

**Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon**

**Development Review Board – Panel A
Minutes–September 9, 2013 6:30 PM**

<p style="text-align: center;">APPROVED December 9, 2013</p>

I. Call to Order

Chair Mary Fierros Bower called the meeting to order at 6:30 p.m.

II. Chair’s Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: Mary Fierros Bower, Lenka Keith, Ken Ruud, Jerry Greenfield, and Council Liaison Susie Stevens. Simon Springall arrived after Roll Call.

Staff present: Blaise Edmonds and Barbara Jacobson

VI. Citizens’ Input This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

V. City Council Liaison Report

Councilor Stevens reported that on September 5th, City Council:

- Discussed the progress on the TIF Zones at work session and during both the regular City Council and Urban Renewal Agency meetings. The City has created a program to provide tax incentives on five properties to increase occupancy in underutilized buildings, now totaling 100,000-plus sq ft. The program was moving along well thus far and the deadline for getting the program started was the end of the year. Kirstin Retherford, Economic Development Manager, was running that TIF Program and was doing an excellent job at keeping everyone up to date.
- Awarded the contract for the Memorial Park parking lot to Jeff Kersey Construction, which was the lowest responsible bidder. Construction of the parking lot would begin this fall with the completion expected before the end of the year.
- Received news that the Boeckman Creek Bridge should be open soon, possibly by the end of October or early November, but certainly by Thanksgiving.
- Purchased Apache, the stainless steel horse sculpture on Town Center Loop, from the artist and decided to move the sculpture off the sidewalk and onto the grassy area next to the Town Center sign to minimize potential damage from pedestrians and bicyclists. The cost to move the art piece was minimal.
- She congratulated Jerry Greenfield on receiving the Heart of the City Award, acknowledging the wonderful work he does for the city in so many ways.

Simon Springall arrived at this time.

Jerry Greenfield applauded the Council’s decision to purchase Apache, adding that the City purchased the structure for a bargain.

Councilor Stevens stated she was very happy with the purchase and was glad that others felt the same. She commented on the wonderful symbolism that Apache portrayed for Wilsonville and the region.

VI. Consent Agenda:

A. Approval of minutes of June 10, 2013 DRB Panel A meeting
Jerry Greenfield moved to approve the June 10, 2013 DRB Panel A meeting minutes as presented. Ken Ruud seconded the motion, which passed unanimously.

VII. Public Hearing:

A. **Resolution No. 260. Chad Ward: Van Bilsen Investments – Owner.** The applicant is requesting approval of a Stage II Final Plan, a Waiver to reduce building setbacks, Site Design Review and a Tentative Partition Plat for an approximately 24,463 square foot industrial, office complex - technology and commercial building including related site improvements on Phase 2. This resolution also approves a Stage II Final Plan and Site Design Review for minor parking lot improvements on Phase 1. The site is located at 29900 Kinsman Road on Tax Lot 107 in Section 14C; T3S R1W; Clackamas County, Oregon; Staff: Blaise Edmonds

Case Files: DB13-0032 – Stage II Final Plan
 DB13-0033 – Waiver
 DB13-0034 – Site Design Review
 AR13-0033 – Tentative Partition Plat

Chair Fierros Bower called the public hearing to order at 6:35 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Blaise Edmonds, Manager of Current Planning, announced that the criteria applicable to the application were stated on page 3 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Edmonds presented the Staff report via PowerPoint with these comments:

- He entered Exhibit B7, an email dated September 9, 2013 and received from Architect Jennifer Beattie, RA proposing changes to Condition PDA 5, into the record. The exhibit was distributed to the Board. He explained the Applicant wanted to provide clarity and proposed that PDA 5 state, “Improvements that included the increase of occupiable area of 1250 sq ft or more would require a public hearing by the Development Review Board.” He noted he would explain why that condition was in the Staff report during his presentation.
- He displayed an aerial photo of the proposed site for the Phase 2 Project, noting the empty field between the Fred Meyer gas station and Phase 1, which used to be occupied by Laserquick but was now occupied by Columbia Helicopter. The Phase 2 site was next to Kinsman Rd and approximately 3.8 acres in size.
- The original Master Plan from almost sixteen years ago was a three-phase project with all the buildings attached. Six or seven years ago, the property’s owner, Chad Ward, received approval to modify the Master Plan to create a building 897 sq ft larger than the subject building being reviewed with similar uses of 5000 sq ft for retail/commercial and the balance of the building in manufacturing/warehouse/office use.
 - The City provides a two-year window when development must begin, but Mr. Ward was unable to attract a tenant to occupy the space due to recessionary times. He obtained one free City Council time extension, plus the three time extensions allowed by the Development Code for a total of six years, but he was still unable to attract a tenant or begin construction to vest the project. The project expired this summer so Mr. Ward had returned before the Board to propose a project very similar to the previously approved modified Master Plan. (Slide 3)

- The proposed building was 897 sq ft smaller than the previous proposal with very similar uses, but subtle differences did exist from the prior approval as the buildings were pushed back farther from Kinsman Rd and additional parking was provided between the building and Kinsman Rd. The circulation around the building, however, was very similar.
 - The relationship between the buildings in Phase 1 and Phase 2 was still the same with the loading and unloading distribution corridor on the north side of the proposed building.
- A photo was displayed of the existing Phase 1 building and proposed site, which was ready for development with an existing drive on the south side and parking on the east side of the property.
 - Three pine trees were not identified by the Applicant in the Site Plan. A condition of approval required a separate Class 2 administrative review for a “Type B” tree removal permit before the Applicant could start development, as the pine trees would most likely be removed. The street trees shown along Kinsman Rd would be retained.
- The Applicant is requesting a land partition and the proposed partition line was shown in red on the displayed Site Plan (Sheet A0.1). The Applicant also proposed adding fourteen new parking spaces indicated in yellow, for their current tenant, Columbia Helicopter. Everything south of the red line was proposed, including the trash enclosures at the southeast corner of the site.
- Some issues were created due to the waiver requested for the side yard setback in the Industrial Zone. The Development Code requires a minimum 30-ft setback on the front, side and the rear of the building. The Applicant requested a reduction from the 30-ft setback where the corners of the buildings were opposite one another.
 - The corner of the existing Phase 1 building would be 2 ft from the corner of the proposed new property line and 9 ft from the setback of the proposed Phase 2 building. The other parts of the application met the minimum setback requirement of 30-ft in terms of the building lay out.
 - When reviewing such proposals, he considers whether it fire, health and safety would be jeopardized and if adequate light and air space exists between the buildings. He made a recommendation for the approval of the waivers, which were almost identical to the waivers approved six years ago for the previous project, and the same issues existed because the project was similar.
 - The Building Official asked that the Applicant do a “Building Code Summary” for the existing building to determine if that building was designed to be within its 30-ft setback from a property line. The rest of the site complied with the 30-ft setback, so only two contact areas were being considered.
 - Staff recommends approval of the setback waiver because there would be adequate light between the buildings and the separation created by the parking and landscaping.
- Several public facility conditions from the Engineering Division required storm detention and water quality, which the Applicant proposed along the west side of the property to meet those requirements. Those areas would mostly likely be planted with wetland-type landscaping material.
- When the Phase 1 building was approved more than 15 years ago, the most significant trees were preserved, and those three oak trees would still be retained, even with the additional parking improvements proposed on the Columbia Helicopter side of the property.
- A letter was obtained from Republic Waste Management Services confirming the direct access to the trash enclosure.
 - The trash enclosure would have a roof to insure no trash goes into the drainage system. Building tenants could include manufacturers, but retail uses like a deli.
- Adequate parking spaces would be available for the variety of users that could be in the space.
- The existing courtyard area might be utilized more with the additional building.
- The proposed building would be two-stories, providing the potential for the second floor to be developed for more tenant use. He was concerned the window glazing would be different on the upper floor units and wanted the storefront to look like a full, two-story building with the same kind of glazing on both the first and second floors.

- Condition PDA 5, the subject of Exhibit B7, might not be needed because the Code already required that any occupied space larger than 1250 sq ft that was not a part of this approval or a Class 2 administrative approval up to 1200 sq ft would require a public hearing. He did not want usage creep to go up on the second floor without the City's knowledge, as it could also create a fire, health and safety issue that would require Building Official approval, additional parking, additional traffic reports, etc. The Applicant has the ability to occupy the second floor, but the City and users of the building must be restricted from utilizing the second floor without City approval.
- Most of the landscaping would be along Kinsman Rd to help buffer the building, even though it had a very attractive storefront with a lot of glazing and fenestration.
 - A fence ran along the south side of property as well as trees, which were right on the border of the adjacent Fred Meyer property. A condition of approval required that the fence remain intact and that care be taken when encroaching the drip line of the trees on the adjacent property so the trees were not killed.
 - All the shade tree requirements for shading the parking lot had been met with an appropriate number of shade tree islands.
- He displayed a cross view of the trash enclosure area, which had a masonry wall with a screened, gate fence.
- The official representation of the partition lines proposed for Parcel 1 and Parcel 2 were displayed.
- The Applicant hired a lighting engineer consultant to prepare the lighting diagram for the project which met the City's Dark Sky Ordinance for exterior lighting. Most of the lighting would be wall pack lighting, which was well within the Development Code's lighting requirements.
- He concluded that Staff recommended approval and invited questions from the Board.

Ken Ruud asked if precedent existed regarding the waiver to go from the 30-ft setback to 9 ft.

Mr. Edmonds responded that precedent was set on this particular site on the prior approval for which there was a public hearing. That application had almost identical circumstances.

- Waivers have been allowed for industrial setbacks as long as the building code issues were met in terms of fire safety. For example, the Applicant might need to upgrade the existing Phase 1 building with an additional firewall system.
 - An industrial setback was approved for one of the small buildings north of Wilsonville Chevrolet that was pushed back about 10 ft. A setback waiver was also approved for an industrial complex off Freeman Court.
 - Many residential development setbacks have been approved for large homes on small lots, such as in Copper Creek

Jerry Greenfield understood the original plan had two buildings that were contiguous with Phase 1.

Mr. Edmonds responded the buildings were originally going to be attached, wrapping around the courtyard. He believed separating the buildings it was more beneficial because it created more options for marketing or selling the property.

Mr. Greenfield asked if easement requirements would be an issue if the buildings were separately owned.

Mr. Edmonds deferred to Applicant, but noted that reciprocal easements should exist for parking and drives if overflow parking occurred. He was unsure if the Applicant guaranteed a number of spaces to Columbia Helicopter through a lease agreement, but they should have reciprocal driveway access at least. The Applicant had a good Circulation Plan and did an excellent job providing pedestrian connectivity between buildings and Kinsman Rd.

Chair Fierros Bower asked the height of the Columbia Helicopter facility.

Mr. Edmonds replied no maximum height exists in that planned development zone; height is unlimited in the Industrial Zone. He believed the Columbia Helicopter building, also a two-story building, was about 32-ft high, roughly the same height as the proposed building.

Chair Fierros Bower noted the north corner of the proposed building, where the setback narrowed to 9 feet, seemed to be a support space, possibly an electrical room, versus a retail store front that would be occupied regularly.

Simon Springall confirmed that the property line was created by the Applicant's proposal.

Mr. Edmonds added he did not know why the property line took that shape; typically one would not want a property line at an angle, so he deferred to the Applicant for an explanation.

Chair Fierros Bower called for the Applicant's presentation.

Tara Lund, CIDA Architects, 15895 SW 72nd Ave, Suite 200, Portland, OR responded to questions posed by the Board as follows:

- The Applicant did have preliminary correspondence with Plans Examiner Don Walters and completed a Building Code review. Setbacks are measured perpendicular to the building from the wall to the property line and the proposed setbacks were 30-ft perpendicular in all cases. The proposed setback also helped the view corridor. The view out the window would not be 2 ft, but at least 30 ft in all cases from the property line and 60-ft from the adjacent building.
- The reason the buildings were separated went back prior to her involvement on the project. Ms. Beattie could address that matter if it was a major concern.
- The property line was requested to be able to sell the properties if necessary, but that was not the intent. The bank wanted each property to be on its own parcel. The configuration of the property lines insured that 30-ft setbacks existed on each corner to meet Building Code requirements.
- She confirmed the room at the north corner of the building was a fire sprinkler and electrical room.

Mr. Greenfield asked why the application indicated that the original Master Plan, which was designed and approved to have the two additions attached to the existing building, had been rendered economically unviable with the current zoning requirements.

Jennifer Beattie, RA, CIDA Architects, explained that the original Laserquick building had been extremely difficult to lease because of its configuration. It was not zoned for a two-story office, making it almost impossible to subdivide into multitenant spaces, so the Applicant was forced to find a single tenant to fill the entire two-story building, which was extremely challenging. They did not want to mimic that problem in the additional building. The original building did not have clear heights on the first floor to accommodate good industrial or any kind of manufacturing. Laserquick and Columbia Helicopter were good tenants for the shallow floor heights, but such tenants were few and far between.

Mr. Springall asked if there was any way to reconfigure the property line or building placement to have a double-digit setback. If the properties were completely independent and owned separately it was hard to believe that a 2-ft setback waiver would be agreeable.

Ms. Beattie replied the Applicant met with the City back in 2005 or 2006 on this particular issue to try to find a location for that building, and it had been adjusted slightly for better circulation on the site.

The initial discussion was interpreted to create the property line 30-ft off of parallel in order to meet the Code. However, the City Planners did not believe that was how it had been interpreted historically, although nothing in the Code described exactly how that should take place. The conclusion at that time was to ask for the waiver.

- The Applicant considered multiple locations for the property line. The proposed location allowed for the 30-ft building setback. Initially, the building was located a little further to the west and the purpose for moving it, although it adjusted the property line slightly, was to allow for better circulation between the two properties. The ultimate intent was to have cross-access maintenance parking agreements between both parcels so people could park on either property. The Phase 1 building really needed the parking on both the front and back sides because of little parking was available at the main entrance of that facility. Part of the site design for the new building included creating a system to allow the first building to function better. Parking at the original building has been a serious problem.
- All these factors contributed to the proposed location of the property line, but primarily, the need to meet the Building Code setback requirement.

Mr. Springall confirmed the corner unit of the new building was an electrical and fire sprinkler room and asked what was in that close corner of the existing Phase 1 building.

Ms. Beattie replied it was the main entrance to the Phase 1 building. To enter the building at this time, people park around back and walk in through a courtyard or use the emergency stairs. The advantage of having the fire riser room at that location in the new building was that each building would have some autonomy with separate entrances. The entrance for the Phase 1 building would have an independent feeling and the courtyard would be more private.

Mr. Greenfield asked what the actual linear footage was between the two corners of the buildings.

Ms. Lund answered it was about 35 ft diagonally.

Mr. Greenfield noted they were really discussing legal issues relating to the property line and building; it was not a question of the ambiance.

Chair Fierros Bower asked if the property had one owner, essentially making the property line more of an imaginary line.

Ms. Beattie replied the property had one owner and it was one parcel, but the application was requesting a partition because the bank required each building to have independence for loan purposes. The buildings were almost identical in square footage, which was an important component when planning Phase 2. The bank that Phase 1 was currently under had released that much square footage in anticipation of a future loan on that building.

Mr. Greenfield believed it was an imaginative, ingenious solution to a very difficult problem.

Chair Fierros Bower called for public testimony in favor of, opposed and neutral to the application. Seeing none, she called for any rebuttal from the Applicant.

Ms. Beattie asked if they needed to officially request the text modification to clarify Condition PDA 5 to state, "increased in square footage".

Barbara Jacobson, Assistant City Attorney, believed Staff had recommended that change so the Board would vote on approval with that amendment included or not.

Mr. Edmonds confirmed that the verbiage would modify Staff's condition and an amendment was required.

Chair Fierros Bower closed the public hearing at 7:15 p.m.

Mr. Springall stated he was initially concerned about the setback, but agreed it really was a legal issue that the Applicant and architect had to be concerned with and they had worked out the solution. The Board's job was to determine whether the project met the aesthetic concerns, obviously the Staff report addressed the other aspects, so he was less concerned than he was initially.

Chair Fierros Bower believed the addition of the Phase 2 building enhanced the functionality the Phase 1 building, which was not working well before. She commended the architects on a job well done.

Mr. Greenfield commented that he saw the proposal as a clever rescue.

Simon Springall moved to approve the proposed change to Condition PDA 5 as presented in Exhibit B7. The motion was seconded by Jerry Greenfield and passed unanimously.

Jerry Greenfield moved to approve the Staff report as amended and adopt Resolution No. 260. Simon Springall seconded the motion, which passed unanimously.

Chair Fierros Bower read the rules of appeal into the record.

VIII. Board Member Communications: None

IX. Staff Communications

There were none.

X. Adjournment

The meeting adjourned at 7:20 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for
Shelley White, Planning Administrative Assistant