



## MINUTES

### KERMAN PLANNING COMMISSION

Regular Meeting, Kerman City Hall 850 S. Madera Avenue Kerman

Monday, March 14, 2016, 6:30 PM

Chairman: Robert Epperson, Vice-Chairman: Kevin Nehring

Commissioners: Robert Bandy, Charlie Jones, Eric Kehler, Mario Nunez, Katie Wettlaufer

### OPENING CEREMONIES

Call to Order – Chairman, Robert D. Epperson called meeting to order at 6:30 PM

Roll Call – Secretary, Olivia Pimentel

Commissioners Present: Bandy, Nehring, Epperson, Wettlaufer, Nunez, Jones, Espino

Commissioners Absent: None

Staff present: David Brletic, City Contract Planner, Lt. John Golden, Kerman Police Department

Olivia Pimentel, Planning Commission Secretary, Planning Technician

Guest present: Mr. Xiao Hu, Applicant 2929 Floyd Avenue, Apt 379, Modesto CA

Pledge of Allegiance – Performed

Chairman Epperson reminded the Commissioners about completing their Form 700's that are due by the end of March by the City Clerk's office. Also mentioned Ethics Training requirements, penalties for non-compliance.

### AGENDA APPROVAL/ADDITIONS/DELETIONS

#### 1. PRESENTATIONS

- A. In December 2015 the City Council selected three Commissioners to serve a three year term for 2016-2018. Two incumbents (Robert Epperson, Kevin Nehring) are returning to the Planning Commission and a new Commissioner (Leopoldo Espino) will serve on the Commission.

The Commission opened the elections of officers for the Chairman and Vice-Chairman positions. Commission by unanimous consensus voted to keep the positions of Chairman Robert Epperson and Vice-Chairman, Kevin Nehring as currently held for the remaining of their terms.

**REQUEST TO ADDRESS THE COMMISSION** - None offered

#### 2. APPROVAL OF MINUTES

- A. February 8, 2016 Commissioner Jones made a motion to approve minutes of February 8th as presented, seconded by Commissioner Nehring, unanimously approved as presented. (7/0)

#### 3. PUBLIC HEARING

- A. Resolution Approving Conditional Use Permit 16-01, Oriental Massage Business located at 275 S. Madera Avenue

Staff recommends that the Planning Commission Open Public Hearing, Receive Public Comment, Close Public Hearing and by motion adopt a Resolution Approving Conditional Use Permit 16-01, Oriental Massage Business, subject to conditions of approval

Staff provided a detailed report regarding, the proposed Oriental Massage business at 275 S. Madera Avenue, and noted that the applicant was in the audience to answer any questions.

Opened Public Hearing 6:41pm

Mr. Xiao Hu addressed the Commission, he explained that his business would comply with rules, his massage business will not require customers to change their cloths, or take off any clothing, etc. He expressed that employees would have to show proof of certification and only the most highly qualified would be employed. There was some discussion whether the individual therapist would be considered employees or self-employed. Applicant stated they would be paid by contract per customer.

Hours of operation were discussed and the Commission's consensus was that specific hours of operation should be noted as a condition of approval, the resolution did not provide specific hours of operation, leaving this to the discretion of the police department. The Commission felt that the hours should be a reasonable hours similar to those allowed for beauty salons and barber shops. Up to 8 PM would be acceptable. Staff noted that the Commission could direct staff to amend the resolution to add any conditions of approval they felt necessary.

There was much discussion regarding the safety and adequate lighting for the site, Lt. Golden reviewed some of the standards and requirements for these types of businesses according to the recent ordinance adopted that included such elements as unannounced inspections by the Police Department, review of safety issues, including lighting, and basis for the Police Department's denial or discipline etc. The Police Department had no comments or cause for concern for this project.

C/Nehring inquired of the applicant regarding the training required for individual therapists. The Commission had much concern about the lack of knowledge of the licensing requirements. The applicant assured the Commission that only the most highly qualified would be hired. He mentioned 500 hours of training required; but could not explain how he would make sure that the therapist were actually certified and met standards.

Closed Public Hearing at 7:18 p.m.

After much discussion, the Commission by consensus did not make a determination and did not wish to either approve, modify or deny this application. Staff noted that a decision should be made; however, if the Commission decided to deny, there would need to be a reason given for the denial, C/Nehring made a motion to deny, second by C/Bandy, after some discussion and no findings for denial given, the Commission opted to not vote or take action on this matter. Staff informed the applicant that they had 10 days to appeal this matter to the City Council.

**4. PETITIONS/RESOLUTIONS** - None offered

**5. ADMINISTRATIVE REPORTS** - None offered

**COMMUNICATIONS**

- A.** Informational: Nathan Fox leaving City Council Effective April 6, 2016. Nathan Fox who served as a Planning Commissioner and is currently on City Council was offered a new position to work for the State Department as a Foreign Service Construction Engineer. Part of his new responsibilities will be to travel abroad and build new embassy's in Foreign Countries around the world. His report date is April 18. His first post will likely be in DC for the next year before an assignment abroad. The City of Kerman is so proud of his accomplishments and wanted to pass along the good news to the Planning Commission.

**ADJOURNMENT 7:30pm**



Olivia G. Pimentel

Secretary to the Planning Commission