

Minutes
Aurora Planning Commission Meeting
Tuesday, June 03, 2014 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Renata Wakeley, City Planner

STAFF ABSENT: NONE

VISITORS PRESENT: Tara McKnight, Aurora
Carl McKnight, Aurora
Cliff Bixler, California
Others were present but did not sign in.

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:01 p.m.

2. City Recorder Did Roll Call

Chairman, Schaefer -	Present
Commissioner, Willman	Present
Commissioner, Gibson	Present
Commissioner, Graham	Present
Commissioner, Fawcett	Present
Commissioner, Weidman	Absent
Commissioner, Rhoden-Feely	Absent

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –May 06, 2014, no comments.
- II. City Council Minutes – April, 2014
- III. Historic Review Board Minutes – April, 2014

A motion is made by Commissioner Gibson to approve the consent agenda as presented and seconded by Commissioner Fawcett. Motion Approved by all.

Correspondence

- I. NA

4. Visitor

Anyone wishing to address the Planning Commission concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Planning Commission could look into the matter and provide some response in the future.

No one spoke during this section

5. Public Hearing Opens at 7:46 pm

Chair Schaefer asks if anyone has any ex-parte contact to express and no claimed any except himself when following the last HRB meeting he spoke with the applicant and went by the site to look at the steps.

City Planner Wakeley reads her staff report as stated below;

**A. Discussion and or Action on Conditional Use Application 2014-01 & SDR 2014-01
Property Address 21680 Main Street NE Carl and Tara McKnight.**

**CITY OF AURORA
PLANNING
COMMISSION**

STAFF REPORT:	Conditional Use Permit 2014-01 [CUP-14-01] and Site Development Review 2014-01 [SDR -14-01]	
DATE:	May 28, 2014 (for the June 3, 2014 Planning Commission meeting)	
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APPLICANT/OWNER:	Carl and Tara McKnight	
REQUEST:	Conditional Use Permit approval for installation of a food cart and Site Development Review approval for an outdoor garden/eating/retail space.	
SITE LOCATION:	21680 Main Street NE, Aurora OR Map 041.W.12CD, Tax Lot 4400	
SITE SIZE:	4,792 square feet or 0.11 acres	
DESIGNATION:	<u>Zoning:</u> Commercial (C) with Historic Commercial Overlay (HCO) CRITERIA: Aurora Municipal Code (AMC) Chapters 16.22 Historic Commercial Overlay, 16.58 Site Development Review, and 16.60 Conditional Uses	
ENCLOSURES:	Exhibit A:	Assessor Map
	Exhibit B:	Application and site plan
	Exhibit C:	Historic Review Board minutes (May 22, 2014)

I. REQUEST

Conditional Use Permit approval for installation of a food cart and Site Development Review approval for an outdoor garden/eating/retail space

II. PROCEDURE

The application was determined by staff to be subject to Site Development Review (SDR) as the application can be considered new development that will intensify the use of the property. SDR applications are processed as Limited Land Use decisions under AMC 16.78. The application was determined by staff to be subject to a Conditional Use (CU) application as the proposed use is only permitted with conditional use approval. CU applications are processed as Quasi-Judicial Decisions under AMC 16.76. AMC 16.58 provides the criteria for reviewing Site Development Reviews and 16.60 provides the criteria for reviewing Conditional Uses.

The application was received and fees paid on May 12, 2014. The application was determined complete by Staff and notice was mailed to surrounding property owners on May 27, 2014. The City has until **September 8, 2014**, or 120 days from acceptance of the application to approve, modify and approve, or deny this proposal.

III. APPEAL

Appeals are governed by AMC 16.76.260 and 16.78.120. An appeal of the Planning Commission's decision shall be made, in writing, to the City Council within 15 days of the Commission's final written decision.

IV. CRITERIA AND FINDINGS

The applicable review criteria for Site Development Review are found in AMC 16.58.

16.58.100 Approval Standards

The review of a Site Plan shall be based upon consideration of the following:

A. Provisions of all applicable chapters;

FINDINGS: The subject parcel is zoned Commercial (C) with a Historic Commercial Overlay (HCO). AMC 16.22.020 includes eating and drinking establishments and general retail sales as permitted uses. AMC 16.22.030 lists food carts as permitted with conditional use approval. The applicant has submitted a concurrent application for conditional use approval along with site development review approval. Staff finds this criterion is met.

AMC 16.22.040.I. requires all properties, uses, and structures in the HCO to meet the requirements of Title 17, Historic Preservation. Comments from the Historic Review Board are included under Exhibit C. Staff finds this criterion is met.

B. Buildings shall be located to preserve topography and natural drainage and shall be located outside areas subject to ground slumping or sliding;

FINDINGS: Staff finds this criteria does not apply.

C. Privacy and noise;

- 1. Buildings shall be oriented in a manner which protects private spaces on adjoining residential properties from view and noise;**
- 2. On site uses which create noise, lights, or glare shall be buffered from adjoining residential uses;**

FINDINGS: No buildings are proposed and the adjacent zones are for commercial uses. The proposed use has street frontage to the north with landscaping and to the west with existing structures. Property to the east is developed with a carpet warehouse and gas station. Property to the south is developed for parking and all adjacent parcels are zoned for commercial uses. Staff finds this criteria is met.

D. Residential private outdoor areas:

FINDINGS: Staff finds this criteria does not apply.

E. Residential shared outdoor recreation areas:

V. APPEAL

Appeals are governed by AMC 16.76.260 and 16.78.120. An appeal of the Planning Commission's decision shall be made, in writing, to the City Council within 15 days of the Commission's final written decision.

VI. CRITERIA AND FINDINGS

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A. Provisions of all applicable chapters;

FINDINGS: The subject parcel is zoned Commercial (C) with a Historic Commercial Overlay (HCO). AMC 16.22.020 includes eating and drinking establishments and general retail sales as permitted uses. AMC 16.22.030 lists food carts as permitted with conditional use approval. The applicant has submitted a concurrent application for conditional use approval along with site development review approval. Staff finds this criterion is met.

AMC 16.22.040.I. requires all properties, uses, and structures in the HCO to meet the requirements of Title 17, Historic Preservation. Comments from the Historic Review Board are included under Exhibit C. Staff finds this criterion is met.

B. Buildings shall be located to preserve topography and natural drainage and shall be located outside areas subject to ground slumping or sliding;

FINDINGS: Staff finds this criteria does not apply.

D. Privacy and noise;

- 1.** Buildings shall be oriented in a manner which protects private spaces on adjoining residential properties from view and noise;
- 2.** On site uses which create noise, lights, or glare shall be buffered from adjoining residential uses;

FINDINGS: No buildings are proposed and the adjacent zones are for commercial uses. The proposed use has street frontage to the north with landscaping and to the west with existing structures. Property to the east is developed with a carpet warehouse and gas station. Property to the south is developed for parking and all adjacent parcels are zoned for commercial uses. Staff finds this criteria is met.

F. Residential private outdoor areas:

FINDINGS: Staff finds this criteria does not apply.

G. Residential shared outdoor recreation areas:

FINDINGS: Staff finds this criteria does not apply.

H. Shared outdoor recreation space shall be readily observable for reasons of crime prevention and safety;

FINDINGS: The proposed uses and development of Lot 4400 are proposed to receive access via existing businesses on adjacent lots 4500 and 4600. The site is screened with landscaping and fencing. Staff finds this criteria does not apply.

H. Demarcation of public, semipublic, and private spaces;

FINDINGS: Staff finds this criteria does not apply as the space is private property.

I. Crime prevention and safety:

3. Exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime;

4. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps and abrupt grade changes. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person.

FINDINGS: Criteria 1 and 2 are related to residential development and found not to apply. A lighting plan for the site was not provided by the applicant. A lighting plan in conformance with the above criteria shall be submitted for City review and approval prior to business license approval. The lighting plan must also show that lighting shall not reflect onto surrounding properties. This is included as a recommended conditional of approval.

J. Access and circulation;

1. The number of allowed access points for a development shall be as determined by the City Engineer in accordance with standard engineering practices for city rights-of-way, as determined by Marion County for county rights-of-way, and as determined by the Oregon Department of Transportation for access to Highway 99E.

2. All circulation patterns within a development shall be design to accommodate emergency vehicles.

FINDINGS: The development of lot 4400 proposes pedestrian access from lots 4500 and 4600 containing existing improvements. Staff finds this criterion does not apply.

K. Public transit;

FINDINGS: Pedestrian access to the property is proposed via adjacent businesses on lots 4500 and 4600 which have existing sidewalks. No transit stops abut or are adjacent to the subject properties. Staff finds this criterion does not apply.

L. All parking and loading requirements shall be design in accordance with the requirements set forth in Chapter 16.42.

FINDINGS: Parking shall be in conformance with the HCO zone and Title 17. Title 17 exempts parking requirements under Title 16 for additions to commercial structures and new commercial uses. Staff finds this criteria is met.

M. All landscaping shall be designed in accordance with the requirements set forth in Chapter 16.38.

FINDINGS: A preliminary landscape plan provided by the applicant is included under Exhibit B. AMC 16.38.030(C) requires the installation of all landscaping requirements prior to issuance of a certificate of occupancy. Prior to business license approval, the applicant shall be required to install all landscaping as shown on the subject application. If landscaping exceeds \$2,500, review and approval by the Historic Review Board (HRB) is also required in conformance with Title 17. This is included as a recommended condition of approval.

The subject property does not abut residential property and additional buffering and screening is not required.

N. All public improvements shall be designed in accordance with the requirements of Chapter 16.34.

FINDINGS: Public improvements and compliance with Chapter 16.34 are discussed under the conditional use review criteria below. Staff finds this criterion can be met, with conditions.

O. All facilities for handicapped shall be designed in accordance with the requirements set forth in the ADA requirements;

FINDINGS: ADA facilities are discussed under the conditional use review criteria below. Staff finds this criterion can be met, with conditions.

P. All of the provisions and regulations of the underlying zone shall apply.

FINDINGS: Staff finds the applicant meets the zone criteria under the HCO for permitted uses and can meet the criteria for Site Development Review and Conditional Use Permit approval, with recommended conditions of approval. Staff finds this criterion is met.

The applicable review criteria for Conditional Use Permits are found in AMC Chapter 16.60-Conditional Uses.

16.60 Conditional Uses

A. The planning commission may approve a conditional use permit only when the applicant has shown that all of the following conditions exist:

1. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;

FINDING: The property abuts an established permitted use- an eating and drinking establishment. The applicant has provided a site plan for pedestrian access to the site via the existing businesses that front on Main Street (see Exhibit B). Food carts are permitted as a conditional use when located on the same property and accessory to an established eating and drinking establishment. Lot 4400, 4500 and 4600 are under the same ownership and AMC 16.04 for "lot" allows abutting property under the same ownership, whether in a platted lot or property described by metes and bounds, to be considered part of the same lot. Staff finds this criteria is met.

However, the site currently lacks vehicle access to bring food carts to and from lot 4400. Staff finds this criterion is not currently met, but could be met if vehicle access is provided. Applicant must show evidence of a long term access agreement or written permission for installation and/or removal of the food cart from owners of abutting properties prior to

installation of the cart. In addition, written permission for construction, landscaping or other improvement access to lot 4400 must also be documented. This is included as a recommended condition of approval.

If the applicant proposes additional parking or pedestrian access to Lot 4400 from adjacent properties not under their ownership (Lot 3600 or 4000 of Map 041W12CD, for example), evidence of a long term access agreement or recorded easement for parking and pedestrian access to benefit the subject property shall be provided to the City. If pedestrian access or parking from adjacent properties is proposed, expiration of the access agreement or recorded easements for parking and pedestrian access to lot 4400 shall automatically invalidate the conditional use approval for the food cart. This is included as a recommended condition of approval.

2. All required public facilities have adequate capacity to serve the proposal and are improved to the standards in Chapter 16.34;

FINDING: Lot 4400 fronts onto a public street on its north side, which is improved with a sidewalk. However, current topography precludes pedestrian and vehicle access from the northern frontage at this time. The applicant proposes pedestrian access from Main Street via established businesses on Lots 4500 and 4600 currently under their ownership. If the applicant proposes parking or pedestrian access from the properties to the east, the applicant will need to document written permission or agreement from the owner(s) of those lots. This is included as a condition of approval and notice to abutting property owners was provided, as part of the land use review process.

The HCO zone exempts parking under AMC 17.040.020.A.4 and 17.040.020.C.1 "additions to commercial structures are exempt from the parking requirements in Title 16". Staff finds this criterion does not apply. Staff finds evidence of sufficient parking to serve the property does not apply.

Sewer or grey water disposal hookups are not permitted. Restroom facilities shall be provided as part of the existing businesses on lots 4500 and 4600, which are currently under the same ownership. In order to ensure access to restroom facilities related to the conditional use, staff recommends the hours of operation for the food cart be limited to hours of operation of adjacent businesses. This is included as a recommended condition of approval.

Currently, lot 4400, 4500, and 4600 are under the same ownership. If lot 4400 is no longer under the same ownership of lot 4500 or 4600, the location of the food cart on the "same property/lot and accessory to an established indoor eating and drinking establishment" property shall no longer be met and the Conditional Use Permit shall be void. This is included as a condition of approval.

If an established indoor eating or drinking establishment is no longer in use on lot 4500 or 4600, the Conditional Use Permit shall be void as the criteria for a food cart on the same lot as an established eating and drinking establishment shall no longer be met. This is included as a recommended condition of approval for the conditional use permit application.

3. The requirements of the zoning district are met;

FINDING: AMC 16.22.030.C.1 states, "no structures, product display, or storage shall be located within yard setback or buffering and screening areas". The HCO zone has zero side and rear yard setbacks and staff finds this does not apply. Drive through units are prohibited.

A sign permit application was not included. If signage is proposed, the applicant shall be required to submit a sign permit application. This is included as a recommended condition of approval. Drive-through units are prohibited and the applicant is not proposing a drive through. Staff finds the requirements of the HCO zone for lot coverage, size, and uses are met. Additional development on Lot 4400 may be subject to additional land use requirements or applications. Staff finds this criteria is met.

4. *The use is compatible with surrounding properties or will be made compatible by imposing conditions;*

FINDING: Surrounding properties are commercially zoned and the proposed use is not found to be in conflict with other the surrounding properties. Staff finds this criterion is met.

5. *All parking and loading areas are designed and improved in accordance with the requirements set forth in Chapter 16.42;*

FINDING: No additional parking or loading areas are proposed. AMC 17.040.020.A.4 and 17.040.020.C.1 state "additions to commercial structures are exempt from the parking requirements in Title 16". Staff finds this criterion does not apply.

6. *All landscaping is designed and improved in accordance with the requirements set forth in Chapter 16.38;*

FINDING: No additional parking or loading areas are proposed. AMC 16.38.030.C. allows certificates of occupancy to be approved upon completion of landscaping requirements. Staff proposes the business license application be approved upon installation of landscaping, as submitted with the application. This is included as a recommended condition of approval. Staff finds this criteria can be met, with conditions.

AMC 17.44.030.B.1 requires properties up to twenty thousand square feet in the Historic Commercial Overlay to have at least fifteen (15) percent of the total lot area landscaped. Staff finds this criteria is met. Buffering between non-residential and residential uses is found not to apply.

7. *All public improvements are designed and constructed in accordance with the requirements set forth in Chapter 16.34;*

FINDING: No public improvements are requires as part of the proposed application for installation of a food cart and outdoor garden/eating/retail space. AMC 16.22.030.C.7. prohibits sewer or grey water disposal hookups. This is included as a recommended condition of approval.

Lot 4400 is land locked, with access proposed via existing businesses on lots 4500 and 4600. No street, sidewalk, storm, water or sewer improvements are required as part of the subject application. Staff finds this criterion is met.

8. *All facilities for the handicapped are designed in accordance with the requirements set forth in the ADA requirements;*

FINDING: The proposed site plan includes access from existing businesses on lots 4500 and 4600 to lot 4400 via steps. In order to meet this criteria, access must be revised to comply with ADA requirements and/or the property owners must show ADA compatibility via another access. This is included as a recommended condition of approval.

9. *The provisions of all applicable chapters of this title are satisfied; and*

FINDING: Staff finds the applicant meets the zone criteria under the HCO for permitted uses and can meet the criteria for Site Development Review and Conditional Use Permit approval, with conditions. Staff finds this criterion can be met.

10. *Properties located in the historic commercial or historic residential overlay comply with the requirements set forth in Title 17 of the Aurora Municipal Code. A certificate of appropriateness approved by the historic review board shall satisfy this requirement.*

FINDING: The property is located in the historic commercial overlay and is identified as the Aurora State Bank (Secondary Significant, Resource #62, in the Aurora Historic Building Inventory from 1985 and is listed as "eligible/contributing" in the July

2011 inventory completed by SHPO). The Historic Review Board (HRB) reviewed the application and site plan on May 22, 2014. See Exhibit C.

The HRB provided the following comments/concerns: (1) fencing; (2) submission of a landscape plan to HRB for review and approval, if cost exceeds \$2,500; (3) tents/canopies; and (4) review of the food cart(s). Proposed conditions of approval to address HRB comments are summarized below:

The current fencing is not compatible with the historic commercial overlay, 17.40.070. Any replacement of existing fencing on site shall be required to meet AMC 17.40.070. Review and approval by the HRB prior to installation is recommended.

According to AMC 17.04.050.B.2., landscaping not exceeding \$2,500 in cost shall not require HRB review and approval. The applicant shall provide cost estimates for the landscaping proposed in the application to the City in order to determine if a landscape plan requiring HRB approval is required.

Based upon comments from the HRB, staff recommends the Planning Commission limit the number of tents, booths or canopies of any size on site at any time to one (1). If the owner proposes the use of tents, booths or canopies greater than one hundred twenty (120) square feet, a temporary structure permit under AMC 17.32.040 shall also be required. This is included as a condition of approval.

AMC 16.22.050.C includes several requirements for proposed food carts, including size, repair and licensing. At the time of application, no materials were provided regarding the size, condition, operation, etc of the food cart. The applicant simply provided a proposed food cart area and stated that the food cart may change over time. In order to maintain compliance with the criteria under 16.22.050.C and the requirements for review and approval for a conditional use permit, staff recommends two options: (a) continue the hearing to a date and time that the applicant can provide additional information on the proposed food cart for Planning Commission approval or (b) require that review and approval for the proposed food cart, and subsequent replacement or revised food carts, receive review and approval from the Historic Review Board on file with the City in order to maintain a valid conditional use permit. These options are included as a condition of approval.

B. In reviewing an application for a conditional use, the commission shall consider the most appropriate use of the land and the general welfare of the people residing or working in the neighborhood. In addition to the general requirements of this title, the commission may impose any other reasonable conditions deemed necessary. Such conditions may include, but are not limited to:

- 1. Limiting the manner in which the use is to be conducted, including restrictions on the hours of operation;*
- 2. Establishing additional setbacks or open areas;*
- 3. Designating the size, number, location and nature of vehicle access points;*
- 4. Limiting or otherwise designating the number, size, location, height and lighting of signs;*
- 5. Requiring fences, sight-obscuring hedges or other screening and landscaping to protect adjacent properties;*
- 6. Protecting and preserving existing soils, vegetation, wildlife habitat or other natural resources.*

FINDINGS: In order to assure restroom facilities are provided to customers on site as opposed to impacting surrounding properties/uses, staff recommends the hours of operation for the food cart be limited to hours of operation of businesses on lots 4500 and 4600. This is included as a recommended condition of approval.

The proposed uses abut commercial properties and uses and staff does not find additional buffering, setbacks or open areas are required.

In order to reduce impacts to abutting uses, the applicant must show evidence of a long term access agreement or written permission for installation and/or removal of the food cart from owners of abutting properties prior to installation of the cart. In addition, written permission for construction, landscaping or other improvements access to lot 4400 must also be documented.

Pedestrian access to the site is proposed via the existing businesses on Lot 4500 and 4600. If the applicant proposes additional parking or pedestrian access from adjacent properties (lot 3600 or 4000 of Map 041W12CD for example), evidence of a long term access agreement or recorded easement to benefit the subject property shall be required. This is included as a recommended condition of approval.

Applicant shall be required to meet sign code requirements of Title 16 and 17. Staff finds criteria 16.60.B

can be met, with conditions.

VII. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, staff recommends that the Planning Commission **approve** the application for Site Development Review (SDR-14-01) based upon the following:

- 1) Develop the subject property in accordance with plans approved by the city.
- 2) Comply with all City of Aurora and State of Oregon development, building and fire codes.
- 3) A lighting plan in conformance with AMC 16.58.100.I shall be submitted for City review and approval prior to business license approval. The lighting plan shall also show that lighting shall not reflect onto surrounding properties.
- 4) Prior to business license approval, the applicant shall be required to install all landscaping as shown on the subject application. If landscaping exceeds \$2,500, review and approval by the Historic Review Board is also required in compliance with Title 17.

Based on the findings in the staff report, staff recommends that the Planning Commission **approve** the application for Conditional Use Permit (CUP-14-01) based upon the following:

- 1) Applicant must show evidence of a long term access agreement or written permission for installation and/or removal of the food cart from owners of abutting properties prior to installation of the cart. In addition, written permission for construction or landscaping access to lot 4400 must also be documented.

If the applicant proposes additional parking or pedestrian access from adjacent properties (Lot 3600 or 4000 of Map 041W12CD, for example), evidence of a long term access agreement or recorded easement to benefit the subject property shall be provided to the City. If pedestrian access or parking from adjacent properties is proposed, expiration of the access agreement or recorded easement for parking and pedestrian access to lot 4400 shall automatically invalidate the conditional use approval for the food cart.

- 2) If lot 4400 is no longer under the same ownership of lot 4500 or 4600, the location of the food cart on the "same property/lot and accessory to an established indoor eating and drinking establishment" property shall be voided, and the Conditional Use Permit shall be void. This is included as a condition of approval.

If an established indoor eating or drinking establishment is no longer in use on lot 4500 or 4600, the Conditional Use Permit shall be void as the criteria for a food cart on the same lot as an established eating and drinking establishment will no longer apply. This is included as a recommended condition of approval as part of the conditional use permit application.

- 3) If signage is proposed, the applicant shall be required to submit a sign permit application.
- 4) All conditions of approval must be met prior to business license approval. Prior to business license approval, the applicant shall be required to install all landscaping as shown on the subject application. Evidence of a valid business license for the food cart shall be on file with the city at all times.
- 5) Copies of current Marion County permits related to the food cart food handlers permits and other required Marion County permits shall be filed with the City.
- 6) Hours of operation of the proposed uses on Lot 4400 shall be limited to 10 am to 7 pm.
- 7) The applicant shall provide evidence of ADA access to Lot 4400 prior to business license approval.
- 8) Sewer or grey water disposal hookups are prohibited.
- 9) The number of tents, booths or canopies of any size on site at any time shall be limited to one. If the owner proposes the use of tents, booths or canopies greater than one hundred twenty (120) square feet, a temporary structure permit under AMC 17.32.040 shall also be required.
- 10) Any replacement of existing fencing on site shall be required to meet AMC 17.40.070. Review and approval by the HRB prior to installation is recommended.
- 11) The applicant shall provide cost estimates for the landscaping proposed in the application to the City in order to determine if a landscape plan requiring HRB approval is required.
- 12) At the time of application, no information on the proposed food cart was provided. The Planning Commission may choose to (a) continue the hearing to a date and time that the applicant can provide additional information on the proposed food

cart for Planning Commission approval

OR (b) require that review and approval for the proposed food cart, and subsequent replacement or revised food carts, receive review and approval from the Historic Review Board on file with the City in order to maintain a valid conditional use permit.

VIII. PLANNING COMMISSION ACTION

- A. Approve the conditional use permit (CUP-14-01) and site development review (SDR 14-01) application for installation of a food cart and outdoor garden/eating/retail space.
 1. As recommended by staff, or
 2. As determined by the Planning Commission stating how the application satisfies all the required criteria, and any revisions to the recommended conditions of approval, or
- B. Deny the request for a conditional use permit and site development review approval for CUP 14- 01 and SDR 14-01 stating how the application does not meet the applicable approval criteria.
- C. Continue the hearing to a time certain or indefinitely (considering the 120 day limit on applications).

After the staff report is given before the applicant starts a few clarification questions are asked by Commissioners Willman and Fawcett regarding gray water disposal requirements for the food cart and ADA requirements to the lot itself.

Applicant Carl McKnight addresses the Planning Commission regarding his proposal and submits more information as requested.

1. Informs the PC that to date we have spent approximately \$1700.00 do not expect it to go over the \$2500.00 dollar amount that would require HRB approval.
2. He hands out a light plan to each member.
3. Gives each person a copy of a revised site plan showing the requested ADA accesses which shows a ramp instead of the proposed steps on lot 4500.

a few more clarification questions regarding pea gravel and size of ramp along with if this proposal will be seasonal or not.

McKnight, we have been trying to get in touch with the property owners to gain access for the food cart however we have been unsuccessful can't you just give us approval on this and if the property owner comes back and says no you cannot use my property for access then we will stop. Also we are requesting that HRB not have oversight on the food cart itself because we will be having different food vendors and that will just be too much each time. That is why I do not have any pictures or criteria to give you for approval because we don't know yet who will want to come. Our plan is to have revolving food carts. I would also like to know why we would need to obtain approval for signage because the sign criteria is in the code to follow. **Chair Schaefer** explains that there is no way we can just give a blanket approval on this and the food cart along with signage would need to have application made to HRB for approval each time.

One of the areas of concern from HRB was tents. McKnight, we had not really thought about tents however as other businesses in town utilize these I would like to as well.

The Commissioners at this point have a brief discussion regarding tents and ask a few questions regarding hours of operation. They go into code section 16.52.030 #5 anything over 120 square feet would require a temporary use permit.

Chair Schaefer points out that we really didn't have any application regarding tents or canopies or for music/bands before us tonight this keeps growing the more we discuss it.

We simply as stated previously we cannot give a blanket approval on the food cart there are specific criteria and so we need to see it each time to make sure it's within this criteria. Also we cannot approve any of this without having something written to prove accesses. This just isn't going to happen like that it is against the law and just not going to go there. It is up to you the applicant to show us each condition has been met.

There is some questions as to why a business license would be needed for each food cart and City Recorder Richardson informs them that everyone has to have a valid business license operating within the city limits.

Hearing no more testimony the hearing closes at 8:40 pm

Discussion between Commissioners regarding the SDR is to accept with the conditions as stated.

- 1) Develop the subject property in accordance with plans approved by the city.
- 2) Comply with all City of Aurora and State of Oregon development, building and fire codes.
- 3) A lighting plan in conformance with AMC 16.58.100.1. shall be submitted for City review and approval prior to business license approval. The lighting plan shall also show that lighting shall not reflect onto surrounding properties.
- 4) Prior to business license approval, the applicant shall be required to install all landscaping as shown on the subject application. If landscaping exceeds \$2,500, review and approval by the Historic Review Board is also required in compliance with Title 17.
- 5) The applicant shall provide ADA access to Lot 4400 prior to business license approval
- 6) If the applicant proposes access from adjacent properties (Lot 3600 or 4000 of Map 041W12CD, for example), evidence of a long term access agreement or recorded easement to benefit the subject property shall be provided to the City.

A motion is made by Commissioner Fawcett to approve SDR 14-01 with the conditions stated and is seconded by Commissioner Willman.

Discussion Regarding CUP 14-01

- 1) Applicant must provide a long term access agreement or written permission for installation and/or removal of the food cart from owners of abutting properties prior to installation of the cart. In addition, written permission for construction or landscaping access to lot 4400 must also be documented.

If the applicant proposes additional parking or pedestrian access from adjacent properties (Lot 3600 or 4000 of Map 041W 12CD, for example), evidence of a long term access agreement or recorded easement to benefit the subject property shall be provided to the City. If pedestrian access or parking from adjacent properties is proposed, expiration of the access agreement or recorded easement for parking and pedestrian access to lot 4400 shall automatically invalidate the conditional use approval for the food cart.

- 2) If lot 4400 is no longer under the same ownership of lot 4500 or 4600, the location of the food cart on the same property/lot and accessory to an established indoor eating and drinking establishment" property shall be voided, and the Conditional Use Permit shall be void.

If an established indoor eating or drinking establishment is no longer in use on lot 4500 or 4600, the Conditional Use Permit shall be void as the criteria for a food cart on the same lot as an established eating and drinking establishment will no longer apply.

- 3) If signage is proposed, the applicant shall be required to submit a sign permit application.
- 4) The applicant shall install all landscaping as shown on the subject application.
- 5) Evidence of a valid business license for the food cart shall be on file with the city at all times.
- 6) Copies of current Marion County permits related to the food cart food handlers permits and other required Marion County permits shall be filed with the City.
- 7) Hours of operation of the proposed uses on Lot 4400 shall be limited to the hours of operation of businesses on Lots 4500 and 4600 to ensure availability of restrooms.
- 8) The applicant shall provide ADA access to Lot 4400 prior to business license approval.
- 9) Sewer or grey water disposal hookups are prohibited. Disposal must occur outside of the City of Aurora.
- 10) The number of tents, booths or canopies of any size on site at any time shall be limited to one, for a period not to exceed 72 hours per week. If the owner proposes the use of tents, booths or

Canopies greater than one hundred twenty (120) square feet, a temporary structure permit under AMC 17.32.040 shall also be required. The minimum front setback for tents, booths or canopies shall be fifteen (15) feet.

11. Any replacement of existing fencing on site shall required to meet AMC 17.40.070 review and approval by the HRB prior to installation is required.

12. The applicant shall provide cost estimates for the landscaping proposed in the application to the City in order to determine if a landscape plan requiring HRB approval is required.

13. Proposed food carts, and subsequent replacement or revised food carts, shall receive review and approval from staff as part of the business license applications and be on file with the City in order to maintain a valid conditional use permit.

14. All conditions of approval must be met prior to business license approval.

Motion is made to approve CUP 14-01 as stated and modified is made by Commissioner Graham and is seconded by Commissioner Willman. Passes Unanimously.

6. New Business

A. Discussion and or Action on Request for Extension SUB-09-01 and SDR-09-01for

Mr. Bixler property. Mr. Bixler states I have recorded the subdivision and established easements and so forth, the map has been recorded as well. I am here to request a one year extension. Chair Schaefer my understanding is that the gateway portion of the code has not changed so there is nothing new governing this piece of property.

A motion is made by Commissioner Willman to approve the 1 year extension and is seconded by Commissioner Fawcett. Passed by all.

B. Discussion and Review of Conditional Use Application in 1993 for Property Address

15109 Second Street. Chair Schaefer explains the situation regarding a conditional use permit, in many jurisdictions they would expire after not being in use for a while however our code states if it's been more than 2 years we could revoke the permit. It's not about the applicant it's all about the neighbors.

I have rules changed, yes they have not sure if they have changed to affect it as a bed and breakfast except for the conditional use permit.

2. Has the impact changed or not.

Chair Schaefer asks the rest of the Commissioners what they think?

Fawcett, it's been a long time. They ask the applicant just how long it's been 9 years or so there is only 4 sweets available.

Willman I think its fine.

Schaefer, we could revoke because of dormancy.

We could issue business license

Or we could hold a public hearing so neighbors would get notified.

After a brief discussion on what is the best way to handle this everyone agrees that the applicant should apply for a conditional use permit and proceed with a public hearing so everyone is notified of what is happening on the property. The applicant agrees as well.

C. Discussion and or Action on Information Regarding Metro Area Boundary Update.

Chair Schaefer is not impressed with the way that it is written however it is of little or no impact to us.

7. Old Business

A. Discussion and or Action regarding Manufacturing in the Commercial Zone.

Everyone agrees that the proposed code language discussed at last month's meeting is fine but do we want to move forward with a text amendment now or wait until we discuss other potential areas of concern such as garages and tents.

Consensus to discuss further changes at the July meeting.

7. Commission Action/Discussion

**A. City Planning Activity (in Your Packets)
Status of Development Projects within the City.**

- City Planner Wakeley had no discussion items in addition to what has been previously discussed or presented on her report.

8. Adjourn

Chairman Schaefer adjourned the June 3, 2014 meeting at 10:05 pm



Chairman, Schaefer

ATTEST:



Kelly Richardson, City Recorder