

RESOLUTION NO. 5138-13

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO TUALATIN ANIMAL CLINIC TO ALLOW A VETERINARY CLINIC WITH PRACTICE LIMITED TO SMALL ANIMALS IN THE CENTRAL COMMERCIAL (CC) PLANNING DISTRICT AT 8700 SW CHEROKEE STREET (TAX MAP 2S1 23AA, TAX LOT 01000) (CUP 13-02).

WHEREAS, a quasi-judicial public hearing was held before the City Council of the City of Tualatin on May 13, 2013 upon the application of the Tualatin Animal Clinic; and

WHEREAS, notice of public hearing was given as required by the Tualatin Development Code; 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 unanimous approval of the application with conditions; and

WHEREAS, 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. Findings.** The Council hereby adopts the following findings:

- A. The use is listed as a conditional use in the underlying planning district. The subject property, Tax Lot 2S1 23AA 01000, is within the Central Commercial (CC) Planning District. "Veterinary clinic with practice limited to small animals" is a conditional use within the CC Planning District pursuant to TDC 53.050(10).
- B. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features. The minimum lot size within the CC Planning District is 10,000 square feet (s.f.), approximately 0.23 acres. The site is approximately 0.34 acres and was developed with a single-family house, which has had tenant improvements for prior commercial use. There is also an outbuilding, a large shed, at the southeast corner of the site. The tax lot exceeds the minimum lot size requirement. The site is a rectangular lot with access from SW Cherokee

Street and frontage along both SW Cherokee Street and SW Tualatin Road. The proposed use is located within the CC Planning District with access from SW Cherokee Street. The site is within first Tualatin town plat, dating from 1887. Tax Map 2S1 23AA shows the nearest named subdivision to the east, "Town of Tualatin". The site is also located within the boundaries of the Tualatin Town Center and Central Urban Renewal District (CURD) Block 23. The developed site has negligible slope. The site generally slopes downward northwest to southeast. The topography would not interfere with the proposed use. The site was developed with a single-family house, which has had tenant improvements for prior commercial use. There is also an outbuilding, a large shed, at the southeast corner of the site. The applicant proposes a veterinary clinic with practice limited to small animals. SW Tualatin Road is to City standards, while SW Cherokee Street is improved below City standards, retaining rural character by having 20-ft wide pavement and no curbing, formally aligned street trees, or sidewalks. Connections to City sanitary sewer and water systems currently exist. There is no connection to the City stormwater system or on-site private stormwater treatment.

The issues of public improvements and stormwater management could be resolved through Architectural Review (AR) and a Public Works Permit (PWP). There are three mature evergreen trees along the northerly portion of the east yard, north of an on-site shed, that are the chief natural features and would not necessarily be displaced by the proposed use.

- C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use. SW Cherokee Street is a City of Tualatin facility and designated as a Local Street with a right-of-way width of 46 to 50 feet. Typical full construction of a Local Street would include: 32 feet of pavement and gutters which includes two 16-foot travel lanes 4-foot planter strips with trees, curbs, and streetlights 5-foot sidewalks. SW Cherokee Street's existing right-of-way width is 30 feet. The cross-section is improved with 20 feet of pavement. The intersection with SW Tualatin Road includes: 20 feet of pavement An 8-foot sidewalk perpendicular to SW Cherokee Street on the north side A 6-foot curb tight sidewalk on the south side. Southern Pacific Railroad is adjacent on north side which removes requirements for a sidewalk and planter strip on the north side. This results in a cross-section with 37.5 feet of right-of-way, therefore a future need for 7.5 feet of right of way from the south side. With future development, dedication and construction of SW Cherokee Street adjacent to this lot would include: 7.5 feet of dedication of right-of-way on the south side 32 feet of pavement and gutters which includes two 16-foot travel lanes A 0.5-foot curb on the north side A 4-foot planter strip with trees, curbs, and streetlights on the south side A 5-foot sidewalk on the south side. Public infrastructure changes will be determined in the future Architectural Review and will require a Public Works Permit. SW Tualatin Road is a City of Tualatin facility and designated as a Major Collector with a right-of-way width of 54 to 74 feet. Typical full construction of a Major Collector would include: 50 feet of pavement and gutters which includes two 12-foot travel lanes, one 14-foot center turn lane or landscaped median, and

two 6-foot bike lanes 6-foot planter strips with trees, curbs, and streetlights 6-foot sidewalks. SW Tualatin Road's existing right-of-way width is 60 feet. The cross-section is improved with: Approximately 40 to 48 feet of pavement including two to three travel lanes and 6-foot bike lanes A curb-tight sidewalk on the east adjacent to this lot A planter strip on the west side. SW Tualatin Road was constructed through a City capital project. No additional improvements are expected.

- D. There are two existing accesses to SW Cherokee Street serving this commercial development building which used to be a house: Approximately five feet from the stop bar near SW Tualatin Road a 20-foot wide access to two parking spaces in front of a former residential garage Approximately 100 feet from the stop bar near SW Tualatin Road and 10 feet from the east property line a 32-foot driveway serves an onsite parking lot. SW Tualatin Road is a Major Collector requiring the nearest access to be at least 150 feet from the stop bar at the intersection with SW Cherokee Street. Both accesses are less than 150 feet from the intersection. As determined in a future Architectural Review, the access nearest SW Tualatin Road may need to be removed. The access 100-feet from SW Tualatin Road is acceptably far from the intersection and close to the opposing property line. With future development the east access will be allowed to remain in this location, but may need to become right-in/right-out restricted. Public infrastructure changes will require a Public Works Permit. Traffic counts visiting the existing 1,300 square foot building are less than a number of current allowed uses in this than the reasonable worst case traffic generation. As this is less than the reasonable worst case traffic generation used in the Transportation System Plan (TSP), intersection Level-Of-Service would not be increased beyond expectations of the TSP by allowing this conditional use in this planning district. Connections to City sanitary sewer and water systems currently exist. There is no connection to the City stormwater system or on-site private stormwater treatment. As determined in a future Architectural Review, modification to the existing or creating new impervious area may require stormwater treatment and detention for up to all remaining impervious area. Requirements will be based on code at the time of the proposing the change to impervious area. Conveyance calculations and the direction of connection to the public stormwater system will determine detention requirements. Required public stormwater will need to be treated in a public stormwater pond or swale in a public tract. Public stormwater lines exist near the intersection of SW 86th Avenue & SW Sweek Drive. If no connection to a public stormwater line is proposed, 100-year retention will be needed. Public infrastructure changes will require a Public Works Permit. Required on-site stormwater will need to be privately treated prior to directly entering the public stormwater system. All Clean Water Services treatment and detention facilities can be approved for on-site private treatment. Private treatment and detention will require a Water Quality Permit. With a future development, downstream sizing for all public utilities will need to be evaluated by the developer for the change from permitted uses to the proposed development. Any upsizing will be a requirement for the development.

- E. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district. The subject property is in the RML Planning District. Surrounding land uses by and planning district include: CC SW Cherokee Street and east-west rail line; CC Partially paved yet otherwise undeveloped; CC East to west: multi-tenant commercial building with Ecowater Northwest and Northwest Core Balance; building with unknown occupant, possibly a house in continued use as a residence; and In Color Salon; and RH/HR SW Tualatin Road and three-story V-plan Tualatin Greens Condominium. The proposed use is compatible with surrounding urban neighborhood uses including residences and small businesses. Because of this and based on the applicant's submitted information and staff review, the proposed use would not alter the character of the surrounding area in any manner which substantially limits, impairs or precludes the surrounding properties for the primary uses listed in the underlying planning districts.
- F. The proposal is consistent with plan policies. The applicable Tualatin Community Plan policies and TDC regulations that apply to the proposed conditional use in the CC Planning District include TDC: Chapter 6 "Commercial Planning Districts", Section 6.030 Objectives; Chapter 32 "Conditional Uses", Section 32.030 Conditional Uses – Siting Criteria; and Chapter 53 "Central Commercial Planning District (CC)", Section 53.010 Purpose. TDC 6.030 states that "the following are general objectives used to guide the development of this Plan: (1) Encourage commercial development. ... (3) Provide shopping opportunities for surrounding communities. (4) Locate and design commercial areas to minimize traffic congestion and maximize access." The proposal would relocate an existing business, a veterinary clinic. Within the application materials, Section 1 of the narrative states in the last paragraph that about 20% of clinic customers are within walking distance (p. 4). The presence of Tualatin Greens Condominium west across SW Tualatin Road, Twelve Fairway Lane Condominium north across SW Cherokee Street and the east-west rail line, and existing single-family houses east and south of the subject property lend credibility to the statement. The proposal would maintain a level of commercial activity – the clinic already exists and is presently located a block east at 8575 SW Tualatin Road – and continue to provide a business service for the surrounding neighborhood. The subject property has access from SW Cherokee Street, a local street, and customers who drive can arrive from SW Tualatin Road to the west or SW 86th Avenue to the east. TDC 53.010 states that "the purpose of this district is to provide areas of the City that are suitable for a full range of retail, professional and service uses of the kind usually found in downtown areas patronized by pedestrians. The district also provides areas suitable for civic, social and cultural functions serving the general community." The proposal is for the relocation of a veterinary clinic, an existing service use. The subject property is located within the boundaries of the Tualatin Town Center and Central Urban Renewal District (CURD) Block 23 as TDC Map 9-3 illustrates in Attachment G. (Staff confirmed that TDC 53.035 Central Urban Renewal Area

- Prohibited Uses does not prohibit a veterinary clinic.) As described above, the narrative states that about 20% of clinic customers are within walking distance, and the proposal would maintain a level of commercial activity and continue to provide a business service for the surrounding neighborhood. The proposal satisfies those objectives and policies of the TDC that are applicable to the proposed use. The proposal is consistent with plan policies.

- G. The staff report dated, May 13, 2013 is incorporated by reference.
- H. Based on the application, testimony and evidence submitted, Tualatin Animal Clinic (CUP-13-02) meets the criteria of TDC 32.030.

**Section 2.** The Conditional Use Permit (CUP-13-02) for Tualatin Animal Clinic is approved with the following conditions:

- A. The applicant shall submit for Architectural Review (AR) prior to constructing off-street parking facilities.
- B. The applicant shall bring all off-street parking into conformance with the off-street parking standards in Tualatin Development Code (TDC) 73 within 30 months of the date of this Resolution.
- C. The applicant shall operate the use consistent with all application materials submitted to the City on March 28, 2013.
- D. The applicant shall comply with all applicable TDC policies and regulations.

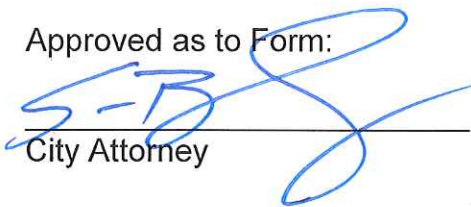
**Section 3.** This Resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 28<sup>th</sup> day of May, 2013.

CITY OF TUALATIN, Oregon

By:   
Mayor

Approved as to Form:

  
City Attorney

ATTEST:

  
City Recorder