

# Jackson Planning Commission Minutes Special Meeting of May 01, 2006

**COMMISSION MEMBERS PRESENT:**

Dave Butow,  
Warren Carleton, Vice-Chair  
Wayne Garibaldi  
Rosemary Faulkner  
Terri Works, Chairman

**CITY STAFF PRESENT:**

Susan Peters, City Planner  
Candy Collins, Accounting Assistant

**CITY STAFF ABSENT:**

Michael Daly

**COMMISSION MEMBERS ABSENT:**

---

**Chairman Works** called the meeting to order at 6:00 p.m.

**1. Public Matters Not on the Agenda.**

**Maria-Louise Solaja** requested the status of the City's Land Use Element of the General Plan.

**City Planner Peters** answered by stating that the Land Use Element of the General Plan was approved by the City Council in October 2004, then that vote was rescinded as a result of a lawsuit. It is currently undergoing an Environmental Impact Report, which should be released in an administrative form sometime in May; after it is reviewed by staff and whatever revisions necessary are made it will go to public review in a form of a Draft Environmental Impact Report. Also included in the EIR are some amendments to our Circulation Element along with an entirely new Development Code that's consistent with the new Land Use Element. Ms. Peters further stated that the document would likely be released sometime in June 2006 and there would probably be numerous public meetings.

**2. Approval of Minutes of January 30, 2006**

**Moved by Commissioner Butow, seconded by Vice-Chairman Carleton and unanimously carried to approve the minutes of January 30, 2006.**

**3. Workshop – Proposed addition to Development Code Update – Large Retail Establishment Regulations.**

**Chairman Works** clarified that Home Depot was not a topic of discussion at this workshop. She further stated that the City Council asked the Planning Commission to look at the new zoning code they were working on and to consider whether they needed to add information regulating Large Retail Establishments (LRE). She verified that Home Depot has on file an application with the City of Jackson and that they were in the process of preparing an Environmental Impact Report (EIR). She further stated that if the public is concerned about the site that Home Depot wants to use, and/or the traffic impact that this development could generate, they would have the opportunity to address to both the City Council and the Planning Commission after the EIR was completed. She

again stated that tonight's workshop was to help hammer out whether there was a need for new regulations to be added to the zoning code on all Large Retail Establishments that want to come into the City.

**City Planner Peters** read the following report:

At the April 17, 2006 Planning Commission meeting you held a workshop per City Council direction to review regulations of Large Retail Establishments (LREs). These regulations are intended be included in Article II Section 17.12.040 Commercial, Office, and Industrial District General Development Standards of the new Development Code. Regulation options discussed at the meeting ranged from a ban on LREs to restriction on location of LRE's within the City and, regulations regarding their size and appearance.

After much Commissioner discussion and input from the public, you directed staff to assemble additional information. The following is an assemblage of that additional information.

1. Economic status of the City of Jackson. Staff was directed to provide information regarding sales tax revenue in the City and impacts associated with business leaving the City of Jackson. Attached for you review is a memorandum from City Manager Mike Daly, which details the City's economic status with regard to sales tax revenue.
2. Size of stores and LREs within the City of Jackson and the Martell area. The following is a list of LREs and their size. Additionally, attached for your review is a table depicting general LRE size.
  - Raley's – 60,000+ square feet
  - Safeway – 36,000 square feet
  - True Value – 10,200 square feet
  - Meeks – 30,000 square feet (store) + 30,000 square feet (warehouse)
  - Kmart – 100,000± square feet
  - Walmart – 104,100 square feet
  - Lowes – 135,000 square feet (including garden center)
3. Other examples of LRE regulations. Staff was directed to look at LRE regulations in jurisdictions similar to the City of Jackson such as Grass Valley, Nevada City, and Carmel. Results from staff research for regulations in small, tourist-oriented jurisdictions were poor. The only jurisdiction that had any LRE regulations was Carmel. Their Zoning Code allows LREs in parts of the City however; there were size limitations on retail establishments within the downtown area. The Carmel Zoning Code Section 17.14.040 is attached for your review. Also attached are design guidelines for LREs from Virginia Beach and Town of Queen Creek Arizona.

Additionally attached are two documents from a member of the public, Kathy Allen, regarding LRE impacts on local economies and a letter from Home Depot regarding the imposition of LRE regulations.

The objective tonight is to continue the public workshop to review the different LRE regulation options and provide direction to staff. Staff will incorporate any proposed LRE regulations into the proposed Development Code. Planning Commission and City Council review of the regulations will then occur when the Development Code begins its adoption process.

The Commissioners stated that they were pleased with the information collected but would have liked a little more information in regards to the City's expenditures and property tax collected. The memo received from City Manager Daly stated that the Revenue & Taxation Code Section 7056 prohibits public disclosure on the amount of property tax paid by each property owner within the City of Jackson.

**Chairman Works opened the public hearing** and further stressed the 5-minute rule and again emphasized what this workshop was about.

The following public speakers all expressed their desire to maintain the City's historical elements and some also shared additional information and concerns, as well as questions that were answered by City Planner Peters and Commissioners.

**Kathy Dubois** – expressed her desire that LREs be banned because she felt that the negative impacts outweighed the positive. She also shared documents she prepared that she hoped to be included into the General Plan.

**John Wiens** – objected to an LRE and felt it would be an economic disaster.

**Thornton Consolo** – stated that he would support adopting an ordinance to restrict LRE's to less than 50,000 sq. ft.

**Beth Harford** – expressed her concern on the wet season's run off if an LRE was put in a low area and she also questioned what the city does with an LRE once a business leaves the area and leaves the building behind.

**Amy Lintz** – shared her concerns on the city's tax loss when Safeway and Prospect Motors left. She also felt that the city should designate certain areas and out of the downtown area.

She further shared her concern and shock when she discovered that her property was zoned so that she could put anything from a residence to a gas station.

**Dan Stajanovich: Question:** What can the public expect from the EIR study?

**Answer:** The city hired an outside consultant to prepare the EIR. There's a 3-way contract. The city has a contract with the environmental consultant and also with Home Depot to pay for the EIR. The City will be reimbursed for the expense of having the EIR prepared. It will include traffic impacts, and intersections and road sections that need to be studied.

**Question:** Can the commercial property in the center of town be regulated and changed?

**Answer:** Yes, going through a rezone process can rezone any property in the City. When the City of Jackson was updating the Land Use Element, they went through a large number of meetings. They down zoned approximately 400 pieces of property in the City of Jackson. As one person pointed out there is quite a bit of commercial property in residential neighborhoods occurring right now and yes you can put in a gas station right next to a residence. So, one the driving forces behind the Land Use Element was to try to resolve this issue and the result was they broke down the commercial use so you still had commercial uses but their limited depending on where you are located in proximity to residential neighborhoods. As to the property in question, that property was reviewed and after much discussion, and instead of being down zoned, it kept its commercial status, but it had what is called a Planned Development Overlay placed on it. This means if you want to develop it, you have to go through the environmental process and have an EIR prepared and go through the public review process to show you do not have any significant unavoidable impacts. If there are significant unavoidable impacts, then there must be overriding considerations to negate these impacts. Unfortunately there was a lawsuit placed on the general plan, so it's not in place. Fortunately, however, that piece of property went through the sight plan review committee and it was determined that an EIR was probably necessary because of the number of impacts.

**Tom Blackman** stated that he was against Big Box but stressed that the City needed to be careful and not eliminate all of them. He urged the City to be more aggressive in its annexation because it was his understanding that the city has more power over the county in this area.

**Kathy Allen** shared how the city of Coronado did a good job keeping their city's historic value in mind while thinking about the tourism trade, small businesses and their contribution to the community by figuring out how many independent businesses they needed vs. the national chain type. They set regulations that required design maintenance, small street frontage and not to be set on any corner streets.

**Bill Condrashoff: Question:** What did the letter from Home Depot say?

**Answer:** Their Lawyer wrote it and it pretty much stated that they felt the EIR would show what the impacts would be as well as provide recommended mitigation measure in which to deal with them. It also stated that if the city adopted some sort of regulation, they felt the best thing to do was set some site design regulations.

**Question:** How much money would the city get for every dollar spent by a LRE within the city limits and how much money would the city lose with the loss of businesses?

**Answer:** The city received .01 cents of the 7.25-cent collected from every taxable dollar spent within the city limits. The estimated loss of the cumulative businesses leaving is \$400,000.00 per year.

**Rebecca Brown** shared her concern of what she called the "donut hole effect" by allowing LRE's to surround the historic area of the city.

**Bob Devlin** stated that after receiving a lot of e-mails from people who were concerned about losing their picturesque view and finger pointing on whom allowed this to even be considered. He came to the decision that he needed to participate more and try to make up for the times he didn't because he felt it was the responsibility of the public as well as the city staff to make things fair.

**Jill North** requested that the hours of operation, delivery time guidelines be added to the Development Code for LRE's. She also stated that she felt the city wouldn't be in this mess if there were revenue sharing with the county.

**Bill Braun** stated that he understood the tremendous problem that the Planning Commissioners were facing but stated that the City needed its tourists, and if the visual was gone so would they.

**Susan Bragstad** quoted wording for the zoning ordinance:

"LRE's are not to impact historic view sheds and historic areas."

She also requested that LRE's are not to impact local historic residential areas such as North Main/Jackson Gate Road.

**Mike Rolf** shared his concern that even if the cap was set at 50,000 sq. ft, it could result in a multi LRE site within a 50-acre lot.

**Carla Bowers: Question:** If the city changes the development code to no LREs, after the city received a LRE application, does the applicant have to follow the new code?

**Answer:** It all depends on the wording and the legality.

**Frank Busi** questioned on what would happen to the small dedicated businesses that have been in the city for a long time.

**Jim Laughton** stated that he was on both sides, as a private property advocate, wanting to protect the beauty of the city's historical areas and also felt there should be strict guidelines set on LREs. Mr. Laughton further stated he would like to sit on a debate committee made up of concerned citizens.

**Harry Vela** asked the planning commissioner take in consideration the land the LRE wants to use and what it was once used for, especially considering that large heavy truck will be traveling over this area. Mr. Vela then called attention to the article in the Sacramento Bee where a Placer County resident ended up in the basement when a sinkhole opened up under his home.

**Jack Georgette: Question:** What company is putting together the EIR for Home Depot? And how did the City arrive at the decision?

**Answer:** The City of Jackson put it out to bid. There was 2 consultant proposals received, one from Stan Tech and one from Pacific Municipal Consultants. It was awarded to PMC. The two were comparable to price and quality. PMC had more experience, they are also doing the City's General Plan, Sutter Amador Hospital and Jackson Hills, but we felt that either one would do an adequate job, so the city left it up to the applicant to decide.

**Question:** Should there be a relationship between the applicant and the consultant and have they ever done an EIR report for them before?

**Answer:** The consultants are doing the EIR for the City of Jackson, the applicants are just paying for it, and yes they have done an EIR for another jurisdiction for Home Depot, but so has the other applicant.

**Leslie Deloach: Question:** Can the city restrict like establishments, such as ones that carry the same merchandise?

**Answer:** Some jurisdictions have tried, like Carmel, which said they would allow a certain number of establishments that offer certain products.

**Chairman Works closed the public hearing. 8:05 p.m.**

After much discussion between the City Planner and the Commissioners and further feedback from the audience, the consensus from the Commissioners was to recommend a cap of 50,000 square feet for LREs.

City Planner Peters will bring back to the May 15, planning meeting a proposal of what will go into the zoning code. Ms. Peters will further look at other buildings and compare their building heights.

4. **ADMINISTRATIVE REPORTS.**

No reports were given.

Attest:

\_\_\_\_\_  
Candy Collins, Accounting Services II

Date Approved: August 21, 2006