

MINUTES

CANBY PLANNING COMMISSION

6:00 PM Workshop City Hall Conference Room

7:00 PM March 22, 2004

City Council Chambers, 155 NW 2nd

WORKSHOP Annexation Priorities

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners Geoffrey Manley, John Molamphy, Randy Tessman, Dan Ewert

STAFF: John Williams, Community Development and Planning Director, Darren Nichols, Associate Planner, Matilda Deas, Project Planner

OTHERS PRESENT: Jerry Barkman, Bob Kauffman, Debora L. Gustin, Margaret Birkemeier, Jay Mulkey, Betty Cox, John Cox, Roy Bentz, Dennis Tuuri, Richard Killams, Ed Netter, Pat Sisul, Mark Vodka, Jeanne Vodka, Cheryl Cannan, Leslie Ann Hauer, Grace Bighause

II. CITIZEN INPUT

None

III. NEW BUSINESS

Matilda Deas, Project Planner stated there had been some inquiries regarding the Industrial Overlay zones restriction on metal buildings. She asked the Commission if it would consider allowing some sort of process for the approval of some combinations or types of metal buildings as a conditional use in the Industrial Overlay zone.

Mr. Brown explained that during the process of creating the overlay zone there had been a lot of public testimony and the intent from those conversations were that they wanted to create a high quality environment with the parkway being a feature element with pedestrian access and trees down the middle.

The Commission believed that they should stay with the intent of the code and suggested Matilda write something that would allow for metal accents in the overlay zone.

IV PUBLIC HEARINGS

DR 04-01 HOPE VILLAGE The applicant is requesting approval to construct ten additional Garden Homes at the HOPE Village retirement community. Located on the west side of S. Ivy St. and the south side of SW 13th in the north west corner of the lot. The proposal would extend the Garden Home development and would match the existing Garden Homes.

Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest none was expressed. When asked if any Commissioner had ex-parte contact, Mr. Brown stated he visited the site but drew no conclusions. No questions were asked of the Commissioners

Darren Nichols, Associate Planner presented the staff report. He explained the surrounding area is a combination of land that is outside the City of Canby, R1 (low density) and R-1.5 (medium density). He stated that the recent improvements to SW 13 and S Fir are sufficient to provide access to the parcel.

Darren explained that HOPE Village originally received approval as a PUD in 1991, this application fits into the master plan that was approved by the Planning Commission. The application meets the requirements for landscaping and parking spaces. Vehicle access will be provided from S Fir St. and through the shared parking area along SW 13th. Pedestrian access is adequate to serve the subject parcel and the surrounding development. No signs are proposed for the development and all public facilities are either in place or are available. Darren stated that the development scored 96% on the design review matrix, which is well above the required minimum. The proposal meets all the height and setback requirements and does not negatively impact the surrounding development.

Darren stated staff recommends approval for this application.

APPLICANT:

Jerry Barkman, HOPE Village, explained this is phase 12 of the Garden Homes. When this phase is completed there will be 102 homes. He explained that access to these homes will be through S. Fir and SW 13th St.

Mr. Barkman stated that the exteriors would be exactly the same as the previous Garden Homes and the landscaping will be extended to the new phase. The only difference between this phase and phase 8 (which is under construction) is this phase has 2 less homes due to the lot size.

Mr. Barkman explained that condition #10 was apparently a mistake since it dealt with signage and this application has no signage.

Mr. Brown confirmed that all of the half street improvements have been completed for this development. He asked if the aerobic walkway along the perimeter of the site would be completed with this phase. Mr. Barkman explained that it would be completed with the final phase of this development.

PROponents:

None

Opponents:

None

It was moved by Mr. Ewert to approve DR 04-01 as amended with the removal of condition #10. Seconded by Mr. Tessman. The Planning Commission stated their appreciation of the fact that the applicant has stayed with their master plan and created a quality development that is an asset to the City. Motion carried 5-0.

SUB 04-01/DR 04-02/ZC 04-01, Ed Netter, (Township Trail) The applicant is seeking approval to change the zoning and partition one 27,550 square foot parcel into ten residential building lots of 1,300 to 2,500 square feet for the construction of attached townhomes. The applicant proposes to provide access to newly created lots by means of a twenty foot wide shared access drive off SE Township Road. The application meets criteria for the comprehensive plan designation of R-2 High Density Residential.

Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest none was expressed. When asked if any Commissioner had ex-parte contact, Mr. Brown stated he visited the site but drew no conclusions. No questions were asked of the Commissioners.

Darren Nichols presented the staff report. He stated the application meets the criteria for the comprehensive plan designation of R-2 High Density Residential. New residences are proposed to be placed along the southern and eastern boundaries of the parent parcel. Neighboring parcels to the south are zoned R1 or R1-5. Properties to the north across Township are zoned R-2.

Darren explained that as an R-1 development the parcel size would allow 3 single family homes. As an R-2 the applicant has proposed 10 single family attached homes which is 15.8 units per acre exceeding the R-2 requirement of 14 units per acre. There are several existing trees located on the property and the applicant intends to save as many as they can. There is an existing sidewalk in place and the application includes interior sidewalks.

Access comes from SE Township that "T's" off to serve the development. Initially the Fire Marshal indicated the 20' access drive was insufficient and recommended 50,000lb sidewalks to handle emergency vehicles and outriggers. The applicant states they have reached an agreement with the Fire Marshal to sprinkle the units which will negate the requirement of the 50,000lb sidewalks.

The traffic study indicates the development will add an insignificant amount of traffic on SE Township. The traffic engineer did indicate that if surrounding parcels were developed in a similar manner as this one they could all be served with one access drive that creates a one way loop, which would be acceptable with queuing traffic patterns on Township.

The applicant held a public meeting where citizens expressed concerns regarding the zone change and subsequent subdivision. Neighbors to the south opposed the subdivision because they believed the dense housing would negatively impact their properties and the property should remain R-1 in order to fit into the surrounding development.

The applicant has made several concessions such as increasing the setbacks from the rear and side property lines, placement of windows and the window heights to minimize the impact on the neighbors. Darren explained that the Planning Commission can designate these lots as infill lots which puts restrictions on the kind of setbacks that will be required of the

development.

Darren read letters from Mike and Sheri Kuretich and Don Coleman, neighbors who were concerned about the rezoning of the property to High Density. They believed that the south side of Township should remain R-1.

Darren stated that the application meets all necessary criteria and staff recommends approval of the application.

The Commission asked for clarity on the term Historic Resource and how it applied to this application. Darren explained that applying for designation as a Historical Structure is voluntary and out of the 64 homes in Canby that are eligible to be listed only 4 are. If the homes aren't on the Historical Inventory many of the structures could be lost.

Mr. Brown questioned the sequence of the applications. John explained it is the zone change application that would allow the townhome use, if it is not approved there would be no reason for a subdivision or a design review, typically the subdivision and design review are conditional upon the City Council adopting the zone change.

APPLICANT:

Leslie Anne Hauer, Sisul Engineering addressed the Commission. She stated now is the appropriate time to bring the property to the Comprehensive Plan designation and make use of the property and the available .

Ms. Hauer believes this project represents the best combination of single family and multi-family development. She questioned whether this application fit the description of infill property. This is a multi-family development with each home on a separate lot. She believes this application can meet the criteria for either a single family home development or a multi-family development. She stated that there is no homes located within 25' of a common lot line so it was not infill.

Ms. Hauer stated the applicant held a neighborhood meeting and the biggest issue raised was the lose of privacy for the neighbors. Mr. Netter had adjusted the lot layouts and has removed most of the windows that faced the backyard. Neighbors also asked why Mr. Netter would want to build an R2 development in that area she stated that this is an opportunity to provide a needed housing type for the community.

Mr. Brown questioned what part of the infill standard the applicant would find difficult for the applicant to meet. Ms. Hauer stated it would be the height restrictions if it would prevent 2 story homes

Mr. Tessman asked what the elevation would be for Lot #1. Ms. Hauer stated the applicant had proposed a side elevation at that location and that Mr. Netter would be better to address that issue.

Ed Netter, stated it is his intention for the development to be owner occupied. Lot #1 would be spruced up by wrapping the porch around and putting in more windows to improve the aesthetics of the home. In response to the neighbors concern regarding lack of privacy in their

backyards, he has moved windows to the sides of the buildings, there will only be one bedroom window in the back.

Mr. Netter explained that when he looks at property to develop, he checks the Comprehensive Plan to determine what the City has planned for that area. This area is designated as R2 in the Comprehensive Plan so that is why he is building an R2 development in this area. He added that the cost of this property would make it difficult to build \$200,000 single family homes there.

Mr. Netter stated the homes will be double wall construction with double pane windows. Earthtone colors with different colors and 4" trim around the windows. Things he believes will make the development look nice, with street trees or decorative plants.

Mr. Ewert asked if Mr. Netter would rent the dwellings prior to the sale. Mr. Netter stated he planned on selling them from the onset. But if someone purchases a home they can make it a non owner occupied residence even though it is not his intention.

PROPONENTS:

None

OPPONENTS:

Mr. John Cox stated he owns the adjacent property and questioned where the children form this development would play.

Cheryl Cannon stated she lives around the corner from this development. She finds it distasteful this type of a development would be allowed in this area, there is a beautiful Evangelical Church and an old Victorian house with several single family homes. She cannot envision a multiple family dwelling there and thinks it is ugly. She does not believe Canby needs another multiple family dwelling on the south side of Territorial. She is very opposed to this application.

Debbie Gustin stated that the development across the street that consists of townhouses and manufactured homes that has some green space which is nice but no place for children to play.

Jay Mulkey stated he lives behind this proposed development he does not believe this project is compatible with the surrounding area. He stated that there will be plenty of high density with the Apollo Homes development and the development on S Ivy. The application looks great but this is not the property for it. This is a R 1 area. He showed pictures of what the surrounding housing looks like. He believes high density developments should slow down until the occupancy rates are established. He believes these homes will become rentals. He believes his neighbor sold his property due to this development and that the development would lower the property value of the neighborhood. It is the type of patchwork infill that is not compatible with the neighborhood.

Mark Vodka stated he agrees with everything the opponents have said. One of the townhome units would literally be in his back yard. He has seen townhome developments in

other cities and believes they are awful, and become rentals. He doubts many of the townhomes in Canby are occupied by owners. He stated that this development would not be appropriate in this location.

Grace Bighause stated she has the same concerns as those who have already spoken with the addition of cars and parking. She stated that all of the lots in this area have large lots which she believes will be developed as flaglots and will cause the loss of her privacy.

Camile Kuzluski (spelling) concurred with the comments from previous speakers. She stated when you go to the north of this area it is solid high density to Hwy 99E. She believes this is a single family community and should stay that way. She is concerned about property values and believes it does not fit in with the community. She is also concerned with the growing number of flaglots that are being created.

Jerry Mulkey questioned when the Comprehensive Plan was being reviewed if that area had been looked at for rezoning. John explained that this area has been designated for high density since 1984.

REBUTTAL:

Leslie Ann Hauer addressed Mr. Cox's concerns regarding where the children will play she stated they would play in their own back yards. The project includes green space which will make Mr. Netter's project sell able. She addressed the concern regarding owner occupied housing, the applicant cannot guarantee who is going to live on the property, he can only make it available. Zoning and planning isn't about owner occupancy, it's about making opportunities available for a variety of people and that the infill standards would address concerns regarding the flag lots.

Mr. Brown asked if the applicant was asking for condition #15 to be dropped which covers infill requirements. Ms. Hauer believes the application complies with the infill standards their only concern was whether there would be some height restrictions on some buildings since they are far greater than 25' from common property lines she doesn't believe the infill standard applies. Ms Hauer stated they are asking for the condition to be dropped but they believe they can meet the requirements without it. .

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

Mr. Manley stated he believed the applicant meets both condition A and B for the zone change and is in conformance with the comprehensive plan and all facilities either exist or will be available upon development.

Mr. Tessman did not agree they met the requirements. He stated that Trost scored lowest of all the schools in the Canby area 40% of the kids are on assisted lunch program and bringing in more kids will exasperate the situation so it does not meet the requirements for public facilities.

Mr. Molamphy believes it meet the criteria for both A and B.

Mr. Ewert believes there is nothing that keeps it from meeting the requirements for zone

change.

Mr. Brown explained there are 2 separate zonings for each property in town, the current zoning and the comprehensive plan zoning. The intent is to get the current zoning to the comprehensive zoning and the only way to do that is through applications like this. He stated that there have been changes since the comprehensive plan was developed areas that were designated as medium density were actually built out as low density.

Mr. Brown stated he has looked at the property and that all of the property on the eastern side of Township has a masonry wall that varies in height from 4 and 6 feet and separates the single family community from Township, but as you get further west the wall stops and there is still some expanse to the properties.

Mr. Brown agreed there is an overload of schools in that area but there is water and sewer, water etc. Mr. Tessman explained that part of his objection to this application is that there have been townhomes built in other areas that did not fit into the surrounding neighborhood and believes that this will be the case with this development.

Mr. Brown stated this application needs to meet the criteria, appropriate to upzone and if it have all facilities. Mr. Manley stated that schools alone cannot be used as the reason to deny a land use application. Mr. Manley stated this area has been committed to R1 useage and it does not make sense to upzone it now with a little parcel of land.

Mr. Brown asked if the City had enough R1 land. Darren explained they don't clarify the difference between R1, R1.5 or R2 land, it just states residential units. Mr. Brown stated that there is enough buildable land with the possibility of the Northwood property bringing in more residential land.

Mr. Brown stated that Canby does not have a diversity of housing prices and the price of a new home has been going up about \$20,000 to \$40,000 per year. The community is concerned that there aren't other options for starter family homes, where are kids going to buy a house. But the most stabile community comes from home ownership and not rentals but that issue is not conditionalble.

Mr. Brown stated that the subdivision and the design review could be looked at together.

Tessman stated he did not like the corner lot not facing Township Rd. He also expressed his concerns that the streets did not align with the street across the way. Mr. Brown explained that this is actually is a heavily loaded driveway within a hundred of the S. Locust. Darren stated that the City Engineer and the Public Works Supervisor had different opinions regarding the configuration of the streets.

Mr. Brown did his own evaluation with the design review matrix. And did not believe the application met the requirements. He stated it was probably appropriate to up zone the area to R2 which is what the comp plan shows, but does not believes it complies.

Mr. Molamphy stated he is concerned with the access onto Locust street and believes it could be dangerous. He also believed the houses should face the street.

Darren explained that proposal falls between single family and multi-family because it has individual homes on individual lots, there is no design matrix for individual homes and some of the multi-family requirements do not apply.

John stated the code needs to be clarified to address the issue since it states you can't have commonwall housing with more than 2 units in the R1 zone. It is not the intention of the code to not have design standards for this type of project, it just slipped through the code.

Mr. Ewert stated this development does not fit what was intended for the area, even though it is outside the area of special concern. Mr. Ewert also had concerns regarding the traffic flow from the development, whether the private access drive would be able to connect with adjacent properties to become a private road and the alignment. John stated there had been a lot of thought put into the access issue. It is not street width so it did not fit with the intersection, this seemed to be the best option.

Mr. Ewert expressed his concerns regarding the queuing of cars. Darren explained that the traffic engineer had looked at the issue and found there was room for queuing of 3 cars. She suggested to either align it or create a no parking area on the northside of Township. Mr. Ewert believed this development would create future problems.

Mr. Brown stated that what the applicant has proposed is good for Canby, he just does not believe this plan will work.

It was moved by Mr. Ewert to recommend to the City Council denial of ZC 04-01 based on section B, specifically the transportation issue, street alignment, the school issue and that it impedes development of adjoining properties. Motion 4-1 with Mr. Manley voting nay.

There was discussion regarding how to deal with the remaining subdivision and design review applications. It was suggested by Ms. Hauer to continue the other applications until after the City Council decision. The applicant agreed to waive the 120 day rule. Mr. Brown continued SUB 04-01 and DR 04-01 to May 24, 2004.

V FINDINGS

MLP 04-01 Latham The applicant is seeking approval to partition one 19,150 square foot parcel into two separate tax lots of 11,129 SF and 8,023 SF. One existing house will remain on the lot fronting NW Knights Bridge Rd

It was moved by Mr. Molamphy to approve MLP 04-01 as submitted. Seconded by Mr. Manley. Motion carried 5-0.

MLP 04-02 Payton The applicant is seeking approval to partition one 24,040 square foot parcel into three separate tax lots of 8,794 SF, 7,018 SF and 8,228 SF. The property is located at 1131 N. Maple St.

It was moved by Mr. Manley to approve MLP 04-02 as written. Seconded by Mr. Molamphy. Motion carried 5-0.

SUB 03-05 Apollo Homes The applicant is seeking approval to subdivide on 15 acre

parcel into 136 lots for the construction of single family residences, duplexes and townhomes

Mr. Molamphy questioned that since this application was remanded back to the Planning Commission from the City Council, if we approve the findings will the application go back to the City Council. John clarified that the applicant can now drop their appeal and this will be the final decision on the subdivision. John explained that if the Findings were approved they would be sent to everyone who had standing and they could be appealed to the City Council by someone on the other side of the issue.

Mr. Brown addressed each condition.

Mr. Molamphy had concerns regarding condition #5, he believed it should be more specific regarding the landscaping. Darren questioned the location of the wall, with the wall up against the development it creates an area between the wall and the railroad tracks that can't be seen. If it doesn't mitigate noise why create a landscaped area that does no one any good

There was a discussion regarding the relationship of the wall and the bio-swale. It was agreed to move the wall back toward the railroad track with the created area to be open space maintained by the homeowners association. John suggested modifying condition #19 to move the wall along the south property line of the parent parcel. John stated that the requirement of the Fire Marshal approving the emergency access needed to be added to condition #10 also.

The Commission addressed the condition #15 that states all lots fronting NW 3rd & Cedar comply with photographic evidence presented to the Planning Commission. They stated that when the elevations were presented the applicant was asked if that was what would be built and were told yes. Their vote was on the assumption the entire development would meet that quality. Darren explained that it was not the applicants intent to apply those design standards to the interior of the development. It was decided to allow the applicant the opportunity to respond to the conditions.

The Commission discussed condition #18 which requires a 6' fence to prohibit residents from accessing the storm water swales on City properties. It was conditioned that the fence be chain link or wrought iron.

VI MINUTES

February 23, 2004 It was moved by Mr. Manley to approve the minutes of February 23, 2004 as written. Seconded by Mr. Tessman. Motion carried 5-0.

March 8, 2004 It was moved by Mr. Manley to approve the minutes of March 8, 2004 as written. Seconded by Mr. Molamphy. Motion carried 5-0.

VII DIRECTOR=S REPORT

John stated there were three applications, a conditional use permit and two subdivision applications for the next Planning Commission meeting.

John asked the commission if they still wanted a discussion regarding conditional use permits, overlay zones and areas of special concern. Mr. Brown stated that assuming the Northwoods area does come into the City the Commission would like to understand what being an area of special concerns means and would allow.

VIII ADJOURNMENT