

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

DEPT: Planning and Community Development *PF*

BOARD AGENDA # *D-3

Urgent Routine

AGENDA DATE March 31, 2015

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing for April 21, 2015, at 6:40 p.m. to Consider Planning Commission's Recommendation for Approval of General Plan Amendment and Rezone Application No. PLN2014-0077, BPL Properties, North of the City of Modesto, and Adoption of a Negative Declaration

STAFF RECOMMENDATIONS:

1. Set a public hearing on April 21, 2015, at 6:40 p.m. to consider the Planning Commission's recommendation for approval of General Plan Amendment and Rezone Application No. PLN2014-0077, BPL Properties, a request to amend the General Plan designation of Agriculture and zoning designation of A-2-40 (General Agriculture) of a 1.5± acre parcel to P-D (Planned Development), to modify the current legal non-conforming use to allow uses consistent with the C-2 (General Commercial) zoning district and construction of an additional 6,500 square foot building on property located at 5801 McHenry Avenue, at the northwest

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with setting the public hearing. Impacts associated with the general plan amendment and rezone will be evaluated and included in the subsequent report for the public hearing.

BOARD ACTION AS FOLLOWS:

No. 2015-142

On motion of Supervisor Chiesa, Seconded by Supervisor Monteith
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: 
CHRISTINE FERRARO TALLMAN, Clerk

STAFF RECOMMENDATIONS: (Continued)

corner of Highway 108 (McHenry Avenue) and St. Francis Avenue, south of Ladd Road, north of the City of Modesto; adoption of a Negative Declaration; and to consider the introduction, waiving of the reading, and adoption of an ordinance for the proposed rezone ordinance upon approval.

2. Authorize the Clerk of the Board to publish notice of hearing as required by law.

DISCUSSION:

The project is a request to amend the General Plan designation of Agriculture and zoning designation of A-2-40 (General Agriculture) of a 1.5± acre parcel to P-D (Planned Development) to modify the current legal non-conforming status and allow for uses consistent with the C-2 (General Commercial) zoning district. If approved, development will occur in two phases. Phase one will modify access improvements to the site and allow additional commercial uses to operate in the existing commercial building site. Phase two proposes construction of a 6,500 square foot commercial building and associated parking lot subject to certain C-2 commercial uses. The property is located at 5801 McHenry Avenue, north of the City of Modesto, APN 004-070-010. A Negative Declaration will be considered for the project.

On March 5, 2015, the Planning Commission held a public hearing and recommended the Board of Supervisors approve the request, on a unanimous (8-0) vote.

This item simply sets the date and time for a hearing on the matter before the Board of Supervisors.

POLICY ISSUES:

The proposed general plan amendment and rezone furthers the Board's priorities of A Well Planned Infrastructure System and A Strong Local Economy by providing a land use determination consistent with the overall goals and policies of the Stanislaus County General Plan.

STAFFING IMPACT:

Planning and Community Development Department staff is responsible for preparing all reports and attending meetings associated with the proposed general plan and rezone application.

CONTACT PERSON:

Angela Freitas, Planning and Community Development Director
Telephone: (209) 525-6330



CLERK OF THE BOARD OF SUPERVISORS

Christine Ferraro Tallman

1010 Tenth Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

**NOTICE OF PUBLIC HEARING FOR GENERAL PLAN AMENDMENT AND
REZONE APPLICATION NO. PLN2014-0077
BPL PROPERTIES**

NOTICE IS HEREBY GIVEN that on April 21, 2015, at 6:40 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider Planning Commission's recommendation for approval of a request to amend the General Plan designation of Agriculture and zoning designation of A-2-40 (General Agriculture) of a 1.5± acre parcel to P-D (Planned Development), to modify the current legal non-conforming use to allow uses consistent with the C-2 (General Commercial) zoning district and construction of an additional 6,500 square foot building. The property is located at 5801 McHenry Avenue, at the northwest corner of Highway 108 (McHenry Avenue) and St. Francis Avenue, south of Ladd Road, north of the City of Modesto. APN: 004-070-010. A Negative Declaration will be considered for the project.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 31, 2015

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

BY:

Pam Villarreal, Deputy Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

NOTICE OF PUBLIC HEARING FOR
GENERAL PLAN AMENDMENT
AND REZONE APPLICATION NO.
PLN2014-0077 BPL PROPERTIES

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

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I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of THE MODESTO BEE, printed in the City of MODESTO, County of STANISLAUS, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, Under the date of February 25, 1951, Action No. 46453; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Apr 11, 2015

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

April 11th, 2015

(By Electronic Facsimile Signature)

Cynthia A. Villarreal