

SPECIAL PLANNING COMMISSION
Meeting Agenda
Tuesday – January 13, 2015
7:00 PM
City Council Chambers – 155 NW 2nd Avenue

Commissioner Tyler Smith
Commissioner John Savory
Commissioner John Serlet
Commissioner (Vacant)

Commissioner Shawn Hensley
Commissioner Larry Boatright
Commissioner (Vacant)

1. CALL TO ORDER

- a. *Pledge Allegiance and Invocation*

2. CITIZEN INPUT ON NON-AGENDA ITEMS

3. MINUTES

- a. *Approve Planning Commission Minutes of December 8, 2014*

4. PUBLIC HEARING - None

5. NEW BUSINESS

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

- a. *DR 14-04-Canby Square, 1075 SW 1st Ave*

7. ITEMS OF INTEREST/REPORT FROM STAFF

- a. *Next Regular Planning Commission meeting scheduled for Monday, January 26, 2015*

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

9. ADJOURNMENT

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City's web page at www.ci.canby.or.us. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503-263-6287.

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.

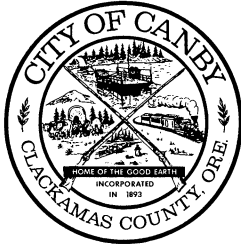
The undersigned certify the December 8th, 2014 Planning Commission minutes were presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 13th day of January, 2015

Bryan Brown, Planning Director

Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood



**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY**

**A REQUEST FOR SITE AND DESIGN)
REVIEW AND CONDITIONAL USE)
PERMIT FOR CANBY SQUARE)
AT 1075 SW 1ST AVENUE)**

**FINDINGS, CONCLUSION & FINAL ORDER
DR 14-04
CANBY SQUARE**

NATURE OF THE APPLICATION

The Applicant has sought an approval for a Site and Design Review #DR 14-04 for the construction of a new 5,404 SF pad building with a drive-thru at 1075 SW 1st Avenue otherwise described as Tax Lots 41E05A00101 & 41E05A00102, City of Canby, Clackamas County, Oregon. The property is zoned Highway Commercial Zone (C-2) and subject to the Outer Highway Commercial (OHC) subarea of the Downtown Canby Overlay (DCO) within the Canby Municipal Code (“CMC”).

HEARINGS

The Planning Commission considered application DR 14-04 after the duly noticed hearing on December 8, 2014 during which the Planning Commission by a 5-0 vote approved DR 14-04. These findings are entered to document the specifics of the approval.

CRITERIA AND STANDARDS

In judging whether or not a Site and Design Review application shall be approved, the Planning Commission determines whether criteria from the Code are met, or can be met by observance of conditions, in accordance with Chapter 16.49.040 Site & Design Review and other applicable code criteria and standards reviewed in the Staff Report dated December 8, 2014 and presented at the December 8, 2014 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented by staff with a recommendation for approval of the Site and Design Review application (prior to and without benefit of the public hearing) along with Conditions of Approval in order to ensure that the proposed development will meet all required *City of Canby Land Development and Planning Ordinance* approval criteria.

After holding the public hearing where written and oral testimony was received from the applicant, other proponents, those who were neutral, and opponents in attendance; the Planning Commission closed the public hearing and moved into deliberation where they utilized the findings and conditions listed in the staff report along with the overall presentation record at the public hearing to make the following findings beyond those contained in the staff report to arrive at their decision and support their recommended conditions of approval:

Commission Findings and Approval for Modifications of Standards

1. The Commission finds that the site design proposal is compatible with the intent of the design review standards set forth in the Ordinance and determines under Section 16.49.040(D) to approve modifications to allow the building to be placed outside the minimum 10 foot setback requirement and to allow construction of the building outside of the 40% requirement for building frontage at the minimum setback along each street lot frontage. It was reasoned that modifying only a small portion of an already established shopping center layout does not lend itself to the necessary design changes to the project that would justify the setback requirements of the new Outer Highway Commercial subarea. Therefore, in this particular location, the overall intent of the subarea standards is being met.
2. The Commission finds that under Section 16.10.060(G), the building is exempt from the loading berth requirement listed in 16.10.060(A) and determines that a loading berth is not needed for this particular building. It was noted that the individual lease spaces are restricted to small areas, and truck deliveries are most likely to be by smaller vehicles. Also, deliveries can be coordinated to occur during off hours.
3. The Commission finds that the 24' wide minimum driving aisle width, as required by Table 16.10.070, is suitable to reduce to a 20' width in a single isolated location where no adjacent parking spaces are designated in the backup area, therefore eliminating adjacent backing movements into the narrower aisle which otherwise satisfies fire departments access needs.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the additional findings indicated above, concluded that the Site and Design Review application meets all applicable approval criteria, and recommended that File #DR 14-04 be approved with the Conditions of Approval stated below. The Planning Commission decision is reflected in the written Order below.

ORDER

The Planning Commission concludes that based on the record on file including testimony of the applicant and public at the public hearing, and findings of the Planning Commission that the application will meet the requirements for Site and Design Review approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **DR 14-04** is approved, subject to the following conditions of approval:

Conditions Unique to this Proposal

1. The applicant shall revise the site plan when submitting for construction plans approval to indicate measurements for parking spaces stated in Section 16.10.070.
2. Wall signs for any future businesses at the site shall receive required permit approval.

Procedural Conditions

Prior to Issuance of Building Permit the following must be completed:

3. The design engineer shall submit to the City of Canby for review and approval at the time of final construction plan approval a storm drainage analysis and report applicable to the defined development area detailing how storm water disposal from both the building and the parking areas is being handled – including a pre and post development analysis. Any drainage plan shall conform to the Clean Water Services storm drainage design standards as indicated in the Public Works design standards.
4. A sediment and Erosion Control Permits will be required from the City prior to commencing site work.
5. Prior to the issuance of a building permit, the installation of public utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The applicant may submit the civil construction drawings separate from the building permit submittal package for final preconstruction conference sign-off approval. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.
6. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
7. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project. Fire & Life Safety approval must be obtained from Canby Fire prior to issuance of a City building permit.

I CERTIFY THAT THIS ORDER approving **DR 14-04 Canby Square Pad Redevelopment** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 13th day of January, 2015

Tyler Smith
Planning Commission Chair

Bryan Brown
Planning Director

Laney Fouse (Attest)

ORAL DECISION: December 8, 2014

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>	✓			
<i>John Savory</i>	✓			
<i>Shawn Hensley</i>	✓			
<i>John Serlet</i>	✓			
<i>Larry Boatright</i>	✓			
<i>Vacant</i>				
<i>Vacant</i>				

WRITTEN DECISION: January 13, 2015

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>	✓			
<i>John Savory</i>	✓			
<i>Shawn Hensley</i>	✓			
<i>John Serlet</i>	✓			
<i>Larry Boatright</i>	✓			
<i>Vacant</i>				
<i>Vacant</i>				