



CITY OF
West Linn

PLANNING AND DEVELOPMENT

**STAFF REPORT
PLANNING DIRECTOR DECISION**

DATE: March 9, 2012

FILE NO.: DR-12-06

REQUEST: Class I Design Review for changes at the Robinwood Shopping Center (19133 Willamette Drive) for the benefit of Walmart, the principal tenant of the site. Proposed changes include:

1. the addition of five shopping cart corrals in the parking lot;
2. a 12 X 45 foot bale and pallet area with a 90-foot long sound wall at the rear or west side of the building;
3. a new drive aisle to improve circulation near the Wells Fargo Bank;
4. painted/striped shopping cart corridors leading to the main Walmart entry;
5. reconfiguration and reduction of parking spaces near the loading docks to facilitate deliveries;
6. new lighting;
7. a new planter strip adjacent to the new driveway / aisle near Wells Fargo Bank; and
8. screening of rooftop heating, ventilation and air conditioning (HVAC) units.

PLANNER: Peter Spir, Associate Planner

TABLE OF CONTENTS

	<u>Page</u>
STAFF ANALYSIS AND RECOMMENDATION	
SPECIFIC DATA.....	3
BACKGROUND.....	3-9
PUBLIC COMMENTS.....	8- 9
DECISION.....	9-10
 ADDENDUM	
STAFF FINDINGS	11-20

EXHIBITS

PD-1 AFFADAVIT OF NOTICE22
PD-2 NOTICE MAILING PACKET.....23-28
PD-3 COMPLETENESS LETTER.....29
PD-4 CORRESPONDENCE BETWEEN STAFF AND PUBLIC.....31-50
PD-5 APPLICANT’S SUBMITTAL.....51-138

SPECIFIC DATA

OWNER:	William More-Robinwood Shopping Center, LLC 222 Rampart Street, New Orleans, LA 70112
APPLICANT/ CONSULTANT:	Shawn Nguy, PACLAND, 6400 SE Lake Road, Ste 300, Portland, OR 97222 (representing Walmart)
SITE LOCATION:	19133 Willamette Drive
SITE SIZE:	6.2 acres
LEGAL DESCRIPTION:	Assessor's Map 2S-1E-23AD Tax Lot 6101
ZONING:	General Commercial (GC)
COMP PLAN DESIGNATION:	Commercial
APPROVAL CRITERIA:	CDC Chapter 55 Design Review
120-DAY RULE:	The application became complete on February 14, 2012. The 120-day period therefore ends on June 13, 2012.
PUBLIC NOTICE:	Notice was mailed to property owners within 100 feet of the subject property and all neighborhood associations including the Robinwood Neighborhood Association on February 22, 2012. The notice was also posted on the City's website. Therefore, public notice requirements of Community Development Code Chapter 99 have been met.

BACKGROUND

The Robinwood Shopping Center was developed in 1971 and, over the years, it has hosted a number of anchor grocery store tenants (e.g. Zupan's, Bale's) in the nearly 40,000 square foot space that Walmart will occupy.

Initial work at the site by Walmart did not trigger land use permitting and review since it only involved "replacement in kind" projects, which are specifically exempt per CDC Section 55.025. Projects under this category included replacing the concrete curbs surrounding the landscape islands in the parking lot, an asphaltic overlay of the parking lot, re-painting the parking lot stall stripes, selected replacement of building trim as needed with matching/identical materials and painting the building using the existing color scheme.

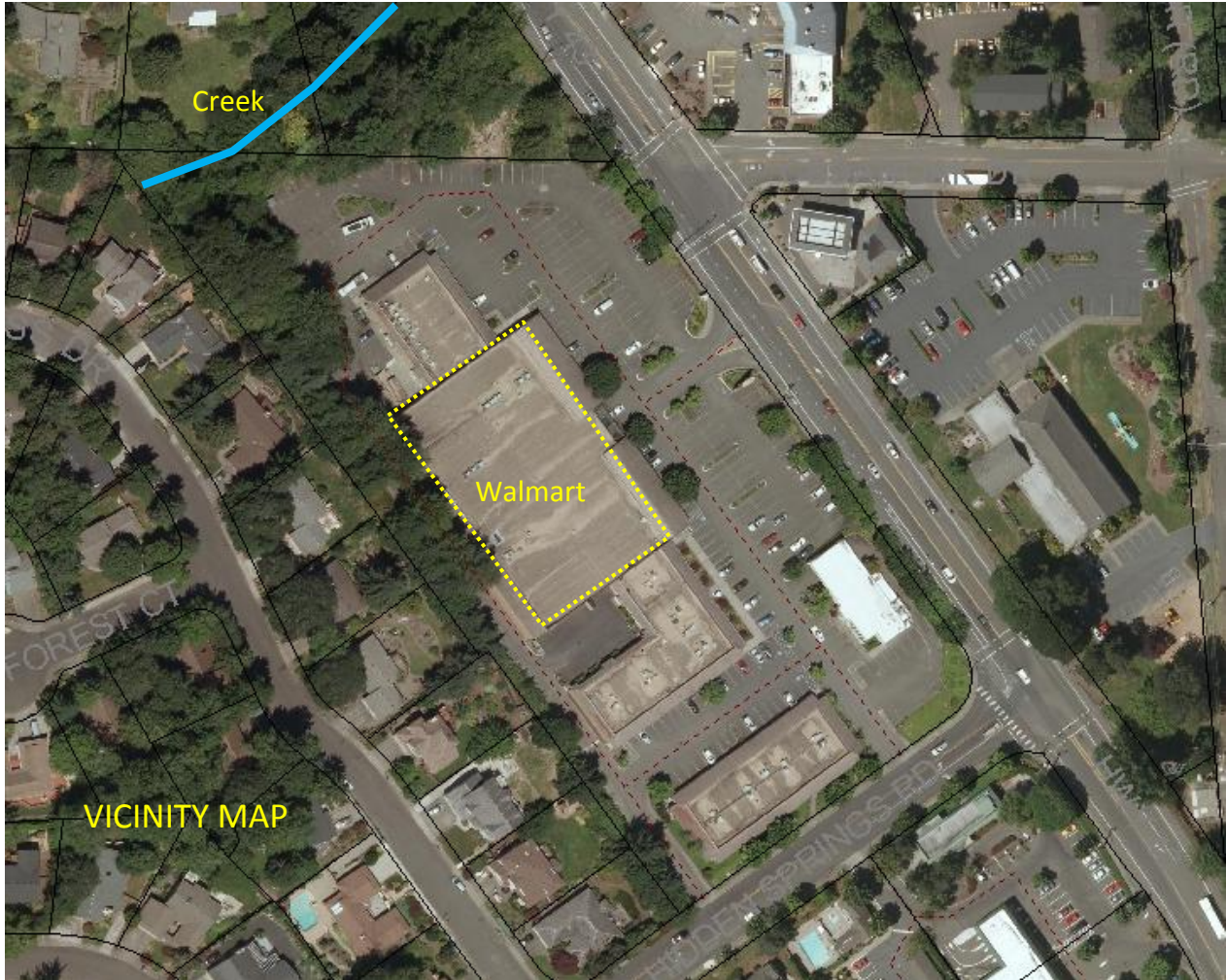
Walmart's plans also included a complete interior remodel which did not trigger anything more than a building permit.

The next phase of Walmart's exterior/site improvements does, however, trigger Class I Design Review. Walmart proposes the following changes:

1. the addition of five shopping cart corrals in the parking lot;
2. a 12 X 45 foot bale and pallet area and 90-foot long sound wall at the rear or west side of the building;
3. a new drive aisle to improve circulation near the Wells Fargo Bank;
4. painted/striped shopping cart corridors leading to the main entry of Walmart;
5. reconfiguration and reduction of parking spaces near the loading docks to facilitate deliveries;
6. new lighting;
7. a new planter strip adjacent to the new driveway / aisle near Wells Fargo Bank; and
8. screening of rooftop heating, ventilation and air conditioning (HVAC) units.

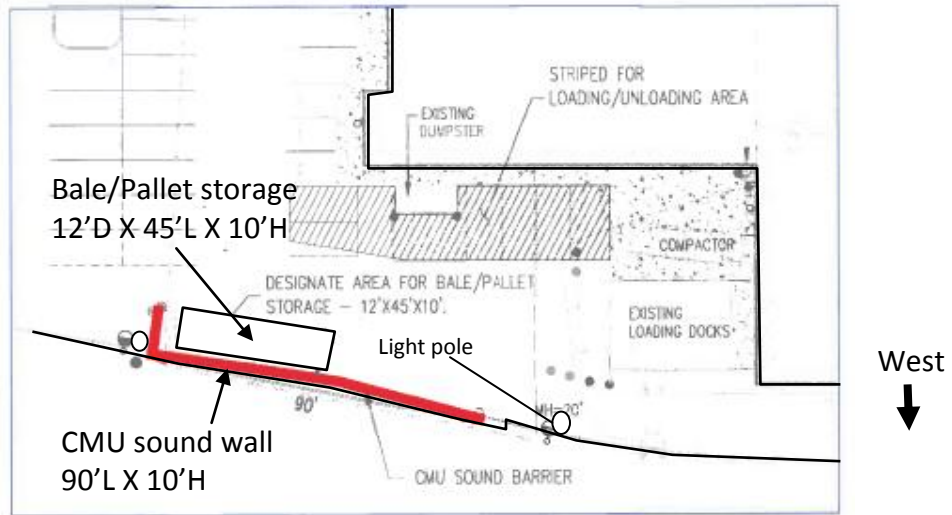
Site Conditions. The site is substantially unchanged since it was graded and developed in 1971. The developer retained natural buffer areas to the north and west. To the north, a tributary of Robin Creek runs west to east through a 60 to 300 foot wide corridor of conifers and deciduous trees (see the photograph on the following page). CDC Chapter 32: Water Resource Areas, requires that development keep at least 57.5 feet away from the creek. In this case, the 57.5 foot transition and setback extend into the northwest portion of the parking lot and, for that reason, the applicant is proposing no changes or development in that area. The west or rear boundary of the site comprises a narrow 15 to 60 foot wide embankment that rises up six to 12 feet towards residential properties on Wilderness Drive. The embankment has a collection of conifer and deciduous trees which provide a useful visual screen of the commercial site. No encroachment into this embankment area will occur. The ten-foot high by 90-foot long sound wall (noise mitigation) at the rear of the bale and pallet storage area will run along the existing curb at the lower edge of the embankment.





Project Description.

1. The applicant proposes the addition of five shopping cart corrals in the parking lot. Currently there are none at the commercial center. They are an expected feature at most large retailers and will be distributed around the front parking lot for the customers' convenience. They will displace five parking spaces but as the applicant's submittal demonstrates, the site has 30 parking spaces more than the CDC requires.
2. For short term storage of recyclable pallets and shipping material, the applicant is proposing to build a 12-foot deep by 45-foot long containment area at the rear of the store. A noise study by an acoustic engineer determined that the containment area required a ten-foot high concrete (CMU) noise mitigation wall 90 feet long to meet Oregon DEQ noise standards. The CMU wall will also provide a visual screen of this activity area.



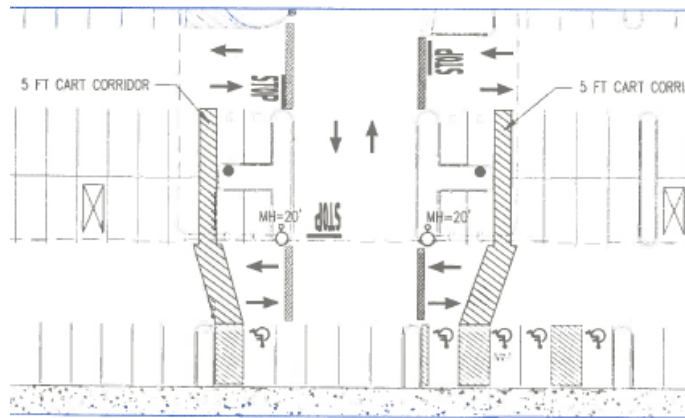
- The existing parking lot has a dead end near the Wells Fargo Bank which makes for poor parking lot circulation. The applicant proposes to remove six parking spaces to create a driveway for two way traffic.



Proposed configuration with new driveway



4. In order to allow employees to collect the shopping carts and return them to the store for customer use, two striped shopping cart corridors will be painted leading to the main entrance. They can also be used for pedestrian access.



5. The applicant proposes to reconfigure and reduce parking near the loading docks to facilitate deliveries and also to better accommodate the recycling facility.
6. The applicant proposes to install additional light poles throughout the parking lot and loading areas and retrofit existing ones with new light fixtures to enhance surveillance and public safety.
7. The applicant proposes to install a new planter strip adjacent to the new driveway/aisle near Wells Fargo Bank (see photo "Proposed configuration with new driveway" above which shows the planter strip).
8. The applicant replaced existing rooftop HVAC with new equipment. Currently these HVAC units are visible from a few adjacent properties on Wilderness Drive. To meet CDC Chapter 55 screening requirements, the applicant proposes to enclose these HVAC units. The screens will further mitigate noise from the HVAC units which are already operating at levels below DEQ standards.

Zoning Map
(Light Yellow is R-10 Residential District; Red is General Commercial)

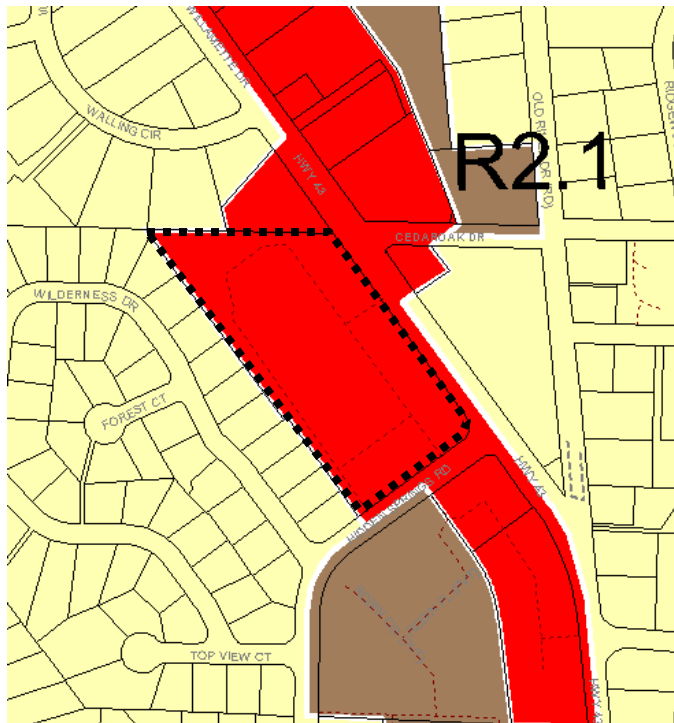


Table 1 Surrounding Land Use and Zoning

DIRECTION FROM SITE	LAND USE	ZONING
North	Single-family residential	R-10
East	General Commercial	GC
South	General Commercial	GC
West	Single-family residential	R-10

PUBLIC COMMENTS

On February 24 and 27, 2012 Roy Kitzmann, of 19480 Wilderness Drive, submitted letters/e-mails into the record expressing concern about modifying the driving aisles near the Wells Fargo, potential glare from new lighting, the noise and visual impact of the HVAC and HVAC screens, plus possible diminution in property values because of the HVAC’s impacts on views and noise levels. Staff provided Mr. Kitzmann with a response to each of these points which are incorporated in staff’s findings (see Finding 3). Mr. Kitzmann’s comments triggered a staff

request of the applicant to modify the existing lights attached to the rear of the building and to have the applicant's acoustic engineer report on whether the noise of the HVAC would be further reduced by the HVAC screens.

On February 27, 2012, Gerry Snavely, of 19486 Wilderness Drive, submitted an e-mail into the record expressing concern about the glare from existing lights on the rear of the building and the hours of truck deliveries. The lighting issue is addressed in Finding 3. Any noise associated with nighttime deliveries is regulated under the Municipal Code which is enforced by the Police Department.

Correspondence received prior to the application being submitted, although helpful, was not included in this report.

DECISION

Based on findings contained in the applicant's submittal in the City record and in staff's supplemental findings, the Planning Director **approves** this application (DR-12-06) subject to the following conditions of approval:

1. Site Plan. The improvements shall conform to the Proposed Site Circulation and Lighting Improvements plan C-10 dated 2/8/12, except as modified by these conditions of approval. All other proposed improvements shall conform to the location and materials specified in the applicant's submittal and supplemental submittal which are part of this record.
2. Roof top HVAC. HVAC screening shall be painted a matte "overcast grey" color. The screening shall be at least equal to the height of the HVAC units that they enclose. The HVAC screening or enclosures shall be equal or superior in design and effectiveness (visual screening and noise diminution) to the product example shown in this report ("Skyline 2"). Screening shall be installed per the applicant's "Screening Exhibit".
3. Noise. Pursuant to CDC 55.100(D)(4), if the City receives credible complaints about noise from the HVAC and/or the pallet recycling and storage area in the first year, the applicant shall provide a noise study by an acoustic engineer to demonstrate whether or not DEQ standards are met. If the study shows that DEQ standards are not met, a noise mitigation program, prepared by an acoustic engineer, shall be prepared and implemented to meet DEQ standards.
4. Landscape Islands. All landscape islands that do not have trees in them shall be replanted with one, four-inch DBH tree and groundcover per CDC Chapter 54.
5. Glare. Lighting fixtures shall not create off-site glare. The applicant shall also replace existing lights on the rear of the building with downward facing fixtures as shown in the applicant's submittal (WST series lighting) so they do not shine into, or towards, homes to the west of the site.

I declare to have no interest in the outcome of this decision due to some past or present involvement with the applicant, the subject property, or surrounding properties, and therefore, can render an impartial decision. The provisions of the Community Development Code Chapter 99 have been met.

John Sonnen

JOHN SONNEN, Planning Director

March 12, 2012

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. The appeal must be filed by an individual who has established standing by submitting comments to the Planning Director prior to the decision date.

Mailed this 12th day of March, 2012.

Therefore, the 14-day appeal period ends at 5 p.m., on March 26, 2012.

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ADDENDUM
SUPPLEMENTAL FINDINGS
DR-12-06

The proposed development requires Class I Design Review approval per CDC 55.020(C), using the criteria of 55.090. Staff recommends adoption of the findings contained within the applicant's submittal, with the following supplemental findings by staff:

CHAPTER 55
DESIGN REVIEW

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

A. *The provisions of the following sections shall be met:*

- 1. CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.*
- 2. CDC 55.100(B) (5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.*
- 3. Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.*

FINDING NO. 1:

Sections 55.100(B) (1) through (4) do not apply since the site is fully developed with the exception of the north and west buffer areas which will be left untouched. Sections 55.100(B) (5) and (6) apply to the architectural design and shape of the building. Since no changes to the building design are proposed, this criterion is also not applicable.

Pursuant to sections 55.085 and 55.090(3), the Planning “*Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.*” The following findings respond to approval criteria that the Planning Director has determined are necessary to address concerns regarding this application.

C. Compatibility between adjoining uses, buffering, and screening.

1. *In addition to the compatibility requirements contained in Chapter 24 CDC, buffering shall be provided between different types of land uses; for example, buffering between single-family homes and apartment blocks. However, no buffering is required between single-family homes and duplexes or single-family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:*

- a. *The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.*
- b. *The size of the buffer required to achieve the purpose in terms of width and height.*
- c. *The direction(s) from which buffering is needed.*
- d. *The required density of the buffering.*
- e. *Whether the viewer is stationary or mobile.*

2. *On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:*

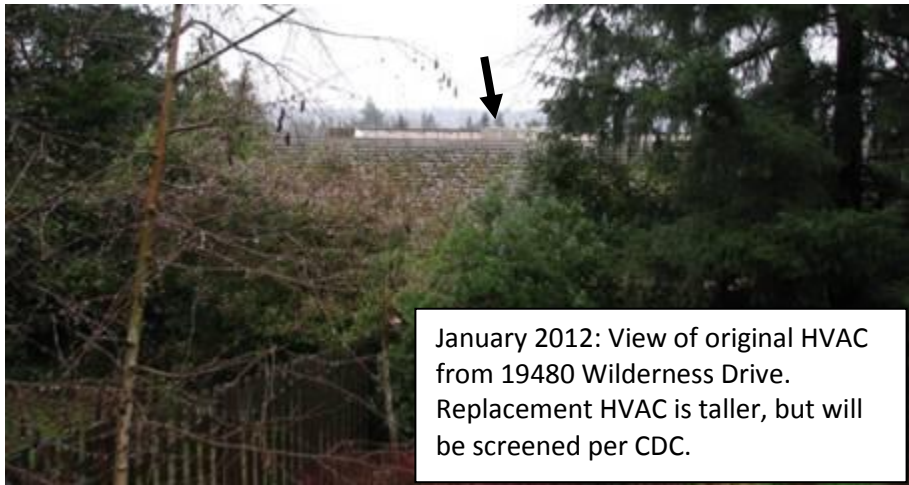
- a. *What needs to be screened?*
- b. *The direction from which it is needed.*
- c. *How dense the screen needs to be.*
- d. *Whether the viewer is stationary or mobile.*
- e. *Whether the screening needs to be year-round.*

3. *Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.*

FINDING NO. 2:

Mr. Roy Kitzmann of 19480 Wilderness Drive expressed concern about the HVAC's visual impact from his house. This speaks directly to approval criterion "(C) (3) Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties."

Staff asked the applicant to examine the new rooftop HVACs and screening options as it relates to all properties on the site perimeter.



The applicant conducted a comprehensive study of lines of sight from surrounding properties and rights-of-way looking towards the new rooftop HVAC units. (See: Sight line exhibits and photos in applicant’s submittal). The study found that perimeter trees and lines of sight obscure many of the neighbor’s views. Some neighbors will, however, see the HVAC. For that reason, screening will be required.

The applicant will install solid screening on the south and west of all HVACs and some on the north side as appropriate. The screening will be equal to the height of the HVAC it encloses.

No views of the HVAC are possible from the east (Willamette Drive) so no screening is required on that side. The solid screens will be painted a grey color to blend in with the roofscape and the dominant overcast skies. Views from Hidden Springs Road are distant and fleeting but will still be screened per code. Consequently, the visual screening requirements of the CDC will be met.



Proposed visual screening product



A final note, Mr. Kitzmann had expressed concern that the HVAC screening could diminish views and could adversely affect property values. Staff finds that there is no approval criterion relating to loss of property value. Regarding short or long range views, such as of Mount Hood, there is nothing in the CDC that requires the protection of the views (except screening HVAC etc.). The CDC allows full utilization of the 35-foot building height envelope. Additionally, rooftop HVAC are excused from that height limit.

D. Privacy and noise.

3. *Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable. Businesses or activities that can reasonably be expected to generate noise shall undertake and submit appropriate noise studies and mitigate as necessary. (See CDC 55.110(B) (11) and 55.120(M).)*

FINDING NO. 3:

Regarding noise, staff identified two elements of this application which could produce noise levels in excess of existing or historic noise levels. Those noise sources would be the new rooftop HVAC and the proposed pallet recycling area.

To address the criterion, the acoustic engineer conducted a noise study based on sound monitoring along the rear or west property line at four roughly equidistant points: A, B, C and D, as shown on the photograph below.

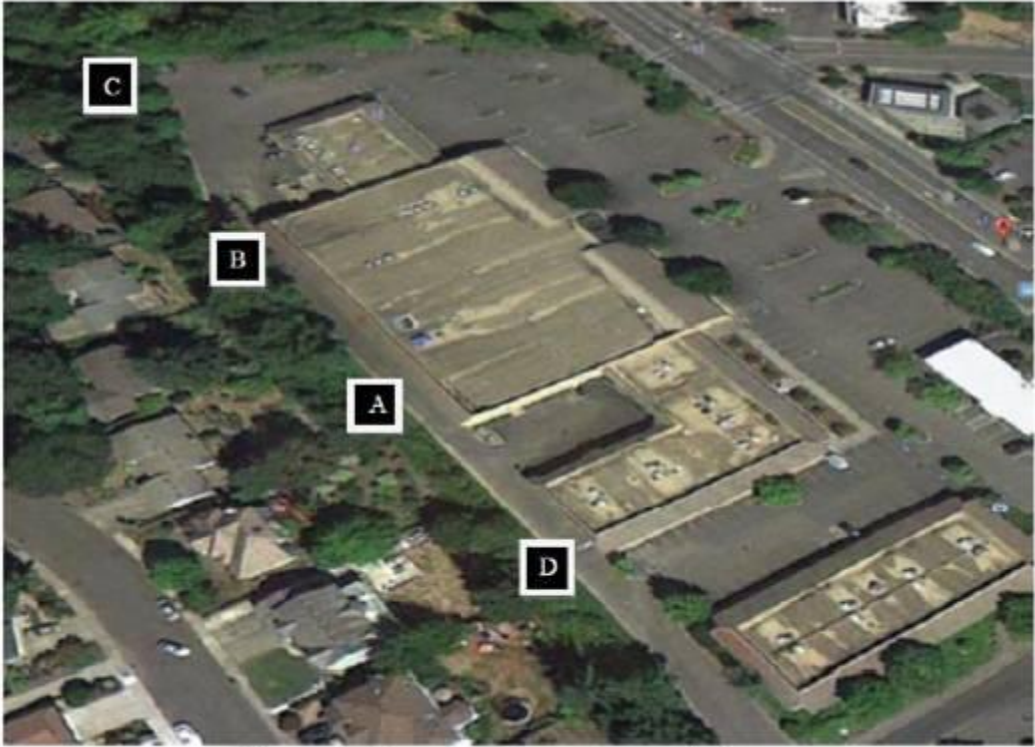


Figure 1: Locations for noise predictions.

The noise study found that noise mitigation will be needed for the pallet recycling area. The acoustic engineer specifically proposes a 90-foot long by ten-foot high CMU (concrete) wall to meet DEQ standards. The acoustic engineer found that the new rooftop HVAC equipment will meet the DEQ standards. His findings are reprinted below. No noise mitigation is required.

Rooftop Mechanical Units

Based on the HVAC plans provided by the project mechanical engineers, the proposed rooftop mechanical unit configuration includes a Muntner AHU, Lennox 3, 5, and 10 ton Packaged Air Handlers, and Bohn 4 and 6 fan Condensers, as depicted in Table A1 in Appendix A.

Noise data has been provided for these units by the mechanical design team, and has been used to predict sound levels at the various locations around the perimeter of the property. Appendix A lists the mechanical unit sound data used in this analysis. The absolute worst-case scenario of every unit operating at all times is assumed in the calculations.

Noise levels were predicted to the various locations at the neighboring properties. Attenuation due to distance and the building parapet acting as a barrier (where applicable) affect the resultant noise level at each of the locations. The results of the predictions are given in Table 5.

DEQ states the receiver location must be either at the property line or 25' from a structure, whichever is furthest from the source. Based on the ODEQ Sound Measurement Procedures Manual NPC-1, the receiver location is suggested to be located at 4 feet or more above the ground or floor surface. However, for this study, the applicant has chosen a scenario where the receiver location was selected as the property line, at a height of 8' above the grade level. The 8-ft height is comparable to an average height person standing at the property line with a sound meter raised in his hand. This represents a worst case scenario, more stringent than DEQ requirements for the receiver location.

Table 1: Predicted levels due to rooftop mechanical unit noise

Point	Location	Max. Allowed L ₅₀ , (dBA)	Predicted Level, 1 Hr. L _{eq} (dBA)
A	Residential	50 day / 45 night	44
B	Residential	50 day / 45 night	41
C	Residential	50 day / 45 night	42
D	Residential	50 day / 45 night	43

As indicated in Table 5, the maximum allowable nighttime noise levels are not exceeded with the new rooftop equipment at all receiver points. Daytime activities are predicted to be well below the maximum allowable sound levels. No mitigation is required to meet the DEQ sound limits.

Staff followed these findings up with a request that the applicant's acoustic engineer go even further and make findings on the efficacy of the HVAC visual screening in reducing HVAC noise. Those findings, dated March 6, 2012, are shown below, and indicate that the noise will drop an additional three to five decibels (dBA) below the levels listed above in the initial study. These levels are significantly below the DEQ standards. Proposed Condition of Approval 3 would

require, in the event the City receives noise complaints, further acoustical testing and, if warranted, remedial action. The criterion is met.

Point	Location	Max Allowed L50 (dBA)	Predicted Level, 1hr Leq (dBA)
A	Residential	50 day/ 45 night	39-41
B	Residential	50 day/ 45 night	36-38
C	Residential	50 day/ 45 night	37-39
D	Residential	50 day/ 45 night	38-40

Regarding glare, there had been comments from neighboring homeowners Kitmann and Snavely regarding glare from light fixtures mounted on poles and existing lights on the building which point towards their properties. Staff finds that the applicant’s proposed downward pointing shoe box design will screen glare from abutting properties. Also, the applicant (Shawn Nguy) states in a March 6, 2012 e-mail that the existing wall mounted lights will be removed and replaced with downward facing fixtures (WST series shown below) so they will no longer point towards the neighboring properties. Therefore the criterion is met.

Catalog Number WST 150MHC WT 277 DBNJ LPI	
Notes Input Watts: 189	Type 11



J. Crime prevention and safety/defensible space.

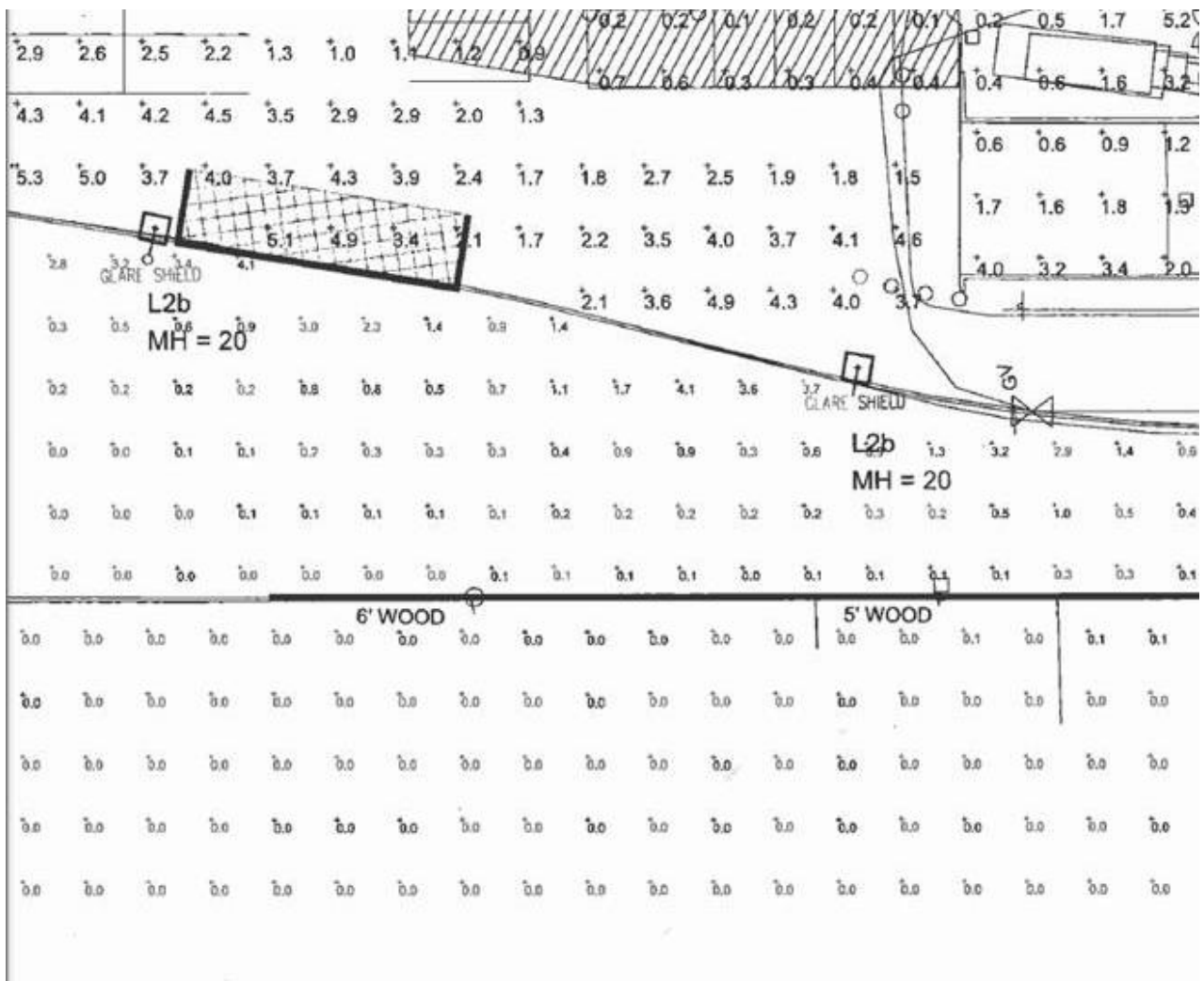
5. *Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes.*

6. *Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person. All commercial, industrial, residential, and public facility projects undergoing design review shall use low or high pressure sodium bulbs and be able to demonstrate effective shielding so that the light is directed downwards rather than omni-directional. Omni-directional lights of an ornamental nature may be used in general commercial districts only.*

7. Lines of sight shall be reasonably established so that the development site is visible to police and residents.

FINDING NO. 4:

Fourteen new light poles will be added to provide broader more effective illumination of the customer parking areas and the loading areas at the rear of the store. Two new poles will be installed to replace the one existing pole and light fixture to provide broader, more effective illumination of the loading areas and increase safety and surveillance opportunities. The applicant has supplied a photometric study (below) which shows that illumination levels range from 5.1 adjacent to the light fixtures to zero the further away from the lights one gets. The top of the embankment near the rear property lines shows illumination levels of 0.0 to 0.3 which represents extremely low illumination. Ten feet west of the rear property line of homes on Wilderness Drive, all readings are at zero/0.0. All light fixtures are of a box or shoebox designs which direct the light downward and screen off site glare. As previously noted, existing wall mounted fixtures will be replaced with downward facing types.



46.090 Parking (C) (2) General retail store, except as provided below

One space for every 240 sq. ft. of gross floor area.

FINDING NO. 5:

There have been concerns expressed about trip generation and the adequacy of parking at this site. Staff's analysis of trip generation was based on the latest Institute of Traffic Engineers (ITE) trip generation tables and produced the following findings:

Walmart stores range from small scale neighborhood grocery stores with a limited range of products to superstores averaging about 185,000 square feet that offer a wide spectrum of goods and services (e.g., groceries, electronics, auto supplies, recreation equipment, and clothing). The proposed Walmart is relatively small with a 39,800 square foot grocery store with a pharmacy. The ITE Trip Generation Manual classifies such sub-40,000 square foot grocery stores as "850 Supermarket". That classification also applies to similar sized Safeway, Albertsons and Market of Choice stores. These uses have an average Saturday peak hour trip generation rate of 10.85 vehicle trip ends per 1,000 square feet of gross floor area.

A sub category of supermarkets, called "854 Discount Supermarkets", that offer the same products as supermarkets but at discounted prices, such as WinCo, have a slightly lower average Saturday peak hour trip generation rate than supermarkets at 10.46 vehicle trip ends per 1,000 square feet of gross floor area. By comparison, a Wal-Mart super store is classified as "813 Free-Standing Discount Superstore". These uses generate a lower average Saturday peak hour trip generation rate of 5.64 vehicle trip ends per 1,000 square feet of gross floor area.

Based on the ITE tables, staff finds that Walmart's trip generation will be the same other similar sized grocery stores.

On the subject of parking, the applicant's parking table (see applicant's submittal) makes it clear that the site exceeds the required parking per CDC Chapter 46; even with the elimination of parking spaces in the loading area, to the area north of the Wells Fargo Bank and the cart coral areas. Staff conducted a separate review of parking spaces and also found that the proposed site design will exceed the amount required. Therefore the criterion is met.

Sidebar: Mr. Kitzmann had expressed concern in his February 24, 2012 letter that driveway modifications might include the driveway exits onto Willamette Drive or Hidden Springs Road. The only driveway being altered is an internal driveway within the parking lot next to Wells Fargo Bank and is for the benefit of safer and more convenient internal circulation only. No exits to adjacent streets will be modified.

FILE NO.: DR-12-06

**REQUEST: CLASS I DESIGN REVIEW FOR SELECT CHANGES IN THE
WALMART PARKING LOT, SCREENING THE HVAC SYSTEM AND A PALLET
RECYCLING AREA AT 19133 WILLAMETTE DRIVE**

APPLICANT'S SUBMITTAL

EXHIBITS

PD-1	AFFADAVIT OF NOTICE	17
PD-2	NOTICE MAILING PACKET.....	18-19
PD-3	COMPLETENESS LETTER.....	20
PD-4	APPLICANT'S SUBMITTAL.....	21-71
PD-5	CORRESPONDANCE.....	