Table of Contents

Agenda 2
October 12, 2015
PC Minutes 10-12-15 4
Conditional Use Permit 15-03, Tovar Large Family Daycare
PCReport-TovarLargeFamilyDayCareCUP15-03 6
Approve Extension Request for Conditional Use Permit 14-02, TBS Holdings, Kerman Neighborhood Shopping Center, Phase Ii
Staff Report -extension request cup 14-02, TBS Holdings KNSC Phase II 19

AGENDA
KERMAN PLANNING COMMISSION
REGULAR MEETING
Kerman City Hall
Monday, November 09, 2015
6:30 PM

AGENDA PACKET AVAILABLE FOR REVIEW 72 HOURS PRIOR TO THE PLANNING COMMISSION MEETING AT THE PLANNING DEPT. AND ON THE CITY WEBSITE ITEMS RECEIVED AT THE MEETING WILL BE AVAILABLE FOR REVIEW AT THE CITY PLANNING OFFICE

Chairman Robert Epperson, Vice-Chairman Kevin Nehring
Commissioners Robert Bandy, Charlie Jones, Eric Kehler, Mario Nunez, Katie Wettlaufer

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ALL MEETING ATTENDEES ARE ADVISED THAT ALL PAGERS, CELLULAR TELEPHONES AND ANY OTHER COMMUNICATION DEVICES SHOULD BE POWERED OFF UPON ENTERING THE COUNCIL CHAMBERS, AS THESE DEVICES INTERFERE WITH OUR AUDIO EQUIPMENT.

OPENING CEREMONIES

Call to Order – Chairman, Robert D. Epperson

Roll Call – Secretary, Olivia Pimentel

Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS

REQUEST TO ADDRESS THE COMMISSION

This portion of the meeting is reserved for members of the public to address the Commission on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Commission. Speakers shall be limited to (3) three minutes. It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Commission on items on the Agenda should notify the Chairman when that Agenda item is called, and the Chairman will recognize your discussion at that time. It should be noted that the Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.

2. APPROVAL OF MINUTES
   A. October 12, 2015

3. PUBLIC HEARING

   A. Conditional Use Permit 15-03, Tovar Large Family Daycare

      Adopt Resolution, Approving Conditional Use Permit 15-03, Tovar Large Family Daycare

4. PETITIONS/RESOLUTIONS

A. Approve Extension Request for Conditional Use Permit 14-02, TBS Holdings, Kerman Neighborhood Shopping Center, Phase Ii

Planning Commission review, consider and approve a Extension Request for Conditional Use Permit No. 14-02 for a 1,000 square foot detached automated drive-thru car wash in connection with a proposed convenient store and fueling station, Jack In The Box and Future Retail located in Phase II of the Kerman Crossing Neighborhood Center (SEC Whitesbridge Road and Kline Street)

5. ADMINISTRATIVE REPORTS

COMMUNICATIONS

ADJOURNMENT

ɔmpliance with the American with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the City Clerk at (559) 846-9380. Notification of 48 hours prior to the meeting will enable the City Clerk to make reasonable arrangement to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically handicapped.

AGENDA POSTING CERTIFICATION

I, OLIVIA G. PIMENTEL, Planning Secretary for the City of Kerman, do hereby declare under penalty of perjury that I caused the above agenda to be posted at City of Kerman Planning & Development office at 850 So. Madera Avenue, and at Kerman Community/Teen Center, 15100 Kearney Plaza, and emailed to interested parties on .

/s/ Olivia G. Pimentel
Secretary to the Planning Commission

MINUTES

KERMAN PLANNING COMMISSION

Regular Meeting Kerman City Hall

Monday, October 12, 2015 6:30 p.m.

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 6:35pm

Roll Call – Secretary, Olivia Pimentel

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

Commissioners Absent: Kehler (exc)

Pledge of Allegiance - performed

AGENDA APPROVAL/ADDITIONS/DELETIONS – Agenda unanimously approved as presented

1. PRESENTATIONS -performed

A. Introduction of New Contract Planner, David Brletic of Collins & Schoettler Planning Consultants. Staff introduced Mr. Brletic who will be assigned to Kerman on Mondays to assist on planning matters and will attend Planning Commission and City Council meeting as needed.

Mr. Brletic gave a brief summary of his experience and stated he looked forward to assisting staff and the City as much as possible.

REQUEST TO ADDRESS THE COMMISSION- None Offered

2. APPROVAL OF MINUTES

A. September 28, 2015 C/Bandy, made a motion to approve as presented, second C/Jones, motion unanimously approved; 6/0/1(Kehler absent)

3. PUBLIC HEARING

A. Public Hearing on Petition of Amendment to Zoning Ordinance Related To Massage Business Establishments in General Commercial Zone District Conditional Uses

Planning Commission by motion, opened public hearing, heard public testimony, closed public hearing and Recommended City Council amend Zoning Ordinance relating to permitting procedures for massage businesses establishments in General Commercial Zone District Conditional Uses

Opened Public Hearing at 6:40p.m.

Applicant spoke in support of the massage business, stating they are not associated with any negative businesses like the ones that staff is concerned with that have been involved in illegal activities, he was concerned with safety as well and would only be open for business between 9am to 9pm, etc.

The applicant assured Commission that his business was a reputable one. C/Jones inquired of his business in Modesto, the applicant acknowled that they moved out of Modesto because the cliente did request "special massages", they decided to move location to avoid any problems, they were

there approximately two years. He stated they would have 1-2 fully licensed therapists on staff to begin with; and if business was good they would increase to a maximum of 4 fully licensed therapist because of limited space in the Boyd office building.

Sargent Ron Madruga of the Kerman Police Department, who will be assigned to any of these types of businesses, answered questions of the Commission relating to hours of operation, inspections, criminal background checks, etc.

Other concerns discussed, certification training requirements, dress code requirements. Staff noted that the proposed amendments relating to Massage Businesses is being addressed two-fold; by requring a Conditional Use Permit (CUP) for Massage Establishment per the proposed Ordinance and by a registration and permit process administered through the Police Department. That ordinance does not require processing throught the Planning Commission. This ordinance will address many of the issues and concerns being voiced by the Commission

Closed Public Hearing at 7:20 p.m.

C/Nehring made a motion to Approve Resolution Recommenting Adoption of Zoning Ordinance Amendment to Chapter 17.48 Of Title 17 of the Kerman Municipal Code to Require a Conditional Use Permit for Massage Establishments in the General Commercial Zone District, second by C/Wettlaufer, unanimously approved as presented by the following vote:

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

4. PETITIONS/RESOLUTIONS

None offered.

5. ADMINISTRATIVE REPORTS

A. Council decision on Planning Commission stipends. Staff reported that the on October 7th the City Council voted to increase Planning Commission Stipends to $75.00 per meeting. Council noted the high quality of the Commission Member is very important to the City of Kerman. Increase will take effect at the next Council meeting scheduled for .

COMMUNICATIONS

A. Informational: Conditional Use Permit Application Tovar Large Family Daycare did not meet the filing deadline, will be presented as a public hearing at the November 9, 2015 meeting.

ADJOURNMENT: Adjourned at 7:30 p.m.

Olivia G. Pimentel
Secretary to the Planning Commission

City of Kerman

"Community Comes First"

Chairman Robert Epperson
Vice Chairman kevin Nehring
Commissioner Robert Bandy
Commissioner Charlie Jones
Commissioner Eric Kehler
Commissioner Mario Nunez
Commissioner Katie Wettlaufer

KERMAN PLANNING COMMISSION
STAFF REPORT
NOVEMBER 9, 2015

To: Planning Commission
From: Olivia Pimentel, Planning & Development Services Department
Subject: Conditional Use Permit 15-03 – Tovar Large Family Daycare

RECOMMENDATION:

Staff recommends that the Planning Commission conducts a public hearing and adopts Resolution, approving Conditional Use Permit No. 15-03 for a large family daycare home at 14290 W. 'B' St., subject to conditions of approval (Tovar Large Family Day Care).

APPLICANT/PROPERTY OWNER:

Jessica Tovar
14290 W. B St
Kerman, CA 93630

PROPOSAL:

The applicant is requesting a conditional use permit to expand an existing small family day care home for eight (8) children to a large family day care licensed for up to fourteen (14) children to be conducted at 14290 W. B Street.

BACKGROUND:

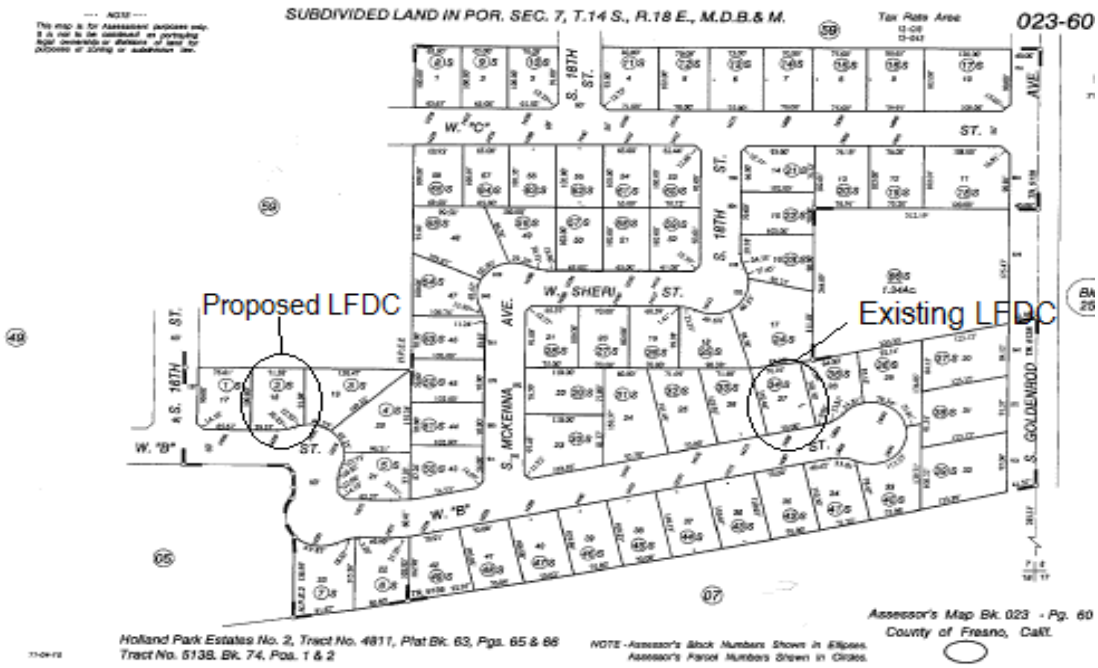
The applicant has operated a small family day care home from the residence since 2013 (Attachment 'A'). The applicant has applied for a license to operate a large family day care home through the Community Care Licensing Division (CCLD) of the California Department of Social Services (DSS). The consideration of this conditional use permit is contingent upon the applicant obtaining a license from CCLD.

The proposed location of the large daycare home is in a residential zone district. Pursuant to California Health and safety Code Section 1597.46, the state encourages the establishment of large family daycare homes in existing residential homes so as to provide children with normal residential surroundings consistent with a traditional home environment. The City of Kerman allows large family daycare homes in all single-family residential districts subject to the granting of a conditional use permit in accordance with the provisions of Chapter 17.20.040 of the Kerman Municipal Code.

SITE DESCRIPTION:

The proposed large family day care home would be located in an existing single-family neighborhood. The residence is located on the east side of Madera Avenue between Vineland and Goldenrod Avenue. The applicant has an approximately 2,300 square-foot, 4-bedroom home with an attached two-car garage (see Attachment 'A'). The front and rear yard is landscaped with lawn, shrubs and trees.

Figure 1 shows there is another Large Family Daycare (Avila LFDC approved 2/14/2014) approximately 650 feet away from the proposed LFDC.



GENERAL INFORMATION:

Owners:	Jessica Tovar
Site Location:	14290 W. 'B' Street between VinelandGoldenrod
APN(s):	023-600-02s
Lot Size:	7,749 square feet approximately
Plan Land Use Designation:	Medium Density Residential
Zoning District:	R-1 (Single Family Residential)

Surrounding Uses & Zoning:

Location	Existing Land Uses	General Plan Designation	Zone District
North	Residential	SF Residential	R-1
South	Residential	SF Residential	R-1
East	Residential	SF Residential	R-1
West	Residential	SF Residential	R-1

ANALYSIS:

The applicant is requesting a minor conditional use permit to expand an existing small family day care home to a large family day care home. The applicant is currently licensed by the state for up to eight (8) children at the residence. The applicant would like to care for the maximum of fourteen (14) children to accommodate seasonal child care needs.

The City of Kerman requires a conditional use permit for a large family day care home within the single-family residential district. In consideration of the conditional use permit, the residence must meet the development standards of the zone district and be in compliance with the building codes. When an application for a large family child care home is submitted for review by the City, the City is restricted by state law to only evaluate the potential impacts of this use and place reasonable restrictions on the operation of large family child care programs in four areas:

1. Noise,
2. Parking,
3. Traffic, and
4. Space and concentration.

Operations

The applicant currently operates a small day care for maximum of eight (8) children at any given time. The applicant has applied for a large day care to add up to fourteen. The applicant currently has the following ten (10) children; however, there are only eight on site at any given time. Mrs. Tovar currently has
Six (6) FULL TIME Clientele:
One (1) Infant child
One (1) Toddler
Four (4) Preschool chilredn

Four (4) PART TIME Clientele M/W/F:
One (1) Toddler
One (1) Preschool child
Two (2) Schoo Age

The daycare is scheduled in a way to only have up to eight chilren at a time. There is a waiting list of two (2) children waiting to be placed in the daycare upon approval. The applicant is proposing to add additional spots for preschool and school age children. The applicant curently has a preschool program in the mornings, as well as an after school program in the afternoons. Transporation to and from school to all KUSD schools is provided.. The operation of the large family day care would be similar to the existing operations. The center would operate Monday through Friday from 6:30 a.m. to 6:30 pm. Drop-off is generally from 6:30 a.m. to 10:30 a.m.and pick-up hours vary between noon through 6:30 p.m.

The pick-up and drop-off of children at the subject residence will be from the front of the residence and/or the driveway and will vary from day to day. The day care's scheduling is not structured like a school so drop-off and pick-up will be scattered throughout the day depending on parents' work schedule, reducing the possibility of stacked cars or numerous vehicles at the site.

The applicant currently does not have employees, family members assist for the small day care. However, the applicant intends to hire one assistant in order to satisfy the student/teacher ratio of one teacher for every twelve student (1:12). The applicants currently utilize the rear yard for play area. The front and rear yard is landscaped with lawn, shrubs and trees. There is a 6' wood fence enclosing the rear yard.

Staff conducted a site visit of the residence on Tuesday, November 3, 2015. The living room, dining room and kitchen areas have all been dedicated to the operation of the business. There were five children present (one infant not shown). The residence was clean and properly maintained. From the street there was no indication that the residence was being used as a day care (see photos in Attachment 'C').

The applicant advised that they are monitored by the state CDDL and the health department. These two entities make unscheduled inspections on a quarterly basis. The applicant is also required to take courses through Children Services Network.

Noise

The subject site has been used as a small family day care home consisting of up to a maximum of 8 children since 2012. Staff believes that it is unlikely that the addition of six more children would cause an undue increase in noise. Any noise generated from the residence will be primarily from the children during recess or play hours, which would occur after 7:00 am and not extend beyond 6:00 pm. No noise complaints have been reported to staff from the residence in connection with the child care. It should be noted that the Police Department have not received any negative reports for this site.

Parking

Pursuant to Section 17.20.50 of the Kerman Municipal Code, one (1) parking space is required for each employee not residing in home. The residence has two (2) parking spaces in the garage and two (2) parking spaces in the driveway for a total of 4 on-site parking spaces. In addition, there is sufficient on-street parking on either side of 'B' Street. Therefore, adequate parking is available for the future employee.

Traffic

The proposed large family day care home is located on the north side of 'B' Street between Vineland and Goldenrod Avenue. B Street is a local street with full street improvements, which provides on-street parking on both sides of the street. The drop-off area is in the front of the residence. Primary traffic will be during drop off between 6:30 a.m. and 7:00 a.m. and during pick-up between 5:30 and 6:30 p.m.

Space and Concentration

The zoning ordinance established a space requirement for large family day care homes as a means to maintain the integrity of residential neighborhoods. Large family day care homes must be separated by 1,000 feet from an existing state licensed large family day care home or within five hundred feet of any other child day care center licensed to care for fourteen or more children.

As shown in Figure 1 above, the proposed large family day care home is approximately 650 feet away from another Large Family Day Care also located on 'B" Street. There have been no complaints filed, the commission's intent of the spacing requirement was to avoid any potential impacts relating to increase refuse or traffic. Staff did discuss with Police department and it was noted that there had been no complaints or reports of any negative effects on the surrounding neighborhood, therefore staff recommends approval.

Inspection

Staff did an onsite inspection. There was no health and safety or code violations noted during the inspection. In addition, The applicant's residence must obtain fire clearance from the Fire Marshal as a condition of the state licensing requirements.

PUBLIC NOTICE:

A public hearing is required for Conditional Use Permit applications. A public hearing notice was published in the Kerman News and notices were mailed to property owners within three hundred feet of the property, in addition notices were posted in three different public location in Kerman pursuant to Chapter 17.10 of the Zoning Ordinance.

No calls or inquiries were received by staff.

APPEALS:

The Kerman Municipal Code provides that any action of the Planning Commission may be appealed to the City Council if such appeal is filed within ten (10) working days of the date of action. Appeals may be filed in writing to the Planning and Development Services Department.

ENVIRONMENTAL DETERMINATION:

Staff has determined that the proposed project is categorically exempt from environmental review pursuant to Section 15301(p) of the California Environmental Quality Act (CEQA). Therefore, no environmental

document accompanies this report.

CONCLUSION:

The proposed conditional use permit for a large family day care home is consistent with the R-1 Single-Family Residential Zone District. Large family day care homes are a conditionally permitted use in the R-1 District and are considered by the California Health and Safety Code as an accessory use to residentially zoned and occupied properties. Furthermore, the conditions that have been applied to the proposed use permit will insure that the public's health, safety and welfare are protected.

ATTACHMENTS:

A. State of California DSS Small Day Care License
B. Floor Plan of Residence
C. Photographs of Residence
D. Resolution, approving CUP No. 15-03, subject to conditions

Attachment 'A'

Current DSS Small Day Care License

State of California

Department of Social Services

Facility Number: 103908045

Effective Date: 01/03/2012 Total Capacity: 8

In accordance with applicable provisions of the Health and Safety Code of California, and its rules and regulations, the Department of Social Services hereby issues

this License to

TOVAR, JESSICA

to operate and maintain a

FAMILY DAY CARE HOME

Name of Facility

TOVAR, JESSICA FCC
14290 WEST B STREET
KERMAN, CA 93630

This License is not transferable and is granted solely upon the following:

MAX. CAP: 6 - NO MORE THAN 3 INFANTS OR 4 INFANTS ONLY. CAP 8 - NO MORE THAN 2 INFANTS, 1 CHILD IN KINDERGARTEN OR ELEMENTARY SCHOOL AND 1 CHILD AT LEAST AGE 6.

Client Groups Served:

CHILDREN / INFANT

Complaints regarding services provided in this facility should be directed to:

CCLD Regional Office (559) 243-4588

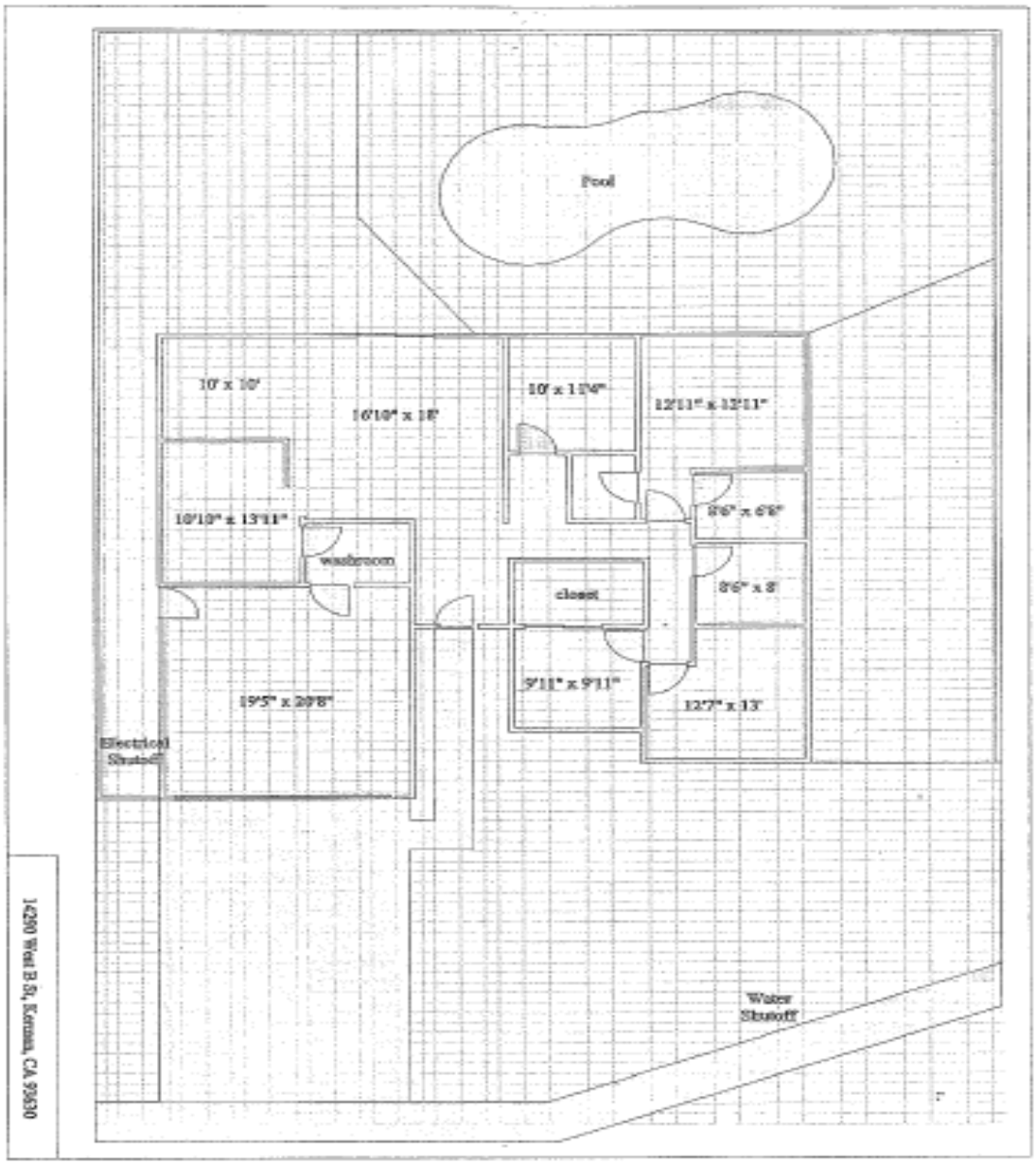
Pamela Dickfoss
Deputy Director,
Community Care Licensing Division

Authorized Representative of Licensing Agency

POST IN A PROMINENT PLACE

Attachment 'B'

Floor Plan of Residence



Attachment 'C'

Photographs of Residence taken Tuesday November 3, 2015

Attachment 'D'

RESOLUTION NO. 15-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN, STATE OF CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 15-03 (Tovar Large Family Day Care Home)

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the "Planning Commission") duly called and held on November 9, 2015, at 6:30p.m., it was moved by Commission member _____ and second by Commission member _____ and carried that the following resolution be adopted:

WHEREAS, the Planning Commission considered Conditional Use Permit 15-03 for the operation of a large family day care home located at 14290 W. 'B' Street; and

WHEREAS, the project and proposed use will be consistent with the 2027 Kerman General Plan land use designation of medium density designation and the zoning classification of (R-1), Single Family Residential; and

WHEREAS, the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA), pursuant to Section 15301(p) of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission of the City of Kerman, after considering the staff report, all accompanying information, and testimony received from the applicant and the other interested parties, has determined to approve conditional use permit 15-03.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Kerman, based on public testimony received and in their own independent judgment, does hereby approve the request for a Conditional Use Permit 15-03, based on the following findings:

1. *The large family day care home is consistent with the General Plan designation in that large family day care homes are conditionally permitted uses on properties designated for Medium Density Residential as shown on the General Plan land use map.*

2. *The site is suitable and adequate for the proposed use and will conform to the Development Standards of the (R-1),Single Family Residential Zone District and is subject to conditions of approval contained herein that will ensure that the use does not have an adverse impact on their affected sites;*

3. *Conditional Use Permit No. 15-03 is in compliance with all applicable provisions of the Zoning Ordinance and is consistent with the General Plan Land Use Designation.*

4. *The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large because the large family day care home operation is properly regulated with adequate parking, would not create nuisances or degrade the environment and is designed to limit impacts on surrounding residents.*

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Conditional Use Permit 15-03, subject to the following conditions of approval:

Conditions of Approval

Prior to Issuance of Conditional Use Permit, the following conditions must be satisfied:

1. The applicant shall provide the Planning Division a copy of State license authorizing operation of a Large Day Care Home (for up to 14 children) at the site prior to occupancy and operation of the day care home.

2. The applicant shall obtain a business license from the Finance Department and submit a copy to the Planning Division prior to occupancy and operation of the large family day care home on the subject parcel.

General Conditions

3. The Planning Director, upon approval of the Planning Commission, is authorized to issue a Conditional Use Permit for this project site.

4. The hours of operation for the site shall generally be from 7:00 a.m. to 6:00 p.m. Monday through Friday.

5. The operation of the large family day care home shall be in full compliance with and subject to all licensing requirements of the State of California. If the Planning Director finds evidence that the operation of the facility is not in compliance with state licensing requirements, the Planning Director may refer the Conditional Use Permit to the Planning Commission for review. If, upon such review, the Commission finds non-compliance with state licensing requirements, the Commission may modify or revoke the use permit.

6. If the conditions of approval have not been fulfilled or that the use has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Planning Director may refer the Conditional Use Permit to the Planning Commission for review. The Commission may modify or revoke the use permit.

7. The number of children allowed by this Conditional Use Permit shall not exceed 14 children.

8. The applicant shall provide parents/guardians with a written advisory and diagram that details the protocols for entering, dropping-off, picking-up, parking and exiting the site. Parents/guardians shall acknowledge (in writing) that they have read and will abide by the provisions of the advisory.

9. Large family day care homes must comply with all applicable state licensing laws at all times. The applicant must submit evidence showing that the applicant is a licensed operator pursuant to the provisions of the state department of social services, community care licensing, regulating child care facilities.

10. The residence must be in compliance with the development standards for the zone.

11. The proposed use must comply with all State Fire Marshal requirements for building and safety that apply to large family day care homes, and with all local building and fire codes which apply to single family residences.

12. Providers approved for a large day care shall obtain a city business license for the operation of a large family day care home from the finance department within five days of conditional approval by the planning commission.

13. The day care home must be the principle residence of the provider, and its use as a day care home must be clearly incidental and secondary to the use of the property for residential purposes

14. The facility must be operated in a manner so as not to appear as a commercial operation, and the property must be maintained to preserve the general appearance and character of the residential neighborhood. Play equipment must not be located within the required front yard setback of the property so as to appear as a commercial child care center.

15. No structural changes may be proposed that will alter the character of the building as a residence.

16. Signs for the day care home must comply with Chapter 17.76, Signs, for signs in residential uses.

17. An applicant for a large family day care shall submit a site plan and a floor plan depicting the property and the area to be used for the caring of the children, designated play area and unloading and loading zone for the delivery of children, the location of fire extinguishers and smoke detectors.

Operating Standards

18. Parking. One parking space for each employee not residing in the large family day care home dwelling, plus the two parking spaces required for the occupants of the single family residence as required pursuant to Chapter 17.74 of the Zoning Ordinance.

19. Passenger Loading and Traffic Control. Loading and unloading of children from vehicles shall only be permitted on the authorized driveway of the residence, approved parking area, or directly in front of the residence (if access is from a local street) in order to promote the safety of the children and prevent traffic congestion or hazards. If the city's traffic engineer or transportation management division finds during evaluation of the facility that curbside loading is not adequate, the applicant may be required to develop a passenger loading plan.

20. Noise. Noise from outdoor play area must be kept to a level consistent with residential neighborhoods. To reduce possible noise impacts, outdoor play/activity areas must only be used between the hours of eight a.m. to six p.m. The operation of the facility must comply with residential noise standards contained in Chapter 9.26, Prohibition of Unreasonably Loud and Unnecessary Noise, and the noise element of the City of Kerman General Plan.

21. Separation. As a means to maintain the integrity of residential neighborhoods, new large family day care homes must not be located within one thousand feet of an existing state licensed large family

day care home or within five hundred feet of any other child day care center licensed to care for fourteen or more children.

22. Outdoor Play Area. Play equipment must not be located within the required front yard or side yard setback area of the property so as to appear as a commercial child care center. The outdoor play are shall be grassed, fenced with a six foot high masonry wall or wood fence, and adequately separated from vehicular circulation and parking area. Any entry gate shall be securely fastened.

23. Hours of operation may be restricted by the planning commission as deemed appropriate in order to control increased traffic or noise impacts upon a residential neighborhood caused by the approval of a use for a large family day care home.

Passed and adopted at a regular meeting of the Kerman Planning Commission held on November 9, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

_____ _____
Chairman, Robert Epperson Date

_____ _____
Secretary, Olivia Pimentel Date

City of Kerman

"Community Comes First"

Chair
Robert Epperson

Vice Chairperson
Kevin Nehring

COMMISSIONER
Robert Bandy

COMMISSIONER
Eric Kehler

COMMISSIONER
Charlie Jones

COMMISIIONER
Mario Nunez

COMMIISSIONER
Katie Wettlaufer

STAFF REPORT
PLANNING COMMISSION MEETING
November 9, 2015

To: Kerman Planning Commission

From: Olivia Pimentel, Planning Technician

Subject: Extension Request for Conditional Use Permit No. 14-02 for a 1,000 square foot detached automated drive-thru car wash in connection with a proposed convenient store and fueling station located in Phase II of the Kerman Crossing Neighborhood Center (SEC Whitesbridge Road and Kline Street)

Recommendation:

Staff recommends that the Planning Commission consider and approve extenstion request and take the following action:

1. Adopt Resolution No. 15-08 approving one-year or two-year extension request for Conditional Use Permit No. 14-02 for an automated drive-thru car wash, subject to conditions of approval.

Owner/Applicant:

TBS Holdings, LLC
4917 Genesta Avenue
Encino, CA 91316

Representative:

Robert A. Martinez, Architect & Associates
15487 Seneca Rd., Suite 203
Victorville, CA 92392

Background:

The Planning Commission Approved Conditional Use Permit 14-02 on October 27, 2014. The applicants are requesting a 1 to 2 year extension request to start construction on the proposed project. The subject property is a 4.36 acre undeveloped lot located on the southeast corner of Whitesbridge Road and Kline Street (Attachment 'A'). The site was part of a larger two-phased neighborhood commercial retail center (Kerman Crossing Neighborhood Center) approved in 2008. Phase I consisting of 4.11 acres was fully developed and anchored by CVS Pharmacy and AutoZone. A 10,200 square foot medical building for a dialysis center has recently been constructed on the remaining pad. Development of phase II was deferred due to the economic recession.

The applicant, TBS Holdings, LLC, acquired the subject property in 2014 and is proposing to develop approximately 29,753 square feet of retail and restaurant uses on five separate parcels (Attachment 'B'). The applicant plans to start the project by developing a 13,500 square foot retail building, a 2,800 square foot convenient store with fueling station and a detached 1,000 square foot automated drive-thru car wash,

and a 2,588 square foot Jack in the Box restaurant. Future development includes a smaller 4,500 square foot retail building and a 5,365 square foot restaurant.

Project Description:

The subject site is currently vacant and features a temporary storm drain basin. The project will involve the installation of off-site and on-site improvements to serve the entire site (i.e., street widening, sidewalk, curb, gutter, utility undergrounding, on-site parking stalls, landscaping, etc.). The temporary storm drain basin will be removed and a connection will be made to the permanent storm drain basin in Kiwanis Park. The applicants submitted on and off site improvement plans on October 27, 2015 for City Engineer's review.

The proposed 2,800 square foot convenient store includes outdoor public seating, nine covered fueling stations for 18 vehicles, 1,000 square foot detached automated drive thru car wash, covered parking with 4 vehicle vacuum areas, and a propone fueling station (Attachment 'C').

The applicant is currently negotiating with two possible tenants for operation of the convenient store, fueling station, and automated drive-thru car wash. The type of automated car wash system is not known at this time. Once the tenant is selected, they will be required to provide specifications for the type of automated car wash system to be used prior to the issuance of a building permit. Staff has included several conditions of approval requiring the applicant to submit a stationary noise assessment for the dryers/blowers including noise mitigation measures, installation of an efficient reclaim system for recycling water, and use of environmentally save cleaning agents.

General Information:

Site Location: SEC of Whitesbridge & Kline Street (APN 023-030-53, 54, 55, 56, 57 & 58)

Existing Uses: The parcels are currently vacant with a temporary storm drain basin.

General Plan: Regional Commercial.

Zoning: General Commercial (CG)

Surrounding Uses & Zoning:

Location	Existing Land Uses	General Plan Designations	Zone Districts
North	Self-storage & manufactured home sales	General Commercial	CG
South	Seniors apartments	Multi-family	R-3
East	Auto body repair and auto parts sales	General Commercial	CG
West	Pharmacy and auto parts sales	General Commercial	CG

Discussion:

This is an extension request for a previously approved project that was reviewed pursuant to the General Plan and Zoning Ordinance, as follows:

General Plan Land Use and Zoning:

The site is designed regional commercial on the land use map and zoned general commercial (CG) on the zone map. The general commercial zone district permits a wide range of retail and office uses such as, but not limited, to apparel stores, restaurants, cafes, convenient store, medical and professional offices. The proposed convenient store and fueling station are permitted by right in the general commercial zone district. The automated drive-thru carwash requires a conditional use permit due to operational issues.

Master Site Plan

As reflected in the revised Master Site Plan on Attachment 'D', there are five separate buildings proposed totaling 29,753 square feet on five parcels containing a total of 4.36 acres. One of the parcels located on the northwest corner of the site is for a proposed 2,800 square foot convenient store, outdoor seating area, nine covered fueling islands, 1,000 square feet automated drive-thru car wash, covered vacuum area, and propane refueling tank.

Other proposed uses include a 2,588 square foot Jack in the Box restaurant, a larger 13,500 square foot retail building, a smaller 4,500 square foot retail building and a 5,365 square foot building for a future restaurant use. The development shows a total of 178 standard parking spaces including 13 ADA accessible parking spaces and 23 clean air/van pool parking spaces for a total of 214 parking spaces consistent with the required number of spaces per the CG zone district.

There will be one new driveway along Whitesbridge Road in addition to ingress and egress from Kline Street. The driveways along Whitesbridge Road will only allow for right turn movements into and out of the center. Kline Street will permit left in and left out movements.

Whitesbridge Road will be developed to its full width along the frontage of the property consistent with the curb pattern in phase I immediately west of Kline Street. All above ground utilities fronting the property will be undergrounded as a condition of the development.

Kline Street will be dedicated to the city as a public street. Included in the design of Kline Street is a raised median with landscape treatment consisting of a mix of trees, shrubs, groundcover and accent tips at each end of the median. Decorative stamped concrete pavement treatment is proposed at the intersection of Kline and the east/west entrances to the center as well as within the center parking areas and driveway aprons along Madera and Whitesbridge.

Automated Drive-Thru Car Wash

As reflected in Attachment 'C', the applicant is proposing to install and operate a 1,000 square foot automated drive-thru car wash as an accessory use along with the convenient store and fueling stations.

Circulation

The layout of the overall site will provide sufficient circulation through the property and into the center. As proposed the automated drive-thru car wash will be located at the southwesterly area of the property near the drive isle entrance into the center from Kline Street. Vehicle will enter the car wash through a drive-thru lane from the northerly end of the convenient store. Stacking of up to nine (9) vehicles is provided while the car wash is in use. Vehicles will exit toward the southerly end of the convenient store.

Design

As reflected in Attachment 'D', the proposed car wash features a functional rectangular design to accommodate its specific use with façade materials that consist of stucco, a decorative cornice, and architectural pop outs with stone veneer to match the building design for the proposed convenient store.

Signage

A Master Sign Program was approved for the Kerman Crossing Neighborhood Center emphasizing sign criteria for installation of signage in the center. As presented, the automated car wash building will not include signage. A condition of approval has been included requiring the applicant to submit a sign review application for all building signs, directional signage for the car wash, as well as for the designated vacuum and drying stations.

Hours of Operation

According to the Operational Statement provided by the applicant enclosed herein as Attachment 'D', operation of the convenient store, fueling station, and drive-thru car wash will be open twenty-four (24) hours, Monday through Sunday. There is currently no convenient store, fueling stations, or car wash open twenty-four (24) hours.

Conditional Use Permit

Due to operational characteristics, conditional use permits are required for certain uses within each zone district in order to minimize impacts upon surrounding uses. The original conditional use permit, was approved and the Planning Commission made certain findings, as follows:

1. That the location, size, design, and operating characteristics of the proposed uses are compatible with the existing and known future uses and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

   Analysis: The proposed project is located on a 4.36 acre parcel that is designated regional commercial on the land use map and zoned for general commercial on the zone map. The proposed convenient store with fueling station, drive thru car wash, covered car vacuum area, and propane refueling station are uses consistent with the general plan and zoning ordinance, subject to conditions of approval, and will be compatible with existing and proposed uses on the site. The use is appropriately located with access via one major arterial road (Whitesbridge Road) and one local street (Kline Avenue). The use is functionally and physically compatible with surrounding uses. An existing 7 foot masonry block wall is located along the southern property line to minimize any noise impacts associated with the use.

2. That the proposed use in substantially is consistent with the Kerman General Plan and Zoning Ordinance.

   Analysis: The proposed project is designated regional commercial on the land use map and zoned general commercial on the zone map.

3. That an environmental review was conducted and a determination was made that the proposed development will not have a significant impact on the environment.

   Analysis: The proposed use was determined to be exempt from the California Environmental Quality Act (CEQA) as an in-fill development pursuant to Section 15311, Class 32 of CEQA Guidelines. The site is less than five acres in size and the project is consistent with the general plan and zoning ordinance, and can be served by existing utilities.

4. That the subject site is physically suitable for the type and intensity of use being proposed.

   Analysis: The site is an in-fill lot with access to an arterial road (Whitesbridge Road) and a local street (Kline Street) and can be served by all existing utilities and public services. The site is phase II of a previously approved and developed neighborhood center. The development of the site will include additional access points along with off-site street improvements for proper egress and ingress and traffic generated by the proposed development.

Environmental Review:

Pursuant to California Environmental Quality Act (CEQA) Guidelines, this project is categorically exempt from CEQA per Section 15332 (In-fill Development Projects). The project is located within the city limits on a site less than 5 acres that is consistent with the general plan and zoning ordinance and the site can adequately be served by all required utilities and public services.

Public Hearing Not Required for Extension Request:

Conditional use permits may be renewed in accordance with section 17.12.100 for an additional year or for a lesser or greater time period as may be specified; provided, that the application for renewal is filed with the planning commission prior to the expiration of the time period granted. The original conditional use permit was granted on October 27, 2014, the applicants emailed a request for an extension 30 days prior to the expiration; and submitted a formal application on October 27, 2015, therefore, they have met the intent of the ordinance which requires notification prior to expiration of the conditional use permit.

Alternate Action:

The Planning Commission may modify the conditions of approval or deny the request for a extension of the conditional use permit.

Attachments:

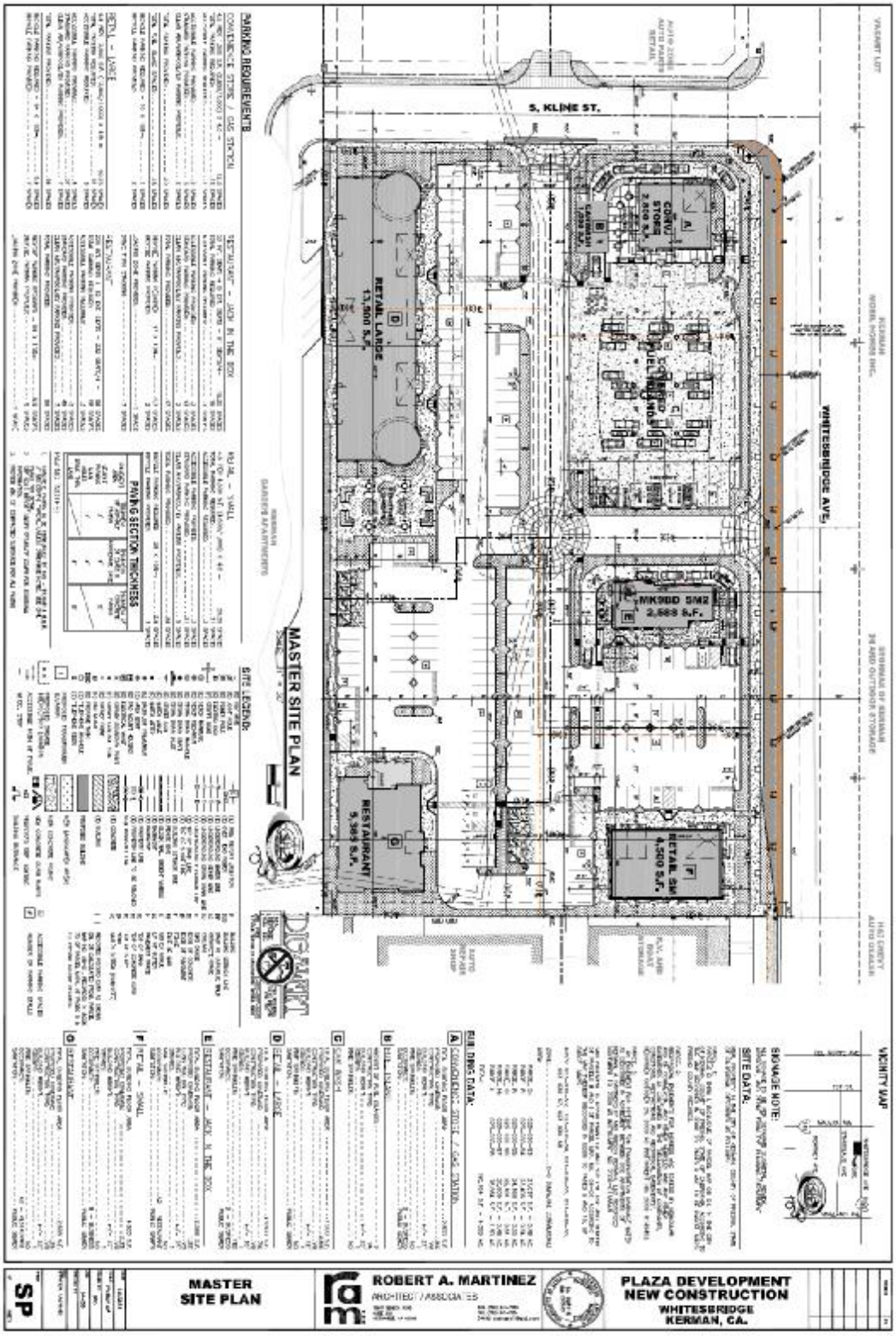
A. Aerial of Site
B. Master Site Plan
C. Convenient Store with Car Wash
D. Operational Statement
E. Car Wash Floor Plan & Elevations
F. Front Elevation of Convenient Store
G. Request for two (2) year extension, dated October 27, 2015
H. Resolution with Conditions of Approval

Attachment 'A'

Aerial of Site

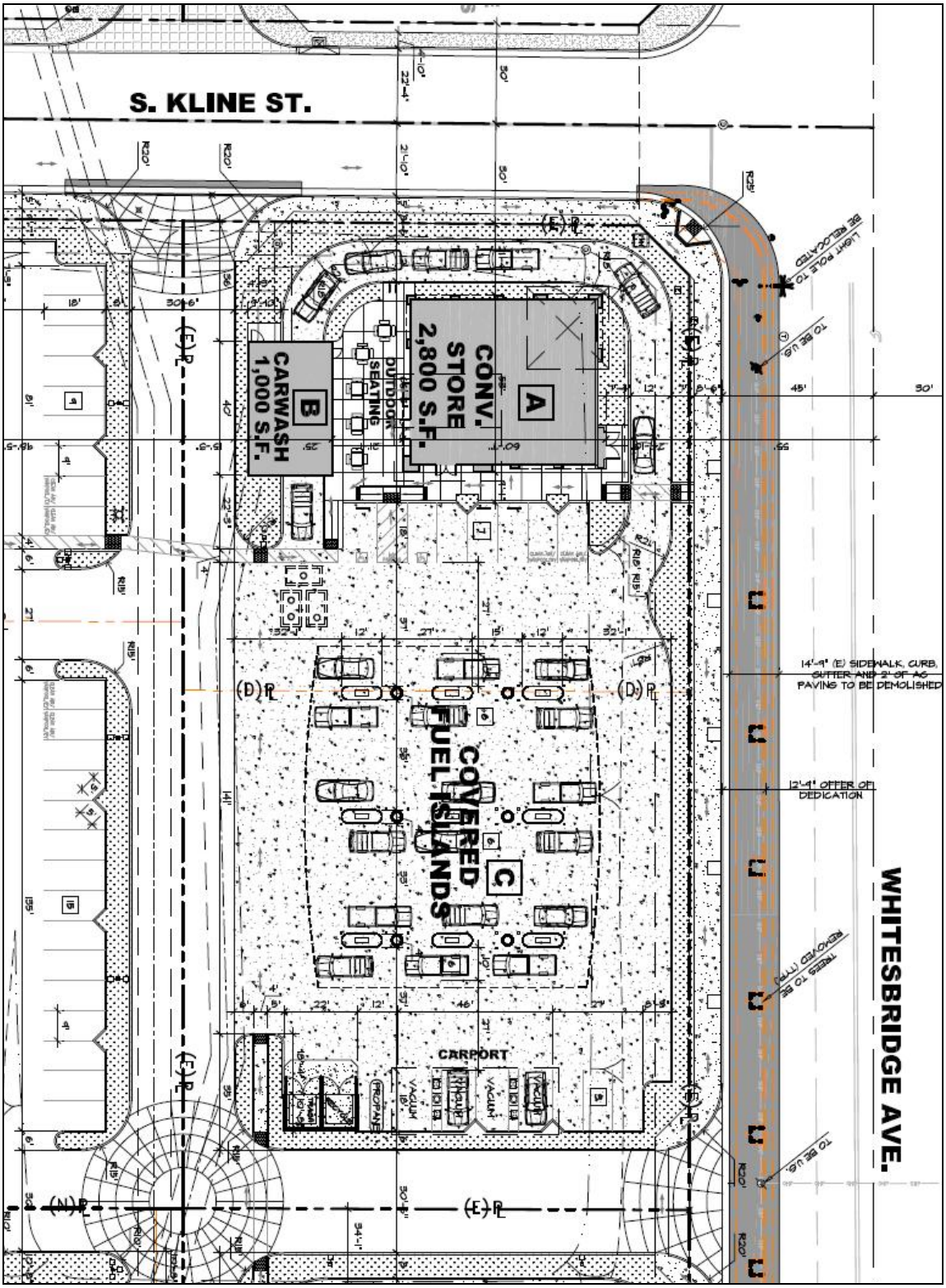
Attachment 'B'

Master Site Plan



Attachment 'C'

Proposed Convenient Store with Drive-Thru Carwash



Attachment 'D'

Operational Statement

(760) 241-7858
Fax (760) 241-7854

Robert A. Martinez, Architect E-Mail: Ricardo.Cazares@ram-architecture.net.com

Architecture • Planning • Engineering • Construction Administration

OPERATIONAL STATEMENT

(PAGE 1 OF 4)

Ms. Olivia G. Pimentel, Planning Technician
City of Kerman
Planning & Development Services
850 S Madera Ave
Kerman, CA 93630

October 22, 2014

Dear Ms. Pimentel,

Fresno Foods, LLC will be developing Phase II (of SPR-07-19) portion of this development and specifically, will operate the proposed Jack in the Box (JIB) Restaurant at Whitesbridge Rd & Madera Ave. The Jack in the Box (JIB) will be operated in accordance with all applicable Laws, Rules and Regulations, as well as all required Policies and Procedures as a Franchise for JIB, Inc.

Fresno Foods, LLC owns and operates 23 JIB Restaurants in the Fresno metropolitan area, additionally, these companies own and operate 26 JIB restaurants in the Los Angeles area and 10 more in the Redding/Chico area, in total, they own and operate 59 JIB restaurants.

The President for Fresno Foods LLC companies is Mr. Ben Nematzadeh. He has been a Franchisee of JIB since 1989, prior to that, he held various management positions with Jack in the Box, Inc. (from 1982 to 1989), in addition to being the Franchise Operator of 59 restaurants mentioned above, he is also a partner in a company that owns and operates 17 JIB restaurants in the Central Coast (Santa Barbara to Paso Robles).

As Director of Operations for Fresno Foods, LLC and Chico Foods, LLC, Mr. Asheet Sharma has been in the JIB system since 1990 (in various management and training positions with JIB Inc.), and with Mr. Nematzadeh since October of 2012.

The District Manager in charge of the restaurant, Mr. Shawn Wallestad, has been in the JIB system since January of 1991 and with Fresno Foods LLC as a District Manager, since May of 2010.

This restaurant will be staffed with a "ServSafe" certified Manager, a "ServSafe" certified Assistant Manager and six "Food Safety" certified Team Leaders.

15487 SENECA ROAD • SUITE 203 • VICTORVILLE, CA 92392

Attachment 'D' (continued)

Operational Statement

(760) 241-7858
Fax (760) 241-7854

Robert A. Martinez, Architect E-Mail: Ricardo.Cazares@ram-architecture.net.com

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Prior to the restaurant opening, all general employees will be trained and certified in their respective positions, at several of our existing Jack in the Box Restaurants in Fresno.

This site is located at the Highway 180 and Madera Avenue intersection and is Phase 2 of a previously approved Site Plan SPR-07-19 (which is a highly traveled location). For this reason the restaurant plans to operate on a 24 hour basis, with Dining Room open from 6:00 am to midnight every day. Please also note; that in as much as the owners are negotiating with various "pad users" there is no specific information regarding operations for same.

Building cleaning and maintenance will be done by trained restaurant staff, landscaping will be maintained by the contractor currently maintaining our other 23 Restaurants in Fresno.

Please contact me if further details are needed,

Sincerely,

Robert A. Martinez, AIA, CASp, CASI

Attachment 'D' (continued)

Operational Statement

(760) 241-7858
Fax (760) 241-7854
Robert A. Martinez, Architect E-Mail: Ricardo.Cazares@ram-architecture.net.com
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OPERATIONAL STATEMENT (CONTINUED)

Project Site Address: Whitesbridge Rd & Madera Ave

Project A.P.N's.: 023-030-53, 54, 55, 54, 57 & 58

Existing General Plan Land Use Designation: Community Shopping Center

Existing Zone District: C-2

Sanitation: Public Sewer

Related Projects: Site Plan Approval-SPR-07-19
Resolution No. 08-24

Site: This project is Phase 2 of previously approved Site Plan approval-SPR-07-19. This site consists of six separate unimproved lots with frontage to Whitesbridge Road. This new location would be a valued addition to the already existing diverse community of commercial businesses.

Phase 1 (for this project):

Convenience Store - 2,800 s.f., occupancy B, type VB construction, single story, 27' high building. Accessory uses will consist of a covered fuel island with 9 pumps a 1,000 s.f. carwash, a drive thru and covered parking with 4 vehicle vacuum areas for the carwash, an outdoor public seating area, and a propane refueling station. Hours of operation will be 24hrs, Monday – Sunday.

Retail / Office Building - 13,500 s.f., occupancy B, type VB construction, single story, 30' high building. Fully Sprinklered with five vanilla shell suites. East of the proposed building will contain a pedestrian garden and seating area. Hours of operation will be 8am – 10pm Monday - Sunday

Restaurant - 2,588 s.f., occupancy A2, Jack in the Box Restaurant, type VB construction, single story, 25' high building with drive-thru. The restaurant will have 53 interior dining seats and 8 exterior seats. Please also see cover page of this Operational Statement for information provided by operator. It is expected that this site will accommodate up to 321 daily customers, 60% of which will use the convenience of the drive-thru. The restaurants use 24 hour (6 day tape) surveillance.

15487 SENECA ROAD • SUITE 203 • VICTORVILLE, CA 92392

Attachment 'D' (continued)

Operational Statement

(760) 241-7858
Fax (760) 241-7854
Robert A. Martinez, Architect E-Mail: Ricardo.Cazares@ram-architecture.net.com
Architecture • Planning • Engineering • Construction Administration

Phase 2:

Retail building - 4,500 s.f., occupancy B, type VB construction, single story, 27' high building with two vanilla shell suites. Hours of operation will be 8am – 10pm Monday – Sunday.

Restaurant (Retail) – 5,365 s.f., occupancy A2, Sit Down Restaurant, type VB construction, single story, 25' high building. The restaurant will have 200 interior dining seats and 32 exterior seats in an enclosed outdoor patio. Hours of operation will be 11am – 1pm Monday – Sunday.

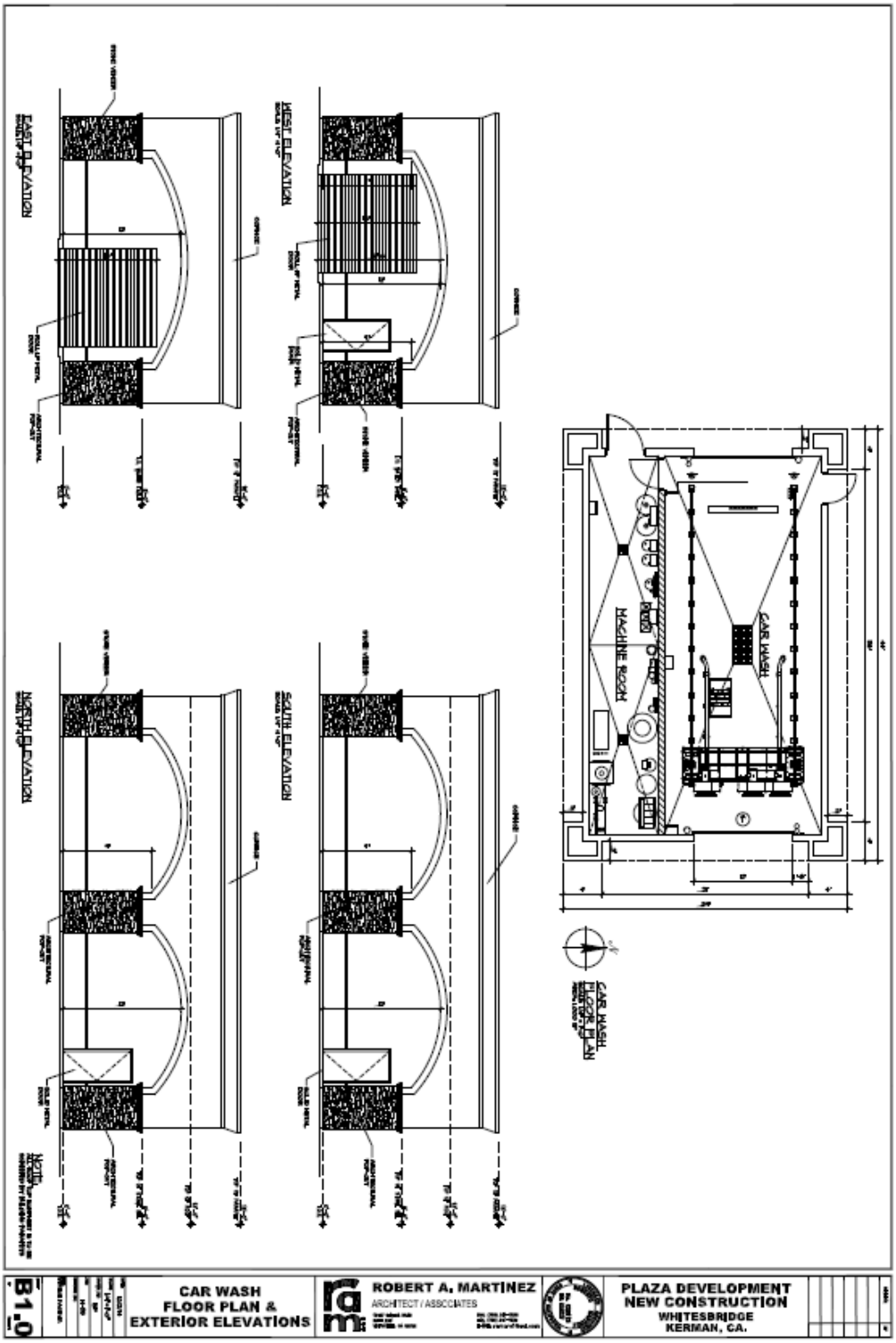
How the proposal helps implement the General Plan: The General Plan in part provides the blueprint for the growth of the city by outlining zone districts city wide, creates a planning tool which is efficient and responsive to citizens' needs and provides requirements in order for developments to meet state and local planning and zoning laws. The proposed development improves the quality of life for citizens of Kerman by revitalizing the neighborhood and adding casual retail and dining restaurants and constructing a development that would allow interaction between surrounding citizens and the new development. In addition the development will be managing growth by constructing a development that is consistent with land use density and size and by constructing new buildings with improved visual image that will complement the neighborhood and developing healthy, proven businesses that will allow for employment of different level skills.

Foreseeable effects from construction and/or operation of the site that may impact the neighbors: The construction will provide construction jobs for as many as 25 different trades (i.e. plumbing, concrete, electrical, HVAC, framing, roofers etc.). This will have a positive financial effect during the duration of construction. After completion of construction, there will be a potential for different levels of employment including employment for neighboring citizens.

Security Measures: Site will consist of good lighting inside and out. Should it become necessary, the site will be monitored by contracted security personnel.

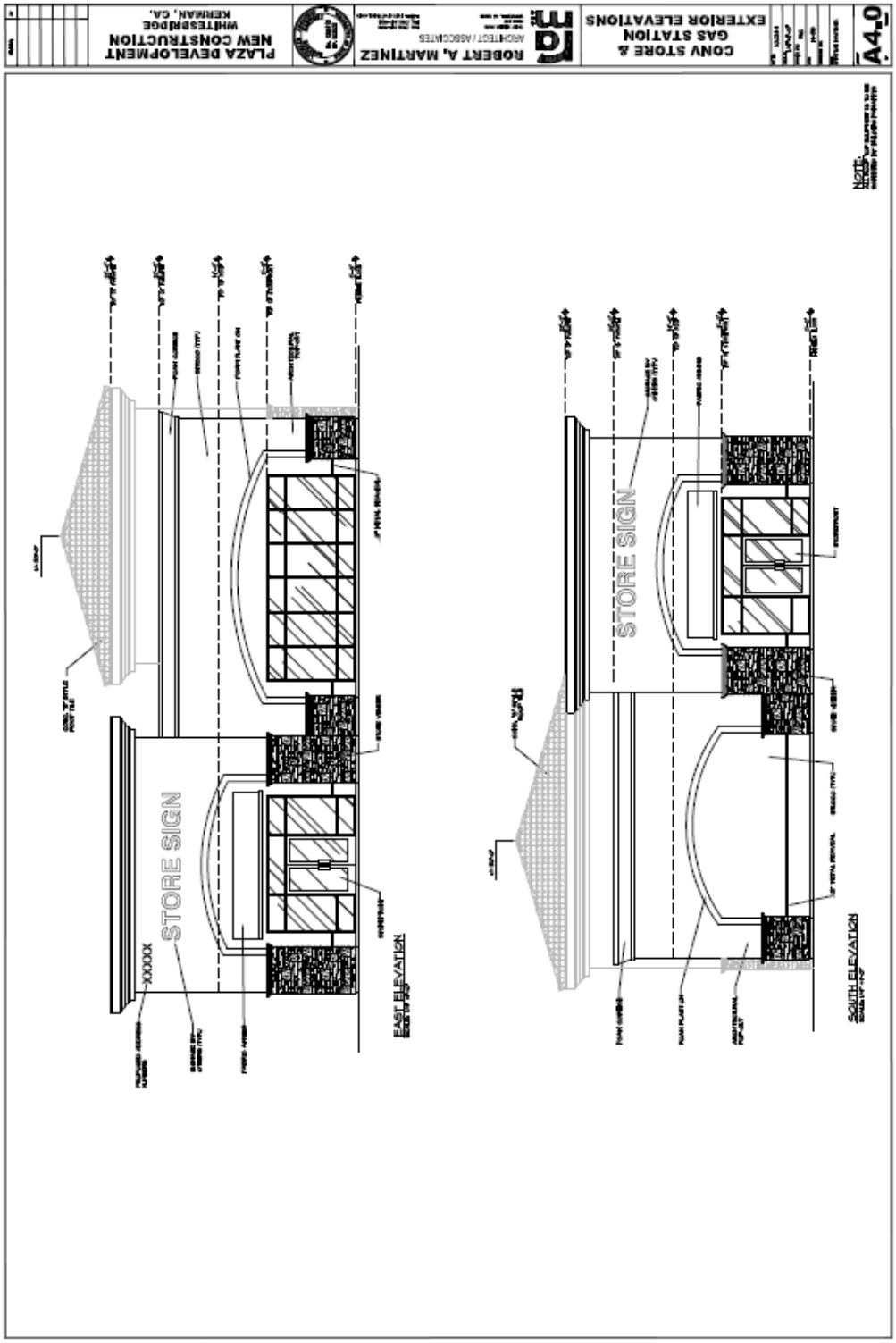
Attachment 'E'

Building Elevation – Car Wash



Attachment 'F'

Front Building Elevation of Convenient Store



Attachment 'G'

Two (2) year extension request dated October 27, 2015

ROBERT A. MARTINEZ, ARCHITECT

PHONE (760) 241-7858
FAX (760) 241-7854
E-MAIL: ROBERT.MARTINEZ@RAM-ARCHITECTURE.NET

ARCHITECTURE • PLANNING • ENGINEERING • CONSTRUCTION ADMINISTRATION

October 27, 2015

City of Kerman
Ms. Olivia Pimentel, Planning Technician
Planning & Development Services
850 S. Madera Ave.
Kerman, CA 93630

RE: TBS HOLDINGS CONDITIONAL USE PRMIT 14-02 AND ASSOCIATED SITE APPROVALS

Dear Ms. Pimentel,

This note shall confirm that TBS Holdings is requesting a 2 year extension for the above noted Conditional Use Permit and Associated Entitlements. As noted, Harbour and Associates Civil Engineers has been completing Civil engineering efforts for submittal. Said submittals should occur as early as end of day today.

Thank you for consideration of this request.

Sincerely,

Robert A. Martinez, AIA, CASp, CASI

15487 SENECA ROAD • SUITE 203 • VICTORVILLE, CA 92392

Attachment 'H'

Resolution No. 15-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN APPROVING A EXTENSION REQUEST FOR CONDITIONAL USE PERMIT (CUP 14-02) FOR A CAR WASH WITH DRIVE THRU IN THE PLAZA DEVELOPMENT (APN 023-030-53 & 54)

WHEREAS, TBS Holdings, LLC applied for a conditional use permit (CUP) on October 27, 2014 and was approved by the Planning Commission on said date to establish and operate a 1,000 square foot automated drive-thru car wash as an accessory use to a proposed convenient store with fueling station in the Kerman Crossing Neighborhood Center located at the southeast corner of Whitesbridge Road and Kline Street ; and

WHEREAS, an approved conditional use permit shall lapse and become void one year from the date it became effective if said if use is not operating within that time period unless a lesser or greater time was prescribed by the resolution pursuant to Section 17.12.090 of the Kerman Municipal Code; and

WHEREAS, the applicant filed an extention request on October 27, 2015 and electronically prior to the expiration date and therefore said use may be renewed for an additional year or for a lesser or greater time period as may be specified; provided, that an application for renewal is filed with the planning commission prior to the expiration of the time period granted in accordance with Section 17.12.100, and

WHEREAS, car washes are permitted in the general commercial zoned district by way of a conditional use permit pursuant to Section 17.48.030 of the Kerman Municipal Code; and

WHEREAS, the project is categorically exempt from environmental review per Section 15311, Class 32 of CEQA Guidelines (In-fill Development), and

WHEREAS, based upon the facts and analysis presented in the staff report and any public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance and operation for the requested use and building would be consistent with the General Plan and not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Kerman does hereby approve an extension as specified for Conditional Use Permit No. 14-02, with all conditions as originally approved and as referenced in Exhibit 'A'.

I HEREBY CERTIFY that the foregoing Resolution was approved at a regular meeting of the Planning Commission of the City of Kerman on the 9th day of November, 2015, and was fully adopted at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Robert D. Epperson, Chairperson

ATTEST:

_____
Olivia Pimentel, Secretary

Exhibit 'A'

Conditions of Approval (as originally approved 10/27/2014)

General Conditions

1. The site plan and building elevation drawings as shown in Attachment 'A', consisting of sheets SP, SP1, A4-0 and A4-1, B1.0, and C1.0, prepared by Robert A. Martinez Architect/Associates, dated October 2, 2014, shall be revised as appropriate to reflect all conditions of approval and plans shall be resubmitted to the Planning Department for final review and approval by the Planning Director prior to the issuance of a grading permit. Full compliance with conditions of approval shall be achieved prior to issuance of any Certificates of Occupancy or as modified by the Director (Planning).

2. In addition to the conditions listed herein, the project shall comply with all conditions of approval for the Kerman Crossings Neighborhood Center contained in Administrative Resolution No. 08-02 or as amended.

3. Conditional Use Permit No. 14-02 is valid for a period of one (1) year from the approval date (October 27, 2015). Any extension of time shall be submitted in writing thirty (30) days prior to permit expiration, which shall be presented to the Planning Commission for their consideration.

4. The applicant shall submit a separate application for an amendment to the approved site plan and lot line adjustment for the subject site.

5. That this approval is expressly granted to TBS Holdings, LLC for the car wash and is not transferable unless and until the new owner/operator submits a letter to the City's Director of Planning Development Services wherein said owner/operator states he has read, understands, and agrees to the conditions of approval of Conditional Use Permit No. 14-02 and Administrative Resolution No. 08-02.

6. Pursuant to Government Code Section 66474.9, the applicants (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Kerman and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attach, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provided for in Section 55499.37. The City will promptly notify the applicants of any such claim action or proceeding and cooperate fully in the defense.

Engineering Division (General Conditions)

7. The developer shall submit the following for the Lot Line Adjustment: legal descriptions of the existing and proposed parcels, a diagram showing the existing and proposed parcels, including all existing easements, and a Preliminary Title Report showing current ownership and not more than 60 days old.

Engineer Division (Streets)

8. Install all improvements in Whitesbridge Road and Kline Street as per the conditions of approval for the Kerman Crossing Neighborhood Center contained in Administrative Resolution No. 08-02 or as amended.

Engineering (Grading & Drainage)

9. Install all improvements in Whitesbridge Road and Kline Street as per the conditions of approval for the Kerman Crossing Neighborhood Center contained in Administrative Resolution No. 08-02 or as amended.

Engineering Division (Sewer)

10. Install all improvements in Whitesbridge Road and Kline Street as per the conditions of approval for the Kerman Crossing Neighborhood Center contained in Administrative Resolution No. 08-02 or as amended.

Public Works

11. All separate buildings or units must have their own water meter and be plumbed separate from the other buildings or units unless the owner of the building pays for all city utilities within the structure.

12. All commercial water services must have a pressure backflow device per City of Kerman Standards and must be tested and certified by a certified backflow device tester prior to issuance of certificate of occupancy.

13. The car wash shall be equipped with a grease trap, pressure backflow device, water meter and recirculating system.

Planning Division (General Conditions)

14. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this conditional use permit shall constitute grounds for revocation of said site plan approval by the Planning Commission. If operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.

15. Prior to the commencement of any work within the City of Kerman, the general contractor and all sub-contractors shall obtain a business license from the Finance Department.

16. The applicant shall at all times during the operation of the car wash maintain the site clean and fee of any trash or debris. The owner/operator of the car wash shall clean property within 24 hours of notice given by the City of Kerman.

17. Applicant shall within 24 hours remove any graffiti, paint or other markings on the any of the proposed structures upon notification by city staff.

Planning Division (Architecture)

18. Roof-mounted heating and air conditioning units or other mechanical equipment shall be set back from the roof edge, placed behind a parapet or in a well so that they are visually screened from public view. Screening for roof-mounted equipment shall be integrated into the building and roof design and use compatible materials, colors and forms. Wood lattice or fence material is prohibited for screening.

19. All meters, valves, pipes and any other mechanical /plumbing/electrical appurtenances on the building exterior with the exception of the roof latter shall be painted and/or textured to match the building color.

20. The color palette for the car wash building shall be consistent with the overall color scheme of the convenient store and other buildings in the center.

Planning Division (Car Wash)

21. The applicant shall obtain a Car Washing and Polishing Certificate through the California Department of Industrial Relations and show proof to the Planning and Development Department that such a certificate was obtained prior to the issuance of certificate of occupancy.

22. The operator of the automated car wash shall submit specification of the type of automated car wash system to be installed including reclaim system and number of dyers/blowers.

23. The carwash cannot be operated until a professional noise consultant, approved by the City, can verify that the maximum noise levels of the carwash blowers after installation, does not exceed noise levels outline in Table 20 of the Noise Element of the General Plan.

24. The type of automated car wash system must include the most efficient reclaim system on the market in order to recycle as much fresh water as possible.

25. The automated car wash shall use environmentally save cleaning agents and provide a list of the cleaning agents to the Planning Director prior to issuance of a building permit.

Planning Division (Signage & Lighting)

26. On-site signage shall be allowed in accordance with the approved Master Sign Program for the Kerman Crossing Neighborhood Center. The applicant must submit a sign review application for all building signs, directional signage for the car wash, as well as for the designated vacuum and drying stations. All signs must be in compliance with the Sign Ordinance and Sign Design Guidelines. The tenant wall signs with individual letters, internally illuminated, mounted parallel/flush with the building wall are encouraged. Cabinet (box type) signs are to be discouraged.

27. An on-site lighting plan shall be provided for review by the Planning Director prior to issuance of building permit. All outdoor lighting shall be hooded (glare shielded) and arranged in such a manner as to not create glare onto adjacent streets or properties. All fixtures shall be of a design that is attractive and architecturally compatible with the design of the building. Such lighting shall be maintained in operating conditions at all times. Glare-shielded recessed type lighting shall be provided under the sofit overhang above the tenant storefronts. Glaring wall-pack type lighting shall not be used.

Planning Division (Landscaping)

28. Landscape plans for the project shall be consistent with approved landscape plans for the Kerman Crossing Center as part of Administrative Site Plan Review No. 07-19 and Administrative Resolution No. 08-02.

29. The developer shall provide four (4) copies of complete landscape and irrigation plans for planting/re-planting and permanent irrigation system for development of the site to the Director of Planning and Development for review and approval.

30. A minimum 3 foot hedge shall be installed along the perimeter of the drive-thru lane to screen vehicles from public view.

END OF CONDITIOINS

APPLICANT'S ACKNOWLEDGMENT

I have read, understand, and accept the conditions of approval set forth herein above in this resolution of approval for Conditional Use Permit No. 14-02.

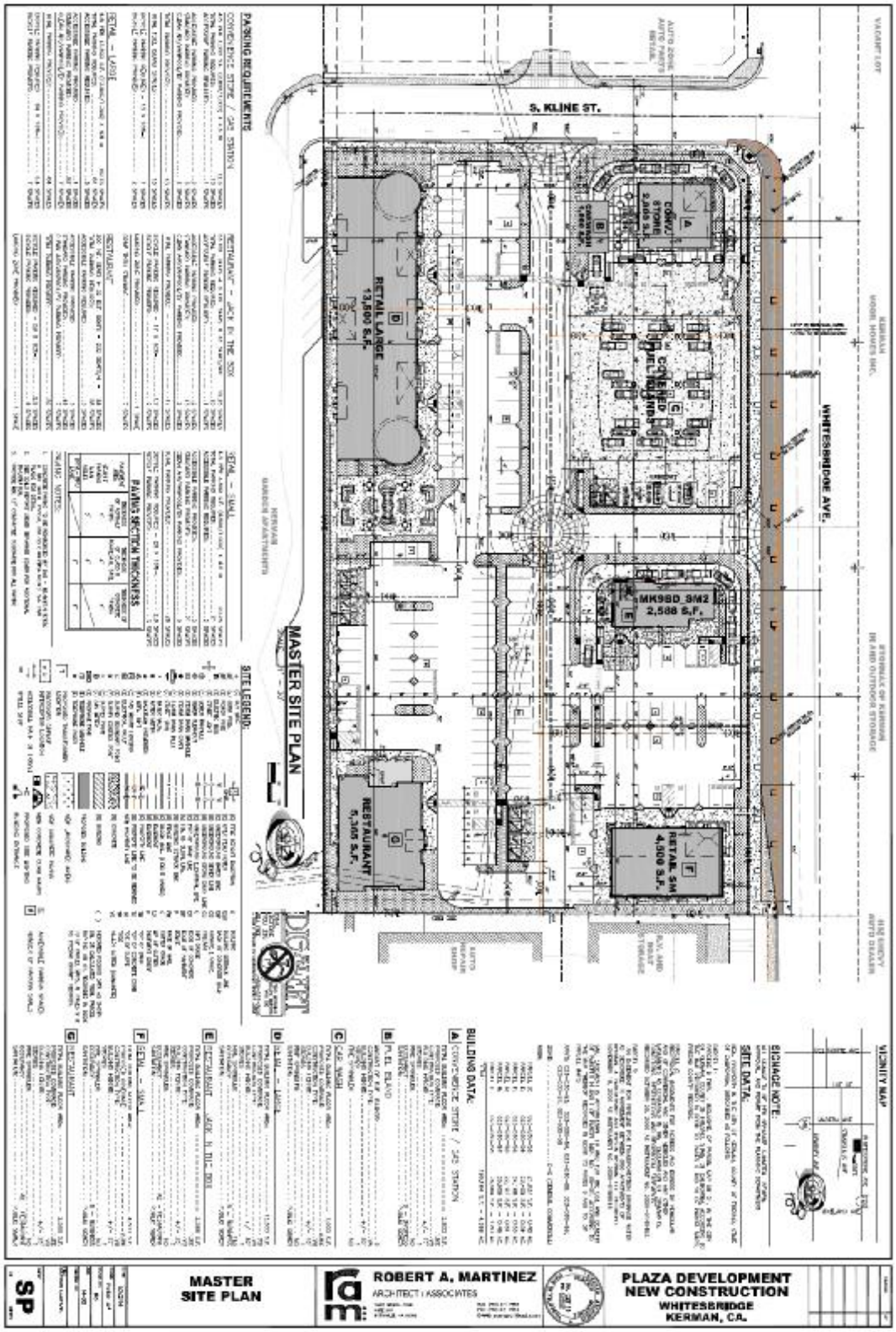
_____	_____
Date	TBS Holding, LLC Applicant/Agent

Attachment

A. Revised Master Site Plan
B. Building Elevations – Convenient Store
C. Building Elevations – Car Wash

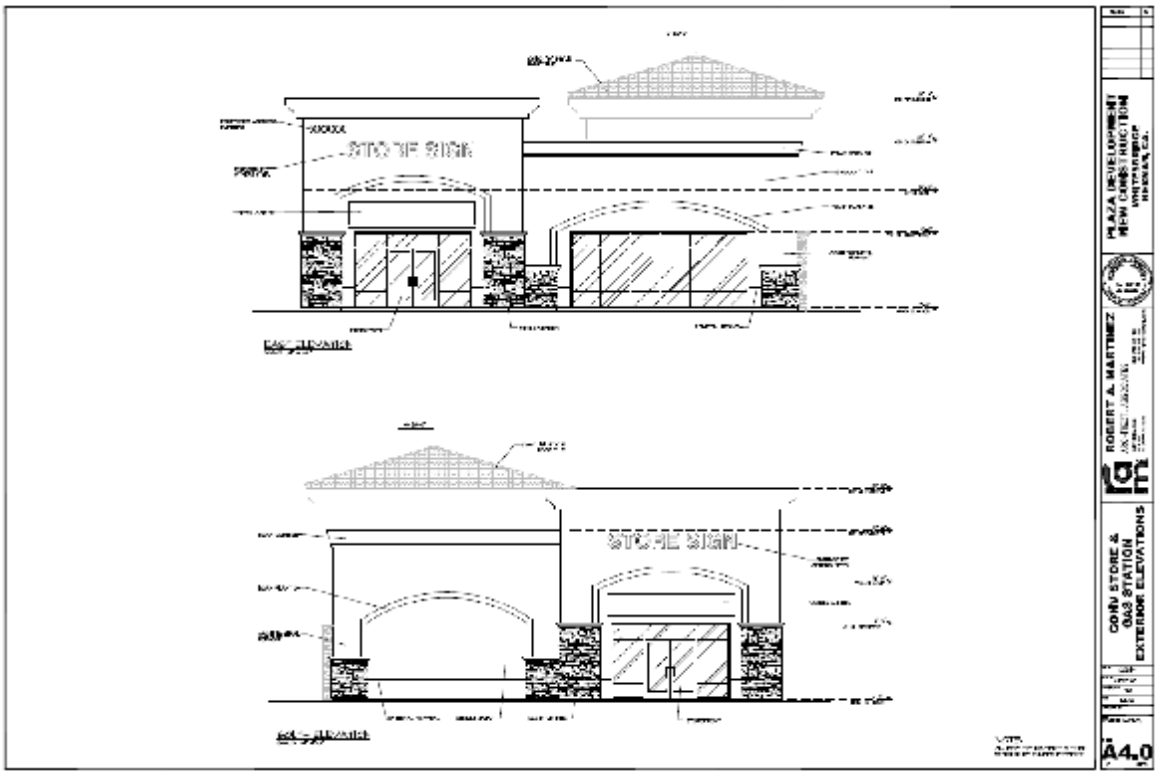
Attachment 'A'

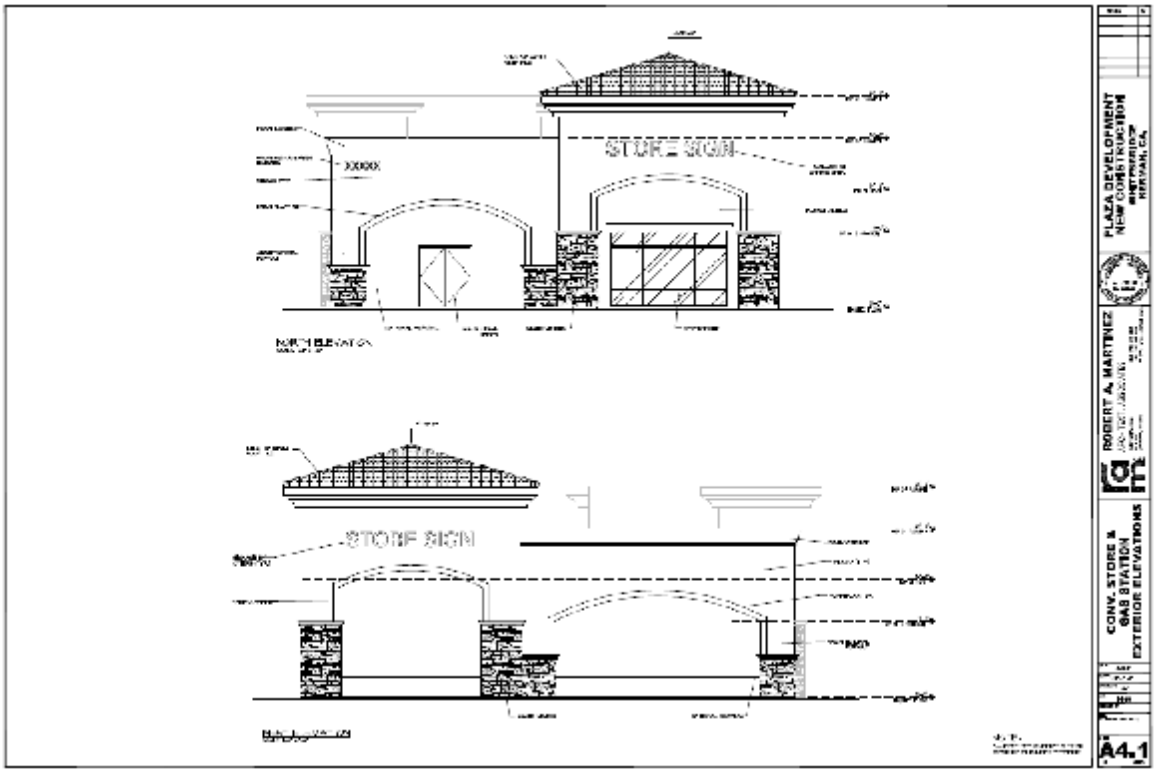
Approved Master Site Plan

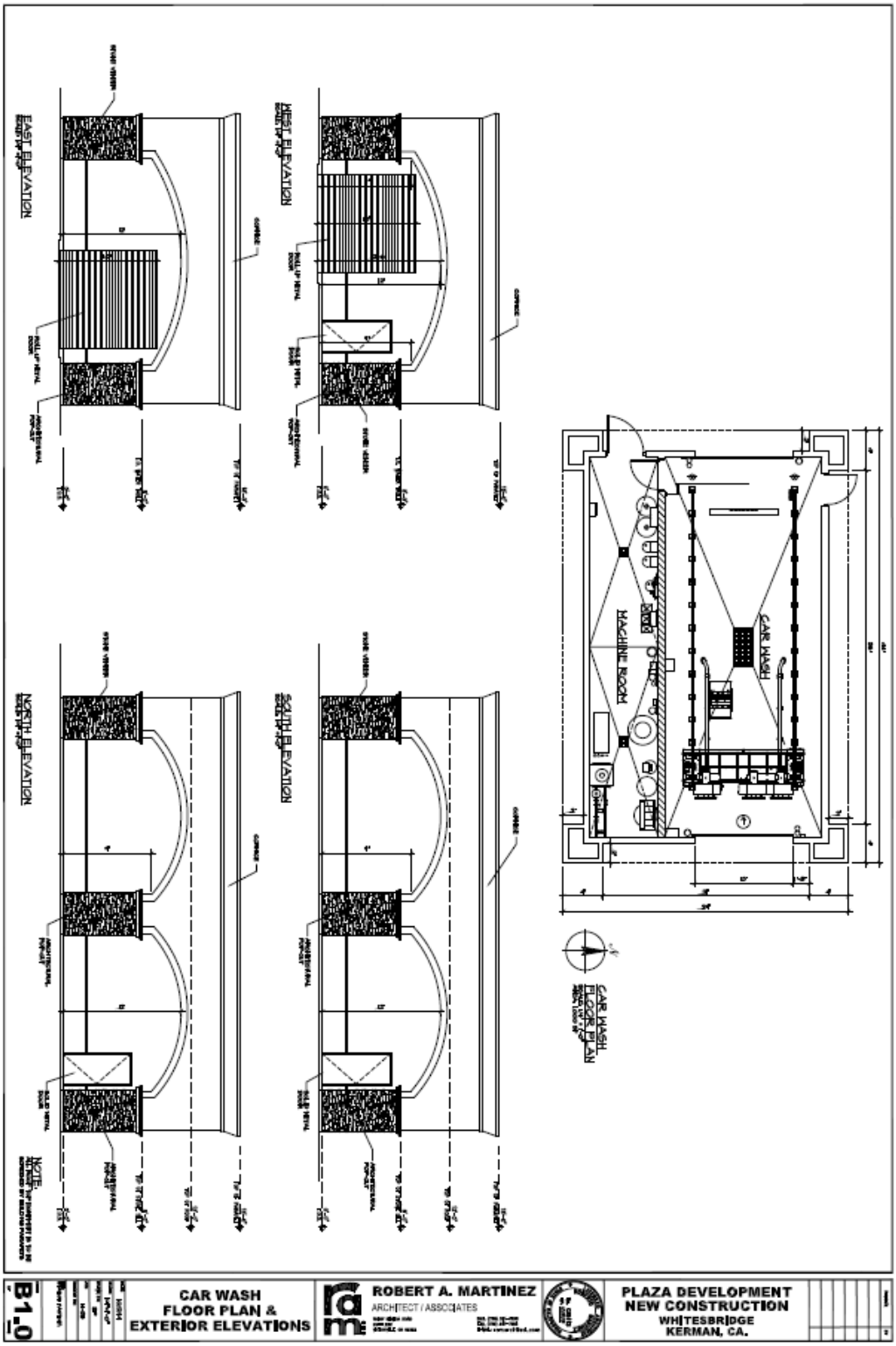


Attachment 'B'

Building Elevations – Convenient Store





Attachment 'C'

Building Elevations – Car Wash