

MINUTES

Creswell Planning Commission
Creswell Community Center—99 West 1st Avenue

April 17, 2008
7:30 p.m.

PRESENT: Blake Oelke, President; Jack Gradle, Wes Olson, Lloyd Safley, David Christopher, Gary Ludeke, members; Denise Walters, staff. Paula and David Koger, applicants.

ABSENT: Dennis Grice, Vice President.

Mr. Oelke called the meeting of the Creswell Planning Commission to order at 7:30 p.m. He welcomed new commissioner Gary Ludeke and commended the planning experience he brought to the Board. Mr. Ludeke responded that he had formerly worked as a transportation engineer for the City of Eugene and thus had been in city government for much of his career.

Minutes of January 17, 2008

Mr. Olsen moved to approve minutes of January 17, 2008 as submitted. The motion was seconded by David Christopher and unanimously approved by the commission, 6-0.

Audience

No one voiced a desire to speak.

Poll Members for Conflicts of Interest

Mr. Oelke asked commissioners to declare any conflicts of interest or *ex parte* contacts. No conflicts or *ex parte* contacts were declared.

I. OLD BUSINESS

None.

II. NEW BUSINESS

Application A: Quasi-Judicial Decision (Public Hearing) **Case No. HO-2008-01**, a request by Paul and David Koger for a for a home occupation permit for a Bioenergetic Wellness Center on assessor's map 19-03-14-23 tax lot 5900. The site was zoned and designated Residential on the Creswell Zoning and Comprehensive Land Use Diagram. The application was reviewed under the following Sections of the Creswell Development Code: Section 4.1.400, type II Procedure; Section 4.9.200 Home Occupation Permits; Chapter 2.2 Residential Land Use Districts; Article 3 Community Design Standards, and other applicable section of the Creswell Development Code.

“Suggested Action” was a Motion for Approval with Conditions

Mr. Oelke opened Public Hearing, noting that the business will be located in the garage, making classification of building Type 3.

Conditions to be examined included any use be detrimental to residential uses within 100 feet. Commissioners noted that the home itself would be kept with permitted uses. Any impacts would relate to traffic, deliveries, and clients. Other impacts down the road could include storage.

Applicants Paula and David Koger noted that all client parking would be on site in a vacant driveway and that there would be no more than eight clients per day and three deliveries per day. The empty driveway was far enough back that it would not impact the neighbors.

Conditions were as follows:

1. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily.
2. There shall be no commercial vehicle deliveries during the hours of 9:00 p.m. to 7:00 a.m.
3. If the number of clients per day exceeds 12 clients per day (50% more than anticipated clients), or more than one client is served at a time, or if more than one employee (other than family members residing in the house onsite) is working in the home occupation, the business operator shall submit for either an application for a Modification to Approved Plans Chapter 4.6 or for another Home Occupation Permit per Section 4.9.200 as appropriate to review the intensified business use.
4. Clients or customers shall be permitted at the home occupation between the hours of 7:00 a.m. to 9:00 p.m. only.

Ms. Walters said that contingent on the conditions of approval, staff was recommending conditional approval for the Home Occupation.

Mr. Olson asked there were any queries from neighbors or owners of surrounding properties, but as David and Paula Koger were the only members of the audience, there were no questions.

Mr. Olson also asked if detoxification under the definition of Bioenergetic Wellness could include alcohol addiction treatment, and Ms. Koger said some of her clients were seeking treatment for such illnesses and addictions.

In response to a question from Mr. Oelke regarding Code Enforcement and the applied conditions of approvals Ms. Walters said the question would need to be discussed once the new City Administrator took office since, in the past there had not been much budget for Code Enforcement.

Mr. Safley noted that the city was going to have to depend on the neighbors to be pro-active should any complaints about the business arise, and Ms. Walters agreed that the process was basically complaint-driven.

Mr. Koger responded that there had been no complaints to date from any neighbors, and Ms. Koger added that on the contrary, one neighbor had said “they were happy to see us here,” and that in 14 years doing business in Florida, they had never had more than one person in the waiting room. *If the number of clients*

per day were to exceed 12 or more, or one client at a time or more than one employee, the applicants would need to re-submit the applications and the commission, to re-assess the situation.

Mr. Christopher moved for approval with a second from Mr. Safley, and the commission voted unanimously (6-0) to approve the application.

Application B: Administrative Decision (PUBLIC HEARING) Case No. LUR-2008-01, a request by Paula and David Koger for a land use review of their Home Occupation on assessor's map 19-03-14-23 tax lot 5900. The site was zoned and designated Residential on the Creswell Zoning and Comprehensive Land Use Diagram. The application was reviewed under the following Sections of the Creswell Development Code Section 4.1.400 Type III Procedure; Sections 4.2.300 Land Use Review; Chapter 2.2 Residential Land Use Districts' Article 3 Community Design Standards, and other applicable section of the Creswell Development Code.

Action: Motion for Approval.

Ms. Walters referred to the criteria for approval:

Criteria A: The relevant criteria for the land use review was that the proposed land use was permitted in the underlying land use district, which it was; the home occupation was a permitted use in the residential district.

Criteria B: The land use area, yard setback, lot area, lot dimensions, density, lot coverage, building height and other applicable standards of the underlying land use district, which was residential, and any applicable overlay districts were observed. The project, Ms. Walters said, was consistent with all of these. The structures were existing; they were within the maximum height and there were no changes proposed to any of the lot setbacks or expanding of buildings.

Criteria C: Was when development was proposed and applicable sections of Article 3, Design Standards 1 apply. The structure was already a residential use with a garage and a driveway and the streets improved, the types of requirements that apply to land use review have already been taken care of by the existing development. So, Ms. Walters said, no additional land use conditions were required to the home use application that had been submitted

Ms. Walters added two informational items:

- (1) Signs require a separate review process
- (2) Fences also require a separate permit.

Ms. Walters recommended approval based on the findings.

Mr. Koger stated for the record that the old six-foot high "ugly" chain link fence had been removed and will be replaced with a picket fence, one-quarter inch shorter than the three inches allowed by code. Ms. Walters replied that could be taken up with the proper department, but that was a separate process.

Mr. Koger said that it was his understanding that fences less than three feet or existing fences being repaired or replaced did not require a permit.

In response to a question from Mr. Oelke about why the occupancy permit had been pending, Ms. Walters said that in cases like this one, all land use review must be approved before an occupancy permit can be issued. She indicated it was standard.

With no questions forthcoming from his fellow commissioners, Mr. Oelke declared the hearing closed.

Mr. Christopher moved for approval, and Mr. Gradle seconded the motion, which passed unanimously (6-0).

III. OTHER:

Ms. Walters reminded the commission that at their last meeting, there had been some discussion about starting their meetings at 7 p.m. rather than 7:30. She said she had checked around and that there were no direct conflicts with other boards and commissions if an earlier meeting time was the commission's wish. There might be an occasional conflict with the Airport Commission, but they do not regularly meet at the Planning Commission's desired time 7 p.m. on the third Thursday of every month.

Mr. Oelke called for a vote in favor of changing the time to 7 p.m., and the vote in favor was unanimous.

Ms. Walters indicated the new code provided that partitions would be processed by the City Administrator unless he decided to refer it to the Planning Commission.

As an informational item, Ms. Walters mentioned that the City Administrator had approved one application for lot 25 in the Creswell Marketplace (the corner of Emerald Parkway and Oregon Avenue) and had one parcel into two lots. If there were any questions, staff can provide commissioners with a copy of the staff report and findings. Findings are available for review as a public record at City Hall. She also said that in the future, such administrative decisions could be included in the commission packets if so desired.

In response to a question about a proposed new gas station, Ms. Walters replied that the owners had asked to put the application on hold until they had resolved some issues with ODOT.

Commissioners also asked about the new dental sign in the Creswell Commercial Center. Ms. Walters provided some background, saying the area was part of a site review in 2005 and the property owners were submitting a major modification to the previous approval to replace a proposed fast food restaurant with a dental office.

A proposal for a hotel had been submitted by the same developer proposing the gas station. It is anticipated some of the same transportation issues with ODOT would also surface in relation to the hotel.

Ms. Walters also handed out correction sheets updates for code books related to the commercial zones in Chapter 2.9, Commercial Use B. She clarified that it dealt with language updates.

Mr. Oelke adjourned the meeting at 8:05 p.m.

(Recorded by Carolanne Sudderth)