

Jackson Planning Commission

Minutes

Regular Meeting of May 16, 2011

COMMISSION MEMBERS PRESENT:

Joe Assereto
Dave Butow
Kathryn Devlin Vice-Chairman
Darek Selman
Walt Hoeser, Chairman

CITY STAFF PRESENT:

Susan Peters, City Planner
Gisele Cangelosi, City Clerk

COMMISSION MEMBERS ABSENT:

Note: The Staff Report Packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions, or recommendations which are referred to by Commissioners in their action motions on project decisions, which are contained in the Staff Reports, are part of these minutes. Any written materials, petitions, packets or comments received at the hearing also become part of these minutes. The recording tapes of this meeting are hereby incorporated into these minutes by reference and are stored in the City of Jackson Planning Department.

Chairman Hoeser called the meeting to order at 6:30 p.m.

1. Public Matters Not on the Agenda.

Thornton Consolo, Jackson, reiterated his concern expressed at the April 18, 2011 Planning Commission meeting. Amador County building a new Law Enforcement facility outside the city limits and felt the Planning Commission needed to be aware of this situation because the decentralization of County facilities might have an effect Jackson as the County seat.

3. Approval of Minutes. Minutes from the April 18, 2011 Meeting.

Moved by Vice-Chairman Devlin, seconded by Commissioner Butow to approve the Minutes of the April 18, 2011 meeting.

3. Public Hearing – Variance 2011-01, Gene Buckley, 85 and 101 Shopping Drive, APN's 020-410-026 & 027.

City Planner Peters reported the applicant is requesting a Variance to allow for future residential development on two parcels located on 85 & 101 Shopping Drive. These parcels are currently vacant and specific plans for their improvement have yet to be developed. The majority of these two parcels have slopes in excess of thirty percent. According to Development Code, Article III, Section 17.36.040, development on property with slopes in excess of 30% is prohibited without Planning Commission approval. The lots were created prior to the creation of this restriction. These two lots are currently for sale, however, because of the slope restriction, development cannot occur without a variance. Sale of the lots is unlikely without the ability to develop them in accordance with the zoning.

While variances are typically subject to the California Environmental Quality Act (CEQA), projects which have no possibility of causing an environmental impact can be categorically exempted from CEQA review in accordance with Section 15061(b)(3) of CEQA.

In accordance with Development Code Section 17.82.030 – Findings and Decision, the following findings must be made for approval of the requested variance:

1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code deprives the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts;
2. The Variance authorized does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district;
3. The approval of the Variance is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that could not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted;
4. Granting the Variance:
 - a. Does not allow a use or activity which is not otherwise expressly allowed in the applicable zoning district;
 - b. Would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located; and
 - c. Is consistent with the General Plan and any applicable Specific Plan.
5. The Variance is the minimum departure from the requirements of this Development Code necessary to grant relief to the applicant, consistent with 1 and 2, above.

Should the Planning Commission chose to approve the Variance for Eugene Buckley at 85 & 101 Shopping Drive (APN 020-410-026 & 027) the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving Variance 2010-01 for Eugene Buckley at 85 & 101 Shopping Drive (APN 020-410-026 & 027) based on the Findings in this report.

Chairman Hoeser opened the public hearing. The following individual spoke regarding Variance 2011-01, Gene Buckley, 85 and 101 Shopping Drive: Judy Jebian, Thornton Consolo, Jr. Ball and Jack Georgette. Hearing no further comments from the public regarding Chairman Hoeser closed the public hearing.

The following concerns were discussed:

1. Adhering to all of the development code and improvement standards: grading, off-site parking, soil testing, landscape-arborist, water runoff, driveway slope and tree removal.
2. Whether the buyer was aware of the 30% slope issue.
3. The site plan review committee reviews all applications.
4. Land use entitlements go with the property.
5. The variance gives applicant the ability to submit an application.
6. Approval of this variance would not set a precedent - approved on a case-by-case basis.

Gene Buckley, applicant was present to answer questions of the Planning Commission. Mr. Buckley stated the buyer was aware of the slope issue and that all of the concerns discussed would be addressed prior to pulling the building permit.

After considerable discussion among the Planning Commission and staff the following motion was made:

Moved by Commissioner Selman, seconded by Vice-Chairman Devlin, and unanimously carried to approve the Variance for Eugene Buckley at 85 & 101 Shopping Drive (APN 020-410-026 & 027) staff was instructed to file a Categorical Exemption; and adopt a Resolution approving Variance 2011-01 for Eugene Buckley at 85 & 101 Shopping Drive (APN 020-410-026 & 027) based on the revised Findings.

- 1. There are special circumstances applicable to the property (no flat area to build), so that the strict application of this Development Code deprives the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts;**
 - 2. The Variance authorized does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district because there are other developments in the vicinity on slopes in excess of 30%;**
 - 3. The approval of the Variance is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality;**
 - 4. Granting the Variance:**
 - a. Does not allow a use or activity which is not otherwise expressly allowed in the applicable zoning district;**
 - b. Would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located; and**
 - c. Is consistent with the General Plan and any applicable Specific Plan.**
 - 5. The Variance is the minimum departure from the requirements of this Development Code necessary to grant relief to the applicant, consistent with 1 and 2, above.**
- 4. Public Hearing – Conditional Use Permit for Operation of a Mobile Food Facility, Jose Hernandez and Maria Garcia, 705 South Highway 49, APN 020-500-035.**
- City Planner Peters reported the applicants are proposing to operate Sahori's Tacos in a mobile food facility parked next to Amador Tire and Auto Service located at 705 South Highway 49 (APN 020-500-035). The City of Jackson General Plan Designation and Zoning for this site is Commercial. Development Code Article II Section 17.06.040(B)(2) requires a Conditional Use Permit for uses which are not listed in any zoning district. While Conditional Use Permits are typically subject to the California Environmental Quality Act (CEQA), projects which have no possibility of causing an

environmental impact can be categorically exempted from CEQA review in accordance with Section 15061(b)(3) of CEQA. Staff has no recommended conditions of approval for the proposed conditional use permit.

Should the Planning Commission choose to approve this project, the following findings must be made in accordance with Section 17.76.030 Findings and Decision (for Use Permits) of the Development Code:

1. The proposed use is allowed by the Development Code and is consistent with the General Plan.
2. The proposed use is consistent with the overall character of the surrounding neighborhood.
3. The proposed use will not have a significant adverse effect upon the environment.
4. The operating characteristics of the proposed use are compatible with existing and future land uses in the vicinity.
5. Granting the Use Permit would not be detrimental to the public health, safety, or welfare of the City, or injurious to the property or improvements in the vicinity and zone in which the property is located.
6. The site, development features, and surrounding improvements for the use are physically suitable for the type and density/intensity of the use.

Should the Planning Commission chose to approve the conditional use permit for Mr. Jose Miguel Ordinola-Hernandez & Ms. Maria Karina Garcia, the following actions are recommended:

1. Instruct staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving Conditional Use Permit 2011-01 for Jose Miguel Ordinola-Hernandez & Ms. Maria Karina Garcia at 705 South Highway 49 (APN 020-500-035) based on the Findings in this report.

Chairman Hoeser opened the public hearing. The following individual spoke against Conditional Use Permit for Operation of a Mobile Food Facility, Jose Hernandez and Maria Garcia, 705 South Highway: Thornton Consolo, Martha Perez and Judy Jebian. Hearing no further comments from the public regarding Chairman Hoeser closed the public hearing.

After considerable discussion among the Planning Commission and staff the following motion was made:

Moved by Commissioner Butow, seconded by Commissioner Assereto, and unanimously carried to deny Conditional Use Permit for Operation of a Mobile Food Facility, Jose Hernandez and Maria Garcia, 705 South Highway 49, APN 020-500-035 based on Findings 4 and 6 could not be met.

4. **The operating characteristics of the proposed use are compatible with existing and future land uses in the vicinity.**
6. **The site, development features, and surrounding improvements for the use are physically suitable for the type and density/intensity of the use.**

5. Sign Ordinance Review.

City Planner Peters reported at the December 20, 2010 meeting the Planning Commission reviewed the following changes to Development Code, Article III, Chapter 17.54 Sign Regulations:

- Adding a time limit to nonconforming temporary signs;
- Replacing pole signs with monument and free-standing sign requirements;
- Disallowing internally lit cabinet signs;
- Requirements for window signs;
- Total aggregate signage allowed;
- Descriptions of how signs are measured;
- Requirements for attention getting devices;
- Requirements for vehicle mounted signs.

Also at that meeting, the Planning Commission directed staff to address channel letter signs in the Sign Regulations and gather photographs of signs that would be appropriate in the City of Jackson for inclusion in a handout to business owners. Additionally, the Planning Commission agreed that this item should be tabled until after the countywide workshop on the economics of good design that was held in March.

The Planning Commission was provided the second draft of amended Development Code Article III, Chapter 17.54 Sign Regulations that includes the above issues along with some language regarding channel letter signs. Staff is still working on gathering photographs for inclusion in a brochure which can be handed out to business owners regarding appropriate signage. Any help from Planning Commissioner's or the public toward this end would be greatly appreciated.

With the Planning Commission's concurrence staff would like to place the updated Chapter 17.54 Sign Regulations on the Planning Commission's June 20, 2011 meeting for formal recommendation to the City Council for their approval. Additionally, it is recommended that the Planning Commission establish a "Task Force" made up of two Planning Commissioners and, possibly, interested members of the public to review all business in the City for compliance with the Sign Regulations. Once we have a list of violations, staff, along with the Task Force, can meet with business owners to educate them regarding the City's aesthetic goals and work cooperatively towards bringing signs into compliance. Concurrently, staff will be meeting with local sign makers to review the changes in the Sign Regulations and to solicit support to achieve the City's goals.

Chairman Hoeser opened the public discussion. The following individuals voiced their concerns regarding the Sign Ordinance Review: Thornton Consolo and Judy Jebian. Hearing no further comments from the public Chairman Hoeser closed the public discussion hearing.

The Planning Commission reviewed Chapter 17.54 Sign Regulations page-by-page and after considerable discussion among the Planning Commission and staff the item was continued to the Planning Commission's June 20, 2011 meeting for formal recommendation to the City Council for their approval. Thornton Consolo volunteered to serve on the "Task Force" to review all business in the City for compliance with the Sign Regulations.

6. Administrative Reports.

Vice-Chairman Devlin stated the new façades on Main Street are looking great.

City Planner Peters reported the 10-day appeal period for the Planning Commission's denial of Rollingwood Subdivision application ended April 28 and no appeal was filed so the application was deemed denied.

Commissioner Butow provided a copy of Listserve regarding yard sale guidelines. City Planner Peters stated this is a bigger issue that needed to be addressed by the City Council.

Adjourn 9:37 p.m.

Attest:



Gisele L. Cangelosi, City Clerk

Date Approved: June 20, 2011