

MINUTES

Creswell Planning Commission
Creswell City Hall Council Chambers -- 13 South First Street
Creswell, Oregon
September 10, 2015, 6:30pm

PRESENT: Blake Oelke, Chair; David Christopher, Gary Ludeke, Lloyd Safley, Robert Grand, and Seth Clark, Commissioners; Madeline Phillips, Staff.
ABSENT: Dan Stockbarger
GUESTS: None

Mr. Oelke called the meeting of the Creswell Planning Commission to order at 6:30pm.

I. MINUTES OF June 18, 2015

MOTION: Mr. Safley moved, Mr. Christopher seconded to approve the minutes from July 23, 2015. The motion carried unanimously (6:0).

II. AUDIENCE

No audience was present

III. COMMISSIONER COMMENTS

Blake Oelke asked if any Commissioners had a topic he would like to discuss. Seeing none, Mr. Oelke proceeded to open the Public Hearing.

IV. NEW BUSINESS

Mr. Oelke opened the Public Hearing by summarizing the request of Case No. CUP-2015-01 by Colleen Ellis, the applicant, to construct a single-family dwelling on a 0.13 acre lot zoned Downtown Commercial on S. 3rd Street just north of D Street (Assessor's Map 19-03-14.31 Taxlot 3400). The application will be reviewed under Sections 4.1 Type III Review, 4.4 Conditional Use Permit; and other applicable sections of the Code and Comprehensive Plan.

Mr. Oelke asked if any Commissioners had any conflicts of interest to declare. No declarations were made. Ms. Phillips asked if any Commissioners had visited the site. Mr. Safley, Mr. Oelke, and Mr. Christopher noted that they have visited the site. Ms. Phillips further explained that any ex parte contact must be captured in the record.

Ms. Phillips presented the Staff Report, dated June 29, 2015; Referrals were provided to Cliff Bellew (Public Works), Denny Muchmore (City Engineer), Danny Solsbee (South Lane Fire), Kristina Deschaine (State Fire Marshall), and Billy Halvorson (Lane County Sheriff).

Notice was mailed on July 29, 2015 to all owners of property within 150 feet of the site. Notice was published on August 9, 13, and 24 to reflect the rescheduling of the hearing due to a lack of a quorum.

Ms. Phillips provided explanation of the surrounding uses, and noted the change and/or resignation of zoning (July 2007, with discussion occurring over the prior year) on the property. The property is part of the original plat of Creswell, in which case no public utility easement exists on the property at this time. Ms. Phillips summarized the remainder of the Staff Report, including referral comments.

Ms. Phillips continued by highlighting the Draft Findings of Fact, covering the development standards applicable to the proposed development request. She noted that some dates shall be updated to reflect the hearing date of September 10, 2015.

Notable from summary, Ms. Phillips pointed to architectural design standards related to Downtown Commercial buildings, which are not applicable to this request, as the proposed use is an expansion of

an existing residential use. The Draft Findings summary went on to highlight the suggested applicable Conditions of Approval.

Upon completion of the Staff Report, Commissioners began discussion of the issue.

Mr. Gary Ludeke asked for more context regarding the comment provided by Jeff Tunnell. Ms. Phillips summarized her conversation with the Tunnells, where they expressed concerns about their investment in the Creswell Bakery within the Downtown Commercial zone with respect to adjacent residential uses. Mr. Tunnell noted complaints from neighbors about normal commercial activities in their neighborhood (loading, parking, etc.).

Colleen Ellis, 31912 Camas Swale Rd. Creswell, the applicant, noted that she had listed the property trying to sell it as Downtown Commercial, but she did not get offers at the price she expected (\$19-20,000). There was plenty of interest, she noted, for this property as a residential lot. In speaking to the neighbors, many of them expressed to her their desire to see it develop as residential. This is why she pursued the application.

Ms. Ellis noted a discussion in which the Tunnells had proposed to buy the lot in question for less than she had asked for the property.

Mr. Clark asked how long Ms. Ellis has owned the property. Mr. Christopher noted property records show June 2006 as the last sale; Mr. Grand noted that at the time of the property sale, the Downtown Commercial zone designation had not yet taken place. Ms. Ellis confirmed that when she bought the property it was zoned residential.

Mr. Safley noted that conditional use process provides criteria to determine the merit of an application. He noted this application had few conditions, mostly related to infrastructure.

Mr. Oelke closed the public hearing at 7:04pm.

Mr. Christopher noted that in walking by the site, the lot being located in an old and established neighborhood makes it unlikely to convert/redevelop to commercial.

Mr. Grand asked if the Creswell Bakery had ever been a residence. Mr. Oelke noted that the building had been a church and then the School District office, but never housed a residential use. Mr. Oelke noted that the Downtown Commercial zone had been initiated by the city based on proximity to Oregon Ave. when far more lots were available for residential development elsewhere in the city. This marks the first time that Planning Commission has had to look at it. In visiting the site, surrounding residential lots do not appear ripe for redevelopment. Other areas in the Downtown Commercial zone do appear to be ripe for commercial development.

Mr. Ludeke asked why this is not a rezoning request taking into consideration Mr. Tunnell's request and position. Mr. Oelke noted that this is a way the Planning Commission can consider each lot on its own merit, based on the time it would take to convert to commercial use due to size of lot and market pressures.

Commissioners discussed surrounding properties.

Ms. Phillips provided reference regarding the definition of a non-conforming use and the definition of household living in Downtown Commercial areas.

Commissioners considered how many lots and existing homes would have to be demolished in order to develop a commercial venture in this zone. Consensus determined that the lot would remain vacant if not for a Conditional Use Permit. Mr. Ludeke suggested a parallel example of vacant commercial property at the corner of Melton and Emerald Parkway, though Commissioners showed enough dissimilarity in the situation. Discussion continued regarding the potential impacts of commercial uses and residential uses in this area.

Mr. Clark asked if a house could be purchased in this zone and used as a business. Ms. Phillips answered affirmatively.

Mr. Ludeke asked questions regarding the conditional use permit process. Ms. Phillips provided background information about the difference between rezoning and conditionally allowing a use. She further highlighted some examples where the Planning Commission has considered and approved conditional uses in recent past.

Mr. Grand emphasized the timing of the Downtown Commercial rezoning of the parcel, citing the residential uses that existed prior to this action. Commissioners noted that to develop the property as a residence would allow the property to be used, where it might be vacant if not allowed to develop as a residence.

Ms. Phillips noted a few changes to the Conditions of Approval, some of which were to reorganize the conditions. Specific references were made to the Engineer's report and need to connect to city utilities by working in the right-of-way. Mr. Oelke noted the cost of system development charges and building permit fees. Mr. Christopher noted that this would occur on the property whether it develops residential or commercial.

Mr. Christopher moved that the Planning Commission approve with conditions Case no. CUP-2015-01 for the development as described in the Final Order, as amended, and adopt the Findings of Fact as presented at this meeting. Mr. Safley seconded.

The motion passed unanimously (6:0)

V. OLD BUSINESS

Planning Commissioner Training was advertised by Ms. Phillips regarding a 1-day event in Bend, OR. A meeting is not scheduled for September 17th; Ms. Phillips suggested that this meeting time could be used as a Planning Commission training opportunity. The next meeting was set for Thursday, October 22, 2015.

VI. ADJOURN

Mr. Oelke adjourned the meeting at 8:10 pm.
(Recorded by Madeline Phillips)



Chair

10-22-15
Date