



PLANNING COMMISSION MINUTES

November 8, 2007

6:00 p.m. Workshop

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE DECEMBER 13, 2007 PLANNING COMMISSION MEETING

I. WORKSHOP: PLANNING COMMISSIONER TRAINING 6-7 PM

Video: "Roles and Responsibilities of Planning Commissioners"

II. ROLE CALL

Present: Daniel Foster (Chair) Matson Haug Phil Smith
Cathy Stuhr (Vice-Chair) Lon Wall

Absent: Nick Tri

Staff Present: Barton Brierley, AICP Planning and Building Director
Steve Olson, AICP Associate Planner
Luke Pelz, Assistant Planner
Jennifer Nelson, Recording Secretary

Others

Present: Jeff Smith, Andrew Tull, John Wyland

III. OPEN MEETING

Chair Daniel Foster called the meeting to order at 7:00 PM.

IV. CONSENT CALENDAR

1. Approval of the October 11, 2007 Planning Commission minutes

Motion #1: Haug/Stuhr to approve the Minutes from October 11, 2007. (4 Yes/0 No/2 Absent [Tri, Wall])
Motion carried.

V. COMMUNICATIONS FROM THE FLOOR

Three citizens were present at the beginning of the meeting and they were offered the chance to speak on any issues not contained on the agenda. No additional items were brought forth.

VI. QUASI-JUDICIAL PUBLIC HEARING

1. **APPLICANT:** Initiated by Newberg City Council
REQUEST: Amend the Newberg Development Code to provide standards for large-scale retail development.
FILE NO.: DCA-06-004
RESOLUTION NO: 2007-235

Chair Foster introduced the hearing after stating the applicable meeting rules and criteria. He asked for any commissioners' abstentions, bias, ex-parte contact.

Staff Report:

Mr. Luke Pelz, Assistant Planner, presented a revised staff report on potential Development Code amendments for large-scale retail development, reviewed the text amendments adopted thus far, and went through the revisions requested from the October 11th meeting (see official record for full report).

Questions:

Chair Foster asked staff if there was any additional correspondence to be included for the record.

Mr. Barton Brierley, Planning and Building Director, replied there was a letter and additional public testimony requested to be included on the record. Material was distributed for the Commission's review (see official record for full report).

Vice-Chair Cathy Stuhr noted there were some inconsistencies on page twenty-seven of the report concerning On-Site Streets. Staff agreed some clarifications would be needed.

Public testimony opened.

Undecided:

Jeff Smith, JT Smith Companies, approached the Commission and spoke of his request to leave the record open last time. He stated there were a couple of issues and clarifications he would like to discuss.

Mr. Andrew Tull, WRG Design, presented a conceptual site plan and outlined the amendments they were in favor of and those they were against according to their submitted material (see official record for full report). The purpose as stated was to come forth with a proposal based on the expectation that potential retailers may not be able to meet some of the proposed requirements. The specific issues of discontent appeared to be the requirement in Section 151.196 concerning building entrance orientation, length from pathways to entrances not exceeding 60 feet, providing more than one entrance, and 500 square foot landscaping islands in the parking lots.

Commissioner Phil Smith argued in favor of the 60-foot requirement for entrances based on pedestrian accessibility. He felt having large buildings placed along the streets, without entrances along that street, would defeat the purpose of being placed there. Without street side entrances pedestrians would have to walk all the way around the large building from the street in order to enter. He did not think it would be hard to have a pedestrian pathway within 60 feet of the door.

Mr. Tull argued the primary problem is that the 60-foot requirement is that it does not take into account the scale of the buildings or businesses who do not wish to have extra entrances on the front or side, but prefer one primary entrance facing the parking lot. It raises an issue of security to have more than one entrance and to have an entrance directly off the pedestrian street.

Commissioner Smith stated the proposal to remove the 60-foot requirement would cause the concept of the pedestrian pathway or center plaza to disappear, forcing pedestrians to walk all the way around a large building in order to enter it.

Mr. Tull argued the plaza would be necessary somewhat because of the open space and plaza requirements. He is not asking to remove the requirement to be connected to public rights of way, just to remove the 60-foot constraint.

Mr. Jeff Smith gave examples of current businesses that would have problems meeting this requirement. He stated orientation to the street is good and it is aesthetically pleasing to have it look like an entrance is there, but for security reasons only one entrance for people to come in and out of is desired. He asked for flexibility.

Commissioner Smith referred to the problems with the planting areas in the parking lots and asked if they were in favor of five foot planting strips in every parking aisle, but not with the 500 square foot island every once in a while.

Mr. Tull stated their desire to allow the applicant to choose one option or the other, since both would be burdensome on the needed parking.

Mr. Brierley discussed the reasoning behind the orientation to street and entrances. He said the code currently requires orientation towards the street, they are amending it to allow for internal streets rather than just arterials or highways. He stated it is reasonable to have entrances every 60 feet from the plaza because the shape of the plaza can be shaped creatively to meet the requirement.

Mr. Pelz added options were already provided for landscaping: for every five aisles, a tree must be planted OR a landscape strip for each group of parking aisles OR a landscape island. It used to be one every seven, so it was just increased. The minimum width is five feet.

Closed public testimony.

Mr. Brierley added there would be a text change on page twenty-seven, Option 2.a.2) under Connectivity and On-Site Streets. The first sentence of the proposed text amendment for 151.196 (H) (6)(a) read as follows, "Public streets shall be dedicated on-site. Internal streets shall be designed according to all applicable local street standards contained in the Development Code." The word "on-site" will be removed from the end of the first sentence and replaced with "to meet maximum block standards" and the word "Internal" will be removed from the beginning of the second sentence and the "S" in "streets will be capitalized.

Deliberations:

Commissioner Haug suggested staff repeat the items approved and address each item one by one. Staff complied.

Motion #2: Haug/Wall to adopt the text amendment under 151.196 (G) (1) for windows to comprise a minimum of 20% of the ground floor façade. (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Motion #3: Haug/Wall to adopt the text amendment under 151.196 (H) (1) design of large-scale buildings and developments to change "four" to "five" elements for inclusion, eliminating option (i) recessed entrances, changing "Each building.." to "A building..." in element (c), and moving element (j) to (i). (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Motion #4: Haug/Wall to adopt the text amendments under 151.196 (H) (3) façade design and (4) building orientation as stated by staff.

Commissioner Stuhr referred to earlier testimony and asked staff if it would be feasible to take the 60-foot requirement away, considering the difficulties from a retailer's perspective.

Mr. Pelz explained the requirements are intended to force buildings to be as close as possible to the public space, rather than being located at the corner of parking lot, far from any place where people can gather. He added the 60 feet is the maximum setback from a street or a plaza, so there is an option.

Chair Foster asked staff how they would address the security of certain buildings that would need multiple entrances to achieve this requirement. Staff offered examples of different ways the requirement could be met and security maintained with creativity and if they do not want to do it, they can approach the planning commission for a conditional use hearing.

Commissioner Haug agreed having options created flexibility and felt starting with the 60-foot standard was a good idea, which could be changed if enough opposition occurred.

Vote #4: To adopt the text amendments under 151.196 (H) (3) façade design and (4) building orientation as stated by staff and including the change of one square foot of interior open space or plaza space required for every 5 square feet of gross floor area rather than every 10. (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Chair Foster moved on to landscaping and noted there should be an "s" added to the word "standard" and an "or" between alternatives (a)1. and (a) 2. He mentioned the testimony opposing this and asked for opinions.

Commissioner Haug again felt the requirement should remain and only changed if there appears to be many conditional use requests. He also recommended a 75-foot maximum on the spacing of the landscape islands.

Motion #5: Haug/Smith to adopt the text amendments under 151.196 (H) (5) on-site landscaping and screening, adding the word "or" between alternatives (a)1. and (a) 2, an "s" added to the word "standard", and adding "with a maximum of 75 feet" after the "50 feet on average" concerning the provision of spacing for landscape islands. (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Motion #6: Haug/Stuhr to add to the text amendments under 151.196 (H) (5) on-site landscaping and screening (b) that "A 20-foot wide landscaped buffer shall be provided [and maintained] between the development..." (0 Yes/5 No/1 Absent [Tri]) Motion failed.

Motion #7: Wall/Haug to accept the 151.196 (H) (6) vehicle and pedestrian connectivity text amendments (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Motion #8: Smith/Stuhr to accept the changes already posed earlier concerning 151.196 (H) (6) (a) Connectivity and on-site streets. The first sentence is to read, "Public streets shall be dedicated [to meet max block standard]," removing the word "on-site" from the end. The second sentence will read, Streets shall be designed..." removing the word "Internal" from the beginning and capitalizing the "s". (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Motion #9: Haug/Wall to accept staff recommendations to NOT adopt the revised proposed text amendments to 151.196 (H)(4)(b) on building orientation. (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Motion #10: Haug/Smith to adopt the revised proposed text amendment to 151.196 (H)(7) pedestrian scale lighting. (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Motion #11: Haug/Smith to adopt the additional modifications to existing and previously proposed text in 151.196 (H)(1), including the removal of “or up lighting”. (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Motion #12: Smith/Stuhr to adopt the staff recommendation to change the definition of “primary street” in 151.196 (A). (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Motion #13: Haug/Stuhr to adopt the change to add “office space” into the active space definitions under 151.196 (G) (2) for windows. (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Motion #14: Haug/Stuhr to adopt the change to remove the 30,000 square foot threshold for total ground floor building space everywhere it appears under 151.196 (H) permitted buildings and uses. (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Motion #15: Haug/Stuhr to adopt the code amendments to under 151.357 (I) concerning ground floor area requirements and conditional use permits. (5 Yes/0 No/1 Absent [Tri]) Motion carried.

Motion #16: Haug/Smith to NOT adopt the code amendments to under 151.196 (H)(9) vacant buildings (4 Yes/1 No [Wall]/1 Absent [Tri]) Motion carried.

Motion #17: Haug/Stuhr to adopt **Resolution 2007-235** amending the Newberg Development Code to provide standards for large-scale retail development as modified. (5 Yes/0 No/1 Absent [Tri]) Motion carried.

VI. ITEMS FROM STAFF

1. Update on Council items

Mr. Brierley stated the Council adopted rules regarding annexation and the proposed URA. The southeast Transportation Plan hearing was closed and deliberation to continue on November 19th in order for ODOT to present more traffic analysis. The annexation for the Gueldner property passed. The Planning Commission has two terms expiring (Foster and Tri) and applications are due next Wednesday. The vacant position left by Devorah Overbay is also open as well as the Student Planning Commissioner. Dates were picked for the Planning Commission dinner in December.

VIII. ITEMS FROM COMMISSIONERS

Commissioner Stuhr shared information from meeting with a senator concerning transportation, business, and infrastructure.

IX. ADJOURN

Chair Foster adjourned at 9:27 PM until the next Planning Commission meeting on December 13, 2007.

Approved by the Planning Commission this 13 day of December 2007.

AYES:

6

NO:


0

ABSENT:

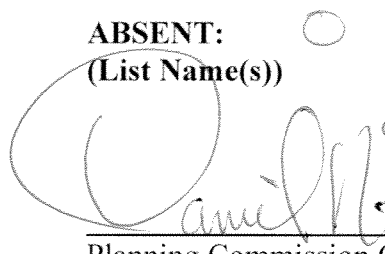
(List Name(s))

ABSENT:

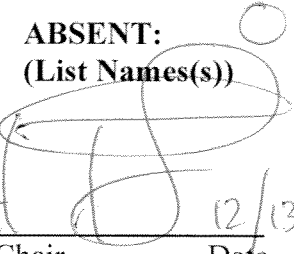
(List Names(s))



Planning Recording Secretary



Planning Commission Chair



Date 12/13/07