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AGENDA
KERMAN PLANNING COMMISSION
REGULAR MEETING
Kerman City Hall
Monday, July 10, 2017
6:30 PM

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

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. June 12, 2017

3. PUBLIC HEARING None offered
4. **PETITIONS/RESOLUTIONS**

   A. **Subject:** Landmark Church request to extend Conditional Use Permit (CUP 12-01) for an additional five (5) years

   **Recommendation:** Commission by motion, consider request and approve a resolution approving a five year extension of Conditional Use Permit (CUP 12-01), Landmark Church 1050 S. Vineland Avenue

5. **ADMINISTRATIVE REPORTS**

   A. **Subject:** Castelan's Tire Shop 14306 W. Whitesbridge - review plot plan

   **Recommendation:** Commission approved this conditional use permit at the June 12th meeting; however, directed staff to bring this item back to review plot plan of proposed tire shop located 14306 W. Whitesbridge

**COMMUNICATIONS** - As offered

**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 July 7, 2017.

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

Call to Order – Chairman, Robert D. Epperson, called meeting to order at 6:30pm
Roll Call – Secretary, Olivia Pimentel
Commissioners Present: Epperson, Bandy, Jones, Espino, Wettlaufer, Felker, Nunez
Commissioners Absent: None
Pledge of Allegiance - Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS – Unanimously approved as presented

1. PRESENTATIONS - None Offered

REQUEST TO ADDRESS THE COMMISSION – None offered

2. APPROVAL OF MINUTES

   A. May 8, 2017, C/Jones made a motion to approve minutes dated May 8, 2017 as presented, second C/Wettlaufer. Unanimously approved as presented.

3. PUBLIC HEARING

   A. Subject: Conditional Use Permit 17-01, Mario Castelan Tire Shop 14306 W. Whitesbridge (adjacent to JS Auto Sales and Kerman Auto Dismantling Site)

   Staff report was reviewed the applicant Mr. Mario Castelan was requesting a conditional use permit to conduct business to sell new and used tires at 14306 W. Whitesbridge. The site is currently owned by Mr. Jack Sidhu who has an existing conditional use permit (CUP 03-03) for auto sales/auto repair and auto dismantling; however, tire sales is not listed as a conditional use, therefore a new application was required to have a tire sales and repair shop on this site.
The proposed tire shop will occupy an vacant office and two garages, one open and the other closed. JS Auto sales currently occupies the front office. The auto sales will be removing several vehicles to allow space and access for the tire shop.

Opened public hearing at 6:43 p.m.

Mr. Castelan’s son spoke on behalf of Mr. Castelan who did not speak English, he explained that they have other tire shops in Fresno and wanted to expand to Kerman area. The Commission has several questions and concerns, regarding parking, access, etc. they wanted to see a plot plan and directed staff to work with applicant to prepare plot plan for the Commission to review at the next meeting. Tire sales and repair are allowed in the Industrial zone district by way of a conditional use permit.

Closed public hearing at 7:18 p.m.

C/Bandy made a motion to approve resolution approving Conditional Use Permit 17-01, Mario Castelan Tire Shop 14306 W. Whitesbridge (adjacent to JS Auto Sales and Kerman Auto Dismantling Site, also directing staff to bring back plot plan to next meeting, as amended to bring back plot plan to next meeting, second C/Espino. Resolution passed by following votes:

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

B. **Subject:** Conditional Use Permit 17-02, Auto Detail/Car Wash 14986 W. Stanislaus Avenue

Staff report was reviewed, the applicant Mr. Ihsanulhag Mohammad, is proposing to operate a hand detail and auto car wash in one of his tenant spaces located at 14986 W. Stanislaus Ave. The site is zoned general commercial which allows car washes with a conditional use permit.

Commissioners had questions regarding drainage for car wash, and water line, staff noted that these were addressed in the conditions of approval that required a grease trap and separate water meter. C/Jones also requested that the signage be updated and to remove existing signs on site walks. He noted that the signage has a negative impact on the new building.

Opened public hearing at 7:26 p.m.

Mr. Dale Mele the applicants engineer was present and spoke in support of the proposed project. Mr. Mohammed indicated that he would put in better signs..
Closed public hearing at 7:38 p.m.

C/Felker made a motion to approve resolution approving Conditional Use Permit 17-02, Auto Detail/Car Wash at 14986 W. Stanislaus Avenue, Kerman CA, second C/Jones, unanimously approved as presented. Resolution passed by following votes:

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

C. Subject: Public Hearing of the City of Kerman Planning Commission On Proposed Ordinance Amending Chapter 17.40, Single Family Residential; Chapter 17.42, Multi-Family Residential; and Chapter 17.66, Second Residential Units of Title 17 of the Kerman Municipal Code.

Staff report was reviewed, noting that the proposed Ordinance Amendment is intended to comply with the City’s 5th Cycle, 2015-2023, Housing Element requirements as well as new comprehensive legislation regarding Accessory Dwelling Units that became effective January 1, 2017. The new law encourages second units by allowing them in all residential zone districts by right and no longer requires a conditional use permit. Chapter 17.66 has been amended to be consistent with state law

Open public hearing at 7:48p.m.

No comments

Closed public hearing at 7:50

C/Felker made a motion to recommend that Council adopt resolution to initiate Ordinance Amending Chapter 17.40 Single Family Residential; Chapter 17.42 Multiple Family Residential; and Chapter 17.66, Second Residential Units of the Kerman Municipal Code. Resolution passed by following votes:

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

4. PETITIONS/RESOLUTIONS

A. Subject: Approve Street Names for tract 5832 and tract 5921 (Benchmark Communities)

Staff reviewed staff report, the applicants Benchmark Communities are requesting to move forward without a tentative tract map, which is allowed by the map act. The street names
are for the development of two tracts 5832 and 5921 located on Kearney Blvd on both sides of sixteenth street. The proposed streets are to be approved by the Planning Commission and presented to Council with the final map. The approval of street names allows the addressing of the subdivision and notification to local interested agencies, such as the United States post office, P.&G. & E and telephone company, etc.

C/Espino made a motion to approve resolution approving street names for tract 5832 and tract 5921, that are to be presented to Council at final map, as presented, second C/Wettlaufer. Resolution passed by following vote:

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

B. Subject: Petition of Amendment Relating to Front Yard Fence Heights in Residential Zone Districts

Commission requested to see what other cities were doing and directed staff to come back with some photos of proposed fence heights.

C/Bandy moved to set public hearing to August meeting, second C/Jones. Unanimous consensus to set public hearing for August meeting.

5. ADMINISTRATIVE REPORTS  None Offered

A. Planning Consultant, David Brletic gave a brief overview of the General Plan Amendment and requirements and noted that city staff is in the process of working on the financing of this project. The city has received several requests for annexation in what is called “Project Area 1” which is located on the western edge of Kerman’s 2017 boundary line. Staff has had preliminary discussions with LAFCo who indicated they would support this project area.

COMMUNICATIONS  None offered

ADJOURNMENT – Adjourned at 8:30p.m.

Minutes prepared by Olivia G. Pimentel
Secretary to the Planning Commission
To: Kerman Planning Commission  
From: Olivia Pimentel, Assistant Planner  
Subject: Extension Request for Conditional Use Permit (CUP 12-01) Mobile Office/Classroom Unit (Landmark Church)  

Recommendation:

Staff recommends that the Planning Commission adopt Resolution No. 17-07, approving a five year extension of time for Conditional Use Permit No. CUP 12-01 for the existing 24' x 60' (1,440 s.f.) mobile unit (for office/classrooms) at 1050 S. Vineland Avenue (Landmark Church).

Proposal:

Landmark Church is requesting a extension of time for the conditional use permit that was granted in 2012 to place a 24'x60' portable office trailer on site. Landmark Church placed the mobile trailer unit within the property to provide office and classroom space. The Church is experiencing growth and eventually plans on relocating to a larger facility. The portable trailer is needed while the applicant works on plans and financing for a new site. Due to these circumstances the church is requesting an extension for an additional five (5) years.

Analysis:

Landmark Church is located on the south side of California Avenue on May Avenue and Vineland Avenue (see Attachment "A"). In 2012 the church was planning on relocating within five (5) years to a larger location; however, due to unexpected delays the permit for the modular was not finaled until two years later. According to the applicant, the architect had to make several corrections to plans, then became ill and delayed the project. Construction of the ramps became another major unexpected financial expense.

The mobile office unit is located on the south end of the property (see Attachment B). The 24’X60’ mobile unit is similar to those units used during construction projects as an on-site office. The trailer has a single door with an open floor plan with no interior partition walls (see photographs in Attachment C). The trailer is used for classrooms and offices.
The mobile office unit is allowed by way of a conditional use permit and does not have a negative impact on surrounding uses. Landmark Church has operated at this site for over 60 years with no problems or conflicts recorded from adjacent neighbors. Helena Chemical is the nearest neighbor (located immediately west of the site across Vineland Avenue (see attached letter of support for this project)). The Church has services on Sunday mornings and evenings as well as on Wednesday evenings at 7:00 p.m., typically when surrounding businesses are closed and traffic is at a minimum.

Conditional Use Permits

Pursuant to section 17.12.040.C the Planning Commission may approve a conditional use permit as long as the Planning Commission makes the following findings:

1. That the proposed establishment, maintenance, operations of the use applied for will not be detrimental to the public health, safety, welfare, morals of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the city;

2. That the proposed use is consistent with the Kerman General Plan.

3. That an environmental review as conducted and a determination made that the proposed use is exempt from the California Environmental Quality Act (CEQA) as an accessory structure to an existing commercial or industrial use (Section 15311, Class 11).

4. That the site for the proposed use is adequate in size, shape and location to accommodate the use as it relates to the district for which the use is proposed.

Summary:

The proposed mobile unit has served as temporary office/classroom space for the existing small church site undergoing growth. The mobile structure unit is permitted in the zone district by way of a conditional use permit. The proposed use would be for an additional temporary basis (5 years) and would not negatively impact surrounding properties or uses.

BACKGROUND INFORMATION

Land Use and Zoning

The subject property is currently zoned General Industrial (M2) which allows for a mix of wholesale, heavy commercial and light industrial uses. Mobile office structures are allowed within the M2 Zone Districts by way of a conditional use permit.

Development standards that are applied to the General Industrial (M2) zone district are:

A. Minimum Lot Size. One-half acre.
B. Height Limitations. 55 feet, maximum.
C. Yards.
1. Front yard: Twenty-five feet (from property line).
2. Side yard: none, except where the side yard abuts a residential district in which case, the setback distance shall be fifteen feet.
3. Rear yard: none, except where the rear yard abuts a residential district in which case, the setback distance shall be fifteen feet.

Surrounding Uses/Designations

The surrounding uses are described as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Land Use Designation</th>
<th>Zoning</th>
<th>Existing Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>West</td>
<td>General Industrial</td>
<td>(M2) General Industrial</td>
<td>Helena Chemical Co.</td>
</tr>
<tr>
<td>East</td>
<td>Agriculture</td>
<td>(Ag) Agriculture/Fresno County</td>
<td>Agriculture uses</td>
</tr>
<tr>
<td>North</td>
<td>Service Commercial</td>
<td>(C-S) Service Commercial</td>
<td>RR Tracks/Single-family/Tow Company</td>
</tr>
<tr>
<td>South</td>
<td>Residential/Agriculture</td>
<td>(M2) General Industrial</td>
<td>Single-family/Agriculture uses</td>
</tr>
</tbody>
</table>

Public Hearing:

Not required

Alternate Action:

The Planning Commission may modify the conditions of approval, approve lesser or greater time or deny the request for a conditional use permit.

Attachments:

A. Aerial Map
B. Site Plan
C. Photographs
D. Letters from Landmark Church and Helena Chemical
E. Resolution No. 17-07, approving Conditional Use Permit (CUP 12-01) with conditions of approval.
Attachment ‘A’

Aerial Map

Subject Property

Attachment ‘B’

Site Plan (cropped and augmented for clarity)
Photograph
(Mobile Office/Classrooms)

Donated Modular Unit (shell)

CURRENT SITE
Attachment ‘D’

Letters from Landmark Church and Helena Chemical

LANDMARK Community Church

Pentecostal church of God
Po box 193
Kerman, Ca 93630
559-846-7034
dmoore@ccpcg.org

To: Kerman Planning Commission and staff
From: Pastor Paul Moore, Landmark Community Church
Re: Request for extension of CUP 12-01, Landmark Community Church Mobile Unit
approved on August 27, 2012, permit approved for five (5) years.

Dear Commissioners:

The Landmark Community Church would like to request an extension of conditional use permit 12-01, for the mobile unit located next to church site at 1050 S. Vineland Avenue.

The original intent was to occupy the mobile unit to be used as a multipurpose hall for approximately five years to give the church much needed added space and provide some time to find another site suitable to construct a new larger church. There is no kitchen or restroom in the mobile unit. These services are available in the main church building only twenty six feet away.

There were several factors that delayed the Churches ability to occupy the mobile unit that included:

- Architect did not provide adequate plans for approval by the building department and plan checkers.
- Half way thru the plan review back checks, the architect became ill and church had to search for another architect to complete the required revisions to the plans.
- It took over two years to get the project approved.

Therefore we are asking the Planning Commission for an extension of an additional five (5) years. We are still looking for and intend to relocate our church to a new site to construct a new larger church.

Sincerely,

Pastor David Paul Moore
Laadmark Community Church
June 21, 2017

RE: Landmark Community Church

We at Helena Industries, Inc., have been neighbors with the Landmark Community Church for approximately 15 years. The church maintains its outside areas cleaned and organized. We do not have any issues with traffic and or rowdiness. We have a good neighbor relationship with Landmark Community Church and its pastor Moore. We work together in keeping neighborhood watch as well as accommodating surrounding parking area when needed.

We do not have an issue keeping the church as our neighbor.

Sincerely,

Randy Alvarado
Plant Manager
Helena Industries
Resolution No. 17-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN APPROVING AN EXTENTION OF CONDITIONAL USE PERMIT (CUP 12-01) FOR THE A 24’x60’ MOBILE UNIT AT 1050 S. VINELAND AVENUE (LANDMARK CHURCH) FOR AN ADDITIONAL FIVE (5) YEAR PERIOD.

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the “Planning Commission”) duly called and held on July 10, 2017, at 6:30 p.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 an application for an extention of a conditional use permit for Landmark Church to continue the use of a 24’x 60’ foot mobile unit for offices/classrooms at 1050 S. Vineland Avenue as reflected in Exhibit ‘A’; and,

WHEREAS, pursuant to section 17.12.080 the Planning Commission may approve an extension of a conditional use permit as requested, or in a modified form, if on the basis of the application and testimony submitted due to operational characteristics, conditional use permits are required for certain uses within each zone district in order to minimize impacts upon surrounding uses. In considering a conditional use permit, the Planning Commission must make 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.

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

3. That an environmental review as conducted and a determination made that the proposed use is exempt from the California Environmental Quality Act (CEQA) as an accessory structure to an existing commercial or industrial use (Section 15311, Class 11).

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission after considering all the evidence presented, including public testimony, that the conditional use permit is hereby granted for an additional five (5) year period from July 10, 2017 to July 10, 2022, subject to conditions of approval listed in Exhibit ‘B’.

I HEREBY CERTIFY that the foregoing Resolution was approved at a regular meeting of the Planning Commission of the City of Kerman on the 10th day of July, 2017, and was fully adopted at said meeting by the following vote:
AYES:

NOES:

ABSENT:

ABSTAIN:

_________________________________
Robert D. Epperson, Chairperson

ATTEST:

_________________________________
Olivia Pimentel, Secretary

Exhibits
   A. Photo of existing Mobile Office Unit
   B. Conditions of Approval
Exhibit ‘A’

Location of Mobile Office/Classroom Unit

1050 S. Vineland Avenue
Exhibit ‘A’

Conditions of Approval

(All Conditions to Remain as Approved)

1. Conditional Use Permit No. 12-01 is granted to allow Landmark Church to continue the use of a mobile office structure at 1050 S. Vineland Avenue for mobile multi-purpose unit for office/classroom uses on a temporary basis in order to give the church time to process and secure funding for another larger location for the church within five (5) years;

2. All original conditions of approval remain in effect.

3. The mobile unit structure shall be located within the church property within the fenced area as shown in Exhibit A.

4. The approval of Conditional Use Permit No. 12-01 is valid for a period of five (5) years from the approval date (July 10, 2017). The conditional use permit shall expire on July 10, 2022. 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.

5. The temporary mobile unit structure shall be used solely for the intended purpose. Any change in use that is inconsistent with the granting of this temporary conditional use permit is subject to automatic revocation by the Director of Planning and Development.

6. Applicant shall promptly remove mobile office unit by 5:00 p.m. on July 11, 2022.

7. That this approval is expressly granted to Landmark Church 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, understand, and agrees to the conditions of approval set forth herein.

8. 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.

9. The Planning Director has the right to revoke the temporary use permit for noncompliance of any conditions or if the operations under this use permit is deemed to be detrimental to the public health, safety, welfare, morals of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvement in the neighborhood or the city.

10. Applicant shall within 24 hours remove any graffiti, paint or other markings on the mobile office upon notification by city staff.
11. Mobile office structures shall be fitted with appropriate skirts to screen stands, pads and undercarriage equipment. The skirting shall be architecturally compatible with the structure as a whole.

12. Mobile office structures shall be provided with landscaping and hardscape around the perimeter of the structure.

13. Roof material, roof overhangs, roof pitch and exterior siding which shall extend to the ground, shall be compatible with other structures existing within the surrounding area. At the time of permit application, the planning director shall review the architectural features and treatment of the proposed mobile office structure, and shall determine the architectural compatibility of the proposed structure with surrounding existing structures. The planning director may require improvements to the proposed structure to insure architectural compatibility.

14. Any tow bars shall be removed when the mobile unit is installed.

END OF CONDITIONS

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. 12-01, Landmark Church Mobile Unit.

__________________________________

Date Pastor Paul Moore
Applicant/Owner