

CITY OF FLORENCE PLANNING COMMISSION
December 9, 2014 ** MEETING MINUTES **

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Cheryl Hoile opened the meeting at 7:00 p.m. Roll call: Chairperson Cheryl Hoile Commissioners: Curt Muilenburg, John Murphey, and Robert Bare were present. Commissioner Alan Burns was not present. Also present: Planning Director Wendy FarleyCampbell and Assistant Planner Glen Southerland.

APPROVAL OF AGENDA

Commissioner Bare motioned to approve the Agenda, Commissioner Murphey seconded. By voice, all ayes, with the exception of Commissioner Burns who was not present. The motion passes.

APPROVAL OF MINUTES

Meeting of November 10, 2014

Commissioner Murphey motioned to approve the Minutes of November 10, 2014, Commissioner Bare seconded. By voice, all ayes, with the exception of Commissioner Burns who was not present. The motion passes.

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:

Chairperson Hoile said that there were two public hearings 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, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

FILE PC 14 23 DR 03 – TACO BELL DESIGN REVIEW: A request by Rodd Hansen, Architect LLC, for design review to construct exterior building modifications to modernize the Taco Bell building. The site is located at the SE corner of 25th and Hwy 101, 2460 Highway 101, Assessor's Map 18-12-23-33 TL 00900 and is zoned Highway District.

Chairperson Hoile opened the hearing at 7:07 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. Commissioner Bare declared a site

visit. Chairperson Hoile asked if the public had any challenges to any commissioner's impartiality in making this decision. There were no challenges. Chairperson Hoile asked for the staff report.

PD FarleyCampbell presented the pertinent criteria for the application and gave the locational information for the Taco Bell. She stated that this was the first true remodel of the restaurant since its first construction. She said that there no major changes to the site proposed affecting vehicular traffic, parking, or circulation and presented elevations of the proposed changes.

PD FarleyCampbell stated that the applicant proposed aluminum slats above the windows backlit with LEDs. She stated that the new column at the southwest corner of the building would not affect parking, but that a proposed new column at the northwest corner may affect the drive-thru. PD FarleyCampbell stated that this might not affect vehicular traffic, but would definitely affect pedestrian traffic. Chairperson Hoile said that people already drove over the curb at that drive-thru and that the expanded column may escalate the problem.

PD FarleyCampbell stated that she had requested renderings from the architect, but had not received those. She said that she had looked online and found photos of this completed remodel to present. She said that staff had not looked at signage as a part of this application. PD FarleyCampbell stated that the proposed signs would not meet current sign code and the applicant would need to work with the Building Permit Technician to find an appropriate solution.

PD FarleyCampbell stated that the applicant had proposed sconces for lighting the exterior of the building. She said that several buildings in the area use the same architectural elements as the proposed Taco Bell. She stated that staff recommended approval with conditions that specified that the lighting meeting dark sky regulations. She added that the Planning Commission could add that the existing lighting be approved if the bulbs could be modified.

Chairperson Hoile asked if they needed to make a decision regarding the sign if it did not meet the sign code. PD FarleyCampbell said that she had mentioned that for the record, but that the Planning Commission would decide on the Design Review separate of the sign issues.

Commissioner Muilenburg asked why the proposed sign did not meet sign code. AP Southerland stated that what was proposed would really be two signs per wall, with the trademarked image of a bell being one and the "Taco Bell" being another, while code only allowed one sign per wall. Commissioner Murphey asked how much the signs exceeded six percent of the wall area. AP Southerland stated that he did not know if the six percent was exceeded, just that the signs were an issue because there were two wall signs per wall rather than one. He said that if the signs were together it would likely meet code.

PD FarleyCampbell said that the opportunity for a variance before Planning Commission had been removed from sign code, but did not know if there was a possibility to go before the City Council.

Chairperson Hoile asked PD FarleyCampbell's opinion of whether or not the sign issue needed to have the Planning Commission weigh in. PD FarleyCampbell stated that it was in the record and did not need to be a condition of approval.

Commissioner Muilenburg asked if the northwest corner column would be protruding into the existing drive-thru. PD FarleyCampbell stated that Exhibit B showed where the column would be in relation to the drive through. Chairperson Hoile said that the existing drive-thru already has issues with customers cutting the corner there. Commissioner Muilenburg stated that many of the drive-thrus in town had design issues that did not allow larger vehicles and said that he was concerned. PD FarleyCampbell asked if he would like to offer, with this approval, the opportunity to modify the drive-thru to allow people to maneuver around the column. He suggested that the applicant extend the radius of the curve.

Commissioner Muilenburg asked if the replacement of the drive-thru menu and order board was being considered as part of this application. PD FarleyCampbell stated that it was not part of this Design Review.

Applicant Testimony – Lindsay Johnston, Weber Coastal Bells, 840 Conger, Eugene, OR 97402

Ms. Johnston introduced herself and stated that Taco Bell required her company to update their buildings every twenty years or so. She said that the panels that PD FarleyCampbell mentioned were actually brown and beneath them was purple paint rather than LEDs.

Ms. Johnston stated that she was not sure that the widening of the drive-thru would be compatible with the landscaping in that area. PD FarleyCampbell said that if the landscaping needed to be modified, they would be able to submit a plan with their building permit application and could replace vegetation one-for-one on another part of the site. Ms. Johnston stated that she would talk to Mr. Hansen regarding the changes, but had been hoping to not make any site changes other than the renovation of the building. PD FarleyCampbell said that the Planning Commission could grant permission in advance so that they would not have to return to another hearing.

Ms. Johnston asked if the current building had only one sign per wall and if there was a way to grandfather the proposed signs in. PD FarleyCampbell said that the building currently had one sign per wall and that the proposal had specified two signs per wall. PD FarleyCampbell said that the proposed signs were a new sign and the old signs did not have the same issue of being two separate signs.

Commissioner Muilenburg said that it would probably be difficult to get custom sized signage because they were probably made for all of the franchises. Chairperson Hoile asked if the applicant could go to the City Council for a variance approving that sign. PD FarleyCampbell stated that may be an option, but that the option was definitely removed from the sign code. Commissioner Murphey asked if the purple that the bell was on could be extended to make the signs connected. Ms. Johnston said that she knew of one store that had a sign that was too large, and they had to remove their sign.

Commissioner Muilenburg asked Ms. Johnston about the extension of the column and if she saw an issue with people hitting the building or driving over the curb. She said that they have not yet had an issue with that corner of the building and added that they could look at widening the drive-thru.

Chairperson Hoile asked what changes were being made to the drive-thru board. Ms. Johnston stated that only a rain cover was being added. She added that there was a bell on the awning that had been called a sign originally by other cities.

Chairperson Hoile asked if Ms. Johnston understood the conditions of approval. Ms. Johnston stated that she did.

PD FarleyCampbell suggested that the Findings of Fact be changed to reflect that, on page 4, Item J, the column proposed adjacent to the drive-thru that the modification of the drive-thru would be approved.

Chairperson Hoile asked if there were any proponents, opponents, or neutral & interested parties. There were none.

Chairperson Hoile asked for staff's recommendation. PD FarleyCampbell asked if the Planning Commission would like to modify Condition 3 to allow both upward facing lights pointed at the building or sconces with directional lighting installed. Chairperson Hoile said that she believed that it was fine without that modification. PD FarleyCampbell stated that staff's recommendation met the criteria as proposed and with the conditions of approval as stated.

Chairperson Hoile closed the hearing at 7:51 p.m.

Commission Discussion

Commissioner Murphey motioned to approve Resolution PC 14 23 DR 03 with the changes discussed, Commissioner Muilenburg seconded the motion. By roll call vote: Commissioner Bare “yes”; Commissioner Muilenburg “yes”; Chairperson Hoile “yes”; Commissioner Murphey “yes”; Commissioner Burns was not present. The motion passes.

FILE PC 14 22 CUP 09 – SIUSLAW RIVER BRIDGE WORK PLATFORMS: A request by the Oregon Department of Transportation for a Conditional Use Permit to add fill to the Siuslaw River for the purpose of supporting temporary work platforms and a containment structure alongside the Siuslaw River Bridge.

Chairperson Hoile opened the hearing at 7:54 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. Chairperson Hoile asked if the public had any challenges to any commissioner’s impartiality in making this decision. There were no challenges.

AP Southerland stated that the applicant was unable to attend because of the weather.

Commissioner Muilenburg motioned that the hearing be continued until January 27, 2015 at 7:00 p.m.

DISCUSSION ITEMS

Chairperson Hoile stated that when she started on the Planning Commission there were seven commissioners. She said that she would not be able to attend as frequently in the future and with only five commissioners her being gone would have a bigger impact than before.

Commissioner Bare stated that he had not yet made up his mind, but had received questions from the public asking if he would be continuing. PD FarleyCampbell stated that AP Southerland had applications if needed. Commissioner Bare said that he agreed with Chairperson Hoile’s statement that it easier to arrange a personal schedule with seven members of the Planning Commission.

CALENDAR

The Planning Commission discussed the upcoming calendar. The next meeting is scheduled for January 13, 2015.

Chairperson Hoile adjourned the meeting at 8:07 p.m.

Cheryl Hoile, Planning Commission Chairperson