

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:01 pm by Vice President Anne Learned-Ellis. Commissioners present: Linda Brodeur, Dawn Grafe, Paul Schneidecker, Terri Strom, and Stuart Miller. Excused was President Joyce Mackenroth.

Staff present: Community Development Coordinator (CDC) Rusty Klem and Secretary Arlene Inukai.

VISITORS: Cynthia Quade and Fred Postlewait

APPROVAL OF THE MARCH 11 AND APRIL 8, 2009, MINUTES:

It was moved and seconded (Brodeur/Strom) to approve the March 11, 2009 and April 8, 2009, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Mackenroth.

PUBLIC HEARING: CONDITIONAL USE PERMIT TO LOCATE A BANK WITH A DRIVE-THROUGH WINDOW IN THE COMMERCIAL ZONE LOCATED AT 187 NW A STREET, REQUESTED BY OREGON COAST BANK:

Vice President Learned-Ellis opened the public hearing by stating the nature and purpose. There were no declarations of ex parte contact, bias, or conflict of interest. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CDC Klem reviewed the staff report as on file at City Hall. He reported that the bank is requesting a drive-up window. The bank is a permitted use, but the drive-up window must have a conditional use permit. The .42 acre property is in the Commercial Zone and is considered vacant even though there is a small wood structure on the site. The property is located in the floodplain. The applicant provided a geotechnical report which identifies limitations to the property, specifically, there is 7-9' of fill on the site and special construction methods are necessary because of the amount of fill needed in the floodplain. A copy of the geotech report was included in the staff report and the findings are very interesting. There are a number of constraints, which will most likely be the same for the entire area. Water and sewer services are available to the site. The property is located at the intersection of NW A Street and NW 1st Street. The Public Works, Fire, and Police Departments reviewed the proposal and recommend approval. ODOT responded to the notice, stating they have no concerns with the request. CDC Klem then reviewed the conditional use criteria, proposed motion, facts, findings, and recommended conditions of approval. Staff recommends approval with the adoption of the conditions of approval. In addition to the standard conditions for all conditional use permits, staff recommends the driveway location be approved by the Public Works Director, outdoor storage be screened, and the sign be limited to 32 square feet. Normally, signs are restricted to 16 square feet, but based on the applicants' proposal and allowances in the zoning ordinance, staff recommends 32 square feet. The sign proposal shows a sign in the front of the property and one located on the side wall of the building. Directional or drive-through signs are not included in the calculation.

The building must be elevated to 14' to meet floodplain ordinance regulations. The proposal identifies the building at 15'. The geotech report speaks to the construction method used to meet the elevation requirement. Staff recommends approval of the request and referenced the recommended motion presented in the staff report.

Applicant Testimony: Cynthia Quade, 5369 Port Lane Road, Lincoln City, represents Quade Construction, who is the contractor and designer of the project. She thanked the Planning Commission for their consideration of this project. The property is located at the corner of NW A Street and NW 1st Street and will have two driveways, one on the north (NW 1st St.) and the second on the east (NW A Street), which will be exit-only. The bank will be 3,300 square feet and the building will be elevated to 14 feet. There will be a raised wood parking deck because the property is in the floodplain and soft soils are present. According to the geotech report, filling the site to 14' would cause over 1' of settlement. The parking deck would be built like a dock with heavy timber pilings and frame. There will be a concrete approach and then the wood frame starts, leveling off to the floor of the building. There will be an overhead bar restricting oversize/overweight vehicles. The two-lane drive-through window will be located on the south side, also with a drive-through ATM. There will be a roof canopy over the drive-through window/ATM. Down lighting will be provided for safety, but lighting will not be projected out. Some curbing will be provided on the deck to control traffic through the lanes and window. Drive-through egress will be from A Street, but because each transaction takes a few minutes, there will not be a steady stream of cars exiting onto A Street at one time.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commissioners: Based on questions posed by the Commission, the following information was provided by staff and the applicant:

- The drive-through exit is on A Street and will not be located directly across from the post office. The post office driveway is located further south and the new driveway will be offset from the post office. The Public Works Director must approve the location. The area traffic pattern will be evaluated by the Port.
- A stop sign will be placed at the driveway exits. Commissioners would like to see this as a condition of approval.
- The west and north sides will have a covered walkway and down-lighting will be provided for the walkway. There will be hooded lights over the signs. Commissioners want to restrict up-lighting or have shrouds on the lights. There are ways to measure the output, but the City does not have the tools. The applicant agreed that they do not want to create light pollution.
- The recommendations from the geotech engineer will be followed. The construction plans will incorporate the engineer recommendations. The applicant does not want to build a structure that sinks and will follow recommended spread footings and pilings for the parking structure.

Commissioner Brodeur asked about the siding and color selections for the new building, stressing the desire to be consistent with the Toledo Development Association's (TDA) goals. She believes

this is a good time to set the bar for new development. She would like to see a discussion and agreement with TDA. Commissioner Grafe noted that the conditional use is for the drive-through only and Vice President Learned-Ellis added the City requires an alliance with TDA before they have the authority to recommend this type of coordination. Ms. Quade reported the Port of Toledo has already required them to meet with a design review committee. She assured that Oregon Coast Banks have architecture that reflect the timber and fishing industry and are compelling in form. They are contemporary structures and use various stains and textures. The new building will look like a dock because of the covered walkway and elevated parking. CDC Klem reported the Planning Commission does not have the authority to require design review by TDA, but they can ask the applicant to contact them as a "new neighbor".

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioners discussed the need for additional conditions for the following issues: 1) stop signs placed at egress points, 2) lighting be directed downward or shrouded, and 3) all of the recommendations in the engineering report be followed.

It was moved and seconded (Brodeur/Grafe) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on May 13, 2009, the Planning Commission determines that the request by Oregon Coast Bank and Quade Commercial Construction Corp. for the placement of a drive-through banking window complies with the Toledo Municipal Code Section 17.64.040 (A) and the Planning Commission adopts the Facts, Findings, and the following Conditions of Approval as modified tonight and as amended for typographical errors.

1. The location of the bank shall be in general conformance with the proposed site plans as included as attachments to the Staff Report. Care must be taken to protect parking spaces from the drive-through.
2. Landscaping requirements listed in Toledo Municipal Code Section 17.52.050 must be adhered to.
3. Sewer and water connections are required for this project.
4. Driveway locations and widths must be approved by the Toledo Public Works Director.
5. Storage cannot be visible to passing motorists.
6. Sign surface is limited to 32 square feet.
7. The structure must have a finished floor elevation of 14 feet to comply with the 100-year floodplain program. The structure must meet development standards in Toledo Municipal Code 15.16 (Flood Hazard Protection) and all Uniform Building Code requirements.
8. In accordance with Toledo Municipal Code Section 17.64.070, this conditional use shall be void after 12 months if a building permit is not issued or development has not begun. An extension of up to one year may be granted by the Planning Commission if the request is made in writing prior to the expiration of the original authorization.
9. Stop signs are required at egress points on both NW 1st Street and NW A Street.

10. Lighting shall be downward facing and hooded.
11. The applicant will incorporate the recommendations of the geotechnical engineering report provided by Professional Services Industries, Inc. into their selected construction options.

The **motion passed** unanimously, noting the absence of Mackenroth.

STAFF COMMENTS:

CDC Klem reported that the joint worksession last month was a grand notion, but it covered too much ground. He recommended future meetings have a more focused agenda with a couple of specific items to address. Vice President Learned-Ellis agreed that joint meetings are beneficial, but they need to stay focused. She noted that too much time was wasted listening to the bickering. Commissioner Grafe added that it was not an open environment and not everyone's voice was heard nor allowed to participate. She felt the meeting was too controlling and there were no opportunities to participate. Commissioner Miller agreed that they need to concentrate on two key topics rather than take a "shotgun" approach on multiple issues, which feels useless. Commissioner Brodeur agreed that it is good to have the involvement, but the joint worksession was dominated by the City Council. Commissioners recommend the Planning Commission set the agenda and there needs to be more control of the meeting to keep all participants on track. Commissioner Brodeur commented there is a lot of contention on the Council, but future joint worksessions must find the best way to express opinions to create a productive meeting and eliminate poor behavior. Commissioners discussed the option of setting time limits for a "round-robin" discussion so no one is allowed to dominate a conversation. Vice President Learned-Ellis felt embarrassment with the worksession and hopes future meetings can be civil and everyone can stay focused to get work done.

COMMISSIONER COMMENTS:

Commissioner Schneidecker reported on the high amount of semi-trucks using Arcadia Drive, which should be posted for no trucks. CDC Klem reported the Police Chief and Public Works Director are currently working on a sign plan for truck routes and if the City receives the grant for a transportation system plan, truck routes will be thoroughly reviewed.

In response to Commissioner Grafe's question, it was reported that the City received many code enforcement questionnaire replies and Commissioners will soon have an update.

Commissioner Brodeur requested the following agenda items for future meetings: 1) design review, especially for new construction, 2) sign ordinance, and 3) assisting renters with their rights because many people live in horrible conditions and are afraid to say anything. Commissioners discussed the earlier suggestion to invite Commissioner Miller's wife to begin a sign ordinance discussion.

Commissioner Strom announced Saturday, May 16th as Toledo clean-up day and a fundraiser bingo at the Toledo Eagles for the All-American City expenses.

Commissioner Miller requested the Industrial zone requirements be revisited. The current code allows some flexibility, but this is a concern because it also allows a lot of ugly industries. He suggested a more defined list of uses, especially in the TIP area. Vice President Learned-Ellis suggested the idea of rezoning the TIP area after a review of the Buildable Lands Inventory and floodplain requirements. CDC Klem stated that after reading the geotechnical report for the Oregon

Coast Bank, it is most likely that the entire TIP area will have similar problems. Commissioner Miller added that heavy industry may not be the most compatible use for the area. CDC Klem reported this topic can be addressed in upcoming meetings. The Commission can provide direction to revise the industrial section and evaluate the zone designations.

There being no further business before the Commission, the meeting was adjourned at 8:10 pm.

Secretary

Vice President