

# Jackson Planning Commission Minutes Regular Meeting of May 15, 2006

**COMMISSION MEMBERS PRESENT:**

Dave Butow,  
Wayne Garibaldi  
Rosemary Faulkner  
Terri Works, Chairman

**CITY STAFF PRESENT:**

Susan Peters, City Planner  
Michael Daly, City Manager  
Candy Collins, Accounting Assistant

**COMMISSION MEMBERS ABSENT:**

Warren Carleton, Vice-Chair

**CITY STAFF ABSENT:**

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

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

**Thornton Consolo** spoke about how important he felt it was for all members of the community to be considered when the Planning Commissioners and City Council make decision for the City of Jackson. He also stated that he felt there needed to be more advertisement for upcoming meetings.

**2. Approval of Minutes of March 20, 2006 meeting.**

**Moved by Commissioner Butow, seconded by Commissioner Garibaldi and unanimously carried to approve the minutes of March 20, 2006.**

**3. Public Hearing – Tentative Parcel Map 2721, Charles & Mithu Odaiyar and Cindamanie Karan, APN 020-420-031.**

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

Project Description

The applicants are proposing to divide one 8.1-acre site located on the southern portion of Broadway into four parcels ranging in size from 1.11 acres to 2.69 acres. The site is currently unimproved and vacant. The proposed use of the four parcels is single-family residential. Access to the parcels would be via a new cul-de-sac.

General Plan Designation and Zoning

The City of Jackson General Plan designation and zoning is Commercial (C-2). Residential development is expressly allowed within the C-2 zone.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared for this project and was attached for review. The Initial Study revealed a potentially significant adverse environmental impact to traffic. For this reason, the project does not qualify for a Negative Declaration. Staff recommends that the applicant prepare an Environmental Impact Report (EIR). Additionally, comment letters were received from City of Jackson Engineering Technician Gary Urzik, PG&E, and Amador Air District. Recommended Conditions of Approval from these responders are included in this staff report.

### Discussion

Despite the significant unavoidable impact to circulation resulting from any additional traffic, the Planning Commission has approved a few Tentative Parcel Maps with a Negative Declaration or Mitigated Negative Declaration as opposed to an EIR on the basis that the City is in the process of amending the Circulation Element and small infill projects would, according to the proposed update, be allowed to exceed the Level of Service threshold. For this reason, staff is providing the necessary information should the Commission choose to approve the project with a Negative Declaration.

**In answer to Commissioner Butow's question, City Planner Peters** stated that Caltrans did not respond, even though they had over 30 days to do so. She further stated that the City has a new format and forms to communicate with inter-governmental relations. The agreement was approved by City Council at their last meeting, but this application referral package went out prior to the new format getting adopted. Ms. Peters also stated that because the access road was off Broadway, the applicants were not required to get an encroachment permit from Caltrans, unless in the future they chose to participate in work along Broadway, then at which time someone would need to obtain one.

**City Planner Peters** finished reading the following report:

### Findings

Should the Planning Commission choose to approve this project, the following findings should be made:

1. The proposed Tentative Parcel Map is consistent with surrounding land uses.
2. The proposed land division will not be a detriment to the public health, safety, or general welfare of this community.
3. The proposed use will not have a significant adverse effect upon the environment.

### Conditions of Approval

Should the Planning Commission choose to approve this project, the following findings should be made:

1. All Standards for Development shall apply to this project.

2. A tree survey depicting trees to be removed or saved in accordance with the Landscape Planning Ordinance shall be submitted to the City Council prior to any clearing or grading activities.
3. In accordance with the Landscape Planning Ordinance, any trees designated to be saved shall have field fencing installed around the drip line of the tree for the duration of construction.
4. Removal or damage of any trees designated to be saved will result in a minimum fine of \$5,000 per tree.
5. Air contaminants generated by activities on this property must comply with the Rules & Regulations of the Amador Air District. This condition shall be implemented to the satisfaction of the City Engineer.
6. Wood burning stoves or fireplace inserts for single-family residences shall be US EPA certified. This condition shall be implemented to the satisfaction of the Building Department.
7. Wood burning stoves and fireplaces shall not be allowed for multi-family or commercial development. This condition shall be implemented to the satisfaction of the Building Department.
8. Alternative methods should be considered for disposal of any natural vegetation cleared from this project instead of using open burning. However, if the vegetation cleared from the property will be burned onsite, a permit for "Land Development Clearing" must be obtained from the Amador Air District. This condition shall be implemented to the satisfaction of the Engineering Department.
9. Unwanted construction scrap materials shall be hauled offsite and disposed of in a legal manner and not burned. This condition shall be implemented to the satisfaction of the Building Department.
10. A water truck shall be used to control fugitive dust during construction and vehicles entering and leaving the site must drive slowly to reduce airborne dust. This condition shall be implemented to the satisfaction of the Engineering Department.
11. All material excavated or graded must be adequately watered to prevent excessive quantities of airborne dust. This condition shall be implemented to the satisfaction of the Engineering Department.
12. All clearing, grading and excavation activities shall cease during periods of dry conditions combined with strong winds to prevent creating excessive quantities of airborne dust. This condition shall be implemented to the satisfaction of the Engineering Department.
13. All material transported offsite shall be sufficiently watered or securely covered to prevent creation of excessive quantities of airborne dust. This condition shall be implemented to the satisfaction of the Engineering Department.
14. Streets adjoining the project shall be kept free of dirt, rock or other materials tracked out of the construction site. This condition shall be implemented to the satisfaction of the Engineering Department.
15. There shall be a five-foot separation between PG&E trench and any "wet" utilities (including storm drains). This condition shall be implemented to the satisfaction of the Engineering Department.
16. A drainage study shall be done to determine the necessary improvements to be made on and off site. This condition shall be implemented to the satisfaction of the Engineering Department.

17. Curb, gutter, and sidewalk shall be installed on both sides of street unless developer proposes a gated community. Sidewalk shall be provided to Highway 49. This condition shall be implemented to the satisfaction of the Engineering Department.
18. Bryans Drive shall be 32 feet face of curb to face of curb with 52-foot right of way with “No Parking” signs installed on one side of the street. This condition shall be implemented to the satisfaction of the Engineering Department.
19. There shall be three parking spaces per lot, not to include garage, allowing for a 24-foot wide driveway apron at the curb line. This condition shall be implemented to the satisfaction of the Engineering Department.
20. A street light assessment district shall be formed. This condition shall be implemented to the satisfaction of the Engineering Department.
21. Street and sidewalk design shall accommodate Title 24 (Handicap Accessibility) standards. This condition shall be implemented to the satisfaction of the Engineering Department.
22. Developer shall loop water system from Broadway to Highway 49 water system. This condition shall be implemented to the satisfaction of the Engineering Department.
23. Developer shall improve Broadway one-half section plus a 12-foot south bound lane across project frontage on horizontal and vertical alignment approved by the City. Structural section shall be reconstructed to achieve adequate thickness based on “R” value testing and a traffic index of 7. Soils testing shall be conducted and a structural section design submitted for review and approval by the City Engineer.
24. Developer shall work with Caltrans to improve the Broadway/Highway 49 intersection. A “T” intersection at the high point of Highway 49 would be the desirable connection point. This condition shall be implemented to the satisfaction of the Engineering Department.
25. Sewer shall be connected to Highway 49. This condition shall be implemented to the satisfaction of the Engineering Department.
26. Fire hydrants shall be spaced a minimum of 400-feet or as specified by the Fire Chief.

### Action

Should the Planning Commission choose to approve Tentative Parcel Map 2721, the following actions are recommended:

1. Approve a Negative Declaration and instruct staff to file a Notice of Determination;
2. Determine that the project will have a de minimus effect on fish and wildlife and instruct staff to file a Certificate of Fee Exemption; and
3. Adopt a resolution approving Tentative Parcel Map 2721 for Charles & Mithu Odaiyar and Cindaminie Karen based on the Findings and subject to the Condition of Approval in this report.

**Commissioner Garibaldi** questioned where there is an existing C-2 zoning and they’re doing residential, can one of the conditions be it to go to residential zoning, because he felt it would be beneficial to have a zoning that was in keeping with the usage. He also stated that even though our Development Code states that residential use is allowed in C-2, the intent for this was to look at some of the commercial development along Main street and other places and to create some affordable housing by either allowing building on top or in back, even though in some of the situations where he would prefer commercial development to create jobs or taxed based.

Commissioner Garibaldi felt that in some of the cases where applicants want to cut up parcels and make them residential, then they should make the commitment to go residential and rezone to such.

**Commissioner Faulkner** questioned why an EIR and so many Conditions of Approval (COA) were recommended on this small of a project.

**City Planner Peters** explained that this project has 4 lots and adding one more car exceeds the threshold, which causes these small projects to get hung up traffic wise unless they do an EIR or the planning commission determines that the impact is small. In terms of the COAs, 80% of the conditions are standards and are being applied to all parcel developments. These are going to be more stringent in writing by adding them to the resolution so there will be no questions as to what is required by the developer.

**Ron Able** representing the applicant showed staff and the commissioners a map that had a better view of what the applicants, **Charles & Mithu Odaiyar and Cindamanie Karan** were thinking of doing with the property.

**City Planner Peters** explained that the applicant originally came before the planning department with a map that showed 18 lots. The Planning Commission and the City Council turned him away because he didn't have an allocation for the subdivision map. She further explained that 5 or more lots are subject to resource constraints priority allocation ordinance, so the application was not accepted. The applicant was advised to wait until an allocation for 2006 was established. The allocation for 2006 was established at "0". The applicant amended his map from 18 lots down to 4 lots.

**Chairman Works opened the public hearing.**

**Hearing none, Chairman Works closed the public hearing.**

**Moved by Commissioner Garibaldi, seconded by Commissioner Butow and unanimously carried to approve Tentative Parcel Map 2721, Charles & Mithu Odaiyar and Cindamanie Karan, APN 020-420-031 based on the findings and subject to the Conditions of Approval, with the following amendments:**

- 1. COA #23 would be amended to include a development agreement to obtain reimbursement of improvements to Broadway from future developments.**
  - 2. COA#24 would be stricken.**
  - 3. Add a COA requiring the applicant to apply and obtain a rezone from commercial (C-2) to single-family residential (R-1.)**
  - 4. Add a COA to change the name proposed on the TPM to a historically significant name to the satisfaction of the City Planner.**
- 4. Public Hearing – Tentative Parcel Map 2728 and Rezone, Susie Simmons & Eve Fenstermaker, APN 020-311-003.**

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

Project Description

The applicants are proposing to divide one 8100 square foot site into two parcels to allow for individual ownership of each residential structure. Parcel A is proposed to be 3649 square feet and Parcel B is proposed to be 4453 square feet.

Additionally, to accommodate the reduced lot size and deviations from the required setbacks, the applicants are requesting a rezone from Commercial (C-2) to C-2 with a Planned Development (PD) overlay.

Ms. Peters added that the planned unit development according to our ordinance allows for deviation in our development standards without requiring a variance.

General Plan Designation and Zoning

The City of Jackson General Plan designation and zoning is Commercial (C-2). Residential development is expressly allowed within the C-2 zone.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared for this project. The Initial Study did not reveal any significant adverse environmental impacts. For this reason, the project qualifies for a Negative Declaration.

Ms. Peters further added the difference between this project the previous Odiayar project is this property is already developed land and the applicants are essentially only placing a line between the two (2) existing buildings for individual ownership. They're now actually building something new.

Findings

Should the Planning Commission choose to recommend this project to the City Council, the following findings should be made:

1. The proposed Tentative Parcel Map and rezone is consistent with surrounding land uses.
2. The proposed land division and rezone will not be a detriment to the public health, safety, or general welfare of this community.
3. The proposed land division and rezone will not have a significant adverse effect upon the environment.

Conditions of Approval

Should the Planning Commission choose to recommend this project to the City Council, the following conditions should be considered:

1. Each parcel shall have a separate water and sewer service, if not already. This condition shall be implemented to the satisfaction of the City Engineer.

2. A paved driveway shall be constructed to each parcel with a minimum parking area 16-feet wide by 20-feet deep provided for each parcel. Parking areas shall be positioned out of the 10-foot wide driveway easement. A turn around area shall be provided so that backing out onto City streets is prevented. A site improvement plan shall be submitted to the City for approval with engineer's estimate accounting for all improvements. This condition shall be implemented to the satisfaction of the City Engineer.
3. A paved shoulder shall be provided along frontage on South Avenue for parking. This condition shall be implemented to the satisfaction of the City Engineer.
4. A 10-foot wide public facilities easement shall be dedicated to the City at the driveway line (a city sewer exists within the driveway easement). This condition shall be implemented to the satisfaction of the City Engineer.
5. A drainage plan shall be included in the site plan improvements showing how drainage will be controlled from South Avenue to the creek from each parcel. No parcel shall drain onto another without a public facilities easement. This condition shall be implemented to the satisfaction of the City Engineer.
6. Per the Uniform Plumbing Code a backflow prevention device shall be installed for each sewer lateral. This condition shall be implemented to the satisfaction of the City Engineer.
7. Fence lines shall be relocated out of the City's right of way and driveway easements. This condition shall be implemented to the satisfaction of the City Engineer. (See note below.)

**Note:** Ms. Peters stated that staff (engineering department) had checked with her this Monday afternoon and they would like to have #7 of the COA removed. The Engineering Department had originally felt that the fence could be relocated and it turns out that it is not as easy as it was originally intended.

#### Action

Should the Planning Commission choose to recommend approval of Tentative Parcel Map 2728 and rezone to the City Council, the following actions are recommended:

Move to recommend to City Council approval of Tentative Parcel Map 2728 and rezone for Susie Simmons & Eve Fenstermaker based on the Findings and subject to the Condition of Approval in this report.

Discussion ensued between City Planner Peters and the Commissioners in regards to the request of a planned development overlay for this property that would allow for flexibility of setbacks and lot size change. Ms. Peters further explained that to get this deviation they would have to go through a discretionary review.

#### **Chairman Works opened the public hearing.**

**Applicant Susie Simmons** stated that her surveyor came up with a couple issues

1. Did the applicants need to get permission from the neighbors if they wanted to pave the driveway easement?
2. In regards to #4 of the Condition of Approvals (COA), the Marcucci house sits 5-feet into that easement.

**City Planner Peters** answered #1 and #2 by stating Gary Urzik, the city's engineer technician stated that because it is an easement, they have a right to pave it, because it is an improvement and these are to be implemented to the satisfaction of the City Engineer

**Chairman Works** closed the public hearing. .

**Moved by Commissioner Butow to deny the Tentative Parcel Map 2728 and Rezone, Susie Simmons & Eve Fenstermaker, APN 020-311-003. Motion died for lack of a second.**

**Moved by Commissioner Faulkner and seconded by Commissioner Garibaldi to approve Tentative Parcel Map 2728 and Rezone, Susie Simmons & Eve Fenstermaker, APN 020-311-003 with a 3-1 vote (Commissioner Butow opposed) based on the findings in this report and the conditions of approval with a recommendation to the City Council to approve. Motion passed to the City Council.**

**5. Public Hearing – Tentative Parcel Map 2726, Mark A. Knudsen, APN 020-420-032.**

**Commissioner Garibaldi** put on record that his employer has business with Mr. Knudsen on another piece of property within 500-feet of this proposed property. Mr. Garibaldi added that he did not feel this would compromise his impartialness.

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

#### Project Description

Mr. Mark Knudsen is proposing to divide one 0.51acre lot into four lots ranging in size from 4800 square feet to 6500 square feet. The property is built out with two duplex units for a total of four residential units. The purpose for the split is to allow for individual ownership of each residential unit. There will be 4 lots, 4 owners.

#### General Plan Designation and Zoning

The City of Jackson General Plan designation for the project site is Medium Density Residential and the zoning is Commercial (C-2).

#### Environmental Review

In accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared for this project. The Initial Study did not reveal any significant adverse environmental impacts. For this reason, the project qualifies for a Negative Declaration. The proposed Tentative Parcel Map was circulated to responsible agencies for comment. Comments received are incorporated into the proposed Conditions of Approval in this report. The only comment received was from the city's engineer technician representing the city's engineering department.

#### Findings

Should the Planning Commission choose to approve this project, the following findings should be made:

1. The proposed Tentative Parcel Map is consistent with surrounding land uses.
2. The proposed land division will not be a detriment to the public health, safety, or general welfare of this community.
3. The proposed land division will not have a significant adverse effect upon the environment.

Conditions of Approval

Should the Planning Commission choose to approve TPM 2726, the following Conditions of Approval are recommended:

1. Because the structures will be individually owned, the impact fees collected shall be for single-family residence (R-1) instead of multi-family. This would be an increase of \$803.00 per unit.
2. Final map shall show all sewer easements. This condition shall be implemented to the satisfaction of the City Engineer.

Action

Should the Planning Commission chose to approve Tentative Parcel Map 2726 for Mr. Knudsen, the following actions are recommended:

1. Approve a Negative Declaration and instruct Staff to file a Notice of Determination;
2. Determine that the project will have a de minimus effect on fish and wildlife and instruct Staff to file a Certificate of Fee Exemption; and
3. Adopt a Resolution approving Tentative Parcel Map 2726 for Mr. Mark Knudsen based on the Findings and subject to the Conditions of Approval in this report.

**City Planner Peters** further adds that the Planning Commissioners have seen a couple of similar 4-way splits after they had been developed into duplexes. They were later discovered they could be further split because they were commercial.

**Applicant Mark Knudsen** stated that rather than a rezone, maybe there could be a condition in the CCRs prohibiting commercial use because a rezone to residential could possibly create legal problems for him.

**City Planner Peters** stated that a condition of approval where a CCR and deed restrictions were submitted to the planning department that showed restricted use to single-family residential or duplex use and also a maintenance agreement for the duplex units.

**Chairman Works opened the public hearing.**

**Hearing none, Chairman Works closed the public hearing.**

**Moved by Commissioner Garibaldi and seconded by Commissioner Faulkner and unanimously carried to approve Tentative Parcel Map 2726 based on the findings in this report and the conditions of approval, subject to the following;**

- 1. Property has been rezoned from commercial (C-2) to (C-2) with a Planned Unit Development Overlay (PD).**
- 2. That the city sees evidence of CCRs that restrict or prohibit commercial use on the property.**
- 3. A homeowner's maintenance agreement to maintain common property shall be created and submitted to the Planning Department for approval.**

**6. Public Hearing – Planned Development Amendment, Ron Regan, APN 044-440-028.**

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

Project Description

The applicant, Mr. Ron Regan, is requesting a Planned Development Amendment to allow for 10578 Ridgecrest Drive in Argonaut Heights II to be developed with a single-family residence. The Final Map for Argonaut Heights II allowed for 39 single-family residential lots and one lot to be developed with a cellular tower. The site has been offered to cellular companies, and a Conditional Use Permit was granted for the use of the site as a cell tower, however, the site has never been accepted.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA) an initial study was prepared for this project. The Initial Study revealed a potentially significant adverse environmental impact to traffic. For this reason, the project does not qualify for a Negative Declaration. Staff recommends that the applicant prepare an Environmental Impact Report (EIR).

Discussion

Despite the significant unavoidable impact to circulation resulting from any additional traffic, the Planning Commission has approved some Tentative Parcel Maps with a Negative Declaration or Mitigated Negative Declaration as opposed to an EIR on the basis that the City is in the process of amending the Circulation Element and small infill projects would, according to the proposed update, be allowed to exceed the Level of Service threshold. For this reason, staff is providing the necessary information should the Commission choose to approve this planned development amendment with a Negative Declaration.

Conditions of Approval

Should the Planning Commission choose to approve this Planned Development Amendment all applicable Conditions of Approval from the original subdivision shall apply. This condition shall be implemented to the satisfaction of the City Planner and City Engineer.

Action

Should the Planning Commission choose to approve Planned Development Amendment for Mr. Ron Regan, the following action is recommended:

1. Approve a Negative Declaration and instruct staff to file a Notice of Determination;
2. Determine that the project will have a de minimus effect on fish and wildlife and instruct staff to file a Certificate of Fee Exemption; and
3. Adopt a resolution approving a Planned Development Amendment to Argonaut Heights II for Mr. Ron Regan based on the Findings and subject to the Condition of Approval in this report.

**Planning Commissioners** discussed the issues of the foliage at the Argonaut Heights II.

**Applicant Ron Regan** expressed his feelings about the type of foliage used and in his opinion felt they have done a good job.

**Chairman Works opened the public hearing.**

**Jack Georgette** stated that he felt Mr. Regan was doing a great job.

**Jim Marshall**, resident of Argonaut Heights II stated that he liked the foliage because it was low maintenance, felt that the proposed lot would be ideal for a home, too small for a park and would take care of the problem of the weed problem in that lot.

**Chairman Works closed the public hearing.**

**Commissioners Butow and Chairman Works** questioned who was responsible for the maintenance along the city roads that the Argonaut Heights II homeowners were paying for.

**City Manager Daly** stated he would take care of this.

**Moved by Commissioner Faulkner, seconded by Commissioner Garibaldi and unanimously carried to approve the Planned Development Amendment (PDA) for Ron Regan, based on the findings and subject to the original conditions applied in Planning Commission Resolution 2000-11**

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

**Chairman Works** announced that the workshop was in regards to LREs and not on a specific large store and keep comments to such.

**City Planner Peters** gave a little background on the General Plan and Development Code.

The general plan update began years ago and the bulk of it was approved in 1981, which by now is out of date. The driving force behind a lot of the changes that were made was a result of commercial in a lot of areas that were predominately surrounded by residential. There was a steering committee formed after a series of neighborhood meetings. The steering committee made recommended changes to over 400 pieces of property in the City of Jackson on changing the zoning from straight commercial to other types of commercial. This allowed commercial development, but restricted some of the more abrasive uses in residential neighborhoods. That general plan land use element update went to the City Council and was approved after numerous public hearings. In October 2004, as a result of a lawsuit, it was rescinded by the City Council. The City Council determined to have an EIR prepared on that land use update. Along with this, staff felt that there was going to be efficiency if the development code was updated. The zoning code is a lot like the general plan, outdated and in need of updating to modern zoning practices to meet the growth rate of the city. The planning commission has been diligently working on the development code update that will replace the existing chapter 17 zoning code. The development code includes things like hillside standards, floor area ratios, and smart growth techniques. So, when the LRE issue was brought up, staff decided that at the City Council's request, to take it to the Planning Commission to consider regulations. Staff's recommendation was to include these into the new development code so that the EIR could occur on any regulations, if the City Council or Planning Commission chose to adopt any.

Ms. Peters also stated that when the Steering Committee, and subsequently the City Council and the Planning Commission made a lot of the changes to the commercial land uses, most, if not all of the large tracks of land that is designated for commercial were purposed to have a planned development overlay. This was along with some of the larger tracks of residential suburban uses. This planned development overlay requires discretionary review anytime there is a change in land use being proposed. This was another mechanism that the City Council and the Planning Commission was using to review projects as they came in to determine their environmental and social impacts to the community. The Planning Commission was charged with the responsibility to come up with some regulations. To date there has been a couple workshops, public testimony, and staff has been directed to make some proposed regulations.

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

After three separate public workshops, the Planning Commission at their May 1, 2006 special meeting directed staff to develop amendments to the proposed Development Code to include language regulating Large Retail Establishments (LREs). Specifically, you directed staff to develop language for the Code, which restricts commercial buildings within the City of Jackson (and those areas that could be annexed to the City) to a maximum floor area of 50,000 square feet and place height limits and architectural standards on LREs.

Toward that end staff has attached for your review an updated Article II of the proposed City of Jackson Development Code. Modifications were made Table 2-5 COMMERCIAL, OFFICE, AND INDUSTRIAL DISTRICT ALLOWABLE LAND USES, and Table 2-6 COMMERCIAL, OFFICE, AND INDUSTRIAL DISTRICT GENERAL DEVELOPMENT STANDARDS. Note that two options are presented for restricting the floor area of LREs. Table 2-5 requires a

Conditional Use Permit for LREs over 50,000 square feet in floor area. This approach is similar to the City of Turlock and would allow for the Planning Commission to discretionarily review a LRE greater in size than 50,000 square feet considering that there may be sites within the City (or could be annexed) that may accommodate a large commercial development. Additionally, should Raley's choose to expand, or a LRE chooses to site at Safeway, once Safeway moves to Martell, the Conditional Use Permit process could accommodate such development. Alternatively, Table 2-6 establishes a maximum Commercial building size of 50,000 square feet. This option would be a straight ban on LREs over 50,000 square feet. Either of these two methods of restricting building size, a modified alternative, or no action could be considered for City Council recommendation.

Table 2-6 was also modified to restrict the building wall height to 30 feet (Raley's wall height is 26 feet). This height restriction allows for two story commercial structures with pitched roofs in the Commercial zone. The height restriction would remain four stories or 70 feet for the Historic Commercial to accommodate the taller buildings. Additionally, architectural and site design standards have been added to Section 17.24.050 (I). These provisions would be applied to either size-limitation option the Commission chooses.

Per Commissioner Garibaldi's request, a General Fund Program Expenditure Summary has also been included in this packet.

**City Planner Peters and Commissioners** went over the Development Code further and discussed some further fine-tuning and changes. Some of these were to delete, add or modify language to the existing language.

**City Planner Peters** clarified that what has been done so far is not approval but to instruct staff to incorporate the development code into the environmental review. Once the environmental review is complete, than there will be a public hearing on the entire development code and the associated environmental impact report and to make determination on the certification of that document and approval of the plan and the development code.

When the Planning Commission has made a determination regarding the proposed LRE regulations, they will be forwarded to the City Council for consideration. Once included in the Development Code the new regulations, along with the rest of the Code will undergo environmental review.

Ordinances of this nature have very complex environmental and economic impacts that must be studied in detail. The impacts of restricting LREs may not all be beneficial. Assuming LREs will continue to locate in the County jurisdiction, as opposed to the City, traffic and associated noise and air quality impacts may be similar or worse, depending on location, as traffic travels through the City to the LRE in the County. Aesthetic impacts of LREs situating adjacent to the City limits, in the County where there are no architectural guidelines, may have a greater impact than allowing for LREs within the City with architectural guidelines. These potential impacts, along with others such as biological and cultural resources and public services will be addressed during the environmental review process.

Upon completion of the environmental review process, the Development Code along with the General Plan Land Use Element and amendments to the Circulation Element will be presented to the Planning Commission and ultimately the City Council for review and potential approval.

Please remember that the Home Depot application is not on the agenda for discussion. An Environmental Impact Report is in the process of being prepared for this project. There will be

ample opportunity to discuss the Home Depot project during the public review process of the EIR and during project determination.

**Chairman Works opened the public hearing.**

**Jack Georgette** – expressed his desire that LRE delivery times be set to accommodate residential. He further expressed his concern about tons and tons of earth being brought in to level slopes. Mr. Georgette also expressed his desire to change the offset between building from 50-feet to 100-feet to allow for more open space between building for greenbelt.

**Kathy Allen** expressed the following concerns on pitched roofs, height exceptions and her desire that it remain, oak protection, and her desire that parking structures be used in place of parking lots.

**Phil Condrashoft** expressed his concern on the height limit in regards to a pitched roof. He felt that unless a maximum height limit was set, the middle of the pitched roof could get to 60-feet.

**David Evitt** expressed his desire to have the development code more accessible to the public so they can be better prepared for the planning meetings. He also stated that he would not like to see a cluster of LREs in the City of Jackson and wondered if there was going to be a limit of how many the city will allow. He also felt that the parking lots spaces were getting smaller.

**Thornton Consolo** expressed his concern in regards to volume restriction, grading, lighting (such as neon, fluorescents, parking lot lighting, lighting colors), and sign height and offsets. Mr. Consolo also stated that he felt the new courthouse lighting was very nice and how he would like to see more of this type of lighting used.

**Jill North** expressed her desire to see stricter regulations on LREs operating times, delivery times and use of the smaller roads.

**Chris Fragaponi** complimented staff and the Planning Commission for their work being done. He also wanted to know whether the city had a “No Adjacency Clause”. His description of this was LREs building another building right next to each other to avoid the size limits set and how this clause would prevent this from happening. He also strongly felt that the developers should not be reimbursed for the infrastructure costs, because he felt it was not fair to the citizens to have to repay a developer to put their LRE in. Mr. Fragaponi also expressed his understanding that the size limitations fall squarely within traditional and legally accepted zoning restrictions throughout communities in the country and they should not be considered exclusionary nor should they be subject to legal challenges and felt what the city was doing is the right thing.

**Ron Regan** expressed his concerns with the city’s welfare if commercial is driven from the city. He worried that the people of the city would not like what they’re asking for now, in the next 20 years. He strongly stressed how the city needed the money these commercial business vs. residential would bring in.

**Scott Mommer and Matt F.** gave a presentation in favor of LREs. In their presentation they expressed their key issues of the existing general plan, the existing zoning, the city planning process, site plan, conditional use permits, CEQA, economic benefits of an LRE coming into the

City of Jackson, revenue, sales tax, employment opportunities, and how they felt an LRE could and would adhere to local design, have respect for the community and its architectural heritage.

**Elizabeth McCulloch** stated that she wasn't entirely opposed to LREs, but was opposed to a conglomerate of LREs. She strongly expressed the need of revenue sharing with the county, so the county and city could plan in a decent organized pattern that would benefit all the residence of this city and county.

**Bob Devlin** also complemented the staff and Planning Commissioners on their work being done.

**Chairman Works closed the public hearing.**

**City Planner Peters and Commissioners** further discussed the issues presented and Ms. Peters will put the entire Development Code onto the city's web site. Ms. Peters will also change all should to shall in the development code. Ms. Peters will also bring more information on the following issues discussed by the public, staff and Planning Commissioners:

1. Distance between LRE structures.
2. Parking structures vs. parking lots.
3. Light heights.
4. Delivery times and hours of operation in regards to retail and LREs.
5. Hillside ordinance.
6. Roof lines in regards to architecture.
7. Multi LREs.
8. The existing sign ordinance.

These matters will be continued to the next Planning Commission meeting of June 19, 2006 at 6:00 p.m.

8. **ADMINISTRATIVE REPORTS.** None were presented.

**Meeting adjourned: 10:40 p.m.**

Attest:

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Candy Collins, Accounting Services II

Date Approved: September 18, 2006