

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, February 16, 2012

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting to order at 6:00 PM.

BOARD MEMBERS PRESENT:

Bruce Lavier, Mark Poppoff, John Nelson, Dennis Whitehouse, Nan Wimmers, Ron Ahlberg

BOARD MEMBERS ABSENT:

Chris Zukin

STAFF MEMBERS PRESENT:

Senior Planner Richard Gassman, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

It was moved by Whitehouse and seconded by Nelson to approve the agenda as submitted. The motion carried unanimously, Zukin was absent.

APPROVAL OF MINUTES:

It was moved by Whitehouse and seconded by Nelson to approve the minutes as submitted. The motion carried unanimously, Zukin was absent.

PUBLIC COMMENT:

None

QUASI-JUDICIAL HEARINGS:

Application CUP #135-05, Greg and Molly Ott, requesting a modification of expanded hours of operation and expanded scope of operation. The property is located at 401 E. 10th Street, The Dalles, Oregon, and is further described as 1N 13E 3 CB tax lot 7600. Property is zoned "RH" – Residential High Density District.

Chair Lavier read the rules for conducting a public hearing. Lavier asked the Commissioners if they had any bias, conflict of interest, or ex-parte contact that would prohibit them from making an impartial decision in the matter. Commissioner Nelson stated he visited the property, but he did not discuss the application with anyone.

Chair Lavier opened the public hearing at 6:07 PM.

Senior Planner Gassman reported that he met with City Attorney Parker then with Molly Ott. The City's concern was that if this application were approved, it would set a precedent for future applicants requesting to operate a restaurant in a residential zone. City Attorney Parker and Senior Planner Gassman concluded that, for this particular application request, there were some unusual circumstances

particular to this property that the approval of the request would not establish a precedent. Gassman highlighted those unusual circumstances in his memo of record. He then informed the applicant that the staff recommended approval of the application to the Planning Commission.

Commissioner Nelson asked, if granted, would the Conditional Use Permit (CUP) approval have a time limit. Senior Planner Gassman stated the approval would be in effect indefinitely. An approved CUP would not change with the change of property owners.

Commissioner Ahlberg expressed some concerns regarding the CUP request. Ahlberg said he was concerned about such issues as the availability of parking spaces, pedestrian access, hours of operation in a residential zone, and the possibility of setting a precedent for future applicants.

Chair Lavier asked Senior Planner Gassman to check with City Public Works about pedestrian access progress.

Commissioner Ahlberg commented that, if the CUP were approved, he would suggest a review after two years. Senior Planner Gassman explained such a time frame would need to be added as a condition of approval.

PROPONENT:

Molly Ott, 401 E 10th Street, The Dalles, Oregon, that she was required to count parking spaces before the approval of the 2005 CUP, and to the best of her recollection there were approximately 80 parking spaces. Ott clarified that the business was not a restaurant, it was a café that provided a community “hub” for the public, including the high school students.

Ott said she would not be comfortable with a review of the CUP after two years, because it would hinder her business development strategies as far as loans, employments, and expenditures were concerned knowing that it could possibly be revoked in two years.

Marilyn Clifford, 1280 Oakhill Drive, The Dalles, Oregon, stated she agreed with Ms. Ott’s testimony. Clifford stated parking availability was good, and the café was good for the community and the high school.

OPPONENTS:

None

Commissioner Nelson reported that he visited the site one week day afternoon and saw no problems with parking, access, or loose trash. Nelson also stated he had previously attended an event in the evening, and parking availability was more difficult. Nelson also noted that, with this property, there were good distances between the facility and adjacent residences. The closest residence, Nelson stated, was the new house next door which is owned by the applicants.

Discussion followed regarding curb cuts and accessibility. Applicant Ott stated there is one curb cut on their corner and one across the street on Federal. Chair Lavier said these issues lay with the City for this business and the community, not with the applicants.

Commissioner Whitehouse stated he did not see a huge disparity between operating hours of this business and what a church would have. Commissioner Poppoff stated he was concerned about the start time of 6 AM and suggested making a 6 AM start time for events only. Ott stated there is an early morning clientele of working people who come for coffee and/or a place to do some work before going to their workplaces.

Chair Lavier closed the public hearing at 6:39 PM.

DELIBERATION:

Commissioner Wimmers stated she believed the applicants had a good business, and she would be willing to live next to the facility.

Commissioner Ahlberg stated the applicants should have come before the Planning Commission with the intent to have a coffee shop rather than an events facility, and that the current operation was a violation of the original intent of the original CUP.

Commissioner Nelson said he formerly operated a daycare center which had early hour traffic coming to his center, and there were no complaints from neighbors about noise, so an early hour business can work in a residential area.

Commissioner Wimmers said she would have more of a concern about the facility in a residential district if it wasn't located on 10th Street that by nature has heavy traffic flow.

It was moved by Nelson and seconded by Wimmers to approve CUP 135-05 based on the findings of fact and the staff's recommended conditions of approval. Lavier, Nelson, Wimmers, Whitehouse and Poppoff approved, Ahlberg opposed, and Zukin was absent.

Application VAR 118-12, Mid-Columbia Medical Center, requesting approval to obtain additional signage that exceeds the code limitation. The property is located at 1935 East 19th Street, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 11BA, tax lots 4800, 4900, and 5000. Property is zoned "RL" – residential low density with an "NC" Neighborhood Center overlay.

Chair Lavier asked the Commissioners if they had any bias, conflict of interest, or ex-parte contact that would prohibit them from making an impartial decision in the matter. None were noted.

Chair Lavier opened the public meeting at 6:49 PM.

Senior Planner Gassman presented the staff report and indicated that this variance request was an unusual request. Approximately a year ago, the Planning Commission granted a variance request for this property for the installation of one monument sign for the property, Gassman reported. Gassman said that, at that time, the Planning Commission was concerned about future signs for the property, and the applicant said the monument sign was the only sign he would install.

Now Mid-Columbia Medical Center (MCMC) was requesting two additional signs, Gassman said, to assist oncoming drivers coming from the east to locate the building entrance. Gassman stated staff

recommended one additional sign on the east side only and wished to take a fairly cautious approach. The applicants' proposed signage included names of the first floor businesses, and the second floor was unoccupied at this time, Gassman said. The staff's concern, Gassman explained, was that a future request for additional signage could come if and when the second floor became occupied.

Commissioner Nelson pointed out that he visited the site, and the main entrance was difficult to find. Nelson stated that he felt the main entrance sign was important and asked if the proposed sign was approved at its exact size indicated, was a face change allowed in the future without a Planning Commission approval if other tenants occupied the building. Gassman indicated that once a sign was approved and the tenants later requested a "face change," Planning required a new permit, but the applicant would not need the Planning Commission's approval.

Gassman emphasized that, with the first variance requesting the monument sign, the applicant "traded" having flush-mounted signs on the building for one monument sign. Commissioner Whitehouse pointed out that other facilities, as he recalled, did not have entrance signs at each entrance. Commissioner Poppoff suggested the applicant place a main entrance sign at the entrance then post a tenant listing on a directory sign just outside the main entrance. Gassman said it seemed to be a better approach to put the name of the professional center at the street entrance and have the tenants give directions to the customers on how to locate the individual offices.

PROPONENT:

Gaylen Rose, 3125 Old Dufur Road, The Dalles, Oregon, stated that the professional center was owned by a different entity and MCMC was a tenant on the first floor. Rose stated that the main reason for this request was that a majority of patients cannot find the main entrance, usually the main entrance of a building faces the street, but not so in this case. Because of this difficulty for patients, Rose explained, that many clinics have moved out. Rose stated the difficulty of locating the entrance posed a problem for first-time patients—even with directions from the tenants—and for the elderly.

Rose said the reason for the request for two signs was because of the vegetation and the parking situation, one sign would not serve the purposes for someone traveling the other direction. Rose emphasized that patients were having difficulty finding the entrance and the office suite they intended to visit.

Chair Lavier stated this request seemed like a temporary solution, and he would support a permanent solution. Rose said he believed the request was a permanent fix, because names could be added or changed later. Commissioner Whitehouse asked Senior Planner Gassman if the proposed sign met code requirements. Gassman said it did not meet code requirements because in this zone, only flush-mounted signs were allowed. Gassman further explained that directional signs are allowed in this zone up to eight square feet in size, but only two square feet can be a name or logo. The remainder of the directional sign would be required to be directional, Gassman said.

Commissioner Wimmers asked if the monument sign by the applicant could be modified. Gassman answered that it could be modified, but that was not requested.

Rose stated that, to the best of his knowledge, the applicant's intent was for visitors to 1) find the entrance, and 2) find the tenants in the building.

Chair Lavier asked Senior Planner Gassman if the code allowed a building directory in a multi-tenant building in this zone. Gassman answered yes, a directory sign is allowed by the door. Commissioner Wimmers asked Mr. Rose if he felt it would work to have a directory sign at the main entrance. Rose said yes, but it would not resolve the issue of finding the main entrance. Chair Lavier said a two-sided directional sign indicating the main entrance location could be placed at the street entrance.

After further discussion, Chair Lavier asked Mr. Rose if he wanted to take the Planning Commission's suggestion of double-sided directional signs on both sides of the building at the street entrances pointing to the main entrance, and one directory sign at the main entrance listing the tenants back to the applicant's administrators for their input. Lavier explained that the hearing could be continued to the next Planning Commission meeting on March 1, 2012, and Mr. Rose could bring back an answer to Planning Commission. Rose said he would like to take the suggestion back to the MCMC administrators.

Marilyn Clifford, 1280 Oakhill Drive, The Dalles, Oregon, stated she was in favor of additional signage on this property. Ms. Clifford stated she had previously been a patient and had taken other patients to the building, and it was very difficult to find the building entrance.

OPPONENTS:

None

It was moved by Ahlberg and seconded by Poppoff to continue this public hearing request to the March 1, 2012 public hearing meeting. The motion passed unanimously, Zukin was absent.

RESOLUTIONS:

It was moved by Nelson and seconded by Whitehouse to approve Resolution P.C. 516-12 as submitted, based on findings of fact and staff's recommended conditions of approval. The motion was approved; Lavier, Whitehouse, Wimmers, Nelson and Poppoff were in favor, Ahlberg was opposed, Zukin was absent.

STAFF COMMENTS:

Senior Planner Gassman asked the Planning Commission if they would like to make a motion to recommend two Commissioners to the Mayor for the Sign Ordinance Committee. It was moved by Whitehouse and seconded by Ahlberg to recommend Chris Zukin and Mark Poppoff as Planning Commission representatives to the Sign Ordinance Committee. The motion passed unanimously, Zukin was absent.

Senior Planner Gassman advised Chair Lavier and Commissioner Nelson that their commission terms were going to expire in April 2012, and he asked them both to contact City Clerk Julie Krueger to inform her of their intentions. Carole Trautman was asked to provide Ms. Krueger's contact information to the Commissioners.

COMMISSIONER COMMENTS/QUESTIONS:

Commissioner Whitehouse recommended to Senior Planner Gassman that a sentence be added to the LUDO that would address the Mid-Columbia Medical Center sign request because the builder/owner

should be aware that requesting only one monument sign and no others may have an impact on future signage for future tenants. Senior Planner Gassman stated this issue has the potential of being difficult in nature, because most multi-tenant buildings fill up gradually, and there is a likelihood of later requests for additional signage.

NEXT MEETING: March 1, 2012

Mr. Parker will be presenting the topic of signs in the Right of Way.

ADJOURNMENT:

The meeting was adjourned at 7:47 PM.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.



Bruce Lavier, Chairman