PLANNING COMMISSION MINUTES
August 11, 2011
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

TO BE APPROVED AT THE SEPTEMBER 8, 2011 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present:	Philip Smith, Chair	Thomas Barnes, Vice Chair
	Lon Wall	Allyn Edwards
	Art Smith	Gary Bliss
Absent:	Cathy Stuhr (excused)	Kale Rogers, Student PC
Staff Present:	Barton Brierley, Planning & Building Director	
	Steve Olson, Associate Planner	
	DawnKaren Bevill, Minutes Recorder	

II. OPEN MEETING:

Chair Smith opened the meeting at 7:00 p.m. and asked for roll call.

III. CONSENT CALENDAR:

Vice Chair Smith entertained a motion to accept the minutes of the July 14, 2011 meeting.

MOTION #1: Barnes/Wall approve the minutes from the Planning Commission Meeting of July 14, 2011. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

IV. COMMUNICATIONS FROM THE FLOOR:

No items were brought forward.

V. QUASI-JUDICIAL PUBLIC HEARING:

APPLICANT: **Hennebery Eddy Architects**
OWNER: **Chehalem Park and Recreation District**
REQUEST: **Historic landmark modification review and design review for a new parking lot at the Chehalem Cultural Center, Variance review to reduce the front yard setback from 25 feet to 7 feet on the north side, and 14 feet on the west side.**
LOCATION: **415 E. Sheridan Street, Chehalem Cultural Center**
TAX LOT: **3218DD-15700**
FILE NO. **HISD-11-003/DR2-11-010/VAR-11-002**
RESOLUTION NO.: 2011-295
CRITERIA: **NDC § 15.344.030, 15.220.050, 15.350.060, 15.215.040**

Opening of the Hearing:
Chair Smith read ORS § 197.763, opened the hearing, and asked for the staff report.

Steve Olson gave the staff report for the Chehalem Cultural Center Parking Lot using a PowerPoint presentation.

Process:

Phase 1: Approved in 2008, renovated the lobby, ground floor classrooms, 2 second floor classrooms, created 19 parking spaces. Larger temporary gravel parking area added later.
This application: 55 space paved parking lot.
Future: Phase 2 will renovate ballroom, theater, and remaining second floor rooms.
It will require a parking analysis for full build-out of site.

Criteria summary & discussion:

Historic modification review
Historic character retained and preserved
Protect archeological resources
Additions able to be removed in future

Findings:

No changes proposed to the building at this time. The open character of the site is preserved. If any archeological resources are found they will be protected.

Design review:

Design compatibility
Parking & on-site circulation
Setbacks & general requirements
Landscaping
Signs
Zone district & sub-district compliance
Traffic study

Findings:

Compatibility: landscaping softens the parking lot, makes it compatible with the neighborhood.
Parking: 55 spaces proposed (19 spaces require in Phase 1). Gravel temporary parking to be removed.
25 foot setbacks not met – see variance.

Design review:

Landscaping: proposal is generally good.
Add street trees on Sherman Street frontage
Add one parking lot tree near SE section of parking.
Community center allowed in Institutional zone.
Civic Corridor overlay: Not applicable, since the standards only apply to buildings & signs.
Roadway/circulation: build new driveway approaches w/ADA ramps on sidewalks; replace old approach with curb/gutter/sidewalk.

Utilities: underground the overhead lines on Sherman, provide additional detail on stormwater detention depending on parking lot construction (pavers or asphalt).

Variance review: To reduce the 25 foot front setback to 7 feet along Sherman and 14 feet along Blaine for the parking lot.

Variance Criteria:

A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code.

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Finding: Variance should be approved, does not cause harm to nearby properties, is necessary to provide adequate parking.

Staff Recommendation:

Staff recommends adoption of Resolution 2011-295, which would approve the requested historic modification review/design /variance as conditioned.

Questions for Staff:

Commissioner Bliss asked the sizes, spacing, and types regarding the landscaping and trees along Sherman Street. Steve Olson replied the street tree spacing is 35 to 40 feet on center and the size is 1.5 – 1.75 in diameter. The type is open – they should match existing street trees in the area, or use the list of approved street trees. Commissioner Bliss stated he is concerned about headlights shining into the neighbor's houses across the street at night. He is hoping there will be a hedge as a buffer to alleviate any light coming through. Mr. Olson said the application stated the intent of the landscape design was to create a dense hedge. The landscape plan shows a mix of shrubs and trees in the buffer area.

Commissioner Edwards asked why the gravel area was located on the west side of the building in the first place. Steve Olson replied a gravel parking lot is not allowed for long-term use but was temporarily allowed as overflow parking. Barton Brierley explained Portland Community College (PCC) used the gravel as temporary parking.

Commissioner Art Smith asked if there are any current parking issues and based on growth of activities, is there any sense of anticipated parking needs and will this help mitigate that. Steve Olson stated there was a conditional use permit 10 years ago and at that point, they were proposing 70 - 80 spaces on site and 25 – 30 on Sheridan based on 90 degree parking along there. There will be a need for more parking in the future. Barton Brierley stated there have been a number of conversations between the CPRD and neighbors and they can speak to that during their presentation. As far as the current parking, it's rare to see all the spaces full, but this proposed parking lot provides enough for the current use and some expansion.

Public Testimony:
Chair Smith opened public testimony at 7:35 p.m.

Proponents:
John Kelso lives a block from the Cultural Center. Parking traffic for Tunes on Tuesday is about the worst it will get, and it's not bad. He has attended the meetings and is very satisfied with the proposal. It will help now and in the future since it allows flexibility with the building.

Larry Anderson is a member of the Park District Board of Directors and on the design team for the parking lot. Mr. Anderson asked if the Planning Commission had any questions.

Chair Smith asked how thick and high will the shrubs be on the north side within a reasonable time-frame. Mr. Anderson replied the goal of the landscape design is to buffer the headlights and the impact on the neighborhood.

Commissioner Barnes asked about what kind of paving and why the wait on the design. Mr. Anderson explained the wait is due to a limited budget. His first choice would be pavers or partial pavers, but they don't know if they can afford that yet.

Commissioner Bliss assumes at this stage the Board or consultants have made an estimate as to pavers vs. asphalt. Mr. Anderson replied yes, the cost has been estimated but he is unsure as to the labor costs. Commissioner Bliss asked about the overhead lines along Sherman. Mr. Anderson stated they have one draw off of the pole on the south side of Sherman Street.

Commissioner Edwards asked if the existing streetlights are on the north side of Sherman now. Mr. Anderson replied yes, and there will be building lights on the other side that cast light toward the school. He believes the ambient lighting should be enough for the parking lot. Commissioner Bliss asked if the level of candle power had been determined. Mr. Anderson is unaware whether that has been measured.

Undecided:
Mary Martin Miller lives directly across from where the parking lot will be located. On behalf of herself and her husband, she commended the Chehalem Park & Recreation Department (CPRD) for including their input into the process. She is concerned with the lights shining into homes at night. Mrs. Miller and her husband have been proponents of the Community Center but are torn due to the 100 year-old neighborhood and how it will be affected. The 55 parking spaces may be adequate right now but 65 spaces were needed when PCC was there. There are many evenings when that parking lot is used even when there are no activities going on. There was a proposal once before for 98 spaces on the site, but speaking for her and her husband, they are concerned with what will happen on the west side of the property. She would like to a see a traffic study done. What happens when the ballroom is open and there are 250 guests? That needs to be taken into consideration in the future. The west side of the building could also be used for additional parking. There are many older homes with no adequate parking now, such as a garage or driveway and the neighbors park on the street. Her overriding concern is to look to the future, have a traffic study done, and do this project in phases.

Robert Soppe lives a few blocks east of the Cultural Center. He has attended a number of the local meeting regarding this and believes that there is much support from the community. As he reads the rules as to the type of parking needed, it is based on the types of activities that will go on in the building, but Tunes on Tuesday requires the use of zero parking spaces because there is

nothing happening in the building during that time. Regarding the removal of the gravel parking lot on the west side, Mr. Soppe found no place where the applicant is requesting that. The comment he heard this evening was the gravel lot was used as a temporary parking area for PCC. As long as the Cultural Center has the right to use that space, are they not entitled to use it when PCC leaves? Mr. Soppe stated he is unclear on the front set-back issue. The basic concept of setbacks at the meetings he has attended was accepted but he does not believe there is a seven-foot set-back. As he interpreted the application, there is a parking space and a bumper that is extended from the end of it and in this case as stated in the application, the bumper is the end of the parking lot. Cars will overhang into the setback area. He is fine with that as long as the shrubs and headlights are well addressed. Mr. Soppe is greatly concerned with the removal of the gravel parking lot. One thing he was assured of at a meeting last night, is this parking lot will not make it substantially more different to add parking later on the west side, except when he reads the gravel parking is going away. He is also concerned that if a bio-swale goes in, there will be that much less space available for parking. Mr. Soppe referred to page 12 of the second findings regarding the 25 foot setback not being consistent with the requirement to build a substantial amount of off-street parking, which he interprets to mean we require them to build substantial off-street parking so we have to accommodate them by giving them a variance. He does not believe when the City gives a permit for something they are certifying that it is possible to do that. Also it assumes there is no other place for parking which he does not agree with. On page 13 at the top regarding setbacks, he doesn't believe most institutional sites can more easily accommodate a 25 foot setback.

Rebuttal:
Larry Anderson stated regarding the seven-foot setback, it is to the front bumper overhang; nine-feet in the plan. The two-feet of ground cover will be designed for the cars to hang over without injuring the plants. The applicant did not propose to take the gravel parking lot out but intend on using the gravel that is there for bedding rock for the sidewalks. The applicant would prefer to leave the gravel parking lot on the west side.

Final Comments from Staff:
Barton Brierley stated per the code, any yard adjacent to a street is a front yard; in this case there are four front yards. The Park District had asked permission to put in a gravel parking lot which is not allowed in the City except for infrequently used areas. Staff said PCC could use it as an infrequent use. If that is to be a permanent parking area, it needs to go through site review.

Chair Smith closed public testimony at 8:20 p.m.

MOTION #2: Barnes/Wall moved to approve Planning Commission Resolution No. 2011-295.

Deliberation:
Commissioner Edwards is in favor of the resolution and leaving the gravel as an overflow use is a consideration.

Commissioner Art Smith supports the recommendation as presented and also appreciates the comments received regarding this area in the future.

Commissioner Wall is in support also, but requested amendment on page 12 regarding the findings wording.

Commissioner Barnes is in favor of the resolution as presented but strongly encouraged the use of pavers.

Commissioner Bliss is in favor of the Cultural Center but stated he does not believe the application meets the code or criteria based on Section 15.215.030 application point(C) regarding uses and structures. He did not see any plan other than the aerial showing the adjacent properties across the street and what the impact and relationship are. Secondly, under Section 15.220.030.B.(11) the exterior lighting should have been shown on the plan and it was not. A parking lot has to have some level of lighting for safety. Commissioner Bliss does not understand why staff did not require it because it is in the code.

Chair Smith thinks the proposal gives the neighbors an opportunity to have their fears about parking either answered or not during Phase One and whether the parking vegetation will work or not. Perhaps it should be noted the temporary occasional parking on the west side remains.

Commissioner Bliss asked to have time to contemplate some amendments.

Chair Smith called for a six-minute break at 8:34 p.m.

The meeting reconvened at 8:40 p.m.

Motion #3: Bliss/Wall moved to amend as follows: Condition of Approval, Page 14, Item 7 - Parking Lot add *"The applicant shall provide a lighting plan indicating the current and proposed candle power within the parking lot area to provide an average of one foot candle power with a minimum of 0.5 candle power.* Second addition: *"The applicant shall address the central 28 foot drive aisle to possibly reduce it to 24 feet and extend the setback along Sherman Street.*
(6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

Motion #4: Edwards/Wall moved to amend and remove the following sentence, Page 8, Finding (2) and page 14, #7: *"The gravel parking area on the west side of the building will be removed during the construction of this new parking lot."* (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

Motion #5: Wall/ Barnes moved to remove the following wording on pages 12 – 13: *"The Development code will require a substantial amount of off-street parking for the full build-out of the Cultural Center to minimize the impact of overflow parking on the neighborhood. The requirement for a 25 foot setback is therefore not consistent with the requirement to build a substantial amount of off-street parking. The property does face some exceptional circumstances compared to other Institutional zoned sites; the Cultural Center is a relatively small site, while most Institutional sites are large academic or medical campuses that can more easily accommodate a 25 foot front setback. Strict interpretation of the code would deprive the applicant of the ability to construct adequate off-street parking, which other Institutional sites can do relatively easily. Granting the variance for a limited portion of the Cultural Center site will not constitute a grant of special privilege because it is only for a limited portion of the site; if the other Institutional zoned sites have exceptional circumstances on parts of their sites then they also have the ability to apply for a variance."* (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

Vote on Motion #2: (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

VI. ITEMS FROM STAFF:

Update on Council items:
The City Council heard the item for the Civic Corridor Sign Code and approved it. They also heard the Annexation standards changes and approved that. They have also concluded their hearings on the South Industrial Urban Growth Boundary expansion and have approved that which will now go to the Yamhill County Commissioners for their approval. Councilor Ryan Howard proposed a bicycle route through town which will go from the Allison to the Skate Park.

Correspondence:
During the Manufactured Housing hearing on July 14, 2011, there was some testimony from residents of the mobile home parks who asked questions concerning a cap on the amount for lot spaces. Mr. Brierley handed out a copy of the letter to each Planning Commissioner that he had written in response to those questions.

The next Planning Commission Meeting is scheduled on Thursday, September 8, 2011.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Bliss asked staff why landscaping elevations were not required from the applicant to show what impact there would be on the residential area as well as the lighting. Mr. Brierley explained in regard to the proposal for lighting, the applicant submitted information stating there would be no additional lighting now but might be later; the requirement to address lighting was met. There is not a specific requirement in the code that parking lots be lit to a certain foot candle. Staff looked at this parking lot as being adjacent to a neighborhood and thought not adding lighting poles or excessive lighting was a desirable thing. It is a matter for the Planning Commission to review and what the members feel is adequate for that area and location. As far as landscaping elevations, the requirements are for a landscape plan to show type and species, which they did. There is no requirement for a 3D drawing of landscaping and parking lots on all design reviews.

VIII. ADJOURN:

Chair Smith adjourned the meeting at 9:07 p.m.

Approved by the Planning Commission on this 8th day of September, 2011.

AYES: 5 **NO:** 0 **ABSENT:** 2 Art Smith, Allyn Edwards **ABSTAIN:** 0

Dawn Karen Bevill
Planning Recording Secretary

Rick D. Smith
Planning Commission Chair