



Legislation Details (With Text)

File #:	PC 17-127	Version:	1	Name:	Wheeler Appeal
Type:	Planning Item	Status:		Status:	Public Hearing
File created:	10/24/2017	In control:		In control:	City Commission
On agenda:	11/1/2017	Final action:		Final action:	
Title:	AP 17-05: Appeal of the Planning Commission's Denial of TP 17-03 and ZC 17-02; Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District and a Subdivision of 77 lots (Wheeler Farm) Located near White Lane and Orchard Grove Drive				
Sponsors:	Laura Terway				
Indexes:					
Code sections:					
Attachments:	1. Staff Report, 2. AP 17-05- Commission Staff Report, 3. Exhibit 1: AP 17-05 Appellents Submittal, 4. Exhibit 2: October 20, 2017 Memo From Wendy Marshall, 5. Exhibit 3: October 20, 2017 Memo From John Replinger of Replinger and Associates, 6. Exhibit 4: ZC 17-02, TP 17-03 Planning Commission Findings and Notice of Decision, 7. Exhibit 5: Staff Report and Findings, 8. Exhibit 5a: Vicinity Map, 9. Exhibit 5b & 5c: Applicant's Narrative and Plans- Subdivision, 10. Exhibit 5b & 5d: Applicant's Narrative and Plans- Zone Change, 11. Exhibit 5e: Comments from John Replinger of Replinger and Associates, 12. Exhibit 5f: Public Comments-West Susan Rictor, 13. Exhibit 5g: NR 17-03 Exemption, 14. Exhibit 6: September 25, 2017 Planning Commission Meeting-exhibits and public comments entered into the record, 15. Exhibit 7: October 9, 2017 Planning Commission Meeting- exhibits and public comments entered into the record				

Date	Ver.	Action By	Action	Result
11/1/2017	1	City Commission	adopt	Pass

AP 17-05: Appeal of the Planning Commission's Denial of TP 17-03 and ZC 17-02; Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District and a Subdivision of 77 lots (Wheeler Farm) Located near White Lane and Orchard Grove Drive

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission make a tentative decision approving Planning file AP 17-05. Staff will return at the next available City Commission meeting with either additional findings in support of denial or a draft Ordinance and final order for approval.

BACKGROUND:

The City received an application for Planning files TP 17-03 and ZC 17-02 for a Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District and a subdivision of 77 lots. Key components of this proposal included:

- 1) 77 lots of various sizes that meet the dimensional and density standards of the R-8 zone. The proposed subdivision includes lots of various sizes as allowed by OCMC 16.12.050. The largest lot is 26,814 sf and the smallest are 6,407 sf. The proposed lot pattern is shown the subdivision layout in the exhibits.
- 2) A 1.35-acre, voluntarily provided, open space;
- 3) An integrated on-site stormwater management system including street side vegetated filtration swales and flow control; and

4) Transportation connections between Orchard Grove Drive, Larence Lane, Skellenger Way, and Tolstrup Drive through the project site.

On October 9, 2017 the Planning Commission voted 4-2 to deny the applications. The Planning Commission cited concerns about neighborhood compatibility and utility (transportation) adequacy. Understanding that the zone change would add four additional lots beyond what could be developed under the existing R-10 zone, the Planning Commission found:

- The proposed zone change could result in a lot layout that was not cohesive and compatible with the existing surrounding developments, particularly the Hazel Creek Farms development to the west;
- The existing level of traffic congestion within the City, most notably the intersection of Warner-Milne Rd, Warner-Parrot Ave and Leland Road/Linn Ave, was unacceptable and additional density, no matter how modest, would contribute to this concern;
- A lack of capacity within the school system; and
- Concern regarding a sewer pump station to accommodate the additional development.

An appeal of the decision was subsequently submitted by the applicant. The City Commission is to review the evidence in the record, including the Planning Commission's findings, Appellant's grounds for appeal, public testimony, the staff report and memos to determine if the proposal meets the requirements within the Oregon City Municipal Code. After the City Commission makes a tentative decision staff will return at the next available City Commission meeting with either additional findings in support of denial or a draft Ordinance and final order for approval.

The City Commission's review of the Planning Commission decision is limited to the issues raised in the notice of appeal based on evidence that is already in the record. Only those individuals who participated in the Planning Commission review have standing to participate before the City Commission and no new evidence is allowed.