

Jackson Planning Commission Minutes Regular Meeting of July 18, 2005

COMMISSION MEMBERS PRESENT:

Dave Butow,
Warren Carleton, Vice-Chair
Rosemary Faulkner
Wayne Garibaldi, Chairman
Terri Works (arrived at 7:p.m.)

CITY STAFF PRESENT:

Susan Peters, City Planner
Candy Collins, Accounting Assistant

COMMISSION MEMBERS ABSENT:

CITY STAFF ABSENT:

Chairman Garibaldi called the meeting to order at 600 p.m.

1. Public Matters Not on the Agenda

None.

2. Tentative Parcel Map #2643, Seymour Lesch, South Hwy 49, APN 020-420-033 & 034, to allow subdivision of two existing duplex lots so each residential unit may be individually owned. Determine commission policy.

Mr. Seymour Lesch is proposing to divide one 0.28-acre lot and one 0.38-acre lot into four lots ranging in size from 5072 square feet to 8534 square feet. The properties are zoned Multi-Family Residential (R-3) and will be 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. A Tentative Parcel Map is submitted.

At the December 20, 2004 meeting a public hearing reviewed this request and conceptually approved the subdivision pending submittal and Planning Commission approval of a homeowners maintenance agreement A copy of these minutes were submitted. The applicant has provided a sample agreement.

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.

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 TPM 2643, 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. Driveway on proposed Lot 2A shall be extended along the western side of the structure to allow for additional parking area.

Action

Should the Planning Commission chose to approve Tentative Parcel Map 2643 for Mr. Lesch, 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 2643 for Mr. Seymour Lesch based on the Findings and subject to the Conditions of Approval in this report.

Chairman Garibaldi opened the public hearing.

None.

Applicant S. Lesch submitted the document **Homeowners Agreement** previously requested at the Dec. 20, 04 Planning Meeting.

Vice-Chair Carleton requested a correction on a typo on Mr. Lesch's document (**Homeowners Agreement**) under the title PURPOSES AND LIMITATION OF USE, page 2 paragraph 5. The word **form** should be **from**.

Applicant Lesch responded to Commissioner Faulkner in regards to allowing children. He said he didn't have a problem with children. He also responded with saying he's never had a duplex that was separately owned before.

Applicant Lesch responded to Chairman Garibaldi's question of what these units would go for, by saying they will probably be between \$220,000.00 and \$250,000.00 per unit.

Vice-Chairman Carleton's questioned page 3 under the title Maintenance, No. 1 on the Homeowners agreement. He felt that the word **contiguous owner** should replace **other owner**. Applicant Lesch responded with he has no problem with the change, but would like to get a majority of the owner's approval on this change.

Vice-Chairman Carleton's questioned #2 under the title Roof, line 2. He felt the word **owner** should be **owners**. Applicant Lesch agreed.

Commissioner Faulkner voices her concern that if a problem arose and it became a civil issue, and the city was named in the civil issue as allowing this to happen, what happens?

City Planner Peters responded by saying this is similar to CCRs where the City asks for an agreement, receives an agreement, approves of it and then your done with it. If you get named, it is highly unlikely that you would be asked to be a party to the execution of the agreement.

Commissioner Butow voices his concern that the lots are so small.

City Planner answered that is was still R2, and the Density for R2 is one dwelling unit per 3000 sq.ft.

Further discussion was exchanged regarding R2.

Moved by Commissioner Carleton, Seconded by Commissioner Faulkner and unanimously Carried for Approval of Tentative Parcel Map 2643, Seymour Lesch, South Hwy 49, APN 020-420-033 and 020-420-034:

- 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 2643 for Mr. Seymour Lesch Based on the Findings and subject to the Conditions of Approval in this report.**

3. Workshop – Zoning Ordinance. Hold public workshop to consider proposed amendments.

Public – None.

City Planner Peters stated at their June 20, 2005 Planning Commission meeting, staff provided Article I and a portion of Article II of the updated Jackson Development Code. Several changes were made on the recommendations at the July 05, 2005 Special Planning Meeting. One the things that was not changed, was the language about Development Permits. It was discussed about going into entitlements, but it was difficult to find the correct wording to fit. The Development Permit runs throughout the whole entire Development Code. It was suggested that entitlements be used,

but it didn't seem to fit either. Further suggestions on this issue would be appreciated. There are still some highlighted areas that need to be further addressed. The section Allowable Uses In The Residential Zone was added and the redundant section was taken out. Information regarding height limits for general commercial office industrial districts was added in. Starting with Pg 17, Article II there's a lot of new information to discuss.

Attached for review is the revised first portion of the Zoning Ordinance Update along with the remaining portion of Article II. It was further suggested that Article I be reviewed first tonight and then go on to Article II.

There was considerable discussion on the Historic Commercial and Overlays.

Chairman Garibaldi expressed his concern that the public should get noticed of the zoning changes on their property. City Planner Peters agreed and said it would not be that difficult to do since there wasn't that many.

City Planner Peters asked the commissioners if the Historic Corridor Overlay area was given adequate notice and given an opportunity to speak about the rules, were they ok with giving them rules to abide by. Commissioners stated they were ok with this. City Planner Peters further stated she would go ahead and put in the change that was recommended that staff notify (after a more complete and more cohesive development code has been gone through) the people with changes and/or affected. It was also recommended that it be done with the Historic Commercial because at this point the public thinks it's only guidelines. It's best to get the public on board ahead of time.

After much discussion in **Section 17.02.030** in regards to structures such as sheds, spas, hot tubs, fishponds etc. I has been decided that above ground pools will be added to section F, and arbors and gazebos will be added to G. In ground pools can be in the 5" setbacks but nothing else.

Correction to 17.03.020 under C. Calculations-Rounding is

1. Minimum lot area, maximum density. The fractional/decimal results of calculations of the number of parcels or residential units allowed through subdivision or a land use permit based on a minimum lot area or maximum density requirement shall be rounded down to the next lowest whole number. For example, the **RH** zoning district would allow a parcel to be proposed for development with up to 1 apartment residential unit per 2,000 square feet of site area, which would allow up to 21 dwelling units on a one-acre (43,560 square foot) parcel ($43,560/2,000 = 21.75$, rounded down to 21). **RM is changed to RH and =34.85 is changed to 21.75.**

7:00 p.m. Commissioner Works joins the Commissioners.

Article II – Zoning Districts and Allowable Land Use

Further discussion on changing the wording of **Land Use Permits to Entitlement** was exchanged. It was decided that Entitlement wouldn't work either and it will be addressed further.

City Planner Peters stated there would be a section of definitions.

Corrected typo- Pg 6 - Table 2-2 – Under RS - #6- Animal hospital, commercial **dairies** (instead of **dries**) and kennels.

Further changes to Table 2-2 – Under RL- Drop #2 and add #2 from section under RSF.

2. Light farming except commercial rabbit, fox, goat or hog farms, or commercial chicken or poultry ranches, and all fur-bearing animals with the exception of cattle, horses, goats, and sheep. **(Drop this one)**

2. Accessory buildings incidental to a single-family dwelling located on the same lot or parcel of land, including a private garage. **(Add this one)**.

Pg 8 under section A. Density Incentives is reduced down to a statement referring the reader to the Inclusionary Housing Policy and our Resource Constraints and Priority Allocation Policy.

City Planner Peters will go through Table 2-5 and make the sections, especially under HC and C more consistent. Section I was added and to this Car and Boat Upholstery shops will be added.

After much discussion regarding Table 2-6, it was decided that City Planner Peters would take digital pictures of existing buildings showing their heights and this section will be readdressed.

City Planner Peters and commissioners addressed their concerns on new structure heights blocking historic visuals and esthetics. Verbiage will be added to address these concerns.

City Planner Peters addressed the fact that section **17.24.040 General Design Guidelines** taken from the Truckee goals was modified quite a bit because Truckee bends toward blending in with nature and that just doesn't fit in with Jackson and the Mother Lode styles. Some of the inappropriate style for Truckee didn't fit the Mother Lode Area, such as Victorian, Mediterranean, Spanish and these were addressed on what the Commissioner felt were appropriate and inappropriate, desirable and undesirable.

City Planner Peters stated there was another mining town in Colorado that was created about the same time as Jackson that she wants to look at and compare their guidelines and see what other elements that can be taken from them.

After much discussion, it was decided that it would be solicited for suggestions from the community. The area of colors will also be addressed later after solicitation of suggestions.

Correction to Page 34, #1, under n.

n. Balconies and porches. Balconies and porches, like other wall features, should be simply designed. The use of long, vertical or horizontal balconies or horizontal bands of balconies are **discouraged. Balusters and railings should be designed in a simple and straightforward**

manner. The mass of the balusters and the railing should be a substantial visual element of the building's design. **Is changed to read.**

n. Balconies and porches. Balconies and porches, like other wall features, should be simply designed. The use of long, vertical or horizontal balconies or horizontal bands of balconies is **encouraged.** The mass of the balusters and the railing should be a substantial visual element of the building's design. **Is changed to read.**

Section 2. Roofs and rooflines. It was decided that **Spanish Style** roofs would be taken out of the encouraged and discouraged section.

Further discussion on Chapter 17.26 – Historic Preservation Design Guidelines indicated this was already covered in the Historic corridor Overlay.

City Planner Peters indicated to Commissioners that Article III was huge and after comments from the commissioners, agreed to E-mail the section or at least part of the section earlier so they would have ample time to read and review before the next Planning Meeting of Aug. 15, 2005. It was further address that there would be a special meeting to address what was left of Article III and hopefully 4 and 5 on the Special Planning Meeting on Aug. 29, 2005.

4. ADMINISTRATIVE REPORTS. This section is to provide staff an opportunity to present oral status reports on issues. No action is expected to be taken by the Planning Commission.

City Planner Peters informed the Commissioner that the requested field trip was tentatively set for Aug. 30, 2005. Included would be City Council, Planning Commission, Staff and Applicant Proponents. Public will have to be noticed. What type of transportation needed is still not decided at of yet. There is still some logistics to be worked out.

City Planner Peters answered Chairman Garibaldi's question in regards to the water agency permits, with it still was being worked on and it depended on how the Water Agency's EIR Consultant responded to the comments regarding mitigation for loss of water dilution to the creek.

Commissioner Butow addressed the State Route 88 issue, and that they were still looking at difference alternatives. **8:00 p.m. Adjourned**

Attest:

Candy Collins, Accounting Assistant

Date Approved: 08-29-05