

MINUTES
CANBY PLANNING COMMISSION
7:00 pm – December 8, 2014
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners Commissioner Tyler Smith (Chair), John Savory (Vice Chair), Shawn Hensley, John Serlet, and Larry Boatright

STAFF: Bryan Brown, Planning Director, Dave Epling, Associate Planner, Laney Fouse, Planning Staff

OTHERS: Ken Rider, Council Liaison, Tracie Heidt, newly-elected Councilor

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. *Planning Commission Minutes, November 24, 2014*

Motion: *A motion was made by Commissioner Savory and seconded by Commissioner Serlet to approve the November 24, 2014 minutes as written. Motion passed 5/0.*

4. PUBLIC HEARING

- a. *Consider a Site and Design Review application to construct a new 5,404 SF pad building with a drive-thru at Canby Square, 1075 SW 1st Ave. (DR 14-04)*

Chair Smith opened the public hearing and read the public hearing format. He asked if any of the Commissioners had any conflict of interest or ex parte contact to declare.

None of the Commissioners had a conflict of interest or ex parte contact. Commissioners Savory and Hensley had driven by the site.

Bryan Brown, Planning Director, introduced new Associate Planner Dave Epling who would be presenting the staff report.

Dave Epling, Associate Planner, entered his staff report into the record. Mr. Epling said this was an application for a site and design review for a proposed new retail building which would include a drive thru and other retail space. It would be located on the northwest corner of the Canby Square shopping center. The existing building would be demolished. There would be a café with a drive-thru, a hairdresser, office space, and a retail outlet. The building would have multiple elevations and use various building materials. They reviewed the approval criteria. Some alternative methods were used to meet the standards including: the minimum setbacks were not met, parking lot clear aisle width was not met on one side, there was a modified provision for the FAR, and there would be no loading berth. ODOT requested a bicycle lane be striped adjacent to the frontage of the redevelopment site on 99E.

No public comments had been received on this application. Staff recommended approval with the conditions listed in the staff report.

Applicant:

Paul Reed and Jennifer Rinkus, Baysinger Partners, 1006 SE Grand, Ste. 300, Portland, OR, presented a movie and slide show presentation about the proposed site and project. They explained the location, existing and proposed site plans, and elevations. Regarding the setback issue, the current building did not comply with the setback. The new building was aligned better than the previous one and people would have a clearer view of the property frontages from 99E. It was an auto oriented building and would not discourage auto uses. The drive-thru would be adequately screened, but it would not detract from the building elevations. She thought the articulation and building with its height presented a more compliant use than the previous building. While the building was a little outside the setback to accommodate the drive-thru and allow auto use, the alignment for both frontages was greatly improved. It was difficult to redevelop in an existing center and make it fully compliant. This kind of design was still being requested and was desired by tenants.

Commissioner Savory was concerned about the lack of a provision for a loading zone. Ms. Rinkus stated the café was small and deliveries would come in a smaller truck during off hours.

Mr. Reed and Ms. Rinkus reviewed the conditions and explained how the clear aisle width with the maneuvering capability of cars into the clear zone of more than 24 feet would be adequate.

There was discussion regarding the condition for bike lane striping. It was a request from ODOT to help bikers safely transition along the highway.

Regarding the FAR, Ms. Rinkus said they were not meeting the full .25 in the redevelopment area, but the overall center complied with the FAR. With the development, they would be at .29 which was above the .25 FAR. The development site was currently at .15 FAR and with the redevelopment it would be .19. One parking space was below parking standards, but would be for compact cars and matched the existing parking. The project would enhance the 99E and Berg Parkway intersection, provide auto-oriented uses, and transform an eye-sore into an active and inviting focal point.

There were no proponents or opponents.

Neutral Testimony:

Michael Fitz, owner of Ace Hardware, 1061 SW 1st, Canby, said his building sat directly in front of the redevelopment site. He was concerned about parking and traffic flow, especially with a high volume coffee shop/café and that eight parking spaces would not be adequate. He was also concerned about delivery trucks to the site and to his site and where the traffic would be coming in and out. The previous use was not that busy and the parking lot was never full.

Rebuttal:

Chair Smith asked about increasing the square footage compared to the old building and if there would be more parking.

Ms. Rinkus said they were increasing the building's square footage by 1,000 square feet. The entire center was required to have 350 stalls and when they got done with the construction, there would be 491 stalls. She did not think parking would be an issue. The main buildings had loading areas and she thought that was what Ace Hardware would be using as well and not the parking lot by this redevelopment. The tenants would have control over where and when the trucks would deliver and they could make sure not to deliver during peak times or that it would interfere with the nearby bus stop. They did have to do an analysis of the amount of trips generated by the development. It showed that compared to the existing restaurant that was there, the trips would go down for the proposed development. They were not required to do a study of the adjacent intersection.

Commissioner Savory questioned being able to dictate when deliveries would be made for all of the tenants. Ms. Rinkus thought it would not be a problem as the café/coffee shop would be receiving deliveries before rush hour so they would have product to sell, and the other tenants would not have large delivery trucks that came daily.

Chair Smith closed the public hearing at 7:52 pm.

Commissioner Deliberations:

Chair Smith thought Condition #1 regarding the setback should be removed as the proposed design met the intent.

Commissioner Savory did not think they should be required to paint the bike lane as it was the State's responsibility.

Commissioner Hensley did not think a loading berth should be required. He agreed the setback should not be required as the proposed design would look a lot better than what was there currently. He thought the FAR was met under the whole complex versus having to meet the FAR on one piece of the complex.

Chair Smith said there was consensus to eliminate all four of the potential conditions staff recommended. The application met the intent of 16.49.040d as presented by the applicant.

Motion: *A motion was made by Commissioner Savory and seconded by Commissioner Serlet to approve DR 14-04, eliminating all four conditions as the application met the intent of 16.49.040d and not requiring a loading berth under 16.10.080g because it was not necessary according to the applicant. Motion passed 5/0.*

The findings would be brought back to the January 12 meeting for approval.

5. **NEW BUSINESS – None.**
6. **FINAL DECISIONS – None.**
7. **ITEMS OF INTEREST/REPORT FROM STAFF**

Mr. Brown announced the Court of Appeals upheld LUBA's decision which upheld the City Council's decision to approve the Fred Meyer fuel station.

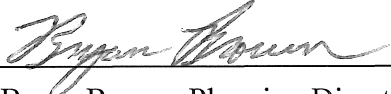
8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None.**

9. **ADJOURNMENT**

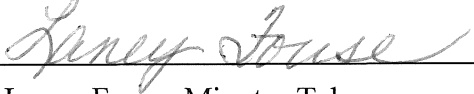
Chair Smith adjourned the meeting at 8:06 pm.

The undersigned certify the December 8th, 2014 Planning Commission minutes were presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 13th day of January, 2015



Bryan Brown, Planning Director



Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood