

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
April 1, 2013**

CALL TO ORDER

President Anderson called the meeting to order at 7:00 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

ROLL CALL

Present: President Anderson
Commissioner Feeney
Commissioner Fitzgerald
Commissioner Gaschke
Commissioner Muldoon
Vice President Rogers

Absent: Commissioner Doherty; Commissioner Schmidt; Commissioner Shavey

Staff Present: Kenny Asher, Community Development Director; Tom McGuire, Assistant Community Development Director; Doreen Laughlin, Executive Assistant; Cheryl Caines, Associate Planner; Judith Gray, Sr. Transportation Planner

COMMUNICATIONS

Commissioner Fitzgerald reported that she and Commissioner Shavey had attended the Downtown Public Art Visioning on the 27th of March. She found it very interesting to see what guidance the artist got to work on the new key entrances to Downtown Tigard. She said the artist will come back with some sketches, models, to get the next round of ideas through the committee. She thinks this is a very talented artist and she believes it will be something good. She reported about 20 people showed up; a good turnout.

CONSIDER MINUTES

March 18th Meeting Minutes: President Anderson asked if there were any additions, deletions, or corrections to the March 18th minutes; there being none, Anderson declared the minutes approved as submitted.

PUBLIC HEARING - OPENED

DEVELOPMENT CODE AMENDMENT (DCA) 2013-00001 - OFF STREET PARKING MODIFICATIONS

REQUEST: The applicant has proposed amendments to chapter 18.765 - Off Street Parking and Loading Requirements of the Tigard Community Development Code. These modifications include reducing the minimum parking requirements for specific uses listed in Table 18.765.2 (Eating and Drinking Establishments, Sales-Oriented Retail, and Personal Services – bank with drive through) and modifying the minimum parking requirement percentages for mixed-use developments. (18.765.030.D). **LOCATION:** Citywide. **ZONE:** R-25 & R-40 residential zones, all commercial zones and all industrial zones. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Goals 1, Public Involvement; Goal 2, Land Use Planning; Goal 6, Environmental Quality; Goal 9, Economic Development; and Statewide Planning Goals 1, 2, 6 and 9.

President Anderson read some required statements. No commissioners wished to abstain or declare a conflict of interest. No one in the audience wished to challenge any member of the Planning Commission for bias or conflict of interest. It was noted that Commissioners Tim Gaschke and Matt Muldoon had both received public notices on this case as they live within the affected area. Vice President Jason Rogers had made a site visit. No one in the audience wished to challenge the jurisdiction of the commission.

STAFF REPORT

Associate Planner Cheryl Caines introduced herself and went over the staff report. [Staff reports are available one week before the meeting.] She noted that this is a citywide proposal for reduction in minimum parking ratios for restaurants, retail shops and banks with drive-thru. The other part of the proposed code amendment is lowering the percentages for mixed-use or multi-tenant developments such as shopping strip malls and mixed-use development.

Cheryl went over a PowerPoint presentation (**Exhibit A**). She gave some background information regarding the establishment of the minimum parking ratios in table 18.765.2; she noted they were established by Metro in 1998 as regional highest minimums recommended for cities to apply. Tigard adopted those ratios straight from Metro's Regional Transportation Plan. There's been no modification to them since that time.

Cheryl turned the microphone over to Judith Gray, Sr. Transportation Planner to speak about parking ratios. She referred to a slide to help in her explanation (**Exhibit B**). She pointed out that the "Shopping Center" portion of the slide was incorrect. It showed staff's recommendation at 3.7 when, in fact, they are at 3 – which means they are recommending accepting the applicant's proposal in that area. She said the City appreciates the initiative that the applicant is taking to improve City code. It helps the City move in the general direction they would like to go, and also provides flexibility for other developers. She gave reasons why this is a good thing: She noted this is a minimum ratio – developers would still be able to provide more – they just won't be required to provide this as a minimum; that's important and that helps. She said there are a few mitigating factors in this case that give some flexibility, some protection; one is that it is a minimum ratio, another is that it's fairly limited to just a few land uses. With that in mind – that's why the staff recommendation moves pretty far and in the right direction. Cheryl added that, as stated in the staff report, this may not be the ideal way of looking at the ratios, as Judith pointed out, but it is the direction that the City has been going and so in the recommendation and the analysis, the thought was that this could be

possibly a bridge to where we want to go. It will alleviate some issues and it will encourage some economic development.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission find in favor of the proposed text amendment as amended by staff and with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council. This recommended approval is contingent upon the applicant's submittal of parking counts showing the amendments will result in adequate on-site parking for the impacted uses and developments and will not adversely impact adjacent streets, residential neighborhoods, or commercial developments.

QUESTIONS OF STAFF

Commissioner Muldoon: Is there any assumption that there will be improved mass transit? *No, it's strictly looking at the ratios and the percentages for the mixed-use developments.*

Commissioner Feeney: I understand the recommendations of the City adjusting it; why no change to the drive-in bank? I'm just wondering why we want to keep that in the current City code. *It was based upon Exhibit E of the applicant's materials, the review of parking proposed minimums relative to ITE parking generation. In looking at the range that was shown in that information, we didn't feel that that data supported lowering the number; that's why we recommended no change.*

APPLICANT'S PRESENTATION – Noel Johnson, Killian Pacific, 500 East Broadway St., Vancouver, WA introduced himself and his colleague, Phil Bretsch, also of Killian Pacific.

Mr. Johnson explained why they were bringing this forward. He noted that he realizes it's somewhat unusual for an applicant to bring forward a text amendment that is a citywide proposal. He explained the genesis of this decision; essentially it came out of a realization that a retail property they own "Nimbus Center" – is having some challenges and is unable to actually fill up with businesses. Problems occur when people want to locate businesses that may want to expand, or restaurants - and they simply aren't able to because of the parking problem. They realized it would be worth Killian, partnering with the City, to try to fix this small problem for them (just a few thousand square feet of space) that they'd like to fill up. They recognized that as opposed to spending their money and time on a variance for this property specifically, they'd spend that same money and time to try to fix, not only their problem, but a problem that exists in every other retail, restaurant, or bank establishment in Tigard.

He said they looked at four pieces of data:

1. Other cities – Killian develops throughout the whole Portland Metropolitan area. They asked themselves – "What is working there? What's successful there?"

2. See what other good developers that build well have done in the suburban communities that have a similar parking dynamic and transit need.
3. They looked at the ITE averages and data.
4. They looked at specific local parking counts and did a study as to the amount of parking needed during peak times.

Mr. Johnson said they don't completely agree with staff – he believes there is too much conservatism there - they still like their numbers but are willing to be flexible. They just want a good result that they hope helps the City as well. He said they spent a total of \$50,000 on this effort – far more than it's worth just to fill up a few thousand square feet of retail, but he said it seemed like the right thing to do, Killian Pacific is a community focused business, having been here 40 years as a company, and planning to be here a lot longer; that's their MO and that's why they're doing it.

TESTIMONY IN FAVOR – Gerald Kolve – his business, Canterbury Square Shopping Center, is located at 14389 SW Pacific Hwy, Tigard 97214. He thanked them for hearing this. He spoke about an older commercial property that he owned and developed in 1972. He used that as a demonstration of how excessive the parking requirements of today are. He said if they applied the parking requirements of today and applied them back then, they would have had a requirement of 374 parking spaces. There isn't enough land there, with the buildings, to be able to even come close to being able to provide 374 parking spaces. They've had retail tenants and have rarely exceeded 80% of the available parking at the center. He spoke about a vacancy he has at the center now of 7,400 square feet. He's had several inquiries by people who would like to go in, spend money, improve the place... but they can't because they'd like to use it as a restaurant. As a restaurant use for that space, it would require 115 parking places. The space in question is about 9% of the square feet of the total feet of the total shopping center but that 9% would, under the present rules, take out almost 40% of the existing parking – so you have 91% of the tenants left to use what's available of 60% and, obviously, it doesn't even come close to being enough.

He encouraged the commission to please carefully examine the existing requirements. He hopes they will approve what the applicant is requesting, as it is indeed much more in line with common sense.

TESTIMONY IN OPPOSITION – Julie Blume, 6875 SW Pine Street, Tigard 97223 just wanted them to look carefully at the parking – make sure there's enough parking so there's not a bunch of problematic overflow parking from the bar there on weekends.

Cheryl Caines mentioned that there was an email that had been submitted by Marvin Gerr who's the liaison of the Tigard Summerfield Civic Association. He'd asked that the email be passed out and considered by the commissioners (**Exhibit C**). Basically it spoke about what kind of impact this might have on parking at the clubhouse at Summerfield. Cheryl said she'd spoken to him on the telephone that afternoon and told him she wasn't foreseeing any significant impact on Summerfield due to the distance. Mr. Gerr was present, and there weren't any questions by the commissioners.

QUESTIONS/COMMENTS

Commissioner Feeney asked if this would be an interim move. Is the City still doing a full study? *Yes – we feel this shouldn't be the end of that discussion because the TSP says look at the ratios but it also says look at the other items that make up that whole parking management system. So this is just one piece of that.*

Commissioner Fitzgerald said she didn't have a problem with the staff ratios, but she didn't like the language above that. She wanted them to pull the term "residential" out of the equation. Sr. Transportation Planner said she believed this was beyond the scope of this particular study at this time. She thought they could clarify a bit better such as "This is for mixed commercial uses" so it wouldn't be confused with residential.

APPLICANT REBUTTAL

Mr. Johnson said "We're more locally focused on where we're driving our numbers. We put less weight, rightly or wrongly, on the ITE numbers which are a national average. They can be adjusted but you're taking into consideration cities like Houston or Phoenix, which operate very differently than our Metropolitan area."

PUBLIC HEARING - CLOSED

DELIBERATIONS

President Anderson asked all the commissioners present to give their ideas on this.

- Commissioner Rogers – I was a bit apprehensive originally but I do like what staff presented. More of a slower approach rather than jumping into it and changing it completely. It's probably better to adopt this slowly.
- Commissioner Feeney concurs with this. He thanked the applicant for bringing this forward. He agrees with staff's recommendations... and would like a "meet in the middle" type of thing.
- Commissioner Gaschke – agrees and likes the direction they're going in. He agrees the parking ratios are extremely conservative and appreciates the applicant "greasing the skids" for Tigard to go in the right direction.
- Commissioner Fitzgerald – Would like to go with the staff recommendations.
- Commissioner Muldoon – any really big revitalization is dependent on improved mass transit.
- Commissioner Anderson – appreciates the applicant bringing this forward. He likes the meet you halfway type of thing.

MOTION

Commissioner Fitzgerald made the following motion, seconded by Commissioner Feeney:

“I move for approval of application DCA2013-00001 and the findings and conditions approved and contained in the staff report except for modification adding commercial to the language of multi-tenant.”

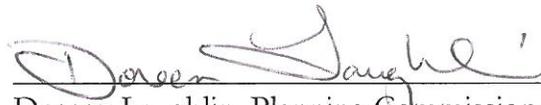
A vote was taken and the motion passed unanimously.

OTHER BUSINESS

Commissioner Muldoon suggested that a public interest talk to the water partnership folks with Lake Oswego, and a possible joint meeting with the Planning Commission be looked into. Assistant Community Development Director, Tom McGuire, said he would look into it.

ADJOURNMENT

President Anderson adjourned the meeting at 8:30 p.m.



Doreen Laughlin, Planning Commission Secretary



ATTEST: President Tom Anderson