

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

November 8, 2010, 07:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

Roll Call:

Chair Tim Powell
Commissioner Dan Lajoie
Commissioner Carter Stein
Commissioner Charles Kidwell

Staff Present:

Tony Konkol, Senior Planner
Laura Butler, Assistant Planner
Christina Robertson Gardiner,
Associate Planner
Pete Walter, Associate Planner
Carrie Richter, Assistant City Attorney

Chair Powell called the meeting to order at 7 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There was no public comment on items not listed on the agenda.

3. PLANNING COMMISSION HEARING

**CP 10-01, DP 10-02, WR 10-03. Approval with Conditions of a
Master Development Plan, Detailed Development Plan and
Natural Resource Overlay District Review for
Redevelopment of the Hilltop Mall, including a new Grocery
Store and Retail, Parking Lot and Associated Improvements
(Continued from October 25, 2010).**

Exhibit 17: All Public Comments in Support as of 10/25/2010

Exhibit 18: ESA Letter - follow up to Conditions of Approval

Exhibit 19: Applicant's PowerPoint - 10/25/2010

Exhibit 20: Hammond-Williams Letter

Exhibit 21: Continuance Request

Exhibit 22. TriMet Comments

Exhibit 23: Hammond-Williams Letter

Exhibit 24: Edible Plants Memorandum

Exhibit 24: Staff Email to Planning Commission - Edible Plants

Exhibit 25: Conceptual Phasing Plan

Exhibit 26: Revised Site Plan - Overall

Exhibit 27. Lot Line - Coffee Rush Relocation

Exhibit 28. Spheres of Influence

Exhibit 29. Roof Articulation Responses

Exhibit 30. Pedestrian Lighting

Exhibit 31. Austin Support Letter

Exhibit 32. Crenshaw Support Letter

Exhibit 33. Retail Exterior Elevations Roof Line Compliance A2.3

Exhibit 34. Revised COA #3

Exhibit 35. Revised Parking - Phase I

Exhibit 36. CP 10-01 Staff Powerpoint

Exhibit 37. Staff Cost Estimates for Sidewalks

Exhibit 38 - Lane Powell Attorneys

Chair Powell read the hearing statement describing the hearing format and correct process for participation. He asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements. There was none.

Pete Walter, Planner, presented the staff report. This application was a concept master development plan, a detailed development plan, and water resource overlay district review for redevelopment of the Hilltop Mall which included a new grocery store and retail, parking lot improvements, and landscaping improvements for the entire site. Exhibits 1-22 had been entered into the record at the last hearing on October 25. He entered Exhibits 23-37 into the record. He explained the subject site and adjacent properties, existing conditions, proposed development, traffic analysis, Natural Resource Overlay District review, interior street design, building elevations, requested adjustments to the Code and approval criteria, and revised Condition of Approval #3. Staff recommended approval with conditions.

Chair Powell wanted a review of the speed of traffic in the intersection as part of the conditions of approval. He was concerned that the sphere of

influence plan would create disconnecting pedestrian points and a mess for traffic. He suggested traffic calming devices be added to address it. He also wanted to know the truck access and back up queuing.

There was discussion about the pedestrian walkways through the development.

Jill Long, attorney with Lane Powell, Portland, was representing the applicant. Mark Perniconi, CE John Co., reviewed the site plan, six adjustments to the plan, and the limiting existing conditions for the Hilltop Center. Regarding traffic control, he explained the traffic calming and pedestrian crossings proposed.

Chris Bremer, Kittelson and Associates, explained the pedestrian crossings further and traffic calming measures.

Mr. Perniconi also described the connectivity plan, truck movements, loading area perspectives, recommended deletion of some of the conditions of approval, and gave clarification for how some conditions of approval would be met.

Ms. Long said regarding edible plants, it was determined that they could not use those types of plants and still meet the Code requirements. There was also safety concerns in this type of environment. Regarding transfer of trees, there were concerns regarding cost and the trees living through the transition. She entered Exhibit 38 into the record regarding landscaping. They would still work with neighbors who wanted to relocate trees at their own expense. She then discussed the issues revolving around Condition of Approval #3. This condition was very difficult and burdensome for the applicant and would cause significant issues for redevelopment of the site over time. She explained the future connectivity vision which showed what the applicant would do when redevelopment occurred. She also explained the spheres of influence concept.

Mr. Perniconi said in regard to the proportionality issue, there were hidden costs that had to be taken into account. In the end, if the proportionality and cost became so onerous, property owners could not do it.

Ms. Long thought the applicant was committing to the future by stating that connectivity areas would occur at the time of redevelopment. There was also an extensive amount of pedestrian connection in the development. The applicant would like Condition of Approval #3 removed or a revision made. The change would be the trigger was a detailed development plan land use application from one of the spheres of influence. She requested approval with the revision to the Conditions of Approval as discussed.

Commissioner Kidwell suggested a way to move the pedestrian connection into the parking lot so that parking was not lost. Mr. Perniconi thought that would be a solution if the geometry worked.

William Gifford of Oregon City and representative of the Hillendale Neighborhood Association said the neighborhood did not receive a copy of the latest design changes and were not prepared to make comments on the newest plans. The edible landscaping was in regard to the community garden that was there now, not the landscaping around the development.

Regarding the trees, the neighborhood had requested that as many trees could be left as possible. They were most concerned about the strip between the applicant's property and Wallgreen's. He also discussed how the parking space widths were tight and the need for drought resistant landscaping. He gave some observations as a citizen regarding the sidewalk going by the loading dock. He was concerned about the trees and visibility of that intersection and the width of the sidewalk to allow for pedestrians and bicyclists. He was also concerned about the maintenance of the gravel pathway. He thought gravel should not be used. He also suggested using cobblestones as traffic deterrents and using vertical gardens instead of fake windows on one of the walls. He liked Commissioner Kidwell's idea of integrating the walkway into the parking lot rather than along the outside of it.

Lydia Bugatti, owner of Bugatti's, said this site plan was balancing many requirements by the tenants of the Shopping Center and at the same time trying to balance the City's requirements for construction for building. The City wanted the orientation of businesses to face the streets, but this shopping center primarily was an auto access area with not a large amount of foot traffic. She thought the way it was presented looked good and was accessible for customers. If Safeway was to face Beaver Creek with its back to the shopping center, it was not appealing. She thought the applicant's proposal was a good solution. She also liked the phasing of the development as it would allow the development to address current issues.

Mr. Gifford said the Neighborhood Association stated on record the neighborhood's concern regarding orienting the grocery store towards the parking lot.

Commissioner LaJoie asked if the Neighborhood Association needed time to review the application.

Mr. Gifford said he felt some discomfort not having it reviewed by the Association's Steering Committee, however he understood the need for expediency. There would be other chances to review this in more detail. He thought the overall master plan was acceptable.

Mr. Walter and Carrie Richter, Assistant City Attorney, clarified the applicant's request for changes and deletions to the Conditions of Approval.

Tony Konkol, Community Development Director, said the parking lot stall widths were right out of the Code.

Chair Powell said regarding Condition #3 and the master planning process, were there other examples where they treated each piece of the master plan as a separate application? Mr. Konkol said the leases made it difficult to make a legitimate phasing schedule. They would be looking at the phases as individual properties.

Chair Powell thought it made sense to do it as a land use for individual properties rather than a tenant improvement. He asked about controls if it did not happen within the 15 years. He wanted to make sure there was a completed package at the end and not have unfinished pieces that were not tied together. Mr. Konkol said it was difficult to put a timeline on it due

to the leases.

Ms. Long gave the applicant's view of the adjustments and how they were mitigated by the improvements provided in the detailed development plan. She agreed a land use application was the right way to deal with the issue. The applicant had concern regarding the 15 year mark. The revised language did not include a timeline because of the existing lease agreements which did not allow them access to a large portion of the parking lot until year 17 of the master plan. That did not take into account lease options that could go on and still preclude them from touching it. The applicant thought the future connections would be made by the time the master plan expired.

Mr. Perniconi said the applicant agreed with what Mr. Walter suggested regarding Conditions 6 and 7. He discussed the options for Condition 10.

Ms. Long said the applicant suggested removal of Condition 10 as they already met the condition.

Chair Powell thought it should be included for the future design review process.

Ms. Long addressed Mr. Gifford's concerns about the parking stall widths, drought resistant landscaping, visibility and trees, sidewalk widths, gravel pathway, raised traffic calming, and changes since the last hearing.

Chair Powell closed the public hearing.

Chair Powell said regarding Condition #3, he proposed revising the condition to a land use application at each requirement.

Mr. Walter said the applicant preferred the trigger to be for each sphere of influence when the building in the sphere of influence submitted for detailed development plan land use application pursuant to the master plan approval. Mr. Walter thought it should be broadened to say any land use approval in that sphere of influence.

Chair Powell wanted a higher threshold; a minor site plan facade improvement should not trigger it. It should be a detailed development plan.

The Commission agreed to wait for a redevelopment of the site to occur to get the improvements.

There was discussion about the 15-20 year timeline.

Commission consensus was the deadline would be before the expiration of the master plan. There was the possibility for amending the timeline.

Mr. Konkol clarified Conditions 6 and 7 would be amended to add a reference to the City's stormwater standards, removal of Conditions 21, 23, and 25, and leave Condition 10 in.

Mr. Walter read the revised Condition of Approval #3.

Commissioner Carter Stein thought the design was creative and thoughtful and all of the adjustments were appropriate to make a local street system and pedestrian connectivity system in this development. The NROD adjustments also made sense. It was a difficult site, and he was in support of approval of the master plan and conditions of approval.

Commissioner LaJoie thought this was well conceived. Connectivity was the idea and he thought it was being handled well. He wished the design review process included aesthetics especially for large and important projects such as this. He was also in support.

Commissioner Kidwell stated a lot of changes had occurred in the last 30 years in Oregon City. He thought it was exciting to see this area re-energized. He thought the connectivity of the pedestrian link from north to south was an important link, and he wanted to see it happen sooner than later. He also thought the frontage on Beaver Creek needed some attention as well. He supported the master plan.

Chair Powell thought the applicant had done a good job of making the Code work. They had met the concept and vision of the Code. He liked the visibility of the retail, connectivity, pedestrian access and amenities. He was concerned about the speed, but with the stop signs and raised pedestrian walkway, it was a good start. He would leave it to the tenant to address that issue further. He thanked the applicant for bringing jobs to the City. He also supported the plan.

Motion by Commissioner Charles Kidwell, second by Commissioner Dan Lajoie to to approve CP 10-01, DP 10-02, and WR 10-03 with the revised conditions of approval as discussed.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein, Commissioner Charles Kidwell voting aye. [4:0:0]

Mr. Konkol said the City received a note from Susan Hanson, Community Affairs Coordinator for ODOT, stating the Arch Bridge closure was set for January 15, 2011, and would last for 24 months. There would be open houses in January regarding this issue.

4. ADJOURN

Chair Powell adjourned the meeting at 9:59 p.m.