OPENING CEREMONIES

Call to Order – Chairman, Robert D. Epperson, called meeting to order at 6:35pm
Roll Call – Secretary, Olivia Pimentel
Commissioners Present: Epperson, Bandy, Nunez, Jones, Espino
Commissioners Absent: Wettlaufer (excused)
Pledge of Allegiance - Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS – Unanimously approved as presented

1. PRESENTATIONS None offered

REQUEST TO ADDRESS THE COMMISSION - None Offered

2. APPROVAL OF MINUTES

   A. November 14, 2016, C/ Jones made a motion to approve minutes as presented, second
      C/Espino, Unanimously approved as presented.

3  PUBLIC HEARING

   A. Subject: 2016 Kerman Unified School District Request for Planning Commission Report on the
      Proposed Acquisition of approximately 45 acres for Kerman High School New Athletic Facilities
      and New Elementary School Project.

      Brief Staff Report presented by contract planner, Greg Collins of Collins and Schoettler
      Planning Consultants. Brief overview of the project presented. C/Nunez, excused himself
      disclosing that he was an employee of the Kerman Unified School District, left the meeting at
      6:40pm.

      Staff reviewed the Kerman General Plan, intent, goals and policies of the current General Plan
      designations, and noted that schools are not allowed in general commercial zone districts (CG),
      in other zones they are allowed with a conditional use permit. Staff noted that the report to
      the Kerman Unified School District provided the requirements and necessary entitlement
      processes to be consistent with the Kerman General Plan and Zone Ordinance. The proposed
      acquisition of the site and proposed use are not consistent with the Kerman General Plan.
      Should the school district decide to proceed with this project, the project would require a
      conditional use permit, general plan amendment and zone change. Mr. Collins stressed that
      from a land use prospective, the Kerman General Plan that was adopted provides policies that
      require the protection of valuable commercial land along Whitesbridge and Madera Avenue
to meet the future needs of Kerman. By allowing this type of project, 45 acres of valuable commercial land would not be available for future commercial development and would not be consistent with the Adopted General Plan of the City of Kerman.

Open Public Hearing at : 6:38 pm

Mr. Scott O’Dell, planning consultant for the Kerman Unified School District addressed the Commission and spoke in support of the project. He provided information regarding parking, traffic mitigation measures, explained why the school district chose the site and listed reasons why it was the best choice economically for the new athletic facility and new elementary school.

Several members of the public addressed the Commission. Some in support and some not in support. There was concern about parking, traffic and pedestrians crossing Whitesbridge. There was support of the project. the school was willing to develop the infrastructure north of Whitesbridge that up until now, no growth has happened north of Whitesbridge because of the high cost to develop. The City should take that into consideration.

C/Epperson had several concerns, regarding sewer/water capacity, circulation, infrastructure issues. He also cautioned KUSD regarding the problem with Liberty Elementary, the circulation created many problems and ultimately had to be redesigned after the fact.

C/Jones spoke in support of the project.

Closed Public Hearing at : 7:30 pm

C/Jones made a motion to adopt Resolution No 16-10, making findings and determination that the proposed acquisition of approximately 45 acres in the City of Kerman is not consistent with the Kerman General Plan, second C/Bandy, motion carried:

Ayes: Bandy, Espino, Jones,
Noes: Epperson
Abstain: Nunez
Absent: Wettlaufer

B. **Subject:** Conditional Use Permit 16-04, Dance Studio (Steven Montalvo) at 14500 W. Commerce Way, Ste 101

Staff presented brief overview of staff report, reviewed conditional use permit requirements in accordance with the Kerman Municipal Code relating to traffic circulation, parking requirements, etc. Staff reported there had been a previous dance studio at this very same site in 2008 that was approved by the Planning Commission. The dance studio was no longer in business and closed in 2010, due to personal reasons of the business owner and not because of any violations or complaints.

The proposed dance studio proposes class size of approximately 20 to 30 students of different ages and will provide several classes between the hours of 4:00 pm to 10:00 pm on Monday thru Friday and Saturday for rehearsals as needed. The majority of students will be dropped
off and picked up by parents, therefore the parking on site is adequate for the proposed use. Staff noted that in the event of complaints regarding parking and noise, conditions. The dance studio will be primarily in use after the other businesses have closed for the day.

Open Public Hearing at : 7:34 pm

Mrs. Montalvo, mother of the applicant spoke in support of the project. She noted that her son has recently graduated from New York Dance Studio and wanted to come back to his home town to give back to his

No other comments.

Closed Public Hearing at : 7:35 pm

C/Bandy made a motion to Resolution No. 16-13, approving conditional use permit 16-04, Dance Studio (Steven Montalvo) at 14500 W. Commerce Way, Ste 101, second by C/Jones, motion carried

Ayes: Bandy, Epperson, Espino, Jones, Nunez,
Noes: None
Abstain: None
Absent: Wettlaufer

C. Subject: Public Hearing of the City of Kerman Planning Commission initiating Proposed Ordinance Amending Chapter 17.12 Relating to Conditional Use Permits and Chapter 17.70 Relating to Density Bonus of Title 17 -Zoning, of the Kerman Municipal Code for Compliance with Housing Element Requirements

Staff gave a brief overview of the staff report. The proposed Zoning Ordinance text amendments pertain to the required implementation of the City of Kerman’s 5th cycle (2015-2023) Housing Element. On July 25, 2016 the California Department of Housing and Community Development (HCD) provided the City of Kerman with a letter stating that the Housing Element conditionally met the requirements of state element law. The July 25, 2016 letter included a list of requirements that were specific amendments to the City of Kerman Zoning Ordinance. The amendments to the Zoning Ordinance will be presented in several separate meetings in order to allow the Commission more time to review. The amendments this evening are relating to Title 17, Chapters 17.12, Conditional Use Permits and Chapter 17.70 Density Bonus.

Staff noted that the Resolution if approved tonight will be presented to the City Council on January 18, 2017 for approval and adoption. Zoning Ordinance is to be revised as follows:

Staff reviewed the following revisions necessary for compliance with State law.

**Conditional Use Permit Findings**

**Revise:** 17.12.040 Action by the Planning Commission. C.1. That the proposed establishment, maintenance, operations of the use applied for will not be detrimental to the public health, safety, welfare, morals of the persons residing or
working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to the property and improvement in the neighborhood or the city; [Note the proposed ordinance includes the entire subsection C as required for ordinance drafting]

Staff noted that State law also requires that the City provide for a density bonus for an affordable housing development which includes childcare facilities. The following revisions and additions are necessary for compliance with the State law.

**Affordable Housing Density Bonus**

**Revise:** 17.70.030 Definition of density bonus. A density increase of at least twenty-five thirty-five percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan. The density bonus shall not be included when determining the number of housing units which is equal to ten or twenty-five percent of the total. The density shall apply to housing developments consisting of five or more dwelling units.

**Add:** 17.70.070 Density Bonus for Childcare Facility. A qualifying affordable housing development that includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, shall be granted by the city either of the following:

A. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

B. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

Open Public Hearing at : 7:40 pm
There were no comments

Closed Public Hearing at : 7:41 pm

C/ Jones, made a motion to approve Resolution 16-12, Approving resolution recommending that the City Council Adopt Ordinance Amending Chapter 17.12, Relating to Conditional Use Permits and Chapter 17.70 Relating to Density Bonus of Title 17 of the Kerman Municipal Code., second C/ Nunez, motion carried:

Ayes: Bandy, Epperson, Espino, Jones, Nunez,
Noes: None
Abstain: None
Absent: Wettlaufer

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

5. **ADMINISTRATIVE REPORTS** - None Offered
COMMUNICATIONS

A. Staff provided an update on the Call For Applications. The City Clerk received five applications for consideration. Council will select Commissioners to fill vacant seats at the December 21, City Council meeting. All applicants were encouraged to attend City Council meeting.

ADJOURNMENT  Meeting adjourned at 7:50pm

Next meeting scheduled for January 9, 2017

Minutes prepared by:

Olivia G. Pimentel
Secretary to the Planning Commission