



MINUTES
Planning Commission Meeting
Monday, June 24, 2019 City Hall- Council
Chambers, 39250 Pioneer Blvd., Sandy,
Oregon 97055 7:00 PM

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

COMMISSIONERS ABSENT: Todd Mobley, Commissioner

STAFF PRESENT: James Cramer, Associate Planner

ATTORNEY PRESENT: David Doughman

1. Roll Call

2. Approval of Minutes

2.1. Planning Commission Minutes

Motion: To approve the minutes for June 10, 2019 with correction to the signature and Section 5.1

Moved By: Commissioner MacLean-Wenzel

Seconded By: Commissioner Mayton

Yes votes: Commissioners Carlton, MacLean-Wenzel and Logan

No votes: None

Abstentions: Chairman Crosby since he was excused from this meeting.

The motion passed.

3. Requests From the Floor - Citizen Communication on Non- Agenda Items

4. OLD BUSINESS

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

Staff Report - 0135

Associate Planner James Cramer went over the staff recommendations and what has changed from the previous land use hearing.

Staff recommends the Planning Commission approve the proposed conditional use, a drive-through facility, as well as the proposed Mainor Partition with modifications as recommended in the staff report. Staff also recommends the approval of the three variances/adjustments with associated conditions.

Applicant Testimony:

Braden Bernards

504 NW 18th Ave, Portland, OR 97209

Mr. Bernards provided an overview of the project. He explained the proposed design and how it came about. Updated on issues discussed by the Commission and community at the April public hearing. Property has gone almost 30 years changing hands, yet it is still empty and nothing had come to fruition. After purchasing the site with due diligence, applicant met with staff and worked closely with them to develop a proposal. Staff suggested the patio and civic space for gathering and comfortable access for all transportation modes.

Bearing in mind the goal of developing the east-side of Sandy as a commercial corridor, they opted to partition the northside of the property rather than make it only parking area.

During the site design, they used an F-350 as a model for turning radius, as the Commission had requested. Applicant wanted to build as close to the property line as possible and were able to do so by including a drive-thru canopy that was designed with 'Sandy Style' heavy timbers and stone, with a pitched roof. Raised pedestrian crossings that will connect the sidewalk to the patio will ensure that pedestrians are within line of sight for motorists in the drive-thru.

Mr. Bernards addressed the changes and updates to the proposal including but not limited to the following:

- added bike parking and benches on Proctor Blvd.
- removed Hogan Cedars and Maples due to the height concern and worry about attracting beetles
- adjusted the stormwater system so it is solely located in the parking lot
- updated the lighting plan to utilize soft lighting
- Verified that rooftop equipment will be screened and not visible from the ground
- stated the existing trees on the property have been surveyed by Oregon Tree Care and 11 must be removed due to poor health
- submitted a traffic impact analysis finding there is no anticipated conflict between 7-11 traffic and the proposed ingress
- DEQ has submitted a letter with their findings
- the fence to the north of the property will be fixed to preserve a peaceful

backyard during and after construction

Mr. Bernards also explained the applicant has come to an agreement with All-County Surveyors.

It was explained that the applicant submitted the updated plans and narrative to City staff.

Following the changes, staff issued a new staff report with 28 conditions of approval. The applicant has agreed to all conditions.

PGE has determined they cannot compel Mattress World to switch to an underground system so the applicant will grant them an easement. Applicant will submit a formal letter from PGE.

Applicant expressed excitement to be a part of Sandy.

Damien Hall

Attorney with Ball Janik LLP, 101 SW Main Street Suite 1100, Portland, OR 97204

Commended the City staff and Mr. Bernards for working together on taking a site that has a lot of constraints and molding the objectives of the applicant and Sandy Style. Referred to the exhibits for more information on the updated narrative, conditional use and variance standards. The project provides significant screening and opportunities to improve the pedestrian experience. The applicant has gone above and beyond to ensure there is adequate room for stacking and parking so that the traffic on HWY 26 will not be impacted. There is a traffic study and analysis to confirm this. Since this location will be so visible from the HWY, they have made sure Sandy Style will be highly present in the building design.

Mr. Hall then explained that customers will interact with a person to order so there will be no noise from reader boards and that noise from cars on-site won't be distinguishable from regular traffic on HWY 26. DEQ will make sure stormwater is treated by "best practice" standards for handling any contaminated media and to make sure any of that contamination is not released into the environment. The applicant is working with DEQ to ensure air quality will be minimally impacted.

Went over the variances requested and how the plan meets the code.

1. Place core building 18 ft (code mandates 10 ft.) off the property line. The layout of the property allows for only one ingress and egress, at 18 feet setback the building will allow enough drive way to wrap around to accommodate the anticipated traffic. The canopy was offered as a compromise as it will embrace "Sandy Style" and will be within the setback.
2. Flat roof for the core building. The need for this arises from the small footprint of the building.
3. Reduce the required building frontage on the street. Need arises from the

small building footprint. The intent of the code shall be met because parking has been placed behind the building and the frontage is maximized by the patio and the drive-thru.

Proponent Testimony:

None

Opponent Testimony:

None

Staff Recap:

Associate Planner Crammer will consult with PGE and the wording of the condition related to overhead powerlines.

Motion to close the public hearing

Moved: Commissioner Lesowski

Seconded: Commissioner Carlton

Carried

Hearing closed at 7:55 pm.

Discussion:

Commissioner Carlton congratulated the applicant on the presentation and working with all stake-holders. Commissioner MacLean-Wenzel added that she was impressed with their ability to work with stakeholders in the community. Commissioner Mayton stated that he hadn't been enthusiastic after the first presentation, but his doubts have been laid to rest with this revised presentation and updated submittal.

Motion: to approve File No. 18-057 DR/CUP with the partition, conditional use, and each of the three variances.

Moved By: Commissioner Carlton

Seconded By: Commissioner Mayton

Yes votes: Commissioners Carlton, Lesowski, MacLean-Wenzel, Logan, Mayton and Chairmen Crosby

No votes: None

Absent: Commissioner Mobley.

The motion passed.

Moved by Don Carlton, seconded by Chris Mayton

Staff Report - 0135

Staff recommends the Planning Commission hold a public hearing to take public testimony regarding the proposal. Staff recommends the Planning Commission approve the proposed conditional use, a drive-through facility, as

well as the proposed Mainor Partition with modifications as recommended in this report including but not limited to the following (required order of submission and completion of improvements/inspections will be detailed in the final order):

Staff recommends the approval of the following 3 variances/adjustments with associated conditions:

a) Variance A: To construction primary structure setback 18 feet from the subject property's front (south) property line when Subsection 17.42.30 limits front setbacks to a maximum of 10 feet for properties within the C-1 zone district. Staff recommends the Planning Commission approve the requested special variance to increase the maximum front (south) yard setback to 18 feet with the condition the proposed, or approved alternative, landscaping, pedestrian access, civic space canopy and drive-through canopy are implemented to the development.

b) Variance B: To construct a flat roof with parapet features on the proposed primary structure when Subsection 17.90.110(C)(1) requires a 6:12 roof pitch on all new buildings with a span of 50-feet or less. Staff recommends the Planning Commission approve the Special Variance to the roof pitch standard and allow the primary structure to incorporate a flat roof with parapets with the condition the secondary features retain the proposed 6:12 roof pitch, or approved alternative, and the primary roof design complies with the standards set forth within Subsection 17.90.100(C)(8)(b) – Flat Roof.

c) Variance C: To reduce the required 50 percent building frontage standard of Subsection 17.90.110(D)(1) to 23 percent. Staff recommends the Planning Commission approve the Special Variance to reduce the building frontage to 23 percent with the condition that the proposed civic spaces, or approved alternative, be incorporated at time of development.

CARRIED.

5. NEW BUSINESS

None

6. Items from Commission and Staff

Next Meeting July 22

7. Adjourn

Motion: To adjourn

Moved By: Commissioner MacLean-Wenzel

Seconded By: Commissioner Logan

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chairman Crosby adjourned the meeting at 8:04 p.m.

A handwritten signature in blue ink that reads "Jerry Crosby". The signature is written in a cursive style with a large initial "J".

Chair, Jerry Crosby

A handwritten signature in blue ink that reads "Kelly O'Neill Jr". The signature is written in a cursive style with a large initial "K".

Planning Director, Kelly O'Neill Jr