

PLANNING COMMISSION MINUTES

June 14, 2012

**7:00 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street**

I. CALL MEETING TO ORDER:

Chair Thomas Barnes opened the meeting at 7:00 p.m.

II. ROLL CALL:

Present:	Thomas Barnes, Chair	Cathy Stuhr, Vice Chair
	Art Smith	Lon Wall
	Philip Smith	Gary Bliss
	Mayor Bob Andrews, Ex-Officio	Kale Rogers, Student PC

Absent: Allyn Edwards (excused)

Staff Present: Barton Brierley, Planning & Building Director
Steve Olson, Associate Planner
Jessica Nunley, Assistant Planner
DawnKaren Bevill, Minutes Recorder

III. CONSENT CALENDAR:

Approval of the May 10, 2012 Planning Commission Meeting Minutes

MOTION #1: Bliss/Stuhr approve the minutes from the Planning Commission Meeting of May 10, 2012.
Motion carried (6 Yes/ 0 No/ 1 Absent [Edwards]).

IV. COMMUNICATIONS FROM THE FLOOR:

No items were brought forward.

IV. QUASI-JUDICIAL PUBLIC HEARING:

APPLICANT: MJG Development, Inc.

APPELLANT: Todd Waters

REQUEST: Appeal of the approval of the Oak Grove Apartment project

LOCATION: 3411 Hayes Street

TAX LOTS: 3216-02016 and 3216-02017

FILE NO.: PAR-12-002, DR2-12-003, ADJP-12-002, and ADJC-12-001

ORDER NO.: 2012-03

CRITERIA: Newberg Development Code sections 15.210, 15.230, 15.235, 15.310, 15.405, Appendix A, B & File No. PUD-07-04/ADJ-131-04.

Opening of the Hearing:

Chair Barnes read ORS §197.763 and opened the hearing. He asked the Commissioners for any abstentions, conflicts of interests, or objections to jurisdiction. Commissioner Bliss is familiar with the applicant who is a personal friend and past client but stated this will not affect his decision in this matter.

Jessica Nunley presented the staff report (see official meeting packet for details), and used a PowerPoint presentation. The application was deemed complete April 20, 2012. The Planning and Building Director approved the proposal on May 10, 2012. The Planning Director's decision was appealed to the Planning Commission on May 24, 2012, by Todd Waters. Ms. Nunley noted new information that was not included in the meeting packet: The applicant has proposed to submit a revised site plan that would include the two off-street parking spaces; that would make the property line adjustment no longer necessary. The apartment project is located in an area that has been planned and zoned for an apartment development as part of the Springbrook Oaks Specific Plan. This particular parcel is Phase 5 of a planned unit development project. The proposed apartment complex would have 84 units contained in seven different buildings that would range from two to three stories in height. The buildings would be oriented to the perimeters of the property, including along Hayes Street, with the drive aisles and parking spaces located in the interior of the property.

The appellant, Todd Waters, has listed four main objections to the Planning Director's decision. 1. The proposal is for 84 units instead of 60 units; which the appellant contends that only 60 units should be permitted on the site due to the previous approval of PUD-07-04. Staff finds that the proposal for 84 units meets the density requirements for the zone. The applicant is now proposing 84 multi-family units for the property, which meets the intent of the previous PUD proposal to provide multi-family units within the project area in the final phase. 2. Number of off-street parking spaces provided, and permitting on-street parking. The appellant contends that there are not adequate parking spaces available for the project, and that the Planning Director erred when approving the requested Code adjustment to the number of required off-street parking spaces. The appellant also does not believe that Hayes Street can be used for on-street parking. The applicant proposed to revise the site plan to include the two additional off-street parking spaces in accordance with the Code. The applicant requests the Planning Commission consider the code adjustment request withdrawn, and instead have the Planning Commission add a condition of approval to submit a revised site plan showing 125 off-street parking spaces. Regarding the on-street parking, Hayes Street is a major collector roadway, with an existing curb-to-curb pavement width of 46 feet. The Development Code states that on-street parking is permitted with the approval of the Director, and there is available width for two bike lanes, two travel lanes, and parking along the north side. 3. Path to Fred Meyer is proposed as stairs, not a ramp. The appellant contends that the proposed path to Fred Meyer must be a ramp in order to comply with the Development Code. Staff stated the project will be compliant with the applicable building code and ADA requirements. 4. Stream corridor protection/barrier. The appellant contends that the stream corridor will be polluted by proximity to the apartments. Staff stated the project proposal divides the stream corridor into its own tract as part of the partition, thus the apartment complex would be on a separate parcel adjacent to the stream corridor. In addition, the stream corridor is protected by separate provisions in the Development Code. The applicant will submit a plan showing how the stream corridor will be protected during construction.

Staff Recommendation: Staff recommends the Planning Commission adopt Order 2012-03; approving the requested project, with the revised findings in Exhibit A and the revised conditions of approval in Exhibit B.

Mike Gougler, applicant for Oak Grove Apartments, explained to the commission and audience that he had received 36 letters of concern and apologized for not holding a community meeting. The apartments are extremely difficult to design. The units are going to be unique in Newberg as all will be equipped with air conditioning. Windows will not be enclosed and all units are equipped with a fresh air economizer; a high-

volume, low noise air system. The build quality of the units will exceed the building code and provide tenants with healthy, quiet, apartments. Smoking will not be permitted in the units. Pets will be allowed with a deposit and at the northwest corner a strip of fenced land will be provided for dog walking. There will be a place for a community vegetable garden as well. All units have fire extinguishers and the complex will have heated, secure storage units with cages. The units are going to take advantage of an existing water detention and a treatment pond. High-definition security cameras will be on-site providing safety for the tenants. Of the 36 letters, most were concerned with traffic. He provided traffic studies and tried to design the project to appeal to professionals and retired people. The project will use dark skies lighting fixtures. The interior will have high-end trim.

Questions:

Commissioner Bliss asked in regard to the criteria, from the curbside tire to the outside edge of the rearview mirror measures seven-feet and does not allow distance for a bike to pass a parked car. An eight-foot parking with six-foot bike lane would offer better distance. Mr. Gougler would definitely do that if the Planning Department agrees to it. Commissioner Bliss asked what type of lighting will be used for outside parking areas. Mr. Gougler stated shoebox lighting will be used; an extensive lighting plan was provided to the Planning Department. Acorn lights will not be used.

Commissioner Art Smith asked how extensive the ban on smoking is. Mr. Gougler stated his intent is to make sure there is no smoking on the landings but will designate some exterior areas for people to smoke which have proper ventilation, but out of the rain.

TIME – 7:43 PM

Proponents:

Rick Rogers, Habitat for Humanity, is in favor of the project and stated high density residential apartments are lacking in Newberg. There is a need for apartment housing. His hope is the addition of 84 units will help the existing rental rates in Newberg.

Joe Schieve works for the Saunders Company and is the project manager. In regards to the overall Springbrook Oaks, he has been involved in the civil development elements and infrastructure for the projects, and worked with the traffic engineer in looking at the impact analysis. Hayes Street is far below its capacity. The dual access in and out of the site for safety, although not required, was appreciated by the Fire Marshal. He did research regarding parking spaces and he found in similar cities he has worked in that are of a similar size, required 1.5 minimum parking spaces per apartment unit; the City of Newberg requires 1.7. Also, all the lights will be fully shielded and will stay below the half foot candle at the property line.

Commissioner Stuhr stated with respect to parking on Hayes Street, there has been much public concern regarding the sight distance. Will parking be allowed all along that area? Mr. Schieve replied the City has a vision triangle and that will be complied with.

Opponents:

Todd Waters, the appellant, stated he is concerned in keeping the neighborhood nice and this project will change the neighborhood quite a bit. His comments are included in the appeal application, (see meeting packet for details.) This would cause a 40% increase in apartment units from 60 to 84 units and many parking problems. There have already been two changes to the design plan: moving the east location of the trash receptacle, and the increased number of off-street parking, and the developer has already mentioned he erred in not including the neighbors in the design process. The homeowner minutes for the past two years have shown parking as a major issue. Compensating for lack of parking by putting cars on the street will not work. The street is fenced on both sides; no front doors face Hayes Street. Sixty units was the approved number in the original 2004 plan, and

nowhere in the previous reports is it listed as a minimum; but listed as a maximum twice. The change to 84 units changes the parking from the original plan. The total required parking spaces is as he understands it should total 165 spaces according to the language in the City Code. The project calculation is different. The developer proposes only 123 off-street spaces plus a very questionable 18 on-street spaces equaling 141 spaces. His other objections are in regard to the ramp that is needed to Fred Meyer, but the developer only proposes steps. Also, there is no barrier between the apartments and the stream corridor. Mr. Waters stated the on-street parking is his major objection. He wishes there could have been a meeting earlier with the residents of the neighborhood to help work these issues out.

Commissioner Wall asked if Mr. Waters would still object to the project if it was specified for 60 units. Mr. Waters replied 60 units with no on-street parking.

Brian Davis stated many of his concerns have already been voiced by Mr. Waters. He too is concerned in adding 84 units with two cars per unit, which will make it very difficult to park and he fears it will affect the children playing and cause more traffic flow through the area. This will not fit with the neighborhood. If the code stated 60 units are the maximum, 84 units should not be allowed.

Undecided:

Brian Francis owns the 99W Drive-In Theater and is concerned with the lighting plan. He is glad to hear acorn lighting will not be used. He is also concerned with the parking area light and asked what kind of exterior lighting will be used on the outside of the buildings. Also, along the stream corridor, will the trees be trimmed along that line? The trees help darken the area for better effect on the movie screen.

Judy Moshberger lives across the street from the proposed apartment project. She appreciates the dumpster location being moved but is concerned with the parking and traffic. Many drive up Hayes Street and cut through the townhomes to Fred Meyer. Both ends of the streets have signs for local traffic only but they do not help. Now a driveway and 84 units being added will cause the same thing; cutting through to Fred Meyer to avoid Hayes Street and Brutscher Street. She has no problem with the design, but the traffic needs to be addressed. As long as there is a driveway on Oak Grove Street there will be an issue. If there was a way to close that driveway it would help.

Commissioner Philip Smith asked if the ideal situation is to close off the access. What other possible solutions are there if the Fire Marshal does not approve of that? Ms. Moshberger replied there is another driveway off of Brutscher and Springbrook, as well. Commissioner Smith suggested a speed bump. Ms. Moshberger stated that would be very helpful.

Commissioner Stuhr asked if this issue has been brought before the Traffic Safety Commission. Ms. Moshberger replied yes it was in the past, although she was not present at those meetings. She thinks that is why the local access only signs were put up, but nothing else was done. Making it less convenient as a thoroughfare would be appreciated.

TIME – 8:24 PM

Rebuttal:

Mike Gougler stated yes, he can build 60 units, but they will have to be subsidized. He has been approached to do a Section 8 housing unit on that site, but the only way to make the economics work is to build 84 units. He posted his phone number and address and only had one person contact him directly regarding project concerns. Changes have been made and submitted to the City hoping to be proactive. His financial model is available for anyone on the Planning Commission and City Council to review.

Commissioner Philip Smith asked for clarification regarding government subsidized, Section 8. Mr. Gougler explained the owner of the property has very strict limits based on what can be spent on dirt and the facilities themselves; the amount of return is also regulated. On the renter's side, the ranges of those who can live in that unit vary as to their income.

Commissioner Bliss stated he did not find any indication of a maximum of 60 units in the plan. The appellant indicated he saw 60 maximum. Mr. Gougler stated he was aware at the time the PUD was done eight years ago that a number was needed to show the City a minimum number of apartments would be developed. They had to show the City a minimum of 60 apartments because they had just modified the specific plan with respect to the high-density housing and that is what enabled the town homes to be built and the smaller lot homes on the south side of Hayes Street. The original plan was to have apartments in the acreage just south of Hayes and there would have been no separation of the apartments from the single family housing. Chair Barnes stated the maximum number of units on that space per City Code is 88 units.

Commissioner Art Smith asked would it be possible to have all off-street parking with the 84 units. Mr. Gougler replied he does not believe it is. There would be no interior landscaping if he could find the additional space for parking.

Commissioner Wall asked if there is any way to mitigate the 18 parking spaces on the street. Mr. Gougler replied there are some alternative parking opportunities for tenants he believes tenants will take. There are people who park in the Fred Meyer lot and at the strip mall. It is not inconceivable that tenants will do the same from these apartments.

Todd Waters stated he never mentioned greed as a concern at all. The homeowners of the Springbrook community appreciate the design. He referred to page 270 of the meeting packet, Phase 5, which states the final phase will include up to 60 multi-family units in apartment-style buildings. The site plan will include off-street parking. A detailed design review will be required prior to construction of this phase. That wording is also contained in Exhibit A. He understands the financial issue for the developer.

Timi Parker, who opposes the project, questioned the design of the apartments regarding the proposed appearance. The apartments have a modern design with sloping flat roofs, which looks nothing like the homes in the Oaks which are English cottage style and Craftsman style homes. It is not consistent. She walks through the townhomes and it is the most congested area regarding parking in Newberg. She wonders if the City could put up short poles to block the driveway that can be removed for emergency purposes.

Marsha Anderson is speaking for herself and her husband who are both opposed to the project. They live on the corner where the most traffic accumulates in the project area. The fear of increased traffic is a concern. She personally does not have a problem with Section 8 housing and stated the tone in which the developer brought up the Section 8 housing was inappropriate as it sounded ugly and she takes objection to that statement.

Chair Barnes closed public testimony at 8:51 PM.

Final Comments from Staff:

Jessica Nunley pointed out in the Development Code the requirement for dwelling units per code is 126 spaces. All of those but one would be accommodated on site. The Code also requires 17 visitor's spaces; 18 on-street would virtually all be for visitors. The parking on Hayes Street was planned to be wide enough to accommodate a couple configurations depending on what was needed for development in the area. Hayes Street is wide enough to allow for parking and bike lanes. Overall, the project as proposed meets the density requirements for the zone and as envisioned in the Springbrook Oaks Specific Plan for the area.

Barton Brierley referred to the zoning map and addressed the previous decision in regard to the original plan. This particular property was in the Springbrook Oaks Specific Plan. It is important to look at the zoning of the area south of Hayes Street, which is an R-3, multi-family zone. Single family homes are not permitted in the R-3 zone unless you do a planned unit development. As part of that application, there was a concern there would not be apartments in the area and the vision of the plan and the multi-family units proposed for this area would never materialize. The applicant had stated up to 60 units, which the Planning Commission was concerned with since they did not want to see less than 60 units built. Thus, a condition was placed on the project, (page 317 of the meeting handout), that development of the Phase 5 property must include 60 multi-family dwelling units. On page 318 at the top, it shows the density allowed for this plan would be 88 units on the property.

Ms. Nunley stated after public testimony, staff's recommendation is that the Planning Commission moves to revise the findings shown in Exhibit A to remove findings for the Code Adjustment (151.210.020 (C)), to amend the conditions of approval to require the applicant to submit a revised site plan showing 125 off-street parking spaces, and that the Planning Commission adopt Order 2012-03 approving the requested project with revised findings in Exhibit A and conditions of approval in Exhibit B.

MOTION #2: Art Smith/Cathy Stuhr moved to revise the findings shown in Exhibit A to remove findings for the Code Adjustment (151.210.020 (C)), and to amend the conditions of approval to require the applicant to submit a revised site plan showing 125 off-street parking spaces, and to adopt Order 2012-03 approving the requested project, with the revised findings in Exhibit A and the revised conditions of approval in Exhibit B. (6Yes/ 0 No/ 1 Absent [Edwards]) Motion carried.

MOTION #3: Philip Smith/Gary Bliss to amend the motion to state the Planning Commission finds the proposed development will increase traffic on the streets around Fred Meyer; therefore, condition the approval with the applicant providing a speed bump at the entrance to Fred Meyer on Little Oak Street unless the Fire Marshal or Police Chief objects, and the north side of Hayes Street shall be striped along the Oak Grove Apartment's frontage to provide for an eight-foot parking lane and six-foot bike lane with the approval of the City Engineer. (6Yes/ 0 No/ 1 Absent [Edwards]) Motion carried.

VI. ITEMS FROM STAFF:

Update on Council items

The City Council is still working on the South Industrial Urban Growth Boundary and should make a decision at the June 18, 2012, meeting. At their July 2, 2012, meeting they are scheduled to hear a batch annexation.

The next Planning Commission Meeting is scheduled for Thursday, July 12, 2012.

An additional Planning Commission Meeting will be held on Thursday, July 19, 2012, regarding updates to the Transportation System Plan. Commissioner Art Smith will not be in attendance.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Bliss stated in reiterating his comments from last month's Planning Commission meeting, he would like the City departments to include comments, such as from the Engineering Department, to help the Planning Commission in decision making. He believes a summary would be helpful in an application such as was heard tonight. Mr. Brierley stated staff does discuss details in great length with Engineering and does include their comments in the staff report. The applicant met with the Engineering and Planning Departments before submitting the application and all comments were incorporated into the report. This application was required to have a pre-application meeting.

The Commission discussed the procedure regarding testifying regarding an appeal. Mr. Brierley stated there is no definitive correct procedure; the applicant was allowed to go first because they still have the burden of showing that their application meets the criteria. The hearing was a new hearing where any issue could be raised.

VIII. ADJOURN:

Chair Barnes adjourned the meeting at 9:45 p.m.

Approved by the Planning Commission on this 12th day of July, 2012.

AYES: 6

NO: 2

ABSENT: 1 (Stuhr)

ABSTAIN: 2


Planning Recording Secretary


Planning Commission Chair