



MINUTES
Planning Commission Meeting
Tuesday, December 3, 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, Chris Mayton, Commissioner, and Todd Mobley, Commissioner

COMMISSIONERS ABSENT: None

STAFF PRESENT: Kelly O'Neill, Development Services Director and Emily Meharg, Associate Planner, City Attorney Spencer Parsons

MEDIA PRESENT:

1. Roll Call

2. Approval of Minutes

2.1. Motion: To approve minutes for November 19, 2019

Finish first sentence under discussion on middle of page 5 and correct the spelling of gerrymander.

Moved By: Commissioner Carlton

Seconded By: Commissioner Maclean-Wenzel

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

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

None

4. OLD BUSINESS

None

5. NEW BUSINESS

5.1. 5.1 Space Age Appeal (19-042 AP):

Staff Report - 0207

Chairman Crosby opened the public hearing on File No. 19-042 AP at 7:09 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commissioners. Crosby explained that the decision tonight is only a recommendation to City Council.

Staff Report:

Associate Planner Emily Meharg summarized the staff report and addressed the background, factual information, and presented a slide show.

Applicant Testimony:

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown passed out a narrative, site plan, elevations, etc. Mr. Brown said that in-between the incompleteness letter and the review the applicant received information that the building needed another entrance facing south. The architect also added recesses and extensions on the east elevation. The building has a lot of elevations along streets. The Development Services Director (O'Neill) stated that the applicant could propose a future building to help satisfy the frontage requirement. Trees are a big issue and Mr. Brown stated he doesn't know why. The applicant is retaining more trees than the minimum of 7 trees required to be retained on the site. The applicant is concerned the additional six trees that staff have asked to be retained will block the view of the gas station building. Mr. Brown states that the frontage will have native vegetation planted. Mr. Brown stated that the Green Corridor Agreement does not apply because the subject property is now located in the urban growth boundary. Mr. Brown mentioned that he does not like the term fictitious building in the staff report. Mr. Brown handed out a picture of a Space Age Gas Station with LED lighting and stated that the applicant could place the LED band underneath the fascia. There are buildings around Sandy with permanent holiday lighting and gas stations with LED lighting. Mr. Brown said the LED lighting is not attention attracting and not heavily thematic.

Mr. Brown stated the elevation facing the gas pumps is the activated frontage. The applicant objects to a transparent window on the north, south, and east elevations. The applicant proposes to use security cameras and would rather install security cameras than a transparent window at the rear of internal

coolers and other kitchen equipment. Mr. Brown states that he doesn't believe the code wants pedestrian covers over all pedestrian areas.

Todd Prager
Teragan and Associates, Inc.
3145 Westview Circle
Lake Oswego, OR 97304

Mr. Prager said that he is comfortable with the trees being protected at 1 foot per 1 inch and providing a post construction report to the City of Sandy.

Ray Moore
All County Surveyors and Planners
PO Box 955
Sandy, OR 97055

Mr. Moore handed out a schematic detailing the trees that are being saved and the additional trees the City of Sandy wants preserved. Mr. Moore detailed the existing berm is a major issue with retaining the six additional trees. Without removal of the berm the gas station will be less visible, and the owner of the gas station will have difficulty selling gas. Mr. Moore doesn't think retaining the additional six trees is practical. He also stated that staff should not recommend denial of the application based on the intent section of the development code to provide recommendations. Mr. Moore said he is frustrated with staff and that staff held a lot of weight with the intent section.

Chris Huiard
16378 SE Anderegg Parkway
Damascus, OR 97089

Mr. Huiard handed out a lighting standards pamphlet and explained that anything below 4,000 Kelvins is not oftentimes found at fueling stations.

Jim Pliska
PO Box 1429
Gresham, OR 97015

Mr. Pliska stated he is the property owner and developer of the property. He wanted to make the project work without any variances. Retaining the additional trees will hurt the ability for the site to generate revenue. Mr. Pliska stated that they met the minimum standards for the site and doesn't feel like he should have to complete additional requirements above the minimum. He also stated that the LED lighting is indicative of the Space Age gas station brand. Mr. Pliska stated that retaining the six additional trees is a deal killer.

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown stated that their proposed revision to the conditions is on pages 5 and 6 of the narrative that was submitted. Chairman Crosby asked Mr. Brown what the area to the east of the future building will look like. Mr. Brown said that area will be grass. Ms. Maclean-Wenzel asked what the future building will be for? Mr. Brown said that is unknown and that the 'future' building will be constructed someday but we do not know when.

Jim Pliska
PO Box 1429
Gresham, OR 97015

Mr. Pliska explained that he originally wanted another building on the site, but without sewer and water constructing the building is not a possibility.

Recess at 8:41 PM
Started meeting again at 8:45 PM

Proponent Testimony

None

Opponent Testimony:

None

Staff Recap:

Ms. Meharg stated that staff is looking at 40-50 years into the future and acknowledging the area should be constructed to be eventually more pedestrian friendly. Ms. Meharg stated that saving trees is important according to the code and the denial was in regard to the adjustment. Mr. O'Neill stated that giving staff too much discretion is a slippery slope.

Applicant Rebuttal:

Mr. Brown said he is very disappointed that staff is not supportive of the project. He said that the code should be clear and objective, and that Planning Commission should have discretion to modify the development code requirements. He also stated that special variances should only be used very seldomly. Mr. Crosby asked where the sign will be located? Mr. Brown said the sign location has not been decided yet. Mr. Moore stated that City staff, ODOT, and the applicant have been going back and forth on the street trees in the ODOT right-of-way. Mr. Moore stated that the street tree condition should

be written more vaguely so the applicant can submit a proposed street tree plan. Mr. Brown then went over the requested modifications to the conditions on pages 5 and 6 of the narrative that was submitted.

Mike Ard
Ard Engineering
17790 SW Dodson Drive
Sherwood, OR 97140

Mr. Ard stated that he looked out into the future to base his traffic analysis. He believes the 'future' building is real and will be constructed at some point. Mr. Mobley stated that the analysis does not seem to suggest that the third southbound lane is necessary. Mr. Ard said there is a presumption the future building will trigger another southbound lane.

Discussion:

Mr. Crosby stated the list of items that need to be covered in the Commissioner discussion. Mr. Carlton said the future building is important to determine. Mr. Parsons explained that staff and the Commission can impose conditions related to variances and adjustments. Ms. Maclean-Wenzel said that a special variance would be a better idea in the future on other projects. Mr. Mayton stated he had questions about the future building as well. Mr. Mobley stated that since the lot is located in the city limits the future building will be constructed at some point. Mr. Carlton said he is not opposed to removing the six additional trees that staff has requested to retain. Mr. Mayton said he is fine with removing the six trees as well. Mr. O'Neill stated that staff wishes it was a special variance as well, but the applicant wanted to avoid a Planning Commission hearing and staff provided the option of the future building. Mr. Lesowski stated he is more in favor of a special variance as well. Mr. O'Neill stated the Commission could deny the adjustments and approve a special variance to the building frontage. Ms. Maclean-Wenzel stated that lighting temperature does affect health. Mr. Mayton stated that allowing red lighting could be attractive, but it should be shielded or covered. Mr. Mobley doesn't believe the Planning Commission can limit Kelvins. Ms. Maclean-Wenzel said that cameras are okay, but windows are important. Mr. Mayton said we should not have coolers against windows.

Mr. O'Neill asked the applicant to extend the 120-day clock to January 15, 2020. Mr. Pliska agreed to provide the extension to staff.

Motion: Close the public hearing
Moved By: Commissioner Carlton
Seconded By: Commissioner Lesowski

Yes votes: All Ayes

No votes: None

The motion passed at 10:20 PM

Motion:The Planning Commission approves the design review per the Final Order for 19-012 DR with changes as noted here:

Adjustments – Deny the two requested adjustments.

Special Variance – Approve a special variance to allow the building frontage along HWY 26 at 9.5 percent.

LED Lighting – The red lighting shall be allowed but shrouded.

Kelvins – The lighting shall not exceed 4,125 Kelvins.

Pedestrian Shelters – The elevations for pedestrian shelters are fine.

Activate Frontage – The elevations are fine.

Windows – Allow the windows as proposed but require the spandrel windows to be light gray with blue tint.

Street Trees – Applicant submit a street tree plan to City staff to determine street tree spacing and appropriate species.

Trees – Remove the six trees as recommended by staff. Impose a condition that the applicant not remove any trees without first receiving city approval.

Moved By: Commissioner Carlton

Seconded By: Commissioner Mayton

Yes votes: Carlton, Lesowski, MacLean-Wenzel, Crosby, Logan, Moblely, Mayton.

No votes: None

The motion passed at 10:24 PM

6. Items from Commission and Staff

6.1.

Kelly O'Neill Jr. explained the upcoming meetings. The Commission thanked staff for all of the work on the Space Age project.

7. Adjourn

7.1. **Motion:** To adjourn

Moved By: Commissioner Lesowski
Seconded By: Commissioner Maclean-Wenzel
Yes votes: All Ayes
No votes: None
Abstentions: None
The motion passed.

Chairman Crosby adjourned the meeting at 10:28 p.m.



Chair, Jerry Crosby



Planning Director, Kelly O'Neill Jr