

# CITY OF KERMAN PLANNING COMMISSION

## AGENDA

### REGULAR MEETING

DATE: Monday, March 22, 2010

TIME: 6:30 p.m.

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

Planning Commissioners: Chairperson Robert Epperson, Mike Arabian, Robert Bandy, Paul Brar, Robert Felker, 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 February 22, 2010 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)

A. Presentation: Annual Sales Tax Report

The City Manager, Ron Manfredi, will provide a brief report on annual sales tax revenues. As detailed in the attached report, Kerman's gross sales tax revenues have slightly decreased largely due to the ongoing economic recession. The good news is that Kerman continues to attract new commercial/retail developments. As Kerman continues to grow, sales tax revenue will remain as an important revenue source to fund ongoing city operations.

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

4. Petitions, Resolutions

A. Classification of Use: Accessory Structures; Steel Silo, Perko's Restaurant

On February 22, 2010, the Planning Commission considered a request from Mr. Chris Bahne representing Dynaco Food Concepts to install a 10 foot 7 inch pre-fabricated steel silo at the Perko's Restaurant. Steel silos are not listed as permitted accessory structures in the general commercial zone district, thus staff could not approve the request administratively. The Commission directed staff to work with Mr. Bahne and resubmit other options for location and design.

Mr. Bahne has submitted two alternative locations for the proposed steel silo (shown in Exhibit 'A' & Exhibit 'B' attached hereto). In order to approve such a request the Commission must be able to find that the proposed silo is substantially similar in character, intensity and compatibility to a use or uses within the zone district applicable to the property. Should the Commission be inclined to make a finding in favor of this request, staff would recommend alternative location 2. This location is within the landscaped area near the entrance to the restaurant on the east side of the building which is farther away from the main entrance on Madera Avenue. Furthermore, the Commission should also consider the color scheme of the silo in terms of compatibility with the main building.

5. Administrative Reports

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 18 day of March, 2010.

Olivia G. Pimentel  
Secretary to the Planning Commission

## 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 22<sup>nd</sup>.

##### **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 (Kearney Palms I, Senior Citizen Apartments, 81 units, and Kearney 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*

Olivia G. Pimentel



## CITY OF KERMAN ANNUAL SALES TAX REPORT

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After several years of significant increases, gross sales tax decreased about 9% in 2009 (\$820,886) vs. 2008 (\$903,910) comparing 3rd quarter to 3rd quarter of each year. The good news is that this decrease was significantly less than what most cities experienced across the State. In fact, we experienced improvements in sales tax during the later part of 2009 that we hope will continue in 2010. However, total sales tax revenue only tells part of the story. The not so good news is that per capita sales tax in Kerman remains bleak. As shown in Figure 1, per capita sales tax have decreased from \$95.55 to \$58.37 from 1999 to 2009 (3rd quarter perspective). In comparison, our population nearly doubled from 7,577 to 14,064 during this same period (refer to Figure 2).

Even more alarming our sales tax from retail sales has decreased from \$9.98 to \$4.82 per capita during this period. Moreover, Kerman's retail sales only make up approximately 8.35% of our total sales tax revenue (Figure 3). This anemic figure should be between 25 to 30% as compared to other communities along the 99 corridor.

While most cities have experienced lower sales tax revenues in 2009 the more telling story for the City of Kerman is our very poor per capital figures and even more bleak retail sales tax figures; especially when compared to neighboring cities. While our total per capita sales tax is very low, Kerman's retail sales tax, with the exception of Drug Stores, is almost non-existent. This will improve somewhat with the new CVS Pharmacy and the relocated Rite Aide but not enough to realize the gains the City needs in the long run to fund ongoing city services (e.g., police & recreation/senior citizen operations, etc.). These vital services are predominately funded from property & sales tax revenues.

While the State of California continues its irrational behavior of shifting local revenues from cities to balance yearly deficits in the state's budget, local governments must adopt balanced budgets. Cities don't have the luxury of stealing from Peter to pay Paul to avoid deficits and put off making tough decisions. Thus, current and future sales tax revenues are vital to the long-term financial viability of cities. Put simply, sales tax is important revenue source to fund needed services as the city grows.

These and other figures, especially when compared to the per capita figures, indicates that there is substantial commercial/retail capacity and significant unmet consumer needs in Kerman. Therefore, sales tax leakage and drive-by leakage to Fresno/Clovis/Madera is significant and greater than many communities our size.

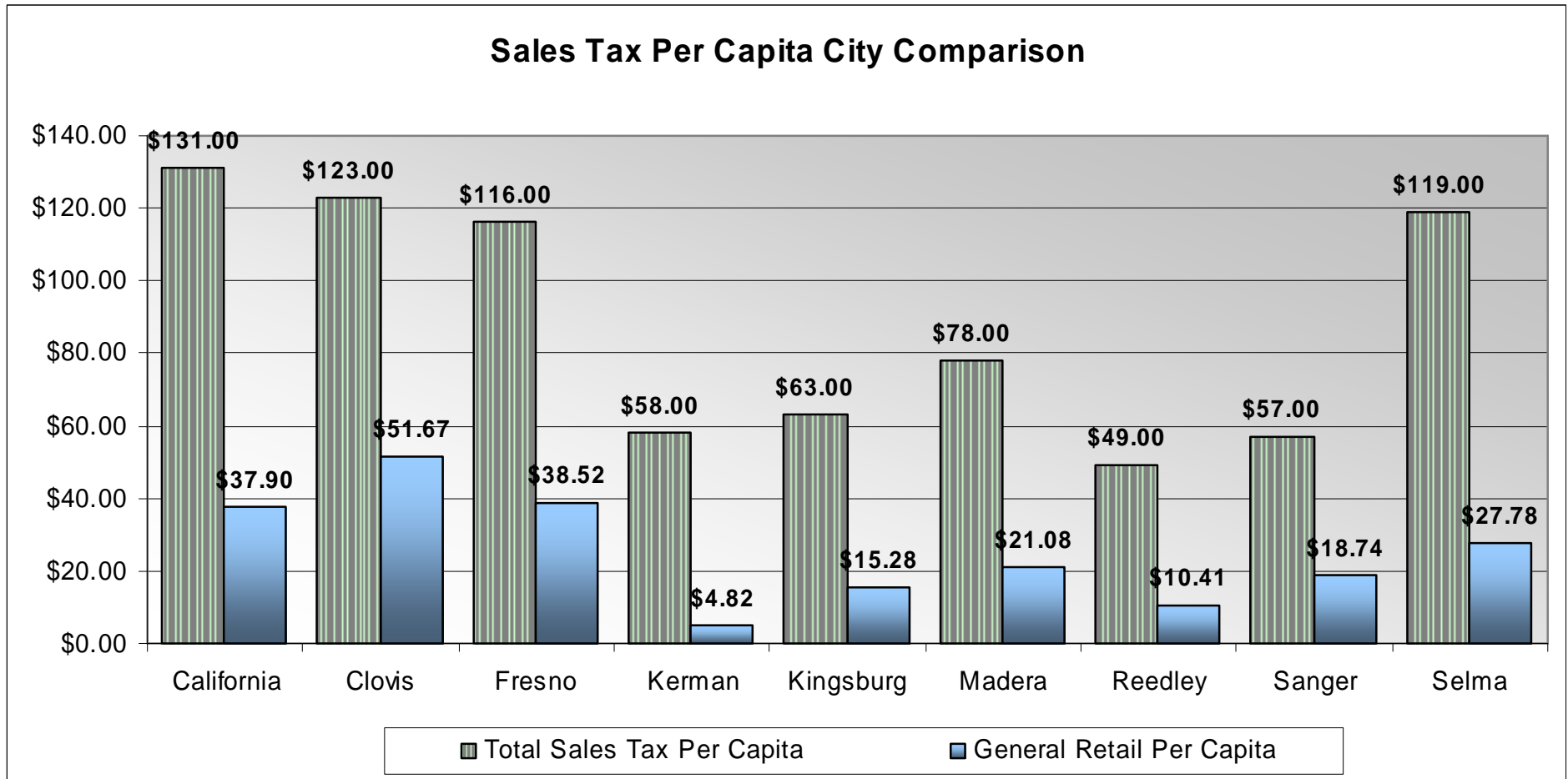
While the recession of 2008/2009 slowed anticipated commercial/retail development throughout the nation as well as Kerman, there remain major opportunities for economic growth in our community. These figures and the potential future growth of Kerman and surrounding area explains why there is currently such strong interest in retail/commercial development in Kerman. Experts with national retailers such as Rite Aide, CVS and Walmart have discovered our community and understand the unfulfilled and untapped potential that Kerman has to offer.

Sincerely,

**Ron Manfredi**

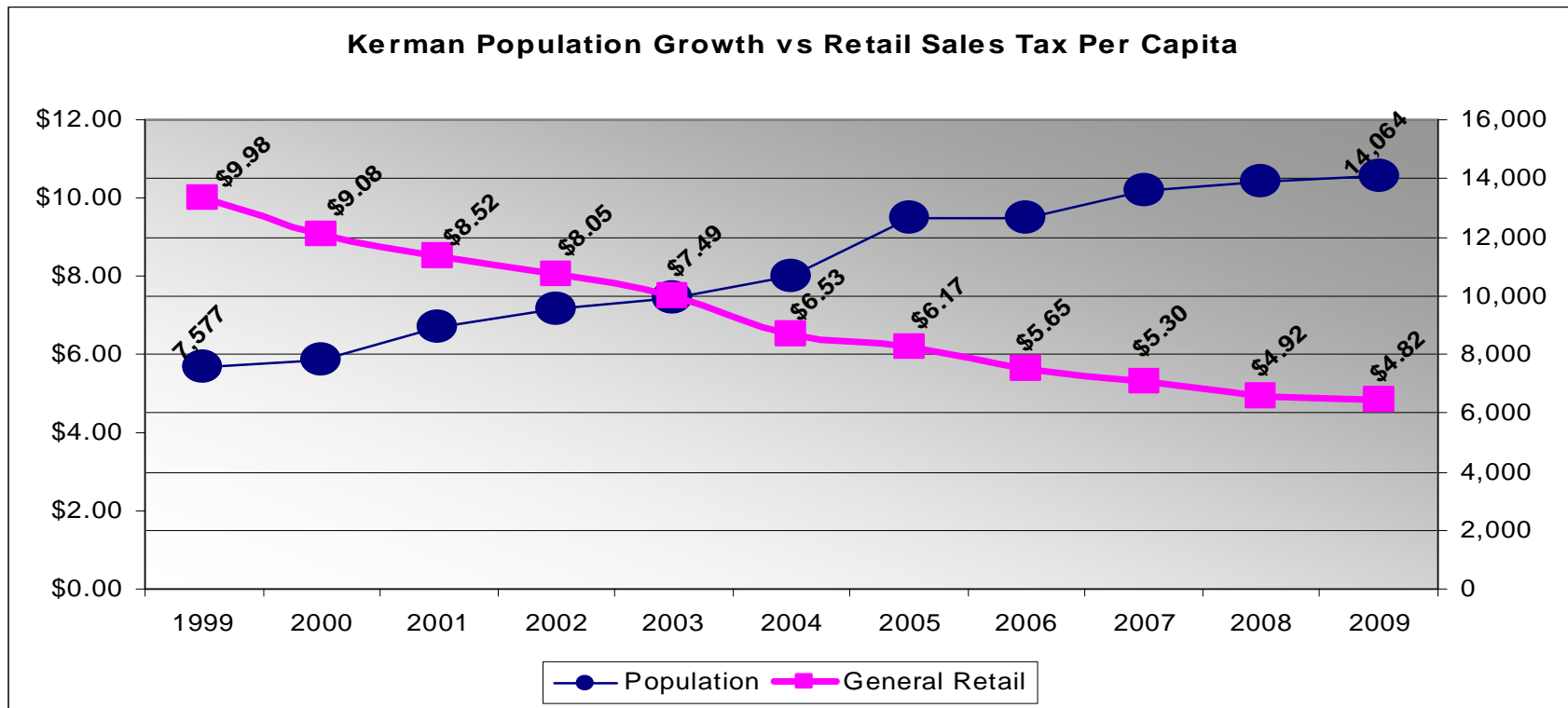
Ron Manfredi,  
City Manager

Figure 1



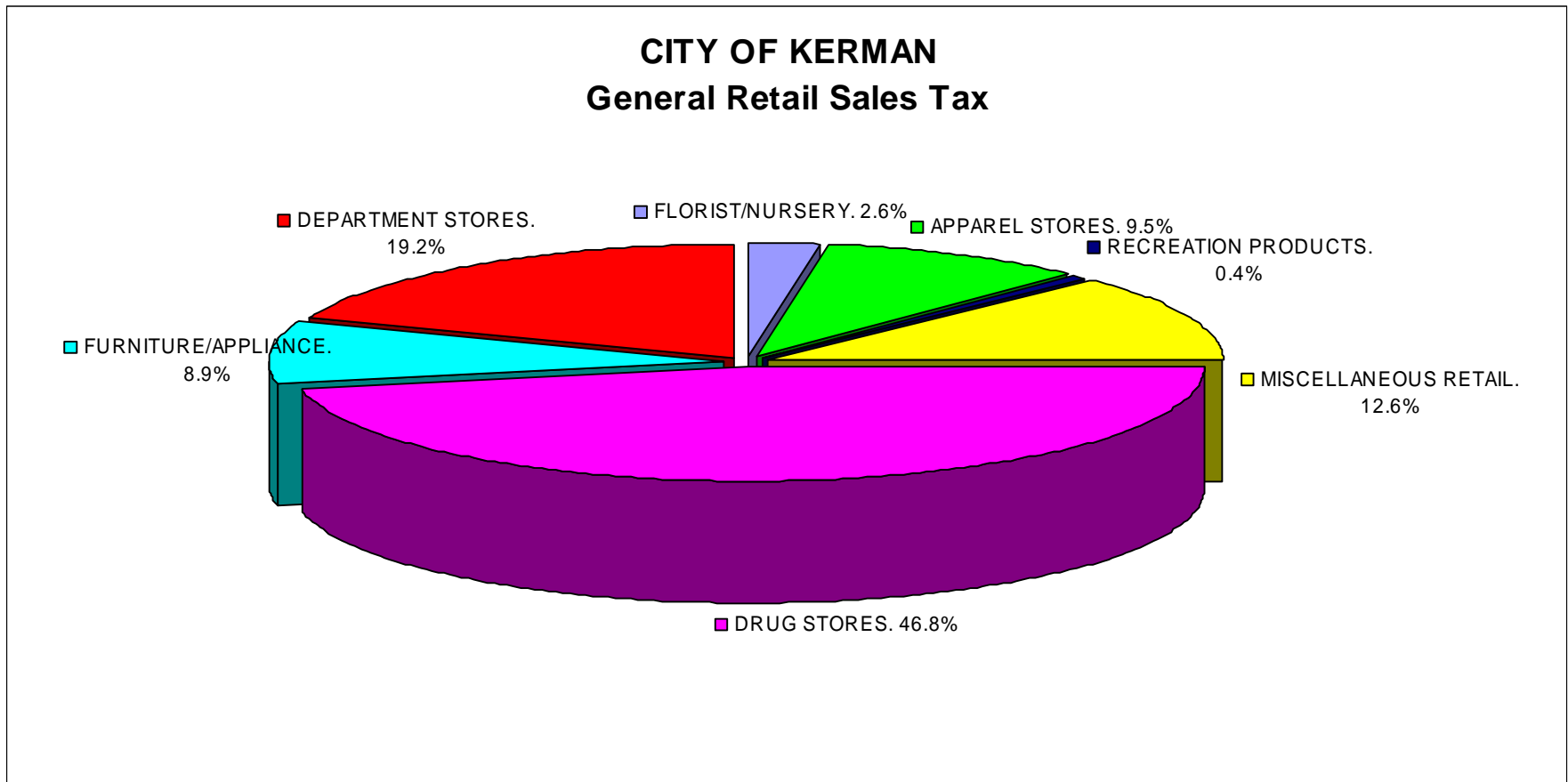
Kerman has a lower per capita sales tax than several cities in our area. More alarming is that Kerman's per capita retail sales (\$4.82) is significantly lower in comparison to those communities that have a lower overall per capita sales tax (dollar and % figures may change from year to year).

Figure 2



From 1999 to 2009 Kerman's population nearly doubled. However, Kerman's per capita sales tax decreased from \$9.98 in 1999 to \$4.82 in 2009 during the same 11-year period. In short, commercial/retail growth has not kept pace with residential growth. The city is optimistic in the old adage that "commercial follows roof tops" will, as is, taking place in Kerman. For example, a new expanded Rite Aid and the CVS pharmacy highlight that there is pent-up, unmet retail needs in Kerman. The sales tax figures and recent population growth, especially when compared to the per capita figures from nearby communities, indicate that there is substantial commercial/retail capacity and significant unmet consumer demand in Kerman.

Figure 3



The above chart breaks down the general retail sales tax by type of business. In Kerman, general retail sales tax represents only 8.3% of the total sales tax (compared to approximately 27% in Madera, 33% in Sanger & CA avg. of 29%). The general retail sales tax per capita is \$4.82 while the total sales tax per capita is \$58.00. While our total per capita sales tax is very low, Kerman's retail sales tax, with the exception of Drug Stores, is almost non-existent.

EXHIBIT 'A'

ALTERNATIVE LOCATION 1



EXHIBIT 'B'

ALTERNATIVE LOCATION 2

