



**MINUTES  
PLANNING COMMISSION  
Monday –May 12, 2014  
7:00 PM**

**City Council Chambers – 155 NW 2<sup>nd</sup> Avenue**

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**PRESENT:** Commissioners Tyler Smith, Shawn Hensley, John Savory, John Serlet, and Larry Boatright

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

**OTHERS:** Michael Cerbone, Seth GaRey, Mindy Montecucco, Doug Bates, and Randy Yoder

**1. CALL TO ORDER**

Chair Smith called the meeting to order at 7 pm.

**2. CITIZEN INPUT ON NON-AGENDA ITEMS - None**

**3. MINUTES**

a. *Approval of Planning Commission Minutes for April 14, 2014.*

**Motion:** Commissioner Savory moved to approve the April 14, 2014 Planning Commission Minutes, Commissioner Serlet seconded. Motion passed 5/0.

**4. PUBLIC HEARING**

*Public Hearing to approve a Site & Design Review for a proposed rebuild of the existing McDonald's Restaurant located at 709 SW 1<sup>st</sup> Avenue and for the Classic Pool & Spa property located at 701 SW 1<sup>st</sup> Avenue. The proposed McDonald's includes a new building that will encompass both tax lots, with added site improvements, drive aisles, and drive-thru lanes. (DR 14-03/LLA 14-02)*

Chair Smith opened the public hearing and read the public hearing format. The Commissioners had no conflicts of interest or ex parte contacts to declare. All of the Commissioners had visited the site.

Bryan Brown, Planning Director, entered the staff report into the record. He explained the Lot Line Adjustment was to consolidate the two current tax lots. There were sidewalks all along the site. The new building was proposed to be 4,597 square feet and would be located further to the west which allowed the site to be enlarged to accommodate more parking spots and have a better drive thru area. The traffic analysis showed the new design would help eliminate the stacking that currently happened on SW 2<sup>nd</sup> Avenue. He discussed the façade renderings and elevations which were for a standard looking modernized version of McDonald's. He explained the truck traffic and large

vehicle turn radius and how trucks could get through the site with the full service driveway. It would be a one way ingress and truck deliveries were generally scheduled when there was not a lot of traffic on the site. Issues of note with this application were the fact this application did not comply with the Floor Area Ratio as required by the downtown overlay outer highway commercial subarea district and the application did not comply with the requirement to place a portion of the building within 10 feet of the front property boundary which would be along Highway 99E. Any drive thru restaurant needed circulation around the entire site and it would be difficult for them to meet these requirements. If the application was approved, these requirements would be waived. The Gateway Plan called for a planter strip to be curb tight with a separated sidewalk, but it was not proposed for this site due to ODOT concern about visibility through trees if the existing sidewalk was moved back in favor of a planter strip along the highway. The existing sidewalks were in good condition with handicap accessible ramps at the driveway intersections to be added. There is a potential site distance problem with putting street trees on the highway. ODOT was in charge of where the driveways would be allowed on 99E and finally approved the full service driveway and location. This would be the only driveway into the site. ODOT required a driveway approach application, which the applicant had turned in, but it was not yet approved. The traffic analysis showed there would not be enough increased traffic to warrant any off site analysis at the nearby intersections. He discussed the Phase 1 Environmental Assessment which was done due to tearing down of the existing building. A geotechnical investigation and preliminary drainage report were also completed. Low impact storm water facilities were being proposed on the south side of the site. Staff recommended approval of the application with conditions.

**Applicant:**

Michael Cerbone, Land Use Planner with Cardno, represented the applicant. Mr. Cerbone explained this was to upgrade the McDonald's store and image as well as resolve the issues of queuing and access to the site. The application would also resolve the issue of multiple driveways on 99E by consolidating to one driveway. The driveway would be safer as it was further away from Birch which would provide more reaction time for people coming off of Birch and entering and exiting the property and less interaction points for pedestrians. There would be 37 parking spaces and he reviewed the traffic analysis and environmental assessment. For storm water there would be a swale in the back and catch basins that would connect to the existing 99E storm water line. He thought the conditions proposed by staff were fair. He agreed with Mr. Brown about the street trees and site distance and did not think ODOT would allow the trees.

**Proponents:**

Mindy Montecucco built the current store in 1993. she wanted to put in a play land on the site and appreciated being in the community. Doug Bates, construction manager for McDonald's, said this would not be feasible without the additional property they were purchasing. This gave them the opportunity to maximize the site, put the site circulation in proper order, maximize the drive thru, and

make sure the site was much safer. The new design would allow for an entrance and exit off of 99E and making both right and left hand turns at the driveway. He explained the trash area, fencing, landscaping, and pedestrian route from the high school.

**Opponents:**

Randy Yoder, 659 SW 1st Ave, owned Fishers Supply next door. He asked if this would cut into his driveway as it looked like he would lose a third of his entrance. He had several semi-trucks come in and out of his facility per day. He suggested angling the McDonald's driveway so he could retain his driveway.

**Rebuttal:**

Mr. Cerbone showed on the existing conditions plan where the property line and driveway were. He was willing to work with ODOT to have a transition to allow the trucks an easier turn into the site. Allowing the driveway to remain on the site would eat into the circulation and landscape requirements for the site. Mr. Yoder did have another driveway access on his property.

Seth GaRey, Civil Engineer with Cardno, sat down with ODOT early on in the project and what was proposed was based on their recommendations. ODOT did have a standard that would allow a seven foot taper so the flat spot within the concrete sidewalk would then be closer to 28 feet and allow that turning movement into the site for the trucks. ODOT would have the ultimate say in what would be approved.

Mr. Bates said McDonald's was willing to work with their neighbor and it had been a challenge working with ODOT.

Mr. Cerbone said they had to rebuild that portion of the sidewalk anyway and wouldn't object to the seven foot taper.

Mr. Banes reiterated the neighbor did have two driveways. Mr. Yoder said the semi-trucks were too long to use the second driveway. He thought the seven foot taper would help.

Mr. Cerbone gave other options for the flow of movement and potential loading areas on the neighbor's site.

Chair Smith closed the public hearing.

Commissioner Savory thought it was a well thought out plan and it sounded like the applicant would work with the neighbor on the driveway issue.

Chair Smith suggested a condition that the applicant demonstrate that they had worked with ODOT to minimize the driveway impact on the neighbor.

Commissioner Hensley thought it was reasonable to require demonstration as it was ultimately ODOT's call.

**Motion:** Commissioner Savory moved to approve DR 14-03/LLA 14-02 with the condition that the applicant must demonstrate to the Planning Director that they had done everything allowed by ODOT to minimize any impacts on the driveway entrance reduction of the neighboring property, Commissioner Hensley seconded.

Mr. Brown discussed two possible changes to the existing conditions. Condition 6 would be an additional condition that said the applicant agreed to satisfy ODOT's recommendations with clarification on the first one that talked about the right-of-way and paving width of the highway to clarify how the application was not completely meeting the City's TSP and Gateway and Corridor Design Plan. The other condition was in regard to the applicant keeping the existing pole sign. It would become a grandfathered in sign so they could leave it in place. Condition 15 did not say they needed to get building permits for the signs shown on the façade of the building and he suggested adding that wording in Condition 16 and substituting it for Condition 15.

**Amendment to the Motion:** Commissioner Serlet moved to amend the motion to include the changes to Conditions 6 and 16 as proposed by staff, Commissioner Savory seconded. The amendment to the motion passed 5/0.

The motion to approve DR 14-03/LLA 14-02 as amended passed 5/0.

*b. Continued Public Hearing from April 28, 2014, City Staff is requesting consideration of a text amendment to streamline, clarify, and update the development review process for industrially zoned land in the Canby Pioneer Industrial Park. (Code Streamlining Industrial Development TA 12-02)*

Chair Smith reopened the public hearing.

Angie Lehnert, Associate Planner, entered her staff report into the record. She discussed the landscape screening requirements if the property abutted a road or residential zone which were to screen outdoor storage, large vehicle loading areas, and bus areas with landscaping, fence, or berm. There had been a lot of amendments to the wording in the Industrial Overlay Zone chapter and the design matrix had been updated. Type 2 process language had been added. She clarified the provision that all parking should be located to the side or rear was not a requirement, but more of an encouragement. If the parking was in the front, it would need to be screened.

The Commission had not received the updated line by line information that Ms. Lehnert was reviewing.

**Motion:** Commissioner Savory moved to continue the hearing on Code streamlining for industrial development, TA 12-02, to a date certain of Wednesday, May 28, 2014, Commissioner Serlet seconded. Motion passed 5/0.

## 5. NEW BUSINESS

No new business.

## 6. FINAL DECISIONS

**(Note: These are final, written versions of previous oral decisions. No public testimony.)**

Dinsmore Estates (SUB 14-02)

Emerald Garden Townhomes (PUD 14-01/SUB 14-01)

McDonald's Rebuild (DR 14-03/LLA 14-02)

### a. Final Findings – Dinsmore Estates Phase II (SUB 14-02)

Ms. Lehnert explained the added general findings from the meeting. For Condition 1, staff removed several of the design sheets the applicant submitted because they had the no Larch Street connection. They were approving the tentative site plan that was at the pre-application meeting. The applicant suggested wording nuances to Conditions 2, 3, and 7 for clarification. The changes to Condition 2 clarified not every agency would need to sign construction plans, in particular excluding DEQ. The changes to Condition 3 clarified the applicant's engineer would not prepare the electric plan or cable plan. Condition 7 was added in for the new Larch intersection vision clearance. Condition 9b had a grammatical change. The Larch Street connection needed a crosswalk with painted stripes. Condition 26 was reworded slightly to say the City was responsible for the trees, but if they planted other landscaping, the maintenance fell to the HOA. Conditions 32 and 33 were reworded appropriately to clarify how a plat was recorded with the County. The pedestrian walkway condition was removed. Staff proposed that Condition 39 be deleted as the County was finicky about putting notes on the final plats and Condition 36 and the CC&Rs would state the same thing. Condition 40 did state the easement included the wall and the easement should be a sufficient width for a four and a half foot street tree planting area. Condition 42 clarified the street tree fee was applicable to local streets and along SE 13<sup>th</sup>.

**Motion:** Chair Smith moved to approve the findings, conclusions, and final order for Dinsmore Estates (SUB 14-02) with Condition 39 deleted and removing the italics on pages 4, 5, and 6 of the Findings and Final Order document, Commissioner Hensley seconded. Motion passed 5/0.

### b. Emerald Garden Townhomes (PUD 14-01/SUB 14-01)

Commissioner Serlet recommended a change to Condition #19. Chair Smith clarified the condition had been changed and now reflected what Commissioner Serlet recommended.

**Motion:** Commissioner Savory moved to approve the findings, conclusions, and final order for PUD 14-01/SUB 14-01, Commissioner Hensley seconded. Motion passed 5/0.

### c. McDonald's Rebuild (DR 14-03/LLA 14-02)

Mr. Brown clarified that the draft had two bullets at the bottom of the first page that recognized there would be a finding or two for the added condition the Planning Commission made that night. This was a way to facilitate the process to give the applicant the potential of starting construction two weeks earlier as they had requested.

Chair Smith was not comfortable with voting on findings unless he knew what they were going to say.

***Motion:*** Commissioner Savory moved to continue the consideration of the Final Findings and Order for the McDonald's rebuild to the meeting on May 28, 2014, Commissioner Serlet seconded. Motion passed 5/0.

#### **7. ITEMS OF INTEREST/REPORT FROM STAFF**

Mr. Brown said on May 1 the record was settled for the Fred Meyer fuel facility.

Chair Smith wanted to make sure that any new information including PowerPoint presentations was put into the record.

There was discussion regarding the Commission receiving information electronically rather than photocopies.

Chair Smith suggested the Commission assume all the material in the packet sent out electronically was all the material staff had to date and the Commission could ask staff to print it out, otherwise the printed packet might be abbreviated for cost savings. Anything received after the packet went out needed to be printed out and brought to the meeting.

Laney Fouse, Planning Staff, said she could send links to the information as well. She would send out a sample to the Commission.

#### **8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

Chair Smith proposed two future agenda items. The first was discussion regarding the minimum R-1 lot size of 7,000 square feet and maximum lot size of 10,000 square feet. He thought the limit should not be so low and should be modified. There was consensus to have staff look into options and discuss it at a future meeting.

Chair Smith thought the Commission should also consider the Brooks incident with the factory that was incinerating human remains in order to produce electricity. There was consensus to have language that would preclude this use.

Commissioner Serlet discussed a distraught neighbor on Juniper who had addressed the City Council. He thought the company that was running the project was absolutely excellent to work with.

Councilor Rider said after meeting with the neighbor, they could not make an allowance as it would set precedent.

**9. ADJOURNMENT**

**Motion:** Commissioner Savory moved for adjournment, Commissioner Hensley seconded. Motion passed 5/0. Meeting adjourned at 9:00 pm.

The undersigned certify the May 12, 2014 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 9<sup>th</sup> day of June, 2014

  
Bryan Brown, Planning Director

  
Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood