



April 20,2023

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: REZONE APPLICATION NO. PLN2018-0057 – KAMIR INCORPORATED

DISCUSSION

In response to comments received from the project applicant, staff is recommending an amendment to the proposed development standard regarding the requirement for a reciprocal access easement.

Goal 1, Policy 2, Implementaton Measure No. 11 of the Stanislaus County General Plan Circulation Element requires that “on-site circulation among adjacent parcels shall include shared driveways and reciprocal access easements to limit the number of egress points onto a public road. As discussed in the April 20, 2023 Staff Report, Sanghera Investments was approved under Use Permit No. 2021-0078 to develop the adjacent site to the west (Assessor Parcel Number 045-074-004) with a private truck parking and dispatch facility, which is not open to the public. Sanghera Investments, Inc. (“Sanghera”), as approved, will share a driveway with the Keyes Truck Center development north of Sanghera; however, both Sanghera and Kamir Incorporated (the subject project) have been required to provide direct mutual access between the two sites in the event that the Sanghera project site ever be converted to a use which is open to the public. Development Standard No. 14 has been applied to the subject project to address this requirement as follows:

14. Prior to issuance of a building and grading permit, the associated plans shall be designed so as to maintain the ability to create an internal drive aisle at the north property line from the project site to the parcel abutting the project site (APN: 045-074-004). Should the APN: 045-074-004 ever convert in the future to a use which is open to the public, direct mutual vehicular access between the project parcel and parcel to the northwest shall be provided to facilitate travel between the two parcels by the general public. If no further entitlements are required for the adjacent parcel to maintain a permitted business that is open the public, direct mutual vehicular access shall still be provided upon notice by the County. Within 30 days of being notified by the Planning Department that APN 045-074- 004 has converted to a use serving the general public, a reciprocal access agreement for the north-south internal access between the project site and APN 045-074-004 shall be recorded.

The applicant has notified staff that they have concerns with this development standard causing impacts to their site from use of their parking lot and driveways by the adjacent Sanghera facility without providing any mechanism for compensation for the maintenance costs required to upkeep the improvements. Additionally, the applicant indicated they felt that Sanghera Invenstments should be required to pay their fair share for traffic related improvements that are required for the subject project if they are are going to be permitted to utilize the improved facilities. Sanghera is required to contribute to the Keyes Community Plan Traffic Mitigation Fund per the mitigation measures applied to the use permit that approved the project; however,

staff does not have the ability to require the Sanghera developers to contribute any costs beyond what was already contemplated at the time their land use entitlements were obtained.

In an effort to provide greater clarity to the development standard and provide more latitude to the subject project developer to ensure that any maintenance costs resulting from traffic utilizing the Kamir Incorporated driveway(s) to access the Sanghera site are addressed, staff is recommending that Development Standard No. 14 be amended to include the modified language below. Additionally an error regarding the direction of the property line was identified and is being corrected by the proposed amended development standard language below (new wording is in bold font and deleted wording is in strikethrough text):

14. Prior to issuance of a building and grading permit, the associated plans shall be designed so as to maintain the ability to create an internal drive aisle at the ~~western~~**north** property line from the project site to the parcel abutting the project site (APN: 045-074-004). ~~Should the APN: 045-074-004 adjacent parcel ever convert in the future to a use which is open to the public., direct mutual vehicular access between the project parcel and parcel to the northwest shall be provided to facilitate travel between the two parcels by the general public. If no further entitlements are required for the adjacent parcel to maintain a permitted business that is open the public, direct mutual vehicular access shall still be provided upon notice by the County.~~ Within 30 days of being notified by the Planning Department that APN 045-074-004 has been approved to convert to a use serving the general public, a reciprocal access agreement for the north-south internal access between the project site and APN 045-074-004 shall be **conditionally** recorded, **on the basis that a maintenance agreement is executed to cover proportional fair share wear-and-tear of the driveway and drive aisles to the satisfaction of the applicant/operator for Kamir Incorporated.**

With the above modification, the developer will be required to maintain the possibility of opening up an internal drive aisle between the project sites; however, if a maintenance agreement cannot be negotiated, then the Kamir Incorporated developer will not be required to allow reciprocal access between the two parcels. Approval by the County for conversion of the Sanghera site to a use serving the general public may be dependent on their ability to work out a maintenance agreement with Kamir Incorporated. The need for the Sanagara to have access to both the north and south will be dependent on the nature of the public use proposed.

RECOMMENDATION

Staff recommends the Planning Commission recommend approval to the Board of Supervisors as outlined in the April 20, 2023 Planning Commission Staff Report, with the modification of Development Standard No. 14 as outlined in this Planning Commission Memo.

Alternatively, if the Planning Commission is of the opinion that the on-site circulation between the adjacent parcels is not needed, then the Planning Commission could recommend approval to the Board of Supervisors as outlined in the April 20, 2023 Planning Commission Staff Report, with the deletion of Development Standard No. 14.

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