

**PLANNING COMMISSION
MINUTES**

January 28, 2019

6:30 p.m., DSB Auditorium

Commissioners present: Brian Pasko, Gerald Murphy, Louise Lopes, Tom Peterson, Michael Wilson, Steven Schroedl, Mark Fitz

Commissioners absent: Christine Drazan, Mary Phillips

Staff present: Jennifer Hughes, Martha Fritzie, Darcy Renhard

1. Commission Chair Pasko called the meeting to order at 6:31 pm.

General public testimony not related to agenda items: none.

Commissioner Pasko opened the public hearing for Z0375-18-CP and Z0376-18-ZAP, a comprehensive plan amendment and corresponding zone change for Washman LLC.

Martha Fritzie presented the staff report, explaining that the proposal is to consider a comp plan change from Low Density Residential (LDR) to Corridor Commercial (COR) and a zone change from Low Density Residential (R-5) to Corridor Commercial (CC) at 8220 SE Cornwell. The parcel is approximately 10,018 square feet. The applicant is proposing to develop a car wash on the adjacent property and is hoping to incorporate this additional property into their plans for the car wash. The adjacent properties are also zoned CC.

The application is subject to Section 1202 of the County Zoning Ordinance and Chapters 4, 10, and 11 of the Comprehensive Plan. It is also subject to Statewide Planning Goals 1, 2, 9, 10, and 12 as well as the Metro Urban Growth Management Functional Plan (UGMFP).

The subject site is located within a corridor design type area as identified on Map 4-8 and Map X-CRC-1. The specific policies for the SE 82nd Avenue Corridor Plan are found in Chapter 10 of the Comp Plan. Chapter 10 addresses community design plans, which means that the CRC design area applies in this instance. Policies that must be met for COR designation are historic commitment to a commercial use and being adjacent to a corridor street. There must be no significant traffic increase and minimal adverse effect on adjacent neighborhoods. It must not substantially increase an existing commercial strip or create a new strip, and it cannot reduce housing capacity. For the purpose of this application, staff is comfortable with looking at the entire site as a whole for historic commitment to commercial use. The property has been used as a commercial car lot. Staff finds that it can reasonably meet the historic commitment policy. The thing that needs to be considered here is that even if the zone change is approved, any development would still have to go through the design review process and meet design standards, which includes traffic impacts and adverse effects on adjacent neighborhoods. The applicant's traffic study found there to be no significant impact regarding traffic. Thirdly, this is not creating a new commercial strip and is not substantially increasing the existing strip. The housing policy is more specifically outlined within the housing policies of Comp Plan Chapter 10, CRC. The thing to consider is that the proposal would result in the loss of two potential housing units. The Comp Plan is very specific in this regard, and this application does not meet this policy. There is also a policy to limit expansion of commercial zoning into residential neighborhoods, which staff does not find to have been addressed by the applicant. The applicant states that there is a negligible reduction rather than no reduction in housing capacity.

There was a traffic impact study provided that was consistent with the Transportation Planning Rule. The specific requirement is to compare the reasonable worst case under the proposed zone to the current zone. It is not a specific analysis of the proposed development. The proposed zone change is not expected to significantly affect the transportation facility, which ODOT has concurred with.

Staff found that all Metro UGMFP regulations are met, but that Statewide Planning Goal #2 is not met (all changes must be in compliance with local comprehensive plans).

To reiterate, staff finds that the proposal does not meet all applicable State, regional, and County criteria. Therefore, staff is recommending denial of the application.

Commissioner Fitz asked about a comment in the exhibits where someone states that the application contains factual errors. Has the house on the subject property been habited or is it vacant? Can the applicant provide other housing to meet the criteria? And wouldn't the new zoning actually allow for more housing? Martha answered that multi-family dwellings are, in fact, allowed in corridor commercial zones. Commissioner Schroedl asked how many houses would be allowed under the current zoning. Martha replied that the lot could be split in two and there could be a house on each under current zoning. Commissioner Lopes asked where the nearby car wash is that is referenced in the public comments. It is immediately south of the property on Lindy. Commissioner Pasko asked if the Planning Commission is required to recommend approval if the criteria has been met. Martha explained that there is really no justification for recommending denial if all the criteria is met. Commissioner Wilson pointed out that on the aerial view, there appears to be a house that is already within the commercial zone. Martha answered that it is a non-conforming use. Jennifer Hughes said that the zoning has been pretty much as it is now for the last 20 years. The last significant change was in 1998 when the CRC was implemented.

Peter Fry (Consultant for Washman LLC)-The CC zone adjacent to the subject site is only 100 feet deep, so it is very difficult to do any type of development. Corridor Commercial is not General Commercial.

Dan Simmons (Engineer for Washman LLC)-The applicant has tried to do a site plan without the zone change, but car accessibility and flow was an issue. What is currently proposed allows for better staging of cars and prevents backup into the street. It also allows for better water management.

Jerry Johnson (Economist for Washman LLC)-They have taken a look at what the impacts are. The change would actually reduce the border between commercial and residential. The other issue is that the capacity analysis within the County has only increased because of mixed use. There were 470 acres that were commercial and were converted to mixed use. The County is essentially accommodating higher capacity per parcel. On page 5 of his memo, you can see the availability of 5 residential units on this block. Those residential uses would not likely ever convert to commercial as they have no frontage on 82nd Ave. It is hard to see how any theoretical losses of housing actually have an impact.

Applicant's consultant argues that they are working with a 10,018 sf lot with no sidewalks or improvements on the street. The required improvements for this proposal may drop the actual usable square feet down quite a bit. Based on other new development around them, they will actually be creating 7.6 new units of housing. He feels that the policies have been addressed. Commissioner Wilson asked where the entrances and exits will be placed. Applicant's engineer responded that ODOT will not allow access via 82nd Ave., so access would have to be from the north and south ends of the property. Commissioner Wilson asked how many cars would be going through per hour. Applicants answered that that on a dry day you could max out

at 100 cars per hour. If the car wash is built, then there would no longer be access to this property from SE 82nd Ave.

Nadine Hanihan (local resident) – Ms. Hanihan is speaking on behalf of the Cornwell neighbors. Only the neighbors within 300 feet of the subject property are required to receive notice. As far as she knows, there was only one neighbor who was notified. She stated in her letter that there were factual errors in the application. She would like more time to analyze the impacts to the neighborhood. One point of concern is traffic, another is the noise from the dryer. She requests that the BCC hearing be postponed. She is also concerned about the impact of multi-use zoning. This would not maintain the character of a low density neighborhood.

Doug Theisen (local resident) – During peak traffic hours, it takes 2-7 minutes to make the left turn to get home. Even if you put in speed bumps there is still going to be traffic. They get a lot of people racing cars through and around their neighborhood already. And there are no sidewalks from Garden Lane on Lindy. Commissioner Pasko asked if there are policies that allow protection for LDR areas. Martha answered that there are policies.

Tracy Steele (local resident) – She lives on Cornwell and the traffic is horrible. Her side view mirrors have been knocked off of the cars because the road is so narrow. There is a serious problem with people racing on Garden Lane and Cornwell. The road is simply not wide enough to accommodate the traffic volume.

Crystal Gardner (local resident) – Lindy is a dead end street, so there is no flow through. Cornwell would be the only other thoroughfare. She is concerned that she won't be able to get out of her street.

Peter Fry would argue that they will be able to build a better car wash if this zone change is approved than they would otherwise build. They are going to build a car wash either way. David Tarlow explained that the blowers at the end of the car wash will be enclosed to mitigate sound, and the vacuums are central vacs and not the individual motors that you typically see at car washes. According to the traffic impact study, the actual impacts are negligible. Peter Fry argues that they are neither encroaching or expanding the strip. Secondly, he argues that they are actually increasing housing potential because they are changing the zoning to corridor commercial, which allows for more housing.

Commissioner Pakso pointed out that whatever the applicant decides to move forward with is not being approved tonight. It would still have to go through design review. Martha agreed and said that there will absolutely be another opportunity to provide input during the design review process that will be site specific and address any impacts. Anything that is allowed in a corridor commercial zone could be allowed on this property. It is not specifically zoned for a car wash, even though that is what the applicant wants to do. Arguing theoretical losses or gains in housing are not the intent of the rule, which she would be happy to discuss further with the applicant. There may be a way to look at what has actually been rezoned within the CRC which might help address actual losses to housing capacity.

Jennifer explained that the Planning Commission has the option of extending the record to allow one week for new testimony, one week for response to new testimony, and one week for applicant rebuttal. The Planning Commission would reconvene for deliberations only, and this would put the continued hearing on February 25th. Commissioner Murphy moved to extend the record as described by Jennifer Hughes. Commissioner Peterson said that what we are focusing on is whether or not to go with staff's recommendation and allow a zone change on the property. All the other issues are addressed through a different process. He is not sure a delay would make a meaningful difference. Commissioner Lopes seconds

Commissioner Murphy's motion to extend the record. *Ayes=Fitz, Murphy, Lopes; Nays=Schroedl, Wilson; Abstain-Peterson. Motion passes.*

There being no further business, the meeting was adjourned at 9:14 p.m.