

Jackson Planning Commission

Minutes

Regular Meeting of August 15, 2011

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Susan Peters, City Planner
Michael Daly, City Manager
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.

None.

2. Approval of Minutes. Minutes from the July 18, 2011 Meeting.

Moved by Commissioner Assereto, seconded by Commissioner Butow, and unanimously carried to approve the Minutes of the July 18, 2011 meeting as amended.

3. Public Hearing – Conditional Use Permit to Relocate the Pioneer Rex, DBA The Fargo from its Current Location at 2 Main Street to 160 Main Street, 020-194-009, Jacqueline Harrison.

City Planner Peters reported the applicant is requesting a Conditional Use Permit to allow for relocation of The Fargo Club to 160 Main Street in downtown Jackson (APN 20-194-009). The existing Fargo Club is located at 2 Main Street. The Planning Commission was provided a copy of the “Relevant Facts” prepared by the applicant that explains the purpose for their proposed relocation.

The City of Jackson General Plan Designation and Zoning for this site is Historic Commercial (HC). The updated Land Use Element of the General Plan and the recently adopted Development Code placed some restrictions on certain types of commercial activities in the Historic Commercial Zone. These restrictions were added primarily in order to protect and/or enhance tourism on Main Street. Table 2-4 in Section 17.12.030 of the Development Code allows for bars not associated with a restaurant, but only with a Conditional Use Permit. 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. Because the proposed

project is a change of use for an existing structure, with no environmental impacts anticipated, this project qualifies for a categorical exemption in accordance with Section 15061(b)(3) of CEQA.

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.

Staff believes Findings 1, 2, 3, and 6 can be met because bars are expressly listed and the use is consistent with the Development Code and General Plan; because there is no change to the existing building the existing character of the neighborhood would not be affected; there will be no environmental effect because the proposed use would be occurring in an existing structure in an urbanized area; and the existing building size, and parking location are suitable for this proposed use. Finding 4 is subjective as use of the building as a bar, while still retail, is very different than the previous use of the building and the other retail and service uses in the area. Furthermore, according to the Jackson Police Department, bars, by their very nature, can potentially impact public safety and thus Finding 5 may also be difficult to meet.

Should the Planning Commission chose to approve the conditional use permit for The Fargo Club, staff recommends the following conditions:

1. Interior and exterior security cameras shall be installed to the satisfaction of the Chief of Police.
2. An interior and exterior lighting plan shall be designed to enhance security of the building. The design shall be submitted to and approved by the Chief of Police.
3. The management shall take reasonable measures to discourage any loitering in the vicinity of the building. This condition shall be implemented to the satisfaction of the Chief of Police.
4. This Conditional Use Permit shall be reviewed in six months for consistency and additional conditions if necessary.
5. All signs shall be reviewed by the Planning Department for content and Mother Lode Design appropriate to the location on Historic Main Street.

Should the Planning Commission chose to approve the conditional use permit for The Fargo Club, the following actions are recommended:

1. Instruct staff to file a Notice of Exemption; and,
2. Adopt a resolution approving Conditional Use Permit 2011-02 for Jacqueline Harrison based on the Findings and subject to the Conditions of Approval in this report.

Should the Planning Commission chose to deny the conditional use permit for The Fargo Club a resolution should be adopted denying the project because Findings 4 and/or 5 could not be met.

In response to the public notice published, the City has already received several letters of opposition from the following community members.

1. Police Department Activity Report for The Fargo.
2. Bella Cucina Catering and Event Planning, Christine French, Owner.
3. Main Street Designs, Rhonda Hendricks, Manager
4. Main Street Designs, Colleen Kramer, Employee
5. Main Street Designs, Dennis Swanson, Owner
6. Treasures Mercantile, Leonard Hendricks, Owner

Chairman Hooser opened the public hearing. The following individuals spoke their concerns regarding the Conditional Use Permit to Relocate the Pioneer Rex, DBA The Fargo from its Current Location at 2 Main Street to 160 Main Street: Jim Yep, Christine French, Rhonda Hendricks, Judy Jebian, Sal LaFerrera, Dick Harrison, John Herrell, Diana May, Leonard Hendricks, Perley Tyson, Rich Escamilla, Thornton Consolo Jim Laughton, Jack Georgette, Fred Peralta, Robert Carr and Travis Williams.

Hearing no further comments from the public, Chairman Hooser closed the public hearing.

Errol Esbitt, Architect representing The Fargo was present to answer questions of the Planning Commission. He noted he had researched downtown Main Street and determined this location was previously a bar. The current location is a congregating area, which are not just the patrons. The applicant decided moving to 160 Main would upscale their business. He stated Mr. Lukowicz is in the process of buying this location and they felt it would be an appropriate time to move.

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

Moved by Commissioner Assereto, seconded by Commissioner Butow, and carried by a 4 to 1 (Commissioner Selman dissenting) to adopt a resolution denying Conditional Use Permit 2011-02 for the Fargo Club a resolution should be adopted denying the project because Findings 2, 4 and 5 could not be met which are required by Section 17.76.030 Findings and Approval (Use Permits) of the Development Code.

City Planner Susan Peters stated the action is appealable to the City Council with a written request and a \$200.00 fee to the City Clerk within 10 calendar days.

4. Historic Design Review Requesting Replacement of Existing Awning at 33 Main Street, Richard and Sherry Small.

City Planner Peters reported the applicants are requesting to replace their existing canvas awning at 33 Main Street with a cantilevered awning with a metal roof and supported by metal brackets. The existing awning is difficult to keep clean and frequently needs replacing. The proposed awning will be a permanent structure that would be easier to keep clean. The Planning Commission was provided a copy of a photo of the existing structure along with a photo of the neighboring structure to which the

proposed awning would look similar. The proposed color to be utilized on the wood portions of the awning are the same as color of the door on the building.

Development Code, Article IV, Chapter 17.77 Historic Design Review requires any project in the Historic Commercial Zone requiring a building permit to be reviewed and approved by the Design Review Committee. In the event there is no Design Review Committee, the Planning Commission has the authority to review the project (Article IV, Section 17.70.020). The proposed project is zoned Historic Commercial and does require a building permit.

In accordance with Development Code Section 17.77.040 – Findings and Decision for Certificate of Appropriateness, the following findings must be made for approval of the requested design:

1. The project, including its character, scale and quality of design, is consistent with the purpose of the Development Code, and all applicable development standards and historic design guidelines;
2. With regard to a designated historic resource, the proposed work will neither adversely affect the significant architectural features of the designated historic resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site;
3. With regard to any property located within the Historic Commercial Zone, the proposed work conforms to the Historic Design Guidelines for the district and does not adversely affect the character of the district;
4. The proposed project is consistent with the General Plan.

It is staff's opinion that all four findings can be made for this project. It is recommended that the Planning Commission review the design for improvements at 33 Main Street and adopt a resolution approving the proposed design based on the findings in this report.

Chairman Hoeser opened the public discussion. The following individuals provided public comment: Judy Jebian, Jim Yep, and Thornton Consolo. Hearing no further comments from the public, Chairman Hoeser closed the public discussion.

City Planner Peters reported at the July 25 City Council meeting, staff was directed to begin a recruitment for members to sit on the newly forming Design Review Committee. The appointment of this committee is scheduled for the August 22 City Council meeting and recommends this application be forwarded to Design Review Committee for consideration.

Commissioner Butow inquired if the applicant could appeal the Design Review Committee's decision to the Planning Commission. City Planner Peters stated the action could be appealable to the City Council with a written request and a \$200.00 fee to the City Clerk.

After considerable discussion among the Planning Commission and staff, staff directed staff to forward this application to the newly appointed Design Review Committee for consideration.

City Planner Peters Susan stated she would report back to the Planning Commission Design Review Committee under Administrative Reports.

5. Administrative Reports.

City Planner Peters reported the following items would be considered at the September 19 meeting.

1. Sign Ordinance update, public outreach and submittal of the final draft of the Sign Brochure
2. Tentative Parcel Map 2834, Unauk Corporation, Lot split 201 Clinton Road into two parcels at the September 19 meeting.

Chairman Hoeser inquired a status updated on the Amador-Tuolumne Community Action Agency Regarding "Sutter Family Homes" Project on Argonaut Drive near Sutter Street. City Planner Peters stated she does not have any additional information at this time.

Adjourn 8:22 p.m.

Attest:



Gisele L. Cangelosi, City Clerk

Date Approved: September 19, 2011