Jackson Planning Commission
Minutes
Regular Meeting of March 15, 2010

COMMISSION MEMBERS PRESENT:
Dave Butow,
Kathryn Devlin, Vice-Chairman
Walt Hoeser, Chairman
Darek Selman

CITY STAFF PRESENT:
Susan Peters, City Planner
Michael Daly, City Manager
Gisele Cangelosi, City Clerk

COMMISSION MEMBERS ABSENT:
Letitia Sexton

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 6:00 p.m.

1. Public Matters Not on the Agenda.
None.

2. Approval of Minutes. Minutes from the February 16, 2010 Regular Meeting.

Moved by Commissioner Selman, seconded by Commissioner Butow and carried by a 3 to 1 vote to approve the Minutes of the February 16, 2010 meeting as presented. (Vice-Chairman Devlin abstained because she was not present at that meeting.)

3. Planning Commission Meeting Time Change.
City Planner Peters reported on April 21, 2003 the Planning Commission adopted Resolution 2003-05 changing the time of regular Planning Commission meetings from 7:00 p.m. to 6:00 p.m. The earlier start time allowed the Planning Commission to address more business before it became to late in the evening. Now that there is less development occurring within the City and due to a scheduling conflict that City Planner is currently experiencing, staff requests the meeting time be changed back to the original 7:00 p.m. beginning time which is consistent with the beginning time for City Council meetings. Should the Planning Commission choose to approve Resolution 2010-03 the new meeting time will be effective for the April 19, 2010 meeting.

Thornton Consolo, Jackson, supports Resolution 2003-05 changing the time of regular Planning Commission meetings from 7:00 p.m. to 6:00 p.m.

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 adopt Resolution 2010-03, Setting the Time and Place for Regular Meetings of the Jackson Planning Commission as amend to 6:30 p.m.

4. Public Hearing – Conditional Use Permit for Liquor Store at former location of Biggest Little Kitchen Store, Gurdev Ghuane, 215 N. Main Street, APN 020-191-006.

City Planner Peters reported this item was reviewed at the February 16, 2010 meeting and continued to the March Planning Commission meeting to allow the applicant to provide the Planning Commission with additional information. Specifically, the Commission requested more information regarding the design for signs, outdoor events (wine tasting), and any other changes to the appearance of the structure. To date, the Planning Department has not received any additional information. Additionally, Planning Commission discussed including some additional Conditions of Approval and address the appearance of the business.

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 the Bottle Shop, staff recommends the following conditions:

1. Hours of operation shall be limited from 9 am to 6 pm.
2. Interior and exterior security cameras shall be installed to the satisfaction of the Chief of Police.
3. 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.
4. Outdoor amenities (i.e. tables, chairs, benches, etc.) shall not be allowed as they promote loitering. Additionally, 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.
5. This Conditional Use Permit shall be reviewed in six months for consistency and additional conditions if necessary.

6. The planter box shall be planted and maintained with mature plants that are appropriate to the location on Historic Main Street. This condition shall be implemented to the satisfaction of the City Planner.
7. All signs shall be reviewed by the Planning Department for content and Mother Lode Design appropriate to the location on Historic Main Street.
8. The use of temporary signs in any window visible from Main Street or Highway 49 shall be prohibited.

Should the Planning Commission chose to approve the conditional use permit for the Bottle Shop, the following actions are recommended:

1. Instruct staff to file a Notice of Exemption; and,
2. Adopt a Resolution 2010-02(a) approving Conditional Use Permit 2010-01 for Gurdev Ghuane 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 Bottle Shop, Resolution 2010-02(b) should be adopted denying the project because Findings 4 and/or 5 could not be met.

Max Ghuane, applicants, was present to answer questions of the Planning Commission. He stated after the last meeting it was his understanding the Planning Commission approved the hours of operation from 9 a.m. to 8 p.m. He presented a hand drawn rendering of the proposed design and explained there would be a change in the store's image and appearance of the structure. The store would be more of a convenience store selling fishing and hobbies supplies, some liquor and possible name change.

Chairman Hoeser opened the public hearing. The following individuals spoke their concerns regarding the Conditional Use Permit for the Liquor Store at former location of Biggest Little Kitchen Store, 215 N. Main: Thornton Consolo, Mary Beth Potter, Gina Gordon and Connie Gonsalves. David Stark spoke in favor of the approval of the conditional use permit. Hearing no further comments from the public regarding Chairman Hoeser closed the public hearing.

The following concerns were discussed:

1. Outside lighting.
2. Customer, employee and delivery truck parking issues.
3. Workable plot plan that includes parking and egress and ingress.
4. Main Street and Highway 49 intersection.
5. No signs and or banners in the windows.
6. Proposed signage at that location.
7. Restricted hours of operation.
8. Main thoroughfare for school and children exposure to a liquor store prefers that this store stay at current location.
9. Vandalism, loitering and safety issues.
10. Gateway to our City not a good representation of Jackson and our Historic Main Street.

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

Moved by Vice-Chairman Devlin, seconded by Commissioner Selman, and carried by a 3 to 1 vote (Commissioner Butow dissenting) to adopt Resolution 2010-02(b) denying Conditional Use Permit 2010-01 for Liquor Store at former location of Biggest Little Kitchen Store, Gurdev Ghuane, 215 N. Main Street, because Findings 4 and/or 5 required by section 17.76.030 Findings and Approval (Use Permits) of the Development Code could not be met.

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.

5. Administrative Reports.

A. Tree Replacement Update, 257 New York Ranch Road, APN# 020-200-063, Anne Lintz.

City Planner Peters reported on March 19, 2008 the Planning Commission adopted Resolution No. 2008-01 allowing Anne Lintz to remove an oak tree located on the front of her property at 257 New York Ranch Road. The Planning Commission placed two conditions on the tree removal request:

1. The tree be replaced with three oak trees on or before April 1, 2010.
2. The new trees be monitored for a period of tree years after planting.

This report is to update the Planning Commission on the replacement status. According to Ms. Lintz three trees have been purchased and will be planted by April 1, 2010 weather permitting. To date, the soil has been too wet to plant the trees. Staff will continue to monitor this situation and update the Planning Commission as necessary.

City Planner Peters stated the Housing Element Update would be on the next agenda. She reminded the Commissioners the new meeting time would be effective for the April 19, 2010 meeting.

Adjourn 6:58 p.m.

Attest:

Gisele L. Cangelosi

Gisele L. Cangelosi, City Clerk

Date Approved: April 19, 2010