

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

DEPT: Planning and Community Development BOARD AGENDA #: *D-2

AGENDA DATE: November 21, 2017

SUBJECT:

Approval to Set a Public Hearing for December 12, 2017, at 9:10 a.m. to Consider the Planning Commission's Recommendation of Rezone Application No. PLN2017-0062, Masellis Enterprises, LLC, Located 118 Albers Road, on the Northeast Corner of Albers Road and Yosemite Boulevard, East of the City of Modesto, and Adoption of a Negative Declaration

BOARD ACTION AS FOLLOWS:

No. 2017-667

On motion of Supervisor Olsen , Seconded by Supervisor DeMartini
and approved by the following vote,

Ayes: Supervisors: Olsen, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: Withrow

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

File No.

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

DEPT: Planning and Community Development
Urgent Routine

BOARD AGENDA #: *D-2

AGENDA DATE: November 21, 2017



CEO CONCURRENCE:

4/5 Vote Required: Yes No

SUBJECT:

Approval to Set a Public Hearing for December 12, 2017, at 9:10 a.m. to Consider the Planning Commission's Recommendation of Rezone Application No. PLN2017-0062, Masellis Enterprises, LLC, Located 118 Albers Road, on the Northeast Corner of Albers Road and Yosemite Boulevard, East of the City of Modesto, and Adoption of a Negative Declaration

STAFF RECOMMENDATIONS:

1. Set a public hearing for December 12, 2017, at 9:10 a.m. to consider the Planning Commission's Recommendation of Rezone Application No. PLN2017-0062, Masellis Enterprises, LLC, located 118 Albers Road, on the northeast corner of Albers Road and Yosemite Boulevard, east of the City of Modesto.
2. Authorize the Clerk of the Board to publish notice of public hearing as required by law.

DISCUSSION:

This is a request to rezone a 9.81 acre property from Planned Development (P-D) (268) to a new P-D to allow various agricultural supply businesses to operate out of existing buildings. Two agricultural supply businesses currently operate out of the site, Conlin Supply and AGI Ag Irrigation Sales and Services.

The sites original Planned Development (P-D) zoning, P-D (116), was approved in May of 1985, to allow various agricultural supply and agricultural service businesses to be established on the former site of an agricultural chemical supply business, including: agriculture management companies, an irrigation company, a chemical company, maintenance shop to repair and service farm equipment, warehouse storage, light farm equipment manufacturing, and the continued use of a public scale. This property was then rezoned again in 2002 to P-D (268) to allow for an expansion to the existing feed and ranch supply business. P-D (268) was approved for four phases, each including the construction of new buildings associated with the feed and ranch supply business. With the approval of P-D (268) the only use permitted on the site was the existing farm and ranch supply business, which was never expanded as authorized by the P-D.

Under the exiting P-D (268) Conlin Supply is permitted to operate, but no additional uses or expansion of the use, beyond the existing square footage, is permitted. AGI is not currently permitted to operate out of the site. As part of this rezone request, the ability for multiple agricultural supply businesses to be located on the project site will be re-established as previously allowed by P-D (116). Accordingly, if this project is approved, a business license will be able to be issued to AGI to allow them to continue to operate out of the site.

Approval to Set a Public Hearing for December 12, 2017, at 9:10 a.m. to Consider the Planning Commission's Recommendation of Rezone Application No. PLN2017-0062, Masellis Enterprises, LLC, Located 118 Albers Road, on the Northeast Corner of Albers Road and Yosemite Boulevard, East of the City of Modesto, and Adoption of a Negative Declaration

As part of this project request, Conlin Supply is proposing to replace a 2,858 square foot office building with a 2,500 square foot addition to the existing retail building. The project proposes to add 27 parking spaces to serve the buildings occupied by Conlin Supply and seven parking spaces to serve the buildings occupied by AGI. The project also includes a request to re-establish the use of a public scale, which exists on the site.

The Stanislaus County Planning Commission conducted a public hearing to consider this item on November 16, 2017. This item will set the date and time for a public hearing to consider the Planning Commission's recommendation before the Board of Supervisors.

POLICY ISSUE:

In order to consider a rezone request, the Board of Supervisors must hold a public hearing. Additionally, in order to approve a rezone, it must be found to be consistent with the General Plan. In this case, the General Plan designation is Agriculture, which is consistent with a Planned Development zoning designation when it is used for agriculturally-related uses or for uses of a demonstrably unique character.

FISCAL IMPACT:

Costs associated with processing the application, setting the public hearing, publishing of required notices, and conducting the hearing will be covered by the application fee deposit plus revenue from additional invoicing at project end. Final calculations will determine if additional invoicing to the applicant is needed.

BOARD OF SUPERVISORS' PRIORITY:

Approval of this action supports the Board of Supervisor's priority of A Well Planned Infrastructure 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 reviewing all applications, preparing all reports, and attending meetings associated with the proposed Rezone application.

CONTACT PERSON:

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

ATTACHMENT(S):

None



AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Cols	Lines
341787	0003404427	HEARING PLN2017-0062 PAM VILLARREAL	:ING PLN2017-0062 PAM VILLAR	1	43

Attention:

CO STAN BOARD OF SUPERVISORS
1010 10TH ST STE 6700
MODESTO, CA 95354

Declaration of Publication
C.C.P. S2015.5

STATE OF CALIFORNIA)
) ss.
County of Stanislaus)

STANISLAUS COUNTY
NOTICE OF PUBLIC HEARING
REZONE APPLICATION NO. PLN2017-0062 MASELLIS ENTERPRISES, LLC.
NOTICE IS HEREBY GIVEN that on December 12, 2017, 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 the Planning Commission's recommendation for approval of Rezone Application No. PLN2017-0062 - Masellis Enterprises, LLC, a request to rezone a 9.81 acre property from Planned Development (P-D) (268) to a new P-D, to allow various agricultural supply businesses to operate out of existing buildings. The project is located at 118 Albers Road, on the Northeast Corner of Albers Road and Yosemite Boulevard, East of the City of Modesto, APN: 009-014-023. A CEQA Negative Declaration will be considered.

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: November 21, 2017, ATTEST: Elizabeth A. King, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pamela Villarreal, Assistant Clerk. MOD-3404427 12/1

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of the The Modesto Bee, which 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. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

December 01, 2017

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:

Date: 1st, day of December, 2017

Cynthia A. Wickham

Signature