



City of Eagle Point

Planning Commission

Meeting Agenda

City Council Chambers
17 Buchanan Avenue South, Eagle Point, Oregon
January 21, 2020

1. CALL TO ORDER – 6:00 P.M.
2. FLAG SALUTE
3. ELECTION OF CHAIR AND VICE CHAIR
4. AUDIENCE QUESTIONS OR COMMENTS RE ITEMS NOT ON THE AGENDA
5. PRESENTATIONS
6. CONSENT CALENDAR
 - 6.1 Presentation of Meeting Minutes of October 15, 2019
7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR
8. PUBLIC HEARING
 - 8.1 Planning Application #19-05:CUP/VAR (Little Eagles Preschool)
Conditional Use Permit and Variance to allow a preschool at 25 North Platt Street in the C-1 Retail Commercial zoning district.
9. UNFINISHED BUSINESS
10. NEW BUSINESS
 - 10.1 Planning Department 2019 Recap
11. REPORTS FROM COMMISSIONERS
12. REPORTS FROM STAFF
13. ADJOURN

AGENDA AND MEETING PACKETS ALSO AVAILABLE ON WEBSITE (www.cityofeaglepoint.org)

If a physical accommodation is needed to participate in this meeting, please contact the City Recorder at 541-826-4212 ext. 106 or TTY/TDD 711 or 800-735-2900. Notification of at least 48 hours prior to the meeting will assist the City in providing reasonable accommodations. (28 CFR 35.102-35.104 ADA Title II).



City of Eagle Point

Planning Commission

EAGLE POINT PLANNING COMMISSION
17 S BUCHANAN AVE. EAGLE POINT, OREGON

October 15, 2019

REGULAR MEETING MINUTES

1. CALL TO ORDER- 6:00 P.M.

Chair Collins called the meeting to order at 6:00 P.M.

Commission Members Present: Jerry Close, Suzi Collins, Dennis Godfrey, Diane Mihocko, Mike Smail, Millie Wewerka.

Commission Members Absent: Travis Henson City Council Liaison Present: None
City Council Liaison Absent: Kevin Walruff

Staff Members Present: Mike Upston, Planning Director; Robert Miller, Public Works Director; Nichole Petty, Meeting Secretary.

2. FLAG SALUTE.

Commissioner Mihocko led the flag salute.

3. AUDIENCE QUESTIONS OR COMMENTS RE ITEMS NOT ON THE AGENDA.

There were no audience questions or comments.

4. PRESENTATIONS

None

5. CONSENT CALENDAR.

5.1 Presentation of Regular Meeting Minutes of September 17, 2019.

Chair Collins announced the Consent Calendar and asked for a motion. Commissioner Mihocko moved the Consent Calendar be approved. Commissioner Wewerka made a

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second. There was no further discussion. The motion passed unanimously by the voting members present.

6. CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR.

None heard.

7. PUBLIC HEARINGS.

- 7.1 Planning Application #19-04:SPR, Pariani Business Center
Proposed single-story, 3,425 SF office building with paved parking and landscape areas at 17 South Platt Avenue in the C-1 Retail Commercial zoning district.

The public hearing opened at 6:02 P.M.

It was asked if any Commissioners had drove past the lot to make observations. Commissioner Close had, and felt it was a good plan for the lot. Commissioner Godfrey had passed and felt the location was good however questioned the drop of the lot. Commissioner Mihocko and Chair Collins had both drove by the lot but had no input.

Mr. Upston notified the group that the hearing was not legislative, but rather a quasi judicial decision. He briefed the group on the background of the proposal – describing the detail of the plans, landscaping and parking followed by the process of approval. Mr. Upston described the purpose of the process, noting that we want to be certain the development is going in the direction the City is wanting and that the standards are being followed for site plans and landscaping. The City must also be sure the applications are complete, zoning is in compliance, and that the needs meet the City businesses. Commissioner Wewerka asked if adjacent property owners were notified and allowed to give comments; Mr. Upston confirmed the City had contacted people within 100' in all directions. No feedback was given.

Dan Horton, architect for the project, gave more details on the project. Mr. Horton addressed the lower elevation of the lot. He confirmed they would be building up the lot in addition to building a retaining wall. Commissioner Godfrey mentioned the storm water drain on the plot map. Mr. Horton said the water would be retained before hitting the creek as a form of treatment. Mr. Miller added the City has adopted the RVSS standards. The size of the lot is going to determine the size of the retention ponds. Commissioner Godfrey asked about the upstairs as no pictures were provided. Mr. Horton said there would be a mezzanine with a railing. This space could be used for additional office space for each unit. There are no upstairs bathrooms or handicap access. It was asked if the upstairs could be used for sleeping, etc. Mr. Upston detailed that while there are no City restrictions, it would need to be presented at the time of proposal. In this case, it was not presented and therefore not allowed. Commissioner Close asked if there was a target tenant in mind. John Pariani would be using one of the offices. There has been discussion with possible tenants but Mr. Horton and Mr. Pariani but nothing is certain at this point. The intent is to have professional offices. There were no audience testimonies for or against the application.

Chair Collins called for a motion to continue or close the public hearing. Commissioner Wewerka made a motion to close the hearing and Commissioner Mihocko made a second. The motioned passed unanimously by the voting members present.

The public hearing closed at 6:21 P.M.

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Chair Collins called for a motion on Planning Application #19-04:SPR, Pariani Business Center. Commissioner Mihocko moved to approve the application and Commissioner Smail made a second. The motion to approve passed unanimously by the voting members present.

8. UNFINISHED BUSINESS.

None heard.

9. NEW BUSINESS.

None heard.

10. REPORTS FROM COMMISSIONERS.

None heard.

11. REPORTS FROM STAFF.

Mr. Upston: None from Planning.

Mr. Miller: Linn Rd is almost finished. There is some last minute fencing and landscaping and irrigation repair. Stevens Rd curb and gutter is in almost to the top. Within seven days paving could begin, but the anticipation date is October 25th. Mr. Miller encourages reviewing the Friday Letter as that will always have the most up to date information and allows community members to follow the ongoing projects. Commissioner Smail asked about the residual telephone poles and lines that are left on Linn Rd. Mr. Miller said that everything that was intended and budgeted to be underground has been relocated already. Mr. Upston confirmed that Council knew there were going to leave some overhead power lines.

12. ADJOURN

Meeting adjourned at 6:27 P.M.

Nichole Petty, Meeting Secretary

ATTEST:

Suzi Collins, Chair

**BUSINESS OF THE PLANNING COMMISSION
EAGLE POINT, OREGON**

AGENDA STATEMENT

Item Number: 8.1

Meeting Date: January 21, 2020

ITEM TITLE: Planning Action #19-05:CUP/VAR (Little Eagles Preschool).
Conditional Use Permit and Variance to allow a preschool at 25 North Platt Avenue in the C-1 Retail Commercial zoning district.

Applicants: Misty Scarbrough & Mendy Delong
Property Owner: Larry Nathan
Submitted By: Mike Upston, Planning Director (541) 826-4212, ext 111

I. PROPOSAL, BACKGROUND & PROPERTY OVERVIEW

This proposal is to operate a preschool at 25 North Platt Street. The building was most recently occupied by a hair salon, and prior to that a business office and, even earlier, a mortuary. The property is located at the southwest corner of North Platt & Napa Streets, on the periphery of Eagle Point's Old Town District within the Town Center area. Nearby uses include the high school, youth center, spray park and single family homes.

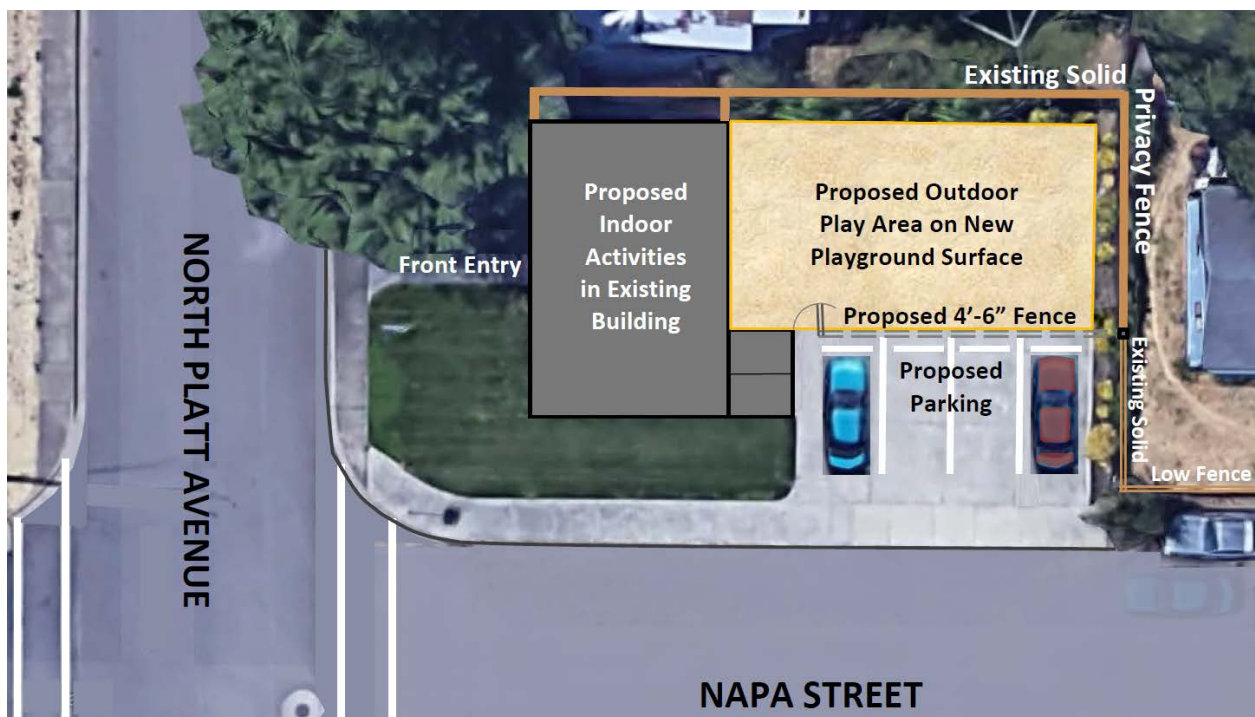
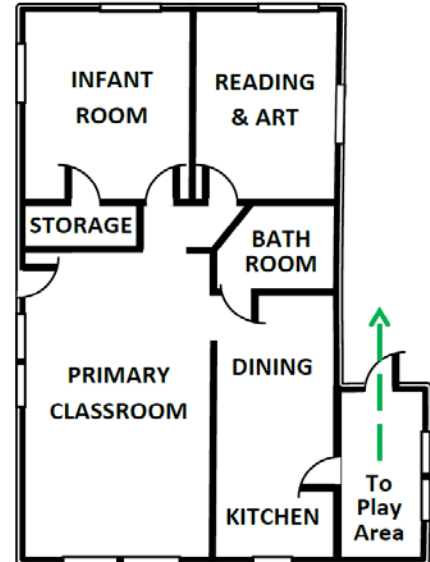
At right is an aerial view of the property location, and below is a view of the property from the Napa Street side.



The property is on the corner adjacent to the Eagle Point High School entrance. The two-lane road was built to handle the high school traffic and parking along with the traffic of the nearby homes and businesses.

According to the applicants, only 53 children are currently served by a licensed childcare facility in Eagle Point, while there are approximately 752 children in need of childcare in the community.

Little Eagles Early Learning Preschool will serve up to 16 children aged six weeks to six years old, but will be licensed to care for children up to the age of 12 years old. While the preschool will primarily serve preschool aged children, ages six weeks to six years, there will be occasions in which a school aged child will need after-school care; these spots will generally be reserved for the sibling of an enrolled preschool child. Of the 16 children enrolled in the preschool, only four children will be infants, aged 6 weeks to 24 months old. For safe and developmentally appropriate learning, the infants will have their own classroom and outdoor play area (see floor plan above). When it is appropriate and on occasion, the infants will join the older children for combined learning activities. There will be 2 - 3 staff members depending on the number of children enrolled. Exterior modifications will include replacing a portion of the existing parking area with a fenced outdoor playground and newly marked parking spaces off Napa Street, as depicted on the Site Plan drawing below.



II. LAND USE APPROVAL REQUIREMENTS

Conditional Use Permit & Variance

Eagle Point Municipal Code (EPMC) chapter 17.28 establishes permitted uses within the C-1 Retail Commercial zoning district, and EPMC 17.28.030 provides Planning Commission authority to consider a Conditional Use Permit for certain uses, including preschools, which are not permitted outright within the C-1 Retail Commercial zoning district.

Conditional Use Permit: EPMC chapter 17.84 establishes the review and decision-making process for Conditional Use Permits, the purpose of which is to determine whether or not a proposed use is or could be compatible with the existing or permissible uses on surrounding land. An additional purpose is to stipulate conditions to ensure that a proposed use will be compatible with the surrounding uses. EPMC 17.84.050 establishes the findings of fact that must be met in order to approve a Conditional Use Permit, and those are discussed below under Section III of this report.

Variance: EPMC chapter 17.88 establishes the procedures for reviewing Variances, and EPMC 17.88.030 provides Planning Commission authority to grant a Variance when strict application of certain zoning provisions would result in a use not being able to be approved and where it's agreed that the granting of such Variance would not be a special privilege that could not be shared by other property in the same vicinity and zone. EPMC 17.88.040 establishes the findings of fact that must be met in order to approve a Variance, and those are discussed below under Section IV of this report.

III. DECISION CRITERIA FOR CONDITIONAL USE PERMIT APPROVAL

A. The conditional use is in conformance with the letter and intent of the Comprehensive Plan and Zoning Ordinance. (EPMC 17.84.050.A)

1. **Comprehensive Plan.** The proposal conforms with the following Eagle Point Comprehensive Plan goals and policies:

Chapter III – Land Use Element: To provide a long-range guide for the physical development of the City that maximizes the community's livability.

FINDING: The Land Use Element of the Comprehensive Plan provides the framework for the Zoning Districts that have been adopted by the City. The subject property and those around it have a land use designation of Commercial on the Comprehensive Plan Map, which is intended to implement the Plan's vision for this area as transitioning from mostly residential to include a mix of neighborhood-serving businesses. A preschool is consistent with this vision and generally compatible within the current context of homes and businesses.

Chapter XIII – Citizen Involvement Element: To provide opportunities for citizen involvement throughout the City's planning process.

Policy 3: The City shall continue to emphasize the public hearing process during land use decision making. All hearings shall be well advertised and open to all affected citizens.

Policy 4: The City shall continue to maintain public availability of planning related proposals and reports.

Policy 5: The City shall continue to notice affected agencies and organizations of specific planning related activities, proposals and reports.

Policy 6: The City shall coordinate land use actions with affected agencies.

FINDING: The City of Eagle Point has an adopted citizen involvement program based upon the policies noted above. The program includes complete and open public information and involvement based on state requirements and locally-adopted public notice procedures and public hearings. This development application is being processed consistent with that program, and is consistent with the goals and policies of this Element. Public notices for this proposal were mailed to nearby property owners, published in the local newspaper and posted on the City's website. As of the date this agenda statement was written, no written public comments were received.

2. Zoning Regulations. The proposal conforms to the following requirements of Eagle Point's zoning regulations:

Legal Notifications. All notifications and advertisements have been made in satisfaction of the legal requirements to hold public hearings on this application.

Development Standards. All applicable development standards in Eagle Point's zoning regulations will be met prior to issuance of construction permits.

FINDING: The proposed development complies with all legal notification requirements, as well as the applicable development requirements of Eagle Point's zoning regulations except as specified for the variances discussed in Section IV of this document.

B. The potential positive impacts outweigh the negative impacts of the conditional use as it relates to the public health, safety and general welfare of the area. (EPMC 17.84.050.B)

FINDING: This use will benefit the community especially since it appears to be severely under-served by preschool/childcare services, based on data provided by the applicant. A potential negative impact includes noise from children, especially during outside play times during the week. However, the level of noise is unlikely to exceed the maximum decibel levels established in the City's Municipal Code.

Another potential negative impact is the amount of traffic coming and going to and from the property during pick-up and drop-off times, though this is not dissimilar to many commercial uses which would be allowed outright in this commercially-zoned area. What is unique is the close proximity to the high school, and the accompanying hazards associated with that traffic. As underscored in a written public comment received from a nearby property owner (available in project file), the limited amount of off-street parking for drop-off and pick-up of the children is a hindrance. Some high school students opt to park on Platt and Loto Streets rather than on campus, as do some parents waiting for their children when school is dismissed. Traffic is heavy and can be chaotic in the morning just before school starts, at lunch, and at the end of the school day as students and parents come and go. The commenter's concerns are for parents who may be distracted while loading/unloading children at the preschool, and for other drivers not paying attention while a parent is attending to a child (unbuckling, unloading, etc).

To help mitigate this circumstance, the un-paved portion of Napa Street alongside the subject property should be paved and curbed. That would at least provide a better area for parents to load and unload their children, and stay as close to the preschool property as possible rather than possibly pulling alongside the road further away and in an area more highly frequented by high school traffic. In addition, signs should be posted along the Napa Street curb specifying that the portion of curbside along the preschool property is reserved for preschool drop-off and pick-up only.



Therefore, a recommended condition of approval is included in section VIII of this document requiring installation of curb, gutter and paving for the length of the property along Napa Street, along with two signs along the Napa Street frontage specifying that the portion of curbside adjacent to the preschool property is reserved for preschool drop-off and pick-up.

C. The conditional use property and buildings are adequate in size and shape to accommodate said use, and all yard spaces, walls and fences, parking, loading, landscaping and other features are to standards required by this Ordinance. (EPMC 17.84.050.C)

FINDING: The property provides nearly 1,000 square feet of indoor space for preschool activities, and roughly 1,400 square feet of outdoor space for learning and play. The Oregon Office of Childcare requires 620 square feet of indoor space for 16 children and 1,200 square feet of outdoor space. Therefore, this preschool will offer adequate indoor and outdoor space per state regulations. This also meets the City's requirement for an enclosed play yard. And while EPMC 17.20.030.D requires said play yard to be set back at least 20 feet from adjoining properties that are zoned for residential use, the surrounding area is zoned Commercial (C-1) even though there are adjoining legal, non-conforming residences which were grandfathered in when the C-1 zoning was established along Napa Street. Subsection D also requires that the size of the play yard be at least 50 square feet per child. If the maximum of 16 children are served, the requirement would be at least 800 square feet, and as stated above there will be roughly 1,400 square feet.

One room inside the building will be designated for infants, and the other two rooms will be classrooms for 12 children up to six years of age. The large room will be used as the primary classroom where large group activities will occur. The third room will be designated for small group activities such as reading & art. The kitchen area will be used for food service, and children will be divided into groups to accommodate ages and space function.

The Office of Child Care will license the building for 12 children and up to 16 are allowed if a second toilet is provided, which the applicant plans to do. Rogue Valley Sewer Services has approved a permit for it, and a licensed plumber has provided an estimate and has been in contact with the City's Building Official regarding necessary permits for installation.

The existing privacy fences along the side and rear yards, along with the additional fencing proposed adjacent to the parking area on the Napa Street side of the site, will comply with the fencing requirement in EPMC 17.20.030.D. A playground will be installed that meets the Office of Childcare regulations, and the applicant also intends to install a semi-permanent cover over the playground to create shade in the summer and cover in the fall and winter months.

No minimum parking requirements are established for this use type in the City's zoning regulations. However, the applicant proposes to provide four designated off-street parking spaces for staff and parent parking, drop-off and pick-up. There is also on-street parking on Platt Avenue and Napa Street that can also be used for

drop-off and pick-up. Average drop-off time is 90 seconds - 3 minutes, and most occur 7:30 - 9:00am. Average pick-up time is 4:30 - 5:30pm and is 2 - 5 minutes.

The applicant's written submittal expresses interest in the possibility that the front and side grass areas may also be used as a play area. However, the setback requirement specified in EPMC 17.20.030.D would prohibit that. Therefore, a recommended condition of approval is included in Section VIII of this document prohibiting said use.

D. The conditional use relates to streets and highways adequate to width and pavement type to carry the quantity and kind of traffic generated by the proposed use. (EPMC 17.84.050.D)

FINDING: The project site is accessed from Platt Avenue and Napa Street, both local roadways of adequate width to accommodate the proposed use. As discussed in subsection III.B above, staff recommends that the unpaved portion of Napa Street alongside the subject property be completed. When done, the use will then meet this criterion that the pavement type is adequate to carry the quantity and kind of traffic generated by the proposed use.

IV. DECISION CRITERIA FOR VARIANCE APPROVAL

There are two zoning standards which cannot be met by virtue of the property size and location of existing features on it. However, as discussed below, compliance with the letter of those standards is not necessary, and therefore a variance from strict application of those standards is recommended.

The first variance applies to minimum lot size. EPMC 17.20.030.D requires preschools and other similar uses to be on property of at least 10,000 square feet. The subject property is just under 5,700 square feet. However, the proposal exceeds all Oregon Office of Childcare standards involving interior and exterior area requirements. Further, because the project site is commercial property within a commercially-zoned area, it's appropriate that this type of use could occur in a variety of sizes and configurations, as opposed to an area zoned exclusively for single family homes where there are higher expectations regarding space and buffer distances between buildings and uses.

The second variance applies to a setback. EPMC 17.20.030.D requires the play yard to be set back at least 70 feet from the front property line, which in this case is along Platt Street. While the proposed play area will only be roughly 50 feet from the property line along Platt Street, it will be on the back side of the building which provides an added buffer. Therefore, the code's intended separation is maintained.

Based on the above, staff recommends the following findings in compliance with the decision criteria for a Variance.

A. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties or class of use in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control. (EPMC 17.88.040.A)

FINDING: The property size and location of the building on it make compliance with the letter of the code impossible with regard to minimum lot size and play yard setback. However, the play yard is larger than that required by the Oregon Office of Childcare and, because the building provides a physical barrier between the front of the property and the play yard, the result is an even higher degree of separation than that required by the code.

B. Granting of the variance shall not be materially detrimental to the purposes of this title, be materially injurious to property in the zone or vicinity in which the property is located or be otherwise materially detrimental to the objectives of any City development plan or policy. (EPMC 17.88.040.B)

FINDING: As described above, the lot size and play yard setback variances will have no detrimental effect to the purpose of the zoning regulations, and they will not be materially injurious to property or be detrimental to the City's objectives.

C. The variance requested is the minimum variance from the provisions and standards of this title which will alleviate the practical difficulty. (EPMC 17.88.040.C)

FINDING: The variance is the minimum possible given that the lot size is not proposed to be reduced, and the play yard is separated from the front side of the property to the highest degree possible.

D. The conditions for which the variance is requested are not the result of any action or personal circumstances of the applicant. (EPMC 17.88.040.D)

FINDING: As described in subsection A above, the proposal is simply being applied to an existing condition of lot size and the long-standing building location on the lot, things which of course are not the result of any action or personal circumstance of the applicant.

V. CONCLUSIONS

1. The application was declared complete.
2. The proposal is consistent with the Comprehensive Plan.
3. As conditioned, the proposal complies with the zoning regulations.
4. All legal notifications have been satisfied with respect to the application.
5. Concerns expressed by affected agencies have been mitigated.

APPROVED FOR SUBMITTAL: _____


Henry Lawrence, City Administrator

VI. STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the Findings and approve the application with the recommended conditions of approval.

VII. PLANNING COMMISSION OPTIONS:

1. Adopt the Findings and approve the application with the recommended conditions of approval; or,
2. Adopt the Findings and approve the application with revisions to the project and/or conditions; or,
3. Deny the application; or,
4. Postpone action to a time specified providing additional information is required and the applicant or their representative agrees to such postponement.

VIII. RECOMMENDED CONDITIONS OF APPROVAL

1. Required permits and approvals shall be obtained for all building and site modifications, along with payment of associated fees (such as permit fees and system development charges).
2. Within 30 days of the Planning Commission decision and prior to building occupancy, the applicant shall enter into an agreement with the City providing a timeline and proposal for construction of the curb, gutter and street paving for the length of the property along Napa Street, and installation of two signs along the Napa Street frontage specifying that the portion of curbside along the preschool property is reserved for preschool drop-off and pick-up only. If the property owner opts to construct these improvements, then they must be completed no later than the latter of 90 days from the date of the Planning Commission decision, or prior to approval of a business license for the preschool and their opening for business.

Alternatively, if the property owner opts to pay the City for the cost of the improvements as determined by the City Engineer in lieu of doing them, the City will complete that work within the context of a larger, City-initiated project for Napa Street and its intersection with Platt Avenue. Payment shall be due to the City prior to approval of a business license for the preschool and their opening for business.

3. Per the play yard setback requirement specified in EPMC 17.20.030.D, the grass areas adjacent to the sidewalks along Platt and Napa Streets shall not be used as play area.
4. If a building permit has not been issued and the business is not operational within two years from the date of this decision, this decision shall expire unless an extension is applied for and received from the Planning Director before the expiration date.