



Exhibit A1
Staff Report
Wilsonville Planning Division
Mercedes-Benz Inventory Storage Area

Development Review Board Panel 'A'
Quasi-Judicial Public Hearing
Amended and Adopted November 14, 2022
Added language ***bold italics underline***
Removed language ~~struck through~~

Hearing Date: November 14, 2022

Date of Report: November 7, 2022

Application Nos.: DB22-0005 Mercedes-Benz Inventory Storage Area
- Stage 2 Final Plan Modification (STG222-0005)
- Site Design Review (SDR22-0005)

Request/Summary: The requests before the Development Review Board include a Stage 2 Final Plan Modification and Site Design Review for site improvements to use an existing gravel building pad area for inventory storage on the south lot of the Mercedes-Benz dealership at 25029 SW Parkway Avenue.

Location: 25029 SW Parkway Avenue. The property is specifically known as Tax Lots 600 and 700, Section 2AD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon.

Owner: Swickard Auto Group (Contact: Eric Iversen)

Applicant: LRS Architects (Contact: Steve Mileham)

Comprehensive Plan Designation: Commercial

Zone Map Classification: Planned Development Commercial (PDC)

Staff Reviewers: Cindy Luxhoj AICP, Associate Planner
Amy Pepper, Development Engineering Manager
Kerry Rappold, Natural Resources Program Manager

Staff Recommendation: **Approve with conditions** the requested Stage 2 Final Plan Modification and Site Design Review.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.001	Definitions
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.034	Application Requirements
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.116	Standards Applying to Commercial Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.131	Planned Development Commercial (PDC)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.179	Mixed Solid Waste and Recyclables Storage
Section 4.199.20 through 4.199.60	Outdoor Lighting
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.450 as applicable	Site Design Review
Sections 4.600 through 4.640.20 as applicable	Tree Preservation and Protection
<u>Other Planning Documents:</u>	
Wilsonville Comprehensive Plan	
Previous Land Use Approvals	

Vicinity Map



Background:

The subject property, comprised of Tax Lots 600 and 700, and located at 25029 SW Parkway Avenue, is occupied by the Mercedes-Benz of Wilsonville car dealership owned by Swickard Auto Group. The original plans for the site's development, which was designed and approved in 1997, included two buildings, one on the north lot and one on the south, to house Mercedes-Benz and one other dealership. At the time, site improvements such as landscaping, lighting and stormwater, were installed for the entire site consistent with the approval; however, the building pad on the south lot was otherwise left unimproved. The second building was never constructed on the south lot and left as a gravel lot. The entire site is now occupied by one Mercedes-Benz dealership, which uses the gravel building pad site to park inventory and service vehicles. The use of the site in this manner is a violation of City Code and City-approved development plans.

For the past several years, numerous Code violations have existed at the subject property, which have resulted in negative impacts to neighboring businesses and service providers. Numerous complaints resulted in several site inspections by the City's Code Compliance Coordinator and other City staff. On February 20, 2020, the Wilsonville City Attorney sent a letter to Swickard Auto Group notifying the owner of the violations. The owner responded, indicating that they were preparing a development proposal for the unimproved, southern site, and requesting more time to address the long-term Code violationsthrough the land use approval process. On May 20,

2020, the City’s Planning Manager sent a letter requesting the necessary information to be included in the land use application, providing a deadline of June 1, 2020. During this time, the COVID-19 pandemic was occurring with significant disruption of business operations for both the owner and the City, and the owner was working to hire a new staff person in charge of development to assist with the development proposal for the south lot. As a result, the owner did not submit a development application until June 9, 2021. The application was to amend the existing development approvals from 1997 for the site, in order to utilize the south lot to fit current business needs and to resolve the on-going Code violations. After two completeness reviews, the applicant failed to achieve a complete land use application and the application expired on December 6, 2021.

On December 7, 2021, the City’s Planning Director sent a letter to Swickard Auto Group about the ongoing Code violations at the subject property. This letter requested the cessation of all Code violations by January 3, 2022, and notified the owner that citations and fines would incur if they failed to address the violations and issues (see Exhibit A3). Compliance issues and corrections identified in the letter are listed in the table below:

Compliance Issue	Compliance Correction
Unlawful unloading/loading of inventory in the public street	Cease unlawful loading and unloading of vehicles in the public street. Maintain loading zone on north side of property and on-street loading zone on the west side of SW Parkway Avenue clear of parked vehicles.
Lack of required employee parking spaces on the site – a minimum of 40 designated spaces are required	Limit use of site and vehicle storage and parking to existing land use approval (97DB23). Ensure number of employee parking spaces are provided, demarcated, and clear of other vehicles to ensure employees can park in reserved spaces on site.
Illegal outside storage of inventory – limited to 65 vehicles in designated/clearly marked spaces	Reduce outside storage of inventory to 65 vehicles and locate them in approved locations. Provide updated data on parking and vehicle display needs and management on site.
Illegal use of the undeveloped pad for parking vehicles	Remove all vehicles from the undeveloped south lot.
Parking vehicles in unpaved areas	Remove all vehicles from unpaved areas.
Unapproved used car sales on the site	Cease all used car sale activities on site, including storage of used, for-sale vehicles.
Inadequate screening and covering of vehicle storage	Remove all vehicle storage from areas not adequately screened or covered as set forth in approved site plan, and from areas where vehicle storage is prohibited.
Illegal overnight parking of display in the plaza	Remove all vehicle display from I-5 plaza at end of each retail business day.

On February 28, 2022, Swickard Auto Group submitted the current application for a Stage 2 Final Plan Modification and Site Design Review. After two completeness reviews, and based on additional information provided by the applicant in response to the above items, the City deemed the application complete on August 26, 2022.

Summary:

Stage 2 Final Plan Modification (STG222-0005)

The Stage 2 Final Plan Modification modifies the location of designated parking for employees, customers, service vehicles, and inventory, and the function and design of the south lot of the subject property to replace the building previously approved in 1997 with a paved inventory storage area with landscaping and screening for the Mercedes-Benz dealership.

Site Design Review (SDR22-0005)

Site Design Review focuses on design of the inventory storage area on the south lot of the Mercedes-Benz dealership, including paving, and landscaping and screening, to bring the property into compliance with applicable City standards for a car dealership within the PDC zone.

Neighborhood and Public Comments:

No public comments have been received.

Discussion Points – Verifying Compliance with Standards:

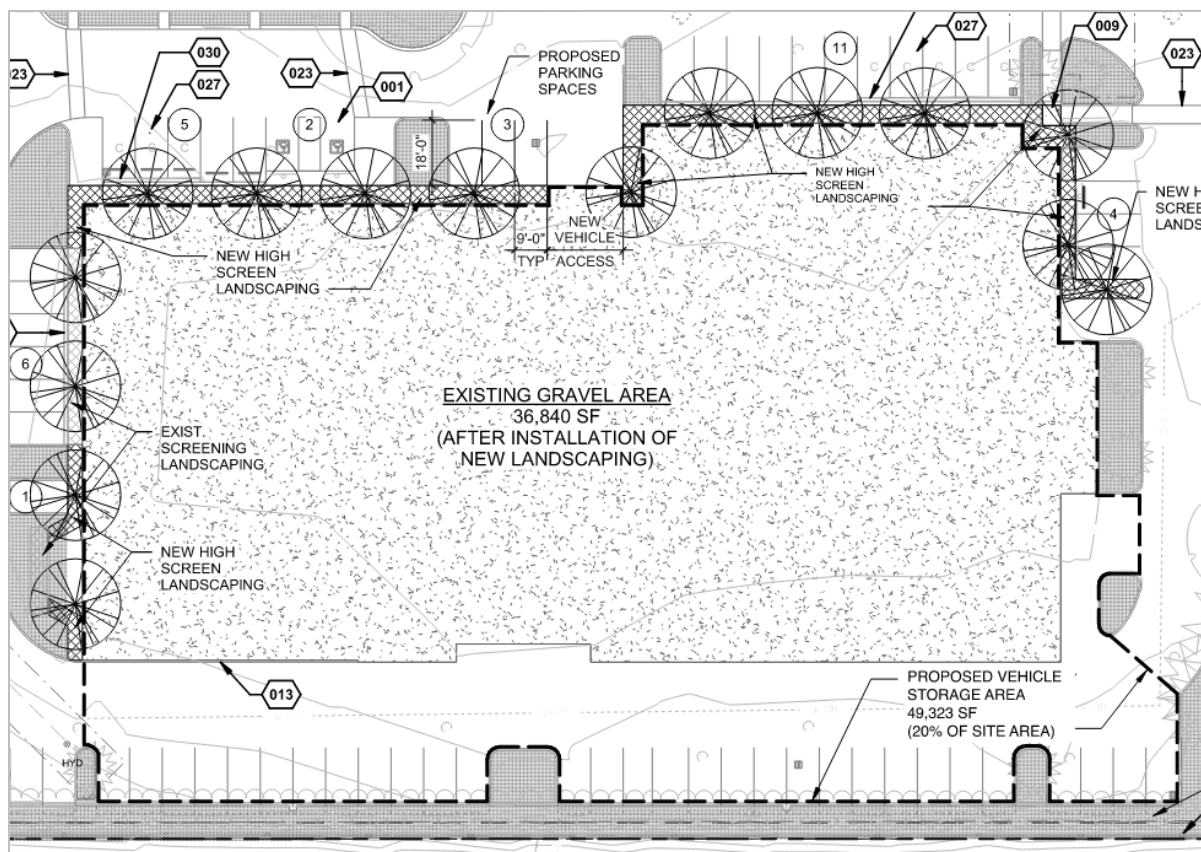
This section provides a discussion of key clear and objective development standards that apply to the proposed applications. The Development Review Board will verify compliance of the proposed applications with these standards. The ability of the proposed applications to meet these standards may be impacted by the Development Review Board's consideration of discretionary review items as noted in the next section of this report.

Review of Current Application Related to 20% Allowance for Outdoor Inventory Storage

The original approval in 1997 modified the Stage 1 Preliminary Plan for the subject site to allow 20% of the site for outdoor storage of vehicles for sale or lease provided that storage was screened or buffered at property lines. The outdoor storage was not required to be covered or completely enclosed within a building as it is under current Code now in effect (per Subsection 4.116 (.05)). Because the current application is not modifying the Stage 1 Preliminary Plan, 20% of the 246,727-square-foot site or up to 49,345 square feet may be used for outdoor vehicle storage so long as it is appropriately screened and buffered at property lines.

The current application proposes to include the area of the existing gravel building pad, the paved drive aisle on the south side of the gravel area, and 30 paved parking spaces along the south property boundary as the proposed inventory storage area. This area, outlined with a dashed black line in the illustration below, includes 49,323 square feet, which is slightly less than the maximum 20% allowance of 49,345 square feet. Staff notes that the area as defined does not include the surrounding landscaping that provides the required screening or the landscape islands separating groups of parking spaces on the south side of the drive aisle.

Because the proposed inventory storage area occupies 20% of the subject site, which is the maximum allowance for this use on the site, no other inventory storage is allowed unless it is completely enclosed within a building or comparable structure. The applicant notes in their narrative that 58 spaces within the second floor garage of the existing building are available for this purpose; however, no surface parking spaces outside the inventory storage area are designated for, nor may they be used for, parking of inventory vehicles. A Condition of Approval is included to ensure no other vehicle storage occurs outside of the proposed inventory storage area or within the existing building on the subject site.



Review of Current Application Related to Rectifying Previous Code Compliance Issues

Section 4.004 of the Code specifies that the Planning Director “shall not issue a development permit for the improvement or use of land that has been previously divided or otherwise

developed in violation of this Code, regardless of whether the permit applicant or its predecessor created the violation, unless the violation can be rectified as part of the development". Therefore, the only way that the current application can be approved is if it resolves the compliance issues for the subject site. Because of this requirement, review of the current application focused on the following items that the applicant was required to provide to clarify how outstanding compliance issues would be resolved through the proposed site modifications:

- Explain how the proposed inventory storage area (undeveloped building pad area) will be used and how the Condition of Approval in 97DB23 specifying that the storage area is for "outdoor storage of new vehicles" will be met.
- Explain how non-storage parking areas will be preserved for and clearly delineated to serve customer and employee parking needs for the uses approved in the site plan as identified by the parking minimums in 97DB23.
- Provide a detailed update on parking and vehicle display management on the site currently and how this will change with the current application, including an assessment of how management does or does not meet the conditions of approval in 97DB23.

In their second submittal of materials for the current application, the applicant provided additional information to address the above requests. The following discussion points review how the information provided either does or does not resolve outstanding compliance issues for the site.

Outstanding Code Compliance Issue – Loading/Unloading in Public Street

In 2020 and 2021, the City's Code Compliance Coordinator observed and photographed regular blockage of the onsite loading zone on the north lot, most frequently with service and/or new vehicles, in violation of the prior land use approval. In addition, the designated loading zone on SW Parkway Avenue, which had one sign missing, was blocked with parked cars. This resulted in loading/unloading occurring in the public street at the north end of SW Parkway Avenue adjacent to the site. In October 2021 the City replaced a missing loading zone sign and in December 2021 notified the applicant that if they could not accommodate loading/unloading onsite, then they must maintain the on-street loading zone clear of parked service, storage, and employee vehicles. To the knowledge of City staff, the applicant has since ceased loading/unloading vehicles in the public street and is maintaining the on-street loading zone free of parked vehicles. Because the applicant requested and the City agreed to remove on-street parking and designate an on-street loading zone in this location and install the signs, and to ensure that loading/unloading does not again become a Code compliance issue, a Condition of Approval is included in the current application.

Outstanding Code Compliance Issue – Designated Employee Parking

The applicant is required to provide a minimum of 40 designated employee parking spaces on site, per conditions of the prior land use approval. The current application includes a parking management plan that proposes 44 designated employee parking spaces as shown in the

Proposed Stage 2 Site Plan – Use Diagram (Exhibit B2). The spaces are designated north of the dealership building on the north lot and east of the proposed inventory storage area on the south lot. Additional overflow parking is available indoors in the garage on the second floor of the existing building. A condition of approval ensures the proposed number of employee parking spaces are provided, clearly demarcated, and left free and clear of other vehicles to ensure that employees can park in the reserved spaces on site.

Outstanding Code Compliance Issue – Illegal Outside Inventory Storage, Illegal Use of Undeveloped Building Pad, Parking Vehicles in Unpaved Areas, and Inadequate Screening and/or Covering of Vehicle Storage

As discussed elsewhere in this staff report, the applicant has for several years used the undeveloped gravel building pad on the south lot as well as paved parking spaces and drive aisles on the site for outside inventory storage in violation of the prior land use approval. The current application is designed to remedy this situation by paving and landscaping/screening the existing gravel area for use as an inventory storage yard; designating parking elsewhere on the site for specific uses (e.g. employee, customer, and service/leasing vehicles); providing a parking and display management plan; and securing an off-site location for overflow inventory storage. This staff report reviews how these measures meet standards and/or conditions the approval of the application to ensure the standards are met.

The applicant provided a redacted copy of the lease agreement for the off-site location (Exhibit B5); however, the 6-month lease term, commencing on June 10, 2022, although renewable, expires on December 10, 2022, and the applicant has not provided a copy of the renewed lease in their application materials. Based on discrepancies between City staff’s observations of number of cars parked on site, which generally exceed the applicant’s estimate of the amount of space needed to store inventory and meet parking needs on the site, the current proposal without the off-site storage location would not resolve this compliance issue. Therefore, a Compliance Agreement between the City and the applicant was negotiated to ensure compliance, and a Condition of Approval in the current application ensures the Compliance Agreement, provided in draft form in Exhibit A4, will be executed in a timely manner.

Outstanding Code Compliance Issue – Unapproved Used Car Sales

Per Subsection 4.131 (.02) B., no used car sales are permitted on the site except in conjunction with new car dealerships within enclosed buildings. Therefore, although the applicant currently maintains an inventory of used cars for sale on the subject site and proposes to continue this practice as part of the current application, no outside sales activity is permitted, all such inventory must be located within the inventory storage area or parking spaces designated for inventory vehicles, and all transactions associated with the sale of the vehicles must occur within the dealership building or online. As stated in the applicant’s narrative about exterior storage of new and used vehicles in the proposed inventory storage area (Exhibit B1), “... no matter what kind of vehicles are located within this area, they will not be visible from off-site. Customers will not be allowed in that area to access or view any vehicles. Vehicle sales occur wholly within the

dealership building or online from a customer's home. No transactions occur in the open air outside of the building." A Condition of Approval ensures compliance with this standard.

Outstanding Code Compliance Issue – Overnight Parking of Display Vehicles in Plaza

Vehicles are not allowed on the plaza on the west side of the site next to Interstate-5 except for temporary vehicle parking for special events and the vehicles must be removed at the end of the retail business day. For a period of time after the City met with the Mercedes-Benz personnel about compliance issues, the vehicles were being moved as required; however, as time elapsed vehicles were once again being left parked in the plaza overnight and not being moved daily. More recently, this requirement appears to be met, with vehicles being removed to avoid overnight parking on the plaza; however, compliance is intermittent. A Condition of Approval is included to ensure ongoing compliance.

Discussion Points – Discretionary Review:

The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant. There are no discretionary review requests included as part of the proposed application.

Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this staff report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board approve the proposed application (DB22-0005) with the following conditions:

Planning Division Conditions:

Request A: Stage 2 Final Plan Modification (STG222-0005)

PDA 1.	General: The approved final plan shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved final development plan may be approved by the Planning Director through the Class 1 Administrative Review Process if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of a staged development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.
PDA 2.	General: All aspects of the prior approval 97DB23, including all Conditions of Approval, not modified through this current application shall remain in effect.
PDA 3.	Upon Final Approval of the Current Application by the Development Review Board: The applicant shall execute the Compliance Agreement with the City of Wilsonville, a draft of which is included as Exhibit A4 to this staff report.
PDA 4.	Ongoing: The proposed inventory storage area occupies 20% of the subject site, which is the maximum allowance for this use on the site. Therefore, the applicant shall not use any part of the site for inventory storage outside the designated and screened inventory storage area unless it is completely enclosed within a building. See Finding A14.
PDA 5.	Ongoing: Vehicles are not allowed on the plaza next to Interstate-5 except for temporary vehicle parking for special events and any vehicles parked in this area shall be removed at the end of the retail business day. See Finding A14.
PDA 6.	Ongoing: Per Subsection 4.131 (.02) B., no used car sales are permitted except in conjunction with new car dealerships within enclosed buildings. Therefore, although the applicant currently maintains an inventory of used cars for sale on the subject site and proposes to continue this practice as part of the current application, no outside sales activity is permitted, all such inventory must be located within the inventory storage area, and all transactions associated with the sale of the vehicles must occur within the dealership building or online. See Finding A22.
PDA 7.	Ongoing: The applicant shall provide, demarcate, and leave free and clear of other vehicles the proposed 44 designated employee parking spaces to ensure that employees can park in the reserved spaces on site. See Finding A26.

PDA 8.	Ongoing: All access drives and travel lanes must be kept free and clear to ensure circulation standards are met, emergency access and access to the trash enclosure is unimpeded, and loading/unloading can occur on site. See Finding A28.
PDA 9.	Ongoing: The applicant shall keep the loading zone on the west side of SW Parkway Avenue clear of parked vehicles at all times. Further, should the signs designating this area as a loading zone be removed or need replacement, the applicant shall immediately notify the City so that the signs can be promptly reinstalled. See Finding A28.
PDA 10.	<u>Prior to Inventory Storage Area Use: As required by Subsection 4.155 (.02) K, the applicant shall surface the existing unimproved building pad area on the south lot, which is proposed for use as an inventory storage area for parking and maneuvering cars, with asphalt, concrete, or other surface that is found by the City's authorized representative to be suitable for the purpose. See Finding A28.</u>
PDA 11.	<u>Prior to Inventory Storage Area Use: Signage shall be installed at the inventory storage entry and exit points to prohibit public access.</u>

Request B: Site Design Review (SDR22-0005)

PDB 1.	Ongoing: Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding B3.
PDB 2.	<u>Prior to Inventory Storage Area Use:</u> All landscaping required and approved by the Development Review Board shall be installed prior to use of the proposed inventory storage area unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Development Review Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant. See Finding B10.
PDB 3.	Ongoing: The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville's Development Code. See Findings B11 and B13.

PDB 4.	<u>Ongoing:</u> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Development Review Board, unless altered as allowed by the Wilsonville Development Code. See Finding B12.
PDB 5.	<u>Prior to Inventory Storage Area Use:</u> The following requirements for planting of shrubs and ground cover shall be met: <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings. • All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10- to 12-inch spread. • Shrubs shall reach their designed size for screening within 3 years of planting. • Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4-inch pot spaced 2 feet on center minimum, 2-1/4-inch pots spaced at 18 inches on center minimum. • No bare root planting shall be permitted. • Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within 3 years of planting. • Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding B14.
PDB 6.	<u>Prior to Inventory Storage Area Use:</u> All trees shall be balled and burlapped and conform in grade to “American Standards for Nursery Stock” current edition. Tree size shall be a minimum of 2-inch caliper. See Finding B15.
PDB 7.	<u>Prior to Inventory Storage Area Use:</u> Plant materials shall be installed and irrigated to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. See Finding B21.
PDB 8.	<u>Prior to Final Inspection of Landscape Materials:</u> The applicant shall indicate water usage areas for proposed site landscaping on the Landscape Plan. See Finding B22.

The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City's Community Development Department, or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive

Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, performance standards, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

Engineering Division Findings and Conditions:

PFA 1.	<u>General:</u> Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1.
PFA 2.	<u>Prior to the Issuance of the Public Works Permit:</u> Applicant shall apply for City of Wilsonville Erosion Control and Grading Permits. The erosion control permit shall be issued and erosion control measures shall be installed, inspected and approved prior to any onsite work occurring.
PFA 3.	It appears that more than 5,000 square feet of impervious area will be redeveloped. <u>Prior to the Issuance of Public Works Permit:</u> A stormwater report shall be submitted for review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment and flow control requirements. A site plan showing how stormwater will be managed shall be submitted with the Public Works Permit application. <u>Prior to Final Approval of the Public Works Permit:</u> Storm facilities shall be constructed, inspected and approved by the City. The applicant shall record a Stormwater Access Easement for the storm facility, <i>if required</i> .

Master Exhibit List:

Entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The list below includes exhibits for Planning Case File No. DB22-0005 and reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning staff Materials

- A1. Staff report and Findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)
- A3. City Code Compliance Violation Letter dated December 7, 2021
- A4. Draft Compliance Agreement

Materials from Applicant

B1. Applicant's Narrative and Materials

Signed Application Form

Narrative

Completed Plant Set and Reports and Other Documents Checklists

Photos of Existing Landscape at Vehicle Storage Area

B2. Applicant's Drawings and Plans

Tax Map 3S102AD

Stafford Park No. 2 Recorded Plat

Topographic Survey

Permit Drawing A1.1 Site Plan (April 26, 1999)

Existing Site Plan

Proposed Stage 2 Site Plan

Proposed Stage 2 Landscape Plan

1997 Stage 2 Final Site Plan

1997 Stage 2 Final Site Plan – Use Diagram

Proposed Stage 2 Site Plan – Use Diagram

B3. Applicant's Response to First Incompleteness Notice

B4. Applicant's Response to Second Incompleteness Notice

B5. Correspondence from Applicant's Legal Counsel

Development Review Team Correspondence

C1. Public Works Plan Submittal Requirements and Other Engineering Requirements

C2. Comment from Republic Services, dated October 13, 2022

C3. Comment Tualatin Valley Fire & Rescue, dated October 25, 2022

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on February 28, 2022. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application incomplete on March 30, 2022. The applicant submitted additional materials on April 11, 2022. Staff conducted a second completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on May 11, 2022. On May 25, June 8, June 27, and August 25, 2022, the applicant responded to the incompleteness items by email and written correspondence. Planning staff deemed the application complete on August 26, 2022. The City must render a final decision for the request, including any appeals, by December 24, 2022.

2. Surrounding land uses are as follows:

Compass Direction	Zone	Existing Use
North	AF-10 (Washington County)	Undeveloped
East	PDC	Commercial Office Building
South	PDC	Commercial Buildings
West	NA	Interstate 5

3. Previous Planning Approvals:

76RZ03 Zone Change for Stafford Park from RA-1 to C-1, C-2 and MR-1

97DB01 Modify Stage I Preliminary Plan for Stafford Park to Allow 20% of the Site for Outdoor Storage of New Vehicle Inventory and Approve Stage 2 Final Plans for a Mercedes-Benz, BMW, and Land Rover Automobile Dealership Facility

97DB23 Stage 2 Final Plan, Site & Design Plans and Signage for Development of a Mercedes-Benz Automobile Dealership Facility

99DB17 Approval of Signage Package

99AR29 Approval to Place a 40'x40' Tent in the Parking Lot of the Dealership

4. The applicant has complied with Sections 4.008 through 4.011, 4.013-4.031, 4.034 and 4.035 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information

Application Approval Not Permitted Without Resolution of Code Violation(s) Subsection 4.004 (.02)

This subsection specifies that the Planning Director “shall not issue a development permit for the improvement or use of land that has been previously divided or otherwise developed in violation of this Code, regardless of whether the permit applicant or its predecessor created the violation, unless the violation can be rectified as part of the development”. Therefore, as discussed earlier in this staff report, approval of the current application is contingent upon resolution of outstanding Code compliance issues for the subject site. Because of this requirement, review of the current application includes clarifying how outstanding compliance issues will be resolved through the proposed site modifications.

Application Procedures - In General Section 4.008

The application is being processed in accordance with the applicable general procedures of this Section.

Initiating Application Section 4.009

The application has been submitted on behalf of the property owner, Swickard Auto Group, by LRS Architects, and is signed by the owner’s authorized representative and the applicant.

Pre-Application Conference Subsection 4.010 (.02)

A pre-application conference was held on August 13, 2020 (PA20-0009) in accordance with this subsection.

Lien Payment before Approval Subsection 4.011 (.02) B.

No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements Subsections 4.035 (.04) A. and 4.035 (.05)

The applicant has provided all of the applicable general submission requirements contained in this subsection.

Zoning - Generally
Section 4.110

The proposed development is in conformity with the applicable zoning district and City review uses the general development regulations listed in Sections 4.140 through 4.199.

Request A: Stage 2 Final Plan Modification (STG222-0005)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Planned Development Regulations-Generally

Planned Development Purpose & Lot Qualifications
Subsection 4.140 (.01) and (.02)

A1. The proposed Stage 2 Final Plan Modification for proposed improvements to the site is consistent with the Planned Development Regulations purpose statement.

Ownership Requirements
Subsection 4.140 (.03)

A2. An authorized representative of the property owner, Swickard Auto Group, signed the application.

Professional Design Team
Subsection 4.140 (.04)

A3. Steve Mileham, LRS Architects, is the coordinator of a professional design team including an architect, engineers, and a landscape architect.

Stage 2 Final Plan Submission Requirements and Process

Timing of Submission
Subsection 4.140 (.09) A.

A4. The current application is requesting approval of a Stage 2 Final Plan Modification to a previously approved development plan and Site Design Review of proposed site improvements to bring the existing development into compliance with previously approved development plans and approvals, as well as with current development standards. Staff notes that the applicant is out of compliance with existing approvals for the subject site as discussed elsewhere in this staff report. The applicant has chosen not to develop the existing gravel building pad on the south lot as previously approved for a second building on the site. Continued use of the undeveloped building pad without improvements will result in failure to resolve the outstanding compliance issues and Code enforcement action by the City. Therefore, the applicant has chosen to modify the development plans for the south lot and develop the building pad as an inventory storage

area in order to use the site in a way that complies with current Code and prior development approvals. In light of this, the Stage 2 Final Plan Modification provides sufficient information regarding conformance with the previously approved Stage 1 Preliminary Plan to satisfy the requirements of this subsection.

Development Review Board Role

Subsection 4.140 (.09) B.

- A5.** The Development Review Board is considering all applicable permit criteria set forth in the Wilsonville Development Code and staff is recommending the Development Review Board approve the application with Conditions of Approval.

Stage 1 Conformance and Submission Requirements

Subsection 4.140 (.09) C.

- A6.** The Stage 2 Final Plan Modification, with modifications as noted in the current application, substantially conforms to the previously approved Stage 1 Preliminary Plan. The applicant has provided the required drawings and other documents showing all the information required by this subsection.

Stage 2 Final Plan Detail

Subsection 4.140 (.09) D.

- A7.** The applicant has provided sufficiently detailed information to indicate fully the ultimate operation and appearance of the development, including a detailed site plan and landscape plans.

Submission of Legal Documents

Subsection 4.140 (.09) E.

- A8.** No additional legal documentation is required for dedication or reservation of public facilities.

Expiration of Approval

Subsection 4.140 (.09) I. and Section 4.023

- A9.** The Stage 2 Final Plan Modification approval and other associated applications will expire two (2) years after approval, unless an extension is approved in accordance with these subsections. Per the Compliance Agreement between the City and Swickard Corporation, DBA Mercedes-Benz of Wilsonville (Exhibit A4) the applicant agrees to submit documents necessary to obtain a building permit to complete the paving and screening of the south gravel lot within 90 day receiving DRB approval of the current application. Within six (6) months of obtaining a building permit for the improvements, the applicant agrees to complete the paving and screening and any other work listed as a condition of approval of the development application by the DRB. In addition, the applicant agrees to take any action(s) necessary to comply with the approved development application and any conditions of approval. The applicant intends to construct the proposed improvements in

one implementation phase promptly after land use approval, and well within the allotted time period.

Consistency with Plans
Subsection 4.140 (.09) J. 1.

A10. The site's zoning, Planned Development Commercial (PDC), is consistent with the Commercial designation in the Comprehensive Plan that applies to the property.

Traffic Concurrency
Subsection 4.140 (.09) J. 2.

A11. As the current application is a Stage 2 Final Plan Modification to pave and screen an inventory storage area on the south lot rather than construct a new building as originally proposed in 1997 and to bring the site into compliance with application development standards, it is not expected to result in any new traffic generation or impact traffic concurrency for the project.

Facilities and Services Concurrency
Subsection 4.140 (.09) J. 3.

A12. Facilities and services, including utilities in SW Parkway Avenue, are available and sufficient to serve the existing development and proposed site improvements.

Adherence to Approved Plans
Subsection 4.140 (.09) L.

A13. A Condition of Approval will ensure adherence to approved plans except for minor revisions approved by the Planning Director through the Class 1 Administrative Review process if such changes are consistent with the purposes and general character of the development plan.

Standards Applying to Commercial Developments in Any Zone

Wholly Enclosed Commercial Operations and Exceptions
Subsection 4.116 (.05)

A14. All businesses, service or processing must be conducted wholly within a completely enclosed building with some exceptions including off-street parking for customers and employees, off-street loading, temporary staging of inventory, and exterior sales area with limitations. Per Subsection 4.116 (.05) E., a temporary staging area must be screened by a fully sight obscuring fence or planting, high wall, high berm or high screen landscape standard (as specified in Section 4.176); all parts of the staged inventory must be completely concealed on all sides from public view at the right-of-way line; and staged inventory must be relocated into a completely enclosed structure of the primary retail operation within 48 hours of placement.

As discussed earlier in this staff report, the original approval in 1997 modified the Stage 1 Preliminary Plan for the subject site to allow 20% of the site for outdoor storage of vehicles for sale or lease provided that storage was screened or buffered at property lines. The outdoor storage was not required to be covered or completely enclosed within a building as it is under current Code now in effect. Because the current application is not modifying the Stage 1 Preliminary Plan, 20% of the 246,727-square-foot site or up to 49,345 square feet may be used for outdoor vehicle storage so long as it is appropriately screened and buffered at property lines. This proposed inventory storage area includes 49,323 square feet, which is slightly less than the maximum 20% allowance of 49,345 square feet. Because the proposed inventory storage area occupies 20% of the subject site, no other inventory storage is allowed unless it is completely enclosed within a building or comparable structure. A Condition of Approval is included to ensure no other vehicle storage occurs outside of the proposed inventory storage area or within the existing building on the subject site.

The current application proposes landscaping to the high screen landscape standard on the west, north, and northeast sides of the inventory storage and relies on existing landscaping on the southeast and south sides of the area to screen it from public view at the property lines (see Proposed Stage 2 Site Plan – Use Diagram in Exhibit B2).

Commercial Uses to Meet Industrial Performance Standards Subsection 4.116 (.07)

A15. As indicated in Finding A23, the proposed development meets industrial performance standards.

Commercial Development Generally Subsection 4.116 (.10)

A16. The subject property meets the lot development standards for commercial developments as follows:

- It does not abut any more restrictive zones; thus no general setbacks are required.
- The existing, previously approved structure on the site complies with the maximum building height for the PDC Zone and no new structures are proposed with the current application.
- There is no minimum lot size, maximum lot coverage, or minimum street frontage.

Commercial Off-Street Parking Requirements Subsection 4.116 (.12)

A17. Off-street parking is provided consistent with Section 4.155, see Findings A25 through A35.

Commercial Signs Subsection 4.116 (.13)

A18. Existing signage complies with applicable standards and no changes are proposed with the current application.

Standards Applying to All Planned Development Zones

Underground Utilities

Subsection 4.118 (.02)

A19. All utilities on the property are undergrounded and no new utilities are proposed with the current application.

Waivers

Subsection 4.118 (.03) A. through D.

A20. The applicant has not requested any waivers to the standards applying to all planned development zones.

Other Requirements or Restrictions

Subsection 4.118 (.03) E.

A21. No additional requirements or restrictions are recommended pursuant to this subsection. Performance standards and requirements of the PDI zone address potential impacts from noise, odor, glare, etc.

Impact on Development Cost

Subsection 4.118 (.04)

A22. In staff's professional opinion, the determination of compliance or attached conditions of approval do not unnecessarily increase the cost of development and no evidence has been submitted to the contrary.

Requiring Tract Dedications or Easements for Recreation Facilities, Open Space, Public Utilities

Subsection 4.118 (.05)

A23. No additional tracts are being required for recreational facilities, open space area, or easements.

Habitat Friendly Development Practices

Subsection 4.118 (.09)

A24. Grading will be limited to that needed for the proposed improvements, no significant native vegetation would be retained by an alternative site design, and no impacts on wildlife corridors or fish passages have been identified. The applicant is required to pave the inventory storage area, and because this area is larger than 5,000 square feet in size, the applicant is required to submit a stormwater report including information and calculations to demonstrate how the proposed development meets the stormwater treatment and flow control requirements (see Condition of Approval PFA 3). Further, a site plan showing how stormwater will be managed must be submitted with the Public Works Permit application, and prior to final approval of the Public Works Permit, storm facilities must be constructed, inspected and approved by the City. In addition, the applicant must record a Stormwater

Access Easement for the storm facility. These requirements will minimize adverse hydrological impacts on water resources, thus ensuring the proposed site improvements comply with the standards of this subsection.

Planned Development Commercial (PDC) Zone

Typically Permitted Uses

Subsection 4.131 (.01) and (.02)

A25. The existing car dealership is a “retail business” as listed in this section and falls within the typically recommended use definition for the PDC zone. Staff notes that, per Subsection 4.131 (.02) B., no used car sales are permitted except in conjunction with new car dealerships within enclosed buildings. The original development approval was specific to only new car inventory and sales. However, the applicant currently maintains an inventory of used cars for sale on the subject site and proposes to continue this practice as part of the current application, and as such, no outside sales activity is permitted, all such inventory must be located within the inventory storage area or parking spaces designated for inventory vehicles, and all transactions associated with the sale of the vehicles must occur within the dealership building or online. As stated in the applicant’s narrative about exterior storage of new and used vehicles (Exhibit B1), “... no matter what kind of vehicles are located within this area, they will not be visible from off-site. Customers will not be allowed in that area to access or view any vehicles. Vehicle sales occur wholly within the dealership building or online from a customer’s home. No transactions occur in the open air outside of the building.” A Condition of Approval ensures compliance with this standard.

PDI Performance Standards

Industrial Performance Standards

Subsections 4.131 (.02) E. and 4.135 (.05) A. through N.

A26. The proposed project meets the performance standards of this subsection as follows:

- **Pursuant to Standard A** (enclosure of uses and activities), as discussed elsewhere in this staff report, outdoor inventory storage is permitted when appropriately screened, and all businesses, service or processing must be conducted wholly within a completely enclosed building, with some limited exceptions, as proposed.
- **Pursuant to Standard B** (vibrations), there is no indication that the proposed site modifications will produce vibrations detectable off site without instruments.
- **Pursuant to Standard C** (emissions), there is no indication that odorous gas or other odorous matter will be produced by the existing or proposed use.
- **Pursuant to Standard D** (open storage), the proposed inventory storage area is proposed to be landscaped as required to comply with the provisions of Sections 4.176 and 4.137.5.
- **Pursuant to Standard E** (night operations and residential areas), the proposed use is not located within 100 feet of a residential district.

- **Pursuant to Standard F** (heat and glare, exterior lighting), the applicant proposes no exterior operations creating heat and glare.
- **Pursuant to Standard G** (dangerous substances), there are no prohibited dangerous substances expected on the subject site.
- **Pursuant to Standard H** (liquid and solid wastes), staff has no evidence that the operations would violate standards defined for liquid and solid waste.
- **Pursuant to Standard I** (noise), staff has no evidence that noise generated from operations on the site would violate the City's Noise Ordinance and noises produced in violation of the Noise Ordinance would be subject to the enforcement procedures established in WC Chapter 6 for such violations.
- **Pursuant to Standard J** (electrical disturbances), staff has no evidence that the proposed use would have any prohibited electrical disturbances.
- **Pursuant to Standard K** (discharge of air pollutants), there is no evidence that any prohibited discharge will be produced by the proposed project.
- **Pursuant to Standard L** (open burning), the applicant proposes no open burning.
- **Pursuant to Standard M** (outdoor storage), as discussed elsewhere in this staff report, the applicant proposes outdoor storage of inventory vehicles on the south lot of the subject property in an area with the appropriate surface materials and screening either proposed or required by Conditions of Approval consistent with City standards.
- **Pursuant to Standard N** (unused area landscaping), no unused areas will be bare.

On-site Pedestrian Access and Circulation

Continuous Pathway System, Vehicle Pathway Separation, Width and Surface
 Subsection 4.154 (.01) B.1. through B.6.

A27. As shown on the applicant's site plan in Exhibit B2, a pedestrian connection currently exists from the SW Parkway Avenue sidewalk to the main entrance of the dealership building, meeting applicable standards. No changes to this pathway or other internal pedestrian walkways are proposed or required with the current application.

Parking and Loading

Parking Design Standards
Section 4.155 (.02) and (.03)

A28. The applicable parking designs standards are met as follows:

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
B. All spaces accessible and usable for parking	☒	Designated vehicle parking spaces are accessible and usable for parking on site; however, parking and vehicle display management on the site has been an ongoing compliance issue, which the current application is designed, in part, to remedy.
J. Sturdy bumper guards of at least 6 inches to prevent parked vehicles crossing property line or interfering with screening or sidewalks.	☒	Bumper guards are provided where necessary to prevent parked vehicles from interfering with screening or sidewalks.
K. Surfaced with asphalt, concrete or other approved material.	☒	Existing parking areas are surfaced with asphalt, concrete or other approved material, and the proposed inventory storage area is required to be similarly surfaced as a Condition of Approval for the current application.
Drainage meeting City standards	☒	Drainage is professionally designed and being reviewed to meet City standards.
L. Lighting won't shine into adjoining structures or into the eyes of passers-by.	☒	Existing parking area lighting will be maintained on the site.
N. No more than 40% of parking compact spaces.	☒	Of 160 parking spaces on the site, 117 are standard stalls, 6 are accessible stalls, and 37 or roughly 23% are compact stalls, which is less than the allowed 40% maximum.
O. Where vehicles overhang curb, planting areas at least 7 feet in depth.	☒	No parking spaces are proposed in locations where they overhang curbs.
Subsection 4.155 (.03) General Standards		
A. Access and maneuvering areas adequate.	☒	Access and maneuvering area adequate to serve the needs of the site are provided. However, a Condition of Approval is included to ensure these areas are maintained free and clear of parked vehicles for access and maneuvering emergency and service

		provider vehicles and loading/unloading on site.
A.1. Loading and delivery areas and circulation separate from customer/employee parking and pedestrian areas.	☒	Loading and delivery areas and circulation are separate from customer and/or employee parking and pedestrian areas. As noted above, a Condition of Approval is included to ensure these areas are maintained free and clear of parked vehicles.
Circulation patterns clearly marked.	☒	Circulation is marked with directional signs and pavement markings.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated.	☒	The plans delineate separate vehicle and pedestrian traffic areas and separate them with signs and pavement markings.
C. Safe and Convenient Access, meet ADA and ODOT Standards.	☒	The proposed parking and access enable the meeting of ADA and ODOT standards.
For parking areas with more than 10 spaces, 1 ADA space for every 50 spaces.	☒	The proposal provides six (6) ADA parking spaces out of 160 total spaces, or about one (1) ADA space for about every 26 spaces.
D. Where possible, parking areas connect to adjacent sites.	☒	The parking areas for the north and south parts of the site are continuous within the site, however, it is not possible to connect the parking areas to adjacent sites.
Efficient on-site parking and circulation	☒	The design of the parking provides safe and efficient circulation through the site.

Minimum and Maximum Number of Parking Spaces

Subsection 4.155 (.03) G., Table 5

A29. For the purpose of evaluating parking standards, the proposed development falls into the use category of “Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major areas of the building”. The parking minimum is 1.67 spaces per 1,000 square feet, and the parking maximum is 6.2 per 1,000 square feet. As the existing building is 81,621 square feet, the minimum number of parking spaces is 137 and the maximum number of parking spaces is 506. The applicant proposes to provide 160 parking spaces, including six (6) ADA-accessible spaces, which exceeds the minimum of 137 spaces by 23 spaces and is well below the maximum of 506 spaces. As shown on the applicant’s Proposed Stage 2 Site Plan – Use Diagram (Exhibit B2) and in the table below, the 160 on-grade parking spaces will be designated for employees (44 spaces), customers (24 spaces), and service/leasing (92 spaces). An additional 58 spaces on the upper level of the garage portion of the dealership building on the north lot are provided for parking of inventory vehicles or other overflow parking.

As parking and vehicle display management on the site has been an ongoing issue, staff requested information from the applicant demonstrating how adequate parking would be provided for the various users at the site, including employees, customers, and service/leasing, excluding inventory parking that will occur in the inventory storage area. A detailed discussion of parking management is included in the applicant’s narrative; the parking use summary comparing how parking demand on the site has changed since the 1997 DRB approval (Case File No. 97DB23) is shown below for reference:

Site Parking Use Summary Comparison			
	1997 Site Plan	Proposed Site Plan	Net Change
Employee Parking	28 spaces	44 spaces	16 space increase
Customer Parking	69 spaces	24 spaces	45 stall decrease
Service and Lease Parking	45 spaces	92 spaces	47 stall increase
Total Parking	142 spaces	160 spaces	18 space increase
(Plus 58 Parking Stalls on Upper Level of Garage in Building on North Lot)			

The 1997 DRB approval (Case File No. 97DB23) limited the number of parking spaces that could be used for inventory parking to 65 on-grade, outdoor parking spaces and 65 parking spaces were designated along the north side of the north lot and south side of the south lot for this purpose. An additional 52 to 58 spaces for inventory storage were to be created in an enclosed parking garage on the south lot, which was never constructed, in order to meet the fully enclosed storage requirements of the code.

The current application proposes to enclose the existing gravel building pad on the south lot of the site with landscaping/screening and to pave it (as required by Subsection 4.155 (.02) K.) for use as an inventory storage area. The storage area is also proposed to include 30 existing paved parking spaces along the south border of the south lot, and 58 stalls on the upper level of the garage in the dealership building on the north lot will be available for vehicle parking, although these spaces will not be specifically designated for inventory storage. Further, because there have been ongoing compliance issues with parking management on the site, the applicant has secured an off-site location that includes two (2) 5,000-square-foot sheds and 4.5 acres of land for inventory storage. A redacted copy of the lease agreement is included in Exhibit B5.

Parking Area Landscaping

Minimizing Visual Dominance of Parking

Subsection 4.155 (.03) B.

- A30.** Existing landscaping throughout the site and proposed new landscaping/screening around the inventory storage area helps to minimize the visual dominance of the paved parking areas on the site.

10% Parking Area Landscape Requirement

Subsection 4.155 (.03) B. 1.

A31. Parking areas are located on all sides of the site, as well as between the existing building on the north lot and gravel building pad on the south lot. Landscaping is located along the perimeter of the site, in landscape islands throughout the parking areas, and in the feature landscape area that separates the main drive aisle in the west central part of the site. One minor change to these existing landscaped areas in the southeast part of the site is on the south side of the designated employee parking area where a small area of existing landscaping will be replaced with new high screen landscaping; no other changes are proposed and landscape areas will remain as previously approved..

Landscape Screening of Parking

Subsection 4.155 (.03) B. 1.

A32. The existing landscaping is proposed to remain and screen the parking and circulation area from adjacent rights-of-way, meeting the required landscaping standard.

Tree Planting Area Dimensions

Subsection 4.155 (.03) B. 2.

A33. No changes to the dimensions of existing, previously approved tree planting areas in parking areas throughout the site are proposed with the current application; therefore, the requirement continues to be met.

Parking Area Tree Requirement

Subsection 4.155 (.03) B. 2. and 2. a.

A34. With 160 spaces, the stated ratio of one tree for every eight spaces or fraction thereof requires 20 parking area trees. Although some existing landscape islands do not have trees, the existing site plan shows at least 42 deciduous and coniferous trees throughout the landscaped areas of the site including in some planting areas adjacent to parking areas, along the driveways, and in perimeter landscape areas on the north, east, and south sides of the site. Therefore, the equivalent aggregate amount is met. The required high screen landscaping, including trees, shrubs, and groundcover, is provided as shown on the applicant's landscape plan (see Finding A49).

Parking Area Landscape Plan

Subsection 4.155 (.03) B. 2. a.

A35. The applicant's site plan shows existing landscaping on the site, which will not change with the current application. The applicant's landscape plan focuses on landscaping proposed around the inventory storage area including trees, shrubs and groundcover to the required high screen landscaping standard.

Parking Area Tree Clearance
Subsection 4.155 (.03) B. 2. b.

A36. The applicant could typically maintain all existing trees and those listed for planting in and expected to overhang the parking areas to provide a 7-foot clearance.

Bicycle Parking

Required Bicycle Parking
Section 4.155 (.04) A. 1.

A37. A retail store or outlet selling automobiles or other bulky merchandise requires one bicycle parking space per 8,000 square feet, or a minimum of two (2) bicycle parking spaces. The existing 81,621-square-foot dealership building requires a minimum of 11 bicycle parking spaces. There are six (6) existing bicycle staple racks, each designed for parking two (2) bicycles, thus providing 12 spaces at the front of the building, which meets the standard. No changes are proposed to bicycle parking with the current application.

Bicycle Parking Standards
Section 4.155 (.04) B.

A38. The location of bicycle parking is approximately 30 feet from one of the building's service entries and roughly 90 feet from the main entrance, which is more than the 30-foot maximum allowed. However, as the location is within 30 feet of a public building entrance, is previously approved, and no changes are proposed in the current application, the requirement continues to be met.

Other Development Standards

Access, Ingress, and Egress
Section 4.167

A39. Access to the site from SW Parkway Avenue is provided via two (2) driveways at defined points previously approved by the City and no changes are proposed in the current application.

Natural Features and Other Resources
Section 4.171

A40. The subject property does not contain natural environmental and scenic features, and no part of the site is protected as part of the City's Significant Resource Overlay Zone (SROZ). There are no structures of any historic or cultural designation and no hillsides, wooded areas, or hazard areas needing protection on the site. No overhead powerlines are located on the site, and there are no high voltage powerline easements or rights-of-way or petroleum pipeline easements on the site.

Access Drives and Travel Lanes

Subsection 4.177 (.08)

A41. The previously approved, asphalt-paved access drives provide travel lanes and circulation, free from obstructions, throughout the site. However, as discussed elsewhere in this staff report, an ongoing compliance issue for the site has been illegally parked vehicles in undesignated areas including such locations as emergency access lanes, loading/unloading areas, the service area for the trash enclosure, and the gravel building pad on the south lot. This has resulted in hampered access via the site driveways for emergency vehicle to the building and service vehicles to the trash enclosure (see comment from Republic Services in Exhibit C2). The parking management plan and proposed inventory storage area in the current application are expected to remedy this situation as they require vehicles to be parked in designated areas and not in driveways, travel lanes, and other inappropriate locations on the site. A Condition of Approval is included to ensure these area are maintained free and clear.

Outdoor Lighting

Sections 4.199.20 through 4.199.60

A42. Outdoor lighting was previously approved and no changes are proposed with the current application, thus the standards will continue to be met.

Underground Installation of Utilities

Sections 4.300-4.320

A43. All utilities on the property are undergrounded and no new utilities are proposed with the current application.

Public Safety and Crime Prevention

Design for Public Safety, Surveillance and Access

Subsections 4.175 (.01) and (.03)

A44. No changes are proposed with the current application to previously approved outdoor lighting and surveillance systems, which are designed to deter crime. The previously proposed site layout includes walkways reasonably close to the parking lot and building, and building windows are visible from vehicular areas, providing opportunity for observation into the site. In addition, the proposed inventory storage area has periodic openings or breaks in the landscaping/screening to encourage public safety and allow surveillance.

Addressing and Directional Signing

Subsection 4.175 (.02)

A45. Current addressing meets public safety standards and no changes to addressing or directional signage are proposed with the current application.

Lighting to Discourage Crime
Subsection 4.175 (.04)

A46. As discussed above, no changes are proposed with the current application to previously approved outdoor lighting and surveillance systems, which are designed and will continue to discourage crime on the site.

Landscaping Standards

Landscaping Standards Purpose
Subsection 4.176 (.01)

A47. Through complying with the various landscape standards in Section 4.176 the applicant has demonstrated the Stage 2 Final Plan is in compliance with the landscaping and screening purpose statement.

Landscape Code Compliance
Subsection 4.176 (.02) B.

A48. No waivers or variances to landscape standards have been requested, thus all landscaping and screening must comply with the standards of this section.

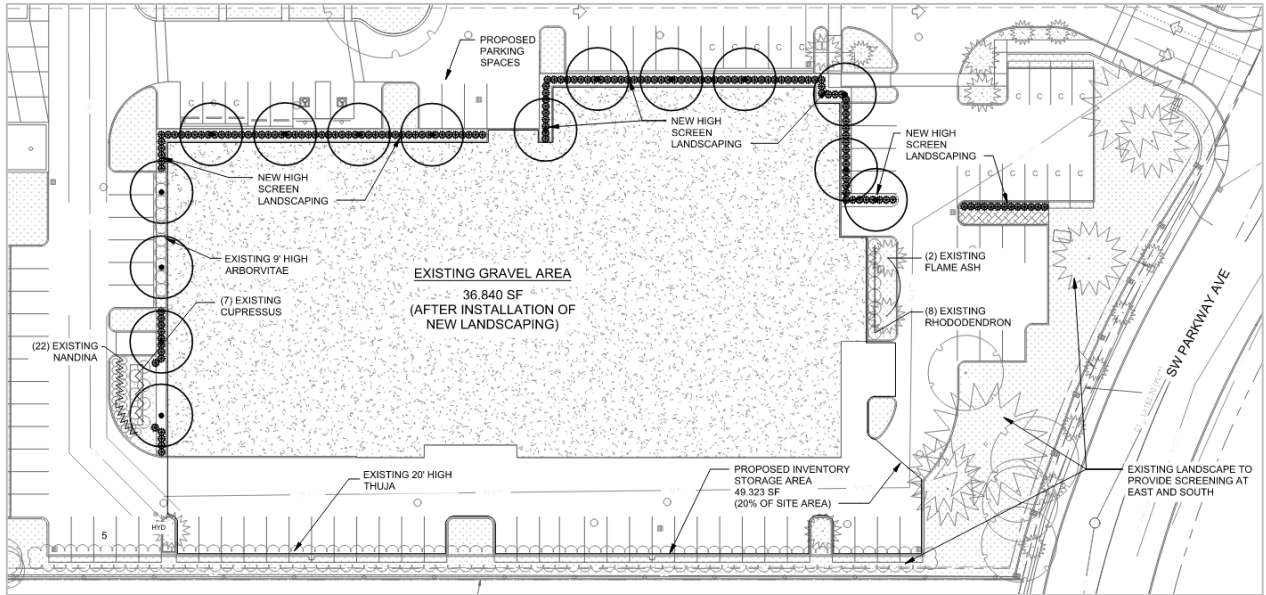
Intent and Required Materials
Subsections 4.176 (.02) C. through I.

A49. As shown on the Proposed Stage 2 Landscape Plan (Exhibit B2), changes to site landscaping focus on required screening of the proposed inventory storage area on the south lot. No changes to landscaping are proposed in other areas of the site. .

The inventory storage area must be screened to the high screen landscaping standard. This standard requires sufficient high shrubs to form a continuous screen at least six (6) feet high and 95% opaque year-round. In addition, one (1) tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six (6)-foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required.

As shown in the illustration below, excerpted from the Proposed Stage 2 Landscape Plan, the applicant proposes Akebono Yoshino cherry trees planted approximately 30 feet on center on the west, north, and northeast sides of the inventory storage area. Emerald green arborvitae shrubs at least six (6) feet in height planted 32 inches on center are proposed between and under the trees to provide a continuous screen that is 95% opaque year-round. Massachusetts kinnikinnick groundcover is proposed in a small area of landscape island south of the employee parking area at the northeast corner of the inventory storage area. Existing landscaping provides the required screening on the southeast and south sides of the inventory storage area. The proposed landscaping, combined with some limited

existing landscaping that will remain meets the required high screen landscaping standard for the inventory storage area.



PLANT SCHEDULE						
TREES	BOTANICAL / COMMON NAME	CONTAINER	SIZE	SPACING	QTY	
	Prunus x yedoensis 'Akebono' / Akebono Yoshino Cherry	B & B	1.5" cal. / 6' high graft	as shown	15	
SHRUBS	BOTANICAL / COMMON NAME	CONTAINER	SPREAD	SPACING	QTY	
	Thuja occidentalis 'Smaragd' / Emerald Green Arborvitae	B & B	6' ht	32" o.c.	159	
GROUND COVERS	BOTANICAL / COMMON NAME	CONTAINER	SPREAD	SPACING	QTY	
	Arctostaphylos uva-ursi 'Massachusetts' / Massachusetts Kinnikinnick	1 gal	6"-12"	5' o.c.	8	

Landscape Area and Locations
Subsection 4.176 (.03)

A50. As shown in the Site Area Schedule table on the Proposed Stage 2 Site Plan – Use Diagram (Exhibit B2), 53,844 square feet of the 246,727-square-foot site (including both the north and south lots) or 22% is landscaped, which exceeds the required 15% of total lot area. Existing, previously approved landscaping is proposed throughout the site as described earlier in this staff report. Materials achieve a balance between various plant forms, textures, and heights, and native plant materials are used where practicable.

Buffering and Screening

Subsection 4.176 (.04)

A51. The same zone borders the site on three (3) sides, with comparable commercial uses to the south and east, unincorporated vacant land, designated a Metro Urban Reserve, borders the site on the north, and Interstate 5 right-of-way borders it on the west. These adjacent uses do not warrant any additional screening or buffering than what is already provided on the site. Existing and proposed landscaping of the inventory storage area effectively buffer and screen it from off-site public view and well as from public users, such as employees and customers, of the site.

Installation of Sight-Obscuring Fence or Planting

Subsection 4.176 (.05)

A52. No fencing is required or proposed around the inventory storage area; therefore, this standard does not apply to the current application.

Landscape Plan Requirements

Subsection 4.176 (.09)

A53. The applicant's Proposed Stage 2 Landscape Plan (Exhibit B2) provides the required information including proposed landscape areas, type, installation size, number and placement of materials, plant material list, and proposed method of irrigation.

Mixed Solid Waste and Recyclables Storage

DRB Review of Adequate Storage Area, Minimum Storage Area

Subsections 4.179 (.01)

A54. No changes are proposed in the current application to the existing previously approved trash and recyclables storage area or adjacent landscaping, thus it continues to meet the applicable standards.

Review by Franchise Garbage Hauler

Subsection 4.179 (.07)

A55. Because no changes are proposed to the trash enclosure, a letter from Republic Services indicating coordination with the franchised hauler was not required for the current application. However, Republic Services submitted a comment letter (see Exhibit C2) during the Development Review Team comment period for the application. The letter states, in part, that the site "has been a hazard stop for our trucks to navigate for quite some time" because of traffic congestion in the area of the site where the enclosure is located. Further, the letter stated that "the existing enclosure is no longer used to store our containers" and "per our request, the containers were moved to an alternate location as the driveway was consistently blocked". Although "the containers have been relocated to an area outside the service bay" they are still a hazard concern. Further "vehicle congestion in

the areas of our truck traffic flow pattern is constantly changing". The comment letter included a diagram illustrating the problem, which is shown below.



The current application does not include relocation of the trash enclosure to a location that is more suitable for Republic Services trucks to navigate the site without the hazards of vehicle congestion. However, the parking management plan and proposed inventory storage area in the current application are expected to remedy this situation - and other congestion issues for service providers - as they require vehicles to be parked in designated areas and not in driveways, travel lanes, and other inappropriate locations on the site, making access free of obstructions throughout the site.

Request B: Site Design Review (SDR22-0005)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Site Design Review

Excessive Uniformity, Inappropriate Design
Subsection 4.400 (.01) and Subsection 4.421 (.03)

B1. Staff summarizes compliance with this subsection as follows:

- **Excessive Uniformity:** The previously approved development is unique to the particular development context and does not create excessive uniformity.

Development Review Board Panel 'A' Staff Report, November 7, 2022

Exhibit A1

Amended and Adopted November 14, 2022

DB22-0005 Mercedes-Benz Inventory Storage Area

Page 33 of 39

- **Inappropriate or Poor Design of the Exterior Appearance of Structures:** This standard does not apply as no new buildings or structures are proposed on the site.
- **Inappropriate or Poor Design of Signs:** This standard does not apply as no signs are proposed on the site.
- **Lack of Proper Attention to Site Development:** The appropriate professional services have been used to design the proposed site improvements, demonstrating attention being given to site development.
- **Lack of Proper Attention to Landscaping:** Landscaping is provided, has been professionally designed by a landscape designer, and includes a variety of plant materials, all demonstrating appropriate attention being given to landscaping.

Purposes and Objectives

Subsection 4.400 (.02) and Subsection 4.421 (.03)

B2. The applicant has provided sufficient information demonstrating compliance with the objectives of this subsection as follows:

- **Pursuant to Objective A** (assure proper functioning of the site and high quality visual environment), the proposed layout for the inventory storage area allows for landscaping requirements to be met, effectively screens the storage area from public view, and creates a visual environment that is compatible with other surrounding commercial uses.
- **Pursuant to Objective B** (encourage originality, flexibility, and innovation), landscaping is designed to screen the inventory storage area and provide a pleasing environment for users of the site by screening the vehicles from view.
- **Pursuant to Objective C** (discourage inharmonious development), professional design of the proposed landscaping supports a quality visual environment and thus prevents monotonous, drab, unsightly, and dreary development.
- **Pursuant to Objective D** (conserve natural beauty and visual character), design of the proposed inventory storage area addresses the public on and off site and landscaping improves the general aesthetic of the site and harmonizes with the visual character of the PDC zone.
- **Pursuant to Objective E** (protect and enhance City's appeal), development of the inventory storage area with paving and well-designed landscaping will enhance this commercial area and providing designated parking areas for various uses on the site will protect and enhance the City's appeal by bringing the site into compliance with standards and reducing on- and off-site congestion from illegally parked vehicles.
- **Pursuant to Objective F** (stabilize property values/prevent blight), improving the existing gravel building pad with paving and landscaping will enhance the site and surrounding commercial area, helping to prevent future blight.
- **Pursuant to Objective G** (insure adequate public facilities), the proposal does not impact the availability or orderly, efficient and economic provision of public services and facilities, which are available and adequate for the subject property.

- **Pursuant to Objective H** (achieve pleasing environments and behavior), the inventory storage area is clearly delineated and screened with landscaping, which provides visual separation of parked vehicles within the area from public view, providing a more pleasing environment for users of the site.
- **Pursuant to Objective I** (foster civic pride and community spirit), the project will foster civic pride by enhancing an existing gravel building pad with attractive landscaping, while screening inventory vehicles from public view.
- **Pursuant to Objective J** (sustain favorable environment for residents), the inventory storage area, by improving the existing building pad and providing a place to park inventory vehicles, will sustain a favorable environment for residents who may work in the area or are employees or customers of the Mercedes-Benz dealership, as well as reduce impacts on neighboring businesses from spillover off-site parking, by bringing the site into compliance with standards and reducing on- and off-site congestion from illegally parked vehicles.

Development Review Board Jurisdiction

Section 4.420

- B3.** A Condition of Approval will ensure construction, site development, and landscaping are carried out in substantial accordance with the DRB-approved plans, drawings, sketches, and other documents. No building permits will be granted prior to Development Review Board approval. No variances are requested from site development requirements.

Design Standards

Subsection 4.421 (.01) A. through G.

- B4.** The applicant has provided sufficient information demonstrating compliance with the standards of this subsection as follows:
- **Pursuant to Standard A** (Preservation of Landscape), there are no natural features on the site, and existing previously approved landscaping will be preserved and protected during construction of site improvements. Surface water drainage is discussed under Standard D, below.
 - **Pursuant to Standard B** (Relation of Proposed Buildings to Environment), the existing building on the site was previously approved and no new buildings or structures are proposed as part of the current application.
 - **Pursuant to Standard C** (Drives, Parking, and Circulation), access to the site from SW Parkway Avenue is provided via two (2) driveways at defined points previously approved by the City and no changes are proposed in the current application. As discussed elsewhere in this staff report, an ongoing compliance issue for the site has been illegally parked vehicles in undesignated areas, and the parking management plan and proposed inventory storage area in the current application are expected to remedy this situation.
 - **Pursuant to Standard D** (Surface Water Drainage), as discussed elsewhere in this staff report, the applicant is required to pave the inventory storage area and submit a

stormwater report including information and calculations to demonstrate how the proposed development meets the stormwater treatment and flow control requirements. This will minimize adverse hydrological impacts on water resources.

- **Pursuant to Standard E** (Utility Service), no above ground utility installations are proposed and no changes to utility service are included in the current application.
- **Pursuant to Standard F** (Advertising Features), no signs are proposed as part of the current application; therefore, this standard does not apply.
- **Pursuant to Standard G** (Special Features), the proposed inventory storage area will be appropriately screened as discussed elsewhere in this staff report.

Applicability of Design Standards

Subsection 4.421 (.02)

- B5.** Design standards have been applied to all existing previously approved buildings, structures, and other site features, as well as to the proposed inventory storage area.

Conditions of Approval

Subsection 4.421 (.05)

- B6.** The Development Review Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of the Code. In making this determination of compliance and attaching conditions, the DRB is required, however, to consider the effects of this action on the availability and cost of needed housing. No conditions of approval in addition to those already included in this staff report are recommended to ensure the proper and efficient functioning of the proposed inventory storage area and overall site.

Color or Materials Requirements

Subsection 4.421 (.06)

- B7.** No new buildings or structures are proposed in the current application; therefore, this standard does not apply.

Site Design Review Submission Requirements

Submission Requirements

Section 4.440

- B8.** The applicant has submitted materials in addition to requirements of Section 4.035, as applicable.

Time Limit on Site Design Review Approvals

Time Limit on Approval Section 4.442

- B9.** The current applications will expire two (2) years after approval, unless a building permit has been issued and substantial development has taken place or an extension is approved in accordance with this section. Per the Compliance Agreement between the City and Swickard Corporation, DBA Mercedes-Benz of Wilsonville (Exhibit A4), the applicant agrees to submit documents necessary to obtain a building permit to complete the paving and screening of the south gravel lot within 90 days of receiving DRB approval of the current application. Within six (6) months of obtaining a building permit for the improvements, the applicant agrees to complete the paving and screening and any other work listed as a condition of approval of the development application by the DRB. In addition, the applicant agrees to take any action(s) necessary to comply with the approved development application and any conditions of approval. The applicant intends to construct the proposed improvements in one implementation phase promptly after land use approval, and well within the allotted time period.

Installation of Landscaping

Landscape Installation or Bonding Subsection 4.450 (.01)

- B10.** A Condition of Approval will assure installation or appropriate security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director, is filed with the City assuring such installation within six (6) months of occupancy.

Approved Landscape Plan Subsection 4.450 (.02)

- B11.** Action by the City approving a proposed landscape plan is binding on the applicant. A Condition of Approval will ensure that substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan will not be made without official action of the Planning Director or Development Review Board and provide ongoing assurance the criterion is met.

Landscape Maintenance and Watering Subsection 4.450 (.03)

- B12.** A Condition of Approval will ensure landscaping is continually maintained in accordance with this subsection.

Modifications of Landscaping
Subsection 4.450 (.04)

B13. A Condition of Approval will provide ongoing assurance that this criterion is met by preventing modification or removal of landscaping without appropriate City review.

Landscaping Standards

Shrubs and Groundcover Materials
Subsection 4.176 (.06) A.

B14. Proposed shrubs on the applicant's Landscape Plan (Exhibit B2) are balled and burlapped and six (6) feet in height (arborvitae), exceeding the required minimum 2-gallon containers and 10-12-inch spread. A Condition of Approval will require that the detailed requirements of this subsection are met.

Plant Materials-Trees
Subsection 4.176 (.06) B.

B15. Perimeter trees in the applicant's Landscape Plan (Exhibit B2) are proposed to be 1.5-inch caliper (deciduous), which is not consistent with the 2-inch caliper requirement of this subsection. A Condition of Approval will require all trees to be a minimum of 2-inch caliper, balled and burlapped (B&B), well-branched, and typical of their type as described in Current American Association of Nurserymen (AAN) Standards.

Plant Materials-Buildings Larger than 24 Feet in Height or Greater than 50,000 Square Feet in Footprint Area
Subsection 4.176 (.06) C.

B16. No buildings or structures are proposed in the current application; therefore, this standard does not apply.

Plant Materials-Street Trees
Subsection 4.176 (.06) D.

B17. The current application does not propose any new buildings or structures on the site and is not required to construct frontage improvements or install street trees. Therefore, this standard does not apply.

Types of Plant Species
Subsection 4.176 (.06) E.

B18. The applicant has provided sufficient information in their Landscape Plan showing the proposed landscape design meets the standards of this subsection.

Tree Credit
Subsection 4.176 (.06) F.

B19. The applicant is not proposing to preserve any trees to be counted as tree credits.

Exceeding Plant Standards
Subsection 4.176 (.06) G.

B20. The selected landscape materials do not violate any height or vision clearance requirements.

Landscape Installation and Maintenance
Subsection 4.176 (.07)

B21. Conditions of Approval ensure that installation and maintenance standards are or will be met including that plant materials be installed to current industry standards and properly staked to ensure survival, and that plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. Notes on the applicant's Landscape Plan (Exhibit B2) provide for an irrigation system.

Landscape Plans
Subsection 4.176 (.09)

B22. The applicant's submitted plans provide the required information, however, the Landscape Plan does not divide landscape areas by projected water consumption for irrigation purposes into high, moderate, low, and interim or unique water usage areas. A Condition of Approval requires identification of water usage areas for proposed site landscaping.

Completion of Landscaping
Subsection 4.176 (.10)

B23. The applicant has not requested to defer installation of plant materials.

Outdoor Lighting

Applicability
Sections 4.199.20 and 4.199.60

B24. Per the applicant's code response narrative, no changes to outdoor lighting is proposed with the current application; therefore, the Outdoor Lighting standards do not apply.