

MINUTES
CANBY PLANNING COMMISSION

7:00pm December 10, 2001
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Keith Stewart, Commissioners Jim Brown, Jean Tallman, Tom Sanchez, Randy Tessman, Paul Thalhofer, Geoffrey Manley

ABSENT: None

STAFF: John Williams, Community Development/Planning Director, Clint Chiavarini, Associate Planner, Kelley Canode, Planning Technician

OTHERS PRESENT: Norm Dull, Matt Neish, Cami Schmidt, Jeff Parker, Nancy Harp, Tom Pessemier, Michael Storti, Robert Zochert, Deborah Summer, Don Staehley

II. CITIZEN INPUT ON NON AGENDA ITEMS

None

III. NEW BUSINESS

Modification of DR 96-16 An application HOPE Village Inc. to allow the creation of an entrance only access drive on S. Ivy St.

Kelley Canode stated, Jerry Barkman, Executive Director of Hope Village requested postponing the modification since Clackamas County was requiring a traffic study to be done. The applicant would submit the modification at a later date.

IV. PUBLIC HEARINGS

DR 01-08/CUP 01-03 An application by Canby High School for additions to the main gym, vocational education building, construction of a replacement greenhouse and new parking lot.

Chairman Stewart reviewed the hearing process, procedure and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report. When asked if any Commissioner had a conflict of interest, Mr. Thalsofer stated his firm represents the school district and intended to abstain from the discussion and vote, no other Commissioner stated a conflict of interest. When asked if any Commissioner had ex-parte contact prior to the hearing, Commissioners, Brown, Tessman had visited the site, but had drawn no conclusions. Chairman Stewart, and Commissioner Manley are members of the School District's Bond Oversight Committee and had seen some preliminary designs, but had not seen this application prior to the public hearing. No questions were asked of the Commissioners.

Clint Chiavarini presented the staff report to the Commission. He explained the applicant would be demolishing 2/3rds of the Technical Building and expanding the building to the northeast. He stated increasing the parking lot area requires the existing greenhouse will have to be demolished, they are proposing a new greenhouse to be built south of the Pro-Tech addition. The applicant has also proposed expanding the gym to the north.

Clint explained the new additions to the school equal approximately 30,000 square feet, the additions will displace 71 parking spaces, but the proposed new parking lot will accommodate 194 spaces. Clint stated no traffic study was required since this addition is not meant to accommodate more students, but to give the existing students more classroom space.

Clint explained the existing landscaping exceeds the minimum of 30% of the overall site. The applicant has requested that for the parking lot landscaping requirements the Commission just look at the new development, since this is an ongoing project with a master plan and the northeast parking lot site will be changed at some point in the future. Clint stated staff believed this was a reasonable request.

Clint addressed the Fire Marshal's comment that the Fire Department was working with the School District regarding the location of fire hydrants and that there are sufficient emergency accesses. Clint had spoken with the Fire Marshal and was told this design did not hinder the Fire Department, the comment was standard procedure and no site and design changes were needed.

Clint stated the comments from the utility providers regarding placement of services, was covered by the standard utility conditions.

Clint addressed the bicycle parking issue, he stated the applicant has requested installing 25 bicycle parking spaces since currently there are 12-15 children who ride bikes to school. Clint stated the Chairman of the Bike and Ped Committee agreed that 25 spaces would be adequate at this time, but would like the issue revisited with future expansion. The applicant agrees that if the current need increases, the School District would provide additional bike spaces.

Mr. Manley asked for clarification on page 7 regarding which zoning the development standards referred to. Clint stated he would correct the wording.

Mrs. Tallman questioned the mailbox requirement, since the mail is delivered inside. Clint stated it was a standard condition that would apply if the mail was to be delivered outside in the future.

Mr. Brown questioned the access for the new parking lot on the west side of the Visual Arts Center, the applicant had not proposed traffic direction devices. Mr. Brown explained the south bound lane faces the north bound lane at the exit, and questioned if the staff had considered addressing the issue. Clint explained that it had not been looked at since it is an existing access and had not been designated as a problem area, but if the Commission thought it could become a problem the issued could be addressed.

APPLICANT

Norman Dull, DOWA explained his company has attempted to bring the different design styles of the school together by using common building materials and they are pleased with the way the campus is being brought together as a whole.

Mr. Dull explained the existing gate will be used to minimize vehicle traffic during school hours. He explained that the long range master plan includes a center mall that will bring unity to the campus.

Mr. Dull stated Lancaster Engineering took a look at the parking lot and accesses, and the only issue that was discussed was the access onto Hwy 99E.

Mrs. Tallman asked if closing the gate during school hours would increase the traffic at the Aspen Street access. Mr. Staehley explained they are only expanding the capacity of the parking lot by 60 extra spaces, the gate would be closed when school starts and that students are not allowed to drive off campus during the day, the gate would be opened when classes let out. Mr. Staehley stated that currently students must exit the Aspen St. access due to school bus loading at the front of the school.

Mr. Brown questioned why the parking lot was not designed with a pedestrian way to the main entrance. Mr. Dull stated this is not a long term solution for the school, in the future this area will be made into a mall, and vehicle traffic would be precluded.

Mr. Tessman asked when construction is scheduled to begin, and what steps are being taken to prevent disruption of the regular school curriculum. Mr. Dull explained construction is scheduled to start in February, and that the School District has been working with the contractor to stage the job, ways of keeping the students separated from the construction equipment, and what hours the construction crews will work. Mr. Dull believed there would be little disruption to the school.

Mr. Stewart questioned if speed bumps would be installed in the parking area. Mr. Dull

stated speed bumps would be placed in several areas of the parking lot. Mr. Stewart asked if any of the parking spaces in the small parking lot would be retained. Mr. Dull stated there would not be any parking allowed there, it would become an emergency and delivery access for the school.

Deborah Summer, Superintendent Canby School District stated the Pro-Tech addition would replace the current "I wing", a metal building that houses the traditional vocational education classes. She explained the hands on experience needs have changed and the new facility would tie the Pro-Tech building in with the rest of the campus and dispel the idea that vocational programs are for children who are not going to college. Classes offered will be high caliber, high standard programs to lead students to either articulated credits with Clackamas Community College, or onto careers in the tech industry. Ms. Summer explained the interior of the Pro-Tech building is being designed to allow students to design a product and then watch it go through the production, marketing and building processes.

Mr. Staehley explained the locker situation at the school had not been improved since the early 70's, the new gym will accommodate not only new locker areas for the students, but will also included additional classrooms.

Mr. Brown questioned if it would be preferable to soften the curve at Aspen St. Mr. Staehley stated he believed it would be appropriate to place a stop sign at the intersection. Mr. Brown asked if the increased number of students walking to the Pro-Tech building through the parking lot would cause an increase in car vandalism. Mr. Staehley believed it would be an improvement to the current situation.

PROPOSERS:

None

OPPOSERS:

None

Mr. Stewart closed the public hearing and opened Commissioner deliberations.

Mr. Brown stated most of his concerns had been addressed by the applicant. He believed the application is in compliance with the site and design review criteria, but he believed Aspen Street needs to be addressed at this time.

Mr. Tessman believed the application met the site and design review criteria, and also had concerns regarding the Aspen Street access.

Mr. Manley agreed there was an issue with the Aspen Street intersection that could potentially be a problem, so it would be appropriate to consider modifications at this time.

Mrs. Tallman stated she also had concerns with the Aspen Street access.

Mr. Sanchez stated he had concerns with the Aspen Street access and with the pedestrian flow through the parking lot, it seems logical to channel students into one area.

Mr. Stewart questioned Mr. Dull regarding how many parking spaces they plan on removing with the future development of the mall. Mr. Dull explained that eventually the entire parking lot will become part of the mall area.

Mr. Sanchez questioned the location of the speed bumps, and suggested they be made a condition for the application.

Mr. Stewart believed the Pro-Tech addition will be beneficial to the educational program, and essential education for students. Mr. Stewart stated that the Aspen Street safety issue needed to be addressed at this time. He added the expansion of the wrestling room has been needed to handle the number of students that participate in the wrestling program. He stated having Clackamas Community College run classes through the Pro-Tech addition will not only benefit the students but the whole community.

Mr. Stewart questioned where the agricultural program will be located. Ms. Summer explained the agricultural program, greenhouse and tractor repair area will all be part of the new complex and have more room than they currently have.

Mr. Brown suggested that all entities involved with Aspen Street should sit down and come up with a better solution to the intersection, trying to retain the large trees located there if at all possible and proposed adding a condition to the application for the realignment of the intersection.

Mr. Stewart clarified that there will be a condition added for speed bumps, bike parking, and the Aspen Street intersection. He explained that the City has never had a master plan for that area of town, so now is the opportunity to do it, but the difficulty with it is that there are 3 parties involved and it would not be fair to make it a condition for the application when they don't have total control over the situation. John asked if the Planning Commission would deny the application based on the Aspen Street access issue being unresolved. The Commission stated they would not deny based only on that issue. John stated he would try to coordinate a meeting between all parties to come up with some possible solutions.

Mr. Brown stated there would be no way to enforce a note to the findings, only if it is added as a condition would the City be able to enforce it. Mr. Sanchez believed it needed to be a condition, since the traffic will be increasing at that location. John suggested conditioning a meeting to take place prior to the pre-construction meetings.

It was moved by Mrs. Tallman accept DR 01-08/CUP 01-03 as amended. Seconded by

Mr. Tessman. Motion carried 6-0 with Mr. Thalsofer abstaining.

DR 01-09/VAR 01-01 An application by Oregon Food Stores/Mulvany G2 to expand the old Roth's IGA store for use as a Safeway Store. The new store will be a total of 45,824 square feet. Related improvements include upgrading the existing landscaping and parking area. A variance is requested for on-site landscaping standards due to the constraints of the existing buildings on the site.

Chairman Stewart asked if any member of the Planning Commission had a conflict of interest, Mr. Tessman stated he has consulted with the architect firm regarding paint and coating specifications, but not on this application and he will participate, no other Commissioners stated a conflict. When asked if any Commissioners had ex-parte contact, Mr. Brown, Mr. Manley, Mrs. Tallman and Mr. Stewart had visited the site, but had drawn no conclusions. No questions were asked of the Commissioners.

Clint Chiavarini presented the staff report. He explained that previously there had been applications before the Commission for a zone change, comprehensive plan amendment, conditional use permit, and a lot line adjustment with OBC. This allowed a land swap between the two parcels, extending the Roth site 70' to the south.

Clint explained this will be an expansion of the Roth IGA site and a facelift to the entire center. The Factory 2 U store has already been moved to a new location at the west end of the complex and the area between the Factory 2U store and Rite Aid will be demolished. The parking lot has been realigned and landscaping has been upgraded.

Clint stated the applicant has requested a variance on the landscaping since the shopping center was built prior to the design standards and does not currently meet the landscaping requirements in place.

Clint stated a comment form was received from the neighbor to the northeast asking that the Commission allow the landscaping variance, provided all other criteria is met. They believed that local businesses would benefit from having a prominent tenant.

Clint stated there were 2 addendums to the application, both dealing with the main entrance off of Hwy 99E. Clint explained the client had consulted with Kettleson and Associates who has suggested bringing the entrance throat down further into the site, to line up with a parking stall which creates a simpler 3 way intersection for people to navigate.

Clint stated that parking is required at 5 spaces per 1000 square feet, the applicant has proposed 4.36 spaces per 1000 square feet. Clint explained Canby Station was approved at 4.31 and Canby Market Center was approved at 4.1 spaces per 1000 square feet. Staff believes a similar waiver would be appropriate for this application as well.

Clint stated the applicant is required to meet the current bicycle parking standards, and 15 covered spaces are shown on the plan. Clint stated the entire center is required to have a total of 38 bike spaces, 19 of which to be covered.

Clint stated a traffic study was done as well as a crash analysis for the 3 intersections. He stated no traffic warrants were indicated by the study and the crash analysis indicated .05 per one million vehicles, (1.0 is considered acceptable).

Clint explained the Hwy 99E access is currently permitted as is, however when there is an expansion, or change of use ODOT has the ability to require the access to be re-permitted, and may make changes. Clint spoke with Loretta Keiffer from ODOT, who stated they are still waiting for information to determine if this application will be considered a change of use, if not they will not require re-permitting, and the access will be allowed to remain as is. If it is considered a change of use, it will have to go through the permitting process and the access may or may not change.

Clint stated several Commissioners had phoned him for clarification on the striping shown for the Hwy 99E access. Clint explained the striping shown on the plan was drawn by the person running the CAD and it was not from ODOT and would not be a formal part of the application. The applicant is not proposing any changes to Hwy 99E, just minor modifications to their own entrance.

Clint stated Berg Parkway is considered an arterial and subject to the recent requirements for access separation along arterials, staff has recommended waiving the requirements due to the location of the existing buildings limiting the options available.

Clint stated that the sign elevations were not shown on the plans but he has conditioned that the signing must comply with the sign code. Mr. Stewart questioned who owned the monument sign. Clint explained it was owned by the shopping center. Clint stated this will be a different situation than the monument sign at the Fred Meyer Center, any area leased on the monument sign will be deducted from the total amount allowed.

Clint stated due to space restrictions in the loading area, the application is below the landscaping requirement, he added this issue would be discussed in the variance application.

Clint explained the applicant has proposed upgrading the facades for the entire center, similar to the materials on the remodeled Factory 2 U facility.

Clint stated most of the comments from utility providers addressed the need for relocating of existing utilities along the property line between the center and OBC, the applicant has already started the process. The Fire Marshall stated 3 additional fire hydrants need to be added, one at the Berg Parkway entrance, and two fire hydrants to be located behind the building, this has been added as condition #10.

Clint stated the City Engineer has required the ADA route extend to the southwest property line, since OBC will be doing improvements as part of the Berg Parkway expansion.

Clint explained the Parks and Recreation Director strongly supports the applicants proposal in the variant request to take over the maintenance of the landscaping in front of the project.

Clint explained to approve a variance there has to be exceptional or extraordinary circumstances that do not generally apply to other properties in the zone. He explained that the center was built prior to the City's landscape standards being put in place. Clint explained the applicant has tried to meet the standards but found they could not meet the landscape goals and their own onsite requirements. He explained the applicant has suggested they take over the maintenance of the area between their property and Highway 99E, which includes the "Welcome to Canby" sign. The Parks Department agrees this is a good solution since budget cuts have reduced the parks crew to 2 employees. Clint explained that the land is owned by ODOT, and maintained by the City. If that property was included in the on site landscape calculations it would be well over the landscape requirements. Clint stated the variance is not to deviate from the 15% landscaping, but to allow them to include off site landscaping.

Clint explained that granting this variance would not be detrimental to the intent or purposes of the comp plan, planning ordinance, or other property owners in the area. Staff believes the applicant has met the criteria for variance and design review, and is recommending approval, since the hardship was created by the City changing the code requirements and not the fault of the applicant.

Mr. Stewart questioned the traffic separation scheme in the back of the development. Clint explained there is a delivery only driveway that goes to the back of the store, the circular area in the back is to allow for trucks to turn around after picking up the compactor in the back of the store, no trucks would be exiting on Aspen, they would turn around and exit on Berg, there is a possibility that trucks could come in through the main entrance, but they also would exit on Berg.

Mr. Tessman questioned whether trucks would use the 4th Street entrance. Clint explained that to use the 4th Street entrance a truck would have to come down Aspen and a tractor-trailer would not be able to make the curves, and would be required to use the Berg Parkway entrance, he added that there is an easement for OBC to have a gate at the northeast corner of their property for trucks to exit.

Chairman Stewart opened the Public Hearing.

APPLICANT:

Jim Walker, MulvanyG2 Architecture explained that currently the site is under parked,

under landscaped, and is a "tired" center. He stated that only 8.5% of the center is landscaped instead of the required 15%, this proposal would increase the landscaping to 12.1% and if the right-of-way landscaping is added it will become 17.9%.

Mr. Walker stated that bringing Safeway to the center will add an anchor which will help the owners obtain 100% occupancy. The look of the center will be updated by adding walkways and canopies while retaining the individuality of the shops.

Mike Storti, Pan Pacific Retail Properties, explained his company buys shopping centers that are in need of renovation but have good potential. He believes the Safeway project will be good for the center and for Canby since this is the Gateway to the City. He believed his company has done a good job putting this application together in a short period of time and explained they have committed to a August Grand Opening for Safeway.

Tom Pessemier, WRG Design stated there was an error in the drawing of the stripping on 99E and explained they are not proposing any changes to the ODOT right-of-way.

Mr. Pasamir explained they are in contact with ODOT regarding the access to Hwy 99E and that the decision on the access will be made at the regional level. He asked for clarification regarding the staff report stipulating that any modification to the access must be brought before the Planning Commission as a new business item, how would that affect their ability to obtain building permits since they are on a tight time schedule.

Mr. Brown explained it is brought back as a new business item to expedite the process, but building permits could not be obtained until there is final approval of the application. Clint stated if ODOT requires no changes to the access then the applicant would be able to proceed. He explained that if the application was approved tonight there would still be about a month and a half before the applicant could obtain building permits, due to the fact that the next Planning Commission meeting would be January 14th and the 15 day appeal period after that. Mr. Stewart clarified that a new permitting process would only be required if ODOT makes a formal finding that the addition of Safeway (or other tenants) has changed the nature of the complex to make it a new use.

It was moved by Mr. Manley to approve DR 01-09/VAR 01-01 as amended. Seconded by Mr. Sanchez. Motion carried 7-0.

V. MINUTES

VI.

November 13, 2001 It was moved by Mrs. Tallman to accept the Planning Commission minutes of November 12, 2001 as written. Seconded by Mr. Thalhofer. Motion carried 6-0 with Mr. Sanchez abstaining.

November 26, 2001 It was moved by Mr. Manley to approve the minutes of November

26, 2001 as written. Seconded by Mr. Tessman. Motion carried 7-0.

VII. DIRECTOR'S REPORT

John Williams explained the next Planning Commission meeting would be January 14, 2002 due to the holidays. There will be 2 annexations and a minor land partition.

John stated the City Council has asked for the Planning Commission's comments on the Urban Renewal Document. John offered to add any information to the Commissioners packets that they would need for their discussion. Mr. Stewart explained that Mr. Tessman and Mrs. Tallman have requested holding a second workshop to look at the previous recommendations from 1999, so everyone would be on the same page.

Mr. Brown questioned if the City Council intended for Commission to hold public hearings on the URD. Clint stated it was not. Mr. Stewart explained that the Planning Commission had voted 6-1 to make a recommendation against accepting the Urban Renewal implementing documents because the Commission felt there were several flaws. The City Council has asked the Commission to come back to them with recommendations, language, or whatever the Commission feels is appropriate to strengthen the documents.

Mr. Stewart explained that one of the issues to be addressed was that the Commission believed that at some point the City Council should turn the day to day decision making to a separate Urban Renewal Agency with the Council maintaining veto approval.

Mr. Stewart stated another issue is the wording regarding eminent domain, if that is transferred to people who are not elected officials, the contention is there should be some wording regarding when that might be invoked. Mr. Brown stated there should also be some discussion regarding what remuneration someone would receive for their property. Mr. Stewart explained that a piece of property could be condemned and the City could turn around a sell that property to a developer for \$1.00, with no discussion, no appeal. Mr. Stewart explained this is a complex issue, but in order for Urban Renewal to go forward the implementing document should be as strong as possible.

Mr. Tessman stated the new Commissioners would need the documentation of the URD as it is written, as well as the arguments of the Planning Commission at that time. John stated he would send a copy of the URD and the report on the URD to the Commissioners. It was decided to have a special workshop on January 7, 2002.