



PLANNING COMMISSION SPECIAL MEETING AGENDA

Monday, March 18, 2024 at 6:00 PM

Kerman City Hall, 850 S. Madera Avenue, Kerman, CA 93630

Para asistencia en Español sobre este aviso, por favor llame al 559-846-9386.

1. NOTICE AND CALL OF SPECIAL MEETING OF THE KERMAN PLANNING COMMISSION

MONDAY, MARCH 18, 2024

6:00 PM

A. Call to Order -6:06 PM

B. Roll Call

Present: S. Bishop, R. Bandy, C. Molloy, K. Nehring, R. Felker

Absent: None

C. Pledge of Allegiance **Performed**

D. Introduction of Staff

Staff present: Juliana Gomez, Recording Secretary; Jesus Orozco, Community Development Director; John Jansons, City Manager;

2. AGENDA APPROVAL / ADDITIONS / DELETIONS

To accommodate members of the public or convenience, items on the agenda may not be presented or acted upon in the order listed.

Commissioner C. Molly motioned to approve and seconded by Commissioner Nehring.

Yes: S. Bishop, R. Bandy, C. Molloy, K. Nehring, R. Felker (5, 0)

No: None

3. PRESENTATIONS / CEREMONIAL MATTERS

NONE

4. 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 Chairperson when that Agenda item is called, and the Chairperson 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.

Ms. Patricia Lopez from Dreams Recycling in Kerman addressed the Commission to introduce herself.

5. CONSENT AGENDA

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.

NONE

6. PUBLIC HEARINGS

- A. **SUBJECT:** Public Hearing regarding an Ordinance Text Amendment (2024-01) repealing Title 17 of the Kerman Municipal Code and addition of a new Title 17 to the Kerman Municipal Code (JRO)

RECOMMENDATION: Planning Commission conduct a public hearing, deliberate, and adopt a resolution recommending to the City Council that the Council adopt Ordinance Text Amendment 2024-01 to repeal Title 17 of the Kerman Municipal Code and add a new Title 17 to the Kerman Municipal Code and adopt an Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan (SCH #2019049018).

Chairperson Bishop opened the public hearing at 6:06. Mr. Orozco introduced Michael Gibbons from Mintier Harnish, consultant on the project, who participated via zoom. Mr. Orozco presented the item consistent with the staff report.

Commissioner Nehring asked why the definitions article was at the end of the zoning code. Mr. Orozco did not have answer, but the definitions are not often referred to as part of implementing the code.

Commissioner Molloy asked about signage and covering of windows, and how informed are businesses and business owners about something (sign regulations) so detail, and they aware of the promotional days permitted? Does information go out to the business and is it enforced? Mr. Orozco responded, businesses would not be expected to know the details of the sign regulations. Implementation of the code would come a later time. The Code Enforcement Division would do outreach on signs and sign regulations to the businesses. Mr. Orozco added that the sign code helps to better regulate and prevent signs like flags or stabbers from being installed or placed in public row- or public facilities.

Commissioner Nehring_____inaudible

Mr. Orozco responded signs that are not expressly discussed within code are considered not permitted. Mr. Orozco also added, after discussion with the City Attorney it is difficult to implement the City's current design guidelines, however language from the design guidelines

were incorporated into the new code. Mr. Orozco added the sign code regulates the development of the sign, it does not regulate language or its content, with a few exceptions.

Commissioner _____inaudible

Mr. Orozco responded all known possible types of signs including flags, wavers, or human wavers have been considered. If for some reason a sign does not meet the proposed standards, an applicant can always apply for a minor deviation. Mr. Orozco stated, Code Enforcement staff and the City Attorney's office has reviewed the proposed sign ordinance.

Commissioner Nehring_____inaudible

Commissioner Bandy asked:

Mr. Orozco talks about recycling facilities (Article 4). Current code does not define, thus can be a nuisance. With new code, future recycling centers will be held up to new standards to prevent impact on residential uses. (Article 4) includes Multi-families objective designs standards including architectural design, lighting, parking space, etc.

Mr. Orozco talks about (Article 6) new permit processing. Administrative use permit in which director would be approving it instead of planning commission. They could have impact to sites. Mr. Orozco gives example of Chipotle adding 10 additional chairs to outdoor dining.

The Development Plan Review (new permit) required permit for a combining zone district. A site plan review for residential that stipulates setback requirements, landscape, architecture, etc. Important for developments that have a unique developing style or mixture of densities (smart development zone district.) Discretionary permit for the planning commission; anticipates to see more of. Minor deviation will now allow for 20 percent; for residential zoning. Ex. Room add or patio; required 10 percent setback is only 1 foot; make a difference if project will continue or not. (Incorporates SEQUA requirements.) Developing Review Committee (Director, City Engineer, building official, Cal-Trans or County) is not an approving body, review project and input conditions.

Mr. Orozco describes new (Article 8) definitions. Ex. Athletic clubs formerly (fitness center) that was not previously defined. Defines Body Art, Botanica; for (permissible land use.) Mr. Orozco indicates terms that are being defined in the definition sections are the same when used in land use.

Addendum to environmental impact program report (2040). Impacts were already taken into consideration regarding zoning code into the general plan.

Mr. Orozco proceeds to acknowledge the Mintier Harnish team along with consultant Michael Gibbons (joining thru zoom).

Commissioner Felker asked if there are provisions for changes such as adding and subtracting things as the year's progress.

Mr. Orozco responded yes with an ordinance text amendment that can be done three ways: through City Council, City Staff or applicant initiated. Changes with portion of the code to better align city's needs.

Commissioner Felker asked: How long does it take for Planning Commission to react?

Mr. Orozco responded there are two ways; 1) through himself (Mr. Orozco) and City Manager having conversation with City Council, staff, Commission or 2) Commission directed staff to City Manager and City Council. Depends on what is being purposed.

Commissioner Nehring_____inaudible

Mr. Orozco responded timeframe for Ordinance text amendments will be figured out.

Commissioner Bandy_____inaudible

Mr. Orozco asked commissioners to use microphone.

Commissioner Bandy_____inaudible page 6 staff report. Inquiring about repair shops.

Mr. Orozco responded auto repair is a under service commercial. Industrial would be production/manufactured in nature.

Commissioner Bandy inquiring whether truck drivers, listed as home occupation, would be allowed to park in residential areas.

Mr. Orozco responded no. Home occupation permit applies to office use only, including sending/receiving emails, correspondence (UPS & FEDEX.) Cannot alter site; if there is storage, it has to be within home. No heavy equipment on site. City can impose conditions such as vehicles associated with business have to be stored in an offsite location. And the city has to be notified in advance. Family vehicles need to be parked on the driveway, not on the street.

Commissioner Bandy inquiring about tow trucks considered emergency vehicles_____inaudible_____parking in street in residential areas. Proceeds to ask if business will be grandfathered in to some of these changes. Ex. Taking down a sign (easy) vs. building fences.

Mr. Orozco responded yes, if the business was legally permitted through some form of planning permit or business license at the time of this adoption, they would be legally non-conforming use. Businesses that have occupied a location w/o proper permits, will not be considered grandfathered (un-permitted non-conforming.)

Commissioner Felker inquiring about lumber yards being moved from one category to another.

Mr. Orozco responded building materials and lumber sales are currently permitted in general/service commercial zone district; also, permitted in the M1 light & manufacturing zone district.

City Manager John Jansons emphasizing past lumber yards were near railroad tracks with lots of space vs now that resemble a Lowe's or Home Depot (retail/commercial.) In regards to signage code, great effort was taken to come up with design guidelines, however, guidelines lack enforcement. But when implemented in the code, it becomes a requirement. Challenges may arise with a multi-tenant businesses where there is a landlord in place. The City would want to see a more uniform signage, for example, within all suites. Challenges that the City will continue to tackle, but there are clear rules in place.

City Manager John Jansons praises Mr. Orozco for his job efforts in updating city zoning.

Commissioner Felker inquiring about semi-trucks in residential areas.

Mr. Orozco responded that is not part of zoning.

Commissioner Molloy_____inaudible

Mr. Orozco responded we are only talking about the business component when it comes to trucking.

City Manager John Jansons responds with a municipal code with residential parking. Ex. The tractor of a tractor-trailer rig is not allowed to park in the driveway. There is a weight limit that separates small trucks and big trucks. In reference to tow trucks, there are exceptions through the emergency vehicle exemptions that are permitted. Difficulties have arisen, for example, with 24 hour tractor vehicles technicians that are on call parked in residential areas, or a business operating with a home business permit that have a fleet of 6 cars.

Commissioner Felker reiterating what Chairperson Bishop had mentioned earlier regarding parking on cul-de-sacs and how right of way needs to be opened for emergency vehicles.

City Manager John Jansons regarding RVs being left on curbside indefinitely is not permitted.

Commissioner Bandy_____inaudible__addendum_____inaudible__allowed by right__inaudible_____rehab included?

Mr. Orozco responded it may include that due to the state requires that we allow.

Commissioner Bandy asking if it would be moved up to human services.

Mr. Orozco responded correct.

Commissioner Bandy if that is changed or overturn would that make a difference?

Mr. Orozco responded it is unlikely that it would be overturned. Directs planning commission to Consultant Michael Gibbons.

Consultant Michael Gibbons reiterates Zoning Code implements General Plan into place. Zoning code standards that are modern, relevant and address issues.

Commissioner Nehring asking Mr. Orozco to pick 2 significant changes to zoning what would they be?

Mr. Orozco responded 1) definitions and 2) permit process for AUPs and CUPs allowing staff to implement code.

Chairperson Bishop asked if members of public would like to comment: there was no public comment.

Chairperson Bishop asked if there were any further questions: NONE.

Chairperson Bishop closed the public hearing.

Mr. Orozco request that the Commission make a motion with revisions provided by staff and any other revisions requested by the Commission.

Commissioner Mallory motioned to adopt the resolution with the revisions provided by staff, seconded by Commissioner Felker.

Yes: S. Bishop, R. Bandy, C. Molloy, K. Nehring, R. Felker (5, 0)

No: None

7. PETITIONS / RESOLUTIONS

NONE

8. ADMINISTRATIVE REPORTS

NONE

9. COMMUNICATIONS

Mr. Orozco stated he left the code of conduct for your signature. Council adopted a code of conduct for the Council and any of the boards and Commission. It is there for your review and your signature. Can take home or sign it tonight.

City Manager John Jansons on the next council meeting (March 27th) will bring update on the budget report covering July 1st to December 31st; With the understanding that there is a small surplus, expenditures are on track. Number of changes, but overall picture is good and solid which will be presented to Council. There is a continued interest in the Community for a cease fire resolution regarding the Gaza/Israeli conflict. There is no decision made yet. Wednesday evening there is a Chamber appreciation dinner at the Community Center. There were be a table there with some of the City staff members. Looking forward to working with Denise, the new Chamber Director.

10. ADJOURNMENT

Meeting was adjourned at 7:07 PM.

NOTICE OF AVAILABILITY OF AGENDA MATERIALS: Any writings or documents provided to a majority of the Commission within 72 hours of the meeting regarding any item on this agenda will be made available for public inspection at the Community Development Department located at 850 S. Madera Ave., Kerman, CA 93630 and on the City website at www.cityofkerman.net.

In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the Planning Commission Secretary at (559) 842-2301. Notification of 48 hours prior to the meeting will enable the Planning Commission Secretary to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically handicapped.

AGENDA POSTING CERTIFICATION

I, Jesus R. Orozco, Community Development Director 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 Council Chambers, at 850 S. Madera Avenue, Kerman, CA 93630 and on the City website at www.cityofkerman.net.

Date: March 15, 2024 /s/ Jesus R. Orozco, Community Development Director