

MINUTES
PLANNING COMMISSION

September 24, 2012
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Vice Chair Randy Tessman, Commissioners Charles Kocher, John Proctor, Misty Slagle and Tyler Smith

ABSENT: Commissioner Sean Joyce

STAFF: Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, Laney Fouse, Planning Staff

OTHERS: Steve Abel, Jake Tate, Lee Leighton, James S. Coombes, Brent Ahrend, Mike Connors, Ryan Oliver, Wayne Oliver, Roger Skoe, Gary Palfrey, Charles L. Burden, Curt Hovland, John Serlet, and Matt Michael

1. CALL TO ORDER

Planning Commission Chair Dan Ewert called the meeting to order at 7:00 pm.

2. CITIZEN INPUT ON NON-AGENDA ITEMS: None

3. PUBLIC HEARING

a. Continued from July 23, 2012 applicant is requesting a Text Amendment/Zone Change to shift a subarea boundary of the Downtown Canby Overlay at this site from Core Commercial to Outer Highway Commercial to accommodate a Fred Meyer fuel station to be located at 391 SE 1st Avenue (**TA 12-01, ZC 12-01 FRED MEYER FUEL STATION**)

b. Continued from July 23, 2012, applicant is requesting a Site and Design Review for a Fred Meyer fuel station located at 391 SE 1st Avenue (**DR 12-03 FRED MEYER FUEL STATION**)

Angie Lehnert entered her staff report into the record. Ms. Lehnert said the staff report was amended to include the Text Amendment and Zone Change. Ms. Lehnert said a re-notification had been sent to the surrounding property owners and that she had received a comment from the owner of Hulbert's Flowers. She stated, the applicant also submitted information about ODOT's approval of their State Highway Approach application.

APPLICANT:

Jim Coombes, Fred Meyers explained that they want to add a discount fuel station for their Canby customers.

Lee Leighton, Westlake Consultants stated they had submitted substantial written material responding to the testimony heard at the previous hearing. Mr. Leighton said there were good

reasons provided in the previous testimony as to why it made sense to change the zoning of this property to Outer Highway Commercial.

Brent Ahrend, traffic engineer with Group Mackenzie addressed the concerns from Hulbert's Flowers regarding the problems that could be created from traffic traveling on 99E and entering and exiting from either business. Mr. Ahrend said ODOT had reviewed and approved the engineer's recommendations but if a problem develops within one year of the occupancy of the fuel station ODOT has the ability to come in and restrict movement.

OPPONENTS

Mike Connors, attorney for "Save Downtown Canby" provided a letter which he said addressed two key issues and the impact to the Downtown Canby Overlay to accommodate a fuel station. Mr. Connors also submitted a memorandum from Lancaster Engineering, who reviewed the traffic study. Mr. Connors requested the hearing be continued or the record be kept open so he would be able to submit written responses.

Curt Hovland, owner of Hulbert's Flowers said although he is for a discount fuel station, but it does not make sense to him to have a fuel station in the core of the downtown because of the traffic problems it could create.

PROPONENTS - None

NEUTRAL: None

REBUTTAL:

Steve Abel, attorney for the applicant said in a land use setting there is no precedent because a City Council or Planning Commission have the ability to regulate land uses as they see fit and in accordance with the code. Mr. Abel said he believes the Transportation Planning Rule (TPR) does not apply to this applicant.

Brent Ahrend, traffic engineer said the TPR analysis requires a determination of the traffic impact by the fuel station. Mr. Ahrend said the city's traffic consultant agreed with their shared trip generation information.

MOTION:

Commissioner Smith moved to leave the record open in order to grant both parties seven days to submit new evidence; seven days to any rebuttal material to the new evidence, and an additional seven days for the applicant to submit closing arguments. In addition, the public hearing will be continued until Oct, 22, 2012 and the applicant's 120-day period was set to a time and date certain of November 22, 2012. Commissioner Tessman seconded the motion. **The motion passed 6/0.**

4. NEW BUSINESS

- a.** Consider a request from immediate neighboring residents living near Canby Utilities concrete water reservoir site at 440 SW 13th Ave to amend the previously required refurbished tank color from a dark Cobalt-Blue to a lighter pastel color (**Request for a**

Minor Modification (MOD 12-03) of Condition #6 of the Final Order for (DR 08-02/CUP 08-01)

Bryan Brown presented the information about the water tank previously approved by the Planning Commission to be painted cobalt blue and some of the neighbors wanted a lighter pastel blue, yellow or peach color. He said that Mrs. Holt was not present at meeting but Matt Michel, General Manager, Canby Utility was present. Mr. Brown said there is a time frame on this project.

Mr. Michel said Canby Utility was operating under marching orders from the Planning Commission. He said they had an open house two weeks ago and Mrs. Holt was at the meeting with a neighbor where she expressed her concerns. He said he has not heard strong feelings one way or another on the paint color and the paint needs to be ordered within a month.

There was discussion about the color of the paint and effects the rain might have on the lighter color paint.

Chair Ewert asked Mr. Brown to contact Mrs. Holt and let her know the Planning Commission would like to have a contingent of neighbors give them a recommendation prior to their next meeting or the order would stand.

5. FINAL DECISIONS – None

6. MINUTES

- a. Approval of the July 23, 2012 Regular Planning Commission Minutes

MOTION:

Commissioner Smith moved to approve the July 23, 2012 minutes. The motion was seconded by Commissioner Slagle. **The motion passed 6/0.**

7. ITEMS OF INTEREST/REPORT FROM STAFF –

- a. Staff is anticipating an application from the Dance Studio on SW 4th Avenue behind the high school. Applicant is trying to make
- b. Planning Commission would be participating in Gateway Plan soon.
- c. Parks & Transportation fee methodology will be put before the City Council.
- d. Tentatively scheduled code maintenance for Oct. 22, 2012.
- e. Visioning meeting at 7 pm.
- f.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION - None

9. ADJOURNMENT: 8:40 p.m.