

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
May 16, 2011**

CALL TO ORDER

President Walsh called the meeting to order at 7:01 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

ROLL CALL

Present: President Walsh
Vice President Anderson
Commissioner Doherty
Commissioner Hasman
Commissioner Muldoon
Commissioner Ryan
Commissioner Schmidt
Commissioner Shavey

Absent: Commissioner Rogers

Staff Present: Ron Bunch, Community Development Director; Gus Duenas, Development Engineer; Doreen Laughlin, Confidential Executive Assistant; Gary Pagenstecher, Associate Planner

Others Present: Andy Sears, Principal; and other Westside Christian High School Representatives

COMMUNICATIONS: Commissioner Shavey reported that he'd attended the City Council meeting regarding the Economic Opportunities Analysis and had testified on behalf of the Planning Commission. He said the Council was impressed with the product and the commission had been recognized & commended for their part in it.

CONSIDER MEETING MINUTES

May 2nd Meeting Minutes: President Walsh asked if there were any additions, deletions, or corrections to the May 2 minutes; there being none, Walsh declared the minutes approved as submitted.

**PUBLIC HEARING OPENED
COMPREHENSIVE PLAN AMENDMENT (CPA) 2011-00001 / (ZON) 2011-00001
WESTSIDE CHRISTIAN HIGH SCHOOL**

REQUEST: The applicant is requesting a Comprehensive Plan Map Amendment and Zoning Map Amendment to change the Comprehensive Plan Designations and Zoning Map Classifications for a single 7.44-acre lot from Professional/Administrative Commercial (C-P) to Mixed-Use Employment (MUE). The applicant proposes a zone change to accommodate a school use not permitted under the existing zoning. **LOCATION:** The property is located at 8200 SW Pfaffle Street. The site is bounded by SW Pfaffle on the north, Hwy. 217 on the west, and Pacific Hwy. on the south.

STAFF REPORT

Gary Pagenstecher, Associate Planner, went over the staff report (the staff report is available to the public one week before the hearing.)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend APPROVAL to City Council of the proposed Comprehensive Plan Amendment and Zone Change subject to the Findings in Section IV of this Staff Report and the following proposed condition of approval.

QUESTIONS FOR STAFF

There were some questions regarding topics other than the zone change and Gus Duenas, Development Engineer, got up and introduced himself. He reminded the commissioners that at this time they were not looking at “a school” and the details of that but, rather, a zoning change. He explained the large differences between a C-P zone and an MUE.

There were questions regarding trip caps and it was explained that the trip cap stays with the site – regardless of the development use.

Were there any concerns that there’s only one way in and one way out - only one entrance? I don’t think so – TVF&R would comment on that. As far as we’re concerned, Pfaffle is a collector and the site is relatively big – relatively easy to access from Pfaffle. ODOT’s concern is that the entry on Pacific Hwy is right next to an interchange and they closed that as part of their sidewalk project on Pacific Hwy. They’re reluctant to open it up – it’s not a good location for access.

APPLICANT’S PRESENTATION

Three people spoke on behalf of the applicant: Andy Sears, principal of Westside Christian High School; Beverly Bookin, Land Use Planner for The Bookin Group, LLC; and Mike Guard, transportation engineer. The project manager, David Elkins, and Hunt Johnson, the board chair for the school were also present, but didn’t speak publically.

Principal Sears thanked city staff for their hard work and for the approval recommendation. By way of an introduction, he gave a little of the background and spoke about the vision of the school. Sears noted the school’s current location is on Carman Drive and Cruz Way and has

been there for 30 years - with 250 students currently enrolled. He said their vision isn't to become a "big" school and, in fact, much of their uniqueness is in being a smaller sized school allowing for deeper, more impacting relationships with their students. He explained their vision is service-oriented and also focuses on leadership development. Every year they pick 30 non-profits in the community that they serve at all over the city. All of the families, alumni and students come together to do a complete day of service. He said that's just one example of the kind of community service. They also have international partnerships in Thailand where students go and do service overseas. The thrust of their message for the students is that life isn't just purely about themselves, but also to serve other people, and to prepare for a purpose.

Sears explained that they're in the process of negotiating a purchase and sale agreement with City Bible with contingencies on approvals with zoning change and conditional use.

Beverly Bookin, of Bookin Group, spoke to the commissioners. She said the hope is that with the approval of this first of a series of land use approvals, that this High School will be at this location for the foreseeable future. She reminded them that at this time they are making a zoning decision that will change the underlying zoning of the property forever unless changed again – and they need to look at it in a broader sense and not for just a specific use in mind. She said "We want to talk about the zone change, keeping the high school on the table, but talking about the zone in general because obviously your questions are broader based than this specific use. Moreover, if the zone change is approved, we'll be coming back with a conditional use and you'll get to look at that use in a much more detailed manner. But right now we are more at the 30,000 foot level.

At this point, Ms. Bookin hit the highlights of the staff report. She explained that "change of condition" is an appropriate basis for requesting a Comp Plan and Zone Change. She noted conditions have changed along SW Pacific Hwy because it's now the focus of regional high capacity planning for a potential extension of high capacity transit. She noted it is a difficult, problematic site. It was formerly a light industrial building and, except for City Bible Church which is using it as is and is using it only on weekends, it's been essentially vacant for a long time. She believes that if there was a use in the CP zone that really suited that building, presumably it would have been reoccupied in the years since it was closed. She noted the site has a single exit onto Pfaffle because the exit onto the highway has been closed - which really limits its reuse because many users, including most retail uses, will not use a site where you can see it – but you can't get to it easily. So the issue of redevelopment for retail is less a concern because of these constraints than one would think.

She explained why other zones were not appropriate. She pointed out and spoke to the analysis they'd done on that in their material on page VIII.

Mike Ard, a traffic consultant from Lancaster Engineering, talked about zone changes in general, and then about the specific zone change before the commissioners at this time. He explained that as they approached this particular site – they looked at what was allowed under the existing zoning through the planning horizon and determined the number of trips that could be generated on the transportation system as a result of full redevelopment of the site. Then they made a comparison to what they thought could be developed under the new zoning. They contemplated using a medical/dental office as their standard. Generally, the

requirement is to look at the most intense use that can reasonably be developed on the site and at the time they ran their analysis they didn't believe commercial was a good, viable option based on the frontage and the lack of access to 217. They ultimately determined that it's necessary to limit the number of trips that can come in and out of this site. So they said "Under existing zoning, we can allow this number of trips during the morning and this number of trips in the evening" – and that's accommodated in the current planning. So we will cap the site at that level so that we can't create new problems or a need for new mitigation – and by doing that we meet the state of Oregon's Transportation Planning Rule.

Mr. Ard went on to explain that the next question would be "What happens when we develop this site?" Any future redevelopment of the site is going to require an application process where the real number of trips will be dealt with – not the theoretical maximum, but the actual number of trips that will be generated. He gave a few more theoretical questions that would need to be answered at the time of the Conditional Use application. He explained that they're not something that apply at the time of the zone change. He said at the time of the Conditional Use application there would be a very robust traffic study brought before them.

QUESTIONS FROM COMMISSIONERS

There were some land use questions but President Walsh reminded the commissioners that they were discussing the zoning change only at this time.

PUBLIC COMMENT

TESTIMONY IN FAVOR

Bob McGuire – Homeowner at 8470 SW Pfaffle for 31 years. He testified that his concern was impact on the traffic and not on the re-zoning issue. He isn't against the Christian High School being there because he believes they'd be a valuable asset to the entire neighborhood. He's concerned about the traffic impact regardless of the type of establishment that ultimately goes there.

TESTIMONY IN OPPOSITION

None

CLOSED PUBLIC HEARING

At this point, President Walsh opened the meeting up for deliberations.

DELIBERATIONS

The following was discussed:

- Concern about possible traffic impact.

- An appreciation that the applicant comprehensively took them through the various zoning ideas
- The belief that it would be good to develop the 7 acre piece of prime real estate, particularly since it's not getting a "sniff" under a commercial zoning and that it's across the residential area so MUE works better there anyway.
- A general belief that the MUE would work well there and that the thing to do would be to seriously look at the problem of Pfaffle and the traffic there

REOPENED THE HEARING TO ASK QUESTIONS OF STAFF

There were some general questions regarding traffic which Gus Duenas answered. President Walsh referred to page 9 of staff report, under Policy 16 where the second sentence says "the Planning Commission could recommend and City Council could approve a definite land use, such as the proposed school use, and specific design/development requirements if they determine through the hearings process that it would be appropriate to the site and adjacent development. He asked staff to elaborate on that as to what he thinks options might be. Gary Pagenstecher addressed the question saying there are two parts to this – one is identifying specific uses and the other is identifying certain design requirements. He gave an example of a design requirement as the trip cap. He said that if the Planning Commission approves the recommendation and applies the trip cap as a condition of approval of the zone change – then any land use that goes in there would be subject to that. The development couldn't be approved if it exceeded however many trips are at the cap – and that could only be changed by coming back through the Planning Commission. He gave some examples of changes in use.

The question was asked "If you put a trip cap in place and a year later the reality is you have far more trips than what were planned or expected... what happens?"

Ron Bunch, Community Development Director, answered that they would enforce the code as they have in the past. They enforce the conditions of approval by counting the trips as they go through the intersections and, if appropriate, they would report that they are above the trip level. It is very obvious in many instances by lots of congestion – that they're exceeding their allowable trip cap. So in that case we would enforce the code with any business or any land use violation. Gus Duenas said a specific condition of approval that stated "if you exceed this trip cap based on observation we can enforce it" would be a good idea.

HEARING RECLOSED

DELIBERATION CONTINUES

At this point a motion was made.

MOTION

The following motion was made by Commissioner Doherty, seconded by Commissioner Ryan:

“I move the Planning Commission forward a recommendation of approval to the City Council of application CPA2011-00001/ZON2011-00001, and adoption of the findings and conditions of approval contained in the staff report - which also includes the trip cap.”

The motion **CARRIED** on a recorded vote; the Commission voted as follows:

AYES: Commissioner Anderson; Commissioner Doherty;
Commissioner Hasman; Commissioner Ryan; Commissioner
Schmidt; Commissioner Shavey, and President Walsh

NAYS: None.

ABSTAINERS: Commissioner Muldoon

ABSENT: Commissioner Rogers

OTHER BUSINESS


- There was a short discussion about the upcoming joint Planning Commission/City Council May 17 meeting. President Walsh said this would be a great time to get some feedback from Council.
- Ron Bunch reminded the commissioners that there's an open house coming up on May 25 regarding HCT and a June 6 Workshop.

ADJOURNMENT

President Walsh adjourned the meeting at 8:55 p.m.



Doreen Laughlin, Planning Commission Secretary



ATTEST: President Dave Walsh