

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – October 8, 2007
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Jim Brown, Commissioners Dan Ewert, John Molamphy, Janet Milne, Misty Slagle and Jared Taylor

ABSENT: Bruce Holte

STAFF: John Williams, Community Development and Planning Director; Matilda Deas, Project Planner; Melissa Hardy, Associate Planner; and Jill Thorn, Planning Staff

OTHERS PRESENT: Dane Ridenour, Jim Beamer, Jon Hummelt, Brent Ahrend, Richard Dugie and Debbie McKee

I. CITIZEN INPUT None

II. INTRODUCTION OF NEW CITY STAFF John Williams introduced Melissa Hardy who is the new Associate Planner.

III. PUBLIC HEARINGS

DR 07-06 – Rite Aid – Hwy 99E and Pine Street – A request to construct a 17,340 sq. ft. Rite-Aid Drug Store with a drive through pharmacy on a 1.74 acre parcel zoned C-2.

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.

Matilda Deas presented the staff report. The applicant is requesting to construct a 17,340 sq. ft. Rite-Aid Drug Store with a drive through pharmacy on a 1.74 acre parcel zoned C-2. There are two proposed accesses to the site: a right in right out access on Hwy 99E and a full access on S. Pine. The proposed access on Hwy 99E is located approximately 210 feet from the intersection, and the S. Pine access is located 30 feet south of Canby Builder's driveway and 90 feet north of Second Avenue and the Fire Department's driveway.

The site is currently occupied by a gas station with a mini market and a residence with a separate garage and shed. All will be removed with this development. The in ground gas tanks will be removed and the applicant will conduct any soil remediation required by DEQ and/or EPA. The alignment of the Hwy 99E and S. Pine intersection is problematic. As part of this development, the applicant has agreed to sell the City of Canby the additional right-of-way along S. Pine needed to implement the future improvements planned for this intersection. The intersections improvements are identified in the City of Canby's Transportation System Capital Improvement Plan, and are scheduled to occur within the next five years.

The building will utilize 63 parking spaces, which is the minimum required for developments that will provide a pedestrian connection. The applicant is providing a pedestrian connection to the Canby Transit bust stop located at this site.

A traffic Study was conducted by Group Mackenzie and reviewed by ODOT and Lancaster Engineering (the City's transportation contract engineering firm). Lancaster Engineering requested the applicant address possible future conflicts at the proposed S. Pine access assuming a future three lane section on S. Pine.

The applicant and the Oregon Department of Transportation (ODOT) had not resolved the traffic issues for the site, but the applicant was willing to work with ODOT to resolve.

The Fire Department had no problems unless there was to be no access from Highway 99E.

The applicant was willing to work with Canby Area Transit (CAT) for a transit pad and shelter.

Commissioner Taylor inquired about the drainage issues. Ms Deas responded that it was an issue to be dealt with ODOT.

Applicant: Richard Dugie, consultant for the applicant, said they were in agreement with the staff report. The applicant has allowed for extra landscaping and was in agreement with CAT on the transit pad.

Jon Hummelt, applicant, stated it had been a pleasure to work with Matilda Deas and that ODOT had been a struggle. The site is unique and there was a deeded access with ODOT. He was hoping to hear from ODOT this week. There had been unsuccessful discussion with the owner of Canby Manor for a shared access.

Commissioner Ewert asked what the response from ODOT had been about the median. Mr. Hummelt said that the only response received from ODOT had been no because ODOT wants all access off of Highway 99E.

Commissioner Taylor inquired about the trash enclosure. Mr. Dugie said it would have a metal gate.

Proponents: Debbie McKee spoke on behalf of the owner of the Canby Manor and said that the owner did not want to share access.

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

Chair Brown asked about the process if the Commission approves the application, but solutions with ODOT could not be found.

Mr. Williams stated that the applicant could request a modification. If it was minor, it would be a staff decision, or if it was intermediate it would come back to the Commission for approval.

Chair Brown felt this was an opportunity to fix existing problems and have a nice entry to the community with this application.

Commissioner Ewert expressed a desire for a monument sign as opposed to the lollipop sign that was proposed but understood that was a separate application process.

Commissioner Taylor felt it was nice to see that the applicant was being so cooperative with all agencies.

It was moved by Commissioner Ewert to approve DR 07-06 as presented. It was seconded by Commissioner Taylor. Motion carried 6-0.

DR 07-07 – Panda Express Restaurant – Hwy 99E and Berg Parkway adjacent to Walgreens - An application request to develop a 38,761 sq. ft. CM zoned parcel with a 2,380 sq. ft. Panda Express restaurant with a drive through.

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.

Matilda Deas presented the staff report. The applicant is requesting to develop a 38,761 sq. ft. CM zoned parcel with a 2,380 sq. ft. Panda Express restaurant with a drive through. Access to the site will be off of Berg Parkway and directly onto Highway 99E. Both access drives will be shared with Walgreen's.

The property is located at the eastern parcel of the two parcel retail development that includes Walgreen's, located at the northeast corner of Berg Parkway and Hwy 99E. The application is for a Panda Express restaurant with a drive-through. The site is 38,762 square feet. Although a traffic study was done for the Walgreen's development in 2003, the study assumed the remaining parcel would be developed as general retail. Thus, an additional study was required to assure compliance with ODOT standards.

The 2,380 square foot building will utilize 29 parking spaces, two of which will be ADA accessible. The minimum required for this development is 23. A minimum of two bicycle parking spaces are required.

Chair Brown asked if the joint access aligned with the access of Safeway.

Ms Deas said that ODOT and the traffic engineer were okay with the access and it was approved as part of the Walgreen's application.

Commissioner Ewert asked about the connections between Walgreen's and Panda Express and whether this would cause problems with people using the access instead of going to the traffic signal at Berg Parkway.

John Williams stated this had been negotiated with the Walgreen's application and all agencies had agreed.

Applicant: Dane Ridenour, architect for the project, stated he had been at the site earlier in the day around 5 PM and most people leaving Walgreen's were using the traffic signal exit. He stated they would be putting in a monument sign.

Commissioner Ewert asked about the fencing along the rear of the property. Would it be the same as what Walgreen's had been required to put on the site.

Commissioner Milne said the fence had been requested by Walgreen's as a safety issue.

Chair Brown polled the Commissioners about the fence and the majority felt it was not necessary.

Proponents: None

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

It was moved by Commissioner Milne to approve DR 07-07 as presented. It was seconded by Commissioner Taylor. Motion carried 6-0.

IV. NEW BUSINESS None

V. FINDINGS None

VI. MINUTES

September 10, 2007 - Commissioner Milne moved to approve minutes of September 10, 2007 as presented. Motion seconded by Commissioner Taylor and passed 5-0-1 with Commissioner Ewert abstaining.

VII. DIRECTOR'S REPORT

John Williams thanked Matilda Deas for the great job of picking up work since there had been a vacancy in the Associate Planner's position.

Mr. Williams announced there would be a meeting on Thursday, October 11 from 6 to 8 PM at the Canby Adult Center for business property owners to discuss the new standards for downtown and Highway 99E buildings.

Mr. Williams said that the first meeting in November would be on Tuesday, November 13 instead of Monday, November 12 because of Veteran's Day. He said the Commission would be having a work session on the Design Standards and asked the Commission if the session should be in Council Chambers with the television or in the Conference Room. The Commission agreed to meet in the Conference Room.

Mr. Williams announced that the Street Maintenance Funding would soon be discussed at several community meetings.

Mr. Williams reported that the consultant who was working on the Design Standards was preparing a scope of work for the sign code.

Commissioner Ewert requested a list of code changes that would be coming to the Commission in the future.

Commissioner Molamphy asked for an update on the traffic study that 1st Student was to complete and report back to the Commission.

Matilda Deas announced there would be a facilitated meeting of Parks and Recreation stakeholders to discuss future needs for the community.

VIII. ADJOURNMENT