

**PLANNING COMMISSION
Meeting Agenda
Monday – January 23, 2012
7:00 PM**

City Council Chambers – 155 NW 2nd Avenue

**Chair Dan Ewert – Vice-Chair Randy Tessman
Commissioners Sean Joyce, Charles Kocher, John Proctor, Misty Slagle**

- 1. CALL TO ORDER**
- 2. CITIZEN INPUT ON NON-AGENDA ITEMS**
- 3. PUBLIC HEARINGS - None**
- 4. NEW BUSINESS**
 - a. Notice of Use Determination for indoor auto detail shop at 250 North Douglas Street
- 5. FINAL DECISIONS**
- 6. MINUTES**

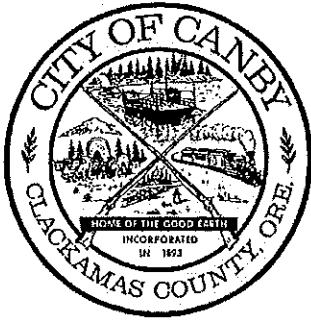
January 9, 2012 - Regular Planning Commission Meeting
- 7. ITEMS OF INTEREST/REPORT FROM STAFF**
- 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
- 9. ADJOURNMENT**

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.



City of Canby

MEMORANDUM

To: CANBY PLANNING COMMISSION

From: ANGIE LEHNERT, ASSOCIATE PLANNER

Through: BRYAN BROWN, PLANNING DIRECTOR

Re: USE DETERMINATION AT 250 NORTH DOUGLAS STREET

The Canby Planning Department received a request from Mr. Adam Buehler, occupant of 250 North Douglas, to locate an indoor, waterless auto-detail business at the property (located in the C-1/DCO Zones). Upon inspection, the Planning Director determined that an auto-detail business is not a permitted use in a C-1 Zone because a use permitted in C-2 is not permitted in C-1 (refer to 16.22.010(B)). Chapter 16.28, C-2 Zone, 16.28.010(C) states that an "Automobile, motorcycle, boat or truck sales, service, repair, rental, storage or parking" use is permitted in C-2, and therefore not permitted in C-1. An auto-detail use falls under the "automobile service" category.

However, Mr. Buehler has stated that his business would be completely indoors, does not use any water, and does not generate off-site impacts such as noise, vibrations, or water runoff, and thus meets the intent of the C-1 Zone (Chapter 16.22) and the Downtown Overlay Zone (Chapter 16.41). Under the permitted use list for C-1, 16.22.010(KK) states that "similar commercial uses as determined by the Planning Commission" are permitted in C-1. Staff is requesting that an indoor, waterless auto-detail use be considered for inclusion into the 16.22.010(KK) category, and thus permitted in the C-1 Zone.

Under ideal circumstances, a conditional use permit would be the standard solution to this request so that the city could impose noise, runoff, and other restrictions on an auto-detail use in the C-1 Zone. However, the current Code does not have provisions for granting a Conditional Use of an automobile service business in the C-1 zone. The city wishes to be business friendly and promote entrepreneurship, therefore, staff is requesting that the Planning Commission consider granting permission under 16.22.010(KK) to allow an *indoor, waterless* auto-detail use in the C-1 Zone.

Staff has notified property owners and current occupants within 200 feet of the subject property to gather public input. As of 1/10/2012, two comments were received; one states parking and noise concerns and the other states support for the proposed use.

If allowed to operate, staff has the following concerns about the proposed business:

- Noise, vibration, and other off site impacts, which may be regulated through city nuisance ordinances

- Skepticism if the proposed use is truly waterless; city water pollution ordinances may regulate this activity
- Concern over the use changing ownership and logistical concerns over permitting future occupants to only operate indoor, waterless auto-detail uses
- Parking concerns; the city has ordinances controlling the period of time vehicles may park in the street right of way, but the city has limited control on the quantity of vehicles utilizing on-street parking for a business use
- Inability to place conditions on the use if allowed

If allowed to operate, the applicant will need to do the following to legitimately operate:

- Obtain a city business license (the applicant appears to currently be operating without a business license)
- Obtain sign permit(s) for all signs (the applicant currently has no permits on file for signs existing on the property)
- Comply with parking standards required for an automobile service use in the *Planning and Zoning Code* (Table 16.10.050), which requires 1 off street space per 1,000sf of floor area; parking standards of 16.10.070 also require the parking area to be paved, have tire track strips, or use permeable surfacing such as paving blocks or turf blocks
- Comply with all other applicable city ordinances of the *Canby Municipal Code*, including but not limited to, nuisance ordinances in Chapter 8.12, noise ordinances in Chapter 9.48, and parking time limits in Chapter 10.04

Recommendation:

Staff is supportive of providing every opportunity for this business to legitimately operate and be in compliance with the *Planning and Zoning Code*, but bringing this issue before the Planning Commission is most suitable. Staff has provided some facts and pointed out some concerns regarding this proposal, but staff can support whatever alternative is chosen.

Alternatives:

Sample Motion #1: I move to determine that an indoor, waterless auto-detail shop is permitted in the City of Canby's C-1 Zone.

Sample Motion #2: I move to determine that an indoor, waterless auto-detail shop is not permitted in the City of Canby's C-1 Zone.

Exhibits:

Exhibit A: Chapter 16.22.010, C-1, Uses Permitted outright

Exhibit B: Chapter 16.28.010, C-2 Uses Permitted outright

Exhibit C: Citizen comments

EXHIBIT A

16.22.010 Uses permitted outright.

Uses permitted outright in the C-1 zone shall be as follows:

A. Residential. Residential uses shall be permitted only when part of a mixed use development (residential with commercial, office, or public/institutional use). Both vertical mixed use (housing above the ground floor) and horizontal mixed use (housing on the ground floor) developments are allowed, as follows:

1. Ground floor dwelling units that are incidental (less than 25% of the ground floor gross area) attached to any use allowed in a C-1 zone, and have access from a side or back entrance, or an entrance that is incidental to the commercial main ground floor use.

2. Residential units occupying the second and/or third story of any structure in the C-1 zone provided the primary ground floor use is listed in 16.22.010.

3. Limitation on street-level housing. No more than fifty (50) percent of a single street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories, or behind street-level storefronts. For parcels with street access at more than one level (e.g., sloping sites with two street frontages), the limitation on residential building space shall apply to all street frontages.

a. Density. There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot coverage and building height standards.

b. Parking, garages, and driveways. All off-street vehicle parking intended for residential use, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of four (4) feet. On corner lots, garage entrances shall be oriented to a side street when access cannot be provided from an alley.

c. Creation of alleys. When a residential subdivision (e.g., four or more townhome lots) is proposed, a public alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns or topography make construction of an alley impracticable. As part of a subdivision, the City may require dedication of right-of-way or easements, and construction of pathways between townhome lots (e.g.,

between building breaks) to provide pedestrian connections through a development site.

4. Existing dwelling units which are not incidental and attached to a use allowed in the C-1 zone may be altered, expanded (or rebuilt within one year of a fire or other act of nature) provided that any such additions or rebuilding comply with the development standards for dwelling units in the R-2 zone;

B. Retail store or shop, except those listed as permitted or conditional uses in the C-2 zone;

C. Amusement enterprise, including pool hall, bowling alley, dance hall, skating rink or theater, when enclosed in a building;

D. Bakery, for retail sale primarily on premises;

E. Barber or beauty shop;

F. Bank or other financial institution;

G. Bed and Breakfast, in an existing residence;

H. Bicycle sales, service, or repair;

I. Blueprinting, Photostatting, printing or other reproduction process;

J. Bus depot;

K. Business college;

L. Catering establishment;

M. Church;

N. Club or lodge hall;

O. Day care facility;

P. Laundry or cleaning establishment;

Q. Frozen food lockers;

R. Hardware store, not including lumber or other large building materials requiring on-site outside or warehouse storage;

S. Hotel and apartment hotel;

- T.** Laboratory for experimental, photo or electronic testing research;
- U.** Locksmith or gunsmith;
- V.** Magazine or newspaper distribution agency;
- W.** Mortuary;
- X.** Office, business or professional;
- Y.** Pawn shop;
- Z.** Public Transit Center;
- AA.** Restaurant, without drive-in service;
- BB.** Scientific or professional instrument sales or repair;
- CC.** Sales, rental or repair of small recreational, radio, television, business or household equipment;
- DD.** Studio, including music, art, dancing, photography or health;
- EE.** Taxidermy shop;
- FF.** Telephone or telegraph exchange;
- GG.** Theater, except drive-in;
- HH.** Auto parts store and incidental shop facilities;
- II.** Upholstery shop;
- JJ.** Watch and clock repair;
- KK.** Similar commercial uses as determined by the Planning Commission;
- LL.** Public building or land use such as fire station, city hall, park, playground, library or museum.
- MM.** Minor public facility. (Ord. 890 section 24, 1993; Ord. 805 section 2, 1987; Ord. 802 section 6, 1987; Ord. 740 section 10.3.24(A), 1984; Ord. 955 section 8, 1996; Ord. 981 section 21, 1997; Ord. 1076, 2001; Ord 1237, 2007)

EXHIBIT B

16.28.010 Uses permitted outright.

Uses permitted outright in the C-2 zone are as follows:

- A. A use permitted outright in a C-1 zone;
- B. Miniature golf courses;
- C. Automobile, motorcycle, boat or truck sales, service, repair, rental, storage or parking;
- D. Theaters;
- E. Restaurant, including drive-in;
- F. Kennel;
- G. Lumber yard;
- H. Machinery, farm equipment or implement sales, service or rental;
- I. Hotel or motel;
- J. Service station;
- K. Tire shop, including incidental tire recapping;
- L. Veterinarian's office or animal hospital;
- M. Fuel oil distribution, retail, provided all fuel oil storage is underground;
- N. Nursery and greenhouse;
- O. Feed and seed store;
- P. Department store;
- Q. Similar commercial uses as determined by the Planning Commission.
- R. Attached WTS facilities (see 16.08.120).
- S. Detached WTS facilities (monopole), less than 100 feet in height (see 16.08.120). (Ord. 890 section 28, 1993; Ord. 830 section 6, 1989; Ord. 740 section 10.3.28(A), 1984; Ord. 981 section 25, 1997; Ord. 1237, 2007)

EXHIBIT C

COMMENTS:

Living directly accross the street, we have absolutely no problem with the Auto Detail shop. Having been a home business owner for 10 years it is nice to see a small business anywhere. The location has always been just a storage shed, I think a business is much better use of the property.

I hope you decide in favor

NAME: Greg & Trisha Moon

ORGANIZATION OR BUSINESS (If Any):

ADDRESS: 213 N Douglas St

PHONE # (Optional): 503-980-5486

DATE: 12-27-11

PLEASE RETURN BY ONE OF THE FOLLOWING WAYS:

MAIL: Planning Department, PO Box 930, Canby, OR 97013

IN PERSON: Planning Department at 170 NW Second Street

E-MAIL: lehnerta@ci.canby.or.us

THANK YOU!

COMMENTS:

We live next door to this detail shop and only hope they abide by the city's late night noise ordinance when and if they work into the night. Also, we are concerned about where all the cars will be parking - The ones waiting for work and the cars waiting to be picked up - We feel they will all be parked up and down Douglas Street and in the alley between Elm and Douglas between 2nd and 3rd avenues. There is no existing parking available on the property where the detail shop is - It appears all parking will be on the street - also, there looks to be only room for one car at a time inside the detail shop enclosure Building - all others will have to be outside somewhere.

NAME: Joel and Margi Borchers

ORGANIZATION OR BUSINESS (If Any): _____

ADDRESS: 589 NW 3rd avenue

PHONE # (Optional): _____

DATE: 12/26/2011

PLEASE RETURN BY ONE OF THE FOLLOWING WAYS:

MAIL: Planning Department, PO Box 930, Canby, OR 97013

IN PERSON: Planning Department at 170 NW Second Street

E-MAIL: lehnerta@ci.canby.or.us

THANK YOU!

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – January 9, 2012
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Commissioners Sean Joyce, Chuck Kocher, Misty Slagle and Randy Tessman

ABSENT: Commissioner John Procter

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

OTHERS:

PRESENT:

1. **CALL TO ORDER** 7:00 pm

2. **CITIZEN INPUT** - None

3. **PUBLIC HEARINGS** - None

4. **NEW BUSINESS** -

Commissioner Chuck Kocher nominated Randy Tessman to fill the position of Vice Chair. The motion passed 5-0.

5. **Findings** –

- a. A motion was made by Commissioner Slagle and seconded by Commissioner Kocher to approve the Findings, Conclusions and Final Order for the Village on the Lochs Phase II manufactured home park. The motion passed 5-0
- b. A motion was made by Commissioner Joyce and seconded by Commissioner Kocher to approve the Findings, Conclusions and Final Order of the 1st Ave Redevelopment project. The motion passed 5-0

6. **MINUTES**

Commissioner Tessman moved to approve the December 12, 2011 minutes as written; the motion was seconded by Commissioner Kocher. Motion passed 3/0 with 2 abstentions.

7. **ITEMS OF INTEREST FROM STAFF**

Bryan Brown, Planning Director reported that there would be a 99E Gateway Corridor public meeting on Tuesday, January 10, 2012 at Hope Village, starting at 6pm.

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

9. **ADJOURNMENT at 7:10 PM.**
