

CITY OF FLORENCE PLANNING COMMISSION
May 13, 2014 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Vice Chairperson Curt Muilenburg opened the meeting at 7:00 p.m. Roll call: Commissioners: Curt Muilenburg and John Murphey were present. Chairperson Hoile, Commissioner Robert Bare and Commissioner Alan Burns were absent. Also present: Interim Planning Director Kelli Weese and Planning Technician Glen Southerland.

APPROVAL OF AGENDA

There was not a quorum of the Planning Commission present. No votes could be made.

APPROVAL OF MINUTES

Meeting of April 22, 2014

There was not a quorum of the Planning Commission present. No votes could be made.

PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **3 minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

PUBLIC HEARINGS:

Vice Chairperson Muilenburg said that there was one public hearing before the Planning Commission that evening. The hearing would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudice, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

OLD TOWN PARKING – RESOLUTION PC 14 05 TA 01: A proposal to amend Chapter 17 – Old Town District of the City of Florence Zoning Code (Title 10) in order to amend required parking regulations in the Old Town Area A zoning district by waiving parking requirements for existing structures, and reducing parking requirements by 50% for all new structures and additions.

Vice Chairperson Muilenburg opened the hearing at 7:04 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest or bias. No Commissioner declared any conflict of interest or bias. Vice Chairperson Muilenburg asked if the public had any challenges to any commissioner's impartiality in making this decision. There were no challenges. Vice Chairperson Muilenburg asked for the staff report.

Staff Report

PT Southerland presented the Code Criteria applicable to the evaluation of the Old Town Parking text amendment. He outlined the proposed geographic extent of the text amendment, Old Town Area A and a consideration for extending the parking requirements to Old Town Area B.

PT Southerland read the proposed code amendments and outlined the effects of those code changes. He stated that all existing buildings and uses in Old Town Area A would have their parking requirements waived. PT Southerland stated that future development would have 50% of their parking requirements waived. He added that businesses would still have to provide required ADA parking.

PT Southerland presented an example of the effects of the reduction on a new 1,700 square foot development in Old Town Area A for both retail and restaurant parking requirements. He stated that no written testimony was received regarding the proposed text amendments.

PT Southerland stated that staff recommended that the Planning Commission continue the public hearing at a later date, select an area of effect that corresponds with Old Town Area A and recommend the proposed text amendments to City Council.

Vice Chairperson Muilenburg asked if any Commissioner had questions for staff regarding this text amendment. Commissioner Murphey stated that he had no questions.

Vice Chairperson Muilenburg stated that he had a question that he wished to hold until a later date, but had a question today about conflicting verbiage. He stated that the packet had different information than the presentation given. Vice Chairperson Muilenburg said that what he read was that the text amendment allowed businesses to relocate and/or expand without the need to provide additional parking. He said that what PT Southerland presented was that the existing parking regulations for existing buildings go away and they would not be required to provide parking at all.

IPD Weese stated that the confusion was between an already existing building, which would have its requirements waived and an addition or change to the structure, which would have to provide an additional amount of parking at the reduced rate. She used an example of a restaurant making a 500 square foot addition having to provide additional parking for the addition.

Commissioner Murphey confirmed if that meant that businesses could expand within currently existing structures without having to add additional parking. IPD Weese confirmed and stated that any existing square footage that is added to a building would be required to provide parking, but existing square footage would not.

Vice Chairperson Muilenburg asked if there were provisions to prevent someone from expanding into a parking space. IPD Weese stated that there were not, but parking would have to be provided for the expansion. Vice Chairperson Muilenburg stated that he believed that it defeated the purposes of the text amendment to allow parking spaces to be eliminated as part of expansions and not require those businesses to provide more parking. IPD Weese stated that the Planning Commission could add code related to that, but that staff had thought through that possibility. Commissioner Murphey stated that there was not much new land to expand into. Vice Chairperson Muilenburg stated that he would bring the question up again at the next meeting.

Public Hearing

Vice Chairperson Muilenburg asked for testimony from the public whether they were an opponent, proponent or neutral, but have a comment.

SK Lindsey – P.O. Box 1526, Florence, OR 97439

Ms. SK Lindsey introduced herself as the owner of Kenneth B Gallery. She said that she has refurbished the building into a contemporary art gallery and dinner/movie theater. She stated that the issue of the movie theater required her to provide more parking, but there was none available. Ms. Lindsey stated that she was able to come to an agreement for evening parking, but a major portion of her project depended solely on parking. She said that she did not think that parking would be a problem because generally people will find a place to park and walk to the theater.

Ms. Lindsey stated that she firmly supported the amendment.

Angela Terrell – P.O. Box 1143, 1247 Bay Street, Florence, OR 97439

Ms. Angela Terrell introduced herself as one of the owners of U R Worth It Hair Salon. She stated that she was looking for a solution to the 3-hour parking limit in the parking lot outside of her business. She stated that she would like the time limit eliminated in that parking lot.

Vice Chairperson Muilenburg asked who put up the 3-hour time limit signs. IPD Weese stated that about three years ago a public outreach process was undertaken to determine the time limits and areas where a time limit would be beneficial. She stated that she would forward Ms. Terrell's comments to Public Works Director Mike Miller.

Ms. Terrell stated that the signs have not been up that long and may have been up only since the fall of 2013. She said that the time limit was not feasible for her clients. IPD Weese stated that she would forward her comments to the Public Works Director. Vice Chairperson Muilenburg said that she would have to speak to the City Council and bring up her issue during the Public Comments time during that meeting. IPD Weese informed her that the next City Council meeting was June 2.

Commissioner Murphey asked if the Planning Commission had the ability to remove the 3-hour time limit. IPD Weese stated that they could not.

Howard Goldstein – P.O. Box 247, Florence, OR 97439

Mr. Howard Goldstein stated that he has lived in Florence since 1983 and has heard a great deal of discussion about inadequate parking. He stated that he owns two buildings in Old Town, and when he built, he would have liked to build more, but could not because of the parking regulations. He added that he believed that other businessmen might have left town because they could not meet the parking regulations.

Mr. Goldstein said that the City was trying to correct a problem that was created by parking regulations. He stated that when he visited other tourist destinations, he might have to park a mile away from his destination. He would like to see parking restrictions removed.

Staff Response

Vice Chairperson Muilenburg asked for staff response and recommendations.

IPD Weese stated that staff did not have a response and that the comments received and testimony were reasons why these changes were being proposed.

Commission Discussion

The Resolution could not be voted on as there was not a quorum of Commissioner present. Vice Chairperson Muilenburg stated that the public hearing would be continued and that verbal and written testimony would be accepted until June 10, 2014 and 7 p.m.

DISCUSSION ITEMS

There were no items for discussion.

DIRECTOR'S REPORT

IPD Weese stated that since the last meeting, the Code Enforcement Officer had left. She said that we now have a temporary Code Enforcement Officer, Dan Frazier.

CALENDAR

The Planning Commission discussed the upcoming calendar. The next meetings are scheduled for May 27, 2014 and June 10, 2014 at 7:00 p.m.

Vice Chairperson Muilenburg adjourned the meeting at 7:32 p.m.

Cheryl Hoile, Planning Commission Chairperson