

URBAN AREA PLANNING COMMISSION

MEETING MINUTES

June 22, 2016 – 6:00 P.M.

Council Chambers

1. ROLL CALL:

The Urban Area Planning Commission met in regular session on the above date with Chair Gerard Fitzgerald presiding. Vice Chair Jim Coulter and Commissioners Robert Wiegand, Blair McIntire, and Dan McVay were present. Commissioners Lois MacMillan, Loree Arthur, and David Kellenbeck were absent. Also present and representing the City was Parks & Community Development (hereafter: PCD) Justin Gindlesperger and Tom Schauer and City Council Liaison Rick Riker.

2. ITEMS FROM THE PUBLIC: None.

3. CONSENT AGENDA:

- a. **MINUTES: June 8, 2016** **Pg. 1-6**
- b. **FINDINGS OF FACT: 405-00102-16: Element 10 (Public Facilities)
Comprehensive Plan Amendment** **Pg. 7-10**

MOTION/VOTE

Commissioner Coulter moved and Commissioner Wiegand seconded the motion to approve the minutes from June 8, 2016 as amended. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, and Commissioners Wiegand, McIntire and McVay. “NAYS”: None. Abstain: None. Absent: Commissioners MacMillan, Arthur, and Kellenbeck.

The motion passed.

4. PUBLIC HEARINGS:

- a. **201-00118-16 & 301-00102-16 – Hampton Inn & Suites – Major Site Plan
& Variance – Staff Report** **Pg. 11-98**

- Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 201-00118-16 & 301-00102-16 – Hampton Inn & Suites – Major Site Plan & Variance. We will begin the hearing with a staff report followed by a presentation by the applicant, statements by persons in favor of the application, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. After that has occurred, the public comment portion will be closed and the matter will be discussed and acted upon by the Commission. Is there anyone present who wishes to challenge the authority of the Commission to consider this matter? Seeing none do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Seeing none are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding this application? Seeing none in this hearing the decision of the Commission will be based on specific criteria which are set forth in the development code. All testimony which apply in this case are noted in the staff report. If you would like a copy of the staff report please let us know and we will try and get you one. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue you'll not be able to appeal to the Land Use Board of Appeals based on that issue. The hearing will now proceed with a report from staff.
- Justin gave the staff report.
- Justin let the commission know that there was an error in the staff report and the requested variance from the applicant is for a 22 foot increase rather than the stated 20 foot increase.
- Commissioner Coulter asked when the last TIA was done. Justin was not sure when the last one was done as they were not required to do one based on the previous use of the property. He let the commission know that there was a decrease in traffic since the last one was done.
- The commission asked if there was any data that that they could see to support that claim. Commissioner Coulter would like to see more information on future hearings as the UAPC will be responsible for traffic flow with the approval.
- Commissioner McIntire expressed concerns about the proposed plan having a negative impact on the traffic plan for In and Out. He was told that it doesn't

matter at this time as the commission is only reviewing the plan as proposed for the Hampton Inn. In and Out will be responsible for their own traffic plan if and when they come forward to the commission for approvals. This only concerns plans for the Inn at this time.

- Commissioner Wiegand asked if the lot line adjustment was in reference to land that will be possibly sold to In and Out for their possible development. He was told yes.
- The commission asked if a left turn lane into the hotel been considered on Morgan Lane with a traffic study? There were told that according to ODOT there is no mitigation and that would include turn lanes on Morgan.
- Commissioner Coulter asked Justin to explain the discrepancy on the acreage that they had previously discussed so that it would be on the record.
- Justin said that the area that is shown as future development is the discrepancy in the acreage. The 2.54 will be where the inn is currently planned to be built.
- Dave Straus with Straus & Seibert Architects, LLP - 1175 E Main St #2e, Medford, OR 97504 – with him is Jim Tiggs and Jay Harland and well as some up to date drawings in the commission has any questions for them or would like to see the drawings.
- Mr. Straus took a moment to publically thank the UAPC and the City Planning Department.
- Mr. Straus let the commission know that he agrees with the compromises that City planning was able to come up with in the staff report. Not having the through access he believes has met the needs of the City, Hampton Inn's rules as far as access to their property, and the owner's requests.
- He let the commission know that the height variance was only going to be partial due to a system they are putting in and the majority of the space will not be higher than it was in the previous use.
- He also let the commission know that he believes the design aspects that they have put in will compensate for not meeting the 25% glass.
- They feel that with the pedestrian access it would be safest if pedestrians were pushed to use Morgan.
- Mr. Straus also feels that the Hampton coming in at this time will help to contribute to the new branding that has been put in place within the City.

- Commissioner Fitzgerald asked if there was any data from their consultants that would support their claims that pushing pedestrians to Morgan rather than having a way for through traffic would be safer.
- Jay Harland – CSA Planning - 4497 Brownridge Terrace #101, Medford, OR 97504 – Mr. Harland let the commission know that there isn't usually a lot of data showing pedestrian traffic between properties.
- Commissioner Fitzgerald asked if there is anything from their insurance company about safety as Mr. Straus had brought up safety concerns.
- Mr. Straus clarified that there wasn't any data on the safety and that it was concerns that were coming directly from the hotel.
- Justin clarified that the hotel is going to provide pedestrian access to Morgan, there will be sidewalks going out.
- Commissioner Weigand asked Justin on the cross access variance is there really a need for it if it's a "may rather than a shall."
- It was determined that there may be wording in the code that makes it a mandatory item and that by approving the variance it will cover all bases. Staff can confirm later if the commission would like.
- Commissioner Fitzgerald let it be known that he believes it will be safer for pedestrians to move to Morgan than to worry about walking through a possible busy fast food area.

MOTION/VOTE

Commissioner Coulter moved and Commissioner McVay seconded the motion to approve the two variances and the site plan as corrected for 201-00118-16 and 301-00102-

16. The vote resulted as follows: "AYES": Chair Fitzgerald, Vice Chair Coulter, and Commissioners McIntire and McVay. "NAYS": Commissioner Wiegand. Abstain: None.

Absent: Commissioners MacMillan, Arthur, and Kellenbeck.

The motion passed.

b. 104-00101-16 – Nunn's Willow Estates II Subdivision Tentative Plan Staff Report **Pg. 99-167**

- Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 104-00101-16 – Nunn's Willow Estates II Subdivision Tentative Plan

Staff Report. We will begin the hearing with a staff report followed by a presentation by the applicant, statements by persons in favor of the application, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. After that has occurred, the public comment portion will be closed and the matter will be discussed and acted upon by the Commission. Is there anyone present who wishes to challenge the authority of the Commission to consider this matter? Seeing none do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? - Commissioner Fitzgerald would like to let it be known that he did the subdivision next to the proposed subdivision. While he does not have a conflict of interest he wanted it to be on the record. - Are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding this application? Seeing none in this hearing the decision of the Commission will be based on specific criteria which are set forth in the development code. All testimony which apply in this case are noted in the staff report. If you would like a copy of the staff report please let us know and we will try and get you one. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue you'll not be able to appeal to the Land Use Board of Appeals based on that issue. The hearing will now proceed with a report from staff.

- Justin gave the staff report.
- Commissioner Fitzgerald asked if there is a buffer between the GC zone and the residential. He made reference to a previous application where it was required to have a setback between residential and GC zoned lands and he isn't seeing it on this application.
- Tom made reference to text within the code that states exceptions can be made if adjoining uses are the same on each zone.
- Commissioner Fitzgerald was concerned that if this wasn't addressed at this time that they may not be able to build if a variance was not approved on the setback requirements in the future.
- Mark Cross - Rhine-Cross Group - 112 N 5th St #200, Klamath Falls, OR 97601 – Mr. Cross believes that the context of the code should apply to differently

zoned *properties*, which in this case would refer to two distinct property lines rather than a zoning line splitting one piece of property.

- Commissioner Fitzgerald confirmed that Mr. Cross does believe in his interpretation of the code the buffer would not apply as it is a split zone on one parcel rather than a buffer between two parcels.
- Mr. Cross let the commission know that the application is for 25 lots with one being the existing office. There are utilities available. They have no problem with conditions and they are allowed a maximum of 79 units and are only proposing 48 units.
- Ben Prince – 1248 Devonshire – Mr. Prince asked for clarification on the ditch that is behind the south bound lots; will be made into a pipe? Will that be a closed drain? Mr. Prince was also curious about whether duplexes would be built and the commission confirmed that at this time they have not been approved nor has a discussion happened on what type of residential properties will be built, whether it be single story, two story single family or duplexes. This will be determined at the time they get the development permit for each lot.
- Mr. Prince asked if they will be responsible for a half street on Estate Lane, he was told that they would be responsible for a half street to connect to Cashmere. Mr. Prince also expressed a concern about density and traffic in the area. He would like to know if there will be room to put in street parking
- Lila Spratt – 1221 Devonshire – Ms. Spratt asked if the development would be a 55+ development as she had heard rumor of, however at this time there is no mention of it and it will be up to the developer at the time they put in their application. Ms. Spratt would like to see a conclusion to the buffer issue, she does not feel that this has been addressed properly.
- Ronald Nunn – 3853 Leonard Rd – Mr. Nunn is the owner of the property in question. He confirmed that he does plan on this being a 55+ development.
- Mark Cross – Mr. Cross confirmed that the ditch will be piped within the right of way in the road. There will be 20' driveways as well as two car garages. There will be 4 off street parking places per road. He also confirmed that the traffic study that was done was below the requirement.
- The commission asked how lot 20 will access. – It will access off of Cloudmont. There will be a revised plan showing that driveway access per Lora.

- It was mentioned that lot 1 seems to be a different layout' will that driveway be too close to the intersection? Mr. Cross let the commission know this will be fixed on the revised tentative plan. This will be turned to access off of the flag lot.
- Lots 14 and 15 will access off of Alderdale.
- Justin clarified that they would have to meet height requirements when they get to the development phase which will likely limit them to a single story option.
- The commission had a discussion about how to go about the possible need of the setback for the different zones and who would be responsible for approving or disapproving that variance if it is needed. Staff suggested an option for a motion that would cover all scenarios.

MOTION/VOTE

Commissioner Wiegand moved and Commissioner McIntire seconded the motion to approve the subdivision with the provision that the review body grant the exception to the zone buffer requirements as specified in 23.040 of the development code. The vote resulted as follows: "AYES": Chair Fitzgerald, Vice Chair Coulter, and Commissioners McIntire, Wiegand and McVay. "NAYS": None. Abstain: None. Absent: Commissioners MacMillan, Arthur, and Kellenbeck.

The motion passed.

5. OTHER ITEMS/STAFF DISCUSSION:

- Tom let the commission know that the Urban Renewal open house in on July 6th, at that time the consultants will present to UAPC and they will have an opportunity to ask questions at that time.

6. ITEMS FROM COMMISSIONERS:

- Commissioner Fitzgerald let the rest of the commissioners know that he went before City Council and brought up the two issues that were requested by the commission as a whole. Council seems to be receptive to moving back to verbatim minutes. City Council also seems to be receptive to including the UAPC early on in the process with consultants, etc. so that they can make more informed decision and ask questions directly to the consultants. There has not

been a vote as of yet but Commissioner Fitzgerald does believe that they are in favor of the items.

7. ADJOURNMENT:

Chair Fitzgerald adjourned the meeting at 8:33 P.M.

Next Meeting: July 13, 2016



Gerard Fitzgerald, Chair
Urban Area Planning Commission

7/13/2016

Date

These minutes were prepared by Carlie Paulsen, Administration Department, City of Grants Pass.