

HERMISTON PLANNING COMMISSION

Regular Meeting

June 8, 2016

Chairman Saylor called the meeting to order at 7:00 PM. Commissioners Doherty, Flaiz, Erz, Fialka, and Rebman were present. Commissioners Medelez, Caplinger and Hamm were absent.

Minutes

Minutes of the May 11, 2016 Planning Commission meeting were approved. Commissioner Fialka abstained.

New Business- Major Variances and Conditional Use Hearing

The hearing is to consider a request from the City of Hermiston for a variance from §157.026 (D)(1) of the Hermiston Code of Ordinances which establishes front yard setback requirements in a (R-2) Duplex Residential zone and from §157.137 which establishes building projection requirements. The applicant proposes to construct an 11,000 square foot building with a two foot front yard setback and with an architectural feature which will project more than two feet into the required yard. The Planning Commission will also consider a request for a conditional use permit to allow the proposed building to be used as a community center located in a (R-2) zone. The property is described as 4N2811BC Tax Lots 13900 and 13901 and 4N2811CB Tax Lot 1700 and is located at 255 NE 2nd St.

Chairman Saylor asked if any commissioners had a conflict of interest. Hearing none, she read the following guidelines:

- a. The applicable substantive criteria relied upon by the City in rendering the decision to grant the variances are contained in §155.225 and the applicable substantive criteria relied upon by the City in rendering the decision to grant the conditional use permit are contained in §157.208 of the Hermiston Code of Ordinances.
- b. Testimony and evidence must be directed toward the criteria described above or other criteria in the comprehensive plan or land use regulations which the person believes apply to the decision.
- c. Failure to raise an issue by the close of the record at or following the hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue.
- d. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA or the city council based on that issue.
- e. Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.
- f. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The planning commission shall grant such a request by continuing the public hearing pursuant to ORS 197.763(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.763(6)(C).

For this hearing, the process begins with the staff report, followed by testimony from the applicants and any other supporters of the application. This will be followed by opponents to the application. Finally, a rebuttal by the applicant will be allowed. The public hearing portion of the procedure will then be closed, and the planning commission will consider the information and testimony received and may render a decision.

City Planner Spencer presented the staff report. He recommended the Planning Commission waive the screening requirement of the parking lot. A six foot fence would block the apartment resident's windows.

Findings of Fact

157.208 – Conditional Use Permit Approval Criteria

(1) The proposal is in conformance with the Comprehensive Plan and Zoning Code.

Response: The building site is currently zoned R-2 and is designated Low Density Residential (R-1 & R-2) on the 2013 Comprehensive Plan Map. The parking site is currently zoned C-1 and is designated Commercial (C-1 & C-2) on the 2013 Comprehensive Plan Map. The proposed project is permitted as a conditional use in both the Comprehensive Plan and the current Zoning Code.

157.150 (C) Notice and Coordinated Review. *If a proposed development or subdivision is within 200 feet of a state highway, or an arterial or collector street, notice of the proposal shall be provide to the Oregon Department of Transportation (ODOT) and Umatilla County.*

Response: Project is bordered by Highway 395 to the West. Applicant does not propose any vehicular access from Highway 395. Applicant will notify AHJs upon completion of Conditional Use Permitting process.

157.150 (E) Traffic Impact Study. *The applicant for a zone change, or a development or subdivision to the Development Standards of 157.160 et.seq, shall submit a traffic study when the proposal affects a transportation facility if it:(1) Changes the functional classification of an existing or planned transportation facility;(2) Changes standards implementing a functional classification system;(3) Allows types of levels of land use that would result in levels of traffic or access that are inconsistent with the functional classification of a transportation facility; or (4) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation Plan.*

Response: A TIS is not required because the specific conditions listed above do not apply to this project. The existing street infrastructure is classified as a local residential street. The proposed development will not change this classification. Two-way emergency vehicle access is maintained in the proposed development.

157.150 (L) Internal Connections and Bicycle Parking: *Internal pedestrian systems shall connect with external existing or planned systems. Walkways shall be paved with a hard surface material and shall be no less than five feet in width. Bicycle parking shall be provided for new commercial, office, institutional and multifamily developments with more than 15 off-street parking spaces. Bicycle parking spaces must be a minimum of 6 feet in length, two feet in width and have an overhead clearance of 6 feet. Bicycle parking spaces should be located as near as possible to the building entrances used by automobile occupants.*

Response: On-site pedestrian walkways connect to the existing off-site sidewalks. On-site walkways will be paved and five feet in width. Bicycle parking for eight bikes is provided near the main entrance to the proposed activity center.

157.175 Off-Street Parking Requirements: Community buildings / activity centers are not listed in the City's parking requirements. Per discussions the City Planner, applicant will use a ratio of 1 vehicle space per every 4 occupants. Occupants are based on discussion with the Building Official: 250 occupants based on the Great Hall size within the proposed building. Calculation: 250 occupants / 4 occs per space = 62.5 = 63 required spaces.

Response: Proposed Parking Spaces Provided = 64 spaces

157.177 (B) Off-Street Loading: *Buildings or structures to be built or substantially altered which receive and distribute material or merchandise shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.*

Response: The proposed activity center receives occasional food deliveries for its senior meal program. The activity center also prepares meals for deliveries to those who cannot attend the meal program in person. A loading area to handle these activities has been designed on the South side of the proposed building with access off NE 2nd Street. It is a single stall, measuring 15' x 45'.

157.178 (E) Off-Street Parking Additional Requirements – Location of Spaces: *Off-street parking spaces shall be located on the same lot with the building. However, nonresidential required parking spaces may be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.*

Response: Proposed Parking Location = 341.5' feet from building to East edge of existing, upper parking lot.

157.179 Off-Street Design Requirements: (A) *Hard surfaces required;* (B) *Minimal resident disturbance;* (C) *Extension beyond property line prohibited;* (D) *Glare from lighting prohibited;* (E) *Access Aisles;* (F) *Driveways required;* (G) *Safety for traffic and pedestrians required.*

Response: Proposed off-street parking is in existing, hard-surfaced parking lots. Proposed project will re-stripe lower lot, upgrade accessible parking stalls to current code requirements and upgrade accessible route from accessible parking stalls to the activity center. All other existing conditions will remain as is.

157.210 (A) Setbacks: *In a residential zone, front, side and rear yards shall be at least two-thirds the height of the principal structure. In any zone, additional yard requirements may be imposed. Height is the vertical distance of a structure measured from the average elevation of the finished grade within 20-feet of the structure to the highest point.*

Calculations: Required Setbacks per Building Height: North Elevation: 23'-2" (34'-7" * 2/3) measurement take from basement patio level East Elevation: 15'-2" (22'-7" * 2/3 South Elevation: 15'-2" (22'-7" * 2/3) West Elevation: 23'-2" (34'-7" * 2/3) measurement take from basement patio level

Response: Proposed Setbacks

o North: 70'-0"

o East: 2'-0" Variance required

o South: 20'-0"

o West: 183'-0"

(2) *The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the Planning Commission.*

Response: The building site is ~ 51,727 sf with dimensions of approximately 170' x 300'. This is an adequate size and shape to accommodate the proposed activity center and other applicable zoning requirements.

(3) *Public facilities are of adequate size and quality to serve the proposed use.*

Response: Applicant met with Roy Bicknell, Water Superintendent, and Bill Schmittle, Recycled Water Superintendent in late May to review project and public utilities. Water and sanitary sewer services are adequate to serve the proposed activity center. If plumbing fixtures are installed in the basement level, a sewage lift station will be required to move the sanitary sewer products up to the public sanitary sewer main located along the South property line. Storm water for the building site will be handled with onsite facilities sized appropriately by the project's Civil Engineer. No changes will be made to the existing parking lot storm water system.

(4) *The proposed use will prove reasonably compatible with surrounding properties.*

Response: The proposed activity center is reasonably compatible with the surrounding properties. The subject property is immediately adjacent to the downtown commercial district. Adjacent properties include the Hermiston Public Library, Sunset Elementary School, the City of Hermiston Building Department and the First United Methodist Church. The proposed activity center does not provide any services or activities that would be a nuisance to the surrounding properties.

Major Variance Criteria:

1. *Explain what exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, topography or other circumstances over which the applicant has not control. (Note: These exceptional circumstance should relate to the land rather than persons.)*

Response: The existing topography of the building site slopes away from the NE 2nd Street property line with an elevation change of ~6-feet below street level. The elevation change occurs within the first ~40-feet of the site, measured perpendicular to the street property line. This places the majority of the site below the street. In order to minimize the amount of fill and associated costs needed to place the main floor and covered dropoff area at street level, the building needs to be located as close to the property line as possible and the porte-cochere needs to be located within the setback and extend over a portion of the right-of-way.

2. *Why is the variance necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity?*

Response: Property owners generally desire their developments to be visible and have easy access to the street front. This is easily accomplished on sites that are relatively level or have a gradual slope across the entire property. The requested variance is necessary for this conditional use because of the nature of the site and project. As mentioned above, the site has a significant change in topography close the street front. The project is an activity center for seniors, which is a vital service to the community. As such, the center, and most importantly, the entry needs to be visible to the users to assist in their way finding. Seniors need easy access to the facility: minimal elevation changes to enter the building so access is easy for all users. The activity center also requires a covered drop off at the entry. Given the topography, the variance would make the development substantially similar to other property owners in the vicinity, where buildings have small setbacks.

3. *Explain why the authorization of the variance would not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or otherwise detrimental to the objectives of any development pattern or policy.*

Response: The authorization of the variance would not be detrimental because it is project & site specific. The immediate vicinity does not have the typical low-density residential development pattern of single-family houses on modest lots setback from the street. The site is a large area of land in the R-2 zone that is surrounded on 3 sides (West, East & South) by commercial zones and bordered at the North by Sunset Elementary School, another conditional use within the R-2 zone. The variance request applies only to the East property line, which borders a public street and is adjacent to the C-1 zone and downtown. The C-1 zone and downtown typically do not have setback requirements, so authorization of the setback and projection variance along the East property line would not be detrimental to the objectives of the development in this area.

4. *Explain why it is impossible to maintain zoning ordinance requirements and, at the same time, build, erect or use the structure.*

Response: To maintain the zoning requirements for setbacks and building projections, the building and porte-cochere structure would need to be located 20'-0" feet from the East property line. This would place the building and covered drop-off area at an elevation roughly 4.5-feet to 5-feet below street level without a significant amount of fill to maintain the building floor elevation at street level. Without the fill, the site would require significant ramping and stair systems to get pedestrians from the sidewalk level to the building in addition to additional paving and grading to meet the requirements for vehicle access to the covered drop off area at the building entry.

5. *Explain why the variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate hardship.*

Response: At the R-2 zone required setback of 20', the elevation of the site is 4.5-feet to 5 feet below the sidewalk elevation. The topography slopes down from the street at a fairly consistent slope starting almost immediately from the back side of the sidewalk. In order to place the building within a standard

development pattern of entry at street level and minimize the amount of fill required to achieve this desired result, the requested variance is the minimum needed to alleviate this hardship.

Staff Recommendation

Staff recommends that the planning commission consider the design of the Harkenrider Center, the public testimony presented at the hearing, and the evidence presented by Ascent Architecture and Parks and Recreation staff. After the consideration of the evidence, staff recommends that the planning commission approve the findings of fact for the conditional use permit and variance requests, approve a variance from the 20 foot front yard setback requirement in the R-2 zone and approving a two foot front yard setback, approve a variance from the two foot yard encroachment allowance and allow the construction of a *porte cochere* or covered loading/unloading area within the right-of-way for NE 2nd Street and approve a conditional use permit for the construction of a new senior center at 255 NE 2nd Street subject to the following conditions of approval:

1. The lower parking lot shall be striped as shown on the site plan prior to occupancy.
2. The site plan shall be revised to show the access and curb cut design for the loading/delivery area adjacent to the south wall of the building.
3. The design for the concrete island and NE 2nd Street around the *porte cochere* shall be amended as follows:
 - Narrow the concrete island by 4 feet so that there are two 12 foot travel lanes and a 2-foot shoulder on each side.
 - Striping on both the north and south ends of the island to delineate the traffic flow; yield markings on the south end and median/lane split markings on the north
 - Delineate the on-street parking spaces so that it is clear where no parking is allowed
 - Additional signage shall be added
4. The city shall comply with §92.12 of the Hermiston Code of Ordinances which relates to the control of blowing dust, during all phases of construction.
5. All stormwater shall be retained on-site in drainage areas as shown on the site plan.
6. Bicycle parking shall be installed in accordance with §157.150(L) of the Hermiston Code of Ordinances.
7. All signage shall comply with Chapter 155 of the Hermiston Code of Ordinances.
8. The applicant shall work with the Fire Marshall prior to issuance of a building permit. No building permit shall be issued until the Fire Marshall has approved the site plan.
9. Landscaping shall be installed in all areas as shown on the site plan. Final determination of specific plantings shall be submitted to the city prior to occupancy.
10. A security plan shall be submitted to the city police department for review and comment prior to issuance of a building permit.
11. Exterior site and parking lot lighting shall be designed to avoid interference with adjacent properties.

Testimony

Proponents: Larry Fetter, Angus Ave, Director of Parks and Recreation. Mr. Fetter gave the background of the project and its funding process. The grant requirements have specific rules. For the first five years, the seniors may only have activities directed at the 60 plus year old age range. A Powerpoint presentation was used to show the Commissioners the design details and layout of the building and parking lots. Mr. Fetter explained the purpose for the two different designs and the need to design the parking lot in a separate phase.

Dennis Doherty, 1045 SW 9th Place- Mr. Doherty is a supporter of the seniors and believes in the importance of this project for the City. He confirmed the lease with the school district is for 50 years.

Mr. Doherty feels the center will be lovely to have in the City, a great thing for the seniors and will provide a persona for the downtown area. He fully supports the staff recommendation for this project.

Willard Fordice, 78642 Agnew Road- Mr. Fordice is on the Senior Center board and is the Center's bus driver. He feels most seniors are on the same page now, and they can't wait to see this happen.

Opponents: None present.

Chairman Saylor closed the hearing at 8:10PM.

Commissioner Erz moved and Commissioner Flaiz seconded to approve the findings of both the Conditional Use and the Variances as written. Motion passed unanimously. Commissioner Doherty moved and Commissioner Fialka seconded to approve the variance for the two foot front yard setback. Motion passed unanimously. Commissioner Erz moved and Commissioner Doherty seconded to approve the variance for the two foot yard encroachment and allow the construction of the port cochere in the right of way. Motion passed unanimously. Commissioner Fialka moved and Commissioner Flaiz seconded to approve the Conditional Use application with the 11 conditions of approval. Motion passed unanimously.

Planner Comments and Unscheduled Communications

A site plan was submitted for review of a pet store to be located next to Big 5.

Meeting adjourned at 8:25PM.