

RESOLUTION NO. 1735

A RESOLUTION OF THE CITY COUNCIL MODIFYING CONDITION OF APPROVAL #5 FROM CITY COUNCIL RESOLUTION NO. 1334, AND ZONING ORDER NO. 96DB34 TO ALLOW A HIGHER PERCENTAGE OF COMMERCIAL, OFFICE COMPLEX, AND INDUSTRIAL USES IN THE PLANNED DEVELOPMENT INDUSTRIAL (PDI) ZONE. THE SITE IS LOCATED ON BOONES FERRY ROAD IN OLD TOWN VILLAGE ON TAX LOTS 103 AND 105, SECTION 23BD, T3S-R1W, CLACKAMAS COUNTY, OREGON. TMK INVESTMENTS LLC, TIM KNAPP, APPLICANT.

WHEREAS, an application, together with planning exhibits for the above captioned development has been submitted in accordance with the procedures set forth in Sections 4.008 of the Wilsonville Code, and

WHEREAS, Panel A of the Wilsonville Development Review Board (DRB) after providing public notice of the hearing in accordance with State law and Chapter 4 of the Wilsonville Code, on October 8, 2001, held a hearing on this request, and after taking public testimony, gave full consideration to the matter and recommended approval to City Council of the request with conditions, adopting DRB Resolution 01DB29 and staff report dated October 8, 2001, and

WHEREAS, the Wilsonville City Council after providing public notice in accordance with State law and Chapter 4 of the Wilsonville Code, on November 19, 2001 held a public hearing regarding the above described matter, heard staff reports, took testimony, duly considered the subject and the recommendations contained in the Development Review Board recommendation (attached hereto as Exhibit A), and

WHEREAS, interested parties have had the opportunity to be heard on the subject.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council of the City of Wilsonville hereby approves the TMK Investments LLC application and adopts the recommendation of the Development Review Board marked as Exhibit A, with findings and conclusions attached and incorporated herein (the exhibits attached to Exhibit A are omitted here as they are lengthy and they are on file with the City Recorder), together with the minutes of the approval motion attached and incorporated herein and with the further findings and conclusions and conditions of approval adopted herein:

a. The City Council finds and concludes that the legislative intent in adopting WC 4.135.03(J) was to limit any aggregation or combination of commercial mixed uses, inclusive of office complex, to 30% of the total acreage, with the only exception being Technology-Office complex;

b. The City Council finds that the calculation for allowable mixed use as a percentage of total acreage includes not only the building area for the proposed commercial use, but also the associated parking, maneuvering room and landscaping associated therewith; however, for the project at hand, the calculation for percentage of total acreage also equates to approximately the same percentage of the total building area;

c. The City Council finds that the application for 40% office complex mixed use exceeds the allowable mixed use percentage under WC 4.135.03(J);

d. The City Council finds that the City's planned development approach to planning and design allows, under WC 4.118.03, a waiver to planned development requirements if circumstances of the particular project advances an enhanced project by design and use for the community under appropriate conditions;

e. The City Council finds that the applicant presents a project which supports a waiver to the percentage restriction as follows:

1. The first building has been designed in a manner which presents an architectural model for the old town development and old town overlay zone. A 20% aggregate commercial mixed use was allowed which included office complex mixed use and office complex mixed use has occurred;

2. The second building will continue the architectural theme and an additional 20% office complex mix will not increase the traffic trips or parking needed approved by the initial master plan.

3. By its relatively small size, the project presents an excellent transitional buffer to the industrial uses to the west, the commercial uses to the north and the residential uses to the east and to the south. In short, as designed and to be used, the waiver will provide an enhanced project for the community.


f. Condition No. 5 of 96DB34 is modified as follows: in addition to previous existing 20% office complex use under the previous approved aggregate commercial mixed use

and which has been allowed for up to 20% of the building area; additionally, office complex uses shall be allowed for up to 20% of the building area, for a total of 40% of the building area. Each of these uses are in addition to industrial uses allowed by the underlying PCI zone. Stage I and Stage II Final Plans are approved, reflecting this change. Except as modified below, the applicant shall maintain the site, buildings, parking and drives in substantial compliance with the approved DRB plans dated November 18, 1996 (Exhibit D1 and D2 to Case File 96DB34) - as amended by Administrative Review Case File 01AR47 on September 11, 2001 (Exhibit H to Case File 01DB29) unless altered with Board approval or minor revisions are approved by the Planning Director under a Class I administrative review.

g. The City reserves the right to reject building permits showing tenant improvements in excess of commercial or office complex use, trips or parking as allowed by the City of Wilsonville's Planning and Land Development Ordinance and Transportation Public Facilities Strategy Ordinance.

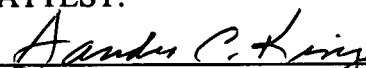
h. The staff is directed to review WC 4.135.03(J) and make appropriate corrections and clarifications in accordance with the City Council's interpretation.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 17th day of December, 2001 and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, MAYOR

ATTEST:



Sandra C. King, CMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Barton	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>



**RECOMMENDATION TO CITY COUNCIL
DEVELOPMENT REVIEW BOARD**

EXHIBIT "A"
RESOLUTION No. 1735

PANEL A

Project Name: Old Town Village Case File No. 01DB29
Applicant/Owner: TMK Investments/Tim Knapp
Proposed Action: Modification to Condition of Approval #5 from City Council Resolution 1334 and Zoning Order 96DB34 to allow a higher percentage of commercial and office complex uses in the Planned Development Industrial (PDI) zone within Old Town Village.
Property Description: Tax Lots 103 and 105, Section 23BD, T3S-R1W, Clackamas County, Oregon
Location: 30775 and 30789 SW Boones Ferry Road

On October 8, 2001, at the meeting of the Development Review Board the following action was granted on the above-referenced proposed development application:

- DRB recommends approval of a modification to Condition of Approval #5 from City Council Resolution 1334 and Zoning Order 96DB34 to allow a higher percentage of commercial and office complex uses in the planned Development Industrial zone within Old Town Village as presented in approved staff report dated October 8, 2001 (Exhibit A).
- The City Council hearing date is scheduled for November 5, 2001.

Written decision is attached.

For further information, please contact the Wilsonville Planning Division at the Community Development Building, 8445 SW Elligsen Road, Wilsonville Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 01DB29 including Exhibit A – Adopted Staff Report and motion to approve



**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 01DB29**

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A MODIFICATION TO CONDITION OF APPROVAL #5 FROM CITY COUNCIL RESOLUTION 1334 AND ZONING ORDER 96DB34 TO ALLOW A HIGHER PERCENTAGE OF COMMERCIAL AND OFFICE COMPLEX USES IN THE PLANNED DEVELOPMENT INDUSTRIAL (PDI) ZONE WITHIN OLD TOWN VILLAGE. THE SITE IS LOCATED AT 30775 AND 30789 SW BOONES FERRY ROAD ON TAX LOTS 103 AND 105, SECTION 23BD, T3S-R1W, CLACKAMAS COUNTY, OREGON. TMK INVESTMENTS/TIM KNAPP, APPLICANT.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared a report on the above-captioned subject dated October 8, 2001, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on October 8, 2001, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff reports, and

WHEREAS, the applicant and interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A" with the findings, recommendations and Conditions of Approval contained therein and further authorizes the Planning Director to forward a recommendation of approval to the City Council for the following:

- 1. Amend Condition of Approval #5 from City Council Resolution 1334 and Zoning Order 96DB34 to allow a higher percentage of commercial and office complex uses in the PDI zone within Old Town Village.**

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of October 2001, and filed with the Planning Secretary on October 16, 2001.



Mike Cooke, Chairman Panel A
Wilsonville Development Review Board

Attest:



Sally Hartill, Planning Secretary

VII. Public Hearing:

- A. **01DB29 – TMK Investments/Tim Knapp.** Applicant requests approval of a modification to Condition of Approval #5 from City Council Resolution 1334 and Zoning Order 96DB34 to allow a higher percentage of commercial, office complex, and industrial uses in the PDI Zone within Old Town Village. The site is located at 30775 and 30789 SW Boones Ferry Road on Tax Lots 103 and 105, Section 23BD, T3S-R1W, Clackamas County, Oregon. The proposal will modify the approved Stage I and Stage II final plan for the center. The DRB action will be a recommendation to City Council.
Staff: Michael R. Wheeler.

Bart Mills moved that a recommendation of approval of Resolution 01DB29 be forwarded to City Council with the proposed conditions of approval. David Lake seconded the motion which passed unanimously, 5-0.

**PLANNING DIVISION
STAFF REPORT**

**MODIFICATION, STAGE I,
AND STAGE II FINAL PLAN
TMK INVESTMENTS LLC**

01 DB 29

TO: Development Review Board Panel 'A'

DATE: October 8, 2001

PREPARED BY: Michael R. Wheeler, Associate Planner

APPLICANT: TMK Investments LLC, Tim Knapp

PROPERTY OWNER: TMK Investments LLC

SITE ADDRESS: 30775 and 30789 Boones Ferry Road; Wilsonville, OR 97070

LEGAL DESCRIPTION: T. 3S., R. 1W., Section 23BD, Tax Lots 103 and 105

ZONING: Planned Development Industrial (PDI).

NOTE: The statutory 120-day time limit applies to this application. A final decision must be rendered by the City Council, prior to December 22, 2001¹

REQUEST: 01 DB 29. TMK Investments LLC, is seeking to Modify Condition #5 in City Council Resolution #1334, and to modify Zoning Order #96 DB 34 to allow a higher percentage of commercial, office complex, and industrial uses in the Planned Development Industrial (PDI) Zone within Old Town Village located at the southwest corner of SW Boones Ferry Road and 5th Street, which is comprised of one existing building and one future building (under construction). The proposal will modify the approved Stage I and Stage II Final Plan for the center. The decision of the Development Review Board is a recommendation to the City Council for a final decision..

¹ This date is 120 days from the date that the application was determined to be complete, which was August 24, 2001.

SUMMARY

The applicant is seeking approval to modify Condition Number 5 of the prior approval, Resolution 96 DB 34, regarding the percentage of the buildings that may be attributed to specific land uses. The previously approved amounts affect an existing 12,472 SF building located on the north half of the site, and a second building (Phase II; 11,232 SF), which is currently under construction. The original approval limited the amount of commercial and/or office use to no more than 20% of the building area (Exhibit D2). These uses and amounts were considered and approved under a the City's Development Code in effect in 1996. An amended version of the Code was adopted in December, 2000. The current uses within the existing structure is described in detail later in this report.

The percentage of uses proposed as a result of this modification, as described by the applicant in various components of the application, is made clear in the applicant's August 24, 2001, correspondence (Exhibit C3). The applicant's narrative is presented in an evolutionary fashion, composed of four documents. Staff will describe the request, as explained by the applicant, and understood during a discussion in September, 2001, in detail later in this report.

Under the current Development Code, the PDI zone, under Subsection 4.135(.03)(J)(2), allows up to 20% "office complex" as a use permitted within the zone. Similarly, the zone allows "technology - office complex" as a permitted use. Also allowed are "service commercial", "commercial recreation", and "neighborhood commercial". These uses are currently allowed in limited proportions, based upon the site's total acreage, as governed by Subsection 4.135(.03), which is described later in this report.

The applicant has been the recipient of five prior approvals regarding the site.

Casefile	Proposal	Action	Date
96 DB 34	Zone Map Amendment; Stage I and II Plans	Approval	11/18/1996
97 DB 04	Site and Development Plan	Approval	02/12/1997
00 SR 15	Master Sign Plan	Approval	09/27/2000
00 DB 39	Minor Land Partition; Revise Stage II; Waiver of Setbacks	Approval	09/27/2000
00 AR 51	Minor Partition Final Plat	Approval	03/14/2001

There are four significant, related issues which are affected by the applicant's current proposal: 1) proposed percentage of use vs. percentage allowed by Subsection 4.135(.03); 2) proposed percentage of use vs. actual percentage of use by classification; 3) the potential number of vehicle trips generated by the proposed modification; and 4) the potential number of additional parking spaces required by the proposed modification.

While a traffic report was not prepared for this proposed modification, staff determined that the number of PM peak vehicle trips generated are fewer than when calculated for the previously approved Stage I and Stage II approvals (Exhibit F). The method of calculation of the site's trip generation is discussed later in this report.

The site provides 38 parking spaces. The applicant was granted a waiver of the parking requirements in effect in 1996, enabling the use of on-street parking to accommodate 21 vehicles. Although the applicant does not propose any increase in actual floor area as part of the proposed modification, the proposed increase in percentage of floor area could have an impact upon the site's ability to comply with the current parking and loading minimum requirements. This issue is discussed in detail later in this report.

RECOMMENDATION

The Development Review Board ~~should recommend~~ recommends that the City Council approve the proposed modification of Condition Number 5 of the prior approval, Resolution 96 DB 34, and the Stage I and Stage II Final Plans to allow commercial use of up to 20% of the building area, and office complex use of up to 20% of the building area, as modified by the proposed conditions of approval. The above amounts are in addition to industrial uses allowed by the prior approval. Such commercial, office complex and industrial use shall comply with the uses listed in Subsection 4.135(.03)(J) of the Wilsonville Code.

01 DB 29
TMK Investments LLC
Stage II Final Plan,
Site Design Review

Owner: TMK Investments LLC
Applicant: Tim Knapp; TMK Investments LLC

Zoning Review Criteria:

Section 4.013:	Hearing procedures
Section 4.015:	Findings and conditions
Section 4.031:	Authority of the Development Review Board
Section 4.033:	Authority of the City Council
Section 4.034:	Application procedures-general
Section 4.118.03:	Waivers
Section 4.135:	Planned Development Industrial (PDI) zone

EXHIBIT A

01 DB 29

Subsection 4.135.01(J)(1):	PDC uses within PDI zone
Section 4.140:	Planned Development including Stage I Preliminary Plan and Stage II Final Plan
Subsection 4.140.09(J)(1, 2 and 3):	Land use, traffic and public utilities
Section 4.155:	Off-street parking
Sections 4.400 – 4.450:	Site and Design Review

Other Planning Documents:

Westside Master Plan; December, 1996
 Transportation Master Plan, July 12, 1991
 Ordinance No 514 - Public Facility Water Strategy
 Ordinance No. 463 - Public Facility Transportation Strategy
 Development Review Board Resolution No. 96 DB 34
 Statewide Planning Goals

Submittal Date: July 16, 2001
 Application was deemed complete on: August 24, 2001.
 120-Day Limit: December 22, 2001

PROPOSED FINDINGS

- The applicant is seeking approval to allow a higher percentage of commercial, office complex, and industrial uses in the Planned Development Industrial (PDI) Zone within Old Town Village. The proposal will modify the approved Stage I and Stage II Final Plan for the site. As required by Resolution No. 1334, the decision of the Development Review Board shall be a recommendation to the City Council for a final decision (Exhibit D1).

**PROJECT INFORMATION
 (Furnished by the applicant and staff)**

- The following is a summary of the development proposed:

	Area (SF)	Site Coverage
Site Data		
Landscape Area	N/A	N/A
Existing Building Coverage		
Phase I	12,472	22.0%
Phase II	11,232	19.8%
Total Building Area	23,704	41.8%

Paving and Sidewalk Area	N/A	N/A
Total Site Area	56,604	100.0%
Impervious Area		
Total Existing Impervious Surface Area	N/A	N/A
Parking Lot Landscaping		
Total Parking Lot Area	N/A	N/A
Parking Lot Landscape Area	N/A	N/A
Parking		
Standard Off-street Spaces	38	
Parallel, On-street Spaces	21	

Comprehensive Plan and Zoning:

Subsection 4.140(.09)(L) of the Wilsonville Code (WC) stipulates:

"... Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements." [Emphasis added]

Furthermore, Subsection 4.140(9)(J)(1):

"The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council."

Response Findings to Subsection 4.140(.09)(L) Land Use:

3. The site is subject to the development limitations imposed by the City Council in 1996, based upon review and approval of a Zone Map Amendment, and Stage I and II Development Plans (Resolution 96 DB 34; Exhibit D2). This approval allowed industrial uses then listed in the Wilsonville Development Code, but through an approved waiver, limited "commercial and/or office" uses to no more than 20% of the building area.
4. The subject property is currently zoned Planned Development Industrial (PDI). The purpose of the planned development regulations for new development are found in Section 4.140 of the Wilsonville Code. The zone requires approval of development in stages, and once granted, limits the project to the limitations imposed by the reviewing authority. The site is the subject of a development

approval granted in 1996 (96 DB 34; Exhibit D2).

5. Regarding modification of the approved plan, Subsection 4.140(.09)(L), the project site is designated Industrial on the Comprehensive Plan Map, and is zoned Planned Development Industrial (PDI). The PDI zone [Subsection 4.135(.03)(J)(2)] allows up to 20% of total site acreage for office complex use. Office complex use is limited to administrative, professional and general office uses. As found in the definitions (Subsection 4.001), office complex uses are "...typical uses include governmental, financial, architectural, medical, dental, legal, real estate, accounting, insurance and general business offices." This use is allowed in addition to the following other uses and their respective maximum areas, based upon total acreage:

Service Commercial (20%)
Commercial Recreation (20%)
Neighborhood Commercial (20%)

Service Commercial and Commercial Recreation are not defined terms. Neighborhood Commercial is defined (Subsection 4.001) as commercial uses that, "...provide for the daily convenience, goods and services of nearby residential areas. Typical uses include grocery, hardware, and drug stores; barber and beauty stores; banks; laundry and dry cleaning; and professional offices, but exclude service stations."

The maximum area of commercial uses fitting the descriptions listed above is 30% of total acreage [Subsection 4.135 (.03)(J)(6)]. In contrast, "office complex" uses are not limited by this provision.

Also allowed in the PDI zone is Technology-Office Complex, which may not exceed 60% of total acreage, among other limitations; and, a number of listed industrial uses [Subsection 4.135 (.03)(A) – (H)].

The modification proposed by the applicant reflects an evolution of thought (Exhibits C1, C2, C3 and C4). As reflected in the applicant's August 24, 2001, submittal (page 2, paragraph 4), the applicant is requesting that, despite the fact that the current, "...new Code allows 20% 'office commercial *in addition* to the allowed 30% 'retail/commercial' (4.135.03(J))...", "...I am prepared to limit the *additional* commercial we are requesting to only 'office commercial'." The applicant further states that, "This change would be in lieu of the change from 20% to 30% full 'retail/commercial' originally outlined in my July 14, 2001 submission..."

The applicant also suggests that, "Our original approval was for 20% 'retail/commercial'."

Several points discussed above require clarification. First, the applicant's original approval was, among other things, to "...allow 20% of the building area for commercial and/or office use..." (page 2 of 5; Exhibit D2). The approval did not specify the actual uses, rather it relied upon the text of the PDI zone for that list (Exhibit G). An important distinction is that the approval did not specify or enable the use of the site for "retail/commercial", as the applicant suggests.

Allowed Use (Condition No. 5; 96 DB 34)	Allowed percentage ¹	Area (sq. ft.) ²
Commercial	Up to 20%	4689.6 or 0
Office	Up to 20%	0 or 4689.6

An examination of the uses allowed in the PDI zone, prior to December, 2000, reveals many of the uses allowed today. While some limited forms of commercial use are allowed, "retail/commercial" were not among them (Exhibit G).

Secondly, the original approval imposed its limitation on commercial uses prescribed by the PDI zone on the basis of "building area". This limitation is in stark contrast to the applicant's current proposal to retain the amount of the previous approval (i.e., 20%) for "retail/commercial", while adding a proposed 20% increase the area of "office commercial". While the numbers may appear similar, the original approval was for 20% building area, while the proposed "...office commercial..." would be for "...20% of total acreage...". This is because the current Code [Subsection 4.135(.03)(J)(2)] calculates the area of allowed uses differently than the former Code and Resolution 96 DB 34. Still, neither the original approval, nor the current Code allow "...retail/commercial..." in the PDI zone.

Staff further emphasizes that the applicant's proposal to add as much as 20% "office commercial" use, a term that is not supported by the Code, could be entertained as "office complex", which is defined. This addition, to whatever degree, would be limited to "...governmental, financial, architectural, medical, dental, legal, real estate, accounting, insurance and general business offices..." (Subsection 4.001). It would be inappropriate to allow an increase in the amount of "office complex" uses to the extent allowed by the current Code, expressed as a percentage of total site area. Were that to be the case, the following areas could result:

¹ This amount is based upon "building area" [Condition No. 5; 96 DB 34; Exhibit D2]. Both phases will be used in the calculation.

² This amount must be a combination, not to exceed 20% for both commercial and/or office.

Allowed Use (Current Code)	Allowed percentage ⁴	Area (sq. ft.)
Service Commercial	20%	11,320
Commercial Recreation	20%	11,320
Neighborhood Commercial	20%	11,320
Office Complex	20%	11,320

This additional building area must be evaluated with regard to the traffic report employed in 1996, in order to justify its approval. The traffic consultant, DKS Associates, wrote the following with regard to the then-proposed use:

“The project is zoned ~~PCI~~ PDI (Planned Development Industrial), which generally allows for light industrial, manufacturing, and warehouse type use. The highest and best use of the site would allow for up to 20 percent of the building area to be used as retail. At the project sponsor’s request, a trip generation rate from a less intense land use was used to more accurately reflect the level of activity that is likely to occur on this project site. This less intense land use was described by the project sponsor to be ‘Office Park’.

“Although the ‘Office Park’ designation may be reflective of the level of tripmaking activity that is likely to occur on the project site, it does not reflect the site’s highest and best use under existing zoning or the land’s allowable uses. The office park designation trip generation is comparable to warehouse use over 90 percent of the development and 10 percent of the proposed buildings as commercial use (with half of the commercial as office and the other half as retail). If the activity generated at this site is higher than an office park level, this transportation impact study, and therefore, any approval, would no longer be valid.”

Based upon those parameters, the traffic consultant found that the project would add “...about 37 [vehicle trips] during the PM peak hour...”. This number of trips is reflected throughout the approval of 96 DB 34.

It should be noted that, were the percentages reflected in the second paragraph, above, implemented in the final decision, only 5% each would have been allowed for office or retail use. While the City Council approved the waiver in Condition No. 5 as allowing “...20% of the building area for commercial and/or office use...”, the traffic report, and the trips assessed therein, are controlling for this project.

⁴ This amount is based upon “total acreage” [Subsection 4.135 (.03)(J)].

The Community Development Director (CDD) has determined that the trip generation rates found in the Transportation Research Board's Highway Capacity Manual have been revised since 1996, and are currently lower than in 1996 (Exhibit F). As a result, the CDD finds that an increase in floor area devoted to "office space" of up to 20% can occur.

It should be noted that in reaching this conclusion, "...the existing ...20% commercial is included in the industrial/office park calculations above." The general office, as described, is the Manual's equivalent of "office complex", as defined by the Planning and Development Code.

Staff concludes that the addition of 20% office complex use to the site is appropriate in light of the CDD's determination.

Allowed Uses:

The current uses within the structure of Phase I are listed in a table in the applicant's narrative (Page 1; Exhibit C3).

Building Setbacks:

5. The PDI zone sets minimum 30-foot side, front and rear yard setbacks. The existing building observes a 12-foot setback to the north and westerly property lines, and more than that distance to the east and south. In this case, the east property line at Boones Ferry Road is the front yard, the north and south property lines are side yards. The west side is a rear yard. No changes to the footprint of the buildings are proposed as part of this request.

Building Height:

6. The PDI zone does not specify a maximum building height. The existing building is estimated to be 26 feet high.

Parking:

7. Section 4.155 WC sets forth the minimum parking standards for off-street parking. Key subsections of the parking code, which commonly occurs in Site Development Review, are the following:

Subsection 4.155(.01)(B): *No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Director.*

Subsection 4.155(.01)(C): *In cases of enlargement of a building or a change of use from that existing on the effective date of this Code, the number of parking spaces required shall be based on the floor area of the enlarged building or changed use as set forth in this Section.*

Subsection 4.155(.01)(E): *Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking areas for all the parties jointly using them.*

Subsection 4.155(.01)(F): *Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.*

Subsection 4.155(.01)(G): *The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.*

Additionally, Subsection 4.150 (1)(k): All areas used for parking and maneuvering of cars shall be surfaced with screened gravel, asphalt, or concrete, and shall provide for suitable drainage.

Subsection 4.155(.01)(L): *Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.*

Subsection 4.155(.01)(N): *Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.*

Subsection 4.155(.02)(A)(3)(a) & (b): *Be landscaped to lessen the visual dominance of the parking or loading area, including:*

- a. Landscaping of at least ten percent (10%) of the parking area designed to be screened from view from the public right-of-way and adjacent properties. This landscaping shall be considered to be part of the total required for the site development.*
- b. Landscape and shade tree - planting areas a minimum of eight (8) feet in width and length and spaced every seven (7) to ten (10) parking spaces or an aggregate amount.*

Subsection 4.155(02)(A)(4): *Be designed for safe and convenient handicapped access. All parking areas which contain ten (10) or more parking spaces shall be provided with one handicapped parking space for every fifty (50) standard spaces. They shall be twelve (12) feet wide and open on one side to allow room for maneuvering with wheelchairs, braces and crutches. The handicapped parking symbol shall be painted on the parking space and a handicapped parking sign shall be placed in front of each space at a height of three (3) to five (5) feet above the sidewalk.*

Subsections 4.001 (105, 106, and 107) of the Wilsonville Code define the dimensions of standard parking spaces at minimum of 9 feet wide by 18 feet long, compact spaces at 8 feet wide and 16 feet long, and handicapped spaces at 12 feet wide and 18 feet long.

Subsection 4.150 (1)(n): *When the parking standards require ten (10) or more parking spaces, up to 30% of these may be compact car spaces as identified in Section 4.005 and shall be appropriately identified.*

As set forth in Section 4.155 of the Wilsonville Code, minimum-parking for the different uses are:

Minimum Code Parking:

Table 5 of Section 4.155 regulates the minimum and maximum number of parking spaces.

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
e. Commercial			
1. Retail store except supermarkets and stores selling bulky merchandise and grocery stores 1,500 sq. ft. gross floor area or less	4.1 per 1000 Sq. Ft.	6.2 per 1000 Sq. Ft.	1 per 4000 Sq. Ft. Min. of 2
2. Commercial retail, 1,501 sq. ft. or more	4.1 per 1000 Sq. Ft.	6.2 per 1000 Sq. Ft.	1 per 4000 Sq. Ft. Min. of 2
3. Service or repair shops	4.1 per 1000 Sq. Ft.	6.2 per 1000 Sq. Ft.	1 per 4000 Sq. Ft. Min. of 2
4. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator	1.67 per 1000 Sq. Ft.	6.2 per 1000 Sq. Ft.	1 per 8000 Sq. Ft. Min. of 2

can show the bulky merchandise occupies the major areas of the building			
5. Office or flex space (except medical and dental)	4 per 1000 Sq. Ft.	4.1 per 1000 Sq. Ft.	1 per 5000 Sq. Ft. Min. of 2
f. Industrial			
1. Manufacturing establishment	1.6 per 1000 Sq. Ft.	No Limit	1 per 10,000 Sq. Ft. Min. of 6
2. Storage warehouse, wholesale establishment, rail or trucking	.3 per 1000 Sq. Ft.	.5 per 1000 Sq. Ft.	1 per 20,000 Sq. Ft. Min. of 2

8. A total of 48 spaces were determined to be required for the two buildings. The original approval granted a waiver of a portion of the parking required 1996. Based upon that waiver, the facility requires 38 off-street parking spaces, and is allowed to use 21 on-street spaces. The parking ratio is therefore 2.48 spaces per 1,000 SF of building, which complies with the parking code.

9. The applicant has provided an analysis of required parking, which confirms that, with the proposed modification, and the previously approved waiver, the two phases will continue to comply with the minimum parking requirements (Exhibit C3).

Response Finding to Subsection 4.140(.09)(J)(2) Traffic:

Subsection 4.140(.09)(J)(2) of the Wilsonville Code sets forth traffic criteria for the Stage II, planned development. That subsection states:

The location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of level service D defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.

10. Regarding Subsection 4.140(.09)(J) WC: Traffic is measured through the most probable intersections including the Wilsonville Interchange. Eldon Johansen, Community Development Director, has reviewed the scope of the existing use, and has concluded that no traffic study is required. Mr. Johansen has also calculated the number of vehicle trips resulting from changes in the manual, and has determined that the applicant's proposal will generate six fewer peak-hour vehicle trips than originally demonstrated. See Exhibit F (Johansen letter; dated

September 24, 2001). This reduction in vehicle trips generated will continue to satisfy City Code requirements.

Access:

11. Primary access to the site currently exists from Boones Ferry Road.

Response Findings to Subsection 4.140(.09)(J)(3) Public Facilities:

Subsection 4.140(.09)(J)(3):

That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.

12. Regarding Subsection 4.139(4)(c): In order to assure orderly and efficient development each respective development must be provided with adequate public facilities i.e.; sanitary sewer, storm drainage water and streets. These facilities must be available prior to or simultaneous with each respective phase of development. The existing development is connected to the existing water and sanitary sewer lines in Boones Ferry Road. Storm drainage from the site's impervious areas is currently directed to an 18-inch storm drainage line in Boones Ferry Road. The staff previously determined that the location, design and size of sanitary sewer and water are such that the project will be adequately served.

Water:

13. Ordinance 514, the Public Facility Water Strategy is now adopted. The DRB may review this application as the existing building already has water service. However, City water will not be available for landscaping until after the water treatment plant is operating.

Sanitary Sewer:

14. Existing eight-inch service is located on site and is connected to an existing 30-inch sewer line in SW Boones Ferry Road. This line is adequate for the existing building and the proposed uses.

Storm Drainage:

15. The site must be designed to pass a 25-year storm frequency and has been reviewed in the Public Works Permit, before the structures were approved. The

applicant does not propose any changes to the existing approved structures and related amenities. The City Engineering standards will continue to be met.

Sidewalks:

Subsection 4.167(b) Wilsonville Code stipulates:

"(b) All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side.

1. Within a Planned Development, the Planning Commission may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary."

16. The subject property frontage along SW Boones Ferry Road is improved with a 10-foot-wide concrete sidewalk.

OREGON'S STATEWIDE PLANNING GOALS

Due to the fact that the City's recently revised Comprehensive Plan has yet to be acknowledged by the State Department of Land Conservation and Development, each land use application must be evaluated for consistency with the Statewide Planning Goals.

1. **Citizen Involvement:** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

17. **Response:** The review and decision to be rendered on this application will adhere to all public notice requirements of ORS 197 and WC 4.013 and will provide opportunity for comment on the application from any individual through the public hearing of Wilsonville's Development Review Board on September 24, 2001.

2. **Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

18. **Response:** This application is being reviewed using the City of Wilsonville's Development Code which implements the City's land use planning process and Comprehensive Plan.

3. **Agricultural Lands:** *To preserve and maintain agricultural lands.*

19. **Response:** The subject structure is on land that is zoned industrial (PDI). Agricultural lands are not impacted as a result of this application.
4. **Forest Lands:** *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*
20. **Response:** The use of the existing structure will not disrupt any forest land base.
5. **Natural Resources, Scenic and Historic Areas, and Open Spaces:** *To conserve open space and protect natural and scenic resources.*
21. **Response:** The use of the existing structure will not negatively disrupt any open space, natural or scenic resources.
6. **Air, Water, and Land Resources Quality:** *To maintain and improve the quality of the air, water, and land resources of the state.*
22. **Response:** The use of the existing structure will not degrade the quality of the air, or land resources of the state.
7. **Areas Subject to Natural Disasters and Hazards:** *To protect life and property from natural disasters and hazards.*
23. **Response:** The use of the existing structure will not pose a threat of a natural disaster or hazard.
8. **Recreational Needs:** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*
24. **Response:** Goal 8 is not applicable to this application.
9. **Economic Development:** *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

25. Response: The use of the existing structure would have no effect on economic development and will not impact the health, welfare, or prosperity of Oregon's citizens.

10. Housing: *To provide for the housing needs of the citizens of the state.*

26. Response: This goal does not apply.

11. Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

27. Response: The use of the existing structure will not interfere with the provision of public facilities and services.

12. Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

28. Response: The use of the existing structure will not have an additional impact on the transportation system.

13. Energy Conservation: *To conserve energy.*

29. Response: The subject structure is compliant with the Building Code and is energy efficient.

14. Urbanization: *To provide for the orderly and efficient transition from rural to urban land use.*

30. Response: The subject structure would not impact the orderly and efficient transition from rural to urban land uses.

15. Willamette River Greenway: *To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

31. Response: This goal does not apply to this site.

CONCLUSION FINDINGS

32. This application is being reviewed in consideration for approval of a modification to the area of commercial and office complex uses that may be permitted on site.

Also considered is the Stage II plan of the existing facility. The area of the 12,472 SF and 11,232 SF structures are proposed to remain unchanged, in compliance with the City's code and the prior approval. No alteration of the site is proposed as a part of this request.

33. The applicant is proposing to increase the percentage of the approved structures that may be devoted to commercial and office complex uses. This modification will correspondingly result in a reduction in the portion of the structures that may be used for industrial uses allowed by the underlying zone.
34. The degree of the applicant's proposal has been clarified in its third presentation (Exhibit C3). The applicant is proposing that 20% of the approved building area be allowed to accommodate office complex uses, in addition to the already allowed 20% of the approved building area for commercial uses. This clarification supercedes representations made in Exhibits C1 and C2.
35. While the Code [**Subsection 4.135(.03)(J)(2)**] has been recently amended to utilize a more liberal method of calculating the area of allowed uses, use of this new method is not appropriate for this site, for two reasons. First, the applicant's site was approved and developed in compliance with use limitations based upon "building area", rather than total acreage, as currently allowed. The building area (23,704 SF) is approximately 41.8% of the total site area; 20% of that building area is 4,794.8 SF, a proportion deemed reasonable for the site by the Development Review Board and City Council. Secondly, were the current provisions of the PDI zone to be employed for office complex use and allowed types of commercial uses³ maintained at 20% of the building area, the area of office complex could approach 11,320 SF in area, well beyond that envisioned by the granting authority (138% of the approved area).
36. Based upon an analysis of revised vehicle trip-generation calculations, and required off-street parking, staff confirms that a 20% increase of the floor area that may be devoted to office complex uses is appropriate. This determination is made because the revised data indicates that, even with the applicant's proposed increase, a decrease of six vehicle trips will result; and the number of required off-street parking spaces will be reduced by 2.8 spaces (Exhibit C3).

³ Please note that "retail commercial", as used by the applicant, is not a use permitted in the PDI zone.

**01 DB 29
TMK Investments LLC**

**Modification of Condition,
Stage I and Stage II Final Plan**

~~PROPOSED~~ ADOPTED CONDITIONS OF APPROVAL

The application and supporting documents are hereby adopted for approval with the following conditions.

1. This action recommends approval of the proposed modification to Condition No. 5 of 96 DB 34, as follows: commercial uses [i.e., Service Commercial, Commercial Recreation, Neighborhood Commercial, as allowed by Subsection 4.135(.03)(J)], shall be allowed for up to 20% of the building area; additionally, Office Complex uses shall be allowed for up to 20% of the building area, for a total of 40% of building area. Each of these uses are in addition to industrial uses allowed by the underlying PDI zone. Also recommended is Stage I and Stage II Final Plan approval, reflecting this change. Except as modified below, the applicant shall maintain the site, buildings, parking and drives in substantial compliance with the approved DRB plans dated November 18, 1996 (Exhibit D1 and D2), as amended September 11, 2001 (01 AR 47; Exhibit H) unless altered with Board approval or minor revisions are approved by the Planning Director under a Class I administrative review.
2. The City reserves the right to reject building permits showing tenant improvements in excess of commercial or office complex use, as allowed by the City of Wilsonville's Planning and Land Development Ordinance.

EXHIBITS

The following Exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted.

- A. City of Wilsonville Comprehensive Plan.
- B. Chapter 4 of the Wilsonville Code.
- C. Applicant's submittal documents:
 - 1. Narrative; July 14, 2001
 - 2. Narrative; July 17, 2001
 - 3. Narrative; August 24, 2001
 - 4. Narrative; September 19, 2001
 - 5. Letter to S. Lashbrook; June 15, 2000
 - 6. Letter from S. Lashbrook; June 15, 2000
- D. Original approval:
 - 1. Resolution 1334; November 18, 1996
 - 2. Zoning Order 96 DB 34; November 18, 1996
 - 3. Adopted staff report; November 12, 1996
 - 4. DKS traffic report; August 29, 1996
 - 5. Exhibit V, Page 2 of 3; not dated
 - 6. Exhibit V, Page 3 of 3; not dated
- E. Approved Building Permit
 - 1. Cover sheet
 - 2. Site development plan
 - 3. Floor plan, elevation
 - 4. Elevations
 - 5. Survey
- F. Letter from E. Johansen; dated September 24, 2001, revised September 28, 2001
- G. Planned Development Industrial (PDI) zone text; 1996
- H. Modification, 01 AR 47; September 11, 2001
- I. Existing and proposed use allocations, by staff; not dated

[n:\planning\01db\28-grace chapel\revisedstaffreport.doc]

EXHIBIT A

01 DB 29