

**Job No.:** MFX-03  
**Date:** July 2, 2015  
**To:** Peter Spir  
**From:** Keith Jones, AICP, LEED AP ND



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

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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*

*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

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**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](mailto:Pspir@westlinnoregon.gov)  
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Phone (503) 723-2539



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**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?

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**From:** Spir, Peter [mailto:Pspir@westlinnoregon.gov]  
**Sent:** Thursday, June 25, 2015 11:14 AM  
**To:** Keith Jones  
**Cc:** [rburpee@me.com](mailto: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*

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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*

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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

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**From:** Spir, Peter [<mailto:Pspir@westlinnoregon.gov>]  
**Sent:** Wednesday, June 24, 2015 12:39 PM  
**To:** [rburpee@me.com](mailto:rburpee@me.com); [gregburpee@me.com](mailto: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*  
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West Linn, OR 97068  
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## **Willamette Drive Starbucks**

### **Class I Design Review**

#### **Land Use Application**

**Owner/Applicant:**

Roger Burpee, Managing Partner  
(503) 490-9558  
[rburpee@me.com](mailto: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](mailto: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 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.<sup>1</sup> The DaVita Kidney Care clinic, as a medical office under the code, requires 24 spaces.<sup>2</sup>

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

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<sup>1</sup> 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).

<sup>2</sup> 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**

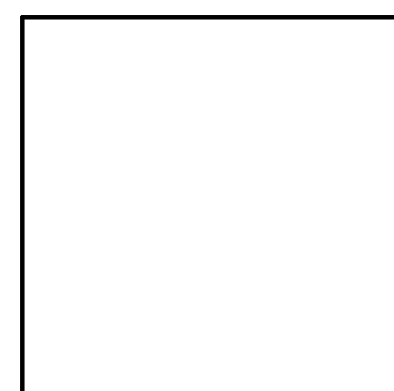
This summary of request and attachments demonstrate compliance with applicable approval criteria and code. The applicant respectfully requests that the City approve this application.





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%

			DESIGNED:	BJB
			DRAWN:	ABM
			CHECKED:	BJB
DATE	NO.	DESCRIPTION	DATE:	JULY 2015
R E V I S I O N S				



SITE PLAN  
WILLAMETTE DRIVE STARBUCKS  
WEST LINN, OREGON

SHEET NO.	1	OF	1
JOB NO.	MFJ-03		