



CITY OF West Linn

PLANNING COMMISSION

Minutes of June 6, 2012

Members present: Chair Michael Babbitt, Vice Chair Gail Holmes, Russell Axelrod, Robert Martin, Holly Miller and Christine Steel

Members absent: Thomas Frank

Staff present: John Sonnen, Planning Director; Peter Spir, Associate Planner; Damien Hall, City Attorney

PREHEARING WORK SESSION

Chair Babbitt called the work session to order at 6:45 p.m. in the Rosemont Room of City Hall. The staff distributed a memorandum ODOT had just submitted that suggested conditions of approval based on things the applicant had to do to get an access permit. They advised if each item were made a condition of approval the City would be obliged to enforce them. An alternative was a condition that called for applicant to satisfy ODOT's conditions in its June 6 memorandum. Mr. Spir reported that ODOT particularly wanted the applicant to restripe the bike and left turn lanes on Highway 43 and the applicant seemed agreeable to that. The Commissioners observed that Highway 43 had been studied, but no vision had been adopted, so there were no related implementation standards to apply to development there. They talked about their concern that the Commission was sometimes not able to finish what it had started because the City Council changed focus or direction. Mr. Sonnen updated them on the PUD/Infill effort; the Blue Heron property; and the Bland Pump Station appeal. The session was adjourned at approximately 7:30 p.m.

CALL TO ORDER – REGULAR MEETING

Chair Babbitt called the regular meeting to order in the Council Chambers at 7:31 p.m.

PUBLIC COMMENTS

00:33

Kevin Bryck, 18840 Nixon, conveyed the Robinwood Neighborhood Association Great Neighbor Committee's request to the CCI to have the applicant lay out the legal basis for suspending the Lake Oswego-Tigard Water Partnership's water treatment plant application. Mr. Hall advised that if the Commissioners wanted to they could direct staff to let the applicant know the RNA had asked for the information. He added, the rules related to the pendency of judicial land use decisions could be found in ORS 197.763.

Alice Richmond, 3939 Parker Rd., advised the subject of the GNC request was a hot item the Commission should not open up or all of them would have a conflict in October. She presented a Fourth of July poster and talked about the events that were planned.

Mindy McGill, 3020 Remington Dr., suggested that when the Commission discussed neighbor to neighbor lighting issues on June 20 they should also discuss sport courts. She asked them to consider the safety of her family as they sat in their back yard. She brought two bags of balls that had come over her fence and hit her house.

APPROVAL OF MINUTES

Commissioner Steel **moved** to approve the Minutes of April 4, 2012 as corrected by Commissioner Miller. Commissioner Miller **seconded** the motion and it **passed** 5:0:1. Commissioner Martin abstained.

PUBLIC HEARING

23:14

DR-12-08/VAR-12-01, Design Review and Variance request for a proposed bank

Chair Babbitt opened the hearing. Each of the Commissioners present reported a site visit.

Staff Report

Mr. Spir described the application. The applicant asked for a variance to windows requirements. They proposed to use the existing shared driveway access from Willamette Drive. They planned to have another driveway connection to the nearby Willamette Village property. Staff would typically ask that the building to be right up against the edge of the right-of-way. The applicant proposed to set it back 60 feet from the centerline of Willamette Drive to comply with an old covenant in the plat that required that. Staff had examined the floor plan and found the variance for windows was justified due to privacy and security concerns. Staff was concerned about the impacts of glare and noise on nearby apartment residents as cars went through the drive-through. For that reason they recommended requiring the proposed 4-foot high fence along the east side of the driveway to be extended another 30 feet. The record contained a photometric study showing illumination levels at zero along the property lines and a noise study that concluded that DEQ noise standards would be met. Staff recommended approval subject to the conditions listed in the staff report. Mr. Spir pointed out ODOT's June 6, 2012 memorandum suggesting seven more conditions of approval. He advised that the Commission could choose to defer to ODOT, which would require those conditions be satisfied anyway before ODOT granted an access permit; or, consider adding the following condition: **"The applicant shall satisfy the seven conditions of approval that are required by the Oregon Department of Transportation in their Memorandum dated June 6, 2012."**

Questions of staff

35:40

During the questioning period Mr. Spir clarified there were several apartments near the site. The closest were east of the bank but others were behind the 7/11. At night the glare from headlights would be pointed towards the apartments behind the 7/11. He clarified that most of the other banks in the vicinity had been constructed before the transparency provision was in effect and the U.S. Bank building met that requirement. He observed that utilizing the existing curb cut (driveway) that Kasch's shared with 7/11 seemed to work in the past and would likely work for this applicant. He clarified the adjacent undeveloped property had been sold and staff had no indication what would eventually be built there. He clarified that a number of buildings had been built on property subject to the covenant right up against the right-of-way. He discussed Willamette Drive turning conditions with Commissioner Miller, who had not seen a readily available left turn either in or out of the site. They each had a different understanding of whether the road stripe there was yellow or white. He recalled there was some measure of refuge there and ODOT had indicated that restriping would correct the problem. He clarified that he was not aware of any plan to widen the road to four lanes. He confirmed that the staff was aware of the condition imposed on the adjacent Willamette Village lot to maintain the through driveway to the Kasch's lot. Staff had talked with the owner of that lot and verified that he was aware that he was responsible for making that connection.

Public Testimony

Applicant

58:25

Hans Christiansen, Callison Architecture, 1420 Fifth Ave., Seattle, Washington 98101, related that a title company had told the applicant it would not issue title insurance unless the

applicant adhered to the 60-foot setback called for by the covenant. They had added the plaza and landscaping to fulfill other code requirements and create something the neighborhood would like. They added pathways that the neighbors and staff wanted. He agreed that the staff-recommended conditions were reasonable. He offered a slide presentation and highlighted aspects of the proposal. The bank would sit at a little higher grade than the apartments. The fence stopped before the curve at the exit of the drive-through. The applicant was making connections between the site and adjacent developments. Staff wanted a safer connection to some parking stalls so the applicant would stripe a walkway for that connection. He pointed out proposed sidewalk, plaza, drive-through canopy and landscaping improvements and bike stalls. He discussed the Photometric Plan. The applicant would have fairly high intensity lighting around the building for the safety of customers using the ATMs at night. They would use a key card to access an interior ATM and there was also a drive-through ATM. The lighting would be recessed to avoid glare. The landscaping would also help minimize it. He noted staff had already discussed floor plan issues that made it difficult to comply with the glazing requirement.

Questions of the applicant

1:11

During the questioning period Mr. Christiansen was asked if reversing the direction of drive-through would reduce the impact of glare on neighbors. He responded that there would not be much advantage gained by doing that. Either way the traffic was aimed the lights would still shine on apartments as cars came into the drive-through. The proposed flow meant that when cars were idling the lights were pointed toward the back of the dry cleaners. The 4-foot fence would help because it wrapped around the corner. He clarified the trip projections were based on the ITE Manual. The applicant likely proposed three drive-throughs in anticipation of a targeted amount of business and to lessen impacts on customers and on traffic during peak hours. The bank had determined that need and his firm designed for it. He was queried about how many drive-throughs the Chase Banks in the Willamette area and in Lake Oswego off of Highway 43 had. He did not know how many but thought those banks were likely Washington Mutual conversions. The Commissioners wanted to know if the applicant had considered using the Willamette Village driveway connection for access. He related that staff had directed the applicant to try to maintain the existing access the site shared with the dry cleaners and 7/11 store. If the applicant tried to make the north driveway connection its access it would create a driveway spacing requirement issue with the driveway to the undeveloped property and the Willamette Drive access would still remain open.

Jeff Olson, CRA, 733 SW 2nd Ave., Ste. 200, Portland, Oregon (97068), a commercial real estate broker for Chase, anticipated that once people were aware they could use the Willamette Village driveway to access the bank, dry cleaners and 7/11 they would start using it. The Commissioners asked if the applicant had considered having site traffic exit through the Willamette Village driveway; right turn only onto Willamette Drive; or some other flow plan that would help alleviate the possibility that drivers trying to turn left into the site at rush hour would block the flow on Willamette Drive. Mr. Christianson talked about a problematic grade change at the dry cleaners site property line. He explained that it would be difficult for the applicant to change circulation to their site because they had an access easement agreement with the 7/11 site and it would change that property's circulation as well. He observed the applicant would not be able to prevent drivers from using the Willamette Drive access. He noted that ODOT had the final say about turn movements. The agency had not indicated it would limit turning movements there. He clarified that the applicant planned to unify the two existing south driveways so there would be one lane in and one lane out. The access easement allowed the applicant's traffic to enter over the 7/11 and dry cleaners' property and the 7/11

and dry cleaners' traffic to exit over the applicant's property. He clarified the proposed design was one of Chase Bank's prototypical designs.

Mr. Christiansen was queried regarding the safety of people using the ATMs. The code required defensible spaces and windows to be located so occupants of a building could view outside areas vulnerable to crime. He explained the ATM in the vestibule was accessed by a card key and vestibule windows made it open to view. The ATM behind the building was in the farthest drive-through lane from the building. He assumed the bank would place cameras there. There would be a high level of lighting. He indicated the applicant would modify the landscaping in that area if the Commission wanted that. He clarified there would be no berm in that area. He advised that if the ATM lane was moved to next to the building it might not be as visible as the proposed location. He explained that the bank had pedestrians in mind when it placed parking nearest to the building so customers would not have to cross over drive through lanes to get to the front door. The Commission recessed for five minutes and reconvened.

1:59

The Commissioners continued to discuss trip generation, examine the aerial view, and discuss the problem that left hand turns into the bank site would block flow on Highway 43 because there was no real refuge lane there. Then Mr. Spir directed their attention to ODOT's June 6 memorandum. It reported that ODOT staff had met with the applicant's traffic engineers and worked out a solution, which was attached as a preliminary design sketch prepared by ODOT (the sketch had not been included in the Commissioners' hearing packet.) The applicant was to restripe the highway as shown on the sketch in order to provide bike lanes and a continuous left turn lane. Mr. Spir noted the existing bike lane was twice as wide as a standard bike lane so there was room to expand the center turn lane taper as it went toward Cedar Oak. He related that ODOT representatives had told him that the taper could be modified to provide a left turn lane refuge for 700 or more feet between US Bank and Cedar Oak.

Mr. Christiansen was asked if the rear ATM could be relocated to the front of the building and accessed from the plaza so it was safer to use; and if a parking space be provided in front. Mr. Christiansen explained cars should not obstruct the bike lane or the wide pedestrian zone in front. The applicant wanted to avoid making a customer take a long walk around the building. When asked if the ATM tower in the drive-through was tall enough to obscure someone behind it he estimated it was about 4 feet tall. He knew the vacuum tube servers in the other two lanes were videotaped so tellers could see them. The ATM was likely videotaped as well. He did not know all of the bank's security measures. He offered to provide more information about them to the staff.

Mr. Christiansen clarified that even though the ODOT letter reported the applicant's representative was amenable to the ODOT recommendation the applicant's decision makers would have to approve it. The applicant needed to understand exactly what the extent of illumination, restriping and other requirements were before they could agree to it. They would want to know exactly how far down the road they would be required to restripe; how it affected right-of-way dedication; would they have to install additional lights; and what they would have to do to get a drainage permit. They would have to get a permit from ODOT to plant the street trees the City asked for. They would work those things out with ODOT. He clarified the applicant had not finished designing the rear fence. It would be a safety feature that kept people from parking behind the site and walking up the hill. When he asked Mr. Spir how high it should be Mr. Spir suggested six feet. The Commissioners suggested it should be black and for safety reasons it should extend further than just across the back so people could not walk around it.

Other Testimony

2:32

Alice Richmond, 3939 Parker Rd., related that she had learned that it was not illegal to make a left turn into her driveway even though there was a solid yellow line painted along the middle of the road.

Thomas Boes, 18717 Upper Midhill Dr., Chair of the Robinwood Business Association, submitted examples of project and main street streetscape designs for the Commission to consider in the absence of a Robinwood master plan. He indicated that Chase had done the best it could under existing zoning, but the City needed to start thinking about planning for the entire area. He testified the intersection was dangerous and it was already nearly impossible to exit the 7/11 site.

Kevin Bryck, 18840 Nixon Ave., represented the Robinwood Neighborhood Association. He commended the applicant for doing a very good job and incorporating some of the things the neighborhood had talked about at the neighborhood/developer meeting, including awnings. The neighborhood had wanted to see a little more landscaping in front. They now understood that ODOT actually controlled the plan for street trees. They felt the project was a more automotive oriented project than a neighborhood project. They were concerned about idling vehicles in the drive-throughs and safety at the ATMs. The applicant had told them the bank would be built without internal walls so that it could be repurposed when it was not a bank any more. They wondered if there was a way to enforce that. Mr. Bryck testified that his personal feeling was the driveway and the intersection were dangerous. He related that the highway was congested at rush hour.

Rebuttal

2:47

Mr. Christiansen indicated he would prefer that the Commission limit the hearing to highway design related issues if it continued the hearing. The Commissioners indicated they also wanted to hear about adjustments the applicant would make to ATM locations and fence design to meet safety and defensibility concerns and the logic for the design of circulation to the ATMs.

Commissioner Martin **moved** to continue DR-12-08/VAR-12-01 to June 27, 2012. Commissioner Steel **seconded** the motion and it **passed** 6:0. Chair Babbitt observed the public hearing would remain open.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Mr. Sonnen stated he would provide the Commissioners with copies of the the Bland Pump Station appeal arguments. He agreed to talk with Legal Counsel Pam Beery about the RNA request for an explanation of the WTP application suspension process. The Commissioners planned to discuss minutes and findings at the June 20 work session.

ITEMS OF INTEREST FROM THE COMMISSION FOR CITIZEN INVOLVEMENT

ITEMS OF INTEREST FROM STAFF

None.

ADJOURNMENT

There being no other business, Chair Babbitt adjourned the Planning Commission meeting at ____ p.m.

APPROVED:


Michael Babbitt, Chair

7-18-12.
Date