

**CITY OF MANZANITA
OCTOBER 20, 2008
SPECIAL PLANNING COMMISSION MEETING**

I. CALL MEETING TO ORDER: Chair Owen Nicholson called the meeting to order at 7:00 pm in the City Council Chambers.

ROLL: Members present were: Owen Nicholson, Burt Went, Karen Reddick-Yurka, Walter Stickel and Frank Wolf. Jeanne Pendergrass and Hans Tonjes were absent and excused. There was a quorum. Staff present: City Manager Jerry Taylor, Administrative Assistant Kristin Grasseeth.

II. AUDIENCE INTRODUCTION: There were 12 citizens in attendance.

III. APPROVAL OF MINUTES: A motion was made by Wolf, seconded by Reddick-Yurka to approve the minutes of the July 21, 2008 and July 29, 2008 Planning Commission meetings. Motion passed unanimously.

IV. PUBLIC HEARING PROCEDURES: Chair Nicholson outlined the procedures that would be followed during the public hearing in this meeting

V. PUBLIC HEARING: ZONING MAP AMENDMENT FROM R-4 (HIGH DENSITY RESIDENTIAL/ LIMITED COMMERCIAL) TO R-4/PD (HIGH DENSITY RESIDENTIAL/ LIMITED COMMERCIAL PLANNED DEVELOPMENT) FOR A PLANNED DEVELOPMENT OF 16 RESIDENTIAL UNITS, CONDITIONAL USE PERMIT FOR PARKING LOT IN THE HIGH DENSITY RESIDENTIAL/LIMITED COMMERCIAL ZONE AND DESIGN REVIEW OF TWO MIXED USE BUILDINGS IN THE COMMERCIAL ZONE. LOCATION: 220 LANEDA AVENUE. APPLICANTS: JAMES V. FRANK, MARTA M. FRANK, PAUL J. FRANK, JAMES H. FRANK, AND DAVID D. FRANK. (49 NOTICES SENT)

Chair Nicholson announced that this application would be evaluated against the criteria for planned developments listed in Section 4.136 of Ordinance 95-4 (Manzanita Zoning Ordinance), criteria for conditional uses listed in Article 5 of Ordinance 95-4 (Manzanita Zoning Ordinance), standards for uses in the R-4 and C-1 Zones listed in Sections 3.025 and 3.040 of Ordinance 95-4, and design review standards listed in Sections 4.080, 4.090 and 4.137 through 4.158 of Ordinance 95-4.

- A. Challenge to the Planning Commission Jurisdiction-** None
- B. Personal bias or conflict of interest –** None reported by Commissioners.
- C. Ex Parte Contacts including site visit –** No ex parte contact; all commissioners had visited the site.

D. Staff Report – City Manager Taylor gave an overview of the Planned Development application and the uses. Density specified in the Comprehensive Plan on the residential parcel is 15 units per net acre, and the application exceeds this. Net acreage and gross acreage are not defined in Comprehensive Plan. Taylor suggested that the land be gross acreage because this land has never been subdivided. The City’s Legal Counsel stated in a memorandum the provision in Section 4.136 that the density be no greater than the Comprehensive Plan designation. Public benefit has been identified, but the burden of proof had not been met. The required engineering study on storm drainage had not been submitted yet, so the application was not complete. Staff recommendation was to deny the planned development portion of the application.

Design review and conditional use criteria have been met with the commercial building, but parking may be an issue if the planned development does not go through. Staff recommendation was to approve the design review and conditional use subject to additional information being provided regarding parking and access. Questions were asked of Taylor from the Commissioners regarding type of colors to be used, whether there were decks on the buildings, and loading and unloading of trucks.

E. Applicant Presentation – David Vonada of Ankrom Moisan Architects, representative for the Frank family, described a couple of changes made to the original plan shifting the parking structure to get the 20 foot setback on the west side of the building. A loading zone and recycling area were also added. Parking configuration was redesigned to include tenant storage area. The elevator would be 6x8 in a centrally located area for both business and residents to use. Commissioners asked a few questions regarding grades, parking, loading zone, entrances and decks. Generic floor plans for both the living and commercial spaces were handed out to Commissioners. Color samples, window frames and composition roof sample were shown and turned over to the Commission. Vonada also went over the lighting plan. In response to a question from Yurka, Vonada stated that a restaurant would not be likely in the commercial retail area. Stickel asked about a geological survey, Vonada said he had submitted a proposed drainage plan in conjunction with HLB/Otak, who had advised him on the approach they would take to designing the drainage plan for this building. Vonada asked if the drainage plan could be a condition of approval.

Nicholson asked if the Franks still wanted 16 units and Vonada said the John Shonkwiler would address that issue. Nicholson then asked about soil testing and Vonada said that went hand in hand with the drainage plan of the site but asked that too be a condition of approval. Leslie Garvin from Sitka Design Works went over the landscape design. Shore pine would be planted in the parking area to help block headlights. Robin Scholetsky, a planner with Ankrom Moisan Architect, talked about public benefits. Scholetsky said the higher density provision would save other urban land for other natural resources. The mixed use of the commercial promoted live/work opportunities. The plan had an increased amount of open space plus the 44

extra parking spaces. The green space could also be looked at as a pocket park within the commercial area.

John Shonkwiler, Attorney for the Franks, addressed the maximum density allowed in the R-4 zone and said the Comprehensive Plan directly conflicts with the R-4 zoning ordinance provisions. He pointed out issues he had brought up before to the Commission in a memorandum he had handed out to the Commissioners. He indicated that he disagreed with the City Land Use Attorney's analysis on the density issue. State statutes, along with DLCD adoption of the Oregon Administrative Rules require the Comprehensive Plan and the zoning ordinances to be consistent. He believed that the City of Manzanita had interpreted the density for the R-4 zone when it adopted Ordinance 08-02, which adopted the buildable lands inventory report and the housing needs assessment as supporting documents for the Comprehensive Plan. The consultant had used 2,500 square feet per dwelling unit when determining the number of dwelling units in the R-4 zone. Because the application provided needed housing, the review of the plans must be based on clear and objective approval standards. Shonkwiler then said the Franks never received a letter stating their application was not complete within 30 days and that a hearing date had just been set; he felt there may have been a statutory violation. But he then stated it could all be solved by addressing the missing items as conditions of approval and that would take care of the problem for everybody. Nicholson then asked the Commission if there were any questions of Shonkwiler; there were none.

F. Testimony – Pro: Charley Lostrom, a real estate broker in Manzanita, asked if all the testimony from previous hearings were a part of the record. Taylor said that evidence would normally be introduced for the record at this point. Lostrom, then stated that he felt the Franks had done an excellent job, that the application and the use of the site was very good for parking, commercial and housing and that he encouraged the Commission to approve the application. Don Hanson, neighbor across the street from the proposed site, said he felt it was a good design for the site. He commented on the parking lot, garbage, loading-deliveries and zero lot line.

G. Testimony – Con: David Matthews and Dellanne McGregor, owners of the property immediately to the west of the proposed site, said they did like some of the features like the open area, and the parking could be a benefit to the retail spaces. They were concerned as the owners of this property and did not like the fact they would be looking at a big wall. At some time there will be another building right next door and they do not want the people who own these new places to come back to them when and if they do build. David Matthews asked the Commission to hold to a strict conformity to the code on the setbacks. He could not see that they met the 10% landscaping requirement. The 0 lot line construction was a major concern in that he felt that you cannot build like that without disturbing the property next door. Matthews agreed with the staff report and said the Commission should deny the proposal. Nicholson then asked if anybody had any letters or any other information to be heard. Another question was asked regarding what kind of safeguard there would be for any adjacent properties; the answer was that the soil report would

address that. David Vonada responded that an L shape footing would be used on building to keep it on the applicants' property.

H. Rebuttal: Vonada addressed the second floor windows, felt they could be recessed. Shonkwiler addressed the issue of the second floor balconies and said this was a legal issue and that it could be in the form of a waiver in the sales document to the people buying the units, making them aware that a later time another owner may build and block views. The law requires lateral support to neighboring properties when building. That is what the building code is for, and it was a matter of proper inspection to make sure that was being carried out.

Chair Nicholson closed public testimony for the evening, except that Nicholson asked that the Public Hearing record be kept open for seven days to allow additional testimony and suggested postponing Commission deliberation until 7 pm October 30th. **A motion was made by Wolf, seconded by Tonjes to continue the Planning Commission meeting until 7:00 pm October 30, 2008. Motion passed unanimously.**

The meeting was recessed at 9:15 pm to be continued at 7:00 pm on October 30, 2008.

**MINUTES APPROVED THIS
17TH DAY OF FEBRUARY, 2009**

D. Owen Nicholson, Chair

ATTEST:

Jerald P. Taylor, City Manager/Recorder