

**PLANNING COMMISSION
Meeting Agenda
Monday – November 9, 2009
7:00 PM - Regular Meeting
City Council Chambers – 155 NW 2nd Avenue**

**Chair Dan Ewert – Vice Chair Janet Milne
Commissioners Sean Joyce, Charles Kocher, Jared Taylor and Misty Slagle**

- 1. CALL TO ORDER**
- 2. CITIZEN INPUT ON NON-AGENDA ITEMS**
- 3. PUBLIC HEARINGS** None
- 4. NEW BUSINESS**
 - a. Modification (MOD 09-04) to the Fred Meyer Shopping Center Site and Design Review Application (DR 98-08) pertaining to a reduction to the required overall parking ratio in order to accommodate a Chase drive-thru ATM facility. Staff: Melissa Hardy, Associate Planner
 - .
- 5. FINAL DECISIONS**

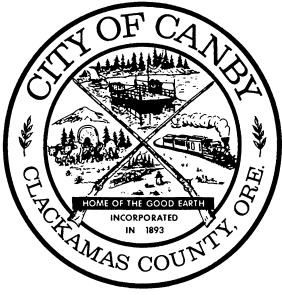
Note: These are final, written versions of previous oral decisions. No public testimony.

 - a. MOD 09-04 – Fred Meyer Shopping Center – Chase
- 6. MINUTES**

September 28, 2009
- 7. ITEMS OF INTEREST 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 to Jill Thorn 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.*



STAFF REPORT

APPLICANT:

CLC Associates
12730 E. Mirabeau Pkwy, Suite 100
Spokane, WA 99216

OWNER:

Fred Meyer Stores, Inc.
P.O. Box 35547
Tulsa, OK 74153

LEGAL DESCRIPTION:

Deeded lot(s) identified by Clackamas County Map and Tax Lot Numbers 31E34-00900 and 01000, and 31E34C-02104

LOCATION:

1401 S.E. 1st Avenue

COMP. PLAN DESIGNATION:

Commercial/Manufacturing (CM) and Heavy Industrial (HI)

FILE NO.:

MOD 09-04

STAFF:

Melissa Hardy
Associate Planner

DATE OF REPORT:

November 09, 2009

DATE OF HEARING:

This is Not a Public Hearing Item

ZONING DESIGNATION:

Heavy Commercial/Manufacturing (C-M), and Heavy Industrial (M-2); and also located within the Outer Highway Commercial Sub-Area of the Downtown Canby Overlay Zone

I. APPLICANT'S REQUEST:

The applicant is requesting an Intermediate Modification of Site and Design Review approval no. DR-98-08 in order to change Condition #39 to reduce the amount of vehicle parking required, and to allow removal of 10 vehicle parking spaces and construction of a drive-through automated teller machine (ATM) with signage (*see Applicant's Plan - Attachment B*).

II. APPLICABLE REGULATIONS:**Canby Municipal Code (CMC) Title 16:**

- 16.89 Modifications
- 16.42 Signs
- 16.49 Site and Design Review

III. HISTORY:

DR-98-08 – Planning Commission approved a Site and Design Review application for construction of the Fred Meyer shopping center.

MOD-98-08 – Planning Commission approved construction of an 800 sq.ft. bottle return building, and determined that a video store planning to lease space in the Pad C building will not be required to have a loading dock.

MOD-00-01 – Planning Commission approved modification of the two monument signs adjacent Highway 99E, to reduce the size of the base of the signs.

MOD-00-02 – Planning Commission approved modification of Condition #35 to eliminate the requirement for a bond to guarantee removal of the right-in access off Sequoia Parkway, if and when traffic conditions warrant removal, and instead of a bond allow Gramor to record a driveway removal agreement enforceable against the property.

MOD-01-02 – in order to comply with Condition #39 of the original approval (4.1 parking spaces per 1,000 sq.ft. of floor area for the entire shopping center), the construction of Dennys triggered a need for an additional 22 parking spaces. So the Planning Commission approved construction of 10 new parking spaces behind the Fred Meyer store and 12 new parking spaces on Pad D-2 provided that a Site and Design Review application is submitted for Pad D-2 within one year.

DR-03-01 – Planning Commission approved construction of a 2100 sq.ft. restaurant and 23 vehicle parking spaces on Pad D-2. The approved restaurant was never built, and the land use approval expired.

MOD-03-02 – Planning Commission denied an application to modify Condition #54 of the original approval that would have allowed the sale of fireworks in the shopping center parking lot.

DR-05-07 – Planning Commission approved construction of a 3,168 sq.ft. restaurant and 34 vehicle parking spaces on Pad D-2. The approved restaurant and parking spaces have been constructed.

MOD-09-04 – Current modification application.

IV. FINDINGS:

CMC Section 16.89.090 states that Modification Applications shall be evaluated based on the criteria pertaining to the original application being modified. Therefore, the applicant's requested modification has been evaluated based on the Site and Design Review approval criteria, and staff recommends that Planning Commission find that all of the applicable criteria are either met or can be met by observance of conditions, as detailed below in the following draft findings:

Request to change Condition #39 in order to reduce the amount of vehicle parking required.

39. The Planning Commission permits 4.1 parking spaces per 1,000 square feet of floor area for this development.

When Planning Commission reviewed the original Site and Design Review application for development of this shopping center in 1998 (*see Excerpt of Original Site and Design Review Decision*

– Attachment C), the Canby zoning code required a minimum vehicle parking space ratio of 5 spaces per 1,000 square feet of floor area. The development applicant at that time asked Planning Commission to reduce the off-street parking requirement, and submitted a Parking Demand Analysis, prepared by Kittelson and Associates. The Analysis, based on parking data collected at two other Fred Meyer shopping centers, found that during the survey periods, the actual parking demand at the two other shopping centers was only 2.2 spaces per 1,000 square feet of floor area. The final recommendation in Kittelson’s Analysis was for a minimum parking requirement of 4.0 to 4.5 parking spaces per 1,000 square feet (see *Parking Demand Analysis – Attachment D*). Based on that information, the Planning Commission found that 5 spaces per 1,000 square feet was not necessary, and reduced the parking requirement to a minimum of 4.1 parking spaces per 1,000 square feet of floor area, as detailed in Condition #39 of the Planning Commission decision.

Since that time, the Canby zoning code was amended in 2008 (*Ord.No. 1296*), reducing the minimum vehicle parking space requirement for “shopping center (over 100,000 square feet of gross leasable area)” from 5 spaces to 3 spaces per 1,000 square feet. Therefore, staff recommends that Condition #39 be changed to require 3 parking spaces per 1,000 square feet, in line with today’s new parking standard.

There are currently 908 vehicle parking spaces located at the shopping center. The Modification Applicant is requesting approval to remove ten of the existing spaces, which will result in a remainder of 898 parking spaces. 898 parking spaces is not in compliance with the existing Condition #39 requiring 4.1 parking spaces per 1,000 s.f. of floor area. However, if Planning Commission changes Condition #39 to require a minimum of 3 parking spaces per 1,000 square feet, then 898 parking spaces will be in compliance with the new revised condition. The following tables illustrate the parking breakdown, and the impact of changing Condition #39 to 3 spaces per 1,000 s.f. of floor area:

Parking Calculation Using Existing Requirement: 4.1 spaces per 1,000 s.f. of floor area
Use: Shopping Center over 100,000 s.f. Total sq.footage: 221,800 s.f. Parking Ratio Required: 4.1 per 1,000 s.f. Current # of parking spaces = 908 (results in a ratio of 4.1) # of parking spaces proposed for removal to make way for drive-thru ATM: 10 Resulting # of parking spaces = 898 (results in a ratio of 4.05 – <i>non-compliant with Condition #39</i>)

Parking Calculation Using Proposed Requirement: 3 spaces per 1,000 s.f. of floor area
Use: Shopping Center over 100,000 s.f. Total sq.footage: 221,800 s.f. Parking Ratio Required: 3 per 1,000 s.f. Current # of parking spaces = 908 (results in a ratio of 4.1) # of parking spaces proposed for removal to make way for drive-thru ATM: 10 Resulting # of parking spaces = 898 (results in a ratio of 4.05 – <i>compliant with Revised Condition #39</i>) # of parking spaces required to meet new minimum ratio = 666

Staff recommends that Condition #39 be changed to require 3 parking spaces per 1,000 square feet.

Request to construct a drive-through automated teller machine (ATM), as illustrated in Applicant's Plan (see Attachment B).

The Applicant has proposed to construct a 12'10" x 5'11-¾" ATM, located on the western edge of the parking lot, north of the bottle recycling building. The proposal includes a detached metal clearance bar, which will be located approximately 9 feet from the ATM, and two bollards, which will be located next to, on either side of the ATM. The proposal is to locate these fixtures on a 6-inch high concrete island that is approximately 26'6"x4'. The color scheme proposed for the ATM and fixtures is blue and grey, as illustrated on the applicant's attached plan. And proposed lighting consists of two metal halide downlight fixtures to be installed on the underside of the canopy. The location and orientation of the ATM and island preserve the functionality of the surrounding parking area by maintaining and not impacting the existing maneuvering aisle width, by working with the existing flow of traffic in how the vehicles are routed into the ATM access area, and by providing enough space to accommodate stacking of 3 vehicles outside of the parking lot maneuvering aisle. The proposal eliminates ten existing compact parking spaces, the impact of which is discussed on the previous page (pg. 3). And the proposal does not displace any existing landscaping area. The structures are located outside of the 10-foot minimum required setback area. And the overall height of the structure, at 9'6", is well below the maximum allowed building height of 45 feet. Staff recommends that Planning Commission find that the installation of the ATM and fixtures, as proposed, is in conformance with all the Site and Design Review approval criteria, and with all other applicable city ordinances.

Request for signage, as illustrated in Applicant's Plan (see Attachment B).

The Applicant has proposed internally illuminated halo-lit LED signage for all four sides of the ATM. However, the signs do not meet the definition of any of the types of signage allowed in the Canby code, because the ATM structure is not a "building", and the regulations do not specifically address signage on a non-building type structure, such as an ATM. Therefore, staff recommends that Planning Commission review the proposed signs to determine, "Are they similar enough to a wall sign that we can allow them?," and, since the wall sign regulations concerning size of signage allowed on a building were not written in a way that they can be easily applied to signage on a mechanical structure (e.g., size of wall signs can be up to 6% of the building elevation area of a secondary building frontage), then "Does the signage proposed meet the purpose of Canby's sign regulations?"

Staff recommends that Planning Commission find that the proposed ATM signage is similar enough to a wall sign that it should be considered a permitted type of signage, and should therefore be allowed. And staff furthermore recommends that Planning Commission find that the size, location, and appearance of the proposed ATM signage meets the intent of Canby's sign regulations, as detailed in the following CMC Chapter 16.42 purpose statements:

- Protect the health, safety, property and welfare of the public;
- Provide a neat, clean, orderly and attractive appearance in the community;
- Encourage well-designed and wisely located signs;
- Provide for safe construction, location, erection and maintenance of signs;
- Prevent proliferation of signs and sign clutter, minimize adverse visual safety factors to travelers in the public right-of-way;
- Facilitate economic development and enhance the city's ability to retain and attract businesses and customers;

- Contribute to a simple and efficient regulatory process; and
- Achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.

Recommended Conditions of Approval:

In order to ensure that the project is constructed and maintained as proposed by the applicant, and as approved by the Planning Commission; and furthermore to ensure that the project meets all permitting requirements, the following conditions of approval are recommended.

- (1) *Approval of this Modification is based on submitted application materials (a copy of which are attached to the November 09, 2009, staff report as Exhibit B). Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Any modification of development plans that is not in conformance with the approval of application file no. MOD-09-04, including all conditions of approval, shall first require an approved modification in conformance with relevant sections of the Canby Municipal Code.*
- (2) *Lighting installed shall be limited to that proposed by the applicant in his October 13, 2009, letter, as paraphrased in the November 09, 2009, staff report. Specifically: "The Signature Canopy is installed with (2) downlight fixtures on the underside of the roof. Specified fixture is: RUUD MRC0410-1 Metal halide fixture w/ 100 watt bulb."*
- (3) *Signage permitted on the ATM shall be as detailed in the November 09, 2009, staff report, and Exhibit B thereto.*
- (4) *Condition #39 of DR-98-08 is hereby modified to read as follows: "The Planning Commission permits a minimum of 3 vehicle parking spaces per 1,000 square feet of floor area for this development."*
- (5) *Prior to the issuance of a building permit, 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. The design, location, and planned installation of all utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, is subject to approval by the appropriate utility/service provider. The applicant shall follow the City of Canby's pre-construction procedures.*
- (6) *Prior to issuance of building permits, the applicant shall meet all fire & life safety requirements of Canby Fire.*

V. RECOMMENDATION:

Based upon the application materials received by the City, the facts and findings detailed herein this staff report, including all attachments hereto, and without the benefit of a public hearing, staff recommends that the Planning Commission find that, with conditions of approval ...

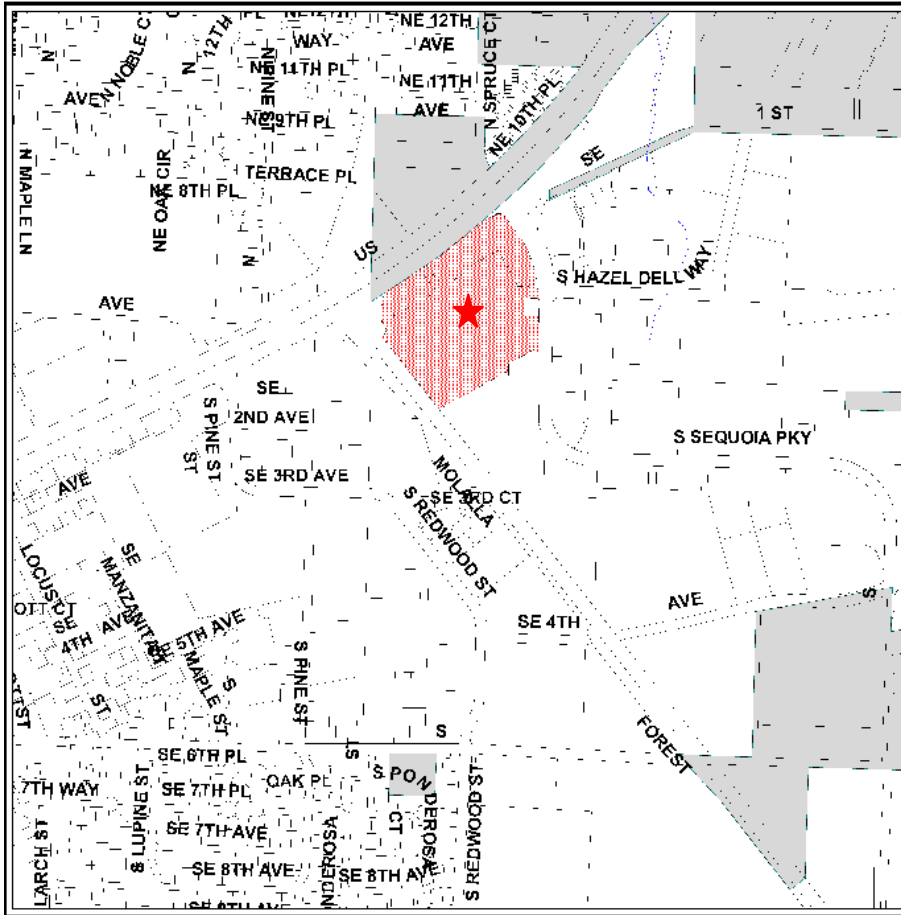
- This application meets all approval criteria for Modification of Site and Design Review No. DR-98-08;
- Condition #39 of DR-98-08 shall be changed to permit a minimum off-street parking space ratio of 3 spaces per 1,000 square feet of floor area; and

- The signage proposed for installation on the ATM is similar enough to wall signage that it shall be considered a permitted type of signage, and the signage meets the intent of Canby's sign regulations.

Exhibits:

- A. Vicinity Map
- B. Applicant's Plan
- C. Excerpt of Original Site and Design Review Decision
- D. Parking Demand Analysis
- E. Service Provider Comments

VICINITY MAP



MOD-09-04



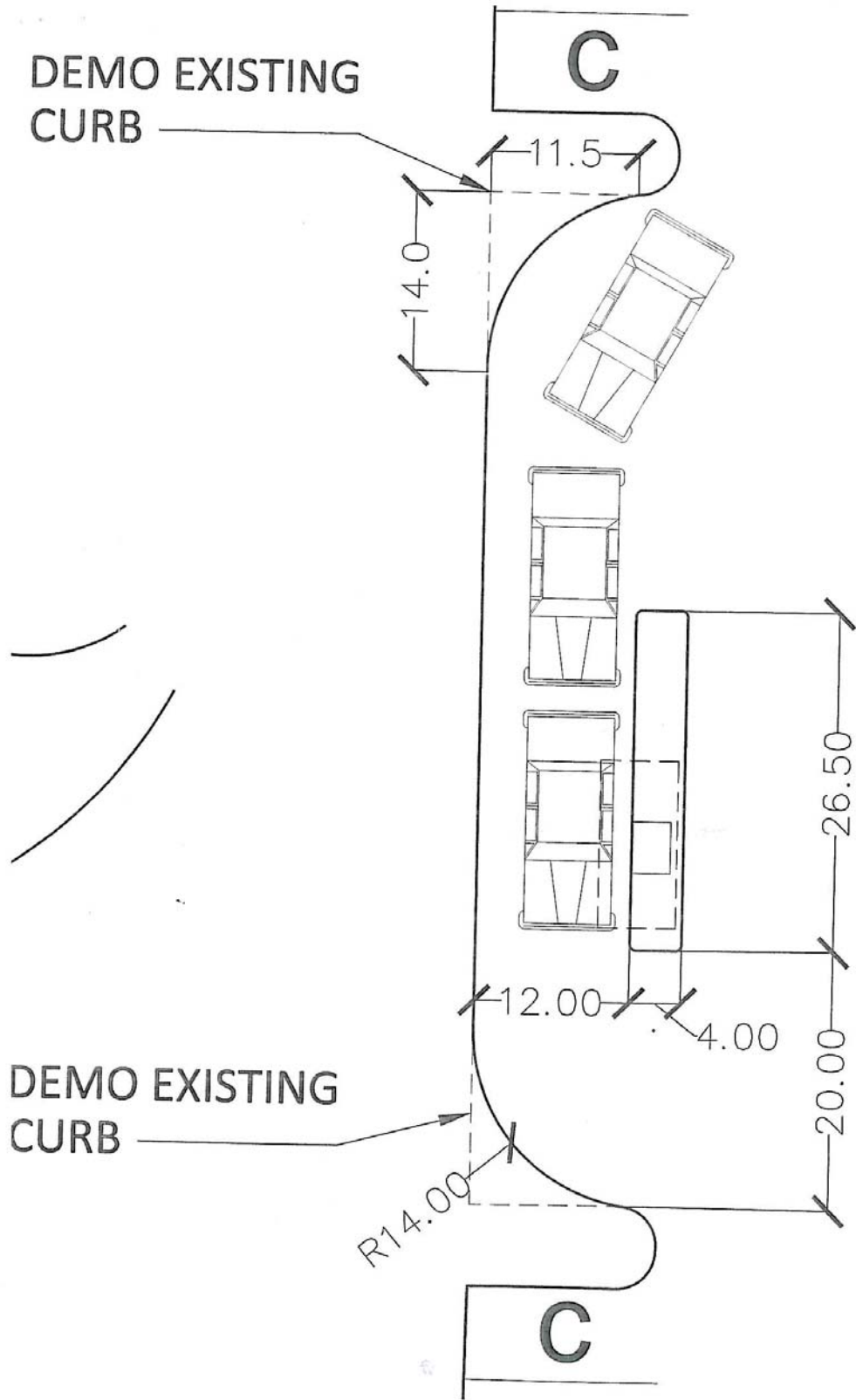
Clackamas County

Geographic Information Systems
121 Library Court
Oregon City, OR 97045

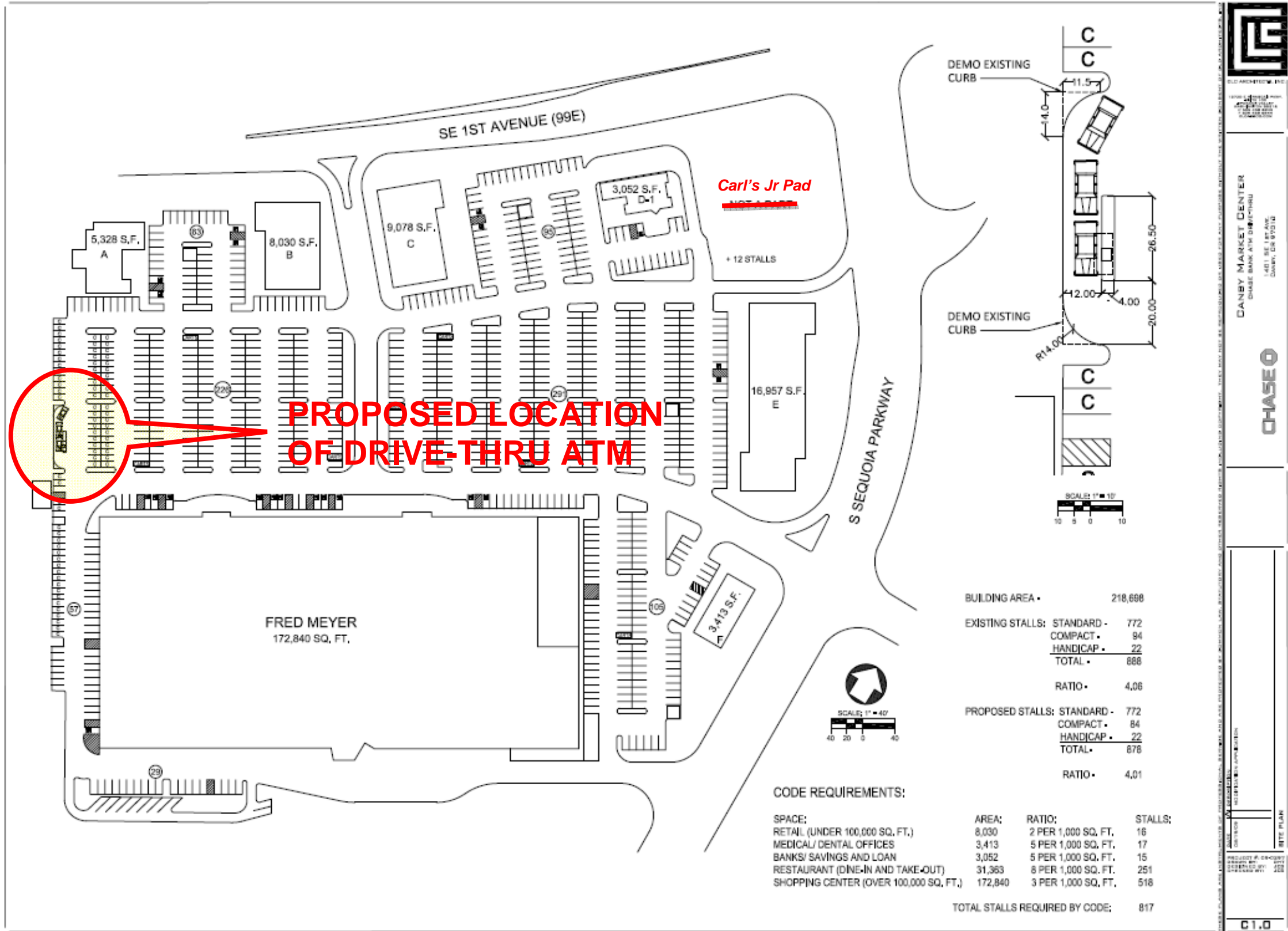
This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

October 28, 2009 08:39 AM

APPLICANT'S PLAN



APPLICANT'S PLAN (cont.)



BUILDING AREA	218,668
EXISTING STALLS:	
STANDARD	772
COMPACT	84
HANDICAP	22
TOTAL	888
RATIO	4.06
PROPOSED STALLS:	
STANDARD	772
COMPACT	84
HANDICAP	22
TOTAL	878
RATIO	4.01

CODE REQUIREMENTS:

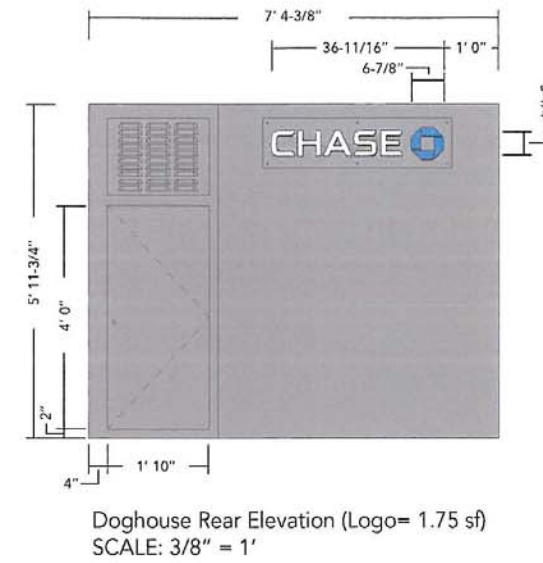
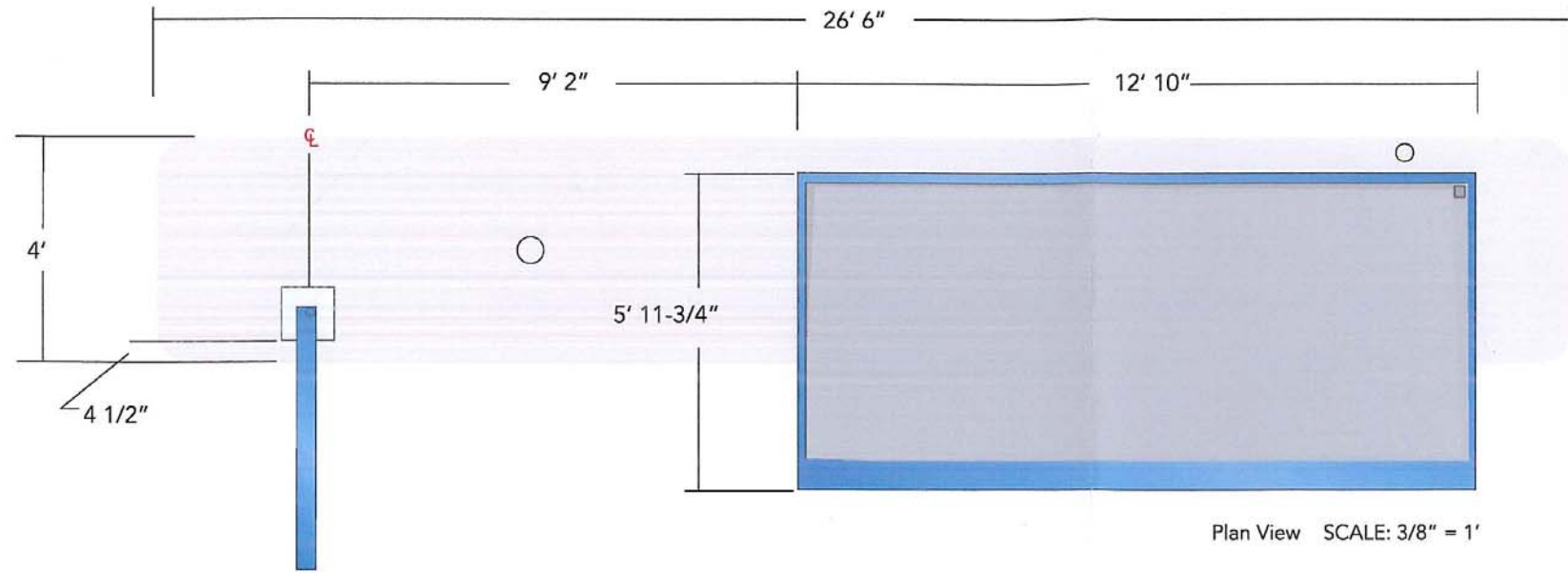
SPACE:	AREA:	RATIO:	STALLS:
RETAIL (UNDER 100,000 SQ. FT.)	8,030	2 PER 1,000 SQ. FT.	16
MEDICAL/ DENTAL OFFICES	3,413	5 PER 1,000 SQ. FT.	17
BANKS/ SAVINGS AND LOAN	3,052	5 PER 1,000 SQ. FT.	15
RESTAURANT (DINE-IN AND TAKE-OUT)	31,363	8 PER 1,000 SQ. FT.	251
SHOPPING CENTER (OVER 100,000 SQ. FT.)	172,840	3 PER 1,000 SQ. FT.	518
TOTAL STALLS REQUIRED BY CODE:			817

GLO ARCHITECTURE, INC.
 1000 1ST AVE. SUITE 1000
 SEASIDE, CA 92082
 PHONE: (619) 435-8800
 FAX: (619) 435-8801
 WWW: GLOARCHITECTURE.COM

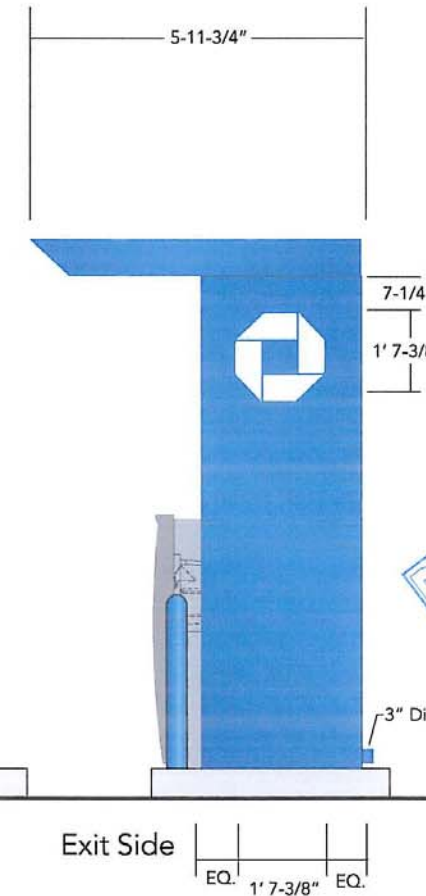
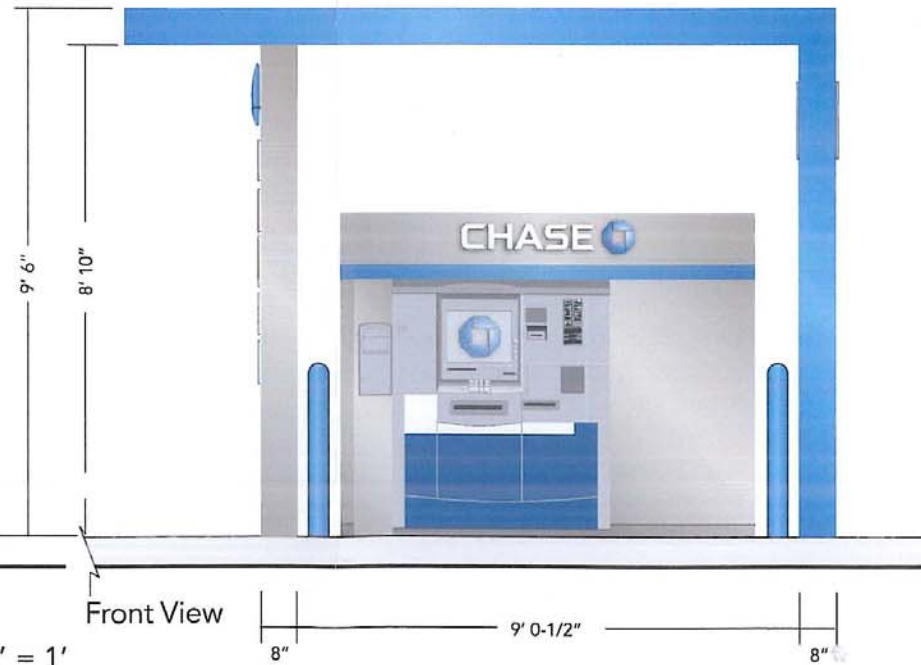
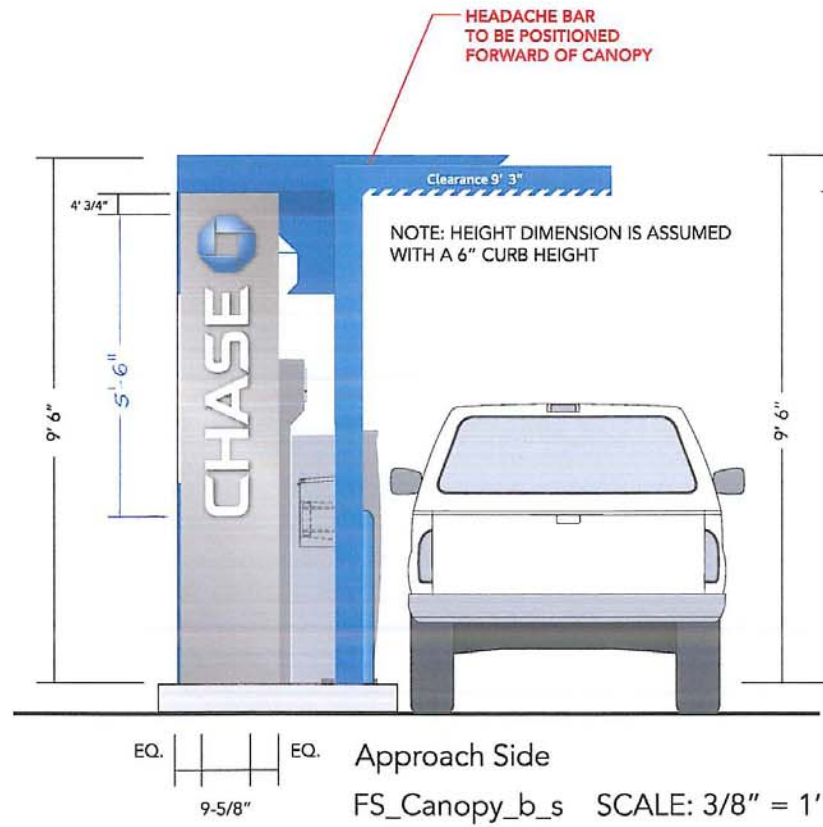
CHASE
 CHASE BANK ATM DRIVE-THRU
 1401 SE 1ST AVE
 SEASIDE, CA 92082

C 1.0

APPLICANT'S PLAN (cont.)



OPTION 2 DOGHOUSE VERSION REMOVE OCTAGON FROM TOP OF CANOPY



RECEIVED
OCT 14 2009
By

EXCERPT OF ORIGINAL SITE AND DESIGN REVIEW DECISION

Excerpt of DR-98-08 Decision is Attached (see following 2 pages).

approves this proposed access. However, a condition of approval will provide that the access is revocable if safety concerns arise as a result of construction of dual left turn lanes from 99-E onto Sequoia Parkway. Further, the applicant will be required to deposit with the City funds necessary to cover the costs of removing the access if such event occurs.

The Commission discussed the third access or most southerly access point and discussed whether the access point should be a right-in, right-out access only. After discussion, it was determined that the access should be a full movement access in order to allow trucks to move north on Sequoia Parkway and keep truck traffic from encroaching upon other inconsistent uses in the City. In order to alleviate concerns about truck movement at the site, the Commission has required as a condition of approval that Fred Meyer coordinate with planning staff a truck delivery schedule so that truck deliveries do not occur during peak transportation hours.

5. The Commission permits the site to be parked at a ratio of 4.1 parking spaces per 1,000 square feet of floor area. The City's code requires "clear and objective findings" that a deviation can be made from the standard requirement of 4.5 spaces per 1,000 square feet. The Commission makes such a finding based upon the applicant's transportation consultant's testimony which demonstrated that, in examining other Fred Meyer sites, the actual demand placed upon parking was 2.2 spaces per 1,000 square feet of floor area. Even when considering a "worst case" scenario which would be a weekend parking demand in the holiday season, a design parking ratio of 4.18 might be anticipated. Using a calculation based upon the square footage of site, this would mean that 17 more parking spaces might be required in the absolute "worst case" scenario. Since the City Council and Planning Commission have previously provided direction to avoid "seas of asphalt" and to increase the amount of landscaping on the site, the Commission finds that the ratio of parking spaces is wholly adequate given the amount of landscaping that the applicant has been able to provide on the site. The Commission finds that the applicant's efforts to reduce the amount of asphalt and increase landscaping is sufficient reason to allow the parking reduction.

In addition, the Commission finds that the applicant has supplied bike transportation facilities and will be subject to a condition of approval to cooperate with Tri-Met and the City for an easement for a bus turnout on Sequoia Parkway. These contributions to alternative modes of transportation also justify the reduction in the number of parking spaces on the site.

Finally, the Commission has expressly conditioned the approval on restrictions for any special events, carnivals or the like on the parking lot. Not only do these sorts of activities attract additional parking demand, they take away valuable parking spaces from the site. Further, no trailers shall be parked in the parking lot, including donation drop-

39. The Planning Commission permits 4.1 parking spaces per 1,000 square feet of floor area for this development.
40. Legal documentation verifying permanent crossover parking easements between all tax lots created must be furnished to the Planning Department.
41. The large anchor store (Fred Meyer) will require 3 truck loading berths. Any other tenant in the complex with more than 5,000 square feet of floor area requires one loading berth as per section 16.10.060 of the Land Development and Planning Ordinance.
42. Site lighting shall be comprised of "hooded" lights to project light downward.
43. Street lights are required along Sequoia Parkway. The spacing and location of street lights will be determined by the Canby Utility Board.
44. A chain link fence, at least 6' in height, shall be installed along the entire western and southern property lines.
45. The location of telephone and cable services to and through the site will be determined by the Canby Telephone Association.
46. Bicycle parking shall be required as shown on the site plan except: 1) bike racks shall be at least 5 feet from the building, and; 2) the bike rack on the west end of the Fred Meyer store shall be moved around the corner to the front of the building, and; 3) the bike rack at the east end of the Fred Meyer store shall be rotated 90 degrees.
47. Parking shall be prohibited along Sequoia Parkway and at the proposed termination of the Parkway. The Canby Fire Marshal shall determine the extent of the signage needed to enforce the no-parking restriction.
48. Fred Meyer sign area will be allowed a 60% bonus for frontage onto more than one street as per the Canby Sign Code. This area will include wall signs and the "Fred Meyer" monument sign. Tenant signage on the monument sign will be included in this area calculation and is leasable to any tenant inside the anchor store.
49. Tenants of the Fred Meyer store shall be allowed wall signage in accordance with the "Businesses in a Multi-Business Building" table in the Canby Sign Code. Tenants of the anchor store **will not** be allowed a 60% area bonus for frontage onto more than one street. Signage leased on the Fred Meyer monument sign will

PARKING DEMAND ANALYSIS



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

810 SW ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-5230 • FAX (503) 273-8169

August 4, 1998

Project #: 2598.02

Barry Cain
Gramor Oregon, Inc.
9895 SE Sunnyside Road, Suite P
Clackamas, OR 97015

RE: *Parking Demand Analysis for the proposed Canby Retail Center — Canby, Oregon*

Dear Barry:

Pursuant to your request, Kittelson & Associates, Inc. has conducted a review of the parking demand potential of the proposed Canby Retail Center. This letter summarizes the methodology and findings of our analysis and the implications of these findings as they relate to the proposed development activities.

INTRODUCTION

The proposed Canby Retail Center development plan calls for construction of a Fred Meyer Retail Store and up to six additional satellite commercial pads. At the time this letter was prepared, only the Fred Meyer Retail Store was confirmed as a land use and a development application is being prepared on that basis. While the specific land uses of the satellite pads have not been identified, as part of the development application, a formal site plan is being prepared including identification of parking facilities. Determination of the necessary number of parking spaces is a key issue to finalizing site development plans.

The City of Canby development code has established generic guidelines for the number of parking spaces that should be provided for typical land uses. Given the context of the proposed Canby Retail Center project and the shared parking relationship anticipated between the commercial land uses, it would appear that the City of Canby's generic parking requirements would require an excessive amount of parking. Recognizing that the generic parking requirements may not always be the most appropriate guidelines, the City's code permits applicants to seek a lesser number of parking spaces if they are able to demonstrate that unique characteristics of a given development justify modifications to the code requirements. The purpose of this study was to determine whether the amount of parking required by City regulations was appropriate.

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EXHIBIT D - MOD 09-04

City of Canby Parking Policy

The City of Canby parking standards are stated in Chapter 16.10 of the City's Land Development and Planning Ordinance with Table 16.10.050 of the ordinance identifying the City's specific off-street parking requirements by land use (in the case of the proposed shopping center, 5.0 spaces per 1,000 square feet). Section 16.10.010 of the City's Land Development and Planning Ordinance further states that "A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objectives of this section."

Based on a preliminary review of the parking ordinances, it appears that the amount of required off-street parking exceeds that which would be reasonably necessary. However, in order to receive a reduction in the number of required spaces, it is necessary to understand the nature of the parking demand associated with the proposed development and document the demand in order to effectively comply with the City's development code.

Developing a Parking Demand Estimate For The Proposed Retail Center

In order to develop a reasonable estimate of a parking profile for the proposed retail center, two parking surveys were conducted at other similar developments. The purpose of these surveys was to identify the demand that is experienced at other comparable developments so that the parking demand at the proposed retail center could be reasonably forecast.

Parking Studies

Two parking studies were conducted for this analysis. The parking studies were conducted at two separate Fred Meyer retail stores (with satellite pad uses) that were judged to be similar in size and geographic setting to the proposed development. Data collection efforts were conducted on typical mid-week days to insure that the parking demand on the day the parking surveys were conducted did not include any special event traffic or otherwise unusual circumstances.

Data Collection

Parking supply and demand data were first collected on Tuesday, June 30, 1998 at the Fred Meyer retail store in Newberg, Oregon. This facility is located on the south side of Highway 99W and, in addition to the Fred Meyer anchor store, has on-site uses including Washington Mutual Bank, Laser Quick (printers), Perfect Look (haircuts), Davis Lock and Safe, U.S. Bank, a Goodwill donation truck, and a temporary fireworks stand. Collectively, 762 striped parking stalls were identified at this retail center (5.0 spaces per 1,000 square feet).

Parking data were also collected on Wednesday, July 1, 1998 at the Vancouver-Orchards Fred Meyer retail store located in Clark County, Washington. This facility is located on the east side of the 117th Avenue/76th Street intersection and has on-site commercial uses that include a Shari's restaurant, Baskin Robins, Wells Fargo, a Vacuum Cleaner store, and a temporary fireworks stand. Parking data at both facilities were collected at regular intervals throughout the daytime hours of 11:30 a.m. and 7:00 p.m. The total parking supply available at this facility was determined to be 765 striped parking stalls (4.5 spaces per 1,000 square feet).

The temporary fireworks stands at both sites reflect a seasonal use associated with the Fourth of July holiday and were not expected to have a significant impact on the parking study. The presence of the temporary fireworks stands would actually result in more conservative findings as the normal parking demand would be slightly over stated.

Parking Utilization

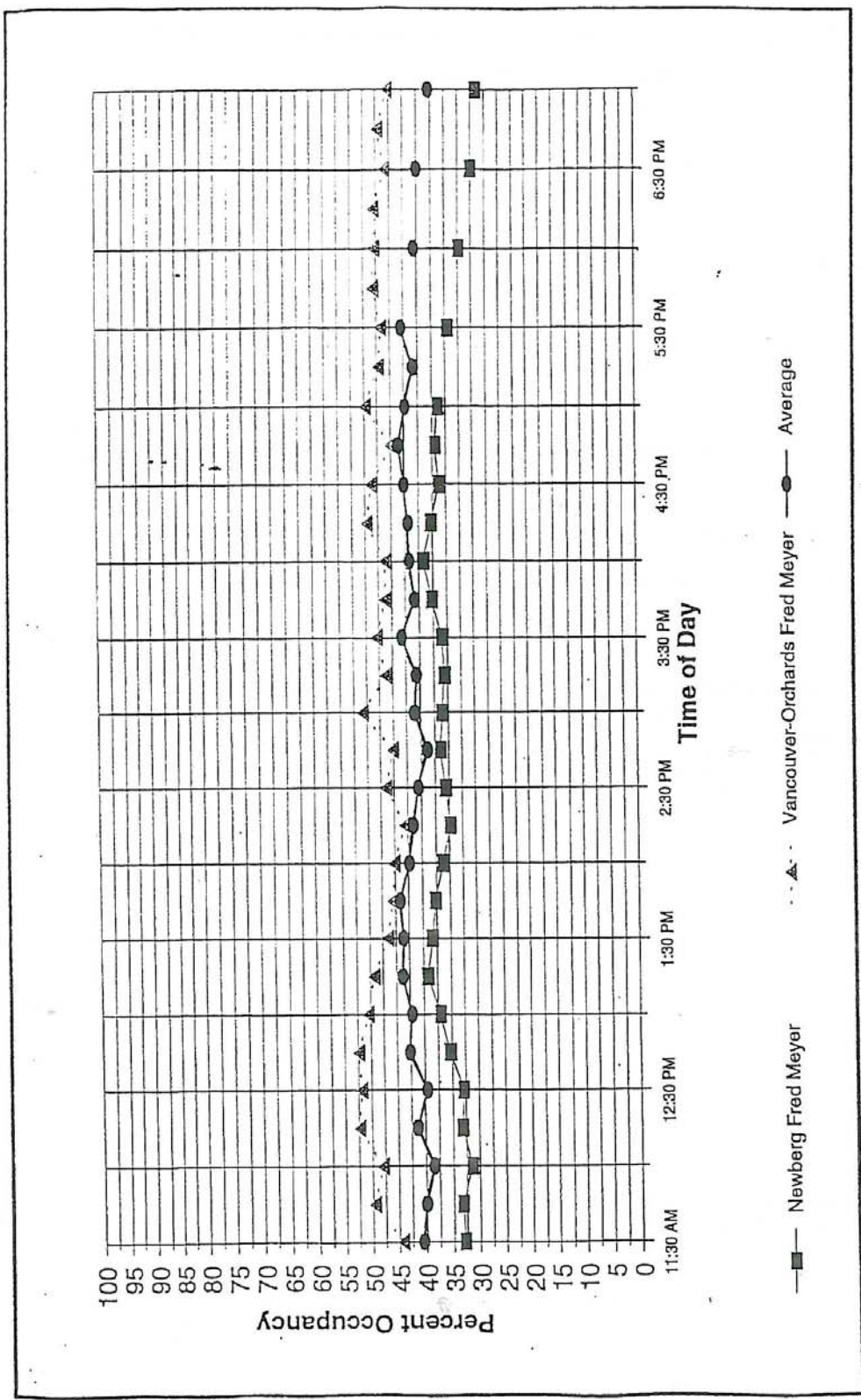
In total, the two lots were each surveyed in excess of 25 times during the course of the day. Figure 1 illustrates the parking lot occupancy (demand divided by supply) data from the two sites over the course of the day.

As shown in Figure 1, it was found that the peak parking period varied at the two retail centers but was generally experienced between the hours of 12:15 and 1:15 p.m. and 4:00 and 5:00 p.m. Compared to the Newberg retail center, the Vancouver-Orchards site tended to peak more closely with traffic that could be attributed to lunch and dinner traffic associated with the Shari's restaurant and Baskin Robins.

As shown in Figure 1, the Newberg retail center parking facilities peaked at 39 percent occupancy, while the Vancouver-Orchards site reached up to 52 percent occupancy of the available parking spaces. By late evening (7:00 p.m.), a sustained drop in parking demand had been observed at both of the sites as evidenced by the downward trends shown in Figure 1.

While Figure 1 shows both study site operating at approximately half of capacity, it should be noted that this data represents a typical weekday during the month of July. Parking demands during July are approximately 75%¹ of those experienced during the holiday season (November and December), and weekday parking demands are approximately 80%² of the weekend demand generated at retail shopping centers. Therefore, the parking demands measured in the field and documented within Figure 1 represent only 60% of the parking lot design demand.

Notes ¹ Based on historical traffic and sales data at Fred Meyer retail centers.
² Based on the Institute of Transportation Engineer's *Parking Generation*, 2nd Edition.



PARKING LOT OCCUPANCY DATA

CANBY RETAIL CENTER
 CANBY, OREGON
 JULY, 1998



FIGURE
1

2598P01

PARKING DEMAND EVALUATION

To determine the parking demand at the two study sites, the occupancy of the existing parking supply was reviewed and both the design parking rate and demand parking rates were identified. From these estimates, the parking needs of the Canby Retail Center can be inferred.

In general, the capacity of a parking lot is often taken at 85 percent of the number of parking spaces available. This is done because it is often the perception of parkers that a large parking facility is full at this occupancy. At that point, a driver may have to circulate for a long time to find an available space in competition with other drivers looking for a place to park.

Based on site plans provided by Fred Meyer and estimates of adjacent pad use size, the approximate size of the two shopping centers was estimated as shown in Table 1. Using the number of parking spaces available and the maximum number of occupied spaces that were observed during data collection, the parking design ratio and the parking demand ratio for the two sites was determined.

Table 1 - Observed Weekday Afternoon Parking Utilization (July Conditions)

Fred Meyer Retail Center	Retail Center Size (Feet ²)	Available Parking Spaces	Maximum Parking Demand	Maximum Occupancy (Percent) ¹	Actual Parking Ratio ²	Parking Demand Ratio ²
Newberg	150,900	762	300	39	5.0	2.0
Vancouver-Orchards	169,600	765	401	52	4.5	2.4
Average	160,250	764	350	46	4.8	2.2

¹ Parking Facilities are typically considered full at 85 percent occupancy

² Ratio expressed in parking spaces per 1,000 square feet

The parking design ratio is equivalent to the number of available parking spaces divided by the collective size of the retail center buildings. Similarly, the parking demand ratio is equivalent to the maximum number of parking spaces divided by the collective size of the retail center buildings. As evidenced by Table 1, the two retail centers were observed to have an average parking ratio of 4.8 spaces per 1,000 square feet and a July weekday parking demand ratio of 2.2 spaces per 1,000 square feet.

Based on the average July weekday parking demand ratio (2.2 spaces per 1,000 square feet) provided in Table 1, a design parking ratio was estimated using seasonal and weekend adjustments. In addition, this ratio was adjusted to assume an 85% occupancy/capacity relationship. Table 2 shows the seasonal and weekend adjustments used to generate the design parking ratio.

Table 2 - Estimated Design Parking Ratio

Average Weekday (July) Parking Demand Ratio	Seasonal Adjustment ¹	Weekend Adjustment ²	Occupancy/Capacity Adjustment ³	Design Parking Ratio
2.2	1.31	1.23	1/0.85 = 1.18	4.18

¹ Based on historical traffic and sales data at Fred Meyer retail centers.

² Based on the Institute of Transportation Engineer's *Parking Generation*, 2nd Edition.

³ Parking Facilities are typically considered full at 85 percent occupancy

CONCLUSION AND SUMMARY

Based on the design parking ratio generated from the two parking study sites and the current parking demand at those facilities, a parking ratio of 4.0 to 4.5 spaces per 1,000 square feet is appropriate for shopping centers located in outlying areas similar to Canby.

The City of Canby's parking regulations are generic and do not explicitly consider the potential for trip linkage within shopping centers. Given the shared parking arrangement of the proposed shopping center and the close proximity of the proposed commercial pads, it can be expected that shopping center customers will visit multiple commercial facilities while requiring only one parking space. Such trip linkage at shared parking facilities is consistent with the parking patterns observed at the two parking study sites.

A reduction in the number of parking spaces required at the proposed Canby Retail Center from 5.0 spaces per 1,000 square feet (as identified in Chapter 16.10 of the City of Canby's Land Development and Planning Ordinance) to 4.0 or 4.5 spaces per 1,000 square feet is further substantiated by METRO's efforts to reduce parking requirements and the Transportation Planning Rule's efforts to increase the use of alternative travel modes through the reduction of available parking supplies. In addition, several Fred Meyer developments throughout the northwest operate efficiently with parking ratios of 4.5 spaces per 1,000 square feet or less, including the existing Hazel Dell and East Vancouver stores in Washington and the Tualatin and Bend stores in Oregon.

We trust this letter adequately addresses the parking requirements associated with the proposed Canby Retail Center. If there are any questions or concerns you have regarding this analysis, please feel free to contact us.

Sincerely,
KITTELSON & ASSOCIATES



Marc Butorac, P.E.
Senior Engineer

SERVICE PROVIDER COMMENTS

Service Provider Comments are Attached (see following 6 pages).

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: September 14, 2009

- TO:
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| <input checked="" type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
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Please review the enclosed application and return comments to Melissa Hardy by **Friday, September 25, 2009**. If you need more information, please call and let me know (Melissa Hardy 503-266-7001 x262). Thank you.

Comments or Issues:

Please check one box and sign below:

- My Agency/Department is okay with the proposed changes; no additional information or plans are needed.
- Additional information or plans are needed in order to determine if proposed changes are okay.
- My Agency/Department is NOT okay with the proposed changes; see comments.

Signature:  Date: 9/15/09

Title: PW Supervisor Agency: City of Canby PW

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001 FAX 266-1574

DATE: September 14, 2009

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RECEIVED
SEP 15 2009
CURRAN-MCLEOD

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- My Agency/Department is NOT okay with the proposed changes; see comments.

Signature: Han Ibrahim Date: September 16, 2009
Title: Project Engineer Agency: Curran-Mcleod, Inc

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: September 14, 2009

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Signature: R. Gunn Date: 9.14.09

Title: Building Official Agency: City

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: September 14, 2009

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Comments or Issues:

This does not appear to have any effect
on this agency

Please check one box and sign below:

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- My Agency/Department is NOT okay with the proposed changes; see comments.

Signature: *Dely Stechmull* Date: 9-15-09

Title: Line Foreman Agency: Canby Utility Elect

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 936, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: September 14, 2009

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Comments or Issues:

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Signature: Darwick Phinney Date: 9/14/08

Title: Foreman; W.D. Agency: Canby Utility Water Dept.

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: September 14, 2009

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- My Agency/Department is NOT okay with the proposed changes; see comments.

Signature:  Date: SEPT. 25TH 2009

Title: ASSOCIATE ENGR. Agency: CANBY TELCOM

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – September 28, 2009
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Vice Chair Jan Milne, Commissioners Sean Joyce, Chuck Kocher, and Misty Slagle

ABSENT: Chair Dan Ewert and Commissioner Jared Taylor

STAFF: Bryan Brown, Planning Director; Melissa Hardy, Associate Planner; Catherine Comer, Economic Development Manager and Jill Thorn, Planning Staff

OTHERS PRESENT: Dan Osterman, Chuck Nakvasil, James Blissett, Jeremy Longstreet

1. CALL TO ORDER

2. CITIZEN INPUT None

3. PUBLIC HEARINGS None

4. NEW BUSINESS

MOD 09-05 of DR 08-04 - The applicant is requesting an Intermediate Modification of Site and Design Review approval Case # DR-08-04 in order to add the following elements to the building:

- (1) Add 320 linear feet of 15 mm 30 ma “Clear Red” neon tube architectural accent lighting to the exterior 2nd Avenue frontage of the building;
- (2) Construct a 20.54 square foot “Ruby Red” neon wall sign on the primary building frontage facing 2nd Avenue;
- (3) Construct a 339.38 square foot “Ruby Red”, White”, and “Purple” neon marquee sign, containing 2 internally illuminated white manual bulletin boards, on the primary building frontage facing 2nd Avenue.

Melissa Hardy presented the staff report of September 28, 2009 and explained the process.

Commissioner Kocher stated he didn't see any problem with the application.

Commissioner Slagle asked if “uncomfortable glare” is used anywhere else in the code because she felt it was too open-ended. Ms Hardy responded that it was not and if the Commission had additional language that would tighten this up it could potentially be helpful.

Applicant: James Blissett, architect for the Cinema project, stated he had done a site visit prior the meeting and found there were 2 residences on 3rd Avenue that would probably be able to see the neon lighting. He said he was comfortable with the “uncomfortable glare” language. He said the vision for the project was to have an “old fashioned downtown theater”.

Commissioner Kocher asked if the landscaping would provide additional screening. Mr. Blissett stated that was true.

Commissioner Joyce asked what type of trees would be planted. Mr. Blisset stated he didn't know but could find out.

Commissioner Joyce asked what materials the letters would be made of. Mr. Blisset stated it would be a metal can with red neon.

Commissioner Slagle stated she was comfortable with the "uncomfortable glare" language.

Ms Hardy stated the department had a light meter that could be used if there were any complaints from neighbors that could register whether the neon lights added impact over the base lighting in the area.

Proponents: Catherine Comer, Economic Development Manager, stated she felt the application met the original intent. The picture board shown by Mr. Blisset was the same board used at the neighborhood meeting. She stated that 23 trees would be planted next week.

Opponents: None

Neutral: None

Rebuttal: None

Ms Hardy suggested the following language to be added at the end of Condition 2 and 5: "burden of proof to be demonstrated by the complainant property owner".

Commissioner Joyce moved to approve Modification 09-05 of DR 08-04 application as presented with changes to Condition 2 and 5 to add the following phrase at the end of each condition: "burden of proof to be demonstrated by the complainant property owner". It was seconded by Commissioner Slagle. The motion passed 4-0.

5. FINAL DECISIONS

a. MOD 09-05 of DR 08-04 – Canby Cinema - It was moved by Commissioner Joyce to approve the written findings for MOD 09-05 of DR 08-04 – Canby Cinema – as presented with modifications to Conditions 2 and 5. It was seconded by Commissioner Slagle. The motion passed 4-0.

6. MINUTES

August 24, 2009 - Commissioner Slagle moved to approve minutes of August 24, 2009 as presented. Motion seconded by Commissioner Kocher and passed 4-0.

7. ITEMS OF INTEREST FROM STAFF Bryan Brown reported that the Work Session prior to the meeting had provided a voice to the public about development process issues of concern. Mr. Brown also stated he would have the department work plan emailed to the Commission so they can keep abreast of the focus within the department.

Commissioner Milne asked if additional work sessions could be set up to deal with the work session issues that arose this evening and expressed a desire to make sure that Chair Ewert could be present because of his long history with the City and issues of the Commission.

- 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
- 9. ADJOURNMENT**

MINUTES
CANBY PLANNING COMMISSION WORKSESSION
6:00 PM – September 28, 2009
City Hall Conference Room – 182 NW Holly

PRESENT: Vice Chair Jan Milne, Commissioners Chuck Kocher, and Misty Slagle

ABSENT: Chair Dan Ewert, Sean Joyce and Jared Taylor

STAFF: Bryan Brown, Planning Director; Melissa Hardy, Associate Planner; Catherine Comer, Economic Development Manager; Amanda Klock, Human Resources Director and Jill Thorn, Planning Staff

OTHERS PRESENT: Randy Carson, Bev Doolittle, Randy Saunders, Victor Madge, Michael Wellman, Trent Warren, Ken Hostetler, Don Perman, Peter Hostetler, and Brian Hodson,

The purpose of the work session was to hear from the public in regard to land use development application processes and timelines related to such applications.

Clarification was given to several questions regarding applications and why certain things were required.

Of particular focus were issues related to the review and approval of Dr. Trent Warren's new office building at 1507 SE 3rd Ct. from both the architect and contractor. Concerns voiced included:

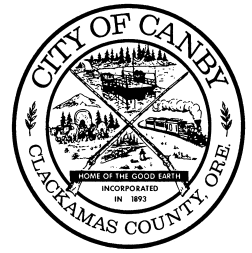
- Overkill in approval process for a project of this size and scope, believing the same objectives of the city could be met with a shorter less involved process. A general desire to see something done to expedite the process. The Director indicated that this is structural code issue that would need to be addressed by the Planning Commission in the form of a Text Amendment to the Code, but examples of this do exist.
- Similarly, a suggestion that the current "one size fits all" process might be better modified to facilitate smaller projects. Suggestion was for an administrative approval process that could potential streamline the process saving time, energy, and money and still obtain a good result. The Director indicated that efficiency should be at the heart of the development review process but that it expands to help assure thoroughness, adequate citizen input, and more recently an opportunity for discretionary design decisions that deal with somewhat subjective topics that include: aesthetic considerations of building design and appearance with materials, color, windows, etc. It is generally accepted that street, utility, and fire safety considerations be addressed but often more controversial when planning presses for landscaping, bike racks, trees, and sidewalk connections that may seem to be "extras".
- A belief that the Planning department is "micro managing" or pressing for compliance for things that do not matter or make sense. Not as many applications to review so may be giving undue scrutiny to the ones that are submitted. Thought it was inappropriate to address "the color of buildings", especially in this case when the CC&R's already specify what is required. The Director indicated that besides having a duty to assure compliance with code standards, the Planning staff must also carefully follow-up on attached conditions of approval by the Planning Commission – both of which are often difficult or impossible to modify in a manner that will satisfy situations where the applicant does not believe they are appropriate. An example raised is the insistence for an internal sidewalk

connection between adjacent properties when a grade change exists, a perimeter fence may be desired, and the adjacent property is already mostly developed out and has no connecting sidewalk in place.

- A duplicate and therefore unnecessary traffic study for an individual property development was required when the original commercial subdivision approval contained a traffic analysis. There is a belief that too many traffic studies are being required. Suggested basing the need on a set warrant amount. Staff agreed that there may be room for honoring the previous traffic analysis when significant changes have not occurred within the vicinity of a proposed development but the professional traffic engineers generally only guarantee the applicability of their studies for a year and the analysis for development of an individual property is somewhat different and more specific than one for a subdivision where actual exact development use and location of driveways has not yet been determined.
- Also concern voiced about the timing of when traffic studies are initiated because they can potentially otherwise delay a project. The Director indicated he had already discovered this issue and is suggesting that applicants will be advised at the pre-application meetings to consider getting those studies underway soon after the pre-application meeting if they are fairly set on their site plan. Minor modifications to the study can be made later if necessary, at the applicant's expense, should the site plan change as a result of the review process.
- Concerned that few representatives from the approval "entities" showed up at the sign off meeting for their final construction plans causing them to have to visit multiple offices. Staff recognized that this can occasionally be an issue but is mostly out of the City's control with outside approval representatives. We offered to communicate this concern to them and are currently reviewing the pre-construction plan processes used elsewhere to see if any additional changes are possible that would improve efficiency for all. It is still felt that face to face meeting with all entities involved results in fewer actual construction conflicts which are more difficult to deal with than during the signoff of the construction plans themselves.

Planning staff thanked the audience members for taking time to share their suggestions for improvements and areas of concern in the development process they had encountered and the Planning Commission indicated they would be following up on some of the issues raised. Staff indicated that they would give further consideration to making sure the process is fully understood at the pre-application conference, act to move as quickly as possible without rushing to get our "completeness" or request for additional information letters out, continue to maintain dialog while the applicant completes getting information requested submitted, further discuss the duplicate traffic study/analysis issue with the Planning Commission, look into whether better models exist for handling the pre-construction plan approval process.

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



**A REQUEST FOR MODIFICATION OF) FINDINGS, CONCLUSION & FINAL ORDER
SITE AND DESIGN REVIEW APPROVAL)
DR-98-08, IN ORDER TO REDUCE THE) MOD 09-04
AMOUNT OF VEHICLE PARKING) CLC Associates
REQUIRED, AND ALLOW REMOVAL)
OF 10 VEHICLE PARKING SPACES AND)
CONSTRUCTION OF A DRIVE-)
THROUGH AUTOMATED TELLER)
MACHINE (ATM) WITH SIGNAGE.)**

NATURE OF APPLICATION

The City has received MOD 09-04, a request for an Intermediate Modification of DR-98-08 in order to change Condition #39 to reduce the amount of vehicle parking required, and to allow removal of 10 vehicle parking spaces and construction of a drive-through automated teller machine (ATM) with signage.

FINDINGS AND REASONS

In judging whether or not this Intermediate Modification application shall be approved, the Planning Commission adopted the findings contained in the November 09, 2009, staff report, including all attachments thereto, as summarized below in the Conclusion, and as reflected in the written Order:

CONCLUSION

The Planning Commission concludes that, with the application of certain conditions:

Site and Design Review Findings:

16.49.040.1.A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and

16.49.040.1.B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and

16.49.040.1.C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and

16.49.040.1.D. The proposal is deemed compatible with regards to criteria B and C above because the development achieves minimum acceptable scores in all applicable sections of the Canby Industrial Area Overlay design review matrix, because the removal of 10 parking spaces and subsequent construction of an automated teller machine only impacts the “Parking” section of the matrix, and reducing parking spaces does not impact the shopping center’s “Parking” score; and

16.49.040.4. All required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development; and

16.49.040.5. The proposal has no impact on the availability and cost of needed housing; and

16.49.040.6. The proposal does not involve cutting down any street trees.

Additional Findings Concerning Proposed ATM Signage:

- The Planning Commission finds that the proposed ATM signage is similar enough to a wall sign that it should be considered a permitted type of signage, and should therefore be allowed.
- The wall sign regulations concerning size and number of wall signs allowed on a building were not written in a way that they can be easily applied to signage on a mechanical structure, such as an automated teller machine, and so the Planning Commission reviewed the proposed signs against the intent of the sign regulations, and found that the signs are in conformance with all of the purpose statements:
 1. The health, safety, property and welfare of the public is protected; and
 2. The ATM signage is neat, clean, orderly and attractive in appearance; and
 3. The ATM signage is well-designed and wisely located; and
 4. There is no evidence that the ATM signage cannot be safely constructed, erected, and maintained, and the location of the signage is safe; and
 5. The ATM signage is not a proliferation of signs or sign clutter, and there are no adverse visual safety factors to travelers in the public right-of-way; and
 6. The ATM signage facilitates economic development and enhances the city’s ability to retain and attract businesses and customers; and
 7. The ATM signage does not impact the city’s simple and efficient regulatory process; and
 8. There is no evidence that the ATM signage is not consistent with state and federal constitutional limits on the regulation of speech.

Additional Findings Concerning Reducing the Vehicle Parking Requirement:

- The Planning Commission finds that the Canby Zoning Code currently requires only 3 vehicle spaces per 1,000 square feet of gross leasable area for a shopping center with over 100,000 square feet of gross leasable area, and that Condition #39 was placed on the development back when the minimum parking ratio required by code was 5 spaces per 1,000 square feet; so reducing the parking requirement so that it is in line with today’s zoning regulation is reasonable and appropriate.
- The Planning Commission finds that reducing the vehicle parking requirement is supported by the data collected by Kittelson and Associates in their 1998 Parking Demand Analysis, because

they found in their survey of two other Fred Meyer shopping centers, that the actual surveyed parking demand was 2.2 spaces per 1,000 square feet of floor area.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that **MOD 09-04** is approved, subject to the following conditions:

1. Approval of this Modification is based on submitted application materials (a copy of which are attached to the November 09, 2009, staff report as Exhibit B). Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Any modification of development plans that is not in conformance with the approval of application file no. MOD-09-04, including all conditions of approval, shall first require an approved modification in conformance with relevant sections of the Canby Municipal Code.
2. Lighting installed shall be limited to that proposed by the applicant in his October 13, 2009, letter, as paraphrased in the November 09, 2009, staff report. Specifically: "The Signature Canopy is installed with (2) downlight fixtures on the underside of the roof. Specified fixture is: RUUD MRC0410-1 Metal halide fixture w/ 100 watt bulb."
3. Signage permitted on the ATM shall be as detailed in the November 09, 2009, staff report, and Exhibit B thereto.
4. Condition #39 of DR-98-08 is hereby modified to read as follows: "The Planning Commission permits a minimum of 3 vehicle parking spaces per 1,000 square feet of floor area for this development."
5. Prior to the issuance of a building permit, 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. The design, location, and planned installation of all utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, is subject to approval by the appropriate utility/service provider. The applicant shall follow the City of Canby's pre-construction procedures.
6. Prior to issuance of building permits, the applicant shall meet all fire & life safety requirements of Canby Fire.

I CERTIFY THAT THIS ORDER approving **MOD 09-04** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 9th day of November 2009.

Daniel K. Ewert, Chairman
Canby Planning Commission

Melissa Hardy
Associate Planner

ATTEST:

ORAL DECISION – November 09, 2009

AYES: XXX

NOES: XXX

ABSTAIN: XXX

ABSENT: XXX

WRITTEN DECISION – November 09, 2009

AYES: XXX

NOES: XXX

ABSTAIN: XXX

ABSENT: XXX