



TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION

Monday, >Ubi Ufm%&ž' &\$%\$

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Chris Barhyte
Councilor Monique Beikman
Councilor Joelle Davis

Councilor Jay Harris
Councilor Donna Maddux
Councilor Ed Truax

WELCOME! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda – Item C, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the world wide web at www.ci.tualatin.or.us, at the Library located at 18878 SW Martinazzi Avenue, and are also on file in the Office of the City Manager for public inspection. Any person who has any question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised “live” on the day of the meeting on Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org.

Your City government welcomes your interest and hopes you will attend the City of Tualatin City Council meetings often.

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A “legislative” public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. The Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either approve, deny, or “continue” the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A “quasi-judicial” public hearing is typically held for annexations, planning district changes, variances, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. The Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report to the Council.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either approve, approve with conditions or deny the application, or “continue” the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 5 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

Executive session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* the employment of personnel; *ORS 192.660(2)(b)* the dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 192.660(2)(m)* security issues. **All discussions within this session are confidential.** Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



A. CALL TO ORDER
Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

- 1. Tualatin Youth Advisory Council Update
- 2. Commuter Rail Update

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA (Item Nos. 1 – 4)

Page No.

The Consent Agenda will be enacted with one vote. The Mayor will first ask the staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be sidered individually at the end of this Agenda under "Items Removed from the Consent Agenda." The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

- 1. Approval of the Special Work Session Minutes of December 7, 2009 and the Work 5
Session and Meeting Minutes of December 14, 2009
- 2. Approval of a New Liquor License Application for Walgreen's #09625 17
- 3. Change Order No 2 to the Seneca Street Sewer Project..... 23
- 4. Resolution No. _____ Establishing Regular Meetings of the City Council and 26
Advisory Committees of the City and Repealing
Resolution No. 4856-09

E. PUBLIC HEARINGS – Legislative or Other
None.

F. PUBLIC HEARINGS – Quasi-Judicial

- 1. Request for Review of the Architectural Review Board Decision Approving the 29
Architectural Features of the Stafford Hills Racquet and Fitness Club Project
Located at 5916 SW Nyberg Lane (AR-09-08)

G. GENERAL BUSINESS

- 1. 2009 Annual Report of the Tualatin Arts Advisory Committee197

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: January 11, 2010

SUBJECT: APPROVAL OF THE MINUTES FOR THE SPECIAL WORK SESSION OF DECEMBER 7, 2009 AND THE WORK SESSION AND MEETING OF DECEMBER 14, 2009

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Special Work Session of December 7, 2009 and the Work Session and Meeting of December 14, 2009.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes



City of Tualatin

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SPECIAL CITY COUNCIL/DEVELOPMENT COMMISSION MEETING MINUTES OF DECEMBER 7, 2009

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, and Donna Maddux

ABSENT: Councilor Truax* [** denotes excused*]

STAFF

PRESENT: Sherilyn Lombos, City Manager; Doug Rux, Community Development Director; Mike McKillip, City Engineer; Don Hudson, Finance Director; Carina Christensen, Assistant to the City Manager; Dan Boss, Operations Director; Eric Underwood, Development Coordinator; Cindy Hahn, Assistant Planner; and Maureen Smith, Recording Secretary

The special work session was called to order at 6:08 p.m. at the Tualatin Police Facility.

1. ANNOUNCEMENTS – None.

2. ITEMS DISCUSSED

A. Local Community Growth Aspirations: Highway 99W Corridor

City Manager Sherilyn Lombos began with a discussion on the Highway 99W Corridor.

Community Development Director Doug Rux and Assistant Planner Cindy Hahn presented information, as outlined in a memorandum distributed to Council, whether to add the one and one-half mile 99W Corridor as a focus area in the Council's Local Aspirations. Council had not considered the corridor as a focus area in previous Local Aspirations discussions. Policy considerations were reviewed. Ms. Hahn reviewed the net developable *vacant* land map indicating planning districts. An aerial photograph of existing development was also viewed, and planned and aspirational capacity. Ms. Hahn said various calculations and scenarios were done by staff to arrive at conclusions. Mr. Rux said Council will need to provide direction at this meeting to pass the information to Metro.

Discussion on the assumptions that were done to arrive at employment numbers, with the net developable vacant land. The existing developable land is unknown, based on what could happen in the future. Mr. Rux mentioned the "downside" of not providing comments on this. There will be nothing in the Urban Growth Report (UGR), but it can be planned later. Also discussed how traffic would play out on 99W and 124th Avenue, etc., as additional traffic lights will not be allowed along the corridor.

Discussion continued and it was asked and answered that it would be better to approach the corridor holistically, and Community Development Director Rux said Metro may want to know why we only have addressed the southern portion of the corridor. Discussion followed with Council on how to address the corridor and traffic connections, and how development could occur.

Community Development Director Rux explained what the local aspirations would be and what staff would package to give to Metro if Council agrees to move forward.

After concluding the discussion, all Council present agreed to move forward with including the 99W Corridor local aspiration, and noting concerns that were raised on transportation.

B. *Central Urban Renewal District Maximum Indebtedness*

City Manager Lombos began with a discussion on the Central Urban Renewal District, and noted the consultant, Jeff Tashman was also present.

Community Development Director Doug Rux began with a background on the Central Urban Renewal District (CURD). He presented a timeline and reviewed from when the district was created in 1975, resulting in the Tualatin Commons project being built in 1993. In 2000, the eastside downtown concept was developed, and in February 2001, the Nyberg master plan concept, and July 2001, the concept enhancement strategy. In October 2001, the central Tualatin design guidelines, and in June 2005, the Tualatin town center plan final report. June 2007, the Tualatin Tomorrow Community Vision and Strategic Action Plan was developed, and in February 2008, the City Council Town Vision Statement. In November 2008, the City Council held a retreat, and in March 2009, local aspirations town center modeling was done, and April 2009 local aspirations, June 2009 the Tualatin Town Center workshop was held, and finally with the CURD potential projects.

As requested, Community Development Director Rux gave a brief explanation of tax increment financing and how an urban renewal district is formed. The district is roughly 300 acres when it was created and has expanded to 322 acres.

Consultant Jeff Tashman explained the financial analysis and how future assessed value (AV) would increase in various scenarios ranging from lower to higher, and that just the appreciation within the 3% limits next year adds a substantial amount of AV. Also, projected new development is coming in at a high value that would not have been ten years ago.

Councilor Harris asked about the total maximum indebtedness in general and how much was funded in urban renewal from day one to close out of the district. Community Development Director Rux said in 1998 it was set at \$27.7 million but from 1975 to 1998 have spent about \$36 million in downtown, and \$10 million before that. The bulk of the expenditures have been the development of the Tualatin Commons.

City Manager Lombos said it might be helpful to look at six points in the City Council's Vision statement for the Tualatin Town Center and affirm that it is the vision Council is looking for. Discussion followed. Having activity along the Tualatin River was discussed but questioned that due to the regulatory agencies requirements it would end of more of a natural area. It was asked and answered that staff has not had direct conversations with Clean Water Services (CWS).

City Manager Lombos asked if Council has enough information and Councilor Harris said he believes a lot more can be done with the district. Councilor Davis said she wanted a comprehensive plan for the whole district, not just the south or east, etc. and integrating the CURD effectively with the rest of the downtown area is important. Council did not want to have competing elements, such as the Tualatin Commons, and by having something built to detract from the Commons. Council President Barhyte said there has been a lot of work that has gone into this and if Council settles on a debt amount then will be able to see some depth, setbacks, and pedestrian paths, etc. Council is looking to have something unique to the region in the downtown area. It was suggested to add No. 7 to the City Council's Vision to have the district integrate seamlessly in all four directions. Discussion followed on what are some key visual corridors, and to perhaps do some modeling.

The Council further discussed what the maximum indebtedness should be. Mr. Tashman provided scenarios ranging from a lower and higher, and arrived at a maximum indebtedness of \$48 million for the lower, and \$146 million for the higher scenario. Looking at the scenarios represents a reasonable projection of what could happen in the next 20 years. A reasonable projection would be somewhere in between the higher and lower scenarios. Discussion followed on how to arrive at a reasonable maximum indebtedness number and determine which scenario would work best. It was also discussed what would happen if the current district closed and establishing a new district. Mr. Tashman said as a practical matter the ability to keep the district in place is huge. There are things to be done in the district that are focused and disciplined, but are backed up with the other overlapping taxing districts and they could look at what would also be good for them as well. Some key projects should be done such as infrastructure and the existing area, etc. Mr. Tashman explained how other overlapping taxing districts that also have local operating levies would benefit from development. Discussion continued on the rates and caps of the other taxing districts.

City Manager Lombos said the dollar number could range from somewhere between \$48 million and \$146 million. Discussion followed on the various scenarios and what should be the dollar amount, and how many years it should be set. It was asked what would it take to get to \$100 million from the high and medium scenarios, and Council also asked what it would be by extending the district to 25 and 30 years. It was asked and Community Development Director Rux explained what the differences are between expanding the current district or starting a new district. The consultant said he could provide those numbers to Council in the next few days. Discussion followed.

Wrapping up the discussion, Council will wait for the new numbers from the consultant, and then discuss an actual number. Consensus of all Council present seems to be around \$100 million maximum indebtedness number.

[Councilor Maddux left the meeting at 8:50 p.m.]

[Councilor Harris left the meeting at 8:52 p.m.]

Council continued with a brief discussion of what the maximum indebtedness should be set at and what the values are or would be and the current value today. If redevelop without any public money what would the dollar amount be. It was asked and answered that 75% is required for agreement from the other taxing agencies, which include, among others, the City, the Tigard-Tualatin School District and Tualatin Valley Fire & Rescue. Mr. Tashman said there could be some general parameters to begin discussions with the other taxing districts. Community Development Director Rux said there has also been thought of creating another district at the 700-acre Tigard Sand & Gravel property.

City Manager Lombos concluded that said staff will start discussions with the overlapping taxing districts and will touch back with the Council at the December 14, 2009 meeting with more information.

4. ADJOURNMENT

The special work session adjourned at 9:11 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





City of Tualatin

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TUALATIN CITY COUNCIL WORK SESSION MINUTES OF DECEMBER 14, 2009

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Don Hudson, Finance Director; Clay Reynolds, Acting Operations Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Will Harper, Associate Planner; Colin Cortes, Assistant Planner; Maureen Smith, Recording Secretary

ABSENT: None.

*[Unless otherwise noted, **MOTION CARRIED** indicates all in favor.]*

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:05 p.m. and recessed at 5:05 p.m. and opened the Development Commission Work Session.

The Council Work Session reconvened at 5:06 p.m.

Council reviewed the Consent Agenda with no changes.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. South Tualatin – Infrastructure Discussion

City Manager Lombos began the discussion regarding the South and Southwest Tualatin Concept Plan areas. Council had discussed governance of the South and Southwest Tualatin area, and this is a follow-up on infrastructure needs, funding, sequencing, and timing.

Assistant Planner Colin Cortes began the discussion by reintroducing the August 24, 2009 memorandum, where that work session discussion focused on land Tualatin should govern and where jurisdictional lines should be drawn. The memorandum also outlines nine mechanisms as possible revenue sources that can be used to fund the infrastructure.

Possible sources of revenue for infrastructure in the South and Southwest concept plan areas were reviewed, as stated in the memorandum. Community Development Director Rux said haven't gotten into a level of details or run costing estimates, but staff is looking for Council to consider these options as the City moves forward. Asked and answered that development will not be done until infrastructure is in place.

Discussion followed on the funding mechanisms and which revenue sources would likely be viable. Building the infrastructure first was also discussed and what the magnitude of the total infrastructure burden might be.

The August 24, 2009 memorandum gives some preliminary infrastructure estimates according to Community Development Director Rux. There are some different options that could be done to get some type of order of magnitude on the costs. At some point in time we will have to get a sense of what those costs will be.

Community Development Director Rux concluded the discussion, and noted staff will continue work on the concept planning and Council review again in January. Also looking at Urban Planning Area Agreement (UPAA) in February to April timeframe, and once that is in place, start concept planning.

Brief discussion on whether there has been any discussions with Wilsonville. After Tualatin moves through the process, staff will have discussions with Wilsonville. Councilor Harris said staff should talk with Wilsonville sooner rather than later. Staff will meet and strategize about the discussions to be held with Wilsonville.

2. *Sign Design Discussion*

Associate Planner Will Harper gave an update on the proposed plan text amendment to the Tualatin Development Code (TDC) relating to freestanding signs, Sign Design Review standards. Four main discussion topics include: 1) an inventory was prepared of freestanding signs the ordinance would impact; 2) the Chamber of Commerce has provided information regarding costs to the business community of the proposed ordinance change; 3) the appropriateness of an 8-year sign transition/amortization program; and 4) discussion of incentives for early compliance.

Mr. Harper reviewed the freestanding sign inventory in the General Commercial (CG) and Central Commercial (CC) Planning Districts. There are 26 existing pole signs that conform to today's sign standards, there are four conforming if the proposed sign design standards and the transition/amortization requirements for nonconforming freestanding signs were applied. Applying only the proposed restriction on pole signs on arterial street frontages would leave seven conforming pole signs. None of the existing conforming pole signs (not in the freeway corridor) would remain as conforming when applying both the sign design and the restriction of pole signs on arterial streets provisions. Multi-tenant signs were also mentioned and Mr. Harper referred to the PowerPoint that explained about signs in general. Mr. Harper said there are costs associated with some of the local signs that go towards the high end. Continued review of the various signs and associated costs. Mr. Harper explained the various ways that signs would be acceptable and meet the proposed standards, and the need to look at an inventory of signs and what the impact would be.

Mayor Ogden expressed his reluctance moving forward as he has concerns about the timing what with the economic times. Councilor Maddux said she also has a problem asking property/business owners in the current economic times. Councilor Maddux also suggested talking to businesses beforehand about the proposed program.

Council President Barhyte said he was fine with an eight year timeline and to talk to businesses this change would affect. He also said he recognized that drawing people to Tualatin has a lot to do with how the city looks, and one part of that is sign design. How this is sold to businesses is important, and could maybe look at a ten year timeline. Councilor Harris agreed with Council President Barhyte, and suggested going with the ten year timeline. Councilor Truax said there are ways this could be accomplished and work with the businesses with a certain timeline set out, etc.

Councilor Beikman suggested letting the businesses know now what the plans are for sign changes, and then look at the issue again in so many years, giving businesses a time period to know when it would happen.

It was asked and answered that most of the narrow pole signs were done have been there awhile. Mr. Harper said staff is not hardly receiving any requests for freestanding pole signs, and they are coming in closer to what the City wants now. Discussion followed. It was asked and answered how many good quality signs have been seen in the last few years and staff replied it is in the majority.

City Manager Lombos concluded the discussion by noting staff will engage the business community on the issues about signage that are out there, and sell it in such a way that it is the Council's desire to enhance the community feel and look, and to also get a sense of when businesses are planning on investing in their signs.

Councilor Davis said she liked Councilor Beikman's suggestion of explaining the proposed ordinance to businesses and then come back in four to five years. Mayor Ogden said the City should look to engage more with the businesses to create a cooperative environment and how to work together to get there. Councilor Harris asked if could set up a process by taking to the Architectural Review Board (ARB) for existing signs only. Community Development Director Rux said the ARB used to review signs but was decided not to do any longer a few years back.

Brief discussion followed. Staff will start by doing an entire inventory of signs and return to Council with that information and begin talking with businesses.

3. *Land Acquisition and Trails Update – postponed.*

4. *CURD Maximum Indebtedness Financial Analysis – (added to the agenda)*

City Manager Lombos distributed a late-breaking memorandum, regarding the scenario questions regarding maximum indebtedness that Council had for the consultant, Jeff Tashman.

Community Development Director Rux reviewed the timelines analysis done by the consultant which explain how the scenarios were arrived at. The scenarios included a medium development at a 25 year horizon with \$100 million maximum indebtedness value, a high development scenario at a 25 year horizon with the target of \$100 million maximum indebtedness value, a medium development scenario at a 30 year horizon with the target of \$100 million indebtedness value, and a high development scenario at a 30 year horizon with a \$100 million maximum indebtedness value.

Mr. Rux explained the various scenarios, and noted a shorter period of time is a good investment and could be explained to the overlapping taxing districts. Discussion followed and it was asked about the mechanics of the length of the district. Also concern of the river element and the previous discussion regarding the dollar amount of the maximum indebtedness. Community Development Director Rux explained how the dollar figure was arrived at, and also explained in the memorandum that was presented to Council on the scenarios and distribution and revenue, assessed value and revenue, and the pluses to the taxing districts. The list of the taxing district rates and the benefits to the overlapping districts was reviewed, and Council was happy with the results. Discussion and consensus of all present was to move forward with a 30 year scenario as outlined in the memorandum.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda at the beginning of the work session with no changes.

E. PUBLIC HEARINGS – *Legislative or Other*

N/A

F. PUBLIC HEARINGS – *Quasi-Judicial*

N/A

G. GENERAL BUSINESS

N/A

H. ITEMS REMOVED FROM CONSENT AGENDA

N/A

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

The work session adjourned at 6:59 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





City of Tualatin

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TUALATIN CITY COUNCIL MEETING MINUTES OF DECEMBER 14, 2009

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Carina Christensen, Assistant to the City Manager, Maureen Smith, Recording Secretary

ABSENT: None.

*[Unless otherwise noted, **MOTION CARRIED** indicates all in favor.]*

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:04 p.m.

The Pledge of Allegiance was led by Council President Barhyte.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Holiday Music Presentation by the Tualatin Presbyterian Church "Ding-A-Lings" – not present*

2. *Tualatin Youth Advisory Council Update*

Members of the Youth Advisory Council (YAC) were present and gave a brief PowerPoint presentation on recent activities and events. All four present went to the November National League of Cities (NLC) conference in San Antonio. conference in November in review of the conference and speaking with other youth delegates, and realized how great Tualatin is. Areas they will be focusing on were reviewed. YAC thanked Council, in particular Mayor Ogden, for the opportunity to be able to attend the conference and the sponsors that contributed to their being able to attend.

The YAC participated in various activities at the Starry Nights and Holiday Lights event and it was a success with an estimated 1,000 in attendance. The YAC participated in various activities at the event. Also there are new YAC members this year, and are beginning the Project F.R.I.E.N.D.S. project, to help with transition of fifth graders into

3. *Tualatin Tomorrow Presentation Key Focus Area – Transportation, Traffic & Connectivity*
Bethany Wurtz, new focus area lead for transportation, traffic and connectivity, gave a brief PowerPoint presentation on what has been happening with local and regional transportation issues. Ms. Wurtz reviewed what Tualatin will be submitting to Metro for local transportation issues. For more information, the website is www.tualatintomorrow.org.

4. *Introduction of New Employee – Terrence Leahy, Operations*
Acting Operations Director Clayton Reynolds introduced new employee Terrance Leahy. He comes to Tualatin with 12 years of experience, most recently from the City of Albany. He also lives in Tualatin with his family. The Council welcomed Mr. Leahy to the City staff.
5. *Commuter Rail Update*
City Engineer Mike McKillip gave a brief update on issues associated with the commuter rail and train horn noise mitigation.

C. CITIZEN COMMENTS

Joe Lipscombe, Juanita Pohl Center Advisory Committee and Center Director Paula Stewart, were present and gave a monthly update. Mr. Lipscombe said gave an update of events, and gave \$3,000 , and have exceeded the number of hours of activities and events in the center.

Joe Lipscombe, also present as chair of the 3rd Annual Health and Safety Fair, noted it will be being held on April 17, 2010, from 10:00 a.m. to 1:00 p.m. in Community Park. This year Providence Bridgeport will be using the Wii™ for fitness and rehabilitation. Mayor Ogden said the fair appears to be a great success, and his only suggestion for improvement would be to do whatever can be done to promote the event to let people know about it. He also suggested having the YAC participate in the upcoming fair.

Chase Thompson, SW Willow Street, Tualatin, OR, Tualatin student, spoke on a problem with the stop sign located on 105th Avenue and believes it should be removed. Mayor Ogden said there has been a history of issues along that particular section of road, particularly speeding “down” the hill. City Manager Lombos said the stop sign was installed because neighbors appeared before Council and requested it be installed. Councilor Maddux said she walks in that area and it is a lot safer now for pedestrians. Mayor Ogden explained about stop signs and while he appreciated the input, Council does struggle when requests are made for installation and/or removal, and Council is looking into establishing a process.

Linda Moholt, Chamber of Commerce, 18791 SW Martinazzi Avenue, remind everyone presented to Tigard-Tualatin School Foundation, presented a scholarship, \$2500 any business major, and \$2500 to a student majoring in business. Pleased to make that announcement, and applications will be in the school office. Thank everyone for the efforts, and already presenting \$5,000 to two Tualatin students. Ms. Moholt explained the event “Regatta Run” that was able to collaborate and hold this event and sponsorships to be able to have the event, and 100% of registration fees were able to go to Tualatin resident Cpl. Matthew Lembke Memorial Fund.

D. CONSENT CALENDAR

MOTION by Councilor Barhyte, SECONDED by Councilor Maddux to adopt the Consent Agenda as read:

1. Approval of the Work Sessions and Meeting Minutes of November 9 and November 23, 2009
2. Approval of a Change of Ownership Liquor License Application for Famous Dave’s BBQ
3. Approval of a New Liquor License Application for New York Ruben’s

4. Resolution No. 4943-09 To Approve an Amendment to an Intergovernmental Agreement to Collect and Remit a Construction Excise Tax Between the the West Linn-Wilsonville School District and the City of Tualatin
5. Resolution No. 4944-09 To Approve an Amendment to an Intergovernmental Agreement to Collect and Remit a Construction Excise Tax Between the Sherwood School District and the City of Tualatin
6. Resolution No. 4945-09 To Approve an Amendment to an Intergovernmental Agreement to Collect and Remit a Construction Excise Tax Between the Tigard-Tualatin School District and the City of Tualatin
7. Resolution No. 4946-09 Accepting a Deed of Dedication and Easement Associated with the SW Leveton Drive Extension Project (3 – Grimm Brothers, LLC)
8. Resolution No. 4947-09 Authorizing Acquisition of Parklands Along the Tualatin River Using Local Share Funds from the 2006 Metro Natural Areas Bond Measure
9. Resolution No. 4948-09 Adopting the City of Tualatin Contingency and Reserve Policy

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other
None.

F. PUBLIC HEARINGS – Quasi-Judicial

1. Public Hearing to Consider a Conditional Use Permit for Glass Doctor (Oregon City Glass Inc.) Contractor's Shop and Equipment Storage in the Light Manufacturing (ML) Planning District at 6510 SW Rosewood Street (Tax Map 2S113AD, Tax Lot 100) (CUP-09-04)

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.763(5) and (6)] and opened the public hearing. No bias or ex parte contact noted.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record for conditional use permit (CUP) 09-04. The applicant is Myrv Chose, owner of Glass Doctor, and the property owner is the Haltiner Rev Living Trust. The property is located in the Light Manufacturing (ML) Planning District at 6510 SW Rosewood Street, at 65th and Rosewood for a Contractor's shop and equipment storage at the Haltiner Building site. The contractor handles mostly commercial business, and the applicant says due to the type of business there is very little walk-in traffic. There is traffic information available in the staff report. Mr. Harper said the criteria has been met, though looked at criterion #4, that the contractor stuff be located inside the building. They will secure vehicle and equipment inside the building and nothing will be stored outside, according to the applicant. Associate Planner Harper said the criteria for the CUP have been met, with the recommended condition of approval. Staff recommends approval with the condition as stated in the staff report.

PROPONENTS

Myrv Chose, Glass Doctor, 2836 SW Tukwila Drive, Tualatin, applicant, was present to address any questions for Council.

OPPONENTS – None.

COUNCIL DISCUSSION

Councilor Harris asked a traffic question at 65th and Boones Ferry Road intersection. While he understands the pm peak hours decrease, the morning adds a few additional trips as noted in the Lancaster traffic report, and questioned how intersection traffic numbers are tracked. City Engineer Mike McKillip explained how developments are reviewed by staff. Councilor Harris asked and City Engineer McKillip said that intersection could be eligible for a protected-permissive left-turn signal to move traffic along.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Truax, SECONDED by Councilor Barhyte to direct staff to prepare a resolution granting CUP-09-04 to allow a contractor’s shop and equipment storage with conditions as stated in the staff report. MOTION CARRIED. [7-0].

Resolution No. 4949-09 Conditional Use Permit for Glass Doctor (Oregon City Glass, Inc.) Contractor’s Shop and Equipment Storage in the Light Manufacturing (ML) Planning District at 6510 SW Rosewood Street (Tax Map 2S113AD, Tax Lot 100) (CUP-09-04)

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. EXECUTIVE SESSION

None.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

MOTION by Councilor ,Harris SECONDED by Councilor Barhyte to adjourn the meeting at 8:11 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary Maurice Smith



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: January 11, 2010

SUBJECT: APPROVAL OF A NEW LIQUOR LICENSE APPLICATION FOR WALGREEN'S

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Walgreen's #09625.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Walgreen's #09625.

EXECUTIVE SUMMARY:

Walgreen's #09625 has submitted a new liquor license application for Limited Off-Premises Sales. The business is located at 17850 SW Lower Boones Ferry Road. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed and signed off on this application.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

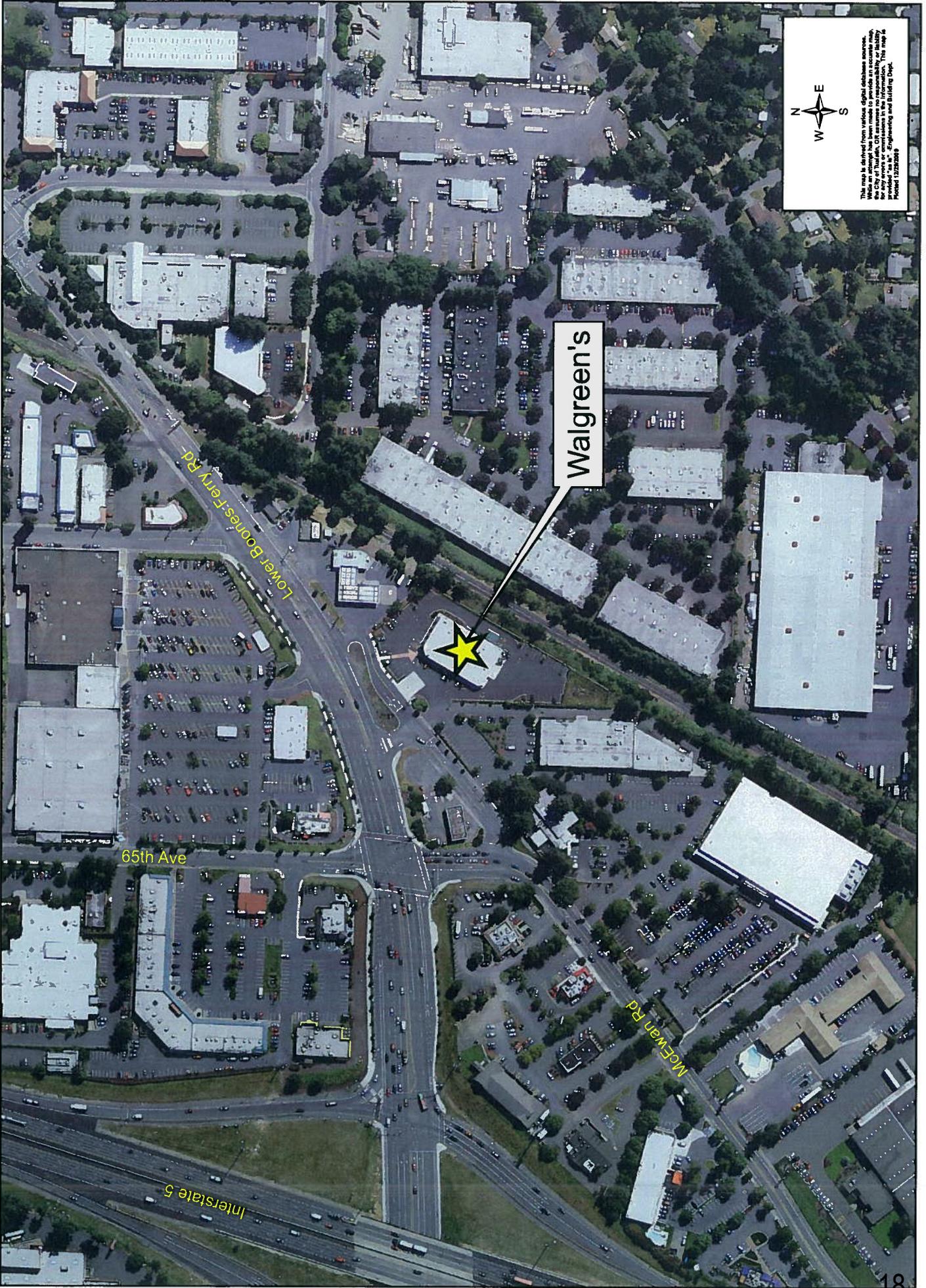
FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments:

1. Vicinity Map
2. OLCC License Types
3. Liquor License Application

Walgreen's - 17850 SW Lower Boones Ferry Road



This map is derived from various official public sources. While an attempt has been made to provide accurate map, the City of Tualsis, OR assumes no responsibility or liability provided "as is". Engineering and Building Dept. Revised 12/28/2019

OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES & PRIVILEGES

Brewery – public house

Allows the manufacture & sale of malt beverages to wholesalers, & the sale of malt beverages, wine & cider for consumption on or off the premises. [ORS 471.200]

Brewery

Allows the manufacture, importation, storage, transportation & wholesale sale of malt beverages to OLCC licensees. Malt beverages brewed on the premises may be sold for consumption on the premises & sold in kegs to the public. [ORS 471.220] designates a licensee that does not allow tastings or other on premises consumption.

Certificate of Approval

This certificate allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine & malt beverages to Oregon licensees. [ORS 471.289]

Distillery

Allows the holder to import, manufacture, distill, rectify, blend, denature & store distilled spirits. A distillery that produces distilled liquor may permit tastings by visitors. [ORS 471.230]

Direct Shipper Permit

Allows manufacturers & retailers to ship wine & cider directly to Oregon residents for their personal use. [ORS 471.282]

Full On Premises Sales

Allows the sale & service of distilled spirits, malt beverages & wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off of the licensed premises [ORS 471.175] license sub-type designates the type of business licensed: F-CAT- caterer; F-CLU- private club; F-COM - commercial establishment; F-PC - passenger carrier; F-PL - other public location.

Growers Sales Privilege

Allows the importation, storage, transportation, export, & wholesale & retail sales of wines made from fruit or grapes grown in Oregon [ORS 471.227]. Designates a licensee that does not allow tastings or other on premises consumption.

Limited On Premises Sales

Allows the sale of malt beverages, wine & cider for consumption on the licensed premises & the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off of the licensed premises. [ORS 471.178]

Off Premises Sales

Allows the sale of malt beverages, wine & cider in factory sealed containers for consumption off the licensed premises & allows approved licensees to offer sample tasting of malt beverages, wine & cider. [ORS 471.186]

Warehouse

Allows the storage, importing, exporting, bottling, producing, blending & transporting of wine & malt beverages. [ORS 471.242]

Wholesale Malt Beverage & Wine

Allows the importation, storage, transportation & wholesale sale of malt beverages & wine to OLCC licensees & limited retail sales to the public (dock sales). [ORS 471.235]

Wine Self Distribution Permit

Allows manufacturers to sell & ship wine & cider produced by the manufacturer directly to Oregon retailers for resale to consumers. May ship to businesses which have an OLCC endorsement to receive the shipments. [ORS 471.274]

Winery

Allows the licensee to import, bottle, produce, blend, store, transport & export wines, & allows wholesale sales to OLCC & licensees, & retail sales of malt beverages & wine for consumption on or off the licensed premises. [ORS 471.223]



**CITY OF TUALATIN
LIQUOR LICENSE APPLICATION**

Date 11/19/09

IMPORTANT: *This is a three-page form. You are required to complete all sections of the form.* If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.

Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____
- Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Walgreens #09625

Business address 17850 SW Lower Boones Ferry Road City Tualatin State OR Zip Code 97035

Mailing address PO Box 901 City Deerfield State IL Zip Code 60015

Telephone # (847) 527-4134 Fax # (847) 368-6607

Name(s) of business manager(s) First Dennis Middle J. Last Crocker

Date of birth [REDACTED] Social Security # [REDACTED] ODL# [REDACTED] M X F

Home address [REDACTED] City Portland State OR Zip Code [REDACTED]
(attach additional pages if necessary)

Type of business Retail Drug Store with Sundries

Type of food served N/A

Type of entertainment (dancing, live music, exotic dancers, etc.) N/A

Days and hours of operation Sunday - Saturday 8 am to 10 pm

Food service hours: Breakfast N/A Lunch N/A Dinner N/A

Restaurant seating capacity N/A Outside or patio seating capacity N/A

How late will you have outside seating? N/A How late will you sell alcohol? Until 10 pm

How many full-time employees do you have? 18 Part-time employees? 4

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants Walgreen Co.

Type of liquor license (refer to OLCC form) "O"

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.
Full name _____ Date of birth _____
Residence address _____
Full name _____ Date of birth _____
Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name Walgreen Co.
Business address PO Box 901, Deerfield, IL 60015

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name N/A Date of birth _____
Residence address _____

(c) Are there more than 35 shareholders of this corporation? X Yes _____ No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.
Full name of president: N/A Date of birth: _____
Residence address: _____
Full name of treasurer: _____ Date of birth: _____
Residence address: _____
Full name of secretary: _____ Date of birth: _____
Residence address: _____

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.
Full name: _____ Date of birth: _____
Residence address: _____

Full name: _____ Date of birth: _____
Residence address: _____

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

Margarita Kellen 11/19/09
Signature of Applicant (Margarita Kellen, Assistant Secretary) Date

For City Use Only

Sources Checked:

DMV by MS LEDS by MS TuPD Records by MS
 Public Records by MS

Number of alcohol-related incidents during past year for location.

Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

Granted

Denied

Cause of unfavorable recommendation: _____

Kent W. Barker 12/29/09
Signature Date

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MA McKillip*
Kaaren Hofmann, Civil Engineer *Kaaren*

DATE: January 11, 2010

SUBJECT: CHANGE ORDER NO. 2 TO THE SENECA STREET SEWER PROJECT

ISSUE BEFORE THE COUNCIL:

Council will consider approval of Change Order No. 2 to the Seneca Street Sewer Project.

RECOMMENDATION:

Approve the attached Change Order No. 2, and authorize the Mayor and the City Recorder to execute said Change Order No. 2.

EXECUTIVE SUMMARY:

This is a project that installed a new public sewer line in SW Seneca Street from SW 84th Avenue to the west to serve development in the Downtown Area. Per the City's Purchasing Rules, the contract was awarded by the City Manager to Folden Construction, Inc. for \$48,809.25.

Soon after construction started the contractor found a buried manhole that was not shown on any of the City's maps of the area. To address that problem, a change order was required. That change order caused an increase to the contract amount to be over \$50,000, which is the prevailing wage trigger, which then caused the entire contract to be subject to prevailing wages. These changes were addressed in Change Order No. 1 which was also approved by the City Manager to bring the contract amount to \$89,876.03.

Change Order No. 2 deals with the dewatering needs that the contractor had to construct this sewer line. Although the contract noted that water was found at seven feet below the surface, there was not a separate bid item called out for dewatering. The contractor bid the contract assuming little dewatering would be necessary in the dry summer months. In fact, there was a significant need to dewater. Staff has evaluated the costs incurred by the contractor and agrees with paying for a total of 4 weeks of dewatering costs. This equals \$28,255.00. This is two-thirds of the amount requested by the contractor.

FINANCIAL IMPLICATIONS:

The cost of Change Order No. 2 is \$28,255.00. The current project cost of \$118,131.03 is 242% of the original contract price. The revised total is within the amount allocated in the Sanitary Sewer Development Fund.

Attachments: A. Change Order No. 2

CHANGE ORDER NO. 2

TO THE CONTRACT DOCUMENTS FOR THE SENECA STREET SEWER PROJECT

This Change Order No. 2 modifies the agreement by and between Folden Construction, Inc., hereinafter referred to as the Contractor, and the Tualatin City Council, hereinafter referred to as the Owner, for the Seneca Street Sewer Project, to the extent described below:

1. For dewatering the trench, it is agreed that the Owner will pay the Contractor the following:

ITEM NO.	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
--	Dewatering	LS	28,255.00

2. The total cost of the change order is \$28,255.00. The cumulative change order amount is 242% of the original contract amount.

This change order constitutes full compensation to the Contractor for all direct, indirect, delay impacts and all other cost and damages, whether known or unknown, arising from or relating to the subject matter of this change order. Except as herein modified, the terms of the basic contract between the Tualatin City Council and Folden Construction, Inc. shall remain in full force and effect.

Dated this 11th day of January, 2010.

FOLDEN CONSTRUCTION, INC.

By _____

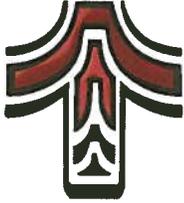
Date _____

CITY OF TUALATIN

By _____
Mayor

ATTEST

By _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: January 11, 2010

SUBJECT: RESOLUTION ESTABLISHING REGULAR MEETINGS OF THE CITY COUNCIL AND ADVISORY COMMITTEES OF THE CITY AND REPEALING RESOLUTION NO. 4856-09

ISSUE BEFORE THE COUNCIL:

The issue before the Council is whether to adopt a resolution establishing regular meeting dates for the City Council and the various City advisory committees.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution establishing regular meetings of the City Council and the various City advisory committees.

EXECUTIVE SUMMARY:

During the calendar year 2010, the regular meeting of the City Council will be held at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December. A work session of the City Council will be held, as needed, from 5:00 p.m. to 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December.

The meeting times of the various advisory committees and boards are as follows:

1. The meeting of the Planning Advisory Committee will be held at 7:00 p.m. on the second Thursday of each month.
2. The meeting of the Architectural Review Board will be held, as needed, at 7:00 p.m. on Wednesday, not less than seven days nor more than 21 days after receiving a request for review, or as requested by the Community Development Director.
3. The meeting of the Park Advisory Committee will be held at 6:00 p.m. on the second Tuesday of each month.
4. The meeting of the Core Area Parking District Board will be held as needed at 12:00 p.m. on the Wednesday following the third Monday of a month.
5. The meeting of the Library Advisory Committee will be held will be held at 6:30 p.m. on the first Tuesday of each month.
6. The meeting of the Arts Advisory Committee will be held at 6:30 p.m. on the third Tuesday of each month.

FINANCIAL IMPLICATIONS:

None.

Attachments: Resolution

RESOLUTION NO. _____

RESOLUTION ESTABLISHING REGULAR MEETINGS OF THE
CITY COUNCIL AND ADVISORY COMMITTEES OF THE CITY
AND REPEALING RESOLUTION NO. 4856-09

WHEREAS it is a requirement that notice of regular meetings be given by Resolution.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN:

Section 1. During the calendar year 2010, the regular meeting of the City Council will be held at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December. A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., as needed, on the second and fourth Monday of each and every month, excluding the fourth Monday of December.

(1) The regular meeting of the Tualatin Planning Advisory Committee (*TPAC*) will be held at 7:00 p.m. on the second Thursday of each and every month.

(2) The meeting of the Architectural Review Board (*ARB*) will be held, as needed, at 7:00 p.m. on a Wednesday not less than seven days nor more than 21 days after receiving a request for review or as requested by the Community Development Director.

(3) The regular meeting of the Tualatin Park Advisory Committee (*TPARK*) will be held at 6:00 p.m. on the second Tuesday of each and every month.

(4) The regular meeting of the Core Area Parking District Board (*CAPDB*) will be held as needed at 12:00 p.m. on the Wednesday following the third Monday of a month.

(5) The regular meeting of the Library Advisory Committee (*TLAC*) will be held at 6:30 p.m. on the first Tuesday of each and every month.

(6) The regular meeting of the Tualatin Arts Advisory Committee (*TAAC*) will be held at 6:30 p.m. on the third Tuesday of each and every month.

Section 2. Resolution No. 4856-09 is hereby repealed.

Section 3. The City Recorder be, and hereby is, instructed to post copies of this Resolution in accordance with the provisions of Section 2 of Ordinance No. 228-73.

INTRODUCED AND ADOPTED this 11th day of January, 2010.

CITY OF TUALATIN, Oregon

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Doug Rux, Community Development Director 
William Harper, Associate Planner 

DATE: January 11, 2010

SUBJECT: REQUEST FOR REVIEW OF THE ARCHITECTURAL REVIEW BOARD DECISION APPROVING THE ARCHITECTURAL FEATURES OF THE STAFFORD HILLS RACQUET & FITNESS CLUB PROJECT LOCATED AT 5916 SW NYBERG LANE (AR-09-08)

ISSUE BEFORE THE CITY COUNCIL:

Whether the City Council should affirm, revise, modify or reverse the Architectural Review Board Findings and Decision in AR-09-08 (November 6, 2009) approving with conditions the architectural features of the Stafford Hills Racquet & Fitness Club (SHR&F Club) project in regard to the three reasons for appeal raised in the Douglas L. Rasmussen Request for Review (Attachment A) listed below:

- Reason #1. Concerning allowance of east-facing windows on Activity Center.
- Reason #2. Concerning the amount of landscaped areas versus hardscaped areas.
- Reason #3. Decision to allow current parking management plan to stand unsubstantiated.

The Conditions of Approval in the ARB Decision that are not related to the three reasons in the Request for Review are not issues for discussion or consideration in this public hearing.

RECOMMENDATION:

Staff recommends that City Council consider the staff report, Attachments A-H, and materials submitted into the record and provide direction.

EXECUTIVE SUMMARY:

- This is a Quasi-judicial action that follows the Evidentiary Hearing procedures set forth in TDC 31.078. The Council can consider the reasons (issues) listed in the

Request for Review as *de novo* and can accept new testimony and information on the reasons.

- A Request for Review (Attachment A) was filed on November 20, 2009 by Douglas Rasmussen, a neighboring property owner. Mr. Rasmussen had submitted comments and testified at the ARB public hearing. The issues (reasons) raised in the Request for Review that are relevant to the TDC Chapter 73 and CUP-09-01 are:
 - Reason #1. "Request review concerning allowance of east-facing windows on Activity Center."
 - Reason #2. "Request review concerning landscaped areas versus hardscaped areas."
 - Reason #3. "Request review of decision to allow current parking management plan to stand unsubstantiated."
- The applicant's prepared responses to the Request for Review are in Attachment B.
- Attachment C is Background Information on AR-09-08.
- AR-09-08 is an application by the Zupancic Group to develop a private club facility known as the Stafford Hills Racquet & Fitness Club (SHR&F Club) on a 4.9 acre portion of the 15.7 acre property at 5916 SW Nyberg Lane (Tax Map 21E19C, Tax Lot 900) (See Attachment E-Plans; Attachment H, Vicinity Map).
- The Zupancic Group was granted a Conditional Use Permit (CUP-09-01) (Resolution No. 4890-09) to allow a private club use in the Low Density Residential (RL) Planning District on the property and increased building height from the maximum 35 ft. in a RL Planning District to a height of up to 40 ft. There are 13 conditions of approval with the CUP (Attachment D).
- The ARB conducted a noticed public hearing on November 4, 2009, in conformance with the laws of the State of Oregon and the City of Tualatin. Copies of the application materials, staff reports, letters, documents, other materials submitted into the record at the hearing and Unofficial Minutes of the ARB meeting are included as Attachment F. ***The ARB evaluated the architectural features of the application in accordance with the Community Design Standards of TDC Chapter 73 and the Council's decision on CUP-09-01 and decided approval with conditions AR-1 thru AR-8.*** The ARB Findings and Decision to Approve with Conditions the architectural features of the SHR&F Club project was issued on November 6, 2009 (Attachment F, see pp. 3-6 for the ARB Conditions 1-8) and became final on all issues that were not appealed on November 20, 2009 at 5:00 p.m.
- Staff prepared analysis & findings for the issues raised in the Request for Review and in the Applicant's prepared responses are in the following **Discussion** (Staff Analysis & Findings to Request for Review) Section.
- Staff finds that when considering the issues raised in the Request for Review of AR-09-08 and evaluating the information in the applicant's responses (Attachment B), the ARB Decision to approve the architectural features of the SHR&F Club development is supported by findings and evidence and is correct.
- Before affirming, revising, modifying or reversing the action of the November 6, 2009 ARB Findings and Decision for the SHR&F Club with regard to the issues raised by Mr. Rasmussen in the Request for Review, the City Council must find that the requirements of the Tualatin Development Code (TDC) Chapter 73,

- The City Engineer’s Public Facilities Decision on AR-09-08 was not appealed and is a Final Decision.
- As per ORS 227.178, the governing body shall take a final action within 120 days of the application being deemed complete. The 120th day is February 2, 2010.

OUTCOMES OF DECISION:

Affirmation of the ARB AR-09-08 Findings and Decision with respect to the issues raised in the Request for Review will result in the following:

- Approves the November 6, 2009 ARB Findings and Decision on the architectural features of AR-09-08, subject to the conditions contained therein or specified by the City Council.
- Confirms that the requirements of TDC Chapter 73 and CUP-09-01 have been met in respect to the issues raised in the Request for Review.
- Allows the applicants to proceed with development of the SHR&F Club project.

Revising, modifying or reversing AR-09-08 ARB Findings and Decision in regard to the issues of the Request for Review will result in the following:

- Concurs with the Appellant’s Request for Review of one or more of the three issues in the AR-09-08 ARB Findings and Decision.
- Revises, modifies or reverses findings and conditions of the AR-09-08 ARB Decision in respect to one or more of the three issues raised in the Request for Review.
- Requires the applicant to revise plans to comply with the Council’s decision.

ALTERNATIVES TO RECOMMENDATION:

The alternatives for the City Council are:

- Affirm the November 6, 2009 ARB Findings and Decision on the SHR&F Club development proposed in AR-09-08 as decided by ARB.
- Revise or modify the ARB Findings and Decision in regard to one or more of the three issues raised in the Request for Review, subject to conditions established by the Council, and adopt a written order (resolution) that clearly states the basis for the Council’s decision.
- Reverse the AR-09-08 ARB Findings and Decision in regard to one or more of the three issues raised in the Request for Review and adopt a written order (resolution) that clearly states the basis for the Council’s decision.

FINANCIAL IMPLICATIONS:

The appellant submitted the required \$128.00 fee with the Request for Review of AR-09-08.

DISCUSSION: (Staff Analysis & Findings to Request for Review)

The issues raised in the Request for Review with a staff response are:

Reason #1 APPELLANT'S COMMENTS

Appellant Douglas Rasmussen states, "Request review concerning allowance of east-facing windows on Activity center. Windows allow an unspecified number of people to view neighboring residents inside their homes. This will occur from 5:30 a.m. until 10:30 p.m. Windows are operable and will allow noise from large numbers of people and their activities to be carried to residents. Decision was based on comparison/assumption of a single family home being built. Facility is commercial, not residential, and proposes large numbers of people coming and going continually. TDC allows for discretion in determining whether property owners will experience impaired use of any/all of their entire property due to daily activities at the commercial site." (Attachment A-Douglas Rasmussen Request for Review November 20, 2009, pg. 1)

Reason #1 STAFF RESPONSE

The proposed SHR&F Club Activity Building is a 2-level structure located in the southeast corner of the property. The east elevation of the Activity Building is separated from existing single-family home properties on the east by a 25 ft. setback with existing tree and dense hedge plantings and with additional proposed tall hedge and cypress tree plantings. An 8 ft. wide gravel access path extending to the rear of the building is shown. The proposed design of the east elevation includes a band of six- 4'6" tall metal-frame windows on the 2nd level for interior offices and a multi-purpose room. The bottom sill of the windows is 7 to 14 ft. above the adjacent grade. (Attachment E-Activity Building Elevations)

The minimum sideyard setback requirements of TDC 40.080(1) for a Conditional Use are 0-50 ft., to be established in the Architectural Review process. Conditions #2 & #7 of CUP-09-01 for the SHR&F Club (Attachment D) required tree and large shrub plantings on the site's east property line and a 25 ft. buffer from the east property line to the Activity Building (See Attachment D-Site Plan). Following testimony by the applicant and by persons testifying at the public hearing on the Activity Building setback, the design of the tree and hedge landscaping on the site's east perimeter, and the individual preferences of neighboring residents for the height and density of a screen, the ARB found that the Activity Building met the setback requirements of TDC 40.080 and the buffer and plantings met the CUP-09-03 Conditions #2 & #7.

Mr. Rasmussen and others testified at the ARB hearing opposing the proposed windows on the east elevation of the Activity Building, citing concerns for the privacy of neighboring residents and the potential for noise from activities occurring within the building during early morning or evening hours. The applicant provided an explanation of the architectural reasons for having windows on the building's east elevation, the importance of having natural light and outdoor views in the offices and activity rooms located on that side of the building, and the energy saving benefits of windows capable of opening for room ventilation. The ARB discussed the design of the Activity Building's east elevation with the proposed windows, residential privacy and noise concerns, and the effect of screening by required plantings. Comparisons of the proposed window height and size to typical and nearby residential houses were made by the applicant and the ARB. In discussion, the ARB considered requiring the windows be eliminated or requiring opaque and fixed windows, but decided that windows were important to the building's compatibility on the residential side and to accept the design as proposed.

In the appeal, Mr. Rasmussen remains concerned that the east Activity Building windows will allow SHR&F Club activities to cause privacy and noise problems for neighboring residents, citing the hours of operation and "...large numbers of people coming and going." Mr. Rasmussen contends "...TDC allows for discretion in determining whether property owners will experience impaired use of any/all of their entire property due to daily activities at the commercial site" (Attachment A, pg. 1).

The ARB heard the testimony regarding the issue of windows on the Activity Building East elevation. The ARB discussed questions of privacy for neighbors and the screening effect of landscaping, the potential for noisy activity in the rooms with windows, the appropriateness of windows in respect to design, the aesthetic quality of windows in an office or activity room interior, and the potential for energy savings when windows are operable. The ARB decision accepted the proposed design with the windows and did not impose conditions of approval restricting windows on the east elevation. Staff agrees that windows are appropriate and compatible on the Activity Building east elevation, that the proposed and required landscaping will provide privacy screening for neighboring residences and that noise disturbances from the activities in the building can be eliminated or minimized by the practices of the SHR&F Club management. Staff concurs with the ARB's decision.

In regard to Mr. Rasmussen's statement about the ARB's discretion in determining an impairment of use by the SHR&F Club development as a "commercial" activity in a residential area, Staff notes that consideration of the SHR&F Club use and its impacts on surrounding properties is a criterion (TDC 32.030 Criterion 4) of the conditional use permit process. The conditional use was decided by the City Council in CUP-09-01 where conditions requiring Activity Building setbacks and buffering were established to minimize or mitigate the SHR&F Club impact on nearby residential properties. The conditional use provisions of TDC 32.040 give the ARB authority to impose additional conditions of approval on the development for physical improvements such as setbacks, screening, construction standards and methods if the conditions are necessary to protect public health, safety and welfare. The ARB decision included conditions that addressed the design of the east property plantings and moving the proposed trash & recycling facility away from residential properties, but did not add conditions on the Activity Building setbacks or design. Staff agrees that the SHR&F Club use and impact issues were addressed by the Council's decision on CUP-09-01 and that the ARB consideration and decision on the issue of the Activity Building design was appropriate.

Reason #1 CONCLUSION

In the analysis of Mr. Rasmussen's statements, staff provides information developed in the ARB hearing that establishes that the proposed design of the SHR&F Club Activity Building is compatible with development in the vicinity and with the CUP-09-01 and ARB conditions of approval, the windows will not harm or impair use of neighboring properties.

Staff recommends the City Council agree with the ARB's Decision and deny the Request for Review regarding the design of windows on the east elevation of the proposed Activity Building.

Reason #2 APPELLANT'S COMMENTS

Appellant Douglas Rasmussen states, "Request review of landscaped areas versus hardscape areas. Current site plan does not meet TDC guidelines for percentage of landscaping required. Applicant has also stated that the pedestrian only viewing site may be used for overflow parking. Site is then not able to be considered in the landscaping percentage. Aesthetics of neighborhood are compromised because of excess pavement and impervious surface." (Attachment A, Douglas Rasmussen Request for Review November 20, 2009 pg. 1).

Reason #2 STAFF RESPONSE

The proposed SHR&F Club development consists of two buildings, outdoor tennis courts, an outdoor pool and terrace, off-street parking & loading, landscaping, a landscaped water quality facility and enhanced wetland and CWS buffer plantings on the west side of the development area. The development area is 4.91 acres of the 15.69 acre property. The building coverage (foot print/impervious area) of the two buildings (58,529 s.f. & 9,113 s.f.) is 32 percent of the development area. The overall parking and vehicular circulation area is 50,949 s.f. (24 percent) of the development area. The proposed landscaped area is 57,564 s.f., 27 percent of the development area (not including enhanced buffer planting areas and vehicular areas). (Attachment E-Site Plan, Landscape Plan) (also included in the ARB Decision packet Attachment G).

The landscaping standards of TDC 73.240(2) require the minimum landscaping area for conditional uses in the RL Planning District to be a minimum of 25% of the total area to be developed. Up to 10% of required landscape area can be un-vegetated gravel or bark [TDC 73.240(11)] allowing the proposed gravel pathways to count. TDC 73.310(1) allows "Pedestrian amenities such as landscaped plazas and arcades..." to meet the landscaping requirement. There is no maximum area limit or percentage for a hard surface pedestrian feature such as the proposed concrete surfaced Pool/Terrace Plaza when evaluating landscape area. Condition AR-1(f) (Attachment G) requires revised plans showing the specific design and materials of the Pool/Terrace Plaza surfaces. With the wide pedestrian walkways, the pool, the play pool, the covered deck and trellis on the Activity Building side, and proposed outdoor furniture and large container planters on the Pool/Terrace plaza, the hard surfaced Pool/Terrace plaza qualifies as required landscaping.

As shown on the SHR&F Club site and landscape plans, the proposed landscape planters, the gravel pathways and with the Pool/Terrace plaza and other pedestrian-oriented hardscape areas, the area of landscaping is 57,564 s.f., which is 27 percent of the development area and meets the requirement of TDC 73.240(2).

Mr. Rasmussen questions counting the 'grasscrete' "pervious surface" wetland viewing plaza/truck turnaround on the west side of the building as landscaping when that location was mentioned in the Parking Management Plan as a location for "overflow" parking when additional event parking is needed. This question was not considered by the ARB. Grasscrete is a modular masonry product placed over a packed gravel base and filled with a grass-seeded topsoil that is a green yet driveable surface. Staff agrees that a formal and approved parking stall or loading dock is not eligible to include as required landscaping. Staff notes that the use of grasscrete surfaces for emergency vehicle or public maintenance access as landscaping has been approved in other ARs

including the Trailblazer Practice Facility on SW Childs Road, the Alexan on SW Lower Boones Ferry Road and the Novellus Systems facility on SW Leveton Drive. When an area with a grasscrete surface is primarily a landscape or pedestrian feature and vehicle use is rare or infrequent, Staff recommends that it be considered eligible to count as required landscaping.

Mr. Rasmussen states “Aesthetics of neighborhood are compromised because of excess pavement and impervious surface.” It is correct the amount of “impervious surface” on the SHR&F Club development site is approximately 78% of the development area (based on the Water Quality Volume Calculation-Public & Private Facilities Plan C4, Attachment E) when the hardscaped plaza and pedestrian areas are included. The amount and percentage of paved and hardscaped areas on the developed portion of the SHR&F Club site is greater than the percentage found in residential development or in the neighboring residential areas. Staff notes three considerations:

- As proposed and in accordance with CUP-09-01 and the landscape standards of the TDC, the site perimeter, site front yard facing SW Nyberg Lane, and the east, north and west perimeters of the buildings include wide and densely planted, topsoil base landscape planter areas with trees and shrubs. The paved or hard-surfaced activity areas are located behind buildings or away from neighboring residential properties. The perimeter and front yard landscaping is what the neighbors and public see when driving and walking by or from their homes. The amount of “hardscape” and paved areas on a development of this size is only perceived from an aerial perspective.
- The overall SHR&F Club property is over 15 acres in size and the approximately 7 acres on the west are protected creek, wetland and open space that will be preserved as natural area. Comparing the amount of impervious surface to the property’s 15 acres reduces the percentage to approximately 25% which is comparable to nearby residential development.
- TDC 73.050(1)(b) is a standard requiring that the design of the development is compatible with the design of other developments in the same general vicinity. The ARB Staff Report and ARB Decision found that the design of the development including the outdoor tennis courts, the hard surfaced outdoor pool plaza and use of pedestrian areas met the compatibility standard.

The ARB Decision for AR-09-08 accepted the proposed landscape areas including the hard-surfaced Pool/Terrace Plaza, pedestrian walkways and the grasscrete areas that were primarily for pedestrian or landscape use. The ARB did not require additional landscaping or a reduction in impervious surface.

Reason #2 CONCLUSION

In the analysis of Mr. Rasmussen’s statements, staff provides information developed in the ARB hearings that establishes the SHR&F Club landscaping and use of hard surfaced landscape areas are in compliance with TDC 73.240(2) and 73.050(1)(b).

Staff recommends the City Council agree with the ARB’s Decision and deny the Request for Review landscaping issue by finding that amount of required landscaping is provided and considering the amount of paved and hard surfaced area, the development design is compatible with other development in the vicinity.

Reason #3 APPELLANT'S COMMENTS

Appellant Douglas Rasmussen states, "Request review of decision to allow current parking management plan to stand unsubstantiated. Parking requirements are calculated on insufficient data concerning use of facility. Applicant's statements indicate times of extreme attendance that require on-street/offsite parking. Applicant has only provided statements on proposed action for overflow parking with no data to support compliance. This poses a public safety issue that is not resolved concerning overflow parking in Fox Hill neighborhood." (Attachment A, Douglas Rasmussen Request for Review November 20, 2009 pg. 1)

Reason #3 STAFF RESPONSE

The ARB decision for AR-08-06 established that the proposed 138 spaces are required on-site parking for the SHR&F Club facility based on the parking standards of TDC 73.370(1, 2) (Attachment F-Staff Report to ARB, pp.24-25). CUP-09-01 Condition #5 (Attachment G; CUP-09-01 Conditions of Approval) requires a Parking Management Plan to ensure adequate on-site parking and to plan for parking for tournament and events at the SHR&F Club. AR-09-08 Condition AR-7 required:

"...the Parking Management Plan shall be revised to establish the parking and activity management requirements of Conditions #3 & #4 and to meet Condition #5, show that scheduled events on the SHR&F Club site with more than 40 attendees can be accommodated with available on-site and off-site parking locations and managed to minimize SHR&F Club parking on public streets."

The ARB reviewed the Parking Management Plan submitted by the applicant (Attachment B & G- November 3, 2009 Parking Management Plan) and considered information from staff, the applicant and neighbors in evaluating the parking needs for SHR&F Club "everyday" activities at the facility and for special events when more participants and visitors would be expected. There was testimony questioning the feasibility of obtaining off-site parking from nearby developments and questioning the developer's ability to keep visitors from parking on residential streets. The developer repeated his confidence in the Parking Management Plan and in being able to provide adequate parking on and off-site for the events that will be held at the SHR&F Club. This would be accomplished by obtaining parking agreements, providing parking shuttles, member & visitor parking information and using parking monitors when needed. The ARB discussed the parking plan and decided that if there are problems with parking associated with the SHR&F Club, it is an issue of compliance with the conditional use permit and could be returned for the City Council to consider. The ARB found that the SHR&F Club Parking Management Plan was adequate and would meet AR-09-08 Condition AR-7 and CUP-09-01 Condition #5.

In the appeal statements, Mr. Rasmussen believes that required parking for the SHR&F Club was evaluated with insufficient information on the use of the facility because the Parking Management Plan is "unsubstantiated" and lacking the data necessary to evaluate it. He again raises concerns about overflow parking from activities at the SHR&F Club occurring neighboring residential streets.

The ARB Decision for AR-09-08 accepted the November 3, 2009 (version) Parking Management Plan as in compliance with the TDC and CUP-09-01 Condition #5 and would meet ARB Condition AR-7. The ARB discussed the issues and concerns about adequate parking, event parking and parking management that were raised by Mr. Rasmussen and others in comments and testimony during the public hearing. In consideration of that information, the ARB found parking and parking management planning to be adequate and did not require modification or additional information in the SHR&F Club Parking Management Plan.

The Zupancic Responses to the Appeal Issues letter (Attachment B, pp 3-9) addresses Reason #3 regarding Parking Requirements and the Parking Management plan with information supporting the ARB's approval of the November 3, 2009 plan submitted by the Applicant. Mr. Zupancic goes on to discuss CUP-09-01 Condition #5 as being too restrictive for the SHR&F Club operation when considering the amount of on-site parking provided and required and conflicting with an interest in reducing potential for street parking. A change to a condition of approval established in the conditional use process would require a reconsideration of CUP-09-01 by the Council (in a conditional use permit public hearing). Applying Condition #5 and determining compliance with the Condition can be performed by the Council in the public hearing for AR-09-08. While the ARB approved a parking management plan that was proposed by the applicant to comply with TDC standards and CUP-09-01 conditions, there may be other ways for the applicant to design a parking area and a parking management plan. The Council can review and consider alternate designs in compliance with the TDC and Condition #5 with a result that can accommodate the interests of the neighbor and the developer.

Reason #3 CONCLUSION

In the analysis of Mr. Rasmussen's statements, staff reviews the ARB's consideration of SHR&F Club parking in terms of the TDC and CUP-09-01 and in respect to testimony and comments from neighbors at the public hearing. The basic questions and issues on parking management that are raised in the Rasmussen appeal were considered by the ARB in its decision.

Staff acknowledges that the applicant may suggest other parking area and parking management plan designs that can meet the standards of the TDC and CUP-09-01.

Staff recommends the City Council agree with the ARB's Decision and deny the Request for Review of the parking issue by finding that amount of parking for the SHR&F Club facility and addressed in the Parking Management Plan are adequate as per the AR-09-08 ARB Decision and CUP-09-01.

STAFF CONCLUSION

Based on the findings of this report and on the supporting materials and information cited in the findings, Staff concludes the Douglas L. Rasmussen Request for Review of the ARB Decision on the Stafford Hills Racquet & Fitness Club project, AR-09-08, regarding landscaping, Activity Building windows, and the Parking Management Plan should be denied.

PUBLIC INVOLVEMENT:

On December 18, 2009, a Notice of Hearing was mailed and posted as required in TDC 31.077(5). The purpose of this Quasi-judicial Evidentiary Hearing is to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the City Council.

Attachments:

- A. Request for Review submitted by Douglas L. Rasmussen
- B. Letter and reply submitted by the Zupancic Group responding to issues raised in Request for Review of AR-09-08
- C. Background Information
- D. CUP-09-01 Conditions of Approval
- E. SHR&F Club Site Plan, Landscape Plan & Activity Building Elevation Plan
- F. ARB meeting minutes (Unofficial) and materials submitted into the record at the November 4, 2009 hearing & Parking Management Plan
- G. ARB November 6, 2009 Architectural Features Findings & Decision for AR-09-08 with Staff Report-Recommendation to the ARB November 4, 2009; Application Materials-SHR&F Club.
- H. Vicinity Maps



City of Tualatin

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CITY OF TUALATIN
RECEIVED

NOV 20 2009

REQUEST FOR REVIEW OF ARCHITECTURAL FEATURES OR PUBLIC FACILITIES DECISION

COMMUNITY DEVELOPMENT
PLANNING DIVISION

A Request for Review must be received by the Community Development Department - Planning Division or Engineering Department by 5:00 p.m. of the 14th calendar day after the Notice of the Architectural Features and Public Facilities decision is given. Only those persons who submitted comments during the notice period may submit a request for review. You must provide all of the information requested on this form, as required by TDC 31.075. This form must be signed and submitted in writing. You will be notified of the hearing date.

Name of Party requesting review Douglas L. Rasmussen

Address 19025 SW Mobile Place

Date 11-20-09 Telephone (503) 692-8741

Did you submit comments on the proposal during the notification period? Yes

You represent or you are:

- the applicant
- City Councilor
- Government agency
- City-recognized neighborhood association
- Architectural Review Board (ARB) member
- City Manager
- Other Perse line property owner

I request a review of Case No. AR-09 - 08:

This form is used in part to determine the appropriate hearing body for review. Check which portion of the decision for which you are requesting review:

- Architectural Features
- Public Facilities
- Both

Project: STAFFORD HILLS RACQUET AND FITNESS CLUB
(Give description of subject property or proposed name of project)

Explain clearly which portions of the decision you are asking to be reviewed (attach separate sheet if needed). This should specify how you are adversely affected by the decision and how the decision is allegedly not in conformance with applicable TDC requirements:

See ATTACHED

Your signature

Appeal of Staff Architectural Review decision to ARB: \$0.
Appeal of Staff Public Facilities Decision to Council: \$128.00
Appeal of ARB Decision to Council: \$128.00

FOR OFFICE USE ONLY:			
Received by Planning <input checked="" type="checkbox"/>	Received by Engineering <input type="checkbox"/>	Date received: <u>11-20-09</u>	rev: <u>209</u>
Fee received <u>\$128.00</u>	Receipt No. <u>159075</u>	Check #	
The review will be heard by the <u>ARB</u> <input checked="" type="checkbox"/> City Council Date of			

ISSUES FOR APPEAL

1. Activity Center

Request review concerning allowance of east-facing windows on Activity center.

Windows allow an unspecified number of people to view neighboring residents inside their homes. This will occur from 5:30 a.m. until 10:30 p.m.

Windows are operable and will allow noise from large numbers of people and their activities to be carried to residents.

Decision was based on comparison/assumption of a single family home being built. Facility is commercial, not residential, and proposes large numbers of people coming and going continually.

TDC allows for discretion in determining whether property owners will experience impaired use of any/all of their entire property due to daily activities at the commercial site.

2. Landscaping – TDC 73.240

Request review of landscaped areas versus hardscape areas.

Current site plan does not meet TDC guidelines for percentage of landscaping required.

Applicant has also stated that the pedestrian only viewing site may be used for overflow parking. Site is then not able to be considered in the landscaping percentage.

Aesthetics of neighborhood are compromised because of excess pavement and impervious surface.

3. Parking Management Plan – TDC 73.370

Request review of decision to allow current parking management plan to stand unsubstantiated.

Parking requirements are calculated on insufficient data concerning use of facility.

Applicant's statements indicate times of extreme attendance that require on-street/off-site parking. Applicant has only provided statements on proposed action for overflow parking with no data to support compliance.

This poses a public safety issue that is not resolved concerning overflow parking in Fox Hill neighborhood.



December 29, 2009

Honorable Lou Ogden, Mayor
Honorable Chris Barhyte, Council President
Members of the Tualatin City Council
Tualatin City Center
18880 SW Martinazzi Avenue
Tualatin, OR 97062

RE: AR-09-08 Stafford Hills Racquet and Fitness Club
Review of ARB Findings and Decision of November 6, 2009
Appeal filed by Douglas L. Rasmussen

Dear Tualatin City Council:

This response is made to the above-referenced appeal filed by Douglas L. Rasmussen (the "Appellant").

On December 7, 2009, I invited Mr. Rasmussen to meet with me to discuss the issues raised in his Request for Review, in hopes of eliminating the need for this hearing. (See attached Exhibit A.) Mr. Rasmussen did not respond to my invitation to meet and confer.

This Request for Review is held under TDC Section 31.078 (Requests for Review of Architectural Review Board Decisions to the City Council). Under TDC Section 31.078(4)(c), the Appellant must include with the Request for Review:

1. The specific matters raised for Council consideration on review;
2. The specific reason the Appellant contends the Architectural Review Board decision is not in conformance with applicable code requirements; and
3. The reason the person is adversely affected by the decision.

The Appellant raises three (3) issues enumerated below. The primary question before the City Council is: Did the ARB properly apply the applicable standards of the TDC (31.071 and 31.072, Chapter 40; Chapter 73) and CUP-09-01?

THE APPLICANT AVERS THAT FINDINGS AND CONCLUSIONS OF THE ARCHITECTURAL REVIEW BOARD ARCHITECTURAL FEATURES DECISION, RESULTING FROM A FIVE HOUR IN-DEPTH ARB HEARING, MEET THE APPLICABLE STANDARDS. THEREFORE, THE ARB FINDINGS AND DECISION SHOULD BE AFFIRMED, WITH ONE MODIFICATION DESCRIBED BELOW.

Attachment B

Issue No. 1: East-facing windows on Activity Building. Appellant objects the the east-facing windows citing concerns about privacy and noise. The ARB carefully considered this issue and decided to allow the east-facing windows in the design primarily because:

- a) The east-facing windows are needed to allow natural light and air into the building, and to conform with sustainable building practices and design;
- b) The building is largely subterranean, which mitigates against Appellant's concerns about noise and privacy;
- c) Existing mature shrubs between the properties preserve and block the line-of-sight to any windows (See Exhibits B-1 and B-2);
- d) Increased 25 foot landscaped buffer provides additional protection;
- e) Tualatin Municipal Code Section 6-1-210 already prohibits unreasonable noise; and
- f) Two-story residences, much taller than the proposed Activity Building, could be built on this property as a permitted use within five feet of the boundary (TDC 40.0707(3)), with no special landscaping buffer requirements and with windows that would be potentially much more intrusive than those proposed.

The Activity Building is located approximately 200 feet south of the Appellant's property and more than 275 feet from his house, and is substantially obstructed by vegetation, making it difficult to comprehend how under TDC 31.078(4)(c) the Appellant is "adversely affected by the decision" relating to this issue.

The criteria having been met by the ARB, the Applicant requests that the Findings and Decision relating to Issue No. 1 be affirmed.

Issue No. 2: 25% Minimum landscaping standard. Appellant contends this standard is not met, but offers no empirical evaluation or calculation to support Appellant's position.

Pursuant to TDC 73.240(2), this conditional use is required to include 25% of the total area to be developed as landscaping. The term "landscaping" is defined at TDC 31.060 to mean:

"The improvement of land by such means as contouring, planting of lawn, groundcover plants, shrubs or trees, and by the location of outdoor structures, courtyards, planters, raised beds, walkways and other similar features."

Using the foregoing definition, Applicant's civil engineers calculated the landscaped area as defined. (See attached Exhibit C.) The calculation concludes a total of 57,901 square feet of landscaped space within a total development area of 213,751 square feet. That amounts to 27% landscaped coverage.

It is important to note that Applicant chose not to include the enhanced buffer area of the wetlands mitigation plan within this calculation. If Applicant had done so, the percentage coverage would have been even greater.

This criterion has been met and the Findings and Decision of the ARB relating to this issue should be affirmed.

Issue No. 3: Parking requirements and proposed Parking Management Plan. Appellant raises issues concerning the adequacy of off-street parking and the efficacy of the CUP-required Parking Management Plan.

A. Parking Management Plan

Condition No. 5 of CUP 09-01 required that the Stafford Hills Racquet and Fitness Club (“SHR&F Club”) submit to the ARB a Parking Management Plan “to ensure that there is adequate on-site parking and to avoid spill-over parking onto neighboring residential streets.”

As City Councilors will recall, at the CUP hearing, the Applicant presented an extensive traffic-impact study that included a comprehensive trip generation count performed by Kittleson Associates. That analysis included a physical trip count at the West Hills Racquet and Fitness Club (Portland) and the Mountain Park Racquet Club (Lake Oswego).

The physical trip count was taken on clear weather days in the month of January, “a traditionally high season for health and sports related activities for people after the holidays.” (Traffic Analysis Report at Page 27). Roads were clear and navigable. This peak-season assumption is validated by the International Health, Racquet and Sports Club Association that concludes new membership activity in the month of January is nearly double the average between April and December.¹ Therefore, Kittleson’s numbers were conservative, using comparative trip count numbers at peak season, on a clear day with navigable roads.

Kittleson engineers observed not only traffic flows, but also examined parking conditions at the West Hills and Mountain Park sites. The most comparable of the two clubs, West Hills, offers 104 on-site parking spaces. Even at this peak time, West Hills did not experience overflow parking conditions. On the contrary, the 104 on-site parking stalls at West Hills proved adequate and reasonable.

However, in an abundance of caution and in an effort to mitigate against the risk of spill-over parking, Stafford Hills presented to the ARB a plan that included 138 parking stalls, even though only 88 parking stalls are “required” under the TDC standards. On reflection, the ARB saw the wisdom of providing 138 on-site parking stalls, and incorporated that conclusion in their findings.

Appellant correctly refers to TDC 73.370 as provisions requiring adequate off-street parking. However, TDC 73.370 requires only 88 parking spaces for this facility. The planned parking exceeds the required minimum by 58%.²

¹ IHRSA’s Guide to the Health Club Industry, Second Edition (2004), p. 85

² TDC 73.370 includes no parking requirements for outdoor recreational features such as the pool. Applicant believes patronage of such features justifies the need for additional spaces.

Appellant's claim that the Parking Management Plan is "unsubstantiated" and that parking requirements are based on "insufficient data" does not square with the evidence in the record. Significant effort and expense have been incurred to evaluate parking requirements and develop data. That data clearly supports the reasonableness of the Parking Management Plan and affirmation of the ARB Findings and Decision.

The terms and conditions of the Parking Management Plan are reasonable and properly address Condition No. 5 of CUP 09-01. The Findings and Decision of the ARB relating to the Parking Management Plan should be affirmed.

B. Adequacy of On-Site Parking vs. Restrictive Parking Zone

The Appellant's assertion presents an interesting dichotomy. On one hand, the Appellant has argued that buffers be expanded, landscaping increased, and on-site parking be restricted before 8 a.m., all of which reduces available on-site parking. On the other hand, Appellant is concerned about "spill-over" parking onto neighboring public streets. Clearly, Appellant's position on reducing available on-site parking area increases the risk of spill-over parking. The two positions are at odds.

A historical review of the parking issue is informative. In the CUP Application materials, Applicant presented a parking plan including 126 parking stalls. As a result of increasing the buffer on the east property line to 20 feet, 17 parking stalls were removed from the east parking lot, the parking was reoriented, the building size was reduced, and 29 parking stalls were added to the west parking annex.

When the Applicant recommended the mitigations of (1) a concrete fence along the east boundary and (2) enhanced and enlarged buffer, it was in lieu of the proposed prohibition of before-8 a.m. parking of vehicles within 100 feet of the eastern boundary, aka the "Restrictive Parking Zone." Instead of adopting the mitigation in lieu of the 100 foot Restrictive Parking Zone ("RPZ"), the Council adopted the mitigation in addition to the RPZ in the final CUP 09-01.

Condition No. 3 of Resolution 4890-09 provides:

"The SHR&F Club shall establish a parking management program that will restrict on-site parking before 8:00 a.m. from parking stalls within 100 ft. of the SHR&F Club east property line."

The RPZ results in 56 parking spaces becoming unusable before 8:00 a.m. In this regard, the Applicant agrees with the Appellant that the on-site parking should be maximized and the RPZ eliminated. The unintended consequence of the RPZ is to potentially shift early-morning parking onto neighboring public streets. Neither the City, the Applicant nor the Appellant desire this result.

Argument for Elimination of the RPZ

1. The concrete fence and enlarged landscaped buffer mitigate negative impacts and eliminate the rationale for the RPZ. Testimony in the record establishes that the concrete fence will have significant sound-proofing impact. The additional buffer and plantings supplement that protection for the three Mobile Ct. neighbors adjoining the northern sector of the site. Whereas before the concrete fence was required and the landscaped buffer was increased, it could be argued that the RPZ would protect the neighboring properties. However, the new mitigations achieve the same objective, making the RPZ unnecessary.
2. The RPZ exacerbates the potential for spill-over parking. Because the RPZ eliminates 56 parking spaces before 8:00 a.m., the RPZ actually increases the risk for spill-over parking. Moreover, TDC 73.370(1) requires that "*Required parking spaces shall be available for the parking of operable passenger automobiles of residents, patrons and employees . . .*" By creating the RPZ, Condition No. 3 conflicts with the TDC by making these parking spaces unavailable during certain times.
3. No other non-residential use in the area is subject to a RPZ. Three other comparable non-residential uses that abut residential uses within this area include:
 - a. Bridgeport Elementary School
 - b. Brown's Ferry Park
 - c. Legacy Meridian Park Hospital

Both Bridgeport Elementary School and Brown's Ferry Park have parking lots which abut residential uses. Legacy may have such a parking lot in the future. The attached Exhibits D-1, D-2, and D-3 show the impact that a 100 foot RPZ would have on these properties. The result would be that the entire parking lots of the school and the park would be unusable in early morning hours.

The landmark case of *Penn Central Transportation Company v. City of New York*, 438 U.S. 104, clearly establishes in the realm of regulatory taking that when a restriction on use is imposed, its consideration must include how similar parcels are treated. In this case, Stafford Hills is the only parcel in the area subject to this early-morning parking restriction.

4. The RPZ creates a hardship for parents with children and the disabled. Parking spaces that are convenient to the Activity Building will be required by (1) parents with children who will need to be dropped off at Stafford Hills' Child Care facility located within the Activity Building, and (2) disabled patrons who wish to attend activities in the Activity Building. As such, the imposition of the RPZ creates a hardship these two classes of persons.

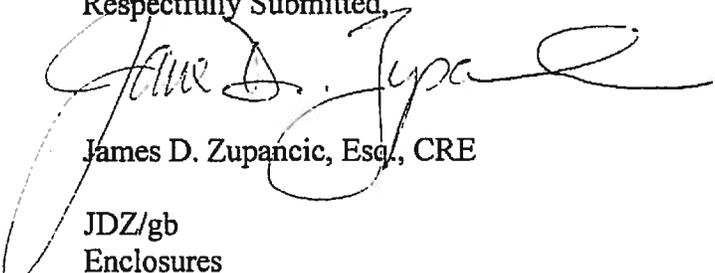
It is long established in Oregon that creation of this hardship may be actionable as violative of Article 1, Section 20 of the Oregon Constitution. *Jungen v. State* 94 Or. App. 101, 105.

5. Unduly Harsh Impact. *Penn Central* also made clear that a regulatory taking may occur when the restriction "has an unduly harsh impact on the owner's use of the property," or that the economic burden is too great. Here, the RPZ results in over one-half of the parking spaces in the main east lot rendered unusable during an important part of the day. Such a restriction will have a devastating impact on the accessibility to the Club and substantially impairs its operational viability.

Conclusion

For the foregoing reasons, and others to be presented at the hearing, Applicant requests that the Findings and Decision of the ARB be affirmed, with the exception of Condition No. 3 of Resolution 4890-09 (CUP 09-01) which should be eliminated in order to address the concerns of the Appellant and provide available use of all approved parking spaces pursuant to TDC 73.370(1).

Respectfully Submitted,



James D. Zupancic, Esq., CRE

JDZ/gb
Enclosures



Zupancic
Group
Real Estate Counsel and Developers

December 7, 2009

Douglas L. Rasmussen
19025 SW Mobile Place
Tualatin, OR 97068

RE: Stafford Hills Racquet and Fitness Club
Appeal of ARB Decision Filed 11-20-2009

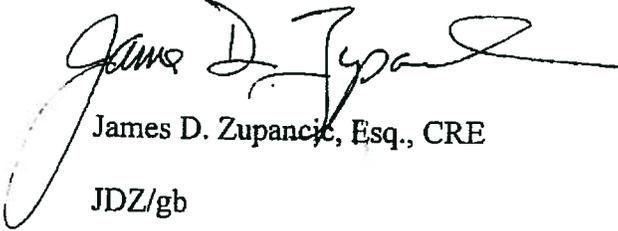
Dear Doug:

I would like to invite you to meet with me to discuss the issues you have raised in the above-referenced appeal. It is my belief and hope that we can reach an understanding relating to these issues.

Please let me know what dates and times would be convenient for you to come to my office to meet during the week of December 14 -18, 2009. My assistant, Guin, will be happy to make an appointment for you. She can be reached at 503-968-8200.

I look forward to meeting with you next week to resolve these issues.

Sincerely,



James D. Zupancic, Esq., CRE

JDZ/gb

cc: Doug Rux, City of Tualatin
Will Harper, City of Tualatin
Ray Yancey, Myhre Group Architects





EXHIBIT

B-1



EXHIBIT
B-2
49

**STAFFORD HILLS RACQUET AND FITNESS CLUB
LANDSCAPING AREA CALCULATIONS**

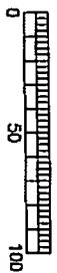
Area Description	Area (S.F.)
West along Westlands	7,316
Adj. to Tennis Bldg.	9,756
Bldg. to Storage Bldg.	335
Bldg., Tennis Bldg. & Parking	5,324
Adj. to Outside Courts	2,030
Pool Terrace and East of Activity Bldg.	25,674
East of Parking Area	7,716
Kiddle Pool (deduct)	(256)
Swimming Pool (deduct)	(3,423)
Parking Islands not included above	1,214
	1,066
	801
	77
	164
	107

Total Landscaping Area 57,901

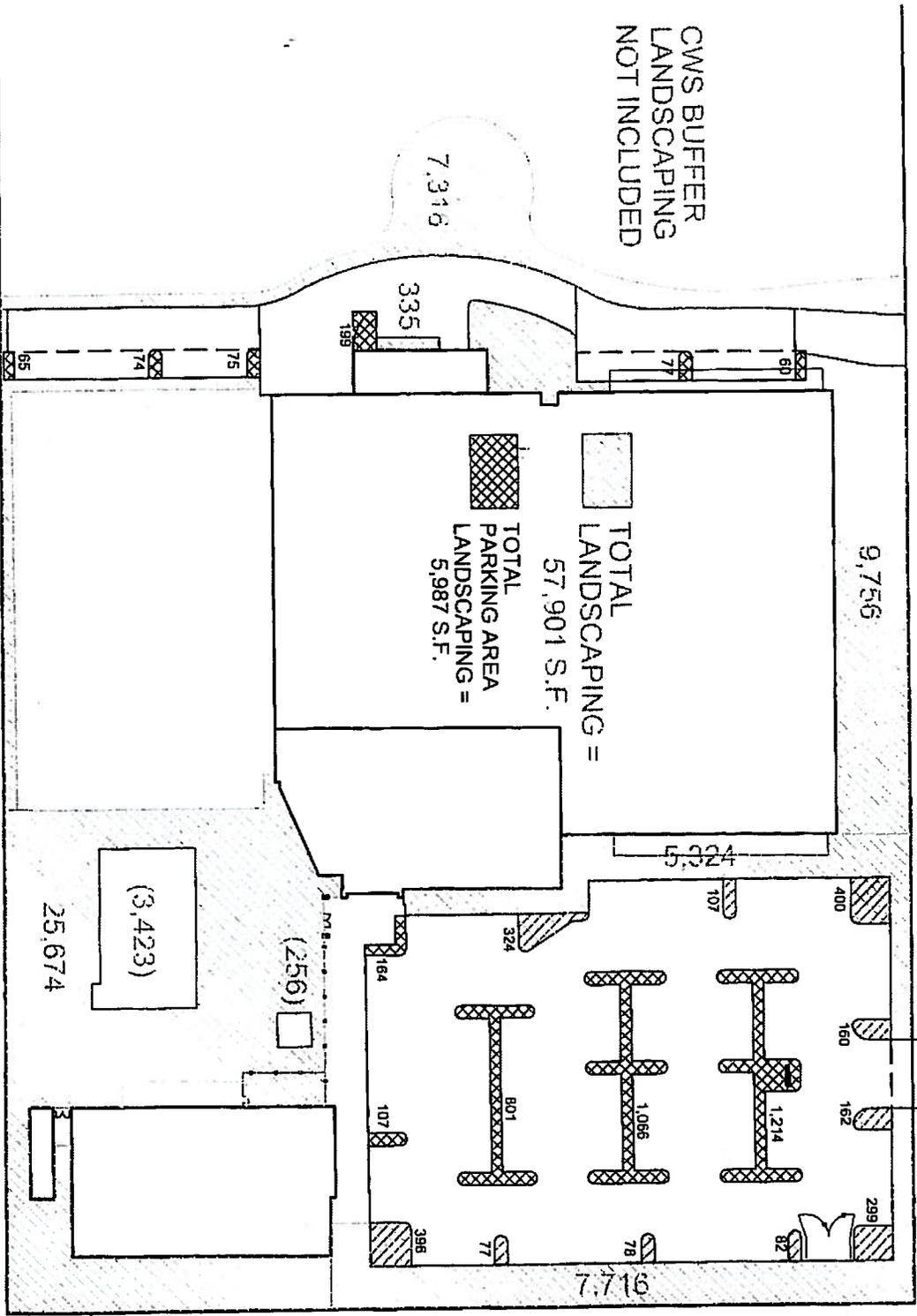
Parking Area Landscaping

Area Description	Area (S.F.)
Parking Islands west side of site	65
	74
	75
	199
	77
	80
Parking Islands east side of site	400
	180
	162
	299
	82
	78
	77
	396
	107
	164
	324
	107
	1,214
	1,066
	801
	5,987

Total Parking Landscaping Area 5,987



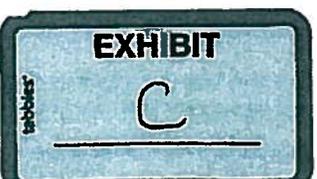
SCALE: 1"=50'



TOTAL LANDSCAPING = 57,901 S.F.
TOTAL PARKING AREA LANDSCAPING = 5,987 S.F.

CWS BUFFER LANDSCAPING NOT INCLUDED

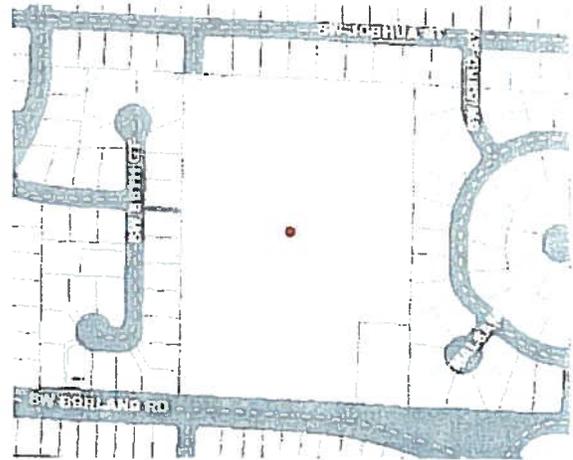
**STAFFORD HILLS RACQUET AND FITNESS CLUB
LANDSCAPING AREA MAP**



**Bridgeport Elementary School
5505 SW Borland Road, Tualatin, Oregon 97062**



Property Line

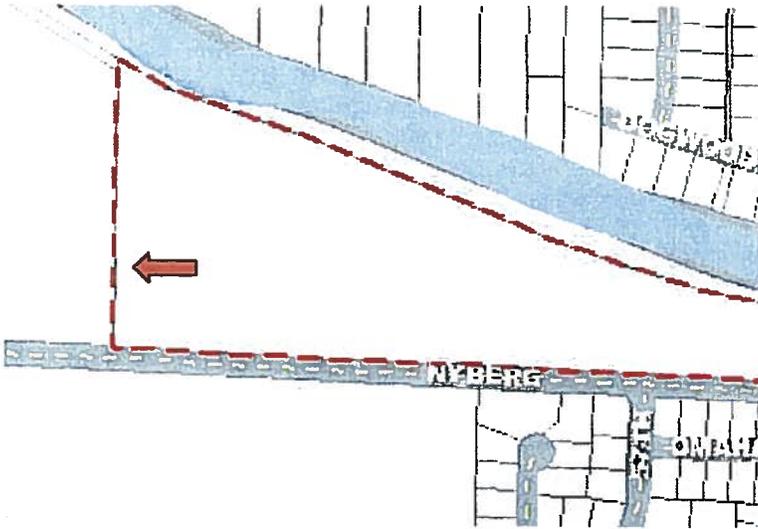


Property Map



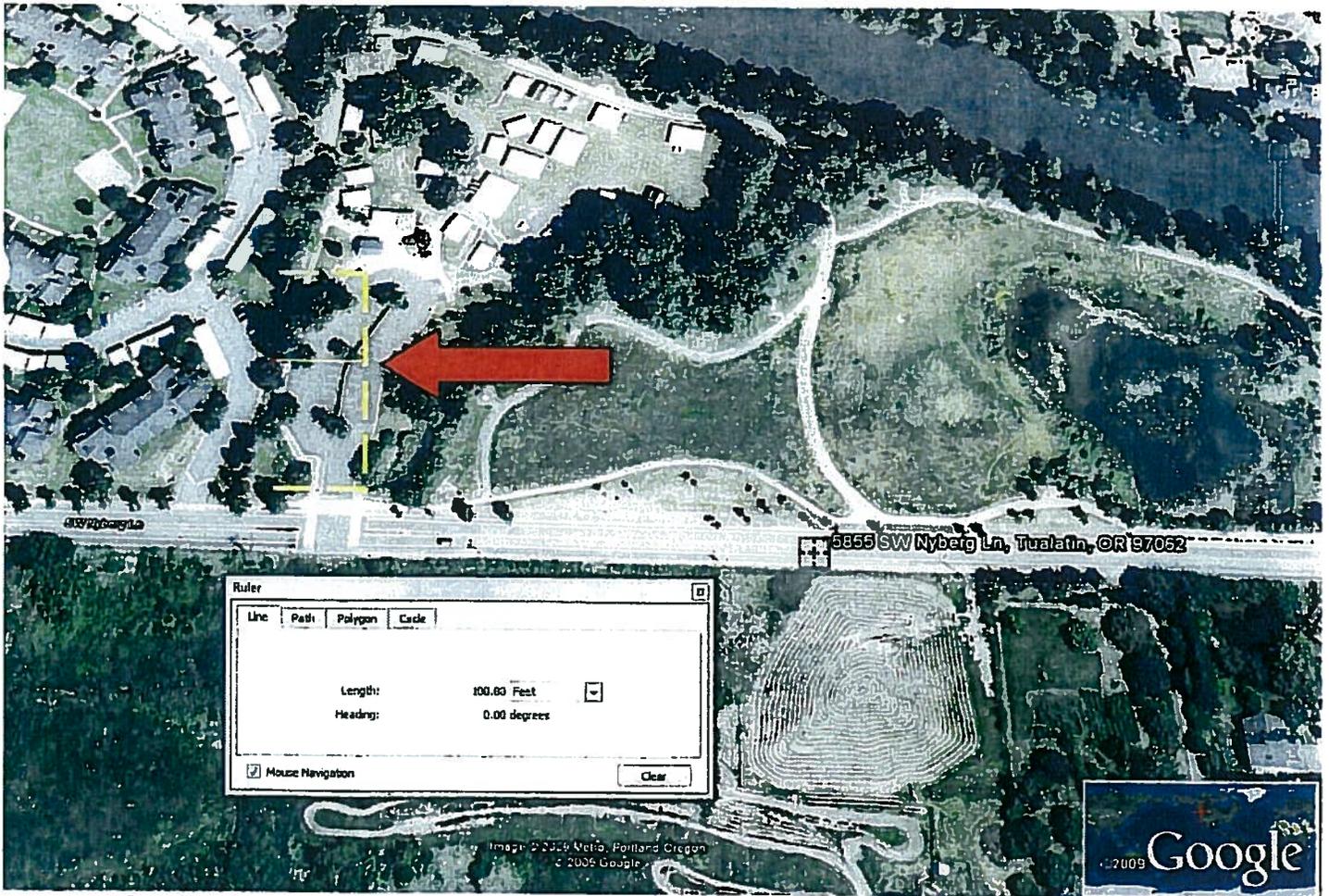
Amount of Parking Lot Lost if 100 ft. Restrictive Parking Zone Applied at Bridgeport Elementary

**- Browns Ferry Park
5855 SW Nyberg Lane, Tualatin, Oregon 97062**



Property Line

Property Map



Amount of Parking Lot Lost if 100 ft. Restrictive Parking Zone Applied at Browns Ferry Park



**Parking and Transportation Demand Management Plan
Stafford Hills Racquet & Fitness Club
(Amended October 30, 2009)**

1) **CUP Condition #5:** *To ensure there is adequate on-site parking and to avoid spill-over parking onto neighboring residential streets, a Parking Management Plan for the Stafford Hills Racquet & Fitness Club ("SHR&F") use shall be submitted with an Architectural Review application. The Parking Management Plan shall contain provisions for tournament and event parking that may include limits on attendance, mechanisms for restricting SHR & F Club visitor parking on public streets, and providing off-site parking in approved parking areas.*

A. Typical Weekday/Weekend Activities

Parking Spaces shall be designated for typical weekday and weekend use in the following proportions:

Staff spaces ¹ (westside):	29
Member spaces (eastside):	97
Carpool spaces ¹ :	6
Handicapped spaces:	5
Electric Vehicle spaces ¹ :	1
TOTAL SPACES ONSITE:	138

o **Scheduling**

Weekday and weekend activities will be scheduled in a manner to accommodate typical usage patterns. For example, classes will be scheduled around peak usage times so as to avoid exacerbating parking demand during typical times of high demand.

o **Management**

Management will be tasked with monitoring parking usage and assuring that member and staff parking does not impact public streets.

o **Carpooling**

Management will establish a carpool program in which staff shall be encouraged to carpool. An appropriate incentive shall be identified to help encourage carpooling. (As an example, Nike in Beaverton encourages

¹While specially designated, these spaces are also available as needed for on-site overflow member parking.



employees to carpool by providing priority spaces and giving “Nike Bucks” that can be redeemed at the Nike discount store to those who choose to carpool.) Parking spaces closest to the west entrance of the Tennis Building shall be designated for carpool use only.

- Transit Info Center

Management will provide an information center for staff and members to assist in providing the latest transit information and transit routes. Management will also coordinate with TriMet to determine if adjustments to current bus routes serving SW 65th Ave. could be made to include direct service along Nyberg Lane. If not, consideration will be given to provide a shuttle for employees using the SW 65th Ave. TriMet route to promote use of mass transit.

- Electric Vehicle Club Car

An innovative all-electric club car will be used by employees for day-to-day business errands to eliminate the necessity of having employees drive to work and use their cars for business errands.

- Bicycles and Bike Racks

A sufficient number of bike racks will be available for staff and member use. Existing bike lanes on both sides of Nyberg Lane will promote bicycle access and usage.

- Connectivity with Fox Hills and Legacy Meridian Park Hospital

An advantage to being located near a residential development is that members living nearby in Fox Hills will be motivated to walk or bike to the Club instead of using a car. Likewise, members who work at Legacy Meridian Park Hospital (“MPH”) will be encouraged to leave their vehicles in the Legacy MPH parking lot and walk to the Club via a connecting pathway. This pedestrian pathway is currently being discussed between the Club and Legacy MPH.

- Flex Space on West Side

Should it be needed during overflow circumstances, additional parking for up to 15 vehicles is available on the grasscrete area west of the Tennis Building.

- o Drop-Off Island

Signage will be used to direct vehicles into a counter-clockwise pattern around the east parking lot, and when appropriate, to drop off members at the drop-off island located near the Club entrance. Drop-off and Pick-up location will promote parents and guardians to transport children while not requiring on-site parking during their wait.

- o Zip Car

Discussions are underway with Zip Car to establish a Zip Car access location at Legacy MPH, thereby allowing users to utilize Zip Car, park at Legacy MPH, and access the Club via the pedestrian pathway. Management from Legacy MPH has expressed interest in this concept.

B. Special Event and Tournament Parking

- o Scheduling

Special events and tournaments will be scheduled in a manner to complement and not compete with typical peak parking demand usage.

- o Restricting Parking on Public Streets

Management will make clear that members, guests and staff should avoid parking on public streets, and will direct that they instead use recommended off-site parking in approved areas.

- o Approval of Offsite Parking

The Club is or will be in discussions with management of Legacy MPH, Nyberg Woods Shopping Center and churches on Borland Road to arrange for complementary parking for Club visitors during special events and tournaments. The Club is confident that this can be arranged.

- o Planning

Management will consider as part of any tournament or special event how the parking will be managed, the number of expected vehicles, how to utilize approved offsite parking and how to restrict spillover parking onto public streets. Events will not be planned where approved off-site parking cannot be accommodated.

- o Shuttle Service

When necessary, the Club will provide a shuttle service between the approved offsite parking areas and the Club as a convenience to guests and visitors.

CUP Condition #5 is met.

- 2) **CUP Condition #9:** *The SHR&F Club shall: eliminate parking located east of the Activity Center; reduce the number of total parking stalls to 122 stalls; and relocate designated staff parking to the west of the outdoor courts. The center core parking will be re-oriented to run north-south, which reduces impacts on ("our") neighbors to the east.*

- o Parking Redesigned

Parking has been redesigned to eliminate all parking east of the Activity Center. Staff parking has been relocated west of the outdoor courts and the Tennis Building. The east parking lot has been re-oriented to run north-south and the number of spaces in the east lot has been reduced to 109 stalls, to comply with the intent of CUP Condition #9.

CUP Condition #9 is met.

- 3) **CUP Condition #3:** *The SHR & F Club shall establish a parking management program that will restrict on-site parking before 8 a.m. from parking stalls within 100 ft. of the SHR&F Club east property line.*

- o Restrictive Parking

Management will be tasked with implementing a program to restrict on-site parking before 8:00 a.m. in parking stalls within 100 feet of the east boundary line. Members will be informed of this restriction (as part of membership information materials) and management will monitor compliance on a regular basis.

CUP Condition #3 is met.

4) **CUP Condition #4:** *Activities in the SHR&F Club buildings and on-site shall end by 10:00 p.m. and the buildings and parking areas will be closed by 10:30 p.m.*

- o Closing

Scheduling will be arranged so that on-site activities will end by 10:00 p.m. and buildings will be closed by 10:30 p.m. This information will be provided to members as part of membership information materials and management will monitor compliance on a regular basis.

CUP Condition #4 is met.

ATTACHMENT C

AR-09-08: BACKGROUND INFORMATION

Pertinent background information obtained from the submitted application and the ARB Findings & Decision for AR-09-08 and other supporting documents are summarized in this section.

The Zupancic Group proposes developing a private club facility known as the Stafford Hills Racquet & Fitness Club (SHR&F Club) on a 4.9 acre portion of the 15.7 acre property at 5916 SW Nyberg Lane (Tax Map 21E19C, Tax Lot 900) (Attachment H, Vicinity Map). The Zupancic Group was granted a Conditional Use Permit (CUP-09-01) (Resolution 4890-09) to allow a private club use in the Low Density Residential (RL) Planning District on the property and Increased building height from the maximum 35 ft. in a RL Planning District to a height of up to 40 ft. There are 13 conditions of approval with the CUP (Attachment D)

The SHR&F Club project includes two buildings, outdoor activity areas, planted and hardscape landscape areas and on-site surface parking. The main building (Tennis Courts & Club House with 69,526 square feet of floor area) has 7 high-ceiling indoor courts and a 2-level clubhouse with fitness gym, locker rooms, spa services, pro shop, cafe and a members lobby/lounge area. A second smaller building at the southeast corner of the site ("Activity Building" with approximately 18,342 square feet of floor area) will be two levels with indoor practice "alleys" and a "kids club" supervised activity and child care area. The applicant proposes four outdoor tennis courts, an outdoor swimming pool and terrace and a kids outdoor play area on the south perimeter of the development area. Surface parking for 108 vehicles on the eastern portion of the facility is proposed. Access is from SW Nyberg Lane via a primary driveway on the eastern side of the property. A service and fire access driveway from SW Nyberg lane and employee & member parking (29 spaces) is proposed on the west side of the main building.

The 10 acre western portion of Tax Lot 900 includes Nyberg Creek and its associated wetland areas extending from the SW 65th Avenue culvert on the west to the SW Nyberg Lane culvert-crossing on the north (Attachments H-Vicinity Map and E-Site Plan). The plans show wetland creation, mitigation and enhancement work in the Nyberg Creek portion of the property as required by wetland permitting and Clean Water Services regulations.

The Architectural Review Board (ARB) conducted a noticed public hearing on November 4, 2009, in conformance with the laws of the State of Oregon and the City of Tualatin. Copies of the application materials, staff reports, letters, documents, other materials submitted into the record at the hearing and unofficial minutes of the ARB meetings are included as Attachment E. The ARB Findings and Decision to Approve with Conditions the architectural features of the SHR&F Club project was issued on November 6, 2009 (Attachment F) and became final on all issues that were not appealed on November 20, 2009 at 5:00 p.m. As per ORS 227.178, the governing body shall take a final action within 120 days of the application being deemed complete. The 120th day is February 2, 2010.

On November 20, 2009 Douglas L. Rasmussen submitted a Request for Review application for the Architectural Features (Attachment A) and the required fee. The issues raised in the

Request for Review of the ARB Findings and Decision for the SHR&F Club project were listed as follows:

1. "Request review concerning allowance of east-facing windows on Activity Center."
2. "Request review concerning landscaped areas versus hardscaped areas."
3. "Request review of decision to allow current parking management plan to stand unsubstantiated."

Douglas Rasmussen provided comments during the prescribed Comment Period and testified and submitted information regarding the SHR&F Club development at the November 4, 2009 ARB Architectural Features public hearing. Therefore he has standing to file an appeal of the ARB Decision.

RESOLUTION NO. 4890-09

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR THE STAFFORD HILLS RACQUET & FITNESS CLUB AS A PRIVATE CLUB USE AND FOR ADDITIONAL BUILDING HEIGHT IN THE LOW-DENSITY RESIDENTIAL (RL) PLANNING DISTRICT AT 5916 SW NYBERG LANE (TAX MAP 21E19C, TAX LOT 900) (CUP 09-01).

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on April 27, 2009, and continued on May 26, 2009, upon the application of Zupancic Group, requesting a Conditional Use Permit to allow 1. The Stafford Hills Racquet & Fitness Club (SHR&F Club) as a private club use in the Low Density Residential (RL) Planning District at 5916 SW Nyberg Lane; 2. Increased building height from the maximum 35 ft. in a RL Planning District to a height of up to 40 ft.; and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 300 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit A," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 5-1]; with Mayor Ogden, Councilor Beikman, Councilor Barhyte, Councilor Davis voting for approval; Councilor Truax opposed; Councilor Harris recused; and Councilor Maddux absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff reports, dated April 27, 2009 and May 26, 2009, marked "Exhibit C," which is attached and incorporated by reference. In addition to the findings in the April 27 and May 26, 2009 Staff Reports for CUP-09-09, the City Council also finds that: with the conditions of approval #1-#6 listed in the Staff Recommendation and with the responses 1-7 in the May 4, 2009 Zupancic Group letter incorporated as Conditions #7-#13, the Council finds the Criteria of TDC 32.030 (1-5) for approval of conditional uses are met and there are no grounds to deny CUP-09-01; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

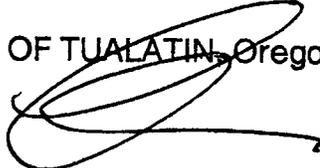
Section 1. The City Council agrees with the staff report CUP-09-01 to allow a private club use and increase building height up to 40 ft. with the following conditions:

1. To ensure an adequate visual buffer between the Legacy Health Systems property to the proposed SHR&F Club outdoor/covered courts and indoor tennis building, the proposed club facility shall submit an Architectural Review plan that shows a buffer of evergreen and deciduous plantings on the south perimeter of the development area that extend from planter grade to 10 ft. in height to provide screening of the outdoor courts and include trees that will reach a minimum mature height of 30 ft. or more to provide a buffer to the indoor tennis building rooftop.
2. To ensure that the SHR&F Club buildings with the proposed increased building height is adequately buffered to the residences east of the site, the proposed athletic club facility shall submit an Architectural Review plan that shows a buffer of evergreen and deciduous plantings on the east perimeter of the development area that that extend from planter grade to a minimum height of 12 ft. and include trees that have a minimum planted size of 12 ft. or 3" caliper and will reach a minimum mature height of 30 ft. or more.
3. The SHR&F Club shall establish a parking management program that will restrict on-site parking before 8 am from parking stalls within 100 ft. of the SHR&F Club east property line.
4. Activities in the SHR&F Club buildings and on-site shall end by 10:00 p.m. and that the buildings and parking areas be closed by 10:30 p.m.
5. To ensure there is adequate on-site parking and to avoid spill-over parking onto neighboring residential streets, a Parking Management Plan for the SHR&F Club use shall be submitted with an Architectural Review application. The Parking Management Plan shall contain provisions for tournament and event parking that may include limits on attendance, mechanisms for restricting SHR&F Club visitor parking on public streets, and providing off-site parking in approved parking areas.
6. To ensure that outdoor lighting does not create glare to the adjoining public street, to the natural wetland to the west of the development area and onto adjacent properties, the proposed private club facility shall submit an Architectural Review plan that shows exterior building and site lighting will not shine or create glare in a manner that impairs the use of a property by residents or wildlife.

7. The Zupancic Group/SHR&F Club shall increase the buffer along the east boundary, to 20 feet at the parking lot and 25 feet at the Activity Building as shown on the site plan (Site Plan A1.10 submitted with the May 4, 2009 Zupancic Group Letter).
8. The SHR&F Club will install at "our (Zupancic Group) expense", a concrete panel fence or equal along the eastern boundary of the site extending north of the Activity Center. The Zupancic Group agrees to meet the fence approval criteria of TDC 73.050 and the objectives and standards set forth in TDC 73.210 and 73.220.
9. The SHR&F Club shall: eliminate parking located east of the Activity Center; reduce the number of total parking stalls to 122 stalls; and relocate designated staff parking to the west of the outdoor courts. The center core parking will be re-oriented to run north – south, which reduces light impacts on ("our") neighbors to the east.
10. The SHR&F Club parking lot lighting will be mounted as low as possible, include backing that prevents light "spillage" onto adjoining properties and turns off to the extent not needed for reasonable protection of health and safety. Include lighting that will not endanger wildlife or emit direct observable light in quantities substantially greater than that typically found within the vicinity.
11. The SHR&F Club Tennis Building roll up doors on the east side of the Tennis Building will remain closed before 8:00 am and after 8:00 pm to the extent necessary to confine light and noise within the building, as may be reasonably requested by an adjoining impacted property owner residing on Mobile Place.
12. To accommodate increased buffer along the eastern boundary, the size of the Tennis Building shall be reduced a total of approximately 4,100 sq. ft.
13. The Zupancic Group/SHR&F Club will work with the Wetlands Conservancy and the Audubon Society of Portland to assist in the preservation of natural resources including waterfowl and other natural habitat. Members of the SHR&F Club will be offered educational information concerning the wetlands and promote respect for, and enjoyment of, the surrounding beauty of this site. The Zupancic Group/SHR&F Club shall comply with the requirements of the Service Provider Letter from Clean Water Services, which outlines the restoration requirements associated with the area to the west development. The Zupancic Group and SHR&F Club will work with the City Operations and Parks Departments to add pavement markings at the "Duck Crossing" signs on Nyberg Lane, if deemed necessary by the City, to help protect ducks from vehicular traffic.

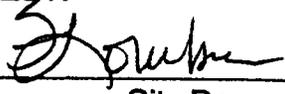
INTRODUCED AND ADOPTED this 8th day of June, 2009.

CITY OF TUALATIN, Oregon

By 

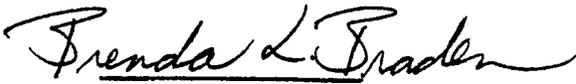
Mayor

ATTEST:

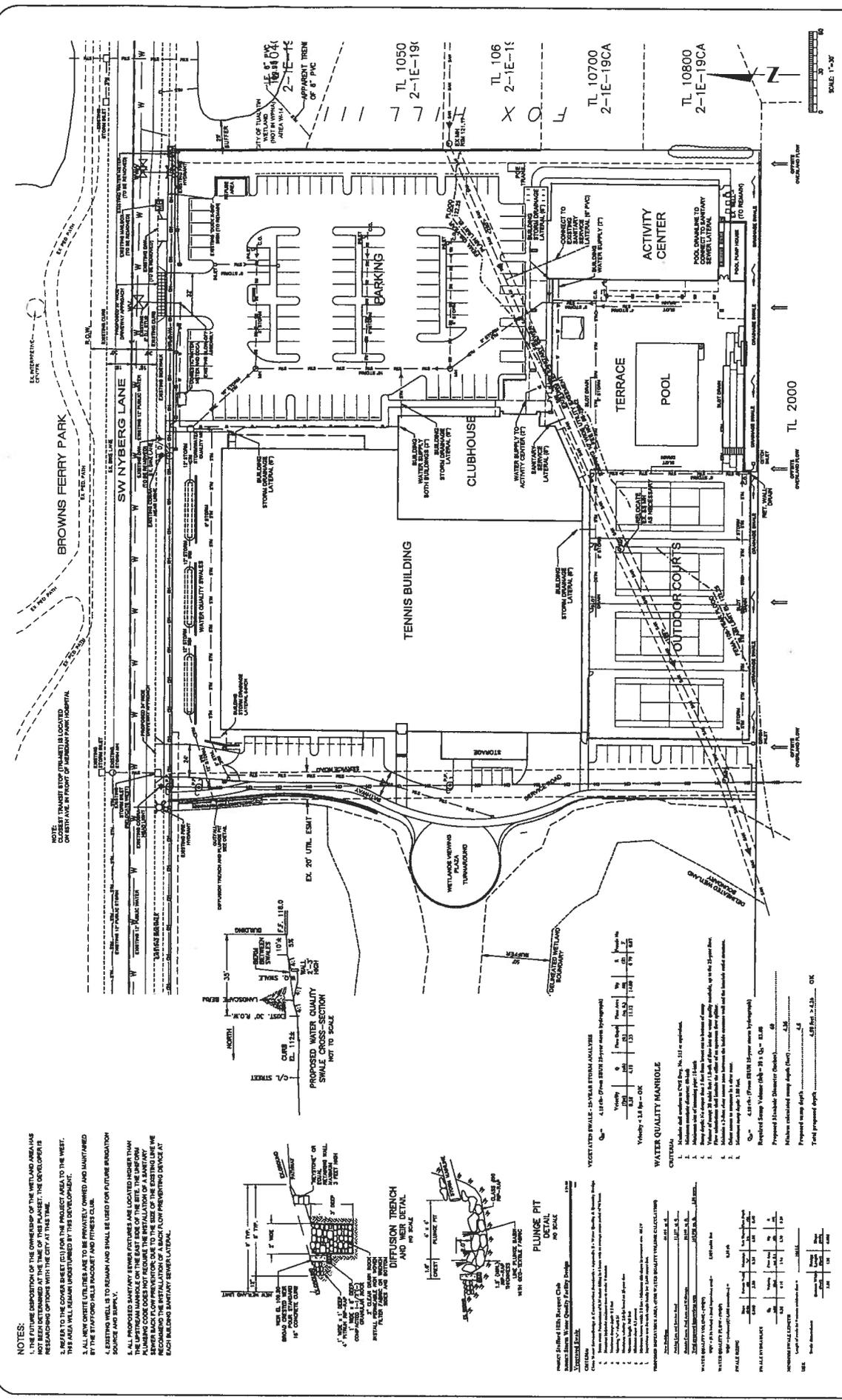
By 

City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY



STAFFORD HILLS RACQUET AND FITNESS CLUB

ARCHITECTURAL REVIEW BOARD CIVIL PLANSET
PUBLIC AND PRIVATE FACILITIES PLAN

HMC Harris-McMongle Associates, Inc.
ENGINEERING - SURVEYING - PLANNING
8740 SW Corvallis Street, Tualatin, Oregon 97223
TEL: (503) 639-3453 FAX: (503) 639-1222

STAFFORD HILLS CLUB, LLC
1333 MADISON ROAD, SUITE 101
LAKE OSWEGO, OREGON 97035

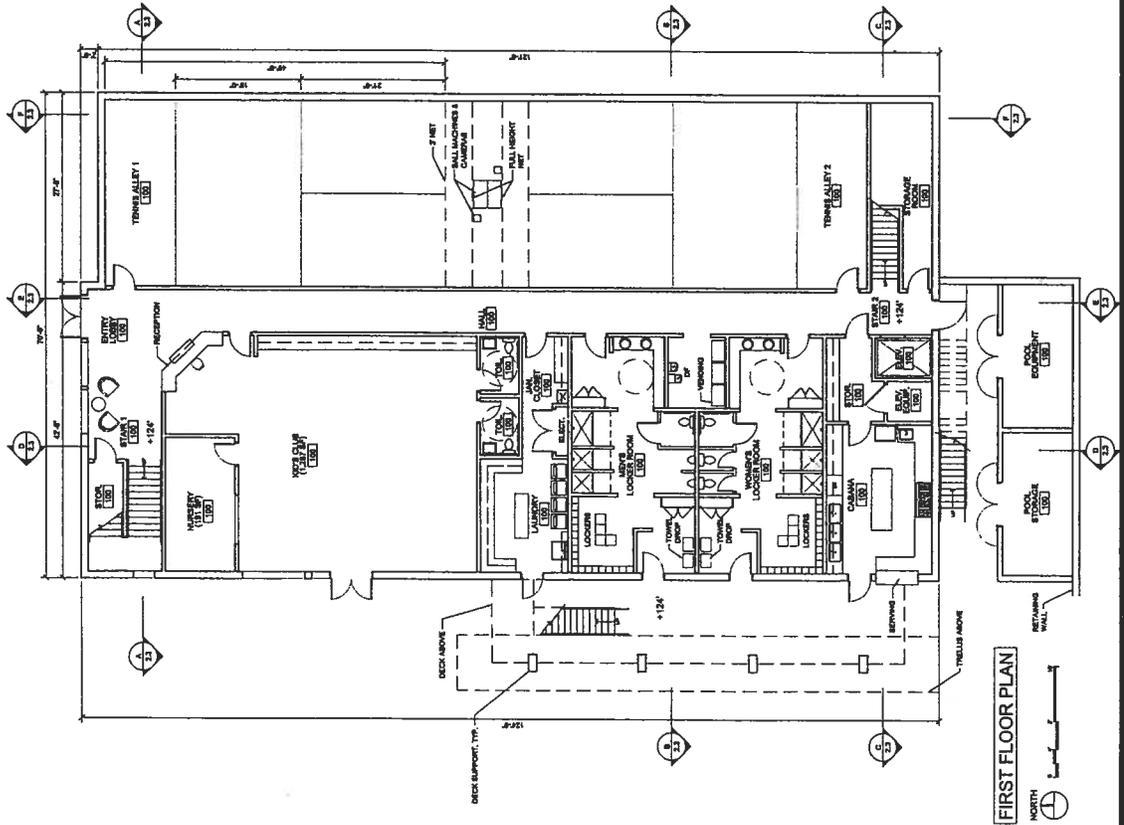
SCALE: AS SHOWN
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SHEET: C4

NO.	DATE	BY	CHKD	DESCR
1	8/11/08	JAN	JAN	ISSUED FOR PERMIT

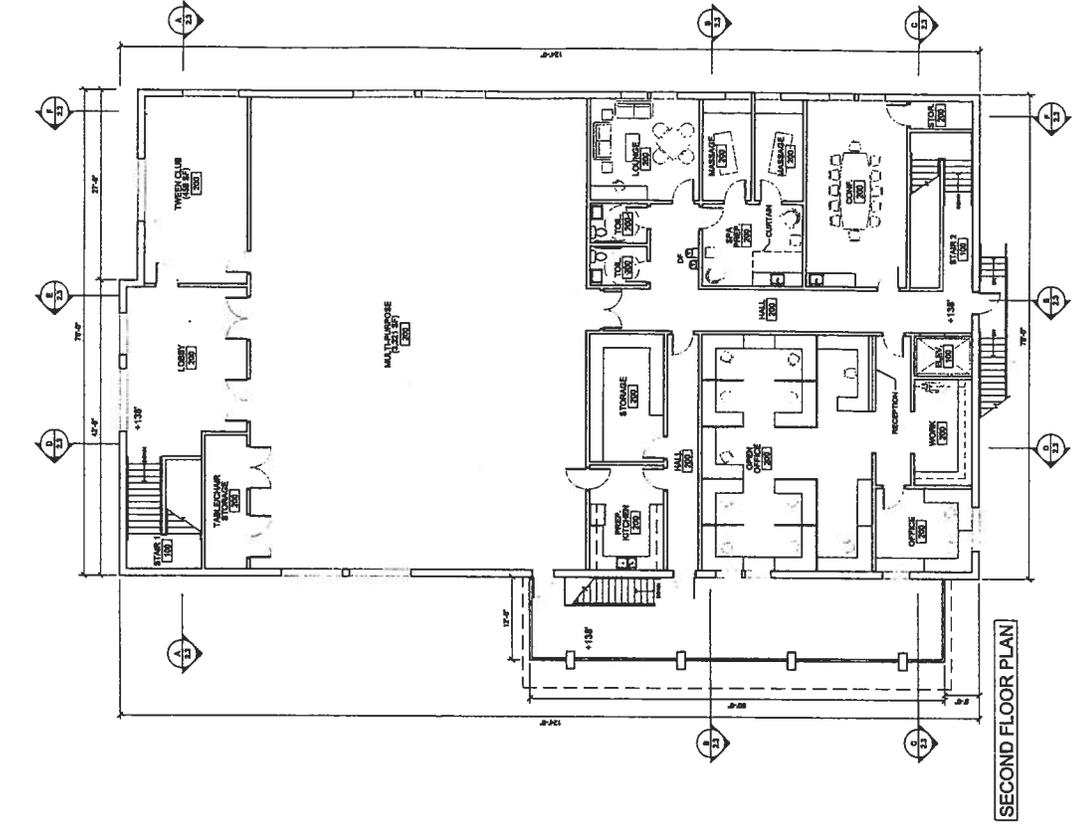
REVISIONS

DATE: 8/11/08

SCALE: 1" = 30'



FIRST FLOOR PLAN



SECOND FLOOR PLAN

STAFFORD HILLS RACQUET & FITNESS CLUB

ARCHITECTURAL REVIEW BOARD - FLOOR PLANS - ACTIVITY CENTER

scale 1/8" = 1'-0"

084030

9.1.2009



MYRE GROUP
ARCHITECTS

702 NW Taylor Street, Suite 400 Portland, Oregon 97205
1.503.238.6000 1.503.238.7500 www.myregroup.com

A2.10

1ST & 2ND FLOOR PLAN

ACTIVITY CENTER

ELEVATION NOTES:

- 1. GLULAM WOOD BRACE
- 2. GLULAM WOOD COLUMN
- 3. CANOPY-METAL FASCIA W/ T&G WOOD SOFFIT
- 4. METAL BRISE-SOLEIL WINDOW
- 5. METAL SPANDREL PANEL
- 6. METAL VEGETATIVE SCREEN
- 7. EXTRUDED METAL REVEAL
- 8. CONCESSION COUNTER AND CANOPY-METAL FASCIA W/ T&G WOOD SOFFIT
- 9. TRANSLUCENT PANEL
- 10. NOT USED
- 11. METAL PANEL COLUMN COVER
- 12. METAL SIGNAGE POLE
- 13. WOOD DECK
- 14. METAL STAIR
- 15. CONCESSION COUNTER AND CANOPY-METAL FASCIA W/ T&G WOOD SOFFIT
- 16. METAL COVERING
- 17. METAL SIGNAGE POLE
- 18. WOOD DECK
- 20. EXPANSION JOINT AND COVER
- 21. TRANSLUCENT GLAZING
- 22. DOWNSPOUT
- 23. CABLE SUPPORTS
- 24. BLACK CHAIN LINK FENCE

MTL-1 VERTICAL METAL SIDING-1
COLOR: SEE MATERIAL BOARD

MTL-2 VERTICAL METAL SIDING-2
COLOR: SEE MATERIAL BOARD

MTL-3 METAL COPING
COLOR: SEE MATERIAL BOARD

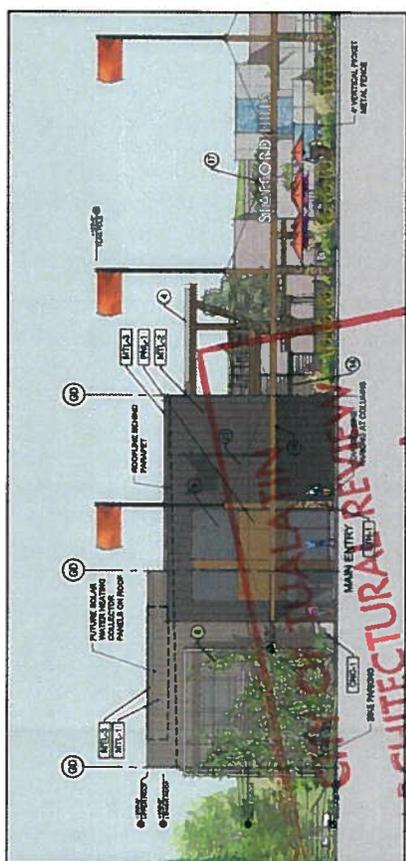
PNL-1 SMOOTH METAL PANEL
COLOR: SEE MATERIAL BOARD

STN-1

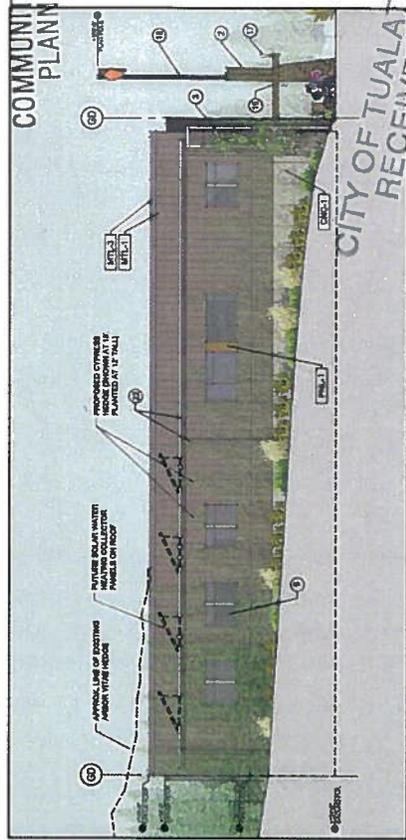
CITY OF TUALATIN
SYNOPSIS REVIEWED
STYLE: SEE MATERIAL BOARD

SEP 09 2009

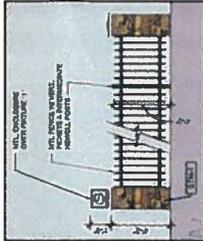
COMMUNITY DEVELOPMENT PLANNING DIVISION



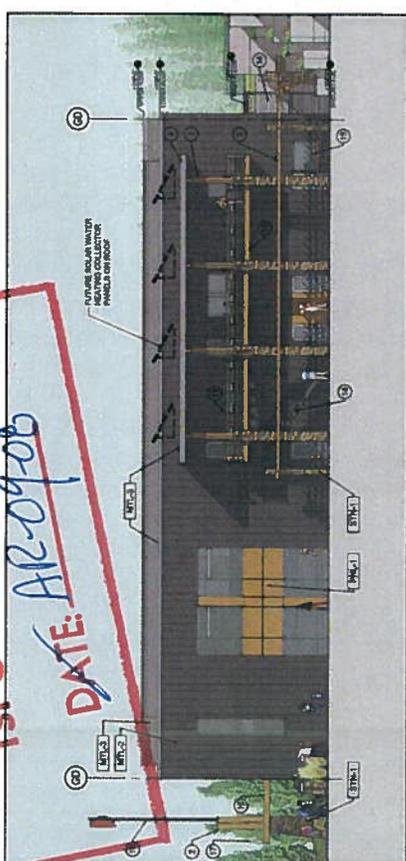
NORTH ELEVATION scale 3/32" = 1'-0"



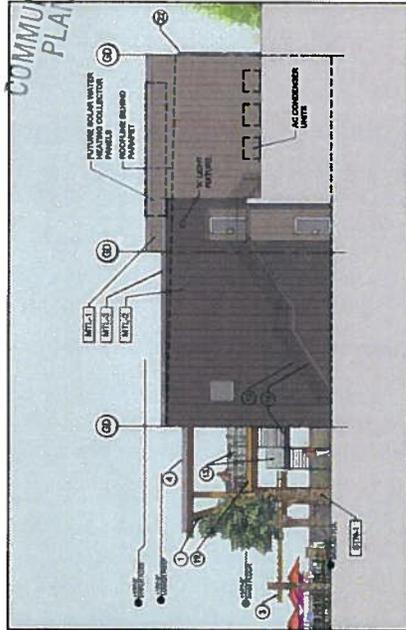
EAST ELEVATION scale 3/32" = 1'-0"



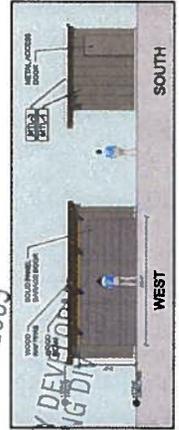
TYPICAL FENCE scale 1/4" = 1'-0"



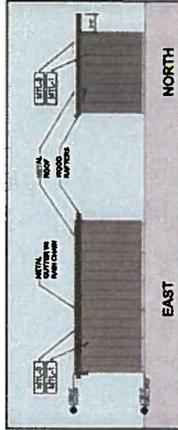
WEST ELEVATION scale 3/32" = 1'-0"



SOUTH ELEVATION scale 3/32" = 1'-0"



TRASH ENCLOSURE WEST scale 1/8" = 1'-0"



TRASH ENCLOSURE NORTH scale 1/8" = 1'-0"

STAFFORD HILLS RACQUET & FITNESS CLUB
ARCHITECTURAL REVIEW BOARD - ACTIVITY CENTER & TRASH ENCLOSURE ELEVATIONS

scale VARIES
084030
9.1.2009



MYHRE GROUP
700 NW Taylor Street, Suite 405, Portland, Oregon 97208
1.503.238.8000 | 1.503.238.7500 | www.myhregroup.com

A7.10
ELEVATIONS

ACTIVITY CENTER



City of Tualatin

www.ci.tualatin.or.us

Unofficial

ARCHITECTURAL REVIEW BOARD

MINUTES OF NOVEMBER 4, 2009

MEMBERS PRESENT:

Chris Barhyte, Chair
Chris Goodell
Robert Perron
Bill Lambert
John Medvec
John Howorth
Terry Novak

STAFF PRESENT:

Doug Rux
Stacy Crawford
Will Harper

MEMBER ABSENT: None

GUESTS: See List

1. **CALL TO ORDER:** Chair Barhyte called the meeting to order at 6:58 p.m.
2. **APPROVAL OF MINUTES:** July 9, 2008. MOTION by Howorth SECONDED by Perron to approve the July 9, 2008 minutes. MOTION PASSED unanimously (7-0).
3. **OPEN MIKE:** None
4. **ANNOUNCEMENTS:** None
5. **COMMUNICATION FROM STAFF:**

Case# AR-09-08
Project: Stafford Hills Racquet & Fitness Club
Location: 5926 SW Nyberg Lane
(Tax Map 21E19C Tax Lot 900)

Applicant: Jim Zupancic, Zupancic Group

Chair Barhyte read the required language and asked if there was any exparte communication or conversation. There was no response from the Board.

STAFF PRESENTATION:

Mr. Harper introduced himself and entered the staff report and attachments into the record. He will be providing additional information tonight and having that entered into the record as we proceed.

The Zupancic Group proposes developing a private club facility (Stafford Hills Racquet & Fitness Club) on a 4.9 acre portion of the 15.7 acre property at 5916 SW Nyberg Lane. The Zupancic Group was granted a Conditional Use Permit (CUP) to allow a private club use in the Low Density Residential (RL) Planning District on the property and increased building height from the maximum 35 ft. in a RL Planning District to a height of up to 40 ft. There are 13 conditions of approval with the CUP.

The project includes the main building (Tennis Courts & Club House with 69,526 square feet of floor area) with 7 foot high-ceiling indoor courts and a 2-level clubhouse with fitness gym, locker rooms, spa services, pro shop, cafe and a members lobby/lounge area. A second smaller building at the southeast corner of the site (“Activity Building” with approximately 18,342 square feet of floor area) will be two levels with indoor practice “alleys” and a “kids club” supervised activity and child care area. The applicant proposes four outdoor tennis courts, an outdoor swimming pool and terrace and a kids outdoor play area on the south perimeter of the development area. Surface parking for 108 vehicles on the eastern portion of the facility is proposed. Access is from SW Nyberg Lane via a primary driveway on the eastern side of the property. A service and fire access driveway from SW Nyberg lane and employee & member parking (29 spaces) is proposed on the west side of the main building.

The site is located in the RL Planning District where golf course, private club, & country club uses are conditional uses and increased building height is a conditional use. Adjacent Planning Districts and land uses are: north is RMH (across SW Nyberg Lane) - Stones Throw Apartments and Brown’s Ferry Park; east is RL - Fox Hills #3 Residential Subdivision; south is RL - undeveloped (Tax Lot 2000, former farm, now Legacy Health Systems property) and MC - Legacy Meridian Park Hospital Campus; west is CG - Child Care Center-Waterman Building, RML - Wetland (Across SW 65th Avenue) and CO - Whitney Office Building (Across SW 65th Avenue).

The former house and out-buildings that were on the site during the CUP process were removed. The 10 acre western portion of Tax Lot 900 includes Nyberg Creek and its associated wetland areas extending from the SW 65th Avenue culvert on the west to the SW Nyberg Lane culvert-crossing on the north. The plans show wetland creation, mitigation and enhancement work in the Nyberg Creek portion of the property as required by wetland permitting and Clean Water Services regulations.

The plans show 74 trees located in the development area are proposed for removal and replacement and 11 trees will be retained primarily on the east property line, southeastern corner of the development area and in the enhanced buffer area on the west. Trees bordering the site (off-site) on the adjacent residential and Legacy Health Systems properties are proposed to be preserved and protected.

The subject property is 15.69 acres and the proposed development area is 4.91 acres. There are 138 surface parking spaces proposed on-site. The building coverage of the two buildings is 32 percent of the development area. The overall parking and vehicular circulation area is 24 percent of the development area. The proposed landscaped area is 27 percent of the development area.

The Public Facilities Decision for this project will be issued separately by the City Engineer. The City Engineer shall render a decision on the Public Facilities within 10 City Business days after the Architectural Review Board adopts a final order. A draft copy of the Public Facilities Decision is provided to the Board for informational purposes, but is not to be considered by the Board in the matter of the AR-09-08 Architectural Features review.

Mr. Harper mentioned some of the conditions of approval from the Conditional Use Permit (CUP), since they are different from what is required per Chapter 73 Designs Standards. The conditions include buffer separation between other properties, setback distances, management of on-site parking, hours of operation with restrictions on morning and evening hours, fencing, and reduction in the size of buildings.

Staff has gone through all the code and CUP standards to meet and find that they are met. Staff also recommends some conditions of approval for the Board to consider to meet specific requirements. The first requirement is building height. Making sure the building height is no more than 40 feet as allowed by CUP. The second issue is the design of the tennis clubhouse building, especially on the north side that is visible from Nyberg Lane. Staff is asking for more information on the design of the pool terrace, surface materials, the design of the pool, there are some large retaining walls that create a wall for the pool area. There are some other elements being proposed in that area such as a water feature and planting terraces, staff wants to see the design. Staff is asking for a different material on the trash and recycling facility enclosure, concrete masonry is more appropriate. There are some fencing design questions and staff is requesting some additional information to address the area where the tennis courts are located. Staff is also asking for more specific plans for bicycle parking, carpool parking and access to verify its width. There are recommended conditions of approval related to both the CUP and the TDC standards; they are especially for the south side of the outside tennis courts and main building. The screening of mechanical equipment is always a concern. Roof top solar mechanisms are proposed and will have a visibility issue. A condition of approval requiring that roof top and ground mechanical equipment are adequately screened and shown in the building permit stage rather than at occupancy. The last condition of approval that is recommended by staff relates to the parking management plan. Staff needs that information to assess the amount of required onsite parking. Offsite parking is a big issue with the neighbors. During the CUP process and AR process the neighbors have been very concerned about overflow parking from this activity onto neighboring streets. The parking management plan should have a set minimum amount of parking that is expected. Staff is recommending using all of the 138 spaces that is proposed on this site as required parking. The parking management plan will tell how far that can go. The Applicant will be giving more information on what they expect will be on this site and proposing some ways to deal with larger events.

In the staff report and in some of the handouts are comments by neighbors. As part of the AR process there is a prescribed 14 day comment period. Staff has included comments that we received after that period ended. Three sets of comments were received during the comment period. Mr. Harper went through some of the concerns of the neighbors that were in the comments. A letter from Zupancic Group and another comment from a neighbor will be provided to the Board and submitted into the record. (Record Item #2)

TESTIMONY FROM THE APPLICANT:

Jim Zupancic, Zupancic Group

Mr. Zupancic stated that during his presentation tonight he has some changes that weren't reflected in the Boards packet and that during his presentation he will try to address those changes. The reasons for the changes are a response after meeting with City staff. Mr. Zupancic submitted the PowerPoint Presentation into the record (Record Item #3) and

introduced his staff. Mr. Zupancic highlighted some of the features of the tennis club and stated that there was a demand for it. Mr. Zupancic distributed the Tualatin River Watershed Future Wetlands Restoration Project (Record Item #4).

During the presentation Mr. Zupancic addressed some of the concerns the neighbors have with the landscaping and buffer on the east side of the property. Mr. Zupancic discussed the Parking Management Plan.

Ray Yancey, Principal, Myhre Group Architects, 700 SE Taylor, Ste. 400, Portland, OR

Mr. Yancey introduced himself to the Board and continued with the PowerPoint presentation. Mr. Yancey went through some of the key design elements. The building placement of site design was a factor, to place the larger of the two buildings towards the west edge of the developable site. The smaller building was placed as a screening element for the neighbors for the outdoor courts and the pool area. Mr. Yancey addressed the building elevations and stated that they will keep it at 39 feet. The building materials were also discussed (Building Materials Boards - Record Item #5). There will be three different colors in the façade as well as a vegetated screen. The glass rollup doors will provide a connection from the indoors to the outdoors so that during the summer months it will create a cross breeze since there will not be any air conditioning in the tennis facility. The north elevation has been changed and was of great concern. They want to provide a face that is attractive and reaches out to the park across the street. Mr. Yancey also discussed solar access, multi-building layout and Wetland mitigation and buffering and pool terrace design. Staff mentioned the recycling and trash enclosure. They are considering building it out of concrete block and then cladding it with metal to have a consistency with the rest of the facility. The enclosure is fully enclosed with a garage door on it.

Jay Harris, Civil Engineer, Harris Monogole Associates, 8740 SW Skoffins Street, Tigard, OR

Mr. Harris introduced himself and continued with the PowerPoint Presentation. Mr. Harris discussed the site plan efficiency. They have added a service road to the west side of the building and staff parking to the east property line. The buffer also on the east property line increased. Mr. Harris also discussed the preservation and restoration of wetlands and water quality treatment.

Erin Holsenback, Otten Landscape Architects, 3933 SW Kelly Avenue, Portland, OR 97239

Mr. Holsenback continued with the presentation. The wetland area is being enhanced with native plants per Clean Water Services requirement. This will provide a screen for the building from the west when it matures. The west side of the building will have a combination of native and ornamental plants to act as a transition area. Along the north side of the building, there are three water quality swales, which are also going to be planted with native vegetation per Clean Water Services. Against the north side of the main building is where they used lush beautiful plants that have seasonal interest throughout the year.

Along Nyberg Lane there is a strip of lawn that will go the entire way across the development and an evergreen hedge lining the fence. This will help screen the parking lot and other areas of concern by the neighbors. The parking lot will have more trees than required by the code.

The biggest concerns are the east and south buffer, they are proposing for the east buffer a Laurel hedge that will go half way down the property line and then it will continue with the trees that are being preserved. The areas of most concern along the lower end of the east property line will have a double hedge of Leyland Cypress, which grows 2-3 feet per year and Lauren that will provide a good noise buffer for the neighbors.

Mr. Zupancic concluded his presentation with a summary of the issues before the Architectural Review Board. The fence design has been addressed and Mr. Zupancic stated that they will be flexible in the alignment of that fence to preserve mature trees. The parking management plan has been presented. The design elements and reduced tennis building height, materials and colors, pool terrace design, flagpoles max 40 ft. height and the trash and recycling design were also addressed.

TESTIMONY AGAINST APPLICANT:

Doug Rasmussen 19025 SW Mobile Place, Tualatin, OR 97062

Mr. Rasmussen stated that he is the property owner to the NE with the pond. Some of the concerns that he has is with the pond and the buffer and is asking the Board to evaluate and look closer at this since the pond is only 15 feet from the property line. The 25 foot buffer required between the Rasmussen pond and the barrier wall he feels has not been met. Portions of the pond are closer than the allowable 25 feet.

The trash and recycling enclosure is in violation of noise requirement of the CUP. The current site plan allows noise from dumping and trash odors to be too close to neighboring homes. This is a pickup of a commercial nature, involving a dumpster and large recycling bin, which involves much more noise than small home pickups. Allied Waste has planned to drive completely around the parking lot to avoid unnecessary backing. This will only add more early morning noise to a position too close to homes. The trash and recycling area needs to be relocated to the west of the property as in the original drawing. This would allow the three mature European Birches to remain. He requested moving the trash and recycling to other side or back of building.

The roll-up doors on a hot day can be open, but there is also a concern with the property owners about the noise from inside the building, it should be redesigned and doors put on the north side of building so they don't have to hear that noise.

The height of the building is 40 feet. They would like to make sure that no solar panels or mechanical units exceed that 40 ft.

Tree protection, the trees that Mr. Zupancic is trying to protect are on his property and within five feet of the property line. The trunk diameters are within 16-18 inches and over 40 feet tall. The drip line goes onto Mr. Zupancic's property quite a ways, and he would like to see the wall fence outside that drip line so there is no damage to the trees that are there. He would like to see additional soundproofing trees planted.

The parking management plan is insufficient. There is no way to police the 100 foot zone, he would like to see painted lines and no parking before 8 am in all those stalls along east property lines. The trash enclosure violates the 100 foot zone because you still have to park to open the doors.

Barbara Fronczak, 19135 SW 52nd Court, Tualatin, OR 97062

Mr. Fronczak relocated to Tualatin from Miami, FL 2.5 years ago. They could of chose any City to move into, but they chose Tualatin because of the vision the Council and the Board played in designing Tualatin. They love the serenity of Nyberg Lane, driving into Fox Hills neighborhood. They bought into that vision and at the high end of the housing market two years ago and want to preserve the current property value. The massing and density of the building is out of scale for their neighborhood. She feels it's out of place in that beautiful wilderness setting. The height and the building are not conforming to the neighborhood. The setbacks from the neighborhood are unacceptable. The overflow of lighting is evasive to the neighborhood. She doesn't want to see parking lots, oversized buildings next to Brown's Ferry Park, she wants to see nature and greenery. The hour of operation is unacceptable for this neighborhood. Ms. Fronczak doesn't feel that this belongs in their neighborhood.

Bob & Janice Dove, 19135 SW Mobile Place, Tualatin, OR 97062

Mr. Dove introduced himself and his wife Janice to the Board. They were initially tentatively in favor of the concept of the tennis club as it was described to them a year ago, but are opposed to the design that went to Council during the CUP process. They lost that fight so they are moving on to issues that are near and dear to them. Mr. Zupancic showed a picture of their yard of a view from their property that he's bought. There is a mature hedge that was a 6 foot hedge when he first met Mr. Zupancic. The size of the hedge today is much higher and they hate it. Ms. Dove is somewhat claustrophobic and she feels that she is in a cage. When they look out the kitchen window it's 25 feet to a green wall. The city has required that they plant trees on the other side of the fence that will be at least 30 feet tall, the activity building that is seven times the size of his house and stretches the entire length of his property line is going to be 35 feet tall. This was an established residential neighborhood and this building is to close and large for a low density residential zone.

One of the issues that he stated in the letter to the Board was the windows on the east wall of the Activity Center building. They have a privacy concern and were assured by Mr. Zupancic there would not be windows on the side that faces their property. In June, when the design was presented to the City Council, Mr. Zupancic said there would no windows on that side of the Activity Center, but in the latest design there are now, for the first time, windows facing their property. They would like the windows to be removed or they would be willing to have them use opaque glass so they can't look into their property and cannot be opened because they also have a noise concern. Mr. Dove stated that the reason that staff thought windows would be okay is because the City is asking the developer to put in this line of trees that are 30 feet tall and it would be a barrier between them and the windows, but they don't want to be fenced in by a green wall 25 feet from their windows, they would rather see lower trees and a little bit of variety in the plantings instead of just a green wall 30 feet tall.

Secondly, about the parking situation, there is a worksheet in the application that says the minimum parking requirement is for 88 spaces, but that calculation does not take into account the outdoor amenities. If those four outdoor tennis courts were inside there would have been a requirement for another 30 parking spaces. Because they are outdoors, they count for zero and it's not reasonable to assume that people who play tennis outdoors will not drive cars. There is also a large pool that accounts for zero parking spaces. They think the number of parking spaces is inadequate to meet the minimum requirements had they taken into account

the external features. This is important to them because of the concern the neighbors have with spill over parking. Mr. Dove would like to ask about enforcement of the parking policy and would ask that in order to accept the parking management plan the Board recommend an enforcement mechanism, that does not rely on neighbors complaining be put in place in writing in the parking management plan.

Julie Sepp, 19065 SW Mobile Place, Tualatin, OR 97062

Ms. Sepp had questions and comments. She reminded the Board that this is a Low-Density Residential zoned property and this large commercial business brings with it some noise and light concerns. She personally doesn't feel like the parking management plan addresses conditions by Council. She was hoping to see some kind of physical barrier, such as swing arm gates or chains that would literally block off parking within 100 feet of the east property line before 8:00 am. She also has concerns with the parking lot being open during non-business hours. She requested in her letter a locking gate or fence system be implemented so that during the middle of the night there won't be skate boarders or riff raff. She noticed from the initial site plan; that employee parking on the west side of the tennis building was marked with a "C", which she assumes means compact. She is curious to know how management would implement it if someone drove a large vehicle and no direction was provided where employees would park at 4:30 am if they didn't drive a compact vehicle.

Ms. Sepp stated that Mr. Zupancic neglected to show a picture from her backyard of her property, which has no shrubs or hedge. She felt that her house was conveniently left out.

The parking management plan, speaks in terms that the management will control this or monitor this or be aware of this. She wonders if the owner of the property is personally going to be managing the facility. She is also curious to know if a letter has been received by the developer from the hospital regarding the statement Mr. Zupancic made that they are thrilled about it.

Mr. Zupancic also mentioned that for the property south of his property there is currently an application by the hospital to have it rezoned and it would be happening soon. She wanted to point out that is speculation and hasn't happened yet. That property is currently zoned as Low-Density Residential as well.

There was some information about the building being reduced to 40 feet, but she thinks the flags are still over 40 feet. She knows the Planning Department has asked that the flags be lowered and that requirement was not met, but she didn't hear the developer address it.

Ms. Sepp would like to know if the developer has a letter from Nyberg Woods with their willingness to work with a shuttle program, because she felt it would affect the Nyberg Woods parking availability.

The parking management plan isn't sufficient. The developer hasn't provided a substantial physical plan and hopes that it is required before any decision is made.

There is a condition that the developer is required to build a wall between the parking and the east property line. She thinks it's currently stated to be required to be 6 feet tall; not going to

do anything for her property since it sits above her property. She feels the wall should be 8 feet tall or taller to be a noise barrier.

During the CUP process a question was raised on attendance and nothing ever came of that concern. She would like the Board to know that is still a huge concern for the Fox Hill neighborhood because there was never any information provided by the Developer on even a ball park for attendance or the number of memberships allowed for this Commercial Business in Low Residential Density property.

The roll-up doors are a huge noise issue. Tennis is not a quiet sport, people are grunting and cussing and yelling, laughing, and screaming. These roll up doors are going to give the impression of an Oil Can Henry's station and it might provide a breeze for the tennis players, but it's going to have a huge negative effect on the quality of their outside enjoyment.

Ms. Sepp had some questions on the Public Facilities decision and how that process worked, if the Board received the decision and when she could get a copy of that decision. Mr. Rux explained the process to Ms. Sepp. The Board did receive a copy of the draft Public Facilities decision. The Board has no purview for any public facilities issues.

Ms. Sepp asked about the materials that were described that she isn't familiar with. One of the terms was "glue lam" and she was curious what that is. Its glued laminate, which is wood glued together to make it a solid piece of wood.

The purpose of the flags was to provide a presence, but if this is a private club similar to the Country Club, which is gated and hidden from the street, she thinks the flags draw attention to the facility and they are too tall. She would like to see more of a shielded screen from the park and not this monster commercial business.

In regards to the parking within 100 feet of the east property line before 8:00 a.m. Ms. Sepp knows that for most fitness clubs the peak hours are usually early in the morning and this is a concern with how many parking spots that leaves them for peak hours if they do prevent people from parking within 100 feet of the east property line. This will most like violate that condition by allowing the people who want to come to work out to park in those spots or there will be spill over onto the neighborhood or Nyberg Lane and into the parking lot at Brown's Ferry Park.

Ms. Sepp would like know how the hours of operations and the parking are going to be monitored and what kind of sanctions for violations will be in place.

REBUTTAL:

Mr. Zupancic addressed the buffer issue and stated when this was presented to the City Council. The buffer was 10 feet to begin with so they have doubled the buffer to 20 feet believing this would be a way to be an exchange for the parking restriction. The wall and the plantings they believe will provide a very significant and lush buffer between their site and the four neighbors on the east side.

The Activity Building is 25 feet on the upper end and 40 feet in elevation on the lower end. The discussion of having no windows on that building was when that building was further back

and there was parking on the eastside of that building. City Council asked that they move the parking and add additional buffer. So they did, but to allow some light to get into that side of the interior, they added residential size windows that would not be intrusive and no different if you had residential built there.

Much has been said about the Parking Management Plan. They have submitted a Parking Management Plan with the assistance of traffic engineers, Kittleson & Associates that is parallel to many other parking management plans for either private or public facilities. You have to look to your management to be able to monitor these things, so that the patrons and members will adhere to the rules, which they will have and the members will be advised of the rules when they sign up for memberships. Management will monitor that on a very regular basis. Mr. Zupancic stated he believed they have adequate parking for what they are going to be doing.

Mr. Yancey stated that the flags and the building will meet the 40 foot rule. This is an easy thing for the building department to review and approve during that process.

Mr. Rux responded to items not under purview of the Board and Mr. Harper answered the comments and questions from the opponents.

DISCUSSION:

Mr. Perron had a question about the Conditional Use Permit and is feeling that there might be too much program for the size of the site. Has the City looked at comparable facilities nationally to see if based on the program whether or not the size of the site is large enough to accommodate this? Mr. Rux replied no, that the City did not look at comparable facilities, but during the CUP process there was discussion about programming and activities which led to this use as an appropriate and acceptable use on this site. The Council already addressed that issue and concluded through the issuance of a CUP that this activity can occur on this site, they did say that the building size had to be reduced by about 4100-4500 sq. ft. They also put the 13 conditions into the CUP. The purview of this Board is not to go back and determine if the use is acceptable or not, it's to look at the standards in the code, which are outlined in Mr. Harper's report to the Board and figure out if they meet these or not.

Mr. Perron asked if the developer over time is going to make sure the height of the buffer is maintained so that the adjoining property owners maintain solar access that they have a right to. Mr. Rux's response is that the City of Tualatin has not implemented any solar access right provisions. Mr. Perron thinks that is a big problem. Vegetation by itself doesn't provide any acoustical advantages, you need mass and height and you only get that by earth or masonry, which will affect solar access. Mr. Rux reiterated that the City of Tualatin doesn't have any solar access provisions or rights in its development or building regulations.

Mr. Goodell asked if what was being proposed this evening in regards to the construction material of the trash and recycling enclosure was acceptable. Mr. Harper stated there was two aspects to the trash and recycling facility that staff is concerned about. First issue is the location, it doesn't violate the code, but it's a concern for the neighbors on the east property line. Staff recommends that if it's going to be in that location, it's not a metal exterior building, because they are noisy. Staff suggested masonry. Chair Barhyte asked a follow-up question about the trash and receptacle area, in the CUP the spirit was to keep noise away from that

area and is it reasonable to suggest to the hauler when pick times and date are? Mr. Zupancic stated they could request that from the hauler, but he doesn't have control over that. Mr. Lambert asked why the trash enclosure is not in the back corner of the site after hearing the concerns of the neighbors. Mr. Zupancic stated that it's a circulation issue and the attempt to put on the west side was problematic to be able to get access by the hauler as well as the impact on the parking. They have no problem constructing it out of CMU block if that's what the ARB wants. Mr. Zupancic also agreed to request the hauler to not pick up until after 8:00 am and will do that in good faith. Mr. Howorth doesn't like agreements and so physically moving it and getting it away from that residential neighborhood should be strongly considered and eliminate bringing Allied Waste to the table since they aren't even in attendance. Chair Barhyte asked what the consensus on this issue was for the Board. Mr. Novak recommended to moving the trash enclosure out of the parking lot and placing it to the southwest corner of the building and the rest of the Board agreed.

Mr. Lambert asked if there was a consideration of putting in skylights in place of windows on the eastside of Activity Center building. Mr. Yancey stated there was a consideration, essentially those windows are for the two massage rooms and the windows would be there to provide daylight for those spaces. The Board discussed translucent panels, and the placement of the windows. Placing the windows higher would allow light to filter into the room as well as add privacy for the neighbors on the east side. Mr. Yancey didn't like the translucent panel and having windows not functional. He wants visibility out. The Board agreed windows are fine as proposed.

Mr. Howorth feels that the windows and the buffers need to be discussed further. The 100 foot property line buffer from the parking plan is going to be difficult to manage from a design standpoint. He would like to see physical design separation in the parking area to meet the 100 foot requirement per the CUP in the east parking lot facing the residents. Mr. Howorth also wants LEED requirement on lighting. The Board agreed with this concept.

Mr. Perron suggested designing the buffer for the five different properties and extending the design of the landscape buffer so that it actually moves into the parking lot, perhaps into the islands. Mr. Howorth suggested giving 2-3 months for the developer to work with the property owners what types of trees and shrubs they would like as their buffer. The Board agreed to having the developer work with the abutting property owners over a period not to exceed three months and choose from the pallet of material that has already been chosen for the property. If no agreement has been made it will fall back on the CUP conditions of approval.

Mr. Howorth thinks the fencing along the eastern site should have uniformity in height. The Board discussed having two fences and who would maintain the area between the two fences. The Board liked the style of the fence that was being proposed and they had no changes.

The parking management plan was discussed again. Mr. Harper asked the question if there were enough or too many spaces. The developer meets the minimum, but what do you do when there are special events and there is a demand that exceeds 138 spaces, where and how do you park it knowing you don't want it to occur into the residential area in the Fox Hill neighborhood? Mr. Howorth is concerned that this issue is with the City Council and not the Board. Chair Barhyte did suggest that the Board could recommend that agreements need to

be in place. Mr. Novak stated that the developer has a plan and he has to enforce it or it goes back to City Council and the Board agreed.

Chair Barhyte closed the hearing at 11:30 pm.

DELIBERATIONS:

Mr. Barhyte suggested someone motioning to approve the staff report and then do some friendly amendments to that motion separately. The Board can then vote on them as a whole.

MOTION by Howorth SECONDED by Perron to add a condition specifying exterior lighting based on the LEED SS Credit8 LZ2.

MOTION by Lambert SECONDED by Perron to modify AR-1(h), to read trash & recycling facility shall be relocated to the west side of the building.

MOTION by Perron SECONDED by Lambert to add AR-3(e) the Developer will work with the individual property owners over a period not to exceed 3 months using the plant material chosen for the property if no agreement has been made will fall back on the CUP conditions of approval.

MOTION by Howorth SECONDED by Perron to modify AR-1(g) to read to meet the requirement of 73.050(1)(c) and CUP-09-01 Condition of Approval #8, the applicant shall submit plans showing the design of the east perimeter fence. The concrete cedar-like fence style shown is an acceptable style.

MOTION by Goodell SECONDED by Perron to accept the staff report with the conditions of approval and the ARB amendments to the conditions AR-1(h), AR-2(l), AR-3(e) and AR1(g).
MOTION PASSED (7-0)

FINDINGS:

The ARB adopts the following findings in support of the added and revised conditions:

1. In support of condition AR-2(l) to satisfy CUP-09-01 Conditions #6 & #10 and 73.380(5), the LEED SS Credit 8 LZ2 lighting standards provide a numerical standard for the design of parking lot lighting.
2. In support of condition AR-1(h), the ARB modified the condition to require relocation of the trash and recycling facility to the west side of the building to mitigate the noise to the neighborhood prior to 8 am and not being able to control the trash haulers schedule.
3. The purpose of ARB condition AR-3(e) is to allow the design of the required landscaping along the east property line of the proposed facility to accommodate the preferences of five individual property owners adjoining the SHR&FClub site, each of whom has a unique interface condition that will require individual design attention.
4. In support of the revised condition AR-1(g), the ARB added language stating that the proposed cedar-style, double-sided fencing design shown at the November 4, 2009 hearing was acceptable.

MOTION by Goodell SECONDED by Perron to accept the staff report as the findings to support the conditions of approval for AR-09-08. MOTION PASSED (7-0)

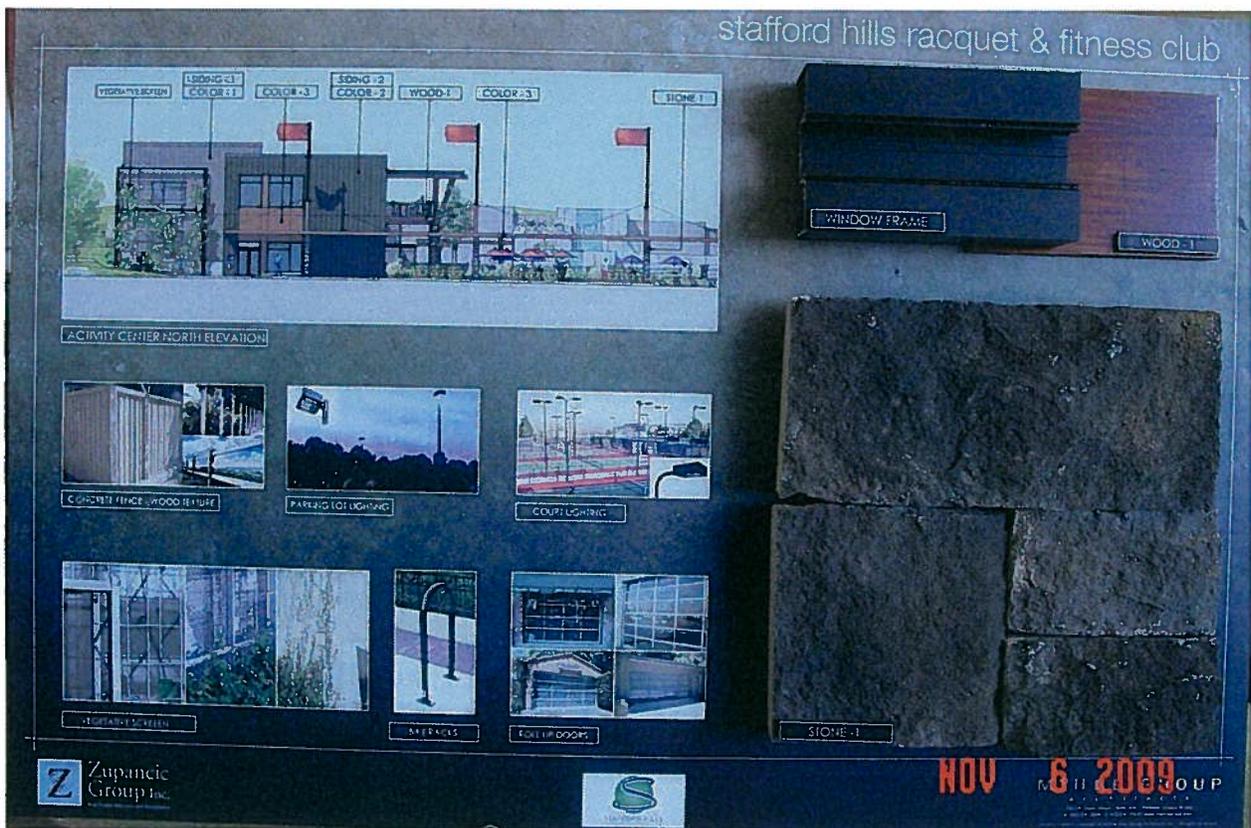
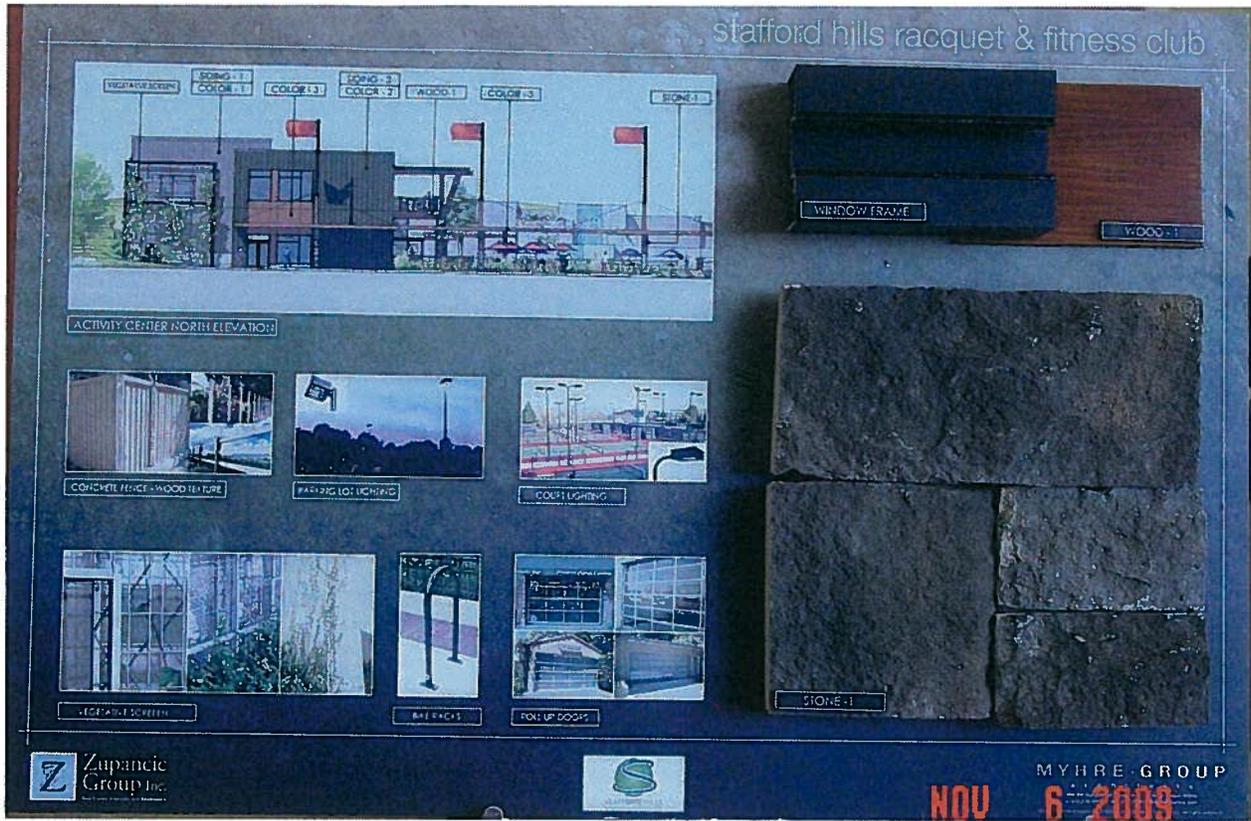
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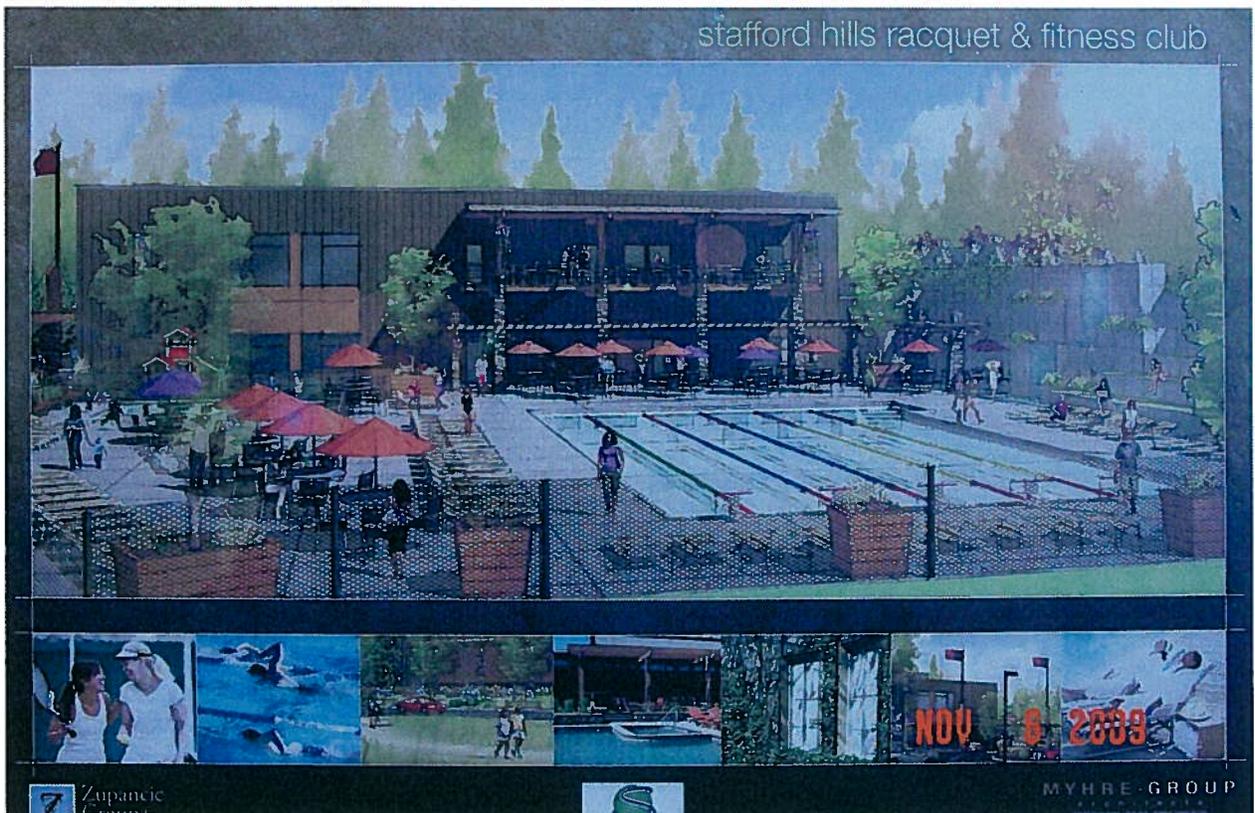
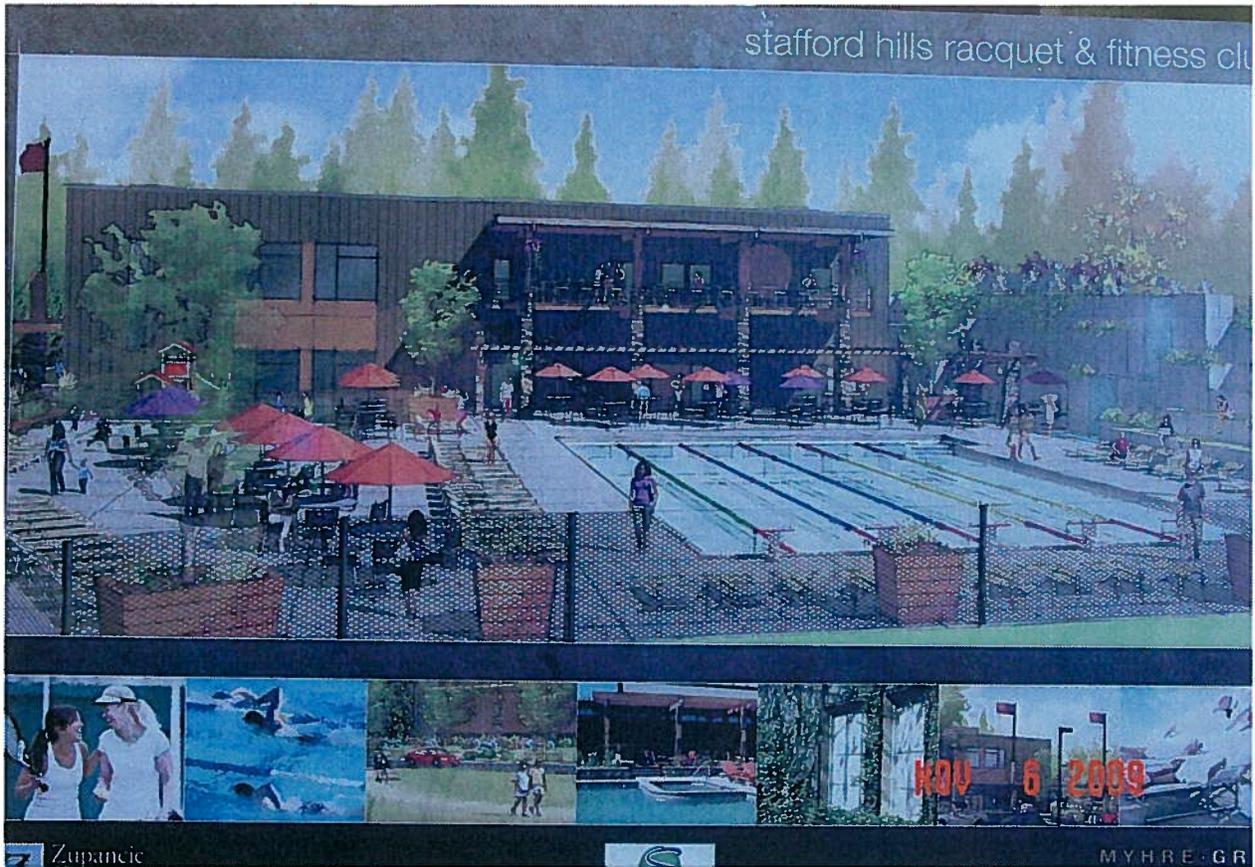
None

7. ADJOURNMENT:

MOTION by Perron SECONDED by Lambert to adjourn the meeting at 11:55 p.m. MOTION PASSED (7-0)

_____ / Stacy Crawford, Recording Secretary





stafford hills racquet & fitness club



Zupancic Group Inc.



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stafford hills racquet & fitness club



Zupancic Group Inc.



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Zupancic Group Inc.



MYHRE-G

Stafford Hills Racquet and Fitness Club

Architectural Review Board
November 4, 2009

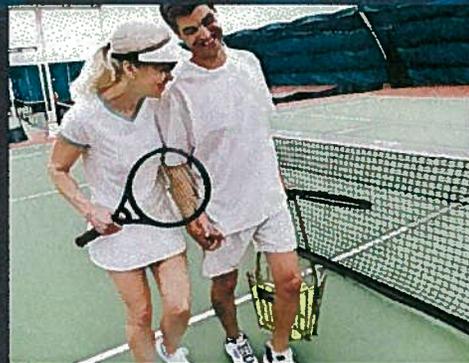


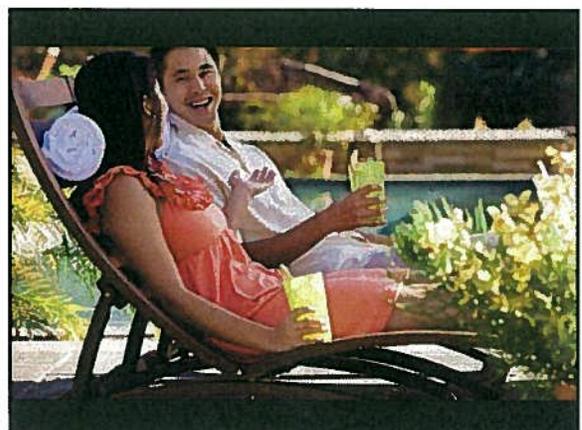
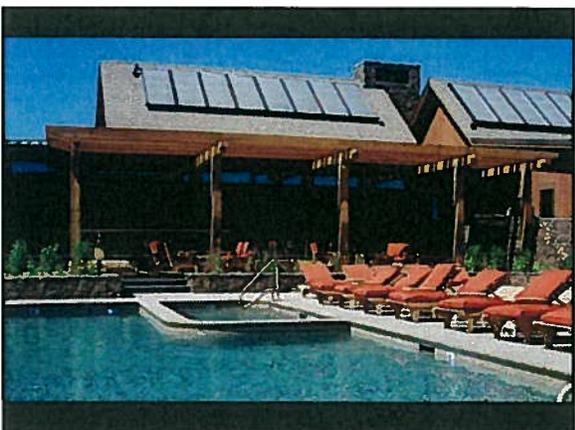
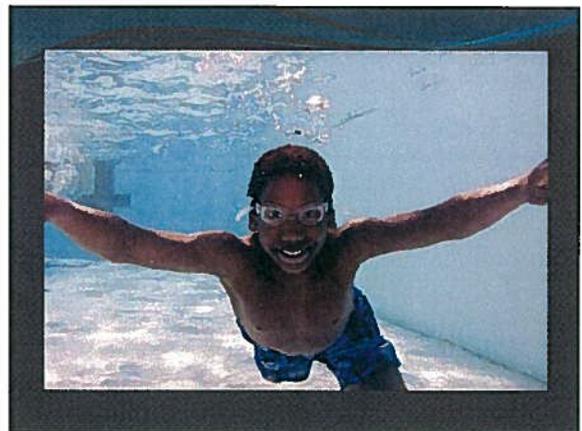
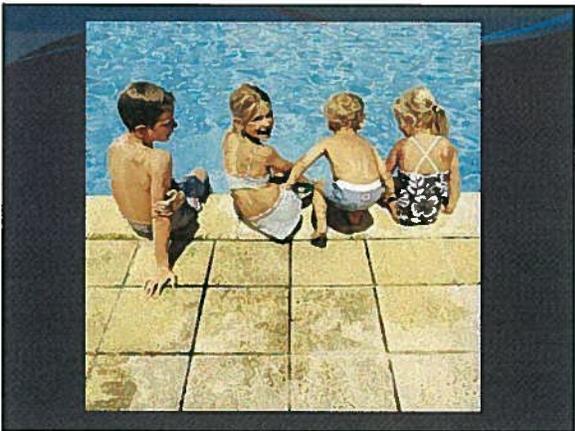
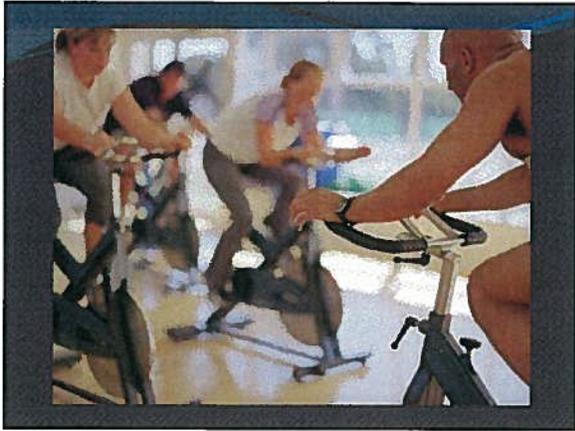
Introductions

Jim Zupancic, Esq., CRE, Zupancic Group
Ken Dixon, Vice President, Todd Construction
Ray Yancey, AIA, NCARB, Myhre Group Architects
Jay Harris, P.E., Harris -McMonagle Civil Engineers
Erin Holsonback, Otten Landscape Architects

Reviews and Approvals

Oregon DEQ	Permit	April 22, 2009
CWS	SPL	April 22, 2009
	Amended	September 25, 2009
Tualatin City Council	CUP	June 8, 2009
USACE	Permit	August 13, 2009
ODSL	Permit	August 17, 2009
Tualatin ARB	Approval	Pending







Sustainable Building/LEED®

Partnership with Energy Trust of Oregon

- ✓ Commitment to achieve at least a 10% greater energy efficiency than code requirements

Partnership with USTA

- ✓ First LEED certified facility in Pacific Northwest

Habitat preservation (Wetlands Restoration)

Recycled 98% of demolished structures

Passive light sources from windows

Air exchange from roll up doors

Convection ventilation via ridge vents

Sustainable Building/LEED®

- ✓ Water conservation fixtures
- ✓ Solar Water
- ✓ PV Panels will be utilized or at least planned-for in design of building and systems
- ✓ Reduction of traffic impact by shared use electric vehicle
- ✓ One of first electric vehicle charging stations in Tualatin
- ✓ Incorporating materials with high recycle content



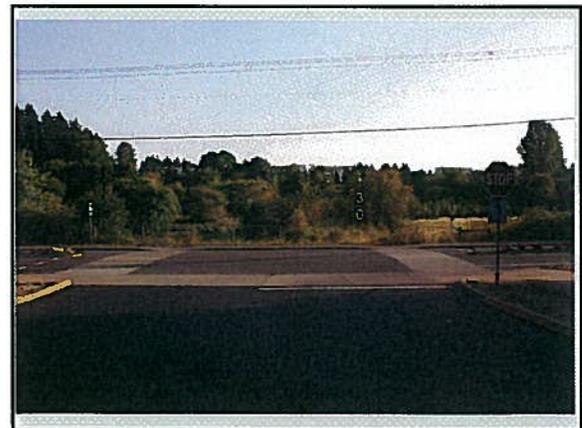
Neighboring Properties-South

Legacy Meridian Park Hospital



Expanding Regional Medical Center Complex







Neighboring Properties - West

Business and Commercial Properties **Nyberg Road/65th Ave.**

Neighboring Properties - West

Recently Rezoned To Medical Office **Stormwater Treatment**



Neighboring Properties - North

RV Park of Portland

Neighboring Properties - North

Stonesthrow Apartments

Neighboring Properties - North

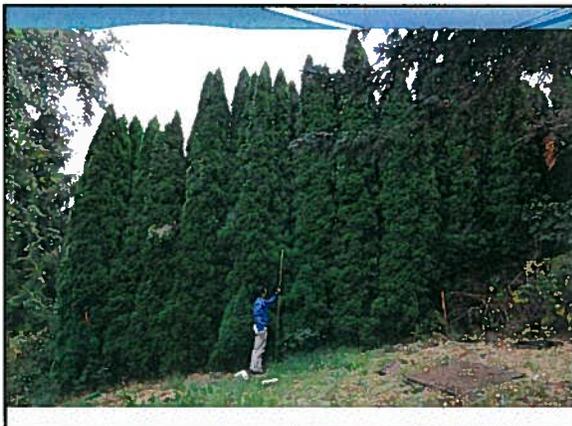
North - Brown's Ferry Park



Neighbors to the East



View from Wratz Property



View from Dove Property



View from Dove Property



View from O'Neil Property



Concrete Cedar-like Privacy Fence



Protection of Trees While Providing Sound Attenuation and Privacy



Parking Management Plan (Amended)

- CUP Condition # 5
 - Total Spaces = 109 East
 - 29 West
 - Scheduling Management
 - Carpooling
 - Transit Info Center
 - Electric Vehicle Club Car
- Bicycles and Bike Racks
- Connectivity
- Flex Space on West
- Drop-Off Island
- Zip Car
- No Parking on Public St.
- Offsite Arrangements
- Shuttle Service (spec. event)

Parking Management Plan (Amended)

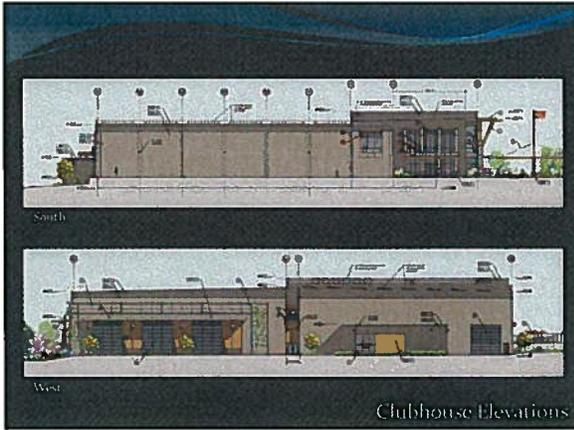
- CUP Condition # 6
 - Parking Redesigned (North-South)
- CUP Condition # 3
 - Restrictive Parking
- CUP Condition # 4
 - Closing Hours

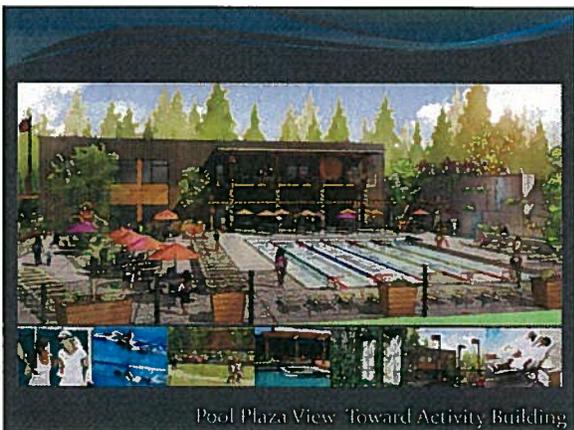
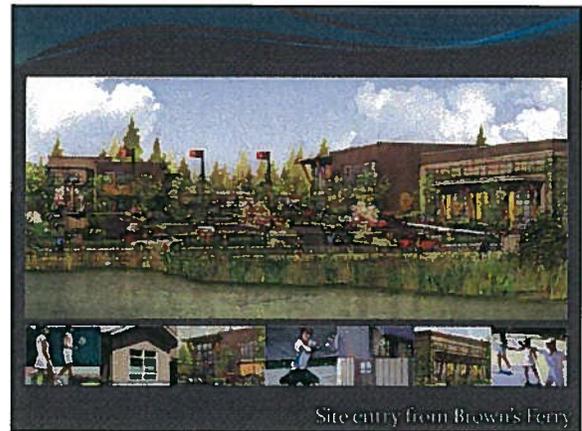
Ray Yancey, AIA, NCARB
Myhre Group Architects

Key design elements

- Responsive site design
- Building placement
- Solar access
- Multi-building layout
- Wetland mitigation and buffering
- Contextual building design
- Materials and Colors
- Integrated landscaping – blending landscape and building
- Residential scale elements – trellis, stone piers and canopies
- Important design elements – Entry canopy and flag pylons

Pool terrace design
 Recycling and trash





Jay Harris, P.E.
 Harris-McMcMonagle Civil Engineers

- Site Plan Efficiency
- Preservation and Restoration of Wetlands
- Water Quality Treatment
- Fire and Life Safety Access
- Adequacy of Utility Infrastructure

Erin Holsonback

Otten Landscape Architects

Transition from Natural Wetlands

Plant Selections

- Buffer Plants
- Native Plants
- Evergreens (& Transplantation)
- Parking Lot Trees
- Low Water Consumption

Staff Recommendations

- ✓ Fence Design and Flexibility to Preserve Mature Trees
- ✓ Parking Management Plan (Amended)
- ✓ Design Elements and Reduced Tennis Building Height
- ✓ Materials and Colors Approval
- ✓ Pool Terrace Design
- ✓ Flagpoles to Max. 40 Ft. Height
- ✓ Trash and Recycling Design

OCT 29 2009

Will Harper

From: Greg and Barbara Fronczak [gfronz2@earthlink.net]
Sent: Thursday, October 29, 2009 1:14 AM
To: Will Harper; Doug Rux
Subject: AR-09-08 An Application by the Zupancic Group for Proposed Private Tennis and Fitness Clubl A

COMMUNITY DEVELOPMENT
PLANNING DIVISION

Dear William Harper, Doug Rux and Members of the Architectural Review Board,

I am writing to you today regarding the above application. My family and I relocated to Tualatin from Miami 2-1/2 years ago. My extended family lives in Lake Oswego and Tigard. We could have chosen to live in any of these two cities or any other city near by but we chose The City of Tualatin because of the vision and mission it had to preserve its parks and wetlands. We bought into that vision and felt we were making the right decision to purchase a home in Fox Hills at the top dollar price at the time of \$674,000. We loved the serenity of the drive into Fox Hills along Nyberg Lane with the nature park of Browns Ferry Park on one side and the wetlands on the other. We were assured by our realtor that the wetland area was zoned residential and only homes would be placed if anything.

With the above application being approved by the City Council, we feel that we have been misled by the City and their vision and regret purchasing our home in Fox Hills. We have several major objections to this project.

1. The massing and density of this proposed Costco size building is out of scale for the neighborhood and certainly out of place in this wilderness setting. It needs to drastically be scaled down.
2. The view from the street of this complex will detour from the natural setting currently in place. It needs to be completely surrounded by dense landscaping with mature height trees and plants with a fence surrounding the entire project but hidden by landscaping. The height of the buildings need to be reduced to conform with the height of the homes in the immediate area.
3. The buffer zone is unacceptable at 20 ft and needs to be pushed back to at least 75ft with dense landscaping. It is unacceptable that these neighbors will hear, see, smell the guests to this facility from their backyards.
4. The number of parking spaces need to be reduced and not visible from Nyberg Lane.
5. The height of the lighting and distance from the immediate neighbors need to be reduced. With the current placement of the lighting, the overflow will be to evasive into the neighbors property.
6. The traffic will be significantly increased on Nyberg Lane with over 1000 more trip a day on this road. It will over burden this side street and cause over flow into our neighborhood in Fox Hills. This factor will certainly affect our property values with the added traffic to the neighborhood. We fear for the safety of our young children playing outside our home due to the increase traffic and for also the added crime it will bring to the neighborhood.
7. The point that the majority of the homeowners in Fox Hills was not aware of this project being initiated is reason enough to cease it. The notice was only sent to owners within 300 ft which is only about 50 homeowners and Fox Hills is composed of over 700 homes. Due to the lack of notice, we were not given proper notice and given the chance to oppose it.

We don't want this project in our neighborhood! Please preserve the vision and mission that The City had been promoting and promising to your voters.

Sincerely,

Barbara and Greg Fronczak
19135 SW 52nd Court

SUBMITTED IN RECORD

DATE: 11/4/09
CASE NO: AR-09-08
ITEM NO: 2 100



City of Tualatin

www.ci.tualatin.or.us

November 6, 2009

NOTICE OF ARCHITECTURAL REVIEW BOARD DECISION

**** APPROVAL WITH CONDITIONS ****

Case #: AR-09-08
Project: Stafford Hills Racquet & Fitness Club
Location: 5926 SW Nyberg Lane
(Tax Map 21E19C, Tax Lot 900)
Applicant/Developer: Jim Zupancic, Zupancic Group

I. FINDINGS

An application for Architectural Review was filed by Zupancic Group to construct a private club facility (Stafford Hills Racquet & Fitness Club) on a 4.9 acre portion of the 15.7 acre property at 5916 SW Nyberg Lane. The Zupancic Group was granted a Conditional Use Permit (CUP-09-01) (Resolution 4890-09) to allow a private club use in the Low Density Residential (RL) Planning District on the property and Increased building height from the maximum 35 ft. in a RL Planning District to a height of up to 40 ft. There are 13 conditions of approval with the CUP.

The project includes the main building (Tennis Courts & Club House with 69,526 square feet of floor area) with 7 high-ceiling indoor courts and a 2-level clubhouse with fitness gym, locker rooms, spa services, pro shop, cafe and a members lobby/lounge area. A second smaller building at the southeast corner of the site ("Activity Building" with approximately 18,342 square feet of floor area) will be two levels with indoor practice "alleys" and a "kids club" supervised activity and child care area. The applicant proposes four outdoor tennis courts, an outdoor swimming pool and terrace and a kids outdoor play area on the south perimeter of the development area. Surface parking for 108 vehicles on the eastern portion of the facility is proposed. Access is from SW Nyberg Lane via a primary driveway on the eastern side of the property. A service and fire access driveway from SW Nyberg lane and employee & member parking (29 spaces) is proposed on the west side of the main building.

The application was deemed complete by the Planning Division staff on October 5, 2009.

A. The Architectural Review Board (ARB) conducted a noticed public hearing on November 4, 2009 in conformance with the laws of the State of Oregon and the City of Tualatin.

ARRANGEMENTS CAN BE MADE TO PROVIDE THESE MATERIALS IN ALTERNATIVE FORMATS, SUCH AS LARGE TYPE OR AUDIO CASSETTE TAPE. FOR MORE INFORMATION, CONTACT THE PLANNING DIVISION @ 503.691.3026 TO ALLOW AS MUCH LEAD TIME AS POSSIBLE.

- B. The ARB found with the staff recommended conditions of approval AR-1 through AR-8 in the November 4, 2009 Recommendation to the Architectural Review Board (Exhibit 1), with the information presented in the November 4, 2006 Zupancic Group Letter with Amended Parking Management Plan (October 30, 2009) and Proposed Concrete Fence Photographs (Exhibit 2), with the seven (7) Color & Material Boards, Site Plan and Architectural Renderings presented at the November 4, 2009 ARB Public Hearing, the Stafford Hills Racquet & Fitness Club project will comply with the standards of the Tualatin Development Code (TDC) as they relate to the conditions of approval of Conditional Use Permit CUP-09-01, TDC Chapter 40 - RL Planning District and TDC Chapter 73 – Community Design Standards.
- C. The ARB finds the Board’s findings, the findings in the staff report, the applicant’s presentation, comments received in the Comment Period, letters, documents and testimony at the public hearing, materials in the record and discussion on the record support the approval of the AR-09-08 with the conditions of approval AR-1 through AR-8.
- D. Architectural Review Condition AR-2(l) is added as follows: “Design exterior parking lot lighting to meet LEED SS Credit8 LZ2 (LEED Reference Guide for Green Building Design and Construction, pg. 130) illumination standards.”

Architectural Review Condition AR-1(h) is modified to read as follows: “To meet the requirement of 73.050(1)(b) the trash & recycling facility shall be relocated to the west side of the building.”

Architectural Review Condition AR-3(e) is added as follows: “To meet the requirement of CUP-09-01 Condition #2 and 73.240(10), the Developer will work with the individual property owners adjoining the SHR&FClub site’s east perimeter to come up with an acceptable landscape design using the plant material palette on Sheet L1.0 that meets City approval. If no agreement is made within a period not to exceed 3 months, the requirement for east perimeter landscaping shall be CUP-09-01 Condition #2.”

Architectural Review Condition AR-1(g) is modified to read as follows: “To meet the requirement of 73.050(1)(c) and CUP-09-01 Condition of Approval #8, the applicant shall submit plans showing the design of the east perimeter fence. The concrete cedar-like fence style shown at the November 4, 2009 ARB Hearing is an acceptable style.”

- E. The ARB adopts the following findings in support of the added and revised conditions:
1. In support of condition AR-2(l) to satisfy CUP-09-01 Conditions #6 & #10 and 73.380(5), the LEED SS Credit8 LZ2 lighting standards provide a numerical standard for the design of parking lot lighting.
 2. In support of condition AR-1(h), the ARB modified the condition to require relocation of the trash and recycling facility to the west side of the building to mitigate the noise to the neighborhood prior to 8 am and not being able to control the trash haulers schedule.
 3. The purpose of ARB condition AR-3(e) is to allow the design of the required landscaping along the east property line of the proposed facility to accommodate the preferences of five individual property owners adjoining the SHR&FClub site, each of whom has a unique interface condition that will require individual design attention.
 4. In support of the revised condition AR-1(g), the ARB added language stating that the proposed cedar-style, double-sided fencing design shown at the November 4, 2009 hearing

was acceptable.

- F. The ARB finds the Board's findings, the findings in the staff report, the applicant's presentation, testimony at the public hearing, materials in the record and discussion on the record support the approval of the AR-09-08 with the conditions of approval AR-1 through AR-8.

II. ACTION

The ARB approved with a vote of 7-0 AR-08-09 and accepted staff recommended conditions AR-1 through AR-8 in the November 4, 2008 Recommendations to the Architectural Review Board (Exhibit 1). The ARB adopted the analysis and findings in the November 4, 2009 staff report with a vote of 7-0.

The Architectural Review Board Decision approves AR-09-08 subject to the following Architectural Review conditions:

- AR-1. Prior to issuance of a Building Permit, three revised Elevation Drawings shall be submitted for review and approval to the Community Development Department with the following changes:
- a. To meet the requirement of 40.100 and CUP-09-01, the Tennis/Clubhouse Building and Flagpoles shall not exceed a maximum structure height of 40 ft.
 - b. To meet the requirement of 73.160(3)(d), provide an identification system which clearly locates the SHR&FClub buildings and entries for patrons and emergency services.
 - c. To meet the requirement of 73.050(1)(b), the design of the SHR&FClub Tennis/Clubhouse Building north elevation adjoining SW Nyberg Lane shall incorporate additional architectural feature and elements in addition to the metal panels and single upper band of windows, including the use of concrete, masonry and wood exterior wainscot or panel material that will provide relief to the appearance of the building wall.
 - d. To allow evaluation of the proposed metal siding material and to meet the requirement of 73.050(1)(c), the applicant shall provide samples of the proposed metal siding material for review by the Architectural Review Board.
 - e. To meet the requirement of 73.050(1)(c), the design of the Tennis/Clubhouse Building north, east and west elevations shall incorporate additional architectural feature in addition to the proposed metal panels including concrete, masonry or wood wall panels, use of tall wainscoting, window walls, and accenting trim or other architectural elements that will reduce the perception of the size and bulk of the building when viewed from the public street.
 - f. To meet the requirement of 73.050(1)(c), the applicant shall submit plans showing the design of the Pool/Terrace Plaza and Terraced Retaining Wall.
 - g. To meet the requirement of 73.050(1)(c) and CUP-09-01 Condition of Approval #8, the applicant shall submit plans showing the design of the east perimeter fence. The concrete cedar-like fence style shown at the November 4, 2009 ARB Hearing is an acceptable style.

- h. To meet the requirement of 73.050(1)(b) the trash & recycling facility shall be relocated to the west side of the building.

AR-2. Prior to issuance of a Building Permit, three revised Site Plans shall be submitted for review and approval to the Community Development Department with the following changes:

- a. To ensure that any outdoor storage of service or accessory equipment such as maintenance equipment or event seating, seasonal materials & supplies for outdoor activities such as the swimming pool or outdoor courts meet the requirements of 73.160(4)(b), outdoor storage shall be screened from view of the public ROW or neighboring properties with a sight obscuring fence, wall, berm or dense evergreen landscaping.
- b. To meet the requirement of 73.227(6)(b)(v), storage areas and containers shall be clearly labeled to indicate the type of material accepted.
- c. To meet the requirements of 73.250(2)(d), revised plans shall be submitted which indicate that neither topsoil storage nor construction material storage shall be located within the drip line of trees identified for preservation.
- d. To meet the requirement of 73.250(2)(e), encroachment upon any identified preserved trees must occur under the direction of a qualified arborist to assure the health needs of trees within the preserved area can be met.
- e. To meet the requirement of 73.250(2)(f), grading activities in the vicinity of the trees to be preserved shall not allow tree root ends to remain exposed.
- f. To meet the requirement of 73.370(1)(n), bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks, which accommodate a bicyclist's lock securing the frame and both wheels.
- g. To meet the requirement of 73.370(1)(o), revised plans shall be submitted that show the bicycle parking meets the 6-foot long 2-foot wide size requirement.
- h. To meet the requirement of 73.370(1)(u), revised plans shall be submitted that show bicycle parking areas and facilities to be identified with appropriate signage as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs shall be located at the location of the bicycle parking facilities.
- i. To meet the requirement of 73.370(3), the plans shall be revised to show a minimum of six (6) vanpool and carpool parking stalls that meet the standards of 73.370(1)(x).
- j. To meet the requirement of 73.370(1)(x), required vanpool and carpool parking shall meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.
- k. To meet the requirement of 73.400(11) the width of the West ingress and egress access shall not be less than 32 feet for First 50' from ROW.
- l. Design exterior parking lot lighting to meet LEED SS Credit8 LZ2 illumination standards.

- AR-3. Prior to issuance of a Building Permit, three revised Landscape Plans shall be submitted for review and approval to the Community Development Department with the following changes:
- a. To meet the requirement of 73.227(6)(b)(v), trash & recycling storage areas and containers shall be clearly labeled to indicate the type of material accepted.
 - b. To meet CUP-09-01 Condition #1, the landscape plan shall show a buffer of evergreen and deciduous plantings on the south perimeter of the development area that extend from planter grade to 10ft. in height to provide screening of the outdoor courts and include trees that will reach a minimum mature height of 30 ft. or more to provide a buffer to the indoor tennis building rooftop.
 - c. To meet the requirements of 73.240(11), the plans shall indicate the spacing of proposed ground cover materials to be a minimum of 24" o.c. for 1 gallon size plantings a 12" o.c. minimum for 4" pots..
 - d. To meet the requirement of 73.290(1), the site and grading plans shall include a specification for replanting areas where existing vegetation or landscaping has been removed or damaged through grading and construction activities.
 - e. To meet the requirement of CUP-09-01 Condition #2 and 73.240(10), the Developer will work with the individual property owners adjoining the SHR&FClub site's east perimeter to come up with an acceptable landscape design using the plant material palette on Sheet L1.0 that meets City approval. If no agreement is made within a period not to exceed 3 months, the requirement for east perimeter landscaping shall be CUP-09-01 Condition #2.
- AR-4 To meet the requirement of 73.100(2), all building exterior improvements approved through the Architectural Review process shall be continually maintained including necessary painting and repair so as to remain substantially similar to original approval through the Architectural Review process, unless subsequently altered with Community Development Director approval.
- AR-5 To meet the requirement of 73.100(1), all landscaping approved through the Architectural Review Process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved through the Architectural Review process, unless subsequently altered with Community Development Director approval.
- AR-6 To meet the requirement of 73.160(4)(a), if on and above grade electrical, solar and mechanical equipment shown (or not shown) on the SHR&FClub plans are installed, the equipment shall be screened in compliance with the requirement. On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping prior to issuance of an occupancy permit.
- AR-7 To meet the CUP-09-01 conditions of approval and prior to issuance of a Building Permit, the Parking Management Plan shall be revised to establish the parking and activity management requirements of Conditions #3 & #4 and to meet Condition #5, show that scheduled events on the SHR&FClub site with more than 40 attendees can be

accommodated with available on-site and off-site parking locations and managed to minimize SHR&FClub parking on public streets.

AR-8 The applicant shall comply with the Public Facilities Recommendation.

APPEAL

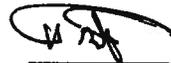
The applicant or any person who submitted written comments or testified orally or in writing at the Architectural Review Board hearing and who may be adversely affected by the Board's decision may file a request for review of the final decision of the Architectural Review Board to the City Council.

The Architectural Review Board's decision will be final after 14 calendar days from the signing of this order (November 21, 2009), unless a written appeal is received by the **Community Development Department Planning Division at 18880 SW Martinazzi Avenue, Tualatin, Oregon, before 5:00 p.m., November 20, 2000. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.** The plans and appeal forms are available at the Tualatin Library and at the Planning Division offices. The appeal forms must include reasons, a \$128.00 appeal fee and meet the requirements of Section 31.078 of the Tualatin Development Code. The City Council will review and make a decision. The parties will be notified of the Council meeting date.

ADOPTED THIS 6th DAY OF NOVEMBER 2009

ARCHITECTURAL REVIEW BOARD
CITY OF TUALATIN

BY:



Chris Baryhte, Chair
Architectural Review Board

enc: Exhibit 1
Exhibit 2

file: AR-09-08



City of Tualatin

www.ci.tualatin.or.us

November 4, 2009

STAFF REPORT

RECOMMENDATION TO THE ARCHITECTURAL REVIEW BOARD

Case #: AR-09-08
Project: Stafford Hills Racquet & Fitness Club
Location: 5916 SW Nyberg Lane (Tax Map 21E19C, Tax Lot 900)
Applicant: Jim Zupancic, The Zupancic Group (503-968-8200)

INTRODUCTION

The Zupancic Group proposes developing a private club facility (Stafford Hills Racquet & Fitness Club) on a 4.9 acre portion of the 15.7 acre property at 5916 SW Nyberg Lane. The Zupancic Group was granted a Conditional Use Permit (CUP-09-01) (Resolution 4890-09) to allow a private club use in the Low Density Residential (RL) Planning District on the property and Increased building height from the maximum 35 ft. in a RL Planning District to a height of up to 40 ft. There are 13 conditions of approval with the CUP (Attachment 6).

The project includes the main building (Tennis Courts & Club House with 69,526 square feet of floor area) with 7 high-ceiling indoor courts and a 2-level clubhouse with fitness gym, locker rooms, spa services, pro shop, cafe and a members lobby/lounge area. A second smaller building at the southeast corner of the site ("Activity Building" with approximately 18,342 square feet of floor area) will be two levels with indoor practice "alleys" and a "kids club" supervised activity and child care area. The applicant proposes four outdoor tennis courts, an outdoor swimming pool and terrace and a kids outdoor play area on the south perimeter of the development area. Surface parking for 108 vehicles on the eastern portion of the facility is proposed. Access is from SW Nyberg Lane via a primary driveway on the eastern side of the property. A service and fire access driveway from SW Nyberg lane and employee & member parking (29 spaces) is proposed on the west side of the main building.

ARRANGEMENTS CAN BE MADE TO PROVIDE THESE MATERIALS IN ALTERNATIVE FORMATS, SUCH AS LARGE TYPE OR AUDIO CASSETTE TAPE. PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AND ALLOW AN ADEQUATE LEAD TIME AS POSSIBLE.

The former house and out-buildings that were on the site during the CUP process were removed. The 10 acre western portion of Tax Lot 900 includes Nyberg Creek and its associated wetland areas extending from the SW 65th Avenue culvert on the west to the SW Nyberg Lane culvert-crossing on the north. The plans show wetland creation, mitigation and enhancement work in the Nyberg Creek portion of the property as required by wetland permitting and Clean Water Services regulations.

The plans show 74 trees located in the development area are proposed for removal and replacement and 11 trees will be retained primarily on the east property line, southeastern corner of the development area and in the enhanced buffer area on the west. Trees bordering the site (off-site) on the adjacent residential and Legacy Health Systems properties are proposed to be preserved and protected.

The subject property is 15.69 acres and the proposed development area is 213,751 s.f. (4.91 acres). There are 138 surface parking spaces proposed on-site. The building coverage of the two buildings (58,529 s.f. & 9,113 s.f) is 32 percent of the development area. The overall parking and vehicular circulation area is 50,949 s.f. (24 percent) of the development area. The proposed landscaped area is 57,564 s.f., 27 percent of the development area.

The Public Facilities Decision for this project will be issued separately by the City Engineer. The City Engineer shall render a decision on the Public Facilities within 10 City Business days after the Architectural Review Board adopts a final order [31.073(5)]. A draft copy of the Public Facilities Decision is provided to the Board for informational purposes, but is not to be considered by the Board in the matter of the AR-09-08 Architectural Features review.

ARCHITECTURAL REVIEW RECOMMENDED FINDINGS & CONCLUSIONS

FINDINGS

Reviewing this application in terms of the Tualatin Development Code (TDC) and other ordinances, the following findings are relevant. All references are to sections in the TDC unless otherwise noted.

1. **Previous Land Use Actions:** Conditional Use CUP-09-01 approved the Stafford Hills Racquet & Fitness Club (SHR&FClub) as a private club and approved additional building height.
2. **Other Permit Actions:** ODSL & ACOE Wetland Fill Permits.
3. **Planning Districts and Adjacent Land Uses:** The site is located in the Low Density Residential (RL) Planning District where golf course, private club, & country club uses are conditional uses [40.030(4)(l)] and increased building height is a conditional use [40.030(4)(n)]. Adjacent Planning Districts and land uses are:
 - N: RMH (across SW Nyberg Lane) Stones Throw Apartments
Brown's Ferry Park
 - E: RL Fox Hills #3 Residential Subdivision
 - S: RL Undeveloped (Tax Lot 2000, Former farm, now Legacy Health Systems

- property)
- MC Legacy Meridian Park Hospital Campus
- W: CG Child Care Center-Waterman Building
- RML Wetland (Across SW 65th Avenue)
- CO Whitney Office Building (Across SW 65th Avenue)

4. Lot Sizes:

40.060 Except as otherwise provided, the lot size for conditional uses in an RL District shall be as follows: 40.060(1) The minimum lot area shall be 6,000 square feet, excepting secondary condominium lots as approved through the Architectural Review process and lots for public utility facilities. 40.060(2) The average lot width shall be at 60 feet, excepting secondary condominium lots as approved through the Architectural Review process and lots for public utility facilities. 40.060(3) The minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb, excepting secondary condominium lots as approved through the Architectural Review process and lots for public utility facilities. 40.060(4) The maximum building coverage on a lot shall be 40 percent, excepting secondary condominium lots as approved through the Architectural Review process and lots for public utility facilities.

The subject property (Tax Lot 900) is 683,456 square feet (s.f.); the average lot width (on SW Nyberg Land & SW 65th Avenue) is 1,273 feet & 386 feet; the minimum lot width at the street is 868 feet on SW Nyberg Lane and 316 feet on SW 65th Avenue; and the building coverage is 10% (67,642 s.f.), all which meet the requirements of 40.060(1-4).

5. Setback Requirements:

Condition #7 of CUP-09-01 for the SHR&F Club required:

7. The Zupancic Group/SHR&F Club shall increase the buffer along the east boundary, to 20 feet at the parking lot and 25 feet at the Activity Building as shown on the site plan.

12. To accommodate increased buffer along the eastern boundary, the size of the Tennis Building shall be reduced a total of approximately 4,100 sq. ft.

40.080(1) Except as otherwise provided, the setbacks for conditional uses shall be as determined and approved through the Architectural Review process. However, no setback greater than 50 feet may be required. The minimum setbacks for the proposed buildings are as follows:

	<u>Proposed</u>	<u>Required</u>	<u>Meets Requirement Of</u>
<u>North Front Yard:</u> To SW Nyberg Lane ROW			
Tennis/Clubhse Building	36'	0-50'	40.080(1)
<u>West Front Yard:</u> To SW 65 th Ave. ROW			
Tennis/Clubhse Building	~950'	0-50'	40.080(1)

	<u>Proposed</u>	<u>Required</u>	<u>Meets Requirement Of</u>
<u>West Side Yard:</u> To Tax Lot 700- Waterman Property			
Tennis/Clubhse Building	~600'	0-50'	40.080(1)
<u>South Rear Yard:</u> (To LHS property & LMPMC Campus			
Tennis/Clubhse Building	127'	0-50'	40.080(1)
Activity Building	30'	0-50'	40.080(1)
<u>East Side Yard:</u> (To Fox Hills-3 Subdivision Residential Parcels)			
Tennis/Clubhse Building	193'	0-50'	40.080(1)
Activity Building	25'	25' 0-50'	CUP-09-01(Condition #7) 40.080(1)

To create more space on the site for a wider setback/buffer on the SHR&FClub east property perimeter, CUP-09-01 Condition #12 required a 4,100 square foot reduction in the size of the Tennis Building floor area. The applicant's narrative indicates the Tennis Building was reduced by approximately 5,400 sq. ft. in size from the building area reviewed in the Conditional Use Permit. The proposed plans satisfy Condition #12.

40.080(1) Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line. The minimum setbacks for the proposed buildings are as follows:

	<u>Proposed</u>	<u>Required</u>	<u>Meets Requirement Of</u>
<u>East Parking Lot:</u>			
To SW Nyberg Lane ROW	10'	10'	40.080(1)
To East Property Line	20'	20'	CUP-09-01(Condition #7) 40.080(1)
To South Property Line	170'	10'	40.080(1)
<u>West Parking Lot:</u>			
To SW Nyberg Lane ROW	53'	10'	40.080(1)
To South Property Line	10'	10'	40.080(1)

6. Structure Height: 40.100 Except as otherwise provided, the maximum structure height shall be 35 feet.

CUP-09-01(Resolution 4890-09) allowed the SHR&FClub Tennis/Clubhouse Building increased building height up to 40 ft.

	<u>Proposed</u>	<u>Maximum Allowed</u>	<u>Requirement</u>
Indoor Tennis Building	42'	40'	Does not meet CUP-09-01
Clubhouse Wing	40'	40'	Meets CUP-09-01
Activity Building	35'	35'	Meets 40.100
Flag Poles	45'	40'	Does not meet CUP-09-01

The building height of the proposed Indoor Tennis wing of the Tennis/Clubhouse building is 42 feet and the height of the three flagpoles shown adjacent to the breezeway canopy are 45 ft., which exceed the 40 feet allowed in CUP-09-01, and does not meet the requirement. To meet the requirement of 40.100 and CUP-09-01, the

Tennis/Clubhouse Building and Flagpoles shall not exceed a maximum structure height of 40 ft.

7. **Site Planning:**

Section 73.050(1)(a) The proposed site development, including the site plan, architecture, landscaping and graphic design, conforms to the standards of this and other applicable City ordinances, insofar as the location, height, appearance, etc. of the proposed development are involved. This project has been reviewed based on TDC standards and other applicable general ordinances of the City of Tualatin. The proposed location, height, appearance, etc., of the development comply with the TDC and other applicable City ordinances as identified in this report and with applicable conditions of approval will be in compliance.

73.160(1)(a) For commercial, public and semi-public uses:

- (i) **a walkway shall be provided between the main entrance to the building and any abutting public right-of-way of an arterial or collector street where a transit stop is designated or provided. The walkway shall be a minimum of 6 feet wide and shall be constructed to meet the requirements for sidewalks in the Public Works Construction Code.** SW Nyberg Lane is a Minor Collector (Cb) street with bikeways and with no Transit Stops designated or provided. The walkway requirements of 73.160(1)(a)(i) do not apply.

For information purposes, there are two buildings proposed on the SHR&FClub site. The main Tennis/Clubhouse Building entrance at the south end of the east elevation and the Activity Building entrance at the north elevation both face the east parking area. The two building entrances are connected by a 12 ft. wide plaza and the Tennis/Clubhouse entrance is connected to SW Nyberg Lane via a 5 ft walkway and an 8 ft. wide accessway.

- (ii) **walkways shall be provided between the main building entrances and other on-site buildings and accessways. The walkways shall be a minimum of 6 feet wide and shall be paved with asphalt or concrete.** There are two buildings proposed on the SHR&FClub site. The main Tennis/Clubhouse Building entrance at the south end of the east elevation and the Activity Building entrance at the north elevation both face the east parking area. The two building entrances are connected by a 12 ft. wide plaza. The requirement is met.
- (iii) **walkways through parking areas, drive aisles, and loading areas shall be visibly raised and of a different appearance than the adjacent paved vehicular areas.** Two walkways on the west side of the Tennis/Clubhouse building cross the west service drive aisle and a stamped AC treatment is shown for both, meeting the requirement.
- (iv) **accessways shall be provided as a connection from the development's internal bikeways and walkways to all of the following locations that apply: abutting arterial or collector streets upon which transit stops or bike lanes are provided or designated; abutting undeveloped residential or commercial areas; adjacent undeveloped sites where an agreement to**

provide an accessway connection exists; and to abutting publicly-owned land intended for general public use, including schools. The abutting SW Nyberg Lane is a Minor Collector (Cb) street with bikeways and with no Transit Stops designated or provided. The plans show an 8 ft. wide accessway extending for 50 ft. at the northeast corner of the Tennis/Clubhouse Building that provides an accessway connection between the sidewalk in the SW Nyberg Lane ROW and the internal walkway extending to the Tennis/Clubhouse Building main entrance. The proposed accessway meets the requirement.

The abutting Tax Lots 1200 & 1400 is the LMPMC campus property and currently in the MC (Medical Center) Planning District. The abutting Tax Lot 2000 is undeveloped and currently in the RL Planning District and proposed in PMA-09-03 for a MC designation. There are no agreements to dedicate an accessway connection between the subject SHR&FClub site and adjoining developed properties.

There is no abutting publicly owned land intended for general public use.

- (v) **fences or gates which prevent pedestrian and bike access shall not be allowed at the entrance to or exit from any accessway.** No gates are proposed at the accessway, which meets the requirement.
- (vi) **Bikeways shall be provided which link building entrances and bike facilities on the site with adjoining public right-of-way and accessways.** Bikeways are defined in the TDC (31.060) as “any street, road, path or way open to bicycle travel regardless of whether such facilities are designated for the preferential use of bicycles or are to be shared with other transportation modes.” Bicycle parking within the proposed project is shown on the submitted Site Plan (A1.10) in the following locations: at the south elevation of the Activity Building and beneath the covered plaza between the Tennis/Clubhouse and Activity Buildings. These locations are accessible to building entrances, and both building entrances and bike facilities on the site are accessible to the proposed accessway and the East Parking area drive-aisles that serve as bike ways and provide links to the public ROW in SW Nyberg Lane as well as to the project’s main entrance driveway. The requirement is met.
- (vii) **Outdoor Recreation Access Routes shall be provided between the development’s walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.** There are parks or recreation trails on or adjacent to this site. The Nyberg Creek Greenway on the western portion of the site does not have a path or trail. The requirement does not apply.

73.160(1)(c) Curb ramps shall be provided wherever a walkway or accessway crosses a curb. The proposed walkway connections across the west service driveway include a curb ramp and meet the requirement.

73.160(3)(a) Locate windows and provide lighting in a manner which enables tenants, employees and police to watch over pedestrian, parking and loading

areas. Windows are located on the east elevation of the Tennis/Clubhouse building and on the south and west elevations of the Activity Building with both exterior wall and pole mounted lighting for the East & West parking areas, enabling patrons, employees and police to watch over pedestrian and parking areas. The requirement is met.

73.160(3)(b) In commercial, public and semi-public development and where possible in industrial development, locate windows and provide lighting in a manner which enables surveillance of interior activity from the public right-of-way. Windows are located on the east Tennis/Clubhouse Building elevation and the south Activity Building elevation that are visible from the east parking lot but because of the distance from the street, the orientation of the windows and the screening effect of required landscaping, the interior is not visible from the SW Nyberg Lane ROW. The entry interiors are visible from the East Parking area that is accessible to police for monitoring and surveillance and is acceptable. Interior and exterior lighting will enable surveillance of interior activity. The requirement is met.

73.160(3)(c) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way. The lighting plans show wall mounted lighting on both buildings and new freestanding pole lighting in the East parking area that will promote surveillance of on-site activities from the public right-of-way. The requirement of 73.160(3)(c) is met.

73.160(3)(d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services. The plans do not show addressing identification of the buildings and the requirement is not met. To meet the requirement of 73.160(3)(d), provide an identification system which clearly locates the SHR&FClub buildings and entries for patrons and emergency services.

73.160(3)(e) Shrubs in parking areas must not exceed 30 inches in height. Tree canopies must not extend below 8 feet measured from grade. The proposed Landscape Plan indicates the east and west on-site parking areas perimeters have shrub and tree plantings on the SW Nyberg Lane perimeter to the north meet the requirement. The East Parking area is bordered on the east by a 25 ft. wide perimeter planter to the neighboring residential properties. The east planter includes a mix of evergreen and deciduous shrubs, trees and a concrete fence that provide a perimeter that meets the requirements of 73.160(3)(e). With proper pruning and maintenance, the proposed species/varieties of shrubs and trees within the parking areas will not exceed 30 inches in height and less than 8 feet, meeting the requirement of 73.160(3).

73.160(4)(a) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping. Both roof mounted or ground mounted equipment are shown on the plans. The roof mounted HVAC units on the Clubhouse wing roof of the Tennis/Clubhouse Building are shown behind parapet walls, which meets the requirement.

“Future rooftop solar water panels” are shown on both the Tennis/Clubhouse and Activity Buildings and “Future Rooftop Solar Photovoltaic Panels are shown on the south roof the Tennis/Clubhouse Building. The solar panel roof locations are within the parapet walls of both buildings, but no information on the exposure or visibility of the

installed panels is provided and it cannot be determined if the screening requirement is met.

Pool equipment and ground-mounted HVAC equipment are shown on the south side of the Activity Building within a shed enclosure or a combination retaining wall/fence with landscaping, meeting the requirement.

The proposed transformer unit on the north side of the Activity Building is shown as screened on the east by a proposed concrete fence and tall landscaping, but is not screened on the north side with landscaping that will provide adequate screening. The requirement to screen the ground-mounted transformer is not met. To meet the requirement of 73.160(4)(a), if on and above grade electrical, solar and mechanical equipment shown (or not shown) on the SHR&FClub plans are installed, the equipment shall be screened in compliance with the requirement. On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping prior to issuance of an occupancy permit.

73.160(4)(b) Outdoor storage, excluding mixed solid waste and source separated recyclables storage areas listed under TDC 73.227, shall be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping. No outdoor storage is proposed on the plans. To ensure that any outdoor storage of service or accessory equipment such as maintenance equipment or event seating, seasonal materials & supplies for outdoor activities such as the swimming pool or outdoor courts meet the requirements of 73.160(4)(b), outdoor storage shall be screened from view of the public ROW or neighboring properties with a sight obscuring fence, wall, berm or dense evergreen landscaping.

73.160(5) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC, Chapter 73 does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly recommended all materials submitted for Architectural Review show compliance with OSSC. It is recommended that accessibility standards be in compliance with the OSSC, which will be reviewed at the Building Permit step.

8. Structure Design:

Section 73.050(1)(b) The proposed design of the development is compatible with the design of other developments in the same general vicinity. The vicinity for this review is the area east of SW 65th Avenue identified by single family residential development east of the SHR&FClub site on the south side of SW Nyberg Lane including the homes on SW Mobile Place and in the Fox Hills Subdivisions, Brown's Ferry Park and the multi-family residential Stonestrow Apartments on the north side of SW Nyberg Lane, the Waterman Building (former La Petite Childcare Center) on SW Nyberg Lane and the Legacy Meridian Park Medical Center campus on the south. The single-family residences consist of one and two-story homes with wood exterior siding on lots of a minimum of 7,000 s.f. The 1-2 story multi-family apartments and the 1-story Waterman Building are wood frame and sided structures. The Meridian Park Medical Center campus buildings are multi-story buildings that combine stucco, concrete &

masonry with tinted glass, and are furnished with extensive landscaping, parking and pedestrian connectivity. The multi-family, commercial and hospital developments have provided parking commensurate with commercial development and landscaping in compliance with the TDC standards in effect at the time each was developed. The architecture of the hospital has been reflective of the time of the development and the campus has substantial building and parking area setbacks to property lines and has maintained a significant amount of open space and landscaping.

The SHR&FClub project includes extensive landscaping around the site, in the parking areas and adjoining SW Nyberg Lane. A 25 ft. wide planter with a concrete fence and densely planted deciduous and evergreen trees and shrubs on the east portion of the property buffers the East parking area and Activity Building to the neighboring residential properties. The site's SW Nyberg Lane frontage on the north features 10 ft. and 25 ft. deep planters that buffer the East Parking area and Tennis Clubhouse Building with tree and shrub landscaping. The heavily planted stormwater detention and water quality facilities occupy the Tennis/Clubhouse building north planter. The SHR&FClub development area features the outdoor pool terrace backed by a 17.5 ft. decorative retaining wall on the south and extensive plantings located in the CWS Vegetated Corridor and wetland mitigation on the west side of the building. Four outdoor tennis courts with enclosing tall fencing and 6 ft. retaining wall (south) adjoin the Tennis/Clubhouse Building and south property line. The western 11 acres of the property is the Nyberg Creek wetland that will not be developed for the SHR&FClub. On-site parking is provided in the east and west parking areas accessed from the primary east entry drive and via the west employee/service access drive on the west side of the site. The development includes a pedestrian walkway system connecting the adjoining street, the buildings and the parking areas. An open-sided, covered "breezeway" for pedestrian movement between the Tennis/Clubhouse Building and the Activity Building and crossing the central pool terrace is proposed.

The proposed SHR&FClub buildings are steel frame construction with storefront glass and spandrel walls, translucent windows, and large translucent panel roll-up doors (on the Tennis/Clubhouse Building), and architectural metal exteriors. The roof top mechanical equipment is screened by parapet walls that are appropriate to the architecture of the proposed buildings. The building entrances are oriented toward the East parking area and the central pool terrace courtyard and are accessed via the site's main entry drive from SW Nyberg Lane.

The north wall of the Tennis/Clubhouse Building faces SW Nyberg Lane and Brown's Ferry Park. The 206 ft. long x 42 ft. high wall is shown with vertical panel metal siding with an upper band of translucent windows. The metal coping and trim are a second color. The building elevation drawings show "greenscreen" trellises attached on the east and west portion of the wall and a 12ft. high pergola-style wood & stone-columned trellis extending across the front elevation. While the trellises and a wide landscape planter are proposed to provide some visual relief on the north side of the Tennis/Clubhouse Building, the building's north wall will be visible from the SW Nyberg Lane public street and public park located to the north. The building's north elevation design is dominated by the metal siding and does not include the wood, masonry and architectural relief that are characteristic of the nearby residential developments or the buildings of the LMPMC campus to the south. With the growth of attached vegetation, the proposed trellises provide some softening and screening of the wall, but it is likely a seasonal effect and does not contribute much to compatibility with residential

development design. Because of the size and scale of the building's north wall and its location near the public street in a residential area and because the proposed design of the Tennis/Clubhouse Building north elevation does not include features and elements that temper its size and scale in relation to the vicinity's residential and campus character, it is not compatible with the developments in the vicinity and the requirement is not met. To meet the requirement of 73.050(1)(b), the design of the SHR&FClub Tennis/Clubhouse Building north elevation adjoining SW Nyberg Lane shall incorporate additional architectural feature and elements in addition to the metal panels and single upper band of windows, including the use of concrete, masonry and wood exterior wainscot or panel material that will provide relief to the appearance of the building wall.

Overall, the Stafford Hills Racquet & Fitness Club development including the two buildings, landscaping and parking with the recommended condition requiring design improvements to the north elevation of the Tennis/Clubhouse Building are compatible with the described developments in the vicinity with the use of landscaping, parking, pedestrian connectivity, building design and building orientation and recommended conditions, which meets the requirement.

Section 73.050(1)(c) The location, design, size, color and material of the exterior of all structures are compatible with the proposed development and appropriate to the design character of other development in the same vicinity. The vicinity for this review is identified in the previous section. Within this vicinity is a mixture of single-family residences, multi-family residential buildings, Brown's Ferry Park the Legacy Meridian Park Medical Center campus. The single-family residences consist of one and two-story homes with wood exterior siding. The Medical Center consists of one-three-story structures with stucco, concrete and masonry exteriors. The Medical Center buildings each have extensive windows looking over the campus.

The design of the proposed SHR&FClub building exteriors use architectural metal siding on 35-42 ft. high parapet walls with masonry and glass storefronts on the buildings' respective entry areas. The applicant has not provided the materials board or specified the profile and surface texture/ treatment of the metal siding and staff cannot describe what is proposed or determine its compatibility. To allow evaluation of the proposed metal siding material and to meet the requirement of 73.050(1)(c), the applicant shall provide samples of the proposed metal siding material for review by the Architectural Review Board. Large scale canopy, vegetative screen and trellis features are proposed on the street and central parking & courtyard elevations of the Tennis/Clubhouse building. A masonry-columned canopy/"breezeway" feature connects the Clubhouse and Activity Building entries. The indoor tennis court portion of the Tennis/Clubhouse Building is a high-ceiling single level structure while the Clubhouse wing and Activity Buildings are two levels. The central pool terrace is framed on the south by a 17.5 ft. high concrete retaining wall.

Tennis/Clubhouse Building. The foot print of the Tennis/Clubhouse building is over 57,000 sq. ft. and is one the larger buildings in the vicinity. The vertical metal wall siding of the 42 ft. high building's north elevation faces SW Nyberg Lane and extends for approximately 206 ft. from the northeast corner to the northwest corner. A band of spandrel glass is shown on the upper portion of the north wall. The vertical metal wall siding extends for 130 ft. and more back from the north corners of the east and west elevations. The east & west elevations of the indoor tennis wing include three roll-up

doors with translucent panels to let in light and for warm weather ventilation. These portions of the building are visible from both travel directions of SW Nyberg Lane. The proposed design of the north, east and west building elevations is walls of vertical metal panels with one high band of windows on the north and uses large “greenscreen” vegetation panels, stone-columned/wooden timber trellises, metal frame canopies and the translucent panel roll-up doors to provide some visual relief to the elevations’ metal siding, but do not succeed in reducing the bulk & scale of the building located close the public street and in the vicinity of single family residential development.

While the Clubhouse wing main entry is architecturally detailed with wall projections, masonry column features, tall storefront windows and deep canopies, the building’s north, east & west elevation design lacks the elements of glazing, masonry, wood and architectural relief that is found in the residential and medical center developments in the vicinity. The proposed design of the Tennis/Clubhouse Building north, east & west elevations is dominated by a 42 ft. high metal sided wall that is not compatible with the developments in the vicinity and the requirement is not met. To meet the requirement of 73.050(1)(c), the design of the Tennis/Clubhouse Building north, east and west elevations shall incorporate additional architectural feature in addition to the proposed metal panels including concrete, masonry or wood wall panels, use of tall wainscoting, window walls, and accenting trim or other architectural elements that will reduce the perception of the size and bulk of the building when viewed from the public street.

Activity Building. The two-level Activity Building is also a metal sided building with 40 ft. parapet walls, but in comparison to the Tennis/Clubhouse Building, is substantially smaller in scale and is located more interior to the site. The north and west elevations of the Activity Building face the East Parking Area to the north and the central pool plaza to the west and feature an architecturally complex and feature design. The two elevations are shown with articulated walls, large storefront windows, balconies and canopies. There are masonry veneers treatments to the canopy columns.

The east elevation of the Activity Building is separated from single family residences on the east by a 25 ft. setback with an existing and proposed tall hedge and cypress tree planter. The design of the east elevation includes vertical metal siding on a parapet wall with a band of metal-frame windows on the 2nd level for interior offices and a multi-purpose room. With the tall and densely planted landscaping to screen and buffer the Activity Building east elevation to adjoining residential property, the proposed design with windows on the east elevation is appropriate for vicinity.

The south elevation design is a vertical metal siding with a exterior stair, one 2nd level window and three exit doors. The elevation is screened to the undeveloped property to the south by a 17.5 ft. high retaining wall and existing and proposed tree and shrub plantings, meeting the requirement.

South Retaining Wall, Pool Terrace/Plaza. The Pool/Terrace Plaza is bordered by the two buildings, the outdoor tennis courts and a terraced 17.5 ft. retaining wall on the south and includes a swimming pool, “kiddie pool” and “water feature”. The north side is shown with a 4ft. wrought iron fence with masonry columns below the “breezeway canopy”. The plans do not show the plaza, pool, retaining wall, and water feature design materials and features and staff cannot determine if the design requirement is met. To meet the requirement of 73.050(1)(c), the applicant shall submit plans showing the design of the Pool/Terrace Plaza and Terraced Retaining Wall.

Canopied Breezeway, "Flag Poles", & East Planter Fence. The plans show the metal frame/cable support "breezeway canopy" with masonry veneer columns that is consistent with other design features of the SHR&FClub facility. The three proposed "flagpoles" are subject to structure height minimums and the sign regulations of TDC Chapter 38.

Condition #8 of CUP-09-01 for the SHR&FClub required:

8. The SHR&F Club will install at "our (Zupancic Group) expense", a concrete panel fence or equal along the eastern boundary of the site extending north of the Activity Center. The Zupancic Group agrees to meet the fence approval criteria of TDC 73.050 and the objectives and standards set forth in TDC 73.210 and 73.220.

A 6 ft. high concrete fence is shown on the East Parking Area planter bordering the residential lots to the east. The fence is intended to provide a visual screen and sound buffer to the SHR&FClub East Parking area for the residences to the east. The plans do not show the design materials and features of the fence and staff cannot determine if the design requirement or Condition #8 of CUP-09-01 are met. To meet the requirement of 73.050(1)(c) and CUP-09-01 Condition of Approval #8, the applicant shall submit plans showing the design of the east perimeter fence.

Trash & Recycling Facility. The proposed trash facility is located at the northeast corner of the East Parking Area lot and is shown as a timber frame, metal sided structure with overhead door and man door access. This location is 20 ft. from a residential property and 30 ft. from the SW Nyberg Lane ROW. The proposed metal siding is not a material common to the nearby residential development and is compatible with a trash facility location that is in proximity to residential and public use. The activity of filling and unloading trash & recycling containers creates a noise disturbance and the proposed metal siding has little or no sound baffling effect to mitigate it. A masonry or concrete wall on the east, south and north elevations of the facility will provide a more compatible design. To meet the requirement of 73.050(1)(b), the design of the trash & recycling facility shall include masonry or concrete walls on the east, south and north elevations.

Outdoor Tennis Courts. The four outdoor tennis courts are on the south side of the Tennis/Clubhouse Building and adjacent to the Pool Terrace Plaza. The plans show a 6 ft retaining wall and 6-12 ft. high "Black" chainlink fence enclosing the four courts. With the Black vinyl-coated fencing for controlling the tennis play, the outdoor courts meet the requirement.

With the recommend conditions requiring additional architectural features on the Tennis/Clubhouse Building's north east and west elevations, submittal of a materials board or samples showing a suitable vertical metal siding design, and submittal of plans showing design of the Pool Terrace & Retaining Wall and East perimeter fence in the analysis above, the design of the Stafford Hills Racquet & Fitness Club buildings and structures are compatible with the design character of other developments in the vicinity and the requirement for the location, design, size, color and materials of the is met.

73.100(2) All building exterior improvements approved through the Architectural Review Process shall be continually maintained including necessary painting and repair so as to remain substantially similar to original approval through the Architectural Review Process, unless subsequently altered with Community Development Director approval. The proposed building improvements are required to comply with this standard over time. To meet the requirement of 73.100(2), all building exterior improvements approved through the Architectural Review process shall be continually maintained including necessary painting and repair so as to remain substantially similar to original approval through the Architectural Review process, unless subsequently altered with Community Development Director approval.

73.220(1)(a) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way or other public areas. This issue was addressed as part of 73.160(3)(c) and found to satisfy the requirement.

73.220(1)(b) Provide an identification system which clearly identifies and locates buildings and their entries. A condition requiring identification of the SHR&FClub buildings was imposed in a previous section.

73.220(1)(c) Shrubs in parking areas shall not exceed 30 inches in height, and tree canopies must not extend below 8 feet measured from grade, except for parking structures and underground parking where this provision shall not apply. This issue was addressed as part of 73.160(3)(e) and was determined to have been met.

9. Mixed Solid Waste and Source Separated Recyclables Storage Areas for New or Expanded Multi-Unit Residential, Commercial, Industrial, Public and Semi-Public Development:

73.227(2)(a) The size and location of the storage area(s) shall be indicated on the site plan. Compliance with the requirements set forth below are reviewed through the Architectural Review process. The plans indicate an exterior storage area for trash and recyclables at the northeast corner of the East Parking Area. A letter from Allied Waste Services, the franchise waste and recycling hauler agreeing to serve the facility was provided.

73.227(2)(a)(v) Commercial, industrial, public and semi-public developments shall provide a minimum storage area of 10 square feet plus: office - 4 square feet/1000 square feet gross leasable area (GLA); Retail - 10 square feet/1000 square feet GLA; Wholesale/Warehouse/Manufacturing - 6 square feet/1000 square feet GLA; Educational and institutional - 4 square feet/1000 square feet GLA; and other - 4 square feet/1000 square feet GLA.

The plans show one proposed exterior storage area for trash & recycling at the northeast corner of the East Parking area that has a total interior area of 200 s.f.

The floor area of the Tennis/Clubhouse Building is largely the approximately 47,500 s.f. occupied by the indoor courts. The Activity Building includes the approximately 3,500 s.f. "Tennis Alley" for two-person tennis practice. Both the indoor courts and practice alley contribute minimal if no trash & recycling needs separate from the waste & recycling generated with the services and facilities in the Clubhouse and Activity

Building floor area. The following is the Floor Area of the SHR&FClub buildings minus the seven indoor tennis courts and the indoor "Tennis Alley" and a calculation of the required trash and recycling storage area for minimum standards method using the "Other" Category that is used for a fitness facility:

<u>Building</u>	<u>Floor Area</u>	<u>Min. Stnds Rate</u>	<u>Required Storage Area</u>
Tennis/Clubhouse Building (Clubhouse 1 st level + Mezzanine) (minus 7 indoor courts)	21,994 SF	(x 4/1000 GLA)(+10)	98 s.f.
Activity Building (1 & 2 Levels) (minus Tennis Alley)	15,000 SF	(x 4/1000 GLA)(+10)	70 s.f.
Total	36,995 SF		168 s.f.

Based on the Floor Area of the proposed two buildings, 168 s.f. of trash and recycling area is required. The applicant indicates in this application there is 200 s.f. of storage area provided, which meets the requirement.

73.227(6)(a)(i) To encourage its use, the storage area for source separated recyclables may be co-located with the storage area for mixed solid waste. The mixed storage area is an exterior location and available to both buildings, which is acceptable.

(ii) Indoor and outdoor storage areas shall comply with Building and Fire Code requirements. The storage areas are required to meet this standard.

(iii) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations. A single exterior location is proposed, which meets the requirement.

(iv) Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street. The proposed exterior storage area is not in a required front yard or yard adjacent to a street, which meets the requirement.

(v) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users. The proposed exterior storage area is in an area of the East Parking lot that is visible from the Clubhouse & Activity Building and is adequately illuminated by the parking area lighting, meeting the requirement.

(vi) Exterior storage areas can be located in a parking area, if the proposed use provides parking spaces required through the Architectural Review process. Storage areas shall be appropriately screened according to 73.227(6)(b)(iii). The proposed exterior trash & recycling facility is accessed through the East Parking area and is screened from the public street and neighboring properties by extensive evergreen and deciduous plantings, meeting this requirement. The required parking for the SHR&FClub is not reduced by the proposed storage facility location.

(vii) Storage areas shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on site or on public streets adjacent to the site. The proposed exterior storage area meets this requirement.

73.227(6)(b)(i) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection at the time of Architectural Review approval. The Hauler indicates the proposed exterior storage area can meet this requirement.

(ii) Storage containers shall meet Fire Code standards and be made and covered with waterproof materials or situated in a covered area. The proposed storage area facility will be required to meet this standard.

(iii) Exterior storage areas shall be enclosed by a sight obscuring fence or wall at least 6 feet in height. In multi-family, commercial, public and semi-public developments evergreen plants shall be placed around the enclosure walls, excluding the gate or entrance openings. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position. A separate pedestrian access shall also be provided in multi-family, commercial, public and semi-public developments. The proposed exterior storage area is enclosed and roofed. It has 9 ft. walls, a separate pedestrian access and 20 ft. wide lift doors for access to the containers. The hauler indicates in the letter that the dimensions and configuration of storage facility enclosures are acceptable. The requirement is met.

(iv) Exterior storage areas shall have either a concrete or asphalt floor surface. The proposed exterior storage area meets this requirement.

(v) Storage areas and containers shall be clearly labeled to indicate the type of material accepted. The proposed storage area will have containers for different types of materials. The plans do not show how the type of material for the facility will be identified for users and the hauler, and the requirement is not met. To meet the requirement of 73.227(6)(b)(v), storage areas and containers shall be clearly labeled to indicate the type of material accepted.

73.227(6)(c)(i) Access to storage areas can be limited for security reasons. However, the storage areas shall be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service. The hauler indicates that suitable access will be available and will meet this requirement.

(ii) Storage areas shall be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access. A minimum of 10 feet horizontal clearance and 8 feet vertical clearance is required if the storage area is covered. The proposed exterior storage area is designed for the

hauler truck to approach the facility on a paved drive aisle and directly toward the 20 ft. wide/8 ft. high opening. The hauler agrees to the storage area locations and facility dimensions. The storage area design requirements are met.

(iii) Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow vehicles to safely exit the site in a forward motion. The proposed exterior storage area meets this requirement.

10. Landscaping:

73.100(1) All landscaping approved through the Architectural Review Process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved through the Architectural Review Process, unless subsequently altered with Community Development Director approval. The project will have substantial landscape areas to maintain. To meet the requirement of 73.100(1), all landscaping approved through the Architectural Review Process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved through the Architectural Review process, unless subsequently altered with Community Development Director approval.

Conditions #1 & #2 of CUP-09-01 for the SHR&F Club required:

1. To ensure an adequate visual buffer between the Legacy Health Systems property to the proposed SHR&F Club outdoor/covered courts and indoor tennis building, the proposed club facility shall submit an Architectural Review plan that shows a buffer of evergreen and deciduous plantings on the south perimeter of the development area that extend from planter grade to 10ft. in height to provide screening of the outdoor courts and include trees that will reach a minimum mature height of 30 ft. or more to provide a buffer to the indoor tennis building rooftop.
2. To ensure that the SHR&F Club buildings with the proposed increased building height is adequately buffered to the residences east of the site, the proposed athletic club facility shall submit an Architectural Review plan that shows a buffer of evergreen and deciduous plantings on the east perimeter of the development area that that extend from planter grade to a minimum height of 12 ft. and include trees that have a minimum planted size of 12 ft. or 3" caliper and will reach a minimum mature height of 30 ft. or more.

73.240(2) The minimum area requirement for landscaping for conditional uses for RL, RML, RMH, RH and RH/HR Planning Districts, listed in 40.030, 41.030, 42.030, 43.030 and 44.030, excluding 40.030(3), 40.030(5)(j), 40.030(5)(m), 40.030(5)(n) and 41.030(2) shall be twenty-five (25) percent of the total area to be developed. When a dedication is granted on the subject property for a greenway and/or natural area, the minimum area requirement for landscaping shall be twenty (20) percent of the total area to be developed as determined through the AR process. No dedication of greenway or natural area is proposed as part of this development project. The proposed landscape plan features landscaping with tree, shrub, and groundcover plantings in the site and building perimeter planters and in parking lot interior and perimeter planters. The application proposes using the on-site

landscaped water quality and stormwater detention features as landscape area with extensive plantings of native, wetland tolerant vegetation, which is acceptable. The applicant does not propose counting the CWS Vegetated Corridor/Buffer enhancement planting areas toward the required Landscape area.

The SHR&FClub development area is the 213,751 s.f. (4.91 acres) eastern portion of the property and the minimum landscape requirement is 25%, or 53,770 s.f. Total proposed landscaping for the SHR&FClub development site is 57,564 s.f., which is 27% of the site development area. The requirement is met.

73.240(9) Yards adjacent to public streets, except as described in 73.240(7), shall be planted to lawn or live groundcover and trees and shrubs and shall be perpetually maintained in a manner providing a park-like character to the property as approved through the Architectural Review process. The plans show the yards adjacent to SW Nyberg Lane will be planted with shrubs, lawn, groundcover and trees creating a park-like setting, which meets the requirement.

73.240(10) Yards not adjacent to public streets or Low Density Residential (RL) or Manufacturing Park (MP) Planning Districts shall be planted with trees, shrubs, grass or other live groundcover, and maintained consistent with a landscape plan indicating areas of future expansion, as approved through the Architectural Review process. The plans show the yards not adjacent to the public streets will be extensively planted with trees, shrubs, lawn, and groundcover, meeting the requirement.

Condition #1 of CUP-09-01 required "a buffer of evergreen and deciduous plantings on the south perimeter of the development area that extend from planter grade to 10ft. in height to provide screening of the outdoor courts and include trees that will reach a minimum mature height of 30 ft. or more to provide a buffer to the indoor tennis building rooftop." The Landscape Plans show a row of Privet shrubs adjoining the south side of the outdoor court retaining wall and a grouping of Hazelnut and Hawthorne deciduous trees on the adjoining property. The privet shrub (2-5 ft. hedge height) and existing trees will not meet the 10 ft. from grade height and 30 ft. mature tree requirement of Condition #1. To meet Condition #1The landscape plan shall show a buffer of evergreen and deciduous plantings on the south perimeter of the development area that extend from planter grade to 10ft. in height to provide screening of the outdoor courts and include trees that will reach a minimum mature height of 30 ft. or more to provide a buffer to the indoor tennis building rooftop.

Condition #2 of CUP-09-01 required "...a buffer of evergreen and deciduous plantings on the east perimeter of the development area that that extend from planter grade to a minimum height of 12 ft. and include trees that have a minimum planted size of 12 ft. or 3" caliper and will reach a minimum mature height of 30 ft. or more. The Landscape Plans show Leyland Cypress, Portugal Laurel and retention of some existing Arborvitae hedge in the planter between the east property line (adjoining single family residential properties) and the Activity Building and East Parking area. The evergreen Cypress & Portugal Laurel plantings will both reach a height of 12 ft. or more and provide a tall screen along the east property planter as required in the Condition. The proposed Leyland Cypress are shown as 12 ft. in planted height, meeting the Condition.

73.240(11) Any required landscaped area shall be designed, constructed, installed, and maintained so that within three years the ground shall be covered by living grass or other plant materials. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of 10% of the landscaped area may be covered with unvegetated areas of bark chips, rock or stone. Review of the Landscape Plan indicates shrub material at a specified spacing that will meet the 90 percent coverage within the three-year requirement. The spacing of groundcover plantings identified in the "Plant Legend" is 3 ft. for 1 gallon. Kinnickinnic plantings and 3 ft. for Emerald Carpet Bramble in 1 gal. pots and 18" for Pachysandra in 4" pots. At this spacing the plants will not achieve the 90% coverage in a three-year requirement. One (1) gallon size groundcover planted at a 24" o.c. minimum and 4" pots planted at a 12" o.c. minimum will achieve the requirement. To meet the requirements of 73.240(10), the plans shall indicate the spacing of proposed ground cover materials to be a minimum of 24" o.c. for 1 gallon size plantings a 12" o.c. minimum for 4" pots.

73.260(1)(a) Deciduous shade and ornamental trees shall be a minimum one and one-half inch (1 1/2") caliper measured six inches (6") above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be characteristically shaped specimens. There are three varieties of deciduous trees proposed for the parking area and perimeter plantings, Bowhall Maple, Marshall Ash and Flowering Plum. The Plans show 1-2 inch cal. trees, which meets the requirement. A condition of approval requires tree plantings on the south development area in compliance with CUP-09-01 Condition #1 that are subject to this requirement.

73.260(1)(b) Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimens. There are 26 Leyland Cypress coniferous trees proposed in the east perimeter planter with a 12 ft. planting size. The requirement of 73.260(1)(b) is met.

73.260(1)(c) Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view. All evergreen and deciduous shrubs proposed on the landscape plan are at least one (1) to five (5) gallon size, meeting the requirement.

73.260(1)(d) Groundcovers shall be fully rooted and shall be well branched or leafed. English ivy (*Hedera helix*) is considered a high maintenance material, which is detrimental to other landscape materials and buildings and is therefore prohibited. Groundcover (Kinnickinnick, Pachysandra, & Emerald Carpet Bramble) is indicated on the plans that with the spacing condition in 73.240(11) will meet the requirement. Ornamental grasses are also used.

73.280 Landscaped areas shall be irrigated with an automatic underground or drip irrigation system. The Landscape Plan indicates that landscape areas will be irrigated with an automatic underground or drip irrigation system, meeting the requirement.

73.290(1) Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirements and that are not to

be occupied by structures or other improvements, such areas shall be replanted. The vegetation and private landscaping outside of the SHR&FClub development area could be damaged during the construction process. The plans include a tree protection plan and a proposal to retain existing shrubs and trees on the east property line of the site where possible or desired by the neighboring property owner. The Grading and Landscape plans do not include specifications for restoring damaged or disturbed areas with landscaping and the requirement is not met. To meet the requirement of 73.290(1), the site and grading plans shall include a specification for replanting areas where existing vegetation or landscaping has been removed or damaged through grading and construction activities.

73.310(1) A minimum 5-foot-wide landscaped area must be located along all building perimeters, which are viewable by the general public from parking lots or the public right-of-way, excluding loading areas, bicycle parking areas and pedestrian egress/ingress locations. Pedestrian amenities such as landscaped plazas and arcades may be substituted for this requirement. This requirement shall not apply where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than 8 feet. Landscaping in planters 5 ft. wide or greater and the common central outdoor pool plaza are shown along the east, south and west perimeters of both the Tennis/Clubhouse and Activity Buildings. The south elevation of the Indoor Tennis building adjoins a concrete walkway and the outdoor tennis courts which are landscaped on the south side which is acceptable. The south elevation of the Activity Building is walkway for pool service and an HVAC pad bordered on the south by a retaining wall and sloped planter, which is acceptable. The requirement is met.

73.310(3) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas or undisturbed natural areas shall be landscaped. The Landscape Plans indicate that all areas unoccupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas or undisturbed natural areas and including the water quality facilities and stormwater detention features are landscaped. The requirement is met.

73.340(1) A clear zone shall be provided for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level, except for parking structures and under-ground parking, where this provision shall not apply. With proper pruning and maintenance, clear zones are provided at ends of on-site drive aisles and driveway entrances, meeting the requirement.

73.340(2) Perimeter site landscaping of at least 5 feet in width shall be provided in all off-street parking and vehicular circulation areas (including loading areas).

73.340(2)(a) The landscape area shall contain:

- (i) Deciduous trees an average of not more than 30 feet on center. The trees shall meet the requirements of 73.360(7).**
- (ii) Plantings which reach a mature height of 30 inches in 3 years which provide screening of vehicular headlights year round.**
- (iii) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years.**

The Landscape Plan for the SHR&F Club project indicates 8 ft and wider planters consisting of deciduous shade trees and shrubs plantings with groundcover on the SW Nyberg Lane frontage, adjacent to the access drives and on the perimeters of the east and west parking areas, which meets the requirements of 73.240(2).

73.360(1) A minimum of 25 square feet per parking stall shall be improved with landscape island areas, which are protected from vehicles by curbs. These landscape areas shall be dispersed throughout the parking area [see 73.380(3)]. Based on 138 parking spaces proposed for the SHR&F Club project, 3,450 s.f. of interior and perimeter parking lot landscaping is required. The plans indicate 6,199 s.f. of parking lot landscaping in the development area, which meets the requirement. The landscaped areas are edged with curbing and disbursed throughout the parking areas.

73.360(2) All landscaped island areas with trees shall be a minimum of 5 feet in width (60 inches from inside of curb to curb) and protected with curbing from surface runoff and damage by vehicles. Landscaped areas shall contain groundcover or shrubs and deciduous shade trees. The Landscape Plan shows landscape in parking island and perimeter areas with trees to be at least 5 ft. in width. Landscaped areas contain groundcover or shrubs and deciduous shade trees. The requirement is met.

73.360(3) Provide a minimum of one deciduous shade tree for every four (4) parking spaces to lessen the adverse impacts of glare from paved surfaces and to emphasize circulation patterns. Required shade trees shall be uniformly distributed throughout the parking lot. The trees shall meet the requirements of 73.360(7). The proposed number of parking spaces is 138 spaces. Based on 138 spaces, 35 trees are required. The landscape plans shows 37 parking lot shade trees in the parking area islands and perimeter, meeting the requirement.

73.360(4) Landscaped islands shall be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns. In the proposed parking areas, landscape islands are provided adjoining the parking row and drive aisle ends, meeting the requirement.

73.360(5) Required landscaped areas shall be planted so as to achieve 90 percent coverage within three years. As discussed under 73.240(11) above, with the groundcover spacing condition, the landscaping will meet the 90% coverage within the three (3) year requirement.

73.360(6)(a) Site access from the public street shall be defined with a landscape area not less than 5 feet in width on each side and extend 25 feet back from the property line for commercial, public, and semi-public development with 12 or more parking spaces and extend 30 feet back from the property line for industrial development. Access to the SHR&F Club site is via two driveways on SW Nyberg Lane. The plans show the access driveways with landscape areas extending 25 ft. or more from the property line, and the 25 ft. minimum landscape requirement is met.

73.360(7) Deciduous shade trees shall meet the following criteria:

- (a) Reach a mature height of 30 feet or more**
- (b) Cast moderate to dense shade in summer**
- (c) Long lived, i.e., over 60 years**
- (d) Do well in an urban environment**
 - (i) Pollution tolerant**
 - (ii) Tolerant of direct and reflected heat**
- (e) Require little maintenance**
 - (i) Mechanically strong**
 - (ii) Insect and disease resistant**
 - (iii) Require little pruning**
- (f) Be resistant to drought conditions**
- (g) Be barren of fruit production.**

The Landscape Plant List identifies Bowhall Maple and Marshall Ash as the deciduous shade trees proposed in the parking area planters and perimeters. The proposed trees meet the criteria and are suitable.

74.765 All trees, plants or shrubs planted in the right-of-way of the City shall conform in species and location and in accordance with the street tree plan in Schedule A. The plans show planting of Chanticleer Flowering Pear placed at 30 ft. centers in the SW Nyberg Lane ROW planters. TDC Schedule A and Map 74-1 identify the site and SW Nyberg Lane in Zone 1 where the Chanticleer Pear is an approved street tree. The requirement is met.

11. Tree Preservation:

73.050(4) As part of Architectural Review, the property owner may apply for approval to cut trees in addition to those allowed in TDC 34.200. The granting or denial of tree cutting permits shall be based on the criteria in TDC 34.230. The proposal includes removal of approximately 74 trees on the SHR&FClub development site and 11 trees are proposed for preservation on the east portion of the property bordering residential properties and in the wetland enhanced buffer area on the west. Off-site trees are not proposed for removal and protection measures are indicated.

34.230 The Community Development Director shall consider the following criteria when approving, approving with conditions, or denying a request to cut trees.

- (1) The Community Development Director may approve a request to cut a tree when the applicant can satisfactorily demonstrate that any of the following criteria are met:**
 - (a) The tree is diseased, and**
 - (i) The disease threatens the structural integrity of the tree; or**
 - (ii) The disease permanently and severely diminishes the aesthetic value of the tree; or**
 - (iii) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or aesthetic value.**

- (b) **The tree represents a hazard which may include but not be limited to:**
 - (i) **The tree is in danger of falling;**
 - a. **Substantial portions of the tree are in danger of falling.**
 - (c) **It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.**

Staff's response to the criteria listed in 34.230(1) follow.

The Tree Preservation Plan (Sheet C6) and Arborist Report indicates 74 existing deciduous (primarily Maple, Birch, Hawthorne and flowering ornamental trees 8"-28" in diameter) and conifer trees (Douglas Fir, Cypress, Sequoia, Pine 8"-39" in diameter) on the 4.9 acre improved portion of the SHR&FClub site will be removed for the development. The trees proposed for removal on the site are located where the proposed buildings and the parking, loading and service areas will be constructed and are very poor to good condition as rated by the Arborist. The trees slated for removal are located primarily on the eastern portion of the site associated with the former residence on the property. Nine (9) Apple and Hawthorne trees are proposed for removal in the CWS Vegetated Corridor adjacent to the wetland and replaced with Native Species as approved in the CWS Service Provider Letter. No off-site trees are proposed for removal with this application. It is necessary to remove the 74 trees in order to grade the site and construct the buildings and other site improvements, and to prepare the wetland buffer areas for Native Species plantings, meeting criteria 34.230(1)(c). The removal of the trees identified in the Tree Preservation Plan (Sheet C6) within the 4.9 acre SHR&FClub development area and the wetland mitigation & CWS buffer enhancement area are approved.

73.250(1) Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan. The Tree Protection plans (Sheets C6) show 11 trees to be retained on the east property line and southeastern corner of the development area and in the enhanced buffer area on the west. Trees bordering the site on the adjacent residential and Legacy Health Systems property are proposed to be preserved and protected. The requirement is met.

73.250(2)(a) During the construction process, the owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain. There are notes on the Tree Preservation Plan and Grading Plans indicating that trees shall be protected for the duration of construction. Tree protection measures are specified on referenced Sheet C5. The requirement is met

73.250(2)(b) Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line. The Tree Preservation and Grading Plans show the existing trees to be preserved will be fenced. The requirement is met.

73.250(2)(c) If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist as defined in 31.060. There are a number of trees that will require fencing as specified in the Tree Preservation & Grading Plan.

73.250(2)(d) Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved. No notation is provided on the plans that restrict topsoil and construction material storage within the drip line of trees designated to be preserved. The requirement is not met. To meet the requirements of 73.250(2)(d), revised plans shall be submitted which indicate that neither topsoil storage nor construction material storage shall be located within the drip line of trees identified for preservation.

73.250(2)(e) Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging, or similar encroachment shall only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met.

The Landscape Plans and Grading Plans indicate the location of preserved trees. No notation is provided on the plans that an arborist's direction is required where construction activities occur within the dripline of preserved trees. To meet the requirement of 73.250(2)(e), encroachment upon any identified preserved trees must occur under the direction of a qualified arborist to assure the health needs of trees within the preserved area can be met.

73.250(2)(f) Tree root ends shall not remain exposed. The plans do not indicate that tree root ends shall not remain exposed. To meet the requirement of 73.250(2)(f), grading activities in the vicinity of the trees to be preserved shall not allow tree root ends to remain exposed.

73.250(3) Landscaping under preserved trees shall be compatible with the retention and health of said tree. Landscaping under preserved trees will be compatible with the health of the trees and meets the requirement.

12. Grading:

73.270(1) After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting. The Grading and Landscape Plans specify topsoil placement in landscape planter areas and the requirement is met.

73.270(4) Impervious surface drainage shall be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility. The storm drainage system has been designed so water is directed away from walkways, buildings and landscape areas (not intended for stormwater detention or water quality), which meets the requirement.

13. Bicycle Parking, Off-Street Parking and Loading:

73.370(1)(a) At the time of establishment of a new structure or use, or change in use, or change in use of an existing structure, within any planning district of the City, off-street parking spaces, off-street vanpool and carpool parking spaces for commercial, institutional and industrial uses, off-street bicycle parking, and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process, based upon clear findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare or that a lesser number of vehicle parking spaces will be sufficient to carry out the objectives of this section.

Conditions #3, #4, #5 & #9 of CUP-09-01 for the SHR&FClub required:

3. The SHR&F Club shall establish a parking management program that will restrict on-site parking before 8 am from parking stalls within 100 ft. of the SHR&F Club east property line.
4. Activities in the SHR&F Club buildings and on-site shall end by 10:00 p.m. and that the buildings and parking areas be closed by 10:30 p.m.
5. To ensure there is adequate on-site parking and to avoid spill-over parking onto neighboring residential streets, a Parking Management Plan for the SHR&F Club use shall be submitted with an Architectural Review application. The Parking Management Plan shall contain provisions for tournament and event parking that may include limits on attendance, mechanisms for restricting SHR&F Club visitor parking on public streets, and providing off-site parking in approved parking areas.
9. The SHR&F Club shall: eliminate parking located east of the Activity Center; reduce the number of total parking stalls to 122 stalls; and relocate designated staff parking to the west of the outdoor courts. The center core parking will be re-oriented to run north - south, which reduces light impacts on ("our") neighbors to the east.

73.370(2)(a) Commercial Amusements (iv) Racquet Courts, Health Clubs requires 1.0 parking spaces per 1000 square feet of GFA with a maximum of 1.5 spaces per 1000 square feet of fitness area (Zone B).

The SHR&FClub is considered a private club with racquet courts, a fitness area and facilities for club members. The "Parking Management Plan" proposes 138 on-site parking stalls to serve everyday parking demand with additional spaces above the minimum parking standards in TDC 73.370(2) to absorb ordinary peak demand and discourage conflicts with nearby on-street parking.

<u>Building</u>	<u>Floor Area</u>	<u>Minimum Parking/1000</u>	<u>Required Parking</u>
Tennis/Clubhouse	69,526 SF	1.0 spaces	70 spaces
Activity:	18,342 SF	1.0 spaces	18 spaces
Total	87,868 SF		88 spaces

The applicant proposes 138 parking spaces for the SHR&FClub facility, which exceeds the minimum requirement for a racquet and health club facility. The Parking Management Plan anticipates the parking needs at “peak use times”, “special events” and tournaments with an additional 40 on-site spaces and proposes utilizing the “grasscrete area to the west of the site”, Browns Ferry Park and Meridian Park Hospital as overflow parking locations.

Condition #9 of CUP-09-01 states: “The SHR&F Club shall: eliminate parking located east of the Activity Center; reduce the number of total parking stalls to 122 stalls; and relocate designated staff parking to the west of the outdoor courts. The center core parking will be re-oriented to run north - south, which reduces light impacts on (“our”) neighbors to the east.” The plans show no parking to the East of the Activity Center, meeting the requirement. The number of parking stalls in the East parking Area is 109 stalls, and staff interprets this amount of parking on the east side of the buildings to meet the “reduce to” “122 stalls” requirement. The primary drive aisles in the East Parking area are oriented north-south and the proposed parking area lighting is directed away from the residential properties, satisfying the Condition.

The SW Nyberg Lane frontage of the SHR&FClub does not have on-street parking. Condition #5 of CUP-09-01 required a Parking Management Plan to ensure there is adequate on-site parking and avoids “spill-over parking on neighboring residential streets.” The Parking Management Plan (PMPlan) proposes “...vehicle operators be directed to park in the adjoining neighborhood.” CUP-09-01 discourages the SHR&FClub use of on-street parking in residential areas and the proposal to use it does not comply with the condition.

The PMPlan does not provide information about parking restrictions before 8 a.m. in the East Parking area as required by CUP-09-01 Condition #3 and does not address the parking and facility closure times required in Condition #4.

The PMPlan does not provide information about the expected attendance, timing and the parking demand of the special events and tournament events mentioned in the application or the effect of an overlap of event attendance with everyday SHR&FClub use. It cannot be determined from the PMP how much overall parking would be needed for the events anticipated by the SHR&FClub and how that amount can be provided with on-site and off-site parking facilities. This does not comply with the CUP-09-01 condition of approval #5.

The proposal to utilize available parking on other nearby developments such as Brown’s Ferry Park and Meridian Park Medical Center is consistent with CUP-09-01 condition #5, but is subject to obtaining an agreement with the property owner. It cannot be determined from the PMPlan under what circumstances the off-site parking will be needed, how much would be needed, what the logistics of controlling parking locations are, how attendees will access SHR&FClub from an off-site location and whether an agreement to use the off-site parking is available. The proposed PMPlan does not meet Condition #5.

Based on the information developed in the parking plan that raises the prospect of “peak” parking demand and smaller events that will increase parking demand for the SHR&FClub, the proposed 138 on-site parking spaces will meet the parking requirements of 370(1)(a). To meet the CUP-09-01 conditions of approval and prior to issuance of a Building Permit, the Parking Management Plan shall be revised to establish the parking and activity management requirements of Conditions #3 & #4 and to meet Condition #5, show that scheduled events on the SHR&FClub site with more than 40 attendees can be accommodated with available on-site and off-site parking locations and managed to minimize SHR&FClub parking on public streets.

73.370(2)(a) Commercial Amusements (iv) Racquet Courts, Health Clubs requires 2 bicycle parking spaces per 1,000 s.f. of exercise area and 50% must be covered bicycle parking spaces The SHR&FClub buildings have approximately 9,500 s.f. of exercise area and 19 bicycle spaces are required (10 covered). The plans show 22 spaces (12 covered) that meets the requirement.

73.370(1)(n) Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks, which accommodate a bicyclist’s lock securing the frame and both wheels. The plans indicate 22 exterior bicycle parking spaces with 6 racks on the north side of the Activity Building and 6 covered racks next to three canopy columns on the walkway between the Clubhouse entrance and Activity Building entrance. No information on the design of the bike racks is provided and it cannot be determined if the requirement is met. To meet the requirement of 73.370(1)(n), bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks, which accommodate a bicyclist’s lock securing the frame and both wheels.

73.370(1)(o) Each bicycle parking space shall be at least 6 feet long and 2 feet wide, and overhead clearance in covered areas shall be at least 7 feet, unless a lower height is approved through the Architectural Review process. The plans indicate the bicycle parking locations, but do not indicate each bicycle parking space to be at least 6 feet long and 2 feet wide with overhead clearance in covered areas of at least 7 feet. To meet the requirement of 73.370(1)(o), revised plans shall be submitted that show the bicycle parking meets the 6-foot long 2-foot wide size requirement.

73.370(1)(r) Required bicycle parking shall be located in convenient, secure, and well lighted locations approved through the Architectural Review process. The proposed bicycle parking locations are near the main entrances to both buildings, which is a convenient, secure and well-lighted location and meets this requirement.

73.370(1)(u) Bicycle parking areas and facilities shall be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs shall be located at the main entrance and at the location of the bicycle parking facilities. No bicycle parking signage has been identified on the plans. Because no signage

has been identified, the requirement has not been met. To meet the requirement of 73.370(1)(u), revised plans shall be submitted that show bicycle parking areas and facilities to be identified with appropriate signage as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs shall be located at the location of the bicycle parking facilities.

73.370(3) The minimum number of off-street Vanpool and Carpool parking for commercial, institutional, and industrial uses is as follows:

<u>Number of Required Parking Spaces</u>	<u>Number of Vanpool or Carpool Spaces</u>
0 to 10	1
10 to 25	2
26 and greater	1 for each 25 spaces

The SHR&FClub development requires 138 parking spaces, which requires 6 car/vanpool spaces. 4 car/vanpool spaces are proposed in the East parking area and the requirement for six spaces is not met. To meet the requirement of 73.370(3), the plans shall be revised to show a minimum of six (6) vanpool and carpool parking stalls that meet the standards of 73.370(1)(x).

73.370(1)(x) Required vanpool and carpool parking shall meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage. The carpool/vanpool spaces shown do not meet the 9 ft. parking stall standards and signage requirement. To meet the requirement of 73.370(1)(x), required vanpool and carpool parking shall meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.

73.380(1) Off-street parking lot design shall comply with the dimensional standards set forth in Figure 73-1 of this section. There 138 parking spaces with both standard and subcompact dimensions proposed. Parking stall width and depth requirements are met for the proposed standard and subcompact size, 90° angle parking. The aisle requirement of 24 ft. for two-way circulation with standard size stalls is met in the proposed East Parking area. The proposed 20 ft. wide West Parking area/service drive aisle serves all compact parking and meets the standard of Figure 73-1.

73.380(2) Parking stalls for sub-compact vehicles shall not exceed 35 percent of the total parking stalls required by Section 73.370(2). A total of 138 on-site parking stalls are required and 31 subcompact stalls are proposed (22% of required). The standard is met.

73.380(3) Off-street parking stalls shall not exceed eight continuous spaces in a row without a landscape separation. Review of the revised Site Plan indicates the parking area landscape islands proposed in the development area meet the requirement.

73.380(4) Areas used for standing or maneuvering of vehicles shall have paved asphalt or concrete surfaces maintained adequately for all-weather use and so drained as to avoid the flow of water across sidewalks. The drive aisles and parking areas are asphalt, which meets the requirement.

73.380(5) Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents. The SHR&FClub site is in the RL Planning District and adjoins existing residential properties on the east. CUP-09-01 Conditions #1, #2, #3, #4 #7, #8, #9 require the SHR&FClub development to minimize disturbances associated with the East Parking by requiring additional buffering between parking and the residential area, restricting parking near residential properties in the early morning hours, limiting the parking area and facility hours of use, requiring a concrete panel fence between the residential properties and parking, and limiting the number of parking stalls in the East Parking Area. The proposed East Parking area is separated from nearest the residential uses by a 25 ft. setback with a 6 ft. high masonry fence and landscaping. With the parking restrictions in the conditions of approval in CUP-09-01, the proposed East Parking area of the SHR&FClub development is designed to minimize disturbance or residents and meets the requirement.

Conditions #6 & #10 of CUP-09-01 for the SHR&FClub required:

#6. To ensure that outdoor lighting does not create glare to the adjoining public street, to the natural wetland to the west of the development area and onto adjacent properties, the proposed private club facility shall submit an Architectural Review plan that shows exterior building and site lighting will not shine or create glare in a manner that impairs the use of a property by residents or wildlife.

#10. The SHR&F Club parking lot lighting will be mounted as low as possible, include backing that prevents light "spillage" onto adjoining properties and turns off to the extent not needed for reasonable protection of health and safety. Include lighting that will not endanger wildlife or emit direct observable light in quantities substantially greater than that typically found within the vicinity.

73.380(6) Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way. The site plans and Lighting Plans show freestanding pole lighting fixtures in the East and West Parking areas. The plans show the illumination characteristics of the freestanding fixtures and their location and shows the lighting is adjustable and in locations that will not shine or create glare on residential properties nor impair the use of the ROW.

CUP-09-01 Conditions #6 and #10 require restrict lighting glare onto neighboring properties, ROW and natural areas. The Lighting Plan shows freestanding pole lighting in the East Parking area have 22 ft. mounting height and are directed away from neighboring properties and the ROW and the pole lighting in the West Parking Service Drive have a 16ft. mounting height and directed away from the adjoining

natural area, meeting the requirements of 73.380(6) and CUP-09-01 Conditions #6 and #10.

The proposed outdoor tennis court lighting is shown as 26 ft. high pole lighting with deflected light fixtures that confine the illumination to the court areas. This meets the requirements of CUP-09-01 Conditions #6 and #10.

73.380(7) Groups of more than 4 parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. The proposed parking meets the requirement.

73.380(9) Parking bumpers or wheel stops or curbing shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways. There will be curbing in the parking areas, which meets the requirement.

73.380(11) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, shall have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, shall have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic. The proposed drive aisle and circulation system meets the requirement.

73.390(1) The minimum number of off-street loading berths for commercial, industrial, public and semi-public uses is as follows:

<u>Square Feet of Floor Area</u>	<u>Number of Berths</u>
Less than 5,000	0
5,000 - 25,000	1
25,000 - 60,000	2
60,000 and over	3

The total gross floor area of the two buildings is 78,868 s.f. Three (3) loading berths are required. The proposed Tennis/Clubhouse Building facility has 3 loading berths on the west elevation, which meets the requirement.

73.390(2) Loading berths shall conform to the following minimum size specifications:

- (a) Commercial, Public and Semi-Public uses > 25,000 GSF 12' x 35'
- (c) Berths shall have an unobstructed height of 14'
- (d) Loading berths shall not use the public right-of-way as part of the required off-street loading area.

The proposed loading areas meet the requirement.

14. Access:

73.400(11) Public Semi-Public and Commercial Uses with 100-240 Required Parking Spaces, Minimum 2 access driveways required. Ingress and egress for commercial uses shall not be less than 32 feet for First 50' from ROW, and 24' thereafter. One (1) walkway is required with each required access. There are 138 parking spaces required for the SHR&FClub development. The development proposes two accesses with walkways via an East Driveway and West parking/service driveway from SW Nyberg Lane which are adequate to serve the development.

The proposed East entry driveway from SW Nyberg Lane is designed as a formal, entrance driveway to the building entrances and East Parking area. The west access driveway is primarily for employee, service and loading use. The plans show the primary East driveway is 32 ft. for the first 50 ft. from the ROW, meeting the requirement. The 24 ft. width of the West parking/service access driveway does not meet the 32 ft. standard. To meet the requirement of 73.400(11) the width of the West ingress and egress access shall not be less than 32 feet for First 50' from ROW.

73.400(11) Maximum Driveway Widths and Other Requirements. (a) Unless otherwise provided in this chapter, maximum driveway widths shall not exceed 40 feet. The maximum driveway width standard of 73.400(11) is met.

Vision clearance requirements at the driveways and street intersection shall comply with the requirements of 73.400(13). The locations of proposed landscaping and street trees meet vision clearance requirements of 73.400(16).

15. Signs:

No new signage is proposed for this development. Any new signage proposed for the site shall be submitted separately for sign permits.

16. Public Comments Received:

Four letters of neighboring property owner comment were received by the 5 p.m. October 9, 2009 deadline (Attachment 7) as per the Oregon Limited Land Use process for Land Division and Architectural Review/Public Facilities Staff Decisions. The comment letters were from Ms Julie Sepp (1 letter to City Engineer/ 1 letter to Community Development), Bob & Janice Dove, and Mr. Douglas Rasmussen.

A letter from Cheri Emahiser was received on October 26, 2009 that will be included as Attachment 8 with the ARB staff report for ARB consideration in the Public Hearing, but is not eligible as a comment for the Public Facilities Decision as per the Oregon Limited Land Use process.

Comments in the Julie Sepp letters and other comments relating to Public Facilities are considered in the Public Facilities Decision, included as a Draft Public Facilities Decision for the ARB's information. The comments in the Sepp, Dove and

Rasmussen letters pertaining to architectural features with a Staff Response include;

1. Concerns about the location of the trash & recycling facility at the Northeast corner of the East Parking area and no transition between commercial business and nearby residential homes;

Staff Response: The proposed trash & recycling facility is an enclosed and covered facility located adjacent to the East Parking area and separated from the adjoining residential property by a 25 ft. setback and to the public ROW by 30 ft. and dense shrub and tree plantings. A condition of approval requires the walls be masonry to reduce any noise associated with filling and unloading the containers within.

2. Compliance with the CUP-09-01 Conditions of Approval requiring a Parking Management Plan with consideration of attendance in relation to expected membership and special event visitors, restrictions on hours of operation and parking on the site, locations of off-site parking, and the amount of required or provided on-site parking spaces;

Staff Response: The Staff Recommendation includes conditions of approval requiring the applicants to revised the Parking Management Plan to meet CUP-09-01 and reflect these concerns about adequate everyday and event parking.

3. An opinion about needing fencing and gating as security measures during the hours when the facility is closed;

Staff Response: The applicant has indicated a desire for providing security on the site using a variety of measures. Fencing and gating are allowed by the TDC subject to police and emergency response requirements.

4. A gradual transition and buffer between the facility and the natural area to the west of the tennis building;

Staff Response: The proposed site plan and CWS/Wetland buffer Landscape plans show an extensive band of native plantings and enhancements on the west side of the west driveway that provides a buffer, habitat and natural transition between development and the Nyberg Creek wetland areas.

5. A concern about the size and scale of the development compared to residential development in the same area;

Staff Response: The SHR&FClub use was approved in CUP-09-01 with a slightly larger building footprint area and with the proposed 40 ft. building height. Conditions of approval require minimum setbacks and buffering to adjacent properties. The proposed site plan includes a landscaping amount that exceeds the minimum 25% of developed area without including the extensive enhanced buffer plantings on the west. Each of these conditions and standards are approvals or mitigations of the facilities size and scale in the context of the area east of SW 65th Avenue.

6. A request to reduce the height of a required visual buffer and trees in the planter east of the proposed Activity Building and reducing building's visual impact by lowering its height or increasing its setback to 50 ft.;

Staff Response: CUP-09-01 was considered with the Activity Building location similar to the proposal, with conditions requiring a minimum setback and buffering.

The proposed 25 ft. buffer meets the CUP-09-01 conditions of approval and the requirements of the TDC.

7. A concern about the proposed windows on the East elevation of the Activity Building and privacy for nearby residents, with a request to remove the windows or use an opaque glazing;

Staff Response: The applicant indicates that the proposed windows on the east elevation of the Activity Building will be tinted with a dark coating/film.

8. A concern about the number (11 trees preserved/74 removed) of trees proposed for preservation on the site;

Staff Response: The removal of trees was considered in regard to the tree protection provisions of TDC 34.230 with respect to the condition, location and conflicts of each tree. The trees proposed for removal are primarily trees that will be impacted by the development's site preparation and construction activities. The recommended AR conditions and CUP-09-01 Conditions specify large size tree plantings in the same areas as trees are recommended for removal.

9. A concern about the visual and habitat compatibility of the landscape design showing a row of conifer trees on the site's east planter;

Staff Response: Staff believes that the preferences of individual property owners are to be considered in the design of the SHR&FClub east planter area. The size, location and kind of tree or hedge plantings along the residential property lines can be decided with respect to the neighboring residents preferences.

10. An opinion that the proposed concrete fence in the East Parking area east planter should be located away from the property line to avoid tree damage and have an 8 ft. height for the benefit of residential neighbors' privacy and as a taller noise buffer:

Staff Response: An 8ft. height for the proposed concrete fence may be appropriate and acceptable. A condition of approval requires the applicant to submit design plans for the fence. The preferences of neighbors can be considered when reviewing the plans.

17. **Time Limit on Approval:** 73.056 Architectural Review approvals shall be void after one year unless:
 - (1) A building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place and an inspection performed by a member of the Building Division; or
 - (2) An extension is requested by the applicant of the Architectural Review and approved by the Community Development Director and City Engineer. Before approving an extension the Community Development Director and City Engineer shall find that there have been no significant changes in any ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. The following conditions shall also apply:
 - (a) An extension request shall be submitted prior to the initial one year expiration, and

- (b) No more than one 6-month extension shall be granted for a project receiving Architectural Review approval.

ARCHITECTURAL REVIEW RECOMMENDATION

Based on the Findings and Conclusions presented in the staff report, staff recommends that AR-09-08 be approved, subject to the following Architectural Review conditions:

- AR-1. Prior to issuance of a Building Permit, three revised Elevation Drawings shall be submitted for review and approval to the Community Development Department with the following changes:
- a. To meet the requirement of 40.100 and CUP-09-01, the Tennis/Clubhouse Building and Flagpoles shall not exceed a maximum structure height of 40 ft.
 - b. To meet the requirement of 73.160(3)(d), provide an identification system which clearly locates the SHR&FClub buildings and entries for patrons and emergency services.
 - c. To meet the requirement of 73.050(1)(b), the design of the SHR&FClub Tennis/Clubhouse Building north elevation adjoining SW Nyberg Lane shall incorporate additional architectural feature and elements in addition to the metal panels and single upper band of windows, including the use of concrete, masonry and wood exterior wainscot or panel material that will provide relief to the appearance of the building wall.
 - d. To allow evaluation of the proposed metal siding material and to meet the requirement of 73.050(1)(c), the applicant shall provide samples of the proposed metal siding material for review by the Architectural Review Board.
 - e. To meet the requirement of 73.050(1)(c), the design of the Tennis/Clubhouse Building north, east and west elevations shall incorporate additional architectural feature in addition to the proposed metal panels including concrete, masonry or wood wall panels, use of tall wainscoting , window walls, and accenting trim or other architectural elements that will reduce the perception of the size and bulk of the building when viewed from the public street.
 - f. To meet the requirement of 73.050(1)(c), the applicant shall submit plans showing the design of the Pool/Terrace Plaza and Terraced Retaining Wall.
 - g. To meet the requirement of 73.050(1)(c) and CUP-09-01 Condition of Approval #8, the applicant shall submit plans showing the design of the east perimeter fence.
 - h. To meet the requirement of 73.050(1)(b), the design of the trash & recycling facility shall include masonry or concrete walls on the east, south and north elevations.
- AR-2. Prior to issuance of a Building Permit, three revised Site Plans shall be submitted for review and approval to the Community Development Department with the following changes:

- a. To ensure that any outdoor storage of service or accessory equipment such as maintenance equipment or event seating, seasonal materials & supplies for outdoor activities such as the swimming pool or outdoor courts meet the requirements of 73.160(4)(b), outdoor storage shall be screened from view of the public ROW or neighboring properties with a sight obscuring fence, wall, berm or dense evergreen landscaping.
 - b. To meet the requirement of 73.227(6)(b)(v), storage areas and containers shall be clearly labeled to indicate the type of material accepted.
 - c. To meet the requirements of 73.250(2)(d), revised plans shall be submitted which indicate that neither topsoil storage nor construction material storage shall be located within the drip line of trees identified for preservation.
 - d. To meet the requirement of 73.250(2)(e), encroachment upon any identified preserved trees must occur under the direction of a qualified arborist to assure the health needs of trees within the preserved area can be met.
 - e. To meet the requirement of 73.250(2)(f), grading activities in the vicinity of the trees to be preserved shall not allow tree root ends to remain exposed.
 - f. To meet the requirement of 73.370(1)(n), bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks, which accommodate a bicyclist's lock securing the frame and both wheels.
 - g. To meet the requirement of 73.370(1)(o), revised plans shall be submitted that show the bicycle parking meets the 6-foot long 2-foot wide size requirement.
 - h. To meet the requirement of 73.370(1)(u), revised plans shall be submitted that show bicycle parking areas and facilities to be identified with appropriate signage as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs shall be located at the location of the bicycle parking facilities.
 - i. To meet the requirement of 73.370(3), the plans shall be revised to show a minimum of six (6) vanpool and carpool parking stalls that meet the standards of 73.370(1)(x).
 - j. To meet the requirement of 73.370(1)(x), required vanpool and carpool parking shall meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.
 - k. To meet the requirement of 73.400(11) the width of the West ingress and egress access shall not be less than 32 feet for First 50' from ROW.
- AR-3. Prior to issuance of a Building Permit, three revised Landscape Plans shall be submitted for review and approval to the Community Development Department with the following changes:
- a. To meet the requirement of 73.227(6)(b)(v), trash & recycling storage areas and containers shall be clearly labeled to indicate the type of material accepted.

- b. To meet CUP-09-01 Condition #1, the landscape plan shall show a buffer of evergreen and deciduous plantings on the south perimeter of the development area that extend from planter grade to 10ft. in height to provide screening of the outdoor courts and include trees that will reach a minimum mature height of 30 ft. or more to provide a buffer to the indoor tennis building rooftop.
- c. To meet the requirements of 73.240(11), the plans shall indicate the spacing of proposed ground cover materials to be a minimum of 24" o.c. for 1 gallon size plantings a 12" o.c. minimum for 4" pots..
- d. To meet the requirement of 73.290(1), the site and grading plans shall include a specification for replanting areas where existing vegetation or landscaping has been removed or damaged through grading and construction activities.

AR-4 To meet the requirement of 73.100(2), all building exterior improvements approved through the Architectural Review process shall be continually maintained including necessary painting and repair so as to remain substantially similar to original approval through the Architectural Review process, unless subsequently altered with Community Development Director approval.

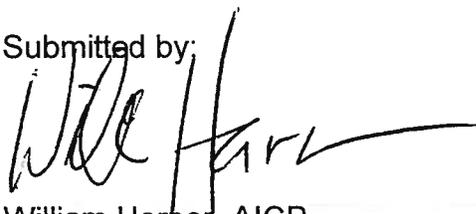
AR-5 To meet the requirement of 73.100(1), all landscaping approved through the Architectural Review Process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved through the Architectural Review process, unless subsequently altered with Community Development Director approval.

AR-6 To meet the requirement of 73.160(4)(a), if on and above grade electrical, solar and mechanical equipment shown (or not shown) on the SHR&FClub plans are installed, the equipment shall be screened in compliance with the requirement. On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping prior to issuance of an occupancy permit.

AR-7 To meet the CUP-09-01 conditions of approval and prior to issuance of a Building Permit, the Parking Management Plan shall be revised to establish the parking and activity management requirements of Conditions #3 & #4 and to meet Condition #5, show that scheduled events on the SHR&FClub site with more than 40 attendees can be accommodated with available on-site and off-site parking locations and managed to minimize SHR&FClub parking on public streets.

AR-8 The applicant shall comply with the Public Facilities Recommendation.

Submitted by:



William Harper, AICP
Associate Planner

- Attachment:
1. Application Materials
 2. Civil Plans-Site Plan/Tree Removal/Lighting
 3. Landscape Plan
 4. Floor Plans
 5. Elevations
 6. CUP-09-01 Resolution & Conditions of Approval
 7. Comment Letters
 8. Cheri Emahiser Letter

file: AR-09-08

APPLICATION FOR ARCHITECTURAL REVIEW

Direct Communication to	
Name: Jim Zupancic	Title: President
Address: 5335 SW Meadows Dr., #161, Lake Oswego,	E-mail address: jim@zupgroup.com
Phone Number: (503) 968-8200	Fax Number: (503) 968-8017
Applicant's Name: Zupancic Group	E-mail address: jim@zupgroup.com
Address: 5335 SW Meadows Dr., #161, Lake Oswego, Oregon 97035	
Phone Number: (503) 968-8200	Fax Number: (503) 968-8017
Applicant's Signature: <i>Jim Zupancic</i>	Date: 9-9-09
Property Owner's Name: Stafford Hills Club, LLC	Phone Number: (503) 968-8200
Address: 5335 SW Meadows Dr., #161, Lake Oswego, Oregon 97035	
Property Owner's Signature: <i>Jim Zupancic</i>	Date: 9-9-09
(NOTE: Letter of authorization is required if not signed by owner.)	
Architect Myhre Group Architects	E-mail address: robertb@myhregroup.com
Address: 700 SW Taylor St., Suite 400, Portland, Oregon 97205	
Phone Number: (503) 402-6530	Fax Number: (503) 236-7500
Landscape Architect: Otten Landscape Architects	E-mail address: janet@ottenla.com
Address: 3933 SW Kelley St., Suite B, Portland, Oregon 9723	
Phone Number: (503) 972-0311	Fax Number: (503) 972-0314
Engineer: Harris-McMonagle Civil Engineers	E-mail address: jay@h-mc.com
Address: 8740 SW Scoffins St., Tigard, Oregon 97223	
Phone Number: (503) 639-3453	Fax Number: (503) 639-1232
Project Title: Stafford Hills Racquet & Fitness Club	
Project Address: 5916 Nyberg Lane, Tualatin, Oregon 97062-9750	
Brief Project Description: Family-friendly recreational club designed and operated to provide quality tennis, fitness, aquatic and social experience. Green building and eco-smart sustainable operating principles will be employed. Professional management will emphasize premier-level member service, cleanliness and extensive programs to meet the needs of a diverse and inter-generational membership.	
Proposed Use: Private tennis and fitness club	<div style="border: 2px solid black; padding: 10px;"> <p>CITY OF TUALATIN</p> <p>ARCHITECTURAL REVIEW</p> <p>1st SUBMITTAL</p> <p>DATE: AR-09-08</p> </div>
VALUE OF IMPROVEMENTS: \$ 8.0 - 9.0 million	
<p>AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION ABOVE, ON THE FACT SHEET AND THE SURROUNDING PROPERTY OWNER MAILING LIST IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION AND LAND USE.</p>	
APPLICANT'S SIGNATURE <i>Jim Zupancic</i>	DATE 9-9-09
<p>SEP 09 2009</p> <p>COMMUNITY DEVELOPMENT PLANNING DIVISION</p>	

Case No. AR09-08 Date Received 9-9-09 Application Complete as of _____
 Received by WH/SC Receipt No. 1391065 ARB hearing date (if applicable) _____
 Fee: complete review (\$60- \$2635) \$2306 Posting _____
 15 copies of drawings (folded) 1 reproducible 8½ x 11" site, grading, LS, Pl _____
 1 reproducible 8½" X 11" vicinity map Neighborhood / Developer meeting material _____

GENERAL INFORMATION	
Site Address:	5916 Nyberg Lane, Tualatin, Oregon 97062-9750
Assessor's Map and Tax Lot #:	21E19C, TL 900
Planning District:	RL
Parcel Size:	683,456 SF (15.69 acres); Development Area: 213,751 sq. ft. (4.91 acres)
Property Owner:	Stafford Hills Club, LLC
Applicant:	Zupancic Group
Proposed Use:	Private Racquet and Fitness Club

ARCHITECTURAL REVIEW DETAILS	
<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial	
Number of parking spaces:	138 stalls
Square footage of building(s):	87,868 SF
Square footage of landscaping:	57,564 SF (Not Including Wetland Buffer)
Square footage of paving:	50,949
Proposed density (for residential):	

For City Personnel to complete:
 Type of case and file number: **Architectural Review AR-09-08**
 Staff contact person: **Will Harper**
 Proposal: **CONSTRUCT 2 Buildings, parking + landscaping ON ~ SAC portion of property**
 Decision criteria: **TDC 32, 40, 73, 74, 75**
CWP. 09-01

CITY OF TUALATIN
 RECEIVED
 SEP 09 2009
 COMMUNITY DEVELOPMENT
 PLANNING DIVISION

CITY OF TUALATIN
 ARCHITECTURAL REVIEW
 1st SUBMITTAL
 DATE: 09-08

SEP 09 2009

**STAFFORD HILLS RACQUET & FITNESS CLUB
ARB APPLICATION NARRATIVE**

COMMUNITY DEVELOPMENT
PLANNING DIVISION

This application is submitted pursuant to TDC §31.071 and §31.072. Request is made for approval pursuant to TDC §31.073 and §31.074.

This application conforms with all of the requirements of TDC §31.071, as follows:

§31.071 (1) Pre-Application Conference: The applicant held pre-application conferences with City Staff on Monday June 8, 2009 and again on August 25, 2009 in connection with this application. **This criterion is met.**

§31.071 (2) Neighborhood/Developer Meeting: The applicant held the required Neighborhood/Developer meeting on April 20, 2009. Notices, posting and minutes of the meeting are attached in Tab 9. **This criterion is met.**

§31.071 (1)(a) Project Title: The project title is Stafford Hills Racquet & Fitness Club. **This criterion is met.**

§31.071 (1)(b) Contact Information: The required contact information is included in the Application for Architectural Review Sheet under Tab 1. **This criterion is met.**

§31.071 (1)(c) Signed Application: The application (Tab 1) has been duly signed by the applicant and the property owner. **This criterion is met.**

§31.071 (1)(d) Address and Assessor No.: The site address and assessor number have been provided (Tab 2). **This criterion is met.**

§31.071 (1)(e) CWS Service Provider Letter: A Service Provider Letter issued April 22, 2009 is provided under Tab 7. Modifications made to the site plan during and after the CUP hearings require an updated SPL. The updated SPL is pending and should be received within ten (10) days of this application. The requirement of §31.071(1)(e) is that the SPL reflect that the stormwater permit will "likely" be issued. **This criterion is met.**

§31.071 (1)(f) Wetlands Delineation: A wetland delineation was performed by SWCA Environmental Consultants (See Tab 6) and submitted to the Oregon Department of State Lands for approval. This approval was a prerequisite to issuance of the DSL Permit and is included within the DSL Permit. **This criterion has been met.**

§31.071 (1)(g) Fill/Removal Permit: The Department of State Lands issued its Fill Permit No. 42121FP on August 17, 2009. (See Tab 23). The U.S. Army Corps of Engineers issued its Permit No. NWP-2008-636 on August 13, 2009. (See Tab 24). **This criterion is met.**

§31.071 (1)(h) Application Fee: The application fee of \$2,306 has been included with this application. **This criterion is met.**

§31.071 (1)(i) Site Plan: A site plan meeting all the requirements of §31.071(1)(i) has been submitted. (See Tab 15). All turning radii meet the 28/48 Fire Department access rules. Entrance access has been widened to 32 feet as per advice at the Pre-App Meeting and per City Code. Note that all improvements on the subject property have now been demolished pursuant to duly applied for and approved demolition, erosion control and plumbing permits. **This criterion is met.**

§31.071 (1)(j) Landscape Plan: A landscape plan meeting all the requirements of §31.071(1)(j) has been submitted. (See Tab 20). Note that developer will attempt to save as many healthy trees as possible, especially those located on the eastern boundary of the site. The concrete fence on the eastern boundary will be located as near the eastern boundary as possible, taking into account preservation of mature healthy trees to enhance the buffer. Location of the eastern boundary fence may be adjusted to preserve desirable mature vegetation. The application includes the Wetland Mitigation Plan and Buffer Enhancement in the area to the west of the development area. **This criterion is met.**

§31.071 (1)(k) Architectural Drawings: A full set of architectural drawings has been submitted including code summary, site lighting diagram, site lighting photometric, floorplans and elevations. Extraordinary effort has been made to design a facility that reflects residential-like attributes, pedestrian-friendly access and synergy with Brown's Ferry Park and the neighborhood. Horizontal lines, vegetation arbors and segmented paneling have been used to mitigate the massing, enhance the attractiveness and reduce the visual scale of the buildings. Extensive landscaping will be used to buffer visual impact. Attractive exterior finishes conducive with quality facilities will reflect a residential-like character. **This criterion is met.**

§31.071 (1)(l) Specifications (as to Type, Color and Texture of Exterior Surfaces): The specifications of exterior finishes are provided in Tab 25. These colors, textures and finishes conform to or complement those used in the general location of this project, and enhance the attractive appearance of the facilities. Natural earthtones are used extensively on wood, masonry, glass, textured panels, concrete and steel so as to soften and accessorize a tastefully designed facility. **This criterion is met.**

§31.071 (1)(m) Public Utility Facilities Plan: A Public Utilities Facilities Plan is included with this application. (See Drawing C4). A Traffic Study¹ is also included at Tab 8. A Grading Plan is enclosed as Drawing C5. **This criterion is met.**

¹ Some have alleged, without proof, that the traffic counts at comparable clubs were done at off-hours and on days when weather was poor. On the contrary, traffic counts were done on clear sunny days at the beginning of the New Year when fitness facility patronage is the highest. Hours of data collection were at peak hours.

§31.071 (1)(n) Neighborhood Meeting Notes, Evidence of Notice and Posting: The requisites of §31.071(5) are included under Tab 9. **This criterion is met.**

§31.071 (1)(o) City Fact Sheet: A City Fact Sheet with all the requisite information provided is included at Tab 5. **This criterion is met.**

§31.071 (1)(p) 8-1/2" x 11" Site Plan: An 8-1/2" x 11" site plan is included at Tab 15. **This criterion is met.**

§31.071 (1)(q) Letter From Solid Waste and Recycling Handler: A letter dated August 24, 2009 from Allied Waste Services is included under Tab 12. **This criterion is met.**

§31.071 (1)(r) Clean Water Services – Service Provider Letter: A SPL from Clean Water Services is provided under Tab 7. **This criterion is met.**

§31.071 (1)(s) Acoustical Engineer's Report: **This criterion is not applicable.**

§31.071 (1)(t) Neighborhood/Developer Meeting: The information required under TDC §31.063(10) is included under Tab 9. It is important to note that Developer has not only met with neighbors as required by the TDC, but has conducted numerous additional meetings with concerned neighbors, visited homes, observed views, examined mature landscaping and generally communicated frequently and openly with neighbors. **This criterion is met.**

§31.071 (1)(u) Railroad-Highway Grade Crossing: **This criterion is not applicable.**

§31.071 (2) Verified Statement Concerning Posted Sign: A verified statement concerning posting of the ARB sign as required by this section is included under Tab 4. **This criterion is met.**

§31.071 (3) Names and Addresses of Nearby Property Owners: Names and addresses of property owners within 300 feet of the subject property are included under Tab 14. This list has been updated as of September 8, 2009 and was prepared by Pacific Northwest Title Company. **This criterion is met.**

§31.071 (4) Application Conforms: This application conforms in all material respects to the requirements of TDC §31.071. **This criterion is met.**

§31.071 (5) Neighborhood Meeting: The requisite meeting between neighbors and developer has been held within 180 days of this application. **This criterion is met.**

§31.071 (6) Additional Information: The approval of the Conditional Use Permit by the City Council included a number of conditions. Below is a list of those conditions and narrative how this application conforms with each and all of those conditions.

Condition No. 1 South Buffer. The extensive mature trees within 10 feet of the south boundary located on the Legacy Meridian Park property provide substantial buffering. Added vegetation per the landscape plan provides additional buffer. **This condition has been met**, while preserving an essential solar corridor to the site.

Condition No. 2 East Buffer. The landscape plan (Tab 20) shows extensive buffering on the east boundary. In substantially all cases, backyards on homes located on Mobile Court are currently visually protected by existing mature shrubs, evergreens and trees located on neighbors' properties that will be protected during construction. The additional 20-25 foot buffer, along with the concrete fence, will provide a dense vegetated buffer for neighbors. **This condition has been met.**

Condition No. 3 Parking Management Program. A Parking Management Plan has been submitted under Tab 22 that includes restrictive parking conditions. **This condition has been met.**

Condition No. 4 Closing Time. The applicant agrees that activities shall end by 10:00 p.m. and that buildings and parking areas shall be closed by 10:30 p.m. **This condition has been met.**

Condition No. 5 Parking Management Plan. A Parking Management Plan that provides, inter alia, for adequate on-site parking and provision for tournament and event parking. **This condition has been met.**

Condition No. 6 Outdoor Lighting. The application includes (Drawings A1.11 and A1.12) a Site Lighting Diagram and Site Lighting Photometric that illustrates how outdoor lighting does not create glare to the adjoining public street, to the natural wetland to the west or onto adjoining properties. **This condition has been met.**

Condition No. 7 Increased Buffer. The current site plan conforms with this condition by providing a 20-foot buffer at the parking lot and a 25-foot buffer at the Activity Center. **This condition has been met.**

Condition No. 8 Fence on Eastern Boundary. The Landscape Plan includes the required fence along the eastern boundary. Care will be taken to preserve mature vegetation on neighboring properties. **This condition has been met.**

Condition No. 9 Elimination of Parking East of Activity Center; Re-Direction of Parking. The current site plan conforms to this condition by eliminating parking east of the Activity Center and re-directing parking to a north-south direction of the main parking lot. **This condition has been met.**

Condition No. 10 Parking Lot Lighting. The Lighting Plan includes low-mounted lighting that prevents light spillage to neighboring properties. **This condition has been met.**

Condition No. 11 Roll-Up Doors. The club will adopt a policy consistent with Condition No. 11. **This condition has been met.**

Condition No. 12 Building Size Reduced. This condition requires a reduction in the size of the Tennis Building by “approximately 4,100 sq. ft.” The proposed footprint of the Tennis Building to the City Council was 63,928 square feet. The footprint size of the Tennis Building has now been decreased to 58,529 square feet, for a reduction of 5,399 square feet, or 32% in excess of Condition No. 12 requirements. **This condition has been met.**

Condition No. 13 Preservation of Natural Resources. The club will create more functional wetlands and enhanced buffer areas as part of the Wetlands Restoration Project (See Tab 23) as permitted by DSL and U.S. Army Corps of Engineers. The applicant is seeking the input of the Wetlands Conservancy and the Audubon Society of Portland in the planning of this Project. **This condition has been met.**

Commitment to Green Building and Operating Principles

The applicant is investing a great deal of time, energy and resources into the design and development of energy-producing, conservation and eco-smart sustainable systems that promise to make this facility an environmental hallmark within the tennis and fitness industry. The design team is exploring innovative systems that will make the operation of Stafford Hills more eco-friendly and efficient. If possible, LEED® certification will be obtained. Solar water heating will be employed. Solar PV panels are being evaluated. Passive convection and ground-source HVAC systems are being examined.

Electric vehicle charging stations are also being considered. These innovative approaches will no doubt separate this project from the traditional design methodologies of the past. The applicant and the City can look proudly at what promises to be a pioneering effort to create a new design benchmark for other such projects throughout the nation.

Programmatic Highlights

In addition to providing the best of private tennis and fitness club amenities, Stafford Hills intends to contribute to the community by offering the following:

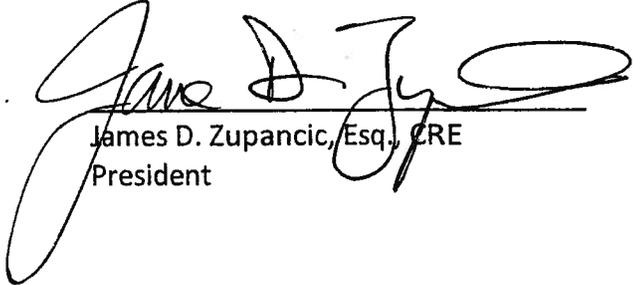
1. Special charity fundraising events and tournaments for children’s charities and research foundations.
2. Special needs events (e.g., Special Olympics Tennis/Wheelchair Tennis) to promote support for worthy recipients and groups.
3. Community Wellness, Awareness, Education and Physical Activity Programs.

4. Programs for the elderly, physically or mentally challenged.
5. Internships or externships for local high school or college students.

In short, Stafford Hills intends to become a net contributor to the community – not only financially, but by supporting worthy local programs and efforts to support special needs individuals.

Respectfully submitted,
Zupancic Group

Date: September 9, 2009



James D. Zupancic, Esq., CRE
President

CITY OF TUALATIN
ARCHITECTURAL REVIEW

Parking Management Plan

1st SUBMITTAL

DATE 42-09-08

General

Extensive effort has been made to create a parking layout that is synergistic with the neighborhood and functional for the club.

The number of parking spaces needs to be reasonably adequate to handle normal operating peak loads so as to not burden adjoining streets with parked vehicles. For this purpose, we have decided to provide a total of 138 total parking stalls which exceeds the "required" number of stalls by 50. We believe this buffer of additional stalls will be very helpful to eliminate overflow parking onto nearby streets during peak loads.

In addition, staff parking has been provided west of the Tennis Building to allow early morning/late night ingress and egress for staff in an area other than the main parking area. We believe this design feature will minimize early and late parking noise and light for nearby residents.

Special Events/Tournament Parking

Special events and tournaments may be infrequently scheduled, and may create a temporary aberration in parking requirements. If and when provided parking stalls proved insufficient to meet special demand, vehicles would be directed to park in the following areas:

1. Grasscrete area to the west of the developed site.
2. Brown's Ferry Park parking lot.
3. Legacy Meridian Park Hospital (with permission).

Only if the above were not available or insufficient would vehicle operators be directed to park in the adjoining neighborhood. We expect this circumstance to occur very rarely, if ever.

If an extraordinary "super" event were ever planned that would likely require substantial offsite parking, we would apply to the City for a permit to allow temporary parking on one side of Nyberg Lane.

Restrictive Parking Policy

The club will adopt a policy directing members to avoid parking in stalls within 100 feet of the east boundary line of the property before 8:00 a.m.

Containment Within Allotted On-Site Parking

Club management will do all things reasonably necessary to schedule events, classes and other activities in a manner that does not typically overload available onsite parking and create an overflow onto adjoining streets or properties. In the unusual circumstance that overflow parking may be needed, management will communicate with appropriate parties and neighbors to lessen impacts.

Specifications

Type, Color, Texture

Refer to elevations for location of:

1. Wood
2. Glass
3. Masonry
4. Textured panels
5. Concrete
6. Steel

Masonry El Dorado Architectural Stone
K-West or Willamette Brokentop

Base Color (Benjamin Moore) Devonshire Green

Trim Color (Benjamin Moore) Salem Gray

Steel Butter or equal textured panels and vertical reverse rib

Wood Stain Sikkens

Color boards and PowerPoint slides will be prepared for City Staff and presentation to the ARTS.

All selections will be earth-tone colors and textures to complement naturally occurring colors, tones and textures found in Brown's Ferry Park and surrounds.

STAFFORD HILLS RACQUET & FITNESS CLUB

ARCHITECTURAL REVIEW BOARD



EARLIER CONCEPT IMAGE. REFER TO ELEVATIONS FOR CURRENT PROPOSAL.



Zupancic Group
Real Estate Advisors and Developers

MYHRE · GROUP

Architects
700 SW Taylor Street Suite 400 Portland, Oregon 97105
P 503.226.6000 F 503.226.7500 www.myhregroup.com

TUALATIN, OREGON

SEPTEMBER 1, 2009

MGA PROJECT # 084030

DRAWING INDEX

CS	COVER SHEET
C1	CIVIL
C2	TITLE SHEET & VICINITY MAP
C3	EXISTING CONDITIONS PLAN
C4	DEVELOPED SITE PLAN
C5	PUBLIC AND PRIVATE FACILITIES PLAN
C6	PROPOSED GRADING PLAN
	TREE PRESERVATION PLAN
L1.0	LANDSCAPE
L2.0	LANDSCAPE PLAN
L3.0	LANDSCAPE PLAN
A1.10	ARCHITECTURAL
A1.11	PROPOSED SITE PLAN, CODE
A1.12	SUMMARY
	SITE LIGHTING DIAGRAM
	SITE LIGHTING PHOTOMETRIC
A2.10	CLUBHOUSE
A2.11	FIRST FLOOR PLAN
A7.10	MEZZANINE FLOOR PLAN
A7.11	ELEVATIONS - EAST & NORTH
	ELEVATIONS - WEST & SOUTH
A2.10	ACTIVITY CENTER
A7.10	FIRST & SECOND FLOOR ELEVATIONS

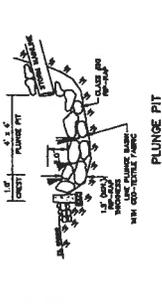
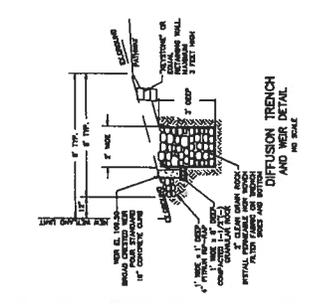
ARCHITECTURAL REVIEW
1st SUBMITTAL
DATE: 09-08
CITY OF TUALATIN
RECEIVED

SEP 09 2009

COMMUNITY DEVELOPMENT
PLANNING DIVISION

NOTES:

1. ALL PROPOSED SANITARY SEWER FACILITIES ARE LOCATED UNDER THE WETLAND AREAS AS NOT BEEN DETERMINED AT THE TIME OF THIS PLANSET. THE DEVELOPER IS RECOMMENDING OPTIONS WITH THE CITY AT THIS TIME.
2. REFER TO THE COVER SHEET (C) FOR THE PROJECT AREA TO THE WEST. THIS AREA WILL REMAIN UNDISTURBED BY THE DEVELOPMENT.
3. ALL NEW GAS/LINE UTILITIES ARE TO BE PRIVATELY OWNED AND MAINTAINED BY THE STAFFORD HILLS INNOVATION AND FITNESS CLUB.
4. EXISTING WELLS TO REMAIN AND SHALL BE USED FOR FUTURE IRRIGATION SOURCE AND SUPPLY.
5. ALL PROPOSED SANITARY SEWER FACILITIES ARE LOCATED UNDER THEM AS NOT BEEN DETERMINED AT THE TIME OF THIS PLANSET. THE DEVELOPER IS RECOMMENDING OPTIONS WITH THE CITY AT THIS TIME.
6. REFER TO THE COVER SHEET (C) FOR THE PROJECT AREA TO THE WEST. THIS AREA WILL REMAIN UNDISTURBED BY THE DEVELOPMENT.
7. ALL NEW GAS/LINE UTILITIES ARE TO BE PRIVATELY OWNED AND MAINTAINED BY THE STAFFORD HILLS INNOVATION AND FITNESS CLUB.
8. EXISTING WELLS TO REMAIN AND SHALL BE USED FOR FUTURE IRRIGATION SOURCE AND SUPPLY.



WATER QUALITY MANHOLE

CRITERIA:

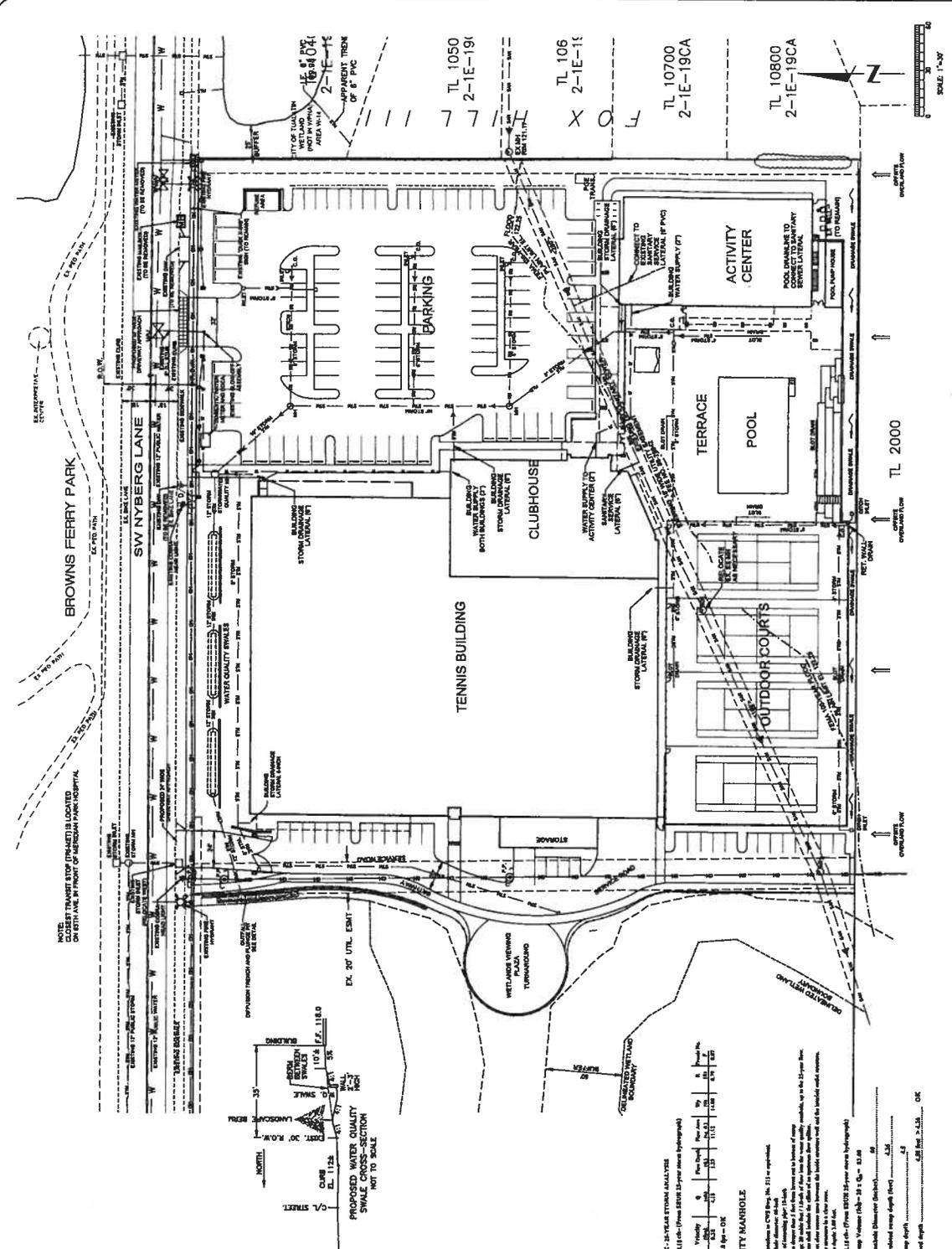
1. Minimum water depth: 4.0 ft
2. Minimum water velocity: 1.0 ft/s
3. Minimum water temperature: 50°F
4. Minimum water pH: 6.5
5. Minimum water turbidity: 1.0 NTU
6. Minimum water total suspended solids (TSS): 1.0 mg/L
7. Minimum water total dissolved solids (TDS): 1.0 mg/L
8. Minimum water total phosphorus (TP): 0.1 mg/L
9. Minimum water total nitrogen (TN): 0.1 mg/L
10. Minimum water ammonia nitrogen (NH3-N): 0.1 mg/L
11. Minimum water nitrate nitrogen (NO3-N): 1.0 mg/L
12. Minimum water nitrite nitrogen (NO2-N): 0.1 mg/L
13. Minimum water orthophosphate (OP): 0.1 mg/L
14. Minimum water silicate (SiO2): 0.1 mg/L
15. Minimum water iron (Fe): 0.1 mg/L
16. Minimum water manganese (Mn): 0.1 mg/L
17. Minimum water copper (Cu): 0.1 mg/L
18. Minimum water lead (Pb): 0.1 mg/L
19. Minimum water cadmium (Cd): 0.1 mg/L
20. Minimum water zinc (Zn): 0.1 mg/L
21. Minimum water chromium (Cr): 0.1 mg/L
22. Minimum water nickel (Ni): 0.1 mg/L
23. Minimum water selenium (Se): 0.1 mg/L
24. Minimum water boron (B): 0.1 mg/L
25. Minimum water molybdenum (Mo): 0.1 mg/L
26. Minimum water vanadium (V): 0.1 mg/L
27. Minimum water cobalt (Co): 0.1 mg/L
28. Minimum water manganese (Mn): 0.1 mg/L
29. Minimum water iron (Fe): 0.1 mg/L
30. Minimum water copper (Cu): 0.1 mg/L
31. Minimum water lead (Pb): 0.1 mg/L
32. Minimum water cadmium (Cd): 0.1 mg/L
33. Minimum water zinc (Zn): 0.1 mg/L
34. Minimum water chromium (Cr): 0.1 mg/L
35. Minimum water nickel (Ni): 0.1 mg/L
36. Minimum water selenium (Se): 0.1 mg/L
37. Minimum water boron (B): 0.1 mg/L
38. Minimum water molybdenum (Mo): 0.1 mg/L
39. Minimum water vanadium (V): 0.1 mg/L
40. Minimum water cobalt (Co): 0.1 mg/L

VERTICAL PIPING - 30-YEAR STORM ANALYSIS

Flow Rate (cfs)	Velocity (ft/s)	Depth (ft)	Pressure (psi)
0.00	0.00	0.00	0.00
0.01	0.01	0.01	0.01
0.02	0.02	0.02	0.02
0.03	0.03	0.03	0.03
0.04	0.04	0.04	0.04
0.05	0.05	0.05	0.05
0.06	0.06	0.06	0.06
0.07	0.07	0.07	0.07
0.08	0.08	0.08	0.08
0.09	0.09	0.09	0.09
0.10	0.10	0.10	0.10

WATER QUALITY MANHOLE

Flow Rate (cfs)	Velocity (ft/s)	Depth (ft)	Pressure (psi)
0.00	0.00	0.00	0.00
0.01	0.01	0.01	0.01
0.02	0.02	0.02	0.02
0.03	0.03	0.03	0.03
0.04	0.04	0.04	0.04
0.05	0.05	0.05	0.05
0.06	0.06	0.06	0.06
0.07	0.07	0.07	0.07
0.08	0.08	0.08	0.08
0.09	0.09	0.09	0.09
0.10	0.10	0.10	0.10

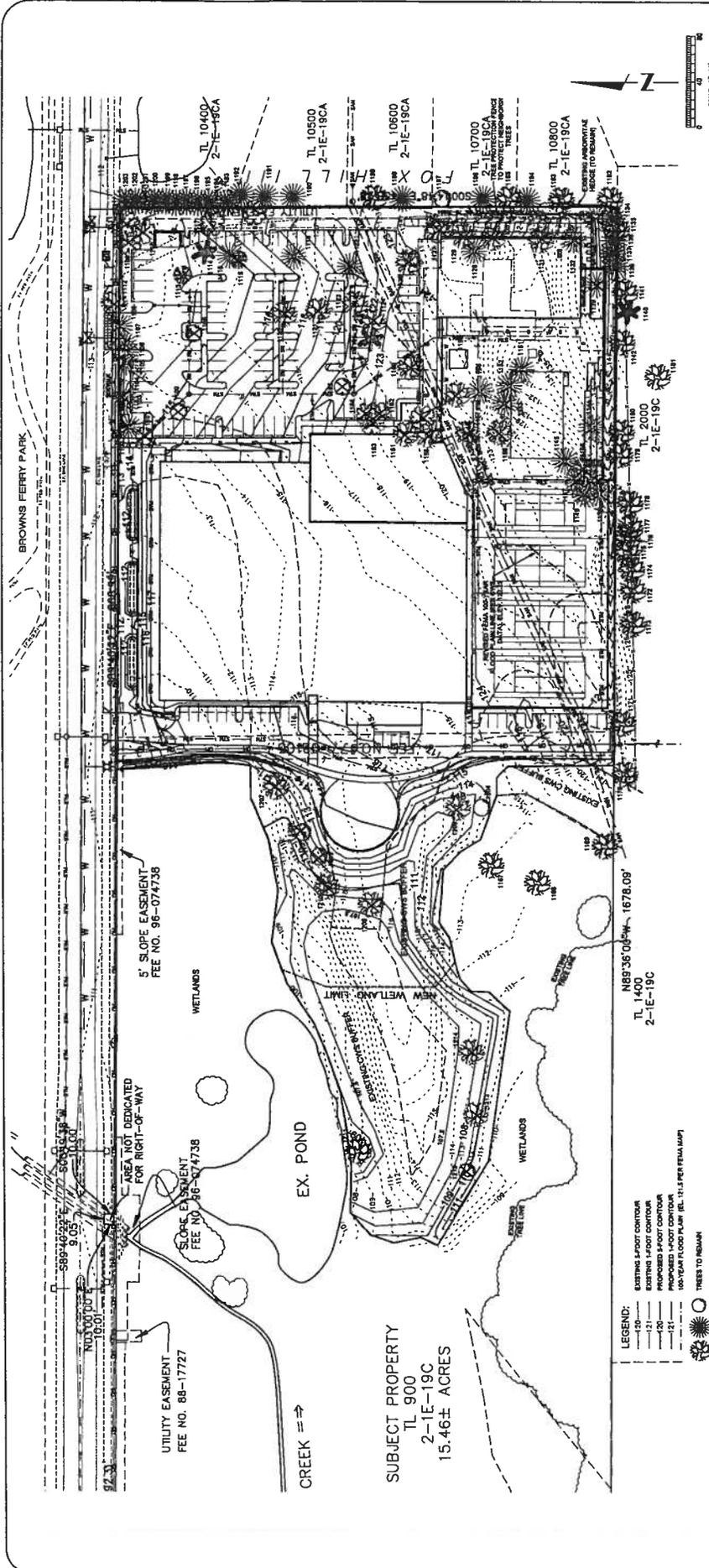


STAFFORD HILLS RACQUET AND FITNESS CLUB
ARCHITECTURAL REVIEW BOARD CIVIL PLANSET
PUBLIC AND PRIVATE FACILITIES PLAN

HMC | Harris-McMongle Associates, Inc.
ENGINEERING - SURVEYING - PLANNING
8740 SW Sawing Street Tigard, Oregon 97223
Tel: (503) 639-9455 Fax: (503) 639-1222

STAFFORD HILLS CLUB, LLC
1333 MADISON ROAD, SUITE 101
LAKE OSWEGO, OR 97035
951.961.8200

SCALE: AS SHOWN
DATE: 1/17/08
PROJECT: STAFFORD HILLS CLUB, LLC
REVISION: 1/17/08
BY: JLM
CHECKED: JLM
DATE: 1/17/08



TREE INDEX: See 2.0 Appendix, Table 2.0 - Existing Tree Inventory

Tree No.	Tree Name	DBH (in)	Height (ft)	Health	Notes
101	Red Oak	12	25	Good	Remove to allow for building
102	White Oak	10	20	Good	Remove to allow for building
103	Red Oak	14	30	Good	Remove to allow for building
104	White Oak	11	22	Good	Remove to allow for building
105	Red Oak	13	28	Good	Remove to allow for building
106	White Oak	9	18	Good	Remove to allow for building
107	Red Oak	15	32	Good	Remove to allow for building
108	White Oak	12	26	Good	Remove to allow for building
109	Red Oak	11	24	Good	Remove to allow for building
110	White Oak	13	28	Good	Remove to allow for building
111	Red Oak	10	20	Good	Remove to allow for building
112	White Oak	14	30	Good	Remove to allow for building
113	Red Oak	12	26	Good	Remove to allow for building
114	White Oak	11	24	Good	Remove to allow for building
115	Red Oak	13	28	Good	Remove to allow for building
116	White Oak	9	18	Good	Remove to allow for building
117	Red Oak	15	32	Good	Remove to allow for building
118	White Oak	12	26	Good	Remove to allow for building
119	Red Oak	11	24	Good	Remove to allow for building
120	White Oak	13	28	Good	Remove to allow for building
121	Red Oak	10	20	Good	Remove to allow for building
122	White Oak	14	30	Good	Remove to allow for building
123	Red Oak	12	26	Good	Remove to allow for building
124	White Oak	11	24	Good	Remove to allow for building
125	Red Oak	13	28	Good	Remove to allow for building
126	White Oak	9	18	Good	Remove to allow for building
127	Red Oak	15	32	Good	Remove to allow for building
128	White Oak	12	26	Good	Remove to allow for building
129	Red Oak	11	24	Good	Remove to allow for building
130	White Oak	13	28	Good	Remove to allow for building
131	Red Oak	10	20	Good	Remove to allow for building
132	White Oak	14	30	Good	Remove to allow for building
133	Red Oak	12	26	Good	Remove to allow for building
134	White Oak	11	24	Good	Remove to allow for building
135	Red Oak	13	28	Good	Remove to allow for building
136	White Oak	9	18	Good	Remove to allow for building
137	Red Oak	15	32	Good	Remove to allow for building
138	White Oak	12	26	Good	Remove to allow for building
139	Red Oak	11	24	Good	Remove to allow for building
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153	Red Oak	12	26	Good	Remove to allow for building
154	White Oak	11	24	Good	Remove to allow for building
155	Red Oak	13	28	Good	Remove to allow for building
156	White Oak	9	18	Good	Remove to allow for building
157	Red Oak	15	32	Good	Remove to allow for building
158	White Oak	12	26	Good	Remove to allow for building
159	Red Oak	11	24	Good	Remove to allow for building
160	White Oak	13	28	Good	Remove to allow for building
161	Red Oak	10	20	Good	Remove to allow for building
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176	White Oak	9	18	Good	Remove to allow for building
177	Red Oak	15	32	Good	Remove to allow for building
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191	Red Oak	10	20	Good	Remove to allow for building
192	White Oak	14	30	Good	Remove to allow for building
193	Red Oak	12	26	Good	Remove to allow for building
194	White Oak	11	24	Good	Remove to allow for building
195	Red Oak	13	28	Good	Remove to allow for building
196	White Oak	9	18	Good	Remove to allow for building
197	Red Oak	15	32	Good	Remove to allow for building
198	White Oak	12	26	Good	Remove to allow for building
199	Red Oak	11	24	Good	Remove to allow for building
200	White Oak	13	28	Good	Remove to allow for building

REFERENCE APPROPRIATIONS:

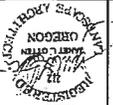
ILLINOIS PLANNING AND DEVELOPMENT BOARD, BENCHMARK 6489
614 N. LAKE (PLOT 20) IN BUNTON

STAFFORD HILLS CLUB, LLC
5333 SAGAMORE ROAD, SUITE 101
LAKE COUNTY, ILLINOIS
60158-2200

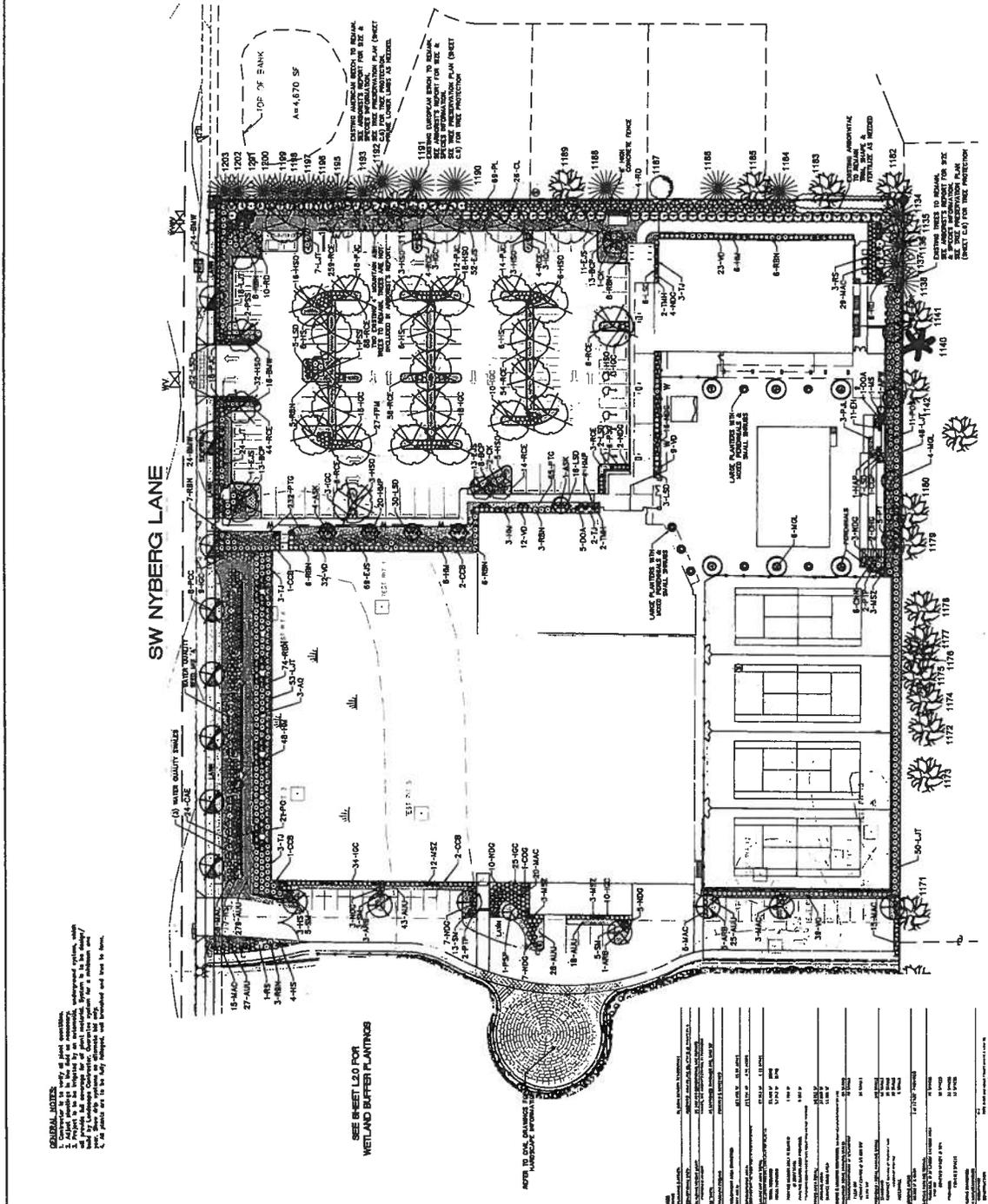
HMC Harris-McMonagle Associates, Inc.
ARCHITECTURE, ENGINEERING, PLANNING
6790 CIV. SERVICE STREET, THIRD, CHICAGO, IL 60623
TEL. (312) 435-3453 FAX (312) 435-1222

STAFFORD HILLS RACQUET AND FITNESS CLUB
ARCHITECTURAL REVIEW BOARD CIVIL PLANSET
TREE PRESERVATION PLAN

SCALE: AS SHOWN
DATE: 1/11/06
PROJECT: C6



NO.	DATE	REVISIONS



LANDSCAPE PLAN
SCALE 1" = 30'-0"

GENERAL NOTES:
1. Contractor to verify all plant quantities.
2. Planting to be installed by the contractor.
3. All plants to be installed by the contractor.
4. All plants to be installed by the contractor.
5. All plants to be installed by the contractor.

USE BASKET LOAD FOR WETLAND BUFFER PLANTINGS

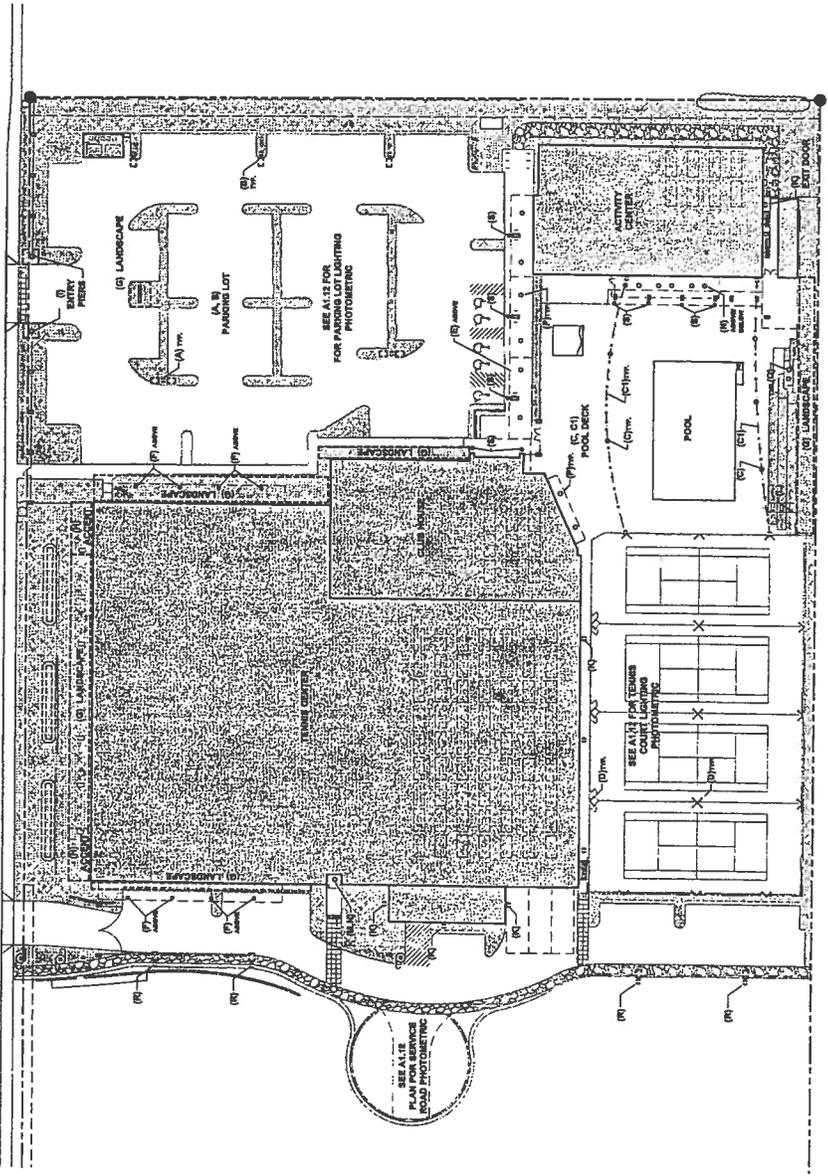
PLANT	QUANTITY	PLANT	QUANTITY
1. ASPERULUM	10	101. SPANISH BROOM	10
2. BURNING BUSH	10	102. SPANISH BROOM	10
3. CANTERBURY BELL	10	103. SPANISH BROOM	10
4. CHERRY BLOSSOM	10	104. SPANISH BROOM	10
5. CLEMATIS	10	105. SPANISH BROOM	10
6. CROCKUS	10	106. SPANISH BROOM	10
7. DAFFODIL	10	107. SPANISH BROOM	10
8. DELPHINIUM	10	108. SPANISH BROOM	10
9. DIANTHUS	10	109. SPANISH BROOM	10
10. DRACOPIS	10	110. SPANISH BROOM	10
11. EUPHORASIA	10	111. SPANISH BROOM	10
12. FLOX	10	112. SPANISH BROOM	10
13. GARDEN PHLOX	10	113. SPANISH BROOM	10
14. GERANIUM	10	114. SPANISH BROOM	10
15. GLADIOLUS	10	115. SPANISH BROOM	10
16. HIBISCUS	10	116. SPANISH BROOM	10
17. HYDRANGEA	10	117. SPANISH BROOM	10
18. IRIS	10	118. SPANISH BROOM	10
19. JASMINE	10	119. SPANISH BROOM	10
20. LILAC	10	120. SPANISH BROOM	10
21. LILY	10	121. SPANISH BROOM	10
22. LILY OF THE VALLEY	10	122. SPANISH BROOM	10
23. MANDARIN ORANGE	10	123. SPANISH BROOM	10
24. NARCISSUS	10	124. SPANISH BROOM	10
25. PANSY	10	125. SPANISH BROOM	10
26. PEONIES	10	126. SPANISH BROOM	10
27. PINK DOGWOOD	10	127. SPANISH BROOM	10
28. PINK SPIDER LILY	10	128. SPANISH BROOM	10
29. PINK TULIP	10	129. SPANISH BROOM	10
30. PINK WINDSOR DAISY	10	130. SPANISH BROOM	10
31. PINK YACON	10	131. SPANISH BROOM	10
32. PINK YACON	10	132. SPANISH BROOM	10
33. PINK YACON	10	133. SPANISH BROOM	10
34. PINK YACON	10	134. SPANISH BROOM	10
35. PINK YACON	10	135. SPANISH BROOM	10
36. PINK YACON	10	136. SPANISH BROOM	10
37. PINK YACON	10	137. SPANISH BROOM	10
38. PINK YACON	10	138. SPANISH BROOM	10
39. PINK YACON	10	139. SPANISH BROOM	10
40. PINK YACON	10	140. SPANISH BROOM	10
41. PINK YACON	10	141. SPANISH BROOM	10
42. PINK YACON	10	142. SPANISH BROOM	10
43. PINK YACON	10	143. SPANISH BROOM	10
44. PINK YACON	10	144. SPANISH BROOM	10
45. PINK YACON	10	145. SPANISH BROOM	10
46. PINK YACON	10	146. SPANISH BROOM	10
47. PINK YACON	10	147. SPANISH BROOM	10
48. PINK YACON	10	148. SPANISH BROOM	10
49. PINK YACON	10	149. SPANISH BROOM	10
50. PINK YACON	10	150. SPANISH BROOM	10

PLANT	QUANTITY	PLANT	QUANTITY
1. ASPERULUM	10	101. SPANISH BROOM	10
2. BURNING BUSH	10	102. SPANISH BROOM	10
3. CANTERBURY BELL	10	103. SPANISH BROOM	10
4. CHERRY BLOSSOM	10	104. SPANISH BROOM	10
5. CLEMATIS	10	105. SPANISH BROOM	10
6. CROCKUS	10	106. SPANISH BROOM	10
7. DAFFODIL	10	107. SPANISH BROOM	10
8. DELPHINIUM	10	108. SPANISH BROOM	10
9. DIANTHUS	10	109. SPANISH BROOM	10
10. DRACOPIS	10	110. SPANISH BROOM	10
11. EUPHORASIA	10	111. SPANISH BROOM	10
12. FLOX	10	112. SPANISH BROOM	10
13. GARDEN PHLOX	10	113. SPANISH BROOM	10
14. GERANIUM	10	114. SPANISH BROOM	10
15. GLADIOLUS	10	115. SPANISH BROOM	10
16. HIBISCUS	10	116. SPANISH BROOM	10
17. HYDRANGEA	10	117. SPANISH BROOM	10
18. IRIS	10	118. SPANISH BROOM	10
19. JASMINE	10	119. SPANISH BROOM	10
20. LILAC	10	120. SPANISH BROOM	10
21. LILY	10	121. SPANISH BROOM	10
22. LILY OF THE VALLEY	10	122. SPANISH BROOM	10
23. MANDARIN ORANGE	10	123. SPANISH BROOM	10
24. NARCISSUS	10	124. SPANISH BROOM	10
25. PANSY	10	125. SPANISH BROOM	10
26. PEONIES	10	126. SPANISH BROOM	10
27. PINK DOGWOOD	10	127. SPANISH BROOM	10
28. PINK SPIDER LILY	10	128. SPANISH BROOM	10
29. PINK TULIP	10	129. SPANISH BROOM	10
30. PINK WINDSOR DAISY	10	130. SPANISH BROOM	10
31. PINK YACON	10	131. SPANISH BROOM	10
32. PINK YACON	10	132. SPANISH BROOM	10
33. PINK YACON	10	133. SPANISH BROOM	10
34. PINK YACON	10	134. SPANISH BROOM	10
35. PINK YACON	10	135. SPANISH BROOM	10
36. PINK YACON	10	136. SPANISH BROOM	10
37. PINK YACON	10	137. SPANISH BROOM	10
38. PINK YACON	10	138. SPANISH BROOM	10
39. PINK YACON	10	139. SPANISH BROOM	10
40. PINK YACON	10	140. SPANISH BROOM	10
41. PINK YACON	10	141. SPANISH BROOM	10
42. PINK YACON	10	142. SPANISH BROOM	10
43. PINK YACON	10	143. SPANISH BROOM	10
44. PINK YACON	10	144. SPANISH BROOM	10
45. PINK YACON	10	145. SPANISH BROOM	10
46. PINK YACON	10	146. SPANISH BROOM	10
47. PINK YACON	10	147. SPANISH BROOM	10
48. PINK YACON	10	148. SPANISH BROOM	10
49. PINK YACON	10	149. SPANISH BROOM	10
50. PINK YACON	10	150. SPANISH BROOM	10

WATER QUALITY TRIPLE CALCULATIONS
THREE TRAILER HAVE IDENTICAL AREAS
SWALE AREA = 300 SF
TOTAL SWALE PRODUCTION = 15
TOTAL SWALE PRODUCTION = 15

LIGHTING FIXTURE SCHEDULE

Symbol	Description	Quantity	Notes
A	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
B	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
C	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
D	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
E	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
F	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
G	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
H	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
I	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
J	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
K	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
L	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
M	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
N	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
O	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
P	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
Q	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
R	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
S	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
T	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
U	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
V	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
W	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
X	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
Y	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT
Z	150W 4'x4' PAR	10	15 FT. ADJUSTING HEIGHT



A1.11 SITE LIGHTING DIAGRAM

MYHRE GROUP
 704 S.W. 10th Street, Suite 400 Portland, Oregon 97205
 503.228.2020 Fax: 503.228.1858 www.myhregroup.com
A LICENSED ARCHITECTURE FIRM LICENSE NUMBER AND THE PROJECT NO. ARE SHOWN ON THIS PLAN. THESE ARE THE PROPERTY OF MYHRE GROUP AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

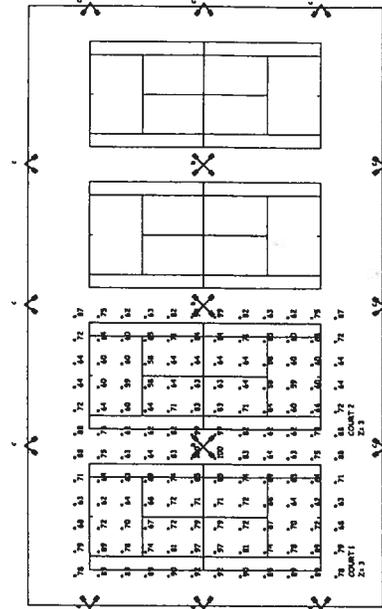
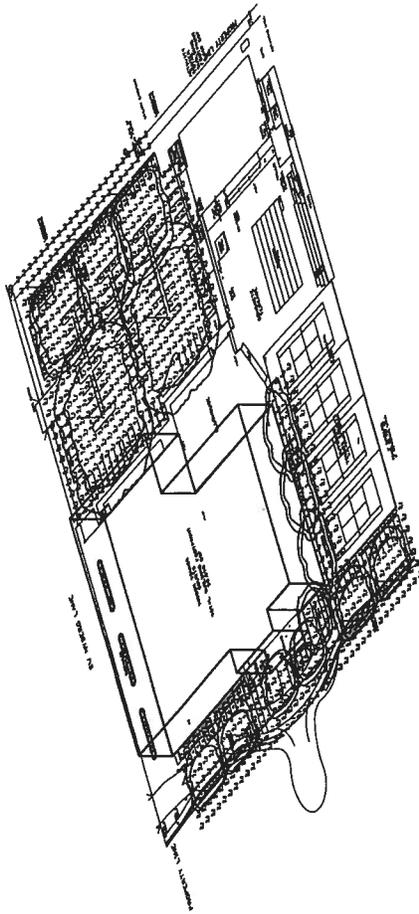


scale 1"=30'-0"
084030
9.1.2009

STAFFORD HILLS RACQUET & FITNESS CLUB ARCHITECTURAL REVIEW BOARD - PROPOSED SITE LIGHTING DIAGRAM

STAFFORD HILLS RACQUET & FITNESS CLUB
SITE LIGHTING PHOTOMETRIC

Designer: STAFFORD HILLS
Date: AUG 20 2009
Scale: AS SHOWN
Drawing No.: STAFFORDRCS.VS.
A1.12
SITE LIGHTING PHOTOMETRIC

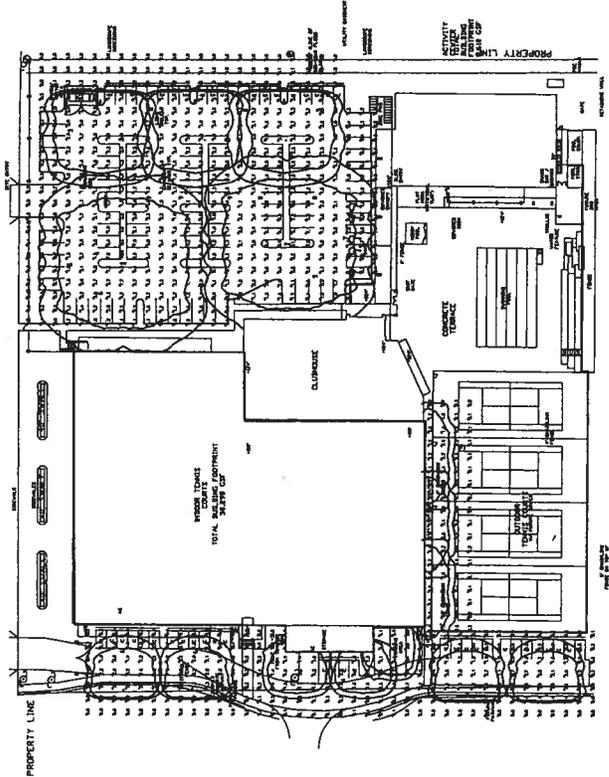


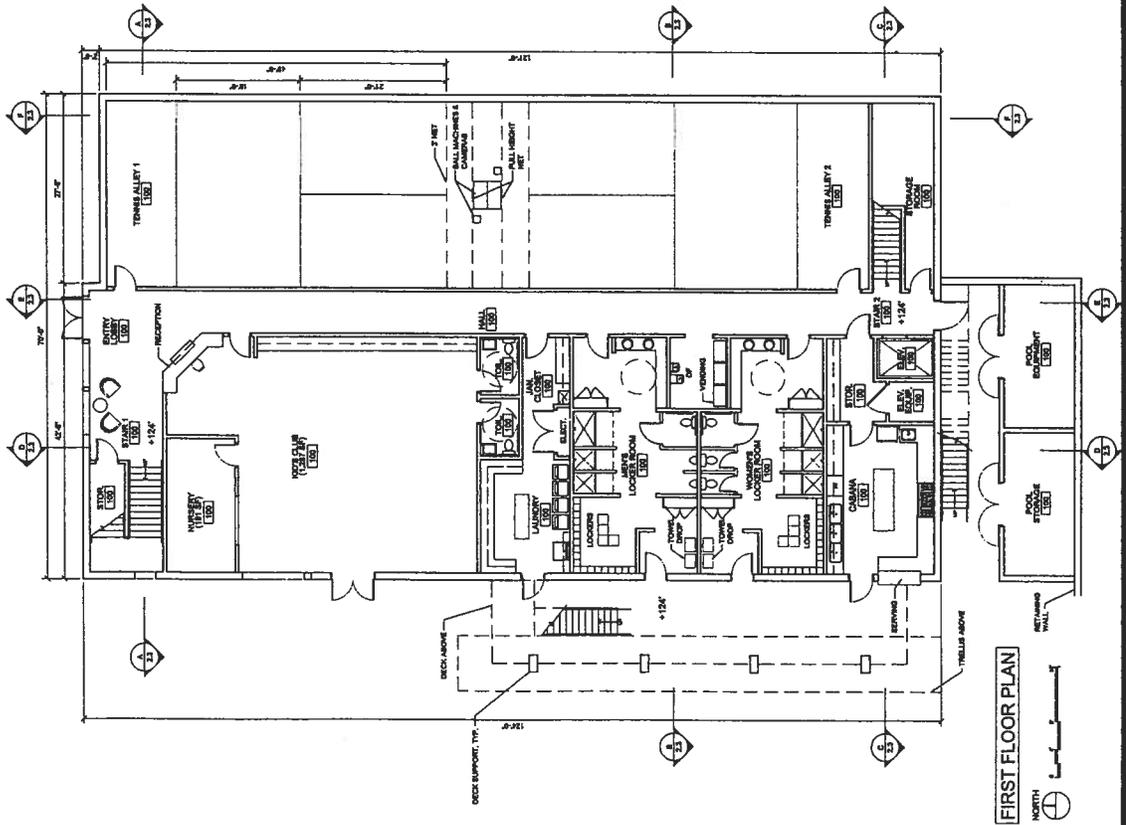
Photometric Report Summary:
Total Lumens: 1,000,000
Average Footcandle: 0.15
Peak Footcandle: 0.25
Minimum Footcandle: 0.10
Uniformity: 0.80
Glare: 0.10
Light Loss Factor: 0.80
Total Power: 1000 Watts
Total Current: 4.5 Amps
Total Voltage: 220V
Total Cost: \$10,000
Total Hours: 1000
Total Energy: 10,000 kWh
Total CO2: 10,000 lbs
Total Water: 10,000 gal
Total Noise: 10,000 dBA
Total Vibration: 10,000 mm/s²
Total Electromagnetic Interference: 10,000 V/m
Total Radio Frequency Interference: 10,000 dBm
Total Heat: 10,000 BTU/hr
Total Ozone: 10,000 ppm
Total Particulate Matter: 10,000 µg/m³
Total Sulfur Dioxide: 10,000 ppb
Total Nitrogen Dioxide: 10,000 ppb
Total Carbon Monoxide: 10,000 ppm
Total Lead: 10,000 ppb
Total Cadmium: 10,000 ppb
Total Chromium: 10,000 ppb
Total Copper: 10,000 ppb
Total Iron: 10,000 ppb
Total Manganese: 10,000 ppb
Total Nickel: 10,000 ppb
Total Silver: 10,000 ppb
Total Zinc: 10,000 ppb
Total Barium: 10,000 ppb
Total Bismuth: 10,000 ppb
Total Boron: 10,000 ppb
Total Cadmium: 10,000 ppb
Total Calcium: 10,000 ppb
Total Chlorine: 10,000 ppb
Total Cobalt: 10,000 ppb
Total Chromium: 10,000 ppb
Total Copper: 10,000 ppb
Total Fluorine: 10,000 ppb
Total Gallium: 10,000 ppb
Total Germanium: 10,000 ppb
Total Gold: 10,000 ppb
Total Indium: 10,000 ppb
Total Iodine: 10,000 ppb
Total Iron: 10,000 ppb
Total Lead: 10,000 ppb
Total Lithium: 10,000 ppb
Total Magnesium: 10,000 ppb
Total Manganese: 10,000 ppb
Total Mercury: 10,000 ppb
Total Molybdenum: 10,000 ppb
Total Nickel: 10,000 ppb
Total Nitrogen: 10,000 ppb
Total Niobium: 10,000 ppb
Total Osmium: 10,000 ppb
Total Oxygen: 10,000 ppb
Total Potassium: 10,000 ppb
Total Radium: 10,000 ppb
Total Rubidium: 10,000 ppb
Total Selenium: 10,000 ppb
Total Silver: 10,000 ppb
Total Strontium: 10,000 ppb
Total Tellurium: 10,000 ppb
Total Thallium: 10,000 ppb
Total Tin: 10,000 ppb
Total Titanium: 10,000 ppb
Total Vanadium: 10,000 ppb
Total Zinc: 10,000 ppb
Total Zirconium: 10,000 ppb

No.	Level	Qty
1	1	20
2	2	20
3	3	20
4	4	20
5	5	20
6	6	20
7	7	20
8	8	20
9	9	20
10	10	20
11	11	20
12	12	20
13	13	20
14	14	20
15	15	20

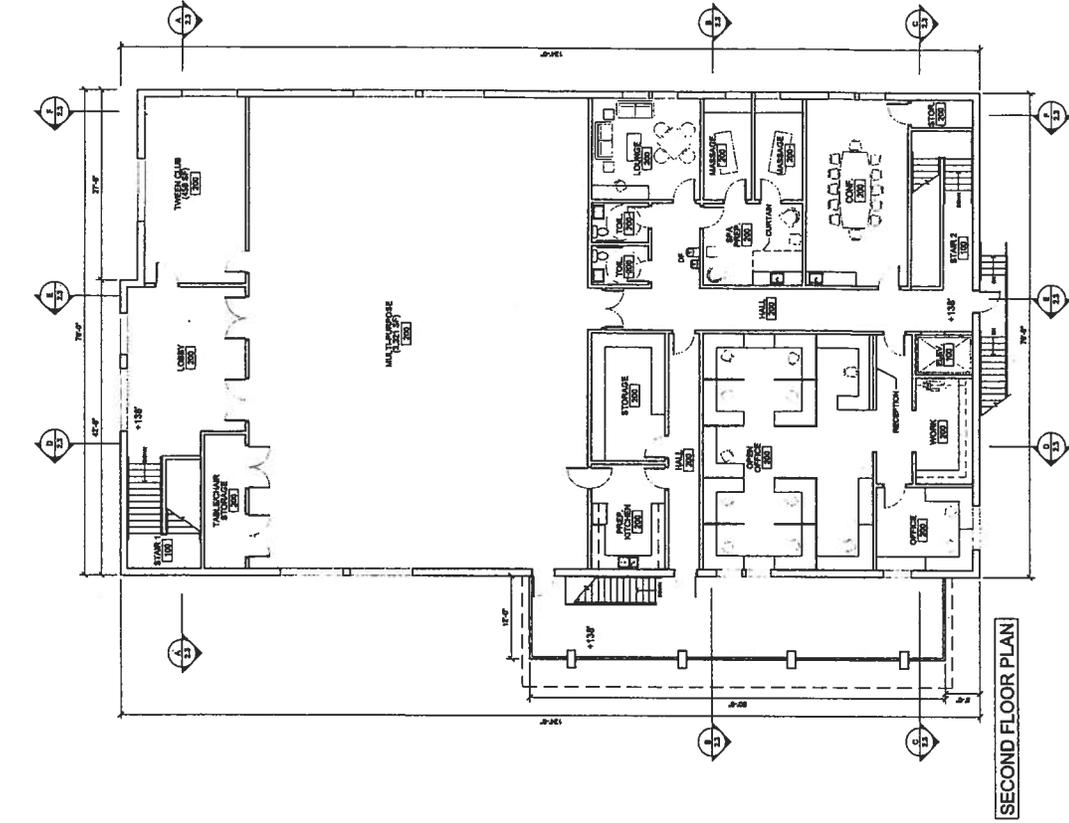
Symbol	Level	Quantity	Wattage	Color Temp.	Beam Spread	Height
□	1	20	100	4000K	30°	10'
□	2	20	100	4000K	30°	10'
□	3	20	100	4000K	30°	10'
□	4	20	100	4000K	30°	10'
□	5	20	100	4000K	30°	10'
□	6	20	100	4000K	30°	10'
□	7	20	100	4000K	30°	10'
□	8	20	100	4000K	30°	10'
□	9	20	100	4000K	30°	10'
□	10	20	100	4000K	30°	10'
□	11	20	100	4000K	30°	10'
□	12	20	100	4000K	30°	10'
□	13	20	100	4000K	30°	10'
□	14	20	100	4000K	30°	10'
□	15	20	100	4000K	30°	10'

Category	Value
Total Lumens	1,000,000
Average Footcandle	0.15
Peak Footcandle	0.25
Minimum Footcandle	0.10
Uniformity	0.80
Glare	0.10
Light Loss Factor	0.80
Total Power	1000 Watts
Total Current	4.5 Amps
Total Voltage	220V
Total Cost	\$10,000
Total Hours	1000
Total Energy	10,000 kWh
Total CO2	10,000 lbs
Total Water	10,000 gal
Total Noise	10,000 dBA
Total Vibration	10,000 mm/s²
Total Electromagnetic Interference	10,000 V/m
Total Radio Frequency Interference	10,000 dBm
Total Heat	10,000 BTU/hr
Total Ozone	10,000 ppm
Total Particulate Matter	10,000 µg/m³
Total Sulfur Dioxide	10,000 ppb
Total Nitrogen Dioxide	10,000 ppb
Total Carbon Monoxide	10,000 ppm
Total Lead	10,000 ppb
Total Cadmium	10,000 ppb
Total Chromium	10,000 ppb
Total Copper	10,000 ppb
Total Iron	10,000 ppb
Total Lithium	10,000 ppb
Total Magnesium	10,000 ppb
Total Manganese	10,000 ppb
Total Mercury	10,000 ppb
Total Molybdenum	10,000 ppb
Total Nickel	10,000 ppb
Total Nitrogen	10,000 ppb
Total Niobium	10,000 ppb
Total Osmium	10,000 ppb
Total Oxygen	10,000 ppb
Total Potassium	10,000 ppb
Total Radium	10,000 ppb
Total Rubidium	10,000 ppb
Total Selenium	10,000 ppb
Total Silver	10,000 ppb
Total Strontium	10,000 ppb
Total Tellurium	10,000 ppb
Total Thallium	10,000 ppb
Total Tin	10,000 ppb
Total Titanium	10,000 ppb
Total Vanadium	10,000 ppb
Total Zinc	10,000 ppb
Total Zirconium	10,000 ppb





FIRST FLOOR PLAN



SECOND FLOOR PLAN

STAFFORD HILLS RACQUET & FITNESS CLUB

ARCHITECTURAL REVIEW BOARD - FLOOR PLANS - ACTIVITY CENTER

scale 1/8" = 1'-0"

084030

9.1.2009



MYHRE GROUP ARCHITECTS

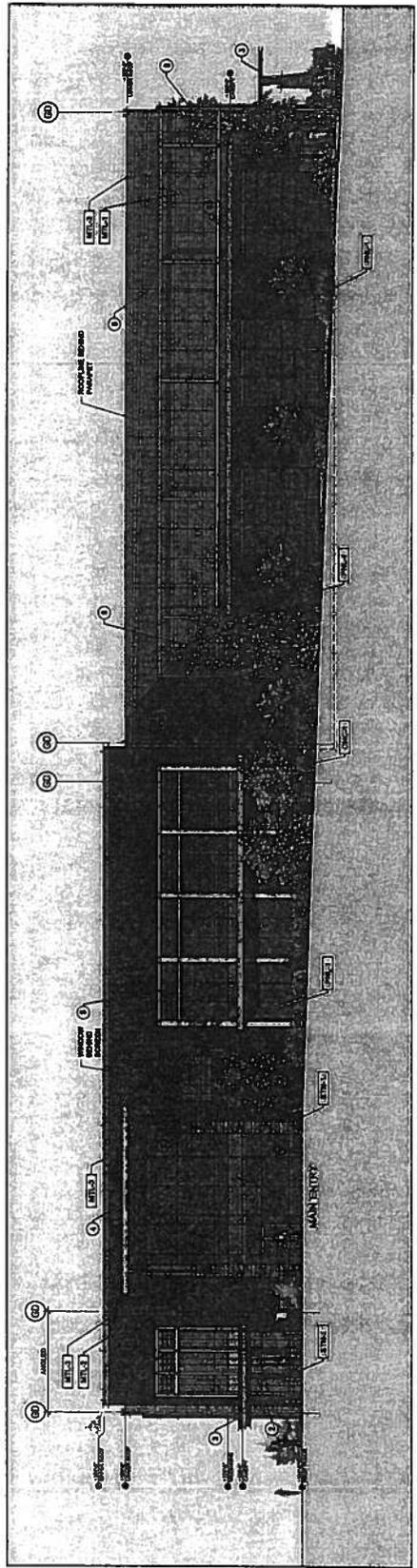
1700 NW Taylor Street, Suite 400 Portland, Oregon 97208
 1-503-238-0000 1-503-238-7500 www.myhregroup.com

A2.10
 1ST & 2ND
 FLOOR PLAN
 ACTIVITY CENTER

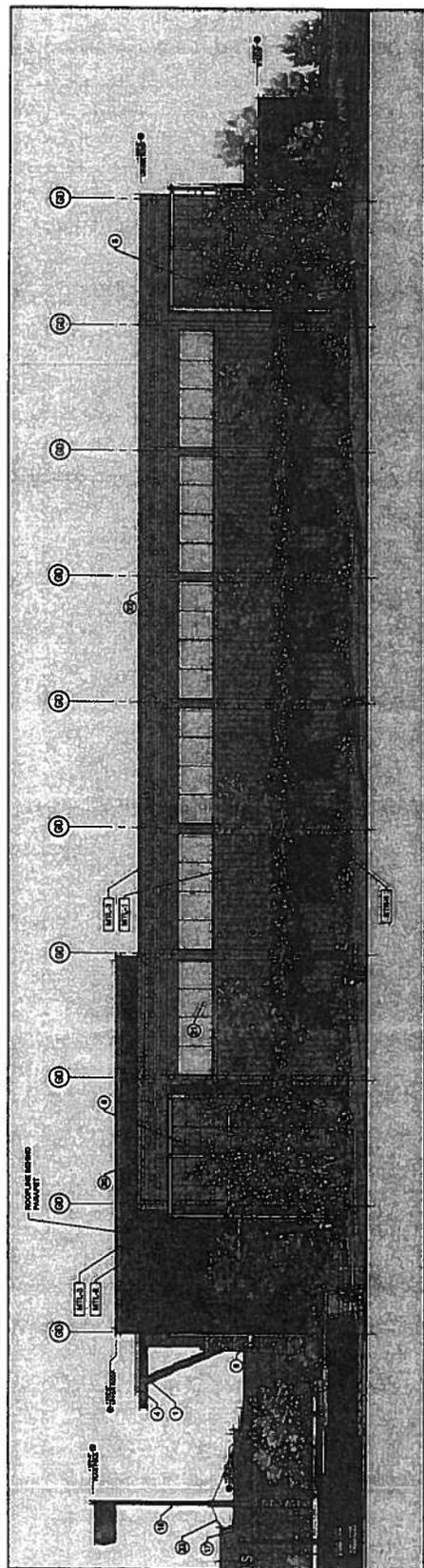
ELEVATION NOTES:

1. GU-JAM WOOD BRACE
2. GU-JAM WOOD COLUMN
3. GU-JAM WOOD POST WITH GU-JAM WOOD BRACE
4. TAG WOOD SOFFIT
5. METAL BRISE-SOLEL
6. METAL BRISE-SOLEL WINDOW
7. METAL SPANDREL PANEL
8. METAL VEGETATIVE SCREEN
9. EXTRUDED METAL REVEAL
10. METAL BRISE-SOLEL WITH TRANSLUCENT PANEL
11. NOT USED
12. METAL PANEL COLUMN COVER
13. WINDOW
14. METAL STAR
15. CONCRESSION COUNTER AND CONCESSION
16. METAL BRISE-SOLEL WITH CANOPY METAL FRAME W/ METAL COVERING
17. METAL SIGNAGE
18. METAL SIGNAGE
19. METAL SIGNAGE
20. EXPANSION JOINT AND COVER
21. TRANSLUCENT GLAZING
22. DOWNSPOUT
23. CABLE SUPPORTS
24. BLACK CHAIN LINK FENCE

- | | | | | | |
|--|--|---|---|---|----------------------------------|
| <p>MTL-1
VERTICAL METAL SIDING - 1
COLOR: SEE MATERIAL BOARD</p> | <p>MTL-2
VERTICAL METAL SIDING - 2
COLOR: SEE MATERIAL BOARD</p> | <p>MTL-3
METAL COPING
COLOR: SEE MATERIAL BOARD</p> | <p>PNL-1
SMOOTH METAL PANEL
COLOR: SEE MATERIAL BOARD</p> | <p>STN-1
SYNTHETIC STONE VENEER
STYLE: SEE MATERIAL BOARD</p> | <p>CNC-1
C.I.P. CONCRETE</p> |
|--|--|---|---|---|----------------------------------|



EAST ELEVATION



NORTH ELEVATION

FFORD HILLS RACQUET & FITNESS CLUB

ECTURAL REVIEW BOARD - CLUB HOUSE & TENNIS CENTER ELEVATIONS

scale 3/32" = 1'-0"

084030

9.1.2009



MYHRE GROUP
ARCHITECTS
700 SW Taylor Street, Suite 400, Portland, Oregon 97205
P: 503.234.0000 F: 503.238.7500 www.myhregroup.com

RESOLUTION NO. 4890-09

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR THE STAFFORD HILLS RACQUET & FITNESS CLUB AS A PRIVATE CLUB USE AND FOR ADDITIONAL BUILDING HEIGHT IN THE LOW-DENSITY RESIDENTIAL (RL) PLANNING DISTRICT AT 5916 SW NYBERG LANE (TAX MAP 21E19C, TAX LOT 900) (CUP 09-01).

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on April 27, 2009, and continued on May 26, 2009, upon the application of Zupancic Group, requesting a Conditional Use Permit to allow 1. The Stafford Hills Racquet & Fitness Club (SHR&F Club) as a private club use in the Low Density Residential (RL) Planning District at 5916 SW Nyberg Lane; 2. Increased building height from the maximum 35 ft. in a RL Planning District to a height of up to 40 ft.; and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 300 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit A," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 5-1]; with Mayor Ogden, Councilor Beikman, Councilor Barhyte, Councilor Davis voting for approval; Councilor Truax opposed; Councilor Harris recused; and Councilor Maddux absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff reports, dated April 27, 2009 and May 26, 2009, marked "Exhibit C," which is attached and incorporated by reference. In addition to the findings in the April 27 and May 26, 2009 Staff Reports for CUP-09-09, the City Council also finds that: with the conditions of approval #1-#6 listed in the Staff Recommendation and with the responses 1-7 in the May 4, 2009 Zupancic Group letter incorporated as Conditions #7-#13, the Council finds the Criteria of TDC 32.030 (1-5) for approval of conditional uses are met and there are no grounds to deny CUP-09-01; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

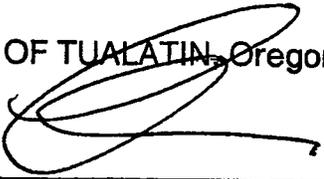
Section 1. The City Council agrees with the staff report CUP-09-01 to allow a private club use and increase building height up to 40 ft. with the following conditions:

1. To ensure an adequate visual buffer between the Legacy Health Systems property to the proposed SHR&F Club outdoor/covered courts and indoor tennis building, the proposed club facility shall submit an Architectural Review plan that shows a buffer of evergreen and deciduous plantings on the south perimeter of the development area that extend from planter grade to 10 ft. in height to provide screening of the outdoor courts and include trees that will reach a minimum mature height of 30 ft. or more to provide a buffer to the indoor tennis building rooftop.
2. To ensure that the SHR&F Club buildings with the proposed increased building height is adequately buffered to the residences east of the site, the proposed athletic club facility shall submit an Architectural Review plan that shows a buffer of evergreen and deciduous plantings on the east perimeter of the development area that that extend from planter grade to a minimum height of 12 ft. and include trees that have a minimum planted size of 12 ft. or 3" caliper and will reach a minimum mature height of 30 ft. or more.
3. The SHR&F Club shall establish a parking management program that will restrict on-site parking before 8 am from parking stalls within 100 ft. of the SHR&F Club east property line.
4. Activities in the SHR&F Club buildings and on-site shall end by 10:00 p.m. and that the buildings and parking areas be closed by 10:30 p.m.
5. To ensure there is adequate on-site parking and to avoid spill-over parking onto neighboring residential streets, a Parking Management Plan for the SHR&F Club use shall be submitted with an Architectural Review application. The Parking Management Plan shall contain provisions for tournament and event parking that may include limits on attendance, mechanisms for restricting SHR&F Club visitor parking on public streets, and providing off-site parking in approved parking areas.
6. To ensure that outdoor lighting does not create glare to the adjoining public street, to the natural wetland to the west of the development area and onto adjacent properties, the proposed private club facility shall submit an Architectural Review plan that shows exterior building and site lighting will not shine or create glare in a manner that impairs the use of a property by residents or wildlife.

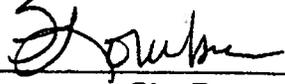
7. The Zupancic Group/SHR&F Club shall increase the buffer along the east boundary, to 20 feet at the parking lot and 25 feet at the Activity Building as shown on the site plan (Site Plan A1.10 submitted with the May 4, 2009 Zupancic Group Letter).
8. The SHR&F Club will install at "our (Zupancic Group) expense", a concrete panel fence or equal along the eastern boundary of the site extending north of the Activity Center. The Zupancic Group agrees to meet the fence approval criteria of TDC 73.050 and the objectives and standards set forth in TDC 73.210 and 73.220.
9. The SHR&F Club shall: eliminate parking located east of the Activity Center; reduce the number of total parking stalls to 122 stalls; and relocate designated staff parking to the west of the outdoor courts. The center core parking will be re-oriented to run north – south, which reduces light impacts on ("our") neighbors to the east.
10. The SHR&F Club parking lot lighting will be mounted as low as possible, include backing that prevents light "spillage" onto adjoining properties and turns off to the extent not needed for reasonable protection of health and safety. Include lighting that will not endanger wildlife or emit direct observable light in quantities substantially greater than that typically found within the vicinity.
11. The SHR&F Club Tennis Building roll up doors on the east side of the Tennis Building will remain closed before 8:00 am and after 8:00 pm to the extent necessary to confine light and noise within the building, as may be reasonably requested by an adjoining impacted property owner residing on Mobile Place.
12. To accommodate increased buffer along the eastern boundary, the size of the Tennis Building shall be reduced a total of approximately 4,100 sq. ft.
13. The Zupancic Group/SHR&F Club will work with the Wetlands Conservancy and the Audubon Society of Portland to assist in the preservation of natural resources including waterfowl and other natural habitat. Members of the SHR&F Club will be offered educational information concerning the wetlands and promote respect for, and enjoyment of, the surrounding beauty of this site. The Zupancic Group/SHR&F Club shall comply with the requirements of the Service Provider Letter from Clean Water Services, which outlines the restoration requirements associated with the area to the west development. The Zupancic Group and SHR&F Club will work with the City Operations and Parks Departments to add pavement markings at the "Duck Crossing" signs on Nyberg Lane, if deemed necessary by the City, to help protect ducks from vehicular traffic.

INTRODUCED AND ADOPTED this 8th day of June, 2009.

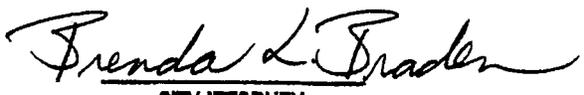
CITY OF TUALATIN, Oregon

By  _____
Mayor

ATTEST:

By  _____
City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

JULIE SEPP
19065 SW Mobile Place
Tualatin, Oregon 97062

October 6, 2009

City of Tualatin
Planning Dept/City Engineer
18880 SW Martinazzi Ave
Tualatin, OR 97062

CITY OF TUALATIN
RECEIVED

OCT 08 2009

COMMUNITY DEVELOPMENT
PLANNING DIVISION

Dear Mr. McKillip,

I have read Architectural Review application 09-08 submitted by The Zupancic Group and have many concerns about this plan. The proposed development will create a large addition of impervious surface, introduction of pollutants and toxins, hydrologic alterations and impaired water quality and quantity. My property adjoins the project property, tax lot 900, to the east. Our home is in the floodplain and I am very concerned with the negative effect that this large footprint will have on my property. The grade of this property is going to change and many huge mature trees will be cut down and removed. This creates the potential for additional water runoff and a possible flood hazard to our home and property.

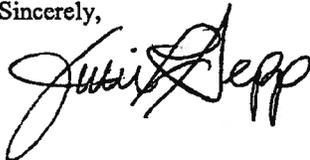
In addition to the potential flooding, the placement of the garbage/refuse is unacceptable. According to the application the commercial garbage container/compactor has been placed at the far Northeast corner of the property. This creates a huge noise problem, possibly several times a week as early as 6:00 a.m. with the sound of the garbage truck banging the container when emptying and the noise (beep beep beep) of the garbage truck when backing away from the container. The stench from the garbage and the infestation of vermin in this area makes this an unacceptable plan and offers no transition from commercial business to single family low density residential homes.

The traffic study that was submitted by the developer does not offer a true picture of the impacts this project will have on Nyberg Lane traffic and on the neighboring streets. This traffic study was done on a day when a reduced number of club members traveled to the clubs because of residual snow and ice on the streets from a winter storm. Also, one of the clubs that was used in this study has an outdoor pool which was not open during the time the traffic study was conducted, which means that in the summer when the pool is open the amount of traffic will be much greater than what was reported. This project will create a traffic nightmare and I please ask that the city conduct their own traffic study that will certainly reflect more accurate findings. Also, the parking stalls on the west side of the tennis club do not provide a gradual transition or buffer. The current plan does not mitigate the visual impact of this huge commercial business if traveling east on Nyberg Lane.

The condition imposed to keep cars from parking within 100 feet of the east property line before 8:00 a.m. was glossed over in the developer's ARB application. No specific physical plan was submitted for this or for overflow parking and parking during flooding. I am very concerned about the amount of traffic and parking that this plan will bring and how it will effect Emergency Response time to my home. How does the city plan to monitor the parking issues that this project is sure to bring to this area? Is the city prepared to pay for speed bumps and a parking permit program?

The proposed project is out of scale for the developable portion of this property and the developer should be required to reduce the size of the project, thereby reducing the cumulative negative effects and impacts. I respectfully request that extra scrutiny be given to this application because of the permanent negative implications that this project will have on our neighborhood. Thank you in advance for your professional consideration and expert knowledge you bring to this review.

Sincerely,



Attachment 7
Comment Letter

JULIE SEPP
19065 SW Mobile Place
Tualatin, Oregon 97062

October, 7, 2009

City of Tualatin
Planning Department
18880 SW Martinazzi Ave
Tualatin, OR 97062

Re: Architectural Review Application 09-08

Dear Mr. Harper,

According to the planning department the applicant was informed on three different occasions that he was required to hold a Neighborhood/Developer meeting prior to submitting his ARB application. He has refused to do this. Therefore, the residents have not had the opportunity to see a detailed presentation of the many changes to this plan including the final public facilities and architectural features. The applicant's unwillingness to meet with neighbors again and present this revised plan has made it somewhat difficult to submit detailed comments.

I have reviewed the above Architectural Review application submitted by The Zupancic Group and my concerns are as follows:

The applicant does not meet all the requirements of the conditions imposed by the City Council as listed in Resolution No. 4890-09. For example, Condition No. 3 as stated in the resolution requires that a parking management program be submitted to restrict on-site parking before 8:00 a.m. from parking in stalls within 100 feet of the east property line. The applicant failed to provide a detailed physical plan in his application. Condition No. 9 states that the number of parking stalls will be reduced to 122 stalls but in his application he states that there will be 138 parking stalls. It appears as if the applicant is attempting to wiggle out of many of these conditions and I trust that he will be held to all 13 of those imposed by council.

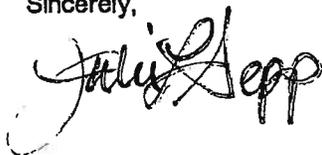
The applicant should be required to gate and lock this property during non-operating hours for security purposes (including during times of flooding). There is no transition from this large commercial business to the low density residential housing development which creates a safety concern for neighboring residents.

The applicant fails to provide any information as to the number of club members he plans to accept. Limits on attendance should be required since the commercial use of this property is an expectation to what is normal for how it is zoned.

Also, the current plan does not provide a gradual transition or visual buffer on the west side of the tennis club building as stated as a requirement in the TDC.

The proposed project is out of scale for the developable portion of this property and the developer should be required to reduce the size of this project, thereby reducing the cumulative negative effects and impacts. I respectfully request that extra scrutiny be given to this application because of the permanent negative implications that this project will have on our neighborhood. Thank you in advance for your professional consideration and expert knowledge you bring to this review.

Sincerely,



CITY OF TUALATIN
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OCT 09 2009

COMMUNITY DEVELOPMENT
PLANNING DIVISION

Questions and Comments re: AR 09-08
Submitted by: Bob and Janice Dove 10/9/09

When the city approved CUP 09-01 for the Stafford Hills Racquet and Fitness Club (SHRFC) they placed thirteen conditions on this project. In his proposed design the developer fails to meet some of these conditions and his design will bring harm to our home on his eastern boundary at 19135 SW Mobile Pl.

In his response to the first condition, *an adequate visual buffer with the Legacy Health Systems property*, the developer has reserved for himself an "essential solar corridor" to his site. We would like the same consideration. His planned Activity Center building would be 35 feet tall and just 25 feet from our fence. It will block the afternoon sun from our entire backyard. It will harm the health of our lawn and inhibit the growth of the shrubs, vegetables, and flowers that we have planted there. We would like the Activity Center to be shorter and/or moved further away to allow sufficient sun to maintain a healthy lawn and garden.

The developer has pointed out that we already have a mature hedge in our backyard. That hedge is supposed to be only 6-7 feet tall. We allowed it to grow last year when he threatened to build a multi-story condominium behind us. The increased height of the hedge is already taking its toll on the lawn (and it's only 15' high). Adding a 35-foot building and the 30-foot trees called for by CUP 09-01 condition # 2, *adequate buffer to the residences east of the site*, will make the problem worse. A thin screen of trees is not an adequate transition between residential and commercial uses. We would like a 50-foot buffer with more natural looking plantings, tall enough to shield us from the view of people in the parking lot, but not so tall as to block out the sun. My wife is somewhat claustrophobic and would rather see a tennis building in the distance than a green wall 25 feet from her kitchen window.

The developer assured us there would be no east-facing windows in the Activity Center. He repeated that pledge in the city council meeting of 4/27/09 at approximately 2 hours 14 minutes into the video taped meeting. The windows shown in pages A2.10 Activity Center Floor Plan and A7.10 Activity Center Elevations would be as high as or higher than our master bedroom and bathroom windows. To preserve our privacy without blocking out the sun, I would like his windows to be removed as promised, or to use opaque glass.

The developer said in multiple public meetings that he intends to save as many of the trees as possible on this site. When Counselor Davis asked him during deliberations at a City Council meeting if condition #7, *increase the buffer along the eastern boundary to 20 feet*, would save more of the larger trees, he nodded his head yes. As far as I can tell, his plan only saves two small trees.

The landscape design shows long rows of identical trees along each of the borders. This creates a visual screen for the small amount of buffer space he's reserved, but it does not

fit in visually with the adjacent wetlands, park and residential landscapes. To match the surrounding areas he needs a design with mixed varieties of varying heights that are not in straight rows. His wetland filling is expected to decrease the songbird habitat by approx. 2%. Why can't some of that habitat be replaced in the buffers around the borders? Nut trees and varieties that the squirrels and other wildlife eat should be saved or replanted as well. This also applies to condition #13, *preservation of natural resources including waterfowl and other natural habitat.*

CUP 09-01 conditions #3, 5 and 9 refer to the Parking Management Plan. The city council made it clear at their 6/22/09 meeting that they were trying to limit the amount of traffic to SHRFC by these parking restrictions, which the developer has essentially ignored.

- Condition #9 specifically says the total number of parking spaces must be reduced to 122 stalls. The developer is proposing an increase to 138.
- Councilor Truax said he didn't want club visitors filling up the limited parking at Brown's Ferry Park. The developer wants to tell his visitors to use that parking lot during tournaments and special events.
- Condition #5 mentions setting limits on attendance and mechanisms to prevent parking on the streets. The developer proposes instead to tell visitors its okay to park on our streets, but only after they have filled parking lots that are further away. How would you expect to enforce that rule?
- The developer's "plan" to prevent parking within 100 feet of the east boundary line before 8 a.m. is to simply "adopt a policy." Rules that are not enforced are not followed, either. I would like to know how you propose to enforce the policy and what recourse we have if the policy is not enforced.
- The only positive suggestion in this parking management plan was to put some of the overflow parking in the hospital parking lot. Has the hospital actually agreed (in principle) to allow club visitors to park in their parking lot? Since the hospital property south of the club has not been developed yet, is the developer planning to run a shuttle between the club and the hospital? How would the visitors find their way up to the hospital and back down to the permitted parking area since there is no direct connection?
- The Tualatin Development Code (TDC 73.370) says a tennis club must have at least one parking space per thousand GFA. That ratio is fine for tennis courts, but the developer is planning a mixed use facility. His plan includes a restaurant, which Tualatin says should have a minimum of 10 parking spaces per 1000 GFA. It also includes a swimming pool for which no parking spaces were required or reserved. We are not confident there will be enough parking for peak usage periods. The fact that the developer resists setting limits on attendance and has not defined mechanisms to prevent parking on the streets gives us even less confidence.

The easiest and most likely place for overflow parking to go would be Nyberg Lane or the residential neighborhoods off 57th Street. When cars park on Nyberg Lane it slows traffic. When they park in our neighborhood they take up spaces that should belong to us

and our guests, as well as create congestion and visibility problems. This parking management plan does not meet the City's requirements nor is it acceptable to us.

The traffic study that was done for the applicant was flawed. The two clubs where traffic counts were conducted (Mountain Park Racquet Club and West Hills Racquet and Fitness Club) have fewer amenities and thus could be expected to have less traffic. In addition, the traffic study was done when there was residual snow/ice on the ground from a storm the previous week and outdoor courts and swimming pools were not usable. A new traffic study or other comparison methods should be used for a more accurate estimate of parking needs and traffic flow.

We understand that the developer must try to maximize the profit potential of the land he has purchased. He doesn't want to "waste" space on a wider buffer with more natural plantings, and he won't, unless you make him do it. He chose to build next to a wetlands and across the street from a nature park. The borders of his development should have a more natural look to provide a proper transition from those natural settings. He chose to build shoulder to shoulder with an established neighborhood. So he must leave adequate space between his commercial buildings and our homes to provide for a proper transition. Scaling back on his buildings would also reduce his parking requirement and lower the risk of overflowing into our neighborhood.

Thank you for considering our comments.

Janice and Bob Dove

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OCT 09 2009

COMMUNITY DEVELOPMENT
PLANNING DIVISION

10-8-09

To: City of Tualatin
Planning Department
18880 SW. Martinazzi Avenue
Tualatin, OR 97062

From: Douglas Rasmussen
19025 SW. Mobile Place
Tualatin, OR 97062

RE: AR-09-08 Stafford Hills Racquet and Fitness Club

Dear Sir or Madam,

I have reviewed pending application #AR-09-08. There are numerous concerns and issues that have not been adequately addressed. These problems adversely affect my property, my neighbors' property and the surrounding area. Here is a list of my concerns and the solutions that would be appropriate.

1. The parking management plan is insufficient and unrealistic.
 - a) No parking permits should be issued for parking along Nyberg lane. The City of Tualatin already allows special permit parking for events connected to Willowbrook Day Camp. These events are few and occur within a month's time. They do, however, restrict traffic flow and cause congestion.
 - b) No members or guests should be allowed to park in the Brown's Ferry Park parking lot on regular or event days. These spaces are for visitors to the park only. No apartments or businesses use this lot for their residents or clients. Allowing overflow parking from a private club adversely affects the number of people who can use the public parking lot, whether for picnics, dog walking, kayaking or any other uses. The number of spaces was calculated to be adequate for activities in the park only.
 - c) The applicant has stated that planned events would rarely require overflow parking. There is no data to support this, since the facility has not been built and the events have not occurred. He has stated that tournaments and meets would draw visitors and competitors from all over the PNW. It is reasonable to assume that there could easily be a very large number of vehicles at one time. No parking on the streets of the Fox Hill neighborhood should be allowed. This large amount of vehicles increases the safety issues for the neighborhood. It creates many occasions for speeding, loss of visibility,

endangered children and pets and increases in noise. Permitted parking should be assigned to residents and strictly enforced.

- d) Due to heavy traffic, Nyberg Lane needs to be redirected to 25 mph speed limit. A speed bump should be installed between the entrance to SHR&F and the posted "Duck Crossing" sign. This would protect wildlife, as well as discourage traffic from going east into Fox Hill neighborhood. Members leaving the facility will also have an easier time turning left into traffic.
- e) The ARB should exercise its' discretion to limit the attendance of special events in order to confine parking to the facility itself.
- f) No parking within 100' of the east property line before 8 a.m. This original condition of the City of Tualatin should be met with no exception. No client nor any employee may park within 100' of the property line on any day. Applicant states that club will adopt policy that "avoids" such parking. This needs clarification to ensure that no parking before 8 a.m. will occur.

2. Refuse area needs to be moved away from the east property line.

- a) The current site allows noise from dumping and trash smells to be too close to neighboring homes. This is a pickup of a commercial nature, involving a dumpster and large recycling bin, which involves much more noise than smaller home pickups.
- b) Allied Waste has planned to drive completely around the parking lot to avoid unnecessary backing. This will only add more early a.m. noise to a position too close to homes.
- c) The refuse area needs to be relocated to the west, as in the original drawing. This would also allow the three mature European Birches to remain.

3. The concrete wall barrier needs to be 8' tall instead of 6', and needs to extend past the Activity Center to the south property line.

- a) A 6' wall will not shield enough noise, nor afford enough privacy for neighbors along the east property line.
- b) The close proximity of particular neighbors to the Activity Center indicates that a barrier needs to be in place there as well. These neighbors have only a 6' fence, and that is not enough to shield them from noise, nor protect them from being viewed by numbers of people using the Activity Center.

- c) The footer for the barrier should not be allowed within 5' of east property line to protect existing trees and shrubs that have extensive root systems.

- 4. The 25' buffer required between the Rasmussen pond (wetland) and the barrier wall has not been met. Portions of the pond are closer than the allowable 25' see Drawing C-4, C-2). The barrier needs to be moved to ensure all portions meet the 25' requirement.

- 5. A pavement management survey of Nyberg Lane should be done before and after construction.
 - a) Any damage to the road will be the responsibility of SHR&F, not the City of Tualatin.

 - b) No construction will begin before 7:00 a.m. or after 4:30 p.m. on weekdays. No construction on weekends. This allows the residents close to the project to be able to sleep and to have a quiet dinner hour and family time. It allows traffic to move smoothly as they leave and return to and from work.

Thank you for taking the time to consider these concerns and solutions. It is my desire to protect the Fox Hill neighborhood and my own home from the adverse affects that commercial business brings.

Cordially,



Douglas Rasmussen

OCT 26 2009

COMMUNITY DEVELOPMENT
PLANNING DIVISION

October 23, 2009

Community Development Department Planning Division
18876 SW Martinazzi Ave.
Tualatin, OR 97062



Re: AR-09-08: APPLICATION BY ZUPANCIC GROUP FOR PROPOSED
PRIVATE TENNIS AND FITNESS CLUB.

Dear Sir:

I am very concerned about the building of this facility. Of most concern is the increased traffic that will result. The developer proposes 138 parking spaces. If those spaces fill to capacity and turn over 4 times per day, the number of vehicle entrances and exits from the property would exceed 1000. The number of vehicles traveling in and out of the property had there been 4 houses built; as was the original zoning restriction; would have had significantly less adverse impact on the surrounding neighborhood and particularly the wildlife in Brown's Ferry Park.

With the construction of new roads and parking spaces within the development, increased use of motorized vehicles, and increasing dispersal of the human population to what is now a more rural area, the existing wildlife population in Brown's Ferry Park across the road will be disrupted. Their habitat will be greatly compromised during the many months it will take to construct this facility. I have viewed deer, squirrels, raccoon, Egrets, Heron, geese and Mallards in or near the park during my 19 years in residence in Fox Hills. I have often observed park wildlife routinely traveling across Nyberg Rd directly East of the development. During construction, the wildlife will be forced to navigate across Nyberg under great risk of being hit by construction vehicles while enduring the building dust, noise and general disruption of their existing park habitat.

What this development means for the Brown Ferry wildlife is alarming: wildlife-vehicle collisions, commonly known as "road kill," are the number one human cause of wildlife mortality in the United States. And what many people don't realize is that the impacts of roads on wildlife and surrounding habitat occur far beyond the pavement's edge.

I learned much of the alarming information above from Maine's brochure on habitat preservation. For additional information, please refer to:
<http://www.beginningwithhabitat.org/pdf/MARoadsWildlife-FINAL.pdf>
Stated in that brochure is the following: "Building and using roads often fragments and destroys habitat, and causes some wildlife to avoid it. It also brings humans into the area, with results such as wildlife-vehicle collisions.

Roads also bring invasive species and chemical contaminants into the areas surrounding them. Quite simply, the impact on some wildlife is disastrous.”

According to the information in the brochure, wildlife experts believe traffic noise may be a major reason animals avoid habitat near roads. Other factors include visual disturbance, pollutants, and an increased numbers of predators. Traffic noise may interfere with breeding birds' ability to hear birdsong, which they rely on to attract mates and establish breeding territories. Because noise travels farther in open habitats, a decrease in population density adjacent to roads has been found to be greatest for grassland birds, less for birds in deciduous woods, and least for birds in coniferous woods. Researchers have found that negative impacts on the density and nesting success of grassland birds extend more than a quarter mile from a rural road and more than a half mile from a highly traveled, four-lane highway.

I read that invasive plants and animals that are not native to a region can seriously harm wildlife habitats. Invasive species spread rapidly and displace native species by out competing them for breeding sites, prey, and other resources. They can disrupt food webs, degrade habitats, and alter wildlife diversity. Roadside erosion-control plantings, drainage ditches, maintenance and construction fill, automobiles and boats traveling from areas infested by invasive species, and animals traveling along roadways all provide a means for invasive species to disperse. Roadside erosion into wetlands and streams allows invasive species to gain a foothold as native vegetation is scoured or smothered by eroding soils. It is recommended that developers plant only native species on construction sites to reduce the spread of invasive species.

Maine recommends the following construction solutions:

- 1. Install wildlife underpasses and overpasses along existing roads to reduce habitat fragmentation and travel barriers, particularly in conservation lands, high-value habitat, and areas where wildlife travel.**
- 2. Span streams or design culverts to mimic natural stream conditions so fish and other wildlife can pass under roads.**
- 3. Use soil berms and vegetation as well as road surface improvements to mute noise and reduce other ecological disturbances that traffic creates for wildlife.**
- 4. Use only native species for roadside plantings, erosion control, and slope stabilization. Plant maintenance-free native wildflowers and other plants along roadsides to prevent nonnative plant species from invading.**

If construction of the Tennis and Fitness Club has to take place, I recommend we ask the developer to comply with the 4 preceding recommendations. Brown's Ferry Park's wildlife should not have to accommodate this development. The Review Board should insist that the developer's accommodate the wildlife. The existing plan is inadequate and while proposing to “create more functional

wetlands" it does a very poor job of finding solutions to the development's impact on the existing wildlife in Brown's Ferry Park.

Accommodations should also be made for Fox Hills residents. Regardless of the number of exits and entrances into the Club occurring on any given day, the Fox Hills neighborhood should not have to absorb the traffic. The developer should be asked to construct speed bumps on all the feeder streets emptying onto Borland Road. The residents should not have to suffer the noise, pollutants and dangers to pedestrians that result from the increased traffic through the neighborhood. Our navigating speed bumps paid for by the developer is penance enough for a development that will likely detract from the desirability of our lovely neighborhood and park and without thoughtful construction result in the absence of the wildlife my fellow residents currently enjoy.

Sincerely,

A handwritten signature in cursive script that reads "Cheri Emahiser".

Cheri Emahiser
4980 SW Natchez St.
Tualatin, OR 97062



**Zupancic
Group**
Real Estate Counsel and Developers

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NOV 03 2009

COMMUNITY DEVELOPMENT
PLANNING DIVISION

November 3, 2009

Will Harper, Planner
City of Tualatin
Planning Division
18875 SW Martinazzi Ave.
Tualatin, OR 97062

VIA E-MAIL

RE: Stafford Hills Racquet & Fitness Club
Architectural Review Board Meeting

Dear Will:

As a follow-up to our meeting last week, and in response to your issued Staff Recommendations in connection with the above-referenced application, we present you with the following information that will be offered at tomorrow night's ARB meeting. These are provided as a courtesy to you to assist in your preparation for your Staff Report presentation at the meeting.

1. Parking Management Plan: This plan (attached) has been substantially revised with the assistance of Kittleson & Associates, Inc. All of the applicable CUP Conditions 3, 4, 5, and 9 are appropriately addressed and met.
2. Building Height: While we are still confused about how the Tennis Building height calculates at 42 feet, we have modified the design to lower the building height to 39 feet at the north elevation – measured from grade 6" below finish floor. This has been accomplished by removing the parapet on the Tennis Building (the parapet remains on the Clubhouse and Activity Center) and reducing the height of the north-facing wall. This reduces the visual impact onto Nyberg Lane and the overall scale of the Tennis Building.
3. Architectural Detail: Ray Yancey, architect, will present material selections and color boards that show extensive use of stone, wood, simulated board and batten siding, simulated stucco siding, glazing, landscaping trellis and accent colors that enhance the appeal and attractiveness of this facility. We will arrive early tomorrow night to show you these selections.
4. East Boundary Fencing: The concrete fencing along the eastern boundary will be constructed with a concrete board and batten simulated material that provides the benefits of concrete, attractiveness of a wood-simulation and also reduces root damage to nearby vegetation because posts are installed similar to traditional cedar fencing. See the photos attached. Another benefit is that traverse of the sewer

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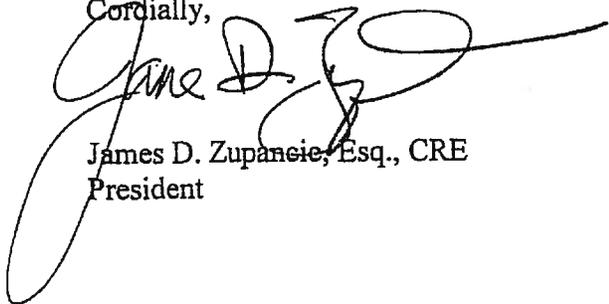
COMMUNITY DEVELOPMENT
PLANNING DIVISION

Will Harper
RE: Stafford Hills Racquet and Fitness Club
November 3, 2009
Page 2

easement is manageable since this concrete fencing can be easily dismantled in the event that easement access is required. Of course, the "good neighbor" aspects of the fencing are evident because each side reflects the wood-simulation, and the fence line layout can be modified to avoid large trees as needed.

We look forward to tomorrow night's ARB meeting and hope this advance information is helpful to you.

Cordially,

A handwritten signature in black ink, appearing to read "James D. Zupancic", with a long horizontal flourish extending to the right.

James D. Zupancic, Esq., CRE
President

NOV 04 2009

COMMUNITY DEVELOPMENT
PLANNING DIVISION

**Parking and Transportation Demand Management Plan
Stafford Hills Racquet & Fitness Club
(Amended October 30, 2009)**

- 1) **CUP Condition #5:** *To ensure there is adequate on-site parking and to avoid spill-over parking onto neighboring residential streets, a Parking Management Plan for the Stafford Hills Racquet & Fitness Club ("SHR&F") use shall be submitted with an Architectural Review application. The Parking Management Plan shall contain provisions for tournament and event parking that may include limits on attendance, mechanisms for restricting SHR & F Club visitor parking on public streets, and providing off-site parking in approved parking areas.*

A. Typical Weekday/Weekend Activities

Parking Spaces shall be designated for typical weekday and weekend use in the following proportions:

Staff spaces ¹ (westside):	29
Member spaces (eastside):	97
Carpool spaces ¹ :	6
Handicapped spaces:	5
Electric Vehicle spaces ¹ :	1
TOTAL SPACES ONSITE:	<u>138</u>

o **Scheduling**

Weekday and weekend activities will be scheduled in a manner to accommodate typical usage patterns. For example, classes will be scheduled around peak usage times so as to avoid exacerbating parking demand during typical times of high demand.

o **Management**

Management will be tasked with monitoring parking usage and assuring that member and staff parking does not impact public streets.

o **Carpooling**

Management will establish a carpool program in which staff shall be encouraged to carpool. An appropriate incentive shall be identified to help encourage carpooling. (As an example, Nike in Beaverton encourages

¹While specially designated, these spaces are also available as needed for on-site overflow member parking.

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PLANNING DIVISION

employees to carpool by providing priority spaces and giving "Nike Bucks" that can be redeemed at the Nike discount store to those who choose to carpool.) Parking spaces closest to the west entrance of the Tennis Building shall be designated for carpool use only.

o Transit Info Center

Management will provide an information center for staff and members to assist in providing the latest transit information and transit routes.

Management will also coordinate with TriMet to determine if adjustments to current bus routes serving SW 65th Ave. could be made to include direct service along Nyberg Lane. If not, consideration will be given to provide a shuttle for employees using the SW 65th Ave. TriMet route to promote use of mass transit.

o Electric Vehicle Club Car

An innovative all-electric club car will be used by employees for day-to-day business errands to eliminate the necessity of having employees drive to work and use their cars for business errands.

o Bicycles and Bike Racks

A sufficient number of bike racks will be available for staff and member use. Existing bike lanes on both sides of Nyberg Lane will promote bicycle access and usage.

o Connectivity with Fox Hills and Legacy Meridian Park Hospital

An advantage to being located near a residential development is that members living nearby in Fox Hills will be motivated to walk or bike to the Club instead of using a car. Likewise, members who work at Legacy Meridian Park Hospital ("MPH") will be encouraged to leave their vehicles in the Legacy MPH parking lot and walk to the Club via a connecting pathway. This pedestrian pathway is currently being discussed between the Club and Legacy MPH.

o Flex Space on West Side

Should it be needed during overflow circumstances, additional parking for up to 15 vehicles is available on the grasscrete area west of the Tennis Building.

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- o Drop-Off Island

Signage will be used to direct vehicles into a counter-clockwise pattern around the east parking lot, and when appropriate, to drop off members at the drop-off island located near the Club entrance. Drop-off and Pick-up location will promote parents and guardians to transport children while not requiring on-site parking during their wait.

- o Zip Car

Discussions are underway with Zip Car to establish a Zip Car access location at Legacy MPH, thereby allowing users to utilize Zip Car, park at Legacy MPH, and access the Club via the pedestrian pathway. Management from Legacy MPH has expressed interest in this concept.

B. Special Event and Tournament Parking

- o Scheduling

Special events and tournaments will be scheduled in a manner to complement and not compete with typical peak parking demand usage.

- o Restricting Parking on Public Streets

Management will make clear that members, guests and staff should avoid parking on public streets, and will direct that they instead use recommended off-site parking in approved areas.

- o Approval of Offsite Parking

The Club is or will be in discussions with management of Legacy MPH, Nyberg Woods Shopping Center and churches on Borland Road to arrange for complementary parking for Club visitors during special events and tournaments. The Club is confident that this can be arranged.

- o Planning

Management will consider as part of any tournament or special event how the parking will be managed, the number of expected vehicles, how to utilize approved offsite parking and how to restrict spillover parking onto public streets. Events will not be planned where approved off-site parking cannot be accommodated.

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- o Shuttle Service

When necessary, the Club will provide a shuttle service between the approved offsite parking areas and the Club as a convenience to guests and visitors.

CUP Condition #5 is met.

- 2) **CUP Condition #9:** *The SHR&F Club shall: eliminate parking located east of the Activity Center; reduce the number of total parking stalls to 122 stalls; and relocate designated staff parking to the west of the outdoor courts. The center core parking will be re-oriented to run north-south, which reduces impacts on ("our") neighbors to the east.*

- o Parking Redesigned

Parking has been redesigned to eliminate all parking east of the Activity Center. Staff parking has been relocated west of the outdoor courts and the Tennis Building. The east parking lot has been re-oriented to run north-south and the number of spaces in the east lot has been reduced to 109 stalls, to comply with the intent of CUP Condition #9.

CUP Condition #9 is met.

- 3) **CUP Condition #3:** *The SHR & F Club shall establish a parking management program that will restrict on-site parking before 8 a.m. from parking stalls within 100 ft. of the SHR&F Club east property line.*

- o Restrictive Parking

Management will be tasked with implementing a program to restrict on-site parking before 8:00 a.m. in parking stalls within 100 feet of the east boundary line. Members will be informed of this restriction (as part of membership information materials) and management will monitor compliance on a regular basis.

CUP Condition #3 is met.

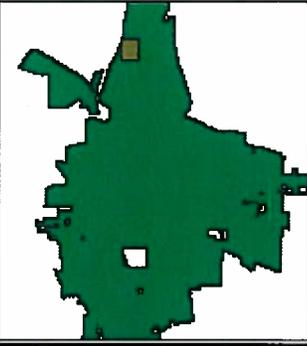
- 4) **CUP Condition #4:** *Activities in the SHR&F Club buildings and on-site shall end by 10:00 p.m. and the buildings and parking areas will be closed by 10:30 p.m.*

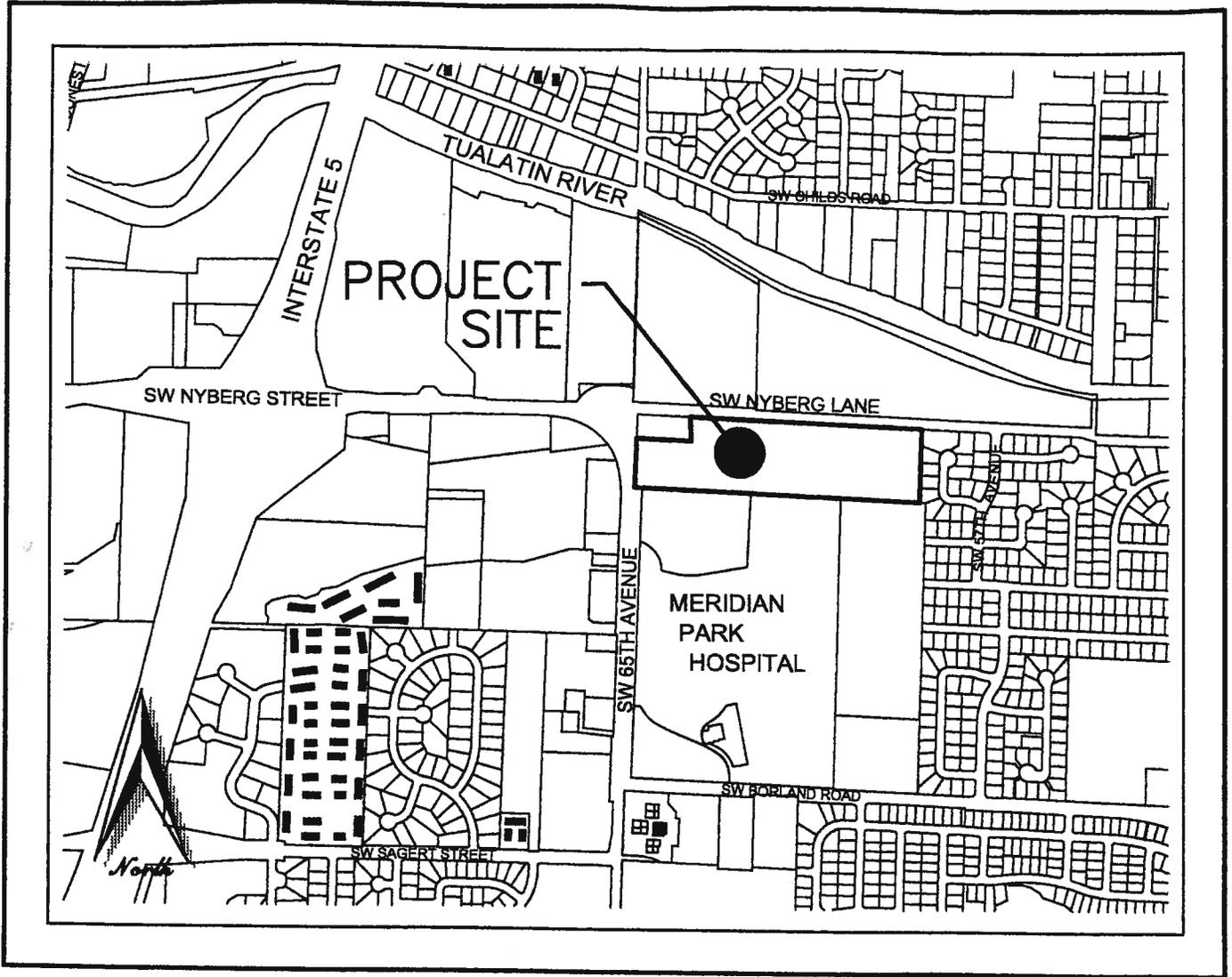
o Closing

Scheduling will be arranged so that on-site activities will end by 10:00 p.m. and buildings will be closed by 10:30 p.m. This information will be provided to members as part of membership information materials and management will monitor compliance on a regular basis.

CUP Condition #4 is met.







SITE MAP

1"=1000'



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Paul Hennon, Community Services Director 
Becky Savino, Program Coordinator 

DATE: January 11, 2010

SUBJECT: 2009 ANNUAL REPORT OF THE TUALATIN ARTS ADVISORY COMMITTEE

ISSUE BEFORE THE COUNCIL:

The Council will receive the 2009 Annual Report of the Tualatin Arts Advisory Committee (TAAC).

RECOMMENDATION:

- Accept the annual report.

EXECUTIVE SUMMARY:

The Tualatin Arts Advisory Committee (TAAC) was established by Ordinance 815-90, adopted by Council on October 22, 1990 and incorporated into the Tualatin Municipal Code as Chapter 11-5. The enabling ordinance requires the TAAC to file an annual report with the Council including a summary of the committee's activities during the preceding year and other matters and recommendations the committee deems appropriate.

The role of the TAAC is to encourage greater opportunities for recognition of arts in Tualatin; to stimulate private and public support for programs and activities in the arts; and to strive to ensure excellence in the public arts collection. The committee consists of seven members appointed by Council. In addition, one Council member serves as a committee Council liaison. The Community Services Department provides the TAAC with limited staff support. The TAAC meets monthly or more often as needed.

Current members of the TAAC are: Buck Braden, Richard Hager, Art Barry, Gary Thompson, Carla Thaler and Ryan Stathos. Donna Maddux is the Council liaison.

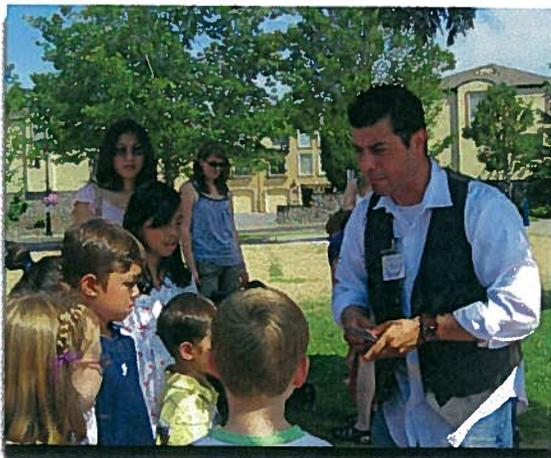
FINANCIAL IMPLICATIONS:

The TAAC operates with a general fund allocation of \$11,500. This subsidy is leveraged with approximately \$40,000 in revenue from corporate sponsorships for the Concerts on the Commons and ArtSplash sales receipts to support the various programs sponsored by the City through the TAAC.

DISCUSSION:

Following is a summary of the most significant accomplishments of the TAAC in 2009 and a summary of current projects.

1. ArtSplash 2009



ArtSplash 2009, Tualatin's 14th annual art show and sale, was held at the Tualatin Commons July 24-26, 2009. Fifty-one local artists sold over \$18,250 of art (a 5% increase in sales over the previous year). Over 3,000 art enthusiasts attended the three-day event that was filled with art, music, and activities for children.

ArtSplash net revenue this year was \$5,250, after expenses. This represents a 400% increase over 2008. This revenue was accomplished by reducing related expenses and through local donations. These proceeds are used to support ArtSplash and other programs of the TAAC. More than eighty volunteers donated their time and energy to support this community event.

2. Concerts on the Commons



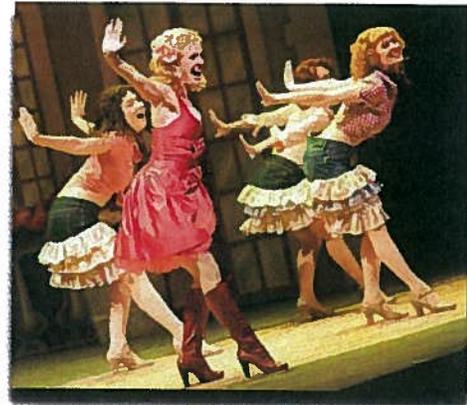
The Concerts on the Commons weekly outdoor summer concert series held at the Tualatin Commons every Friday night during July and August continued to be sponsored by the TAAC and 20 other local businesses. The concerts this past summer were funded with \$15,600 in monetary and in-kind sponsorships. Fundraising was down this year due to the economy and the TAAC repurposed funds for ArtWalk improvements and ArtSplash revenue to bridge the gap for funding concerts this year.

Eight concerts were held in a variety of genres with each concert attended by an average of 500 to 1,000 people of all ages.

3. Support of Outside Agencies

a. Broadway Rose

The TAAC made a direct contribution of \$500 to the Broadway Rose Theatre Company, a local non-profit organization. These funds help the theatre company leverage other funding.



During their 2009 season, the Broadway Rose Theatre Company presented *Always Patsy Cline*, *Getting to Know You*, *Seussical the Musical*, *Bingo* and the *Winter Wonderettes* at their New Stage Theatre.

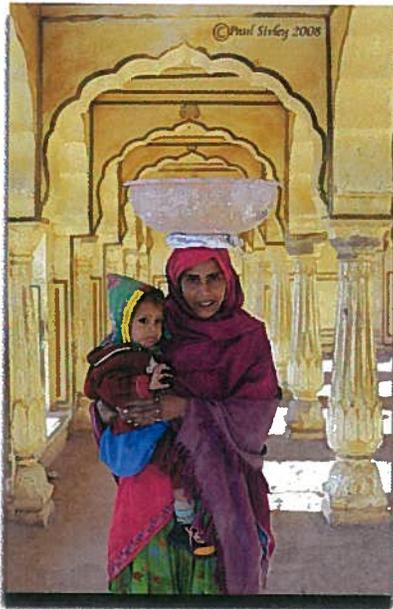
b. Tualatin Heritage Center

The TAAC sponsored art at the Heritage Center that would otherwise not have occurred. The contribution of \$1,000 allows the Heritage Center to offset their building rental costs and helps to provide high-quality creative art programs and exhibits.

The Heritage Center hosts *Lumiere Players*, Tualatin's own community theatre by providing space for rehearsals and performances. *Lumiere Theatre* activity is described below.



Musical activities over the year included a performance by local bluegrass band, *Kathy Boyd and Phoenix Rising*, a recital/concert by violin students of local conductor, *Rodel Flores*, and performances throughout the year by the *Dulcimer Players*.



During the month of March, the Heritage Center hosted its first professional photography show featuring local photographer, Paul Silvey and landscape photographer, Adrian Klein.

In August, Masque Alfresco, a group of Washington County performers, entertained an enthusiastic audience on the Heritage Center patio with their medieval style of slapstick comedy.

The “Big Little Art Show” was featured in May with several hundred patrons attending. Fifteen vendors featured a wide variety of media for sale. Each vendor donated an art/craft piece for the Tualatin Historical Society fundraising auction.

c. Lumiere Players

Four plays were produced by Lumiere Players in 2009. “Dearly Beloved” had three sold-out performances in February. In May, an interactive theatre production “Bloodhounds!” was featured with cameo performances by Tualatin’s Police Chief, Community Services Director and some City Council members. “The Dining Room” had a strong turnout in October. The Christmas play “Sorry, Wrong Chimney” will be featured in December.

4. Visual Chronicle

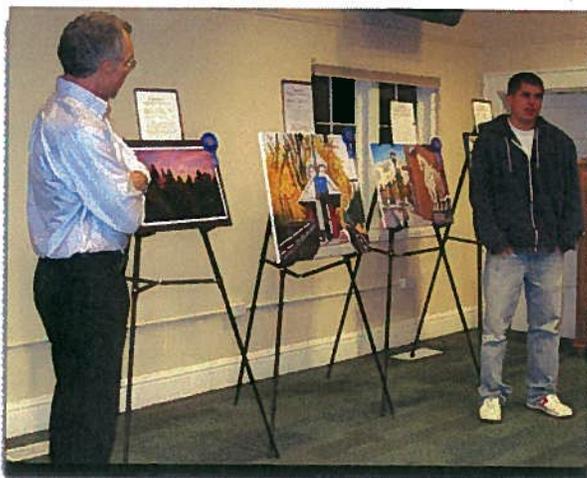
The purpose of the Tualatin Visual Chronicle is to create a visual record of Tualatin in various mediums including prints, drawings, paintings and photographs which document the life of the Tualatin community, capturing elements of the past and present, thereby providing an archival record and resource. The Chronicle was started in 1995.

The City now has 180 pieces of art in the Visual Chronicle which has three sections: General Collection, Student Collection, and Historical Collection.

a. General and Historical Collections

No purchases are planned in FY 09/10 since the TAAC is planning to use its limited funding this year to update the ArtWalk signage and brochure, needed primarily as a result of the new library and development of the Heritage Center.

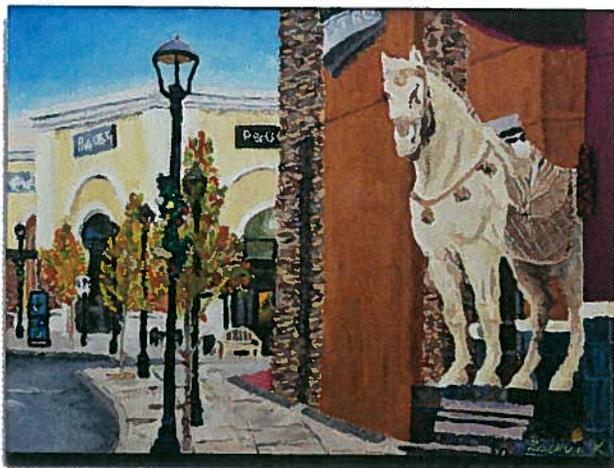
b. Student Collection



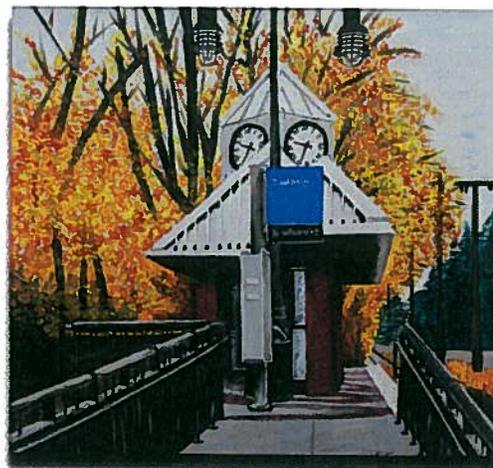
In partnership with Tualatin High School, 2009 marks the 3rd year of the student section of the Visual Chronicle. Students in grades 9 through 12 at Tualatin High School participated in the program. Along with their submitted artwork, students were asked to submit a short essay describing their art and explaining why they chose the location of their project.

Those students whose art was selected for inclusion in the Student Visual Chronicle were chosen by Tualatin High School teachers Jeannine Miller and Rachel Thompson. A total of four pieces of artwork were purchased from the student art submissions. Mayor Lou Ogden presented the students with awards at a reception held at the Tualatin Heritage Center on January 28, 2009.

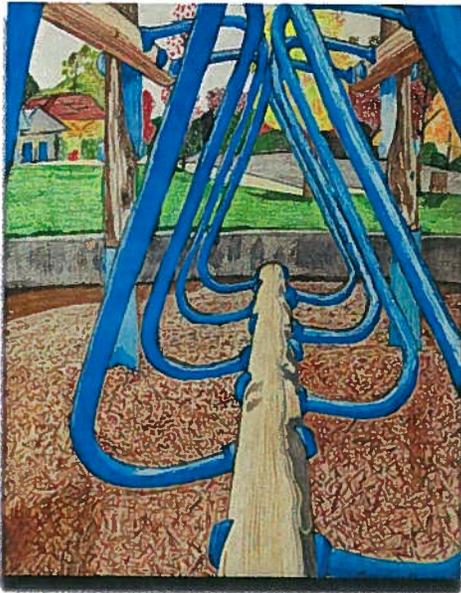
Photographs of the four purchased artwork pieces follow:



1. "Bridgeport Village" Acrylic painting by Laurie Koch



2. "Tualatin Tram" – Acrylic painting by Kevo Kirakossian



3. "A Day at Ibach Park" – Pencil
by Madelyn Reynolds



4. "Sunrise over Tualatin" – Digital Graphic
by Haley Fisher

Grant Received

Staff received a Community Cultural Participation Grant award in the amount of \$2,000 from the Cultural Coalition of Washington County and Oregon Cultural Trust to fund a broader student participation in the Visual Chronicle in FY 09/10.

5. Current Projects

a. Community Arts Enhancement Commendation

The TAAC developed the Community Arts Enhancement Commendation to publicly recognize significant contributions to the enhancement of the arts in the community. The goal of the TAAC is to identify at least one award per year with the first award presented by Council before June 30, 2010.

b. Tualatin-Sherwood Rd. Landscape & Pedestrian Improvements and Gateway Project

Two members of TAAC are participating on the Tualatin-Sherwood Road Landscape Project Ad Hoc Committee. TAAC was given monthly reports of the Ad Hoc Committee's progress. The TAAC learned of the challenges the Ad Hoc Committee was experiencing in creating a gateway feature that was both welcoming and somehow expressed the uniqueness and essence of Tualatin. Based on these reports, the TAAC offered the following recommendations to staff and Council:

- Seek additional concepts for the gateway feature rather than select from a limited few options that have their strengths, but didn't seem to achieve the goal.
- TAAC involvement in the gateway selection process in order to provide some additional perspectives and experience with public art.

- Identify spaces for the installation of art at intersections on Tualatin-Sherwood Rd. within the project boundary.
- Fund one piece of art at an identified intersection on Tualatin-Sherwood Rd. as a component of the current project.

The Committee supports the Council's goals with this project and is eager to provide its assistance in whatever ways it can.

c. Other Projects

In 2009 (which spans the FY08/09 and FY09/10 annual budgets), the TAAC plans to continue to produce ArtSplash, the ArtWalk, Concerts on the Commons, Visual Chronicle, and to consider support of outside agencies.

c: Tualatin Arts Advisory Committee (TAAC)



A. CALL TO ORDER

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Commission regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA (Item No. 1 - 2)

Page No.

The Consent Agenda will be enacted with one vote. The Chairman will first ask the staff, the public and the Commissioners if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under "Items Removed from the Consent Agenda." The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

1. Approval of Minutes of the Work Session and Meeting of December 14, 2009..... 206
2. Resolution No. _____ Establishing Regular Meetings of the Tualatin Development Commission – the Urban Renewal Agency of the City of Tualatin and the Urban Renewal Advisory Committee 210

E-F. PUBLIC HEARINGS

None.

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Chairman may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COMMISSIONERS

J. EXECUTIVE SESSION

K. ADJOURNMENT



STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

FROM: Sherilyn Lombos, Administrator 

DATE: January 11, 2010

SUBJECT: APPROVAL OF THE MINUTES FOR THE WORK SESSION AND MEETING OF DECEMBER 14, 2009

ISSUE BEFORE THE COMMISSION:

The issue before the Commission is to approve the minutes for the work session and meeting of December 14, 2009.

RECOMMENDATION:

Staff respectfully recommends that the Commission adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes

TUALATIN DEVELOPMENT COMMISSION

18880 S.W. MARTINAZZI AVENUE
TUALATIN, OR 97062-7092

503 / 692-2000



TUALATIN DEVELOPMENT COMMISSION WORK SESSION MINUTES OF DECEMBER 14, 2009

PRESENT: Chairman Lou Ogden; Commissioners Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, Administrator, Mike McKillip, City Engineer; Brenda Braden, City Attorney; Kent Barker, Police Chief; Dan Boss, Operations Director; Maureen Smith, Recording Secretary

ABSENT: None.

- A. CALL TO ORDER**
Chairman Ogden called the work session to order at 5:05 p.m.
- B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS – N/A**
- C. CITIZEN COMMENTS – N/A**
- D. CONSENT AGENDA**
No changes to the Consent Agenda were made by the Commission.
- E-F. PUBLIC HEARINGS – N/A**
- G. GENERAL BUSINESS – N/A**
- H. ITEMS REMOVED FROM CONSENT AGENDA – N/A**
- I. COMMUNICATIONS FROM COMMISSIONERS**
None.
- J. EXECUTIVE SESSION**
None.
- K. ADJOURNMENT**
The work session adjourned at 5:05 p.m.

Sherilyn Lombos, Administrator

Recording Secretary

TUALATIN DEVELOPMENT COMMISSION

18880 S.W. MARTINAZZI AVENUE
TUALATIN, OR 97062-7092

503 / 692-2000



TUALATIN DEVELOPMENT COMMISSION MEETING MINUTES OF DECEMBER 14, 2009

PRESENT: Chairman Lou Ogden; Commissioners Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, Administrator; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Brenda Braden, City Attorney; Maureen Smith, Recording Secretary

ABSENT: None.

[Unless otherwise noted MOTION CARRIED indicates all in favor.]

A. CALL TO ORDER

Chairman Ogden called the meeting to order at 8:11 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

None.

C. CITIZEN COMMENTS

None.

D. CONSENT AGENDA

MOTION by Commissioner Harris, SECONDED by Commissioner Beikman to adopt the Consent Agenda as read:

1. Approval of Minutes of the Work Session and Meetings of November 9, 2009
2. Resolution No. 579-09 Authorizing Compensation for Right-of-Way, Easements and Business Relocation Associated with the SW Leveton Drive Extension Project (L & T Properties, LLC)
3. Resolution No. 580-09 Authorizing a Revocable Permit for Wall Signs on the Seneca Building Tualatin Development Commission Property (Core Area Parking District "White Lot")

MOTION CARRIED.

E-F. PUBLIC HEARINGS

None.

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Chairman may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COMMISSIONERS

None.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

MOTION by Commissioner Barhyte, SECONDED by Commissioner Maddux to adjourn the meeting at 8:13 p.m. MOTION CARRIED.

Sherilyn Lombos, Administrator

Recording Secretary





STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

FROM: Sherilyn Lombos, Administrator 

DATE: January 11, 2010

SUBJECT: RESOLUTION ESTABLISHING REGULAR MEETINGS OF THE TUALATIN DEVELOPMENT COMMISSION – THE URBAN RENEWAL AGENCY OF THE CITY OF TUALATIN AND THE URBAN RENEWAL ADVISORY COMMITTEE

ISSUE BEFORE THE COMMISSION:

The issue before the Commission is whether to adopt a resolution establishing regular meeting dates for the Development Commission and the Urban Renewal Advisory Committee.

RECOMMENDATION:

Staff recommends that the Commission adopt the attached resolution establishing regular meetings of the Development Commission and the Urban Renewal Advisory Committee.

EXECUTIVE SUMMARY:

During the 2010 calendar year, the regular meetings of the Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin, will be held at 7:00 p.m. on the second and fourth Monday of each month, excluding the fourth Monday of December. A work session of the Commission will be held, as needed, from 5:00 p.m. to 7:00 p.m. on the second and fourth Monday of each month, excluding the fourth Monday of December.

The regular meeting of the Urban Renewal Advisory Committee (*URAC*) will be held as needed at 7:00 p.m. on the third Thursday of a month.

FINANCIAL IMPLICATIONS:

None.

Attachments: Resolution

RESOLUTION NO. _____

RESOLUTION ESTABLISHING REGULAR MEETINGS OF
THE TUALATIN DEVELOPMENT COMMISSION – THE
URBAN RENEWAL AGENCY OF THE CITY OF TUALATIN
AND THE URBAN RENEWAL ADVISORY COMMITTEE

BE IT RESOLVED BY THE TUALATIN DEVELOPMENT COMMISSION – THE
URBAN RENEWAL AGENCY OF THE CITY OF TUALATIN, that:

Section 1. During the calendar year 2010, the regular meetings of the Tualatin Development Commission – the Urban Renewal Agency of the City of Tualatin, will be held at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December. A work session of the Commission will be held, as needed, from 5:00 p.m. to 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December.

(1) The regular meeting of the Urban Renewal Advisory Committee (*URAC*) will be held as needed at 7:00 p.m. on the third Thursday of a month.

Section 2. The Administrator be, and hereby is, instructed to post copies of this Resolution in four (4) conspicuous public places within the area of the Tualatin Development Commission – the Urban Renewal Agency of the City of Tualatin.

INTRODUCED AND ADOPTED this 11th day of January, 2010.

TUALATIN DEVELOPMENT COMMISSION
the Urban Renewal Agency of the City of
Tualatin, Oregon

BY _____
Chairman

ATTEST:

BY _____
Administrator

Resolution No. _____