

### AGENDA PLANNING COMMISSION

## Meeting can be viewed on CTV Channel 5 or YouTube Monday, November 23, 2020 7:00 PM (Virtual Meeting)

**Commissioner John Savory (Chair)** 

Commissioner Larry Boatright (Vice Chair)

Commissioner Jeff Mills

Commissioner Jennifer Trundy

Commissioner Michael Hutchinson

Commissioner (Vacant)

#### 1. CALL TO ORDER

- a. Invocation and Pledge of Allegiance
- 2. CITIZEN INPUT ON NON-AGENDA ITEMS This is an opportunity for audience members to address the Planning Commission on items not on the agenda. Each person will be given 3 minutes to speak. Staff and the Planning Commission will make every effort to respond to questions raised during citizens input before the meeting ends or as quickly as possible thereafter. \*\*\*If you would like to speak virtually, please contact the Recording Secretary by noon on November 23, 2020 with your name, the topic you'd like to speak on and contact information. Please email <a href="mailto:fousel@canbyoregon.gov">fousel@canbyoregon.gov</a> or call 503-266-0685. Once your information is received, you will be sent instructions to speak. Please note that Commissioners will be attending this meeting virtually.
- 3. MINUTES None
- 4. NEW BUSINESS None
- 5. PUBLIC HEARING \*\*\*If you would like to speak virtually, please contact the Recording Secretary by noon on November 23, 2020 and provide your name and contact information. Please email <u>fousel@canbyoregon.gov</u> or call 503-266-0685. Once your information is received, you will be sent instructions to speak. Please note that Commissioners will be attending this meeting virtually.
  - **a.** To consider a request to open a CrossFit Gym at 301 S Redwood St, zoned LI Light Industrial Zone (CUP 20-03 Kinney CrossFit Gym)
- **6. FINAL DECISIONS** –These are the final, written versions of previous oral decisions. No public testimony is taken.
  - a. CUP 20-03 Kinney CrossFit Gym Final Findings
- 7. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF
  - a. Next regularly scheduled Planning Commission meeting Monday, December 14, 2020
- 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION
- 9. ADJOURNMENT

# KINNEY CROSSFIT GYM CONDITIONAL USE PERMIT (CUP 20-03) TABLE OF CONTENTS

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#### File #: CUP 20-03 - CrossFit Gym Conditional Use

HEARING DATE: November 23, 2020

STAFF REPORT DATE: November 10, 2020

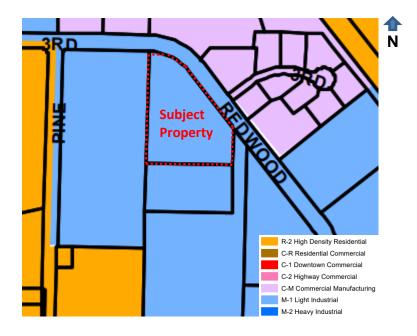
TO: Planning Commission

**STAFF:** Erik Forsell, CFM, Associate Planner

#### I. Applicant Request

The applicant requests approval to establish a CrossFit gym in a 'flex space' located at 301 S. Redwood Street. The subject property is located along the 'L' curve of the transition point from SE 3<sup>rd</sup> Avenue and S. Redwood Street. The applicant describes the use as a space for CrossFit classes, personal training and nutrition coaching. According to the applicant, the majority of the classes will be held in the early morning, weeknights and during the day on weekends.

Figure 1 - Subject Property Zoning



#### **Staff Recommendation**

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommend that the Planning Commission **Approve CUP 20-03** pursuant to the Conditions of Approval

presented in **Section VI** at the end of this report.

#### II. Project Overview

This development proposal is to establish a new use in a pre-existing structure. It is anticipated that as part of the development proposal the interior of the space will be altered to better suit the proposed gym space. The applicant is requesting special use permit approval to establish a CrossFit gym in an existing structure. The Industrial Zone does not outright permit exercise or gymnasiums as permitted uses and therefore the applicant must request special use permit approval.

Figure 2 - Subject Property Aerial Imagery



#### **Property/Owner Information**

Location	301 S. Redwood Street	
Tax Lot(s)	31E34C01811 / Parcel 1 of Partition 2001-004	
Property Size	Approximately 2.5 acres	
Comprehensive Plan	Industrial	
Zoning	Light Industrial (M-1)	
Owner	Kittyhawk Incorporated	
Applicant	Trisha Kinney	
Application Type	Type III Conditional Use Permit	
City File Number(s)	CUP 20-03	

#### **Exhibits of Record**

**A.** Application Narrative, including provided application, exhibits and narrative.

#### **Existing Conditions**

The subject property is relatively flat with asphalt and existing structures covering the majority of the property. The structure proposed to site the CrossFit Gym is a permitted structure per Building Permit No.6570, signed June 28, 2000. The property is approximately 2.52 acres in size and is designated Industrial in the Comprehensive Plan and zoned Light Industrial consistent with the Comprehensive Plan.

#### **Surrounding Land Uses:**

Direction	Zoning	Land Uses
North	M-1	Right-of-Way
West	M-1	Similar Industrial Uses
South	M-1	Parking / Storage
East	M-1	Right-of-Way

#### Utilities/Sewer/Disposal/Fire/Police:

- Water and electric service will be provided by Canby Utility.
- Wastewater, storm drainage, and streets are managed by the City of Canby Public Works.
- Disposal services are provided by Canby Disposal.
- Fire services are provided by Canby Fire District.
- Police services are provided by Canby Police Department.

#### III. Approval Criteria:

In addition to components of the City of Canby Comprehensive Plan, applicable criteria used in

evaluating CUP 20-03 are listed in the following sections of the City of Canby's Land Development and Planning Ordinance:

- CMC 16.08 General Provisions
- CMC 16.10 Off-Street Parking and Loading
- CMC 16.32 M-1 Light Industrial Zone
- CMC 16.50 Conditional Uses
- CMC 16.88 General Standards and Procedures
- CMC 16.89 Application and Review Procedures

Consistent with Section 16.32 and 16.89 of the Canby Land Development and Planning Ordinance (the Ordinance), Chapter 16 of the Municipal Code, the proposed application qualifies for review as a Type III Conditional Use Permit.

#### Canby Municipal Code (CMC) Section 16.08 General Provisions

#### CMC 16.08.070 Illegally Created Lots

In no case shall a lot which has been created in violation of state statute or city ordinance be considered a lot of record for development purposes, until such violation has been legally remedied. (Ord. 740 Section 10.3.05(G), 1984).

<u>Finding 1</u>: The subject property is a legal lot as it was legally partitioned under Partition 2001-004 according to Clackamas County Deeds and Records. The subject property is Parcel 1 of that partition. Staff finds this criterion has been met.

#### Canby Municipal Code (CMC) Section 16.10 Off-Street Parking and Loading

#### **TABLE 16.10.050**

Off-street Parking Provisions - The following are the minimum standards for off-street vehicle parking:

USE	PARKING REQUIREMENT
	1
Commercial Amusement:	
a. Theater	1.00 per six seats
b. Bowling alley	3.0 spaces per 1,000 square feet of floor area
c. Dance hall, skating rink	3.0 spaces per 1,000 square feet of floor area
d. Racquet courts, health clubs	3.0 spaces per 1,000 square feet of floor area

<u>Finding 2</u>: Table 16.10.050 above describes the parking requirements for the most similar use to the proposed, 'Health Clubs'. As a condition of approval, the applicant shall provide a minimum of 3.0 parking spaces per 1,000 square feet of floor area of the proposed CrossFit gym area. This is in addition to any required ADA parking. Staff finds the parking criteria can be met as conditioned.

#### Canby Municipal Code (CMC) Section 16.32 M-1 Light Industrial Zone

CMC 16.32.020 Conditional Uses.

Conditional Uses in the M-1 zone shall be as follows:

- A. Commercial recreation uses;
- C. Other heavy commercial or light industrial uses as determined by the Planning Commission;

<u>Finding 3</u>: Staff finds that the proposed CrossFit gymnasium proposal most closely fits with subsections A and C above. A gymnasium is not an outright permitted use and thus is subject to the conditional use criteria found in Section 16.50.010 in the conditional uses chapter.

Canby Municipal Code (CMC) Section 16.50 Conditional Uses

CMC 16.50.010 Authorization to grant or deny conditional uses.

A conditional use listed in this title shall be permitted, altered, or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of the ordinance codified in this title as a conditional use, a change in the use, or reduction in lot area, or an alteration of the structure, shall require the prior issuance of a conditional use permit. In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city;

<u>Finding 4</u>: The proposal is consistent with the policies of the Comprehensive Plan and requirements of the title. Canby Municipal Code (CMC) Chapter 16.32 provides an avenue for uses that are not outright permitted so that appropriate conditions can be placed on the development. The CrossFit proposal is not anticipated to create significant impacts on adjoining properties or the surrounding area. Staff finds this criterion is met.

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

<u>Finding 5</u>: The proposed business is a commercial recreation venture that will be inside an existing permitted structure on the subject property. The topography, natural features, size and shape of the subject property are largely irrelevant to the proposal. Similar uses are sited in other industrial areas in the City. Staff finds that these criteria, where applicable, are met.

C. All required public facilities and services exist to adequately meet the needs of the proposed development;

<u>Finding 6</u>: The subject property has adequate public facilities and service to adequately meet the development proposal. Staff finds this criterion is met.

D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone. (Ord. 740 section 10.3.75 (A), 1984)

Finding 7: The proposed use is unlikely to alter the character of the surrounding areas in a way that

would limit or preclude other properties to enjoy the same suite of uses allowed via the M-1 – Light Industrial Zone. The proposed use would be located inside an existing structure that was originally permitted for manufacturing and assembling of wood products. This use does not have the same *impacts* as the original use and can be construed to likely have less impact on surrounding properties. Staff finds this criterion is met.

#### 16.50.020 Application for conditional uses.

Application procedures shall be as described in Chapter 16.89. (Ord. 899 section 1, 1993; Ord. 740 10.3.75(B), 1984; Ord. 981 section 5, 1997; Ord. 1019 section 15, 1999; Ord. 1080, 2001)

**<u>Finding 8</u>**: The criteria for application have been met.

16.50.030 Public hearing required. Each properly filed application for a conditional use permit shall be considered by the Planning Commission following a public hearing advertised and conducted in the manner prescribed in Division VIII. (Ord. 740 section 10.3.75 (C), 1984)

**<u>Finding 9:</u>** A public hearing has been scheduled for November 23, 2020. The hearing has been advertised and posted as required procedurally for conditional use permits. This criterion is met.

#### 16.50.040 Placing conditions on a permit.

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

- A. Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor;
- B. Establishing a special yard, other open space or lot area or dimensions;
- C. Limiting the height, size or location of a building or other structure;
- D. Designating the size, number, location, and nature of vehicle access points;
- E. Improving the street and/or expanding the rights-of-way;
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping or other facility to protect adjacent or nearby property and designating standards for its installation and maintenance;

- J. Designating the size, height, location and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water, resources, wildlife habitat or other significant natural or open space areas;
- L. Limiting the number, location, and design of street accesses and requiring shared access when appropriate;
- M. Other conditions to assure that the development complies with standards and criteria listed in section 16.50.010. (Ord. 740 section 10.3.75 (D), 1984; Ord. 1019 section 6, 1999)

<u>Finding 10</u>: The majority of the above items are more applicable to new development (structures and infrastructure) than a change of use. Conditions are placed on this proposal as appropriate and are described in Section IV. Should the Planning Commission impose additional conditions, those items will be addressed at public hearing.

#### IV. Public / Agency Comments

Public comments were solicited from the public and agencies. As of November 12, 2020, no comments have been received.

#### V. Conclusion

Staff has reviewed the applicant's narrative and submitted application materials and finds that this Conditional Use Permit application conforms to the applicable review criteria and standards, subject to the applicable conditions of approval noted in Section VI of this report.

#### VI. Conditions of Approval

#### A. Building

- 1. All required building and trade permits are required to change the occupancy of the space for the Canby CrossFit Gym. The applicant shall contact Clackamas County Building to inquire about all required permitting for establishing the CrossFit Gym.
- 2. A Type I Site Plan Review Permit is required for any change of occupancy or other physical changes to the structure to accommodate the change of use.
- 3. Any alteration to the exterior of the structure will require additional permitting.

#### B. Signage

1. All new signs require a Sign Permit review. Prior to the installation of any signage for the proposed CrossFit Gym, a sign permit shall be requested by the applicant.

#### C. Business License

 A business license is required prior to establishing the use on the property; if one already exists, a copy of it shall be furnished when submitting for building permits and site plan review.

#### D. Parking

1. Three parking spaces are required per every 1,000 square feet of floor area for the proposed use. This is in addition to any required ADA parking.

#### E. Modifications

1. Any substantial modifications or changes to the proposed use shall require review by the City of Canby Planning Department. The necessary permitting will be determined by the Planning Director at the time of modification.

#### F. Timelines

 Automatic Revocation. All conditional use permits shall be automatically revoked if not exercised within one year from the date of approval, or such additional time as is specified by the granting body at the time of approval. Conditional use permits shall not be deemed exercised until the use of the property permitted by the conditional use permit has actually commenced or, in the event that such use involves the construction of a building, that all required permits for said building have been obtained.

#### VII. Attachments

1. Applicant's Submittal

#### VIII. Recommendation

Staff recommends that the Planning Commission move to approve the CUP 20-03 subject to the conditions of approval stated in Section VI.

## **RECEIVED 10/29/20**

City of Canby Planning Department 222 NE 2<sup>nd</sup> Avenue P.O. Box 930

Canby, OR 97013 Ph: 503-266-7001

#### LAND USE APPLICATION

12:05 PM/Laney

### **Conditional Use Process Type III**

Applicant Name: Trisha Kinney		Phone	5036884487
Address: 9461 S Alder Creek La			trisha@canbycrossfit.com
City/State: Canby Oregon	Zip: 97013	-	
		_	
☐ Representative Name:		Phone:	
Address:		Email:	
City/State:	Zip:	**************************************	
Property Owner Name: Kittyhaw	<i>ı</i> k	Phone:	503-936-4240
Signature: Lauitamis		•	
Address: 301 S Redwood St		Email:	dharris@kittyhawkinc.com
City/State: Canby, Oregon	Zip: 97013	-	
		N.	
☐ Property Owner Name:		Phone:	
Signature:			
Address:		Email:	
City/State:	Zip:		
NOTE: Property owners or contract purch	asers are required to autho	rive the filing of th	oic annii annia and mana ii an t
<ul> <li>All property owners understand that the limited to CMC Chapter 16.49 Site and Desperty owners hereby grant continuous.</li> </ul>	ibmitted are true and corrected must meet all applicables applicables applicables applicables applicables applicables applicables applicable applicables applicable a	ect. ble Canby Municip nd its officers, age	erize the filing of this application and certify to all Code (CMC) regulations, including but not ontended into the contract and the contract is idered appropriate by the City to process the code of
Street Address or Location of Subject		Total Size o	
		Property	
		9	
	ovements on Site	Zoning	Comp Plan Designation
Existing Use, Structures, Other Impre			
Existing Use, Structures, Other Impro CrossFit Gym			
	or Use of Subject Prope		
CrossFit Gym	, 1	erty	
CrossFit Gym	STAFF U		

Visit our website at: www.canbyoregon.gov

Email Application to: PlanningApps@canbyoregon.gov

#### Conditional Use Permit for property at

301 S Redwood St Canby Oregon 97013

October 19th 2020 Canby CrossFit Strength & Conditioning Owners, Dan and Trisha Kinney 503-688-4487

City Of Canby Planning Commission,

My name is Trisha Kinney and my husband Dan and I have been residents of Canby for over 15 years. We are both small business owners here in Canby. We opened Canby CrossFit Strength & Conditioning in December of 2018 and it has been a wild success. We offer CrossFit classes, personal training and nutrition coaching. CrossFit is like personal teeing in a group setting, and creates an amazing community of like minded people. We are very excited about taking occupancy of this location as we have been patiently looking for this exact property type in Canby for the last few months, as we unfortunately lost our last Commercial lease location due to the mandatory shutdowns. This property gives us the correct size and the simple industrial feel we were looking for with the concrete floors, high ceilings and roll up garage doors. The type of fitness studio we are offering is a no frills, gritty but effective workout studio. The area of this particular location is also a plus for us, typical gyms like ours are known to reside in industrial warehouse type areas.

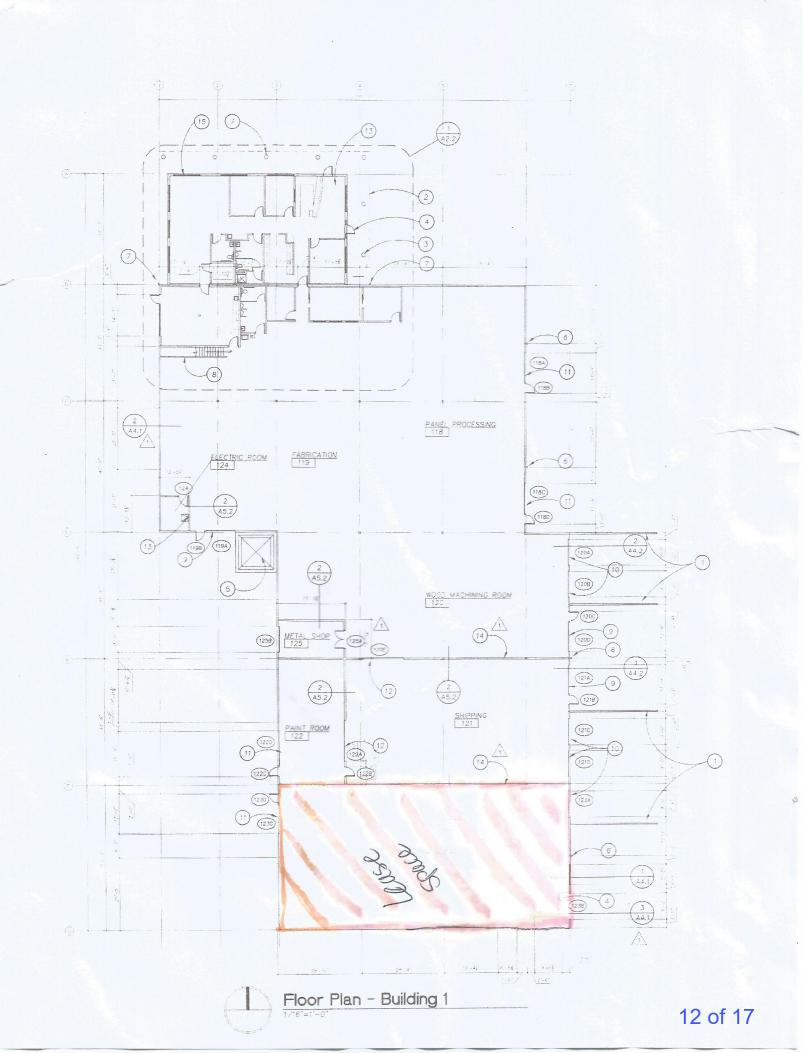
We believe that Canby CrossFit will fit perfectly in this location and be well received in the community and surrounding businesses. Our business will operate the majority of its classes early mornings, 5 and 6 am, evenings and Saturdays. We will not be a disturbance to surrounding businesses, instead, offer them a place to workout before and after work to create community in the local area of businesses.

The site will work perfectly for our use and not at all alter the character of the surrounding areas. We do not intend on altering or changing anything about the site except for flooring and gym equipment. As there is already an existing CrossFit gym in the same zoning in Canby that has been there for over three years with no complaints from surrounding businesses.

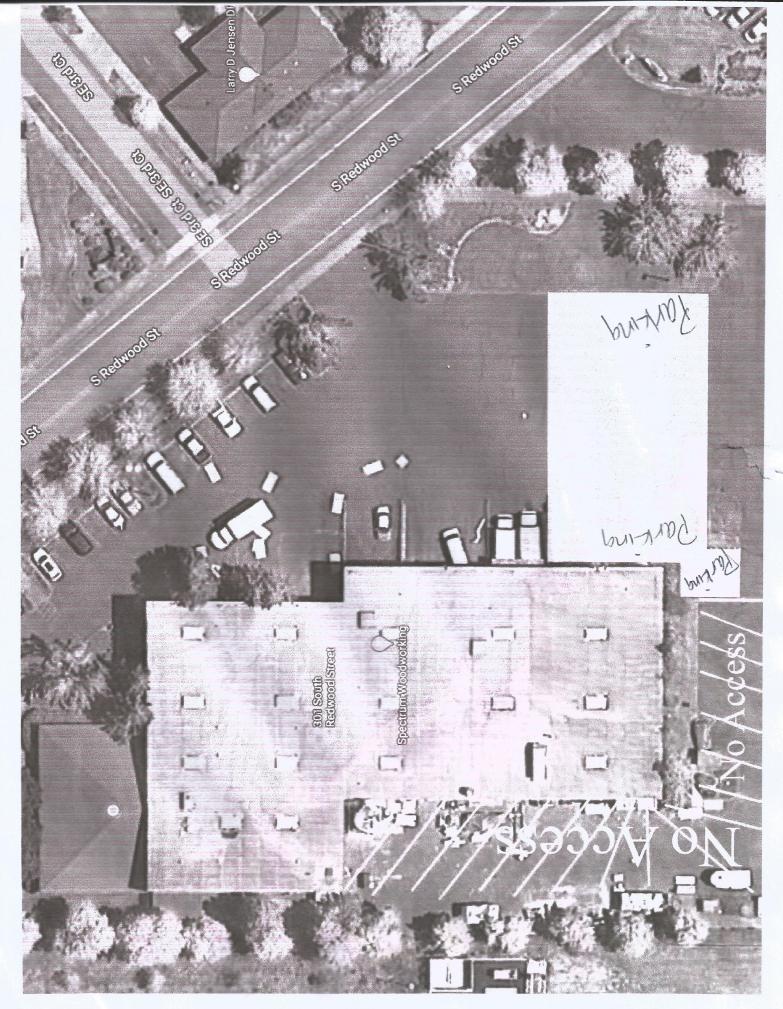
We thank you for taking the time to consider our need of the conditional use permit as we have already been through this process back in 2018. We are now even closer to the other CrossFit gym location... Directly across the street as a matter of fact. We are excited to get back to doing business as usual and growing our business once again. We believe that our business fills a very big need in our community.

With a Sincere "Thank you" for your careful consideration!

Dan and Trisha Kinney Canby CrossFit Strength & Conditioning



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14 of 17



## DEFORE THE PLANNING COMMISSION OF THE CITY OF CANBY

A REQUEST FOR A CONDITIONAL USE PERMIT TO ESTABLISH A COMMERCIAL RECREATIONAL BUSINESS AT	) ) )	FINDINGS, CONCLUSION & FINAL ORDER CUP 20-03 KINNEY CROSSFIT GYM
301 S REDWOOD ST	,	

#### NATURE OF APPLICATION

The applicant requests approval to establish a CrossFit gym in a 'flex space' located at 301 S. Redwood Street. The subject property is located along the 'L' curve of the transition point from SE 3<sup>rd</sup> Avenue and S. Redwood Street. The applicant describes the use as a space for CrossFit classes, personal training and nutrition coaching. According to the applicant, the majority of the classes will be held in the early morning, weeknights and during the day on weekends

#### **HEARINGS**

The Planning Commission considered application **CUP 20-03 KINNEY CROSSFIT GYM** after the duly noticed hearing on November 23, 2020 during which the Planning Commission approved **CUP 20-03 KINNEY CROSSFIT GYM** by a vote of \_\_/\_. These Findings are entered to document the approval.

#### **CRITERIA AND STANDARDS:**

In judging whether or not the aforementioned application shall be approved, the Planning Commission determines whether criteria from the City of Canby Land Development and Planning Ordinance are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated November 10, 2020 and presented at the November 23, 2020 meeting of the Canby Planning Commission.

#### FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Conditional Use Application and applied Conditions of Approval, in order to ensure that the proposed project will meet all required City of Canby Land Development and Planning Ordinance approval criteria.

#### CONCLUSION

The Planning Commission concludes that, with the following conditions, the application meets the requirements for approval. Therefore, IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that **CUP 20-03 KINNEY CROSSFIT GYM** is approved, subject to the following conditions:

#### **Conditions of Approval**

#### **Building:**

- 1. All required building and trade permits are required to change the occupancy of the space for the Canby CrossFit Gym. The applicant shall contact Clackamas County Building to inquire about all required permitting for establishing the CrossFit Gym.
- 2. A Type I Site Plan Review Permit is required for any change of occupancy or other physical changes to the structure to accommodate the change of use.
- 3. Any alteration to the exterior of the structure will require additional permitting.

#### Signage:

4. All new signs require a Sign Permit review. Prior to the installation of any signage for the proposed CrossFit Gym, a sign permit shall be requested by the applicant.

#### **Business License:**

5. A business license is required prior to establishing the use on the property; if one already exists, a copy of it shall be furnished when submitting for building permits and site plan review.

#### Parking:

6. Three parking spaces are required per every 1,000 square feet of floor area for the proposed use. This is in addition to any required ADA parking.

#### **Modifications:**

7. Any substantial modifications or changes to the proposed use shall require review by the City of Canby Planning Department. The necessary permitting will be determined by the Planning Director at the time of modification.

#### Timelines:

8. Automatic Revocation. All conditional use permits shall be automatically revoked if not exercised within **one year** from the date of approval, or such additional time as is specified by the granting body at the time of approval. Conditional use permits shall not be deemed exercised until the use of the property permitted by the conditional use permit has actually commenced or, in the event that such use involves the construction of a building, that all required permits for said building have been obtained.

the Planning Commission of the City of Canby.

DATED this 23<sup>RD</sup> day of November, 2020.

John Savory Ryan Potter, AICP

Planning Commission Chair Senior Planner

Laney Fouse Lawrence, Attest
Recording Secretary

I CERTIFY THAT THIS ORDER approving CUP 20-03 KINNEY CROSSFIT GYM, was presented to and APPROVED by

**ORAL DECISION: November 23, 2020** 

Name	Aye	No	Abstain	Absent
John Savory				
Larry Boatright				
Jennifer Trundy				
Jeff Mills				
Jason Taylor				
Michael Hutchinson				
Vacant				

**WRITTEN DECISION: November 23, 2020** 

Name	Aye	No	Abstain	Absent
John Savory				
Larry Boatright				
Jennifer Trundy				
Jeff Mills				
Jason Taylor				
Michael Hutchinson				
Vacant				