

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

DEPT: Planning And Community Development BOARD AGENDA #: *D-1

AGENDA DATE: April 19, 2016

SUBJECT:

Approval to Set a Public Hearing for May 03, 2016 at 9:10 a.m. to Consider Planning Commission's Recommendation for Approval of Rezone Application No. PLN2015-0027, Valley BMW/KIA, North of the City of Modesto, and Adoption of a Mitigated Negative Declaration

BOARD ACTION AS FOLLOWS:

No. 2016-190

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

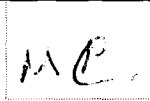
ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Planning And Community Development
Urgent Routine

BOARD AGENDA #: *D-1

AGENDA DATE: April 19, 2016



CEO CONCURRENCE:

4/5 Vote Required: Yes No

SUBJECT:

Approval to Set a Public Hearing for May 03, 2016 at 9:10 a.m. to Consider Planning Commission's Recommendation for Approval of Rezone Application No. PLN2015-0027, Valley BMW/KIA, North of the City of Modesto, and Adoption of a Mitigated Negative Declaration

STAFF RECOMMENDATIONS:

1. Set a public hearing for May 03, 2016 at 9:10 a.m. to consider Planning Commission's recommendation for approval of Rezone Application No. PLN2015-0027, Valley BMW/KIA, a request to rezone a 9+/- acre parcel from A-2-10 (General Agriculture) to Planned Development (P-D) and to subdivide the property into five parcels, for the development of two auto dealerships and the future development of similar auto related uses, located at 4761 McHenry Avenue (State Route 108), between Kiernan Avenue and Bangs Avenue, north of the City of Modesto; and to consider the introduction and waiving of the reading of an ordinance for the proposed rezone upon approval.
2. Authorize the Clerk of the Board to publish notice of hearing as required by law.

DISCUSSION:

This is a request to rezone a 9+/- acre parcel from A-2-10 (General Agriculture) to Planned Development (P-D), subdivide the property into five parcels and extend Spyres Way through the site, located at 4761 McHenry Avenue (State Route 108), between Kiernan Avenue and Bangs Avenue, north of the City of Modesto. The project proposes to construct an approximately 30,000 square foot commercial building for an auto dealership during phase 1 and a 16,000 square foot commercial building during phase 2. The proposed dealership will be operated 7 days a week ranging from 7:00 a.m. – 9:00 p.m. on Monday through Saturday and 9:00 a.m. – 7:00 p.m. on Sundays. The applicant anticipates a maximum of 30 employees for the phase 1 dealership. The dealership will contain an office and storage area, with sales and service department. The project is within the City of Modesto's Sphere of Influence.

On April 7, 2016, the Planning Commission held a public hearing and on a 6-0 vote, recommended the Board of Supervisors approve the request as proposed. There was no one that spoke in opposition of the project. Dennis Wilson of Horizon Consulting Services spoke in favor of the project.

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

Approval to Set a Public Hearing for May 03, 2016 at 9:10 a.m. to Consider Planning Commission's Recommendation for Approval of Rezone Application No. PLN2015-0027, Valley BMW/KIA, North of the City of Modesto, and Adoption of a Mitigated Negative Declaration

POLICY ISSUE:

The General Plan Land Use Element encourages fostering stable economic growth through appropriate land use policies. The policy speaks to the promotion of diversification and growth of the local economy

FISCAL IMPACT:

Costs associated with setting the public hearing, publishing required notices, and conducting the hearing will be covered by a portion of the Application deposit paid by the Applicant.

BOARD OF SUPERVISORS' PRIORITY:

The proposed 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:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Angela Freitas, Planning & Community Development Director

Telephone: (209) 525-6330

ATTACHMENT(S):

None



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

1010 10th Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

STANISLAUS COUNTY NOTICE OF
PUBLIC HEARING FOR
REZONE & PARCEL MAP APPLICATION NO. PLN2015-0027
VALLEY BMW - KIA

NOTICE IS HEREBY GIVEN that on May 3, 2016, at 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider Planning Commission's recommendation for approval of a request to rezone a 9+/- acre parcel from A-2-10 (General Agriculture) to Planned Development (P-D) and to subdivide the property into five parcels for the development of two auto dealerships and the future development of similar auto related uses. The property is located at 4761 McHenry Avenue (State Route 108), between Kiernan Avenue and Bangs Avenue, North of the City of Modesto, APN: 046-010-020.


This NOTICE also serves as a NOTICE OF INTENT to adopt a Mitigated Negative Declaration 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: April 19, 2016

ATTEST: Elizabeth A. King, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California

BY: 
Pam Villarreal, Assistant Clerk

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

STANISLAUS COUNTY
NOTICE OF PUBLIC HEARING RE-
ZONE & PARCEL MAP APPLICA-
TION NO. PLN2015-0027 VALLEY
BMW - KIA

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that on May 3, 2016, at 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St, Modesto, CA, to consider Planning Commission's recommendation for approval of a request to rezone a 9+/- acre parcel from A-2-10 (General Agriculture) to Planned Development (P-D) and to subdivide the property into five parcels for the development of two auto dealerships and the future development of similar auto related uses. The property is located at 4761 McHenry Avenue (State Route 108), between Kieman Avenue and Bangs Avenue, North of the City of Modesto, APN: 046-010-020.

This NOTICE also serves as a NOTICE OF INTENT to adopt a Mitigated Negative Declaration 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: April 19, 2016.
ATTEST: Elizabeth A. King, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villarreal, Assistant Clerk.
Pub Dates Apr 23, 2016

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 23, 2016

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 23rd, 2016

(By Electronic Facsimile Signature)

Cynthia A. Villarreal