



MINUTES
Planning Commission Meeting
Monday, April 22, 2019 City Hall- Council
Chambers, 39250 Pioneer Blvd., Sandy,
Oregon 97055 7:00 PM

PLANNING COMMISSIONERS Don Carlton, Commissioner, Hollis MacLean-Wenzel, Commissioner, Jerry Crosby,
PRESENT: Commissioner, Ron Lesowski, Commissioner, John Logan, Commissioner, Chris
Mayton, Commissioner, and Todd Mobley, Commissioner

PLANNING COMMISSIONERS
ABSENT:

STAFF PRESENT: Kelly O'Neill, Development Services Director and James Cramer, Associate Planner

MEDIA PRESENT:

1. Roll Call

2. Approval of February 25th 2019 PC Minutes

2.1. Feb 25 Draft Minutes for Planning Commission consideration.

Moved by Todd Mobley, seconded by Hollis MacLean-Wenzel

To approve the February 25, 2019 Planning Commission Meeting Minutes as presented.

CARRIED.

3. Requests From the Floor - Citizen Communication on Non- Agenda Items
None

4. NEW BUSINESS

4.1. Public Hearing - 18-057 DR/CUP Dutch Bros Design
Review/Variance/Conditional Use Permit

Commissioner Mobley recused himself as he is the owner of Lancaster Engineering who conducted the traffic impact study for the applicant.

Ex parte were declared. Commissioner Mayton said he had received communications from a friend expressing an opinion about the project.

City Attorney David Doughman told the Commission that Dale Hult sent City Council and the Planning Division emails on April 10th, asking that the hearing be postponed. Mr. Hult had expressed concern about the timing and the notification about the hearing. Copies of the email are available in the public record. Tracy Brown had sent emails about an hour before the meeting.

It was confirmed that the Planning Commission had not engaged or replied to any of the emails or phone calls.

City Attorney Doughman clarified what communications needs to be declared. It was noted that a continuance will be granted.

Staff Report:

Associate Planner James Cramer summarized the staff report and addressed the background, factual information, public comment, applicable criteria, and went over a slide show. Cramer finished his report with the summary and conclusion and staff's recommendation.

Commissioner Carlton requested clarification about recommendation #6 to include a pedestrian overhang. James Cramer confirmed that recommendation was eliminated.

Applicant Presentation:

Braden Bernards, 3519 NE 15th Avenue, Suite 251, Portland, OR

Introduced Cole Valley Partners.

They specialize in energy efficient, small, retail businesses. Purchased the subject site in October. Went over the history of the site. Talked about the design and the safety precautions they've incorporated. They have included "civic space" as a gesture to encourage community gathering.

Abe Menchenfriend, 13833 Clackamas River Drive, Oregon City, OR

Franchisee and has five Dutch Bros locations so far. He stated he has a long history with the company and trains franchise owners. Dutch Bros encourages growth and training. The company employs "runners" at their locations to take orders to cut down the wait time at the window.

Testimony

Proponent Testimony: None

Opponent Testimony:

Ray Moore, 39660 Pleasant Street, Sandy, OR

Representing Dale Hult, the owner of All County Surveyors & Planners, and tax lots 5401 and 5300 which are adjacent to the project site. Moore expressed concern about the discrepancies in the conditions of approval. He pointed out there are existing trees on the property and that an existing features plan was not included with the submittal. Moore shared a sketch of existing trees on the lot and suggested that an arborist report and a tree survey be conducted. Moore then went through a presentation he had prepared with the conditions in question. He stated he has concerns for water run off as it is not mentioned in the application.

Carrie Richter attorney at the law firm: Bateman Seidel, office address is 888 SW 5th Ave., Suite 1250, Portland, OR

Representing Dale Hult. Submitted a letter with concerns about the notice. Suggested a new notice be sent correcting some of the confusing or unclear aspects of the original notice. Outlined “fundamental flaws” with the application and noted the staff report and the applicant never mentioned the approval criteria. Richter suggested that the proposal for an eating and drinking establishment is not accurate and mentioned that intensive automobile usage was not intended for this zone. Mentioned the building being setback at 18 feet from the front lot line doesn’t conform to the “village scale” and that the interruption of pedestrian circulation is incompatible to Sandy Style. The lot will be almost half paved, but Sandy Style suggests as little as possible surface area shall be paved.

Brenda Mills, 3967 Pleasant Street, Sandy, OR

Concerned about traffic and congestion, especially that close to the light/intersection at Ten Eyck Road and HWY 26.

Additional Comments:

Ray Moore made additional comments about utilities and stormwater plans not being included with the applicant submittal.

Staff Recap:

Kelly O'Neill Jr. (Planning & Building Director) noted that eating and drinking establishments are not defined within the development code. Stormwater analysis should be included in the plan. Noted that the applicant has been working with DEQ - pertaining to existing underground contaminants. Commented that any deficiencies will be clarified in the next notice. Noted

most drive-thru's have a pedestrian way crossing a drive-thru lane and the proposal at Dutch Bros. is not unique. Tree sketch and evaluation will be considered further, however the lot is under an acre so the tree retention standards in Chapter 17.102 will not apply.

Associate Planner James Cramer pointed out that the applicant has done many things to mitigate the auto use. Mentioned that the Planning Division has taken in to account the Development Code criteria in trying to figure out the best usage for a long-time vacant lot.

Commissioner Carlton noted that Mr. Cramer had summarized the staff report, so some concerns brought up by the opposition have been addressed.

It was clarified that the City of Sandy has to render a final decision by July 12, 2019, but there had been two requests from participants tonight to have the continuance which by State law has to be granted at the first evidentiary hearing.

Applicant rebuttal.

Braden Bernards

Talked about site visits with PGE.

Kelly O'Neill Jr. (Planning & Building Director)

A revised staff report will be created for the continuance hearing.

Discussion

Commissioner MacLean Wenzel noted that most developers interested in the site probably couldn't afford to deal with a problematic contaminated site. Dutch Bros. have the interest and ability to develop it.

Commissioner Carlton suggested the applicant address the variances in the staff report with a more substantial written narrative.

Commissioner Lesowski noted that Dutch Bros. may be an asset to our walkability goal.

Associate Planner James Cramer stated that regarding the access to the site ODOT will not approve a second entrance on the site. The site currently shares an existing ingress/ egress access easement with the 7/11. There were proposals including a second access, but that only one access was allowed by ODOT. Cramer expressed that he will consult with the Public Works Director

regarding the 8-foot utility easement as it seems in conflict with the building setback requirements.

Commissioner Carlton commented on the design of the queue and that it may alleviate the normal traffic that Dutch Bros. usually attracts.

Commissioner MacLean-Wenzel stated she is not crazy about that idea of having additional drive-thru's in the downtown but given the location close to 7/11 and the two gas stations it seems like a decent location for a drive-thru.

Commissioner Carlton pointed out that a drive-thru is not outright permitted, but is a conditional use.

The Commissioners expressed they would like to hear why the roof needs to be flat and expressed concern that any possible roof top equipment would be in line of sight.

Commissioner Lesowski asked if the drive-thru turning radius may be too tight for our plethora of larger trucks. Suggests the applicant shall incorporate an additional visual buffer between the queued cars and the sidewalk.

Recess for 10 minutes for staff to discuss continuance with applicant.

Applicant Braden Bernards stated they are willing to address the thoughtful points that the community and the Planning Commission brought up. Bernards also stated they are fine tolling the 120-day clock.

Moved by Ron Lesowski, seconded by Hollis MacLean-Wenzel

Moved to continue the hearing to the June 24, 2019 Planning Commission meeting.

CARRIED.

5. Items from Commission and Staff

Kelly O'Neill Jr. (Planning & Building Director)

Gave an overview on upcoming presentations and current permits.

Some of the items coming up in the May meeting included the SAM presentation and FunTime RV. The June 10 meeting will include Stowaway Self storage and June 24 the Dutch Bros. continuance.

6. Adjourn

Commissioner MacLean-Wenzel moved to adjourn
Commissioner Mobley Seconded

9:40 pm

A handwritten signature in blue ink that reads "Jerry Crosby".

Chair, Jerry Crosby

A handwritten signature in blue ink that reads "Kelly O'Neill Jr".

Planning Director, Kelly O'Neill Jr