A REGULAR MEETING
OF THE PLANNING COMMISSION
MARCH 15, 1990
Newberg Public Library
Newberg, Oregon

Thursday, 7:30 PM April 19, 1990

Subject to P.C. Approval at 5/17/90 P.C. Meeting

I. **ROLL CALL**

Present:

Jack Kriz
Martin McIntosh
Rob Molzahn
Mary Post
Kathleen Sullivan
Roger Veatch

Staff Present: Dennis Egner, Planning Director
Mike Unger, Associate Planner
Barb Mingay, Recording Secretary

Others Present: Approx. 10 Citizens

II. **OPEN MEETING**

The meeting was called to order by Chairman Roger Veatch.

III. **APPROVAL OF MINUTES**

Motion: McIntosh-Molzahn to approve the minutes of the March 15, 1990 Planning Commission meeting. Motion carried.

IV. **Z-1-90 - Public Hearing**:

APPLICANT:	Lumberman's/Aimee Garrigus
CONTACT:	Michael Murphy
OWNER:	Hopp Insurance Agency, Inc./Aimee Garrigus
REQUEST:	A zone change from C-3 (Central Business District) to C-2 (Community Commercial) to allow building supply storage and sales
LOCATION:	812 E. First
TAX LOT:	3219AA-8200, 3219AA-8400
FILE NO:	Z-1-90
ZONE:	C-3 Central Business District
PLAN DESIGNATION:	COMM

Roger Veatch and Marty McIntosh noted that they insure with Hopp Insurance Agency; however they felt this contact would not affect their judgment on this issue. No other abstentions or ex-parte contact were identified. No objections to jurisdiction were identified.

__Staff Report__: Planning Director Dennis Egner summarized the staff report, reviewing Zone Change criteria, applicable Comprehensive Plan Goals and Policies, and the description and purpose of C-2 and C-3 zones. He reviewed the recent revision to the C-2 zone to allow lumber storage as a permitted use. He highlighted the parking requirements that would apply to the project and commented that an additional 7 parking spaces would be necessary. He distributed photographs of the site, pointing out surrounding land uses and the location of the site. He indicated that 88 acres of buildable C-2 land were available within the City. Mr. Egner noted that the request was referred to all City departments and the Department of Transportation. He reviewed the referral comments identified within the Staff Report. Mr. Egner then reviewed the Conclusionary Findings for both approval and denial.

__Proponent__: Mike Murphy, 19141 River Rd. NE, St. Paul, indicated he was the manager of Lumberman's. He indicated that Lumberman's doesn't have the space to accommodate the growing needs of the City but that it is not economically feasible to construct a new building at this time. He stressed that he considers Lumberman's as a retail, not wholesale, operation and Lumberman's has been a very stable part of the downtown commercial community for years. He indicated that there are a number of vacant frontage spaces in the core area and that the proposed use is a legitimate one for this area. He added that retail sales and service is a major part of the business. The intended use of the expansion is basically to store full units of lumber, plywood and siding. He noted that these items are the easiest to stack neatly, in order the keep the appearance as attractive as possible. He added that Lumberman's does not intend to load or unload trucks in the alley; however they would occasionally go across the alley with a fork lift. Lumberman's intends to install a vinyl slatted fence on the First Street side of the property, which he stated would make the area more attractive and less of an eyesore. He also added that Lumberman's feels their use is not inconsistent with the C-3 district uses except that they are land extensive. He summarized that the proposal falls under the C-2 use, Lumberman's is an important part of the downtown core area, and they will remain in this location; however, they would like to expand their business. He indicated that other properties have not been investigated because moving to another location was not a viable option. He requested that the Planning Commission recommend approval of the Zone change.

__Opponent__: None

__Questions to Proponents__:

In response to questions from the Commissioners, Ray Hopp noted that he has worked with Lumberman's and their predecessors about parking problems. He commented that signs indicating "no parking" on the site have been vandilized. He noted that this site has been used for lumber storage in the past.

Mr. Murphy indicated that the normal height of the lumber units at the rear of the lot would be approximately 10 feet. Access to the First St. site would be through an opening in the existing Lumberman's facility abutting the alley. He added that the area would be fenced with slatted chain link. He also noted that Lumberman's leases the building and the lot. He commented that an auxiliary site for storage is not practical due to transportation via forklift and that there was not another viable site in the vicinity.

Commissioners discussed the possibility of installing a false front wall on First Street. Mr. Murphy indicated that Lumberman's would review the improvement options. He again noted that Lumberman's has no current plans to relocate, regardless of the outcome of this hearing.

Public Agencies:

Mr. Egner noted that the State Highway Department indicated if there would be no access allowed onto First Street, they had no opposition.

Letters: Mrs. Elmer Uhrich indicated she was opposed to the expansion.

Proponent Rebuttal: **None**

Staff Recommendation: The Planning Director recommended that the Planning Commission deny the request; however, he noted that if the Commission chose to approve the request, they could either approve it outright or approve it with a Planned Development overlay. He noted an additional option was to deny the request but to recommend that the City Council amend the Zoning Ordinance to allow lumber storage in a C-3 zone with a conditional use permit.

Chair Veatch closed the public hearing.

Discussion: Discussion centered on the process for amending the Zoning Ordinance and the timing of a conditional use permit application. Mr. Egner indicated that Lumberman's could apply for a conditional use permit to be reviewed at the May Planning Commission and that the Council could consider the the Zoning Ordinance Text Amendment at the mid-May Council meeting. This would allow for a timely processing of the request.

Mr. Murphy commented that he was originally willing to apply for a Conditional Use Permit within the C-3 Aone and was told that he needed to go through the zone change process. He felt a month delay would be difficult for Lumberman's and that they would not be willing to go to the expense of installing security fencing for lumber placement on the site until they were assured of firm approval.

The Commissioners discussed the issue of this type of use in the downtown area. Landscaping, fencing, and other types of screening structures relating to the portion of the site adjacent to First Street were also discussed. It was noted by Jack Kriz that Lumberman's is important to the community; they provide a product not available anywhere else locally. He added that Lumberman's probably would prefer to be on a wide-open lot and not have to worry about streets and traffic. Mr. Murphy concurred. Mr. Kriz stated that the Zone Change should be denied based on the lack of need for the Zone Change; however, if a Conditional Use Permit were approved, the front of the lot facing First Street could be made more aesthetically pleasing with a false front structure that would blend with the historic structures adjacent to the site. This could be required as a condition of approval through the conditional use permit process.

Discussion as to the length of the existing building lease followed. The curent lease is up in three years.

The Commissioners concurred that Lumberman's provided a very important service to the community.

Mr. Murphy was asked whether Lumberman's would consider installing a falsefront on First Street if granted a conditional use permit. Mr. Murphy indicated that they would probably not consider it due to the possibility of reversal of the conditional use permit a few years down the line. It is unlikely that Lumberman's would go to that expense.

The Commissioners discussed what types of requirements might apply to construction of a falsefront wall.

Motion: Sullivan-Kriz that the Planning Commission recommend denial to the City Council of a zone change from C-3 (Central Business District) to C-2 (or C-2 PD) for Tax Lots -8200 and -8400 based on the Staff Report and Conclusionary Findings for denial and further recommend to the City Council that a new section be added to the Zoning Ordinance to allow building supply storage and sales as a conditional use in the C-3 Central Business District.

Additional discussion occurred relating to possible alternatives for Lumberman's to store material on the First Street lot prior to Conditional Permit and Zoning Amendment approval.

Vote On Motion: Aye--Kriz, Molzahn, Post, Sullivan; Nay--McIntosh, Veatch. Motion carried (4-2).

The applicant's were advised that this matter would be reviewed by the City Council at the May 7, 1990 meeting.

After a 5 minute recess, the meeting was reconvened.

V. **CUP-4-90 - Public Hearing**:

APPLICANT:	Francis Enterprises, Inc.
CONTACT:	Joseph T. Francis
OWNER:	Francis Enterprises, Inc.
REQUEST:	Approval of a Conditional Use Permit for construction of a drive- in theater (replacement of drive-in theater screen)
LOCATION:	South of Highway 99W, West of Springbrook Road
TAX LOT:	3216-2200
FILE NO:	CUP-4-90
ZONE:	C-2 Community Commercial
PLAN DESIGNATION:	COMM

No abstentions or ex-parte contact were identified. No objections to jurisdiction were identified.

Staff Report: Planning Director Dennis Egner summarized the staff report and noted the applicable conditional use criteria. He reviewed the history of the structure and the surrounding land uses. He discussed the need for the road dedication at the rear of the site for future development of those properties to the south of the theater. He noted findings for approval of the conditional use permit.

Proponent: Bob Francis, 3102 Portland Road, indicated it was his desire to install a newer screen purchased from the 104th Street drive-in in Portland. The screen is of all metal construction and slightly smaller than the existing screen. He commented that the screen could be erected within three days after completion of new footings. He requested that the proposed 30 foot right-of-way be reduced to 20 feet. He also expressed concern about light interference which might occur when trees on the PGE property to the south are removed. He also expressed concern about the loss of parking spaces in the area of the requested right-of-way dedication. He questioned the need for a road through the area.

Proponent: Ted Francis, indicated that he was anxious to get the project started and would wait to see how the road develops in the future.

Opponent: None

Public Agencies: No additional public agency comments were received in addition to those expressed in the Staff Report.

Letters: Al Blodgett, 102 E. Fifth, expressed support for the development.

Staff Recommendation: Staff recommended approval of the request with the following conditions:

1. A structural engineer shall review and design appropriate footings for the structure.

2. The owner shall dedicate the south 30 feet of property to the City for right-of-way for the future extension of Hayes Street. All structural members of the tower shall be located outside of the 30 foot right-of-way dedication. Upon dedication, the City will provide Francis Enterprises with a letter of agreement to allow existing structures to encroach upon the right-of-way. Provided the drive-in continues to operate, the City will also agree to replace any structures (i.e., fence, drainage system, wiring, parking area, etc.) which may be altered or destroyed at the time Hayes Street is improved. Redevelopment of the subject site for a use other than the drive-in theater shall void the agreement for replacement of the structures by the City.

Chairman Veatch closed the public hearing.

The issue of the right-of-way was briefly discussed. The consensus of the Commission was that right-of-way dedication was timely.

Motion: McIntosh-Post that the Planning Commission approve the Conditional Use Permit for a drive-in theater at Tax Lot 3216-2200 based on the Staff Report, Conclusionary Findings, Conditions, and testimony. Motion carried unanimously.

VI. **OLD BUSINESS**:

Item A. Periodic Review update

Planning Director Egner distributed the Comprehensive Plan draft together with public facilities policies relating to sewer and water projects. He requested that the Commissioners review the documents and make comments at the next Planning Commission meeting.

Mr. Egner noted that sites identified in the Historic Inventory were currently under review by a consultant hired to develop a final list.

Mr. Egner distributed a Manufactured Housing Overlay Zone proposal and he pointed out the State requirements. An additional 87 acres of R-1 land must be designated for manufactured housing. He suggested that the land be identified by an overlay zone. He noted that numerous sites had been reviewed for possible inclusion in a manufactured housing overlay zone. Review included some of the Austin and Werth properties. In a phone conversation with Sonja Riihimaki of Austin Industries, she requested that Austin properties not be included. A letter from Dean Werths' attorney also requested that his property not be included.

The Commission then discussed various possibilities for manufactured housing siting. They reached no consensus regarding a site specific or floating overlay zone. It was suggested by Mr. Egner that the overlay apply only to future R-1 zoned annexations up to a limit of 87 acres. The Commissioners concurred with this suggestion.

Item B. Urban Growth Management Agreement

Planning Director Egner briefly reviewed the status of agreement. It is expected to be completed in the near future. Shadow platting in the county was also discussed.

Item C. Council update

Mr. Egner reviewed the up-coming Council items.

VII. <u>NEW BUSINESS</u>:

Item A. Holiday Park Subdivision - request for extension

Mr. Egner indicated that the subdivision preliminary approval was expiring and the applicant had requested an extension.

MOTION: McIntosh-Post that the Planning Commission approve a one year extension of the Holiday Park Subdivision preliminary plat approval. Motion carried unanimously.

VIII. <u>ADJOURNMENT</u>: There being no further business, the meeting was adjourned.