

**URBAN AREA PLANNING COMMISSION
MEETING MINUTES
January 23, 2019 – 6:00 P.M.
Council Chambers**

COMMISSIONERS:

Gerard Fitzgerald (Chair)
Jim Coulter (Vice Chair)
Loree Arthur
David Kellenbeck
Clint Scherf
Blair McIntire
Dan McVay
Robert Wiegand

City/Staff/Council Liaisons:

Barry Eames – City Councilor
Lora Glover – PCD Director
Tayler Graybehl - Planner

Guests:

AGENDA:

1. **ROLL CALL:** Chair Fitzgerald opened the meeting and took roll.
2. **CONSENT AGENDA:**
 - a. **MINUTES:** January 09, 2019
 - Chair Fitzgerald stated there was a missing exhibit (Exhibit A) that was left out of the minutes. It has been inserted at this time.
 - b. **FINDINGS OF FACT:**

MOTION/VOTE

**Commissioner Coulter moved, and Commissioner McIntire seconded the motion to approve the Consent Agenda with Exhibit A added. The vote resulted as follows:
“AYES”: Chair Fitzgerald, Vice Chair Coulter, Commissioners Arthur, Kellenbeck, McVay, Scherf, McIntire and Wiegand. “NAYS”: None. Abstain: None. Absent: None
The motion passed.**

3. ITEMS FROM PUBLIC:

- a. None

4. PUBLIC HEARINGS:

- a. 201-00245-15 & 402-00103-18 & 301-00127-18 ~ Roe Motors Major Site Plan Review & CPZMA
 - Chair Fitzgerald opened the public hearing to consider the application and explained the process.
 - Lora Glover presented the Staff Report. She indicated that this does include an extra lot that is owned by the Rossnecht that is currently developed with an office building but not subject to the site plan review criteria.
 - The proposal is to amend the Comprehensive Plan from CBD in R-4 to GC. R-4 is along the D Street side of the property. The zone map amendment would go from CBD and high density residential to GC. She briefed the commission on what is included in the major site plan.
 - There is a combination of seven tax lots with the split zoning. She referenced a map showing the color codes the R-4 and CBD that will be

converted to GC and showed a copy of the site plan that focuses just on the Roe Motors property on D and 8th streets and E and 8th streets.

- The Rossnecht property is the 7th parcel that will continue to be used as a general business office, which is a permitted use in all three zones.
- Applicable criteria Section 19.052 is for the major site plan review for the parking lot, the sales lot, comprehensive plan policy is Section 13.5.4. and the zone change itself is under 4.033 of the Development Code. The criteria are either satisfied or satisfied with conditions. Conditions are related to the Major Site Plan.
- Staff recommends that the UAPC recommend approval of the Compressive Plan map amendment and the zone map and the Major Site Plan in accordance with the findings contained herein and subject to the conditions listed in your staff report. She asked if there were any questions.
- Commissioner Kellenbeck mentioned the Replinger and Associates LLC letter, page 74 in the report, exhibit 5, it didn't appear they knew what the Site Plan was for. They did a TIA, but several places indicated that access locations and site distance be reevaluated in connection with a specific development proposal. Lora isn't sure if Mr. Reisinger was followed up with but they are using an existing approach off 8th Street. If they want to redevelop later with a different use, we can go back and address that issue. She will check with representatives if they want to address that further. No new access points are coming through and it can be clarified further if there is concern. It is low a traffic area.
- Commissioner Arthur asked if this is part of the Urban Renewal District. Lora answered yes. The District goes up and down the 6th and 7th street corridor.
- Commissioner McIntire asked the City's easements on the perimeter of the property will be used for landscaping. Lora noted that one of the impacts of going from CBD is that it does not require front or exterior landscaping and GC does. They can landscape in the CUE along 10th street but there are restrictions about the type of sign or encroachments.

Chair Fitzgerald opened the comments to the public.

- Grace Zilverberg, Land Use Consultant – 310 NW Manzanita Ave. Ms. Zilverberg indicated the properties involved and added that retail sales are not allowed in zones other than General Commercial. The residential areas in the south and southwest there is CBD and commercial behind which is consistent. She showed photos of applicable areas. She indicated there are no utilities involved but submitted a storm drainage plan and a Traffic Impact Study and notes that the use can be accommodated without any adverse impacts. She spoke about the statewide goals for economic development that is to provide adequate opportunities for a variety of economic activities. There are limited opportunities to expand Roe Motors in its present location. Approval would preserve a well-established family building that has been very involved in the community. The housing goal has the potential for only eleven or twelve dwelling units. The vacant land has high density opportunity for development but that hasn't happened. She also pointed

out there is very little vacant land available. The problem isn't vacant land; it's the profitability for building multi-family housing for developers. The Major Site Plan Review only involved six lots rather than the one that is the Rossnecht property. Mr. Rossnecht was involved in the zone change but not the site plan review since his property was not involved. This listed all the requirements of the Major Site Plan review and stated there is no need for special design. There is only one access that is on D Street that will be shut down. The second one will remain but will be blocked by cars and the E Street accesses will not be used. All access will be off the alley. There is no Internal Circulation Plan since there won't be cars coming and going and there are no non-conforming development requirements either.

- Commissioner Kellenbeck asked if she could answer the question for the traffic engineer and clarified that the traffic engineer couldn't comment on the accesses without knowing what would be placed on the property and wanted to reevaluate it.
- Ms. Zilverberg asked if that statement was made after the TIS was submitted.
- Commissioner Kellenbeck answered that it was part of the traffic engineers report. Our City engineer reviewed it and concurred with your traffic engineer.
- Ms. Zilverberg stated it was her understanding that both the City engineer and ODOT had found [comment ended].
- Commissioner Kellenbeck said that was for the Comp Plan Zone change not the Major Site Plan review.
- Ms. Zilverberg stated she didn't realize they had to submit and have the engineer reevaluate it. She said she had an extra copy of the traffic study with her and Lora would have to comment on that and what the City might require.
- Lora said it was something they can condition under the Site Plan Review to have it under the A list before we would issue the building permit. The Commission could recommend that as an additional condition and then they should have time to get that evaluation completed before it is scheduled for the City Council.
- Ms. Zilverberg found that acceptable.
- Gary Wicks, Civil Engineer and Land Surveyor, 311 NE D Street. He mentioned the traffic impact study conversation he had was the range of uses between CBD, R-4 or GC left it wide open to a lot of different uses. He concentrated on the uses being proposed.
- Commissioner Kellenbeck stated that the traffic engineer recommended that the access locations and the site distance be reevaluated in connection with a specific development proposal. He suggested that we concur with staff and make that an additional condition. There was further discussion about access points.
- Mr. Wicks continued with the completed list of criteria stating it will be minimal impact on engineering.
- Steve Roe, 201 NE 7th Street. Said he was here to answer any questions for the commission. There were none.
- Lora Glover stated they would recommend approval of the amendment and the site plan review with addition of condition A7 which requires the

evaluation of the access points per the TIA recommendation.

There were no further questions and the Public Hearing portion was closed.

MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner McIntire seconded the motion to approve the Comprehensive Plan Zone Change and Major Site Plan Review with addition of Condition A7 as written and amended by staff. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, Commissioners Arthur, Kellenbeck, Scherff, McIntire, and Wiegand. “NAYS”: None. Abstain: None.

Absent: None

The motion passed.

b. 201-00248-18 ~ Vine Street Major Site Plan Review for Non-Conforming Development – Staff Report.

- Aaron Anderson presented the staff report. He mentioned the applicant (Barry Peterson) is proposing a new building at this location. Applicant is seeking relief from frontage improvements, landscaping and paving standards. This is a Type III because it is BP zoning and since it is adjacent to the interstate, commercial design standards apply. The building meets most of the commercial design standards. The applicant is willing to change his building design in any areas where he is missing the design standard. The primary element that there is no way around is that the language in the commercial design standards prohibit seamed metal construction and pointed out that the Commission has approved other projects such as Dollar General and Quality Fence that had similar challenges.
- Aaron showed a presentation of the project showing the partition plat from 2010, the zoning and encumbrances. When the property line adjustment was done the frontage along Vine Street was changed from 100-feet to 395-feet and that is the hitch in this project. He showed other exhibits from 2007 and 2017.
- Current Site Plan is for 1800-sf building on the existing footprint of the old building. Applicant proposes the new prefab metal building that will be a vast improvement rather than trying to repair the old one.
- Aaron showed more site photos of heavy equipment and construction materials on the site. The fence in the photo is actually on the adjacent property. The proposal comes very close to meeting the commercial design standards with exception of the previously listed items. The windows don't quite meet the coverage requirement, the entryway does not have a 5-ft covering but no change in mass is required because the building is only 50-ft wide. The seamed metal siding is the biggest challenge to overcome. The language in the Code provides for the ability of the review body to decide the extent of what non-conforming elements are allowed to remain and what needs to be addressed. If the entire 395-ft of frontage were required to be installed with half-street improvements, curb, gutter and sidewalk, the costs would exceed the costs of the building. If the 395-ft frontage were deferred in the Fee-in-Lieu of

process, those costs would be roughly \$31,000. There is an existing no-cash DDA on the southern 100-ft with a Waiver of Remonstrance. The applicant feels if there is a Capital project in the future he would be obligated for that. For the Fee-in-Lieu of for the southern 100-ft the cost to the applicant would be about \$7,000.

- Aaron continued with his presentation. Public Works' position is to see the curb installed.
- Chair Fitzgerald confirmed that Public Works wants the curb installed and asked if they considered a rolled curb? Lora answered that they don't support rolled curbs and indicated the main concern is the 300-ft wide approach.
- Aaron continued stating there are 13 conditions of approval associated with the Major Site Plan Review and said the language in the Code stated the review body shall approve the type and amount of improvements to be made in order to bring the existing non-conformance aspects into greater conformance with the Code. Staff recommends conditions of approval that are listed in the Staff Report.
- Chair Fitzgerald asked if the architectural standards met the 'spirit' of the architectural standards? Aaron answered that in Article 20 of the Code it does speak about is to avoid an industrial appearance.
- Commissioner Kellenbeck asked if there are curbs and gutter to the south.
- Aaron indicated there are on the eastern side of Vine Street about ¼ mile to the south there is sidewalk, planter strips and curb at the gas station. On the opposite side of Vine Street there is a small section that was installed with the Airgas development. There is nothing for them to tie to on either side. He spoke to Jason Canady, director of Public Works, who stated it's not a barrier to installation, but it makes it more expensive because of the extensive surveying for putting it in the correct place to make future tie in possible.
- Commissioner Kellenbeck mentioned the value of restricting access since there has been problems with that.
- Aaron stated he has had extensive conversations with the City Engineer and called out [in staff report] that should installation be required that he would work with the applicant to find appropriate approach locations. Since Vine is an arterial, there is language in the Code that speaks to limiting approaches and access points along an arterial. Condition of Approval A2d addresses the issue but can be amended.
- Commissioner Kellenbeck asked if there is a requirement for fencing. There is currently fencing around the original perimeter prior to the property line adjustment and the applicant's proposal is to install site-obscuring slats.
- Aaron said there is no requirement in the Code. There are landscape requirements that are being asked to seek relief from.
- Commissioner Kellenbeck mentioned one of the problems is how it looks from I-5 so how do you deal with that?
- Aaron stated there is an existing fence all along the eastern side of the property. The applicant can speak to what he proposes to do with the fence.

- Commissioner Scherf mentioned Exhibit 4, the survey shows the fence that is outside of the parcel line in reference to the exit. Matching that up with the aerial, it looks like he is outside the bounds of his property.
- Aaron stated he agreed but pointed out Exhibit 2 which is highly exaggerated and looks like there is a great deal of encroachment.
- Commissioner Scherf understood but stated Exhibit 4 specifically says the fence line is outside of that and if you have storage or usage all the way up to fence line then you are outside your property bounds.
- Aaron said the survey was done in 2010 is believes it is accurate. Commissioner Scherf asked if it is being addressed?
- Aaron said it was not addressed in the Staff Report but is a condition that can be added. The fence is not on his property, so his initial take is he wouldn't be able to relocate the fence since it's not his.
- Lora Glover added that it is likely ODOT fence, but Mr. Peterson can clarify. It is not uncommon for ODOT to add perimeter fencing in their Right of Way.
- Aaron added that Exhibit 2 is exaggerated because the Accessor had this drawn in GIS incorrectly and Aaron pointed out to the Accessor that their GIS was wrong. It has since been updated.
- Barry Peterson, 1702 NE Beverly Drive. He is the owner of the property that is being spoken of on Vine Street. He thanked Aaron for getting him through this process. The older building on this property is in bad shape. Remolding it will be expensive and will still be an older style building. He is proposing to make it nice and attractive for people on the freeway and on Vine. Exhibit 3 is shows where he is at. He is trying to stay within a budget. It is not a retail business. Airgas is across the street with people coming and going all day. Down the street is the Lil' Pantry with hundreds of cars every day. This is a staging area. We don't work on the property, manufacture or do retail sales. We come to work in the morning, shut the gate and leave for the day. We come back, park our rigs and go home. There is no coming and going. The street improvements are huge. You can't have landscaping without containing the landscaping. Unless you put in curb and gutter and sidewalks that gives you a boundary...and he agrees that the aerial they were talking about is way off. The northern part of the property, if that had curb, gutter and sidewalk, it's very narrow and is only about 25-ft wide. It's not very useable. They can back their rigs in without going into the street. If that has curb, gutter, sidewalk and fence and only one or two gates, they can't use it at all with the big trucks. He is trying to defer the improvements for now and with all the improvements he needs to do, the costs keep going up. He would like to add an exhibit. It won't change anything in the Staff Report. The City doesn't do these anymore but there is a DDA in place as part of the deed. Since Vine Street is undeveloped, he does have the same agreement with two other properties he owns on Vine Street and notes that whatever the decision it's going to affect those down the road. He read the language for the DDA. He notes that it will have to happen because it is on the Deed. He wants that taken into consideration. He acknowledges it is binding and recognized. It comes down to the fencing and he is trying to not to do fencing along Vine or the landscaping or the

- curb, gutter and sidewalk at this time. At this time, it would kill the money and the access to the business.
- Chair Fitzgerald asked what engineering standards are they building it to?
 - Mr. Peterson said it will meet all the standards required. He does not have a company planned at this point. He is trying to dress it up to meet any criteria.
 - Commissioner Kellenbeck asked where the gate is at?
 - Mr. Peterson said there is no gate. It is wide open across the front to the full length. There is another fence in the back and another fence that comes up on the other side where the original parcel was, and it returns to the building. He was also asked if he owned the gate they are going in? He has two more parcels below this lot, so the gate is at 2175 Vine Street.
 - Commissioner Kellenbeck asked if any of the fences facing I-5 are site-obscuring?
 - Mr. Peterson said nothing on the back, but they can do it. All parcels are fenced across the back. Parcel at 2155 is site-obscuring all the way down and down the other side. From there up, there is no site-obscuring fence. He said he will make it site-obscuring if ODOT will allow it. If there was curb, gutter and sidewalk, I don't know that you could back one of those cars out [referring to presentation]. The building will have to be ADA accessible. There are a lot of costs involved. But I am proposing to pave the entire frontage and meet the storm drain retention. The side would be completely done but the back section I am asking to not have to pave because the equipment will destroy it. I am looking for a little leeway on paving and landscaping. We will put planters to dress up the front of the building. We will landscape anywhere we can but not a strip out along the street.
 - Chair Fitzgerald asked about the dirt/DG entrance between the blue sign on the right and white, site obscuring, chain-link gate, is there any reason you can't go in there, turn around and go back out the other side of your building?
 - Mr. Peterson explained that if you look at the property line, it is really tight on that back corner. When he bought the property, he inherited the billboard. If that was gone, he could but he is locked into a lease on that billboard. The other problem is the green strip is an ODOT storm drain that comes from under the freeway, so he would have to get with them to figure out how to enclose it. It is an open drainage.
 - Chair Fitzgerald asked if he could drive under the billboard and Mr. Peterson indicated he cannot because there are 3 posts. There is not enough room between the corner of existing building and that side to make the corner.
 - Mr. Peterson said the building will stay in the same footprint and stay the same size. He also mentioned that one of Aaron Anderson's pictures was really recent. The ugliness is left over from Copeland's project which hasn't been cleaned up yet.
 - There was no public comment about this project. The public portion was closed.
 - Commissioner Kellenbeck asked if staff had any comments on the new exhibit provided.

- Aaron responded that it was addressed on page 82 of the packet but they will attach the exhibit as an attachment.
- Chair Fitzgerald and Commissioner Kellenbeck discussed that it is an industrial use and on an open roadway. The only non-conformity is landscaping and frontage. All else is applicable and it meets everything else. Commissioner Kellenbeck added that if he puts a fence in the back that is obscuring, and he meets the building departments requirement on the design that he would be in favor of it.
- Chair Fitzgerald asked about the rolled curb which wouldn't hurt.
- Commissioner Kellenbeck stated that it is no allowed. Eventually they will build the curbs and gutters but now he needs to be able to get in and out. It's not a problem and no one has complained. I would say its fine for now.
- Commissioner Scherf stated that the problem with rolled curb is the actual design feature. It is made for in-lieu of driveway entrances but its only rated for a medium sized truck.
- Chair Fitzgerald asked about the gate that is on one of Mr. Peterson's properties that he is using. That is not on this plan, but it is on [Peterson's] property that connects. He could facilitate it with an easement if he needed to get in because it's his property. There has to be some way to get in an out otherwise it is a useless piece of property.
- Commissioner Kellenbeck said sometime in the future they will have to deal with that when they rebuild the road then he can do something different. Right now, if he wants to use his property, this is the way it needs to be used.
- Commissioner Scherf said he would rather him spend more money on obscuring the rear view off I-5 than anything because that is a main entrance off I-5. If you look at the aerial where the line jogs, he bought that new triangle piece from ODOT. From the billboard and the irrigation ditch to the north, what kind of fencing is there? I would recommend working with some landscaping on that portion. I would like to see more attention on the backside of his property. That is industrial district and there is very little curb and gutter on that side of the street.
- Chair Fitzgerald mentioned the Transportation Plan, number 58 may have some changes and we won't know what that will look like.
- Commissioner Coulter said he doesn't support the fencing. In this case, we are talking about replacing a building that is possibly a hazard. The spirit of what he is doing to replace that building, I don't believe we should be adding undue requirements on him. We went through this kind of thing before about antenna's. When we were putting those in, people complained they would see it, but you don't see it. He is used to it. He is strongly opposed to adding any landscaping or any fencing. There is going to be a time when that road gets improved and that's the time to talk about all that stuff. He is speaking of the rear of the property too. There was further discussion about adding or not adding.
- Commissioner McIntire said adding just because we can add things is wrong. The proposal is strictly replacing the building and that is all. If any requirements come later, let it happen but not now.

- Chair Fitzgerald said the change is the new property which altered the subject property. Are you saying to ignore that addition of the new property?
- Lora Glover stated for the background they did do the property line adjustment in 2010 we couldn't condition on the property line adjustment but did note that redevelopment of the property may require portions of the property, the non-conforming, should come up to standards. Also, staff struggled with this process that this is one of the priorities for the City Council, to improve the visual impacts of exit 58 coming all the way down Highland and Vine. As a Major Site Plan, they are subject to Article 23 which is landscaping and buffering. They are subject to 20 which is commercial design standards but that is why this application is being brought before you. This is beyond staff's ability to waive. It is also why staff didn't come right out and recommend approval. We are empathetic and concerned about the costs and Public Works is concerned about the 300-foot wide approach and they understand Mr. Peterson's side too. It's a hard decision. On page 86, under A2, which area for the site obscuring fence to be installed. If you are going to waive A2d on the improvements, we need to include that in the motion and finally, are you going to accept the existing DDA instead of asking for a new fee-in-lieu of.
- Commissioner Coulter stated if the fence is important in the read then why don't we discuss that or make a motion for what that will look like before we vote on the whole thing? Then if that passes or fails, it gets added into the when we make the big vote.
- Lora said we could also recommend maybe continuing this to the next hearing if we want to work out any conditions with Mr. Peterson. I don't want to put him into a vulnerable position that he is forced to appeal so since the public portion has been closed the recommendation might be to have staff go back and clarify the site plan, if there is landscaping or not, with Mr. Peterson.
- Chair Fitzgerald stated we need to talk about A2d and move something towards handling these remedies.
- Commissioner Kellenbeck moved to take a five-minute recess which was seconded and approved.
- The meeting was called back to order.
- Aaron Anderson stated the applicant is comfortable with trees on 15-foot center along the eastern edge of the property and to reidentify the property corners to make sure there is no encroachment in to the right of way and remove anything that might be in that area. If the Planning Commission feels those issues will help mitigate those visual effects, they will incorporate them into the motion and into the Staff Report. The trees will be down the eastern side.
- Lora Glover added that he will add fast-growing trees. Plus Mr. Peterson mentioned that due to the elevation, a 6-foot fence wouldn't do any good, so a fast-growing tree would provide that.
- Commissioner Scherf mentioned the encroachment over the ODOT property but is not concerned about that. He just wanted to point that out.
- Chair Fitzgerald mentioned that Mr. Peterson will address that encroachment. What about the no deposit DDA?

- Lora Glover said it is their choice and when the improvements are put through and the City decides to do a reimbursement district, he will be responsible for his share of the entire frontage. It could be handled through the Urban Renewal District as part of the improvements and then a reimbursement district back on the property owners. That is not certain at this point.
- Chair Fitzgerald said so the existing no deposit is going to stay on the existing Exhibit A document [remainder of question inaudible].
- Lora Glover said before we change the program from the fee-in-lieu of from the DDA, we would have left that. We have continued no cash DDAs just until this last program change. If the City comes through and does a reimbursement district, Mr. Peterson will be responsible for his entire frontage.
- Chair Fitzgerald asked about the entrance to the building and if it was part of the building permit?
- Lora indicated that it is not. If you remove it now, it will not be required later.
- There was continuing discussion on what to include in the motion and the language.

MOTION/VOTE

**Commissioner Kellenbeck moved and Commissioner McIntire seconded the motion to approve the Major Site Plan Review for non-conforming development striking condition A2c & A2d and replacing condition A2a to include a row of trees along the eastern edge of the northern portion of the property on eastern side and add condition A7 requiring the removal of outdoor storage encroaching on the ODOT Right-of-way. The vote resulted as follows: "AYES": Chair Fitzgerald, Vice Chair Coulter, Commissioners Arthur, Kellenbeck, Scherf and Weigand. "NAYS": None. Abstain: None. Absent: None.
The motion passed.**

5. Work Session Items:

- Lora Glover gave an update of the City Council Strategic Planning session. The top 10 items identified were: Developing a Forest Stewardship and recreational use plan for Dollar Mountain, organizational focus and collaboration with community partners to reduce transient and vagrancy impacts, move forward on the Welcome Center/Public Restrooms/Public Safety substation downtown, Develop trail for Beacon Hill, determine the highest and best use for River Road Reserve, develop Riverside Park Community Building, add a School Resource Officer with 2/3 funding coming from District 7, performance comprehensive of our GIS needs assessment, alley activation and beautification, encourage an environment which provides growth for affordable housing opportunities for the variety of Grants Pass residents. Sbc scores ranged from 208 for Dollar Mountain down to 75 for growth and affordable housing.
- There is a grant with the DLCD about clear and objective standards for our housing development. Lora received the initial draft back from them and they will be working on it. There will be several amendments that will

roll into Article 19 for site plan review and Article 22 which already has our housing in it. There was discussion of PUD and ADUs allowances.

6. ITEMS FROM COMMISSIONERS:

- Commissioner Arthur asked if there is a new Commissioner and a new liaison.
- Lora answered that the person that was elected to the Planning Commission was offered a temporary position with the department. She explained that the person can't do both. The person was given the choice and she chose working in PCD but would like to apply for the Planning Commission in the future.

7. ADJOURNMENT:

a. Chair Fitzgerald adjourned the meeting at 7:45 pm

Next Meeting: February 13, 2019 at 6:00 p.m.



Gerard Fitzgerald, Chair
Urban Area Planning Commission



Date

These minutes prepared by Donna Anderson, City Administration.