

MINUTES
CANBY PLANNING COMMISSION
7:00 P.M., October 27, 2003
DR 98City Council Chambers, 155 NW 2nd

I. Roll Call

PRESENT: Commissioners Geoff Manley, Paul Thalhofer, Dan Ewert and Robert Able

STAFF: John Williams, Planning and Community Development Director, Darren Nichols, Planning Technician, Carla Ahl, Planning Staff

OTHERS PRESENT: Johnathan Teller, Jean & Neil Martin, Jack Mckinney, Allen Burden, Charles Burden, Dennis Thompson, Dick Crites.

II. CITIZEN INPUT

None

III. NEW BUSINESS

IV. PUBLIC HEARINGS

DR 03-05 (Burden/Thompson) an application by Ray Burden and Dennis Thompson to construct a 3,500 square foot bank building adjacent to the newly remodeled Canby Farm and Garden Store on Highway 99E northeast of S. Sequoia Parkway.

Mr. Manley read the public hearing format. When asked if any Commissioner had a conflict of interest, Mr. Thalhofer stated he has worked with Mr. Burden on other issues, and will be abstaining from the discussion and the vote, no other conflicts were expressed. When asked if any Commissioner had ex-parte contact, none were stated. No questions were asked of the Commission.

John presented the staff report for Matilda Deas who was unable to attend the meeting. He explained that this property is surrounded by three streets: Sequoia Parkway, Highway 99E, and 1st Ave. It is located next to the Canby Farm and Garden store and across the street from the Fred Meyer complex. John stated the proposed access is from an egress from the farm store with an exit onto 1st Ave.

John explained that the design review matrix requires 25 parking spaces which is what has been proposed, 2 bicycle parking spaces are required and the applicant has proposed 3 to be located on the site as the code requires. He explained the

intersection of 1st Ave. and Sequoia could, depending on the traffic levels on Sequoia, change to a right in and right out in the future. John stated that the applicant and ODOT are aware of this and it shouldn't be a factor. If the realignment ever happens, 1st Ave. will be connected directly to Sequoia by a road that is being proposed through Burden's property and then connect up with Hazeldell, which is extending across from the Fred Meyer entrance.

John stated there has been a traffic study done and it has been submitted to ODOT, who will be involved in issuing an access permit. The applicant has had extensive discussions with ODOT and believes a positive resolution to the issue has been reached. The traffic engineer has determined that the intersection at 99E and Sequoia will continue to operate smoothly with no negative impact from this development.

John explained that the project will have sidewalks all the way around to continue the pedestrian network in that area. The bank has not proposed a specific sign at this time, but with the details provided Matilda has scored the sign as being compatible with the building. The landscape calculations shows 37% of the site to be covered with landscaping and will have automatic irrigation.

John state the building will be a concrete masonry structure with brick veneer and some metal design elements to fit in with the existing structures. Based on those elements the applicant received an 84% score of the matrix.

John stated normal conditions apply to this application; condition #10 addresses ODOT's comments regarding a permit to do the work on the Highway. The City Engineers comments are also addressed with the standard conditions.

John explained that a DEQ permit regarding the stormwater will have to be obtained prior to construction. There is a 20' setback from Highway 99E which has been met by this design. John stated that with the 16 conditions, staff recommends approval of the application.

Mr. Ewert questioned if 1st Street would be removed or just be the access from 1st Street onto Sequoia. John believed the worst case scenerio is that the access would become a right in, right out only, with the access from the proposed Hazeldell St.

Mr. Manley opened the public hearing.

APPLICANT:

Dennis Thompson, architect, demonstrated where the shared access was on Hwy 99E, the location of the 25 parking places between the bank and the farm and garden store and the access out onto 1st Ave. He stated the building has been positioned to allow a nice traffic flow from the drive-up tellers.

Mr. Thompson stated that the applicant has decided that the building will be a wood stud building instead of a concrete masonry building due to the costs, he submitted new elevations of the proposed building which will be primarily brick with

some wood elements.

Mr. Able questioned how the queuing would work on busy days. Mr. Thompson stated that they had moved the building up to allow more room for traffic to maneuver and the bank had approved the design. He was unsure if the bank knew that 1st St. could become a right turn only.

Mr. Ewert questioned if the public area along Hwy 99E, will be part of the landscape area to be maintained by the owner. Mr. Thompson stated that they will be installing 8' sidewalks along Hwy 99E that will start at the entry way and go all the way around and will be maintained by the development. Mr. Ewert asked if the landscape will go past Canby Transmission. Mr. Manley stated there are conditions from the original approval that state the sidewalk will have to be installed there. Mr. Thompson stated there were conditions when the Master Plan was done a few years ago that covers those issues.

Mr. Ewert questioned drainage and asked if the site will be filled to level. Mr. Thompson stated the site is very level at this time, there is an existing dry well but he is unsure if it has the capacity for this development, but it is in the right area and site slopes towards it. Mr. Ewert questioned if there will be drywells or a bio-swale to handle the storm water. John explained that if the applicant is proposing a drywell system they will need to get it approved through DEQ.

PROPOSERS:

None

OPPONENTS:

None

Mr. Manley closed the public hearing and opened Commission deliberations.

Mr. Ewert stated this is an odd piece of real estate that needs to be developed since it is at the entry into Canby. He was concerned about the traffic flow with the access being one-way and the difficulty someone would have trying to get back to town. There were concerns expressed that even with the right turn someone would have to cross 2 lanes of traffic to get to a left turn lane especially when the industrial area is built out. But this will be a problem with any development that goes in there.

Mr. Ewert suggested that the pedestrian walk needs to be clearly marked from Hwy 99E to 1st Ave. Mr. Thompson stated it would not be a problem to create a pedestrian connection from Hwy 99E to the crosswalk at 1st Ave.

It was moved by Mr. Ewert to approve DR 03-05 with the condition of the pedestrian walkway with appropriate signage. Seconded by Mr. Able. Motion carried 3-0-1 with Mr. Thalhofer abstaining.

MLP 03-06 (Teller) an application to partition an existing 13,068 square foot parcel at 487 S. Knott Street into two lots. Lot 1 would contain approximately 8200 square feet and Lot 2 would contain approximately 4800 square feet. Lot 1 contains an existing single family home; the applicant intends to build a duplex on the newly created lot. The area is zoned R-2.

Mr. Manley read the public hearing format. When asked if any Commissioner had a conflict of interest, none was stated. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commission.

Darren Nichols presented the staff report. He explained that the original application showed a 20' access drive, but the applicant has requested the minimum 12' drive since the driveway access is only 80' long, this would allow for more landscaping on lot 1, and for the retention of 2 existing fir trees.

Darren stated the applicant will provide a 5' sidewalk along the existing street frontage. The existing residence is a 2 story residence and the construction of the duplex will most likely be 2 story and will be compatible with the in fill home standards.

Darren stated that a neighbor had written that there is an existing treehouse located on lot 1, which is accessed by extension ladders, the neighbor believed this was a safety concern, it violated their privacy and asked it be removed prior to the issuance of a building permit.

Mr. Manley asked what kind of rules does the City have that would govern treehouses. John explained the treehouse issue would be looked into separately from this application.

APPLICANT:

Mr. John Teller stated he lives in the existing house. He explained that if this application is approved he plans to move his family into the duplex so it will not be a square box, it will have interesting roof lines and he plans to keep as many trees as possible by reducing the access drive to 12' he could curve the driveway to retain the 2 large fir trees.

Mr. Able asked if Mr. Teller knew he would have to retain stormwater on site. Mr. Teller stated he did know that.

Mr. Ewert asked if the proposed duplex would be back to back with the existing duplex. Mr. Teller stated the back yards would abut each other.

PROPONENTS: None

OPPONENTS: None

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

Mr. Ewert questioned if there were any landscaping design requirements, John explained that on private lots, there are lot coverage standards but there are no landscaping requirements.

Mr. Manley questioned if there were any street trees on the site. Darren stated there are several large trees along the back of the lot, with 2 large fir trees along the flag pole and another large tree which contains the treehouse that impacts the neighborhood as a street tree would. The Commission questioned if there was enough room to swing the driveway around the trees without impacting the root system. Darren believed there was.

Mr. Ewert questioned if the applicant was planning to do any landscaping. Mr. Teller stated the parking would be in front with landscaping around the sides and back.

It was moved by Mr. Thalhoffer to approve as presented. Seconded by Mr. Able. Motion carried 4-0.

DR 03-06 (Martin) an application to construct a 2,327 square foot, single story dental office and clinic at 150 NE 3rd Avenue. The site is vacant, following the removal of previous structures and landscaping. The applicant proposes access to the site from NE 3rd and from an existing alley way at the rear of the subject parcel.

Mr. Manley read the public hearing format. When asked if any Commissioner had a conflict of interest, none was stated. When asked if any Commissioner had ex parte contact, none was stated. No questions were asked of the Commission.

Darren Nichols presented the staff report. He explained that the surrounding property is a mix of uses which includes commercial, retail, and medical offices. He stated that the applicant has proposed sufficient landscaping for the zone. The code requires 12 parking spaces, the applicant is proposing 15, 9 full size, 6 compact spaces and 1 ADA accessible space located at the rear of the office adjacent to the staff entry. He explained that vehicle access will come from both NE 3rd and from the alley located at the rear of the property. A pedestrian access will be provided by an interior sidewalk from the street frontage to the main entrance. Bicycle parking is proposed and meets all requirements.

Darren explained that there is one single sign proposed placed in a landscaped area between the parking area and the street frontage which meets all necessary requirements.

Darren stated there had been discussions with Dr. Martin regarding what type of development would be appropriate at this location. Darren explained that even though this is zoned downtown commercial there are a lot of residential developments around.

Darren stated that all of the utilities providers have responded that services are

available to the site. The City Engineer noted stormwater must be stored on site and must meet DEQ requirements. Darren stated that the Fire Marshal had expressed concerns that there was not sufficient storage area in the structure for hazardous or bio hazardous materials that may be generated through the use of the dental clinic.

Darren stated that the Parks & Recreation Director had suggested the proposed fir trees be replaced with deciduous trees for security purposes and which would provide shade faster than slow growing conifers.

Darren stated that the architecture of the building is more in keeping with the surrounding development, with the gabled roof and a little less of a street presence than some downtown buildings. Darren explained it scored 67% with a minimum of 65% required. Darren stated the application meets all required codes and staff recommends approval of the application.

Mr. Manley asked for clarity on the matrix since it states that the total should not include bonus points. Darren explained that when it says "not to include bonus points" it means that the possible bonus points don't count toward the total possible points.

APPLICANT:

Jack McKinney, Principal Architect of Architect Associates. He stated Dr. Martin chose his company because they design a lot of dental and medical buildings and she liked the aesthetics of their designs.

Mr. McKinney explained the building was placed off of the property lines to increase the landscape possibilities and a screened area between the street and the exam rooms to allow a view of the yard, and provide some privacy for the patients.

Mr. McKinney stated Dr. Martin had wanted an office that would fit in with the existing neighborhood more than the usual box type office building would. They have incorporated numerous elements such as gabled roof lines, 14' tall windows in the exam rooms and hardy plank siding with shingles at the gables to have this design fit in with the existing neighborhood. He believes this fits the spirit of the ordinance.

Mr. Ewert questioned the type of lighting that will be used. Mr. McKinney explained that there will be a pole light in the parking lot and ambient lighting from the building. He added that the office would probably not be working late hours.

Mr. Thalhofer, questioned the storage area discussed by the Fire Marshal, but Darren stated that issue would be addressed in the pre-construction phase.

Mr Ewert stated he did not have a problem with allowing fir trees to be planted. Darren explained the Parks Director was concerned about security along the alley, when fir trees are young they spread out and it could be an attractive nuisance.

PROPONENTS:

Jean Martin addressed the commission. She explained that when they started this process, she was afraid they would end up with a skinny tall building to accommodate the required parking for a dental office. She stated that a 2-story office would not function well for a dental office since it would require the installation of an elevator. She stated masonry structures are expensive and she prefers the northwest look of this design. She added that it could be another 10 to 20 years before the neighborhood becomes totally commercial and this design fits in the neighborhood now.

The Commission explained that ADA parking regulations require the space to be located no further than any other parking space. Dr. Martin stated there would be no problem locating the ADA space near the front entrance.

Mr. Crites stated he owns the property adjacent to this development and since he had gotten here late, was there any issues he should be aware of. No issues were brought up. Mr. Crites stated he was not opposed to the application and it looked like a nice design.

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

Mr. Able believed that the design fits the area and is appropriate to the neighborhood. He explained that the Building Official had jurisdiction regarding the ADA parking space.

Mr. Manley believes it is a good application once he understood how the matrix points system worked.

Moved by Mr. Thalhofer to approve DR 03-06 as written. Seconded by Mr. Ewert. Mr. Ewert stated he would like to see a limit put on the lighting in the parking lot. John explained that issue was covered by the hooded lighting requirement and they would make sure that it was enforced. Motion carried 4-0.

V. FINDINGS

SUB 03-05 an application by Apollo Custom Homes to subdivide one 15 acre parcel located south of NW 3rd and west of N Cedar into 128 lots for the construction of attached and detached single family residences.

Mr Manley thought the findings expressed the concerns the Planning Commission had with the application.

It was moved by Mr. Able to approve the Findings for SUB 03-05 as written. Seconded by Mr. Ewert. John explained that the Findings were the written form of the decision so the vote should reflect the original vote unless they had changed their opinions. Motions carried 3-1 with Mr. Thalhofer voting nay.

VI. MINUTES:

October 13, 2003

It was moved by Mr. Ewert to accept the minutes as written. Seconded by Mr. Able. Motion carried 4-0.

VII. DIRECTOR'S REPORT

John addressed the relationship between the parking standards to the Downtown redevelopment goals. It has been difficult for people to even build a one story building on downtown lots and meet the parking standards. He asked if the Commissioners would like to check in with the downtown plan and see where it's going. He explained that at one time Dr. Martin had considered a building with commercial below and residential above, but it was too difficult to accommodate the parking requirements on site.

Mr. Able questioned if there was a different parking requirement for the downtown area. John explained there is a certain area of downtown that has no parking requirements. Areas of the downtown that are outside of that area, still have to meet parking standards. Mr. Able believed it needed to be looked at because this situation encourages people to buy 3 or 4 lots, combine them and then create little strip malls adjacent to residential areas. John suggested having a work shop with Matilda on the Downtown Plan.

John stated there will be one public hearing at the next meeting, a Zone Change for a church located on S. 2nd St. He asked if the Commission was still available for a workshop with the City Council on November 10th regarding annexation priorities. After discussion, John will ask the City Council if they are available for a November 24th meeting.

John stated that the first documents had been received regarding the Northwoods property. He explained that he and the City Attorney are reading through it at this time. He believes that LUBA may have the hearing before the end of the year.

Mr. Manley asked if there had been any action from the City Council regarding the Commission's recommendation regarding creating an area of special concern for the Northwoods project. John explained the Council had altered just one word in the ordinance. So it will be adopted on the second reading at the November 5th meeting.

Mr. Ewert stated he prefers the smaller (11" x 17") set of plans, they are easier to read. Darren stated he is trying to have applicants include the smaller prints with their application. John agreed the wording should be changed in the application to require the smaller prints.

Mr. Ewert asked how many inquiries there have been regarding the industrial area. John stated there have been a number of proposals that have been forwarded by

the State and the County. He explained that Canby is one of the few places in Oregon that can respond to big proposals. He stated projects of that scope are looking at sizeable areas, but if someone is determined to come to the Willamette Valley, Canby will be real competitive. He stated there have also been some smaller parcels that are being negotiated and now that Sequoia Parkway is in place there will be more action out there.

John stated that Sequoia has been striped and goes 2,200 feet from the end of Arneson Park. The Urban Renewal Agency has decided to go forward with the next phase which will connect Sequoia with 4th Ave. They will be negotiating with property owners for acquisition of right-of-way and will be submitting a loan application for that phase. It will be about another million dollar project to begin around next summer.

Mr. Ewert stated the traffic light at Hwy 99E and Territorial is due to be signed off in December.

Mr. Able asked what was happening with the Master Planning the City will be doing for the property that is north of here. John explained he is working on the scope of work that we will use to approve consultants for that project. So we are negotiating at this time and will probably be underway after the 1st of the year.

John stated that there are some residence on the North Redwood St. area that have been interested in doing a Master Plan for the area between the Logging Road and 99, north of the highway. They came to the City Council specifically about the annexations that are on N. Redwood St. They would like to do a master plan dealing with the stormwater, wetlands and road connections.

John stated there is an error in the voters pamphlet regarding the 2 annexations on N. Redwood St. The one on the south end, which is high density zoning and the one at the north end is a one acre piece with low density zoning. The language is correct but the maps have been switched.

VIII. ADJOURNMENT