# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agenda</td>
<td>2</td>
</tr>
<tr>
<td>Minutes</td>
<td></td>
</tr>
<tr>
<td>August 13, 2018</td>
<td>4</td>
</tr>
<tr>
<td>Public Hearing: Conditional Use Permit 18-04, Menchaca</td>
<td></td>
</tr>
<tr>
<td>Second Hand Store at 901 S. Madera Avenue</td>
<td></td>
</tr>
<tr>
<td>Staff Report</td>
<td>6</td>
</tr>
</tbody>
</table>
OPENING CEREMONIES

Call to Order
Roll Call
Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS/CEREMONIAL MATTERS - None Offered

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 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. 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: August 13, 2018
3. PUBLIC HEARINGS

A. **SUBJECT:** Public Hearing: Conditional Use Permit 18-04, Menchaca Second Hand Store at 901 S. Madera Avenue

**RECOMMENDATION:** Commission by motion open public hearing, hear any testimony, close public hearing and approve Conditional Use Permit 18-04, Menchaca Second Hand Store at 901 S. Madera Avenue

**ATTACHMENTS:** Staff Report

4. PETITIONS/RESOLUTIONS - None offered

5. ADMINISTRATIVE REPORTS - None offered

6. COMMUNICATIONS

A. Informational: Invitation to Tour of Clovis Projects; two possible dates are provided October 22nd or November 19th.

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 Thursday September 6, 2018.

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

Call to Order by Chairman Robert Bandy at 6:32 p.m.
Roll Call by Destiny Garcia, Assistant Secretary
Commission Present: Bandy, Bishop, Nunez, Wettlaufer
Commission Absent: Espino, Felker, Nehring
Pledge of Allegiance :Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS - Motion by S/Bishop, second M/Nunez, Agenda approved as presented

1. PRESENTATIONS/CEREMONIAL MATTERS - None offered

REQUEST TO ADDRESS COMMISSION – None offered

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: S/Bishop made a motion to approve minutes of July 9, 2018 as presented, second K/Wettlaufer, unanimously approved as presented.

3. PUBLIC HEARINGS – None offered

4. PETITIONS/RESOLUTIONS

A. SUBJECT: Commission by motion, opened public hearing at 6:44, Laura Ramirez Owner of home and daycare) spoke in support of proposed daycare. She has an large family daycare at her existing residence on E St. she has not received any complaint from neighbors. The Ramirez purchased a new house on 775 S. Kenneth and are proposing to establish a new LFDC at the new proposed site. The site is a two-story house. The E Street will cease to operate because a resident must reside in the LFDC. Commission requested stairs access be closed off with gate and daycare is to remain downstairs only, however, this will be a state mandated requirement. Public hearing closed at 6:47 p.m. S/Bishop made motion to approve conditional use permit 18-03, Ramirez Large Family Daycare at 775 S. Kenneth Avenue. Second M/Nunez, unanimously approved as presented.
B. **SUBJECT:** Zone Ordinance Amendment relating to Chapter 17.42, Multi-Family Residential Zone District

   Item to be continued

5. **ADMINISTRATIVE REPORTS** - None offered

6. **COMMUNICATIONS** – None offered

7. **ADJOURNMENT** – Adjourned at 6:50 p.m.

/s/ Olivia G. Pimentel
Secretary to the Planning Commission
To: Planning Commission
From: Olivia Pimentel, Assistant Planner
Subject: Conditional Use Permit 18-04 – Menchaca Second Hand Store

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and adopts a Resolution approving Conditional Use Permit No. 18-04 for a second hand store at 901 S. Madera Avenue subject to conditions of approval (Menchaca Second Hand Store).

APPLICANT

Daniel Menchaca
911 S, Madera Avenue
Kerman, CA 93630

PROPERTY OWNER:

Daniel Menchaca
911 S. Madera Avenue
Kerman, CA 93630

PROPOSAL:

The applicant is requesting a conditional use permit to occupy an existing vacant commercial space for a second hand store for used clothing and other items at 901 S. Madera Avenue. Second Hand Stores are allowed in the General Commercial zone by way of a conditional use permit.

SITE DESCRIPTION:

The proposed site is in a vacant commercial building in Kerman's downtown district, located between California and B Street on Madera Avenue. The site was previously occupied by a jewelry and clothing discount store (Tina’s Discount Store) a permitted use that closed in 2017. The applicant is required to apply for a new conditional use permit pursuant to Kerman Municipal Ordinance section 17.12.100.

Figure 1 below shows the location.
Figure 1 proposed location.
GENERAL INFORMATION:

Applicant: Daniel Menchaca
Site Location: 901 S. Madera Avenue, Street between California/B Street
APN(s): 023-205-02s
Building Size: 2,000 square feet
Plan Land Use Designation: General Commercial
Zoning District: CG (General Commercial)

Surrounding Uses & Zoning:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Land Uses</th>
<th>General Plan Designation</th>
<th>Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Commercial</td>
<td>General Commercial</td>
<td>CG</td>
</tr>
<tr>
<td>South</td>
<td>Commercial</td>
<td>General Commercial</td>
<td>CG</td>
</tr>
<tr>
<td>East</td>
<td>Commercial</td>
<td>General Commercial</td>
<td>CG</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>SF Residential</td>
<td>R-1</td>
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</tbody>
</table>

Parking

Pursuant to Section 17.74.030 of the Kerman Municipal Code, Commercial uses. Retail stores and shopping centers and other similar uses such as second hand stores with common parking require four and one-half (4 ½) parking spaces for every one thousand square feet of gross floor area. The site is approximately 2,000 s.f. which requires 9 parking spaces on site. The site has off street parking for up to 6 parking stalls in the front and side street. In addition, there is a parking lot on the north end of the building for customer parking for up to 6 parking stalls, for a total of 12 parking stalls. The applicant owns the building with two business spaces of which he occupies one for a bakery and the other is the vacant building requesting a conditional use permit. Therefore, there is sufficient parking for the project.

PUBLIC NOTICE:

A public hearing is required for Conditional Use Permit applications. A public hearing notice was published in the Kerman News on September 5, 2018 and notices were mailed to property owners within three hundred feet of the property pursuant to Chapter 17.10 of the Zoning Ordinance.

APPEALS:

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

ENVIRONMENTAL DETERMINATION:

Staff has determined that the proposed project is categorically exempt from environmental review pursuant to Section 15301(p) of the California Environmental Quality Act (CEQA). This is an existing structure and exempted. Therefore, no environmental document accompanies this report.
CONCLUSION:

The proposed second hand store is allowed by way of a conditional use permit in the General Commercial zone district. Furthermore, the conditions that have been applied to the proposed use permit will insure that the public's health, safety and welfare are protected.

ATTACHMENTS:
A. Location Map
B. Photo of site
C. Resolution
Attachment ‘A’

Location Map
Attachment ‘B’

Photo of Site
Attachment ‘C’

RESOLUTION NO. 18-07
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF KERMAN, STATE OF CALIFORNIA, APPROVING
CONDITIONAL USE PERMIT NO. 18-04
(Menchaca Second Hand Store)

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the “Planning Commission”) duly called and held on September 10, 2018, at 6:30p.m., it was moved by Commission member __________________ and second by Commission member ________________ and carried that the following resolution be adopted:

WHEREAS, the Planning Commission considered Conditional Use Permit 18-04 for the operation of a second hand store located at 901 S. Madera Avenue; and

WHEREAS, the project and proposed use requires a conditional use permit in the General Commercial (CG) zone district; and

WHEREAS, the project is categorically exempt pursuant to the California Environmental Quality Act (CEQA), pursuant to Section 15301(p) of the California Environmental Quality Act (CEQA); as this structure is an existing and exempted use and

WHEREAS, a public hearing notice was published and sent to surrounding property owners within three hundred feet ten days prior to the Planning Commission’s meeting of September 10, 2018.

WHEREAS, the Planning Department has prepared a staff report for this project and determined that the project will not have a significant impact on the environment and a negative declaration was not required under CEQA as an exempt existing structure, and

WHEREAS, the Planning Commission of the City of Kerman, after considering the staff report, all accompanying information, and any public testimony received from the applicant and other interested parties, relating to this conditional use permit, has determined to approve conditional use permit 18-04.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Kerman, based on public testimony received and in their own independent judgment, does hereby approve the request for a Conditional Use Permit 18-04, based on the following findings:

1. A negative declaration has not been required as this structure is an existing exempted use and is consistent with the CEQA guidelines.

2. The conditional use permit will not have an adverse impact on the public’s health, safety or welfare of the community or to the immediate neighborhood;

3. Conditional Use Permit No. 18-04 is in compliance with all applicable provisions of the Zoning Ordinance and is consistent with the General Plan Land Use Designation.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Conditional Use Permit 18-04, subject to the following conditions of approval:
Conditions of Approval

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

1. Two fire extinguishers to be installed as per NCFPD requirements.
2. Exit signs to be installed at front and rear doors.
3. The applicant shall obtain a business license from the Finance Department and submit a copy to the Planning Division prior to occupancy and operation of the second hand store on the site.
4. DOORS TO REMAIN UNLOCKED DURING BUSINESS HOURS sign to be placed over front exit door.
5. All merchandise displays shall be indoors.
6. If applicable, water meter to be installed if building has separate existing water service.
7. Trash receptacles must not be visible from exterior of building.
8. Advertising signs must be approved by the building department and applicable permits issued.
9. The Planning Director, upon approval of the Planning Commission, is authorized to issue a Conditional Use Permit for this project site. The CUP will be reviewed annually.
10. If the conditions of approval have not been fulfilled or that the use has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Planning Director may refer the Conditional Use Permit to the Planning Commission for review. The Commission may modify or revoke the use permit.

Passed and adopted at a regular meeting of the Kerman Planning Commission held on September 10, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
APPROVED BY:

__________________________ _______________
Chairman, Robert Bandy Date

__________________________ _______________
Secretary, Olivia Pimentel Date