

SITE PLAN & ARCHITECTURAL
COMMISSION
AGENDA
SEPTEMBER 6, 2019



MEDFORD
OREGON

Commission Members

Jim Quinn, Chair

Bill Chmelir, Vice Chair

Jeff Bender

Jim Catt

David Culbertson

Bob Neathamer

Marcy Pierce

Milo Smith

Rick Whitlock

Regular Commission meetings are held on
the first and third Fridays of every month

Beginning at 12:00 Noon

City of Medford

Council Chambers,

Third Floor, City Hall

411 W. 8th Street

Medford, OR 97501

(541) 774-2380

SITE PLAN & ARCHITECTURAL COMMISSION AGENDA



MEDFORD
OREGON

September 6, 2019

12:00 P.M.

Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

10. Roll Call

20. Consent Calendar / Written Communications (voice vote)

20.1 AC-19-058 Final Order for consideration of plans for the construction of 2,950 square foot convenience store, a 2,000 square foot drive-thru coffee place, a 2,250 square foot retail space and a gas station including a fueling canopy on three parcels totaling approximately 1.8 acres located at 1703 to 1763 E McAndrews Road, 1220 & 1250 Crater Lake Avenue within the C-C (Community Commercial) zoning district (371W19AD501, 502 & 503). Applicant: MCS Property Holdings LLC; Agent: Oregon Architecture Inc.; Planner: Steffen Roennfeldt.

30. Approval or Correction of the Minutes from the August 16, 2019 hearing.

40. Oral Requests and Communications from the Audience

COMMENTS WILL BE LIMITED TO 3 MINUTES PER INDIVIDUAL OR 5 MINUTES IF REPRESENTING A GROUP OR ORGANIZATION. PLEASE SIGN IN.

50. Public Hearings

COMMENTS ARE LIMITED TO A TOTAL OF 10 MINUTES FOR APPLICANTS AND/OR THEIR REPRESENTATIVES. YOU MAY REQUEST A 5-MINUTE REBUTTAL TIME. ALL OTHERS WILL BE LIMITED TO 3 MINUTES PER INDIVIDUAL OR 5 MINUTES IF REPRESENTING A GROUP OR ORGANIZATION. PLEASE SIGN IN.

Continuance Request.

50.1 AC-19-056 Consideration of a proposed multi-phase development for Public Works Service Center on a 6.2 acre leased area located on the east side of Corona Avenue and at the terminus of Hilton Road zoned I-L (Light Industrial) (371W18A4200); Applicant, City of Medford; Agent, CSA Planning Ltd.; Planner, Steffen Roennfeldt. **The applicant requests this item be continued to the October 18, 2019, meeting.**

60. Written Communications

70. Unfinished Business

80. New Business

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

- 90. Report from the Planning Department
- 100. Messages and Papers from the Chair
- 110. Propositions and Remarks from the Commission
- 120. Adjournment



COMMISSION REPORT

for a Type-III quasi-judicial decision: **Site Plan and Architectural Review**

Project Crater Corners
Applicant: MC Property Holdings LLC; Agent: Oregon Architecture Inc.

File no. AC-19-058

Date August 16, 2019

BACKGROUND

Proposal

Consideration of plans for the construction of a 2,950 square-foot convenience store, a 2,000 square-foot drive-through coffee place, a 2,250 square-foot retail space, and a gas station including a fueling canopy on three previously developed parcels totaling approximately 1.8 acres located at 1703 to 1763 E McAndrews Road, 1220 & 1250 Crater Lake Avenue within the C-C (Community Commercial) zoning district (371W19AD501, 502 & 503).

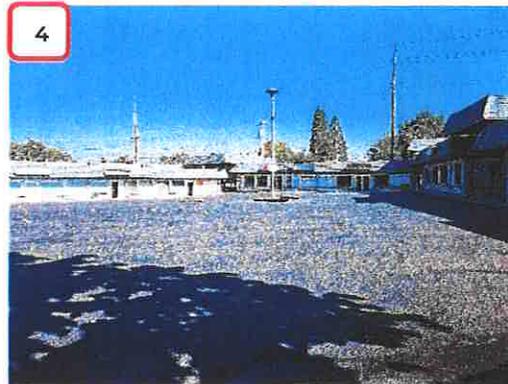
Vicinity Map



Aerial Image



Site Visit



Subject Site Characteristics

GLUP	CM	Commercial
Zoning	C-C	Community Commercial
Overlay	A-C	Airport Area of Concern
Use	Various Commercial Uses	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre)
	Use:	Single Family Residential
<i>South</i>	Zone:	C-C
	Use:	Various Commercial Uses
<i>East</i>	Zone:	C-C
	Use:	Various Commercial Uses
<i>West</i>	Zone:	C-S/P (Service Commercial & Professional Office)
	Use:	Various Commercial Uses

Related Projects

PA-18-080	Pre-Application for redevelopment of site
PLA-19-064	Lot Consolidation from 3 to 2 parcels

Applicable Criteria

Medford Municipal Code §10.200(E) Site Plan and Architectural Review Approval Criteria.

(1) The Site Plan and Architectural Commission shall approve a site plan and architectural review application for a commercial or industrial development, if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

(a) The proposed development is compatible with uses and development that exist on adjacent land, and

(b) The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in Section 10.186.

Corporate Names

Corporation Service Company is the registered Agent for MCS Property Holdings LLC according to the Oregon Secretary of State Business Registry. MCS Manager LLC is listed as the Manager.

Rodman Ward III is listed as the President for Corporation Service Company and George A Massih III is listed as the Secretary.

Mark McKechnie is the Registered Agent and President for Oregon Architecture LLC according to the Oregon Secretary of State Business Registry. Leah McKechnie is listed as the Secretary.

ISSUES AND ANALYSIS

Background

The applicant is proposing to demolish all existing (approximately 14,000 square feet) development in order to redevelop the site. Redevelopment will consist of two new freestanding buildings: the westerly building will house a convenience store with fueling station; the easterly building will have two retail tenants, including a Starbucks Coffee Shop with drive-through. The new structures will occupy approximately 7,200 square feet. Together with this application, the developer also applied for a Property Line Adjustment application in order to consolidate the existing three parcels into two (PLA-19-064).

Site Development Standards

The development standards (e.g., height, setback, lot coverage, etc.) required for developments within the C-C zone are contained in MLDC 10.721.

Standard	Allowed/Required	Shown
Height	35 feet	Between 18'-8" and 22'-0"
Lot Coverage	40%	9%
Setback (front yard)	10 feet	Approx. 100 feet
Setback (street side)	10 feet	13+ feet
Setback (rear yard)	None	30+ feet
Max. Gross Floor Area per Business	50,000 square feet	7,200 square feet total

As shown in the Site Development Table above, it can be found that the proposed structures identified on the submitted site plan meet the bulk standards for the C-C zoning district as outlined per MLDC 10.721.

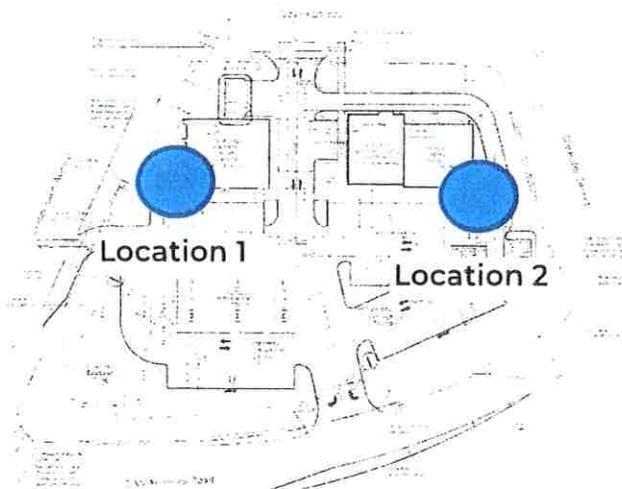
Vehicular Parking

Parking for the different uses is calculated separately: The proposed 5,000 square feet of commercial uses will require between 24 and 29 vehicular spaces. In addition, 2,000 square feet of restaurant use require the installation of an additional 18 to 22 parking stalls. Altogether, a minimum of 42 spaces (with a maximum of 51) are required.

	Required	Provided
Total Spaces	42 min. / 51 max.	47
Accessible Spaces	2	3
Compact Car Spaces	10 max.	1
Bicycle Spaces	5	6

Per the site plan, the applicant proposes to install 47 vehicular spaces, including three Disabled Person Vehicular Spaces and one Compact Car parking stall.

Bicycle Parking



Bicycle parking is proposed at two separate locations: Two spaces are shown west of the convenience store building on the Crater Lake Avenue side (Location 1) with another four spaces shown to the east of the proposed retail structure along Oleander Street (Location 2). Neither bicycle parking location meets current locational standards per the Medford Land Development Code. MLDC 10.749 - Location of Bicycle

Parking Facilities states that, 'Required bicycle parking facilities shall be located on-site in well-lighted, secure locations within 50 feet of well-used entrances and not farther from the entrance than the closest automobile parking space. Bicycle parking shall have direct access to both the public right-of-way and to a main entrance of the principal use.' Both locations are within 50 feet of an entrance but are placed farther

away from the entrance than the closest automobile parking space. Additionally, Location 2 lacks direct access to the public right-of-way. A condition of approval to provide bike parking meeting the standards of MLDC 10.749 has been included.

After discussion, the Commission decided to strike condition of approval #3. The bike parking distance requirements were recently amended and it is the applicant's intention to meet the new requirements.

Drive-thru stacking

Table 10.743-1 requires restaurants with drive-thru to provide enough space for a drive-up window queue of 5 spaces. Provided is a queueing lane of 150 feet which does satisfy this requirement.

The Commission decided to add a condition, requiring the installation of a landscape or retaining wall to block headlight glare onto Covina Avenue from vehicles utilizing the drive-through lane.

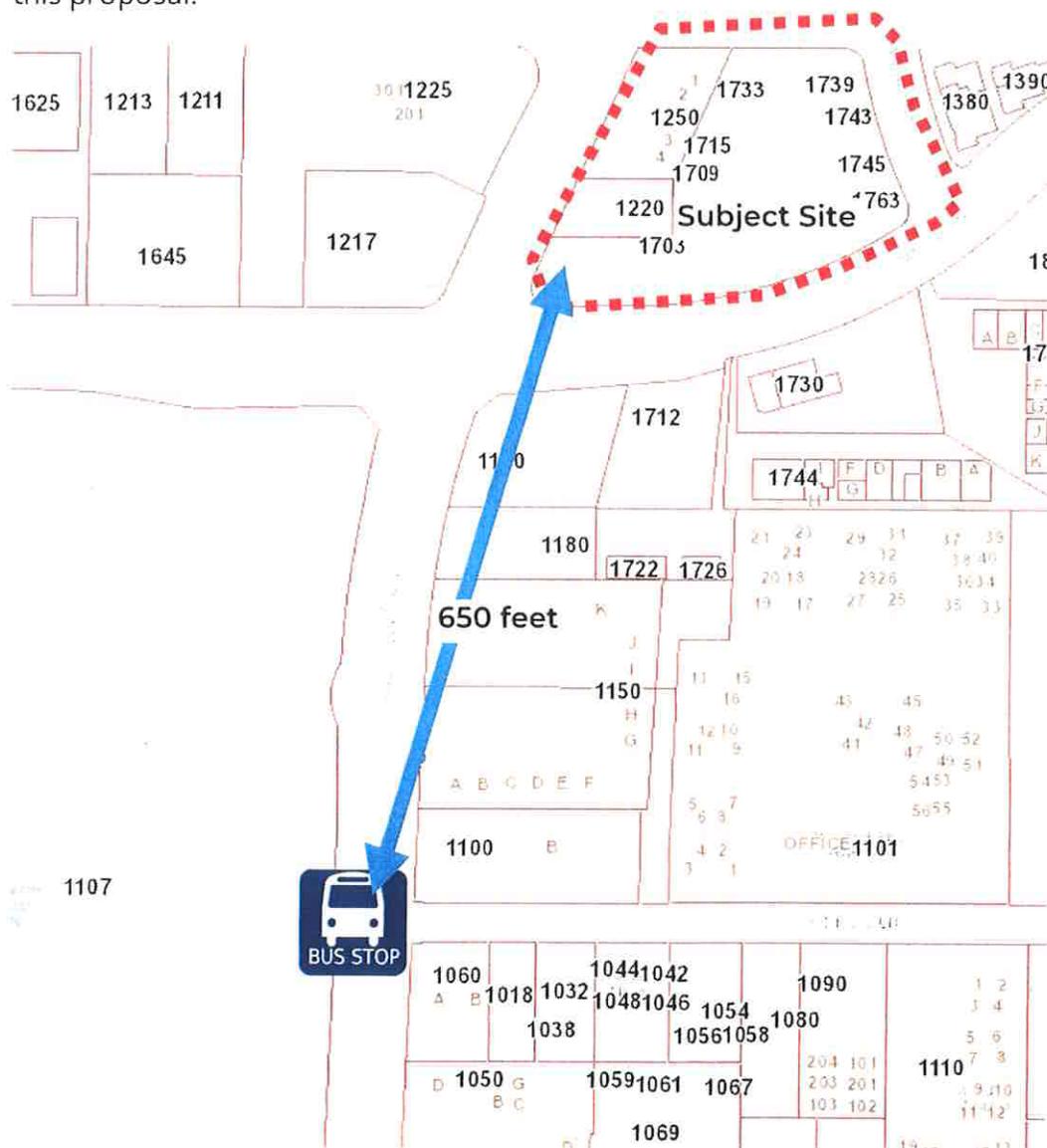
Landscaping

E McAndrews Road	Required	Shown
Trees	14	15
Shrubs	87	87+
Crater Lake Avenue	Required	Shown
Trees	10	10
Shrubs	63	63+
Covina Street	Required	Shown
Trees	8	8
Shrubs	48	48+
Oleander Street	Required	Shown
Trees	6	8
Shrubs	38	38+
Parking Lot	Required	Shown
Trees	6	7
Shrubs	11	11+
Landscaped Area	940 sq. ft.	1,434 sq. ft.

The submitted landscape plan (Exhibit K) shows landscaping along all four street frontages and within the parking lot. The Commission can find that the submitted landscape plan meets all of the landscaping requirements per MLDC 10.797 and 10.746(3).

Transit Facilities

Crater Corners is located approximately 650 feet from the Major Transit Stop at Crater Lake Avenue and Woodrow Lane as identified on Figure 22 of the City of Medford Transportation System Plan. Since the project site is located outside the 600-foot buffer as described in MLDC 10.808, special Transit Facility Standards do not apply to this proposal.

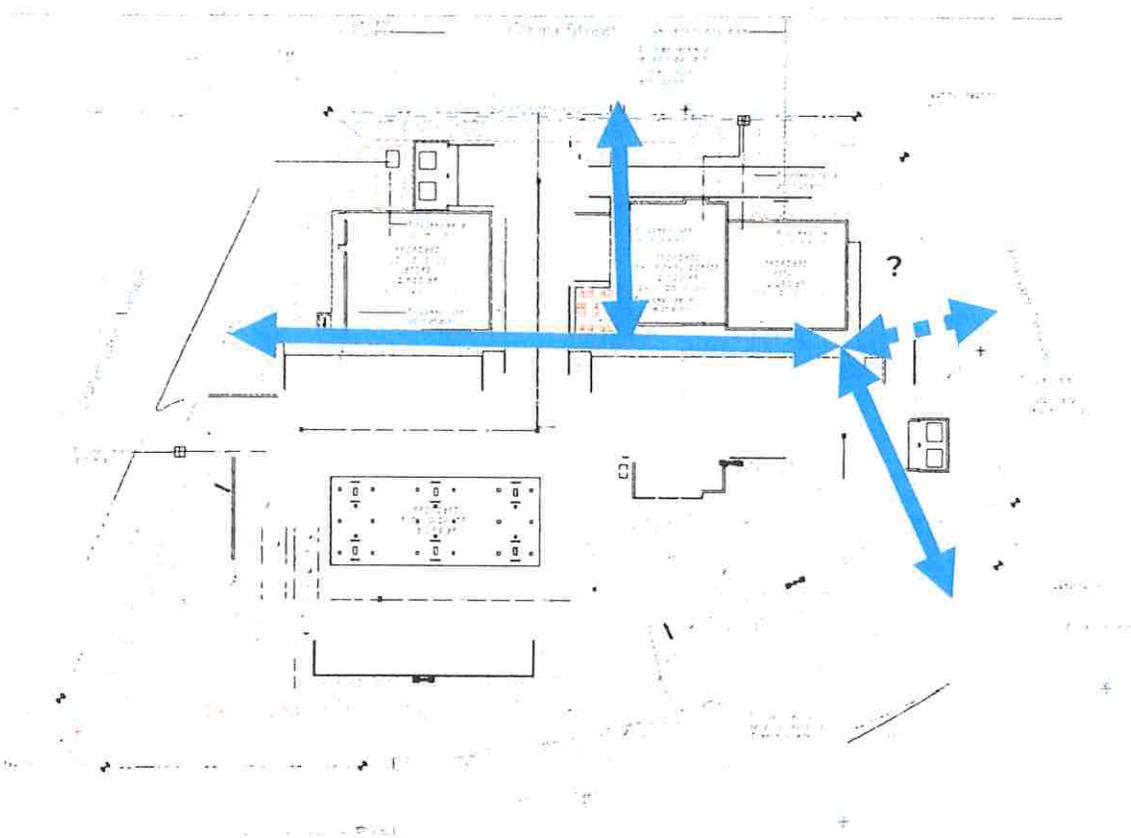


Access

Pedestrian Walkways

Per MLDC 10.773, pedestrian walkways are required to connect to each street abutting the property, to connect building entrances to one another, and to other areas of the site such as parking lots.

As can be seen on the submitted Site Plan below, pedestrian connectivity is proposed between the structures and to the Crater Lake Avenue and Covina Street rights-of-way. As the McAndrews Road street frontage exceeds 300 feet, two pedestrian walkway connections are required between the development and the right-of-way. One pedestrian connection is proposed. No pedestrian walkway is shown along the Oleander Street right-of-way.



The applicant stated in his findings *that the grade to Oleander Street is too steep to create a reasonable access without a stair access and that it will be more convenient for pedestrians to walk down Covina Street to enter the site mid-block. Per the applicant, the same is true for pedestrians accessing the site from the east via McAndrews.* In the additional findings, as provided by the applicant on August 8, 2019 (Exhibit T), the applicant again stated that *there is a vertical difference of*

approximately 4 feet from the sidewalk in front of the Starbucks and the sidewalk along Oleander Street and that there is not enough room to get a connection in within this area, nor is there likely any pedestrians that would be served by this connection that would not find any of the other pedestrian connections equally accessible to either building.

Staff agrees with the applicant's findings that routing pedestrians through an active gas station is unsafe and supports the proposed design shown on the revised site plan providing pedestrian access from E McAndrews Road.

However, upon conducting a site visit, and as can be seen on the photos below, staff disagrees with the applicant's findings that existing site conditions prevent a pedestrian walkway connection from the Oleander Street right-of-way to the site and, therefore, a condition of approval to provide a pedestrian connection to Oleander Street as required per MLDC 10.773 through 10.775 has been added.

The Commission decided that if the applicant can demonstrate that the alternate route works under MLDC 10.776, then a pedestrian connection to Oleander Street will not be needed.



Figure 1 - E McAndrews right-of-way



Figure 2 - Oleander Street right-of-way

Vehicular Access

The site is surrounded by public streets on all four sides. Full-movement vehicular access will be available from E McAndrews Road and Covina Street whereas access from Crater Lake Avenue will be limited to right-in only. There will be no vehicular access from Oleander Street.

Architecture

The applicant's narrative and Findings of Fact (Exhibit L) describes the building's proposed architecture and how it fits with and complements adjacent building, as the following:

Neither building is overly large in any dimension. The elevation designs have employed the use of offsets in parapet height, horizontal canopies, changes of façade materials and some building plan offsets to provide visual interest and relief to building mass. ... The proposed buildings will utilize brick, stucco and horizontal lap siding, all materials found on adjacent buildings.



Outdoor Seating

Outdoor seating for up to 20 patrons at the southwesterly corner of the coffee shop is requested. The applicant requests relief to Section 10.833(2) of the MLDC which limits the outdoor area to no more than 15 patrons unless the Commission approves a larger area. Staff has no objection to this request.

Decision: The Commission approved the request for outdoor seating of up to 20 patrons for the coffee shop.

Lot Legality

The City Surveyor provided a memo (Exhibit R) indicating that the current parcel configuration may not have been created legally. Therefore, a condition of approval has been added to address this issue.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit L) and recommends the Commission adopt the findings with the following modifications.

- to provide bike parking meeting the standards of MLDC 10.749.
- to provide for a pedestrian walkway connection per MLDC 10.773 through 10.775 to Oleander Street
- to reduce the pedestrian walkway connections to the E McAndrews Road right-of-way from two required connections to one as shown on the revised site plan dated August 9, 2019.
- to allow for outdoor seating for up to 20 patrons.

ACTION TAKEN

Adopted the findings as recommended by staff and direct staff to prepare the final order for approval of AC-19-058 per the commission report dated August 16, 2019, including Exhibits A through V.

EXHIBITS

- A-1 Revised Conditions of Approval, dated August 30, 2019**
- B Revised Site Plan, received August 9, 2019
- C Existing/Demo Site Plan, received June 10, 2019
- D Conceptual Drainage Plan, received June 10, 2019
- E Conceptual Utilities Plan, received June 10, 2019
- F Floor Plans, received June 10, 2019
- G Drive-Thru Coffee/Retail Exterior Elevations, received June 10, 2019
- H Drive-Thru Coffee/Retail Exterior Elevations, received June 10, 2019
- I Convenience Store Exterior Elevations, received June 10, 2019
- J Fueling Canopy Exterior Elevations, received June 10, 2019
- K Landscape Plan, received June 10, 2019
- L Applicant's Findings of Fact & Narrative, received June 10, 2019
- M Code Compliance: Criterion No. 2, received June 10, 2019
- N Public Works Staff Report, received July 31, 2019
- O Medford Water Commission Staff Memo, dated July 31, 2019
- P Medford Building Department Memo, dated July 26, 2019
- Q Medford Fire-Rescue Land Development Report, dated July 29, 2019
- R City Surveyor Memo, dated July 18, 2019
- S Legal Description, received June 10, 2019
- T Additional Findings, received August 8, 2019
- U Aerial of subject site, received August 16, 2019**
- V Close-up of Oleander Street, received August 16, 2019**
Vicinity map

**SITE PLAN AND ARCHITECTURAL COMMISSION AGENDA: AUGUST 16, 2019
SEPTEMBER 6, 2019**

Jim Quinn, Chair

EXHIBIT A-1

Crater Corners
AC-19-058
Revised Conditions of Approval
August 30, 2019

Discretionary Conditions

1. Outdoor seating for up to 20 patrons shall be allowed in association with the proposed drive-thru restaurant use.
2. Provide proof of lawful land division per the Surveyor Report (Exhibit R) or complete Land Division/Lot Consolidation application (PLA-19-064) prior to issuance of first building permit for vertical construction.
3. **A landscaping or retaining wall shall be installed to block headlight glare onto Covina Avenue from vehicles utilizing the drive-thru access.**

Code Required Conditions

Prior to the issuance of the first building permit for vertical construction, the applicant shall:

- ~~4. Submit a revised site plan showing all bicycle parking meeting the applicable standards as set forth in MLDC 10.747 through 10.750.~~
5. Submit a revised site plan showing the required pedestrian walkway connections as per MLDC 10.773 through 10.775, **or demonstrate compliance with MLDC 10.776.**
6. Comply with all conditions contained in the Public Works Staff Report (Exhibit N).
7. Comply with all conditions included in the Medford Water Commission Staff Memo (Exhibit O).
8. Comply with all conditions contained in the Medford Fire-Rescue Land Development Report (Exhibit Q).

Untitled Map

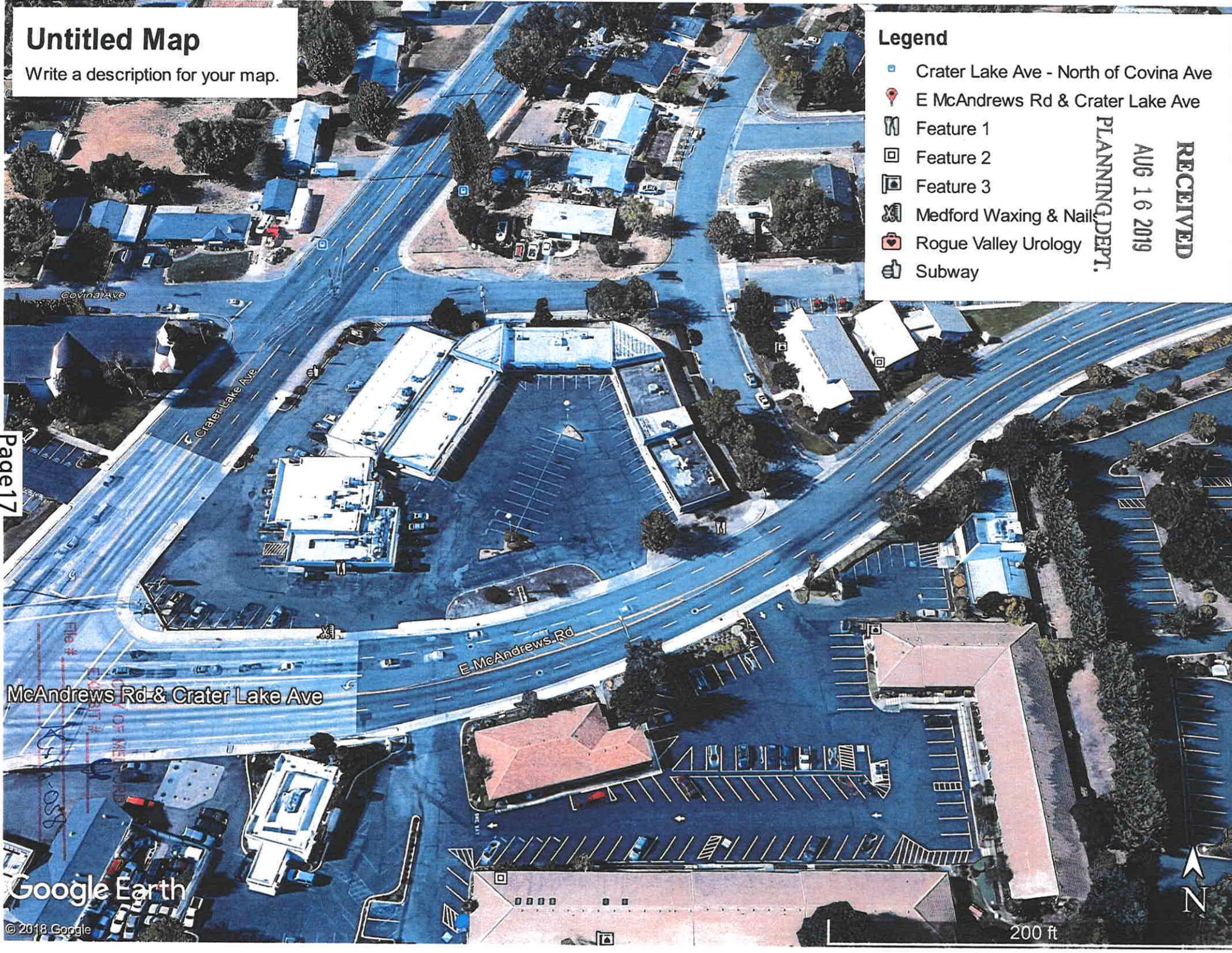
Write a description for your map.

Legend

- Crater Lake Ave - North of Covina Ave
- E McAndrews Rd & Crater Lake Ave
- Feature 1
- Feature 2
- Feature 3
- Medford Waxing & Nails
- Rogue Valley Urology
- Subway

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Page 17



Google Earth

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200 ft



SITE PLAN & ARCHITECTURAL COMMISSION MINUTES



MEDFORD
OREGON

August 16, 2019

12:00 P.M.

Medford City Hall, Council Chambers

411 West 8th Street, Medford, Oregon

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Jim Quinn, Chair
Bill Chmelir, Vice Chair
Jeff Bender
Jim Catt
David Culbertson
Bob Neathamer
Marcy Pierce
Rick Whitlock

Staff Present

Kelly Evans, Assistant Planning Director
Katie Zerkel, Senior Assistant City Attorney
Doug Burroughs, Public Works/Eng. Development
Services Manager
Steffen Roennfeldt, Planner III
Debbie Strigle, Recording Secretary

Commissioners Absent

Milo Smith, excused

10. Roll Call

20. Consent Calendar / Written Communications (voice vote) None.

30. Approval or Correction of the Minutes from the August 2, 2019, hearing

30.1 There being no additions or corrections, the minutes for the August 2, 2019, meeting, were approved as submitted.

40. Oral Requests and Communications from the Audience

a) Gary Sumrak, 2485 Pinebrook Circle, Medford, thanked the Commissioners for their support on the Circle K project and also for their service.

b) Steve McNeal, Medford, expressed his concern regarding the zone change that allowed for the Circle K project to be built.

50. Public Hearings

Katie Zerkel, Senior Assistant City Attorney, read the rules governing the public hearings.

New Business

50.1 **AC-19-058** Consideration of plans for the construction of 2,950 square foot convenience store, a 2,000 square foot drive-thru coffee place, a 2,250 square foot retail space and a gas station including a fueling canopy on three parcels totaling approximately 1.8 acres located at 1703 to 1763 E McAndrews Road, 1220 & 1250 Crater Lake Avenue within the C-C (Community Commercial) zoning district (371W19AD501, 502 & 503). Applicant: MCS Property Holdings LLC; Agent: Oregon Architecture Inc.; Planner: Steffen Roennfeldt.

Chair Quinn asked for any potential conflicts of interest or ex-parte communications. Commissioner Whitlock disclosed that he had made a site visit. Chair Quinn commented that most all the Commissioners had probably driven past the site.

Steffen Roennfeldt, Planner III, gave a PowerPoint presentation of the August 9, 2019, Staff Report. Staff recommended approval.

Commissioner Whitlock wanted to know if the elevations were going to change with respect to the pedestrian connection to Oleander Street. Mr. Roennfeldt replied he wasn't sure.

Commissioner Whitlock wanted to know more about the right-in-only lane on Crater Lake Avenue. Mr. Roennfeldt answered he thought the Public Works Department would have to create an additional deceleration lane.

Doug Burroughs, Public Works Department, stated the improvement on Crater Lake Avenue is a deceleration lane related to the right-in-only off of Crater Lake Avenue. The only other improvement is the concrete median on East McAndrews Road.

Commissioner Whitlock wanted to know if staff was aware of any legal impediments that exist to approving the property line adjustment. Mr. Roennfeldt stated he was not aware of any.

Commissioner Neathamer asked if staff felt that a property line adjustment would satisfy a legality or would it require a partition. Mr. Roennfeldt said he wasn't sure if it would require a partition or a property line adjustment. He said he had left it open in the Conditions of Approval that either one might be required.

Chair Quinn wanted to know if the stormwater retention area would or should be fenced. Mr. Roennfeldt deferred the question to the applicant's agent.

Commissioner Catt asked if there were two deeded lots or were there three. Mr. Roennfeldt explained that there are still three at this point. The proposed development assumes there will be two.

The public hearing was opened and the following testimony was given:

a) Mark McKechnie, agent for the applicant, 132 W. Main Street, clarified they are reconfiguring the current entrances and exits in addition to providing the deceleration lane.

The two entrances to McAndrews Road will be reverted to one entrance. There is currently none on Covina but they will add one there. Mr. McKechnie said he thought there were three entrances on Crater Lake Avenue which will end up being just one right-in-only. He said that in addition to those there will be a concrete median in the middle of McAndrews.

In regards to the lot configuration, Mr. McKechnie explained they would reconfigure the three lots into two lots. If one of the lots was illegally created then that would get combined with one of the legal lots and the lot lines would get readjusted. That should take care of the concerns expressed by the City Surveyor.

Mr. McKechnie stated that the stormwater is not a retention pond but a detention pond which would allow water to be released into the stormwater system at a specified rate. Those do not hold standing water and are typically not required to be fenced.

Mr. McKechnie said he disagreed with staff regarding the access to Oleander Street. He presented a blow up detail of the end of the new proposed development on Oleander. He said they would end up with the finished floor difference and drive-thru grade which would be between five and six feet. He went on in more detail why staff's recommendation would not work.

Chair Quinn commented that if there were no steps or ramp there would be a concern with traffic driving into the drive-thru. He wanted to know if there would be fencing to keep people from coming up into the site. Mr. McKechnie answered that he believed a retaining wall would be there.

Commissioner Whitlock wanted to know if Mr. McKechnie was, in fact, planning on changing the grade on the eastern edge of the property from its current configuration. Mr. McKechnie answered that was correct. He added they needed to match the grade on Covina and McAndrews on the west side of Starbucks.

Commissioner Whitlock asked Mr. McKechnie to explain further regarding the problem with the ramp arrangement proposal he made. He wanted to know what the problem would be if Mr. McKechnie moved the ramp farther to the south. Commissioner Whitlock said he was just trying to throw some ideas out. Mr. McKechnie said he was trying to work with Mr. Roennfeldt's idea and usually it would come towards the middle of the site. Mr. Roennfeldt clarified that the red arrow he had shown during his presentation was just a random location but it's approximately where the current pedestrian connection is.

Commissioner Whitlock asked Mr. McKechnie if he perceived any legal impediments to a property line adjustment to resolve the illegal lot issue. Mr. McKechnie replied that he did not.

Commissioner Whitlock asked if there was a tenant for the convenience store. Mr. McKechnie answered that it will be the 7-11 store.

Chair Quinn commented he didn't know why there had to be access for pedestrians in that drive-thru area. Mr. McKechnie said that it's a unique piece of property in that it is surrounded by streets. He agreed that it taxes conventional wisdom.

Mr. McKechnie reserved time for rebuttal.

- b) Jennifer Pell, 1701 Covina Avenue, said she lives across the street from the proposed development and her concerns were with the location of the driveway which would divert traffic towards her house, lighting from Starbucks, and asbestos coming from the old buildings during demolition.
- c) Gary Pell, 1701 Covina Avenue, clarified they live in the house directly to the north side and strongly objects to this project. He cited the same concerns with the proposed driveways and asbestos issues.

Mr. McKechnie said he agreed with Mr. and Mrs. Pell regarding the driveways however Mr. Burroughs could explain the higher order of streets and why access is granted or not on certain streets.

Mr. Burroughs explained that code does not allow direct access to higher streets when a project abuts a lower order street. This project is surrounded by streets and two of them are lower order streets so staff went with the code. There wouldn't be any access at Crater Lake Avenue or McAndrews Road. A traffic impact analysis had been done to analyze the driveway locations which substantiated that they work better where they are. It does not take into consideration the fact that it may be located across from someone's house. As far as safety for the transportation system these locations, and the way they are functioning, were deemed to be appropriate and safe. Mr. Burroughs said he couldn't specifically speak as to why Crater Lake Avenue is a right-in-only but that's what the traffic impact analysis looked at.

Commissioner Chmelir wanted to know why it's an entrance and exit onto McAndrews. Mr. Burroughs answered that he doesn't read the traffic impact analysis, he just takes what the conclusions are and puts them into his report.

Commissioner Chmelir asked if there was any flexibility. Mr. Burroughs replied that the applicant could have a different traffic impact analysis done to try and propose different movements at those locations.

Chair Quinn wanted to know if there was any reason not to have a right-in, right-out on Crater Lake Highway. Mr. Burroughs responded that it is very close to the intersection and why there is limited movement.

Ms. Zerkel clarified with Mr. Burroughs that even though he hadn't read the traffic impact analysis himself, the traffic manager had read the traffic analysis in preparation for the Public Works Staff Report. Mr. Burroughs answered yes, the traffic division reviews the traffic impact analysis.

Commissioner Whitlock asked for clarification on whether city code would say there should be no access in or out of this development because it would be access to the higher order streets of McAndrews and Crater Lake Avenue. Mr. Burroughs stated that was correct.

Commissioner Whitlock deduced that it would be a much diminished impact from what the code would typically require. Mr. Burroughs answered yes.

d) Patrick Budronis, MCS Property Holdings LLC, applicant, added that when they had originally approached city staff on this project they were showing a right-in, right-out on Crater Lake Avenue but were told they would be denied any type of access on that. They brought in a traffic engineer and conducted a traffic study showing how much of an impact it would have on Covina Street if they directed all that traffic to that street both ingress and egress. The compromise after they did an additional analysis showing a right-in-only significantly minimized the impact that Covina Street had with all the traffic being diverted that way. That is how they ended up with this proposal.

Commissioner Culbertson asked about Condition of Approval #3 regarding bicycle parking needing to be accessed a little closer. He believed that section of the code, with a minor modification, went to City Council and had been approved with the striking of the language that it had to be closer than the nearest parking. Commissioner Culbertson added that it had been adopted on June 27th and then sent to City Council.

Kelly Evans, Assistant Planning Director, stated that City Council had approved that ordinance amendment the night before on August 15th. Under the fixed goal posts rule an application is judged based on the laws that are in effect at the time the application is submitted. Even though the law was changed last night staff could not base review of this particular application on something that had not yet happened.

Commissioner Whitlock wondered if this Commission had any authority or ability to allow, at the request of the applicant, the new rules to apply. The fixed goal posts rule is imposed in state law for the benefit of the applicant so that a local government may not change the rules midway through the process. Ms. Evans said she would look further into that to see if there was some permissive language.

Mr. McKechnie addressed the asbestos issue saying asbestos is known to be inside those buildings. There are state-mandated asbestos abatement procedures that are in place and well regulated. The buildings will be encapsulated while the asbestos is being removed which will prevent the asbestos from getting into the air. Before anything can be taken to the dump the certificate of clearance has to be provided so that any materials that come off the site are also asbestos-free.

Mr. McKechnie spoke to the lighting from the drive-thru issue saying they are below grade there and the retaining wall will probably cover the lights. If that doesn't work then they would place landscaping around that corner that should solve that issue. Mr. McKechnie added they

would make sure there's a hedge that is in the range of three feet above the grade that would block the glare from headlights.

Commissioner Catt asked if Mr. McKechnie would like not to have any pedestrian access from Oleander Street. Mr. McKechnie responded that he didn't think it made any kind of reasonable sense to have one there.

Commissioner Catt asked staff if it was possible to not have the pedestrian access from Oleander Street.

Commissioner Whitlock wanted to know who regulated the asbestos abatement. Mr. McKechnie answered that it is the Department of Environmental Quality (DEQ).

Commissioner Whitlock asked how someone would know that the rules for asbestos abatement would be followed. Mr. Budronis answered by saying the department inspector would have to close out and do a final inspection. In addition to that they also hire a third party who investigates and monitors the abatement progress and does air quality checks to make sure no asbestos gets into the air.

Chair Quinn asked what the hours of operation would be. Mr. McKechnie replied the 7-11 is 24 hours and Starbucks are typically open from 5:00 am to 7:00 or 8:00 pm.

Chair Quinn asked if there would be any logic in closing the Covina Street ingress/egress after 7:00 pm. Mr. McKechnie stated it would be a nightmare.

Commissioner Chmelir wanted to know if it would work if the Crater Lake Avenue was a right-in/right-out. Mr. McKechnie responded he didn't have an answer to that but felt the City's traffic staff would have an issue with it.

Ms. Evans addressed the exceptions to pedestrian walkway standards by quoting MLDC 10.776 and said there is relief built into the code but the applicant would have to do some work demonstrating that an alternate route works. Staff would propose a condition requiring the walkway as Mr. Roennfeldt had already done or by demonstrating compliance with MLDC 10.776. If the applicant can demonstrate that the alternate route works under MLDC 10.776 then the additional connection to Oleander would not be needed. There is no other relief.

Ms. Zerkel asked about the bicycle parking relief changing into the new code and the goal posts rule. Ms. Evans stated there's no built-in relief into the current ordinance. She asked Ms. Zerkel if she had an opinion on that and added she didn't know if the ordinance that went through and approved last night had a cooling off period, was effective immediately, or was effective in 30 days. Ms. Evans wasn't sure if it was even in effect at this time.

Commissioner Whitlock commented he was confident the new code was not in effect at this time because most ordinances require 30 days minimum unless there's an emergency provision. What he wanted to know is if it was possible for this Commission to allow it because it wouldn't violate the goal posts standard if the applicant was accepting of the new rule.

Ms. Zerkel stated she did not feel comfortable saying for sure if any of the options were fine. She would need to do more research.

Ms. Evans said that Mr. Roennfeldt pointed out that the other bit of language is that it has to have direct access from the public right-of-way. This language is contained in MLDC 10.749.

Chair Quinn asked if it would be possible for the applicant to come back and appeal later after construction starts for the bicycle parking issue and ask for relief according to the new rule. Ms. Evans stated that it would be a possibility and she liked that option better.

Commissioner Whitlock said his only concern with that possibility is it might require another application, fee, notifications, and waiting period. Ms. Evans responded that it could go to the Planning Director for his review and decision which would eliminate some of those issues.

Commissioner Whitlock commented he felt this was such a minimal concern except for strict compliance with the language of the current code that he was inclined to strike Condition #3 and let someone fight it if they wanted to.

Ms. Evans cautioned the Commission about second-guessing the access issues as it is a pretty in-depth analysis and in-depth process so the discussion about changing right-in or right-out accesses is uncomfortable. This Commission does not have the authority to play around with access and is something for the Public Works Director who is the Roadmaster in the city.

Mr. Budronis pointed out that the proposed development's driveway is on the west side of the power pole and traffic would not be going near the driveway of the Pell's property.

In regards to the screening for headlight glare, Ms. Evans added that the use of vegetation and landscaping is great as long as the vegetation is healthy. Something to consider might be a short wall.

Mr. Budronis stated they would be agreeable to a condition to put in some type of decorative knee wall if it is needed.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of AC-19-058, per the staff report dated August 9, 2019, including Exhibits A through V, and the following conditions:

- Strike Condition #3 relating to bicycle parking compliance
- Provide for a pedestrian street connection to Oleander Street or demonstrate compliance with MLDC 10.776
- Allow for the outdoor seating for up to 20 patrons

Moved by: Commissioner Whitlock Seconded by: Commissioner Neathamer

Commissioner Whitlock stated he recognized that the bicycle parking issue is technically not fully in compliance with the goal posts rule but it's clear that the applicant is in favor of not

complying with the distance calculation requirement. He said he's comfortable that this is the right thing to do in this particular circumstance. No rights of the applicant or any opponents are being violated by pursuing that.

Commissioner Neathamer stated he was not convinced that the property line adjustment will solve the problem if one of the lots was created unlawfully. He believed it may be necessary to do a partition to consolidate these lots. If staff is comfortable that the condition can be satisfied either way then he's fine with it.

Commissioner Whitlock commented he had taken a look at that too and assumed the land division reference in the condition might include a partition.

Ms. Evans referred to Discretionary Condition #2 and said it is implied. If it's not a property line adjustment then it has to be a partition.

Commissioner Catt stated he would like to add that a permanent wall or fence be added to block headlight glare.

Amended Motion: Add to the original motion that a landscaping or retaining wall be required to block headlight glare onto Covina Avenue from vehicles utilizing the drive-thru access.

Moved by: Commissioner Whitlock Accepted by: Commissioner Neathamer

Roll Call Vote: Motion passed, 8-0

60. Written Communications None.

70. Unfinished Business None.

80. New Business None.

90. Report from the Planning Department

90.1 Ms. Evans announced there is business scheduled for September 6th but nothing for September 20th.

90.2 Ms. Evans told the Commissioners there would be a joint study session sometime in September.

90.3 Ms. Evans reported that City Council had adopted the final resolution overturning this Commission's decision on the Circle K project. They had also approved the Housekeeping Amendments and continued a Comprehensive Plan Amendment to their next meeting.

90.4 Ms. Evans introduced Carla Paladino, who then gave a PowerPoint presentation on Cottage Housing.

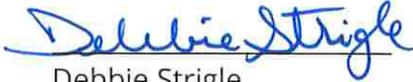
100. Messages and Papers from the Chair None.

110. Propositions and Remarks from the Commission None.

120. Adjournment

120.1 The meeting was adjourned at approximately 1:43 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:



Debbie Strigle
Recording Secretary

Jim Quinn
Site Plan and Architectural Commission Chair

Approved: September 6, 2019



STAFF REPORT – CONTINUANCE REQUEST

for a Type-III quasi-judicial decision: **Site Plan & Architectural Review**

Project Corona Avenue Facility
Applicant: City of Medford; Agent: CSA Planning, Ltd.

File no. AC-19-056

To Site Plan & Architectural Commission *for 09/06/2019 hearing*

From Steffen Roennfeldt, Planner III

Reviewer Kelly Evans, Assistant Planning Director

Date August 30, 2019

BACKGROUND

Proposal

Consideration of a proposed multi-phase development for Public Works Service Center on 6.2 acre leased area located on the east side of Corona Avenue and at the terminus of Hilton Road zoned I-L (Light Industrial) (371W18A4200).

Request

The applicant has requested that the item be continued to the October 18, 2019 hearing in order to work through additional details before the public hearing.

EXHIBITS

A Continuanace request, received August 19, 2019

SITE PLAN AND ARCHITECTURAL REVIEW COMMISSION **AUGUST 2, 2019**
SEPTEMBER 6, 2019

Continuance Request

To: Landmarks and Historic Preservation Commission
 Planning Commission
 Site Plan and Architectural Commission

RE: Project Name: Public Works Service Center-Corona Ave
File No(s): AC-19-056

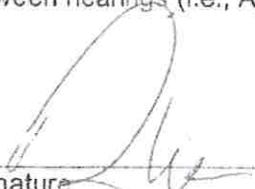
I am the applicant authorized agent for the above referenced project. Please continue the public hearing for the above referenced file to the following date:
October 18, 2019

Reason for request: Applicant request continuance to work through additional details.

This request is made pursuant to ORS 222.178(5):

The 120-day period set in subsection (1) of this section may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

I understand that this request extends the 120-day period equal to the number of calendar days between hearings (i.e., April 10 to May 8 = 28 days).


Signature
Raul Woerner, CSA Planning, Ltd

August 19, 2019
Date

Print Name

CITY OF MEDFORD
EXHIBIT # A
File # AC-19-056