



**City of Sutherlin
Planning Commission Meeting
Tuesday, September 19, 2017
7:00 p.m. – Sutherlin Civic Auditorium**

Agenda

Pledge of Allegiance

Introduction of Media

Approval of Minutes

August 29 2017 - Special Meeting

Quasi-Judicial Public Hearing(s)

1. FAITH & REASON MINISTRIES, INC, request for a Conditional Use Permit to authorize a church to operate inside an existing commercial building located on the north side of W. Central Avenue in the City of Sutherlin. A club or religious institution is a conditionally permitted use in the C-1 zone. The proposed use will be located in the east side of the existing building. The subject 0.27 acre property is described as Tax Lot 6900 in Section 17DC, T25S, R5W, W.M.; Property ID No(s). R56002; and is addressed as 123 W. Central Ave. It is designated Commercial Business District by the Sutherlin Comprehensive Plan and zoned (C-1) Downtown Commercial. **PLANNING DEPARTMENT FILE NO. 17-S017.**

Monthly Activity Report(s)

Public Comment

Commission Comments

Adjournment

**CITY OF SUTHERLIN
PLANNING COMMISSION MEETING
CIVIC AUDITORIUM – 7PM
TUESDAY, AUGUST 29, 2017**

COMMISSION MEMBERS PRESENT: Mandi Jacobs, William Lee, John Lusby, Richard Price and Sam Robinson

COMMISSION MEMBERS EXCUSED: Michelle Sumner

COMMISSION MEMBERS ABSENT: None

CITY STAFF: Brian Elliott, Community Development Director and Kristi Gilbert, Community Development Specialist, Lisa Hawley, City Planner, Joshua Shakelee, City Planner, and Jamie Chartier, Admin Support Assistant

AUDIENCE: Allen and Gale Peterson, John McDonald (ODOT), Crystal Haaby, Kelly Bay, Jim Houseman, JoAnn Rochester, Kent Rochester, Gladys Robinson, Mavis Ecker, Kathleen Case, Marty and Roger Oerman, Mark Rochester, Nanette Haley, Corinna Blevins, Adam Haley, Len and Sharon Bodeen.

Meeting called to order at 7:05 pm by Acting-Chair Lee.

FLAG SALUTE

INTRODUCTION OF MEDIA: None

APPROVAL OF MINUTES

A motion made by Commissioner Price to approve the minutes of the May 2, 2017 and May 23, 2017 Planning Commission meetings; second made by Commissioner Price.

In favor: Commissioners Jacobs, Price, Robinson and Acting-Chair Lee

Opposed: None

Motion carried unanimously.

QUASI-JUDICIAL PUBLIC HEARING

- 1. SUTHERLIN FAMILY CHURCH,** request for a Conditional Use Permit for the existing church facility on the property. This review includes the removal of a portion of the existing facility (secondary building and modular unit) and a new replacement addition on the east of the existing church and a modified parking area. The subject 1.42 acre property is located on south side of W. Sixth Avenue at its intersection with W. Branton Street in the City of Sutherlin. It is described as Tax Lots 6800, 6900 and 6901 in Section 18DD, T25S, R5W, W.M.; Property I.D. Nos. R51151, R51144 & R51137; and is addressed as 878 W. Sixth Avenue. The property is designated Medium Density Residential by the Sutherlin Comprehensive Plan and zoned (R-2) Medium Density Residential by the Sutherlin Development Code. **PLANNING DEPARTMENT FILE NO. 17-S014.**

Acting-Chair Lee opened the hearing, with the disclosure statement; all persons testifying shall be deemed parties to appeal the application and must provide full name and mailing address if they wish

to be notified of the decision, continuances, appeals, or procedural actions required by the Code. The Sutherlin Development Code specifies applicable criteria to be relied upon in making a decision.

Lee asked the Commission if there were any conflicts of interest or personal bias; hearing none, Lee then asked the audience if there were any challenges of impartiality of any person(s) on the Commission. Hearing none, Lee asked for the Staff Report.

Lisa Hawley, City Planner, entered Staff Exhibits 1-9, including the Staff Report into the record. She then identified the parties in the matter and summarized the Staff Report into the record.

APPLICANT'S TESTIMONY

Greg Ausland, Ausland Group, Applicant's Representative, stepped forward and stated that they concurred with the Staff Report and were available for any questions.

TESTIMONY IN FAVOR

There was no testimony in favor.

TESTIMONY IN OPPOSITION

There was no testimony in opposition

With no further testimony, Acting-Chair Lee closed the public portion of the hearing.

A motion was made by Commissioner Price to accept Action Alternative #1 to approve the requested Conditional Use Permit for Sutherlin Family Church for 878 W. Sixth Avenue, subject to the three recommended conditions of approval; second made by Commissioner Jacobs.

In favor: Commissioners Jacobs, Price, Robinson and Acting-Chair Lee

Opposed: None

Motion carried unanimously.

LEGISLATIVE PUBLIC HEARING

CITY OF SUTHERLIN; Urban Growth Boundary (UGB) Amendment involving the exchange of approximately 302± acres. The areas to be removed from the UGB are the City's 202± acre Ford's Pond property located on the west side of Church Road and a 100± acre property located off S. State Street on Schoon Mountain. The area proposed to be added to the UGB is primarily located at the southwest corner of Exit 136 on the south side of W. Central Ave and Fort McKay Road, and is generally bounded by Schudeiske Road on the west and Parkhill Lane and Trails End Lane on the southeast adjacent to Interstate 5. **PLANNING DEPARTMENT FILE NO. 17-S015.**

Acting-Chair Lee opened the hearing, with the disclosure statement; all persons testifying shall state their name and address. The Sutherlin Development Code specifies applicable criteria to be relied upon in making a decision.

Lee asked the Commission if there were any conflicts of interest or personal bias. Commissioner Robinson declared a conflict and indicated he would abstain from the vote. Lee then asked for the Staff Report.

Lisa Hawley, City Planner, entered Staff Exhibits 1-25, including the Staff Report into the record. She then entered three additional staff exhibits into the record, which were added since the mailout: Staff Exhibit 26, Staff Memo dated August 22, 2017 with attached comments received on the proposed amendment; Staff Exhibit 27, copy of documentation from ODOT, dated August 15, 2007 regarding review of traffic analysis for zone change on Fords Pond property; and Staff Exhibit 28, Staff Memo, dated August 29, 2017 regarding TIS and recommendation for City Council. Hawley then summarized the Staff Report into the record.

Ms. Hawley noted for the record that there were some incorrect maps, which have been corrected since the mailout. She then discussed the request from David and Ulena Robinson and Brenda Robinson to include the southern portion of their property at 1814 and 1818 Trails End Lane into the UGB, for utility purposes. It is Staff's recommendation to include the remainder of the property south of Trails End Ln as the FR-20 zone.

Ms. Hawley noted that Ford's Pond would be removed from the UGB and City Limits in its entirety, with the exception of five acres to accommodate for restroom facilities as proposed in the Ford's Pond Community Park Masterplan. The five acres would be zoned as the city's resource FR-20 zone.

Ms. Hawley then briefed the Commission on ODOT's request for a continuance in order to complete a Traffic Impact Study (TIS). She stated that ODOT asserts that the proposal constitutes a significant affect to an "existing or planned transportation facility" as described in OAR 660-012. As such, the city would be required to "ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP." In this case, ODOT requests that a TIS be completed by the City prior to the approval of the UGB exchange, annexation and zone change. The City argues that a TIS can be enforced as a condition of future land use actions necessary to develop the subject area beyond the capacity already accounted for. The City is willing to enter into an intergovernmental agreement (IGA) with OOT to ensure these conditions are met. The City feels that this more than satisfies ODOT's interests.

According to a trip generation assessment undertaken in 2007 and supported by ODOT, the 200-acre Fords Pond property would account for approximately 290 Peak Hour vehicle trips originating off Hwy 138 W and Church Road (accessed via Fort McKay Road), if fully developed. She then noted that this assessment was undertaken when the property was rezoned from Light Industrial to Low Density Residential. This zone change represented a reduction of 210 peak hour vehicle trips (from 501 to 290 trips). The proposed UGB exchange will relocate this capacity to the area south of Fort McKay Road. Both areas rely on substantially the same traffic facilities. City staff therefore maintains that any new development that generates fewer than 290 peak hour vehicle trips does not constitute a "significant" effect on existing or planned facilities. Staff proposes that a TIS should only be required for development resulting in excess of 290 additional peak hour vehicle trips. The City concurs that a TIS is ultimately necessary, either by the City itself or by a future developer, as the area is developed. However, the City also wants to move forward with this project in order to facilitate the UGB Exchange and the subsequent zone changes for properties desiring to annex into the City through this process.

TESTIMONY IN FAVOR

Jim Houseman, 109 Frontier Court, Sutherlin, stepped forward and indicated that he was representing himself and Friends of Ford's Pond. He requested party status for himself and Friends

of Ford's Pond. He then indicated that he has lived across the street from Ford's Pond for 18 years, then provided some history of Ford's Pond to the Commission. He stated that it has been used for logging, fishing, recreation, etc. Mr. Houseman referenced page 19 of the Staff Report, addressing Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources. Mr. Houseman then indicated that the City and Friends of Ford's Pond were currently working on the Ford's Pond Community Park Master Plan, which is to be completed in November, 2017. The proposed master plan reflects Goal 8, Recreational Needs and is identified in the City's 2005 TSP and the City's Park and Open Space Master Plan. Following the completion of the Ford's Pond Community Park Master Plan, the City and Friends of Ford's Pond will move towards the capital improvements of the plan. Mr. Houseman noted that they would be addressing traffic, pedestrian and bicycle traffic as it relates to the community park.

Commissioner Lusby arrived at the meeting.

TESTIMONY IN OPPOSITION

John McDonald, ODOT, 3500 NW Stewart Parkway, Roseburg, stepped forward and stated that ODOT does not object to the UGB Exchange, but only to the Zone Changes. He requested a continuance of the hearing to allow the City time to complete a TIS. Mr. McDonald also proposed that if the City chose not to continue the hearing, the City could approve the UGB Exchange without the Zone Changes. He indicated that the information the City currently has is inadequate.

NEUTRAL TESTIMONY

Gale Peterson, 1754 Trails End Ln, Sutherlin, stepped forward and indicated that they won't object as long as they are assured that there will be no additional development south of Trails End Lane (on 1814 and 1818 Trails End Ln). She expressed concerns of the transportation patterns on their rural roads and wants assurance that traffic impacts will be addressed and improved if developed. If issues arise, they would want them resolved.

Kathleen Case, 158 Ft McKay, Sutherlin, stepped forward and stated that she was not interested in this process, and wanted the option to opt out.

Ms. Hawley clarified that Ms. Case is already located within the UGB and that it is up to the property owner whether they wanted to annex into the City Limits. She noted that Ms. Case did not consent to opt in and that her property is not included in the proposed annexations.

Corina Blevins, 820 Ft McKay, Sutherlin, stepped forward and asked for a Q & A session to be held in order for property owners to obtain answers to their questions. Property owners can then make an educated decision on the matter of whether to annex or not.

Mark Rochester, 180 Emerald St, Sutherlin, stepped forward and stated that he had concerns regarding the increase in traffic that would be generated. He stated that he would like a continuance to receive additional information and answers to questions.

Corina Blevins, 820 Ft McKay, Sutherlin, stepped forward and stated that traffic on Ft McKay is bad and would recommend a speed reduction as traffic enters into Sutherlin.

Martha Oerman, 476 Schudeiske Rd, Sutherlin, stepped forward and asked whether water and sewer lines would be placed through Schudeiske Rd.

Ms. Hawley clarified that water and sewer lines would be development driven and would go through the developments, rather than strictly along Schudeiske Rd.

Mavis Eckerd, 249 Plat M, Sutherlin, stepped forward asked about time of completion and when she could expect water and sewer for her property.

It was clarified that extension of water and sewer mains would be development driven. If the process was to continue on track, the adoption of the UGB Exchange and annexation would be complete by March, 2018. There could be expected delays that could prolong the adoption date.

With no further testimony, Acting-Chair Lee then closed the public portion of the hearing.

Discussion ensued regarding ODOT raising their concerns and the timing of the concerns. The Commission asked whether the City has been working with ODOT to try to resolve the issues. Staff indicated they have been working with ODOT; however, the City and ODOT still have different perspectives on the traffic issues. Questions were then asked about ODOT's requirements for the TIS.

John McDonald, with ODOT stepped forward to state that the Zone Change triggers the TIS and if the process is to move forward without completion of the TIS, then ODOT loses its teeth in the traffic requirements.

Discussion ensued regarding previous traffic studies west of I-5 for Fords Pond and Dovetail/Scardi. Mr. McDonald clarified that any of those studies would be outdated and they could not be used.

The Commission requested Staff to host a public Q & A session to provide another opportunity for the public to get answers to their questions on the proposal.

A motion was made by Commissioner Lusby to recommend to the City Council to approve the UGB exchange, annexations and zone changes, upon the condition that a TIS must be completed as a condition of any future land use action. This would ensure that a TIS would be completed prior to future development of properties subject to the proposed annexation and zone change, and that the proposal be amended with conditions to (1) include 1814 and 1818 Trails End Ln in the exchange as FR-20, and (2) hold a Q & A session for the public to receive answers to their questions; second made by Commissioner Price.

In favor: Commissioners Jacobs, Price, Lusby and Acting-Chair Lee

Opposed: None

Abstained: Commissioner Robinson (Conflict of Interest)

Motion carried unanimously.

MONTHLY ACTIVITY REPORT

Brian Elliott, Community Development Director, provided the Planning Commission an update on 2017 City Projects.

- Central Avenue Pavement project was awarded by City Council to Guido Construction. Construction will begin October 1, 2017.
- North Comstock project is near completion. The second lift for paving will be done on Friday, when there was no school.

- Pavement Project – there will be three side streets paved; Mardonna (from the intersection of Fourth Avenue north approximately 440’), W. First Avenue (N. State west approx. 125’), and E. Fourth Avenue (Crown Point to Casa DeLoma).
- Central Park is near completion with a few minor adjustments to go. It’s been an epic success. The grand opening will be held on September 11, 2017 at 6:00 p.m.

PUBLIC COMMENT - None

COMMISSION COMMENTS

Commissioner Price indicated that there was a sewer connection stub installed by the mortuary several years ago, that could assist in the restroom facility requests. Mr. Elliott indicated that water was the issue.

Commissioner Jacobs expressed concerns with the maintenance of the skate park off W. Sixth Ave. Mr. Elliott stated that there was a mechanical failure on the brush hog and by the time it was repaired, there were fire restrictions. It will be cleaned up at the earliest convenience.

ADJOURNMENT - With no further business the meeting was adjourned at 8:45 pm.

Respectfully submitted,

Kristi Gilbert

APPROVED BY COMMISSION ON THE _____ DAY OF _____, 2017.

John Lusby, Commission Chair



Community Development
126 E. Central Avenue
Sutherlin, OR 97479
(541) 459-2856
Fax (541) 459-9363
www.ci.sutherlin.or.us

City of Sutherlin

August 22, 2017

STAFF REPORT

TO: Sutherlin Planning Commission

FROM: Lisa Hawley, Community Services Planner

RE: **FAITH & REASON MINISTRIES, INC**, request for a Conditional Use Permit to authorize a church to operate inside an existing commercial building located on the north side of W. Central Avenue in the City of Sutherlin. A club or religious institution is a conditionally permitted use in the C-1 zone. The proposed use will be located in the east side of the existing building. The subject 0.27 acre property is described as Tax Lot 6900 in Section 17DC, T25S, R5W, W.M.; Property ID No(s). R56002; and is addressed as 123 W. Central Ave. It is designated Commercial Business District by the Sutherlin Comprehensive Plan and zoned (C-1) Downtown Commercial. **PLANNING DEPARTMENT FILE NO. 17-S017.**

STAFF EXHIBITS

1. Notice of Public Hearing with affidavit of mailing
2. Property Owners within 100 Feet
3. Staff Report with Responses Attached
4. Conditional Use Permit application and attachments
5. Vicinity Map
6. Assessor Map2
7. City Zoning Map
8. Water Utility Map
9. Sewer Utility Map
10. Aerial Photograph
11. Google photo of property

INTRODUCTION

The applicant, Faith & Reasons Ministries, Inc., requesting a Conditional Use Permit to authorize a church to operate inside an existing commercial building located on the north side of W. Central Avenue in the City of Sutherlin. A club or religious institution is a conditionally permitted use in the C-1 (Downtown Commercial) zone.

The proposed use will be located in the east side of the existing building located at 123 W. Central Ave. The commercial space is currently leased by the Sutherlin Rotary Club. The applicant will be leasing the space from the Rotary for use as a church. The subject property is described as Tax Lot 6900 in Section DC, T25S, R5W, W.M.; Property I.D. No. R56002. The property is designated Central Business District by the Sutherlin Comprehensive Plan and zoned C-1 by the Sutherlin Development Code. The surrounding properties to the north, east, south and west are all zoned C-1.

During the public hearing, the Planning Commission will accept public testimony and make a decision on the application after the hearing. This application is being processed as a Type III procedure for a Conditional Use Permit, subject to the applicable criteria of Section 2.3 [C-1 zone] and Section 4.5 [Conditional Use Permits] of the Sutherlin Development Code. As part of the hearing, the Planning Commission will review the applicant's request for compliance with the applicable criteria and render a decision on the matter.

PROCEDURAL FINDINGS OF FACT

1. The requested application was filed with the City on August 18, 2017, and deemed complete on August 23, 2017.
2. Notice of a Public Hearing on the Variance application before the Planning Commission was given in accordance with Section 4.2.140.C as a Type III procedure. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on August 29, 2017.
 - a. John McDonald, ODOT Development Review Planner, commented that ODOT reviewed the conditional use permit and had no comments.
 - b. At the time of the mailing of this staff report, no other written comments or remonstrances have been received.
3. Present Situation: The subject property is developed with an existing commercial building and parking lot. The proposed church use will be located on the east portion of the building.
4. Plan Designation: Central Business District (CBD).
5. Zone Designation: (C-1) Downtown Commercial.
6. Public Water: The subject property has existing public water from the City of Sutherlin.
7. Sanitary Sewer: The subject property has existing sanitary sewer from the City of Sutherlin.

8. **Transportation System:** The subject property fronts onto W. Central Avenue at its intersection with N. Calapooia Street in downtown Sutherlin; there is an existing alley located behind the commercial building. W. Central Ave is a designated Arterial Roadway where is fronts the subject property, and currently under the jurisdiction of Douglas County (between N. Calapooia Street and State Street).
9. **Transportation Connectivity:** Connectivity is provided in the surrounding downtown area.
10. **Pedestrian & Bicycle Access:** W. Central Avenue is a designated pedestrian path and bicycle way under the Transportation System Plan.
11. **Overlay:** The subject property is not located within the 100 year flood plain or subject to any other overlays.

FINDING: The procedural findings noted above are adequate to support the Planning Commission's decision on the request Conditional Use Permit.

APPLICABLE CRITERIA & FINDINGS

The proposed Conditional Use Permit is considered a Type III procedure, subject to the applicable criteria of Sutherlin Development Code, including Section 2.3 [C-1 zone] and Section 4.5 [Conditional Use Permits].

Based upon the application materials and information submitted by the applicant and other evidence provided, staff presents the following findings to address the applicable criteria:

DEVELOPMENT STANDARDS (SECTION 2.3, C-1 ZONE)

1. The subject property is designated Central Business District by the Sutherlin Comprehensive Plan and zoned (C-1) Downtown Commercial by the Sutherlin Development Code. Clubs and religious institutions, together with their accessory uses, are conditionally permitted uses in the C-1 zone.
 - a. Table 2.3.130 provides the following development standards for the C-1 zone:
 - i. Minimum zone size: None
 - ii. Maximum building height: 50 feet, or 60 feet when at least 10,000 sqft of floor area is residential
 - iii. Yard Setbacks: Front – 0 feet (minimum) or 10 feet (may be increased to provide a pedestrian plaza, extra sidewalk, or outdoor seating area (maximum); Side & Rear – 0 feet, except 10 feet minimum adjacent to a residential district.
 - iv. Lot Size & Dimensions: No standard
 - v. Lot Coverage: 80% maximum

FINDING: The proposed church use will be going into an existing commercial building. The existing building height is less than 50 feet. The sidewalks in front of the building are extra wide to accommodate pedestrian and downtown traffic and for outdoor seating and landscape planters.

2. The requested application requires review of the vehicle and bicycle parking standards in Section 3.4 of the Sutherlin Development Code.
3. Table Section 3.4.120.A outlines the required vehicle parking standards. Churches and similar places of worship require one space per every 100 square feet of combined sanctuary and school spaces (and accessory uses).
 - a. As indicated in the application, the area of the proposed church is approximately 3,000 sq.ft., including a storage area and two restrooms.

FINDING: Based upon the size of the commercial space, 30 off-street parking spaces are required for the proposed use. The application states that parking spaces are available behind the building in a parking area next to the alley and across the street at 215 N. Calapooia Street. The application also states that the proposed church will be utilizing the same parking spaces used by the Rotary club for its gatherings. The amount of available parking spaces is consistent with the parking requirements of the SDC.

CONDITIONAL USE PERMIT CRITERIA (SECTION 4.5)

4. The requested conditional use permit is subject to the applicable criteria of Section 4.5 of the Sutherlin Development Code. As indicated previously, clubs and religious institutions, together with their accessory uses, are conditionally permitted uses in the C-1 zone.
5. Pursuant to Section 4.5.120, the applicant has provided the following narrative as part of their request, which states, in part:

Narrative documenting compliance:

Faith & Reason Ministries Inc. church will be in compliance with all existing & proposed restrictions & covenants.

There are no planned, needed or desired changes which will be made to the property, building, or traffic flow beyond that which has already occurred as done by the owner, rotary or anyone selected by or contracted by owner or rotary. Faith & Reason Ministries is not requesting or making any changes to building or property. Use will be in line with current use by rotary for public gatherings.

Impact study:

The public facilities & services impact will be negligible to nonexistent. The few folks which attend the church on Sundays will not have a discernible impact on transportation including pedestrian ways & bikeways. Drainage system, parks, water, sewer and noise impact will be negligible to nonexistent. No improvements of any kind are needed to any system as a result of the church as the impact will be negligible. No additional or new dedication by the city of real property is requested or needed.

Conditional use application:

Application for church to meet at 123 W. Central Ave.

- *The 3,000 sq ft room is currently designated for retail use by owner, Jeremy White. Jeremy has allowed Sutherlin Rotary to use this room as they see fit for public meetings & gatherings.*

- *Sutherlin Rotary has the use of over 30 parking locations found behind the property, across the street & 215 N. Calapooia.*
- *Sutherlin Rotary has agreed to allow use by Faith & Reasons Ministries Inc. church on Sunday mornings & church has full use of all parking areas available to Rotary.*
- *Faith & Reason Ministries Church will use the main room & 2 restrooms but will not use the larger storage room.*
- *Faith & Reason Ministries will use existing building with no structural changes or improvements to building or street. No changes to number of people typically using facility on any given day. No changes to lighting, power, sewer or any other modification.*

FINDINGS:

6. Section 4.5.130 of the SDC identifies the applicable criteria and standards for a conditional use permit: The planning commission City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following:

7. Conditional Use Criteria (Section 4.5.130.A)
 - a. *The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;*
 - i. The applicant will utilize an existing commercial building that has previously been used for other public meetings and gatherings. No physical changes or alterations to the building are proposed. Based upon the size of the commercial space, 30 off-street parking spaces are required for the proposed use. The church will also be using the same parking areas available to the Sutherlin Rotary, which is currently leases the commercial space. The amount of parking spaces provided will be consistent with the requirements of the Sutherlin Development Code. Furthermore, based upon the nature of the proposed use within the existing building, no negative impacts due to noise, exhaust/emissions, light, glare, erosion, odor, dust, visibility or safety are anticipated.
 - b. *The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval; and*
 - i. The subject property, including the area for the proposed church use, is surrounded by existing properties within the City's central business district. No negative impacts are anticipated as part of this development, including to the adjacent commercial properties and the surrounding transportation system. The application states that church services will be held on Sundays mornings, which will have minimal impact on the surrounding properties and their hours of business operations. If in the future the church expands to include additional church services, including other days of the week, it is still anticipated to have minimal impact on the surrounding

properties due to its small size and location. The applicant has demonstrated compliance with the applicable parking requirements. No mitigating conditions are necessary for the requested use.

c. Public facilities have adequate capacity to serve the proposal or will be made adequate by the applicant.

i. The subject property is currently served by existing public utilities, including public water and sanitary sewer. With this proposal, the applicant will utilize an existing commercial building that has previously been used for other public meetings and gatherings. No physical changes or alterations to the building are proposed, including any new extension of public services. No negative impacts from the proposed use are anticipated to the existing public facilities serving the subject property.

8. Site Plan Criteria (Section 4.5.130.B), which states the criteria for site plan review approval (Section 4.3.150) shall be met.

a. Based upon the criteria outlined in Section 4.3.150 [Site Plan Review Approval Criteria], the submitted application will comply with the applicable provisions of the C-1 zoning district; and the applicable design standards of Chapter 3, including off-street parking. The proposed church will be a new use on the property, but will complement the current use of the property by the other clubs or organizations for public meetings and gatherings. The existing church facility is not considered a non-conforming use or development on the property, and is not part of a phased development.

9. Conditions of Approval (Section 4.5.130.C)

a. The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized.

i. Due to the nature of the proposed use, it is found to be compatible with the existing uses in the vicinity, as well as the current use of the subject property for other public meetings and gatherings. No conditions of approval are necessary as negative impact of the proposed use on the surrounding commercial uses and public facilities is minimized.

ACTION ALTERNATIVES

Based on the applicant's findings, the city staff report and the testimony and evidence provided during the public hearing, the Planning Commission can close the public hearing and move to either:

1. **APPROVE** the requested Conditional Use Permit on the subject property addressed as 123 W. Central Avenue, based upon the findings of the staff report and/or testimony brought forward through the public hearing process, which recognize the approval criteria can be met at this time.

2. **APPROVE** the requested Conditional Use Permit on the subject property addressed as 123 W. Central Avenue, with modifications and/or conditions of approval, based on Findings of Fact and/or testimony brought forward through the public hearing, which recognize the approval criteria can be met at this time.
3. **CONTINUE THE PUBLIC HEARING** to a specified date and time, or to close the public hearing and to leave the record open to a specified date and time for submittal of additional evidence and rebuttal; or
4. **DENY** the requested Conditional Use Permit on the subject property, based on Findings of Fact and/or testimony brought forward through the public hearing, on the grounds that the proposal does not satisfy the applicable approval criteria.

STAFF RECOMMENDATION

City Staff recommends that the Planning Commission select Action Alternative #1 and **APPROVE** the requested Conditional Use Permit, as outlined in the application, on the subject property addressed 123 W. Central Avenue.

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