

Jackson Planning Commission
Minutes
Regular Meeting of November 17, 2014

COMMISSION MEMBERS PRESENT:

Walt Hoeser, Chairman
Paul Molinelli, Jr., Vice-Chairman
Bob Stimpson
George White

CITY STAFF PRESENT:

Susan Peters, City Planner
Gisele Wurzbarger, City Clerk

COMMISSION MEMBERS ABSENT:

Fred Hall

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. Actions minutes and audio recordings are retained for those desiring more detail on particular agenda item discussion. These audio recordings provide an accurate and comprehensive backup of Planning Commission deliberations and citizen discussion.

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

1. Public Matters Not on the Agenda.

None.

2. Appeal by Ms. Candi Emerson of the Site Plan Review Committee's Approval of a Parking Plan for Jim & Frank Rooney, 225 Broadway, APN 020-312-001. Review and determine Commission policy.

Commissioner White recused himself and left the Council Chamber because of a conflict of interest.

City Planner Peters report on October 14, 2014 the Site Plan Review Committee (SPRC) reviewed a parking plan presented by Jim and Frank Rooney for their multi-family structure located at 225 Broadway. The applicants are in the process of remodeling the building which is zoned Limited Commercial. They are not required to provide parking for their tenants because the project is considered by staff (staff opinion and Emerson fell that staff opinion is not correct) an existing non-conforming use (by standard). However, additional off-street parking in the area would be beneficial to reduce existing congestion on Broadway.

The Site Plan Review Committee approved the parking plan with the following conditions:

1. Consistent with the City's Landscape Standards, the applicants shall obtain approval from the Planning Commission to remove and replace two trees exceeding 16 inches Diameter at Breast Height (DBH).
2. The applicants shall submit and obtain approval of a grading plan from the City Engineer.
3. The applicants shall obtain a deferred improvement agreement from the City Council should the paving of the proposed parking lot be delayed.

On October 20, 2014 the City received a letter from Ms. Candi Emerson requesting an appeal of the Site Plan Review Committee's decision which was provided.

Consistent with Development Code Article VI, Section 17.140.030 (E) the Planning Commission may take the following action(s):

1. The Planning Commission may, by resolution, affirm, affirm in part, or reverse the action, the decision, or determination of the Site Plan Review Committee.
2. When reviewing an appeal, the Planning Commission may:
 - a. Deny the permit or entitlement, even though the appeal only requested relaxation or elimination of one or more of the conditions imposed on the permit or entitlement: or
 - b. Impose additional conditions that may address other issues or concerns than the original subject of the appeal.
3. The appellant and other interested parties shall not present new evidence and testimony at the appeal hearing unless the party can demonstrate, to the satisfaction of the appeal body, that new information:
 - a. Was not previously available to the party, or
 - b. The party could not have participated in the review process because they could not have known about the review process.
4. If new or different evidence is presented on appeal, the Planning Commission may, but shall not be required to, refer the matter to the Site Plan Review Committee for further consideration.

Candi Emerson, Appellant, stated the Site Review Committee made the determination this was nonconforming and requested she be allowed to provide additional information regarding the permit for the records.

Chairman Hoesser stated this agenda item was regarding the Site Plan Review Committee's Approval of a Parking Plan and the building permit is not relative to this agenda item.

It was the consensus of the Planning Commission not to accept the additional information regarding the building permit for the record because the permit was not relative to this agenda item.

Candi Emerson, Appellant, stated this item was appealed and brought to the Planning Commission because staff's determination that the property is existing non-conforming was not correct. She felt the decision made by the Site Plan Review Committee to approve this plan does not comply with Development Code Section 17.73.020 Site Plan Review. Per that section each development site plan submitted to the City shall be analyzed by the Site Plan Review Committee to ensure that the application is consistent with the content, purpose, and intent of this chapter, this Development Code, any applicable design guidelines, the landscaping ordinance, the General Plan and any applicable Specific or Master Plan except as otherwise provided in Government Code 65962 or any successor section thereto. That the plan provided by the Rooney's does not provide adequate parking spaces, no erosion control or a complete grading plan and showed the apron access off the city street and driveway as the only areas that were to be paved. This plan was not part of an application that should have included all other complete plans required - grading, excavation.

Candi Emerson's letter of appeal was provided to the Planning Commission for review and consideration.

Jim and Frank Rooney, Applicants, were present to answer question of the Planning Commission. Jim Rooney provided a brief presentation on the project improvements and pictures were provided. He noted this existing building provided no parking. If the Planning Commission approves Ms. Emerson's appeal the applicants would understand that decision and no additional off-street parking would be provided.

Chairman Hoeser opened the public discussion. The following individual spoke regarding the Appeal by Ms. Candi Emerson of the Site Plan Review Committee's Approval of a Parking Plan for Jim & Frank Rooney, 225 Broadway: Mike Quinn, Casey Emerson, Jenny Hayes and Rodney Hobbs. Hearing no further comment from the public, Chairman Hoeser closed the public discussion.

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

Moved by Commissioner Stimpson, seconded by Vice-Chairman Molinelli, and unanimously carried by a 3 to 1 vote (Commissioner White abstained and Commissioner Hall was absent) to deny the Appeal by Ms. Candi Emerson of the Site Plan Review Committee's Approval of a Parking Plan for Jim & Frank Rooney, 225 Broadway, APN 020-312-001. Motion passed with the following vote:

AYES: Hoeser, Molinelli, Stimpson
NOES: None
ABSENT: Hall
ABSTAIN: White

Commissioner White returns to the dais.

City Planner Susan Peters stated any decision made by the Planning Commission may be appealed to the City Council with a written request and a \$200.00 fee to the City Clerk within 10 calendar days.

3. Administrative Reports.

City Planner Peters reported on the following:

1. Status of the Amador County, Jackson and Plymouth Joint Study Session on Energy Action Planning Project. Sending out a community survey – not public – to commissioners. Also use in conservation element.
2. No update of the General Plan Housing Element Update.
3. Nothing on agenda for December as of this date.

Adjourn 7:13 p.m.

Attest:



 Gisele L. Wurzbürger, City Clerk

Date Approved: April 20, 2015