



MEETING AGENDA
TUALATIN PLANNING COMMISSION

April 19, 2018; 6:30 p.m.
JUANITA POHL CENTER
8513 SW TUALATIN RD
TUALATIN, OR 97062

1. **CALL TO ORDER & ROLL CALL**
Members: Bill Beers (Chair), Kenneth Ball, Alan Aplin, Angela DeMeo, Travis Stout, Mona St. Clair, Janelle Thompson
Staff: Aquilla Hurd-Ravich, Community Development Director; Erin Engman, Associate Planner.
2. **APPROVAL OF MINUTES**
 - A. Approval of February 15, 2018 TPC Minutes
3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**
Limited to 3 minutes
4. **ACTION ITEMS**
 - A. Consideration of a Variance request for two standards in the Tualatin Development Code for the Tualatin Professional Center in the Office Commercial (CO) Planning District at 6464 SW Borland Road (Tax Map/Lot: 2S1E 30B 90000) (VAR-18-0001)
 - B. A Resolution for the Variance Request for Tualatin Professional Center (VAR-18-0001)
5. **COMMUNICATION FROM CITY STAFF**
6. **FUTURE ACTION ITEMS**
7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**
8. **ADJOURNMENT**



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Lynette Sanford, Office Coordinator

DATE: 04/19/2018

SUBJECT: Approval of February 15, 2018 TPC Minutes

ISSUE BEFORE TPC:

Attachments: [TPC Minutes 2.15.18](#)



City of Tualatin

www.tualatinoregon.gov

UNOFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF February 15, 2018

TPC MEMBERS PRESENT:

Bill Beers
Kenneth Ball
Alan Aplin
Janelle Thompson
Mona St. Clair
Travis Stout

STAFF PRESENT

Aquilla Hurd-Ravich
Lynette Sanford

TPC MEMBER ABSENT: Angela DeMeo

GUESTS: None

1. CALL TO ORDER AND ROLL CALL:

Bill Beers, Chair, called the meeting to order at 6:30 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Beers asked for approval of the January 18, 2018 TPC minutes. MOTION by Thompson SECONDED by Beers to approve the minutes as written. MOTION PASSED 6-0.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):

None

4. ACTION ITEMS:

A. Elect a Chair and Vice Chair to Represent the Tualatin Planning Commission.

Mr. Beers asked if the Commission members if they would like to become the Chair or Vice Chair of the Planning Commission. Bill Beers offered to continue the role as Chair and Kenneth Ball agreed to continue his role as Vice Chair. MOTION by Beers SECONDED by Stout to retain Bill Beers as Chair and Kenneth Ball as Vice Chair for 2018. MOTION PASSED 6-0.

B. 2017 Annual Report of the Tualatin Planning Commission

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

Ms. Hurd-Ravich presented the 2017 Tualatin Planning Commission Annual Report. Every year the report is presented to Council – this year is it scheduled for March 26, 2018.

The Municipal Code states that no later than April 1 of each year, the Commission shall file with the City Council its annual report of the activities of the Commission. The annual report shall include a report of the activities by the Commission during the preceding year, in addition to specific recommendations to the City Council relating to the planning process, plan implementation measures within the City, or future activities of the Commission.

Ms. Hurd-Ravich stated that the Planning Commission is the official Committee to fulfill Goal 1: Citizen Involvement of Oregon’s statewide land use planning program. The purpose of Goal 1 is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the land use planning process.

Ms. Hurd-Ravich noted that the Commission met ten times during the 2017 calendar year. The Commission made recommendations on a Plan Map Amendment, a Plan Text Amendment, and a Variance. Furthermore, the Commission heard multiple updates from staff regarding various projects including Basalt Creek, The Tualatin Development Code (TDC), the Capital Improvement Plan, Parks and Recreation Master Plan, and Mobile Food Units.

Ms. Hurd-Ravich added that Ms. Demeo attended a Land Use Planning conference hosted by the League of Oregon Cities in May and Ms. Thompson attended the Planning Commissioner training in September.

Mr. Beers asked the Commission members if they had questions or concerns about the annual report. Since there we no questions, Mr. Beers made a motion. MOTION by Beers SECONDED by Ball to approve the TPC Annual Report. MOTION PASSED 6-0.

5. COMMUNICATION FROM CITY STAFF:

None

6. FUTURE ACTION ITEMS

Ms.Hurd-Ravich stated that we are expecting another variance application. This variance may be brought to the Commission members in April. There will also be a development code update. There are currently no agenda items scheduled for the March meeting.

Mr. Aplin inquired about the appeal of the cell tower variance. Ms. Hurd-Ravich responded that the appeal will go to City Council in April. Mr. Aplin asked if it was

common for a record to remain open for 2-3 months. Ms. Hurd-Ravich responded this does happen on contentious cases.

Mr. Ball inquired about the Meridian Park expansion and if it will come before the Commission members. Ms. Hurd-Ravich responded that development went through the Architectural Review Board (ARB) since it is a commercial development over 50,000 sf. Ms. Hurd-Ravich added that the proposal includes two new parking lots and the expansion will be constructed on their old parking lot.

Mr. Aplin inquired about Basalt Creek. Ms. Hurd-Ravich responded that the two cities and Metro signed an intergovernmental agreement (IGA). Metro's staff will put together a staff report and provide it to their Chief Operating Officer to make a recommendation. Both cities will report on their positions, which will return to Metro's Council in April. The cities will have 120 days to finalize

Ms. St. Clair asked when the development code revision will be completed. Ms. Hurd-Ravich responded that their first look at the new code will be in April and their comments will be noted. Afterwards, it will go to Council for additional comments, and then return to TPC for a recommendation on the revised comments. Ms. Hurd-Ravich noted that it should be complete by June 2018.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

None

8. ADJOURNMENT

MOTION by Aplin to adjourn the meeting at 6:49 pm.

_____ Lynette Sanford, Office Coordinator



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Erin Engman, Associate Planner
Aquilla Hurd-Ravich, Community Development Director

DATE: 04/19/2018

SUBJECT: Consideration of a Variance request for two standards in the Tualatin Development Code for the Tualatin Professional Center in the Office Commercial (CO) Planning District at 6464 SW Borland Road (Tax Map/Lot: 2S1E 30B 90000) (VAR-18-0001)

ISSUE BEFORE TPC:

The issue before the Tualatin Planning Commission is consideration of a Variance (VAR) request to the standards imposed under TDC 73.360(6)(a) (Off-Street Parking Lot Landscape Islands) and TDC 73.400(11) (Access) as they apply to Tualatin Professional Center's two existing southern access driveways onto SW Sagert Street. Development in the vicinity required full width improvements and extension of Sagert Street, which are currently underway. Tualatin Professional Center may either conform to development standards or seek relief through the variance process to restore their southern access.

Staff generally supports the variance based on the analysis and findings of the variance criteria. The TPC medical condominium was reviewed and approved in 1983, prior to current code standards adopted by Plan Text Amendment 91-06 and Ordinance 862-92.

RECOMMENDATION:

Staff recommends that the Tualatin Planning Commission consider the staff report with supporting attachments and grant a variance based on the analysis and findings of the variance criteria.

EXECUTIVE SUMMARY:

The Tualatin Professional Center is a medical condominium comprised of four buildings on a 2.16-acre site. Borland Road is located to the north, 65th Avenue to the west, and Sagert Street to the south.

KPFF Consulting Engineers, on behalf of the Tualatin Professional Center, submitted a Minor Architectural Review (MAR 17-0041) on August 21, 2017 to connect the site's southern frontage to the improved Sagert Street extension. The proposal was approved with conditions on October 12, 2017 (see Attachment A - Exhibit 5). On October 26, 2017, a Request for Review of staff's Minor Architectural Review decision was received from Dorothy Cofield of Cofield Law

Office on behalf of the Tualatin Professional Center (TPC). The Tualatin Professional Center then submitted a request to suspend the Request for Review hearing on January 8, 2018, in order to apply for a variance to TDC 73.360(6)(a) and 73.400(11) (see Attachment A - Exhibit 9).

The Tualatin Planning Commission is reviewing a request to vary the development standards imposed under TDC 73.360(6)(a) (Off-Street Parking Lot Landscape Islands) and TDC 73.400(11) (Access), so that the Tualatin Professional Center may restore two existing access driveways onto SW Sagert Street while retaining as much existing parking as possible. These standards are listed in bold below.

TDC 73.360: Off-Street Parking Lot Landscape Islands - Commercial

(6)(a) Except as in (b) below, 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

The applicant is asking to provide a landscape area that is 5 feet in width for a depth of 25 feet from back of sidewalk, rather than property line. Landscaping on the western access drive is proposed at a depth of 17.75 feet from property line and the eastern access drive at a depth of 19.38 feet.

73.400: Access

(11) Minimum Access Requirements for Commercial, Public and Semi-Public Uses

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
100-249	2	32 feet for first 50 feet from ROW, 24' thereafter	Curbs required; walkway 1 side only

The applicant is proposing 32-foot-wide access drives for a depth of 25 feet from back of sidewalk. The western access drive gradually narrows down to 24.78 feet near 50 feet from right of way and the eastern drive narrows down to 27.63 feet.

To grant the requested variance, the Tualatin Planning Commission must find the applicant has demonstrated compliance with the following:

TDC 33.020: Conditions for Granting a Variance that is not For a Sign or a Wireless Communication Facility.

No variance shall be granted by the Planning Commission unless it can be shown that criterion (1) is met and three of the four approval criteria (2)-(5) are met for non-sign requests:

- 1. A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district or vicinity and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.**
- 2. The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.**

3. **The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same planning district or vicinity.**
4. **The variance shall not be detrimental to the applicable objectives of the Tualatin Community Plan and shall not be injurious to property in the planning district or vicinity in which the property is located.**
5. **The variance is the minimum remedy necessary to alleviate the hardship.**

Please refer to the staff Analysis and Findings (Attachment B) for comprehensive criterion findings.

Generally the applicant states that hardships include:

- **Retrofitting an existing development to meet current development standards**

The Tualatin Professional Center condominiums were reviewed and approved in 1983, prior to current code standards adopted by PTA 91-06 and Ordinance 862-92 in 1992. This ordinance implemented objective community design standards as they pertain to a number of elements that inform site layout, including access, parking, and landscaping.

- **Topography**

The property was developed with respect to the naturally sloped environment. The western and eastern areas of the site are separated by a retaining wall, preventing internal circulation.

- **Grade change to improved roadway**

The site is located approximately 3-4 feet higher than Sagert Street.

- **Modified cross section**

Sagert Street is modified with a curb-tight sidewalk in the vicinity to match existing development, rather than a curb-tight landscape strip then sidewalk.

Staff finds that VAR-18-0001 meets the criteria of TDC 33.020.

OUTCOMES OF DECISION:

A recommendation to approve VAR-18-0001 would result in the following:

- Allows the applicant to vary standards imposed under TDC 73.360(6)(a) and 73.400(11)
- Allows City Council to consider new evidence of Planning Commission's Variance decision at future Request for Review Hearing

A recommendation to deny VAR-18-0001 would result in the following:

- Applicant to conform to development standards

ALTERNATIVES TO RECOMMENDATION:

The Tualatin Planning Commission (TPC) has three options:

1. Approve the request (VAR-18-0001) to vary the standards of two development criteria 73.360(6)(a) and 73.400(11);
2. Deny one or both of the proposed variances with findings that state which criteria in Tualatin Development Code (TDC) 33.020 the applicant fails to meet; or
3. Continue the discussion of the proposed variance and return to the matter at a later date.

FINANCIAL IMPLICATIONS:



CITY OF TUALATIN
Community Development Department-Planning Division
Land Use Application—Type III

PROPOSAL NAME Variance for Tualatin Professional Center ("TPC")

PROPOSAL SUMMARY (Brief description)

Variance requesting relief from TDC 73.400(11) (Access) and 73.360(6) (Landscaping) for restoring TPC's existing driveway accesses onto SW Sagert Street.

PROPERTY INFORMATION

Location (address if available): 6464 SW Borland Road, Tualatin, OR 97062

Tax Map & Lot #(s): 21E30B 90000 Planning District: CO

Total site size: 2.16 acres Developed Undeveloped

APPLICANT/CONTACT INFORMATION

Applicant or Primary Contact Name: Matt Johnson of KPFF Consulting Engineers

Mailing Address: 111 SW 5th Ave., Suite 2500

City/State: Portland, OR Zip: 97204

Phone: 503-542-3860 Email: Matt.Johnson@kpff.com

Applicant's Signature: *Matt Johnson* Date: 1/25/2018

I hereby acknowledge that I have read this application and understand the requirements for approving and denying the application, that the information provided is correct, that I am the owner or authorized agent of the owner, and that plans submitted are in compliance with the City of Tualatin Development (TDC) and Municipal (TMC) Codes.

PROPERTY OWNER/DEED HOLDER INFORMATION (Attach list if more than one)

Name: Tualatin Professional Center

Mailing Address: 6464 SW Borland Road

City/State: Tualatin, OR Zip: 97062

Phone: 503-885-1899 Email: jpw@tualatincode.com

Property Owner Signature: *[Signature]* Date: 2/22/18

Power of attorney or letter of authorization required if application not signed by the property owner/deed holder.

LAND USE APPLICATION TYPE

- Architectural Review (ARB)
- Industrial Master Plan (IMP)
- Variance (VAR)
- Sign Variance (SVAR)
- Transitional Use Permit (TRP)
- Reinstatement of Use

FOR STAFF USE ONLY	
Case No.:	_____
Date Received:	_____
By:	_____
Fee Amount \$:	_____
Received by:	_____

I. INTRODUCTION TO APPLICATION:

Tualatin Professional Center (TPC) is requesting a major variance pursuant to Tualatin Development Code (TDC) 33.010(A) to vary the standards imposed under TDC 73.360(6)(a) (Landscaping) and TDC 73.400(11) (Access) for its existing parking lot and access driveways onto SW Sagert Street.

TPC applied for a minor architectural review (MAR) in August 2017 to restore its two southern driveway accesses and parking lot that take access off of the newly constructed Sagert Road. The MAR 17-0041 application was approved on October 12, 2017. See Exhibit 5 (Decision). Two of the conditions related to the depth of the driveway accesses under TDC 73.400(11) and the landscaping along those two accesses (TDC 73.360(6)(a)) cannot be met without substantial hardship to TPC's parking lot and the loss of at least seventeen parking stalls that serve medical patients of TPC. TPC appealed the MAR 17-0041 to the Tualatin City Council on those two conditions. After hearing testimony from the applicant, owner and city staff, on the request of the applicant, the City Council voted to postpone the decision modifying the two MAR conditions so that the applicant could apply for a variance to those standards. See Attached Exhibit 8, 9, 10 (Cofield Motion to Suspend; Staff Report 1.8.18; City Council Minutes Approving Postponement 1.8.18).

The two variances are necessary due to special and unusual circumstances related to the TPC property which was developed in the early 1980's as a medical condominium consisting of four buildings. The literal interpretation of TDC 73.400(11), requiring a fifty-foot driveway aisle for each of the two existing southern driveways and twenty-five feet of landscaping along those two access depths would cause TPC unnecessary hardship as shown in the attached visual. Exhibit 1 and 2. The following narrative will address the variance approval criteria and supports the applicant's burden of proof.

II. APPLICABLE APPROVAL STANDARDS IN MAR 17-0041 THAT CANNOT BE MET WITHOUT THE TWO VARIANCES

As explained above, TPC's granted approval decision in MAR 17-0041 had two conditions that TPC cannot meet without the variances. TPC needs a variance to TDC Section 73.400(11) which regulates the depth of the driveway aisle; and a variance to the landscaping requirement of the two access driveways in TDC Section 73.360(6)(a). Part A below contains the first variance request and Part B has the second variance request. The relevant TDC Sections are included below, along with TPC's proposal instead of full compliance with the TDC, the variance criteria as it relates to the relevant TDC section and why compliance with the TDC causes a hardship.

Variance 1- Driveway Depth Standard

A. TDC Section 73.400(11):

Minimum Access Requirements for Commercial, Public and Semi-Public Uses.

In the Central Design District, when driveway access is on local streets, not collectors or arterials and the building(s) on the property is(are) less than 5,000 square feet in gross floor

area, or parking is the only use on the property, ingress and egress shall not be less than 24 feet. In all other cases, ingress and egress for commercial uses shall not be less than the following:

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
1-99	1	32 feet for first 50 feet from ROW, 24' thereafter	Curbs required; walkway 1 side only
100-249	2	32 feet for first 50 feet from ROW, 24' thereafter	Curbs required; walkway 1 side only
Over 250	As required by City Engineer	As required by City Engineer	As required by City Engineer

Applicant: Based on the above TDC section, ingress and egress is required to extend at least 50 feet from the ROW onto the TPC property. As explained below, the physical circumstances of the site prevent TPC from full compliance with this section of the TDC.

At its pre-application conference meeting with the City of Tualatin on January 5, 2018, the city planning and engineering department indicated it would support a variance offset of 25 feet from the back of the sidewalk to meet # 1 above for the minimum driveway depth of 50 feet for the first 32 feet. The attached KPFF site plan shows this proposed layout. Exhibit 3. For contrast, the attached Exhibits 1 and 2, documents a full 50 foot ingress and egress from the ROW onto TPC property, as required by this section of the Code. Exhibit 2, depicts that, with full compliance with TDC 73.400(11), TPC would lose at least 17 parking spaces, including three of four handicapped parking spaces.

TPC has worked with an engineering firm, KPFF, to attempt to reconfigure its parking lot to comply with TDC 73.400(11). Through this effort, KPFF has created a proposal of modified parking spaces and reconfigured TPC's parking lot as outlined below where this application addresses each of the Variance Criteria in detail.

TDC Section 33.020 – Conditions for Granting a Variance

- 1. A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district or vicinity and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.*

The staff report to the city council for MAR 17-0041 states the exceptional and extraordinary conditions that apply to the subject property as follows:

“The Tualatin Profession Center “TPC” is a medical office condominium association located at 6464 SW Borland Road, consisting of 2.16 acres on tax lot 21E30B 90000. The AR83-06 proposal was approved by ARB decision on March 16, 1983 which permitted four buildings associated landscaping and parking. The 1983 project was previously conditioned to dedicate land for SW Borland Road and SW 65th improvements, as well as land for the extension of SW Sagert Street. The project was also conditioned to provide half street improvements along SW Borland and SW Sagert Street. The Tualatin Professional Center also applied for a partition (LP83-01) in order to divide their five-acre property into two lots: TL 21E30B 90000 / 2.16 acres and TL 21E30B 00500 / 2.47 acres. The partition required half street improvements along SW 65th Avenue and SW Sagert Street. Rather than requiring construction, the City entered into Development Agreement 84-16657 that allowed TPC to provide what is known as a ‘fee-in-lieu.’ TPC paid \$15,613.95 to the city and in exchange, the City allowed the development to proceed without making the improvements to SW 65th Avenue and SW Sagert Street.”

Thus for many years, TPC’s property was unique in that the frontage road to serve the southern accesses was not developed with the planned Sagert Road. Also unique to TPC’s property was the fact that the property to the south and east was still being used for farming and not its zoned residential use. Thus this area of Tualatin was essentially undeveloped. In 2015, Lennar Homes Northwest (“Lennar”) applied to construct Sagert Farms, a 79 residential lot subdivision on parcels to the south and east of the subject property. SB 15-0002. With the Sagert Farms subdivision review, the full width improvements of SW Sagert Street were approved, including installation of a traffic signal at SW 65th Street, sidewalks, planter strips, and public utilities easements along both sides of SW Sagert Street. These improvements induced changes to TPC’s two southern accesses. TPC applied for restoration of its two southern accesses in MAR 17-0041 based on the Sagert Farms approved street improvement plans and learned the application of the driveway depth standard of 50 feet and associated landscaping would create a severe hardship on the loss of existing parking stalls. The parking spaces that would be lost are located close to the two entrances and Building D, allowing safe access for TPC’s clients, who are often in great pain when entering the building and require anesthesia. Additionally, of those 17 parking spaces which would be lost, 3 are currently dedicated handicapped parking spaces which serve some of TPC’s most vulnerable clients.

TPC’s hardship results from exceptional and extraordinary circumstances. As mentioned previously, the property was developed in the 1980’s through a partition of its eastern property and a condominium plan of four medical buildings. The condominium was approved in 1983 as ARB 83-06 and at that time, much of what is now developed in this area of Tualatin did not exist. The four condominium buildings have double frontage (onto SW Borland Road to the north and SW Sagert Road to the south). To the west is SW 65th Street so the site is surrounded on three sides by major city streets. Exhibit 4. Two of the four medical office buildings have lower levels that can only gain their access from Borland Road. Because of this grade difference of having two levels, there is a nearly ten foot boulder retaining wall separating the two Borland Road driveways, essentially dividing the west parking lot from the east parking lot. Exhibit 5. The design of SW Sagert Street was constrained by real logistical elements. Sagert Street was

required to align with the existing three legs of SW 65th Avenue and SW Sagert Road intersection, respect the existing Sagert right-of-way dedication by TPC from the early 1980's, and align with its eastern street connection at Sequoia Ridge. These constraints along with the topography of the site established the location and grade of Sagert Street. The full width of the required improvements of Sagert Street advanced their proximity to the TPC complex, specifically at Building D. Thus having two 50 foot driveways which would result in the removal of at least seventeen parking stalls is a hardship that is created by the exceptional or extraordinary conditions that do not apply generally to other properties in the vicinity and the conditions are a result of lot size, shape, topography and the physical circumstances applying to the TPC property over which the owner has no control. This variance criteria is satisfied.

2. *The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.*

The hardship results from the location of the TPC property which is a corner lot surrounded on three sides by major roads, two of which provide access to the property. The hardship also results from the sloping nature of the property as well as the use of the buildings as medical offices serving those with intensive medical needs. When the property was improved in the 1980's, the developer had limited options to design the approved condominium development because of the slope present on the property as well as the built and planned streets that surround three sides of the property. Exhibit 6. The design that was ultimately approved in the 1980's involves four buildings that were planned to offer medical services. Building D, is the building that is most impacted by the 50 foot driveway depth because it is used for medical offices for patients with intensive medical needs and who are frequently in pain when entering the building. Due to the vulnerable, often frail, state of the patients, they need convenient parking close to Building D. If TPC is required to meet this section of the Code and extend its driveway to 50 foot throat lengths, it will be required to remove some of its most convenient parking spaces, as well as three handicapped spaces, in closest proximity to Building D. Exhibit 2. The hardship results from the slope on the property and approved use of the site, not from the actions for the applicant or owner.

3. *The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same planning district or vicinity.*

The variance is necessary to allow TPC to continue to use its property for a four building medical complex in substantially the same layout as has existed the last thirty years. As it currently exists, the two southern accesses provide safe, efficient access for TPC's patients into its facility. Exhibit 7, page 1. There are designated handicapped parking spots for TPC's most vulnerable patients and convenient access to parking lots both on the east and west sides of the building. Other property owners in the vicinity are permitted parking lots on their property which are designed in a manner to most effectively serve their patrons. The parcels to the immediate east and west of the subject parcel are zoned Commercial Office (CO), as is the

subject parcel, and are improved with office buildings currently used for medical offices or laboratory services. Both the parcels to the east and west have large parking lots to serve their patrons. Exhibit 4, Aerial Photo of 6464 SW Borland Road. Similarly, the parcel to the immediate north includes medical offices and the Legacy Meridian Park Medical Center. The property is zoned Medical Commercial (MC) and is improved with large parking lots for patients. Exhibit 4.

The Clemow and Associates evaluation found that the TPC property is in a suburban location in which the relative importance of motor vehicles is high and the other modes (bicycle and pedestrian traffic and availability of public transit) is low. See Exhibit 7, p. 1. The Clemow evaluation concludes that with the two driveway lengths of twenty-five feet from back of sidewalk, TPC will have a parking lot that is safe and efficient. With the variance request to TDC 73.400(11), TPC requests the same treatment as other property owners in the vicinity.

4. *The variance shall not be detrimental to the applicable objectives of the Tualatin Community Plan and shall not be injurious to property in the planning district or vicinity in which the property is located.*

TPC's variance requests relief from TDC 73.400(11) (Access). TDC 11.610 includes Tualatin's Transportation Goals and Objectives. In Goal 1 (Access and Mobility), Goal 2 (Safety) and Goal 4 (Equity), the City emphasizes the importance of providing safe and efficient travel for users of all ages and abilities.

TPC hired Clemow & Associates, transportation engineers, to analyze its proposal at the heart of this variance request for driveway throat lengths of approximately 25 feet. Clemow & Associates determined the "driveways can operate in a safe and efficient manner." Exhibit 7, page 1, Clemow Site Access Evaluation. Further, the "25-foot driveway throat lengths are anticipated to be sufficient to accommodate existing development traffic." Exhibit 7, page 2.

TPC's variance request will not be detrimental to the applicable objectives of the Tualatin Community Plan. Instead, with the variance proposal, TPC will further the objectives of Tualatin's Community Plan by creating safe and efficient access to its property and, by continuing to offer four handicapped parking spots near the entrance to its building¹, allow access for users of all abilities.

5. *The variance is the minimum remedy necessary to alleviate the hardship.*

The variance is the minimum remedy necessary to alleviate the hardship. With the requested variance, TPC will still lose 1 parking space in its western parking lot and 4 parking spaces from

¹ Without the requested variance, TPC would be required to construct two 50' driveway accesses with 25' of landscaping on each side, thereby eliminating all but one handicapped parking space most convenient to the entrance of its building.

the eastern parking lot. Also, it will be required to reconfigure its parking lot to reduce the size of the remaining parking spaces.

/// /// ///

/// /// ///

Variance 2- Landscaping of Driveway Access

B. Tualatin Development Code (TDC) Section 73.360(6)(a):

Except as in (b) below, 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, except for parking structures and under-ground parking which shall be determined through the Architectural Review process.

Applicant: As mentioned previously in Part A above, at the Pre-Application conference meeting between the City and TPC on January 5, 2018, city staff said it could recommend a variance offset of 25 feet from the back of the sidewalk for the two driveway accesses. The scope of this variance offset includes both the ingress and egress as well as the landscaping required by this section of the Code. Instead of 25 feet of landscaping along the driveways from the property line as required by this section of the Code, TPC is requesting minimal variance relief to landscape from the property line as follows: 5.8' on the west side of the west driveway and 7.25' variance on the east side of the west driveway and a 5.62 variance to landscaping on the east side of the east driveway as documented in Exhibit 8. The west side of the east driveway exceeds the 25-foot standard being 26.97' of landscaping from the property line. However the total landscaped area along the two driveways will visually comply with what the Code envisions, as TPC will landscape 25 feet from the back of the sidewalk along its ingress and egress which will exceed the 25-foot landscaping requirement as follows: the West Driveway will have 28' of landscaping on either side and on the East driveway there will be 35' on the west side and 28' on the east side. By using the planter ROW to extend the landscaping on either side of both driveways, the visual look of the landscaping on either side of the two driveways will exceed the code standard of 25' of landscaping. When measured from the property line, the applicant is asking for 5-7 feet of variance to the 25' standard on both sides of the West driveway and on one side of the East driveway; the east side of the East driveway exceeds the 25' landscaping standard without any variance.

TDC Section 33.020 – Conditions for Granting a Variance

- 1. A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district or vicinity*

and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.

The facts relevant to this criterion are included above where this variance application addresses the same criteria for the variance request to TDC 73.400(11). The relevant facts listed above are hereby incorporated by reference. The landscaping requirement here of having 25' of landscaping on either side of the 50' driveways as measured from the property line is tied to the access requirement in TDC 73.400(11) so the hardship for both TDC sections is similar. If the 50' requirement is modified by the variance, then the 25' landscaping requirement on either side of the two reduced driveway lengths should be proportionately reduced.

TPC's hardship results from exceptional and extraordinary circumstances. As mentioned previously, the property was developed in the 1980's through a partition of its eastern property and a condominium plan of four medical buildings. The condominium was approved in 1983 as ARB 83-06 and at that time, much of what is now developed in this area of Tualatin did not exist. The four condominium buildings have double frontage on SW Borland Road to the north and SW Sagert Road to the south. To the west is SW 65th Street so the site is surrounded on three sides by major city streets. As with the access driveways, the existing medical buildings preclude meeting the full landscaping code of twenty-five feet on either side of the access driveways. Two of the four medical buildings have lower levels that can only gain their access from Borland Road. Because of this grade difference of having two levels, there is a nearly ten foot boulder retaining wall separating the two Borland Road driveways, essentially dividing the west parking lot from the east parking lot. The design of SW Sagert Street was constrained by real logistical elements. Sagert Street was required to align with the existing three legs of SW 65th Avenue and SW Sagert Road intersection, respect the existing Sagert right-of-way dedication by TPC from the early 1980s, and align with its eastern street connection at Sequoia Ridge. These constraints along with the topography of the site established the location and grade of Sagert Street. The full width improvements to Sagert Street advanced their proximity to the TPC complex, specifically Building D. Thus having two 50-foot driveways with 25-feet of landscaping on either side from the TPC property line would result in a loss of at least seventeen parking stalls and is a hardship that is created by exceptional or extraordinary conditions that do not apply generally to other properties in the vicinity and the conditions are a result of lot size, shape, topography and the physical circumstances applying to the TPC property over which the owner has no control

The topographical and site constraints with the existing medical buildings makes TPC's property unique. The condominium building development cannot be moved or reconfigured without severe hardship and significant expense to TPC. Therefore, if TPC were required to landscape 25 feet from the property line along the 50-foot access driveways, as required by TDC 73.360(6), it would cause severe hardship to TPC and its patients by losing valuable parking spaces adjacent to Building "D". As mentioned above, full compliance with the Code would require TPC to lose 17 parking spaces which are used by handicapped patients and others in pain, often requiring anesthesia as part of their treatment.

2. *The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.*

Because the landscaping requirement in this section of the Code is tied to ingress and egress, the resulting hardship is similar to that present in the variance request above. The hardship results from the sloping nature of the property as well as the use of the buildings as medical offices serving those with intensive medical needs. When the property was improved in the 1980's, the developer had limited options to design the approved condominium development because of the slope present on the property. The design that was ultimately approved in the 1980's involves four buildings. Building D is now used for medical offices for patients with intensive medical needs and who are frequently in pain when entering the building. Due to the vulnerable, often frail, state of the patients, they need convenient parking close to Building D.

If TPC is required to meet this section of the Code and extend its driveway to 50 foot throat lengths with the associated 25' of landscaping required in this section of the Code, it will be required to remove some of its most convenient parking spaces, as well as three handicapped spaces, in closest proximity to Building D. Exhibit 8. If this variance is approved, TPC will landscape the length of the approved driveways to the back of sidewalk which will effectively offer more than 25' of landscaping on the two access driveways, as mentioned elsewhere in this narrative. The City's underlying goal, as noted below where this narrative addresses criteria 4, will be satisfied. The modified landscaping will provide shade for the parking lot, reduce stormwater runoff and beautify the frontage of Sagert Street.

The hardship results from the slope on the property, its unique shape and location with two frontages and major streets on three sides as well as the approved use of the site, not from the actions for the applicant or owner. This criteria is satisfied.

3. *The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same planning district or vicinity.*

Because this TDC section is tied closely to TPC's ingress and egress, the underlying purpose of the variance is the same: to allow TPC to continue to use its property for a parking lot to serve its clients in substantially the same layout as has the last thirty years. As it currently exists, the parking lot provides safe, efficient access for TPC's patients into its facility. The current landscaping serves to beautify the City and to create a welcoming, professional appearance for TPC's clients.

With the requested variance, TPC will continue to landscape its access driveways yet will continue to maintain the parking spaces necessary to serve its clients. It will continue to provide a welcoming, professional environment and also designated handicapped parking spots for TPC's most vulnerable patients and convenient access to parking lots both on the east and west sides of the building. Other property owners in the vicinity are permitted parking lots on their

property which are designed in a manner to most effectively serve their patrons and which are landscaped in a professional, welcoming manner. With the variance to TDC 73.360(6), TPC requests the same treatment as other property owners in the vicinity.

4. *The variance shall not be detrimental to the applicable objectives of the Tualatin Community Plan and shall not be injurious to property in the planning district or vicinity in which the property is located.*

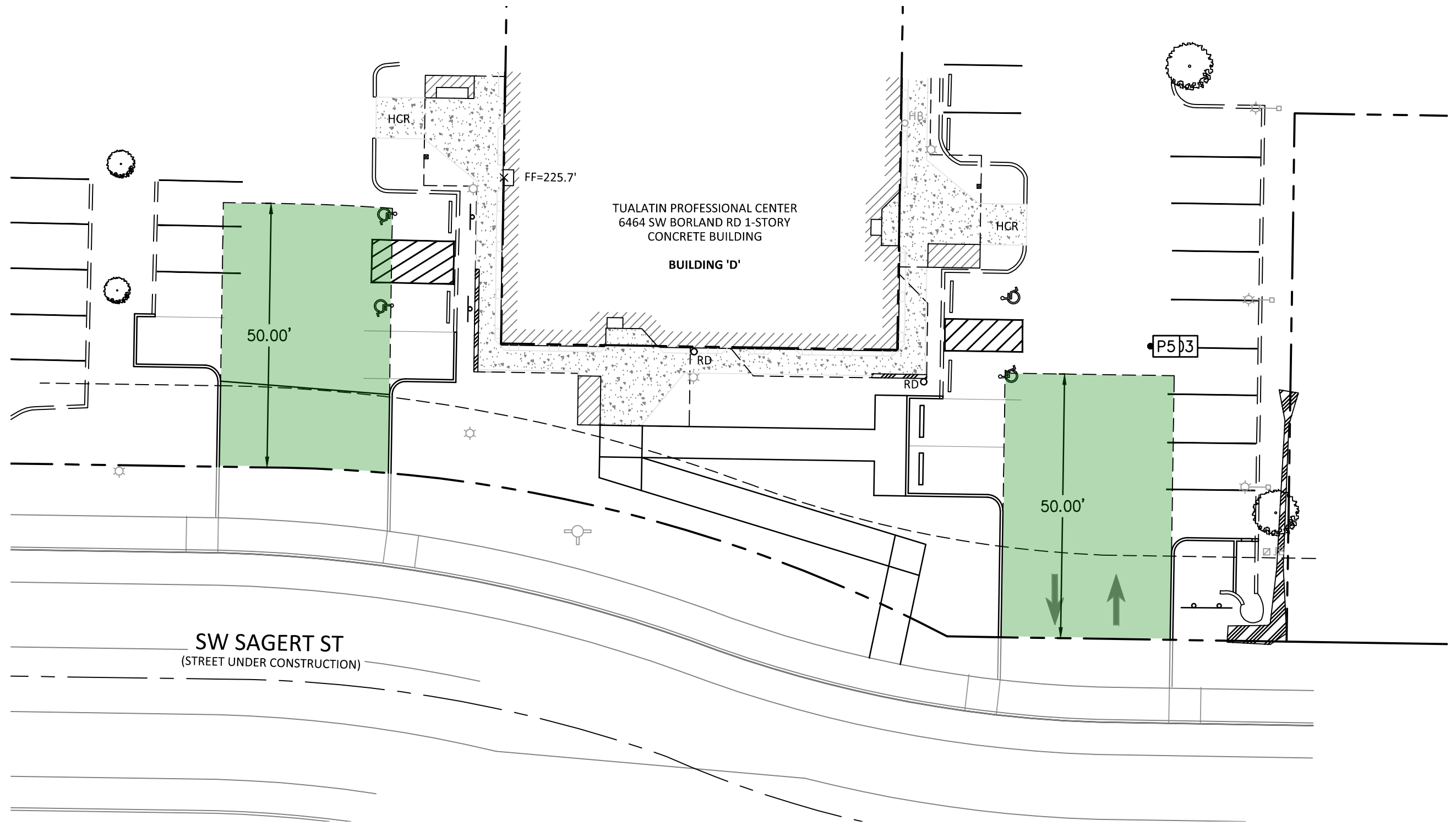
TPC's variance requests relief from TDC 73.360(6). TDC 73.320 includes Tualatin's Off-Street Parking Lot Landscaping Standards. In Goal 1 (General Provisions), the City emphasizes the importance of creating shaded areas in parking lots to reduce glare and heat buildup, reduce impervious surface area and stormwater runoff, provide visual relief within paved parking areas and enhance the visual environment.

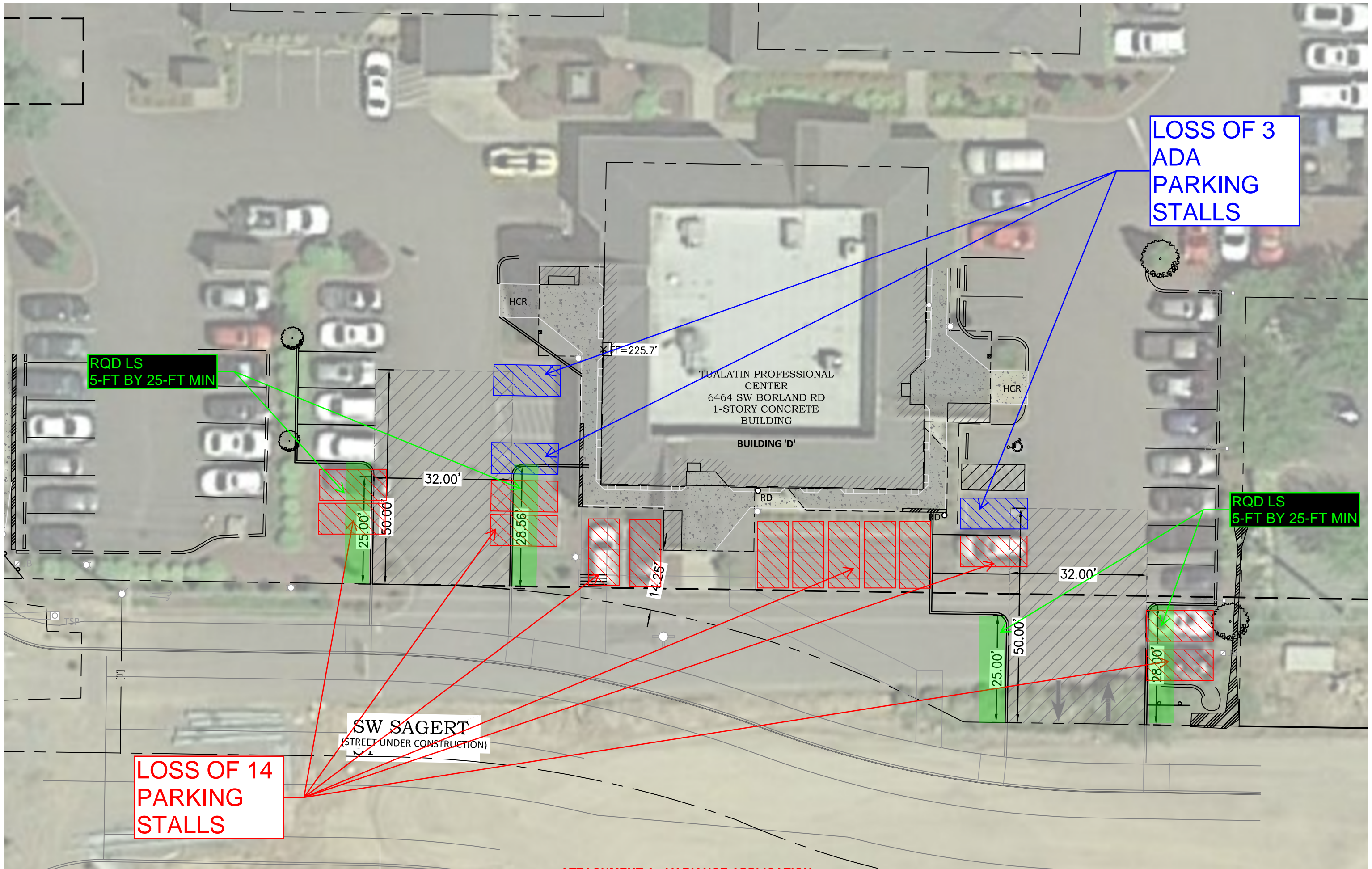
As a condition of variance approval, TPC will provide an updated landscape plan which will provide low landscape plants along the reduced driveways and include trees, shrubs and other plants to shade the access driveways and parking lots, reduce stormwater runoff and provide visual relief.

Therefore, TPC's variance request will not be detrimental to the applicable objectives of the Tualatin Community Plan. Instead, with the variance proposal, TPC will further the objectives of Tualatin's Community Plan by shaded parking areas, reducing stormwater runoff, providing visual relief and enhancing the natural environment. This criteria is satisfied.

5. *The variance is the minimum remedy necessary to alleviate the hardship.*

The 5-7 foot requested variance to the landscaping standard for driveway accesses is the minimum remedy necessary to alleviate the hardship. As explained above, even though TPC is requested a variance of 5-7' to the landscaping standard of 25' from the property line, when measured from the back of sidewalk and using the planter ROW strip, the actual landscaping TPC will provide exceeds 25' on both driveways. Exhibit 8. Thus, TPC is requesting the minimum variance and mitigating any adverse result. Furthermore, TPC has reconfigured its existing parking stalls in order to request the minimum remedy necessary to the landscaping standard. This criterion is satisfied.





LOSS OF 3
ADA
PARKING
STALLS

RQD LS
5-FT BY 25-FT MIN

RQD LS
5-FT BY 25-FT MIN

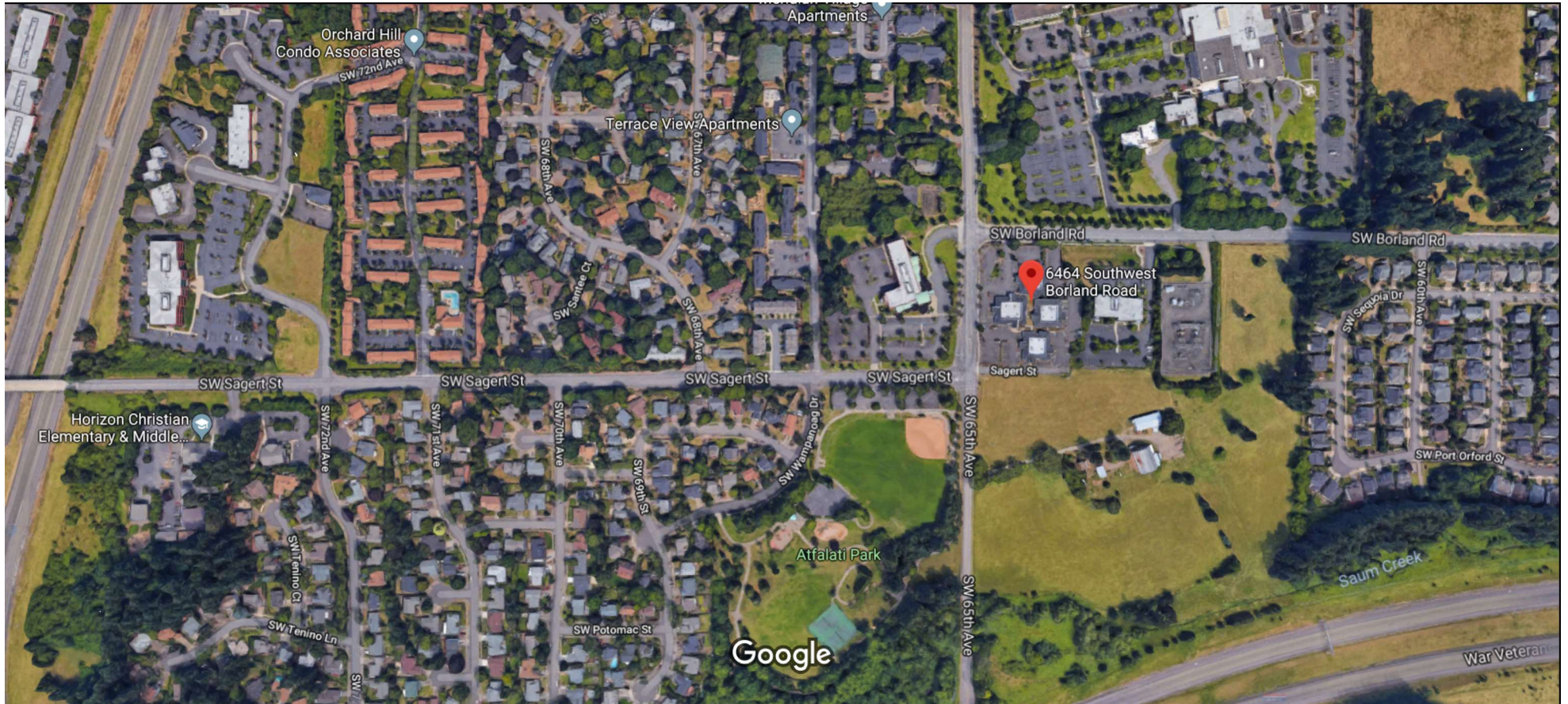
LOSS OF 14
PARKING
STALLS

SW SAGERT
(STREET UNDER CONSTRUCTION)



6464 SW Borland Rd

TPC property is located at 6464 SW Borland Road.



Imagery ©2018 Google, Map data ©2018 Google 200 ft

ATTACHMENT A - VARIANCE APPLICATION

E-mailed and sent via First Class Mail **October 12, 2017**

Matt Johnson
KPF Consulting Engineers
111 SW 5th Avenue
Portland, OR 97204

RE: Minor Architectural Review (MAR17-0041) for access drive and parking lot improvements at the Tualatin Professional Center at 6464 SW Borland Road, Tualatin, OR 97062
(Tax Lot: 2S1E30B90000)

Dear Mr. Johnson:

Thank you for submitting a Minor Architectural Review (MAR) application to the City of Tualatin Planning Division on Monday, August 21, 2017, to adjust the southern two access drives previously approved through LP83-01, AR83-0006, and Development Agreement 84-16657. Modifications and improvements to the southern parking lot, landscaping, and pedestrian network are also included in the proposal.

Pursuant to Tualatin Development Code (TDC), the City of Tualatin Planning Division approves the proposal as described, illustrated, and sited on the submitted Sheet C300 (Plot Date 8/16/17) with the following conditions:

Prior to Erosion Control Permit Approval:

1. Prior to applying for permits on the subject site, the applicant must submit one revised paper plan set—24 x 36, a paper narrative, and electronically in Adobe PDF file format—for review and approval to the Planning Division that meet the conditions of approval below. The narrative must explain how and on what page each condition of approval has been met. The submittal must contain page numbers and a table of contents. No piecemeal submittals will be accepted. Each submittal will be reviewed in two (2) weeks.
2. The applicant must submit plans that illustrates a six foot wide ADA compliant walkway between the main entrance of the southern building of the Tualatin Professional Center complex (Building D) and SW Sagert Street and install to approved plan set pursuant to TDC 73.160(1)(a)(i).
3. The applicant must submit a landscape plan that illustrates areas within the defined project area that are not occupied by buildings, parking spaces, driveways, drive aisles, and pedestrian areas are landscaped and install to approved plan set pursuant to TDC 73.310(3).
4. The applicant must submit a revised landscape plan that notes a clear zone will be provided at the proposed access drive entrances vertically between a maximum of thirty inches and a minimum of eight feet as measured from the ground level pursuant to TDC 73.340(1).

5. The applicant must revise the appropriate sheets to illustrate landscape areas not less than five feet in width on each side of the southern two access drives located off of SW Sagert Street that extend for a distance of at least twenty-five feet from the property line and install to approved plan set pursuant to TDC 73.360(6)(a).
6. The applicant must revise the appropriate sheets to provide evidence that two on-site access drives are thirty-two feet wide for the first fifty feet from the public right-of-way and install to approved plan set pursuant to TDC 73.400(11).
7. The applicant must apply for and obtain a Public Works Permit for all work within public right-of-way and an Erosion Control Permit for all disturbed area.
 - a. Provide an engineered plan that shows plan and profile of the proposed driveway connections and proposed pedestrian connections. All improvements must match back of sidewalk grades currently being constructed by Lennar Homes as part of public works permit number PW16-0211. Plan must meet requirements of Engineering Division for review and approval pursuant to the Tualatin Public Works Construction Code and must be approved by the Engineering Division.
 - b. Show back of sidewalk grades that match the elevations of SW Sagert Street right-of-way improvements currently being constructed by Lennar Homes as approved in Public Works Permit No. PW16-0211.
 - c. If proposed pedestrian connection to the Sagert Street sidewalk is the ADA accessible route to the public right-of-way, then improvements in the right-of-way must meet ADA criteria set forth in the 2010 Public Rights of Way Design Guidelines (PROWAG), including running slope, cross slope, and all other relevant requirements.

The Following Code Requirements Apply to the Site in an On-Going Manner:

- Accessways must be constructed, owned and maintained by the property owner. TDC 73.160(1)(g)
- All landscaping approved through the AR process must be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the AR decision, unless subsequently altered with Community Development Director's approval. TDC 73.100(1)
- All building exterior improvements approved through the AR process must be continually maintained, including necessary painting and repair, so as to remain substantially similar to original approval through the AR process, unless subsequently altered with Community Development Director's approval. TDC 73.100(2)
- Site landscaping and street trees must be maintained to meet the vision clearance requirements of TDC 73.400(16).
- The proposed development must comply with all applicable policies and regulations set forth by the TDC.

Response to Additional Claims Made in Your Letter of October 3, 2017.

Your attorney, Ms. Dorothy Cofield, submitted a letter dated October 3, 2017, where she made two additional legal claims: (1) that TPC believes the Minor Architectural Review process is not required for your improvements; and (2) that the parking lot is a nonconforming use and, therefore, you are allowed to make the improvements without complying with the design standards in the TDC. Neither of those arguments are supported by the TDC. In fact, the TDC specifically requires Architectural Review for your proposed improvements to demolish and reconstruct your parking lot. In addition, the TDC prohibits alterations of nonconforming uses.

1. The Architectural Review Process is Required for the Proposed Improvements to the Parking Lot.

You submitted an application for a Minor Architectural Review (MAR) and propose to make improvements to the parking lot at your site. In particular, you state in your application that “[t]he Tualatin Professional Center will make site improvements to its existing parking lot in order to match the proposed Sagert Street improvements. This will include the demo of and modification of the parking drive aisle and parking layout.”

Under TDC 73.040 Architectural Review is required for a “parking lot improvement or expansion.” TDC 31.060 defines “parking lot improvement or expansion” as “[t]he alteration of land or expansion of existing off-street parking, including grading, paving or installation of landscaping, on land intended to be regularly used for the temporary storage of motor vehicles. Parking lot improvement does not include resurfacing existing asphalt parking or re-striping of parking lots.”¹

The proposed improvements to demolish and reconstruct your parking lot fit the definition of “parking lot improvement or expansion” under the code. As a result, your proposed improvements require Architectural Review approval.² Your claim that you are not required to comply the Architectural Review process is without merit.

2. Alteration of Nonconforming Uses is Prohibited under the TDC.

You also claim that your parking lot is a nonconforming use and that, therefore, the improvements do not need to comply with the design standards in the TDC. To the contrary, the TDC requires alterations of nonconforming uses to comply with design standards.

Under TDC 35.030, nonconforming uses cannot be altered or enlarged, unless “such alteration or enlargement will bring the structure or use into conformity with the Planning District Standards for the planning district within which the use or land is located.” As you state in your application, you are proposing the “demo of and modification of drive aisles.” Your proposal is an alteration under the code.

The driveway cuts at the location have already been installed by the Sagert Farms Development. You are not proposing minor paving activities to simply connect the driveway cuts to the existing site. Rather, you are proposing the demolition and reconstruction of the parking lot itself. As a result, even if your parking lot is a nonconforming use, you cannot make alterations without complying with the City’s development code and its design standards. See, TDC 35.030; 31.110.³

¹ You point out in your letter that you were not required to go through the Architectural Review process a few years ago to “re-asphalt” your lot. The reason for this is because resurfacing of existing parking lots is excluded from the definition of “parking lot improvement or expansion” that would otherwise trigger the Architectural Review process.

² TDC 31.110 provides, “[n]o person shall erect, construct, reconstruct, alter or maintain or use any land, building or structure contrary to the provisions of the Tualatin Community Plan, the Tualatin Planning District Standards, or the Tualatin Development Code.”

³ As has been pointed out on a number of occasions, you may submit an application for a variance under TDC Chapter 33, for those code requirements that “cause an undue or unnecessary hardship.”

Appeal Process

If you disagree with this approval, you may appeal this decision to the City Council. To appeal the decision, submit an application, a fee of \$145, a narrative indicating the code section(s) you want to appeal, the requested revision, and your reason for appealing. City Council will hear the appeal in accordance with the process outlined in TDC Section 31.075. The appeal must be submitted before 5 pm on the 14th calendar day after the notice of decision.

Please contact me with any questions at 503.691.3024 or eengman@tualatin.gov.

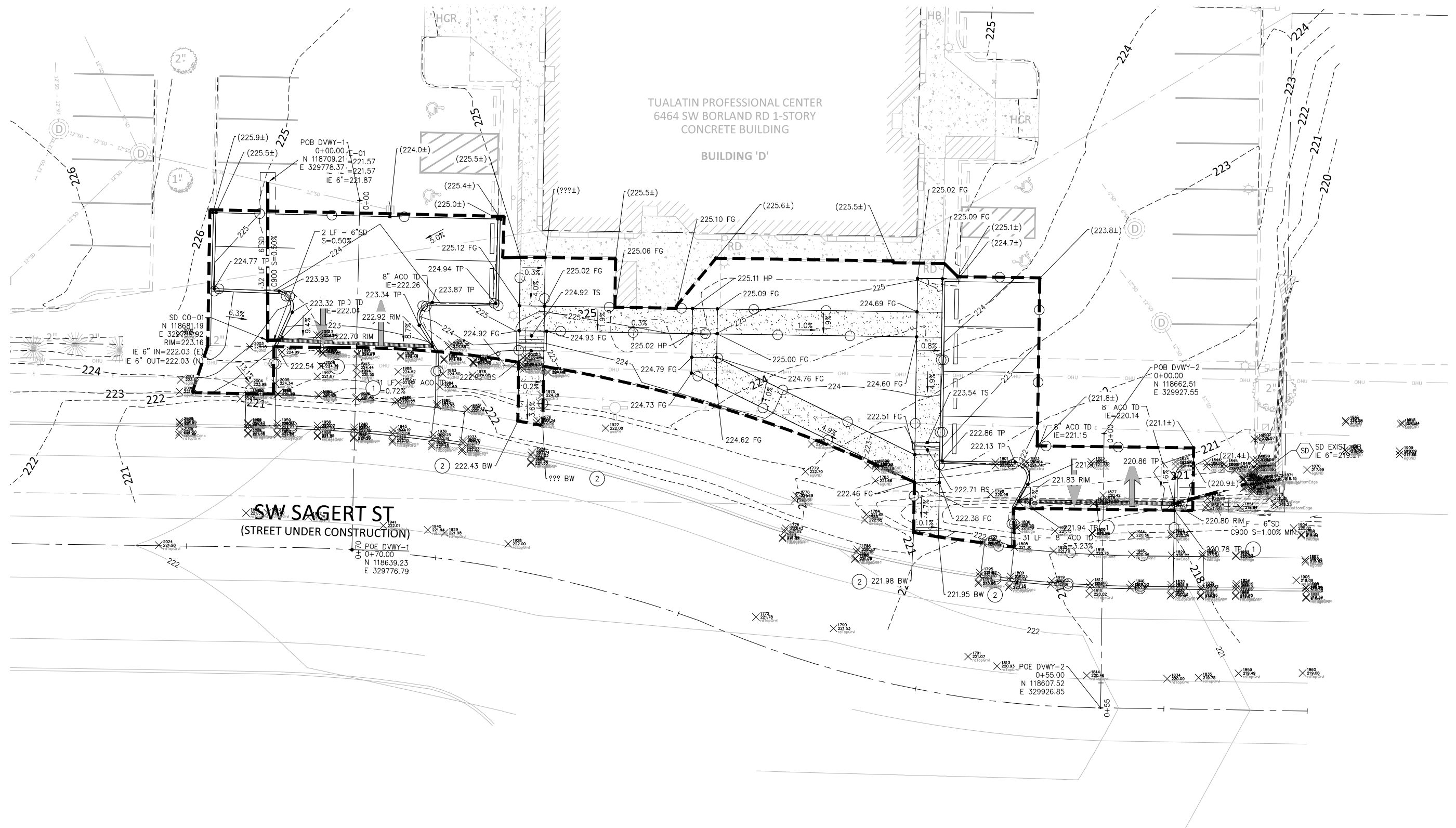
Thank you,



Erin Engman
Assistant Planner

cc: Aquilla Hurd-Ravich, AICP, Planning Manager
Sean Brady, City Attorney
Tony Doran, Engineering Associate
Dorothy Cofield, cofield@hevanet.com
Dr. Walker, jpw@tualatinendo.com

File: MAR17-0041



City Council Meeting

Meeting Date: 01/08/2018

Tualatin Professional Center Motion to Suspend Appeal

THROUGH: Sherilyn Lombos **FROM:** Aquilla Hurd-Ravich, Planning Manager

In Collaboration With: Erin Engman, Associate
Planner

SUBJECT:

Request to Suspend the Request for Review of MAR17-0041, Tualatin Professional Center Parking Lot Improvement Land Use Decision Locate at 6464 SW Borland Road

ISSUE BEFORE THE COUNCIL:

The Tualatin Professional Center submitted a request to suspend the Request for Review hearing and continue the hearing to a date certain of April 23, 2018, while they apply for a Variance with the Planning Commission.

RECOMMENDATION:

Staff recommends Council consider the motion, which is attached, grant the motion and continue the hearing to a date certain of April 23, 2018.

EXECUTIVE SUMMARY:

The Tualatin Profession Center submitted a Motion to Suspend its Request for Review of the Minor Architectural Review Hearing (see Attachment 100) to continue the hearing to April 23, 2018. The purpose of the delay is to allow the Tualatin Professional Center time to apply for a Variance with the Planning Commission. In addition, the Tualatin Professional Center agrees that if the motion is granted, the 120-day rule is extended to May 31, 2018.

Staff supports this request. The procedural implications of continuing the Architectural Review Hearing are as follows:

Architectural Review Hearing Process

- The Tualatin Professional Center extended the 120–day rule to May 31, 2018.
 - This means Council must make a final decision on the Architectural Review application before May 31, 2018, unless the Tualatin Professional Center makes a future written request to extend the deadline further.
- The Architectural Review Hearing remains active and is continued to April 23, 2018.
- The Tualatin Professional Center intends to use the time to apply for a Variance.

Variance Process

- Tualatin Professional Center must apply for a Variance.
- The Planning Commission is the initial hearing body for Variance applications.
 - City staff will process the application and schedule a hearing before the Planning Commission.
 - City staff will make a staff recommendation to the Planning Commission.
 - Planning Commission will decide the Variance.
- City Council is the appeal body for Variance applications.

Future City Council Process if Variance Granted by Planning Commission

- Architectural Review Hearing to be held by City Council on or before April 23, 2018.

ATTACHMENT A - VARIANCE APPLICATION

- Tualatin Professional Center will request that the City Council **consider new evidence** of the Planning Commission's Variance decision.
- City staff will need to renotice the Architectural Review Hearing.
 - New notice to the public for consideration of new evidence.
- City staff will make a new recommendation to the City Council based upon the Planning Commission's Variance decision.
- City Council will need to reopen the record of the Architectural Review Hearing to allow submittal of the Variance decision information and evidence.
- City Council will conduct the Architectural Review Hearing.
 - Conclude the hearing.
 - Deliberate and decide.

Future City Council Process if Variance Not Granted by Planning Commission

- If the Planning Commission denies (in whole or in part) the Variance, the Tualatin Professional Center may appeal the Variance decision to City Council.
- City Council Hearing on the Variance Application.
 - City staff will notice the hearing.
 - City Council will conduct the hearing and evidence will be submitted.
 - City Council will decide whether to grant the Variance.
 - Tualatin Professional Center may wish to further extend the 120-day rule because without an extension, the Architectural Review must be decided before May 31, 2018.
 - If City Council grants a Variance, the Variance decision impacts City Council's consideration of the Architectural Review application.
 - If City Council denies the Variance, the Tualatin Professional Center may appeal to LUBA.
- City Council Hearing on the Architectural Review Application.
 - If City Council denies the Variance, the City Council could decide on the current record or could reopen the record.
 - The Tualatin Professional Center may request the record be reopened.
 - If City Council grants the Variance, City Council will consider the Architectural Review Application with the additional Variance evidence.
 - City staff will need to renotice the Architectural Review Hearing.
 - New notice to public for consideration of new evidence.
 - Depending on time constraints and whether the 120-day rule is further extended by the Tualatin Professional Center, the Architectural Review decision may need to be acted upon before the Variance decision by Council. This is not likely, but could occur.
 - City staff will make a new recommendation to the City Council based upon the City Council's Variance decision.
 - City Council will need to be reopen the record of the Architectural Review Hearing to allow submittal of the Variance decision information and evidence.
 - City Council will conduct the Architectural Review Hearing.
 - Conclude the hearing.
 - Deliberate and decide.

Attachments

[Attachment 100 - Motion to Suspend](#)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE TUALATIN CITY COUNCIL

**IN THE MATTER OF MAR 17-0041
REQUEST FOR REVIEW BY
TUALATIN PROFESSIONAL CENTER**

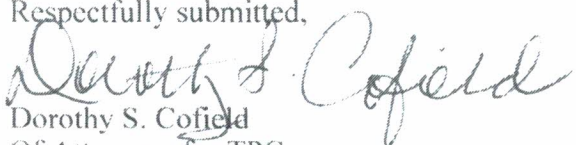
**MOTION TO SUSPEND
REQUEST FOR REVIEW**

The appellant, Tualatin Professional Center (TPC) hereby requests that its Request for Review of MAR 17-0041 be suspended until April 23, 2018 to allow TPC to apply for a major variance to the Tualatin Planning Commission. Should the City Council grant the motion, the appellant agrees to extend the 120-day rule to May 31, 2018.

We have spoken to city staff and they are supportive of the TPC Motion to Suspend. To that end, city staff has prepared a Staff Memorandum of Support for the TPC Motion which details the procedure for the variance application and MAR 17-0041.

TPC has reviewed the staff memorandum and agrees with the process of review for the variance and associated MAR 17-0041 pending before the Council.

DATED this 3rd day of January, 2018.

Respectfully submitted,

Dorothy S. Cofield
Of Attorneys for TPC



**OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR
JANUARY 8, 2018**

Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Economic Development Manager Jonathan Taylor; Parks and Recreation Manager Rich Mueller; Associate Planner Erin Engman; IS Director Bates Russell

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:13 p.m.

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council update for January, 2018

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. YAC now has 19 members that meet weekly and on average contribute 85 hours of service a year. Current goals include advising the Council on issues that affect youth, provide a primary communication link for youth to government, identify and advocate for the needs of youth, and carry out events and activities for youth. YAC is currently working on Project FRIENDS, a day long anti-bullying workshop for fifth graders, to be held in May.

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent 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.

Tualatin Chamber of Commerce Director Linda Moholt shared the 2018 Business and Community Directory with the Council. She addressed concerns the Council brought up during the work session regarding the lack of a tourism plan. She stated the Ice Age Tourism Plan is the Visitor Plan for the City of Tualatin. The Chamber has been working off the plan for the last seven years.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. 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 from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Council President Joelle Davis, SECONDED by Councilor Nancy Grimes to adopt the consent agenda.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of December 11, 2017
2. Consideration of Approval of a New Liquor License Application for Free Public Wines
3. Consideration of **Resolution No. 5351-18** Authorizing the City Manager to Execute an Intergovernmental Agreement (IGA) between the City of Tualatin and the City of Durham for Building Inspection / Plan Review Services

E. PUBLIC HEARINGS – Quasi-Judicial

1. Request to Suspend the Request for Review of MAR17-0041, Tualatin Professional Center Parking Lot Improvement Land Use Decision Locate at 6464 SW Borland Road

Planning Manager Aquilla Hurd-Ravich stated there is no staff report to present. She stated the Tualatin Professional Center has submitted a request to suspend MAR 17-0041, regarding parking lot improvements, to pursue a variance with the Tualatin Planning Commission.

Mayor Ogden asked how the hearing would be closed if the variance was granted. Manager Hurd-Ravich stated the public hearing will be re-noticed for April 23 where any new information from the variance hearings will be considered.

Dorothy Cofield, Attorney for the Tualatin Professional Center, stated she has been working with city staff on a variance to take before the Tualatin Planning Commission.

MOTION by Council President Joelle Davis, SECONDED by Councilor Robert Kellogg to suspend the request for review of MAR17-0041, Tualatin Professional Center Parking Lot improvement Land Use Decision located at 6464 SW Borland Road.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis,
Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison,
Councilor Robert Kellogg

MOTION CARRIED

2. Request for Review of MAR17-0041, Tualatin Professional Center Parking Lot Improvement Land Use Decision Located at 6464 SW Borland Road

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. 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.

1. Consideration of Recommendations from the Council Committee on Advisory Appointments

Mayor Ogden thanked the applicants for their service to the City of Tualatin.

MOTION by Councilor Robert Kellogg, SECONDED by Councilor Frank Bubenik to approve appointments to the Tualatin Library Advisory Committee, Tualatin Tomorrow Committee, and the Core Area Parking District Board.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis,
Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison,
Councilor Robert Kellogg

MOTION CARRIED

G. COMMUNICATIONS FROM COUNCILORS

None.

H. ADJOURNMENT

Mayor Ogden adjourned the meeting at 7:36 p.m.

Sherilyn Lombos, City Manager

 / Nicole Morris, Recording Secretary

 / Lou Ogden, Mayor

TUALATIN PROFESSIONAL CENTER (TPC)

VARIANCE APPLICATION (VAR-18-0001)

ATTACHMENT B: ANALYSIS AND FINDINGS

The issue before the Tualatin Planning Commission (TPC) is consideration of a Variance (VAR) request to the standards imposed under TDC 73.360(6)(a) (Off-Street Parking Lot Landscape Islands) and TDC 73.400(11) (Access) to restore two existing access driveways onto SW Sagert Street. The medical condominium is located at 6464 SW Borland Road (Tax Map/Lot: 2S1E 30B 90000) and was developed in 1984. At the time, the site was constructed with southern access off a frontage road in the future SW Sagert Street right-of-way. The full-width improvements of SW Sagert Street are currently underway, as a result of the Sagert Farm subdivision project (SB15-0002).

TDC 73.360(6)(a) states, “*Except as in (b) below, 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...*” The applicant is asking to provide a landscape area that is 5 feet in width for a depth of 25 feet from back of sidewalk, rather than property line. Landscaping on the western access drive is proposed at a depth of 17.75 feet from property line and the eastern access drive at a depth of 19.38 feet.

TDC 73.400(11) states, “*...ingress and egress for commercial uses shall not be less than the following: 32 feet for first 50 feet from right of way, 24 feet thereafter.*” The applicant is proposing 32-foot-wide access drives for a depth of 25 feet from back of sidewalk. The western access drive gradually narrows down to 24.78 feet near 50 feet from right of way and the eastern drive narrows down to 27.63 feet.

In order to grant the proposed variance, the request must meet the approval criteria of Tualatin Development Code (TDC) Section 33.020(1) and three of the four approval criteria of (2)-(5). The applicant prepared a narrative that addresses the criteria, which is included within the application materials (Attachment B), and staff has reviewed this and other application materials and included pertinent excerpts below.

The following materials and descriptions are based largely on the applicant’s narrative; staff has made some minor edits. Staff comments, findings, and conditions of approval are in italic font.

Section 33.020 Conditions for Granting a Variance that is not For a Sign or a Wireless Communication Facility.

No variance shall be granted by the Planning Commission unless it can be shown that criterion (1) is met and three of the four approval criteria (2)-(5) are met for non-sign requests:

- (1) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district or vicinity and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.**

Applicant Response to hardship created by exceptional or extraordinary conditions: The TPC property was developed in the 1980’s through a partition of its eastern property and Architectural Review (AR 83-06) of four medical buildings. The project was conditioned to provide half-street improvements along SW

Sagert Street. Rather than requiring construction, the City entered into Development Agreement 84-16657 that allowed the development to proceed without making the improvements to SW Sagert Street. TPC's property is unique in that the frontage road to serve the southern accesses was not developed with the planned Sagert Street. Also unique to TPC's property was the fact that the property to the south and east was still being used for farming and essentially undeveloped. In 2015, Lennar Homes Northwest ("Lennar") applied to construct Sagert Farm, a 79 residential lot subdivision to the south and east of the subject property. With the Sagert Farm subdivision review, the full width improvements of SW Sagert Street were approved. These improvements induced changes to TPC's two southern accesses. TPC applied for restoration of its two southern accesses in MAR 17-0041 and learned the two driveway standards in question would create a severe hardship on the loss of existing parking stalls. The parking spaces that would be lost are located close to the two entrances and Building D, allowing safe access for TPC's clients. Additionally, of those 17 parking spaces, which would be lost, 3 are currently dedicated handicapped parking spaces which serve some of TPC's most vulnerable clients.

The four condominium buildings have double frontage (onto SW Borland Road to the north and SW Sagert Road to the south). To the west is SW 65th Street so the site is surrounded on three sides by major city streets (Attachment A - Exhibit 4). Two of the four medical office buildings have lower levels that gain their access from Borland Road. Because of this grade difference of having two levels, there is a nearly ten-foot boulder retaining wall separating the two Borland Road driveways, essentially dividing the west parking lot from the east parking lot (Attachment A -Exhibit 6). The design of SW Sagert Street was constrained by logistical elements. Sagert Street was required to align with the existing three legs of SW 65th Avenue and SW Sagert Road intersection, respect the existing Sagert right-of-way dedication by TPC from the early 1980's, and align with its eastern street connection at Sequoia Ridge. These constraints along with the topography of the site established the location and grade of Sagert Street. The full width of the required improvements of Sagert Street advanced their proximity to the TPC complex, specifically at Building D.

Applicant Response for 73.360(6)(a): Providing a 5-foot wide landscape area for a depth of 25-feet from the TPC property line would result in a loss of at least seventeen parking stalls. This is a hardship that is created by exceptional or extraordinary conditions that do not apply generally to other properties in the vicinity and the conditions are a result of lot size, shape, topography and the physical circumstances applying to the TPC property over which the owner has no control.

The topographical and site constraints with the existing medical buildings makes TPC's property unique. The condominium building development cannot be moved or reconfigured without severe hardship and significant expense to TPC. Therefore, if TPC were required to landscape 25 feet from the property line, as required by TDC 73.360(6), it would cause severe hardship to TPC and its patients by losing valuable parking spaces adjacent to Building "D".

Instead of 25 feet of landscaping along the driveways from the property line as required by this section of the Code, TPC is requesting variance relief to provide a landscape area at a 25-foot depth from the back of sidewalk. TPC is requesting minimal variance relief to landscape area from the property line as follows: 5.8' on the west side and 7.25' on the east side of the west driveway and a 5.62' variance to landscaping on the east side of the east driveway as documented. The west side of the east driveway exceeds the 25-foot standard being 26.97' of landscaping from the property line. The total landscaped area along the two driveways will visually comply with what the Code envisions, as TPC will landscape 25 feet from the back of the sidewalk along its ingress and egress. This will exceed a 25-foot long landscape area as follows: the west driveway will have over 28' of landscaping on either side and on the east driveway there will be 35' on the west side and 28' on the east side. By landscaping to back of sidewalk on either side of both

driveways, the visual look of the landscaping on either side of the two driveways will exceed the code standard of 25' of landscaping.



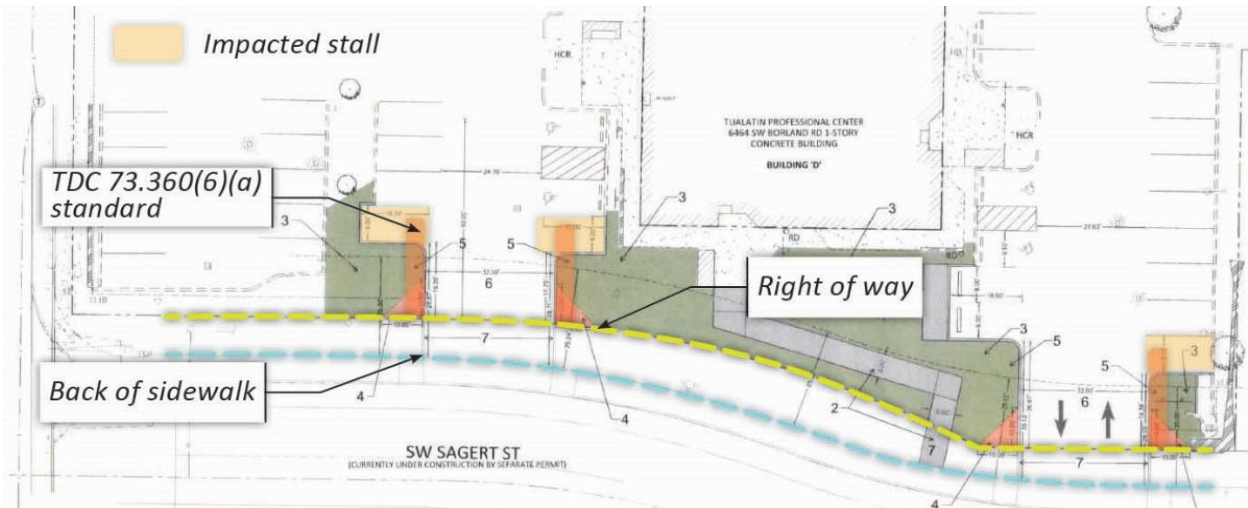
Staff Response: *The existing western access drive provides an approximate depth of 12 feet of landscape area from property line. The existing eastern access drive is an extension of the frontage road constructed in the 1980s; therefore, no landscape area defines the depth of the access. The site layout and circulation pattern served the unique needs of the business at the time. Additionally the development was reviewed through Architectural Review (AR 83-06) in 1983, prior to an amendment implementing current code standards (Plan Text Amendment 91-06 and Ordinance 862-92) requiring 25-foot depth of landscaping from the property line. A retrofit of the existing condition would be necessary for the southern two access drives to meet the TDC 73.360(6)(a) standard. This presents a unique physical circumstance for the property owner. The variance is the minimum remedy to allow the business to meet operational needs in light of the physical constraints.*

The applicant addresses topographical constraints but provides no calculations or profiles. TualGIS (City program that provides aerial imagery and site data) provides evidence that the site has a high elevation of 228 ft on the west side of the property and slopes down to 214 feet on the east side, a difference of 14 feet. The property was developed with respect to the naturally sloped environment, and the western and eastern areas of the site are separated by a retaining wall, preventing internal circulation.

Staff additionally visited the site on November 29, 2017 and found that the access on TPC property is located approximately 3-4 feet higher than the improved SW Sagert Street. The area of these access drives will need to be regraded to match the roadway, providing an additional, unique hardship to the site.

Sheet V1 (below) illustrates a curb tight sidewalk along SW Sagert Street, south of the TPC site. There is approximately 10 feet of landscape strip between the back of sidewalk and southern property line. The applicant is proposing an additional 17.75 to 19.38 feet of landscape area beyond the strip. City road standards generally require a curb tight landscape strip then sidewalk. This section of Sagert Street was modified to match existing conditions of the surrounding vicinity, creating an extraordinary condition. The variance allowance to combine the landscape area in the public right of way and private landscape area

would exceed the intent of 25 foot depth requirement. It will also comply with the intent to use landscaping to visually define the accessway.



There is a discrepancy in evaluating the loss of parking when strictly evaluating this access standard. Two stalls from the proposal will be impacted at the western access drive and one at the eastern access drive if the TDC 73.360(6)(a) standard is imposed. No ADA stalls are impacted. Seven existing stalls take direct access off the former frontage road or SW Sagert Street right of way and are not lost as a result of this standard.

This criterion is met.

Applicant Response for 73.400(11): Providing two 32 foot wide driveways for a length of 50 feet would result in the removal of at least seventeen parking stalls. This hardship is created by the exceptional or extraordinary conditions that do not apply generally to other properties in the vicinity and the conditions are a result of lot size, shape, topography and the physical circumstances applying to the TPC property over which the owner has no control.

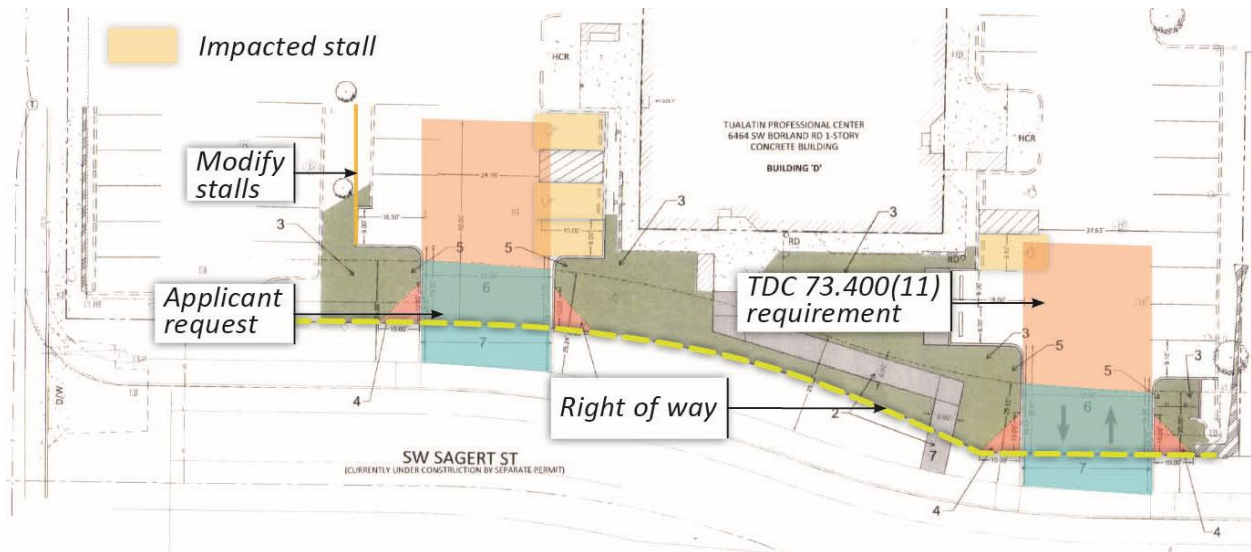
TPC has worked with an engineering firm, KPFF, to attempt to reconfigure its parking lot to comply with TDC 73.400(11). Through this effort, KPFF has created a proposal of modified parking spaces and reconfigured TPC's parking lot.

The existing access drives are approximately 24 feet wide. A retrofit of the existing condition would be necessary for the southern two access drives to meet the TDC 73.400(11) standard. This presents a unique physical circumstance for the property owner.

Building D is setback approximately 21 feet from the southern property line and is generally centrally located between the two access drives. Building D has an existing 5 foot wide sidewalk and 3.5 foot wide landscape strip on the west and east elevation. Due to the existing configuration, standard 18.5 foot long parking stalls would be impacted by the required 32 foot wide by 50-foot deep ingress/egress requirement.

There is also a discrepancy in evaluating the loss of parking, when strictly evaluating this access standard. Three stalls from the proposal will be impacted at the western access drive and one at the eastern access drive (below) if the TDC 73.400(11) standard is imposed. Three of the impacted stalls are designated ADA. Four stalls along the western access drive may be modified to avoid impacts. Seven existing stalls take

direct access off the former frontage road or SW Sagert Street right of way and are not lost as a result of this standard.



The applicant is proposing 32-foot-wide access drives for a depth of 25 feet from back of sidewalk. The western access drive gradually narrows down to 24.78 feet near 50 feet from right of way and the eastern drive narrows down to 27.63 feet.

The applicant has provided a Technical Letter #2 – Site Access Evaluation, authored by Clemow Associates, LLC and dated January 25, 2018. This letter references the National Cooperative Highway Research Program (NCHRP) Report 659 that contains guidelines for driveway design. Based on the NCHRP Guide, a total necessary driveway throat length of 23-24 feet is recommended for the subject site to avoid potential vehicle stacking or pedestrian conflicts. The applicant is proposing a driveway length of 25 feet from back of sidewalk, which exceeds the professional recommendation in Exhibit 7.

This criterion is met.

(2) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.

Applicant Response for 73.360(6)(a): Because the landscaping requirement in this section of the Code is tied to ingress and egress, the resulting hardship is similar to that present in the access variance request below. The hardship results from the sloping nature of the property as well as the use of the buildings as medical offices serving those with intensive medical needs.

If TPC is required to meet this section of the Code with the associated 25-feet of landscaping required in this section of the Code, it will be required to remove some of its most convenient parking spaces, as well as three handicapped spaces, in closest proximity to Building D. If this variance is approved, TPC will landscape the length of the approved driveways to the back of sidewalk, which will effectively offer more than 25-feet of landscaping on the two access driveways, as mentioned elsewhere in this narrative. The City's underlying goal, as noted below where this narrative addresses criteria 4, will be satisfied. The

modified landscaping will provide shade for the parking lot, reduce stormwater runoff and beautify the frontage of Sagert Street.

As mentioned in Criterion 1, the proposal involves a retrofit of an existing site to match the full width improvements of SW Sagert Street. Development standards have changed in the 34 years since the property was developed. Ordinance 862-92 through Plan Text Amendment 91-06 incorporated this landscape standard in 1991, creating a unique circumstance to the site's physical features. Additionally, the site is served by two parking areas that are separated by grade, providing no internal circulation. As a result, the applicant needs to retrofit both southern accessways, as opposed to just one.

The hardship does not result from the applicant or owner's actions, from personal circumstance, from financial situation, or from regional economic conditions. This criterion is met.

Applicant Response for 73.400(11): The hardship results from the location of the TPC property, which is a corner lot surrounded on three sides by major roads, two of which provide access to the property. The hardship also results from the sloping nature of the property, as well as, the use of the buildings as medical offices serving those with intensive medical needs. When the property was improved in the 1980's, the developer had limited options to design the approved condominium development because of the slope present on the property, as well as, the built and planned streets that surround three sides of the property (Exhibit 6 and 4). The design that was approved in the 1980's involves four buildings that offer medical services. Building D, is the building that is most impacted by the 32-foot wide by 50-foot depth. Due to the vulnerable, often frail, state of the patients, they need convenient parking close to Building D. If TPC is required to meet this section of the Code and extend its driveway to 50 foot throat lengths, it will be required to remove some of its most convenient parking spaces, as well as three handicapped spaces, in closest proximity to Building D. Exhibit 2. The hardship results from the slope on the property and approved use of the site, not from the actions for the applicant or owner.

As addressed above in TDC 73.360(6)(a), this criterion is met.

(3) The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same planning district or vicinity.

Applicant Response for 73.360(6)(a): Because this TDC section is tied closely to TPC's ingress and egress, the underlying purpose of the variance is the same: to allow TPC to continue to use its property for a parking lot to serve its clients in substantially the same layout as has the last thirty years. As it currently exists, the parking lot provides safe, efficient access for TPC's patients into its facility. The current landscaping serves to beautify the City and to create a welcoming, professional appearance for TPC's clients.

With the requested variance, TPC will continue to landscape its access driveways yet will continue to maintain the parking spaces necessary to serve its clients. It will continue to provide a welcoming, professional environment and also designated handicapped parking spots for TPC's most vulnerable patients and convenient access to parking lots both on the east and west sides of the building. Other property owners in the vicinity are permitted parking lots on their property which are designed in a manner to most effectively serve their patrons and which are landscaped in a professional, welcoming manner. With the variance to TDC 73.360(6), TPC requests the same treatment as other property owners in the vicinity.

The purpose of landscaping along the access drives is to help define to the public where to access a site. The applicant's proposed landscaping depth in combination with the public right-of-way landscaping will address the intent of the code. This criterion is met.

Applicant Response for 73.400(11): The variance is necessary to allow TPC to continue to use its property for a four building medical complex in substantially the same layout as has existed the last thirty years. As it currently exists, the two southern accesses provide safe, efficient access for TPC's patients into its facility. There are designated handicapped parking spots for TPC's most vulnerable patients and convenient access to parking lots both on the east and west sides of the building. Other property owners in the vicinity are permitted parking lots on their property, which are designed in a manner to most effectively serve their patrons. The parcels to the immediate east and west of the subject parcel are zoned Commercial Office (CO), as is the subject parcel, and are improved with office buildings currently used for medical offices or laboratory services. Both the parcels to the east and west have large parking lots to serve their patrons(Exhibit 4). Similarly, the parcel to the immediate north includes medical offices and the Legacy Meridian Park Medical Center.

The Clemow and Associates evaluation found that the TPC property is in a suburban location in which the relative importance of motor vehicles is high and the other modes (bicycle and pedestrian traffic and availability of public transit) is low (Exhibit 7). The Clemow evaluation concludes that with the two driveway lengths of twenty-five feet from back of sidewalk, TPC will have a parking lot that is safe and efficient. With the variance request to TDC 73.400(11), TPC requests the same treatment as other property owners in the vicinity.

This criterion is met.

(4) The variance shall not be detrimental to the applicable objectives of the Tualatin Community Plan and shall not be injurious to property in the planning district or vicinity in which the property is located.

Applicant Response for 73.360(6)(a): In Goal 1 (General Provisions), the City emphasizes the importance of creating shaded areas in parking lots to reduce glare and heat buildup, reduce impervious surface area and stormwater runoff, provide visual relief within paved parking areas and enhance the visual environment.

As a condition of variance approval, TPC will provide an updated landscape plan, which will provide landscaping along the reduced driveways and include trees, shrubs and other plants to shade the access driveways and parking lots, reduce stormwater runoff and provide visual relief.

Therefore, TPC's variance request will not be detrimental to the applicable objectives of the Tualatin Community Plan. Instead, with the variance proposal, TPC will further the objectives of Tualatin's Community Plan by shaded parking areas, reducing stormwater runoff, providing visual relief and enhancing the natural environment.

The applicant is referencing the Tualatin Development Code 73.320(1) Off-street parking lot landscaping standards, general provisions.

Section 6.040 of the Tualatin Community Plan describes the purpose of each commercial planning district: Office Commercial Planning District (CO). To provide areas suitable for professional office uses adjacent to or across from residential areas. Restaurants may be allowed by conditional use permit when designed as an integral part of a major office complex. It is the intent of this district to provide for office development ranging in size from small buildings with one or two tenants to large complexes housing business

headquarters offices. In the design of development in this district, care shall be taken to preserve significant natural resources and to provide extensive perimeter landscaping, especially adjacent to residential areas and streets.

Providing a landscape area that has a depth of 25 feet from back of sidewalk will be compatible with the Tualatin Community Plan. This area will also define the site ingress/egress and will not be injurious to the vicinity. This criterion is met.

Applicant Response for 73.400(11): TDC 11.610 includes Tualatin’s Transportation Goals and Objectives. In Goal 1 (Access and Mobility), Goal 2 (Safety) and Goal 4 (Equity), the City emphasizes the importance of providing safe and efficient travel for users of all ages and abilities.

TPC hired Clemow & Associates, transportation engineers, to analyze its proposal at the heart of this variance request for driveway throat lengths of approximately 25 feet. Clemow & Associates determined the “driveways can operate in a safe and efficient manner.” Exhibit 7, page 1, Clemow Site Access Evaluation. Further, the “25-foot driveway throat lengths are anticipated to be sufficient to accommodate existing development traffic.” Exhibit 7, page 2. TPC’s variance request will not be detrimental to the applicable objectives of the Tualatin Community Plan. Instead, with the variance proposal, TPC will further the objectives of Tualatin’s Community Plan by creating safe and efficient access to its property and, by continuing to offer four handicapped parking spots near the entrance to its Building D, allowing access for users of all abilities.

The applicant has provided a Technical Letter #2 – Site Access Evaluation, authored by Clemow Associates, LLC and dated January 25, 2018. This letter references the National Cooperative Highway Research Program (NCHRP) Report 659 that contains guidelines for driveway design. Based on the NCHRP Guide, a total necessary driveway throat length of 23-24 feet is recommended for the subject site to avoid potential vehicle stacking or pedestrian conflicts. The applicant is proposing a driveway length of 25 feet from back of sidewalk, which exceeds the professional recommendation in Technical Letter #2.

This criterion is met.

(5) The variance is the minimum remedy necessary to alleviate the hardship.

Applicant Response for 73.360(6)(a): The 5 to 7-foot requested variance to the landscaping standard for driveway accesses is the minimum remedy necessary to alleviate the hardship. As explained above, even though TPC is requested a variance of 5 to 7-foot to the landscaping standard of 25’ from the property line, when measured from the back of sidewalk and using the planter ROW strip, the actual landscaping TPC will provide exceeds 25’ on both driveways (Exhibit 3). Thus, TPC is requesting the minimum variance and mitigating any adverse result. Furthermore, TPC will reconfigure its existing parking stalls in order to request the minimum remedy necessary to the landscaping standard.

The applicant is proposing to vary from the 73.360(6)(a) standard by 5.62 to 7.25 feet, or by providing a landscape area depth of 19.38 to 17.75 feet from property line as illustrated on Sheet V1, dated 1/26/18. As this stretch of Sagert Street is designed with curb tight sidewalks then landscape strip, the variance proposal will provide a landscape depth of 28.55 to 35.13 feet from back of sidewalk.

The variance request is the minimum necessary to alleviate the hardship. This criterion is met.

Applicant Response for 73.400(11): The variance is the minimum remedy necessary to alleviate the hardship. With the requested variance, TPC will still lose 1 parking space in its western parking lot and 4 parking spaces from the eastern parking lot. Also, it will be required to reconfigure its parking lot to reduce the size of the remaining parking spaces.

No parking illustrated on Sheet V1, dated 1/26/18 will be lost if this variance is granted. As stated in Technical Letter #2 – Site Access Evaluation, authored by Clemow Associates, LLC and dated January 25, 2018, the variance requested is the minimum necessary to alleviate the hardship.

This criterion is met.

SUMMARY OF ANALYSIS AND FINDINGS

Based on the application materials and the analysis and findings presented above, staff finds that VAR-18-0001 meets all criteria of TDC 33.020 “Conditions for Granting a Variance that is not For a Sign or a Wireless Communication Facility.”



MEMORANDUM

CITY OF TUALATIN

DATE: March 5, 2018

TO: Erin Engman
Associate Planner

FROM: Tony Doran, EIT
Engineering Associate

SUBJECT: VAR18-0001, TUALATIN PROFESSIONAL CENTER ONSITE: NO
PFR

No PFR is needed based on the following:

- The proposed variance does not request modification of standards to water quality treatment, conveyance, or detention.
- There are no proposed variances to public sanitary sewer, stormwater lines, or water.
- This variance does not affect the 100-year floodplain.

If you have any questions, please contact me at ext 3035.

VAR-18-0001

Tualatin Professional Center

**To development standards:
TDC 73.360(6)(a)
TDC 73.400(11)**



VAR18-0001
Tualatin Professional Center

TUALATIN PLANNING COMMISSION
April 19, 2018

ATTACHMENT D - STAFF PRESENTATION



PURPOSE OF HEARING

- Consideration of a variance request to standards imposed under:
 - TDC 73.360(6)(a) Off-Street Parking Lot Landscape Islands
 - TDC 73.400(11) Access
- Planning Commission must find that applicant demonstrates compliance with Tualatin Development Code (TDC) 33.020



HEARING AGENDA

- Staff Presentation
- Applicant Presentation
- Public Comment
- Commission Deliberation and Decision



VAR18-0001
Tualatin Professional Center

TUALATIN PLANNING COMMISSION
April 19, 2018

ATTACHMENT D - STAFF PRESENTATION



APPLICANT PROPOSAL

TDC 73.360: Off-Street Parking Lot Landscape Islands – Commercial

(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 development with 12 or more parking spaces

The applicant is asking to provide a landscape area at a width greater than 5 feet for a depth of 25 feet from back of sidewalk, rather than property line.



APPLICANT PROPOSAL

73.400 Access

(11) Minimum Access Requirements for Commercial Uses

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
100-249	2	32 feet for first 50 feet from ROW, 24' thereafter	Curbs required; walkway 1 side only

The applicant is proposing 32-foot-wide access drives for a depth of 25 feet from back of sidewalk, rather than from right of way line.



VARIANCE APPROVAL CRITERIA

TDC 33.020

(1) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district or vicinity and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.

VAR18-0001

Tualatin Professional Center

TUALATIN PLANNING COMMISSION

April 19, 2018

ATTACHMENT D - STAFF PRESENTATION



VARIANCE APPROVAL CRITERIA

TDC 33.020

(2) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.



VARIANCE APPROVAL CRITERIA

TDC 33.020

(3) The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same planning district or vicinity.



VARIANCE APPROVAL CRITERIA

TDC 33.020

(4) The variance shall not be detrimental to the applicable objectives of the Tualatin Community Plan and shall not be injurious to property in the planning district or vicinity in which the property is located.



VARIANCE APPROVAL CRITERIA

TDC 33.020

(5) The variance is the minimum remedy necessary to alleviate the hardship.



SITE SPECIFIC HARDSHIPS

- **Retrofitting an existing development to meet current development standards**

The site was developed prior to current code standards adopted by Plan Text Amendment 91-06 and Ordinance 862-92 in 1992.



SITE SPECIFIC HARDSHIPS

- **Topography**

The site was developed with respect to the naturally sloped environment. The western and eastern areas of the site are separated by a retaining wall, preventing internal circulation.



SITE SPECIFIC HARDSHIPS

- **Grade change to improved roadway**

The site is located approximately 3-4 feet higher than the Sagert Street extension.



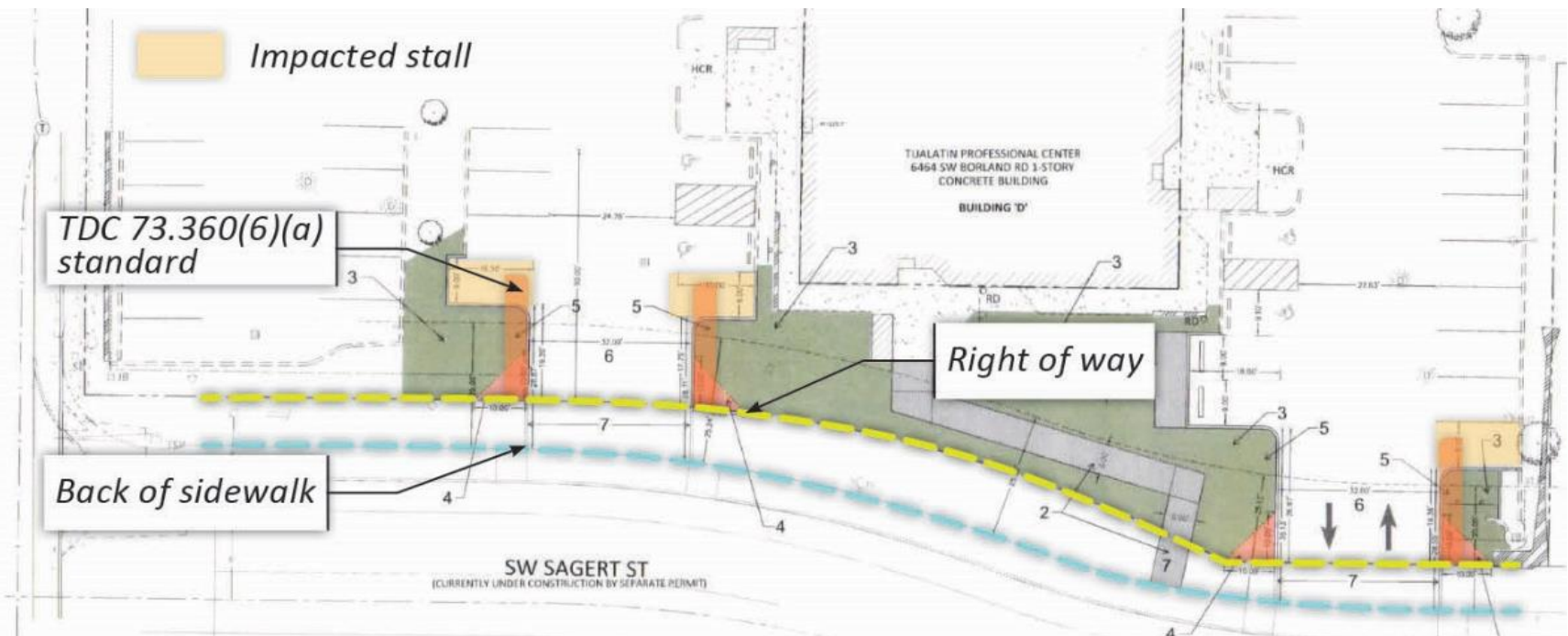
SITE SPECIFIC HARDSHIPS

- **Modified Sagert Street cross section**

Sagert Street is modified with a curb-tight sidewalk in the vicinity to match existing development, rather than a curb-tight landscape strip then sidewalk.



VARIANCE REQUEST



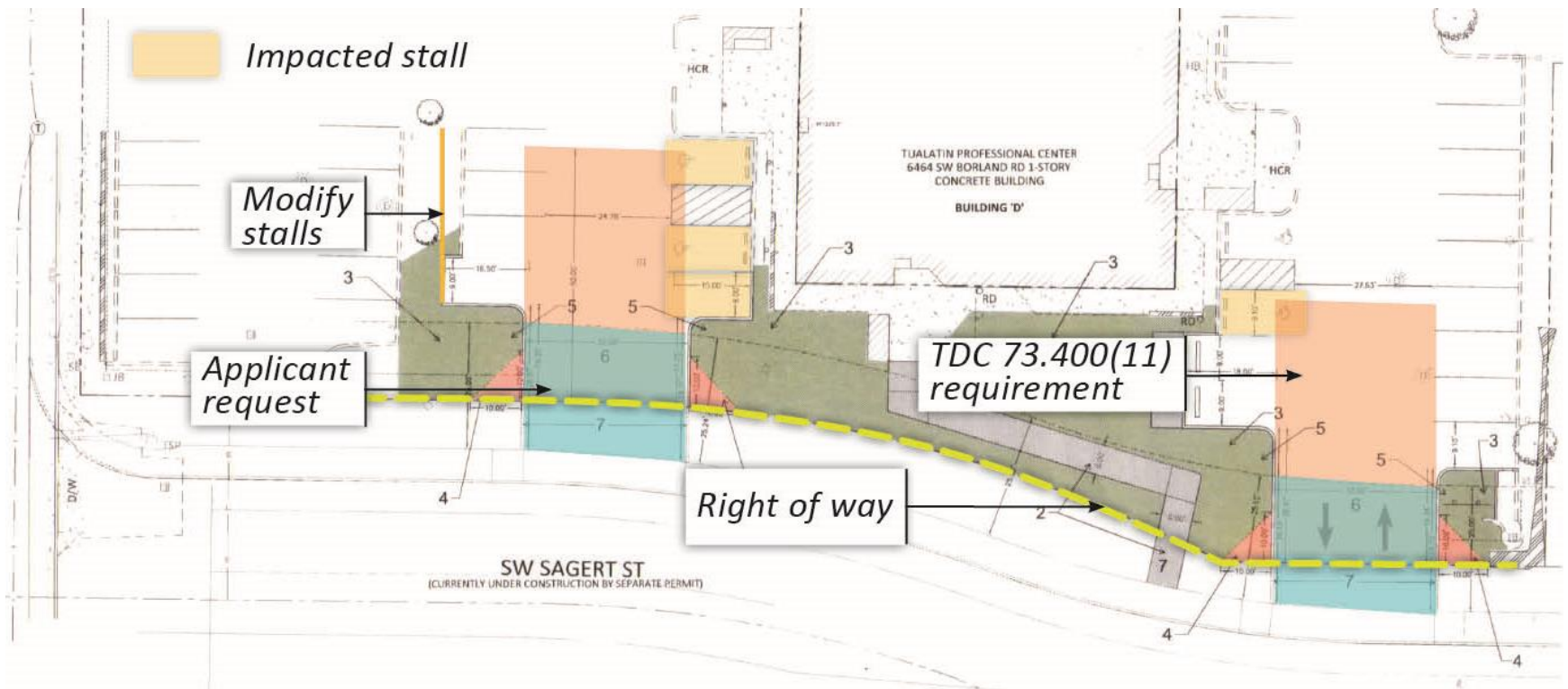
VAR18-0001
Tualatin Professional Center

TUALATIN PLANNING COMMISSION
April 19, 2018

ATTACHMENT D - STAFF PRESENTATION



VARIANCE REQUEST



VAR18-0001
Tualatin Professional Center

TUALATIN PLANNING COMMISSION
April 19, 2018

ATTACHMENT D - STAFF PRESENTATION



OUTCOMES OF DECISION

Approval of VAR18-0001

- Applicant may vary standards imposed by TDC 73.360(6)(a) and 73.400(11)
- Allows City Council to consider new evidence at future Request for Review Hearing



OUTCOMES OF DECISION

Denial of VAR18-0001

- Applicant to conform to development standards



PLANNING COMMISSION OPTIONS

1. Approve VAR-18-0001 to vary two development standards;
2. Deny one or both of the proposed variances with findings that state which criteria in TDC 33.020 the applicant fails to meet;
3. Continue discussion to a later date.



VAR18-0001
Tualatin Professional Center

TUALATIN PLANNING COMMISSION
April 19, 2018

ATTACHMENT D - STAFF PRESENTATION



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Lynette Sanford, Office Coordinator

DATE: 04/19/2018

SUBJECT: A Resolution for the Variance Request for Tualatin Professional Center
(VAR-18-0001)

ISSUE BEFORE TPC:

Attachments: [Resolution](#)

RESOLUTION NO. 6-18TPC

A RESOLUTION OF THE PLANNING COMMISSION _____ THE
VARIANCE APPLICATION SUBMITTED BY THE TUALATIN PROFESSIONAL
CENTER (VAR-18-0001)

WHEREAS, on April 19, 2018, a quasi-judicial public hearing was held before the Planning Commission for consideration an application submitted by the Tualatin Professional Center for a variance to the standards imposed under TDC 73.360(6)(a) (Off-Street Parking Lot Landscape Islands) and TDC 73.400(11) (Access);

WHEREAS, notice of public hearing was given as required by the Tualatin Development Code;

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

WHEREAS, after the conclusion of the public hearing the Planning Commission deliberated and by this resolution makes its decision.

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

Section 1. Variance (VAR-18-0001), considered by the Planning Commission is hereby (check one):

Approved as follows:

- A. The applicant is authorized to construct a landscape area that is 5 feet in width for a depth of 25 feet from back of sidewalk, rather than property line as required by the standard in TDC 73.360(6)(a).
- B. The applicant is authorized to provide 32-foot-wide access drives for a depth of 25 feet from back of sidewalk, rather than the required depth of 50 feet from right of way as required by the standard in TDC 73.400(11).

Approved with the following Conditions:

Denied.

Section 2. The Planning Commission adopts as its findings the *Analysis and Findings* set forth in Exhibit 1, which includes the list of conditions, if any, and which is attached and incorporated herein.

Section 3. This resolution is effective upon adoption .

Adopted by the Planning Commission this ____ day of _____, 2018.

CITY OF TUALATIN, OREGON

BY _____
CHAIR

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
Recorder