

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
March 7, 2013

SUBJECT: Converting auto service functions to convenience store functions at existing gas station at 22250 Willamette Drive, adding landscaping and building additions, requiring Class II Design Review, Water Resource Area, Class II Variance, and Enlarge/Alter a Non-Conforming Structure approvals.

ATTENDEES: Applicant: Robert Montgomery
Staff: Tom Soppe (Planning), Khoi Le (Engineering)
Neighborhood: Sally McLarty (Bolton NA)

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.

Project Details

This is an existing gas station with automotive service located at the northeast corner of Willamette Drive (Highway 43) and Hollowell Street in the Bolton neighborhood. The applicant plans to leave the existing gas station use as is, while converting the building from auto service to convenience sales use. The applicant plans additions to the building as part of this. The applicant also plans to convert some of the paved areas to the side and rear of the building to landscaping and plans to delineate parking spaces. Commercial sites are required to have 20% of the site landscaped; this can count natural areas. Due to the drainageway corridor on the north end of the site and the wooded southeast corner of the site, combined with existing landscaped areas, the site is already above 20% landscaping. However, more landscaping is always encouraged where parking is not needed.

Automotive service and gas station uses are both conditional uses in the General Commercial (GC) zone. Convenience sales is a permitted use. Therefore this will remain a conditional use site, but will lose one of its conditional uses while the other stays the same in scope and intensity. The only use being added is a permitted use. For these reasons, although this a conditional use site, a Conditional Use approval is not required since the conditional uses are not being changed in a way that increases their intensity or relocates their location on the site.

The applicant plans to delineate 9 parking spaces. Community Development Code (CDC) Section 46.090(C)(2) requires retail stores to have one space per 240 square feet of gross floor area. As a retail store that is proposed to have 2,452 square feet after development, the store would be required to have 10 spaces. However since the store is on a transit line, the applicant can request that the parking minimum requirement be decreased by 10% making the 9-space proposal acceptable. See 46.090(G) and 55.100(H)(5).

The applicant plans to demolish a rear addition to the building and replace it with a larger addition. Another addition is planned on the north side of the building. These both relate to cooler and storage needs for the proposed convenience store use. There is a sewer easement (with no line in it) according to City GIS just east of the building. On GIS aerials, this easement appears to be located where the rear addition would be. The applicant should survey where this easement is. If the proposed addition does not overlap with the easement, there is no problem related to the easement. However if they do overlap and the addition cannot be resized or reshaped to avoid development in what is now the easement, the applicant should go through the easement vacation process before applying for the design review approval to add on to the building. The easement vacation, if needed, may or may not be approved by the City Council. A possible alternative to this would be a permit through Public Works that allows building on the easement; this would be a simpler process than the Easement Vacation and would not require a hearing. In the map below the easement is the blue dotted line area just east of the subject building; actual sanitary sewer lines are shown in red.



The drainageway along the north edge of the property is designated as a significant riparian corridor, which has a required 100-foot setback, plus an extra 7.5-foot structural setback. Therefore approximately the northern 60% of the property (including the building and front canopy) is in the water resource area as designated in CDC 32.050(E). While the new additions to the building are proposed in what is now paved area these still require the Water Resource Area (WRA) permit as they are new development in the water resource area that does not fall under the exemptions of 32.020(D). And although the plans to landscape some of the areas now paved over would help to restore this environment rather than further develop it, these also require this permit per 32.025 as this project involves altering, stripping in, and performing construction in a water resource area in a manner that also does not fall under the exemptions of 32.020(D). All landscaping within the water resource area will need to consist of native plants. The revegetation plan requirements of 32.080 provide for allowable planting.

In some areas the rear cooler addition would expand the building more than 10 feet, so some of this addition is not exempted from counting towards further WRA encroachment per the exception in 32.020(D)(8)(a)(1). And the north side cooler addition, while in an area with existing pavement, would bring the actual structure closer to the WRA. The structure is already

non-conforming to 32.050(L) in that the structure is within what the WRA setback rather than conforming to the structural setback of this section. Adding these additions therefore adds to the non-conformity. Therefore a permit to Enlarge/Alter a Non-Conforming Structure is required, as is a Class II Variance to the criteria for said “Non-Conforming” permit. This Variance would be required because the proposal would not meet the Non-Conforming permit’s criterion regarding not increasing the non-conformity, which is in Section 66.080(B)(2)(a).



The façade changes to the building will also be covered under the design review application as will parking space number and alignment requirements. Section 55.100(B)(6)(f) may pose some issues for this application. This section states the following:

The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or greater classification, shall also have at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-foot-long building elevation shall have at least 60 feet (60 percent of 100 feet) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to the main front elevation, the square footage of

transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations at pedestrian level in addition to any transparency required by a side elevation, and vice versa. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.

60 percent of lineal street facing or main elevation is windows. 30 percent of one side elevation is windows. You may transfer windows from the side to front, or vice versa.

The building currently has transparency in front via the front windows. Whether or not the front currently meets the 60% requirements depends on how much of the stalls consist of windows that are 3 or more feet in height. Both sides are visible from the arterial street Willamette Drive, so both are required to have 30% transparency. There is no transparency on the south side; but currently the north side has so many windows that, via the transfer function in the section above, it makes up for the south side. (Over 60% on the north side makes up for the lack of windows on the south side as 60% is two times 30%.) The proposal would add some windows to the south side and perhaps make the front more transparent, but would eliminate the windows on the north side. There is not enough to transfer credits to the north side to come up with 30% transparency. Therefore adding a cooler on the north side requires either a) a Class II Variance, or b) analysis under the already-required request to enlarge/alter a non-conforming structure (see WRA discussion above), or c) both. If the building is currently conforming but would become non-conforming upon the proposal, a) is the required approval request. If the building is currently conforming and the overall transparency change does not overall worsen the non-conformity (i.e. if a gain in front windows makes up for the loss of the windows on the north in terms of total transparency percentages) then b) is the required approval request. If the building is non-conforming now and the change would worsen the conformity then both the non-conforming-related analysis and the variance are required and c) is the answer.



Front of building- stalls will be converted to façade full of convenience store windows. Cooler addition will be on the left. Significant riparian corridor is the vegetated area on the far left.



This is the area behind the building. The gray addition in the left background is proposed to be replaced with a newer addition. Areas outside the existing and proposed building footprint in this part of the site will be converted to landscaping.



The north side of the building currently has high transparency but would have none under the proposal.

Process

Class II Design Review is required. Also, the Water Resource Area permit is required. At least one Class II Variance is required. A request to Enlarge/Alter a Non-Conforming Structure is also required.

No neighborhood meeting is required per CDC 99.038. However, these meetings are always encouraged to solicit public input and make the public more informed of an applicant's plans. The site is in the Bolton Neighborhood. Contact Sally McLarty, Bolton Neighborhood Association president, at 503-722-2137 or BoltonNA@westlinnoregon.gov. If the applicant does present at a neighborhood meeting, the applicant must provide the neighborhood association with maps and other material at least ten days prior to the meeting.

The application will require a full and complete response to the submittal requirements per CDC 32.040, 55.070, and 75.050. Submittal requirements may be waived but the applicant must first identify the specific submittal requirement and 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.

The submittal shall include responses to each approval criterion in sections 32.050, 32.080, 55.100, 75.060, and 66.080(B). N/A is not an acceptable response to any approval criteria. The CDC is online at <http://westlinnoregon.gov/planning/community-development-code-cdc>.

The Water Resource Area permit requires a deposit of \$1,850. Class II Design Review requires different deposit amounts depending on the construction value of the proposed project. The deposit requirements are as follows:

Construction value less than \$100,000	4% of construction value (\$2,000 minimum)
Between \$100,000 and \$500,000	4% of construction value (\$8,000 maximum)
\$500,000+	\$4,000 plus 4% of construction value (\$20,000 max)

An additional \$300 inspection fee is required with the Class II Design Review deposit. Prepare the application and submit to the Planning Department with the appropriate deposit and fee payment. Submit a completed application form as well.

A Class II Variance requires a fee (not deposit) of \$2,900. If additional variances are needed, each one carries a fee of \$1,450. An approval to Enlarge/Alter a Non-Conforming Structure requires a fee (not deposit) of \$3,000.

PLEASE NOTE that the deposit price quoted, for those applications requiring a deposit and not a fee, represents an initial deposit. Staff time is charged against this deposit. It is common for there to be more staff time spent on development applications than deposits cover, and therefore additional billing is possible.

The Class II Design Review, Class II Variance, and Non-Conforming approvals require a Planning Commission hearing, so the Planning Commission will decide on both these and the concurrent Water Resource Area request. Once the application is complete, this hearing will be scheduled. It requires a 20-day public notice period. The Planning Commission decision may be appealed by the applicant or anyone with standing to City Council, requiring at least one City Council hearing.

An easement vacation would be its own process with a City Council hearing, and carries a \$1,000 fee. If the rear building addition is proposed in what is currently the easement, this would have to be approved before applying for the Design Review and Water Resource Area application. Check with the Public Works Department for the fee for the Public Works permit that may be able to substitute for this process.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required. Any code amendments to the CDC during that period would have to be addressed by the applicant and could affect the proposal.

Typical land use applications can take 6-10 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.

Preapps 03.07.2013/PA-13-04 Summary