



## Memorandum

**TO:** Chris Jordan, City Manager

**FROM:** Tom Soppe, Associate Planner

**DATE:** February 17, 2009

**SUBJECT:** City Council call-up of DR-08-01/VAR-08-01/WAP-08-01, an application for a 70-unit Holiday Inn Express (AP-09-02)

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### **Purpose**

The VKNW application to build a new Holiday Inn Express at 2400-50 Willamette Falls Drive was approved by the Planning Commission on January 21, 2009 by a vote of 4-0. Two members of the City Council requested a call-up of the application for Council review. The call-up/appeal hearing will be on March 3, 2009.

### **Background**

The site is undeveloped except for a segment of the old Willamette Falls Drive that is no longer a public ROW but is part of the parcels that make up the site. As well as the Class II Design Review required for a new commercial building, the application involved a Water Resource Area permit due to the presence of Bernert Creek and wetlands on site. The majority of the site is within the transition area of the creek and wetlands. The transition area on this site is measured as 100 feet from the creek, and/or 50 feet from the surrounding wetlands, whichever is further at any given location. The 100 foot setback is used because Bernert Creek is designated a significant riparian corridor by the West Linn Goal 5 Inventory.

The applicant applied under the hardship provisions of the Water Resources Area permit, which allow for 5,000 square feet of development within the transition area, but also applied for a Class II Variance to develop more than 5,000 square feet of transition area, arguing this was necessary to make the site economically viable.

### **Discussion**

The final site plan submitted as part of DR-08-01/VAR-08-01/WAP-08-01 proposes to develop 21,569 square feet of the transition area. The applicant and staff argued that the 5,000 square feet allowed by the hardship provisions was put in place with residential development in mind and was not realistic to develop commercial sites such as this one in an economically viable way. Planning Commission adopted staff's findings regarding the variance and other aspects of the application and approved the application.

### **Options**

- A. City Council could support the Planning Commission's decision to approve the application with the Planning Commission's findings and conditions of approval.
- B. City Council could approve the project with revisions to the findings and Conditions of Approval as Council fit, if Council finds that the application only meets all applicable criteria (Chapters 32, 55, and 75) with such modifications.
- C. City Council could overturn the Planning Commission decision, denying the application altogether.

**Recommendation**

Staff recommends option "A" which is to support the Planning Commission's decision to approve DR-08-01/VAR-08-01/WAP-08-01 with the following conditions of approval:

1. The applicant shall plant only native plants in the stormwater treatment facility proposed on site and in the raingarden between the sidewalk and street (see Condition 2).
2. The applicant shall install an 8-foot wide sidewalk along Willamette Falls Drive, with a minimum 6-foot wide raingarden swale strip between the sidewalk and the street. The sidewalk shall be connected to the existing sidewalk to the east. Appropriate street trees and street lighting shall be planted in the raingarden swale strip. Applicant shall provide half-street improvements to the satisfaction of the Engineering Department. The infield implementation of the actual half-street construction shall be determined by the City Engineer.
3. A 6 foot wide sidewalk shall be installed connecting the building to Willamette Falls Drive.
4. The existing drainageway culvert under the existing driveway shall be replaced to the satisfaction of the Sewer and Storm Division of the Public Works Department.
5. The water line shall be installed to allow for eventual looping west to 8<sup>th</sup> Court. This and other aspects of connecting the site to the water system shall be done to the satisfaction of the Water Division of the Public Works Department.
6. The gravel parking spaces at the southwest corner of the site shall no longer be used for parking, as these areas will be occupied partly by vegetative buffer restoration area and partially by right of way improvements. Up to 9 spaces at the west end of the proposed parking lot may be shared with the law office currently using the gravel parking area to be abandoned. Any parking sharing agreed to in the future by the applicant must conform to the provisions of the CDC, including Chapter 46.
7. All pervious pavement in the parking lot shall be constructed of hard-surfaced materials, not gravel.

8. All areas of the site not proposed for development that are within the drainageway, wetlands, and their 100-foot transition areas shall be placed in a conservation easement protecting them from further development.
9. Alternate methods of construction mitigating the limited fire access shall be approved by the Building Official and the TVFR Fire Marshal at the time of building permit issuance. The building permit shall not be issued unless all alternative methods deemed necessary by the Building Official and the Fire Marshal are proposed by the applicant in the building permit submittal.
10. The section of the driveway between Willamette Falls Driveway and the fork in the driveway shall be 24 feet wide. The driveway approach shall be designed and constructed per the current City of West Linn Public Works standards.
11. The applicant shall provide the Engineering Department a drainage plan showing that runoff from the sidewalk on Willamette Falls Drive will sufficiently drain to the raingarden in the planter strip.

## HOLIDAY INN EXPRESS BINDER - TAB DIRECTORY

Post PC Decision Citizen Comments

PC Final Decision of 1/23/09 & Mail List

### **PC Meeting Minutes 1/21/09**

Applicant Rebuttal to Citizen Input

Correspondence Received after 7 day Deadline

Staff Memo to PC with Citizen 7 day Deadline Input

### **PC Meeting Minutes 1/7/09**

Testimony Forms & Additional Input

Applicants Power Point Presentation

Staff Memo to PC

Correspondence between 12/3 & 1/7 PC Mtg's

### **PC Meeting Minutes of 12/3/08**

Testimony Forms & Additional Input

Staff Report, Exhibits, Applicant's Revised Submittal  
T.O.C. Included

### **PC Meeting Minutes 11/5/08**

Testimony Forms & Additional Input

Staff Reports, Exhibits, Applicants Submittal T.O.C. Included

