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**AGENDA**  
**KERMAN PLANNING COMMISSION**  
**REGULAR MEETING**  
**Kerman City Hall**  
**Monday, April 11, 2016**  
**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, Leopoldo Espino, 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.

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**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. March 14, 2016 submitted for approval

**3. PUBLIC HEARING None Offered**

**4. PETITIONS/RESOLUTIONS**

A. Petition of Amendment filed by City Planner, An Amendment to the Text of the Zoning Ordinance, amending Title 17 of the Kerman Municipal Code: Section 17.40.020, R-1 Single Family Residential Districts, Permitted Uses; and Section 17.42.020 Multi-Family Residential District, Permitted Uses, to Add Food Cottage Operations as permitted use in the R-1 Single family Residential Zone Districts and the Multi-Family Residential Zone Districts. A Public Hearing before the Planning Commission be scheduled for May 2, 2016.

Commission by motion set public hearing for May 2, 2016 to recommend that the City Council Initiate Zone Ordinance Amendment to the Text of the Zoning Ordinance, amending Title 17 of the Kerman Municipal Code: Section 17.40.020, R-1 Single Family Residential Districts, Permitted Uses; and Section 17.42.020 Multi-Family Residential District, Permitted Uses, to Add Food Cottage Operations as permitted use in the R-1 Single family Residential Zone Districts and the Multi-Family Residential Zone Districts.

- B. Petition of Amendment filed by City Planner, to the Zone Map rezoning property on the southeast corner of State Route 180/Whitesbridge and Siskiyou Avenue and set Public Hearing for May 2, 2016 for the Gateway Villa 61 Unit Apartments. Proposed use will require Mitigated Negative Declaration, General Plan Amendment and Conditional Use Permit for consideration.

Commission by motion, move to set public hearing for an May 2, 2016 to consider the following entitlements for the southeast corner of State Route 180/Whitesbridge and Siskiyou Avenue:

1. Rezone (No. 16-04) property from the Neighborhood Commercial zone district to the Multi-family (R3) zone district.
2. General Plan Amendment (No. 16-02) to reclassify property site from the Neighborhood Commercial density to the Multi-family (High Density) residential land use designation
3. Adopt a Mitigated Negative Declaration and;
4. Approve a Conditional Use Permit (No 16-02) for the 61 unit apartment complex. *A maximum of 40 units is allowed (unless a conditional use permit is approved)*

5. ADMINISTRATIVE REPORTS

- A. Commission Cancel Meeting of May 9, 2016

Commission by motion approve to move regular meeting to May 2, 2016 and cancel the regular meeting of May 9, 2016..

COMMUNICATIONS

- A. Informational: Oriental Massage Business filed an appeal relating to Conditional Use Permit - scheduled for City Council April 20, 2016

ADJOURNMENT

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In compliance 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.

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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 Friday, April 8, 2016.

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



## 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



CHAIRMAN                      VICE-CHAIRMAN  
Robert Epperson              Kevin Nehring

COMMISSIONERS  
Robert Bandy   Eric Kehler   Charlie Jones  
Mario Nunez     Katie Wettlaufer

DEPARTMENT: PLANNING & DEVELOPMENT  
STAFF PETITION  
PLANNING COMMISSION MEETING  
MEETING DATE: APRIL 11, 2016

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To:            Chairman and Commissioners  
From:        Olivia Pimentel, Planning Technician, and Dave Brletic, Contract Planner  
Subject:     Petitions of Amendment to Zoning Ordinance

In accordance with Section 17.26.020 subsection D of the Municipal Code, this memorandum serves as a Petition of Amendment to the City of Kerman Zoning Ordinance. Under said code section the Petition of Amendment may be filed by the city planner with the Planning Commission.

The Petition of Amendment is a method for initiation of a Zoning Ordinance Amendment. The Petition requests that the Planning Commission consider the following amendments:

1. Amendment to the Text of the Zoning Ordinance, amending Title 17 of the Kerman Municipal Code: Section 17.40.020, R-1 Single Family Residential Districts, Permitted Uses; and Section 17.42.020 Multiple-Family Residential District, Permitted Uses, to Add Food Cottage Operations as a permitted use in the R-1 Single Residential Zone Districts and the Multiple-Family Residential Zone Districts. The Public Hearing before the Planning Commission to be scheduled for May 2, 2016.

The specific language of the amendments will be presented at the scheduled public hearing and distributed to the Planning Commission with the agenda for the scheduled Planning Commission that meeting.

Under Section 17.26.040 of the Municipal Code, upon receipt of a Petition of Amendment, the Planning Commission shall set a date for a public hearing on the proposed amendments.



CHAIRMAN                      VICE-CHAIRMAN  
Robert Epperson              Kevin Nehring

COMMISSIONERS  
Robert Bandy   Eric Kehler   Charlie Jones  
Mario Nunez     Katie Wettlaufer

DEPARTMENT: PLANNING & DEVELOPMENT  
STAFF PETITION  
PLANNING COMMISSION MEETING  
MEETING DATE: APRIL 11, 2016

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1. Amendment to the Zoning Map rezoning property on the southeast corner of Whitesbridge and Siskiyou from the Neighborhood Commercial Zone District to the Multiple-Family, R-3 Zone District. The Public Hearing before the Planning Commission to be held on May 2, 2016.

The specific language of the amendments will be presented at the scheduled public hearing and distributed to the Planning Commission with the agenda for the scheduled Planning Commission that meeting.

Under Section 17.26.040 of the Municipal Code, upon receipt of a Petition of Amendment, the Planning Commission shall set a date for a public hearing on the proposed amendments.