

MINUTES

SPECIAL WORKSHOP: 6:00pm

1. Special Presentation(s)

Commissioners Present: Epperson, Arabian, Lopez, Nehring, Brar

Absent: Bandy, Felker

A. Presentation on the Brown Act and Conflict of Interest: Mark Blum, City Attorney

Mark Blum, City Attorney, gave a brief presentation to the Planning Commission regarding the Ralph M. Brown Act and conflict of interest laws as a resource to aide the Commission in carrying out their duties and responsibilities as appointed officials. The Commission was encouraged to visit the website for more resources and training seminars available through the California League of Cities and the California Fair Political Practice Commission (FPPC). Planning Director added that emails between a majority of Commissioners (4) regarding action items could constitute a collective action and be considered a potential violation of the Brown Act. Attorney Blum, answered several questions of the Commission and advised them to follow common sense, transparency and disclose any potential conflict of interest. In the case of a conflict of interest, it is best to leave the room. Violations are considered misdemeanors. The City Attorney recommended caution and to ask staff first.

REGULAR MEETING 6:30pm

Call to Order – Chairman, Robert D. Epperson, called the meeting to order at 6:30p.m.

Roll Call by Secretary, Olivia Pimentel

Commissioners Present: Epperson, Arabian, Lopez, Nehring, Brar, Bandy (arrived 6:30p.m.)

Absent: Felker

Approval of Agenda, approved as presented

1. Approval of Minutes

C/ Epperson made motion to approve Minutes of January 25, 2010 as presented, Unanimously approved.

2. Presentation(s)

A. Reorganization of Planning Commission officers: Continued to March 22nd.

1. Chairman and 2. Vice-Chairman

With the absence of C/Felker, this item was continued to March 22, 2010 meeting.

3. Public Hearing(s) / Meeting(s)

A. Conditional Use Permit No. 10-01: La Vina Covenant Church (Res. 10-02)

Staff gave a brief staff report for a conditional use permit application from Pastor Michael Jordan with La Vina Covenant Church to locate a church within a 13,500 square foot in-line tenant space at the Kerman Plaza Center (Save Mart), located at the northwest corner of Whitesbridge Road and Madera Avenue. The project site is zoned General Commercial (CG), which allows churches by way of a conditional use permit. Staff explained that this site will serve as a temporary home. Staff reviewed parking requirements and noise elements considered. No public comment received.

Commissions: inquired regarding external noise and potential conflict with the Church, whether the building had adequate restroom facilities with the large amount of projected attendance (potential 250 maximum). Staff responded this is addressed at the time of building permit issuance.

Open Public Hearing 6:45p.m.

No Comments, applicants and several supporters were in audience for any questions.

Closed Public Hearing 6:47p.m

C/Nehring , made a motion to Approve Res. 10-02 Approving Conditional Use Permit No. 10-01, La Vina Covenant Church, second C/Bandy, as presented

Ayes: Bandy, Arabian, Nehring, Lopez, Brar, Epperson

Noes: None

Absent: Felker

Abstain: None

B. Conditional Use Permit No. 10-02: New Day Worship Center (Res. 10-03)

Staff gave a brief staff report for a conditional use permit application from Pastor Rene Covarrubia with the New Day Worship Center to locate a church in an existing 3,351 square foot building. The building was originally built and owned by the Methodist Episcopal Church. The project site is zoned Single Family Residential (R-2), which allows churches by way of a conditional use permit.

Staff gave a brief history of the site that had previously been approved for Nursery School/Pre School site requested by Anne Acosta-Ortiz. However; due to unforeseen circumstances, the project was put on hold and the applicant leased the site to the Church upon approval of the Planning Commission to allow a church to occupy the site. The site was originally the home of the first Methodist Church in Kerman. Staff noted that the applicants had canvassed the surrounding neighbors to ask for support for the project and had acquired 49 signatures. Staff reviewed the parking, noise, and also noted No public comments received by staff.

Commission had no questions

Open Public Hearing 6:52p.m.

No Comments, applicants and several supporters were in audience for any questions.

Closed Public Hearing 6:54p.m.

C/Nehring, made a motion to Approve Res. 10-03, Approving Conditional Use Permit No. 10-02, New Day Worship Center, second C/Lopez, as presented.

Ayes: Bandy, Arabian, Nehring, Lopez, Brar, Epperson

Noes: None

Absent: Felker

Abstain: None

Abstain: None

C. Conditional Use Permit No.10-03: Hacienda Heights Apartments (Willow Partners, LLC) (Res.10-04)

Staff reviewed staff report for an application for a conditional use permit submitted by Willow Partners, LLC, to construct a 68 unit apartment and one managers/clubhouse unit complex on 5.37 acres located at the southeast corner of Siskiyou Avenue and Gateway Blvd. The project site is zoned Smart Development Residential (SD-R-2.5), which allows multi-family projects exceeding 41 units by way of a conditional use permit up to 100 units. Staff reviewed the parking, noise, traffic elements that were reviewed for consistency with the zoning ordinance and general plan. Staff noted that the applicants had a public community meeting for surrounding property owners and no one attended on January 19, 2010. No public written or verbal comments received by staff.

Davis Slajchert of Willow Partners, LLC., addressed the Commission and audience, stating that this project was designed being very sensitive to the high quality and design standards of the City of Kerman and surrounding neighborhood. This project would be an upscale market development. He referred to two previous successful projects in Kerman (Keamey Palms I, Senior Citizen Apartments, 81 units, and Keamey Palms II, 20 units) which were both fully occupied with a waiting list. He has contacted United Health Center to provide health classes and other services to residents of the apartments. He also intended to contact the Police Department to initiate a Neighborhood Watch Program and other services for this project to make it a safe and comfortable place for residents. Mr. Slajchert introduced the Architect, Mr. Robert Davidson to explain some of the architectural design features of this project. Mr. Davidson, noted that he took many of the features of the surrounding residences and incorporated into the design of the apartment complex.

Open Public Hearing 7:23p.m.

Several residents attended to speak out against or voice concern with this project, (some not all are noted; however the primary concerns are as follows)

Mr. Vic Halferty, 15943 El Mar Lane, Mr & Mrs. Garcia, 118 S. Lum, Mrs. Maria Gomez, 102 S. Almond, Mr. Denis Cantu, 199 S. Walnut Ave, Mr. Jamie Sandoval, 302 S. Siskiyou, Ms. Sanders, 15954 W. El Mar, and Jeremy Garcia, 107 S. Almond Avenue;

Objections included; traffic congestion, parking, needed traffic signal on Whitesbridge and Siskiyou, location of trash receptacles abutting the residential properties, pedestrian safety concerns, increased crime, low income "rent restricted" project that would lower the property values. An updated traffic study at the intersection was requested to include increased traffic in 5 years (with this project). Several stated there were no speed limit signs on Siskiyou and that they had supported the Villa Sonata Townhouses approved for Covington a few years ago because there were a lot less units (42); but these were a lot more (68) units.

Mr. Davis Slajchert addressed many of the concerns of the audience and assured them that he would work with staff to make any necessary changes possible. He reassured the audience that this was not a 'section 8' low income housing project; it would be funded with very strict tax credit requirements, including strict income guidelines, annual recertification, an on site manager, and background checks.

Mr. Mitch Covington, land owner, spoke in support of the project. He stressed that the quickest way for Kerman to get a signal light at Whitesbridge & Siskiyou if for the residents to allow this developer to build. The developer will have to pay into

development impact fees that include money set aside for a traffic signal. Mr. Covington informed the audience that there was no market for townhouses, he could not sell them. The only hope of developing this property was for a project like this one, there is a market. Mr. Covington explained the economy affects the market value of homes, not the adjacent property. He stated this is as good as it gets.

Commissioners asked several questions of the applicant and staff regarding tax credit reserves, relocating trash enclosures, circulation on gateway, traffic calming measures and traffic signal master plan, etc. Staff discussed the General Plan Traffic Study findings and the method of calculating the class assigned to this site. The capacity of all roadways (i.e. Whitesbridge and Siskiyou) were evaluated at the full build out and the finding was that this intersection did not warrant a traffic signal at this time. There was some discussion on the neighborhood commercial property to the north of the proposed apartments on Gateway Blvd regarding the traffic circulation, staff stated this would be discussed with Caltrans upon development.

Closed Public Hearing 8:30p.m.

C/Brar, made a motion to Approve Res. 10-04, Approving Conditional Use Permit No. 10-03, Hacienda Heights, second C/Lopez, as amended, to change location of trash receptacles

Ayes: Bandy, Arabian, Lopez, Brar, Epperson
Noes: Nehring
Absent: Felker
Abstain: None
Abstain:

4. Petitions, Resolutions

- A. Classification of Use, Accessory Structures: Installation of a pre-fabricated Steel Silo at Perko's Restaurant. **(Res. 10-05)**

Mr. Chris Bahne representing Perko's Restaurant submitted a request to install a pre-fabricated steel silo at the Perko's restaurant located in the Crossroads Shopping Center. The proposed steel silo is not listed as an accessory structure for commercial uses. Mr. Bahne requested that the Commission make a finding for a classification of use determination that the silo is substantially similar in character, intensity and compatibility to other accessory structures that are customarily incidental and subordinate to the commercial use. The Commission decided to continue this matter, they requested that the applicant work with staff to present different options as discussed and bring back for consideration. The Commission was concerned with the location and size of the proposed steel silo creating a potential traffic hazard.

Adjournment

Meeting adjourned at 9:00 pm

Olivia G. Pimentel

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