Council Chambers 7:30PM, Thursday	A Regular Meeting of the Planning Commission	February 21, 1985 Newberg, Oregon

Members Present:

John Englebrecht
Kathy Kelso
Jack Kriz
John Lyda
Eldon McIntosh
Ken Overton
Roger Veatch

Members Absent:

Jean Harris
Arthur Roberts

Staff Present:

Clay Moorhead, Planning Director
Rick Faus, City Attorney
Barb Mingay, Recording Secretary

Citizens Present:

20 Citizens

The meeting of the Newberg Planning Commission was called to order by Chairman Roger Veatch.

Public Hearing A:

Applicant:	International Church of the Four Square Gospel and Pam Kimberly
Request:	Request for a Comprehensive Plan Amendment from LDR (Low Density Residential) to COMM (Commercial) together with a Zone Change from R-1 (Low Density Residential) to C-2 (Community Commercial) on a 4.83 acre tract of land.
Tax Lot:	3216CA-2190
Location:	3777 Portland Road
File No:	C-1/Z-1-85

No abstentions, conflictions of interest, or exparte contact were indicated.

Staff Report: Planning Director Moorhead identified the property on a site map and briefly summarized staff report findings. He identified the three criteria that the Commission must base their decision on. In addition he pointed out 17 comprehensive plan goals and policies which could be applicable to the requested zone change. He distributed a memorandum from Jane Altier and Julie Pinger, Historic Preservation Consultants, which identified the type of structure on the site, its possible construction date and the historical significance of the site.

The home was identified as being built by the grandchild of Newberg's first postmaster.

Proponent: Pam Kimberly, Rt. 2, Box 339, Gaston, indicated she was the owner of the Unicorn's Garden Restaurant which has been in operation for approximately 1½ years. During that time she has been well received in the community and has found a need to expand her facility, including the construction of a commercial kitchen. Her current site was not feasible for such an expansion. She is proposing development of a quality country inn, with banquet and overnight facilities. She indicated that the Comprehensive Plan should be considered a tool and should be flexible. She pointed out a number of comprehensive plan goals which supported her petition. These were also identified in material presented in the staff packets. She stated that a neighborhood meeting has been held during which neighborhood concerns were addressed. Dick Danielson, consultant; Darrel May, landscape architect; and David Abbott, partner were introduced.

Proponent: Dick Danielson, consultant for the applicant, reiterated Ms. Kimberly's statements. He indicated that there was a documented public need for a motel and that it would reinforce the commercial strip. He commented that lack of development on the property would adversely impact the surrounding neighbors due to neglect of maintenance, foot traffic and related problems. He added that a potential residential development on the property would also adversely impact the neighborhood, causing additional traffic and noise pollution.

Proponent: Ed Johnson, President of Hadley Water and Lighting District, indicated that the Board of Directors had met and voted in favor of the zone change. He indicated that he personally had been a resident of the area for 25 years, has seen the land go from farm land to church use to the current proposed use and felt the change would benefit his property values.

Proponents: David Abbott, Don Halbrook and Darrell May, reserved their right to provide rebuttal comments.

Questions to Proponents:

During questioning, Dick Danielson responded that the proposed development would not require Libra Street to be made into a through street. It would remain a closed street with this development. He added that the noise decible level at the site had not been measured but that it appeared to be high. He commented that the site could probably not qualify as a HUD housing project because of the high decible level generated from the highway traffic.

Pam Kimberly indicated the time frame for restaurant construction could be as soon as September or early spring for startup of the motel; however, the time frame would depend on financing.

Dick Danielson indicated that the project was very financable but required data and design work, and that early spring was possible for startup of the entire project.

Staff indicated that requirements for fire hydrants or other conditions could be placed on the site through the design review process.

Pam Kimberly indicated that no statistics were available for traffic flow impacts onto 99W. She indicated that the existing home on the site consisted of 2700 square feet on three levels; the top two levels would be utilized for the restaurant with the commercial kitchen being located in the present garage area of the structure. She indicated that she intended to apply for some historical status for the site. She added that the structure newly built on the site would be converted to banquet facilities.

Opponent: Fred Casey, PO Box 188, Newberg stated that he was joint owner with Jack Nulsen of a parcel of property just south of the subject property. He voiced a concern that conversion of the property to commercial would place an additional development burden on his site. He added that Newall Addition CCR's restricted his site to residential use only, and stated his desire that the CCR's be amended to lift this restriction on his property.

Opponent: Judy Nemer, 3806 Aquarius, stated she was concerned about the proposed motel size, traffic patterns, automobile lights, landscaping requirements, height requirements, fencing and access to abutting properties.

Questions to Opponents:
Ms. Nemer indicated that she was concerned that her privacy be maintained and that previously there had not been a fence but thick vegetation obscurred the site.

Fred Casey responded to a question about Hadley Water & Lighting District CCR's, indicating that only residential construction was authorized on his property, and that his property did not have an access onto Highway 99W. He stated he did not object to the proposed project, only to the possible impact on his residentially zoned property if it could not also be rezoned.

Public Agencies/Letters: Engineering Department requirements were identified in Staff Report Exhibit 1. No letters were received and no other public agencies responded.

Proponent Rebuttal: Ed Johnson indicated that the Hadley Water and Lighting Association had only indicated that "at this time" CCR's would not be revised; however, that didn't preclude changing them at a later date.

Fred Casey withdrew his objections to the project.

Staff Recommendation: The Planning Director made a recommendation that the Planning Commission recommend to City Council approval of the zone change and comprehensive plan amendment based upon the Staff Report findings. In addition, the Planning Director suggested three additional findings which should be adopted if an approval were given by the

Commission. The three findings were in response to the three criteria required for a Zone Change as are identified under Section 600 of the Newberg Zoning Ordinance.

Hearing Closed.

In responding to questions from the Commission, staff commented that any C-2 uses could be allowed on the property if the request were approved as submitted. A PUD overlay could be placed on the property, but doing so would require a new hearing on the proposed PUD designation, with new testimony allowed. The fee would be waived if the Planning Commission initiated the PUD overlay request. If the applicant initiated the request, there would be a fee required. Staff further indicated that any commercial development would be required to go through design review. A minimum of 15% landscaping would be required through the design review process. He commented that design review was a staff review process.

Motion: Kriz-Englebrecht to postpone the hearing and direct staff to initiate a PUD overlay hearing at the next regularly scheduled Planning Commission meeting in March. Vote on Motion: Aye-Englebrecht, Kelso, Kriz, Lyda, Veatch; Nay-McIntosh, Overton. Motion carried 5-2.

Staff identified the PUD hearing process.

Motion: McIntosh-Overton to continue the hearing to the next regular Planning Commission meeting in March. Motion carried unanimously.

Staff indicated that the Planning Commission would hear the matter at its March 21, 1985 Planning Commission meeting and the City Council would then hear the matter at its April 1, 1985 meeting.

A 5 minute recess was called after which the meeting was reconvened.

Motion: Englebrecht-Overton to reconsider the previous motion. Motion carried unanimously.

Motion: McIntosh-Englebrecht to re-open the hearing to take new testimony. Motion carried unanimously.

Question to Proponent: David Abbott was asked if he and his partner would be receptive to a partial zone change on the property. He responded that approximately one-half of the property would need to be designated C-2 in order to meet the City parking, landscape and other requirements for the initial phase of the project involving conversion of the existing house into a restaurant.

Staff identified the City parking requirements for the restaurant.

Proponent: Fred Casey volunteered his property for temporary parking use.

Proponent: Gloria Newall Brothers, indicated she was concerned about dividing the property into two zoning classifications.

Proponent: Darrell May questioned whether adjustments could be made by staff in the zone boundary at a later date if it was found that not enough properly zoned property was available for parking, landscaping, etc. Staff indicated that staff adjustments to zones were not authorized.

Hearing Closed.

Motion: Overton-McIntosh to recommend to the City Council that they grant the requested zone change based on the original Staff Report findings. Motion withdrawn.

Motion: Overton-McIntosh to reconsider the motion regarding requesting Staff to initiate a PUD hearing prcess. Vote on Motion: Aye-Englebrecht, Kelso, McIntosh, Overton, Veatch; Nay- Kriz, Lyda. Motion carried 5-2.

Motion: Overton-McIntosh to recommend to City Council that they grant the requested zone change and Comprehensive Plan Amendment based on testimony and Staff Report findings. Vote on Motion: Aye-McIntosh, Overton; Nay-Englebrecht, Kelso, Kriz, Lyda, Veatch. Motion failed 5-2.

Motion: Kriz-Englebrecht to postpone the hearing and direct staff to initiate a PUD hearing at the March Planning Commission meeting. Vote on motion: Aye-Englebrecht, Kelso, Kriz, Lyda, McIntosh, Veatch; Nay-Overton. Motion carried 6-1.

Director Moorhead stated that the public hearing would be continued to the March 21, 1985 Planning Commission meeting at which time a PUD hearing process would be initiated on the subject property.

5 minute recess at which time the meeting reconvened.

Public Hearing B:

Applicant:	Wayne and Anna Thompson
Request:	Approval of an annexation and a zone change from a county zone to a City of Newberg R-2 (Medium Density Residential) zoning district together with a withdrawal from the Newberg Rural Fire Protection District on a 3,250 square foot tract of land.
Tax Lot:	3219DD-402
Location:	900 S. College
File No:	ANX-1/Z-2-85

No abstentions, conflictions of interest, or exparte contact were indicated.

Staff Report: Staff presented the staff report and identified the site on a map. Staff recommended approval of the annexation and zone change.

No letters were received and no public agencies responded.

Proponent: Wayne Thompson, property owner, indicated that the property would be attached to his existing tax lot within the City limits and that he had purchased the property to build a garage.

Hearing Closed.

Motion: Englebrecht-Lyda to approve the request and recommend to City Council approval of an annexation and a zone change from a county zone to a City of Newberg R-2 (Medium Density Residential) zoning district together with a withdrawal from the Newberg Rural Fire Protection District on property identified as Tax Lot No. 3219DD-402, based on Staff Report Findings and Conditions. Motion carried unanimously.

Planning Director Moorhead indicated that the City Council would hear the request at their March 4, 1985 City Council meeting.

Motion: Kelso-McIntosh to approve the minutes of the January 24, 1985 Planning Commission meeting. Motion carried unanimously.

Old Business. None.

New Business. None.

Motion: ~~Harris~~ Kelso-Englebrecht to adjourn. Motion carried unanimously.