Toledo City Hall
Council Chambers
January 9, 2019

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:00 pm by President Geoffrey Wilkie. Commissioners present: Anne Learned-Ellis, Bill Hansen, and Penny Ryerson. Excused was Cora Warfield.

Staff present: City Manager (CM) Craig Martin, City Attorney (CA) David Robinson, and Secretary Arlene Inukai.

VISITORS: Justin Luckini, Yalonda Luckini, Richard Steenkolk, Scott Warfield, and newly appointed City Councilor Stu Strom

APPROVAL OF THE NOVEMBER 14, 2018, MINUTES:
It was moved and seconded (Ryerson/Hansen) to approve the November 14, 2018, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Warfield.

PUBLIC HEARING: VARIANCE TO THE MINIMUM SETBACK STANDARDS IN THE COMMERCIAL ZONE (FILE #VAR-2-18), FOR PROPERTY LOCATED AT 711 NW A STREET, REQUESTED BY KONG PROPERTIES LLC (SCOTT WARFIELD AUTHORIZED AGENT):
President Wilkie opened the public hearing by stating the nature and purpose. There were no declarations of ex parte contact, bias, or conflict of interest. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CM Martin reviewed the staff report as on file at City Hall. He reported that the request is for a variance to the front yard setback. The Commercial Zone requires a 25' front yard setback and the applicant is requesting a 12' front setback to develop the vacant property at 711 NW A Street. Notice of the request and public hearing were distributed, per code requirements, and no comments were received.

CM Martin reviewed the Comprehensive Plan standards, variance criteria, staff analysis, and facts/findings identified in the staff report. He noted that the proposal is for an office building, which is allowed outright in the Commercial Zone. The zone requires a 25' front setback, unless the property is located in the Main Street District area. The property at 711 NW A Street is not in the Main Street District area. CM Martin stated that the lot is small (3,250 square feet) which is outside of the property owners' control. The request complies with the Comprehensive Plan standards and variance criteria established in Toledo Municipal Code (TMC) 17.68.050. The proposal will not cause adverse impact to the surrounding area when compared to the impact of development allowed without a variance. Examples of hardship factors could include such issues as lot dimension, topography, drainage, encumbrances, etc. The applicant indicates that other development standards, such as flood elevation, drainage, parking, and landscaping, will be met during the construction process. Staff recommends approval of the request and adoption of the three recommended conditions of approval.

CA Robinson pointed out two corrections to the staff report, specifically, Page 6, Staff Analysis, should identify TMC "17.68.050" and Page 7, Paragraph 3 should read 100' to the "east".

Applicant Testimony: Justin Luckini of Luckini Construction, 2225 NE Mossy Loop, Toledo, reported that Warfield Limited would like to construct a new building on the property. They originally tried to design the new construction with a 25' front setback, but because the property is small, the building would be too small and would not look good for the site. After review, they felt that a 12' setback looks appropriate for the site and it would not block views for the neighborhood. They will also provide low-growing vegetation to not block the view. The 12' setback will provide new sidewalks, a handicap ramp, and landscaping. The previous building at the site had a zero setback, built up to the sidewalk.

Mr. Luckini reported they have a base elevation of the site and the new building will be elevated to meet or slightly exceed the required flood elevation, but should not look out of place. Parking will be sloped up a bit and a retaining wall will be built. Drainage will be provided to code. Mr. Luckini clarified that the drainage problem will be resolved by adding drain rock and retaining walls to protect the property. The retaining walls will be part of the foundation system. ADA access will be established. Vegetation and walkways will be added, with some improvements on the public right-of-way side. The roadway is paved to the property line. The appearance of the office building is mostly decorative, rather than functional. The owner did not want a modern appearance, but a more historic looking building. Commissioners discussed setback distances at other area commercial buildings.

Mr. Luckini stated that the proposed setback will provide a safer area when pulling out of NW 6th Street and a shorter distance for ADA parking to the building. Currently, there is one on-street ADA parking space in front of the property. One of the three on-site parking spaces can be ADA designated if needed. The owner would like to replace the existing sidewalk at the time of construction. CM Martin noted that the sidewalk improvements and parking plan will be reviewed further during the building permit review process.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: Stu Strom reported that the property has been vacant for a long time. He is glad to see it finally developed and remove the pond that has been on the site for some time. He added that it is a good use of the site and applauds the effort. The property was once the site of an apartment building and pub.

Applicant Rebuttal: None.

Questions by Commission: Commissioner Learned-Ellis asked about the recommended conditions and CM Martin then reviewed each proposed condition from the staff report

President Wilkie asked about the setback distance for the Main Street District and the stormwater drainage plan for the site. CM Martin reported that the special Main Street District allows buildings with a zero setback. The property is located in the floodplain and the building will be

elevated with drainage systems. The City stormwater line is in the area and upgrades have occurred on the system. However, there are still surcharges in the system, depending on the tidal influence and run-off.

Commissioner Ryerson took this time to congratulate City Councilor Strom on his recent appointment. She agrees with his statement to develop the property and make the proposed improvements.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioner Ryerson voiced that the proposed building looks nice and should fit in nicely with the area, therefore, she supports the request. Commissioner Learned-Ellis added that it sounds like it will be well-constructed.

It was moved and seconded (Learned-Ellis/Ryerson) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on January 9, 2019, the Planning Commission finds that the request by Kong Properties, LLC, (VAR-2-18) complies with the criteria identified in Toledo Municipal Code 17.68.050. The Planning Commission hereby adopts the staff report as findings, as well as the proposed conditions of approval for VAR-2-18, and allowing for the correction of typographical and grammatical errors.

1. Development shall conform with the proposed site plan, as described in the application and submitted in Attachment A of the staff report. Any substantial change to the front yard setback which results in a reduction of the proposed 12' front yard shall be submitted to the Toledo Planning Commission as a new application for a variance.

2. Applicant shall obtain all necessary development permits prior to construction of the office building.

3. Authorization of the variance shall be void after one year if a building permit has not been issued or development has not begun. Authorization may be extended by the Planning Commission for an additional period of one year if the request is made in writing prior to the expiration of the original authorization.

The **motion passed** unanimously, noting the absence of Warfield.

DISCUSSION ITEM: UPDATES AND REPORTS:

Planning Department Statistics:

Staff distributed a chart showing the number of permits processed during 2018. Planning Commissioners pointed out there was an increase in the number of excavation/right-of-way permits, the total construction value was up significantly, and tree permits were down.

Lincoln County Housing Strategy Implementation Plan:

CM Martin reviewed the grant program and announced that Lincoln County is ready to kick-off the project. The County has two committees for the project, the Technical Advisory Committee and the Policy Advisory Committee. CM Martin and Secretary Inukai will provide assistance to the Technical Advisory Committee and he is looking for Planning Commissionerss to assist the Policy Advisory Committee. Three City Councilors have already volunteered to help. The meeting schedule is uncertain at this time, therefore, CM Martin would like to have a couple volunteers, in case meeting dates conflict with schedules, assuring that there are alternate volunteers representing

Toledo. Commissioners Learned-Ellis, Wilkie, and Ryerson each reported they are willing to help with the project. CM Martin will forward the names to the County and keep the members informed. He stated he has a copy of the finalized agreement if Planning Commissioners wish to review the document. It was noted that the draft document was distributed to Commissioners in November.

Arbor Day/Tree City USA Activities:
CM Martin reported the adopted Tree City USA program calendar provided a couple of activities, such as an ivy-pull event and tree seeding give away. A grant application was distributed to Commissioners, showing that there is funding to help with an Arbor Day event and CM Martin asked for activity suggestions. Commissioners discussed a tree inventory program and information was included in the packet. An inventory can start with Main Street, since there has been some sidewalk buckling that will need to be addressed. Commissioners also discussed a tour of the Mill Creek watershed area and restoration project. The Arbor Day grant could be used for various activities or materials, such as a tree planting activity, purchasing seedling trees to distribute to the community, purchasing books or tree planting tools, etc. and can provide up to $500 to a community. Commissioner Learned-Ellis stated that if the City applies, it should be for a very specific project and not 'over apply' for funding. Commissioners discussed a tree planting option or tree give away event. Because the City is looking at its 25th year as a Tree City USA community, it was suggested that a silver fir or silver spruce be considered for the 25th anniversary.

City Councilor Strom suggested that the City consider a public park dedication to honor the 25th anniversary, suggesting a park bench be placed and a tree dedicated at the public park/green space located near the bowling alley. The small park could be dedicated as the mayor's tree.

CM Martin suggested that a tree seedling give away could include children at the elementary school, which encourages youth participation. Commissioner Ryerson likes the idea of engaging the kids to accomplish good projects.

Commissioners reviewed the grant options, most could be accomplished for under $500. However, the grant deadline is January 25, 2019. Staff will work on a specific project and will report back to the Commission in February to finalize the Arbor Day event.

STAFF COMMENTS:
There are still vacancies on the City of Toledo Budget Committee and Planning Commission for those interested in serving on the committees. The City of Toledo's website has been upgraded.

COMMISSIONER COMMENTS:
Commissioner Learned-Ellis wished everyone a good month and President Wilkie wished all a happy new year.

There being no further business before the Commission, the meeting was adjourned at 8:10 pm.

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Secretary President