

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

**Development Review Board – Panel B
Minutes–August 28, 2017 6:30 PM**

<p><u>Approved</u> October 23, 2017</p>
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I. Call to Order

Chair Shawn O’Neil 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: Shawn O’Neil, Richard Martens, Aaron Woods, and Samuel Scull.
Samy Nada arrived later.

Staff present: Daniel Pauly, Charles Tso, Mike Ward and Barbara Jacobson

IV. 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. Consent Agenda:

A. Approval of minutes of June 26, 2017 meeting

Aaron Woods moved to approve the June 26, 2017 DRB Panel B meeting minutes as presented. Shawn O’Neil seconded the motion, which passed 4 to 0.

VI. Public Hearing:

A. Resolution No. 339. Coca Cola Parking: TreCore Construction Management LLC – Applicant for Swire Coca Cola - Owner. The applicant is requesting approval of a Stage II Final Plan Revision, Site Design Review and Type C Tree Removal Plan for the addition of a parking area for approximately 23 passenger vehicle spaces at the southeast corner of Barber Street and Kinsman Road. The site is located on Tax Lot 103 of Section 14C, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly

Case Files:	DB17-0021	Stage II Final Plan Revision
	DB17-0022	Site Design Review
	DB17-0023	Type C Tree Removal Plan

Chair O’Neil called the public hearing to order at 6:34 p.m. and read the conduct of hearing format into the record. All 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.

Daniel Pauly, Senior Planner, announced that the criteria applicable to the application were stated on page 2 of the Staff report, which was entered into the record. Copies of the report were available at the side of the room.

Mr. Pauly presented the Staff report via PowerPoint, briefly reviewing and noting the project's location and surrounding features with these key comments:

- He noted that the application was for the expansion of the parking area at the Coca Cola facility in Wilsonville.
- The proposed expansion was specifically located at an area near the intersection of Kinsman and Barber Roads
- The request was for 23 additional passenger vehicle parking spaces for employees
- DRB approval was required for parking changes involving more than 10 parking spaces
- Traffic: No PM Peak Impact was anticipated and the Community Development Director had granted a waiver to the traffic study requirement
- There was no maximum for parking for manufacturing establishments, and any addition to the current parking would not be a code issue
- The design of the parking lot would be pretty standard:
 - 24' wide drive aisles
 - Two-way traffic
 - Standard 9'x18' parking spaces
 - Required landscape island and surrounding landscape
- Landscaping:
 - A hedge would provide the low-screen standard, which was required
 - A rain garden would treat run-off from the new impervious area
 - Four trees were proposed to be removed, including 2 Douglas Fir and a couple of deciduous trees
 - Mitigation was proposed or required by condition of approval

Richard Martens asked if additional trees would be planted.

Mr. Pauly answered that additional trees were required to be planted.

Aaron Woods asked if charging stations for electric vehicles were planned.

Mr. Pauly said that the representative from Coca Cola could address that question. There had been no discussion on the matter.

Chair O'Neil asked if there were existing stations.

Mr. Pauly answered that there were not.

Michael Perelli Minetti, Swire Coca Cola, 9750 SW Barber Street, responded to the question regarding electric vehicle charging stations by saying that they had not looked at that provision. They did not currently have charging stations available at the campus. Part of the fleet was converting to hybrid, but those vehicles did not require electrical charging.

Mr. Woods asked if that would be something that Coca Cola would consider.

Mr. Perelli Minetti said that they would most definitely would consider it, especially as they saw the need for it increase.

Mr. Woods said that there were a number of people in the City who do drive electric vehicles.

Mr. Perelli Minetti said that he had seen them.

Chair O'Neil asked if any of the employees currently drove electric vehicles.

Mr. Perelli Minetti said he had not seen any pure-play electric only vehicles in the parking lot.

There were no further questions for the applicant.

There was no citizen testimony regarding the application.

The public hearing was closed at 6:41 p.m.

Richard Martens moved to approve Resolution No. 339 and accompanying staff report as presented. Aaron Woods seconded the motion. The motion passed 4-0.

Chair O'Neil read the rules of appeal into the record.

- B. Resolution No. 340. Villebois Piazza Temporary Use Permit (TUP): Rudy Kadlub, Costa Pacific Communities – Applicant for RCS Villebois Development – Owner.** The applicant is requesting approval of a Class 3 Temporary Use Permit for existing mailboxes, one coffee cart and potentially up to six food carts in the future. The subject site is located at the Villebois Piazza on Tax Lots 101, 102 and 2800 of Section 15AC, T3S, R1W, Clackamas County, Oregon. Staff: Charles Tso

Case File: DB17-0024 Class III Temporary Use Permit

Chair O'Neil called the public hearing to order at 6:43 p.m. and read the conduct of hearing format into the record. No members declared a conflict of interest, bias, or conclusion from a site visit. Chair O'Neil stated for the record that he was a member of the Villebois Facebook Community Page and had seen Facebook posts regarding the application, but declared that he had not formed an opinion on the application as a result of what he had seen. All members had familiarized themselves with the application and declared for the record that they had visited the site. No board member participation was challenged by any member of the audience.

Samy Nada joined the meeting in progress and declared that he did not have any bias or conflicts that would impact his ability to fairly evaluate Resolution 340.

Charles Tso, Assistant Planner, announced that the criteria applicable to the application were stated on page 2 of the Staff report, which was entered into the record. Copies of the report were available at the side of the room.

Mr. Tso presented the Staff report via PowerPoint, briefly reviewing and noting the project's location and surrounding features with these key comments:

- This application was for a temporary use permit for 2 different uses:
 - Existing mailboxes that serve residents living in the area and
 - Food carts (up to 6 food/beverage carts) to be placed in the area adjacent to the Piazza
- The Piazza was located at the intersection of Villebois Drive and Barber Street. He showed the locations for the mailboxes, a coffee cart and the proposed location for future food carts.
- The temporary mailboxes were approved in 2008. That approval expired in 2014. This request would extend the mailboxes for two additional years.
- The temporary use permit would allow for up to six food/beverage carts in total to be placed across from the Piazza along Campanile Lane and Royal Scot Lane. Currently, one coffee cart was proposed to be located across from Royal Scot Lane and would be ready and open for business upon approval of the project.
- The Piazza was located within the Village Center as described in the Villebois Master Plan and was intended to be a mix of residential shopping and mixed-use buildings.
- The food carts would add retail food service destinations in the neighborhood, accessible by walking and bicycling to enhance the pedestrian-oriented neighborhood environment.
- The remainder of the Piazza would remain the same.
- Staff did not believe that traffic and parking would be significantly impacted by the presence of the mailboxes, the proposed coffee cart and future food carts. The additional food carts would bring food and coffee/beverage options closer to the residents in the neighborhood and would reduce the need for residents to have to drive out of the neighborhood to get food and beverages.

Chair O'Neil asked if the carts would be fixtures that would remain on site at the end of each day.

Mr. Tso answered yes.

Chair O'Neil asked if there were any other food carts like that in the City or if it was a first for the City.

Mr. Pauly answered that a temporary structure as a temporary use had been approved.

Chair O'Neil explained that he was focused on food carts.

Mr. Pauly said that there were no food carts like these for such a duration as this.

Chair O'Neil said that this would be the first time. There were temporary food carts, like Slick's Barbecue, but not something that would be there for a while.

Mr. Woods asked what governed food carts in a particular area. He believed that there was some governance from the State, but what about the City. Had the City developed any requirements for carts?

Mr. Pauly said that, as it pertained to health and health code, it was handled through the County.

Chair O'Neil clarified that issues of taxation and health were not considered before the Board. The only focus was the temporary use. He asked if the businesses would have to get Wilsonville business licenses.

Mr. Pauly answered that they would.

Chair O'Neil also clarified that they would have to operate a business lawfully just like anyone else.

Mr. Pauly confirmed that they would and said that they would also have to pay transit tax.

Mr. Woods asked if the Board was only looking at the request for an extension.

Mr. Pauly answered that these were interim uses planned for the future mixed-use building. The Master Plan called for a mailroom for all of Village Center to be in one mixed-use building. The mixed-use building did not exist yet, so all of the mailboxes were currently outside until the building was built and the mailroom was available. The same building would include retail space or something like a coffee shop as well. The hope was that in the next 24 months a mixed-use building would be built that could accommodate them permanently. It would be interesting to see how the traffic would respond to the food carts. A temporary use permit was also, by code, revocable. If there was a big issue, it could be revoked. He had never known of a temporary use permit to be revoked, but it was enabled in the code. It would give an idea of how the neighborhood would function with the additional amenities at the Piazza as had been envisioned.

Mr. Nada asked if the food carts would be visible from the street and if they were, were there guidelines in the code for colors and signage...

Mr. Pauly answered that signage was governed both by the code and temporary and permanent sign guidelines for Villebois itself. The color of the food cart would not be governed. As a temporary use, it would not have to go through architectural review.

Mr. Martens asked if there were restrictions as to the type of structure. Could someone drag a trailer or food cart or build something...

Mr. Pauly answered that it could be a variety of things. The homeowners association as well as the developer that was trying to attract new residents and business would be conscious of good design for their purposes.

Chair O'Neil asked if the site was unique enough that it (food carts) wouldn't be seen in other parts of Wilsonville. Would this be like opening a Pandora's Box where the Board would have to approve someone else at a different location down the road.

Mr. Pauly answered that it was clear in the record and in the staff report that the nature of the application was for interim use. The same use was expected to come to fruition on this site within the next couple of years. That was a unique circumstance.

Mr. Tso added that all future additional food carts under the permit would need to be reviewed by the Planning Department staff before they could be set up.

Samuel Scull asked if there was an area limitation for the food carts to move about or park within the Piazza.

Mr. Pauly replied that it would be reviewed again individually. Staff would not want them to interfere with the existing functions of the planned park. It would be off on the unused area of the Piazza, on the edge, where it wouldn't interfere with the function of the bocce ball court or anything else that existed. The current use of the Piazza park would continue uninhibited.

Mr. Scull asked if there would be controls in place for the hours of operation.

Mr. Pauly answered that there were no code criteria that would control that.

Chair O'Neil assumed that fire concerns were addressed and that the location of the carts....

Mr. Pauly answered that fire and building codes would still apply.

Mr. Martens asked if utilities were in place.

Mr. Pauly said that the applicant could speak to that question.

Mr. Nada asked about Mr. Pauly's earlier statement that temporary use permits could be revoked and how that was handled.

Mr. Pauly answered that if there was a specific criteria or condition of approval that was not being met that would be a cause to revoke the permit.

Chair O'Neil asked who would revoke it. The DRB or the Planning Staff?

Mr. Pauly answered that he was not sure.

Chair O'Neil asked staff to look that information up. He confirmed there were no further questions for staff and called the applicant forward to give their presentation.

Rudy Kadlub, President of Costa Pacific Communities - master plan developer of Villebois – said that they had been in front of many Design Review Board groups over the last 14 years through the long, arduous process of developing what was one of the greatest communities in America. One of the last aspects of development would be the successful development of the commercial space surrounding the Piazza in the heart of the community.

- He gave a quick background of the Piazza and the Villebois Village Center. It had been approved years ago to accommodate up to about 30,000 square feet of retail commercial space in a series of up to five buildings surrounding the Piazza, with the intent that there would be active retail on the ground floor and a mix of uses such as office space or residential units above.
- The first building was built around 2007 in conjunction with what was now known as the Domain Apartments. They built the first mixed-use building on Villebois Drive, which included a fair amount of retail space of which nearly half of which was for leasing offices and as an amenity center. The balance of the space, approximately 5000 square feet, remained mostly vacant until about a year ago. Just in the last year they had seen retail and office demand start to match up with the supply – which was about 7,000 square feet of retail in that building.
- An additional 23,000 square feet was called for, according to the master plan. Several hundreds of homes were yet to be built. At build-out, there would be 6,000 to 7,000 people living in Villebois. One would think that would create a demand for a fair amount of neighborhood commercial. However, they had been actively marketing the space around the Piazza for a number of years, but it was difficult to find a retail/mixed use developer. The problem with building mixed-use was that when the second use was residential above commercial, the residential had to be built to commercial standards, which drove the cost of the residential up making it tougher to compete with non-mixed-use residential. Non-mixed-use residential housing could be sold or rented for less. The market demand was not quite there for mixed-use buildings.
- The City had brought in a highly regarded retail consultant, Robert Gibbs, about a year ago to measure demand for retail in Wilsonville. Mr. Gibbs looked at Town Center, but also gave his opinion about Villebois, the Village Center and the Piazza and made some recommendations:
 - Retail should be held to not more than 20,000 square feet, but 10,000 square feet would be better.

- Another recommendation was to bring in temporary trailers, known as food carts in the Portland area, similar to Seaside, Florida and Seabrook in Washington which had seen a great deal of success. Those carts had generated additional traffic. More than one store or restaurant was needed to make a place a destination for retail. Retailers and restaurants were often gathered in one place. When five or more restaurants were in one place it became a destination. That tended to be the case for retail and dining throughout the country. It was a cardinal rule.
- Costa Pacific had not actively sought food carts. They had talked to one of the larger food cart operators about six or seven months ago, but nothing had come from the discussion. That operator continued to service various events in and around Wilsonville and the Portland area, but no agreement had been reached for a permitted food cart that would stay in place overnight.
- In visiting with Staff regarding a proposal from a Villebois resident who wanted permission to put up a coffee cart, it was determined that a temporary use permit was required. Coincidentally, the mailbox temporary use permit was expiring and it seemed appropriate to apply for both at the same time since they were both in the same location.
- The lot on the northeast side of Royal Scot Lane would eventually be a mixed-use building and the intent was that the mail center would be one of the tenants in that building. There would also be a public restroom. There was not enough demand to build that building yet, but that was the long-term plan.
- When the master plan was adopted, the U.S. Postal Service and the City agreed that all residents of the Village Center would get their mail in one location. Currently, residents got their mail from the temporary mailboxes, but eventually they would get it from the mailroom in the mixed-use building in a similar location.
- Residents had been asking for a coffee shop since they first broke ground in Villebois. It was the number one request from everyone. He was delighted when a Villebois resident came forward to offer that service for residents in Villebois. Ms. Recker had purchased a charming, architecturally pleasing cart and had found a location out of the public right-of-way, adjacent to the sidewalks and utilities. Utilities and water had always been planned for around the Piazza to support concerts, weddings, farmers markets and the like.
- They had not talked to and had no designs on any other carts at that time. They would be happy to meet a condition to come forward to the Board if they were to bring any other carts to the Piazza.
- They were hoping to generate additional traffic and enough activity to allow the users of the carts to become future brick-and-mortar tenants of the future buildings.
- As far as architecture was concerned, they were looking at selling land and developing buildings there, so they wished to maintain the high architectural standards as found in the architectural pattern book. They did not anticipate and would not allow anything that would detract from their activity there.

Chair O'Neil asked how many carts were possible in that location under the permit.

Mr. Kadlub answered that he thought they said six.

Mr. Tso confirmed that up to six were possible under the current proposal.

Chair O'Neil asked if there could be more (carts) or if six was the max.

Mr. Kadlub answered that under the current permit it would be six.

Chair O'Neil asked if there had been any communications or discussions with the local restaurants currently in Wilsonville to see if there was any interest in them having a cart in that location as opposed to having someone from outside come in.

Mr. Kadlub answered that he had not actively sought coffee carts. He had talked to other local restaurant owners about having a restaurant in Villebois in a brick and mortar building, but had not talked to anyone else about a temporary cart.

Mr. Woods asked about the traffic on Piazza Lane - was the thought to have primarily walking traffic or cars?

Mr. Kadlub said that Villebois as designed and envisioned was a pedestrian-friendly community and that they would never allow a drive-through amenity such as Starbucks as it did not fit the vision of Villebois. They would love to see everyone walking in Villebois and to the site. The Village Center was designed with the highest density surrounding the Piazza so the notion was that the greatest number of people living in Villebois would be within a quarter-mile walking distance of the Piazza. It was well connected and at the heart of Villebois. Every road and sidewalk led to that location.

Mr. Woods asked if that meant this was primarily for residents of Villebois and hopefully other Wilsonville residents as well.

Mr. Kadlub said that he would love to think that people outside of Wilsonville would pass up other coffee establishments to go to Kelly's coffee cart but that it was more likely that the primary customers would be living right there.

Mr. Martens asked for clarification on the design. Future carts would be under design control and standards that are already in place...?

Mr. Kadlub said that it would need to be approved by the architectural control committee. When it was turned over to the HOA, within 6 months or a year, the master association would have to manage the architectural control committee.

Mr. Nada asked if there would be a need for the mixed-use building within the next 3 years.

Mr. Kadlub said he wished that there would be a need, but he did not have a crystal ball. They kept talking to mixed-use developers and hoping that the demand would be there to create more supply. A fair amount of retail came in four or five years ago, but there were still vacancies in the Town Center. The Domain building rents were less than areas in the Town Center or in the Fred Meyer area but they were still vacant. He would like to think that as the balance of homes were built, it would create a tipping point to allow for more demand on the site.

Mr. Nada asked for clarification – if the mailbox permit expired in 2014 how was it monitored.

Mr. Pauly answered that, at the time, only one-year temporary use permits were allowed, even thru the DRB. Subsequent code changes had changed the language to allow for five-year temporary use permits. Now tracking was easier and it seemed like a good time to extend the temporary use permit for the mailboxes.

Mr. Scull asked if the future design had enough parking capacity integrated into it to accommodate the total retail/commercial space anticipated.

Mr. Kadlub answered that the future buildings would have their own parking and would have to meet the parking criteria laid out by the City. The buildings would be built, fronting on Royal Scot Lane, on Campanile Lane and on Barber Street and would have required parking, likely in the rear. The HOA transitional advisory committee was working with the City Engineer to come up with a parking plan for the Piazza. Currently, residents of the Domain typically parked on Villebois Drive and walked into the building and park there all night long, on both sides of Campanile and Royal Scot Lane. In the plan, no parking was intended to occur adjacent to the Piazza on those private streets. The streets were not posted as ‘No Parking,’ so people naturally did park there. There were bulb-outs and parallel parking outside of Royal Scot Lane and to the northwest of Campanile. Barber Street also had parking on both sides, as did Villebois Drive. It had always been contemplated that parking on Villebois Drive, Barber Street and the two private streets would be restricted to a limited parking time. Some areas might be 15 minutes, some might be an hour or two hours with no long-term parking. They were still in the process of developing and managing what the rules might look like.

He thanked staff for their help.

Chair O’Neil confirmed there were no further questions and called for public testimony in favor of, opposed, and neutral to the application.

Art Henderlong, 11386 SW Barber Street, testified that lived in Villebois for the past 11 years. For the past 6 years he served as president of the Seville Row Home owners association. He felt strongly that “Villebrew” coffee cart was a tremendous idea. In that neighborhood in the mornings, once could see dog walkers, walkers, joggers, and bicyclists. It could become a very nice morning activity center as a coffee shop. He felt he spoke for everyone when he said he was not for a proliferation of food carts. They did not want to become a destination. They

wanted to be a very unique community, which they were, and maintain that. They felt the “Villebrew” added to that. Food carts, in general, would be a completely different discussion. They were adamantly against proliferation of food carts, but were supportive of the coffee cart.

Robert Walliker, 29164 SW San Remo Court, testified that he had been a neighbor in Villebois for about 9 years. He opposed the planned food carts and did not want to open Pandora’s Box by allowing a coffee cart but disallowing food. He was also concerned with the traffic pattern. It would be difficult when everyone was going to work to park in the morning, walk over to get coffee, and then walk back to the car. He felt that people would tend to try to drive through the area, which would cause issues for people dropping their children off at the Montessori school. Brick and mortar businesses such as the restaurant and taproom put a lot of money into obtaining permits, but this would allow anyone with a cart to wheel it in and start serving food and compete with the other business. That was not the reason he moved to Villebois.

Laurie Adams, 11404 SW Barber Street, testified that she was a proponent for “Villebrew.” She was a new resident in Villebois but had had daily conversations with neighbors about the excitement of possibly having a local coffee cart and supporting a local business versus driving to Starbucks every day.

Daniel McConville, 11251 SW Barber Street, testified that he agreed with what Mr. Henderlong had to say. He loved the idea of “Villebrew” but was not excited for food carts.

Steve Hansen, 11398 SW Barber Street, stated that he had lived in the Seville Row Homes since 2010. He currently served as an officer on the HOA Board for the Seville Row Homes and also participated on the Transition Advisory Committee for the Villebois Village Master Association. He had been in direct communication with Kelly and numerous others concerning “Villebrew” and so forth. In response to Mr. Nada’s and Mr. Martens concerns about design and colors, they had been under very strict control and monitoring of what was allowed. They would continue to do so. He was a strong proponent and supported the “Villebrew” coffee cart.

John Choppala, owner of Quench Taproom and future restaurant, 28900 SW Villebois Drive Suite 1002, said that his business opened in November 2016. He and his wife had conducted an exhaustive search all over Portland and landed on Villebois as a place to open their business because their vision was to have food and drink and community combined together. They were solo entrepreneurs and were not part of a chain. They were excited to be there. His concern was with the food carts. He had conversations with Kelly and was supportive of the coffee cart and other local businesses. He was concerned with how the application was all lumped together -the mailbox, the coffee cart and the food carts were lumped into one proposal and that was a concern. As a brick and mortar operator the concern was food carts would have a much different capital outlay than for a brick and mortar establishment. Their plans for a restaurant were in front of the plans examiner and they were moving with that plan. The addition of food carts would be a deterrent to the business. He was not afraid of competition but wanted an equal playing field.

Chair O'Neil asked how long Mr. Choppala had been at his current location/

Mr. Choppala answered that he had been there since November.

Chair O'Neil asked if he was made aware prior to signing the lease that there was a possibility of food carts being there.

Mr. Choppala answered that he had not. He was aware of the possibility of additional mixed-use buildings. He had tried to recruit another restaurant to join him in opening another restaurant that space. He reiterated that it was not a concern with competition but about having an equal playing field.

Kelley Recker testified that her address was on the testimony card. She identified herself as the owner of the coffee cart. She desired to provide good quality coffee and espresso to Villebois residents and guests. She was a resident and felt invested in Villebois. She had the idea to start a coffee shop about 15 years ago. She was a nurse, and explained that nursing and selling coffee did not mix, but it was a dream that she had. She happened to see a coffee cart for sale and really liked the way that it looked with a European feel. She bought it and renovated it by putting in new windows and a door along with having it painted. She had gone through the necessary process to make her dream a reality. She had contacted the County and looked at requirements for what she needed to have. It met the code and County requirements. She talked with contractors added electrical. It was a fully functioning coffee cart. She had done her due diligence to get to this point. She desired to provide coffee and espresso to the people in Villebois and for her coffee cart to be a place where people could meet.

Mr. Tso added that Kelly brought a visual sample of the architecture.

Mr. Pauly asked for a picture of it.

Chair O'Neil asked for the sample to be passed around.

Emily Stockman, 10991 SW Stockholm Drive, stated that she agreed with a few previous testimonies. She was not opposed the coffee cart but was opposed to the lumped permit of the food carts. As a resident, she felt like there was not much clarity and that the process was rushed. She spoke regarding the parking plan and said that as a resident, she had seen parking and traffic at all times of the day. There was an issue with parking. It was not as much of a walking community as she hoped it would be. It snowed, it rained, it was 100 degrees outside – people were not walking up the hill, they were driving there. She would love to have the parking re-examined in light of what the community was actually doing. As for utilities, she wanted to know where the garbage was to be dumped and if the food trucks would run generators all day. There were many open-ended questions and she wanted more clarity. Noise could be an issue and there was a need to have time and place of operation spelled out. Brick and mortar space was still available and she was curious why this came up. Again, it felt rushed and unclear.

Seth Dershewitz, 28900 SW Villebois Drive North, testified that he was concerned with parking and traffic in the area. He could not imagine people stopping or parking for coffee. He felt it needed to be re-evaluated. He was also concerned that there be a level playing field for all businesses. It needed to be something that Wilsonville would take pride in.

Chair O'Neil asked for the applicant's rebuttal or additional information.

Mr. Kadlub clarified that the ownership of the Domain mixed-use building was separate from the ownership of the rest of the proposed mixed-use buildings on the Piazza. The developer sold the property in 2006 and 2007 and were not party to the negotiation of leases with the existing tenants in the building.

The Transitional Advisory Committee, mentioned by Mr. Hansen, had been working with residents within Villebois Village Center to teach them how to operate the HOA. They were familiar with the proposal. Kelly had attended a meeting and the Transitional Advisory Committee fully supported her proposal.

Chair O'Neil observed that everyone seemed to love the coffee shop, but were concerned with the "what if" that came later. Was there a way to limit the temporary use permit to just the coffee shop?

Mr. Kadlub said that he had accepted the conditions of approval, one of which stated that he needed to come back to the City for any future carts.

Mr. Pauly clarified that it would be to staff. The question was if the applicant would be agreeable to limit it to just the mailbox and the coffee cart. Anything additional would need to come back to the Board. He had already started to make edits to the staff report should it go that way.

Chair O'Neil asked if the applicant would consider that.

Mr. Kadlub asked if the City would consider not charging him for another temporary use permit.

Ms. Jacobson answered no.

Mr. Nada mentioned that the issue of parking had been brought up and asked if there was enough space for a car or two cars to be parked in that area.

Mr. Kadlub replied that parking was typically available on the northwest side of Campanile Drive. The people parking overnight on Royal Scot Lane were residents of the Domain. They were working with the City Engineer to put together a proposal for a parking plan that would restrict parking on those streets, both for the location and the length of time between 8 a.m. and

6 p.m. They were hoping to open up more spaces with those restrictions. There was typically plenty of parking along Barber Street and along Campanile Lane.

Mr. Pauly added that additional streets would be opening soon.

Mr. Nada asked if it was possible to have one or two parking spots nearby with a 5-minute time limit so that a customer could stop in quickly to buy coffee.

Mr. Pauly answered that it would be difficult to do on a public street but there was more flexibility on the private portion. It sounded like the HOA was working through that.

Mr. Kadlub agreed and added that it was their intent to limit it. It would benefit the existing brick and mortar tenants as well. Along Villebois Drive there were no parking restrictions. If a customer wanted to grab a quick beer at Quench, they might have to park two to three blocks away because residents were taking up that space 24-7. They needed the City's approval to limit the time on public streets.

Mr. Martens asked for clarification about whether the HOA would just be for the commercial area.

Mr. Kadlub answered that the Villebois Village Center Master HOA governed the Central SAP, which included up to 1100 dwelling units.

Mr. Martens asked if it was for Villebois overall.

Mr. Kadlub explained that there was no one Master Association. The CC&Rs were all very similar, but there was a separate association for the South SAP, the Central SAP, the East SAP and for the North SAP.

Mr. Pauly agreed that there were many HOAs along with the Master Association. Staff had been watching CC&R's very carefully to make sure that everything worked appropriately. The residents in the village center were contributing to the Master Association, which owned the Piazza, Montague Park, mailboxes and other facilities.

Chair O'Neil shared that it was his second term on the DRB. He noticed that it seemed as if every time a Villebois item was on the agenda there were complaints about parking and habitability. He was concerned that some of the "quick fixes" overlooked the testimony of the residents who lived there.

Mr. Kadlub reflected back on the history of Villebois and said the alternative was to build a prison at that location. The City did not want that to happen there. There was a long process of selecting a developer and the City came up with DATLUP (Dammasch Area Transportation and Land Use Plan).

Chair O'Neil said he was very familiar with it. Some of the residents really wanted their cars...

Mr. Kadlub said the alternative was to create an urban village. Based on the State's land use laws, they planned to annex the area into the City and urban growth boundary with a minimum density requirement which Villebois had clearly met. It was a difficult balancing act. It would be great if so many of the residents would utilize their garages for the intent that they were meant, but so many people had so much stuff that cars ended up being parked on the street. That created a problem.

Mr. Martens asked if the apartment building had dedicated parking.

Mr. Kadlub answered that it did. There was plenty of parking off-site.

Chair O'Neil asked if there were further questions for the applicant. There were none.

Mr. Pauly clarified that the Board could put a condition that the applicant come back to the DRB for the additional food carts.

Ms. Jacobson read code section 4.163: *"The Development Review Board after hearing as set forth in Section... may permit the temporary use of structure or premises in any zone for purpose that does not conform to the regulations prescribed elsewhere in the Code for the zone in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A permit for such use may be granted in the form of a temporary and revocable permit (revocable by the Board), up to a five (5) year period, subject to a showing of good cause and such conditions as will safeguard the public health, safety, convenience and general welfare." Those were the conditions to think about as the Board considered the application.*

Mr. Nada asked if that meant that if it was causing a traffic problem, could permit just be revoked?

Ms. Jacobson said that if the Board was not satisfied that the parking was sufficient, they could turn down all of it, part of it or approve it and wait to see how it worked out. If there were a lot of complaints, the Board could call it back up.

Mr. Nada clarified that he meant the process for revoking...

Ms. Jacobson said that the code did not specifically talk about parking, but about "safeguarding the public health, safety, convenience and general welfare." They could make it a condition that they wanted to see more in parking.

Chair O'Neil asked Ms. Jacobson how it would make it back in front of the DRB if there were problems that developed.

Ms. Jacobson said that the code was not clear. She expected that if there were a lot of complaints about it, Staff could put it on the agenda.

Mr. Pauly said there were a number of places in the code that referred to situations where complaints would end up on the agenda. It did not usually happen, but the processes were in place for Staff to refer something or put something on the agenda besides a development application.

Chair O'Neil asked if there was a need for further information from Staff, the City Attorney or the applicant. There was none.

He asked for a show of hands from the audience – how many were residents of Villebois? How many of those wanted a coffee shop? How many were concerned about anything else beyond a coffee shop or other carts coming in? He summarized that it appeared that most people wanted the coffee shop and that there was more concern about the expansion of other carts in the area.

Mr. Hansen mentioned, as before, that he lived in the Seville Row Homes. He served on the Transportation Advisory Committee to the Master Association, which controlled the Piazza, Montague Park, the mailboxes and so forth, and said that as a member of the TAC committee he was vehemently opposed to expanding the other food carts but strongly supported the coffee cart.

Chair O'Neil closed the public hearing at 7:58 pm.

Mr. Pauly asked to add the following exhibits into the record:

- D1. Email Comments from Angela Webber
- D2. Email Comments from Brett Lubay
- D3. Photo of Coffee Cart from Kelley Recker

Ms. Jacobson said that the Board could make a motion to approve the resolution as written or propose an alternative motion. After there was a motion and a second, then there would be discussion.

Mr. Martens motioned to approve Resolution No. 340, adopting the staff report dated August 28, 2017 as presented.

Mr. Woods seconded the motion.

Chair O'Neil asked if there was need for further discussion.

Mr. Scull asked if Mr. Martens was proposing the motion in full.

Chair O'Neil said that the motion was as drafted. It was motioned and seconded to approve Resolution No. 340, adopting the staff report dated August 28, 2017 without changes, which incorporated exhibits A1, D1, D2 and D3.

Mr. Martens proposed to amend the motion to limit the approval to the coffee cart

Chair O'Neil thought that they needed to vote on the existing motion.

Ms. Jacobson said that there could be discussion. The motion was on the table, but it be could be withdrawn and amended in a new motion.

Chair O'Neil suggested Mr. Martens withdraw the motion.

Mr. Martens agreed to withdraw his original motion.

Richard Martens moved to approve Resolution No. 340 and accompanying staff report as amended to indicate that the approval is for the mailboxes and coffee cart only, and the addition of Exhibits D1, D2 and D3. Samy Nada seconded the motion.

Chair O'Neil expressed his hope that any concerns raised about parking or other things on the site would come before the DRB. The proposed motion resolved the problem and addressed the concerns of the citizens of Villebois and the City of Wilsonville. He appreciated the motion.

The motion passed 5-0.

Chair O'Neil read the rules of appeal into the record.

- C. **Resolution No. 341. Marion's Carpet Warehouse: Bob Schatz, Allusa Architecture – Applicant for Bergaso Properties – Owner.** The applicant is requesting approval of a Stage I Preliminary Plan, Stage II Final Plan, Setback Waiver, Site Design Review, Class 3 Sign Permit and Type C Tree Plan for construction of a tilt-up slab warehouse with retail space on SW Boones Ferry Road. The subject property is located on Tax Lot 1300 of Section 14A, T3S, R1W, Clackamas County, Oregon. Staff: Daniel Pauly for Kimberly Rybold

Case Files:	DB17-0001	Stage I Preliminary Plan
	DB17-0002	Stage II Final Plan Revision
	DB17-0003	Setback Waiver
	DB17-0004	Site Design Review
	DB17-0005	Class 3 Sign Permit
	DB17-0006	Type C Tree Removal Plan

Chair O'Neil called the public hearing to order at 8:08 p.m. and read the conduct of hearing format into the record. All 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.

Daniel Pauly, Senior Planner, stated that he was presenting on behalf of Kimberly Rybold, Associate Planner, who was unable to attend. He announced that the criteria applicable to the application were stated on page 2 of the Staff report, which was entered into the record. Copies of the report were available on the counter at the side of the room.

Mr. Pauly presented the Staff report via PowerPoint, briefly reviewing and noting the project's location and surrounding features with these key comments:

- The subject property, known as the “Red Barn” property by most in Wilsonville, was located just north of Barber Street facing I-5 along Boones Ferry Road. The rear of the property was currently open, with a few scattered smaller trees. The front of the property contained the barn and a mature tree grove on the northeast quadrant. The property was part of the same property as the Guardlock Fueling Station to the south up until February 2017. It was now surrounded by development on three sides. It was a relatively small parcel for development – smaller property than typically reviewed, particularly in the Planned Development Industrial Zone.
- The property was already zoned Planned Development Industrial. The request was for a Stage I Preliminary Plan Revision, a Stage II Final Plan Revision, a Setback Waiver, Site Design Review, a Class 3 Sign Permit and a Tree Plan.
- The proposal was for a 27,366 square foot tilt-up slab warehouse with 3,500 square feet of retail space. Prior to the partition plat in February 2017, the land was designated for industrial use.
- Key standards from the Planned Development Industrial Zone:
 - Retail was limited –5,000 square feet maximum was allowed per building. The proposal was for 3,500 square feet.
 - 30-foot front, rear and side yard setbacks were required. This parcel was small, so a setback waiver was requested.
 - Performance standards applied, particularly as pertained to outdoor storage. There was no room to store anything outside on this property. The proposal showed everything to be fully enclosed.
- Setback waiver: a 30-foot setback would not leave room to develop on the small parcel. In order to allow a building with a large enough footprint to be functional, a 10-foot setback was requested. Beyond the building wall, the emergency stair access was less than the 10-feet requested. It would be closer – more like 4-feet – but was only for the stair landings for emergency ingress and egress.
- Traffic: The number of PM peak trips added through the interchanges was expected to be seven (7), which was a relatively small amount with little impact. There were no criteria pointing to a denial or needed off-site improvements related to intersection or added congestion.
- Parking: The minimum required was 22 spaces. The maximum was 34 spaces. The proposal was for 22 spaces. It was functional and adequate to serve the applicant's needs.

- Site Circulation: Delivery trucks would bring carpet into the warehouse. Box vans and small trucks would be present. No issues were identified.
- Pedestrian Access: A sidewalk would be in front of the site, with direct access from the sidewalk across the single-loaded parking area to the front door, as well as a walkway across the front of the building.
- Utilities were available, or would be available. There were no issues.
- Building Design: Staff had worked carefully with the applicant and had discussed how to reflect the Planned Development Industrial Zone in spite of the commercial component. It was a tilt-up concrete building with black metal canopies and some variation with the parapet on the top. Other parts of the building had a brick base or a painted base. There was a noticeable bottom, middle and top. The design was compatible with the zone.
- Colors: (*The color board was passed around*). Historically speaking there was concern about bright colors along I-5. Les Schwab, for instance, originally proposed a bright red, but ended up with a more muted earth-tone red on the building and the roof. Staff had reviewed the colors for this proposal and did not have a way to say that they were too bright. The board should look closely at the proposed colors as the code language was clear that the Board had leeway in terms of requiring or denying certain colors. Staff did not have additional comment or strong feelings one way or the other in terms of color that could be based on any clear criteria in the code.
- Outdoor Lighting: As presented it appeared that it met the Outdoor Lighting Standard. The details of the lighting often came later on in the process as more detailed construction design happened. Fortunately, the lighting code allowed for an administrative review to double check the final design of the lighting to ensure that it met the prescriptive option in terms of wattage and placement. Staff would be sure review that as they reviewed the building permits, but there were currently no concerns with outdoor lighting.
- Landscaping: Staff had worked carefully with the applicant on the professionally designed landscaping. Street trees and parking lot trees were provided as required. They were sensitive to the 10-foot setback and ensuring that anything planted within the setback would be of a columnar variety that would not get too wide or too far over into the neighboring property or interfere with the building. The plants were expected to be relatively successful in that narrow area.
- Building signs: There was only one façade, on the side facing Boones Ferry Road, eligible for signs. Based on the length of 171-feet, 96 square feet of signage was allowed. The proposal was for a total sign area of 93.43 square feet. That included the name and listing of different products being offered. In addition, a freestanding sign was proposed. The maximum allowed height was 20 feet, which was proposed. The allowed sign area was 64 square feet with 55 square feet proposed. It was a standard streamlined design for that particular sign.
- Tree Removal: It was a noticeable grove of trees but, with the relatively small site, it would be difficult to build anything without impacting the grove. Staff had looked at it - the grove extended into the middle of the site. It was not protected by the SROZ so it became a balancing act with all of the design considerations. In the end, being able to fit

a usable building of any type, along with required parking, led to a majority of the trees needing to be removed. Staff had identified some trees along the edges for initial protection. The arborist would closely monitor those trees during construction, but as construction progressed and impacts of working near the trees in the parking lot became clear, some of those trees may also need to be removed. The trees formed a grove, and with trees in the center being removed for the building, other trees that had been protected might create an additional hazard. It could create a domino effect. Staff was initially surprised at the number of trees proposed for removal, but had reviewed the arborist report and site design options and it seemed unavoidable if the site was to be developed.

Mr. Woods referenced page 7 of 78 in the staff report. In the second paragraph, it stated that the arborist had identified 45 trees impacted by the proposal. The applicant proposed removing 44 trees. Was there something special about the one tree that was left?

Mr. Pauly answered that the tree was far enough to the side that it could be preserved. There were three additional trees with good potential that staff was recommending be closely monitored for preservation.

Chair O'Neil asked how old the oldest tree was.

Mr. Pauly answered that, according to the arborist report, the biggest tree was 42 inches in diameter. For a Douglas Fir, it was a nice tree but not ancient. It was in good condition, but was located in the middle of the building.

Mr. Scull asked if reduced setback and the aggressive landscape plan allowed for adequate sidewalk or egress in case of emergency.

Mr. Pauly answered that it was a concern. It did provide a path that accessed all of the egresses. The plantings were either small shrubs or trees were columnar and would grow tall enough to be limbed up. It would take some maintenance, but the plants could be limbed up or pruned back to keep the path clear.

Mr. Scull asked if 22 parking spaces were enough for 10 employees and customers use.

Mr. Pauly answered that there was no alternative parking. Barber Street or Boberg Street might have the closest on-street parking.

Mr. Nada asked if the 22 parking spaces included delivery trucks.

Mr. Pauly answered that those were for passenger vehicle parking only. There were two parallel employee parking spaces in the delivery area, but the 22 were for passenger vehicles. The code requirement was for 22 parking spaces plus a delivery berth.

Chair O'Neil asked if any electrical stations were planned.

Mr. Pauly said that none were proposed in the materials provided.

Chair O'Neil asked if cameras would be installed at the Wilsonville/Boones Ferry intersection.

Ms. Jacobson agreed that it was an intersection that backed up at rush hour. There were improvements, besides red light cameras, being planned for that intersection. The red light cameras were still being studied and there was no definite plan to have them. There was support from City Council to have them, but staff was still working to get proposals from different companies to see what the cost would be.

Chair O'Neil asked staff to go back to the City Council and City Administrator and encourage them to look carefully at the cameras. His wife and son had been rear-ended badly at that intersection and red light cameras may have helped avoid that. He encouraged action.

Mike Ward, Civil Engineer for City of Wilsonville, said that staff recognized that intersection as a difficult one. Ramp metering on southbound I-5 made it more difficult, as more vehicles wanted to get on I-5 than the ramp meters permitted during the PM peak hour. Vehicles backed up through the Boones Ferry intersection after the ramp meters came on. Various alternatives were being looked at:

- The left turn lanes had been lengthened on southbound Boones Ferry Road at Wilsonville Road and were restriped to give more stacking space.
- Staff was looking at changes to the Fred Meyer outlet to allow vehicles to turn right out of there.
- There were designs for a 5th at Kinsman connection to allow vehicles to go south on Boones Ferry down to 5th Street and over to Kinsman to get to Fred Meyer or away from Fred Meyer towards the west by bypassing that intersection.
- Council was looking at red light cameras.
- Some enforcement had been done and would continue.

Part of the problem was that people pulled into the intersection while the light was green, not realizing that they could not get all the way through before it turned red. There were a multitude of problems. This project specifically, should not exacerbate those problems. Staff encouraged everyone to write their state representatives to get money to ODOT to fix the bridge.

Bob Schatz, owner of Allusa Architecture - 2118 SE Division Street, Portland - said that he was the architect for Marion's Carpet for 25 years. Marion's was Portland-based, family based company with one location in southeast Portland. This would be their first satellite location. The bookkeeping would be handled by the Portland office and sales would happen in Wilsonville. The owners were excited to be in Wilsonville.

He spoke to the parking concerns:

- Photographs as well as interior security footage of the showroom on weekends and weekdays had been submitted to staff to show how many people would be shopping at the store.
- There were typically 3 to 5 employees on site.
- On an average day there were between 1 to 3 customers in the showroom.
- People often visited the showroom to look at samples and decide what they liked and how much they would need. Then they would talk to the salesperson and leave. Sometime in the future a contractor would show up, pick up the carpet and take it to the customer's house to install it. Nobody walked away with something they purchased that day.
- Because it was a larger item and there was a lot of walking around in the showroom, there were discussions about whether it would be called a large bulky product versus a regular retail product. Large bulky products did allow fewer parking spots because of the nature of the product being sold.
- There should be more than adequate parking for the Wilsonville location. There were about the same number of parking spots as at the current location. The parking lot was maximum one-third full.

Regarding trees:

- With a smaller parking lot, a few trees could be saved but with a bigger parking lot, the trees were too close to the asphalt and the sidewalk.
- They would like to save as many as possible. During construction they would determine if it would be possible.
- The current plan was not to save any trees but he wanted to save as many as possible.

He noted that he heard comments about electric cars that evening. He and his wife both owned one car that drove 75 miles. He planned to buy a second car that would go 300 miles. They had owned their car for three years and always charged it at home. They had never found a need to charge it at a public site.

Chair O'Neil asked if there were questions for the applicant.

Mr. Nada asked how many other warehouses were owned by the owner.

Mr. Schatz answered that there were two: at the southeast Portland location, there were two buildings across the street from each other.

Mr. Nada asked how big they were.

Mr. Schatz answered that the main warehouse was 20,000 square feet. The building across the street was another 20,000 square feet.

Mr. Nada asked how many truck trips there were per day or per week.

Mr. Schatz answered that he did not have the number for semi-trucks. A truck would drop off a trailer, and then over time staff would empty it.

Mr. Nada clarified that he wanted to determine the frequency.

Mr. Schatz said that most traffic was in the morning when contractors showed up to pick up carpet for installation. It was quiet by 9 A.M.

Chair O'Neil thanked the applicant and asked if there were any further questions for staff or the applicant or testimony from the audience.

There were no further questions for the applicant.
There was no citizen testimony regarding the application.
He declared the public hearing closed at 8:42 P.M.

Mr. Woods motioned to accept Resolution No. 341 as presented by staff.

Chair O'Neil clarified that it meant adopting the staff report dated August 17, 2017, including exhibit A1.

Mr. Woods confirmed.

Mr. Scull seconded the motion.

Chair O'Neil asked for further discussion or questions. Seeing none, he commented to City staff that he felt like a broken record and was getting frustrated with staff pushing it down the road when it came to blaming traffic on the traffic lights and ODOT. He worked at the state and understood ODOT bureaucracy and the funding issues. Building continued. He really wanted to see business thrive in Wilsonville but wanted the safety of the residents and the employees to be taken care of. When people got hurt it concerned him. He encouraged staff to take it back. That was his personal opinion as a citizen.

The motion passed 5-0.

Chair O'Neil read the rules of appeal into the record.

VII. Board Member Communications:

A. Recent City Council Action Minutes

There were no comments.

VIII. Staff Communications: There were none

IX. Adjournment

The meeting adjourned at 8:46 p.m.

Respectfully submitted,

Shelley White, Planning Administrative Assistant