



Community Development  
 Planning Division  
 501 SW Madison Avenue  
 Corvallis, OR 97333

**DRAFT**  
**CITY OF CORVALLIS**  
**PLANNING COMMISSION MINUTES**  
**August 5, 2015**

**Present**

Ron Sessions, Chair  
 Tom Jensen  
 Roger Lizut  
 Carl Price  
 Jim Ridlington  
 G. Tucker Selko  
 Rob Welsh  
 Paul Woods  
 Penny York, Council Liaison

**Staff**

David Coulombe, Deputy City Attorney  
 Jason Yaich, Senior Planner  
 Amber Bell, Assistant Planner  
 Ted Reese, Public Works Engineering  
 Aaron Manley, Public Works Engineering  
 Terry Nix, Recorder

**Absent**

Jasmin Woodside

**SUMMARY OF DISCUSSION**

	Agenda Item	Recommendations
I.	Visitor Propositions	
II.	Public Hearing – Riverbend Square Conditional Development and Major Lot Development Option (CDP15-00001 & LDO15-00002)	Approve the requests as conditioned.
III.	Old Business	
IV.	New Business	
V.	Adjournment	Adjourned at 9:15 p.m

Attachments to the August 5, 2015 minutes:

- A. Memo: Letter from Applicant Regarding Contract of Sale (Riverbend Square – CDP15-00001/LDO15-00002)
- B. Memo: Additional Staff-Recommended Condition of Approval for Major Lot Development Option Request.
- C. Memo: Revised Recommended Motion for Major LDO (Riverbend Square – CDP15-00001/LDO15-00002)

## **CONTENT OF DISCUSSION**

The Corvallis Planning Commission regular meeting was called to order by Chair Sessions at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

### **I. VISITORS PROPOSITIONS:** None.

### **II. PUBLIC HEARING – Riverbend Square Conditional Development and Major Lot Development Option (CDP15-00001 & LDO15-00002)**

#### **A. Opening and Procedures:**

Chair Sessions welcomed citizens and reviewed the public hearing procedures. There will be a staff overview followed by the applicant's presentation. There will be a staff report and public testimony, followed by rebuttal by the applicant, limited in scope to issues raised in opposition and sur-rebuttal by opponents, limited in scope to issues raised on rebuttal. The Commission may ask questions of staff, engage in deliberations, and make a final decision. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by earlier speakers. It is sufficient to say you concur with earlier speakers without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

Land Use decisions are evaluated against the applicable criteria from the Land Development Code and Comprehensive Plan.

Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted. If this request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence. Requests for allowing the record to remain open should be included within a person's testimony.

The Chair opened the public hearing.

#### **B. Declarations by the Commission:**

- 1. Conflicts of Interest: None.
- 2. Ex Parte Contacts: None.
- 3. Site Visits: Commissioners Lizut, Ridlington, Selko and Sessions declared site visits.
- 4. Objections on Jurisdictional Grounds: None.

C. Staff Overview:

Assistant Planner Bell reviewed the requests for approval of a Conditional Development to allow a drive-through within the Mixed Use Community Shopping Zone; and approval of a Major Lot Development Option to provide pedestrian access exceeding the maximum length of 100 feet (LDC Section 4.10.70.02.b), measured from the street to pedestrian entrances of Building 4 and Building 5. The subject site is located northeast of the intersection of NW 9<sup>th</sup> Street and NW Starker Avenue. The site consists of Tax Lots 2600 and 2800 of Benton County Assessor's Map 11-5-26DC. The site includes three legal lots of record that were created through deed in 1958 and 1959. The Comprehensive Plan designation is Mixed Use Commercial. The Zone designation is Mixed Use Community Shopping (MUCS). Areas to the north, west and south have that same zoning. Highway 99W is located to the east, and east of that is an area zoned General Industrial. The Natural Hazards Map shows a small area of steep slopes along the eastern property boundary; however, the applicant has provided a topographic map showing that there are no steep slopes within the boundaries of the site. There are no natural resources or mapped significant vegetation within the site. The applicant is proposing commercial redevelopment which consists of five commercial buildings; however, only two plan elements require land use approvals. First, the drive-through facility is a conditionally permitted use in the MUCS Zone requiring Conditional Development approval. Second, Major Lot Development Option approval is requested to vary from LDC standards which require direct pedestrian access routes of 100 feet or less to entrances of buildings that do not have frontage along an adjacent street; this is necessary for the direct pedestrian access routes to Building 4 and 5 entrances which exceed 100 feet in length.

Planner Bell said three items have been distributed to the Planning Commission since the staff report was printed: A letter from Starker Street LLC regarding site ownership; (**Attachment A**) a staff memo dated July 31 with an additional staff-recommended condition of approval regarding compensating benefits for the LDO request; (**Attachment B**) and a staff memo dated August 5 with a revised recommended motion for the Major Lot Development Option to reflect the additional proposed condition. (**Attachment C**) Staff received a phone call in opposition today, but no formal written testimony was received.

D. Legal Declaration:

Deputy City Attorney Coulombe said the Board will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they believe are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the parties an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Scott Reiter, Reiter Design Group Architects, Inc., Beaverton, Oregon, came forward as the owner's representative. He showed an aerial vicinity map and several photos of the site and surrounding properties. He reviewed existing conditions, stating that there is a cluster of existing buildings, the frontage is ill-defined with multiple driveways, and there is no real

parking. He then reviewed the proposed development. There are five buildings, three of which front public roadways. The primary access to the site will be off of NW Starker Avenue. He reviewed the driveway locations, internal parking, and circulation as proposed.

Mr. Reiter showed building elevations, noting the variety of materials and designs. He said Buildings 4 and 5 are located in the northeast corner of the site and the site is bound on the north and east. The Major Lot Development Option is requested because it is not possible to comply with the Pedestrian Oriented Design Standard requiring a 100-foot maximum length pedestrian access from the street to the building entrances. He reviewed the proposed pedestrian plaza and pedestrian access routes, and proposed amenities including weather protection, wider sidewalks, planters, and trees. He then reviewed the proposed colored and stamped decorative concrete paving to enhance the pedestrian pathway, a pedestrian access route that is at least 50 percent wider than the minimum required, and two pedestrian benches.

Mr. Reiter briefly reviewed the request for a Conditional Development to allow for a drive-through facility for Building 4. He reviewed the layout and design for the drive-through, and noted it is being designed to accommodate a food service related tenant. He noted the applicant submitted a map refinement showing the mapped slopes are not an issue on this property. He reviewed the site lighting plan and landscape plan. In summary, Mr. Reiter said the proposed design complies with the applicable criteria for the MUCS zone. The Major Lot Development Option is needed due to the site being bound on the north and east and the only other option would be to not have use of that portion of the site. The added pedestrian elements and enhanced paving provide a compensating benefit in leading people from the public right-of-way to the building. He requested approval of the applications.

Commissioner Jensen asked how the applicants propose keeping drive-through traffic from impacting people trying to get into Goodwill from NW Starker Avenue. Mr. Reiter said the cue for the drive-through is set up for seven vehicles. In his experience in many jurisdictions, the cue typically ranges from five to seven vehicles. With the way the site is laid out and with this being a secondary access point, he does not foresee a line of cars into NW Starker Avenue. He clarified that a single-lane drive-through is proposed.

Commissioner Jensen asked if there is any plan to limit left turns leaving Starker Avenue. Todd Mobley, Lancaster Engineering, said his firm conducted the Transportation Impact Study for this application. He reviewed the proposal to revise the configuration of NW Starker as it approaches NW 9<sup>th</sup> to make it consistent with Cornell to the south, and to add separate left and right turn lanes as shown on the site plan.

Commissioner Jensen commented that he sees conflicts all up and down NW 9<sup>th</sup> Street and throughout town where vehicles turn left and put themselves and others in harm's way when it may be more prudent to turn right and go around the block.

In response to an inquiry from Commissioner Selko, Mr. Reiter reviewed how vehicles going through the drive-through would be expected to exit the site.

In response to an inquiry from Commissioner Woods, Mr. Reiter said the existing building to the north is under separate ownership and it is not for sale. While the applicants would like for that to be part of this development, it cannot be.

Commissioner Price asked if the applicants are in agreement with the recommended conditions of approval. Mr. Reiter said yes and no, but it's a balance of how far to push. He said it does

seem a bit out of proportion relative to the storm water line in that the developed site will discharge less storm water than it does currently, but the development is being asked to replace a large section of City line.

Commissioner Selko said that while it looks to be relative easy to access the drive-through, it looks like vehicles will be crossing the pedestrian path a minimum of three times in order to exit. He asked if consideration was given to placing the drive-through in the location of Building 3. Mr. Reiter said the idea is to screen the drive-through from the street while dealing with entrance and exit points. While vehicles will have to circulate through the site, the drive-through will be raised and accent paving will draw drivers' attention. He said the owners' preference would be to have the drive-through along the street frontage but that is not allowable under the criteria.

Chair Sessions wondered if rotating Building 5 would have improved pedestrian access and also provided a walkway along the backside of the building, thereby meeting the technicality of the standards. He asked if that was considered. Mr. Reiter said he did look at all options on the site and feels the proposed layout provides the best overall balance. Consideration was given to a sidewalk on the north side; however, given the nature of the access, they chose not to do that.

Chair Sessions said the staff report notes that there may be future street improvements on NW 9<sup>th</sup> Street that would involve a divided section with individual turn lanes. He asked how the applicant would feel if that were to occur and NW Starker Avenue was blocked to left turns. Mr. Mobley said the applicants recognize that an access control project along NW 9<sup>th</sup> Street is possible in the future and they hope to have a seat at the table to talk about locating turn restrictions that still provide access to commercial properties.

F. Staff Report:

Planner Bell said that while the overall development is required to comply with applicable Land Development Code standards, the scope of review of the Conditional Development compatibility criteria only applies to the drive-through facility and the scope of review for the Major Lot Development Option compatibility criteria only applies to the proposal to the extent that they are related to the requested variation to the 100-foot pedestrian access standards. Staff finds that the proposal as conditioned complies with the MUCS zone standards. The uses anticipated by the applicant are consistent with the zone except for the requested drive-through facility; the proposal complies with the minimum FAR standard; the buildings comply with the 20' maximum setback as conditioned; accesses are proposed to be removed from Ninth Street consistent with the requirement for access consolidation; and buildings comply with the maximum height standard.

Regarding the requirements in LDC Chapter 4.0, as conditioned and proposed, landscape strips and setback sidewalks will be provided, right-of-way dedication will be provided on NW 9<sup>th</sup> Street, pedestrian ramps will be provided, and there are transit facilities that provide service along NW 9<sup>th</sup> Street. The Traffic Impact Analysis provided by the applicant shows Level of Service (LOS) F at NW 9<sup>th</sup> Street and NW Starker Avenue at site build-out. Striping is proposed on Starker that would result in LOS D 2017, and LOS F again in 2020. As conditioned, a letter will be required for future right-in, right-out mitigation, and an intersection may be required in the future at NW 9<sup>th</sup> & Grant with future development of an adjacent site. Block parameter standards are not applicable. Regarding utilities, staff finds the requirements are met as conditioned. A fire hydrant will be provided within the site, as well as an 8-inch diameter looped water line. The applicant proposes to relocate the sewer line and it will be upsized to 8-

inches. The storm line is conditioned to be relocated and upsized to 12-inches on NW Starker Avenue. Based on the area of impervious surfaces, storm water detention is required. There are existing street lights. Utility easements will be required. Staff finds that the proposal complies with Chapter 4.0 requirements as conditioned and proposed.

Planner Bell said the applicant has assumed a variety of use types within the site and assumes 85 parking spaces will be required. The applicant proposes 89 parking spaces which is consistent with their assumptions. Compliance with parking requirements will be evaluated at the time of building permits and tenant improvement permits; therefore, staff finds the proposal as conditioned complies with parking requirements. Staff finds the landscaping and street trees as proposed and conditioned meet the requirements, and that the proposal as conditioned complies with the Pedestrian Oriented Design Standards (PODS) except for the requested variation.

Planner Bell said the Conditional Development application is subject to compatibility criteria, and she reviewed the staff discussion and conclusions for each as detailed in the written staff report. Staff finds that the drive-through facility complies with the applicable compatibility criteria with conditions. Conditions 1 through 22 are provided for overall LDC compliance, and Condition 23 is recommended for additional canopy shade trees for landscape buffering to the northeast of the drive-through.

Planner Bell said the Major Lot Development Option is subject to compatibility criteria, as well as the criteria for a Minor LDO, one of which requires compliance with building code. Section 705 of the Oregon Structural Specialty Code does not permit portions of buildings to be located over property lines unless separated by a fire wall, and this issue will need to be resolved prior to issuance of any building permits. For the requested variation, compensating benefits are required. As explained in the July 31 staff memo, staff recommends the addition of Condition 24 to clarify which compensating benefits have been provided and to delineate the precise location of decorative paving. Additionally, staff recommends additional decorative paving along the northern pedestrian access route from the plaza to Building 5 entrances. Staff finds the basic site design criterion is met through the provision of compensating benefits and through compliance of other PODS and zone standards. The proposed variation to provide longer pedestrian accesses is not anticipated to generate impacts related to noise, odors, emissions, or effects on air and water quality. Lighting and signage standards would need to be met at the time of building permits, and there are no anticipated impacts on transportation facilities, traffic and offsite parking, or utilities. Staff finds the proposal satisfies the requirements of the Major LDO review criteria as conditioned, and Condition 24 is provided for compensating benefits.

Commissioner Lizut asked what benefit comes from deferring the right-in, right-out feature between NW Starker Avenue and NW Ninth Street. Public Works Engineer Reese said the site has a LOS at build-out that is acceptable, so that improvement is not shown to be warranted.

Commissioner Price asked staff to address the proportionality of Condition 20, which was raised by the applicant. Engineer Reese said there are a couple of existing storm water lines abutting or near the site. The applicants chose to drain to an existing substandard line and the development is required to bring that up to City standards. The line goes through a portion of undeveloped property and the applicants could place a zone of benefit so a portion of the cost would be returned to the current developer when that property is developed. City Attorney Coulombe asked if the applicant provided a rough proportionality report with the application; and Planner Bell said staff did not receive one.

Commissioner Sessions asked if it would be permissible to have a split system with some of the site draining forward onto NW Ninth Street. Engineer Reese said any connection to a sub-standard system will typically be required to bring that system up to City standards, regardless of the amount of flow.

Commissioner Woods said that the Carl's Jr. located to the south of this site parallels the street and is visible from the street. Planner Bell said Chapter 4.10 requires that a drive-through facility not be located between the building and the street toward which it's oriented. Engineer Reese added that Carl's Jr. was approved prior to the current Code provisions.

Commissioner Jensen asked if there are any plans to extend Grant east from 9<sup>th</sup> Street and to provide access to this parcel from a potential stub of Grant. Engineer Reese said that would be development related and, as noted by the applicant, that access is blocked by a third party property owner who is not willing to sell.

In response to further questions from Commissioner Jensen, Planner Bell said other places in town that exceed the 100-foot pedestrian access limitation may have been constructed prior to the standard being adopted. She said the parking standards do not have any specific requirement related to employee parking.

Commissioner Jensen asked if there is any reason the buildings couldn't have been massed west on the property, closer to Ninth Street. He sees the drive-through putting pedestrians at risk because it's in the middle of the development rather than at the corner or edge. Planner Bell noted that the buildings could maybe be located closer to the street, and the applicant proposed the design as presented and requested a Major LDO with proposed compensating benefits.

Commissioner Selko asked what the solution is when the intersection at 9<sup>th</sup> Street and Starker Avenue eventually loses functionality. Engineer Reese said the solution will be to make that right-in, right-out and limit left turn movements, probably using a turn lane median on NW 9<sup>th</sup> Street.

In response to an inquiry from Commissioner Selko, Planner Bell said the three existing trees to the north are not within the boundaries of this site, and she clarified the applicant's proposed tree plantings.

Chair Sessions said it strikes him that Condition 24 might be counterproductive, in that the purpose of a plaza is to have a special place and that could be delineated with different finish materials and landscaping, but also some treatment of the walking surface. Planner Bell said the applicant shows different call outs on the site plan, but hasn't provided specifications for the paving at this time. The intent of the recommended condition is to further delineate the compensating benefits for variation to provide for better pedestrian experience.

Commissioner Woods said the proposed location of the drive-through causes vehicles to cross with pedestrians three times on exiting the site, and he asked how that fits with PODS. Planner Bell said there is a requirement with crossings that differentiated pavement be provided, and that is proposed by the applicant. Additionally, as a compensating benefit, they have proposed raised crossings. There is no specific standard regarding the number of intersections between vehicular maneuvering areas and pedestrian areas.

G. Public Testimony in favor of the application: None.

H. Public Testimony in opposition to the request: None.

I. Neutral Testimony:

John Tripp said he has questions about the proposal, such as the pedestrian situation. To him, it would make sense to put cross signals in there. He is concerned that there could be a tragedy with someone crossing 9th Street. He thinks the development would be good for south of town. He is concerned about crossing the highway because of how fast traffic goes through there.

J. Rebuttal by the Applicant:

Mr. Reiter said the applicants are in the process of a unifying deed to make this one tax lot. Regarding comments about massing buildings along 9<sup>th</sup> Street, he said tenants typically want a maximum depth of 45-feet to 60-feet which prohibited putting them back-to-back with all of the parking behind. He said the intent is that the plaza would have distinguishing treatment from the remainder, and he has no problem with the condition being amended to state that.

Mr. Mobley referred to comments regarding conflicts with the drive-through exit and pedestrian points. He said there is ample cue storage and he doesn't expect that will impede operation in the public right-of-way. The crossing point immediately after the drive-through exit is seen a lot on sites like this and, in this case, there is a raised crossing and the visibility from the driver's position is good. At the south, there is a crossing of the sidewalk to exit the site, obviously. That leaves one additional raised crossing in the middle of the site. While having drivers navigate the site creates some complexity, it also helps in slowing traffic.

In response to an inquiry from Commissioner Selko, Mr. Reiter said the existing trees that are in conflict with the sewer line will be removed, and the existing ponderosa pine in the corner of site will likely be removed. Any other discussion about trees in the application materials is relative to the proposed location of new trees. One of the buffer trees along the drive-through was determined to be too close and will be adjusted when the final landscape plan comes for permit.

K. Sur-rebuttal: None.

L. Hold the record open:

There was no request for continuance or to hold the record open. The applicant waived the seven day period to submit additional written testimony.

M. Close the public hearing:

Chair Sessions closed the public hearing.

N. Deliberations and Decision:

Commissioner Price referred to the public testimony from Mr. Tripp, and he clarified that the proposed development does not hook into Highway 99.

Commissioner Woods asked staff to comment on the phone call received. Planner Bell said there was a telephone call with a generic comment in opposition. Staff explained the options to provide testimony in writing or orally, and the caller did not submit final written testimony.

Commissioner Jensen said that walkable distances often exceed 100 feet and he doesn't see that as a conflict for moving around. He is concerned with putting the drive-through where there are pedestrians. He wondered if Buildings 3 and 4 could be swapped so drivers would only travel around the north side of what is currently Building 3. Chair Sessions said he thinks the applicants made an effort to meet the applicable standards, and he believes they have done so.

MOTION: Commissioner Welsh moved to approve the requested Conditional Development (CDP15-00001). The motion is based on the analysis and findings in the staff report presented for the August 5, 2015 Planning Commission meeting, and on the Planning Commission discussion and findings made during deliberations on the matter. Commissioner Lizut seconded the motion.

Commissioner Price said Condition 16 is proposing to place a requirement on this development that burdens it for a future development, which the Planning Commission was specifically instructed not to do.

MOTION TO AMEND: Commissioner Price moved to remove Condition 16. Commissioner Woods seconded the motion.

Commissioner Price said that during training, Planning Commissioners were told that putting conditions on a development outside of the scope of that development for future development for the City's benefit goes against case law. He feels Condition 16 does that and he would like to remove it. Engineer Reese said the condition is meant to limit any additional future onsite development from potentially blocking access from Grant. City Attorney Coulombe said he does not view this as having a nexus or takings aspect to it. With respect to whether it is clear and objective enough to impose, he thinks so but it is up to the Commission to decide.

Chair Sessions said the applicant has complied with the condition already and he is comfortable leaving it in. Brief discussion followed.

The motion to amend failed by a vote of 2-5:

Yes: Commissioners Price, Woods  
No: Commissioners Jensen, Lizut, Ridlington, Selko, Welsh

Discussion followed regarding the wording of the main motion and the need to incorporate the conditions of approval.

MOTION TO AMEND: Commissioner Selko moved to amend the motion to approve the requested Conditional Development as conditioned. Commissioner Welsh seconded the motion and it passed unanimously.

The amended main motion passed unanimously.

MOTION: Commissioner Woods moved to approve the requested Major Lot Development Option (LDO15-00002) as conditioned and including Condition 24. The motion is based on the analysis and findings in the staff report presented for the August 5, 2015 Planning Commission meeting, and Staff Memorandum dated July 31, 2015, and on the Planning Commission's

discussion and findings made during deliberations on the matter. Commissioner Price seconded the motion and it passed unanimously.

This decision may be appealed to the City Council within 12 days.

**IV. OLD BUSINESS:**

Commissioner Lizut commented on the issue of questions directed to the applicant. He said that while it is appropriate for Commissioners to ask questions and request clarification of the applicant, it is not appropriate for them to give suggestions or recommended changes to the design. Chair Sessions agreed that it is not the Commission's job to design the project; however, he feels it is appropriate to ask if the applicant had considered certain things because this gives them a chance to talk about why they made certain decisions. Commissioner Selko said that while he is not an engineer who has the ability to design a site, he thinks it's valuable to ask if consideration was given to another plan in order to understand the applicant's reasoning for designing a site the way that they did. Brief discussion followed and the Chair requested comment from legal counsel. City Attorney Coulombe said there are elements of both views that are valid. While the Planning Commission is not a design board, a Commissioner might find that asking the applicant if they have considered some design element in a particular way helps them to better understand the project.

Commissioner Jensen said he was confused during the voting in tonight's public hearing, and he had not intended to vote in favor of the drive-through conditional use. Discussion followed regarding ways in which Commissioners can slow the process and request clarification prior to the vote. Commissioner Price said the City Council often clarifies the motion prior to calling for the vote; he urged following their lead. Councilor York said it might be helpful if the staff report included explanatory language on the same page as the recommended motions. She said that it is important for Commissioners to ask questions and let it be known if they are frustrated, that the Chair should be attentive and ensure everyone is ready before proceeding to a vote, and that fellow Commissioners who see someone is struggling can also slow the process and request clarification. City Attorney Coulombe noted that Chair Sessions is new to the role and that it takes time to develop the expertise to be a gatekeeper who is attuned to the decision makers, making sure everyone gets a chance to speak, and then restating the motion before asking for a vote.

Commissioner Woods said he believes the Planning Commission should hold a meeting on August 19 as scheduled. Chair Sessions asked him to circulate the agenda items he would like to see on that date.

Commissioner Price advised that he will be absent on August 19.

**V. NEW BUSINESS: None.**

**VI. ADJOURNMENT: The meeting was adjourned at 9:15 p.m.**



## MEMORANDUM

**DATE:** July 28, 2015

**TO:** Planning Commission

**FROM:** Amber Bell, Assistant Planner

**SUBJECT:** Letter from Applicant Regarding Contract of Sale  
(**Riverbend Square - CDP15-00001/LDO15-00002**)

---

Since the publication of the August 5, 2015 Staff Report, the applicant has submitted a letter that further describes property ownership of the site, specifically, that the owner (Goldfinch Real Estate, LLC) has the contractual right to process a land use application for development of the property per their Contract of Sale with Starker Street, LLC. While Starker Street, LLC is listed on the title for the property, and may also be considered an owner of the site, the manager of Starker Street, LLC, has provided and signed the aforementioned letter. Therefore, staff consider property ownership signature requirements to be satisfied.

### Attachment

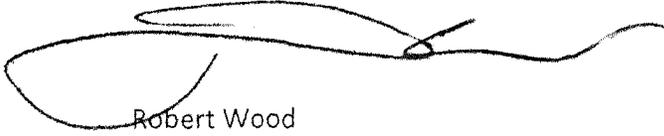
- Letter from Starker Street, LLC

July 24, 2015

To whom it may concern,

I am the manager of Starker Street LLC, (Starker). Starker is vested in title to certain real property, generally located at the NW corner of Starker St. and 9<sup>th</sup> St. in Corvallis, Oregon (the Property). Under the terms of a contract of sale, by and between Starker and Goldfinch Real Estate LLC (Goldfinch) concerning the Property, Goldfinch has the contractual right to process a land use application for development of the Property.

Should you have questions or comments concerning this matter, please do not hesitate to contact me.



Robert Wood  
Manager

STARKER SREET LLC  
POST OFFICE BOX 13969  
SALEM OREGON 97309  
503-589-9797 503-589-9951 fax

**RECEIVED**

JUL 28 2015

Community Development  
Planning Division



## MEMORANDUM

**DATE:** July 31, 2015

**TO:** Planning Commission

**FROM:** Amber Bell, Assistant Planner

**SUBJECT:** Additional Staff-Recommended Condition of Approval for Major Lot Development Option Request  
**(Riverbend Square - CDP15-00001/LDO15-00002)**

---

This memorandum includes an additional staff-recommended condition of approval regarding compensating benefits for the Riverbend Square Major Lot Development Option (LDO) request (LDO15-00002).

With regards to the Major LDO request to vary from LDC Section 4.10.70.02.b, the applicant describes proposed compensating benefits on page 17 and 18 of the application. One of the compensating benefits proposed by the applicant is a "wide pedestrian sidewalk with colored and stamped decorative paving." LDC Section 4.10.70.03.a.5 requires pedestrian crossings through parking lots to be clearly marked with contrasting paving materials. The applicant proposes to meet this requirement while also proposing to raise crossings along the pedestrian access routes and through the drive-through (identified as Key Note #20 on Drawing A-1.0, the Site Plan). The applicant proposes to extend colored and stamped decorative paving beyond pedestrian crossings in some locations (see Key Note #19 on the Site Plan). However, the applicant's site plan does not show the precise location of enhanced ornamental sidewalk treatments. Furthermore, staff note that the pedestrian access to Building 5 tenant spaces is measured along the northern pedestrian access route, but the Site Plan does not show colored and stamped decorative paving along the northern pedestrian access route, except where required for pedestrian crossings.

Based on this information, staff find that an additional condition of approval and an associated drawing is needed to delineate the precise location of enhanced ornamental sidewalk treatments. Additionally, staff find that the proposed compensating benefit to provide colored and stamped decorative paving should include extending enhanced ornamental paving (Key Note #19) along the entirety of the pedestrian access route to Building 5 tenant spaces, outside of areas identified as "decorative walkway paving

raised crossings” (Key Note #20) and “decorative plaza area paving” (Key Note #2). Staff recommend **Condition #24**, which would require colored and stamped decorative paving along the pedestrian access route to Building 5 tenant spaces and establish the minimum areas in which the proposed paving treatments are required (see **Attachment A**).

Additionally, as noted in the staff report, not all of the compensating benefits proposed by the applicant exceed Land Development Code requirements. The applicant also lists amongst proposed compensating benefits wide sidewalks along building frontages and awnings for weather protection. Staff find that weather protection is required per LDC Section 4.10.70.03.a.2 and LDC Section 4.10.70.05.a.1.a. Additionally, staff find that the applicant has proposed wider sidewalks along building frontages as one of three pedestrian amenities required per LDC Section 4.10.70.05.a.2. Proposed and conditioned compensating benefits found to comply with Major LDO review criteria are listed in **Condition #24**.

#### **Additional Condition Proposed:**

##### *Condition #24 - Compensating Benefits for Variation:*

*Proposed compensating benefits are discussed on pages 17 and 18 of the application. Staff findings regarding compensating benefits for the Major LDO request are located on page 44 of the staff report. The following compensating benefits are proposed, as depicted on Drawing A-1.0, and shall be provided:*

- *A 7.5-ft. wide pathway for the southern pedestrian access route, which is 50% greater than the minimum requirement sidewalk width (5 ft.)*
- *Enhanced ornamental sidewalk treatments (integral colored and stamped concrete)*
- *Raised pedestrian crossings in the parking lot along the pedestrian access routes and through the drive-through*
- *A bench located along the northern and southern pedestrian access routes, in addition to bench seating proposed within the pedestrian plaza*

*Additionally, the applicant shall construct decorative walkways, consisting of integral colored and stamped concrete, shown as Note 19 on the applicant’s site plan (Drawing A-1.0), in at least the locations depicted on “**Attachment A - Location of Decorative Walkway Paving.**” The applicant may provide decorative walkway paving that exceeds the areas depicted on **Attachment A**.*

#### **Attachment:**

- **“Attachment A”** - Location of Decorative Walkway Paving Drawing, Corresponding to Condition #24





## MEMORANDUM

**DATE:** August 5, 2015

**TO:** Planning Commission

**FROM:** Amber Bell, Assistant Planner

**SUBJECT:** Revised Recommended Motion for Major LDO  
(Riverbend Square - CDP15-00001/LDO15-00002)

---

In a separate staff memorandum to the Planning Commission dated July 31, 2015, staff recommend the addition of **Condition #24** to further address compensating benefit requirements for the Riverbend Square Major Lot Development Option. To reflect this, staff have revised the recommended motion for the Major Lot Development Option. This revised motion and the recommended motion for the Conditional Development request are provided below:

### Staff Recommended Motions

I move to approve the requested Conditional Development (CDP15-00001). My motion is based on the analysis and findings in the staff report presented for the August 5, 2015 Planning Commission meeting, and on the Planning Commission's discussion and findings made during deliberations on the matter.

I move to approve the requested Major Lot Development Option (LDO15-00002) and to add Condition of Approval #24. My motion is based on the analysis and findings in the staff report presented for the August 5, 2015 Planning Commission meeting, the Staff Memorandum dated July 31, 2015, and on the Planning Commission's discussion and findings made during deliberations on the matter.