

MINUTES

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

June 26, 2008
7 p.m.

PRESENT: Blake Oelke, Chair; David Christopher, Lloyd Safley, Dennis Grice, Wes Olson, Gary Ludeke, members; Denise Walters, staff.

Mr. Oelke called the meeting of the Creswell Planning Commission to order.

Minutes of April 17, 2008

Mr. Safley, seconded by Mr. Christopher, moved to approve the April 17, 2008, minutes as submitted. The motion passed, 6:0.

Audience

There was no one wishing to speak.

Commissioner Comments

Mr. Olson stated with respect to Application B that he had previously owned the subject property. He had sold it one and a half years ago and no longer had an interest in it. He felt that did not present a conflict of interest and he would be able to render an unbiased decision on the matter.

I. OLD BUSINESS

None.

II. NEW BUSINESS

Application A: Quasi-Judicial Decision (PUBLIC HEARING) Case No. MM-2008-01, Major Modification to previously approved Site Review for the Creswell Commercial Center Phase I (SITE-2005-02) is a request by Scott Morris of Olson & Morris, on behalf of 426 Emerald Valley, LLC, for a major modification to an approved site design review for multi-use commercial development (SITE-2005-02). The major modification proposal includes the replacement of the approved future fast food restaurant with a dental office, reduction of the building setbacks for the multi-tenant commercial buildings and reconfiguration of the parking areas/drive aisles. The site is Assessor's Map 19-03-13-23, tax lots 1300

and 1301. The site is zoned and designated as General Commercial and Commercial 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; Section 4.2.300 Site Design Review; Section 4.6.300 Major Modifications; and any other applicable sections of the Creswell Development Code.

Mr. Oelke reviewed the guidelines and procedures for providing testimony regarding the application and opened the public hearing. He asked commissioners to declare any *ex parte* contacts, site visits or actual or potential conflicts of interest or bias. None was declared.

Mr. Oelke called for the staff report.

Ms. Walters clarified that the application was a combination of a major modification and new use, which was a dental office. She said the dental office was subject to all the site review criteria in effect under the new code and the multi-tenant building changes were only subject to the parking and building setback requirements. She said the applicant had submitted a parking demand analysis for the dental office and that was discussed on page 3 of the staff report. Staff had determined the demand analysis to be valid.

Ms. Walters reviewed the provisions of the Creswell Development Code that applied to the application and were addressed in the findings of fact. She noted that a condition of approval under Chapter 3.1 required that a cross-access easement and joint maintenance agreement covering the shared driveway be recorded with the deed.

Mr. Ludeke asked if the site plan illustrated how access would be provided to the other lots. He was concerned about a requirement that lots 24 and 25 provide access to the lots behind them. Ms. Walters said there was no such requirement and the original planned unit development (PUD), which was on file with the City, showed the access plan for all lots.

Continuing, Ms. Walters said the applicant would be required to provide a detailed landscaping plan with construction documents as a condition of approval under Chapter 3.2. She said she had overlooked a drawing in her original review and stated the finding on page 18 of the Findings of Fact was amended as follows:

RESPONSE: The proposal for a new dental office is consistent with this criterion ~~with the conditions of approval that the outdoor trash receptacle shall be screened by at least one of the following options (decorative wall, evergreen hedge, opaque fence consistent with Section 3.2.600, or similar feature providing an opaque barrier)~~ because the outdoor trash receptacle shall be screened with a decorative wall as shown on Sheet C4.

Ms. Walters asked for advice from the Planning Commission on whether the parking demand analysis was reasonable given the proposed use. She said the staff had found the number of proposed spaces to be adequate for the number of employees and clients. She offered the following amendment to the last sentence of the second paragraph on page 20 of the Findings of Fact:

Based on the multi-use function of the buildings; unknown tenants, provision for shared parking; and limited options for alternative transportation in the City the proposed parking is adequate for the use ~~and is not in excess of maximum allowable parking.~~

Mr. Oelke asked what the code allowed with respect to parking. Ms. Walters said the standard in the code would allow the dental office three parking spaces and that was based on square footage, not use. She said often the code did not recognize the number of employees that might potentially be on a site and typically, applications exceeded the maximum allowable parking under the strict provision of the code and provided a parking demand analysis or requested a variance to accommodate the use as allowed by the code.

Mr. Oelke determined that commissioners had no objections to the findings regarding parking.

Ms. Walters pointed out that conditions of approval included specifications for each standard parking space for the dental office. She said conditions provided options for meeting the requirement for a mini-park to serve employees: dedication of 0.015 acres of land and park improvements or payment of a fee in lieu of land dedication and improvements. She concluded her review of applicable code provisions and conditions of approval and noted that pages 27 and 28 were modified to review the condition related to screening of a trash receptacle. She recommended approval of the application with conditions as modified.

Mr. Oelke determined there were no questions from commissioners and called for comments from the applicant.

Scott Morris, Olson & Morris, indicated the applicant was in agreement with the recommendation and conditions of approval as modified.

Mr. Oelke asked which option the applicant would chose for the mini-park requirement.

Dr. Matthew Baken, dentist, replied that a fee in lieu of dedicated public use area would be paid.

Mr. Oelke closed the public hearing.

Mr. Safley, seconded by Mr. Christopher, moved to approve with conditions the major modification, Case No. MM-2008-01 as described in the final order and as amended at this meeting and adopt the findings of fact as presented. The motion passed unanimously, 6:0.

Ms. Walters asked if the applicant wanted to address the question of lot access.

Mr. Morris said that the Oregon Department of Transportation (ODOT) would not allow access from Cloverdale Street and illustrated on the site plan how access would be provided.

Application B: Quasi-Judicial Decision (PUBLIC HEARING) Case No. SUB-2008-01, Olson & Morris, on behalf of River Oaks, LLC, has submitted a subdivision tentative plat application for tax lot 1904, Assessor's Map 19-03-14-21. The current parcel will be divided into five separate lots ranging from 5,252 square feet to 11,919 square feet. The site is located on the west side of North 1st Street, south of Blue Jay Loop. The site is zoned Residential and designated as Residential on the Creswell Comprehensive Plan Lane Use Map. The application was reviewed under the following sections of the Creswell Development Code: Section 4.1.400 Type III Procedure, Section 4.3.140 Approval Criteria: Preliminary Plat; Chapter 2.2 Residential Districts; and Article 3 Community Design Standards.

Mr. Oelke reviewed the guidelines and procedures for providing testimony regarding the application and opened the public hearing. He asked commissioners to declare any *ex parte* contacts, site visits or actual or potential conflicts of interest or bias. None was declared.

Mr. Oelke called for the staff report.

Ms. Walters noted that the purpose of the residential district on page 2 of the Findings of Fact should reference Section 2.2.100 instead of Section 2.3.100, as should the table on page 3. She said there was an existing commercial structure on lot 3; it was a nonconforming use but would not be affected by the subdivision and would be allowed to continue. She said conditions of approval had been placed on the tentative plat and the final plat would include a notification of the nonconforming use on lot 3 and the restrictions placed on it. She continued with a review of the applicable code provisions and indicated that lot sizes, which were consistent with the code's flexible provisions, were acceptable and there were no objections from Public Works or the Fire Marshal.

Ms. Walters said conditions of approval related to the shared driveway for the two flag lots and required that it be paved to a width of 20 feet to accommodate emergency vehicles and that there be a joint access easement and maintenance agreement to assure access would not be blocked for either lot. She noted that the referenced to Section 3.2.300 Landscaping on page 9 was deleted as only Section 3.2.600 Fences and Walls was applicable. She said there was a condition of approval related to mail receptacles to meet United States Postal Service requirements for cluster-style mailboxes. She said the applicant would be required to abandon the existing four-inch sewer line, laterals, replace them with an eight-inch main sewer line and main laterals, and relocate a proposed fire hydrant closer to North 1st Street. She stated that staff had originally placed paving the 20-foot width of the shared driveway as a condition under final plat approval, but that was amended to place it under prior to certificate of occupancy; condition of approval #12 on page 14 was now condition of approval #19 on page 15.

Mr. Olson asked why the map indicated a 30-foot width for the share driveway. Ms. Walters replied that it was a 30-foot easement, with 20 feet of paving.

Mr. Morris explained that utilities would be located on the south 10 feet of the easement and that area would not be paved to facilitate access in the event repairs were necessary; the paved portion was shifted to the north side of the easement.

Mr. Olson expressed concern over responsibility for maintenance of the unpaved portion of the easement. Mr. Morris pointed out that the agreement would be for joint access and maintenance, allowing the homeowners to maintain that strip.

In response to a question from Mr. Oelke, Mr. Morris said the easement was split between lots 3 and 4 and either or both owners could maintain it.

Mr. Oelke asked if the commercial use on lot 3 was current vacant. Mr. Morris replied that it had been used to store golf course maintenance equipment and the owner had potential tenants, but they would not sign a lease until there were services available.

Mr. Oelke said he was concerned about the parking limitations on the flag lots and the nonconforming commercial use. Ms. Walters said the nonconforming use could not be intensified or the structure expanded or altered.

Mr. Oelke determined there were no further questions from commissioners and called for comments from the applicant.

Mr. Morris indicated the applicant concurred with the findings as amended.

Mr. Oelke closed the public hearing.

Mr. Grice, seconded by Mr. Safley, moved to approve with conditions the Maxoliver preliminary subdivision plat, Case No. SUB-2008-01 based on the information in the staff report and the Findings of Fact as amended. The motion passed unanimously, 6:0.

In response to a question from Mr. Grice, Mr. Morris said ODOT wanted a median-closed access on Emerald Parkway with left turn in and left turn out and a signal on Melton Road.

Ms. Walters remarked that ODOT's intent was to assure there was no congestion in that area because of its proximity to the interchange. She said the City was updating its transportation system plan and would consider that in the analysis.

III. OTHER BUSINESS

None.

IV. ADJOURNMENT

Mr. Oelke adjourned the meeting at 7:45 p.m.

(Recorded by Lynn Taylor)