

The Planning Commission for the City of Junction City met on Monday, July 22, 2013, at 6:30 p.m. in the Council Chambers at City Hall, 680 Greenwood Street, Junction City Oregon.

PRESENT WERE: Commissioners, Brad Lemhouse (Chair), Jeff Haag, Kenneth Weaver, Sandra Dunn, Patricia Phelan, James Hukill and Jason Thiesfeld; Planning Commission Alternate, Jack Sumner; Planner, Stacy Clauson; and Planning Secretary, Tere Andrews; **ABSENT:** None

I. OPEN MEETING AND PLEDGE OF ALLEGIANCE

Chair Lemhouse opened the meeting at 6:30 and led the Pledge of Allegiance. He then reviewed the agenda.

II. PUBLIC COMMENTS (FOR ITEMS NOT ALREADY ON THE AGENDA)

There were none.

III. APPROVAL OF MINUTES

●MARCH 19, 2013

●Motion: Commissioner Haag made a motion to approve the March 19, 2013 minutes as written. The motion was seconded by Commissioner Dunn.

Vote: 7:0:0

Chair Lemhouse, Commissioners, Haag, Weaver, Thiesfeld, Hukill, Phelan and Dunn voted in favor.

IV. PLANNING COMMISSION RECRUITMENT

Planner Clauson said there was a Planning Commission alternate vacancy. The position was advertised as open until filled. One (1) application was received, on July 17, 2013. The applicant, Mr. Robert Solberg was present. Mr. Solberg stated they moved to Junction City about one (1) year ago.

There were no questions from the Planning Commission.

●Motion: Commissioner Hukill made a motion to recommend to City Council approval of Mr. Robert Solberg as the new Planning Commission alternate. The motion was seconded by Commissioner Phelan.

Vote: 7:0:0

Chair Lemhouse, Commissioners, Haag, Weaver, Thiesfeld, Hukill, Phelan and Dunn voted in favor.

**V. PUBLIC HEARING – VARIANCES TO UNDERGROUND UTILITIES AND WINDOW REQUIREMENTS
FILE NUMBER: VAR-13-02 (WINDOWS) AND VAR-13-03 (UTILITIES)**

Chair Lemhouse reviewed the variance requests. He then opened the Public Hearing for VAR-13-02 (Windows) and VAR-13-03 (Utilities).

He stated the variance request for the underground utilities (VAR-13-03) was withdrawn by the applicant prior to the Public Hearing.

Chair Lemhouse read the Public Hearing statement and asked the Commissioners if there were any Ex Parte Contacts, or any actual or potential conflicts of interest.

There were none.

Staff Report

Planner Clauson reviewed the Staff Report and the standards under which the request, VAR-13-02, would be reviewed. The proposal from O'Reilly Auto Parts, Inc. required Development Review as well. It must also comply with the General Commercial standards.

The applicant proposed to vary a standard contained in the Zoning Code with respect to windows. The proposed variance would allow the new building to be constructed without windows on the north and east walls. The walls faced W 5th Avenue and Ivy Street respectively. City Zoning Code required windows on all street-facing walls in the General Commercial zone.

The substantive criteria used to evaluate the proposal was found under Chapter 17.140 of the Junction City Municipal Code (JCMC). It was noted the Development Review, a Type I process was reviewed under Chapter 17.160 as well as the zoning standards contained in Chapter 17.35 and 17.40.

The purpose of the Public Hearing was to receive testimony and other evidence related to the application. After which the Planning Commission would have an opportunity to deliberate and potentially render a decision or response to the application.

Written notice was sent to the Junction City Public Works Director, City Administrator and Building Official as well as Junction City Rural Fire District, Lane County Transportation, Oregon Department of Transportation, Pacific Power, NW Natural and Lane Transit District. Notice was also sent to property owners within 300 feet of the subject property and notice was published in the Register Guard.

Planner Clauson submitted the Staff Report and Exhibits for the record. She also submitted comments from the Oregon Department of Transportation into the record. They comments were received after the deadline for inclusion in the Staff Report. The comments did not raise any substantive issues with the regard to the proposal.

The applicant submitted two (2) proposals, one was a variance to the building orientation guidelines for new commercial buildings, a type III decision. The other was a development review application for approval of the proposed development, which required a Type I decision. Type I reviews were a Staff review and approval. The proposals was reviewed concurrently.

The draft Findings were contained in Exhibit 6. The applicant applied for relief from the standards as they applied along Ivy Street (Hwy 99s) and W 5th Avenue. The Zoning Code required window treatment along street frontages at the rate of 25% of the length and 10% of the ground floor area. Based upon the submitted building design the following windows areas would be needed:

- Ivy Street – 24 linear feet of window area and 212 square feet of window area
- West 5th Avenue – 17.8 linear feet of window area and 157 square feet of window area

The applicant proposed to provide no windows along Ivy Street or West 5th Avenue.

The four (4) Variance Criteria were:

Criteria 1. Exceptional or Extraordinary Conditions applied to the property that did not apply generally to other properties in the same zone or vicinity the conditions were the result of lot size topography or other circumstances over which the applicant has no control.

The applicant sited the number of street frontages (3) subject to the window requirements as the exceptional or extraordinary circumstance. The window provision was adopted by the City Council in 2003. Approximately five (5) Development Review applications had been reviewed under the 2003 standards. There were four (4) properties with more than one (1) street frontage however none had three (3) street frontages. The fifth Development Review had a similar variance request to allow less window area than required by the 2003 Code. There were two (2) street frontages in that request. It was reviewed and denied by the Planning Commission.

It was not typical for buildings in the Commercial zone to have three (3) frontages. Past developments consolidated legal lots of record, which resulted in three (3) frontages. However, those were prior to the 2003.

Staff recommended there was an unusual circumstance because of the number of frontages. Staff research found that buildings with two (2) frontages had complied. The proposed variance partially met the window standard. Staff recommended the provision be waived for one (1) frontage and that the applicant be required to meet the window standards for at least two (2) of the (3) frontages. In addition as a condition of approval the applicant would submit plans that conform to one (1) of the following:

A. Comply with the minimum window standards along the Highway 99s (Ivy Street) frontage. Staff observed it was the busiest frontage and therefore encouraged the standards be applied to Ivy Street.

or

B. The window requirement could be split between Ivy Street and W 5th Avenue. However, under no circumstance would less than half of the minimum required window area be met along Ivy Street.

Criteria 2. The variance was necessary for the preservation of a property right of the applicant substantially the same as that possessed by other property owners in the same zone or vicinity.

The applicant stated in their narrative a need for shelving space. Typically, that was located along the exterior walls of a building. Other components to be considered were office spaces and restrooms. Usually they needed some space along an exterior wall. The combination of the two prevent the areas from use as a window display space.

Staff recognized some limitations to compliance existed. One (1) possibility was to have windows above the shelving space (clearstory windows).

Criteria 3. Authorization of the variance was not materially detrimental to the purpose of the title, be injurious to the property or the zone or vicinity in which the property was located or be otherwise detrimental to the object of any development pattern or policy.

One of the primary objectives of the window standard and other building orientation standards contained in the General Commercial zone was the creation of streets that were attractive to pedestrians and to provide interest along the street frontage of a building.

The applicant proposed an alternative approach to meet the intent. The use of exterior building materials that were pulled from the surrounding residential properties and the installation of landscaping along Ivy Street and West 5th Avenue to contribute to the pedestrian experience.

Planner Clauson noted neither of the suggested provisions were required under the Junction City Municipal Code (JCMC). The materials suggested were important to ensure the development was compatible with its surroundings.

Staff concurred with the applicant that the additional landscaping and building details which were not otherwise required, were consistent with the standard.

Criteria 4. *It was impracticable to maintain the zoning ordinance requirements and at the same time build, erect or use the structure as desired.*

The applicant narrative stated that standard was detrimental to the use of the building if the window standards were required.

Staff response concurred, for the reasons cited above, with some circumstances noted by the applicant but felt there were areas where windows at the clear-story level could be appropriate, at least on one (1) or more frontages.

Planner Clauson stated except for the standards for which the applicant requested a variance, the proposal was consistent with the applicable Development Review standards.

Staff recommended partial approval and partial denial of the requested variance; approval of the variance to reduce the amount of window area required on one (1) building façade or the equivalent; and that the landscaping and building materials be required.

Commissioner Haag asked if it was correct that the businesses during Staff research were reviewed for variances and if so, which businesses.

Planner Clauson responded there was one (1) business reviewed for a variance, there were five (5) submittals for Development Review since the 2003 standards were put in place. Hollywood Video, at the southwest corner of Ivy Street and W 15th Avenue requested a window variance.

There were no further questions.

Testimony

Chair Lemhouse asked for testimony from anyone interested in the proposal. The statements needed to be about the applicable approval criteria and state the facts around the issue. Each issue must be raised with sufficient specificity to allow other parties to respond and understand the nature of the concerns. If an issue was not raised during the Public Hearing, it may not be used as the basis of an appeal.

Applicant

Mr. Mark Bergquist, Architect, O'Reilly Auto Parts, Inc., 702 East Bethany Home Road, Phoenix, Arizona, used an elevation drawing to demonstrate their request. Typically, the majority of the glass in the building faced the front of the building. The interior was retail space and 'racking' for auto parts. The stores did not need window display space. Dark glass made the stores look closed and clear glass offered an unattractive view of the racking.

The applicant suggested the additional landscaping and lighting instead of the windows. The proposed landscaping included redistributing the trellises and adding more overhangs. Supplementary lighting was also proposed. The fixtures would provide additional lighting along the sidewalk for pedestrians.

Mr. Bergquist comments the clear story window design would show that a store was open at night however in his experience it did not add to pedestrian experience. The proposed features (trellises, overhangs & lighting) went further to meet the goal of an enhanced pedestrian experience.

Agreements existed between O'Reilly Auto Parts, Inc and the company's that provided products for their stores. Those agreements included preprogrammed floor plans for display of those products. The racking was in the back of the stores, it extended up 10-feet along each wall. The shelving was located in front of the store and went up seven feet.

Commissioner Hukill asked about the location of the parking.

Mr. Bergquist said the front of the building was along W. 4th Avenue rather than Ivy Street. The parking was in the front of the store.

Commissioner Phelan asked about accessibility requirements in and around the front of the store.

Mr. Bergquist said there would be accessible parking in front of the store and sidewalks would be accessible as well.

Commissioner Phelan asked if the alleyway would be paved.

Mr. Bergquist replied yes, it would. The paving would be a benefit to the homes on the west side of the block. He added the building would act as a shield for those homes. O'Reilly typically put in concrete parking because they found wore better.

Commissioner Phelan asked if there would be fencing along the alleyway.

Mr. Bergquist replied they would if it were possible but there was no room. He had worked with Planner Clauson to address that issue but there was not room. They did strive to be sensitive to the neighborhood.

Proponent

There were none.

Opponent

There were none.

Neutral Parties

There were none.

Commissioner Haag asked there were any written public comments received.

Planner Clauson replied there were none submitted.

The applicant had the option to have the record left open for an additional seven (7) days. However, no new evidence could be presented during that time. The applicant could choose to waive the timeperiod.

Mr. Bergguist said they would waive the additional seven (7) day period.

Chair Lemhouse closed the Public Hearing.

Deliberations

Commissioner Dunn said the window requirements added in 2003 were done to avoid a 'tunnel' affect with no windows on the street. She felt the windows needed to be along the street frontages.

Commissioner Weaver added Planning studies based in larger cities found that retail trade was lost when business were faced away from the street.

Commissioner Haag disagreed. The lot was not deep enough to turn the building to place all parking in back. He felt it important to welcome a new business to the area. He also noted the windows of businesses along Ivy Street were filled with advertisements. He felt that was less attractive.

The Commissioners held a discussion about the code related to window standards. Concerns raised were: if the variance was granted it set a precedent that reduced the window standards; since the 2003 code change which added the window provisions there had not been enough development to 'test' the standard; and whether or not the window standards were business-friendly.

Commissioner Phelan asked if it was possible to have two (2) entrances.

Mr. Bergguist responded it was not possible for reasons of both security and merchandise stocking.

Commissioner Weaver felt the proposal from the applicant was a good solution with good aesthetic treatment for the area.

Commissioner Hukill asked what the difference was between the window space recommended by Staff and what the applicant proposed.

Planner Clauson replied based on the frontages, along Highway 99 (Ivy St.) the window standards required 24 linear feet of widow area and 212 square feet of window area. Along W. 5th Avenue it was 17.8 linear feet and 157 square feet of window area. Staff recommended either they provided the full window requirements along Highway 99 or it could be split between Highway 99 and W. 5th Avenue but in no case along Highway 99, could there be less than half of the required window area which was 12 linear feet and 106 square feet of window area.

Commissioner Weaver asked if glass block could count toward window area.

Planner Clauson replied the intent of the regulation was for clear, visible through windows.

Commissioner Haag felt the required size of the window would not make a very big difference to the appearance but would impact the store lay-out.

The Commission briefly reviewed the Staff recommendations. There was a total of 212 square feet of window area required. The two (2) proposed options were to place all of the required window area on Ivy Street or split the window area between Ivy Street and W 5th Ave with no less that half on Ivy Street.

Commissioner Phelan asked how many people the store would employ and the hours of operation.

Mr. Bergquist replied typically, there were 14 employees and the stores were open 8:00 am to 9:00 pm seven days per week.

Chair Lemhouse said one of the requirements for a variance was an extraordinary circumstance. The property owner was aware of the narrow lot when the property was purchased. He would accept the recommendation from Staff but did not want to relax the code.

Commissioner Haag commented there had only been five (5) reviews since 2003. It was not a lot of growth.

Chair Lemhouse noted they were reviews for new construction.

Commissioner Haag side the standard had not been tested enough to determine if it was a worthwhile standard. He proposed the Commission grant the variance.

Chair Lemhouse asked if he wanted to grant the variance as recommended by Staff.

Commissioner Haag answered no, as recommended by the applicant with language that ensured the frontages look was as proposed by the applicant and not a big tan wall. The proposed facades looked nice.

Commissioner Dunn agreed.

Planner Clauson commented if the Commission chose to modify the Staff recommendation, the findings and final order would need to be updated. Staff sought clarification on how the Commission would respond to the criteria. They could rely heavily upon what the applicant supplied in their submittal materials.

●**Motion:** Commissioner Weaver made a motion to approve the variance as requested by the applicant that would represent access, windows on the south facing side of W 4th Avenue and appropriate lighting along the east facing side of Ivy Street and require landscaping within the spaces available.

Planner Clauson asked for clarification, would be similar to the building façade during the Public Hearing.

Mr. Bergguist said the drawings were an example of what could be done they had many other designs. They chose the design submitted because it fit into the community.

Commissioner Phelan asked if there would be enough room for semi-trucks to come through the alley and be able to turn onto W 4th or W 5th Avenues.

Mr. Bergguist said yes, there were turning studies conducted that confirmed this. A 30-foot wide drive was plenty. It was a straight access through.

Planner Clauson confirmed this. Staff reviewed access carefully during development review. The applicant prepared a statement as to how they met the criteria it was in Exhibit I-b, the Burden of Proof statement.

Chair asked about the motion on the floor. He also asked if Staff had enough direction.

Planner Clauson requested additional direction from the Planning Commission in regard to findings and how the variance criteria was met. Staff wanted to accurately reflect the decision of the Commission. The applicant prepared, as part of their submittal materials, a statement as to how they met the criteria. It was contained in Exhibit 1-b, the Burden of Proof Request for Variance. If the Commission concurred with the statements in the request, these and any additional statements the Commission may want included could replace the findings as proposed by Staff.

The Commission reviewed the Burden of Proof statements.

Commissioner Haag wanted the Burden of Proof language used.

Commissioners Dunn and Thiesfeld agreed.

Commissioner Phelan also agreed.

Commissioner Haag suggest additional language be added to have the façade look like the drawings presented by the applicant during the Public Hearing.

Planner Clauson said there was a statement in the original findings that could be used if the Commission agreed.

It read, *“The applicant must provide landscaping and building details that are consistent with the Exhibited drawings except as otherwise modified by the Development Review decision.”*

She recommended a modification to read *“The applicant must provide landscaping and building details that are consistent ~~with the Exhibited drawings~~ with the submitted drawings as supplied by the applicant at the Public Hearing on July 22 except as otherwise modified by the Development Review decision.”*

Commissioner Haag agreed.

Commissioner Weaver changed his motion.

Motion: Commissioner Weaver made a motion to approve the variance based on the findings of fact as submitted by the applicant with the following condition: the applicant must provide landscaping and building details consistent with the plans submitted on July 22, 2013. Commissioner Thiesfeld seconded the motion.

Vote: 6:1:0

Commissioners, Haag, Weaver, Thiesfeld, Hukill, Phelan and Dunn voted in favor. Chair Lemhouse voted against.

DEV-13-2, Development Review

Planner Clauson stated the Development Review contained all the other zoning standards for which the project must comply.

Chair Lemhouse asked if there was any discussion on the Development Review.

Motion: Commissioner Weaver made a motion to approve the project subject to the Staff recommendations. The motion was seconded by Commissioner Phelan.

Vote: 7:0:0

Chair Lemhouse and Commissioners, Haag, Weaver, Hukill, Phelan, Dunn and Thiesfeld voted in favor.

VI. PLANNING ACTIVITY REPORT

The Transportation System Plan update project would come before the Commission in the near future. The date had yet to be determined. The Commissioners would updated as the project moved along.

- ◇ The project looked at the 20-year transportation system need.
- ◇ The consultant had identified needs (from public input) and potential responses to those needs.
- ◇ A list of possible transportation projects had been compiled by the consultant.
- ◇ The next step was to review the ‘wish list’ and ask questions to determine which projects should be included.
- ◇ There was a survey available on the city website to gather public input to determine the projects identified by the public as those most needed.

Commissioner Haag suggested the cost for each of the projects be included in the survey.

Planner Clauson responded they tried to do that. There were limitations to the survey software used. That was the reason the costs were not reflected in the survey.. The costs were available elsewhere on the website. The deadline for the survey was August 2, 2013.

VII. FUTURE AGENDA ITEMS

Planner Clauson asked for Commissioner feedback.

Commissioner Haag asked about the mini-storage on Juniper Street.

Planner Clauson replied staff had conducted some research. That information would be taken forward to the City Council. Activity would be initiated base upon Council direction.

Commissioner Haag said he heard Planner Clauson was leaving.

Planner Clauson said that was true. She added the Commission had been wonderful to work with.

Commissioner Haag told Planner Clauson she had done a great job for them. Other Commissioners voice agreement.

Chair Lemhouse announced he was resigning He was moving outside of the 97448 zip code. The August meeting would be his last.

Commissioner Haag told Chair Lemhouse he did a great job.

Other Commissioners voiced agreement.

VIII. ADJOURNMENT

Motion: Commissioner Hukill made a motion to adjourn the meeting. The motion was seconded by Commissioner Dunn.

Vote: 7:0:0

Chair Lemhouse, Commissioners, Haag, Weaver, Thiesfeld, Hukill, Phelan and Dunn voted in favor.

The meeting was adjourned at 8:17p.m.

The next regularly scheduled Planning Commission meeting would be Tuesday, August 20, 2013 at 6:30 p.m.

Respectfully Submitted,

Tere Andrews, Planning Secretary

Brad Lemhouse, Chair