

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – January 26, 2009
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Vice Chair Jan Milne, Commissioners Sean Joyce, Chuck Kocher, Misty Slagle and Jared Taylor

ABSENT: None

STAFF: Matilda Deas, AICP, Project Planner; Catherine Comer, Economic Development Manager; Curt McLeod, City Engineer and Jill Thorn, Planning Staff

OTHERS PRESENT: Don Kylo, Donna Palmer, James Burdett, Brooks Cutsforth, Chuck Nakvasil, Jan Smith, James Blissett, Terry Tolls, Martha Valveidre, Erika Lee, Jeremy Longstreet, Ishah Ahumada, Ada Ruiz, Nancy Vazquez, Roger Reif, Randy Carson, Martha Ahumada, Jose Moreno, Jonathan Miller, Lulu Carrillo, Andrew Escobar, Tika Moreno, Otoniel Velazquez, Victor Carrillo, Rafael Avelor and Tony Helbling

I. CITIZEN INPUT None

II. PUBLIC HEARINGS

DR 08-04 – Canby Cinema - Requesting approval to develop a 19,620 square foot 8 auditorium cinema complex in the downtown commercial core. The cinema will be located on the corner of NE 2nd Avenue and NE Knott Street. The largest auditorium will hold 214 seats. The intent is to introduce a “Main Street” theater into downtown Canby with traditional theater design elements and a clean and aesthetically pleasing appearance to encourage pedestrian traffic and add to the on going urban revitalization of downtown.

Chair Ewert 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 January 15, 2009 staff report for the record. Ms Deas also briefed the Commission on the history of the project. She reviewed written testimony received from Erica Lee and read the minutes from the neighborhood meeting that was held on December 16, 2008.

Catherine Comer reviewed the project and the involvement of the Economic Development Department. City staff, representing the Urban Renewal Agency has worked for three years to bring a movie theater to Canby. Efforts included:

- March 2006 – Accepted as Economic Development Project by Urban Renewal Agency and Canby Business Development
- Community Survey: 94.5% in favor of Cinema, in March 2006 830 responses
- High School Students request Movie Theater as number one priority Spring 2006 – during a poll taken in several classes
- Spring 2006 : the URA identified downtown Canby as being the ideal site for a theater location to stimulate commercial development

- January 2007 – Commercial market analysis demonstrated that Canby was losing over \$2M each year in ticket sales and support business by not having a movie theater.
- On June 25, 2008 presented Cinema plan to downtown businesses owners – attendance 43
- 2007-2008 presentations to Canby Area Chamber of Commerce and community groups: received Chamber board support
- In 2008, the Canby Urban Renewal Agency signed a development agreement with Cinemagic Theatres LLC and private property owners to locate a site for an 8-plex theater in Canby's downtown
- December 2008 - URA purchased land for Parking Lot to build a 157-space public parking lot and connection road between 2nd and 3rd Avenues. The city also received a land donation from the Cutsforth family in the form of a reduced sales price for the parking lot property and a gift from the estate of Alice Klohe, allowing additional land to be purchased to expand the parking lot project.

Curt McLeod told the Commission about the street and parking lot that was being proposed, but would be a City project in conjunction with the construction of the proposed theater.

Commissioner Taylor asked if the City would be installing and operating the lighting. Mr. McLeod said the City would maintain.

Ms Comer stated that the Urban Renewal Agency will fund the lighting.

Ms Deas said the lighting would meet the dark sleep requirements.

Commissioner Kocher asked if there was enough parking when there were large events at the Town Hall at Cutsforth's Thriftway.

Ms Comer said the Cutsforth family felt there was adequate parking.

Commissioner Ewert asked about the current truck pattern and would the Knott Street access be used in the future.

Mr. McLeod responded that was the plan.

Commissioner Ewert asked about the intersection of Ivy and First Avenue.

Mr. McLeod said that when the Railroad Parking Lot review would begin would be the time to address that intersection.

Commissioner Ewert asked if this project needed to hinge on the First Avenue solution.

Mr. McLeod said no as it was not a key component of the project.

Commissioner Milne asked for clarification on the parking lot and was that application before the Commission.

Ms Deas explained that the parking lot was not before the Commission, but because this was a joint project, the information was included in the materials.

Applicant: **James Blissett of the design Collective**, architect for the project stated the design called for 12 inch parfait instead of two feet, additional screening for the mechanical equipment on the roof was not necessary and they would be using the brick colored CMU for the siding of the building. He also said that most theaters do not have a loading dock as all the deliveries will come through the lobby entrance.

Commissioner Joyce asked what the alley side of the building would look like.

Mr. Blissett said it would have the back exit doors, emergency exit and lighting.

Commissioner Kocher asked how much property between the building and Juniper Street.

Curt McLeod responded that it was about 100 feet.

Commissioner Joyce asked where the garbage would be located.

Ms Deas responded it would be a screened area in the parking lot.

Chuck Nakvasil, project developer, explained that parking was not an issue as not everyone comes at the same time to a movie, based on the start times. He also said that safety was the number one concern.

Commissioner Ewert asked if the applicant was aware that parking would be an issue during the week of the county fair.

Mr. Nakvasil responded that time of year was generally a slow time for the movie business and that they would put public service announcements on their screens.

Commissioner Milne suggested that the blank wall on the end of the building might be an opportunity to involve the schools in designing and painting a mural. Mr. Nakvasil responded it was an excellent idea.

Proponents: **Brooks Cutsforth** stated his family had been working on this project for three years and supported the project. He had concerns about the trucks and traffic.

Commissioner Kocher asked about meetings at the Town Hall and parking. Mr. Cutsforth stated there was enough parking in their lot as most meetings were in the evening when the grocery store was not busy.

Commissioner Ewert suggested that after the theater was complete that it would be nice if the vacant lot could be landscaped with grass.

Mr. Cutsforth said the plan was to build on that lot soon after the theater is completed.

Roger Reif stated that he had been "kind of" involved in the project and strongly supported it.

Terry Tolls stated the project has been in the works for at least 3 years and he supported it. He also said the downtown area had not had many new projects and he was glad to see this project come forward.

Randy Carson, former City Councilor, thanked the staff for their work on the project and felt it would be a good anchor for the downtown area.

Opponents: **Martha Ahumada** served as an interpreter for the minister of the Light of the World Church, asked the Commission to look at the project in a different way. He had concerns about the influence of the theater on the youth of his church. He felt there should be a better place to locate the theater rather than in Canby.

Commissioner Taylor asks if there were any concerns about traffic.

Ms Ahumada responded that they did not know what to expect in the way vandalism and felt it would be too loud in the summer. She hoped the police would increase their patrols of the area.

Erica Lee had concerns about headlights shining into her home and the noise of truck exiting onto 3rd Avenue at all times of the day and night. She had concerns about what would happen to her mailbox when the access was developed.

Commissioner Milne said the post office control the mail box locations.

Ms Lee asked if any thought had been given to the influx of traffic and people parking during the fair in August.

Mr. McLeod said maybe the landscaping could be increased to help with the headlight issue.

Jose Moreno said he lived in front of the church which has services every night and on Sunday. He felt the plan had been put together without looking at the congestion and traffic. He felt that people would be coming from Woodburn and Hubbard which would cause more traffic issues. He felt a stop sign or light should be required.

Commissioner Taylor said that the traffic engineer's report showed that in peak hour it was a total of 57 car trips and that was approximately one a minute and what did Mr. Moreno think of that.

Mr. Moreno felt it was a lot higher and the traffic study was not accurate.

Don Kylo said he felt the trucks would go up 3rd Avenue to Pine and asked what the width of the sidewalks would be.

Ms Deas said they were required to be 11 feet.

Commissioner Ewert said they would be 20 feet on the 2nd Avenue side of the building.

Donna Palmer said the Commissioners need to drive around the area. She felt a stop sign at 3rd and Juniper was necessary. She wondered who would pick up the garbage. She said the trucks enter and leave the area all night long. She asked if the alley would be open or closed and could the alley be swept at the same time the parking lot is swept. Also, had there been any thought to putting the theater over by the new Wilco store.

Ishah Ahumada expressed concerns about the safety of small children who attend the church. She felt that a stop sign was needed at 3rd and Juniper. She was concerned about noise by the people leaving the theater and the increased traffic on 3rd Avenue.

Ada Ruiz said she agreed with everything that had been said by the previous people speaking. She felt the theater should be placed in Barlow or Lone Elder. She felt her property would be devalued

Jonathan Miller said a stop sign should be placed at 3rd and Juniper.

Lulu Carrillo had concerns about people leaving trash in the neighborhood and the increased traffic on 2nd, 3rd and 4th avenues.

Otoniel Velazquez said the church was promoting Christianity and the theater would promote violence and agreed with everything that had been said. Mr. Velazquez had concerns about little children walking to the store and the increased traffic. He felt the theater would bring more noise, trash and traffic to the neighborhood.

Commissioner Ewert said the theater was an outright use and the best that the Commission could do would be to mitigate the concerns raised by the neighbors.

Mr. Velazquez felt the stop sign was the most important issue and wondered about the noise and dust during construction.

Commissioner Ewert said safety issues would be a priority of the Commission.

Andrew Escobar said safety for children was his main concern.

Tika Moreno said she would not feel safe sending her children to the store as she didn't think people would respect the stop signs.

Neutral: **Jim Burdett** said he felt people would park in the areas that would be marked for no parking. He felt the 4-way stop at 3rd and Juniper was necessary and would like to see the police in the area when the people are leaving the theater. He was concerned about the trash that would be left in the neighborhood as even now that was a problem.

Rebuttal: **Jan Smith**, representing the developer, said she understood the concerns of safety that had been expressed. She said this was a small town theater and not a giant multiplex and would be great for the neighborhood. She said she was willing to meet with the people from the church. She also said that teaching and training of the staff was very important. She said the garbage will be picked up all around the site.

Chuck Nakvasil said he understood the concerns about the young people. He said it was the policy of his company not to show X rated films as the theater was a family oriented business.

Commissioner Taylor asked if Ms Smith said she would be reaching out to the church.

Ms Smith responded yes.

Chair Ewert closed the public hearing.

Commissioner Joyce thanked people for all the input. He felt the issues were trash, traffic and the stop sign on 3rd. He said this project isn't a grand megaplex and the majority of the patrons would be from Canby.

Commissioner Taylor said that many of the people on the Commission have lived in Canby for a long time. He said the building looked good and CMU meets the intent of the code. He felt there was no real reason why the mechanical equipment should not be screened. He said the parking lot looked fine. If possible 3rd and Juniper should be a 4-way stop or other traffic calming devices. He liked having vegetation to screen the headlights.

Commissioner Milne admitted she was an avid movie goer. She appreciated that the owner was an independent operator with small town values. She felt the design was very attractive. She was concerned about the safety issues on 3rd and Juniper and would suggest that the City Council approve that intersection as a 4-way stop.

Commissioner Slagle said over all she agreed with the other Commissioners and felt the theater would be good for the community and help keep the youth here in Canby instead of having to go to Wilsonville or Oregon City. She agreed with the 4-way stop on 3rd and Juniper; had concerns about the truck traffic on 3rd Avenue and felt the mechanical screen was necessary. She also felt the building was beautiful and met the intent of the code.

Commissioner Kocher stated he had lived in his neighborhood for 28 years and has seen the community grow. He felt the theater would help keep the community livable for families. He felt there was a need to slot down the traffic on 3rd Avenue.

Commissioner Ewert felt there were several issues the City needed to take care of on this project. The alley will turn into a street unless it was signed, had speed bumps or was made one-way. Third and Juniper needs to become a 4-way stop. He felt that trucks should not use the Knott access but exit onto 2nd Avenue and have signage stating that. The mechanical screening is necessary and Condition 9 should be modified to allow the dumpster.

Commissioner Ewert felt the project was really cool. It would be a great addition to the downtown and a great fit as it was a smaller facility. He felt the rain garden was a good thing.

Commissioner Milne moved to approve the design review application DR 08-04 as presented with the addition to Condition 9 for the dumpster and add Condition 25 for signage on Knott of "No trucks"; Condition 26 for the alley to be local access only and Condition 27 would be that the City would install traffic calming devices in the alley behind the theater. It was seconded by Commissioner Taylor. The motion passed 6-0.

III. FINDINGS

SUB 08-03 – SW Corner of 1st Avenue and SE Walnut Street - It was moved by Commissioner Slagle to approve the written findings for SUB 08-03 – SW Corner of 1st Avenue and SE Walnut Street as presented. It was seconded by Commissioner Milne. The motion passed 6-0.

MLP 08-05 – SW Corner of 1st Avenue and Mulino Road - It was moved by Commissioner Taylor to approve the written findings for MLP 08-05 – SW Corner of 1st Avenue and Mulino Road as presented. It was seconded by Commissioner Slagle. The motion passed 6-0.

IV. MINUTES

January 12, 2009 - Commissioner Slagle moved to approve minutes of January 12, 2009 as presented. Motion seconded by Commissioner Kocher and passed 6-0.

V. DIRECTOR'S REPORT

Ms Deas reported that the staff was in the process of selecting the firm to do the Transportation System Plan.

VI. ADJOURNMENT