

CITY OF KERMAN PLANNING COMMISSION

AGENDA

SPECIAL MEETING

DATE: Monday, December 7, 2009

TIME: 6:30 p.m.

Location: City Council Chambers 850 S. Madera Avenue, Kerman, Ca

Planning Commissioners: Chairperson Robert Epperson, Robert Bandy, Mike Arabian, Robert Felker, Louie Garcia, Michael Lopez, Kevin Nehring.

Materials related to an item on this agenda that are public documents and are submitted after distribution and posting of the agenda are available for public inspection in the Planning Department at 942 South Madera Avenue, Kerman, during normal business hours. Documents that are public documents provided by others during a meeting will be available at the same location during business hours after the meeting.

Note: Individuals needing special assistance in order to participate should contact Olivia Pimentel, Planning Secretary at (559) 846-9386 for assistance prior to the meeting.

Call to Order – Chairman, Robert D. Epperson

Roll Call – Secretary, Olivia Pimentel

Approval of Agenda

1. Approval of Minutes

Minutes of October 26, 2009 submitted for approval

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 (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. Presentation(s)

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

4. Petitions, Resolutions

A. Second Extension Request - Conditional Use Permit 06-13, Six Star Mini Mart and Car Wash

The applicant, Nadeem Ahmad, has submitted a timely request for an extension consistent with Section 17.12.100 of the Zoning Ordinance. In accordance with requirements of the conditional use permit 06-13, Six Star Mini Mart, Car Wash submitted plans for plan check prior to expiration in August 2008; however, due to poor market conditions the project has not been able to move forward for the past year and therefore the applicant is requesting an extension of 12 months.

5. Administrative Reports

A. Sphere of Influence Update

Staff will provide a verbal report of the status of the ongoing discussions with Fresno County on the Sphere of Influence. In summary, the City Council directed the City Manager to pursue an amendment to the Property Tax Sharing Agreement (MOU) with the County of Fresno and Sphere of Influence Boundary change with LAFCo. The Property Tax Sharing Agreement would be amended from a 15 to a 3 year term and reflect the intermediate SOI boundary consisting of 786 acres. This would allow the City to 1) proceed with an application for a SOI boundary change now rather than later; and 2) approve annexations for new developments over the next three years without any changes to the terms of the tax sharing methodology in the existing MOU. The City anticipates that the amended MOU would be presented to the Fresno County Board of Supervisors as early as January 12, 2010.

Communications

A. Commissioners Comments

Adjournment

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 Kerman City Hall, 942 So. Madera Avenue, and at Kerman Community/Teen Center, 15101 Kearney Plaza, and emailed to interested parties, on the 2nd day of December, 2009.

Olivia G. Pimentel
Secretary to the Planning Commission

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

Roll Call – Secretary, Olivia Pimentel

Present- Epperson, Felker, Nehring, Lopez, Arabian, Garcia, Bandy,

Absent - None

Guest – Gary Rodgers, Mike Texeira, Dr. Burh, Dr. Anna Marie Gonzalez, Al Soliz and others in the audience who did not sign in.

Approval of Agenda c/ Epperson, made a motion to move item 4.a (La Quinta) before 2.a (Presentation, Parks), at the request of the applicants who traveled from out of town. Agenda of 10/26/09 approved as amended.

1. Approval of Minutes, C/Epperson made a motion to approve as presented, unanimously approved
Minutes of September 28, 2009 as presented

Request to Address Commission

None

4. Petitions, Resolutions (heard prior to Presentations)

- A. Resolution Approving an Extension of Conditional Use Permit 06-07, La Quinta Inn Hotel Suites

Mr. Edward Campbell, Sr. requested a fourth extension for Conditional Use Permit 06-07, for the development of a three-story, 58 room, La Quinta Hotel & Suites. This conditional use permit has been extended several times due primarily to the poor market conditions. The current Conditional Use Permit is due to expire on October 28, 2009, and the applicant submitted a timely extension request pursuant to Section 17.12.100 of the Kerman Municipal Code. The applicant is requesting a four (4) month extension in order to finalize financing for the project.

Mr. Gary Rodgers spoke in support of this project. He explained the reason for the request was that information had not been submitted to the lender by the bookkeeper on time and the applicant had to reapply for a loan which they did on 8/28/09. Mr. Rodgers provided copy of email regarding funding. No other questions.

C/Epperson/ made a motion to approve extension request for La Quinta Hotel for the requested four (4) months to February 28, 2010, second C/Arabian motion carried with the following vote:

Ayes: (5) –Arabian, Nehring, Garcia, Bandy, Epperson

Nays: (2) – Felker, Lopez

2. Presentation(s)

- A. Parks Master Planning Community Meetings & Proposition 84 Park Grant Update

Parks & Recreation Director Philip Gallegos gave a presentation on Parks Master Planning Community Meetings & the application for funds from Proposition 84 Park Grant. The director explained the application process and some requirements, such as holding several public meetings.

Parks & Recreation Department is working with the Kerman Recreation Commission. Community meetings already have been held and several have been scheduled to gather as much public input as possible to get "a community wish list" of what people want in their design of the two new community parks. Staff explained that the park projects will need to demonstrate support of the community. This is a very highly competitive scored grant that require at least five public meetings with residents from the critically underserved community of the park area. Some Meetings will be held weekends and evenings and at least one at the nearest elementary school.

A consultant, Robin Moore Landscape Co., a local architect will be hired. A brief description of the different elements of the proposed parks that would meet the needs of the community included passive, active recreation, artistic, splash, and educational interpretive, environment and open space. An outdoor amphitheatre for larger concerts.

Staff asked for Commissioner's and audience comments and suggestions.

Various members of the audience voiced their requests that included a request for ball parks, handball courts, and racquetball court, basketball courts, disc golf park; also known as a "Frisbee park". The CSD noted that some other ideas voiced in previous meetings included pedestrian and bike trails that would connect the both parks, dog park, motor sports park, rodeo arenas, relocating the Kerman Harvest Festival to one of the new parks and to incorporate handicap accessible features throughout.

Al Solis, Sol Development, representing the Giacolini and Nale families, property owners of the "Giacolini Property" (site that was gifted to the City for one of the proposed parks) on the northeast of California and Goldenrod, stated that the families would be interested in a trail on their property that would act as a buffer to the railroad. Mr. Giacolini offered to extend the trail all the way to Howard Avenue if it were to be used as a trail. CSD, discussed Fresno County regional plans for a trail (walking/ bicycling) and that this might be a potential idea to consider a connecting trail all the way to Fresno. C/Nehring asked if the RR had been approached, they historically have not been very supportive of any pedestrians close to the RR. They could deny a RR right of way. The CSD said he would be contacting them.

C/Felker inquired whether the proposed playground could be relocated. CSD stated that these types of suggestions were exactly what were needed to make the parks what the community wanted to see. All suggestions and comments will be accumulated and reviewed and then incorporated. The Parks will be built in phases over time to accommodate growth. C/Lopez recommended that staff prioritize features by putting in features that do not exist in Kerman first before just adding more. Another comment was regarding the amphitheatre that it would be better located on the east side of town to attract outside visitors from Fresno, etc. The CSD stated that there was no cost sharing requirements for this grant, only partnerships. C/Epperson noted that one of the crucial competitive points awarded is based on "ties to the community", how the project ties into the special reasons why Kerman should be awarded a grant? Several examples Giacolini property was a 'gift' etc. Other ideas to incorporate, Accessibility Americans disabilities act, Green Element, Recycle, Water Conservation, Solar panels.

C/Nehring, inquired about the RR property to the west of goldenrod, how will it affect California Ave, could it be improved to match the new regional park as far as improvements to the surrounding street that would compliment the park. C/Lopez asked if there were any

requirements to the amount of public participation, no. CSD will also do outreach at all the parks, chamber of commerce, clubs & organizations to get feedback. No other comments

3. Public Hearing(s) / Meeting(s) none scheduled

5. Administrative Reports

A. PC Meeting Holiday Schedule for November/December

Staff requested input and direction from the Planning Commission regarding the meeting schedule during the month of November and December. The regular Planning Commission meeting for the month of November falls on the week of Thanksgiving (11/23/09) and the meeting for December falls on the week of new years (12/25/09). Staff noted that during the holidays many people go out of town on vacation, etc. The Commission was asked to consider either keeping the meeting schedule as is or consider changing the meeting date or cancelling the November and/or December meetings. Staff noted that there were currently no urgent items for action.

Commission unanimously agreed to cancel the November meeting and call a special meeting for December 7, 2009.

B. Kerman Walmart Project - EIR Update

Staff gave an updated schedule for the Kerman Walmart Project Environmental Impact Report. Staff reported that on October 8th the City of Kerman submitted the Notice of Preparation (NOP) for the Environmental Impact Report for the proposed Kerman Walmart Project to the Governor's Office of Planning and Research for circulation to responsible agencies. The City also forwarded the NOP to several local agencies and interested persons. In addition, a public scoping meeting is scheduled for Thursday, October 29 at 5:30 p.m. in the City Hall Council Chambers. Comments on the NOP are due by 5:00 p.m. on Friday, November 6 2009. The purpose of the NOP and the public scoping meeting is to solicit input and comment on the scope of the environmental issues in connection with the project.

A member of the audience asked what the city council's stand on the proposed walmart was, how long is the contract, what about the affect on local businesses and it was noted that walmart is not apart of a union. C/Epperson responded that this meeting was to address environmental issues.

Communications

A. Commissioners Comments

C/lopez, asked for a status of the Kreative Kidz Enrichment Center, Nursery School that had recently been approved by the PC. Staff reported that the building structures in the rear have been demolished and the applicant recently contacted staff, requested extension.

C/Arabian, reported that Caltrans sent him a letter regarding membership for the SR 180 expressway review committee, no formal action required.

C/Felker, spoke against the walmart project and cautioned to require more architectural and landscaping features. Planning director noted that a site plan has not been scheduled yet. The plans initially submitted will be revised and the pc will definitely be included.

Adjournment- 8pm

Olivia G. Pimentel , Secretary to the Planning Commission



City of Kerman

"Community Comes First"

Extension Request
Conditional Use Permit No. 06-13
(Star Six Mini Mart, Car Wash)

PLANNING & DEVELOPMENT SERVICES
REPORT TO THE KERMAN PLANNING COMMISSION
December 7, 2009

To: Kerman Planning Commission
From: Olivia Pimentel, Planning Technician
Through: Luis Patlan, Director
Subject: Second Extension Request – Conditional Use Permit 06-13 (Six Star Mini Mart, Car Wash)

Recommendation:

Staff recommends that the Planning Commission adopts Resolution No. 09-10 approving a second twelve-month extension of time for Conditional Use Permit No. 06-13.

Background:

The Planning Commission initially approved Conditional Use Permit 06-13 on November 20, 2006 for a project to include the remodel of an existing gas station and auto repair shop into a gas station, small auto repair shop, mini mart and car wash. On November 20, 2007 the Planning Commission granted the applicant a 12-month extension to November 19, 2008. In August 2008 (prior to expiration of the CUP) the applicant submitted construction drawings for plan check. After the initial plan check review the applicant put a hold on the project due to the poor state of the economy and the difficulty in securing the financing needed for the project.

Discussion

The applicant, Mr. Nadeem Ahmad, submitted a letter dated November 24, 2009 requesting an additional 12-month extension of time for Conditional Use Permit 06-13 (copy of letter enclosed herein as Attachment 'A'). As noted in the letter, the applicant is requesting more time in order to secure the financing to start construction.

The applicant remains committed to this project and is requesting another 12 month extension of time to commence work on the project. The CUP would have expired on November 20, 2008; however, since plans were submitted for plan check in August 2008 (prior to the expiration of the CUP) the permit remained valid. The applicant has experienced difficulty in securing the necessary financing for the project.

Conclusion

Staff has reviewed the request and has determined that it is consistent with the requirements of the Zoning Ordinance and that no changes to the originally approved conditions are being recommended. Staff is recommending that the Planning Commission adopts Resolution No. 09-10 (Attachment 'B') approving a 12-month extension of time for CUP 06-13.

Alternate Action

The Planning Commission may choose to adopt Resolution No. 09-10 (Attachment "C") denying the extension and revoking Conditional Use Permit 06-13. Should the Commission deny the extension request and revoke the conditional use permit, the applicant would have to re-submit a new conditional use permit application for the project should he choose to do so in the future.

Appeal:

The action of the Planning Commission is final unless an appeal is filed with the City Council pursuant to Chapter 17.22 of the City of Kerman Municipal Code within ten (10) working days after the day on which the decision was made.

Attachments:

'A' - Letter from Mr. Nadeem Ahmad dated November 24, 2009

'B' – Resolution No. 09-10, approving a One Year (12 months) Extension for CUP No. 06-13

'C' – Resolution No. 09-10, Denying an Extension Request and Revoking CUP No. 06-13

Attachment 'A'

SIXSTAR KERMAN

502 Madera Ave Kerman California 93610

SIXSTAR KERMAN
Nadeem Ahmad
502 Madera Ave
Kerman, Ca 93610
(559) 706-0786 Cell
(559) 673-7600 Office

November, 24 2009

Planning Department
City Of Kerman
850 South Madera Ave
Kerman, California 93630

Dear Sir or Madam:

I Nadeem Ahmad am the owner of the Sixstar Kerman 502 Madera Ave Kerman California. I am requesting a 12 month extension on my permit. Due to economic crises I am having a hard time to get the loan to build the Gas Station Food Mart. This will give me some extra time to get my finance so I can start construction. Your cooperation is greatly appreciated.

Should you have any question regarding about this matter please call me @ 559-673-7600 or 559-706-0786.

Sincerely,


Nadeem Ahmad

Owner

Attachment 'B'

RESOLUTION 09-10

BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION APPROVING A TWELVE-MONTH EXTENSION OF TIME FOR
CONDITIONAL USE PERMIT No. 06-13
(Six Star Mini Mart, Car Wash)

WHEREAS, at a special meeting of the Planning Commission of the City of Kerman (the "Planning Commission") duly called and held on December 7, 2009, at 6:30p.m., it was moved by Commission member _____ and second by Commission member _____ and carried that the following resolution be adopted:

WHEREAS, on November 20, 2006 the Planning Commission approved Conditional Use Permit 06-13 to include the remodel and expansion of an existing gas station, auto repair shop to a gas station, auto repair, mini mart and car wash on the southeastern corner of Madera Avenue and Kearney Blvd.; and

WHEREAS, Conditional Use Permit No. 06-13 was set to expire on November 20, 2007, and on November 20, 2007 the Planning Commission granted the applicant an extension to November 20, 2008. In August 2008, prior to the expiration date the applicant, Mr. Nadeem Ahmad, submitted plans for plan check as required and submitted a written request for a twelve-month extension of time prior to the expiration of CUP 06-13 consistent with Section 17.12.100 of the Zoning Ordinance; and

WHEREAS, the request for an additional extension of time does not propose any changes in the scope of the project and no changes in circumstances have been identified that would affect the project; and

WHEREAS, the Planning Commission of the City of Kerman considered the extension request at its special meeting of December 7, 2009, and considered the staff report, all accompanying information, and testimony received from the applicant and other interested parties.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Kerman:

1. Hereby approves a twelve-month extension of time for CUP 06-13 to November 20, 2010 as requested by the applicant.

2. The granting of a time extension for CUP 06-13 is not likely to be detrimental to the health, safety, peace, comfort, morals or general welfare of the neighborhood or the City.
3. No change has occurred in the circumstances or in the factual basis on which approval was made since the date of the original approval, which results in the inability to make findings of approval for the extension consistent with those originally made.
4. All of the conditions of approval originally approved for Conditional Use Permit 06-13 shall remain unchanged.

Passed and adopted at a regular meeting of the Kerman Planning Commission held on December 7, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

Chairman, Robert D. Epperson

Date

Secretary, Olivia Pimentel

Date

Attachment 'C'

RESOLUTION NO. 09-10
BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION DENYING AND REVOKING
CONDITIONAL USE PERMIT No. 06-13 (Six Star Mini Mart, Car Wash))

WHEREAS, at a special meeting of the Planning Commission of the City of Kerman (the "Planning Commission") duly called and held on December 7, 2009, at 6:30p.m., it was moved by Commission member _____ and second by Commission member _____ and carried that the following resolution be adopted:

WHEREAS, on November 20, 2007 the Planning Commission approved Resolution No. 07-15, approving a one-year extension of Conditional Use Permit 06-13 to include the remodel and expansion of an existing gas station, auto repair shop into a gas station, auto repair, mini mart and car wash on the southeastern corner of Madera Avenue and Kearney Blvd

WHEREAS, Conditional Use Permit No. 06-13 was set to expire on November 20, 2008, and in August 2008 the applicant, Mr. Nadeem Ahmad, submitted plans, as required for plan check, prior to the expiration date; however due to the poor economy has been unable to secure the financing necessary to proceed with this project for the past year. The applicant has submitted a written request for a twelve-month extension of time prior to the expiration of CUP 06-13 consistent with Section 17.12.100 of the Zoning Ordinance; and

WHEREAS, the request for an additional extension of time does not propose any changes in the scope of the project and no changes in circumstances have been identified that would affect the project; and

WHEREAS, the Planning Commission of the City of Kerman considered the extension request at its special meeting of December 7, 2009, and considered the staff report, all accompanying information, and testimony received from the applicant and other interested parties.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Kerman, base on public testimony received and based on its own independent judgment, does hereby deny the request for time extension and revokes Conditional Use Permit 06-13, based on the following:

1. The Planning Commission originally approved Conditional Use Permit 06-13 on November 20, 2006, and subsequently has granted the applicant a twelve-month extension on November 20 2007 to November 20, 2008 of time for development of the project.

2. The applicant has failed to commence the project as authorized in the Conditional Use Permit 06-13 within the time provided by the initial approval of CUP 06-13 and within the time provided by the subsequent extension of time granted by the Planning Commission.
3. The applicant has failed to provide any evidence or verification to the satisfaction of the Planning Commission that the project will move forward within the time requested by the extension.
4. The Planning Commission hereby denies the extension of time and revokes Conditional Use Permit 06-13 Pursuant to section 17.12.120 of the Kerman Municipal Ordinance effective December 7, 2009.

Passed and adopted at a special meeting of the Kerman Planning Commission held on December 7, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

Chairman, Robert D. Epperson

Date

Secretary, Olivia Pimentel

Date