

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Notes
December 15, 2011

SUBJECT: Class I Design Review for the installation of cart corrals, pedestrian pathways, new lighting, new landscaping, pallet recycling area and revised parking lot circulation at proposed Wal-Mart at 19133 Willamette Drive.

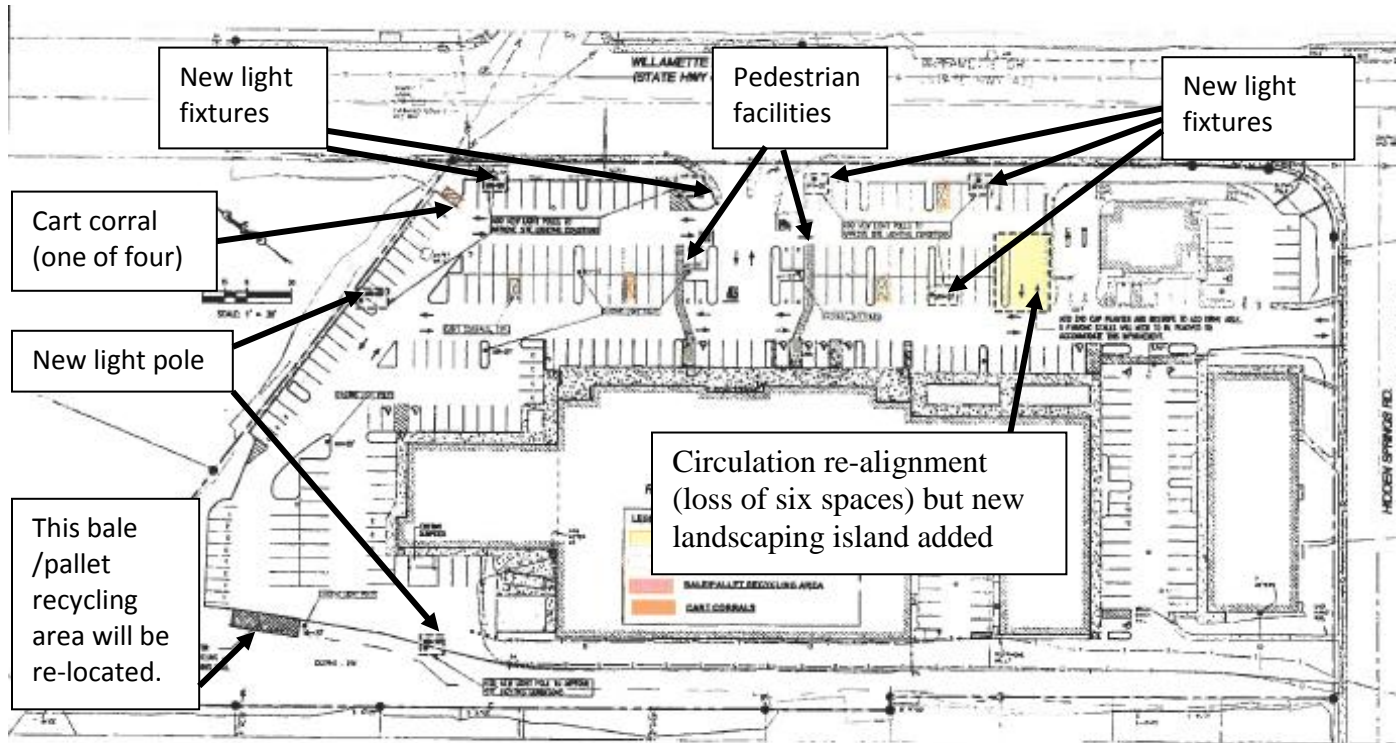
ATTENDEES: Applicant(s): Shawn Nguy, Mike Connors, Bryan Dickerson
Staff: Peter Spir (Planning Department)

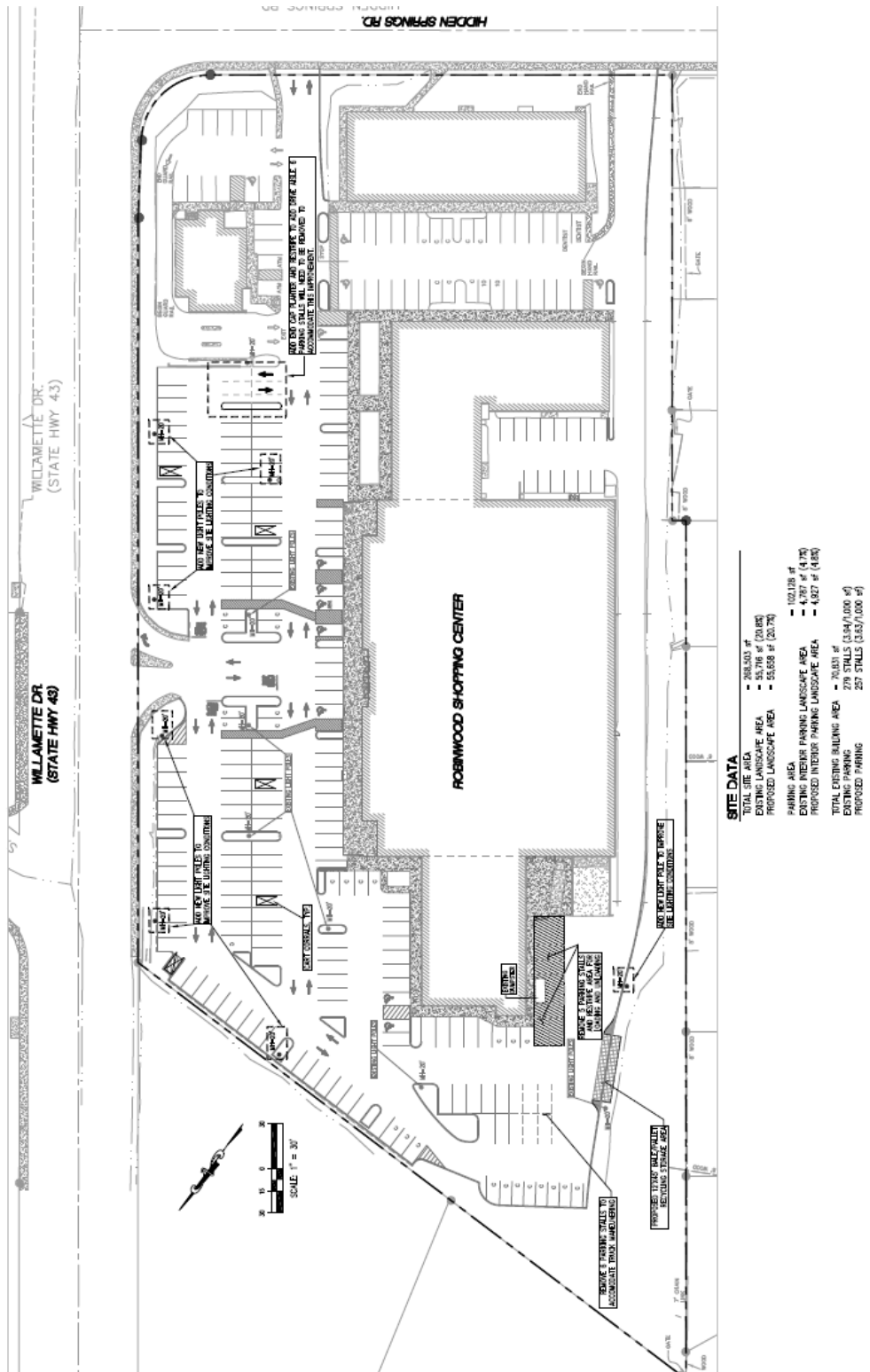
The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Background

Wal-Mart will be occupying the former Bales grocery store at the northwest corner of Hidden Springs Road and Willamette Drive in 2012. With the knowledge that extensive remodeling of the building's exterior would trigger expansion or alteration of non-conforming permits and would delay their move into the building, Wal-Mart decided to essentially "plug into" the former retail space with no expansion of the building envelope. They announced that the only noticeable exterior changes will consist of "replacement in kind" of aging building materials, repainting the exterior to match the existing color(s), replacing concrete in landscape islands, repaving the parking lot and driveways, and repainting the parking stalls.

These "replacement in kind" improvements are exempted by CDC Chapter 55.025(D) from any design review and similarly did not trigger any expansion or alteration of non-conforming structure permits. The only permit required, apart from a building permit for interior building remodeling, would have been a sign permit. Some of these improvements have already been completed or are in the process.





(The above site plan is the most current and includes the new recycling location out of the WRA)

Proposal

Wal-Mart is now proposing the following changes in the parking lot and associated outdoor spaces:

1. Five cart corrals for customers to drop off their shopping carts will be placed around the parking lot with a resultant loss of five parking spaces.
2. Two pedestrian corridors are proposed to define and facilitate safer pedestrian access at the front of the store.
3. Pallet and crate recycling area (12' X 45') is proposed at the northwest corner of the site. This will displace six parking spaces.
4. Re-alignment or re-configuration of parking spaces is proposed.
5. A redesigned circulation plan is proposed to better accommodate parking lot traffic flow just north of the Wells Fargo Bank.
6. Seven new light poles will be installed in front and to the rear of the building.
7. Adding a parking lot landscaping island.

Permits required

These seven proposed changes will trigger a Class I Design Review permit. Class I design review applies to land uses and activities that require only a minimal amount of review.

Non-Conforming Status

The shopping center was developed in the 1970's. Consequently, many elements do not meet current zoning standards and are classified as non-conforming. However, CDC section 66.080(B) (1) states that an enlargement or alteration to a non-conforming structure containing a conforming use may be permitted subject to the following: *"If the enlargement, in and of itself, meets all provisions of this code, the enlargement will be permitted."* Since all of the improvements proposed by the applicant meet the approval criteria in that they improve or maintain the condition, rather than worsen it, no non-conforming permits are required in any of the eight non-conformities listed below:

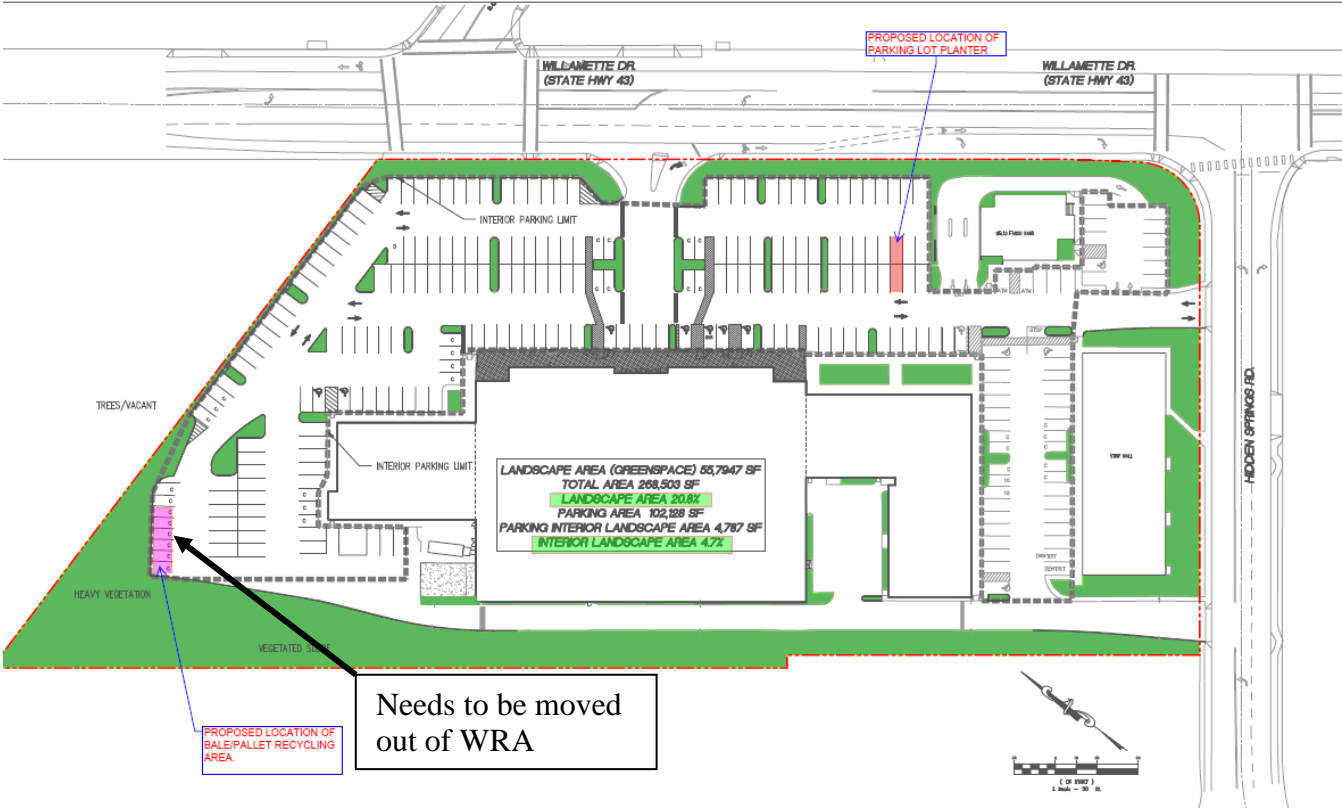
1. The interior of the parking lot is supposed to comprise 10% landscaping, typically in the form of landscaped islands and similar planters. The parking lot has about 4.7% landscaping within its interior (excluding perimeter landscaping). This proposal will maintain the current amount of landscaping by the addition of a 20' X 5' landscape island being installed near the Wells Fargo bank. Concurrently, the applicant will be adding two new light poles in the interior landscape area for a loss of 18 square feet (assuming 3' X 3' bases) and reducing a landscape area at the northeast corner of the site by 32 square feet to install a cart corral. The landscape addition and reduction will cancel each other out. No non-conforming permit is required since there will be no net decrease in parking lot interior landscaping.
2. The landscaping strip adjacent to Willamette Drive and Hidden Springs Road is required to be 15 feet wide. Although the landscaping is situated on a steep bank which tends to exaggerate the amount, it is only 10 feet wide for most of the Willamette Drive frontage. The installation of four light poles does not change the landscaped area's width so no non-conforming permit is required.
3. The parking lot is supposed to comprise a 50/50 mix of compact and full sized spaces but only 20 spaces or 7.5% of the total parking spaces are compact. The applicant will be re-striping the parking lot to add compact spaces which means that the condition will be improved so no non-conforming permit is required.
4. Pedestrian facilities are required in the parking lot per CDC 55.100(B) (7) (d). They must be eight feet wide and separated from traffic by curbs, bollards, raised surfaces, etc. No facilities exist in the parking lot so the applicant's proposal to add two pedestrian corridors improves the non-conformity. No CDC Chapter 66 permit is required.
5. The non-ROW facing parking lot perimeter must have a minimum five foot wide landscape strip. On the north edge of the site adjacent to City owned tax lot 3100 the strip is 2-3 feet wide. Staff finds that this non-conformity is not applicable since the applicant is not impacting that area.
6. Buildings are required to have windows on those sides of the building that face a public right of way (ROW) per CDC 55.100(B) (6). The south facing building on Hidden Springs Road has no windows or transparency and thus fails to meet the 30% transparency standard. The main building elevation that Wal-Mart will occupy facing Willamette Drive is supposed to have 60% transparency but it only has about 40%. Staff finds that these non-conformities do not apply to this application since none of the work involves the buildings.
7. The site fails to meet the Transportation Planning Rule and have the buildings adjacent to the ROW per CDC 55.100(B) (7). Staff finds that these non-

conformities do not apply to this application since none of the proposed work involves the buildings. (Work on the buildings is “replacement in kind” and therefore exempt.)

8. The stream on the north edge of the property has a transition and setback area that extends 45 feet southwards into the parking lot at the northwest corner of the site. That makes that portion of the parking lot non-conforming. Repaving the lot is exempt from a permit since it is “replacement in kind” 32.020(D) (3).

Staff was also concerned that the site would be non-conforming in terms of the number of parking spaces. In fact, the site exceeds the required amount.

Details: The parking lot currently has 281 spaces. The revised circulation plan near Wells Fargo will remove six parking spaces, the cart corrals will displace four spaces and the pallet recycling areas will displace an additional six spaces. How will that impact the parking requirements? Based on the existing tenant mix the total required parking is 308 spaces. That amount is reduced by 10% per the provisions of CDC section 46.080(A) which assumes there will be “cross-patronage” between the different stores. An additional 10% reduction in parking is allowed due to the proximity of the Tri-Met bus stop on Willamette Drive per CDC 55.100(H) (5). That lowers the total requirement by 61 spaces to 247 spaces. After the 16 parking spaces have been removed for drive aisles, cart corrals and recycling, 265 spaces are available. Therefore the amount of parking (265) meets and exceeds the CDC parking requirement (247) and is conforming to CDC Chapter 46.



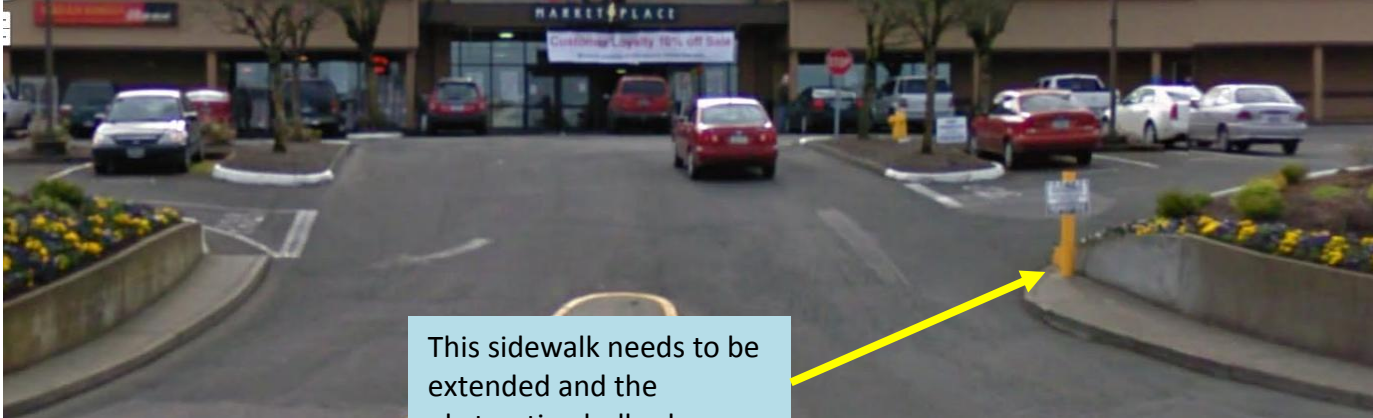
Class I Design Review

The seven proposed improvements require Class I Design Review per CDC 55.020(A) (F) (H-J) (L) (Q). Special areas of concern in design review include the proposed pallet recycling area which will trigger a noise study by an acoustic engineer licensed in the State of Oregon. The noise study shall meet DEQ standards. Prior to the study the engineer must outline the exact standards and methodology that he/she intends to use. The main concern is that the new use may constitute nuisance conditions for the neighbors to the west. Visual screening of the area will be required per section 55.100(O). At the present time, the recycling area is shown in the water resource area (WRA) of the stream. In order to avoid a WRA permit, it is understood that the applicant will move the recycling area further south, out of the WRA. Staff expects that the new location will allow for the adequate circulation of traffic, adequate surveillance and defensible space. Visual screening and noise study and mitigation will still be required.

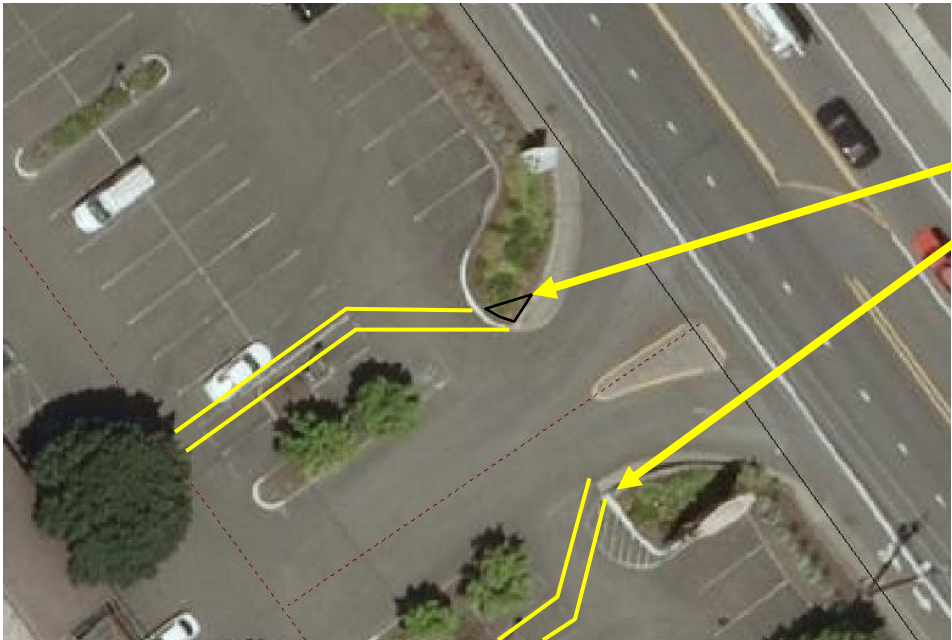
Staff understands that the applicant would also like to remove three trees in front of the building. The City Arborist has already reviewed that proposal and finds that the roots of the tree have filled the small planters, also one of the tree's roots have been damaged. The City Arborist can support the tree removal but will require that the trees may be mitigated by planting three 4-inch replacement trees. This does not require design review since it is not a "modification of the landscape plan" but essentially a replacement in kind.

Lighting is another issue. Staff is concerned that the larger new light poles will generate off-site glare, especially the one at the north end of the service driveway. The applicant stated that the lights are intended to improve security and defensible space in the parking areas and in the building perimeter. Lights will be screened to prevent glare from being directed towards adjacent homes. Lights should be LED.

Although the creation of pedestrian facilities through the parking lot is overdue, the applicant cannot be compelled by the CDC to make those improvements. Still, the City would encourage the applicant to extend pedestrian facilities/sidewalks from the building to adjacent ROWs. For example, the sidewalk on the north driveway accessing Willamette Drive should be widened at the top. It presently narrows and terminates with a bollard which forces pedestrians into the path of traffic.



This sidewalk needs to be extended and the obstructing bollard removed.



Cutting the retaining wall back and creating a proper pedestrian approach and refuge area would better meet the design review criteria

Process

A Class I Design Review permit is required.

This will be a Planning Director’s decision. There is no public hearing.

A neighborhood meeting is not required per section 99.038. However, the applicant may wish to contact Tony Bracco, President of the Robinwood Neighborhood Association at anthonymbracco@yahoo.com for the purpose of holding an informal meeting.

For Class I Design Review, the following approval criterion applies:

1. Five cart corrals for customers to drop off their shopping carts will be placed around the parking lot with a resultant loss of five parking spaces. Design review is triggered by: *Section 55.020(I) (H) which relate to reconfigured parking and loss of stalls. Approval criteria: section 46.090(C) (2) with the cart corral; are there enough parking spaces to meet code?*
2. Two pedestrian corridors are proposed to define and facilitate safer pedestrian access at the front of the store. Design review is triggered by: *Sections 55.020(A) (J) which relate to revised (pedestrian) circulation and sidewalks. Approval criteria: section 55.100(B)(7)(d-g), 46.150(A)(20)*
3. Pallet and crate recycling area (12' X 45') is proposed at the northwest corner of the site (see example in photo below). Design review is triggered by: *Section 55.020(F) since it is akin to loading docks and will also trigger a review of tree loss. Approval criteria: section 55.100(O)(1-5), 55.100(D)(1-4), 55.100(C)*



4. Re-alignment or re-configuration of parking spaces is proposed. Design review is triggered by: *Section 55.020(I) which relates to reconfigured parking. Approval criteria section 46.150(A)(21)*
5. A redesigned circulation plan is proposed to better accommodate parking lot traffic flow. Design review is triggered by: *Section 55.020(J) (H) which relate to revised circulation and loss of parking stalls. Approval criteria section 46.150(A)(4)(21)*
6. Seven new light poles will be installed in front and to the rear of the building. Design review is triggered by: *Section 55.020(Q) which relates to activities consistent with the scale of activities listed in Section 55.020. Approval criteria section 46.150(A) (13), 55.100(C)*

7. Adding a parking lot landscape island. Design review is triggered by: Section 55.020(L) which relates to modification of a landscape plan. *Approval criteria section 54.020(E)*

All associated submittal requirements shall be addressed. The submittal shall include a light plan showing the orientation of the light fixtures, the coverage area of the lighting with the ultimate purpose being to avoid off site glare and illumination. We will need to see the light tower design. LED lights are required. A noise study, relating to the pallet recycling area, will be needed, as stated earlier.

Please note that ADA requirements are retroactive so Building and Planning staff will be looking for compliance in your submitted plans.

Prepare the application and submit to the Planning Department with a signed application form including the signature of the property owner. The deposit for Class I Design Review is \$1,050. **PLEASE NOTE that this is an initial deposit, and staff time is charged against the deposit account. In this case, it is highly likely that there will be more staff time spent on the application than the deposit will cover, and therefore you should anticipate additional billings.**

Submittal requirements and approval criteria may be waived but the applicant must first identify the specific submittal requirement and/or criteria request, in letter form, that it be waived by the Planning Director and must identify the specific grounds for that waiver. The waiver may or may not be granted by the Planning Director.

Once the submittal is deemed complete, staff will notice the application to properties within 100 feet of the property perimeter. Fourteen days after the notice, the Planning Director may render his decision. The Planning Director's decision is appealable to City Council.

The CDC is online at <http://westlinnoregon.gov/planning/community-development-code-cdc>.

N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with deposit fees and signed application form.

Land use applications, such as this one, typically take 2-5 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. If new code is introduced which conflicts with the proposal or the design is changed then a new pre-app is needed. After 18 months with no application approved or in process, a new pre-application conference is required.

Pre-app2011/Pre-app 2011.12.15/pa-11-33-WALMART