

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – June 11, 2007
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Jim Brown, Vice Chair Dan Ewert, Commissioners John Molamphy, Janet Milne, Bruce Holte, and Jared Taylor

ABSENT: None

STAFF: John Williams, Community Development and Planning Director; Kevin Cook, Associate Planner; Carla Ahl, Planning Technician; and Jill Thorn, Planning Staff

OTHERS PRESENT: Vivian Carpenter, Bettylou Dalley, Kathleen McNamee, Dick Leagjeld, Adam Sibert, Jack Gallagher, Blake Schellenberg

I. CITIZEN INPUT None

II. PUBLIC HEARINGS

MLP 07-05 – 441 S Knott Street – Williford/Schellenberg - Minor land partition to divide Tax Lot 8800 of Map 31E33DC into 2 new tax lots

Chair 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, none was stated. No questions were asked of the Commissioners.

Carla Ahl presented the staff report. The applicant is requesting approval to partition one 9,975 square foot parcel, zoned R-2 into two separate parcels. Parcel one would consist of 6,300 square feet and would retain the existing house. Parcel two would become a 3,675 square foot buildable lot.

The property is zoned R-2 (High Density Residential) with a Comprehensive Designation of R-2 also. All surrounding property contains the same R-2 designation both on the Current Zoning Map and the Comprehensive Plan Map.

Currently there is an existing flag lot located directly to the south of this proposed development. The applicant has provided a letter from the owner of that flag lot stating their intention of granting a reciprocal access easement to be recorded with the deed.

Commissioner Holte arrived and stated he had no ex-parte contact and no conflict of interest. He also stated he had read the materials and was able to make a decision.

Commissioner Ewert asked where the 15 foot access was. Ms Ahl responded that it was to the south of the property.

Chair Brown asked if the letter was received from the adjacent property owner allowing the use of the existing driveway.

John Williams responded that it had been received and was addressed in Condition 5.

Applicant: Blake Schellenberg, 31170 SW Country View Loop, Wilsonville, stated he understood the letter of intent must be recorded. He asked if the utility work had to be completed before the partition was recorded or at the time of development.

John Williams stated the code doesn't specify when it is to occur, and that Conditions 11 and 12 dealt with the process.

Mr. Schellenberg stated that the arborvitaes in the front of the property would be removed.

Chair Brown asked if the applicant had a problem if a condition was added required a solid fence at the rear of the property.

Mr. Schellenberg indicated he had no problem.

Proponents: None

Opponents: Kathleen McNamee, 243 SE 3rd Avenue, asked that the applicant be required to add a solid fence at the rear of the property to provide privacy to her property.

Rebuttal: Mr. Schellenberg asked if the utilities would have to be completed prior to issuing the building permit.

John Williams responded that was the way the condition was written.

Chair Brown closed the public hearing.

Chair Brown stated that Condition 22 should be added to require a solid fence at the rear of the property.

Commissioner Taylor stated the property was zoned R-2 (High Density Residential), but with the current application, it would not be built to that density. He felt the City needed to build to the zoned density.

Chair Brown responded that one would have to wait until the market conditions demanded the density and it was a natural process.

Commissioner Ewert asked if a two story home could be built and whether the setbacks could be met.

John Williams said it was possible if the step up requirements could be met and that the code allowed a flag lot to have 3 side yards.

It was moved by Commissioner Milne to approve MLP 07-05 as with a Condition 22 requiring the applicant to install sight obscuring solid fence across the rear property line prior to occupancy. It was seconded by Commissioner Holte. Motion carried 5-1 with Commissioner Taylor voting No.

DR 07-03 - 1101 SW 1st Avenue - Site and design review to build a Kentucky Fried Chicken and A&W restaurant

Chair 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, none was stated. No questions were asked of the Commissioners.

Kevin Cook presented the staff report. The City has received DR 07-03, an application by Northwest Restaurants, Inc. to construct a 3,283 sq. ft. KFC/A&W drive-through restaurant. The site is located on Pad A of the Canby Place retail center that was previously approved by the Planning Commission in 2005 (file DR 05-05). Most aspects of the site have already been determined through the original Design Review; which had assumed that the site would be utilized as a drive-through restaurant. Access to the site will be from within the existing development which has access from Highway 99E and Berg Parkway.

Chair Brown said the black and white renderings in the packet were different from the color renderings provided.

Kevin Cook said the applicant would be able to clarify.

Commissioner Ewert asked for a clarification of Condition 18.

Mr. Cook explained that the previous land use decision dealt with the over-all aspect of the property and those conditions were part of this decision.

Commissioner Ewert asked about a barricade similar to the one conditioned for Burger King.

Mr. Cook said the grade was different between the two projects and was not needed.

Applicant: Adam Sibert of Northwest Restaurants, Inc. said the building would be a single unit with two restaurants. He said the color renderings had just been received from the corporate office in Kentucky and this site would be one of the first with the new design on the West Coast.

He stated that he accepted Condition 19 and felt it would help increase foot traffic to the business.

Commissioner Milne asked how high the stacked stone would be around the building.

Mr. Sibert stated it would be 3 feet high.

Chair Brown said the location was of significant prominence and the thing that people would see first was the trash enclosure when they enter the City. He asked what type of gates would be on the enclosure.

Mr. Sibert responded they would be metal.

Chair Brown asked how the colors for the restaurant tied to the colors chosen for the rest of the center.

Mr. Sibert stated this was a bold new look and it would stand out. The color pictures did not do the project justice. He did not want an eye-sore.

Chair Brown asked if the signs were mounted to the building or on an exposed raceway.

Dick Leagjeld, Legjeld Construction, stated the KFC was on a raceway.

Commissioner Milne expressed concern about the site being very prominent and the desire to have it look good. She stated the style and colors would not be her choice but the community had decided that not every building should look the same so that national companies could use their colors. She said the style was not her favorite, but had been well done.

Chair Brown asked if there was a way to doll up the trash area.

Mr. Sibert said they could put stacked stone around the lower part of the trash area like the building.

Chair Brown asked if the applicant was opposed to dolling up the gates to the trash area.

Mr. Sibert said he was okay with that.

Commissioner Ewert stated he like the building, felt the signage was great but did not like the colors.

Chair Brown stated the stacked stone was appropriate.

Commissioner Ewert liked the stone look.

Commissioner Molamphy stated the colors were bright, but it was a stand alone building.

John Williams stated the applicant met the current design standards and this type of application was one of the reasons for the current design task force's work.

Commissioner Holte liked the idea of putting the stacked stone around the trash area.

Commissioner Taylor stated that he wouldn't paint his house those colors, and he understood it was a way to advertise their business.

Commissioner Ewert stated the commissioners lived in the community and he felt a responsibility to speak for people of the community.

Proponents: Jack Gallagher of Norris Beggs & Simpson and leasing agent for the center stated that changing colors for a corporate building would be next to impossible.

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

Chair Brown summarized the proposed additional conditions. Condition 20 would be modified to meet Condition 21 which would require stacked stone around the trash area. Condition 22 would require the gates/doors to the trash area to be enhanced architecturally. Condition 23 would require that the colors on the building be maintained so they don't fade.

It was moved by Commissioner Milne to approve DR 07-03 with three additional conditions. The trash area to have stacked stone up to 3 feet and the doors to the trash area to be enhanced for a better appearance and the paint maintained to prevent fading. It was seconded by Commissioner Taylor. Motion carried 6-0.

III. NEW BUSINESS

MOD 07-11 of DR 00-09/CUP 00-06 - 390 NW 2nd Avenue – Country Side Living - Site and design review and expansion of a non-conforming use review to build a guest house. – Moved to the June 25, 2007 Planning Commission Agenda at the Applicant's request

Canby High School Expansion – Discussion regarding left-turn-lane on SW 2nd Ave, DEQ storm water approval, emergency vehicle access to proposed school bus lane, and timing of site work.

Kevin Cook said the proposed turn lane at 2nd Avenue was being looked at by the Traffic Engineer and he would have a report at the next commission meeting.

The high school will be able to register the new dry wells, but there are some problems with the existing dry wells. If DEQ give tentative approval for the new dry wells, the City would allow the project to move forward.

Condition 1 states that no building permits and/or utility work shall be permitted prior to the approval of the proposed right-of-way vacation. The City Council approved the vacation, but state law requires a waiting period and the staff would allow the work to start with the understanding that any work would be at the district's risk.

The emergency access issue would be reported to the Commission at the next meeting.

IV. FINDINGS

MLP 07-03 371 SE 13th Place – Kimco Properties - Commissioner Ewert moved to approve the findings for MLP 07-03 as presented. Motion seconded by Commissioner Taylor and passed 6-0.

DR 07-01/CUP 07-01 – 371 SW 4th Avenue – Canby School District - Commissioner Taylor moved to approve the findings for DR 07-01/CUP 07-01 as presented. Motion seconded by Commissioner Holte and passed 6-0.

MLP 07-05 – 441 S Knott Street – Williford/Schellenberg - Commissioner Milne moved to approve the findings for MLP 07-05 as modified from the Public Hearing earlier in the meeting. Motion seconded by Commissioner Taylor and passed 6-0.

V. MINUTES

May 14, 2007 - Commissioner Ewert moved to approve minutes of May 14, 2007 as presented. Motion seconded by Commissioner Taylor and passed 6-0.

VI. DIRECTOR'S REPORT

John Williams reported that on the June 25th agenda would be a modification to a previous Site and Design Review to allow Countryside Living to add a guest house to the property.

Also, the Commission would have the opportunity to discuss the issue of infrastructure timing on minor land partitions and subdivisions.

Mr. Williams stated that the next five applications to come to the Commission were all commercial projects. July 9 the Commission would hear the Site and Design Review for American Steel. July 23 would be a 4-lot subdivision in the Industrial Park. August 27 would be the Site and Design Review for a new Rite Aid.

Mr. Williams announced that the Design Standards group would meet on June 28.

Chair Brown asked about the unit on the top of the Willamette Falls building.

Mr. Williams stated that the Commission would probably be handling that in the near future.

VII. ADJOURNMENT