

MINUTES

PLANNING COMMISSION MEETING

August 11, 2022

5:30 p.m.

City Hall Council Chambers
313 Court Street, The Dalles, Oregon 97058
Via Zoom / Livestream via City Website

PRESIDING: Cody Cornett, Chair

COMMISSIONERS PRESENT: Philip Mascher, Maria Pena (arrived at 5:34 p.m.) Mark Poppoff, Nik Portela, one position vacant

COMMISSIONERS ABSENT: Karly Aparicio

STAFF PRESENT: Associate Planner Kaitlyn Cook, Secretary Paula Webb

CALL TO ORDER

The meeting was called to order by Chair Cornett at 5:35 p.m.

PLEDGE OF ALLEGIANCE

Chair Cornett led the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Mascher and seconded by Portela to approve the agenda as submitted. The motion carried 4/0; Cornett, Mascher, Poppoff and Portela voting in favor, none opposed, Aparicio and Pena absent, one position vacant.

APPROVAL OF MINUTES

It was moved by Portela and seconded by Poppoff to approve the minutes of July 7, 2022 as submitted. The motion carried 4/0; Cornett, Mascher, Poppoff and Portela voting in favor, none opposed, Aparicio and Pena absent, one position vacant.

PUBLIC COMMENT

Warren Sawyer, Sawyer Properties, 500 E. Third Street, The Dalles

Mr. Sawyer stated he is in favor of development and downtown improvement, but is opposed to the application for additional building height. Mr. Sawyer's concerns are stated in Attachment 1.

Russ Brown, 903 E. 14th Street, The Dalles

Mr. Brown stated in light of other approved projects that have created problems, he is concerned about this application. At least one car will be associated with each unit, some may have as many as three cars. Mr. Brown said there is already a parking problem; this application should be seriously considered.

Ron Walters, 2710 SE Merritt Drive, Battleground, Washington 98604

Mr. Walters owns property at 602 E. Third Street and 518 E. Second Street. Mr. Walters is against the height increase due to impacts parking. His tenants expect to have parking near their businesses. Where will you put all the cars?

Daniel Bonham, 624 E. Second Street, The Dalles

Mr. Bonham said he echoed the others' concerns. His parking requirement was seven spaces for a vacant lot and a two-story building with 800 SF each of retail and office space, and 2400 SF of warehouse space. He said the City should be fair and equitable in the decision-making process.

Vince Vann, Jack's Body Shop, 621 E. Second Street, The Dalles

Mr. Vann, while trying to develop his rear lot, was told cars must be put away or they would be tagged and towed away. The proposed project only has to have 36 parking spots, but Mr. Vann has easily 50 cars to put on his lot every night. Mr. Vann said sufficient parking should be provided on the site.

QUASI-JUDICIAL PUBLIC HEARING

Conditional Use Permit (CUP) 205-22, Chris Hodney, Hacker Architects

Request: Approval of a height increase to exceed the maximum allowed height of the underlying zoning district for a mixed-use multi-family development. The proposed height of the building is 60 feet, which exceeds the maximum building height of 55 feet within the Central Business Commercial zoning district. Upon approval of CUP 205-22, the Applicant will proceed with a Site Plan Review to site and construct the development.

Chair Cornett read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest, or bias which would prevent an impartial decision. Hearing none, he opened the public hearing at 5:53 p.m.

Associate Planner Kaitlyn Cook provided the staff report and presentation, Attachment 2.

Planner Cook clarified the application. If approved, the Applicant must submit a Site Plan Review application. The Site Plan reviews not only the number of parking spaces, but the amount of landscaping, location, public improvements and impacts, among other criteria. The current application criteria reviews only the height of the structure.

Chris Hodney, Hacker Architects, 12301 SW Athens Lane, Wilsonville, Oregon 97070

Mr. Hodney's presentation is Attachment 3. Mr. Hodney stated his intent to provide a modern day, mixed-use building to complement existing buildings and reinforce the character of The Dalles. The 55 foot height limit allows five stories of housing and results in a 15-foot ground floor. For a building of this scale, a 15-foot ground floor can be limiting. There is a consistent

range of 17-19 feet ground floors for the majority of the prominent buildings downtown. The proposed building will be roughly the same height as the Commodore II building. Additional ground floor height will allow a wider range of commercial uses.

Chair Cornett invited comment.

Warren Sawyer, Sawyer Properties, 500 E. Third Street, The Dalles

Mr. Sawyer is adamantly opposed to the height increase. The increased height will cause other issues to take place. Mr. Sawyer said the Applicant was asking for a height increase before the Site Plan Review process and discussing other, more important, issues. From the plans and extensive drawings, Mr. Sawyer said the developer already assumes they are exempt from certain code requirements.

Chris Hodney, Hacker Architects, 12301 SW Athens Lane, Wilsonville, Oregon 97070

Mr. Hodney reiterated that 15-foot ceiling height is a viable commercial space, but the goal is to activate the downtown area by creating the most flexible and attractive retail space.

Commissioner Mascher asked if the height could be addressed concurrently or after the Site Plan Review process. Associate Planner Cook replied a site plan considers the actual plan for, not the idea of, a project.

City Attorney Kara added the City's obligation is to make a final decision on this application within 120 days after the application is deemed complete. The City has no discretion to force an applicant down a different path.

Commissioner Mascher asked if the Commission is bound to make a decision on the height restriction separate from the site plan review. City Attorney Kara replied, "yes."

Commissioner Mascher stated a 20-foot ceiling is not unusual in the comparison with other buildings.

Chair Cornett closed the public hearing at 6:25 p.m.

It was moved by Portela and seconded by Mascher to approve CUP 205-22 with the proposed Conditions of Approval, based on findings of fact and conclusions of law set forth in the Agenda Staff Report. The motion carried 5/0; Cornett, Mascher, Pena, Poppoff and Portela voting in favor, none opposed, Aparicio absent, one position vacant.

RESOLUTION

Resolution PC 605-22: Approval of CUP 205-22, Chris Hodney, Hacker Architects


It was moved by Cornett and seconded by Poppoff to approve Resolution 605-22. The motion carried 5/0; Cornett, Mascher, Pena, Poppoff and Portela voting in favor, none opposed, Aparicio absent, one position vacant.

ADJOURNMENT


Chair Cornett adjourned the meeting at 6:32 p.m.

Submitted by/
Paula Webb, Secretary
Community Development Department

SIGNED: _____


Cody Cornett, Chair

ATTEST: _____


Paula Webb, Secretary
Community Development Department

Warren Sawyer
Sawyer Properties
500 E. 3rd St.
The Dalles, Or

Thank you for your time and allowing me and others to voice concerns regarding the proposed development and specifically the Conditional Use Permit for the increase in building height. First I want to say that I'm for development and improving the downtown area and our community and this certainly has some positive aspects with very attractive conceptual drawings, but the development also appears to present some very serious issues based on what I've seen. First some facts as I know them which have a bearing on this application and should not be excluded from the discussion to approve or deny the Conditional Use Permit. It's my understanding the development proposes a 5 story structure with ground floor business/retail of approximately 9800 Sqft and 4 stories of residential totaling 100 residential units with 36 on site parking stalls which includes 2 ADA stalls for the 100 apartments, retail employees, and customers. The Conditional Use Permit also calls out 22 additional on street parking spots but most, if not all, of those spots are in the Downtown Parking District for customers and are designated as "Prohibited Parking" under Municipal Code 6.08.020 which prohibits a person to park a vehicle in the zone while at their place of employment, business profession, or residence. This Zone encompasses most of the Central Business District. So essentially this development proposes 36 parking spots for the employees of almost 10,000 sq ft of retail, 100 residential units, facilities maintenance staff and customers. I'm not sure the parking requirements needed, but easily could be 4 to 5 times or more the 36 spots. I've been told that the proposed development is within the CBC-2 sub district and that the minimum parking requirement may be waived and as a result the development is not required to provide parking. Actually I believe the code states that the Off Steet Parking Requirements "May be Waived" for CBC-2, not that is waived or exempt or has to be waived but that it "May Be" which sounds to me like it is up to the planning commission's discretion whether to waive or not. The words "May Be" are important and the planning commission needs to consider the intention of the ordinances are to provide for business development within the Central Business District so you are not restricting small business development in an area where parking is limited and should be reserved for customers. I don't believe the intention was to provide for a large mixed use development to include hundreds of residential units without regard to some unintended consequence.

The applicant has requested a 2 stage review process where the Conditional Use Permit for a building height increase is requested first then phase two for all other aspects. It's my opinion that the two different reviews are linked and not mutually exclusive of the ramifications of approving the additional building height. By increasing the height you also open up for the potential of an additional floor of either retail or residential which changes the potential occupancy of the building and future parking requirements. Because of this I am opposed to the Conditional Use Permit allowing for additional height and ask that you carefully consider all aspects of the project to ensure it is an asset to the downtown and the community instead of a liability to the other downtown business, landlords, and residences because the infrastructure cannot support the occupancy.

Thank you,
Warren Sawyer





City of The Dalles Planning Commission

AUGUST 11, 2022 | 5:30 PM

1

Conditional Use Permit 205-22

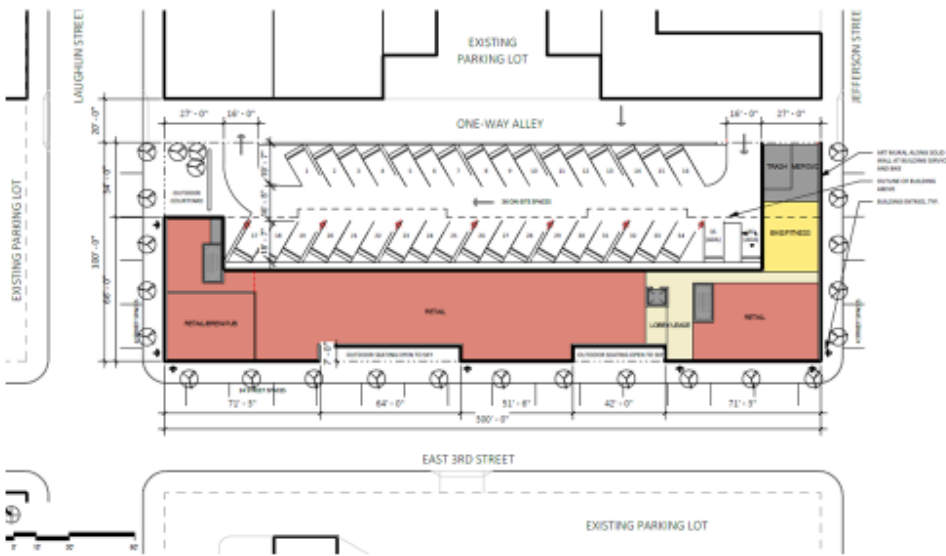
- ☐ **Applicant:** Chris Hodney, Hacker Architects
- ☐ **Land Owner:** TD 3RD LLC
- ☐ **Address:** 523 E. 3rd Street
- ☐ **Zoning:** Central Business Commercial Zone Subdistrict 2

Proposal: Applicant is requesting approval of a height increase to exceed the maximum allowed height of the underlying zoning district for a mixed-use multi-family development. The proposed height of the building is 60', which exceeds the maximum building height within the CBC zoning district of 55'.

2

Background

- Formerly known as the Griffith Motors
- Site Plan Review Required
- Two comments received during the 14 day comment period.



Proposed Site Plan

Review Criteria

Section 10.3.050.040

A. Permitted Conditional Use. The proposed use is conditionally permitted in the zone district where it is proposed to be located.

Pursuant to TDMC 10.5.050.060, the maximum building height within the CBC zoning district is 55'; however, the building height may be increased to 75' with a CUP. **Criterion met.**

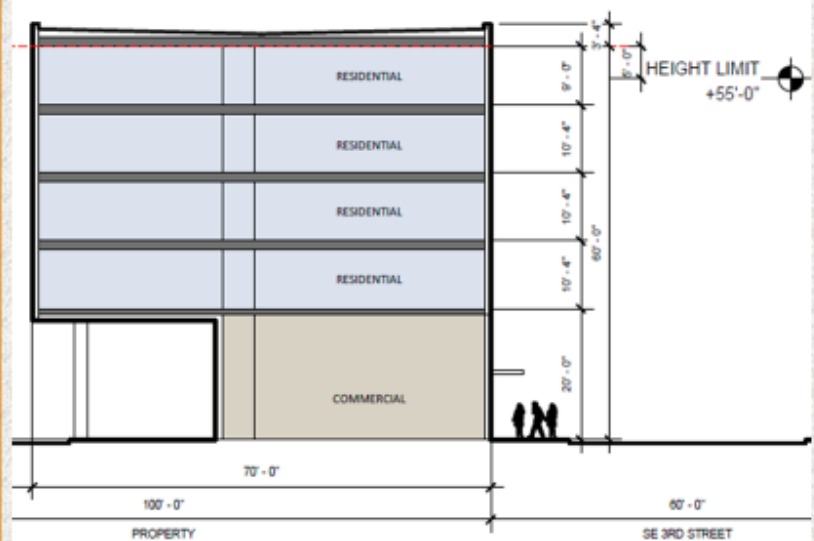
B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located. The proposed use will also be consistent with the purposes of this Title, and any other statutes, ordinances, or policies that may be applicable.

Addressed in the Staff Report. **Criterion met.**

5

Proposal

- Increase the height to 60' to exceed the maximum allowed height of 55' in the underlying CBC zoning district



5

Height Limitation Exceptions

10.6.090.010 A.

3. ...necessary roof structures...not used for human occupancy with a height limit, measured from the adjacent grade, of 75 feet or less are not subject to the zone district height limits.

- The Applicant demonstrated an overall physical building height of 63'-4", including 3'-4" of "necessary roof structures"; however, presented the building height as 60' for purposes of areas used for human occupancy.
- Staff determined the discrepancy in the two height measurements as negligible and has no impact on the CUP review criteria listed within this staff report.
- All buildings within the CBC zoning district may be increased by 20' (from 55' to 75') through the CUP application process.

7

Height Limitation Exceptions

10.6.090.010 A.

3. ...necessary roof structures...not used for human occupancy with a height limit, measured from the adjacent grade, of 75 feet or less are not subject to the zone district height limits...

Criterion met

8



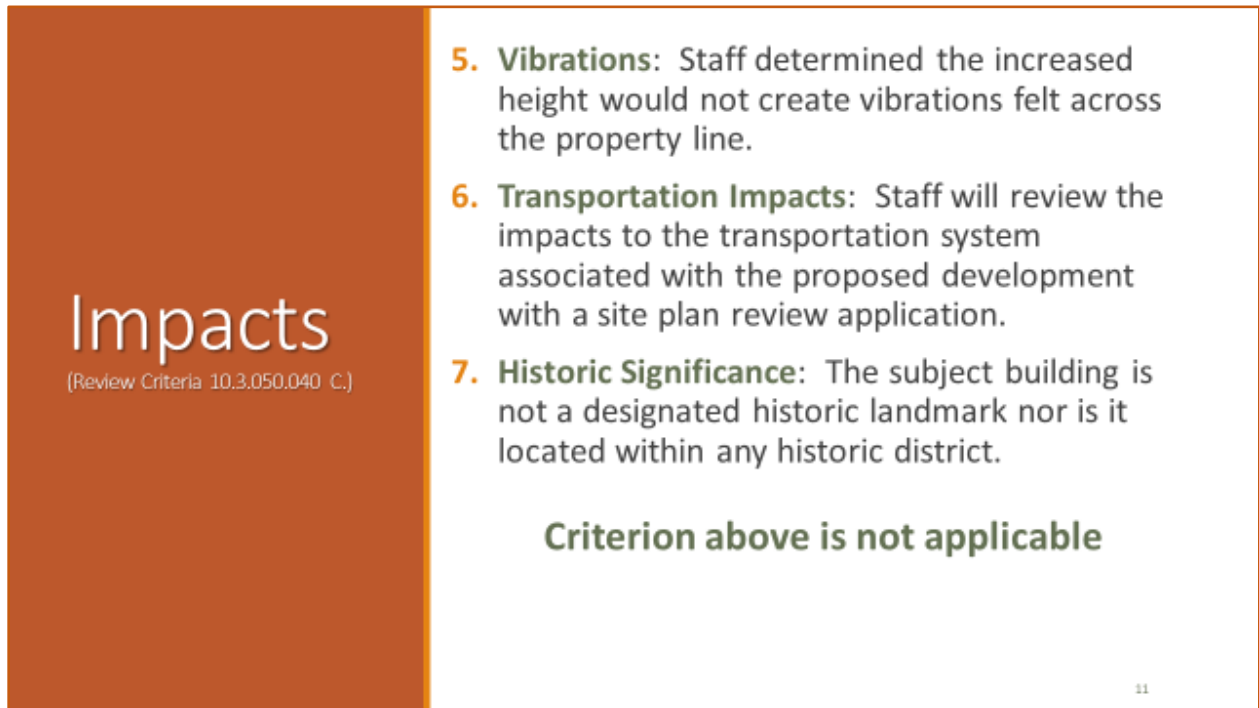
Impacts

(Review Criteria 10.3.050.040 C.)

- 1. Noise impacts:** Staff determined the increased height would have no impact on noise levels
- 2. Lighting impacts:** Staff will review impacts from lighting associated with the proposed development during the subsequent SPR application
- 3. Dust and other particulate matter:** Staff determined the increased height would not produce dust or particulate matter.
- 4. Odors:** Staff determined the increased height would not produce any of the above mentioned odors.

Criterion above is not applicable

10



Impacts
(Review Criteria 10.3.050.040 C.)

- 5. **Vibrations:** Staff determined the increased height would not create vibrations felt across the property line.
- 6. **Transportation Impacts:** Staff will review the impacts to the transportation system associated with the proposed development with a site plan review application.
- 7. **Historic Significance:** The subject building is not a designated historic landmark nor is it located within any historic district.

Criterion above is not applicable

11



Conditions of Approval


1. The final building height must be consistent with the plans included with this Conditional Use Permit application request.
1. Following an approved Conditional Use Permit, Applicant must proceed with a Site Plan Review to site and construct the development.

13

Commission Alternatives

1. **Staff recommendation:** The Planning Commission move to adopt Resolution 605-22 approving Conditional Use Permit 205-22, with the proposed Conditions of Approval included with this report, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report.
2. If the Planning Commission desires to deny Conditional Use Permit No. 205-22, move to direct staff to prepare a resolution of denial. The Planning Commission shall identify the specific criteria concerning this decision.

14



HACKER 523 E 3rd St Multifamily - Conditional Use Permit Hearing
Address : 523 E. 3rd St, The Dalles, OR
Date : August 11, 2022
For : Hanlon Development

OVERVIEW | Project Description and Narrative



Project Description:

The proposed project combines 100 for-rent apartments over 9,821 sf of retail, resident amenity and building services in a 92,000 gross square feet mixed-use building. The anticipated construction type will be (4) floors of Type VA over a Type IA podium, and fully sprinklered with an NFPA 13R system.

Open-air, 'tuck-under' surface parking is proposed along the alley, with ground-floor retail, resident lobby, amenity, and building services wrapping along all pedestrian frontages. Open-air retail courtyards outdoor seating niches are proposed along E. 3rd and Laughlin frontages to activate the corners, and provide expanded public sidewalk areas.

The conceptual design recognizes tall ground-floor heights and varied building widths of the district as a defining character, and emulates these through a modern, timeless expression. The building massing is broken to read as (4) separate masses, and the building plane alternates to pull back from E. 3rd - creating expanded outdoor seating off the sidewalk, and breaking up the overall bulk of the building.

Conditional Use Review:

The project is requesting a two-phase Conditional Use Review utilizing a Concept Review to allow additional building height. The CBC zone allows 55' height in the zone, with up to 75' allowed under Conditional Use review.

This proposal is requesting an additional 5 feet of building height be allowed to grow the height of the ground floor (see Appendix B). The additional height will allow the ground floor to have a truly civic scale and match existing patterns for corner or more public buildings (see Appendix A). The resulting building height would be very similar to the historic Commodore at E. 3rd and Court Streets.

The additional height provides some benefits to the vitality of the ground-floor, such as:

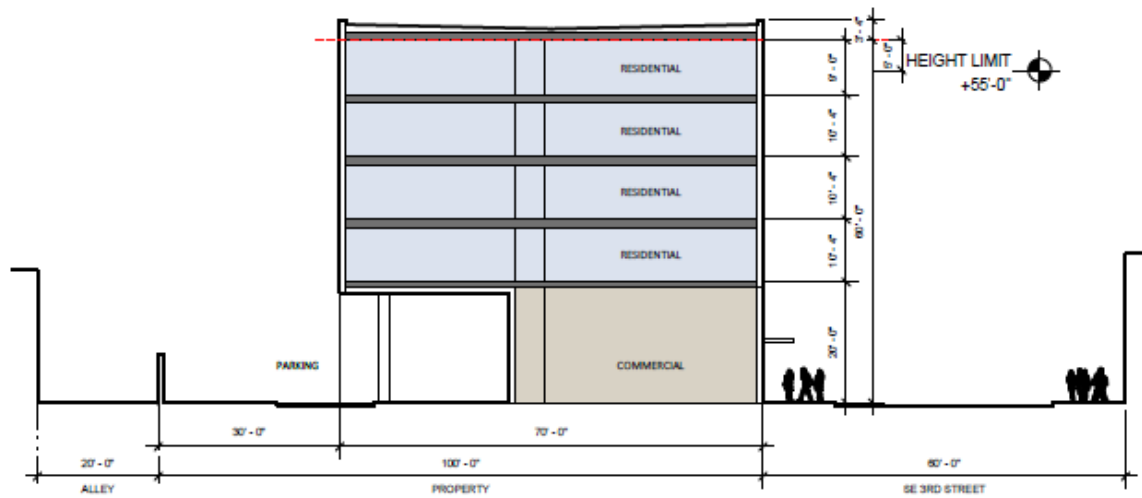
- Provides civic scale and prominence to the ground-floor for the pedestrian experience
- Allows ground-floor height that is consistent with commercial corner buildings of the district
- Provides better proportion of ground-floor height to overall building height
- Improves leasability - Creates flexible retail space that is attractive to a wider variety of tenant types (restaurants, micro-breweries want taller ceilings)
- Improves natural daylighting of the ground-floor spaces

APPENDIX A | Context - Corner building heights and ground floor heights

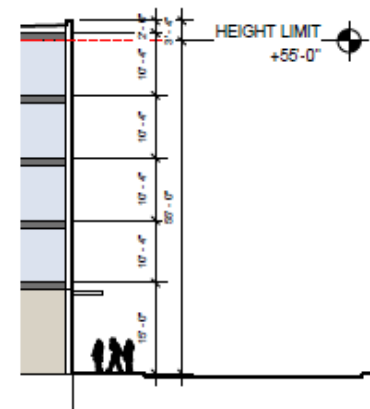


- The proposed design is most similar in height to the Commodore at E. 3rd and Court St. (bottom left). The proposed design will anchor the East end of the district with a similar scale to the Commodore.
- Multistory commercial buildings in the district are commonly 35', 40', and range up to 61' tall.
- Corners are often anchored by taller buildings, and taller ground-floor heights (or reading) to give prominence to the ground floor.
- Ground-floor heights commonly range from 16'-19' tall.

APPENDIX B | Proposed Building Section With Height Increase



Building Section Of Proposed Design With Height Increase



Building Section Within Height Limit

APPENDIX C.1 | By-Right Massing From SW on E. 3rd Street



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APPENDIX C.2 | Proposed Massing From SW on E. 3rd Street



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