

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

DEPT: Planning & Community Development

BOARD AGENDA # 9:25 a.m.

Urgent  Routine

AGENDA DATE: June 19, 2001

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

**SUBJECT:**

APPROVAL OF REZONE APPLICATION NO. 2001-02 - ROSS SCHIVELEY TO ESTABLISH A 1.06 ACRE PLANNED DEVELOPMENT INCLUDING A USED CAR LOT, CAR DETAILING, AND A MOBILE OFFICE LOCATED AT THE NORTHEAST CORNER OF MCHENRY AVENUE AND CLARATINA AVENUE, NORTH MODESTO

**PLANNING COMMISSION RECOMMENDATION:**

BASED ON A STAFF RECOMMENDATION FOR APPROVAL, THE PLANNING COMMISSION, AT ITS MEETING OF MAY 3, 2001, UNANIMOUSLY VOTED THAT THE BOARD SHOULD APPROVE THIS PROJECT AS FOLLOWS:

1. FIND THAT THE PROPOSED PLANNED DEVELOPMENT IS CONSISTENT WITH THE COUNTY GENERAL PLAN;

(Planning Commission Recommendation Continued on Page 2)

**FISCAL IMPACT:**

None.

**BOARD ACTION AS FOLLOWS:**

No. 2001-485

On motion of Supervisor Simon, Seconded by Supervisor Blom

and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

Motion: INTRODUCED, ADOPTED, AND WAIVED THE READINGS OF ORDINANCE C.S. 765.

AMENDED THE ITEM TO MODIFY CONDITION #7 TO READ AS FOLLOWS: "APPLICANT, OR SUBSEQUENT PROPERTY OWNER, SHALL BE RESPONSIBLE FOR PROVIDING LANDSCAPE PLANTS IN A HEALTHY AND ATTRACTIVE CONDITION AS APPROVED BY THE PLANNING DIRECTOR. DEAD OR DYING PLANTS SHALL BE REPLACED WITH MATERIALS OF EQUAL SIZE AND SIMILAR VARIETY."

SUBJECT: APPROVAL OF REZONE APPLICATION NO. 2001-02 - ROSS SCHIVELEY TO ESTABLISH A 1.06 ACRE PLANNED DEVELOPMENT INCLUDING A USED CAR LOT, CAR DETAILING, AND A MOBILE OFFICE LOCATED AT THE NORTHEAST CORNER OF MCHENRY AVENUE AND CLARATINA AVENUE, NORTH MODESTO

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**PLANNING  
COMMISSION  
RECOM-  
MENDATION  
CONTINUED:**

2. FIND THAT DEVELOPMENT OF THE PROPERTY WILL INCREASE ACTIVITY THERE, NECESSITATING ON- AND OFF-SITE IMPROVEMENTS;
3. APPROVE REZONE APPLICATION NO. 2001-02, SUBJECT TO THE ATTACHED DEVELOPMENT STANDARDS AND DEVELOPMENT SCHEDULE; AND,
4. FIND THIS PROJECT TO BE "DE MINIMIS" FOR THE PURPOSES OF FISH AND GAME CODES.

**DISCUSSION:** This is a request to modify existing Planned Development #56, located at the northeast corner of McHenry Avenue and Claratina. That PD was approved in 1979 to allow a variety of uses. A large building on the 10.5 acre site, which was occupied by a home improvement center, and which now houses a furniture sales operation.

The present project is to modify Planned Development #56 to allow an auto sales and detailing facility to be constructed on an undeveloped 1.05 portion of the PD. The auto sales operation would be one where individual car owners could leave their vehicles on the site to be displayed. If a potential buyer is interested in a certain car, contact can then be made with the owner. The applicant believes this will be an attractive alternative to private sellers using newspaper ads of parking cars on the street.

Hours of operation would be 10:00AM to 8:00PM seven days a week. There would be up to four employees on the site, and up to perhaps fifteen customers. Typical traffic generation would be expected to be no more than a few cars per hour. There will be separate areas for displayed automobiles and customer's cars. There is more than ample parking within the Planned Development to allow this use and still have parking for the existing structure.

During the Early Consultation review process letters from both the City of Modesto and Caltrans expressed concerns about the driveway access to the site. In fact both agencies responded without realizing the driveways are already in place. The existing McHenry Avenue driveways will provide access. It should be noted also that the project area is indeed part of a larger property and there are other existing access points that could be used. There will be no access to the lot by way of Claratina Avenue as that is planned by the City of Modesto to be an expressway.

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PAGE 3

**DISCUSSION  
CONTINUED:**

Aside from traffic, other matters are fairly routine. Septic systems meeting Measure X standards will be used for sewage disposal. Water will be provided from a City of Modesto line already serving the property. Drainage will be contained entirely on-site as required by County Public Works standards. Visually and operationally, the facilities will be typical of automobile sales complexes elsewhere.

On May 3, 2001, the County Planning Commission held a duly advertised public hearing on this project. No one spoke against the project. Applicant Ross Schiveley appeared on his own behalf. Following a very brief discussion, the Commission found no significant issues associated with this project. The Commission voted unanimously to recommend that the Board of Supervisors approve this new Planned Development.

**POLICY  
ISSUES:**

None.

**STAFFING  
IMPACT:**

None.

**ATTACHMENTS:** Planning Commission Staff Report, May 3, 2001  
Planning Commission Minutes, May 3, 2001

# STANISLAUS COUNTY PLANNING COMMISSION

May 3, 2001

## STAFF REPORT

REZONE APPLICATION NO. 2001-02  
ROSS SHIVELEY

**REQUEST: TO MODIFY EXISTING PLANNED DEVELOPMENT #56 TO ALLOW DEVELOPMENT OF AN AUTOMOBILE SALES AND DETAILING FACILITY, MODESTO AREA.**

### APPLICATION INFORMATION

Owner	Curtis Grant
Applicant:	Ross Shiveley
Agent:	Ross Shiveley
Location:	Northeast corner of Claratina Avenue and McHenry Avenue (State Route 108), in the North Modesto area.
Section, Township, Range	4-3-9
Supervisorial District:	Four (Supervisor Simon)
Assessor's Parcel:	082-09-17
Referrals:	See list contained within Initial Study
Area of Parcels:	1.06 of a 10.50 acre (three parcels) Planned Development
Water Supply:	City of Modesto
Sewage Disposal:	Septic systems consistent with Measure X
Existing Zoning:	Planned Development 56
General Plan Designation:	Planned Development
Environmental Review:	N/A (Negative Declaration completed for original PD approval)
Present Land Use:	Vacant
Surrounding Land Use:	Mixture of commercial, industrial, and agricultural uses.

### BACKGROUND

For well over two decades the Stanislaus County General Plan has had contained within it specific provisions pertaining to the McHenry Avenue corridor from the Modesto City limits north to Kiernan Avenue. These provisions have recognized the unique character and location by allowing development to occur on both sides of McHenry Avenue within the unincorporated area.

In the late 1980s, Stanislaus County entered into formal agreements with all nine incorporated cities. These agreements established criteria for reciprocal collection of impact fees for projects both within and outside city limits. The agreements also provided for land use development decisions within spheres of influence to be deferred by the County to the cities thereby ensuring that the cities would have control over their own destinies. Developments, also under terms of the agreements, would be required to develop consistent with city development standards for things such as signs, landscaping, street improvements and the like. The Land Use Element of the County General Plan was amended to reflect these policies.

There are a few exceptions to those policies however. Churches, agricultural uses and certain physical locations, including this McHenry Avenue corridor, are not subject to the terms of those agreements.

In 1979, the County Board of Supervisors approved a general plan change and rezoning of the subject 10.5 acres at 4300 McHenry Avenue to a Planned Development (PD 56) which would have allowed use of the property for any of 15 individual uses on a list submitted by the applicant. The plot plan showed one large building and two smaller ones on the front half of the site, with no improvements shown on the easterly half which was to be Phase 2. The former Grossman's home improvement store was constructed, but neither of the proposed smaller buildings were ever built.

In December of 1983, the County approved a modification of the PD to allow an expansion of Grossman's . In 1984, the County Planning Commission denied a variance application for a large freestanding pole sign proposed by Grossman's.

In 1994, a furniture sales business opened in the then empty former Grossman's building. In May of 1997, Use Permit 97-09 was granted by the Planning Commission for a farmers market and crafts sales. The next month a staff approval application was filed for boat and recreational vehicle storage, but that permit was never approved. Most recently, a business license request for an auto washing operation was rejected as it did not comply with the applicable development standards of the PD.

### **PROJECT DESCRIPTION**

The present project is to modify Planned Development# 56 to allow an auto sales and detailing facility to be constructed on an undeveloped 1.05 portion of the PD. The auto sales operation would be one where individual car owners could leave their vehicles on the site to be displayed. If a potential buyer is interested in a certain car, contact can then be made with the owner. The applicant believes this will be an attractive alternative to private sellers using newspaper ads of parking cars on the street.

Hours of operation would be 10:00AM to 8:00PM seven days a week. There would be up to four employees on the site, and up to perhaps fifteen customers. Typical traffic generation would be expected to be no more than a few cars per hour. There will be separate areas for

displayed automobiles and customer's cars. There is more than ample parking within the Planned Development to allow this use and still have parking for the existing structure.

During the Early Consultation review process letters from both the City of Modesto and Caltrans expressed concerns about the driveway access to the site. In fact both agencies responded without realizing the driveways are already in place. The existing McHenry Avenue driveways will provide access. It should be noted also that the project area is indeed part of a larger property and there are other existing access points that could be used. There will be no access to the lot by way of Claratina Avenue as that is planned by the City of Modesto to be an expressway.

Aside from traffic, other matters are fairly routine. Septic systems meeting Measure X standards will be used for sewage disposal. Water will be provided from a City of Modesto line already serving the property. Drainage will be contained entirely on-site as required by County Public Works standards. Visually and operationally, the facilities will be typical of automobile sales complexes elsewhere.

### **FINDINGS**

In a case of a rezone, the only finding required is that the proposed new zone is consistent with the General Plan. Here, the Land Use Element of the General Plan already designated this site as Planned Development. The 1979 Planned Development projects created a commercial Planned Development consistent with that designation. We believe that this current request does the same. The proposed use is most certainly consistent with other uses in the general vicinity as well as with the PD General Plan and zoning already on the property. This new zone designation adds another allowable use.

### **RECOMMENDATION**

For the reasons discussed above staff is in support of this project. We believe the Commission should recommend to the Board of Supervisors that they:

1. Find that the proposed Planned Development is consistent with the County General Plan;
2. Find that development of the property will increase activity there, necessitating on- and off-site improvements;
3. Approve Rezone Application No. 2001-02 subject to the attached Development Standards and Development Schedule; and,
4. Find this project to be "De Minimis" for the purposes of Fish and Game Codes.

\*\*\*\*\*

REZ 2001-02  
Staff Report  
May 3, 2001  
Page 4

Report written by: Bob Kachel, Senior Planner, April 23, 2001

Attachments: Exhibit A - Maps  
Exhibit B - Development Standards and Schedule  
Exhibit C - Certificate of Fee Exemption  
Exhibit D - Summary of Referrals

BK:dh  
I:\STAFFRPT\Rez2000.sr\Rezone2001-02Shiveley.wpd

BANGS AVE

MC HENRY AVE

REZ. NO.2001-02  
BY: CENTRAL VALLEY YOU SELL

MOTOR CITY CT

AUTO CENTER CT

SITE

PELANDALE AVE

WELLS AVE



MODESTO



EXHIBIT A



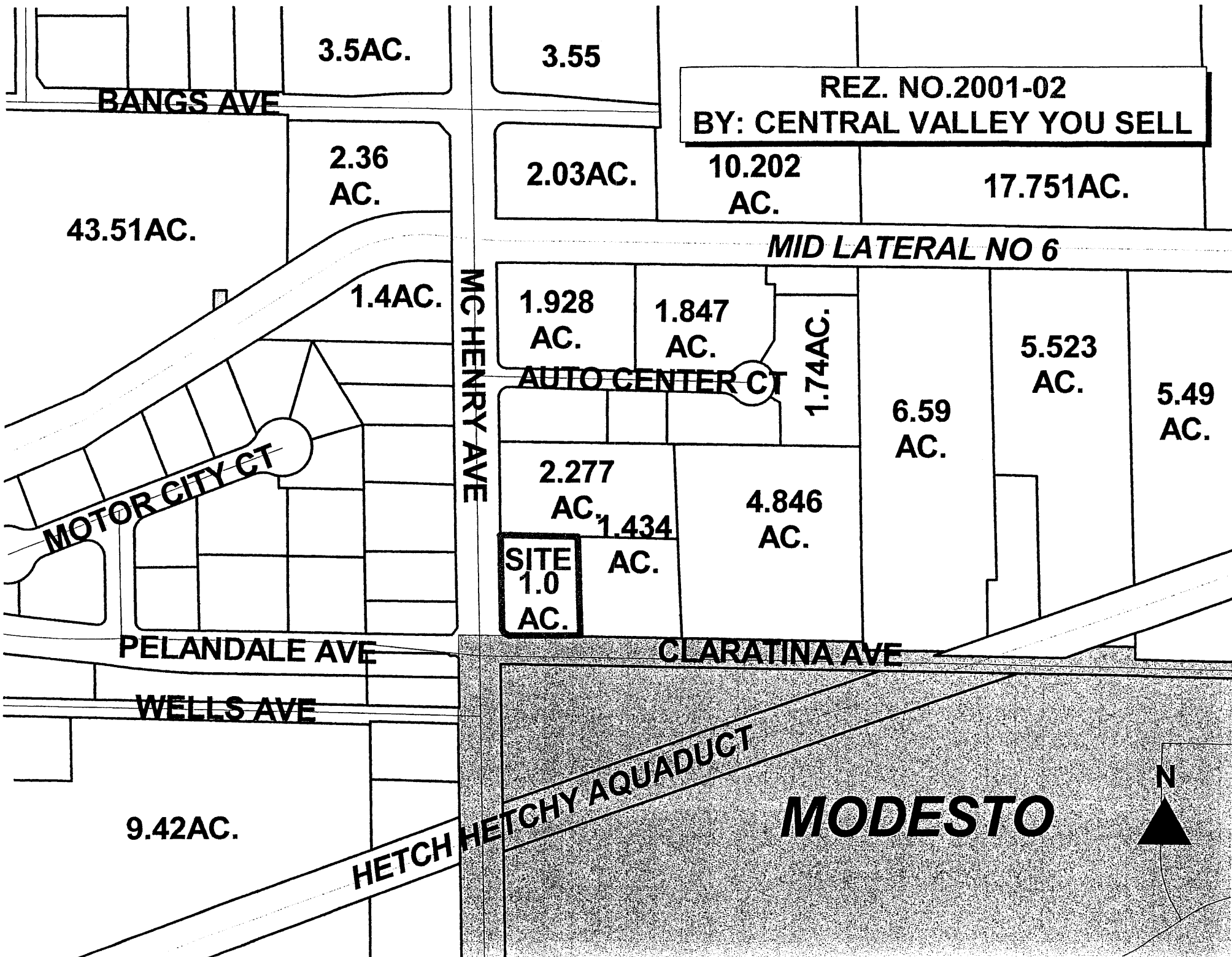


EXHIBIT A-1

BANGS AVE

3.5AC.

3.55

REZ. NO.2001-02  
BY: CENTRAL VALLEY YOU SELL

**P-I**

43.51AC.

2.36  
AC.

2.03AC.

10.202  
AC.

17.751AC.

MID LATERAL NO 6

1.4AC.

MC HENRY AVE

1.928  
AC.

1.847  
AC.

1.74AC.

AUTO CENTER CT

5.523  
AC.

5.49  
AC.

6.59  
AC.

MOTOR CITY CT

2.277  
AC.

1.434  
AC.

4.846  
AC.

**A-2-10 UT**

**P-D**

SITE  
1.0  
AC.

PELANDALE AVE

CLARATINA AVE

WELLS AVE

9.42AC.

HETCH HETCHY AQUADUCT

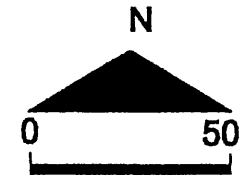
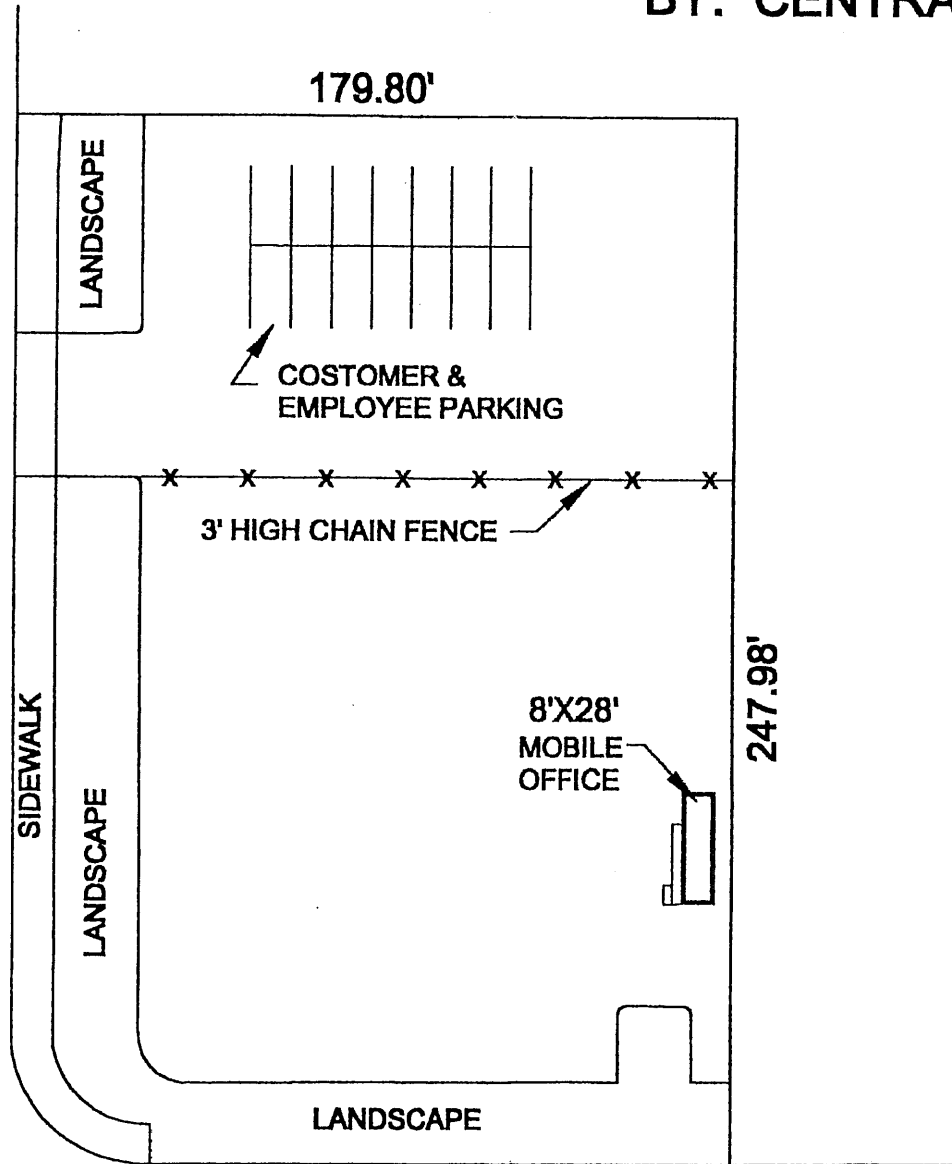
MODESTO



REZ. NO.2001-02  
BY: CENTRAL VALLEY SELL YOU

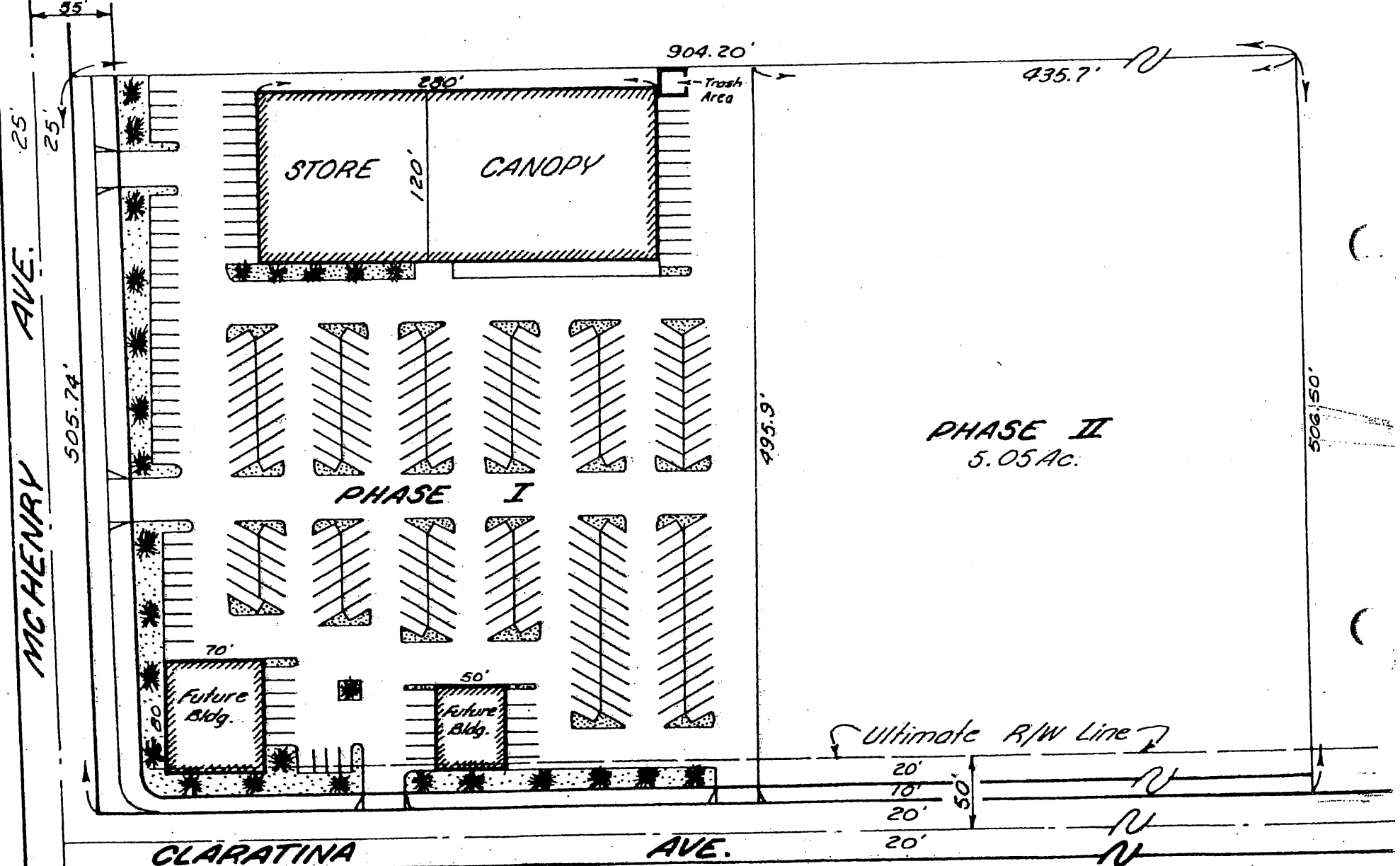
McHENRY  
AVE.

McHENRY  
AVE.



CLARATINA  
AVE.

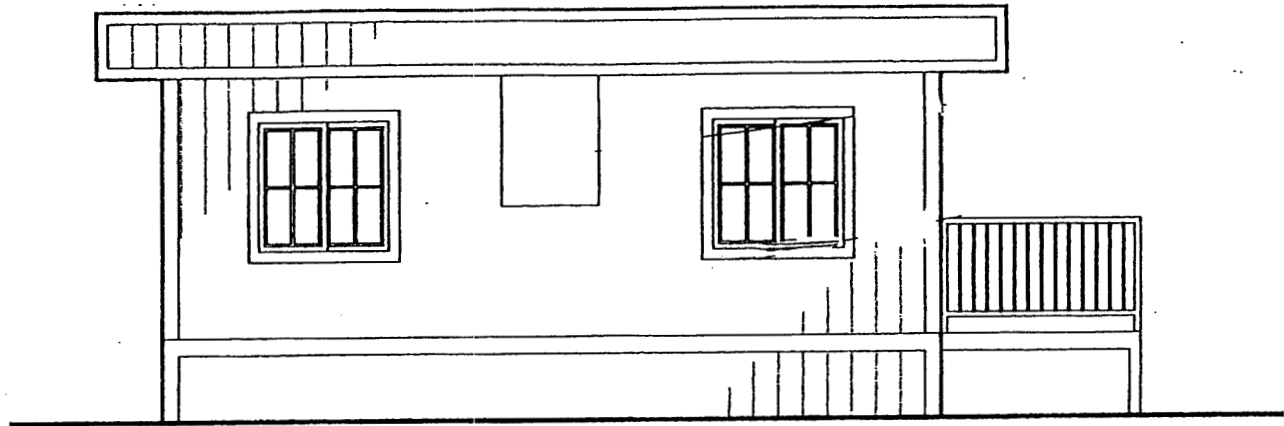
REZONING NO. 73-12  
CHANGE FROM A-2-10 TO P-D  
By Grant Const. Co.



Aug. 6, 79

Sec. 4-3-9

EXHIBIT A-4



LEFT ELEVATION



FRONT ELEVATION

ELEVATIONS

10

## **DEVELOPMENT STANDARDS AND SCHEDULE**

### **REZONE APPLICATION NO. 2001-02 ROSS SHIVELEY**

#### **Department of Planning and Community Development**

1. This use be conducted as described in the application and supporting information (including the plot plan) as approved and in accordance with other laws and ordinances. All applicable standards of PD #56 shall remain in effect.
2. Applicant must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license.
3. Project proponent, when applicable, shall obtain both a permit to construct and a permit to operate from the San Joaquin Valley Air Pollution Control District prior to building occupancy. Applicant shall comply with the terms and conditions of said entitlements. (APCD Rule 201 and Health and Safety Code 42301)
4. Prior to the occupancy of any building, or operation of the approved use, the applicant shall meet all the requirements of the Department of Fire Safety for on-site water storage.
5. That a Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy. (UBC Section 307)
6. That sufficient paved and marked parking spaces be provided as required by Chapter 21.76 of the Stanislaus County Code.
7. Applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. (CEQA, Section 15041)
8. Exterior lighting of the parking areas shall be designed (aimed down and towards the site) to provide adequate illumination without a glaring effect.
9. Grading and drainage plans (including drainage calculations based on the Stanislaus County Storm Drainage Design Manual) for the entire site shall be approved by the Department of Public Works prior to issuance of any building permits for the project and shall be implemented prior to occupancy. (Section 16.64.170 of the Stanislaus County Ordinance Code)
10. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director and the City of Modesto before installation.



11. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
12. A signed agreement, subject to the approval of the Board of Supervisors, shall be filed with the County agreeing to annex the subject property to the City of Modesto upon demand by the City and after approval by the Board of Supervisors.
13. Prior to issuance of any building permit, the developer shall dedicate public utility easements as required by the utility companies and the Planning Director. (See January 3, 2001 letter from Modesto Irrigation District.)
14. All new utilities shall be placed underground.
15. Fences and landscaping adjacent to roadways shall be in compliance with the County's "Visibility and Obstructions at Public Intersections" ordinance.
16. That all businesses on site obtain and maintain a valid business license. Application may be made in the Planning Department (Section 6.04 of the Stanislaus County Ordinance Code).
17. If subsurface cultural resources are discovered on the project site during the construction process, all work shall stop until a qualified archaeologist, approved by the Planning Department, evaluates said resources and establishes boundaries around archaeologically sensitive areas. If the site is determined to be significant, appropriate mitigation measures shall be formulated and implemented in accordance with Appendix K of CEQA. (CEQA, Section 15041)
18. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by 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.
19. A landscaping plan consistent with Section 21.102 of the Zoning Ordinance shall be submitted and approved prior to issuance of building permits.
20. Prior to the issuance of the Notice of Determination, the applicant shall pay, within five days of Planning Commission approval, a filing fee of \$50.00 to "**Stanislaus County Clerk/Recorder**" care of the Planning Department. Should the "De Minimis" finding be found invalid for any reason, the applicant/developer shall be responsible for payment of Department of Fish and Game Fees.
21. The applicant 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.

22. Prior to construction: The developer shall be responsible for contacting the U.S. Army Corps of Engineers to determine if any "wetlands", "waters of the United States", or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
23. Prior to construction: The developer shall be responsible for contacting the California Department of Fish and Game shall be responsible for obtaining all appropriate streambed alteration agreements permits or authorizations if necessary.
24. Prior to construction: The developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan. Once complete, and prior to construction, a copy of the Storm Water Pollution Prevention Plan shall be submitted to the Stanislaus County Department of Planning and Community Development.

**Department of Environmental Resources**

25. The sewage disposal system shall be an approved aerobic treatment system so as to comply with the Primary and Secondary Sewage Treatment Initiative (Measure X).

**Stanislaus County Department of Public Works**

26. Prior to the issuance of any building permits, sufficient road right-of-way shall be dedicated to Stanislaus County to comply with the City of Modesto's Pelandale-Claratina Expressway standard.
27. That curb, gutter, sidewalk, drainage facilities, pavement, pavement markings, signs and street lights shall be constructed along the Claratina Avenue frontage in front of the proposed development. This condition may be deferred with the property owner signing a Street Improvement Agreement prior to the issuance of any building permit for the approved use.
28. Prior to the issuance of any building permits, off-site street improvement plans shall be prepared by a registered civil engineer and approved by the Department of Public Works, Caltrans and reviewed by the City of Modesto.



29. Final driveway locations and widths (41' maximum) shall be approved by the Department of Public Works, based on input from Caltrans and the City of Modesto.
30. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of McHenry or Claratina Avenues. The developer will be required to install or pay for the installation of all required signs and/or markings.

#### **MODESTO IRRIGATION DISTRICT**

31. In conjunction with related site improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
32. Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
33. A 10' PUE is required along all existing and proposed street frontages.
34. Electric service to the project site is not available at this time. Customer should contact the District's Electric Engineering Department to arrange for electric service to the project.

#### **DEVELOPMENT SCHEDULE**

1. The project shall begin construction within two years of the effective date of the rezone.

\*\*\*\*\*

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

**Project Title/Location (include county):**

Rezone Application No. 2001 -02 Ross Shiveley  
Northeast corner of Claratina Avenue and McHenry Avenue (Highway 108), north Modesto  
area, Stanislaus County.

**Project Description:**

Proposal to rezone a 1.05 vacant Planned Development to allow an auto sales and detailing  
business.

**Findings of Exemption (attach as necessary):**

The Stanislaus County Planning Commission make a finding of "De Minimis" on this project  
for the following reason(s):

- 1) The site is not in a riparian corridor;
- 2) The site is not identified on the Natural Diversity Data Base as having any threatened or  
endangered animals or plants or any sensitive habitat; and
- 3) The site is already within an urban area and is partially developed with commercial  
facilities.

**Certification:**

I hereby certify that the public agency has made the above finding and that the project will  
not individually or cumulatively have an adverse effect on wildlife resources, as defined in  
Section 711.2 of the Fish and Game Code.

\_\_\_\_\_  
(Chief Planning Official)

Title: Planning Director  
Lead Agency: Stanislaus County  
Date: \_\_\_\_\_

**SUMMARY OF RESPONSES:  
REFERRALS PROJECT:**

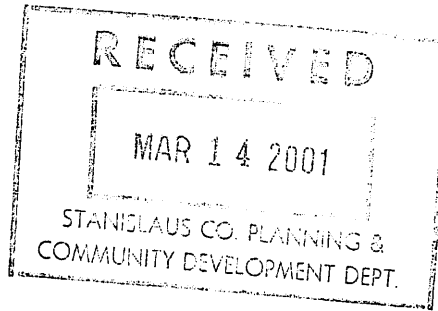
**ENVIRONMENTAL REVIEW  
REZONE APPLICATION NO. 2001-02 -  
ROSS SHIVELEY**

REFERRED TO:		RESPONDED		RESPONSE			MITIGATION MEASURES	
DATE: JANUARY 31, 2001	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT/ NON CEQA	YES	NO
AGRICULTURE	X		X					
CA DEPT. FORESTRY								
CALTRANS	X	X				X		X
CITY OF MODESTO	X	X				X		X
COMMUNITY SERVICES/SANITARY DISTRICT								
CORPS OF ENGINEERS								
COUNTY COUNSEL	X		X					
DEVELOPMENT SERVICES	X	X						X
ENVIRONMENTAL RESOURCES	X	X					X	
FIRE PROTECTION DISTRICT								
CONSOLIDATED FIRE PROTECTION DISTRICT	X		X				X	
FISH & GAME	X		X					
HOSPITAL DISTRICT								
MODESTO IRRIGATION DISTRICT	X	X	X				X	
EASTSIDE MOSQUITO DISTRICT	X		X					
MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X		X					
MUNICIPAL ADVISORY COMMITTEE								
PARKS & FACILITIES	X		X					
P.G. & E.	X		X					
PUBLIC WORKS	X	X					X	
REDEVELOPMENT	X		X					
RISK MANAGEMENT	X	X						X
StanCOG	X		X					
SCHOOL DISTRICT 1: MODESTO HIGH	X	X	X					X
SCHOOL DISTRICT 2: SYLVAN UNION	X	X	X					X
SHERIFF	X	X	X					X
SOIL CONSERVATION								
STANISLAUS COUNTY FARM BUREAU	X		X					
STANISLAUS ERC	X	X					X	
STATE CLEARINGHOUSE								
STATE LANDS BOARD								
SUPERVISORIAL DISTRICT FOUR (SIMON)	X		X					
PACIFIC BELL TELEPHONE COMPANY	X	X	X					
US FISH & WILDLIFE	X		X					
VALLEY AIR DISTRICT	X	X						
WATER DISTRICT								
DEPT. OF WATER RESOURCES								

bm,i:referral.res

March 12, 2001

Stanislaus County  
Planning and Community  
Development  
1010 10<sup>th</sup> Street  
Suite 3400  
Modesto, CA 95354



Regarding: - Rezone Application No. 2001-02 – Central Valley You Sell – McHenry Ave. N/o Claratina Avenue

Thank you for allowing the District to comment on this project. The following are comments from our Electrical and Irrigation Division.

**ELECTRICAL:**

The attached drawings are marked showing the location of the District's existing electrical facilities.

- (X) In conjunction with related site improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
- (X) Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
- (X) A 10' PUE is required along all existing and proposed street frontages
- (X) Electric service to the project site is not available at this time. Customer should contact the District's Electric Engineering Department to arrange for electric service to the project.

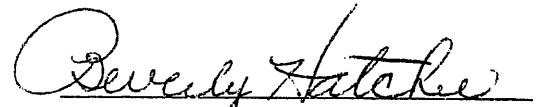
**IRRIGATION:**

No Irrigation Problems

DOMESTIC WATER

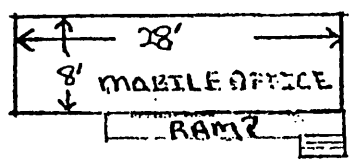
(X) No comments at this time.

3-12-01  
Date

  
Beverly Hatcher  
Risk and Property Analyst

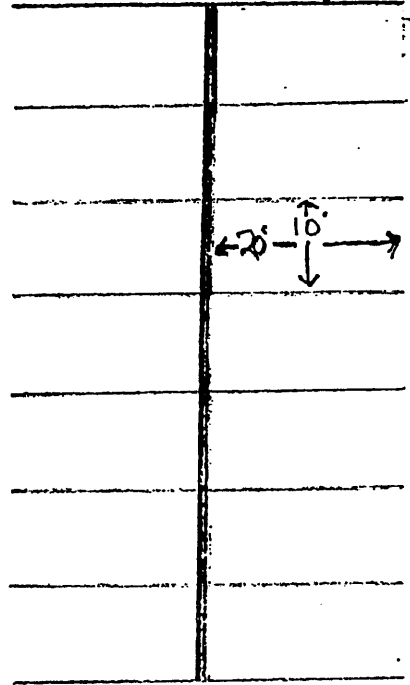
# MODESTO IRRIGATION DISTRICT POWER SYSTEM LAYOUT

BY R. [Signature] DATE 2-14-01



Customer & Employee  
PARKING

3ft high  
Chain Fence



157.73

CLARINA

MC HENRY AV

LANDSCAPE

150'

20'

EXISTING UNDERGROUND LOW VOLTAGE CABLE

233.29

EXISTING M.I.D. TRANSFORMER

LANDSCAPE

EXISTING UNDERGROUND HIGH VOLTAGE CABLE

30'

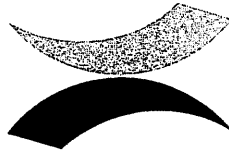
LANDSCAPE

EXISTING OVERHEAD LINES



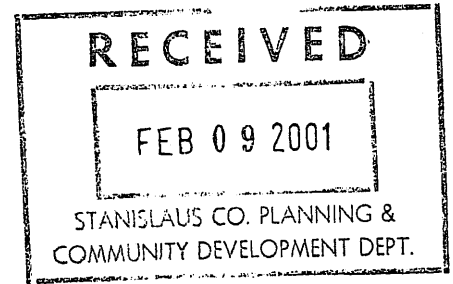
**GEORGE STILLMAN**  
Director

Administration  
Engineering  
Development Services  
Transit  
Facilities Services  
Road Maintenance  
Landfill



# Public Works

STANISLAUS COUNTY



February 9, 2001

MEMO TO: Bob Kachel, Department of Planning and Community Development

FROM: *Ron Cherrier*  
Ron Cherrier, Senior Land Development Coordinator

SUBJECT: Rezone No. 2001-02 - Central Valley You Sell

In order to mitigate traffic impacts and to be consistent with County development standards, this Department recommends the following conditions for the proposed project:

1. Road right-of-way shall be deeded to Stanislaus County to provide sufficient right-of-way to comply with the City of Modesto's Pelandale-Claratina Expressway standard. The property owners shall sign a Road Deed for this dedication prior to the issuance of any building permit.
2. That curb, gutter, sidewalk, drainage facilities, pavement, pavement markings, signs and street lights shall be constructed along the Claratina Avenue frontage in front of the proposed development. This condition may be deferred with the property owner signing a Street Improvement Agreement prior to the issuance of any building permit for the approved use.
3. All driveway locations and widths shall be approved by the Department of Public Works.
4. No parking, loading or unloading of vehicles shall be permitted within the right-of-ways of McHenry Avenue and Claratina Avenue.

(H:\services\rez2001-02.rc)



DATE: February 12, 2001  
TO: STANISLAUS COUNTY PLANNING & COMMUNITY DEV.  
FROM: DEPARTMENT OF ENVIRONMENTAL RESOURCES  
RE: ENVIRONMENTAL REVIEW COMMENTS  
PROJECT TITLE: REZONE APPLICATION NO. 2001-02 - CENTRAL VALLEY YOU SELL.

Based on this agency's particular field(s) of expertise, it is our position the project described above:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No comments.

Listed below are specific impacts which support our determination (e.g., traffic generation, carrying capacity, soil types, air quality, etc.). Attached are additional sheets if necessary.

1. Sewage disposal system may have a impact on groundwater quality.

Listed below are possible mitigation measures for the above-listed impacts:

1. The sewage disposal system shall be an approved aerobic treatment system so as to comply with the Primary and Secondary Sewage Treatment Initiative (Measure X).

In addition, our agency has the following comments: (Attach additional sheets if necessary).

Response prepared by:

BRYAN KUMIMOTO R.E.H.S. REG ENV. HEALTH SPECIALIST February 12, 2001  
(Title) (Date)

REGISTERED ENVIRONMENTAL HEALTH SPECIALIST  
Division of Environmental Health

sa

cc: County ERC





Bob  
CHIEF EXECUTIVE OFFICE

Reagan M. Wilson  
Chief Executive Officer

1010 10TH Street, Suite 6800, Modesto, CA 95354  
PO Box 3404, Modesto, CA 95353-3404

Patricia Hill Thomas  
Assistant Executive Officer

Phone: 209.525.6333 Fax: 209.544.6226



February 12, 2001

Bob Kachel  
Stanislaus County Planning & Community Development  
1010 ~ 10<sup>TH</sup> Street, Suite 3400  
Modesto, CA 95354

**SUBJECT: ENVIRONMENTAL REFERRALS – REZONE APPLICATION NO. 2001-02  
CENTRAL VALLEY YOU SELL**

Mr. Kachel:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has the following comments:

The road right-of-way shall be deeded to Stanislaus County to provide sufficient right-of-way to comply with the City of Modesto's Pelandale-Claratina Expressway standard. The property owners shall sign a Road Deed for this dedication prior to the issuance of any building permit.

Curb, gutter, sidewalk, drainage facilities, pavement, pavement markings, signs and street lights shall be constructed along the Claratina Avenue frontage in front of the proposed development. This condition may be deferred with the property owner signing a Street Improvement Agreement prior to issuance of any building permit for the approved use.

All driveway locations and widths shall be approved by the Department of Public Works.

No parking, loading or unloading of vehicles shall be permitted within in right-of-ways of McHenry Avenue and Claratina Avenue.

The sewage disposal system shall be an approved aerobic treatment system so as to comply with the Primary and Secondary Sewage Treatment Initiative (Measure X).

The ERC appreciates the opportunity to comment on this project.

Sincerely,

W. Richard Jantz, Deputy Executive Officer  
Keith D. Boggs, Senior Management Consultant  
Environmental Review Committee

cc: ERC Members

**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 2048 (1976 E. CHARTER WAY)  
STOCKTON, CA 95201  
TDD (209) 948-7981  
(209) 941-1921



February 27, 2001

**10-STA-108-PM 26.81**  
**Ross Shiveley**  
**Central Valley You Sell**  
**Rezone Application #2001-02**  
**APN #082-09-17**

Stanislaus County Planning Department  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354

To Whom It May Concern:

Thank you for the opportunity to review the above referenced documents, Transportation Planning has circulated these documents through our normal interdepartmental review process. Our Traffic Operations Branch has the following comments:

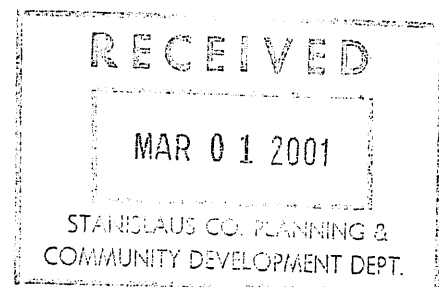
- No access off of McHenry Avenue (State Route [SR] 108) will be given. Access should be off of Clarantina Avenue.
- What are the projected traffic volumes for this project?
- Traffic impact fees should be collected toward improvements at the intersection of McHenry (SR 108) and Clarantina Avenues.
- Make sure to dedicate the ultimate ROW for SR 108.

If you have any questions regarding this project, please contact John E. Williamson at (209) 948-7936 (e-mail: [john\\_e\\_williamson@dot.ca.gov](mailto:john_e_williamson@dot.ca.gov)).

Sincerely,

*Chris Sayre for*

**TOM DUMAS, Chief**  
**Office of Intermodal Planning**





February 20, 2001

*Community  
Development  
Department  
Planning Division*

*P.O. Box 642  
1010 Tenth Street  
Third Floor  
Modesto, CA 95353  
209/577-5267  
209/491-5798 Fax  
email:  
planning@ci.modesto.ca.us*

*Hearing and Speech  
Impaired Only  
TDD 209/526-9211*

Stanislaus County Planning & community Development Dept.  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Subject: Rezone Application No. 2001-02 – Central Valley You Sell

Dear County Planner:

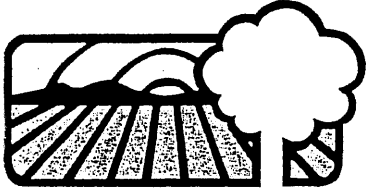
Thank you for the opportunity to review Rezone Application No. 2001-01, Central Valley You Sell. We have reviewed the project proposal contained in your CEQA Referral for Early Consultation and have the following comments:

1. The proposed use, a car sales lot, is consistent with the Regional Commercial designation on the City's General Plan. However, it does not appear to be a permanent use. Rather it appears to be a temporary use within an existing County Planned Development zone (PD (56)). The checklist should include a discussion of parking issues under item VI d). Specifically, would the existing building(s) and their current uses (previous Grossman Home Improvement Center etc.) be able to meet County parking standards with the effective removal of this 1-acre portion of the parking area that was originally constructed for PD(56)?
2. The City will be improving this Pelandale/McHenry/Claratina intersection in the near future. This intersection is to be constructed to Class B Expressway standards. Any street improvements shall be to City of Modesto standards. When this intersection is improved several standards will have to be met regarding:
  - Driveway distance from intersection (300 feet).
  - Access to expressway.
3. This property is within the City/County North McHenry Corridor Agreement area. This proposed business would be subject to the terms and conditions of that agreement. The property is currently served by City water agreement, City Council Resolution 90-351, which indicates the owner will participate in annexation to the City should one be initiated.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Steve Nish  
Associate Planner  
Planning Division



CITY of MODESTO

March 19, 2001

Community  
Development  
Department  
Planning Division  
P.O. Box 642  
1010 Tenth Street  
Third Floor  
Modesto, CA 95353  
209/577-5267  
209/491-5798 Fax  
email:  
planning@ci.modesto.ca.us

Hearing and Speech  
Impaired Only  
TDD 209/526-9211

Ross Schively  
5730 Hinds Rd.  
Oakdale, CA 95361

Subject: Rezone Application No. 2001-02 – Central Valley You Sell

Dear Mr. Schively:

This letter responds to your questions raised regarding our February 20 letter to a Stanislaus County Planning & Community Development Department referral of your proposal at the northeast corner of Pelandale and McHenry. I have met with the City's Engineering and Transportation Department staff to clarify your questions about street access and driveways.

According to Dean Philips of Engineering and Transportation Department (209.577.5260), construction of the first stage of improvements to the Pelandale Expressway/McHenry Avenue intersection will begin in late Spring with installation of traffic signals in early June. Based on the intersection design and Transportation Divisions' requirements, there will be no access along the Pelandale Expressway (Claratina Avenue) frontage as this frontage will contain a small drainage swale.

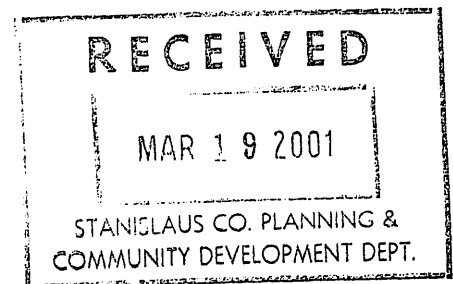
The proposed "driveway in & out" shown on your diagram at the 150 feet distance north of the intersection will not be permitted (you may contact our Transportation Division at 209.571.5190 for details). Instead, you must take your access to McHenry Avenue at the driveway further north at 300 feet from the intersection (see attached photo). The City of Modesto does not permit driveways adjacent to an Expressway/Major Arterial intersection closer than 300 feet. The closer driveway would interfere with right turning westbound traffic from Pelandale (Claratina).

Hopefully, this clarifies your questions regarding our letter of February 20, 2001. If you have further questions, please call me at (209.577.5280).

Sincerely,

Steven R. Nish  
Associate Planner  
Planning Division  
Community Development Department

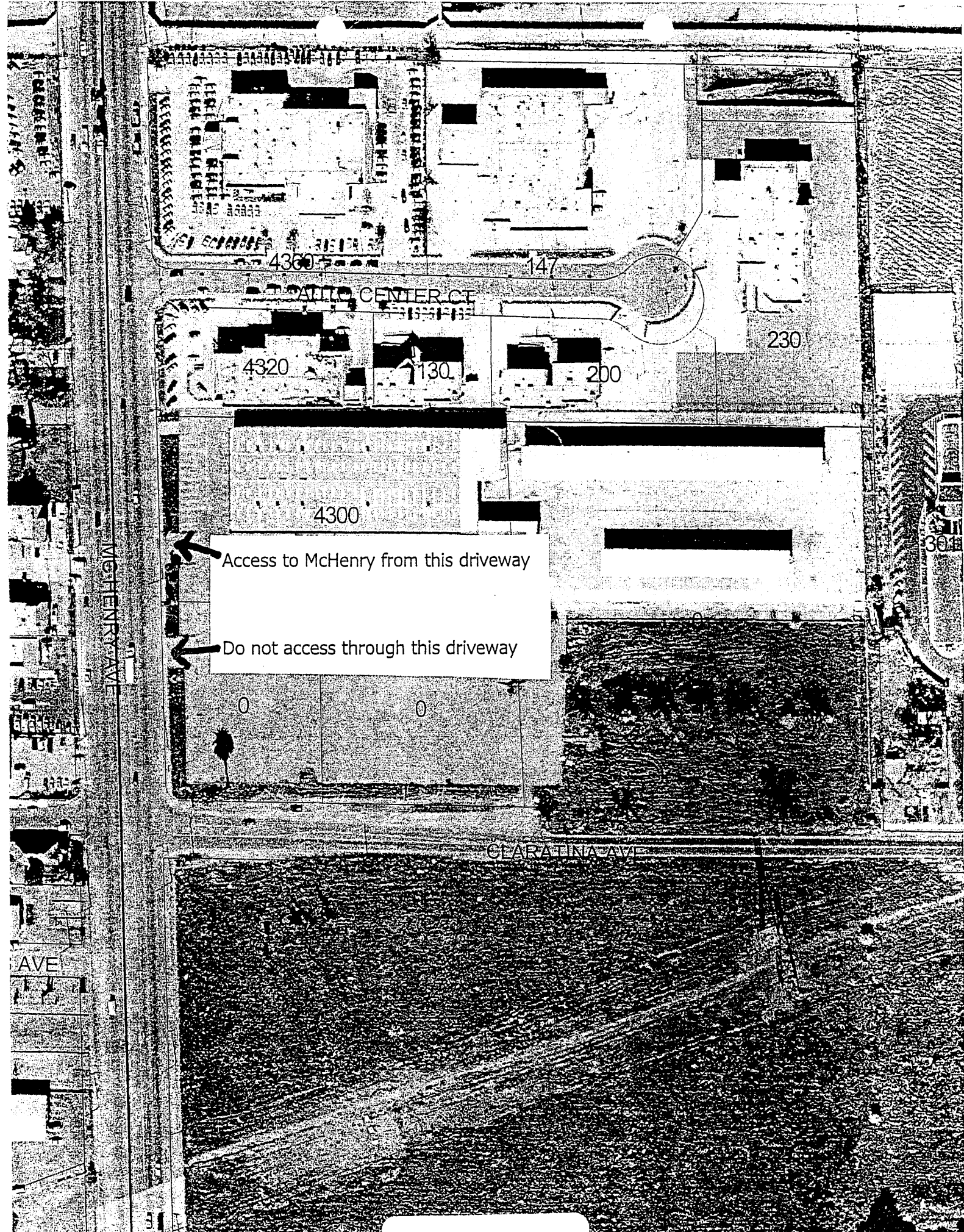
Sn



Cc: Dean Philips  
Helen Wang  
Ron Freitas, County Planning & Community Development Dept.

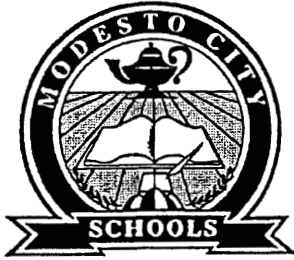
Curtis Grant  
1125 Lone Palm Avenue  
Modesto, CA 95351

Attachment: Air Photo



Access to McHenry from this driveway

Do not access through this driveway



## MODESTO CITY SCHOOLS

Planning and Research  
(209) 576-4032/Fax 576-4879

426 Locust Street, Modesto, CA 95351  
Email: meredith.b@monet.k12.ca.us



February 2, 2001

Stanislaus County Department of Planning  
And Community Development  
1010 Tenth St., Suite 3400  
Modesto, CA 95354

**RE: REZONE APPLICATION NO. 2001-02 - CENTRAL VALLEY YOU SELL**

To Whom It May Concern:

Modesto City Schools has no objection to the above referenced rezone application. The appropriate school impact fees will be assessed on all construction.

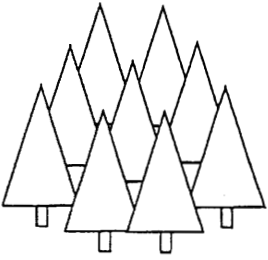
If you have any questions or need additional information, please contact me at 576-4032.

Sincerely,

MODESTO CITY SCHOOLS

Becky Meredith, Director  
Planning and Research

cc: Sylvan Union School District

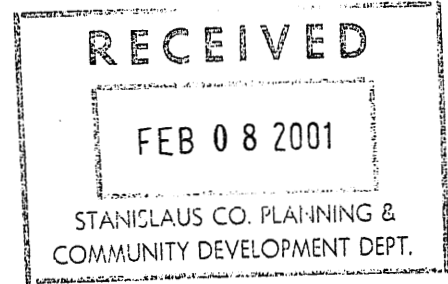


# **SYLVAN UNION SCHOOL DISTRICT**

605 Sylvan Avenue • Modesto, California 95350-1599 • (209) 574-5000 • FAX (209) 524-2672

WHERE KNOWLEDGE GROWS

February 5, 2001



CAROL DEE  
Superintendent

## **BOARD OF TRUSTEES**

GEORGE RAWE  
President

CHAD BROWN  
Clerk

CYNTHIA LINDSEY  
Member

STEPHEN STROUD  
Member

TERRIANN ZEEK  
Member

Stanislaus County Department of Planning and Community  
Development  
1010 10th Street, Suite 3400  
Modesto, CA 95354

Re: Rezone Application No. 2001-02 - Central Valley You Sell

To Whom It May Concern:

The Sylvan Union School District has no objection to the above-referenced rezone application. The appropriate school impact fees will be assessed on all construction.

If you have any questions or need additional information, please contact me at 574-5000, extension 215.

Sincerely,

SYLVAN UNION SCHOOL DISTRICT

Ronald N. Lebs  
Business Manager

RNL:alr

cc: Becky Meredith, Director, Planning and Research (MCS)



RECEIVED

FEB 01 2001

STANISLAUS CO. PLANNING & COMMUNITY DEVELOPMENT DEPT.

### STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

FROM: Development Services

PROJECT: REZONE APPLICATION NO. 2001-02 - CENTRAL VALLEY YOU SELL

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts:

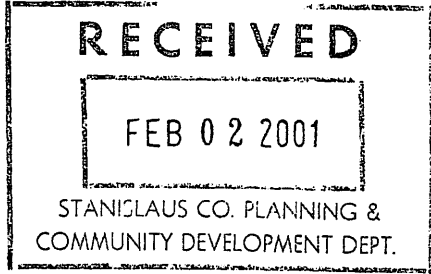
- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

Building permit will be required for proposed mobile offices and associated utilities. More detailed information may be required at the time of permit application

Response prepared by:

<u>George E. Andrade</u>	<u>Deputy Building Official</u>	<u>1-31-01</u>
Name	Title	Date



STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

FROM: DAVID L. DOLENAR, CEO - Risk Management Division

PROJECT: REZONE APPLICATION NO. 2001-02 - CENTRAL VALLEY YOU SELL

Based on this agencies particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts:

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

\_\_\_\_\_

\_\_\_\_\_

Response prepared by:

David L. Dolanar, Deputy Executive Officer, 2/01/01  
Name Title Date

**\*B. REZONE APPLICATION NO. 2001-02 - ROSS SCHIVELEY**

Request to change Planned Development (56) zoning district to a modified Planned Development for a used car lot where customers place their own cars to be sold, car detailing and a mobile office on 1.06 acres. The property is located on the northeast corner of Claratina and McHenry Avenues, in the Modesto area.

APN: 082-09-17

Staff report: Bob Kachel Recommends **APPROVAL**.

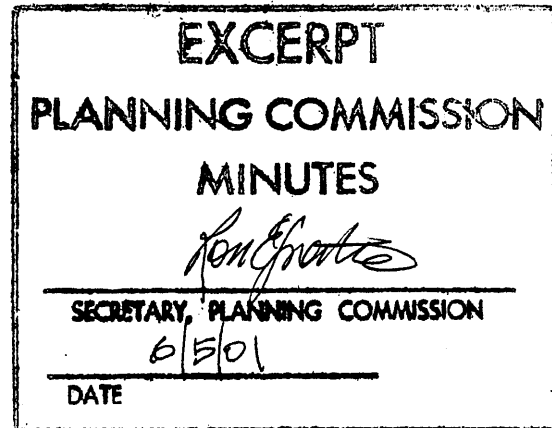
Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Souza/Haney, Unanimously, **RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS.**



ORDINANCE NO. C.S. - 765

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.909 FOR THE PURPOSE OF REZONING PLANNED DEVELOPMENT (56) ZONING DISTRICT TO A MODIFIED PLANNED DEVELOPMENT FOR A USED CAR LOT WHERE CUSTOMERS PLACE THEIR OWN CARS TO BE SOLD, CAR DETAILING AND A MOBILE OFFICE ON 1.06 ACRES LOCATED ON THE NORTHEAST CORNER OF CLARATINA AND MCHENRY AVENUES, MODESTO. APN: 082-09-17

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

Section 1. Sectional District Map No. 9-110.909 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California.

Upon motion of Supervisor Simon, seconded by Supervisor Blom, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 19th day of June, 2001, by the following called vote:

AYES: Supervisors: Mayfield, Blom, Simon, Caruso and Chair Paul

NOES: Supervisors: None

ABSENT: Supervisors: None

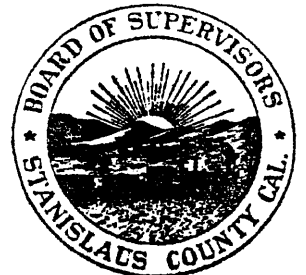
ABSTAINING: Supervisors: None

*Pat Paul*

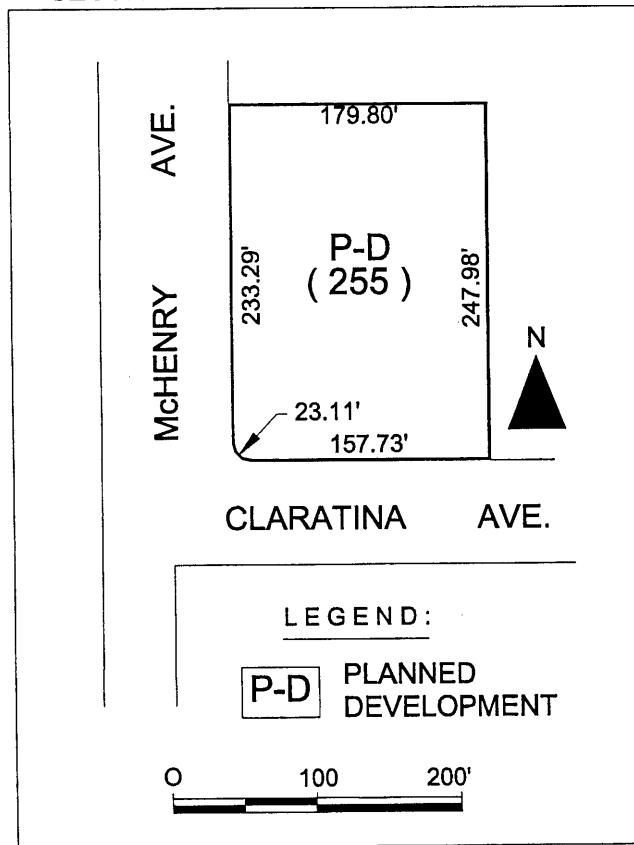
CHAIR OF THE BOARD OF SUPERVISORS  
OF THE County of Stanislaus, State of  
California

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of  
the Board of Supervisors of  
the County of Stanislaus,  
State of California

BY: *Lillie Farriester*  
Lillie Farriester, Assistant Clerk of the Board



SECTIONAL DISTRICT MAP NO.9-110.909



**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 thereof on the following dates, to wit:

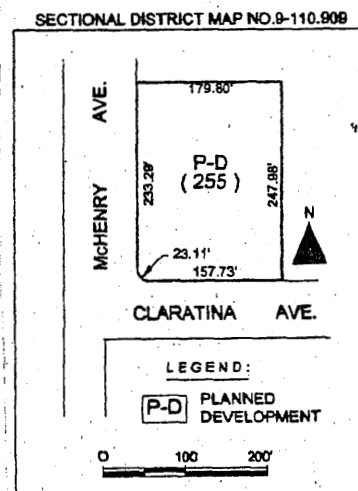
**JUNE 30, 2001**

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

**JUNE 30, 2001**  
(date)

  
(Signature)

**ORDINANCE NO. C.S. - 765**  
AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.909 FOR THE PURPOSE OF ZONING PLANNED DEVELOPMENT (56) ZONING DISTRICT TO A MODIFIED PLANNED DEVELOPMENT FOR A USED CAR LOT WHERE CUSTOMERS PLACE THEIR OWN CARS TO BE SOLD, CAR DETAILING AND A MOBILE OFFICE ON 1.06 ACRES LOCATED ON THE NORTHEAST CORNER OF CLARATINA AND MCHENRY AVENUES, MODESTO. APN: 082-09-17  
The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:  
Section 1. Sectional District Map No. 9-110.909 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:



Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California.  
Upon motion of Supervisor Simon, seconded by Supervisor Blom, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 19th day of June, 2001, by the following called vote:  
AYES: Supervisors: Mayfield, Blom, Simon, Caruso and Chair Paul  
NOES: Supervisors: None  
ABSENT: Supervisors: None  
ABSTAINING: Supervisors: None  
Pat Paul  
CHAIR OF THE BOARD OF SUPERVISORS OF THE County of Stanislaus, State of California  
ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California  
BY: Lillie Farriester, Assistant Clerk of the Board  
ORD-54-H-13

6-19-01 9:25  
080 11-11