

DEVELOPMENT REVIEW BOARD MEETING
JANUARY 9, 2023
6:30 PM

Consent Agenda:

1. Approval of minutes of November 14, 2022 DRB
Panel A meeting



**DEVELOPMENT REVIEW BOARD PANEL A
MEETING MINUTES**

November 14, 2022 at 6:30 PM

Wilsonville City Hall & Remote Video Conferencing

CALL TO ORDER

A regular meeting of the Development Review Board Panel A was held at City Hall beginning at 6:30 p.m. on Monday, September 12, 2022. Chair Jean Svadlenka called the meeting to order at 6:30 p.m.

CHAIR'S REMARKS

The Conduct of Hearing and Statement of Public Notice were read into the record.

ROLL CALL

Present for roll call were: Jean Svadlenka, Daniel McKay, Kathryn Neil, and Rachelle Barrett. Ben Yacob was absent.

Staff present: Kimberly Rybold, Amanda Guile-Hinman, Miranda Bateschell, Cindy Luxhoj, Amy Pepper, and Shelley White

CITIZENS INPUT – This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

CONSENT AGENDA

1. Approval of minutes of October 10, 2022 DRB Panel A meeting

Kathryn Neil moved to approve the October 10, 2022 DRB Panel A meeting minutes as presented. Rachelle Barrett seconded the motion, which passed 4 to 0.

PUBLIC HEARINGS

2. **Resolution No. 409. Mercedes Benz Inventory Storage Area.** The Applicant is requesting approval of a Stage 2 Final Plan Modification and Site Design Review for site improvements to use an existing gravel building pad area for inventory storage on the south lot of the Mercedes Benz dealership.

Case Files:

DB22-0005 Mercedes Benz Inventory Storage Area

- Stage 2 Final Plan Modification (STG222-0005)
- Site Design Review (SDR22-0005)

Chair Svadlenka called the public hearing to order at 6:36 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Cindy Luxhoj, Associate Planner, announced that the criteria applicable to the application were stated starting on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room and on the City's website.

Ms. Luxhoj presented the Staff report via PowerPoint, briefly reviewing the site's location and surrounding features, with these key additional comments:

- The original plans for development of the subject site were approved in 1997 for two buildings, one on the north lot to house Mercedes Benz, and one on the south lot to house another dealership. At the time, the building on the north lot was constructed and site improvements, such as landscaping, lighting, and stormwater were installed for the entire site consistent with the approval. However, the gravel building pad on the south lot was left unimproved, and the second building was never constructed. (Slide 3)
 - Currently, the entire site was occupied by one Mercedes Benz dealership which used the unimproved gravel building pad to park inventory and service vehicles. The use of the site in that manner was a violation of City Code and City-approved development plans.
- For the past several years, numerous Code violations, including illegal use of the unimproved building pad for inventory storage, and exceeding the storage and parking capacity on-site, had existed on the property. Those violations had resulted in negative impacts to neighboring businesses and service providers which had led to numerous complaints to the City.
 - To address those violations, the owner prepared a development proposal which was submitted to the City on June 9, 2021. That application expired on December 6, 2021 without achieving completeness and compliance issues continued unresolved. On December 7, 2021, the City's Planning Director sent a letter to Swickard Auto Group regarding the ongoing Code violations and requested cessation of all violations by January 3, 2022. The letter notified the owner that citations and fines would incur if they failed to address the violations, which Ms. Luxhoj reviewed as follows (Slide 5):
 - Unlawful unloading/loading in the public street
 - Lack of required employee parking spaces on site
 - Illegal outside storage of vehicles
 - Illegal use of the building pad for parking vehicles
 - Parking vehicles in unpaved areas
 - Unapproved used car sales on site
 - Inadequate screening and covering of vehicle storage; and
 - Illegal overnight vehicle parking on the plaza facing Interstate-5

- On February 28, 2022, Swickard Auto Group submitted the subject application for a Stage 2 Final Plan Modification and Site Design Review, the owner's second attempt to submit a development proposal to address the violations and bring the site into compliance with the Code and previous development approvals.
 - The Stage 2 Final Plan Modification modified the location of designated parking for employees, customers, service vehicles, and inventory, and the function and design of the south lot to replace the building previously approved in 1997 with a paved inventory storage area with landscaping and screening for the Mercedes Benz dealership.
 - Site Design Review was focused on the design of the inventory storage area, including paving, landscaping, and screening to bring the property into compliance with applicable City standards for a car dealership within the PDC Zone. The City deemed the current application complete on August 26, 2022.
- Proper noticing was followed for the application. The subject property was shaded in blue, and the notice area was outlined and shaded in green. (Slide 7) The public hearing notice was mailed to property owners within 250 ft of the subject property, posting at City Hall, the library, and community center, on-site posting, and publication in the Wilsonville Spokesman. No public comments for the project were received during the comment period.
- A discussion of key clear and objective development standards that applied to the proposed applications was included in the Findings contained in the DRB Staff report. The role of the DRB was to verify compliance of the proposed applications with previous development approvals and the clear and objective standards of the current Code. No requests in the current application required discretionary review.
- Section 4.004 of the Code specified that the Planning Director, “shall not issue a development permit for the improvement or use of land that has been previously divided or otherwise developed in violation of the Code, regardless of whether the permit applicant or its predecessor created the violation, unless the violation can be rectified as part of the development.”
 - Therefore, the only path to approval of the current application was a definitive determination that the proposal resolved the compliance issues for the site. Because of this requirement, review of the current application focused not only on the Code requirements for the Stage 2 Final Plan Modification and Site Design Review, but also on clarifying how outstanding compliance issues would be resolved through the proposed site modifications; specifically, by providing a detailed update on parking and vehicle display management on the site currently and how that would change with the current application, including an assessment of how management did or did not meet the conditions of approval of 97DB23; explaining how nonstorage parking areas would be preserved for, and clearly delineated, to serve customer and employee parking needs for the uses approved in the Site Plan as identified by the parking minimums in 97DB23; and explaining how the proposed inventory storage area would be used, and how the conditions of approval in 97DB23 specifying that the storage area is for “outdoor storage of new vehicles” would be met.
- For the purposes of evaluating parking standards, the parking minimum was 1.67 spaces per 1,000 sq ft, and the maximum was 6.2 spaces per 1,000 sq ft. As the existing building was

81,621 sq ft, the minimum number of parking spaces was 137, and the maximum number of spaces was 506.

- The Applicant proposed to provide 160 parking spaces, including six ADA accessible spaces, which exceeded the minimum of 137 spaces by 23 spaces and was well below the maximum allowed. Further, the Applicant was required to provide a minimum of 40 designated employee parking spaces on site per conditions of the prior land use approval.
- As shown in the plan and table (Slide 10), 44 spaces would be designated for employees, 24 spaces for customers, and 92 spaces for service leasing. An additional 58 spaces on the upper level of the garage portion of the dealership building on the north lot were provided for parking of inventory vehicles and other overflow parking.
- Condition of Approval PDA 7 required that the 44 proposed employee parking spaces be provided, clearly demarcated, and left free and clear of other vehicles to ensure that employees could park in the reserved spaces on site.
- The original 1997 approval modified the Stage 1 Preliminary Plan for the site to allow 20% for outdoor storage of vehicles for sale or lease with appropriate screening. The outdoor storage was not required to be covered or completely enclosed within a building as it is under current Code now in effect, so long as it was screened and buffered from view at the property lines.
 - The subject application was not modifying the Stage 1 Preliminary Plan, so 20% of the 246,727 sq ft site, or up to 49,345 sq ft, could be used for outdoor vehicle storage so long as it was appropriately screened. The current application proposed to include the area of the existing gravel building pad, the paved drive aisle on the south side of the gravel area, and 30 paved parking spaces along the south property boundary as the proposed inventory storage area, which included 49,323 sq ft, slightly less than the maximum 20% allowance of 49,345 sq ft. (Slide 12)
 - Because the proposed inventory storage area occupies 20% or less of the subject site, no other inventory storage is allowed on the site unless completely enclosed within a building. Condition of Approval PDA 4 ensured that the Applicant shall not use any part of the site for inventory storage outside the designated and screened inventory storage area unless completely enclosed within a building.
- Per Code Section 4.155 (.02) K., all areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface such as pervious materials that is found by the City's authorized representative to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's authorized representative, shall be provided. Therefore, the existing gravel building pad within the proposed inventory storage area must be paved.
 - In preparing this presentation, Staff realized that although Finding A28 of the DRB Staff report indicates that a condition of approval ensuring compliance with that standard was included, the condition was inadvertently left out of the Staff report. Therefore, Staff recommended adding the following Condition of Approval:

PDA 10. "Prior to Inventory Storage Area Use: As required by Subsection 4.155 (.02) K., the Applicant shall surface the existing unimproved building pad area on the south lot, which is proposed for use as an inventory storage area for

parking and maneuvering of cars, with asphalt, concrete, or other surface that is found by the City's authorized representative to be suitable for the purpose. See Finding A28."

- The inventory storage area must be screened to the high screen landscaping standard. As shown in the illustration on Slide 13, the Applicant proposed trees planted approximately 30 ft on center on the west, north, and northeast sides of the inventory storage area. Shrubs at least 6 ft in height planted 32 inches on center are proposed between and under the trees to provide a continuous screen that is 95% opaque year-round. Ground cover was proposed in a small area of landscape island south of the employee parking area at the northeast corner of the inventory storage area.
 - Existing landscaping provided the required screening on the southeast and south sides of the inventory storage area. The proposed landscaping, combined with some limited existing landscaping that would remain, met the required High Screen Landscaping standard for the inventory storage area.
- Per the compliance agreement negotiated between the City and Swickard Auto Group, the Applicant agreed to submit documents necessary to obtain a building permit to complete the paving and screening of the south gravel lot within 90 days of receiving DRB approval of the current application. Within six months of obtaining a building permit for the improvements, the Applicant agreed to complete the paving, and screening, and any other work listed as a condition of approval of the development application by the DRB. Additionally, the Applicant agreed to take any actions necessary to comply with the approved development application and any conditions of approval. The Applicant intended to construct the proposed improvements in one implementation phase promptly after land use approval.
- As previously mentioned, the Applicant was required to pave the inventory storage area. Because that area was larger than 5,000 sq ft in size, the Applicant was required to submit a stormwater report, including information and calculations to demonstrate how the proposed development met the stormwater treatment and flow control requirements. Further, a Site Plan that showed how stormwater would be managed must be submitted with the Public Works Permit application, and prior to final approval, the Public Works Permit storm facilities must be constructed, inspected, and approved by the City. Additionally, the application must record a stormwater access easement for the stormwater facility. Condition PFA 3 would ensure those requirements were met.
- Several conditions of approval were added to help ensure compliance with standards related to parking and outside inventory storage, which included the following:
 - Condition PDA 2 specified that "All aspects of the prior approval, 97DB23, including all Conditions of Approval not modified through the current application shall remain in effect."
 - Condition PDA 8 required "All access drives and travel lanes must be kept free and clear to ensure circulation standards are met, emergency access and access to the trash enclosure is unimpeded, and loading/unloading can occur on site."
 - Condition PDA 3. Due to ongoing compliance issues with parking management on the site, the Applicant had secured an off-site location for overflow inventory storage. Per the Applicant's narrative, this location included two, 5,000 sq ft sheds and 4.6 acres of

land for inventory storage. The Applicant provided a redacted copy of the lease agreement for an off-site location; however, the 6-month lease term, commencing on June 10, 2022, although renewable, expires on December 10, 2022, and the Applicant has not provided a copy of the renewed lease in their application materials.

- Based on discrepancies between City Staff's observations of number of cars parked on the site, which generally exceeded the Applicant's estimate of the amount of space needed to store inventory and meet parking needs, the current proposal, without the off-site storage location, would not resolve this compliance issue. Therefore, the compliance agreement described earlier was negotiated to ensure compliance. A draft of the compliance agreement was included in Exhibit A4 of the DRB Staff report. Condition PDA 3 would ensure the compliance agreement would be executed upon final approval of the current application by the DRB.
- Remaining Code compliance issues not already addressed in this presentation related to loading, unloading, used car sales, and parking of display vehicles.
 - Condition PDA 9. Regular blockage of the on-site loading zone on the north lot, in violation of the prior land use approval, has been an ongoing issue on the site. The conditions of approval and compliance agreement required the Applicant to reduce vehicle storage on site in order to keep the loading zone clear.
 - Additionally, the designated loading zone on SW Parkway Ave, adjacent to the site, was regularly blocked with parked cars from the Mercedes Benz dealership. To City Staff's knowledge, the Applicant had since ceased loading and unloading vehicles in the public street and was maintaining the on-street loading zone free of parked vehicles.
 - To ensure that loading and unloading did not again become a Code compliance issue, PDA 9 was included in the current application, specifying that "The Applicant shall keep the loading zone on the west side of Parkway Ave clear of parked vehicles at all times. Further, should the signs that designated this area as a loading zone be removed or need replacement, the Applicant shall immediately notify the City so that the signs could be promptly reinstalled."
 - Condition PDA 6. Per Code Section 4.131 (.02) B., no used car sales were permitted on the site except in conjunction with new dealerships within enclosed buildings. Therefore, although the Applicant currently maintained an inventory of used cars for sale on the subject site and proposed to continue that practice as part of the current application, no outside sales activity is permitted. All such inventory must be located within the inventory storage area or parking spaces designated for inventory vehicles, and all transactions associated with the sale of the vehicles must occur within the dealership building or online. Condition PDA 6 ensured compliance with that standard.
 - Condition PDA 5. Vehicles were not allowed on the plaza on the west side of the site next to Interstate 5, except for temporary vehicle parking, and the vehicles must be removed at the end of the retail business day. For a period of time after the City met with Mercedes Benz personnel about compliance issues, the vehicles were being moved as required; however, as time elapsed, vehicles were once again being left parked in the plaza overnight and not being moved daily. More recently, that

requirement appeared to be met; however, compliance was intermittent. Condition PDA 5 ensured ongoing compliance, stating “Vehicles are not allowed on the plaza next to Interstate 5 except for temporary vehicle parking for special events and any vehicles parked in this area shall be removed at the end of the retail business day.”

- Staff had reviewed the Applicant's analysis of compliance with previous approvals and the applicable criteria. The DRB Staff report adopted the Applicant's responses as Finding of Fact except as noted in the Findings. Based on the Finding of Fact and information included in the Staff report and information received from a duly advertised public hearing, Staff recommended that the DRB approve DB22-0005 with the recommended conditions of approval and the addition of new Condition PDA 10 as read into the record.

Daniel McKay confirmed that the 20% proposed for the new inventory storage area was 20% of the total space of both former sites as they were consolidated into one space. He asked if the counts for the number of parking spaces pertained solely to customer and employee parking, or if it also included inventory vehicles.

Ms. Luxhoj replied there was no limitation on how many cars could be parked within that area. It only needed to be paved but not striped for individual spaces. However, inventory vehicles could not be parked outside of that space.

Mr. McKay asked if there was a requirement for a lane that would allow vehicles to drive through the paved parking area.

Ms. Luxhoj understood that was not a requirement. When the Applicant had used the area for parking vehicles in the past, there were aisles in between that allowed them to maneuver the cars.

Mr. McKay asked if there was anything proposed that would prevent someone from driving around or through the inventory area.

Ms. Luxhoj replied not to her knowledge.

Rachelle Barrett asked if the only changes between the current site and what was proposed was the paving and labeling of parking spots.

Ms. Luxhoj clarified that Mercedes Benz had already been using the unpaved building pad space for the parking of inventory vehicles which was not allowed. Therefore, the application was to create an inventory storage area where that building pad was to bring that area into compliance for screening, paving for vehicles, and to designate parking spaces throughout the site for specific uses due to past issues of inconsistency between what the spaces were supposed to be used for in the initial plan and what the Applicant now wanted to use them for, such as the leasing of vehicles given how the business had evolved and demand had changed over time.

Ms. Barrett asked what recourse there was if the Applicant did not abide by the conditions of approval.

Ms. Luxhoj replied that so long as the conditions of approval were present, future deviation from those conditions would allow the City to cite them for Code violations and failure to comply.

Mr. McKay understood that the conditions cited the City could seek damages as well.

Ms. Barrett asked if there was a requirement for traffic flow within the vehicle inventory storage area.

Ms. Luxhoj replied the drive aisles around the vehicle inventory storage area had to be clear of parked vehicles, which had also been a problem in the past. As a result, a specific condition stated that the drive aisles needed to be kept free and clear to allow loading and unloading at the site, to allow emergency vehicle access, and to enable garbage truck access to garbage bins, all with room to maneuver without hitting parked cars.

Mr. McKay understood that the original approval considered the site as two sites, and the gravel area was going to be a separate building. Those two sites were now being combined with 20% of the total area to be parking. He asked what would happen if ownership changed and new owners wanted to put another dealership there, as he had not noticed anything that would limit that. He asked if DRB was being asked to approve inventory parking on a much larger area for a potential future dealership.

Kimberly Rybold, Senior Planner, explained that because this was a modification to the existing Stage 2 Plan, it effectively replaced the previously approved use of the pad for a future building with an inventory storage area. If a future owner wanted to do something different with the property in terms of layout or function, that would be subject to a subsequent Stage 1 or Stage 2 DRB review and approval.

Kathryn Neil asked if inventory would have to be moved indoor if a new building was constructed.

Ms. Rybold replied that would depend upon the use and whether or not it triggered a modification to the existing Stage 1 or Stage 2 Plan. Stage 1 contained the standards that the site was originally improved under; modification of those standards could potentially trigger further review and approval.

Chair Svadlenka noted on Page 7 of the Staff report, the paragraph under the heading Outstanding Code Compliance Issue, Loading/Unloading in Public Street, the last sentence stated, "Because the Applicant requested and the City agreed to remove on-street parking and designate an on-street loading zone in this location, and install signs and to ensure that

loading/unloading does not again become a Code compliance issue, a Condition of Approval is included in the current application." She asked where the on-street parking was removed.

Ms. Luxhoj displayed the Existing Site Plan provided by the Applicant and explained that on the west side of Parkway Ave, there was a designated loading zone. The City had installed two signs at the north and south ends of that loading zone. One sign disappeared mysteriously and was replaced by the City. The area was meant to provide the dealership a place to load and unload on Parkway Ave; however, when the sign disappeared, employees began parking there, which brought up the compliance issue. Using the area as a parking space rendered it unfit for the intended purpose and loading and unloading was shifted to the middle of the street, blocking traffic.

Chair Svadlenka asked if the loading/unloading zone was designated within the original application.

Ms. Luxhoj explained it was not because originally, loading and unloading would take place on-site, but a number of years ago, when employees started parking there and the loading/unloading zone was not being used, the City agreed to install the loading zone signs to keep people from parking there.

Chair Svadlenka understood that having a renewed lease for an off-site location to store vehicles was not required. It was simply that with the compliance agreement there could not be illegal storage of inventory.

Amanda Guile-Hinman, City Attorney, noted that a condition of approval addressed the number of cars on-site. With the number of cars presently on-site, without the off-site storage location, the Applicant would not meet that condition of approval. The compliance agreement stated that the Applicant must meet the development approval at the DRB. It gave the Applicant the time necessary to do the paving and screening without going through the compliance action currently pending in the City's municipal court.

Ms. Barrett asked if the cul-de-sac in the Site Plan was included in the parking.

Ms. Luxhoj responded it was not, but employees and others could park there so long as they did not block driveways or mailboxes, which had been an issue in the past and why Staff had required at least 40 designated on-site parking spaces for employees be built and clearly marked as employee only. She confirmed there were two driveways to the back employee parking lot, a main driveway and a lane that was used primarily as fire access.

Chair Svadlenka called for the Applicant's presentation.

Eric Iversen, Swickard Auto Group, stated he was the owner and operator of the Mercedes dealership in Wilsonville. He appreciated Staff's very thorough presentation, and noted that

although they had covered most of the items he had, he could provide more details on questions.

- The dealership had been open and operating for 24 years. Swickard Auto Group was the third owner and had acquired it approximately a decade ago. It was Swickard's first store, so it was special to them.
- Their purpose tonight was to bring the store into compliance for a number of reasons, management, parking, and landscaping, all of which revolved around number of cars, storage, and how those things had changed in the automotive industry over the past 24 years. Twenty-four years ago, nobody anticipated that Covid would happen and result in a shortage of cars for sale and a shortage of parts to fix cars, which led to cars sitting and waiting to be serviced. During the recession in 2008/2009, dealers significantly reduced their inventories, something nobody expected in 1997. All that was to say that things were always changing, and Swickard Auto Group was doing its best with this application to get into compliance. That was really what they wanted to do.
- Regarding future development, he could not say what might happen, but they would have to go through a review process. If Swickard Auto Group wanted to develop more dealerships on that site, they would have to go vertical, and he had no idea what that would look like. Presently, however, they needed to get the Mercedes store working the way it was supposed to, and the point of the subject application before the DRB tonight.
- He reiterated that Staff had done a great job detailing the site as far as access, parking, and storage. He elaborated on the storage area, noting that the public would not have access to it. They did not want the public driving through there, so it would be gated or blocked. Currently vehicles were parked in a somewhat organized fashion with a drive aisle or two, but the new design would feature cars double and triple parked as they were at almost all auto dealerships. That was why porters were employed to move them properly around the lot.
- He noted their lease would auto-renew in December, so there would not be a new lease for the off-site parking. A new lease would have required him to cancel the existing lease on November 6, which he obviously did not do. It was simply that the landlord required six-month leases. It was Swickard Auto Group's intent to keep renewing the lease as long as they needed it, that a repeat of 2008/2009 did not happen but if it did, they would no longer have a storage issue.
- He believed the proposed landscaping met Code, and they were completely fine with paving the gravel pad.
- He requested one modification to Condition PFA3, adding “, if required.” to the last sentence regarding the easement. (Page 13 of 39, Staff Report) They did not have the stormwater facility designed yet as it would come in the construction plans. The DRB had the diagrammatical plans, so it was hard to commit to an easement now. He understood they had to meet Code, but if they did a detention structure or something else that required an easement, they could not get a permit until they gave that easement. He could not commit to an easement tonight when they had no plans yet, but Code would be met.
- He reiterated Staff had done a great job on their presentation, and he appreciated that. They had worked with Staff very hard since pre-Covid to arrive at this point and he hoped everything was ironed out to make it easier for the DRB.

Ms. Neil noted there were 44 proposed employee parking spots. She asked how many employees the dealership had and where excess employees would park.

Mr. Iversen stated that while they did employ more than 44 people, not all were working at the same time. On any given day, it could be plus or minus that number. While the employment count was significantly higher, it was not an office where everyone showed up and left at the same time. Due to the nature of the business, people worked in shifts anywhere from 6 a.m. until they closed at night. He confirmed that the new general manager would monitor parking.

Mr. McKay thanked Mr. Iversen for his clarifications on questions. He noted that Mr. Iversen had stated that there would be no public access to the new vehicle storage area. He had driven by with his own small vehicle, and noticed how tight it was, and asked if the Applicant was opposed to a condition requiring signage that stated something along the lines of "Employee Access Only" to prevent people from accidentally entering the area.

Mr. Iversen said he would agree to a condition that required a sign, but with the exact verbiage to be determined at a later date.

Chair Svadlenka asked if the cars displayed in the plaza would go into the storage area at the close of business each evening.

Mr. Iversen replied they would either go there or onto the second floor of the building where they also had vehicle storage. He anticipated that most nights, the plaza vehicles would ideally go up the ramp to the second floor of the building.

Chair Svadlenka asked how many vehicles would fit in the new storage area.

Mr. Iversen replied that was difficult to gauge. He explained porters were more skilled than him, as he had gotten himself trapped on an auto dealership lot as an employee, but he anticipated approximately 200 cars, give or take, depending on how the porters parked them. Inventory also fluctuated over time, and especially post-Covid. There could be days when storage was packed and days when it was not.

Chair Svadlenka stated she was curious because she saw on the Applicant's website that there were approximately 289 new and used vehicles at the Wilsonville property, and with that number of cars, off-site parking would be needed as well.

Mr. Iversen agreed, adding that was where their inventory currently was now. That off-site inventory area was for the double and triple-parked cars and brand-new inventory coming in off the truck. When new cars arrive from the factory, they need to be washed and readied for sale. Those cars were brought over one at a time from the off-site parking and turned into active inventory. The off-site parking was critical for the subject location just as it was for Swickard Auto Group's other locations. They always had off-site parking.

Chair Svadlenka called for public testimony regarding the application and confirmed with Staff that no one was present at City Hall to testify and no one on Zoom indicated they wanted to testify.

Ms. Barrett asked if the subject proposal would help the dealership meet the unapproved used car sales Code compliance issue.

Ms. Luxhoj explained a condition stipulated that all car sales, new or used, must take place on the subject property within the building, or online, and not outside or in the inventory storage area. Technically used car sales were not allowed, but Staff was making a concession in that respect to allow the used car sales to continue.

Ms. Barrett stated she believed signage that kept the public out of the vehicle storage area would help in that regard.

Ms. Rybold clarified that used car sales were prohibited uses in the PDC zone except in conjunction with new car dealerships within enclosed buildings. That condition prohibited that used car sale from occurring anywhere except in conjunction with the new car sale occurring within the enclosed building, so it was a condition to reinforce the existing Code standard, which otherwise would not allow for the used car sales on the site. She further clarified that the prior Code did not address online sales specifically, but required that for on-site, whatever was happening physically at the dealership had to be conducted within the enclosed building.

Chair Svadlenka asked Staff to comment on the Applicant's request to modify PFA3 with the language "if required" regarding a potential easement.

Amy Pepper, Development Engineering Manager, stated that the request was acceptable. The maintenance agreement and access easement were standard operating procedure for any stormwater facility. In the future, Staff would go out and inspect those facilities so that an easement was recorded over those facilities. As such, it was fine to include the Applicant's requested language.

Mr. McKay stated he believed the DRB should consider that request as an amendment to the conditions. For the condition of approval modification for the new storage area, he suggested something like, "The Applicant shall install appropriate signage at any ingress or egress stating that access is for employees only or otherwise not open to public access." However, Staff could craft the wording to get at the essence of it.

Ms. Luxhoj suggested new Condition PDA 11, under the Stage 2 could state, "Prior to inventory storage area use, signage shall be installed at the inventory storage area entries and exits to discourage public access." She noted the language could be further modified.

Mr. McKay suggested similar signage at the entrance to the employee parking unless there would also be areas within or near there that would be for the public.

Ms. Luxhoj explained parking spaces would be included along the south property boundary in the inventory storage area, specifically for inventory parking. However, the public would need to be able to access all of the other parking spaces on the site.

Mr. McKay stated his primary concern was to avoid having the public being trapped in the inventory area.

Ms. Luxhoj indicated on the Site Plan areas of ingress and egress, noting where the public should not be permitted to venture into as it would be for inventory storage specifically. She confirmed where cars would be double or triple-parked while employees, customers, and service vehicles would park in designated spots. The idea was to have signage at the primary entrances to the storage area stating something like No Public Access Allowed.

Ms. Rybold understood new Condition PDA 11, "Prior to inventory storage area use, signage shall be installed at the inventory storage entry and exit points to prohibit public access."

Mr. McKay believed that verbiage conveyed the intent and left the actual wording to the Applicant. As long as the intent was clear, and the condition stated it should be clear, it was okay.

Chair Svadlenka confirmed there were no further questions or discussion and closed the public hearing at 7:42 pm.

Rachelle Barrett moved to approve the Staff report with the amendments read into the record by Staff, amending PFA 3 and adding Conditions PDA 10 and PDA 11. Daniel McKay seconded the motion.

The following amendments were made to the Staff report:

(Note: Additional language in bold italic text; deleted language struck through)

- Amend the last sentence of Condition of Approval PFA 3 to state, "A site plan showing how stormwater will be managed shall be submitted with the Public Works Permit application, ***if required.***"
- Add Condition of Approval PDA 10. "Prior to Inventory Storage Area Use: As required by Subsection 4.155 (.02) K., the Applicant shall surface the existing unimproved building pad area on the south lot, which is proposed for use as an inventory storage area for parking and maneuvering of cars, with asphalt, concrete, or other surface that is found by the City's authorized representative to be suitable for the purpose. See Finding A28."
- Add new Condition PDA 11, stating, "Prior to inventory storage area use: Signage shall be installed at the inventory storage entry and exit points to prohibit public access."

The motion passed 4 to 0.

Kathryn Neil moved to adopt Resolution No. 409 approving with conditions the requested applications and incorporating the amended and adopted Staff report. The motion was seconded by Rachelle Barrett and passed 4 to 0.

Chair Svadlenka read the rules of appeal into the record.

Board Member Communications:

3. Recent City Council Action Minutes

Rachelle Barrett noted the recent computer changeover for the City's water billing and asked how it went.

Kimberly Rybold, Senior Planner, believed it was related to the new permitting system and software. She did not work on the water end of things and could not speak to it specifically, but knew the pieces that impacted Planning Staff, such as permitting, was going along. Overall, new software systems were helpful, but there were always kinks to work out and Staff was working through those.

Board members discussed how auto pay was not going through, although Mr. McKay noted it did work. Staff advised that with the new utility billing software, old autopay accounts did not rollover and people would need to sign up again.

Staff Communications

Kimberly Rybold, Senior Planner, announced that tonight was the last DRB Panel A meeting in 2022. Several development applications were in, but none were ready to be scheduled.

- She expressed Staff's appreciation for Daniel McKay serving on Panel A for four years. Over the years, he had asked many thoughtful and helpful questions for the Board which helped flesh out details in various applications and offered good insight into potential conditions that ultimately created a better product in the end. Staff was grateful for that and for his time as Chair, and although he had gotten thrown into that role earlier than most DRB members, he had done a great job getting up to speed and leading the Panel through a handful of meetings, some straightforward and some a little more interesting. With that, she presented Mr. McKay with a Certificate of Appreciation and card signed by Staff.
- She also recognized Ben Yacob, who was not present this evening, but tonight would have been his last meeting as well. Staff had a Certificate of Appreciation for his service on the Panel as well.
- She noted that between Panel A and Panel B, there would be a handful of new faces coming up and Staff would likely conduct a training to bring cohesiveness to the process and help Board members do their job better.

Daniel McKay said he had had an amazing experience, adding he would always remember the marathon session meeting the Board had that lasted until 1 a.m. and then had to be continued. It had been quite the experience. He thanked everyone for an awesome experience.

Adjourn

The meeting adjourned at 7:54 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, LLC. for
Shelley White, Planning Administrative Assistant