

Table of Contents

Agenda	2
August 8, 2016	
Minutes August 8, 2016.	4
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.	
Staff Report -KUSD Planning Commission Findings	6
Petition of Amendment to Title 17 -Zoning, of the Kerman Municipal Code, relating to text amendments required for compliance with the Multi-Jurisdictional Housing Element by City Planner and setting a public hearing for December 12, 2016.	
Petition of Amendment	18
Request for Extension of Conditional Use Permit No. 14-02 and Site Plan Review No. 14-03, Phase II of the Kerman Crossing Neighborhood Center	
Staff Report	19



AGENDA
KERMAN PLANNING COMMISSION
REGULAR MEETING
Kerman City Hall
Monday, November 14, 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 Charlie Jones
Commissioners Robert Bandy, Leopoldo Espino, Mario Nunez, Katie Wettlaufer

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 - None Offered

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. August 8, 2016

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.

Recommendation: Commission by motion, open public hearing, hear any comments, close public hearing and approve resolution making findings and determination that the proposed acquisition of approximately 45 acres in the City of Kerman is inconsistent with the Kerman General Plan. Note: KUSD has requested continuance to December 12, 2016.

4. PETITIONS/RESOLUTIONS

- A. Subject: Petition of Amendment to Title 17 -Zoning, of the Kerman Municipal Code, relating to text amendments required for compliance with the Multi-Jurisdictional Housing Element by City Planner and setting a public hearing for December 12, 2016.

Recommendation: Staff recommends that the Planning Commission, by motion, set a public hearing for December 12, 2016, to consider a resolution recommending that the City Council adopt an amendment to Title 17 – Zoning, of the Kerman Municipal Code, relating to text amendments required for compliance with the Multi Jurisdictional Housing Element in accordance with Petition of Amendment to Zoning Ordinance filed by City Planner.

- B. Subject: Request for Extension of Conditional Use Permit No. 14-02 and Site Plan Review No. 14-03, Phase II of the Kerman Crossing Neighborhood Center

Recommendation: Commission consider staff report findings and Approve Resolution Extending Conditional Use Permit No. 14-02 and Site Plan Review No. 14-03, Phase II Kerman Neighborhood Shopping Center

5. ADMINISTRATIVE REPORTS

COMMUNICATIONS

- A. Call For Applications - Two (2) Planning Commission Terms Of Office Expire 12/31/2016.

ADJOURNMENT

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.

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, City of Kerman Website and emailed to interested parties on November 9, 2016.

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



MINUTES
KERMAN PLANNING COMMISSION
Regular Meeting Kerman City Hall
Monday, August 08, 2016 6:30 PM

Chairman Robert Epperson, Vice-Chairman –Vacant
Commissioners Robert Bandy, Leopoldo Espino, Charlie Jones, Mario Nunez, Katie Wettlaufer

OPENING CEREMONIES

Call to Order – Chairman, Robert D. Epperson called meeting to order at 6:33pm

Roll Call – Secretary, Olivia Pimentel

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

Absent: None

Pledge of Allegiance - performed

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS

- A. Commission to decide whether to select Vice-Chair position or leave vacant.
C/Bandy nominated C/Charlie Jones for Vice-Chair position, no other nominations received, nomination accepted and unanimously approved by the Commission.

REQUEST TO ADDRESS THE COMMISSION - None Offered

2. APPROVAL OF MINUTES

- A. June 13, 2016 C/Jones made motion to approve as presented, second C/Wettlaufer.
Unanimously approved as presented

3. PUBLIC HEARING - None Offered

4. PETITIONS/RESOLUTIONS - None Offered

5. ADMINISTRATIVE REPORTS

- A. **Subject:** Staff Request preliminary discussions on Kerman's Adopted Multi-Jurisdictional Housing Element MJHE (2015-2023) required program implementation to formulate a priority list.

Staff reviewed staff report and reviewed letter from the State of California Community Housing and Development (HCD) that accepted the City's Multi-jurisdictional Housing Element dated July 25, 2016. The acceptance of Kerman's Housing Element is conditioned on the actual implementation of programs established for Kerman in order to meet the housing needs in our community. Staff reviewed the preliminary list of required program implementations and referred to HCD letter and recommendations.

After much discussion, staff's recommendations to focus on the primary time sensitive issues were accepted and direction was provided to begin the process as follows:

All Zone Ordinance Amendments to be processed at the same time:

- Including, Rezone of properties to meet required program No. 3: Rezone enough land to cover the unaccommodated need from the Fourth Cycle of 168 lower-income units (approximately 8.4 acres). It was noted that with the recent rezone of approximately 4.5 acres for the Gateway Villas Apartments, the City only needs to rezone approximately an additional 3.9 acres to meet this requirement.
- Program 10: Removal of Governmental Constraints, Zoning Code Amendments relating to Second Units, Farmworker/Employee Housing, Group Homes, reduction in parking requirements, density bonus and others listed.
- All other housecleaning amendments to the zoning ordinance listed by the State.

Staff listed five (5) issues, in this order:

1. Re-Zone of Property
2. Fee Update
3. Policy Adoption
4. Zone Ordinance Amendments
5. General Plan Amendments (Zone Ordinance and General Plan must be consistent)

Staff gave a preliminary estimate of time to process, keeping in mind fiscal costs:

By December 31, 2016: Required Property Rezone (Remaining 3.9 acres), Fee updates – modifications and policy adoption for water/sewer.

By March 2017: Zone Ordinance Amendments would be processed

By June 2017: General Plan Amendments. The Planning Commission also recommends beginning discussions on a General Plan Update. Staff noted that the City is ok with General Plan for now; however, Kerman must define today what it wants in the future, so that developers will not dictate future growth.

No other discussion, this will be brought back at a future meeting to be scheduled.

COMMUNICATIONS

ADJOURNMENT Meeting Adjourned at 7:35pm



/s/ Olivia G. Pimentel

Secretary to the Planning Commission



City of Kerman

A Place Where "Community Comes First"

CHAIRMAN VICE-CHAIRMAN
Robert Epperson Charlie Jones

COMMISSIONERS
Robert Bandy Leopoldo Espino
Mario Nunez Katie Wettlaufer

DEPARTMENT: PLANNING & DEVELOPMENT
STAFF REPORT
PLANNING COMMISSION MEETING
MEETING DATE: NOVEMBER 14, 2016

To: City of Kerman Planning Commission

From: Olivia Pimentel, Planning Technician, David Brletic, Planning Consultant, Collins & Schoettler Planning Consultants

Subject: Kerman Unified School District Request for Planning Commission Report on Proposed Acquisition of Property and on General Plan Evaluation Regarding Proposed Kerman High School Athletic Facilities Addition and Elementary School Located on North Side of State Route/Whitesbridge Avenue and West of State Route 145/Madera Avenue in Kerman, California.

Recommendation

Planning Department Staff recommends as follows:

The Planning Commission adopt the Resolution Approving Report on Proposed Acquisition of Property and on General Plan Evaluation Regarding Proposed Kerman High School Athletic Facilities Addition and Elementary School Located on North Side of State Route/Whitesbridge Avenue and West of State Route 145/Madera Avenue in Kerman, California; and

Executive Summary

The Kerman Unified School District has provided the City with written notice dated October 13, 2016, regarding the proposed school site acquisition of approximately 45 acres for high school athletic facilities and a new elementary school north of State Route 180 and west of State Route 145. As part of that notice, the District has requested that the Planning Commission provide its recommendation regarding the site acquisition as well as its evaluation on General Plan Consistency.

The Public Resources Code in Section 21151.2 provides that before a school district acquires title to a new school site or to add to a new school site, it must give notice to the local Planning Commission. The Planning Commission is required to investigate the proposed site and within 30 days after receipt of the notice shall submit a written report of the investigation and its recommendations concerning acquisition of the site. The Government Code in Section 65402 requires that the District submit information regarding the acquisition to the local Planning Commission which is to conduct a General Plan consistency evaluation

regarding the proposed acquisition. The intent of Section 21151.2 is to ‘promote the safety of pupils and comprehensive community planning.’”

The Proposed Resolution, if adopted by the Planning Commission, would approve the Report Relating to Kerman Unified School District’s Proposed Acquisition of Property for Proposed Kerman High School Athletic Facilities Addition and Elementary School and Relating to General Plan Evaluation. The Report is attached to the resolution as Exhibit ‘A.’

Background:

Public Resources Code Section 21151.2 requires a school district to notify the local Planning Agency having jurisdiction of its intention to acquire title to property for use as a school site. The Code requires that the planning Agency to investigate and evaluate the proposed acquisition and submit a written report of the investigation, together with recommendations to the Governing Board of the school district within thirty (30) days of the request. If the report does not favor the acquisition of the property for a school site, or for addition to a present school site, the Governing Board of the school district shall not acquire title to the property until thirty (3) days after the 30 days after the Commission’s report has been received.

Similarly, State Government Code Section 65402 requires a school district, prior to authorizing construction of a public building, disposing of any real property, or acquiring property, to submit the location, purpose, and extent of such acquisition, disposition, or public building to the Planning Agency having jurisdiction for its review as to conformity with the local General Plan. Section 65402 further states that the Planning Agency shall render its report as to conformity with said adopted General Plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

Planning Department Staff has conducted the required reviews and prepared a detailed report. The report is attached as Exhibit A to the proposed resolution approving the report.

In summary the report includes the following:

- Location of acquisition site
- Existing Use, General Plan Designation, and Zoning
- Surrounding Uses and Zoning
- Aerial View
- Preliminary Site Plan
- Land Use Map
- Discussion of General Plan Designation and Inconsistency
- Discussion of need for zone change amendment, and Conditional Use Permit.
- Recommendation that if KUSD wishes to proceed with acquisition, the project would require a General Plan and zoning amendments and obtainment of a Conditional Use Permit.

Attachments:

- A. Attachment “A’ Resolution No. 16-10, Approving Report on Acquisition of Property and on General Plan Evaluation
- B. Exhibit A to Resolution: Report and attachments to the Report.

Attachment 'A'

RESOLUTION NO. 16-10

BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION APPROVING REPORT RELATING TO KERMAN UNIFIED SCHOOL DISTRICT'S PROPOSED ACQUISITION OF PROPERTY AND ON GENERAL PLAN EVALUATION REGARDING PROPOSED KERMAN HIGH SCHOOL ATHLETIC FACILITIES ADDITION AND ELEMENTARY SCHOOL LOCATED ON THE NORTH SIDE OF STATE ROUTE 180/WHITESBRIDGE AVENUE AND WEST OF STATE ROUTE 145/MADERA AVENUE IN KERMAN CALIFORNIA.

WHEREAS, the Planning Commission has received a request from the Kerman Unified School District for a Planning Commission Report and General Plan Conformity Report regarding its proposed athletic facilities addition and new elementary school site on 45 acres located north of State Route 180/Whitesbridge Avenue and west of State Route 145/Madera Avenue; and

WHEREAS, Public Resources Code Section 21151.2 requires that upon such request the Planning Commission conduct a review and prepare a report on the proposed acquisition; and

WHEREAS, Government Code Section 65402 requires the Planning Commission perform an evaluation regarding conformance with the City's General Plan; and

WHEREAS, Planning Staff has reviewed the proposed acquisition per Public Resources Code Section 21151.2 and Government Code Section 65402 and prepared a report for the Planning Commission's review and consideration; and

WHEREAS, the report regarding the proposed acquisition and General Plan conformance is attached as Exhibit A to this resolution; and

WHEREAS, the Planning Commission conducted a public hearing on November 14, 2016 regarding the above referenced review and report; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, after considering all the information, documents, public testimony, and evidence presented at the public hearing as follows:

1. The foregoing recitals are incorporated by reference as if fully set forth.
2. The Planning Commission Report on the Proposed Kerman High School Athletic facilities addition and Elementary School is hereby adopted. The Report is attached hereto as Exhibit A and incorporated by reference.

3. Planning Department staff is directed to transmit the report to the Kerman Unified School District.

The foregoing resolution was adopted at a regular meeting of the Kerman Planning Commission held on the 14th day of November. Commissioner _____ moved approval and Commissioner _____ seconded the motion.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

Chairman, Robert D. Epperson

Date

Secretary, Olivia Pimentel

Date

Exhibit 'A' to Resolution'

City of Kerman Planning Commission Report

Re: Proposed Acquisition of Property and on General Plan Evaluation Regarding Proposed Kerman High School Athletic Facilities Addition and Elementary School Located on North Side of State Route/Whitesbridge Avenue and West of State Route 145/Madera Avenue in Kerman, California.

General Information

Date: November 18, 2016

Site Location: The subject property is located north of State Route 180/Whitesbridge Rd. and west of State Route 145/Madera Avenue. The site is approximately 45 acres of farmland (Assessor Parcel Number 020-120-32s, 26s, & 27s), as shown in Figure 1 below.

Existing Use: Farmland

General Plan: Frontages of Whitesbridge and Madera Avenues: General Commercial (CG), Remaining property designated as Medium Density Residential (R1)

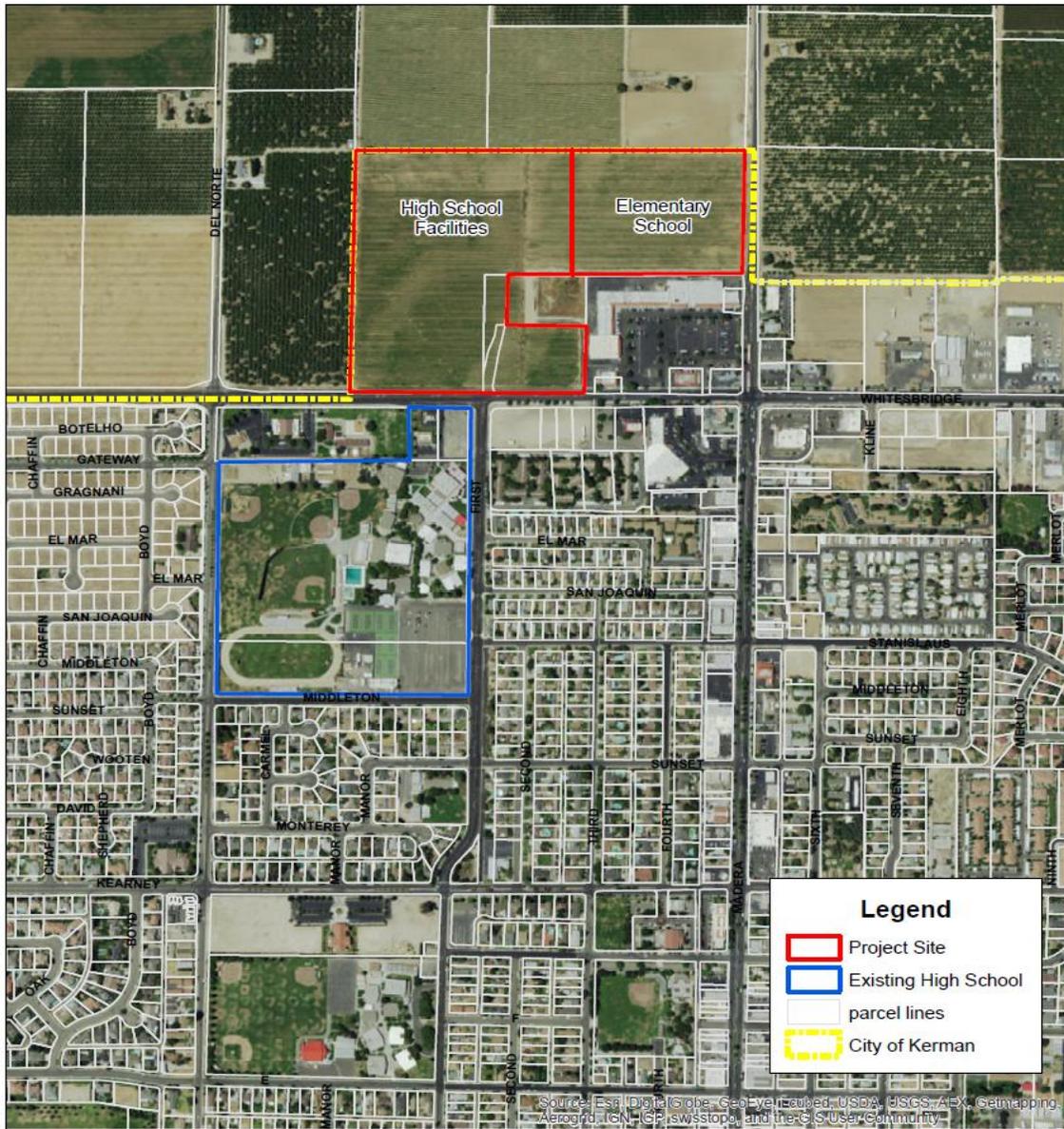
Zoning: Frontages of Whitesbridge and Madera Avenue: General Commercial (CG)
Remaining: Urban Reserve (UR) and Open Space (O)

CEQA: Not a project pursuant to CEQA guidelines §15061(b) (3) and 15378.

Surrounding Uses & Zoning:

Location	General Plan Designation	Zone District	Existing Land Use
North	Fresno County/Agriculture	Ag	Fresno County/Agriculture
South	General Commercial/School offices/Quasi Public	CG/QP	School District Offices/ Covenant Church/School
East	General Commercial	CG	Shopping Center
West	General Commercial	CG	Fresno County/Agriculture

Figure 1
"Site Location"



Project Area

Kerman High School Athletic Facilities Addition and New Elementary School Project
Kerman Unified School District

Figure 2



General Plan Amendment

The subject site is currently designated with General Commercial (CG) along the frontages of State Route 180/Whitesbridge and State Route 145/Madera Avenue with the remaining property designated for Medium Residential (R-1) single family land uses. The proposed project for an athletic facility and new elementary school site would require a General Plan Amendment.

The existing General Commercial designated (CG) site is vacant and being used for farmland. The General Commercial (GC) General Plan designation is generally reserved for properties located on both sides of Madera and Whitesbridge Avenues. This designation shall provide for shopping centers, retail uses, offices.

The 2027 General Plan includes policy recommendations related to the various physical development aspects of the community. These are supported by a set of goals and objectives. The Planning Commission shall refer to the General Plan when making a decision regarding this particular request. The following policies, related to commercial development are contained in the Land Use Element of the 2007 General Plan:

3. POLICY: Maintain land at the intersection of Madera and Whitesbridge and along Whitesbridge for regional commercial uses.

5. POLICY: Ensure that land designated for regional commercial uses is properly designed, located and protected against incompatible uses so that it achieves its maximum development potential.

6. POLICY: Ensure that land designated for general commercial uses is properly designed, located and protected against incompatible uses so that it achieves its maximum development potential

Zone Change Amendment

Portions of the site are zoned Urban Reserve (UR) and Open Space (O). Within the UR and O districts, educational institutions and schools require a Conditional Use Permit.

Other portions of the site are zoned General Commercial (CG). Educational institutions and schools are not permitted within the CG zone district.

The proposed project for an athletic facility and new elementary school site would require a Zone Change Amendment, contingent upon the required General Plan Amendment.

Conditional Use Permit

As previously stated portions of the site have the proper General Plan designation and Zoning designation to allow the proposed use with a Conditional Use Permit. However, the remainder of the site would require a General Plan Amendment and Zone Change Amendment prior a Conditional Use Permit being considered for the remainder of the site.

General Information

The subject site is vacant and currently used for agriculture purposes that is bounded by two fully developed roadways State Route 180/Whitesbridge and State Route 145/Madera Avenue. The proposed project will consist of the acquisition of a site, approximately 45 acres, for an addition to high school athletic facilities to an existing high school and a new elementary school site and the construction and operation of the school facilities. The high school athletic facilities would be placed on the westerly approximately 32 acres and the elementary school would occupy the northeasterly approximately 13 acres (See photographs in Attachment 'A').

Project Objectives: (1) High School: to allow the relocation of high school athletic facilities to free-up space for additional classroom facilities on the existing Kerman High School site and to improve and expand athletic facilities for both the District and community. (2) Elementary School: to serve students in grades K-6 generated by planned urban development in the northern portion of the City of Kerman.

Planned Facilities: The elementary school would have administrative offices, approximately 28 classrooms, a multi-purpose building, a library, physical education facilities and approximately 87 parking spaces. The high school athletic facilities addition would include athletic fields such as a stadium for football, track, and soccer (3,000 seats), baseball and softball diamonds, soccer fields, an outdoor pool, and buildings such as a gymnasium, locker room, District Office, field house, storage/maintenance buildings and approximately 447 parking spaces. Necessary street, sewer, water and storm drainage infrastructure will also be included in the project.

Proposed Development Scheduling: The District will acquire the site when required school site approval processes are completed and funding is available. The timing for construction of the project is uncertain and will depend upon enrollment growth and funding availability. The District estimates that the elementary school would be constructed in approximately 5 years and the high school athletic facilities would be phased in over a 5-15 year period.

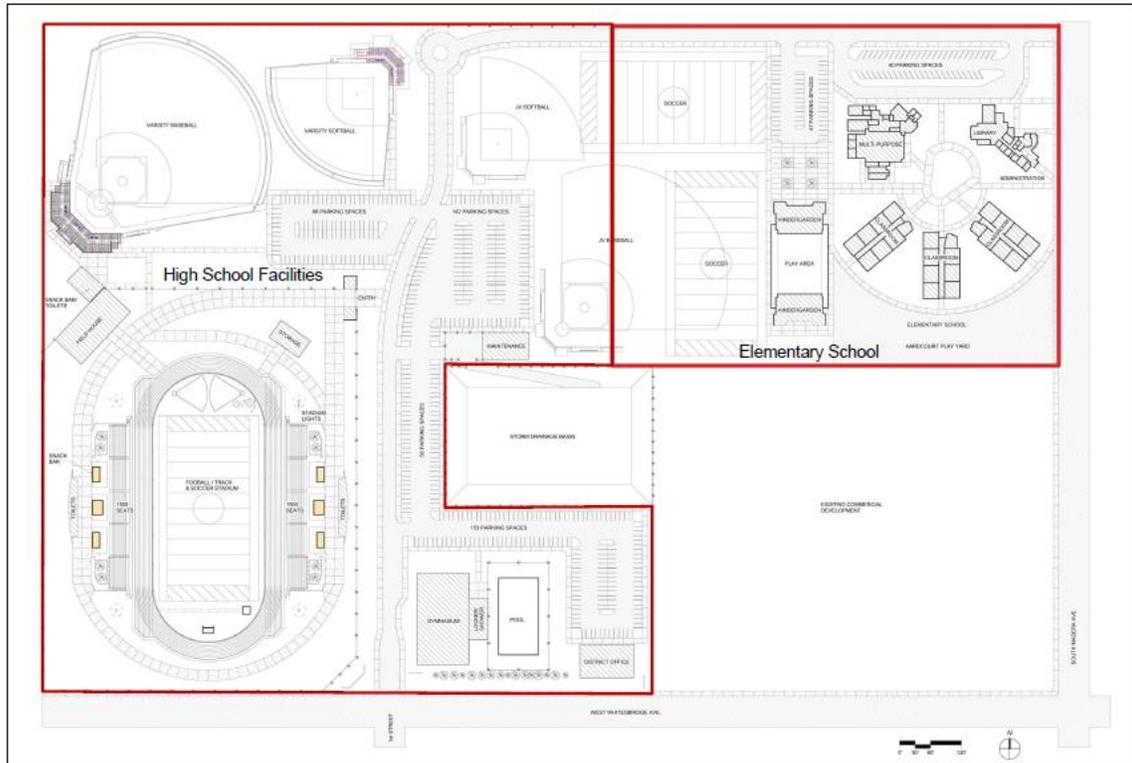
Summary and Recommendation

The City of Kerman Planning Commission's recommendation is that if the acquisition and project are pursued, the District should process a General Plan Amendment, Rezone Amendment, and CUP.

Attachment 'A' to Planning Commission Report
Aerial view of site

(On next page)

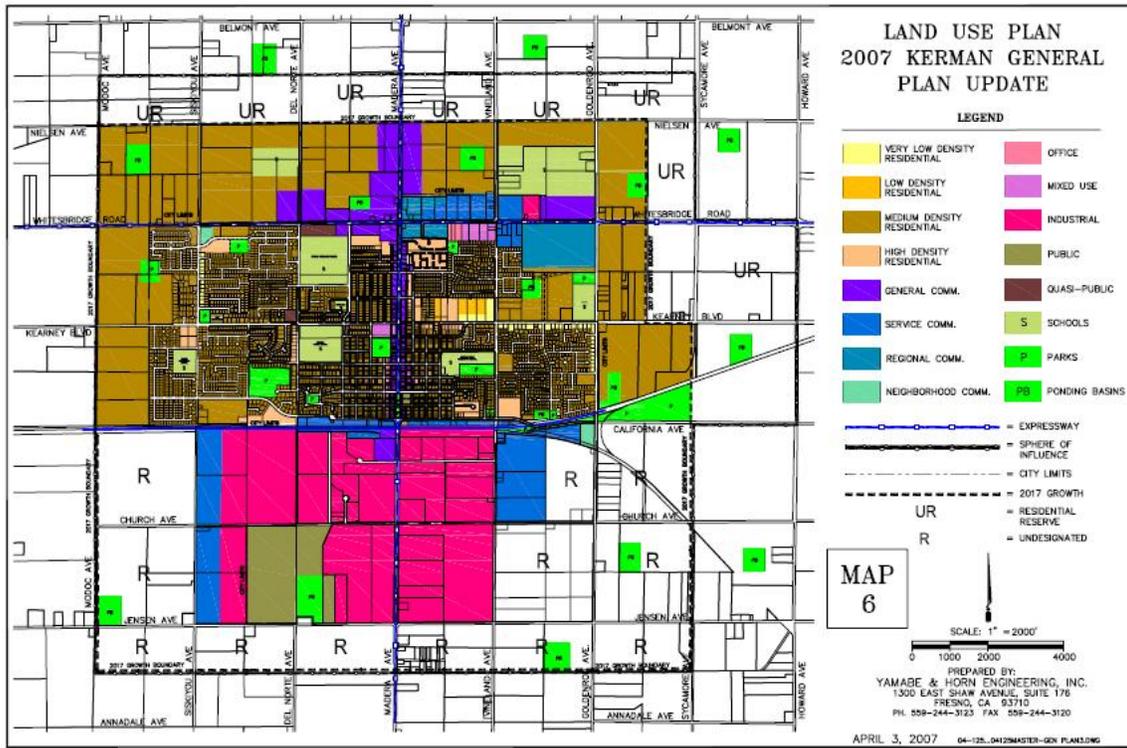
Attachment 'B' to Planning Commission Report Preliminary Site Plan



Preliminary Site Plan
Kerman High School Athletic Facilities Addition and New Elementary School Project
Kerman Unified School District

Figure 3
Source: Darden Architects; KUSD

Attachment 'C' to Planning Commission Report
Land Use Map





CHAIRMAN VICE-CHAIRMAN
Robert Epperson Charlie Jones

COMMISSIONERS
Robert Bandy Leopoldo Espino
Mario Nunez Katie Wettlaufer

DEPARTMENT: PLANNING & DEVELOPMENT
STAFF PETITION
PLANNING COMMISSION MEETING
MEETING DATE: NOVEMBER 14, 2016

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

Recommendation:

Staff recommends that the Planning Commission, by motion, set a public hearing for December 12, 2016, to consider a resolution recommending that the City Council adopt an amendment to Title 17 – Zoning, of the Kerman Municipal Code, relating to text amendments required for compliance with the Multi Jurisdictional Housing Element in accordance with Petition of Amendment to Zoning Ordinance filed by City Planner.

Summary:

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 a 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 amendments relating to the following:

Title 17 – Zoning, of the Kerman Municipal Code. Specific amendments are related to text amendments required for compliance with the Multi Jurisdictional Housing Element. The specific amendments pertain to accommodation of specialized housing types.

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



City of Kerman

A Place Where "Community Comes First"

Chair Robert Epperson
Vice Chairperson Charlie Jones

Commissioners
Robert Bandy Leopoldo Espino
Mario Nunez Katie Wettlaufer

STAFF REPORT
PLANNING COMMISSION MEETING
NOVEMBER 14, 2016

To: Kerman Planning Commission
From: Luis Patlan, City Manager/Director of Planning
Subject: Request for Extension 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, retail buildings and Jack In The Box restaurant located in Phase II of the Kerman Crossing Neighborhood Center (SEC Whitesbridge Road and Kline Street)

Recommendation:

Staff recommends that the Planning Commission consider all the facts and take the following action:

1. Adopt Resolution No. 16-11, approving extension request for Conditional Use Permit No. 14-02 for an automated drive-thru car wash, retail buildings and Jack In The Box Restaurant 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 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 has been fully developed and anchored by CVS Pharmacy, Auto Zone and recently completed 10,200 square foot medical building for a dialysis center 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 applied for a Site Plan Review and Conditional Use Permit No. 14-02, that was approved by the Planning Commission on October 27, 2014 to develop approximately 29,753 square feet of retail and restaurant uses on five separate parcels (Attachment 'B'). The applicant planned 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. Due to some

unforeseen delays especially with Caltrans, the project has been unable to move forward until recently the owner and Caltrans have reached an impasse and are now able to move forward on the project; however, the conditional use permit was due to expire on November 9th. "The applicants have requested an extension prior to expiration of the conditional use permit as required. However, according to section 17.12.100 of the City Municipal Code Planning Commission approval is required to grant an extension request. A separate letter is attached to offer some explanations for the Commission to consider. All terms, conditions, requirements, and obligations thereunder are unchanged and remain in full force.

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 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 propane fueling station (Attachment 'C'). The 1,000 square feet detached automated drive-thru car wash is allowed by way of a conditional use permit.

The applicant is 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)

Attachments:

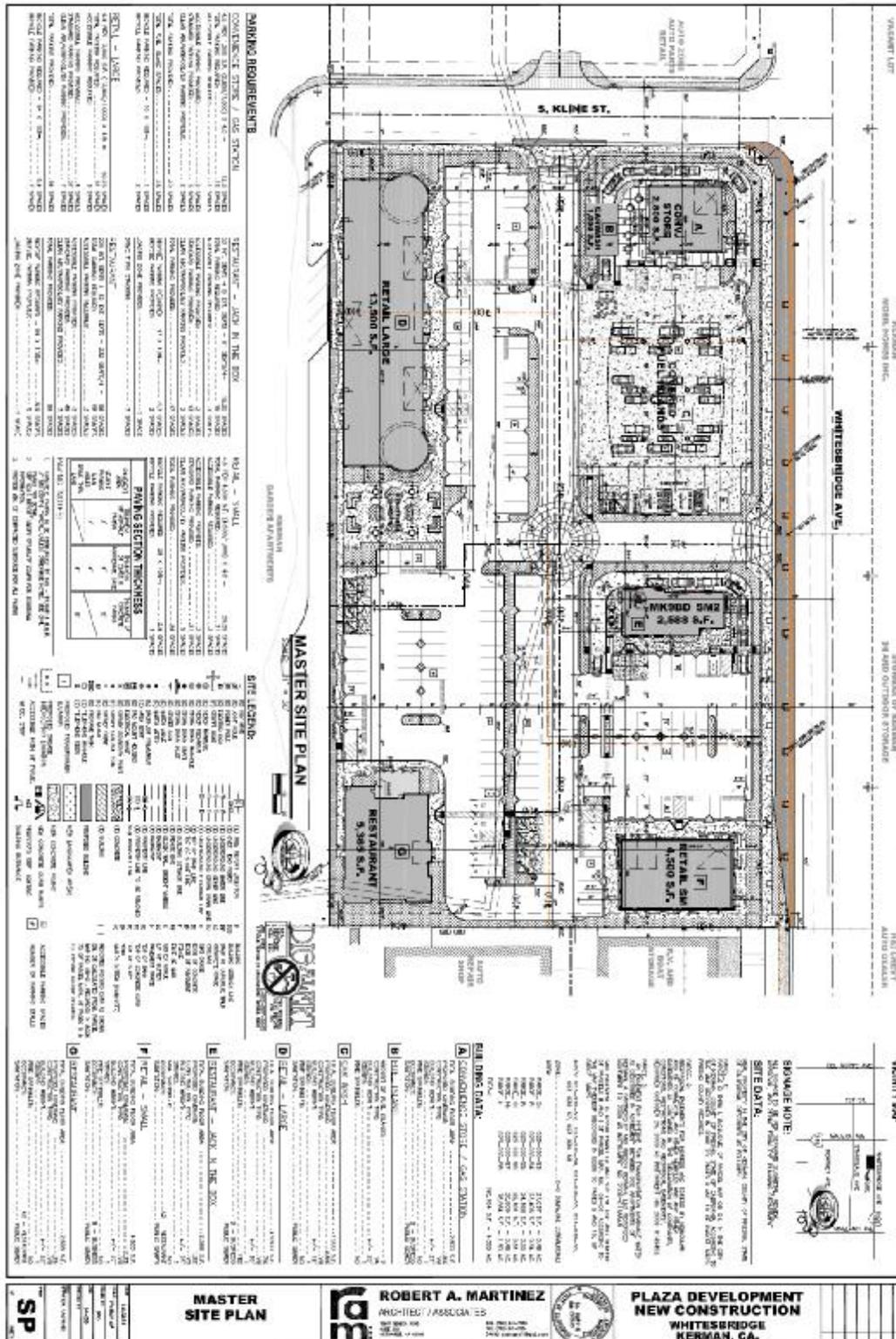
- A. Aerial of Site
- B. Master Site Plan
- C. Convenient Store with Car Wash
- D. Car Wash Floor Plan & Elevations
- E. Front Elevation of Convenient Store
- F. Letter from Applicants
- G. Resolution approving Extension of Conditional Use Permit No. 14-02

Attachment 'A'

Aerial of Site

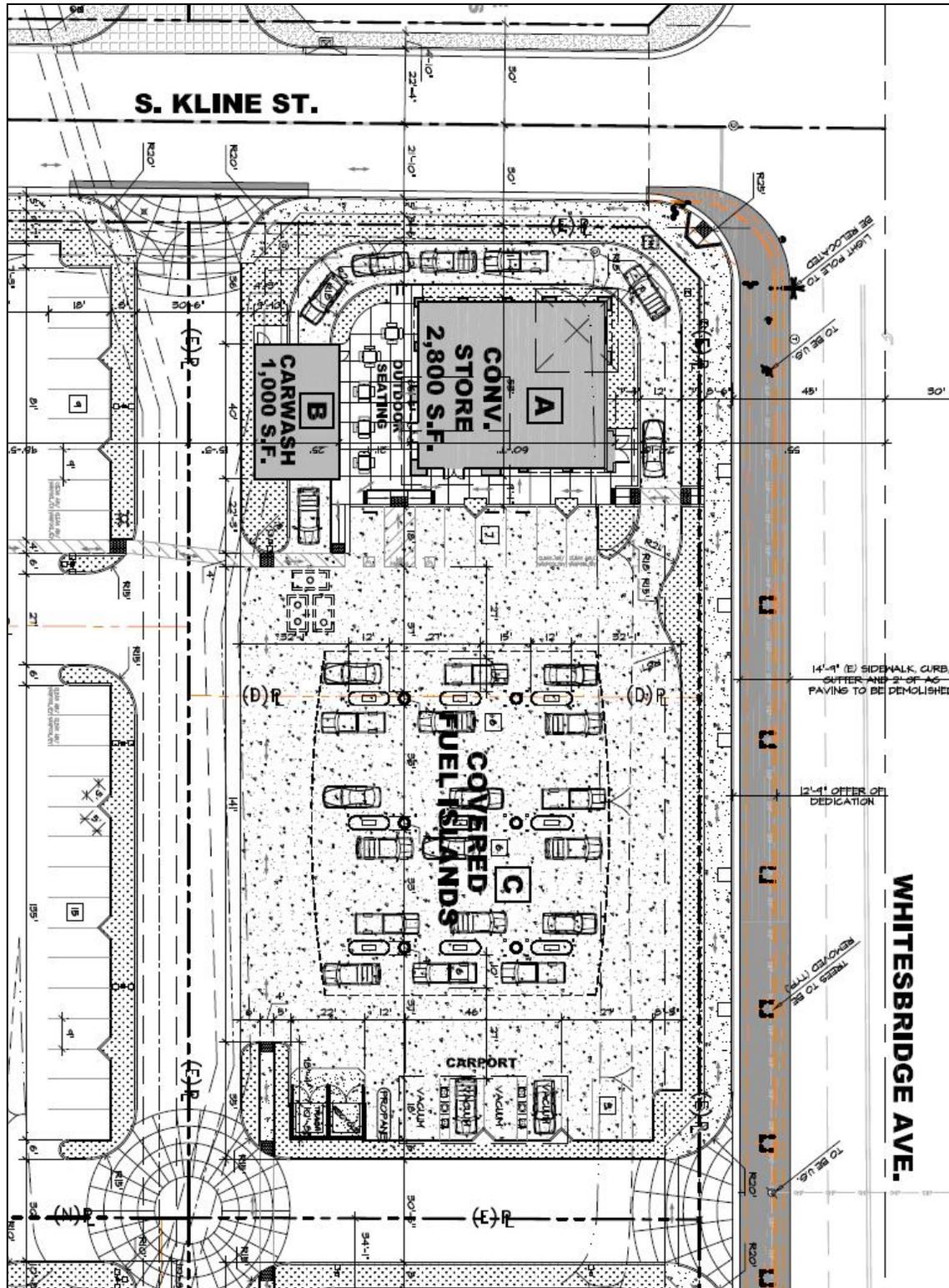


Attachment 'B'
 Master Site Plan



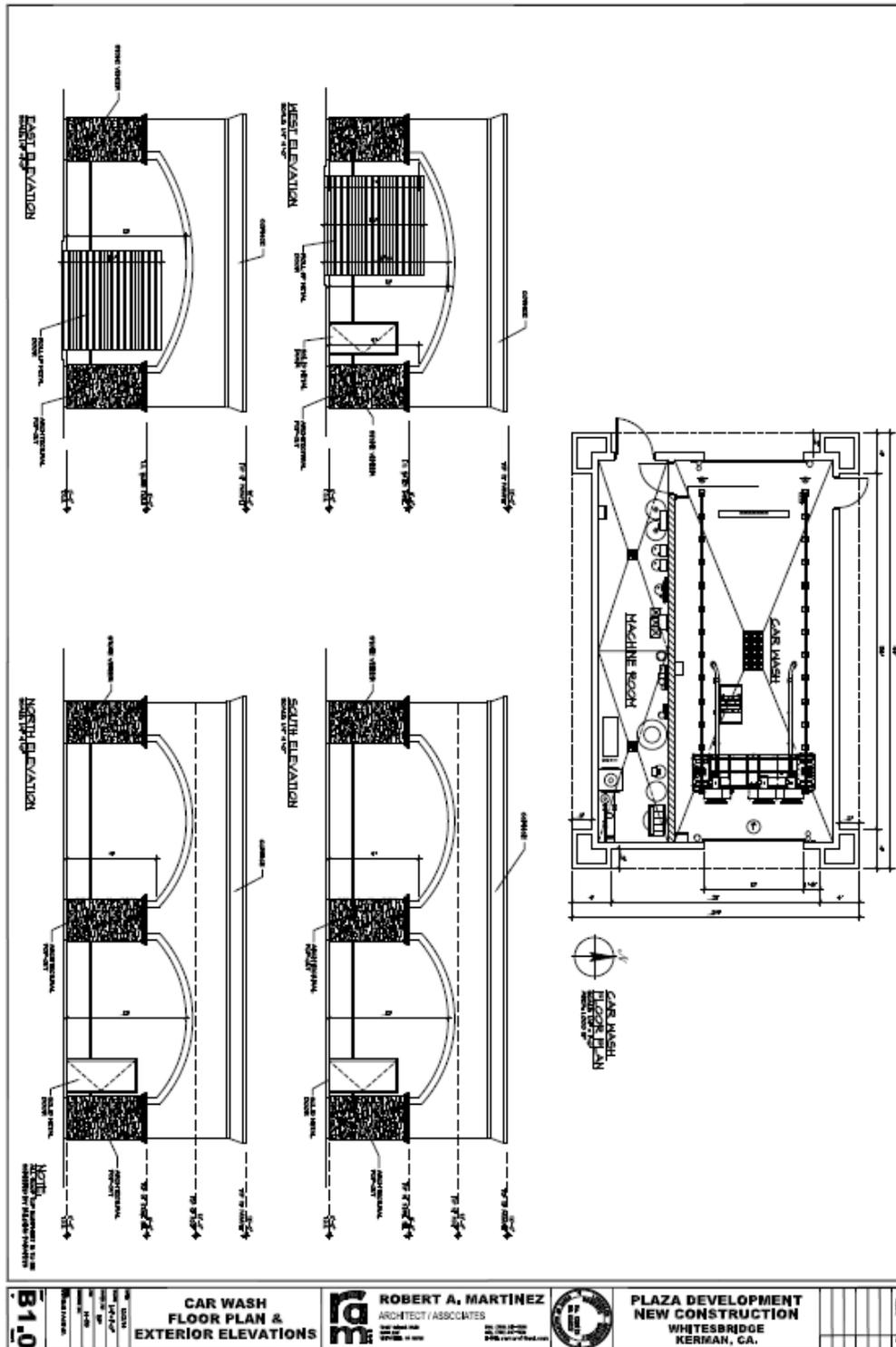
Attachment 'C'

Proposed Convenient Store with Drive-Thru Carwash



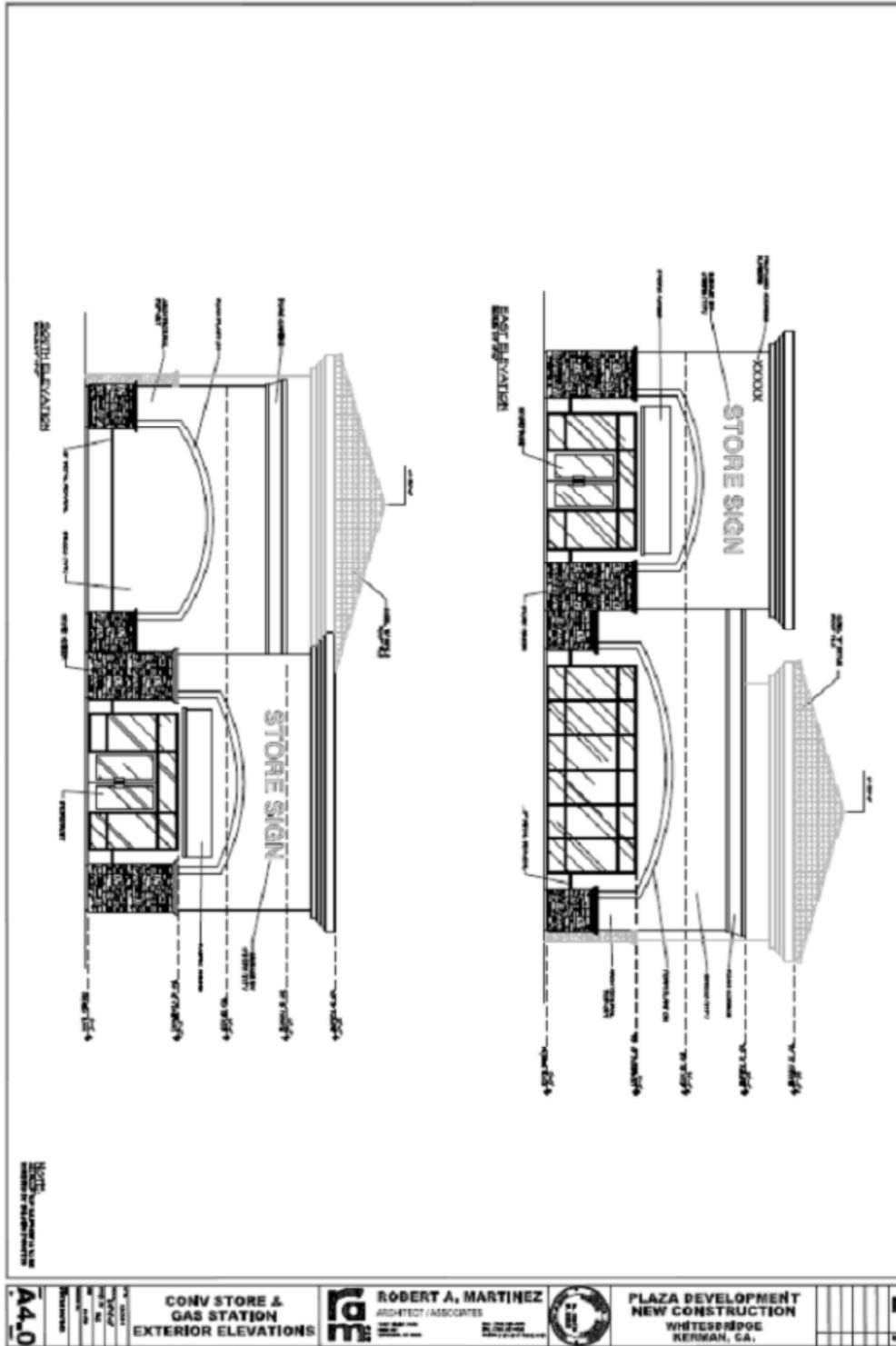
Attachment 'D'

Building Elevation – Car Wash



Attachment 'E'

Front Building Elevation of Convenient Store



Attachment 'F'

Letter from TBS



MARTINEZ + OKAMOTO ARCHITECTS, INC.

November 9, 2016

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

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

Dear Ms. Pimentel,

This note shall confirm that TBS Holdings is requesting an extension for the above noted Conditional Use Permit and Associated Entitlements. As explained in our telephone conversation, while the owners have anxiously been waiting for Plan Approval (in order to secure permits), the Project Civil Engineers have been dealing with Cal Trans Representatives resolving plan review comments and most recently a drainage comment that had the engineers at an impasse with Cal Trans.

We would sincerely appreciate you adding this request to the Planning Commission and City Council (if Needed) agenda for their consideration.

Thank you for consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Martinez".

Robert A. Martinez, AIA, CASp, CASI

Attachment 'G'

Resolution No. 16-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN
APPROVING AN EXTENSION REQUEST FOR CONDITIONAL USE PERMIT (CUP 14-02) FOR A CAR WASH WITH DRIVE
THRU, CONVENIENCE STORE WITH FUELING STATION, RETAIL BUILDINGS AND JACK-IN-THE BOX RESTAURANT IN
THE KERMAN NEIGHBORHOOD SHOPPING CENTER, PHASE II (APN 023-030-53 & 54)**

WHEREAS, TBS Holdings, LLC applied and was granted approval on October 27, 2014 for a conditional use permit (CUP) 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, Retail Buildings and Jack-In-The-Box Restaurant in the Kerman Crossing Neighborhood Center, Phase II located at the southeast corner of Whitesbridge Road and Kline Street; and

WHEREAS, conditional use permit 14-02, is on file in the Planning Department in the City of Kerman and;

WHEREAS, the conditional use permit 14-02, was scheduled to expire November 9, 2016. Due to unforeseen delays the project has not commenced as scheduled and the applicants have submitted a request for extension in a timely manner prior to the expiration as required and have requested an extension; and

WHEREAS, the Kerman Municipal Code section 17.12.100 provides for extension requests provided they are received prior to the expiration date of the conditional use permit and are approved by the Planning Commission; and

WHEREAS, based upon the facts and analysis previously presented in the original staff report and public testimony received and subject to the conditions of approval as approved by the Planning Commission on October 27, 2014, the Planning Commission finds that the extension request for 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 that

1. The foregoing recitals are incorporated by reference
2. the Planning Commission of the City of Kerman does hereby approve the request for extension of Conditional Use Permit No. 14-02. Except as expressly modified in this Amendment No. 1, the terms and conditions of Conditional Use Permit No. 14-02 and the terms, conditions, requirements, and obligations thereunder are unchanged and remain in full force and effect.

I HEREBY CERTIFY that the foregoing Resolution was approved at a regular meeting of the Planning Commission of the City of Kerman on the 14th day of November, 2016, and was fully adopted at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Robert D. Epperson, Chairperson

Olivia Pimentel, Secretary