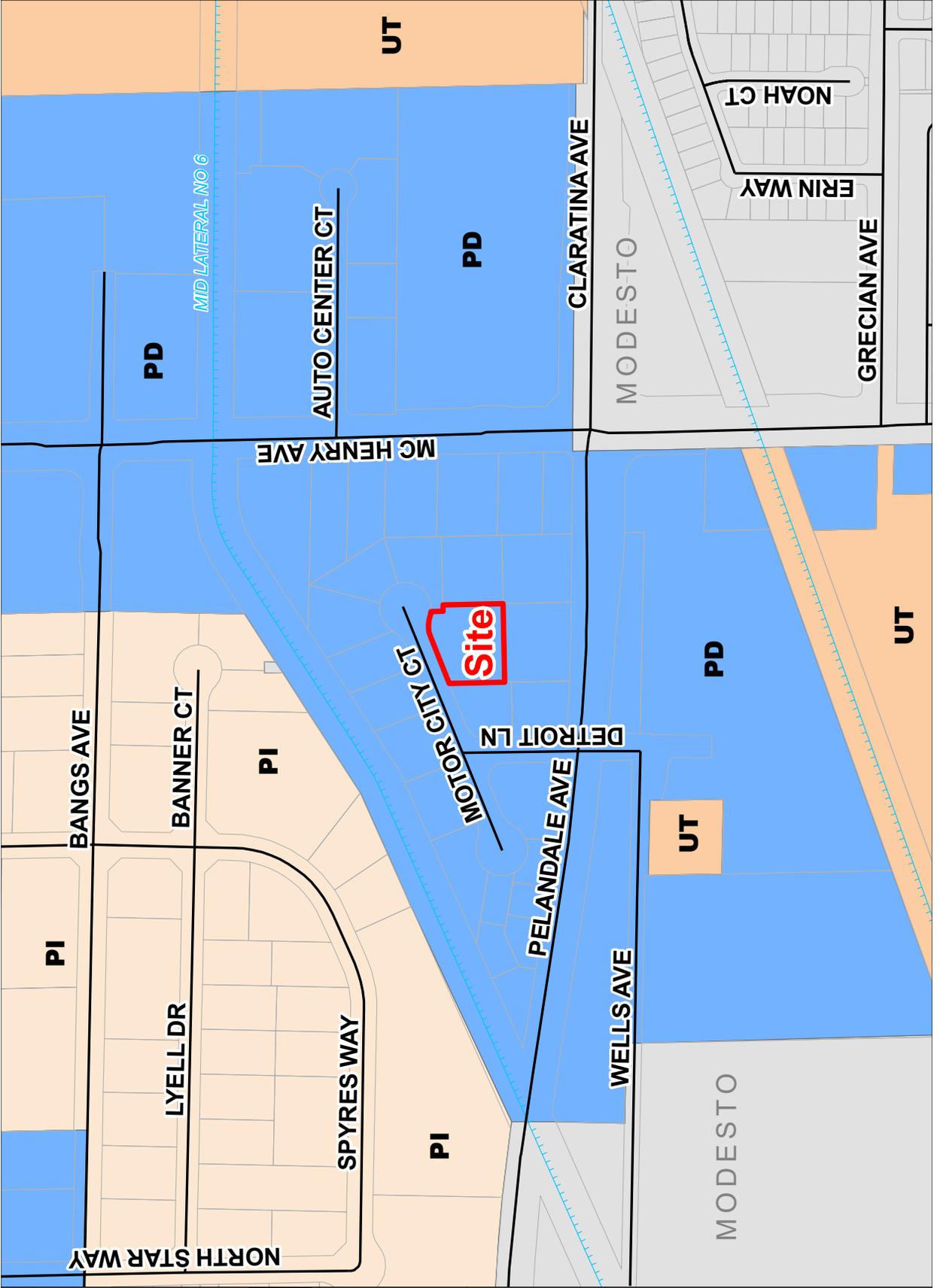
MOTOR CITY COURT

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PLN2022-0052

GENERAL PLAN MAP

LEGEND

-  Project Site
-  City of
-  Parcel
-  Road
-  Canal
- General Plan**
-  Planned Development
-  Planned Industrial
-  Urban Transition

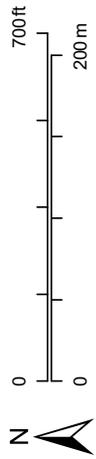


**MOTOR CITY COURT
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PLN2022-0052**

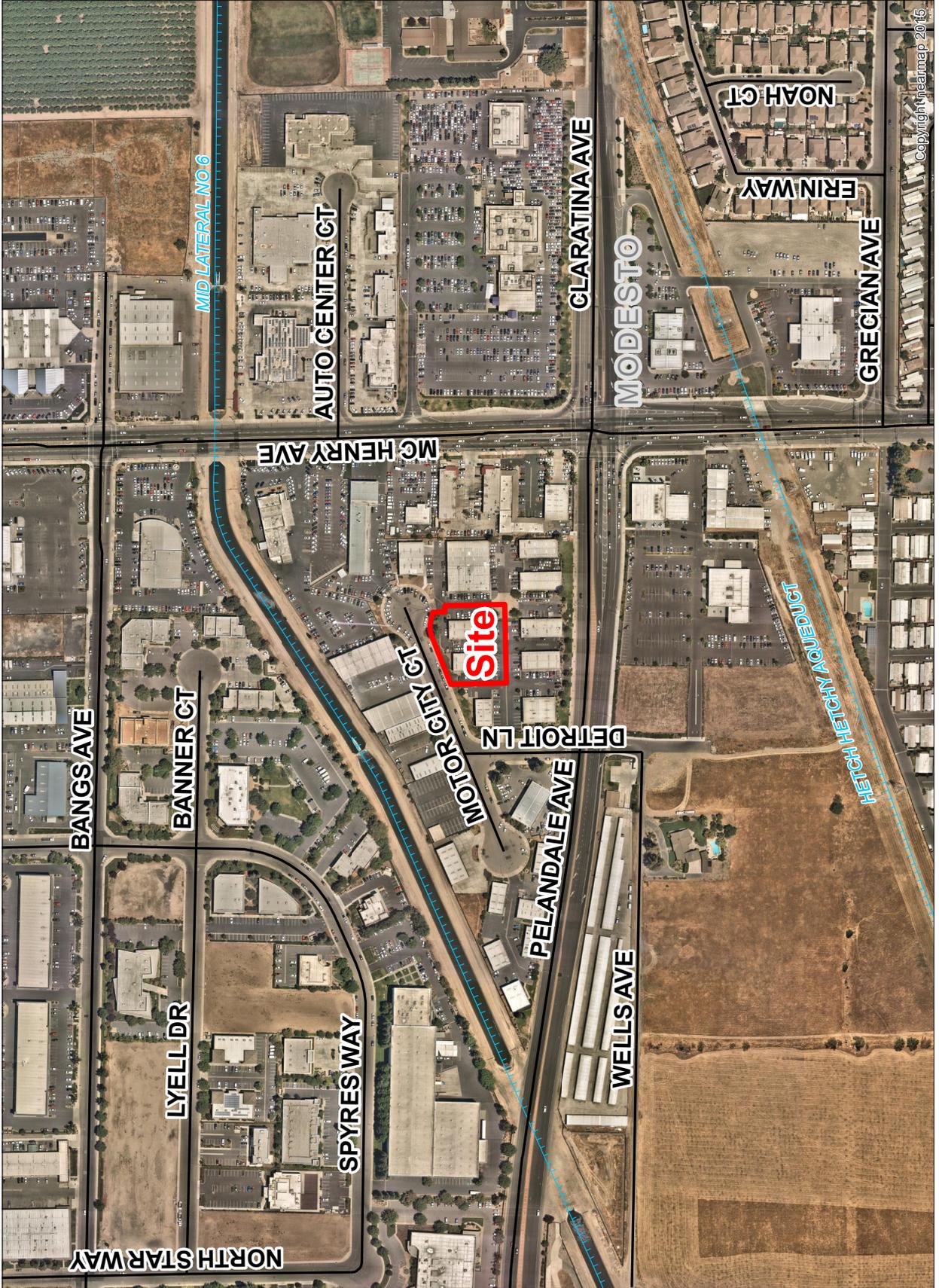
2021 AERIAL AREA MAP

LEGEND

-  Project Site
-  Road
-  Canal



Source: Planning Department GIS Date: 5/18/2022



Copyright: reamap 2015

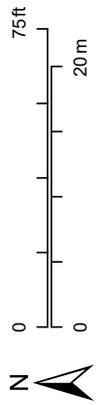
**MOTOR CITY COURT
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PLN2022-0052**

2021 AERIAL SITE MAP

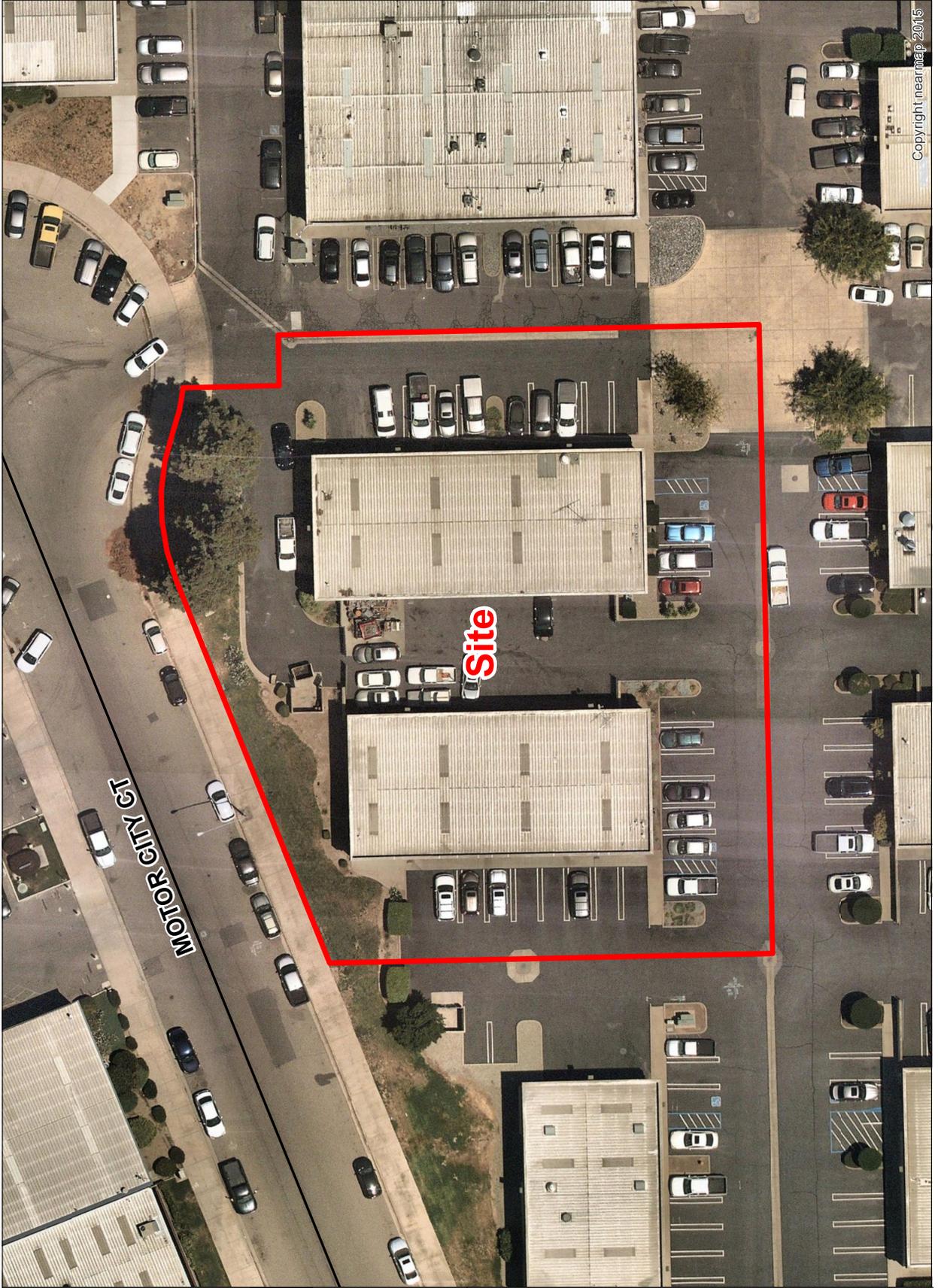
LEGEND

 Project Site

 Road



Source: Planning Department GIS Date: 5/18/2022



TENTATIVE PARCEL MAP

A.P.N. 046-008-023
 308 & 312 MOTOR CITY COURT
 MODESTO, CALIFORNIA 95356

OWNER
 CRAIG KIRKLAND AND SUSANNE KIRKLAND, HUSBAND AND WIFE, AS
 COMMUNITY PROPERTY WITH RIGHTS OF SURVIVORSHIP

CONTACT: DENNIS WILSON, HORIZON CONSULTING SERVICES
 ADDRESS- 1220 8TH STREET SUITE A, MODESTO, CA 95354
 PHONE- (209) 491-7820

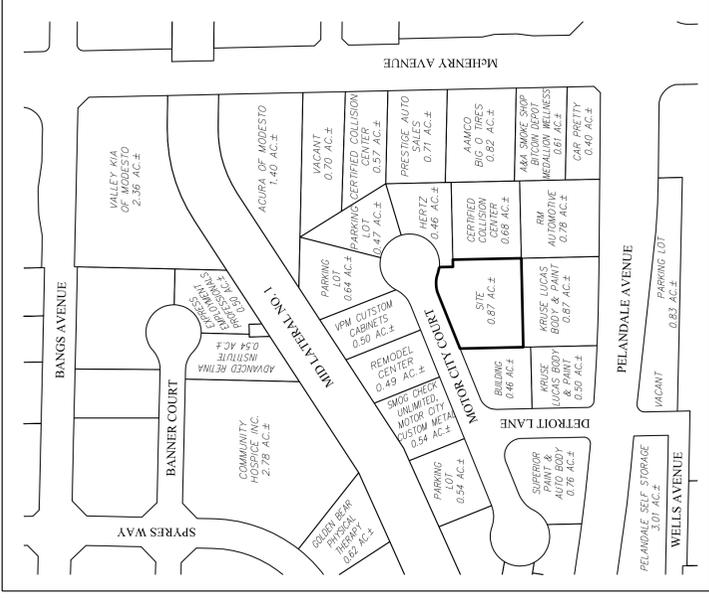
DEVELOPMENT STATEMENT

- EXISTING STORM DRAINAGE PER ON SITE DRAINAGE AS SHOWN.
- EXISTING SANITARY SEWER TO CITY OF MODESTO
 SANITARY SEWER SYSTEM.
- EXISTING DOMESTIC AND FIRE WATER FROM CITY OF
 MODESTO.
- THERE ARE NO PUBLIC AREAS PROPOSED ON THIS MAP.
- EXISTING STREET LIGHTING AS SHOWN.
- PURPOSE OF THIS TENTATIVE MAP IS TO SUBDIVIDE "PARCEL C" PER BOOK
 41 OF PARCEL MAPS, PAGE 47, S.C.R. INTO 2 PARCELS AS SHOWN.

BASIS OF BEARINGS
 THE BEARING OF NORTH-68°05'10" EAST FOR
 THE SOUTH RIGHT-OF-WAY LINE OF MOTOR CITY
 COURT, AS SHOWN ON PARCEL MAPS, PAGE
 41, BOOK 47, STANISLAUS COUNTY RECORDS, IS
 THE BASIS FOR ALL BEARINGS.

FLOOD ZONE CLASSIFICATION
 SAID DESCRIBED PROPERTY IS LOCATED WITHIN AREA
 ZONE X-41 AREA OF MINIMAL FLOOD HAZARD, AS
 SHOWN ON THE FLOOD HAZARD MAP OF STANISLAUS
 COUNTY, MAP NO. 060900330E WITH A DATE OF
 IDENTIFICATION OF SEPTEMBER 26, 2008, IN THE COUNTY
 OF STANISLAUS, STATE OF CALIFORNIA, WHICH IS THE
 CURRENT FLOOD INSURANCE RATE MAP FOR THE
 COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

LEGEND
 (M) MEASURED AS NOTED ON THIS MAP
 S.C.R. STANISLAUS COUNTY RECORDS
 R.O.W. RIGHT-OF-WAY
 --- EXISTING LOT LINE
 - - - EXISTING CENTER LINE
 - - - EXISTING RIGHT-OF-WAY LINE
 = = = BOUNDARY OF SURVEY



AREA MAP
 1" = 200'

REFERENCES

(R1) BOOK 41 OF PARCEL MAPS, AT PAGE 47, S.C.R.

SYL.	DATE	DESCRIPTION OF REVISION	APPD.

RODRICK H. HAWKINS
 ANDREW S. FOX
 RCE 50188, PLS 9489

HAWKINS & ASSOCIATES
 ENGINEERING, INC.
 436 MITCHELL ROAD
 MODESTO, CA. 95354
 PH: (209) 575-4295
 FX: (209) 578-4295



TENTATIVE PARCEL MAP
 CRAIG KIRKLAND
 PLANNING EXHIBIT FOR:
 PARCEL C OF 41-PM-47, S.C.R.
 A.P.N. 046-008-023
 308 & 312 MOTOR CITY CT, MODESTO, STANISLAUS COUNTY, CALIFORNIA

DATE: _____
 SHEET 1
 OF 1



SCALE: 1" = 20'

CONDITIONS OF APPROVAL

**PARCEL MAP APPLICATION NO. PLN2022-0052
MOTOR CITY COURT**

Department of Public Works

1. The recorded parcel map shall be prepared by a licensed land surveyor or registered civil engineer licensed to practice land surveying in California.
2. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
3. Prior to the recording of the parcel map, the new parcels shall be surveyed and fully monumented.
4. Prior to recording the parcel map or shown on the map, any utility (water, sewer, and stormwater) line that crosses from one parcel to serve another shall be in an easement for that utility line.
5. Prior to recording the parcel map or shown on the map, a shared parking easement shall be recorded for the benefit of both parcels.

Department of Planning and Community Development

6. All Development Standards of P-D (143) shall remain in effect for each resulting parcel.
7. Within five days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit a check in the amount of **\$57.00**, made payable to **Stanislaus County**, to the Department of Planning and Community Development for the purpose of filing the Notice of Exemption.
8. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
9. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

11. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
12. The recorded parcel map shall contain the following statement:

“All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with surrounding agricultural operations, such as noise, odors, flies, dust, or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.”

Department of Environmental Resources

13. Prior to any expansions to the existing on-site wastewater treatment system (OWTS) for each parcel, current DER standards shall be met.

City of Modesto

14. A reciprocal access easement shall be shown on the recorded map for the benefit of both parcels.

Modesto Irrigation District

15. Any trenching shall maintain a 1:1 horizontal distance from any existing pole, determined by the depth of the trench. If trenching encroaches on this requirement, the Contractor shall contact the Modesto Irrigation District (MID) Electric Engineering Department to brace any effected poles during the trenching process. The cost of any required pole bracing will be assumed by the requesting party. The contractor shall verify actual depth and location of all underground utilities prior to the start of construction.
16. All existing overhead and underground easements adjacent or within the site shall be maintained. Prior to the issuance of any future building permit, MID shall review construction plans to ensure existing overhead and underground easements are not encroached upon.
17. Relocation or installation of any electrical facilities shall conform to the MID Electric Services Rules and the customer will be responsible for all costs associated with the work.

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Parcel Map Application No. PLN2022-0052 – Motor City Court

Applicant Information: Craig Kirland et al, 312 Motor City Court, Modesto, CA 95356; (209) 525-6330

Project Location: 308 and 312 Motor City Court, between Bangs and Pelandale Avenues, in the Modesto area. Stanislaus County (APN: 046-008-023).

Description of Project: Request to subdivide a 37,960± square-foot parcel into two parcels, 17,639 and 20,321 square feet in size, in the Planned Development (P-D) (143) zoning district.

Name of Agency Approving Project: Stanislaus County Planning Commission

Lead Agency Contact Person: Jeremy Ballard, Associate Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15315
- Statutory Exemptions. State code number: _____
- Common Sense Exemption. (Section 15061) (b)(3)

Reasons why project is exempt: The project is considered to be a minor land division of commercial and industrially zoned property, which will result in four or fewer parcels, and is in conformance with the County's General Plan, it does not require a variance or exception, services and access met local standards, and has not been previously subdivided within the past two years. There is also no evidence in the record that this action will have a direct or significant physical impact on the environment.

Date

Jeremy Ballard
Associate Planner

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: PM PLN2022-0052 - MOTOR CITY COURT

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X		X		X							
CA DEPT OF TRANSPORTATION DIST 10	X		X		X							
CA OPR STATE CLEARINGHOUSE	X		X		X							
CA RWQCB CENTRAL VALLEY REGION	X		X		X							
CITY OF: MODESTO	X		X	X				X		X	X	
COOPERATIVE EXTENSION	X		X		X							
FIRE PROTECTION DIST: SALIDA	X		X		X							
IRRIGATION DISTRICT: MID	X		X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X		X		X							
MT VALLEY EMERGENCY MEDICAL	X		X		X							
PACIFIC GAS & ELECTRIC	X		X		X							
SAN JOAQUIN VALLEY APCD	X		X		X							
SCHOOL DISTRICT 1: SYLVAN	X		X		X							
SCHOOL DISTRICT 2: MODESTO UNION	X		X		X							
STAN CO BUILDING PERMITS DIVISION	X		X		X							
STAN CO CEO	X		X		X							
STAN CO DER	X		X	X				X		X	X	
STAN CO ERC	X		X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X		X	X				X		X		X
STAN CO PUBLIC WORKS	X		X	X				X		X	X	
STAN CO SHERIFF	X		X		X							
STAN CO SUPERVISOR DIST 4:GREWAL	X		X		X							
STAN COUNTY COUNSEL	X		X		X							
STANISLAUS FIRE PREVENTION BUREAU	X		X		X							
STANISLAUS LAFCO	X		X		X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: ATT	X		X		X							