

**MINUTES OF MEETING
CITY OF SELMA PLANNING COMMISSION
Monday, March 26, 2007**

ITEM 1. - FLAG SALUTE: Commissioner Niswander

ITEM 2. – ROLL CALL:

The Planning Commission met at the John B. Howard Community Center at 7:00 p.m. Present were Commissioners Allen, Ivory, Kessler, Niswander, Pendegraft, Tiger and Chairman Grey. Staff present included Michael Gaston, Community Development Director, Neal Costanzo, City Attorney, Myron Dyck, Lieutenant Selma Police, Jerry Howell, GIS Coordinator, and Connie Cantu, Planning Technician/Recording Secretary. Also present were 39 interested citizens. The Selma Enterprise reporter was not present.

ITEM 3. – ORAL COMMUNICATIONS: None

ITEM 4. – FOR APPROVAL: Minutes of February 26, 2007

Motioned by Commissioner Kessler, seconded by Commissioner Pendegraft, the minutes of February 26, 2007, regular Planning Commission Meeting, were approved as written.

ITEM 5. - PUBLIC HEARING ITEMS:

A. SUBMITTAL NO. 2007-0013: EA; Conditional Use Permit

Applicant: KTDA GROUP Homes Inc.
Location: 1434 Peach Street, Selma, CA
Proposal: A 12-Bed Adolescent Residential Group Home. The youth will receive a homelike environment with the goal of family reunification. (Resolution No. 2007-0005)

Michael Gaston, Community Development Director, presented the staff report. Director Gaston noted that comments were received from Selma-Fowler- Kingsburg Sanitation District, California Water Service Company and the Selma Police and Fire Departments.

Commissioner Allen asked for clarification on the cost of housing the group home residents. Neal Costanzo, City Attorney, clarified that this amount was legislated by the state. Commissioner Allen also asked for clarification on the Non-profit status of the Group Home. Commissioner Allen was referred to the applicant for response during the applicant presentation.

Director Gaston advised the Commission that the City did receive one complaint letter from David & Jessica Rodriguez, property owners of 2207 Olive Street, Selma, CA.. A copy of the letter was provided to each Commissioner and the City Attorney.

Director Gaston advised the Commission of the staff findings and recommendation for denial.

Neal Costanzo, City Attorney spoke on the State of California definition of a group home as defined in Welfare and Institution Code, Section 5115. The Commission was also advised of their powers over group homes and the difference between a six (6) individual verses a home with more than six (6) as per WIC 600.

Myron Dyck, Lieutenant with the Selma Police Department gave the Commission a report on the contact the Selma Police Department has had with group homes. The report showed the negative impact to the surrounding neighborhood.

Alphonso Bigelow, applicant, gave the Commission a brief resume and history of KDTA. Mr. Bigelow than gave the Commission an operational cost breakdown and program cost per resident. Mr. Bigelow offered to open up the financial records of KDTA for review. The Commission was advised that not all of the kids are on probation. Some are displaced from homes and are foster children.

Commissioner Kessler asked if the group home was going to have felons mixed in with the lesser offenders. Mr. Bigelow responded only 600 - 601PC offenders and 602PC truant offenders will be housed at the facility.

Commissioner Kessler also wanted clarification on the closure of two homes in Fresno if this facility was allowed to open. Mr. Bigelow stated no homes would be closed. He stated that if the City of Selma did not want probationary kids, this home would only be for displaced and foster care kids.

Commissioner Niswander, asked Lieutenant Dyck, if the City of Selma had twelve kids who might need this type of facility. Lieutenant Dyck responded yes. Commissioner Niswander also asked if the building size was in conformance with his application. Director Gaston responded yes.

Commissioner Pendegraft asked the applicant if they had made contact with the local schools to see if they could handle the needs of these kids. Mr. Bigelow stated no.

Commissioner Kessler asked who would be responsible to make sure the kids get to school. Mr. Bigelow stated staff of KDTA would be responsible.

Mr. Gene Smith, Pastor, Church of God, 1561 Mill Street, stated he sympathized with the applicant, but this is not a good location for the group home. County Housing is across the street, kids are hanging out on the street corners.

Rick Wingford, 1350 Peach Street, does not want this group home at this location. There is an existing apartment complex behind this location full of kids. There is no need for truant kids to live in this area with no place to move inside and out. Do we get a guarantee that the kids will only be truant and not guilty of violent crimes?

Commissioner Ivory mentioned that when he went out to check the property there were too many kids on the streets.

Chairman Grey closed the public hearing.

On motion by Commissioner Pendegraft, seconded by Commissioner Niswander to adopt Resolution No. 2207-0005, denying Submittal No. 2007-0013, Conditional Use Permit, subject to the Findings of Fact listed in the Resolution. Approved unanimously.

Director Gaston advised the applicant of the action taken by the Commission and of his right to appeal the Commission decision to the City Council.

B. SUBMITTAL NO. 2007-0023: EA; Conditional Use Permit

Applicant: Valley Life Community Church (Pastor Ken Rasmussen)

Location: Northeast corner of Barbara Street and McCall Avenue.

Proposal: Conditional Use Permit No. 2007-0023

The applicant is proposing to place six (6) modular buildings at 3200 McCall Avenue, Selma. These modular buildings will be used for educational classrooms. The project will include on-site improvements for parking, pedestrian walkways and landscaping. (Resolution No. 2007-0006)

Michael Gaston, Community Development Director, presented the staff report. Director Gaston, noted that, to date the city had not received any responses from public agencies and/or land owners within 300' on this site. There is an approved CUP No. 79-169, to allow a school site at this location. Pastor Rasmussen is aware that handicapped parking will be required and it will need to be provided. The commercial coaches have not been inspected by the Building Official, but once they get inspected they will have to be brought up to code. The applicant was requesting a five to ten year duration of the use depending on timing and funds to build a permanent building. The Municipal Code allows approval of commercial coaches in one-year increments. The applicant will be required to request an extension of the Conditional Use Permit annually.

Director Gaston, stated that he would like to add Condition No. 4., on page eleven (11) as follows: "units to be refinished and painted in an acceptable color". Director Gaston noted that these coaches have been donated to the church.

Director Gaston noted that the Police Department has requested that a security system be installed.

Commissioner Kessler asked if the coaches were already there. Director Gaston stated yes, four units have been moved on site, but will be moved over to permanent foundations when and if the Conditional Use Permit is approved.

Chairman Grey asked if the Conditional Use Permit from 1979 for the school was being modified. Have all the conditions been complied with for the original Conditional Use Permit? Chairman Grey noted that this project was premature. The Commissioners needed to know what the original conditions are. Have all the conditions been complied with or do we need modifications to the existing Conditional Use Permit. The other concern is that the local school system has been spoken to by residents regarding portable classrooms. Chairman Grey would like to see this

Conditional Use Permit continued and brought back to the commission with the requirements for aesthetics as they relate to the community.

Chairman Grey opened the public hearing.

Pastor Rasmussen, applicant stated that he wants to comply with all the rules and regulations that the commissioners request.

Commissioner Allen stated that the applicant can drive by some of the schools to see what the portable classrooms look like.

On motion by Commissioner Allen, seconded by Commissioner Niswander to continue to the next regular meeting, April 23, 2007. Approved unanimously.

ITEM 6. – INFORMATION ITEM:

A. New Specific Plan Zoning District

Michael Gaston, Community Development Director, noted that the city staff has prepared a new zoning district. The S-P district will only be for certain areas designated "Specific Plan". The proposed new S-P zone will be presented to City Council for a public hearing in May.

ITEM 7. – PLANNING DIRECTOR'S REPORT: None

ITEM 8. – ADJOURNMENT:

Having no further business, motioned by Commissioner Kessler, seconded by Commissioner Allen, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Michael S. Gaston, AICP
Secretary to the Planning Commission

MSG/cc

RESOLUTION NUMBERS: 2007-0005, 2007-0006
NEXT RESOLUTION NUMBER: 2007-0007
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