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AGENDA
KERMAN PLANNING COMMISSION
REGULAR MEETING
Kerman City Hall
Monday, January 08, 2018
6:30 PM

OPENING CEREMONIES

Call to Order – Commissioner Robert Bandy
Roll Call – Olivia Pimentel, Secretary
Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS/CEREMONIAL MATTERS
   A. Swearing In of New Planning Commission Members

       RECOMMENDATION:

   B. Planning Commission Appointments to Fill the Chairman and Vice-Chairman Positions

       RECOMMENDATION: Commission by motion vote for and approve appointments to Chairman and
       Vice-Chairman positions.

REQUEST TO ADDRESS 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 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 Mayor when that Agenda item is called, and the Mayor 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. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion
and one vote. There will be no separate discussion of these items. If discussion is desired, a member of
the audience or a Commission Member may request an item be removed from the Consent Calendar and
it will be considered separately.

A. SUBJECT: Minutes

       RECOMMENDATION: Commission approve minutes as presented.

       ATTACHMENTS: December 11, 2017
3. PUBLIC HEARINGS

A. SUBJECT: Conditional Use Permit 18-01, La Fiesta Market 307 S. Madera Avenue and recommendation that City Council make a finding of public convenience and necessity for a Type 21 Off Sale General Alcohol License Permit

RECOMMENDATION: Commission by motion, open public hearing, hear any public testimony, close public hearing and adopt resolution approving Conditional Use Permit 18-01, La Fiesta Market 307 S. Madera Avenue and recommend that City Council make a finding of public convenience and necessity for a Type 21 off sale general alcohol license permit.

ATTACHMENTS: Staff Report

B. SUBJECT: Conditional Use Permit 18-02, Mid Valley Disposal Amending Conditional Use Permit, to add Eight Additional Compost Bunkers to Site Plan

RECOMMENDATION: Commission by motion, open public hearing, hear any testimony, close public hearing and adopt resolution approving Conditional Use Permit 18-02, Mid Valley Disposal Amending Conditional Use Permit, to add eight additional compost bunkers to site plan.

ATTACHMENTS: Staff Report

4. PETITIONS/RESOLUTIONS

A. SUBJECT: Site Plan Review 18-01, Kerman Neighborhood Shopping Center Phase II, to Amend Architectural Design and Footprint of Jack in the Box

RECOMMENDATION: Council by motion, review and approve Site Plan Review 18-01, Kerman Neighborhood Shopping Center Phase II, to amend architectural design and footprint of Jack in the Box.

ATTACHMENTS: Staff Report

5. ADMINISTRATIVE REPORTS

6. COMMUNICATIONS

ADJOURNMENT

Agenda packet is available for review 72 hours prior to the meeting at the city clerk’s office and on the city website. Items received at the meeting will be available for review at the city clerk’s office.

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, and emailed to interested parties on Friday January 5, 2018.

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

Call to Order – by Commissioner Robert Bandy at 6:30 p.m.
Roll Call – Destiny Garcia, Assistant Secretary
Commissioners Present: Bandy, Espino, Felker, Wettlaufer
Commissioners Absent: Jones (excused)
Pledge of Allegiance -Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS - Approved as presented

1. PRESENTATIONS/CEREMONIAL MATTERS - None offered

REQUEST TO ADDRESS COMMISSION

Maria Lazaro at 151 S. Joseph Avenue, addressed the Commission regarding a fence that was denied because it did not meet City standards. She will work with staff to determine next step.

2. CONSENT CALENDAR – Commissioner Felker made a motion to approve as presented, second by Commissioner Wettlaufer, unanimously approved (5/0/1 absent, Jones)

   A. SUBJECT: Minutes of October 9, 2017, approved as presented.

3. PUBLIC HEARINGS

   A. SUBJECT: Conditional Use Permit No. 17-03, Reade Funeral Home 14910 W. D Street, continued public hearing

   Public Hearing was continued at 6:45 p.m. The Commission had several questions regarding hours of operation, parking and access to alley. Staff addressed all concerns.

   Kevin Nehring 465 Chaffin, spoke in support of the project.

   Mr. Ronald Smith, applicant, addressed the Commission, he submitted a revised parking plan for review, the new site plan shows a total of 24 parking stalls that exceeds the required 20 parking stalls. If necessary, the applicant is working with a local business for reciprocal parking agreement on the NEC of D and Madera Avenue

   Closed Public Hearing at 6:55 p.m.

   RECOMMENDATION: Commissioner Felker, made a motion to approve Conditional Use Permit No. 17-03, Reade Funeral Home 14910 W. D Street, second by Commissioner Nunez, approved as presented by the following votes:

   Ayes: Bandy, Wettlaufer, Nunez, Espino, Felker
   Noes: None
   Absent: Jones
   Abstain: None
B. **SUBJECT:** Conditional Use Permit 17-07, the Den Smokehouse and Brewery 561 S. Madera Avenue

Staff provided a brief staff report.

Opened Public Hearing: 7:05 p.m.

Mr. Caleb Walker and Joel Lopez, applicants for the project and both from Kerman, spoke in support of their project. The business will provide on-site smoked grilled BBQ sandwiches, etc. on-site beer brewery.

Closed Public Hearing: 7:11 p.m.

Commission directed staff to include a condition to bring back the outdoor design for the seating area in the second phase of the project for the Commission’s review and approval.

**RECOMMENDATION:** Commissioner Felker made a motion to approve Conditional Use Permit 17-07, the Den Smokehouse and Brewery located at 561 S. Madera Avenue, second Commissioner Espino. approved as amended, to bring back outdoor seating area design, by the following votes:

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

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

5. **ADMINISTRATIVE REPORTS**

   **A. Request for Proposal (RFP) for Consultant Services to prepare the 2017-2037 General Plan Update and Environmental Impact Report (EIR)**

   Staff provided an update on the recent release of the City of Kerman’s RFP. The deadline is January 12, 2018

6. **COMMUNICATIONS** Staff reported the new and returning Planning Commissioners appointed by the City Council on December 20, 2018:

   - Kevin Nehring, new One (1) year term (2018-2019).
   - Mario Nunez –returning for Three (3) year term (2018-2020)
   - Scott Bishop, new for Three (3) year term (2018-2020)

**ADJOURNMENT – Meeting adjourned at 7: 35 p.m.**

/s/ Olivia G. Pimentel
Secretary to the Planning Commission
To: Kerman Planning Commission  
From: Olivia Pimentel, Assistant Planner and Dave Brletic, Planning Consultant  
Subject: Conditional Use Permit 17-08 (La Fiesta Market) for sale of alcohol and recommend that City Council make findings of public convenience or necessity (PCN) for an Alcoholic Beverage Control (ABC) Type 21 off-site (beer, wine and hard liquor) license located on the southwest corner of Stanislaus and Madera Avenue at 307 S. Madera Avenue

Recommendation

Commission by motion, open public hearing, consider any public testimony, close public hearing and adopt resolution approving Conditional Use Permit (CUP No. 17-08) La Fiesta Market, for sale of alcohol and recommend City Council make a finding of public convenience or necessity (PCN) for Alcoholic Beverage Control (ABC) Type 21 off-site (beer, wine and hard liquor) license located at the southwest corner of Stanislaus and Madera Avenue at 307 S. Madera Avenue.

Analysis

The applicant is requesting approval of a Conditional Use Permit for the off-site sale of liquor in addition to their existing beer and wine sales on the southwest corner of Stanislaus and Madera Avenue. Map 1 shows the location of the site and Map 2 is an aerial view.

The subject site is zoned General Commercial (C-G) and the selling of retail general merchandise, clothing, prepackaged foods, and tobacco products are permitted as an allowable use under the Zone District. The food market wishes to sell hard liquor in addition to beer and wine sales. The sale of hard liquor as with bars, taverns, etc. requires a Conditional Use Permit – which requires a public hearing before the Planning Commission.

The applicants have also applied for a Type 21 off-site consumption license from the State of California Department of Alcoholic Beverage Control (ABC). The ABC determined there is an overconcentration of alcohol permits in census tract 40.01, therefore City Council must make a finding of “public convenience or necessity” (PCN). If the Planning Commissions approves this request, then the PCN application will be submitted to City Council for their approval.
Map 1: Project Location
The applicant is not proposing any interior alterations and does not require any other permits. Existing utilities and parking on site meet City standards. The sale of hard liquor is what has triggered the Conditional Use Permit requirement. The use is consistent with the zoning for a General Commercial (CG) zone district which allows markets and the sale of alcohol with a Conditional Use Permit.

In considering a CUP for a Type 21 license, the Commission needs to determine if the permit is warranted by a “public convenience or necessity “and recommend that City Council make a determination that a public convenience or necessity would be served by the issuance of an off-sale alcohol license prior to issuance of a license by ABC”.

Input from the Kerman Police Department was solicited. The department had no concerns regarding the permit.
The Commission will want to consider any input from the general public regarding this proposal. The City published a public hearing notice in the local newspaper and mailed notifications at least ten (10) days prior to the hearing to all property owners within 300 feet of the site. As of the date of preparation of this report, no phone calls or inquiries had been received from the property owners or public.

The Department of Alcoholic Beverage Control (ABC) reported that there are currently 9 Type 21 licenses within Census Tract 40 where 6 should be allowed under ABC guidelines.

Pursuant to Sections 23958 and 23958.9 of the Business and Professions Code, ABC is required to notify the local jurisdiction that an "undue" concentration of similar retail alcohol licenses exists within a given Census Tract and requests that the City make a determination that a public convenience or necessity would be served by the issuance of an off-sale alcohol license prior to issuance of a license by ABC. Otherwise, ABC will deny the application, in accordance with state law.

In the case of La Fiesta market, the third condition applies. ABC has determined that in Census Tract 40.01 there are 9 off-sale beer, wine and hard liquor licenses whereas up to 6 is the guideline to avoid oversaturation. The license that La Fiesta market is seeking would then be the 10th license, furthering overconcentration in the census tract. As such, ABC requires that the City must make a finding that a public convenience or necessity would be served by granting the license. The City Council has ninety days from the date the applications was filed to make a finding of public necessity and convenience.

According to the applicant, alcohol sales will be ancillary to the general food sales. Staff believes that a finding for public convenience or necessity can be made because the ancillary alcohol sales would complement the general food store and will not negatively impact surrounding uses. The sale of alcohol in general food sales stores are common and would provide convenience to customers of the store.

Should the Planning Commission approve this request, it will be forwarded to City Council to make a determination that public convenience and necessity would be served by the granting of a Type 21 license to La Fiesta Market.

Outstanding Issues

The finding of Public Convenience or Necessity will be contingent on the approval of the conditional use permit application with the Planning Commission.

PUBLIC HEARING

Notice was published in the local newspaper on December 27th, and mailed to surrounding property owners at least ten days before the public hearing.

A. La Fiesta - ABC Application
B. Resolution
Attachment A

La Fiesta – ABC Application

Department of Alcoholic Beverage Control

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions

This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

1. Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in filing file or applicant's distinct file.

2. Part 2 is to be completed by the applicant, and returned to ABC.

3. Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

LA FIESTA MARKET INC.

307 S Madera Ave, Kerman CA 93630-1410

2. PREMISES ADDRESS (street number and name, city, zip code)

3. LICENSE TYPE

21 - off sale GEN

4. TYPE OF BUSINESS

Full Service Restaurant

Cocktail Lounge

Night Club

Veterans Club

Private Club

Comedy Club

Tavern: Beer

Fraternal Club

Desk or Specialty Restaurant

Brow Pub

Tavern: Beer & Wine

Wine Tasting Room

Coffee/Convenience Store

Thayer

Service Station

Swag Meat/Fish Market

Drug/Convenience Store

Floral/Gift Shop

Convenience Market

Drive-In Dairy

5. COUNTY POPULATION

98,341

6. TOTAL LICENSES IN COUNTY

6. RATIO OF LICENSES TO POPULATION IN COUNTY

7. DISCUSSION NUMBER

40.01

8. TOTAL LICENSES ALLOWED IN CENSUS TRACT

5

9. RATIO OF LICENSES ALLOWED IN CENSUS TRACT

10. LICENSES EXISTING IN CENSUS TRACT

11. IS THE ABC LICENSE TRACT OVERCONCENTRATED WITH LICENSEES (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

Yes

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF CRIME REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NUMBER OF OFFENSES PER DISTRICT

17. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

18. AVERAGE NUMBER OF OFFENSES PER DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 25% greater number of reported crimes than the average number of reported crimes in determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

20. NO, the number of offenses in the reporting district is lower than the number allowed

21. NO, the number of offenses in the reporting district is lower than the total number in items #17

22. NO, the number of offenses in the reporting district is lower than the total number in items #17

23. CHECK THE BOX THAT APPLIES (check only one box)

24. NO, the number of offenses in the reporting district is lower than the total number in items #17

25. FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

KERN CITY COUNCIL

ABC-246 (rev. 01-11)
PART 2 - TO BE COMPLETED BY THE APPLICANT (if box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

22. APPLICANT SIGNATURE: ____________________________ 23. DATE SIGNED:

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (if box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23856.4 of the Business and Professions Code). Sections 23856 and 23856.4 of the Business and Professions Code require the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #50 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?
   [ ] Yes   [ ] No   [ ] See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME: ____________________________ 27. CITY/COUNTY OFFICIAL TITLE: ____________________________ 28. CITY/COUNTY OFFICIAL PHONE NUMBER: ____________________________

29. CITY/COUNTY OFFICIAL SIGNATURE: ____________________________ 30. DATE SIGNED: ____________________________
Attachment B

Resolution No. 18-___

A RESOLUTION OF THE PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOL AND RECOMMEND THAT THE CITY COUNCIL OF THE CITY OF KERMAN ADOPT FINDINGS OF PUBLIC CONVENIENCE OR NECESSITY FOR A TYPE 21 OFF-SALED ALCOHOL LICENSE FOR LA FIESTA MARKET LOCATED AT THE 307 S. MADERA AVENUE

WHEREAS, on November 21, 2017 the Planning & Development Services Department received an application from La Fiesta Market for the sale of alcohol and a notification from the California Department of Alcoholic Beverage Control (ABC) that the applicants applied for Type 21 License for off-sale beer, wine and distilled spirits for a retail commercial variety and market store located at 307 S. Madera Avenue in the Kerman; and

WHEREAS, the sale of alcohol triggers a Conditional Use Permit – which requires a public hearing before the Planning Commission; and

WHEREAS, the California Department of Alcoholic Beverage Control has determined that there is an over-concentration of off-site alcohol sales licenses in the census tract in which La Fiesta Market is located; and

WHEREAS, on January 8, 2018 the Planning Commission held a duly called public hearing and determined that the issuance of the proposed off-site alcohol sales license would both be approved for a conditional use permit and recommend that City Council make findings of public convenience or necessity for a Type 21 off-sale alcohol license; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Kerman hereby approves the Conditional Use Permit and authorizes the Director of Planning and Development to submit a recommendation to the City Council to approve a letter of public convenience and necessity that will allow for the issuance of a Type 21 license for La Fiesta Market based on the following findings:

1. The sale of beer and wine would serve the public convenience. The site is located in a commercial zone district that serves the community and is an appropriate location to purchase food and other convenience items.

2. The proposed alcohol sales are an incidental activity for the site and will result in a minor portion of the overall sales at the market, and would provide convenience for those customers shopping at the store.

3. The applicant has not operated a licensed establishment which has been the subject of verified complaints, or violations regarding alcohol, public safety or nuisance statues or regulations. The business site is not located in a high crime area.

4. The proposed use would stimulate economic activity by generating sales tax revenues, full- and part-time jobs as well as occupy a vacant retail space.
5. Staff has not received any complaints or concerns from members of the surrounding property owners or members of the public. A mandatory notice is posted on the site notifying the public of the application for an alcohol license.

Passed and adopted at a regular meeting of the Planning Commission of the City of Kerman held on 8th of January 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

APPROVED:

______________________________
Robert Bandy
Commissioner

ATTEST:

______________________________
Olivia Pimentel, Planning Secretary
City of Kerman
To: Kerman Planning Commission  
From: Olivia Pimentel, Assistant Planner and David Brletic, Planning Consultant  
Subject: Amend Conditional Use Permit CUP 12-02, Mid Valley Disposal Recycling and Transfer Station Facility Expansion Site Plan-15300 W. Jensen Avenue Kerman CA

Recommendation

Commission open public hearing, receive public comments, close public hearing and by motion adopt resolution approving an amendment to Conditional Use Permit (CUP 12-02), Mid Valley Disposal Recycling and Transfer Station Facility Expansion, to add eight 8 additional bunkers to the project site at 15300 W. Jensen Avenue subject to original conditions of approval.

Executive Summary

Staff has received an application for an amendment to Conditional Use Permit 12-02, (Mid Valley Disposal Recycling and Transfer Station Facility) located at 15300 W. Jensen Avenue. This is the second proposed amendment to the approved site plan that has been received for this project.

Mid Valley's facility was originally established in (1997). Since then, the facility has been expanded twice. In 2012, Mid Valley Disposal was granted several land use entitlements to expand the recycling and transfer station (this included an annexation of approximately 28 acres to the City of Kerman, pre-zoning, conditional use permit and a certification of a Mitigated Negative Declaration).

In 2015 this facility was approved for expansion to its recycling and composting facilities

The current request is to add eight additional bunkers to the project. These are enclosures to store compost, generated through the recycling of green waste.

Project Location

The project site is located on Jensen Avenue about ¼ mile west of Madera Avenue and just east of the City’s Wastewater Treatment Plant, as shown in Figure 1 below.
General Information

Site Location: ¼ mile west of Madera Avenue and just east of the City of Kerman’s Waste Water Treatment Plant
Address: 15300 W. Jensen Avenue
APN(s): 023-080-19s and 023-080-33s
Plan Land Use Designation: Industrial
Zoning District: M-2, Heavy Industrial

<table>
<thead>
<tr>
<th>Location</th>
<th>General Plan Designation</th>
<th>Existing Uses</th>
<th>Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Light Industrial Uses</td>
<td>Heavy Industrial</td>
<td>M-2</td>
</tr>
<tr>
<td>South</td>
<td>Agriculture</td>
<td>Fresno County Agricultural</td>
<td>AE-20</td>
</tr>
<tr>
<td>East</td>
<td>Agriculture</td>
<td>Fresno County Agriculture</td>
<td>AE-20</td>
</tr>
<tr>
<td>West</td>
<td>Wastewater Treatment Plant</td>
<td>Public Use</td>
<td>PU</td>
</tr>
</tbody>
</table>
DISCUSSION

Land Use Compatibility

The subject property is designated “Industrial” on the land use map and zoned M-2 (Heavy Industrial). The M-2 zone allows a wide variety of intensive industrial uses, including the recycling and transfer station use. The subject site is located within an existing industrial recycling and transfer station business that has been in operation since 1997 and has undergone several expansions. Thus, the proposed amendment to the existing conditional use permit site plan would be compatible and would not negatively impact the existing neighborhood with the conditions of approval as listed to mitigate any negative impacts.

Site Plan

The project includes the addition of eight (8) compost bunkers to the site. These bunkers will be installed adjacent exiting sixteen (16) bunkers, as shown on attached map (Exhibit ‘D’) on the northwest end of the project site, closest to Church Avenue. The sixteen (16) compost bunkers were master planned for the purpose of accommodating increasing volumes of organic waste being processed by Mid Valley. The additional eight (8) bunkers will increase the total number of bunkers on site to twenty-four (24).

Public Hearing

A public hearing notice was published in the Kerman News and mailed to property owners within 300 feet of the site on Wednesday December 27, 2017. As of the date of this staff report, staff had not received any written comments or telephone calls in connection with the proposed project.

Environmental Review

The project is exempt under §15301(a) of the CEQA Guidelines (Existing Facilities); therefore, no additional environmental review is necessary.

Based on its review and the conditions noted, Staff recommends the Planning Commission adopt a resolution approving Amended Conditional Use Permit 18-02, Mid Valley Disposal Recycling Site Plan (Attachment ‘A’) Subject to all original conditions of approval.

Attachments:

A. Resolution
B. Exhibits
Attachment ‘A’

Resolution No. 18-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN,
APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT
NO. 12-02 FOR THE MID VALLEY DISPOSAL, INC. RECYCLING AND TRANSFER STATION EXPANSION
PROJECT LOCATED AT 15300 W. JENSEN AVENUE, KERMAN, CA, 93630

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the “Planning Commission”) duly called and held on Monday January 8, 2018, 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 amendment to conditional use permit No. 12-02 from Mid Valley Disposal, Inc. relating to the addition of eight (8) compost bunkers to the site plan. The original conditions of approval for the project remain in effect and,

WHEREAS, pursuant to Section 17.12.040c of the Kerman Municipal Code, the Planning Commission hereby grants conditional use permit based on the following findings:

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. The proposed amendment to the project is adding an additional eight (8) compost bunkers an existing recycling and transfer station facility. The design of the facility, including operational controls will ensure that the proposed project would not significantly contribute to noise, traffic, odor, and other conditions that may be adverse to the public.

2. That the proposed use is substantially consistent with the Kerman General Plan and Zoning Ordinance. The subject site is designated heavy industrial in the Kerman General Plan Land Use Map. The subject site was zoned to M-2 Zone District. Thus, the proposed amendment to the approved conditional use will be substantially consistent with the Kerman General Plan and Zoning Ordinance.

3. That the appropriate environmental review process per the California Environmental Quality Act (CEQA) was considered prior to a decision in 2012. An Initial Study was prepared for the proposed project and it was determined that the potential impacts of the project could be mitigated to less than significant with mitigation measures. A Draft and Final MND was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines for the project in 2012. That there are no changes to the approved project-only to addition of eight (8) compost bunkers.

4. That the subject site is physically suitable for the type and intensity of use being proposed. The subject site is the existing recycling facility that is proposing the amendment to add an additional eight (8) compost bunkers to the approved site. The site is designated for industrial uses, which are compatible with uses to the north and west.
5. This amended Conditional Use Permit No. 18-02, is subject to all original conditions of approval for Conditional Use Permit No. 12-02, Mid Valley Disposal.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission after considering all the evidence presented, including public testimony, determined that the conditional use permit is hereby amended; subject to original conditions of approval.

I HEREBY CERTIFY that the foregoing Resolution was approved at a regular meeting of the Planning Commission of the City of Kerman on the 8th day of January 2018, and was fully adopted at said meeting by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_________________________________
Robert Bandy, Commissioner

ATTEST:

_________________________________
Olivia Pimentel, Secretary

Exhibits
A. Original Site Plan 2012
B. Amended Site Plan 2015
C. Summary Amended Site Plan changes
D. Amended Site Plan 2018
Exhibit ‘B’
Amended Site Plan 2015, phasing
SUMMARY PROPOSAL

MID VALLEY DISPOSAL EXPANSION PROJECT – CITY OF KERMAN
AMENDMENT TO CONDITIONAL USE PERMIT TO SHOW BUNKER EXPANSION

November 27, 2017

1) BACKGROUND

Mid Valley Disposal (MVD) has constructed a state of the art covered composting system on undeveloped property adjacent to its existing facility located at 15300 W Jensen Ave. In 2014 the company was awarded a grant from Cal Recycle to cover part of the costs of the project. In 2017, MVD was awarded additional grant money to expand the current project to include 8 additional compost bunkers for a total of 24 bunkers.

2) AMENDMENT TO SITE PLAN

The amendment to the CUP is limited to revising the site plan that illustrates the facility layout which includes 8 additional bunkers. The revised site plan also reflects updated information on facility layout from the initial buildout, including the storm water detention basin.

3) REASON FOR AMENDMENT

In order to move forward with the bunker expansion, MVD will need to show the additional bunkers on the approved site plan, which has been provided to staff. This is necessary to submit to the County and the SJVAPC for updated solid waste and air permits.

4) KEY PROPOSAL POINTS

a. The scope of the project has not changed. There are no changes to property use, only an expansion of the compost bunkers and a reflection of improvements as built.

b. Additional Cal Recycle grant will support most of the cost of expansion

c. Construction can begin as soon as all required permits are in place
Exhibit ‘D’
Amended Site Plan 2018, additional eight (8) bunkers
To: Kerman Planning Commission
From: Olivia Pimentel, Assistant Planner, and Dave Brletic, Planning Consultant
Subject: Site Plan Review 18-01, Amending, Kerman Neighborhood Shopping Center, Phase II, (changing Jack in the Box, design and footprint at 14761 W. Whitesbridge)

Recommendation:

That the Planning Commission adopts Resolution No. 18-__, approving Amended Site Plan Review, Kerman Neighborhood Shopping Center, Phase II, changing Jack in the Box, design and footprint at 14761 W. Whitesbridge, subject to original conditions of approval.

Proposal:

The project is a request to approve an amendment to a previously-approved site plan for a portion of the Kerman Neighborhood Shopping Center (located on the southeast corner of Whitesbridge and Kline). This shopping center is currently being developed for several commercial uses. The amendment is solely for the proposed Jack in the Box, and includes a larger floor plan, and a rotation of the building, so the dining room faces Whitesbridge Road. The façade is also different from the previously-approved façade. The larger floor plan and new façade correspond with a new corporate design being implemented by Jack in the Box.

The required entitlement would include a revised site plan review to be approved by the Planning Commission by resolution. A public hearing is not required for the site plan amendment. There are no other proposed changes.

**Applicant/Developer**

TBS Holdings, LLC
4917 Genesta Avenue
Encino, CA 91316

**Applicant’s Representative**

Robert A. Martinez, Architect & Assoc.
15487 Seneca Rd., Ste 203
Victorville, CA 92392,
email: Robert.martinez@ram-architecture.net
Amendment to approved site plan

The minor amendment will be the use of a new 2,847 s.f. Jack in the Box building design and rotating the footprint so that the dining area is facing Whitesbridge. The new floor plan adds approximately 259 s.f. over the previous design.

Note that the original master plan for the entire Kerman Neighborhood Shopping Center a consistent architectural design for phase I and phase II.

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**Figure 1**

Site Location

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General Information:

Site Location: SEC of Whitesbridge & Kline Street, vacant lot

Assessor’s Parcel Nos.: 023-030-53, 54, 55, 56, 57 & 58 (one will be consolidated)

Total Size: 4.366 Acres, 5 parcels, including proposed site- 2,847 sq.ft. Jack in the Box

Existing Uses: There are commercial uses surrounding site, site is vacant.

General Plan: Regional Commercial.

Zoning: (CG), General Commercial.
Surrounding Uses & Zoning:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Land Uses</th>
<th>General Plan Designations</th>
<th>Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Self-storage &amp; manufactured home sales</td>
<td>General Commercial</td>
<td>CG</td>
</tr>
<tr>
<td>South</td>
<td>Senior Apartments</td>
<td>Multi-family</td>
<td>R-3</td>
</tr>
<tr>
<td>East</td>
<td>Auto body repair and auto parts sales</td>
<td>General Commercial</td>
<td>CG</td>
</tr>
<tr>
<td>West</td>
<td>Pharmacy and auto parts sales</td>
<td>General Commercial</td>
<td>CG</td>
</tr>
</tbody>
</table>

Zoning:

The 2007 General Plan Land Use Element designates the subject site as “General Commercial”. Lands designated general commercial are zoned to the general commercial zone district. This zone is reserved for a variety of commercial activities, which include uses such as, retail and office, restaurants, fast-food service stores, etc. The request is for an Amendment to an approved site plan No.14-03, Kerman Neighborhood Shopping Center to make some minor changes to the overall design and footprint of the approved Jack in the Box Restaurant, is consistent with the General Plan Land Uses. No changes are proposed to Off-Street Parking, Fire Protection, Landscaping/Irrigation/Lighting/Signage - all are subject to the original conditions of approval.

Summary/Conclusion:

The proposed development will be consistent with the Kerman Crossing Neighborhood Shopping Center Site Plan Reviews 14-03 and 07-19, as amended, General Plan and Zoning Ordinance as well as the city’s development standards. On that basis, Site Plan Review 18-01 is hereby approved by the Planning Commission Resolution No. 18-__ subject to the original conditions of approval.

Attachments
A. Master Plan of Kerman Neighborhood Shopping Center
B. Modified Site Plan
C. Amended Elevations
D. Resolution w/Exhibits
Attachment ‘B’
Modified Site Plan for Jack in the Box

Proposed Site Plan Modifications include flipping the Footprint so that the Dining Room is visible from Whitesbridge. Shown in RED below is the Approved layout. The darker layer is what is being proposed.
Attachment ‘C’
Amended Elevations
Attachment ‘D’
Resolution No. 18-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN
RECOMMENDING APPROVAL OF AMENDED SITE PLAN REVIEW NO. 18-01
(Kerman Neighborhood Shopping Center, Phase II)

WHEREAS, an amendment to approved site plan review 14-02 has been filed by TBS
Holdings, Inc. 4917 Genesta Avenue, Encino, CA 91316, for the minor amendment to the Jack in
the Box design and footprint of approved site plan for the Kerman Neighborhood Shopping
Center, Phase II, located on the southeast corner of Whitesbridge and Kline Street as reflected in
exhibits ‘A’ and ‘B’; and

WHEREAS, staff has conducted necessary investigations to assure the proposed amendments
to the design and footprint of approved site plan would be consistent with the purposes of the
City’s General Plan and Zoning Ordinance; and

WHEREAS, a written report was prepared by staff which included a recommendation for
approval of this Amended Site Plan Review subject to original conditions of approval; and

WHEREAS, the Planning Commission finds that the proposed project is categorically
exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section
15303 (Class 3 – Construction of small new buildings); and

WHEREAS, the Planning Commission hereby adopts the following findings in support of
approval of this Amended Site Plan Review 18-01:

1. The proposed design, footprint changes and improvements of the amended site plan are
consistent with the General Plan land use designation of General Commercial Density (GC) for the subject property.

2. The density that will be created as a result of the proposed amendment to the site plan is
consistent with the density prescribed by the Land Use Chapter of the General Plan.

3. The site is physically suitable for the type and proposed density of development because
adequate roadway capacity and infrastructure exist or can be provided, and the site has no
topographical constraints.

4. The design and improvement of the amended site plan is not likely to cause substantial
environmental damage or substantially and avoidably injure fish or wildlife or their
habitat because the site is not within a sensitive habitat area.

5. The design and improvement of the amended site plan are not likely to cause serious
public health problems because adequate sewer and water systems will be provided to the
project.
6. The design and improvement of the amended site plan will not conflict with easements acquired by the public-at-large, for access through or use of property within the proposed site plan because all such easements have been incorporated into the proposed public streets.

WHEREAS, the Planning Commission, after considering all evidence presented, further finds that approval of the proposed Amended Site Plan Review 18-01 will promote the orderly growth and development of the City.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Kerman hereby recommends that the Planning Commission approves Amended Site Plan Review No. 18-01, subject to the all original conditions of approval. The foregoing resolution was introduced, passed, and adopted upon a motion of Commissioner __________________, second by Commissioner _________________, at a regular meeting of the Planning Commission held on the 8th of January, 2018, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

____________________________

Robert Bandy, Commissioner
Kerman Planning Commission

ATTTEST:

____________________________

Olivia Pimentel, Secretary
Kerman Planning Commission

Exhibits

‘A’ – Modified Site Plan 18-01
‘B’ – Modified Elevations
Exhibit ‘A’
Modified Site Plan for Jack in the Box

Proposed Site Plan Modifications includes flipping the footprint so that the Dining Room is visible from Whitesbridge. Below, shown in RED is the Approved layout. The darker layer is what is being proposed.
Exhibit ‘B’
Modified Elevations