



CITY OF
West Linn
PLANNING AND DEVELOPMENT

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: August 6, 2015
FILE NO.: DR-15-09
REQUEST: Class I Design Review for Starbucks at 18900 Willamette Drive
PLANNER: Peter Spir, Associate Planner

 Planning Manager

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GENERAL INFORMATION

OWNER/ APPLICANT:	Roger Burpee, West Linn Investors LLC, PO Box 487, Lake Oswego, OR 97034
CONSULTANT:	Keith Jones, Harper, Houf, Peterson, Righellis Inc., 205 Spokane Street, Suite 200, Portland OR 97202
SITE LOCATION:	18900 Willamette Dr.
SITE SIZE:	1.8 acres
LEGAL DESCRIPTION:	Assessor's Map 2-1E-23AA Tax Lot 1400
COMP PLAN DESIGNATION:	Commercial
ZONING:	GC, General Commercial
APPROVAL CRITERIA:	Community Development Code (CDC) Chapter 55, Design Review; Chapter 19, General Commercial, GC
120-DAY RULE:	The application declared complete on July 2, 2015. The 120-day period ends on November 6, 2015.
PUBLIC NOTICE:	Notice was mailed to property owners within 300 feet of the subject property and the Robinwood Neighborhood Association on July 13, 2015. A sign was placed on the property on July 10, 2015. The notice was also posted on the City's website. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The application is for a Class I Design Review, per CDC 55.020(A) (1) and (9), to modify the former Bank of the West building to accommodate a Starbucks and drive through window. The exterior changes are limited to: 1.) changing from a two lane bank teller window to a single lane coffee take out window at the rear of the building; 2.) removing two columns under the drive through canopy; and 3.) redesigning the drive through aisle and re-striping parking stalls.

The applicable CDC Chapters include:

- Chapter 55, Design Review, criteria in Section 55.090
- Chapter 19, General Commercial (GC) zoning district

Public comments:

Public comments were received from Mary Grace McDermott, Marilyn Frankel and Carol Pulvermacher on July 20, 2015. Public comments were received from Tara Lund for Berrey Investment LLC on July 28, 2015 and Carolyn Ullman on July 31, 2015.

DECISION AND CONDITION OF APPROVAL

The Planning Manager (designee) approves this application (DR-15-09) based upon the site plan (sheet 1 of 1) date stamped July 2, 2015, the findings submitted by the applicant, which are incorporated by this reference, the supplementary staff findings included in the Addendum below and subject to the following condition of approval.

1. The applicant (pursuant to CDC 46.050) shall submit:
 - a. The names and addresses of the owners or tenants that are sharing the parking and the uses at those locations;
 - b. A modified site plan identifying the location and number of parking spaces that are being shared;
 - c. Updated analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
 - d. A legal instrument such as an easement or deed restriction that guarantees access to the parking for all uses.

The provisions of the Community Development Code Chapter 99 have been met.

Peter Spir

PETER SPIR, Associate Planner

August 6, 2015

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council.

Mailed this 6th day of August, 2015.

Therefore, the 14-day appeal period ends at 5 p.m., on August 20, 2015.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
DR-15-09**

Staff incorporates the findings contained within the applicant's submittal and the following review criteria and staff findings.

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.

Staff Finding 1: All work associated with this application will occur in areas that are already fully built out. No heritage trees, significant trees, tree clusters or natural features will be impacted as a result of this application. This criterion does not apply.

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.

Staff Finding 2: This application includes exterior architectural changes so CDC 55.100(B) (5) and (6) apply. See Staff Findings 5 and 6 below.

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.

Staff Finding 3: The applicant is required to respond to the parking standards of Chapter 46 (see Staff Finding 7 and 8 below).

55.090

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.

Staff Finding 4: The applicant's response notes "The site is currently connected to public facilities and no deficiencies have been identified." Public Works reviewed the proposal and did not comment on any needed public improvements.

55.100(B) (5)

There shall be adequate distance between on-site buildings and on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.

Staff Finding 5: The footprint of the building will remain unchanged. The site accommodated a similar drive through business since 1978. Fire protection is provided by Tualatin Valley Fire and Rescue; a reviewed the project was completed and TVFR did not request any modifications to the plan. Staff finds the criteria are met.

55.100(B) (6) Architecture.

- a. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing of surrounding buildings in the proposed structure. The materials and colors shall be complementary to the surrounding buildings.

Staff Finding 6: The predominant commercial design along Willamette Drive is flat roofed single story vernacular/contemporary with brick, horizontal wood or stucco siding. This building follows that design. The building footprint and all elevations will remain unchanged except on the rear elevation where the replacement of a bank teller window with a coffee drive through window is proposed. Two columns under the drive through canopy will also be removed. By maintaining the existing architectural design, the applicant is able to satisfy the need for contextual design and the criteria is met.

46.080 COMPUTATION OF REQUIRED PARKING SPACES AND LOADING AREA

C. Commercial.

1. Restaurants: Eating and drinking establishments.

- | | |
|---|--|
| a. Cafes, diners, taverns, bars, lounges, full-service and fast food restaurants. | One space for every 100 square feet of gross floor area. Restaurants with drive-through window and reservoir areas may reduce their parking requirement by 5 spaces. |
|---|--|

- | | |
|--|--|
| 6. Medical/dental clinics/day surgery. | One space for every 250 sq. ft. of gross floor area. |
|--|--|

Staff Finding 7: The Bank of the West /Starbucks shares the property with the adjacent Dialysis Clinic. The parking for both businesses must be accommodated in this application.

The dialysis clinic comprises 6,000 square feet. The clinic requires one space per 250 square feet. That equals a required parking of 24 spaces for the clinic. The Starbucks comprises 3,000 square feet. It requires one space per 100 square feet. That equals 30 spaces. The combined parking requirement is 54 spaces.

CDC 55.100(H) (5) allows a further reduction by 10%, or 5.4 spaces, for proximity to transit on Willamette Drive. That 10% reduces the parking need to 49 spaces. CDC 46.090(C) (1) (b) allows a reduction of 5 spaces for drive through/take out windows. Since this use includes a drive through, the parking need is reduced to 44 spaces. CDC 46.080(E) allows the use of adjacent on street parking. There is a 115 foot long section of Walling Way east of the driveways which, at 20 feet per car length (46.090(J)), can accommodate 5 additional spaces. That reduces the parking need to 39 spaces.

CDC Section	Type of parking space reduction	Allowed reduction in spaces	Adjusted Parking Spaces required
55.100 (H) (5)	Transit nearby	-5	$(54 \times .9) = 49$
46.080 (E)	On-street parking	-5	$49 - 5 = 44$
46.090 (C) (1) (b)	Take out window	-5	$44 - 5 = 39$

The applicant site plan and "Parking Count" modifies the existing 36 space parking lot by adding five spaces through striping changes and removing four spaces creating the "drive thru stacking area." The reconfigured on-site parking lot is proposed to contain 37 spaces. Additional analysis of the total parking requirement and the use of the joint use provision in CDC 46.050 is addressed in Staff Finding 8 below.

46.050 JOINT USE OF A PARKING AREA

A. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Planning Director as part of a building or zoning permit application or land use review:

1. The names and addresses of the owners or tenants that are sharing the parking and the uses at those locations;
2. The location and number of parking spaces that are being shared;
3. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for all uses.

Staff Finding 8: In addressing 46.050, the applicant noted *"Both buildings and parking are located one property (Tax Lot 1400 of Tax Map 21E23AA.)" ... "There are two buildings on the site, a 6,000 square foot building currently occupied by DaVita Kidney Care (kidney dialysis medical clinic) and a 3,000 square foot vacant bank (proposed Starbucks Coffee store)."*

The applicant noted DaVita Kidney Care is only open Monday, Wednesday and Friday from 6 am to 4 pm. In addition to the limited hours, the clinic has limited staff and patients. The clinic has 5 staff and sees 6 patients at one time. They note that alternate modes of transportation are used (van service or carpooling). Treatments typically last about 4 hours with patients coming in the morning and receiving treatment between 6 am and 10 am, or in the afternoon between 10 am to 2 pm. Parking was counted on Wednesday June 3, 2015 at the peak time where morning patients finish treatment and afternoon patients arrive. Only 7 cars were observed in the parking lot at 10 am. In discussion with management, 5-7 cars in the lot at one time is typical. Given that the clinic operates at limited hours, the fact that the use has limited staff (5 staff members), and because patients do not drive themselves to the clinic, the applicant requested an additional 10% reduction in parking under this joint use provision thereby allowing joint use where Starbucks parking will share parking with DaVita.

To meet the parking requirement, joint use of a parking area may be considered. Staff finds two joint use parking spaces are needed to meet the 39 total required parking spaces. Staff also finds the application and applicant's analysis does not provide the necessary information to satisfy the requirements for joint use parking. A condition of approval is provided to address this issue. Subject to the completion of the condition of approval, the parking requirements are met.

Parking Spaces proposed by applicant in reconfigured lot	37
46.050 Joint use of parking area - 2 spaces	39

46.110 RESERVOIR AREAS REQUIRED FOR DRIVE-IN USES

All uses providing drive-in service as defined by this code shall provide, on the same site, a reservoir space a minimum of 15 feet long for each car, as follows:

<u>Use</u>	<u>Reservoir Requirement</u>
Drive In restaurants	10 spaces/service window (measured from the last service window)

Staff Finding 9: The applicant is providing a reservoir area 150 feet long to meet this standard.

46.150 DESIGN AND STANDARDS

The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

A. Design standards.

1. "One standard parking space" means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as "compact." To accommodate larger cars, 50 percent of the required parking spaces shall have a

minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet). When multi-family parking stalls back onto a main driveway, the stalls shall be nine feet by 20 feet. Parking for development in water resource areas may have 100 percent compact spaces.

Staff Finding 10: The applicant will be re-striping a number of spaces as compact (8' X 16') per the current dimensional standards. This restriping will yield five additional spaces. To create the "drive thru stacking areas" four spaces will be lost. This will create a net gain of one space. The existing lot is 36 spaces. The reconfigured lot will have 37 spaces.

20. Pedestrian walkways shall be provided in parking areas having 20 or more spaces. (...) Internal parking lot circulation and design should maintain ease of access for pedestrians from streets and transit stops. Walkways shall be constructed using a material that visually contrasts with the parking lot and driveway surface. Walkways shall be further identifiable to pedestrians and motorists by grade separation, walls, curbs, surface texture (surface texture shall not interfere with safe use of wheelchairs, baby carriages, shopping carts, etc.), and/or landscaping. Walkways shall be six feet wide. The arrangement and layout of the paths shall depend on functional requirements.

Staff Finding 11: The applicant will be using the existing sidewalk in front of the dialysis clinic to provide a pedestrian connection between the rear parking lot areas, the clinic and Starbucks.

D. Bicycle facilities and parking.

2. Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks which accommodate bicyclist's locks securing the frame and both wheels. The bicycle parking shall be no more than 50 feet from the entrance to the building, well-lit, observable, and properly signed.

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES	MINIMUM COVERED AMOUNT
Drive-in Restaurant	2 spaces per 1,000 gross sq. ft.	25%

Staff Finding 12: The applicant will provide six bike parking spaces, per the above standard, in a lit observable location near the entrance to Starbucks.

54.020 APPROVAL CRITERIA

- E. Landscaping – By type, location and amount.
 2. Non-residential uses. A minimum of 20 percent of the gross site area shall be landscaped. Parking lot landscaping may be counted in the percentage.

Staff Finding 13: The large forested area on the east side of the site plus the landscaping along Willamette Drive contributes to a 50.9% landscaping amount which exceeds the 20% required.

Chapter 19
GENERAL COMMERCIAL, GC

19.030 PERMITTED USES

The following uses are permitted outright in this zone:

10. Eating and drinking establishments.
- (....)

Staff Finding 14: Starbucks is defined as an “eating and drinking establishment” and therefore is a “permitted use” in the General Commercial zone.

19.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

A. Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
2. The average minimum lot width shall be 50 feet.
3. The average minimum lot depth shall not be less than 90 feet.
4. Where the use abuts a residential district, except as provided in CDC 58.090(C) (1), the setback distance of the residential zone shall apply.
5. The maximum lot coverage shall be 50 percent, except as provided in CDC 58.090(C) (1) (d).
6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone, and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential zone.
7. For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

Staff Finding 15: The front lot line length is 328 feet which exceeds the minimum dimension of 35 feet. The minimum lot width of 50 feet is also exceeded by the 328 foot dimension. The

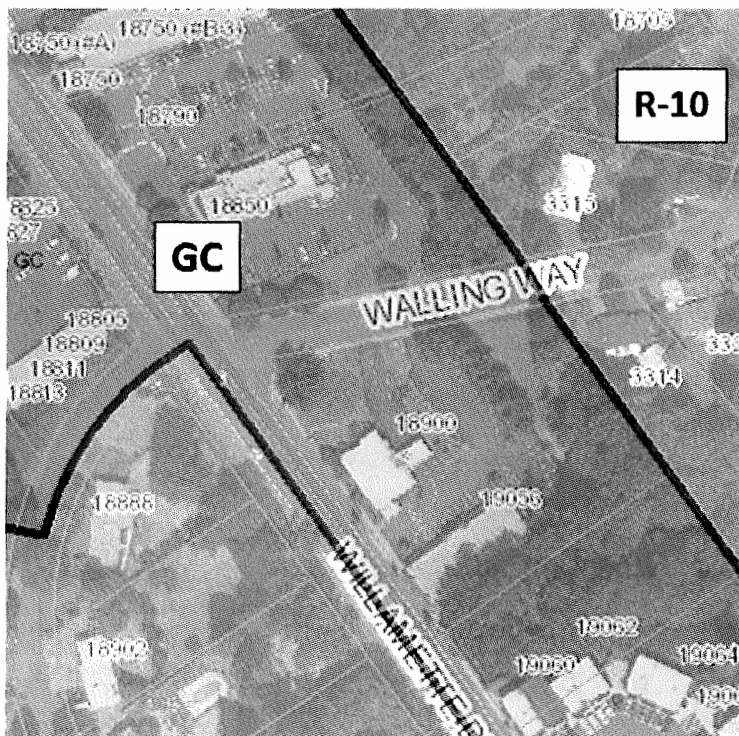
site abuts a residential zone. The 7.5 foot side setback of the R-10 zone would apply. There is an 88 foot wide landscaped/forested area next to the R-10 zone so the 7.5 foot setback is met. The required average lot depth of 90 feet is met at this site by a dimension of 280 feet.

The 50% maximum lot coverage is not exceeded with lot coverage of 11.5%. Both buildings are single storied with heights of about 18 feet which is below the maximum building height of 45 feet. The front elevation of the Starbucks is 10 feet from the back of sidewalk which meets the setback requirements of zero to 20 feet.

LOCATION MAP



ZONING MAP



PD-1 AFFADAVIT OF NOTICE

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. SR-15-09 Applicant's Name Roger Burpee
Development Name _____
Scheduled Meeting/Decision Date 7-28-15

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

A. The applicant (date) _____ (signed) _____
B. Affected property owners (date) _____ (signed) _____
C. School District/Board (date) _____ (signed) _____
D. Other affected gov't. agencies (date) _____ (signed) _____
E. Affected neighborhood assns. (date) _____ (signed) _____
F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) _____ (signed) _____
City's website (posted date) _____ (signed) _____

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) July 10 '15 (signed) [Signature]

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B

A. The applicant (date) 7-14-15 (signed) S. Shroyer
B. Affected property owners (date) 7-14-15 (signed) S. Shroyer
C. School District/Board (date) _____ (signed) _____
D. Other affected gov't. agencies (date) _____ (signed) _____
E. Affected neighborhood assns. (date) 7-14-15 (signed) S. Shroyer
ALL

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: 7-14-15 (signed) S. Shroyer

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) _____ (signed) _____

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) 8-6-15 (signed) S. Shroyer

PD-2 NOTICE MAILING PACKET

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. DR-15-09**

The West Linn Planning Manager is considering a request to modify the former Bank of the West drive up teller aisles and parking lot to accommodate a Starbucks drive through. Class I Design Review is required.

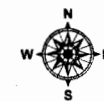
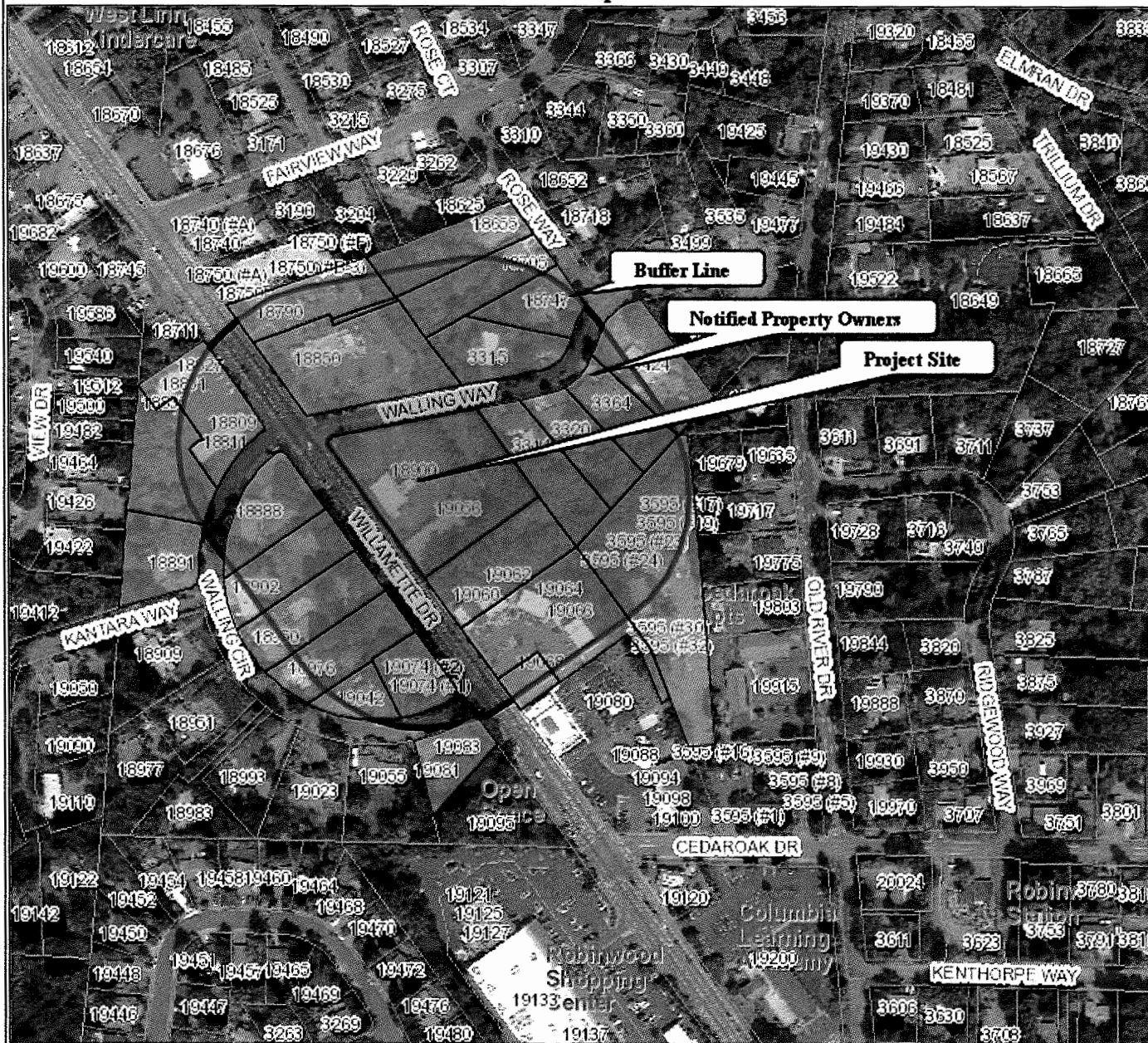
The decision will be based on the approval criteria in chapters 55 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

You have received this notice because County records indicate that you own property within 300 feet of this property (Tax Lot 1400 of Clackamas County Assessor's Map 21E 23AA/18900 Willamette Drive) or as otherwise required by Chapter 99 of the CDC.

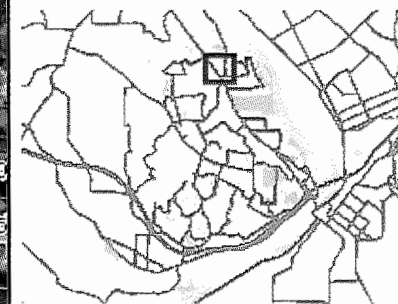
All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <http://westlinnoregon.gov/planning/18900-willamette-drive-class-i-design-review-convert-vacant-bank-building-starbucks-coffee> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on July 28, 2015.** Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline. For further information, please contact Peter Spir, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 723-2539, pspir@westlinnoregon.gov.

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

18900 Willamette Drive Notification Map



Scale 1:3,600 - 1 in = 300 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 13-Jul-15 05:31 PM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Source: West Linn GIS (Geographic Information System) MapOptix.



CITY OF
West Linn

PLANNING MANAGER DECISION 2015-07-28

PROJECT # DR-15-09

NOTICE DATE: MAIL 7/14/15 TIDINGS: N/A

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

PD-3 COMPLETENESS LETTER



West Linn

July 9, 2015

Roger Burpee
PO Box 487
Lake Oswego, OR 97034

SUBJECT: Completeness Determination for Starbucks Drive through at 18900 Willamette Drive
(FILE: DR-15-09)

Dear Roger:

Your resubmittal was received on July 2, 2015 and found to be **complete**. The City has 120 days to exhaust all local review; that period ends on November 6, 2015.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Manager to render a decision on your proposal.

Fourteen day public notice will be prepared and mailed. The notice will identify the earliest possible decision date by the Planning Manager.

Please contact me at 503-723-2539, or by email at pspir@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Peter Spir

Peter Spir
Associate Planner

PD-4 APPLICANT'S SUBMITTAL

Willamette Drive Starbucks

Class I Design Review

Land Use Application

Owner/Applicant:

Roger Burpee, Managing Partner
(503) 490-9558
rburpee@me.com

West Linn Investors LLC
PO Box 487
Lake Oswego, OR 97034

Contact:

Keith Jones, AICP, LEED AP ND
(503) 221-1131
keithj@hhpr.com

Harper Houf Peterson Righellis, Inc.
205 SE Spokane Street, Suite 200
Portland, OR 97202

Site Location:

18900 Willamette Drive

Tax Lot(s):

21E23AA - 1400

Site Size:

1.8 acres

Zoning:

General Commercial (GC)

Summary of Request:

The applicant requests approval of Class I Design Review to convert 3,000 square foot vacant bank with drive-through into a Starbucks Coffee store with drive-through.

Report Date:

July 2, 2015

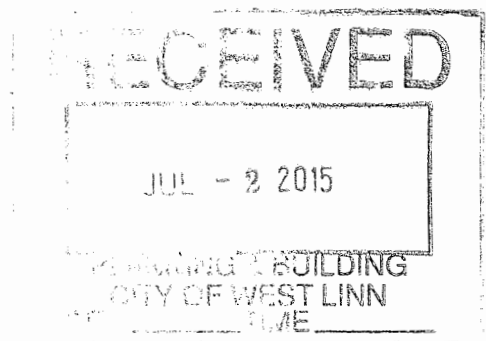


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Submitted with this application

1. Site Plan dated July 2, 2015
2. Drive-through Window Illustration



I. DESCRIPTION OF PROPOSAL

The site is located at the southeast corner of Willamette Drive and Walling Road in the City of West Linn (18900 Willamette Drive). The site contains a 6,000 square foot medical office building (DaVita Kidney Care) and a vacant bank building with drive-through. The applicant proposes to convert the vacant bank to a Starbucks Coffee store with limited work to the improved site and building. The scope of the project includes the following:

- Add a drive-through window at the east elevation of the bank building to accommodate the Starbucks Coffee store
- Add 292 square feet of new paving to improve turning movements into the drive-through
- Add five new parking stalls through striping existing paved areas
- Remove existing columns under drive-through canopy to convert two-lane former bank drive-through into a single-lane drive-through for proposed Starbucks Coffee store.
- Add striping, curbing and directional signage to channelize and identify the entrance and queue for the drive-through

Approval Request

The applicant requests approval of a Class I Design Review for installation of the improvements as shown on the site plan submitted with this application.



II. RESPONSE TO APPLICABLE CODE STANDARDS AND APPROVAL CRITERIA

COMMUNITY DEVELOPMENT CODE OF THE CITY OF WEST LINN

Chapter 19– General Commercial, GC

19.030 Permitted Uses

Response: The proposed Starbucks Coffee store is a use that is permitted outright as an “eating and drinking establishment” (Section 19.030.10)

19.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions

Response: The applicant does not propose to make any additions or changes to the footprint of either building or to reconfigure the lot. Therefore existing dimensional requirements will not be impacted.

19.070 Other Applicable Development Standards

A. The following standards apply to all development including permitted uses:

- 1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.*

Response: This section is not applicable to the project.

- 2. Chapter 35 CDC, Temporary Structures and Uses.*

Response: This section is not applicable to the project.

- 3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.*

Response: This section is not applicable to the project as the footprint of the buildings is not proposed to be modified.

- 4. Chapter 40 CDC, Building Height Limitations, Exceptions.*

Response: This section is not applicable to the project as the footprint of the buildings is not proposed to be modified.

- 5. Chapter 42 CDC, Clear Vision Areas.*

Response: No changes to the driveway accesses are proposed that would impact clear vision areas.



6. Chapter 44 CDC, Fences.

Response: Does not apply to the proposal.

7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.

Response: See response to Chapter 46 below.

8. Chapter 48 CDC, Access, Egress and Circulation.

Response: See response to Chapter 48 below.

9. Chapter 52 CDC, Signs.

Response: The applicant will submit independently for a sign permit following approval of this design review application.

10. Chapter 54 CDC, Landscaping.

Response: See response to Section 54 below.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings and approved conditional use applications pursuant to CDC 60.030(C).

Response: Section 55, Design Review, applies to this project. A response to Section 55 is provided below.

Chapter 46 – OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

46.050 – Joint Use of Parking Area

A. *Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Planning Director as part of a building or zoning permit application or land use review:*

Response: The site contains two buildings including a 6,000 square foot kidney dialysis clinic (DaVita Kidney Care) and 3,000 square foot vacant bank building with drive-through (proposed Starbucks Coffee store).

Parking for the site has been determined as follows:

Total Required Parking = 45

Starbucks – 3,000 SF (1 space per 100 SF) = 30

➤ Subtract 5 for drive-thru window (Section 46.090.C.1.a)

➤ Total Starbucks = 25



Medical Office (existing DaVita Kidney Care) – 6,000 SF (1 spacer per 250 SF) = 24

Parking Reductions:

- Parking required prior to reductions = 49
- 10% Reduction transit stop = 45* (Section 46.090.I)
*Round fraction up one whole space (Section 46.080.D)

The applicant proposes to reduce the parking an additional 10% to 41 spaces through the joint parking provisions of this section as indicated below:

1. *The names and addresses of the owners or tenants that are sharing the parking and the uses at those locations;*

Response: Both buildings and parking are located one property (Tax Lot 1400 of Tax Map 21E23AA.) The site is all in one ownership (West Linn Investors LLC) and the applicant, Roger Burpee, is the managing partner for West Linn Investors LLC. There are two buildings on the site, a 6,000 square foot building currently occupied by DaVita Kidney Care (kidney dialysis medical clinic) and a 3,000 square foot vacant bank (proposed Starbucks Coffee store).

2. *The location and number of parking spaces that are being shared;*

Response: Parking to be shared includes the 41 spaces proposed to all be located on-site with no off-site spaces included (36 spaces currently exist and 5 will be added through striping existing paved areas).

3. *An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and*

Response: The proposed Starbucks Coffee store is required to have 25 parking spaces.¹ The DaVita Kidney Care clinic, as a medical office under the code, requires 24 spaces.²

DaVita is only open Monday, Wednesday and Friday from 6 am to 4 pm. In addition to the limited hours, the clinic has limited staff and patients. The clinic has 5 staff and sees 6 patients at one time. Since patients are typically elderly and/or in poor health, many are dropped off by van service and/or friends and relatives. Treatments typically last about 4 hours with patients coming in the morning and receiving treatment between 6 am and 10 am, or in the afternoon between 10 am to 2 pm. Parking was counted on Wednesday June 3, 2015 at the peak time where morning patients finish treatment and afternoon patients arrive. Only 7 cars were observed in the parking lot at 10 am. In discussion with management, 5-7 cars in the lot at one time is typical.

Given that the clinic operates at limited hours, the fact that the use has limited staff (5 staff members), and because patients do not drive themselves to the clinic, the applicant requests an

¹ Parking is required at 1 space per 100 square feet. Building is 3,000 SF requiring 30 spaces. Code allows a reduction of 5 spaces when drive-up window is provided as proposed (Section 46.090.C.1.a).

² Parking is required at 1 spaces per 250 square feet. Building is 6,000 SF requiring 24 spaces.



additional 10% reduction in parking under this joint use provision thereby allowing joint use where Starbucks parking will share parking with DaVita. Parking is proposed as follows:

Starbucks – 3,000 SF (1 space per 100 SF) = 30

- Subtract 5 for drive-thru window (Section 46.090.C.1.a)
- Total Starbucks = 25

Medical Office – 6,000 SF (1 spacer per 250 SF) = 24

Parking Reductions:

- Parking Required prior to reductions = 49
 - 10% Reduction transit stop = 45* (Section 46.090.I)
 - 10% Reduction for Joint Use = 41* (Section 46.050)
- *Round fraction up one whole space (Section 46.080.D)

Parking Required/Proposed = 41

- Existing parking: 36
- Parking Added: 5 through striping existing asphalt areas (see site plan)
- Parking Removed: 4 (for drive-thru stacking area)
- Total on-site parking: 37
- On-street parking counted per Section 46.080.D: 4
- Total parking provided: 41

The applicant agrees to install 5 additional spaces and remove 4 to achieve 36 on-site spaces plus counting 4 on-street spaces on Walling Road, as indicated above. However, in the applicant's opinion, the site has adequate parking as is. Many jurisdictions as well as commercial developers and lenders demand a parking ratio of 4 parking spaces per 1,000 square feet of retail. The total square footage of the site has 9,000 square feet and with the existing 36 spaces is consistent with the 4 per 1,000 ratio ($9,000/1,000=9 - 9 \times 4=36$).

Therefore, in the applicant's opinion, the additional 5 spaces proposed by the applicant will increase the parking ratio from 4.0 to 4.5 spaces per 1,000 square feet and will be more than adequate to accommodate the proposal.

4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for all uses.

Response: The site is one tax parcel and owned by one entity. Since the site is one parcel in common ownership, both uses will have rights to the parking allowing the parking lot to be shared without the need for an additional agreement. Therefore a legal instrument is not necessary as access to the parking is guaranteed through common ownership.

B. If a joint use arrangement is subsequently terminated, the requirements of this chapter will apply to each use separately.

Response: Noted by the applicant



40.110 – Reservoir Areas Required For Drive-In Uses

All uses providing drive-in service as defined by this code shall provide, on the same site, a reservoir space a minimum of 15 feet long for each car, as follows: [...]

Drive-in restaurants. 10 spaces/service window (measured from the last service window).

Response: The Starbucks Coffee drive-through requires 150 feet of stacking or reservoir area. The 150-foot area provided as shown on the site plan.

40.150 Design Standards.

Response: The applicant proposes to reconfigure existing full size spaces to 8-feet wide by 16 feet deep compact spaces at the southeast corner of the site and add two tandem spaces, 20 feet long, at the north end of the project. New spaces are striped to meet code standard. No other changes to the existing parking configuration are proposed. The parking lot has existing lighting that is not proposed to be modified. The site currently has two accessible parking spaces consistent with the required amount (two require for parking lots 26-50 spaces). The applicant has identified a location for covered bike parking on the site plan near the entrance to the Starbucks Coffee store.

Chapter 54 – Landscaping

54.020 – Approval Criteria

Response: The applicant is proposes only a slight change to the landscaping be removing 292 square feet for paving to improve turning movements to the drive-through. The site currently has well in excess of the 20% minimum landscaping required with 51.5%. No trees will be removed or impacted.

Chapter 55 – Design Review

55.020 – Class of Design Review

A. Class I Design Review. The following are subject to Class I Design Review:

- 1. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.). [...]*
- 9. No design review is required if the applicant proposes to repair or replace one of the listed items. The Planning Director shall make the determination of whether an applicant is proposing a repair or replacement. However, Class I design review applies when one of the following improvements is part of a minor redesign or remodel.*
 - a. Sidewalks on private property.*
 - b. Loading docks.*
 - c. Addition or reduction of parking stalls.*
 - d. Revised parking alignment.*



- e. *Revised circulation.*
- f. *Revised points of ingress/egress to a site.*
- g. *Heating, ventilation, and air conditioners (HVAC) that are visible from the public right-of-way.*

Response: The applicant does not propose to add any square footage or modify the street-facing facade of the building. The applicant does propose to install a new drive-through window where a window formerly was located for the now closed bank (see illustration submitted with this application).

The applicant proposes some minor adjustments to parking and circulation to improve vehicular flow and stacking for the proposed Starbucks Coffee drive-through. Five new parking spaces will be added through striping of existing impervious area.

The proposed improvements require a Class I 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.*

Response: The site is built out therefore natural physical features will not be adversely 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.*

Response: The only exterior change to the building includes the addition of a drive-through window. At some point in time the drive-up window for the bank use was removed and walled over. This proposal will put the window back in the same location as where it was previously. The vacant bank still has the drive-through infrastructure including drive-through lanes and canopy that will be slightly modified by the applicant including removal of an internal column and some additional paving to improve turning movements through the drive-through lane.

- 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.*

Response: This proposal is essentially to change over the use of the vacant bank to a Starbucks Coffee store use. Very minimal site and exterior building improvements are proposed



including some limited paving, additional parking space striping and addition of a drive-through window. Access location and general circulation will not change with this proposal.

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.

Response: The site is currently connected to public facilities and no deficiencies have been identified.

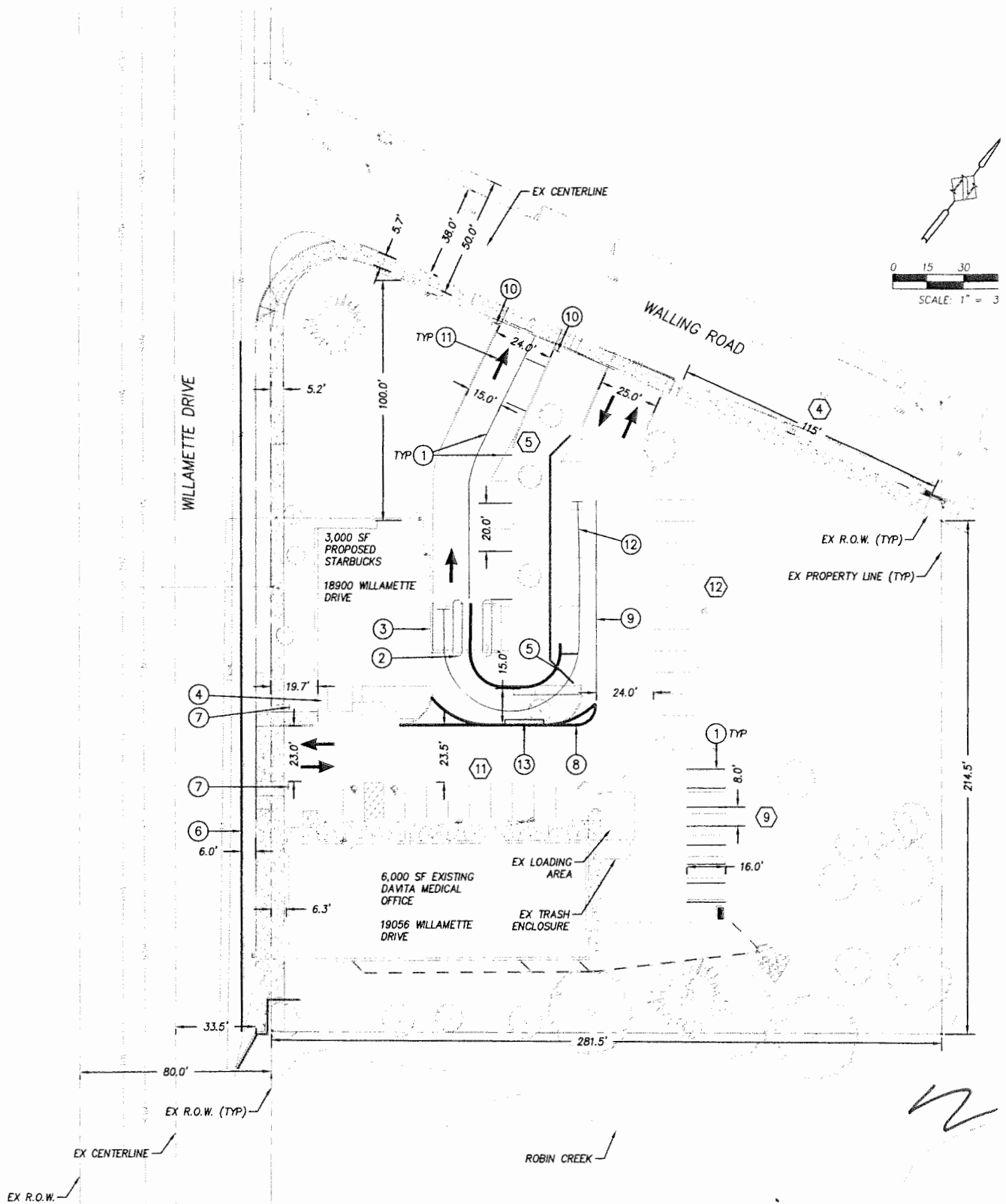
C. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section.

Response: The applicant has provided a response to "A" above.

III. CONCLUSION

This summary of request and attachments demonstrate compliance with applicable approval criteria and code. The applicant respectfully requests that the City approve this application.





*Proposed version
Received on July 2*

7-24-15

			DESIGNED:	BJB
			DRAWN:	ABM
			CHECKED:	BJB
			DATE:	JULY 2015
DATE	NO.	DESCRIPTION		
REVISIONS				

Planning Manager Decision 8/6/15

ENGINEER

HARPER HOUF PETERSON RIGHELLIS INC.
CONTACT: BEAU BRAMAN, P.E.
205 SE SPOKANE STREET
PORTLAND, OREGON 97202
(503) 221-1131
BEAUB@HHPR.COM

OWNER

WEST LINN INVESTORS, LLC
CONTACT: ROGER BURPEE
PO BOX 487
LAKE OSWEGO, OREGON 97304
(503) 490-9558
RBURPEE@WE.COM

CONSTRUCTION NOTES

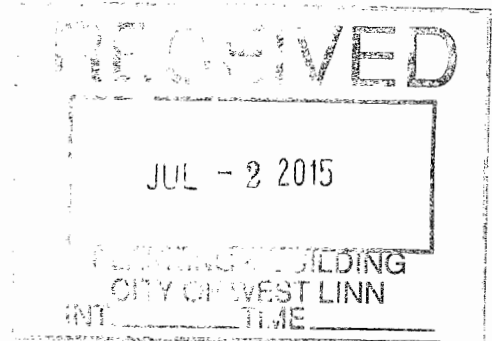
- ① INSTALL PARKING STALL STRIPING
- ② REMOVE EXISTING ISLAND
- ③ INSTALL DRIVE THRU WINDOW
- ④ INSTALL BICYCLE RACKS
- ⑤ MODIFY EXISTING RETAINING WALL
- ⑥ INSTALL BIKE LANE BUFFER STRIPING TO PROVIDE 6' WIDE BIKE LANE
- ⑦ INSTALL "NO DRIVE THRU ENTRANCE" SIGN
- ⑧ CONSTRUCT STANDARD CURB
- ⑨ INSTALL DRIVE THRU LANE STRIPING
- ⑩ INSTALL "DO NOT ENTER" SIGNS
- ⑪ INSTALL DIRECTIONAL ARROWS
- ⑫ 150-FOOT DRIVE-IN RESERVOIR AREA (SECTION 46.110)
- ⑬ MENU ORDER BOARD. THE LOCATION IS APPROXIMATE AND THE TENANT IS TO INSTALL ITEM

PARKING COUNT

STARBUCKS - 3,000 SF (1 SPACE PER 100 SF) = 30
SUBTRACT 5 FOR DRIVE-THRU WINDOW (SECTION 46.090.C.1.A)
TOTAL STARBUCKS = 25
MEDICAL OFFICE DAVITA - 6,000 SF (1 SPACE PER 250 SF) = 24
TOTAL REQUIRED PARKING = 49
10% REDUCTION TRANSIT STOP = 45* (SECTION 46.090.I)
10% REDUCTION FOR JOINT USE = 41* (SECTION 46.050)
*ROUND FRACTION UP ONE WHOLE SPACE (SECTION 46.080.D)
EXISTING PARKING = 36
PARKING REQUIRED = 41
PROPOSED PARKING = 41 (INCLUDES 4 ON-STREET SPACES PER SECTION 46.080.E)

SITE AREA SUMMARY

TOTAL SITE DISTURBANCE = 1845 SF
NEW IMPERVIOUS AREA = 292 SF
NEW LANDSCAPE AREA = 169 SF
EXISTING IMPERVIOUS AREA REMOVED = 169 SF
EXISTING PERVIOUS LANDSCAPE = 39,053 SF
PERCENT LANDSCAPE = 51.8%



*Proposed
version
received
on July 2* *7-24-15*

**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS • PLANNERS
SCAPE ARCHITECTS • SURVEYORS
Spokane Street, Suite 200, Portland, OR 97202
503.221.1131 www.hhpr.com fax: 503.221.1171

SITE PLAN WILLAMETTE DRIVE STARBUCKS WEST LINN, OREGON		SHEET NO. 1 OF 1 JOB NO. MF-03
---	--	---

Planning Manager Decision 8/6/15

Job No.: MFX-03

Date: July 2, 2015

To: Peter Spir

From: Keith Jones, AICP, LEED AP ND



Harper
Houf Peterson
Righellis Inc.

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

**Project/Subject: Response to June 24, 2015 Letter of Incompleteness
18900 Willamette Drive (FILE: DR-15-09)**

The applicant has responded to the comments made in the June 24, 2015 letter as follows:

The structure (and site) is non-conforming for the following reasons:

- **Inadequate Willamette Drive driveway width of 23 feet.**
48.040(A) requires a minimum driveway width of 24 feet.
- **Driveway curb cut separation on Walling Way is inadequate at 23.5 feet. A 30 foot separation is required on local streets.**

48.060 D. There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:

- 3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.*

Response: After further discussion, it has been determined that a non-conforming application is no longer required (see attached e-mail from Peter Spir dated 6-25-15)

A Class II Variance is required to allow the following deviations from the CDC:

- **Inadequate pedestrian walkway through parking lot to the Bank of the West/Starbucks building. The proposed striped pathway is also only five feet wide when it should be six feet. The proposed painted pedestrian way puts pedestrians in potential conflict with two way driveway traffic and traffic backing out of spaces in front of the dialysis clinic. The pedestrian walkways should be distinct and provide some measure of security.**
46.150(A) (20) requires that: Pedestrian walkways shall be provided in parking areas having 20 or more spaces. Walkways or sidewalks shall be constructed between major buildings/activity areas (an example in multi-family housing: between recreation center, swimming pool, manager's office, park or open space areas, parking lots, etc.) within a development, between adjacent developments and the new development, as feasible, and between major buildings/activity areas within the development and adjacent streets and all adjacent transit stops. Internal parking lot circulation and design should maintain ease of

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access for pedestrians from streets and transit stops. Walkways shall be constructed using a material that visually contrasts with the parking lot and driveway surface. Walkways shall be further identifiable to pedestrians and motorists by grade separation, walls, curbs, surface texture (surface texture shall not interfere with safe use of wheelchairs, baby carriages, shopping carts, etc.), and/or landscaping. Walkways shall be six feet wide. The arrangement and layout of the paths shall depend on functional requirements.

- **Inadequate backing up area behind parking spaces along the east edge of the property and in front of the dialysis clinic of as little as 14.6 feet when the proposed pedestrian walkway is in place.**

46.150 Figure 1 requires 23 feet.

Response: The applicant has removed the striped crosswalk, moved the drive-thru lane farther west and identified on-street parking on Walling Road. The site now complies with the parking dimensional requirements and a variance is no longer required.

Conclusion

Changes have been made to the plans and the application remains a Class I Design Review application. The applicant requests that the application be deemed complete.



Keith Jones

From: Spir, Peter <Pspir@westlinnoregon.gov>
Sent: Thursday, June 25, 2015 11:19 AM
To: Keith Jones
Cc: rburpee@me.com; Greg Burpee
Subject: RE: determination of completeness

If you resubmit as explained, then no non-conforming structure permit would be required.

Peter Spir
Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
Pspir@westlinnoregon.gov
westlinnoregon.gov
Phone (503) 723-2539



West Linn

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This e-mail is subject to the State Retention Schedule and may be made available to the public

From: Keith Jones [<mailto:keithj@hhpr.com>]
Sent: Thursday, June 25, 2015 11:19 AM
To: Spir, Peter
Cc: rburpee@me.com; Greg Burpee
Subject: RE: determination of completeness

Thank you Peter!

To confirm, we also do not need the legal nonconforming application?

From: Spir, Peter [<mailto:Pspir@westlinnoregon.gov>]
Sent: Thursday, June 25, 2015 11:14 AM
To: Keith Jones
Cc: rburpee@me.com
Subject: RE: determination of completeness

Keith

Community Development Director Chris Kerr is agreeable to the idea of a modified plan that uses the sidewalk in front of the dialysis clinic as the pedestrian access way to Starbucks.

This means that you should resubmit a plan deleting the hash marked pedestrian access in the driveway. Also show the relocation of the stacking/queueing driveway to the area where the four parking spaces were originally proposed. This would facilitate better circulation and backing up of parked cars (allow 23 foot back up space instead of 14" 6'). Those four spaces should be relocated to the area on Walling Drive east of the two way driveway. With these changes, only a class I Design Review (Planning Manager decision) would be required.

Please amend your narrative/submittal accordingly.

Peter

Peter Spir
Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
Pspir@westlinnoregon.gov
westlinnoregon.gov
Phone (503) 723-2539



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From: Keith Jones [<mailto:keithj@hhpr.com>]
Sent: Thursday, June 25, 2015 8:55 AM
To: Spir, Peter
Subject: RE: determination of completeness

Great!

Thanks Peter

From: Spir, Peter [<mailto:Pspir@westlinnoregon.gov>]
Sent: Thursday, June 25, 2015 8:52 AM
To: Keith Jones
Subject: RE: determination of completeness
Importance: High

Keith

Go ahead and hold off on the non-conforming structure and variance applications until I meet with the Manager and Director. No guarantees, but there seems to be a good chance that this application can go back to a simple Class I DR. Should have your answer later this afternoon.

Peter

Peter Spir
Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
Pspir@westlinnoregon.gov
westlinnoregon.gov
Phone (503) 723-2539



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From: Keith Jones [<mailto:keithj@hhpr.com>]
Sent: Wednesday, June 24, 2015 3:34 PM

To: Spir, Peter
Subject: RE: determination of completeness

Peter,

Thank you for looking into whether we can remove the painted crosswalk.

Since this goes to the Planning Commission now, how long will that take to get to a hearing once it is complete? How much more time will it add to the process?

Thanks

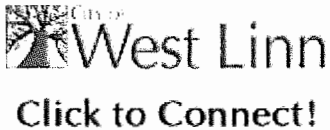
Keith

From: Spir, Peter [<mailto:Pspir@westlinnoregon.gov>]
Sent: Wednesday, June 24, 2015 12:39 PM
To: rburpee@me.com; gregburpee@me.com
Cc: Keith Jones; Shroyer, Shauna
Subject: determination of completeness

Roger

I have some design ideas that could remedy at least one of the variance issues if you want to discuss it.
Peter

Peter Spir
Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
Pspir@westlinnoregon.gov
westlinnoregon.gov
Phone (503) 723-2539



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DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Peter Spier</i>	PROJECT NO(S). <i>DR-15-09</i>	
NON-REFUNDABLE FEE(S) <i>2,100 -</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>2,100 -</i>

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) */** | <input type="checkbox"/> Time Extension * |
| <input checked="" type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) */** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

18900 Willamette Drive

 Assessor's Map No.: **21E23AA**

 Tax Lot(s): **1400**

 Total Land Area: **1.8 Acres**

Brief Description of Proposal: Convert vacant bank building with drive-through into a Starbucks Coffee store. Only minor exterior changes will be completed including adding 5 additional parking spaces, limited new paving (less than 1,000 square feet of new impervious area) and installing a new drive-up window.

Applicant Name: Roger Burpee, Managing Partner - West Linn Investors LLC Phone: (503) 490-9558
(please print)

Address: PO Box 487

Email: rburpee@me.com

City State Zip: Lake Oswego, OR 97034

Owner Name (required): Same as applicant
(please print)

Phone:

Address:

Email:

City State Zip:

Consultant Name: Keith Jones, Harper Houf Peterson Righellis Inc.
(please print)

Phone: (503) 221-1131

Address: 205 SE Spokane Street, Suite 200

Email: keithj@hhpr.com

City State Zip: Portland, OR 97202

1. All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.

2. The owner/applicant or their representative should be present at all public hearings.

3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.

4. Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.

One (1) complete set of digital application materials must also be submitted on CD in PDF format.

If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

Roger Burpee, Man. Partner
 Applicant's signature
West Linn Investors LLC
 Date *6-2-15*

Roger Burpee, Man. Partner
 Owner's signature (required)
West Linn Investors LLC
 Date *6-2-15*

Willamette Drive Starbucks
Class I Design Review
Land Use Application

Owner/Applicant: Roger Burpee, Managing Partner
(503) 490-9558
rburpee@me.com

West Linn Investors LLC
PO Box 487
Lake Oswego, OR 97034

Contact: Keith Jones, AICP, LEED AP ND
(503) 221-1131
keithj@hhpr.com

Harper Houf Peterson Righellis, Inc.
205 SE Spokane Street, Suite 200
Portland, OR 97202

Site Location: 18900 Willamette Drive

Tax Lot(s): 21E23AA - 1400

Site Size: 1.8 acres

Zoning: General Commercial (GC)

Summary of Request: The applicant requests approval of Class I Design Review to convert 3,000 square foot vacant bank with drive-through into a Starbucks Coffee store with drive-through.

Report Date: June 8, 2015

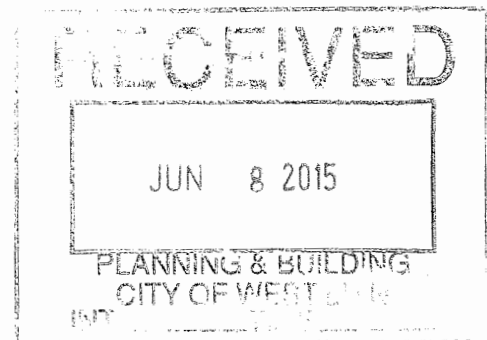


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Submitted with this application

1. Site Plan dated June 8, 2015
2. Drive-through Window Illustration



I. DESCRIPTION OF PROPOSAL

The site is located at the southeast corner of Willamette Drive and Walling Road in the City of West Linn (18900 Willamette Drive). The site contains a 6,000 square foot medical office building (DaVita Kidney Care) and a vacant bank building with drive-through. The applicant proposes to convert the vacant bank to a Starbucks Coffee store with limited work to the improved site and building. The scope of the project includes the following:

- Add a drive-through window at the east elevation of the bank building to accommodate the Starbucks Coffee store
- Add 292 square feet of new paving to improve turning movements into the drive-through
- Add five new parking stalls through striping existing paved areas
- Remove existing columns under drive-through canopy to convert two-lane former bank drive-through into a single-lane drive-through for proposed Starbucks Coffee store.
- Add striping, curbing and directional signage to channelize and identify the entrance and queue for the drive-through

Approval Request

The applicant requests approval of a Class I Design Review for installation of the improvements as shown on the site plan submitted with this application.



II. RESPONSE TO APPLICABLE CODE STANDARDS AND APPROVAL CRITERIA

COMMUNITY DEVELOPMENT CODE OF THE CITY OF WEST LINN

Chapter 19– General Commercial, GC

19.030 Permitted Uses

Response: The proposed Starbucks Coffee store is a use that is permitted outright as an “eating and drinking establishment” (Section 19.030.10)

19.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions

Response: The applicant does not propose to make any additions or changes to the footprint of either building or to reconfigure the lot. Therefore existing dimensional requirements will not be impacted.

19.070 Other Applicable Development Standards

A. The following standards apply to all development including permitted uses:

1. *Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.*

Response: This section is not applicable to the project.

2. *Chapter 35 CDC, Temporary Structures and Uses.*

Response: This section is not applicable to the project.

3. *Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.*

Response: This section is not applicable to the project as the footprint of the buildings is not proposed to be modified.

4. *Chapter 40 CDC, Building Height Limitations, Exceptions.*

Response: This section is not applicable to the project as the footprint of the buildings is not proposed to be modified.

5. *Chapter 42 CDC, Clear Vision Areas.*

Response: No changes to the driveway accesses are proposed that would impact clear vision areas.



6. Chapter 44 CDC, Fences.

Response: Does not apply to the proposal.

7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.

Response: See response to Chapter 46 below.

8. Chapter 48 CDC, Access, Egress and Circulation.

Response: See response to Chapter 48 below.

9. Chapter 52 CDC, Signs.

Response: The applicant will submit independently for a sign permit following approval of this design review application.

10. Chapter 54 CDC, Landscaping.

Response: See response to Section 54 below.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings and approved conditional use applications pursuant to CDC 60.030(C).

Response: Section 55, Design Review, applies to this project. A response to Section 55 is provided below.

Chapter 46 – OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

46.050 – Joint Use of Parking Area

A. *Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Planning Director as part of a building or zoning permit application or land use review:*

Response: The site contains two buildings including a 6,000 square foot kidney dialysis clinic (DaVita Kidney Care) and 3,000 square foot vacant bank building with drive-through (proposed Starbucks Coffee store).

Parking for the site is has been determined as follows:

Total Required Parking = 45

Starbucks – 3,000 SF (1 space per 100 SF) = 30

- Subtract 5 for drive-thru window (Section 46.090.C.1.a)
- Total Starbucks = 25



Medical Office (existing DaVita Kidney Care) – 6,000 SF (1 spacer per 250 SF) = 24

Parking Reductions:

- Parking required prior to reductions = 49
- 10% Reduction transit stop = 45* (Section 46.090.I)
*Round fraction up one whole space (Section 46.080.D)

The applicant proposes to reduce the parking an additional 10% to 41 spaces through the joint parking provisions of this section as indicated below:

1. *The names and addresses of the owners or tenants that are sharing the parking and the uses at those locations;*

Response: Both buildings and parking are located one property (Tax Lot 1400 of Tax Map 21E23AA.) The site is all in one ownership (West Linn Investors LLC) and the applicant, Roger Burpee, is the managing partner for West Linn Investors LLC. There are two buildings on the site, a 6,000 square foot building currently occupied by DaVita Kidney Care (kidney dialysis medical clinic) and a 3,000 square foot vacant bank (proposed Starbucks Coffee store).

2. *The location and number of parking spaces that are being shared;*

Response: Parking to be shared includes the 41 spaces proposed to all be located on-site with no off-site spaces included (36 spaces currently exist and 5 will be added through striping existing paved areas).

3. *An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and*

Response: The proposed Starbucks Coffee store is required to have 25 parking spaces.¹ The DaVita Kidney Care clinic, as a medical office under the code, requires 24 spaces.²

DaVita is only open Monday, Wednesday and Friday from 6 am to 4 pm. In addition to the limited hours, the clinic has limited staff and patients. The clinic has 5 staff and sees 6 patients at one time. Since patients are typically elderly and/or in poor health, many are dropped off by van service and/or friends and relatives. Treatments typically last about 4 hours with patients coming in the morning and receiving treatment between 6 am and 10 am, or in the afternoon between 10 am to 2 pm. Parking was counted on Wednesday June 3, 2015 at the peak time where morning patients finish treatment and afternoon patients arrive. Only 7 cars were observed in the parking lot at 10 am. In discussion with management, 5-7 cars in the lot at one time is typical.

Given that the clinic operates at limited hours, the fact that the use has limited staff (5 staff members), and because patients do not drive themselves to the clinic, the applicant requests an

¹ Parking is required at 1 space per 100 square feet. Building is 3,000 SF requiring 30 spaces. Code allows a reduction of 5 spaces when drive-up window is provided as proposed (Section 46.090.C.1.a).

² Parking is required at 1 spaces per 250 square feet. Building is 6,000 SF requiring 24 spaces.



additional 10% reduction in parking under this joint use provision thereby allowing joint use where Starbucks parking will share parking with DaVita. Parking is proposed as follows:

Starbucks – 3,000 SF (1 space per 100 SF) = 30

- Subtract 5 for drive-thru window (Section 46.090.C.1.a)
- Total Starbucks = 25

Medical Office – 6,000 SF (1 spacer per 250 SF) = 24

Parking Reductions:

- Parking Required prior to reductions = 49
 - 10% Reduction transit stop = 45* (Section 46.090.I)
 - 10% Reduction for Joint Use = 41* (Section 46.050)
- *Round fraction up one whole space (Section 46.080.D)

Parking Required/Proposed = 41

- Existing parking: 36
- Parking Added: 5 through striping existing asphalt areas (see site plan)

The applicant agrees to install 5 additional spaces to achieve 41 spaces as indicated above. However, in the applicant's opinion, the site has adequate parking as is. Many jurisdictions as well as commercial developers and lenders demand a parking ratio of 4 parking spaces per 1,000 square feet of retail. The total square footage of the site has 9,000 square feet and with the existing 36 spaces is consistent with the 4 per 1,000 ratio ($9,000/1,000=9 - 9 \times 4=36$).

Therefore, in the applicant's opinion, the additional 5 spaces proposed by the applicant will increase the parking ratio from 4.0 to 4.5 spaces per 1,000 square feet and will be more than adequate to accommodate the proposal.

4. *A legal instrument such as an easement or deed restriction that guarantees access to the parking for all uses.*

Response: The site is one tax parcel and owned by one entity. Since the site is one parcel in common ownership, both uses will have rights to the parking allowing the parking lot to be shared without the need for an additional agreement. Therefore a legal instrument is not necessary as access to the parking is guaranteed through common ownership.

- B. *If a joint use arrangement is subsequently terminated, the requirements of this chapter will apply to each use separately.*

Response: Noted by the applicant

40.110 – Reservoir Areas Required For Drive-In Uses

All uses providing drive-in service as defined by this code shall provide, on the same site, a reservoir space a minimum of 15 feet long for each car, as follows: [...]

Drive-in restaurants. 10 spaces/service window (measured from the last service window).



Response: The Starbucks Coffee drive-through requires 150 feet of stacking or reservoir area. The 150-foot area provided as shown on the site plan.

40.150 Design Standards.

Response: The applicant proposes to reconfigure existing full size spaces to 8-feet wide by 16 feet deep compact spaces at the southeast corner of the site and add two tandem spaces, 20 feet long, at the north end of the project. New spaces are striped to meet code standard. No other changes to the existing parking configuration are proposed. The parking lot has existing lighting that is not proposed to be modified. The site currently has two accessible parking spaces consistent with the required amount (two require for parking lots 26-50 spaces). The applicant has identified a location for covered bike parking on the site plan near the entrance to the Starbucks Coffee store.

Chapter 54 – Landscaping

54.020 – Approval Criteria

Response: The applicant is proposes only a slight change to the landscaping be removing 292 square feet for paving to improve turning movements to the drive-through. The site currently has well in excess of the 20% minimum landscaping required with 51.5%. No trees will be removed or impacted.

Chapter 55 – Design Review

55.020 – Class of Design Review

A. Class I Design Review. The following are subject to Class I Design Review:

- 1. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.). [...]*
- 9. No design review is required if the applicant proposes to repair or replace one of the listed items. The Planning Director shall make the determination of whether an applicant is proposing a repair or replacement. However, Class I design review applies when one of the following improvements is part of a minor redesign or remodel.*

- a. Sidewalks on private property.*
- b. Loading docks.*
- c. Addition or reduction of parking stalls.*
- d. Revised parking alignment.*
- e. Revised circulation.*
- f. Revised points of ingress/egress to a site.*
- g. Heating, ventilation, and air conditioners (HVAC) that are visible from the public right-of-way.*



Response: The applicant does not propose to add any square footage or modify the street-facing facade of the building. The applicant does propose to install a new drive-through window where a window formerly was located for the now closed bank (see illustration submitted with this application).

The applicant proposes some minor adjustments to parking and circulation to improve vehicular flow and stacking for the proposed Starbucks Coffee drive-through. Five new parking spaces will be added through striping of existing impervious area.

The proposed improvements require a Class I 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.

Response: The site is built out therefore natural physical features will not be adversely 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.

Response: The only exterior change to the building includes the addition of a drive-through window. At some point in time the drive-up window for the bank use was removed and walled over. This proposal will put the window back in the same location as where it was previously. The vacant bank still has the drive-through infrastructure including drive-through lanes and canopy that will be slightly modified by the applicant including removal of an internal column and some additional paving to improve turning movements through the drive-through lane.

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.

Response: This proposal is essentially to change over the use of the vacant bank to a Starbucks Coffee store use. Very minimal site and exterior building improvements are proposed including some limited paving, additional parking space striping and addition of a drive-through window. Access location and general circulation will not change with this proposal.

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.



Response: The site is currently connected to public facilities and no deficiencies have been identified.

C. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section.

Response: The applicant has provided a response to "A" above.

III. CONCLUSION

This summary of request and attachments demonstrate compliance with applicable approval criteria and code. The applicant respectfully requests that the City approve this application.



PROPOSED DRIVE-THROUGH WINDOW



EXISTING CONDITION



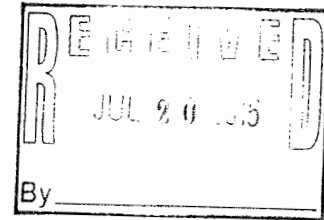
RECEIVED

JUN 8 2015

PLANNING & BUILDING
CITY OF WEST LINN
INT. _____

PD-5 PUBLIC COMMENTS

Marilyn Frankel
Carol Pulvermacher
3364 Walling Way
West Linn, Oregon 97068
July 18, 2015



Peter Spir
Associate Planner, City Hall
22500 Salamo Rd
West Linn, Oregon 97068

Dear Mr. Spir,

We are responding to the letter titled "Notice of Upcoming Planning Manager Decision File No. DR-15-09 sent to us in regards to the proposed modification of the former Bank of the West drive up aisles to accommodate a Starbucks drive through. As per the letter we would like to raise the following concerns as it relates to our property at 3364 Walling Way.

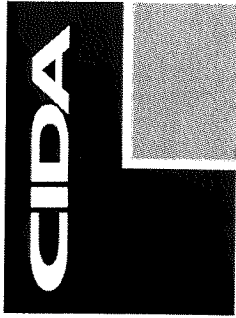
- 1) We would like to know the hours of operation of the drive through and to request a quiet period from 10:00 pm to 6:00 am.
- 2) Speakers for the drive through be pointed away from residential area.
- 3) Perhaps a Wall be erected on the outside of the lanes for the drive through to help contain any noise to the window areas and not the neighborhood.
- 4) Proper trash and rodent control be addressed as that is already a problem in the area and we would not like it increased.
- 5) Lights pointed away from residential areas and directed down at drive through.
- 6) No overnight parking allowed.

Thank you for your consideration of these issues in your decision.

Marilyn Frankel, 503 635-2558
Carol Pulvermacher, 971 533-6266

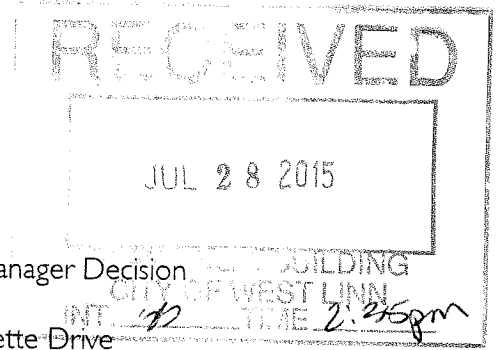
Mary Grace McDermott telephoned re: Starbucks on 7-20-15

She expressed concern about traffic entering and leaving the site



15895 SW 72ND AVE
SUITE 200
PORTLAND, OR 97224
PHONE: 503.226.1285
FAX: 503.226.1670
INFO@CIDAINC.COM
WWW.CIDAINC.COM

July 28, 2015



RE: Letter of Concern – Upcoming Planning Manager Decision
File No. DR-15-09
Starbucks Drive Through at 18900 Willamette Drive

Dear Mr. Spir,

On behalf of Berrey Investment, LLC, I would like to express some concerns regarding the proposed project that the West Linn Planning Manager is currently considering. As a representative of a neighboring land owner, there are parking and access design elements that do not appear to meet West Linn Community Development Code requirements. These issues pose a significant concern as they are likely to negatively impacting the adjacent properties.

In review of the plans, we do not believe that the proposed parking meets the minimum requirements of the CDC. The applicant has utilized several available mechanisms to reduce the required minimum number of parking stalls from 49 to 41. Regarding these reductions, we do not feel that the proposed uses should qualify for the proposed joint use parking reduction as allowed in 46.050. Although the applicant indicates that they have documented a low number of parking stalls actually utilized for the current medical use, there would be no land use action required to allow a different medical use to move into the facility. It is likely that a new medical user would have a parking need much higher than the current use. In fact, although code requires a 1 space per 250 square feet of medical office space, market generally demands 1 space per 200 square feet for these uses. It should also be noted that the peak parking demands for a medical facility (including the current kidney dialysis clinic), and a Starbucks facility generally occur at the same time and therefore the intent of the joint parking reduction is not met.

In addition to the concerns regarding the reductions, we do not believe that the proposed parking itself meets the standards in Chapter 46.150. In order to access five of the proposed stalls, a car would have to actually go through the drive-through lane. We do not believe this provides 'clear access, whereby the relocation of other vehicles to utilize the parking space is not required.' as required by criteria #5. If even one car is in the drive through, these five parking spaces could not be accessed without moving that car, or waiting for that car to move. We also do not believe these stalls meet criteria #21, requiring the parking and circulation patterns to be easily comprehended and defined.

It also does not appear that these five stalls meet the dimensional standards indicated for parallel parking stalls. Based on the parallel parking figure provided in chapter 46, only the end stalls can be 20' long, the middle stalls are to be 23' minimum in length. The current plan shows all five stalls at 20' in length, so 9' additional length would need to be provided for these stalls to comply with the dimensional standards.

Furthermore, we do not believe that the proposed 'on street' parking is viable. The area at these proposed parking spaces is currently signed 'No Parking' and the road is too narrow to safely allow on-street parking.

ARCHITECTURE
ENGINEERING
PLANNING
INTERIORS
LANDSCAPE

Given the above concerns, we feel that the minimum parking stalls should be reduced to no less than 45 stalls and believe the proposed design provides only 32 parking stalls that meet CDC requirements.

As the adjacent property owner, we are deeply concerned that the lack of parking will result in folks utilizing our lot as overflow parking, when they are not able to find parking on the subject property.

In addition to the concerns regarding the parking, we have access and circulation concerns both on site and off site.

The proposed access drive configuration will force all the drive-through traffic, and much of the balance of the egress traffic onto Walling Road. We anticipate that this will result in a significant number of cars queued on Walling Road trying to get onto Willamette Drive. Given the two way traffic on Willamette Drive, cars waiting to turn from Walling Road to go south, will be especially problematic. These queued cars will undoubtedly block the south drive to the adjacent property as well as cause congestion at that driveway.

We also believe that the concern regarding pedestrian circulation on site persists despite the reconfiguration. It is not clear how ADA access is provided between the accessible parking stalls and the Starbucks entrance. We also are concerned that the proposed design will result in pedestrians going through the drive through lane on their way to the Starbucks entrance. The idea that a pedestrian would cross the traffic aisle twice to utilize the sidewalk in front of the medical building and then back to the Starbucks entrance seems implausible.

Based on these concerns, we feel that the applicant should be asked to re-evaluate the proposed design to provide a layout that has suitable parking, safe circulation patterns and minimal impact to traffic congestion on the adjacent roadways.

Thank you for your time and consideration of our concerns.



Tara W. Lund, LEED AP BD+C
Principal Architect, CIDA, Inc.

Cc: Mike Berrey, Berrey Investment, LLC
File

Wyss, Darren

From: cmu@comcast.net
Sent: Friday, July 31, 2015 10:02 AM
To: Wyss, Darren
Subject: Fwd: starbucks on 43

I received an autoreply that Peter was out of the office. I am forwarding my written testimony on this matter to ensure the deadline. Thanks.

From: cmu@comcast.net
To: "Peter Spir" <pspir@westlinnoregon.gov>
Cc: "Larry T. Ullman" <larry.ullman@penwool.com>
Sent: Friday, July 31, 2015 9:44:05 AM
Subject: starbucks on 43

Hi, Peter: I am writing in response to the proposed Starbucks at the Bank of the West site. I met with you (and our realtor) last year as my husband and I were contemplating buying a property at 18705 Rose Way to investigate the city ordinances and the possible restrictions to building a garage or small ADU on our rather large lot. You were very helpful. We ended up purchasing the property late July of 2014 and have lived here a year. In that time, we have noticed an uncommon amount of traffic on our "little" Rose Way (six houses). We have discovered that Rose Way offers a nice cut through for people on River Road going to 43 as Fairview Road offers a better entree to 43 than Walling Way does. The restaurants (Bugatti, Thai Orchid and McDonald's) can produce many cut-throughs as well during dinner time. Additionally, many big trucks cut through, either lost, or working on road construction. My concern relates to the the amount of additional traffic a drive through at the Bank of the West property could cause to our little street. I have seen small barriers erected to prevent motorists from driving into a neighborhood. I do not know what would be appropriate here. But please consider the residents on Rose Way. Many of the households have been here 30 years plus and would like to enjoy the tranquility of our small piece of the Robinwood neighborhood. I ask that you take this seriously into consideration as you make this decision.

On some levels it seems a good option for this property from the view of Highway 43. Some of the structures are already in place and Starbucks could expand its small storefront. Which brings to mind my other concern. Starbucks leaving an empty storefront on the street next to Bugattis is not a good thing. There are too many empties around this portion of West Linn. Thank you for taking my concerns into your planning. Please contact me if you have any more interest in my opinion.

Carolyn Ullman
18705 Rose Way
West Linn, OR 97068
503-708-0650

PD-6 NOTES TO APPLICANT FROM ODOT

Notes to Applicant from ODOT:

- ☒ Curb, sidewalk, bikeways and road widening shall be constructed as necessary to be consistent with the local Transportation System Plan and ODOT/ADA standards. Please refer to the adopted West Linn OR 43 Conceptual Design Plan for guidance.
- ☒ Converting the building from a bank to a drive-through restaurant constitutes a change of use and the applicant will need to apply for a new approach permit. An ODOT approach permit for access to the state highway or written determination (e-mail, fax or mail acceptable) from ODOT that the existing approach is legal for the proposed use is required and must be obtained.
- ☒ An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An intergovernmental agreement (IGA) is required for agreements involving local governments and a cooperative improvement agreement (CIA) is required for private sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.
- ☒ An ODOT Drainage Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way.

A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:

1. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
2. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

Signs:

- ☒ Off-premise signs require a permit through the ODOT Outdoor Advertising Sign program (ORS 377.725). To determine whether or not a sign will be on or off premise contact Jill Hendrickson (ODOT Right-of-Way 503.986.3635).
- ☒ Private signs are not permitted in the state highway right of way (ORS 377.700-377.840).

Additional ODOT Comments:

ODOT recommends the following conditions:

- The removal of the sign in the sidewalk right-of-way
- The addition of way finding signs to direct drive through traffic to Walling Way
- Restriping of bike lane on Highway 43 with a painted buffer to discourage parking in the bike lane. The buffered bike lane can serve in the interim until the Conceptual Plan is incorporated into the corridor.