

**WOODBURN PLANNING COMMISSION WORKSHOP/MEETING
MINUTES
March 22, 2012**

CONVENED: The Planning Commission met in a public meeting session at 7 p.m. in the City Hall Council Chambers, with Chair Jennings presiding.

ROLL CALL:

Chair	Jennings	Present
Vice-Chair	Bandelow	Present
Commissioner	Corning	Present
Commissioner	Grigorieff	Present
Commissioner	Piper	Present
Commissioner	Ellsworth	Present
Commissioner	Lima	Present

Staff Present: Jim Hendryx, Economic & Development Services Director
Jon Stuart, Assistant City Attorney
Don Dolenc, Associate Planner
Vicki Musser, Recording Secretary

Chair Jennings opened the workshop/meeting at 7 pm, and then led the Commissioners in the flag salute.

Minutes

The March 8, 2012 minutes were unanimously approved.

Business from the Audience

There was none.

Communication

A joint City Council/Planning Commission Workshop will be held on Monday, March 26, 2012 at 6pm in the Council Chambers.

Public Hearing

VAR 2012-01; DR 2011-03 was presented. The applicant, McDonald's, was seeking to develop a 4,061 square foot restaurant on a vacant portion of the lot presently occupied by Mega Foods at 1542 Mt. Hood Ave. Don Dolenc, Associate Planner, discussed the Staff Report, which recommends approval for VAR 2012-01 and DR 2011-03, subject to conditions. He pointed out that the new McDonalds would share current site ingress and egress easements. The restaurant would be accessed from Mt. Hood Avenue, using the present shared driveways.

The applicant has requested a variance to reduce the amount of landscaping required in the yard abutting Mt. Hood Avenue. The WDO presently requires 1 plant unit (PU) per every 20 square feet (SF) of front yard. There are 18, 840 SF of front yard, and thus, 924 PUs are required by code. The applicant's landscaping plan requests a reduction of 31%, or 630 PUs.

Dolenc indicated staff's recommendation included the following conditions:

- A 5 foot ROW along Mt. Hood Avenue
- The bike rack must be located within 50 feet of the main entrance.
- The refuse screening shall meet the design requirements of Section 3.107.09.B and shall be a maximum of 7 feet in height.
- Illumination shall not shine or reflect into any adjacent residentially zones property, and lighting shall not cast a glare onto moving vehicles on any public street.

Chair Jennings noted that the WDO Focus Group has been looking at the landscaping requirements in the WDO. At present, their recommendation is to increase the density of PUs. In the future, the WDO landscaping requirements may easily change.

Testimony by Applicant

Proponents:

Doug Bates, McDonald's, 12440 NE 144th St, Kirkland, WA 98034, stated that McDonald's highest priority in building new McDonald's restaurants is to find the best location. He introduced Mindy Mayer, McDonald's Woodburn franchisee; Bob Sherry, consultant, 4717 Masters Drive, Newberg, OR 97132; and David Spencer, a civil engineer with Moss and Associates, 717 NE 61st St, Vancouver, WA 98665, all of whom were in the audience. Mr. Bates stated that landscaping and window glazing were the two issues being brought before the Planning Commission at the current meeting. He felt that the PU density requirements were inappropriate for the space, and would cause overcrowding, which could ultimately lead to plant mortality. He cited two examples of new commercial buildings in Woodburn – Carl's Jr, and Goodwill – in which PU density appeared to be much less than the standard requirement; and the mentioned Walgreen's – where plants are crowded in some places, but where there is a wide swath of grass, rather than shrubs, in another. Chair Jennings noted that the grass is temporary, since ODOT will ultimately be taking part of that area for the street-widening project along 214 in the future.

Mr. Bates expressed concern that any increase in window glazing would be hidden by the 42' high plants they are going to put in, which are required by the WDO to reduce glare onto moving vehicles and to keep light from shining or reflecting onto nearby residentially zoned properties.

David Spencer, civil engineer (address listed above) spoke to the Commission, and submitted a letter from James Clark, landscape architect, 2005 Broadway St, Vancouver,

WA 98663, into the record. The letter urged approval of the variance request. Mr. Spencer concurred, saying that plant density calculations should be based on the landscaped area only.

Commissioner Piper said that the number of PUs required was far above the number actually needed for the space. Mr. Bates concurred. Both men felt that a more reasonable number of PUs would be in the 300 PU range.

Commissioner Ellsworth said that the reasoning behind the PU requirement in the WDO was to encourage buildings to be built closer to the front of the lot, with parking to the back and the side. Smaller front yard square footage would mean less costly plantings, an incentive to build closer to the front of lots.

Assistant City Attorney Jon Stuart explained that the Planning Commission was conducting a quasi-judicial hearing with regards to the variance and design review, meaning that they could approve or disapprove the application as it was submitted, but could not alter its terms. McDonald's would need to come back with a new variance if they wanted to alter their request.

Economic and Development Services Director Jim Hendryx pointed out that if the present variance was approved, the applicant could begin construction, thus keeping within their time constraints, and then apply for another variance with a request to further decrease PUs if they chose. Since landscaping is the last thing to be done, there would be adequate time for a further variance to be considered.

Mr. Bates stated that he was not aware that they could request significantly less PUs. At this point, he requested approval for the submitted variance, as well as approval of the glazing reduction.

Don Dolenc, Associate Planner, pointed out that lessening the glazing is discretionary, and that no Planning Commission approval is required. If the Commissioners were to do nothing, McDonald's would be approved as submitted.

Mr. Spencer asked whether they could reduce the number of PUs in the public ROW, and thus reduce the number of overall PUs required. Mr. Dolenc replied that the ROW is not part of the square footage used to calculate the number of PUs required.

Bob Sherry, who was a consultant for the recent Walgreen's building, told the Commission that when he inherited the Walgreen's project, he was uncomfortable with the landscaping code as it applied to Walgreens, and felt that too many PUs were required. However, it was a condition of approval at the time, and so he complied.

Opponents:

There were no opponents to the project.

The Planning Commission had no further questions for the project.

Commission Discussion

Vice-Chair Bandelow stated that she is a proponent of good landscaping, but is aware that too many plantings can be detrimental.

Commissioner Piper encouraged the applicant to return with a new variance that would request a further decrease on PUs. He noted that Mindy Mayer, McDonald's Woodburn franchisee, has been a stellar member of the community for over 20 years, and is expected to do a great job with the landscaping around the new McDonalds.

Commissioner Grigorieff agreed to approve the variance and design review.

Commissioner Ellsworth also agreed to approve the submission. She said she was glad the Planning Commission was reviewing the WDO landscaping requirements.

Commissioner Corning agreed to approve as well. She requested that the applicant return with an additional variance with a decreased number of PUs.

Commissioner Lima had nothing further to add.

Chair Jennings stated that he agreed with the applicant, and that they now had the option of coming before the Commission in the future.

Commissioner Corning moved to approve VAR 2012-01; DR 2011-03. Commissioner Lima seconded the motion, and it was unanimously approved, subject to the conditions noted in the staff report.

Planning Commission Training

Director Hendryx and Assistant City Attorney Jon Stuart led the Commission through the reasoning and logistics as to the procedures to follow with public hearings. Mr. Stuart discussed some of the quasi-judicial hearing procedures. He also referenced the State of Oregon Ethics Guide (March, 2012 version). He stressed that while he is legal counsel for the Planning Commission as a whole, each individual Commissioner with in-depth questions would need to be referred to the Ethics Commission. Director Hendryx noted that Planning staff was always available to answer questions.

Adjournment

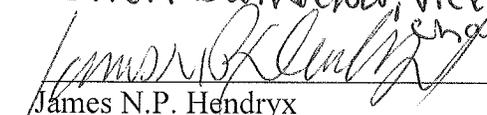
Chair Jennings made a motion to adjourn the meeting. Commissioner Bandelow seconded the motion, and the meeting was adjourned at 9:02 pm.

The next Planning Commission meeting is a joint workshop with the City Council, and is scheduled for Monday, March 26, 2012.

APPROVED 

~~Richard Jennings, CHAIR~~
Ellen Bandelow, vice chair

Apr 26, 2012
Date

ATTEST 
James N.P. Hendryx
Economic & Development Services Director
City of Woodburn, Oregon

04/26/2012
Date