

**FINDINGS OF FACT and FINAL ORDER
TYPE I LAND USE DECISION**

DATE: August 18, 2021

FILE NO.: 21-048 DR

PROJECT NAME: Chase Bank ATM

APPLICANT: Development Management Group, LLC

OWNER: Atlas Sandy, LLC

LEGAL DESCRIPTION: T2S R4E Section 10, Tax Lot 5800

ADDRESS: 16605 362nd Drive, Suite B

The above-referenced proposal was reviewed as a Type I Design Review. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the conditions of approval.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application Form
- B. Project Summary
- C. LED Lighting and Illumination Specification Sheets
- D. Plan Set Sheets 1 - 8

FINDINGS OF FACT

General

1. These findings are based on the applicant's original submittal received on August 4, 2021. The application was deemed complete on August 12, 2021. This final order is based upon the exhibits listed above.
2. The subject property is located at 16605 362nd Drive, Suite B. The subject property has a comprehensive plan designation of Retail/Commercial and a zoning district designation of C-2, General Commercial.
3. The applicant proposes updating the building façade to install a walk-up ATM for Chase Bank. The modifications to the building façade include the removal of windows, a new door, new brick material to match the existing materials, and other minor enhancements.

4. No modifications are being proposed to the parking area, civic space area, or landscaping, therefore those code sections are not reviewed in this design review.
5. Sheet A2.01 (Exhibit D) details a five-foot turning radius in front of the ATM and a three-foot eight-inch clear walking path to the west of the five-foot turning radius. **The applicant shall comply with clear path requirements per the State of Oregon Building Code.**
6. Sheet A4.01 (Exhibit D) indicates the applicant is proposing a new exterior sign above the ATM. **The applicant shall obtain a separate permit for any proposed signage.**

17.44 – General Commercial (C-2)

7. Chase Bank is a financial institution, which is a permitted outright use in this zoning district per Section 17.44.10 (B)(2)(f).
8. The proposed façade updates do not change the setbacks or building footprint, thus maintaining the building’s compliance with the requirements of this chapter.

17.90 – Design Standards

9. The proposal is subject to all the requirements for Design Review as specified in Section 17.90.00. Section 17.90.70 specifies that **design review approval shall be void after two (2) years from the date of the Final Order.**
10. Section 17.90.120 contains requirements for buildings in the C-2 zoning district. Because this project constitutes exterior alterations, it qualifies as a Type I Administrative Design Review application.
11. Section 17.90.120(B)(2) relates to the requirement for pedestrian shelters. The applicant is not proposing any modifications to the existing shelters.
12. Section 17.90.120(B)(3) relates to building materials and requires that exterior building materials shall convey an impression of strength and durability consistent with the Sandy Style.
13. Building elevations facing a public street shall incorporate at least three features found in 17.90.120(B)(3)(e). The modifications proposed for the Chase Bank ATM do not face a public street.
14. Section 17.90.120(B)(4) outlines colors allowed by Sandy Style requirements. The applicant states (Exhibit D) that the brick color and new door color will match the existing building. **Any paint colors used shall either match the existing colors on the building or conform to the Color Palette in Appendix C of the Development Code.**
15. The applicant is proposing to remove windows from the façade of Suite B. The applicant states (Exhibit B) that the proposed removal of glass will not violate the 30 percent elevation requirement per Section 17.90.120(E). Section 17.90.120(E)(4) states that

darkly tinted windows, mirrored windows, and similar windows are prohibited adjacent to street sidewalks, civic spaces, and walkways. **The applicant shall not use any of the prohibited window types identified in Section 17.90.120(E.4).**

DECISION

For the reasons described above the request by Development Management Group, LLC on behalf of Chase Bank to construct an updated façade is hereby **approved** as modified by the conditions listed below.

CONDITIONS OF APPROVAL

A. General Conditions of Approval:

1. Design review approval shall be void after two (2) years from the date of the Final Order unless the applicant has submitted plans for building permit approval.
2. The applicant shall apply for all appropriate trade permits (i.e. building, mechanical, plumbing, and electrical) as applicable.
3. The applicant shall comply with clear path requirements per the State of Oregon Building Code.
4. The applicant shall obtain a separate sign permit for any proposed signage.
5. Any paint colors used shall either match the existing colors on the building or conform to the Color Palette in Appendix C of the Development Code.
6. The applicant shall not use any of the prohibited window types identified in Section 17.90.120(E.4).
7. Future changes to the structure or redevelopment of the site shall require separate land use approval, potentially including a pre-application conference, and shall comply with the design standards in Chapter 17.90.
8. Successors-in-interest of the applicant shall comply with site development requirements.
9. Land use approval does not connote approval of utility or public improvement plans submitted with the land use application. Plan details will be reviewed during the construction plan submittal phase by the City Engineer and Public Works Director.
10. The applicant shall comply with all other conditions or regulations imposed by the Sandy Fire District or state and federal agencies. Compliance is made a part of this approval and any violations of these conditions and/or regulations may result in the review of this approval and/or revocation of approval.



Kelly O'Neill Jr.
Development Services Director

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within 12 calendar days of notice of the decision. Any person interested in filing an appeal should contact the city to obtain the form, “*Notice of Appeal*”, and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and,
5. Payment of required filing fees.