



## CITY OF LAKE OSWEGO Development Review Commission Minutes Monday, May 20, 2019

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The Commissioners convened at 7:01 PM in the Council Chamber of City Hall, 380 A Avenue.

Members present: Chair David Poulson, Vice Chair Brent Ahrend, Jeff Shearer, Kirk Smith (arrived at 7:10 PM, during LU 19-0009 findings), Jason Frankel, and Randy Arthur

Staff present: Jessica Numanoglu, Planning Manager; Evan Boone, Deputy City Attorney; and Kat Kluge, Administrative Support

### COUNCIL UPDATE

Councilor John LaMotte updated the members on recent City Council activity: “D” Ave. project is complete w/ ribbon-cutting ceremony and block party on May 22, 2019 at 4:00pm; applications for Boards and Commissions accepted through May 31, 2019, with interviews on June 8, 2019; City Manager interviews going forward, with selection-goal by July 1, 2019; tree-permitting activity review; review/approval of construction bid of \$21,000,000 for Boones Ferry Road, with construction beginning next month; acquisition of easement through two (2) houses on Furnace Street, to finally connect the Riverfront Trail; 2019 pavement restoration projects review, with a budget of \$2,300,000; formalizing the Diversity, Equity and Inclusion Task Force through an application process in the next few weeks; Alder Creek canoe and kayak rental being moved to George Rogers Park; Lake Oswego Redevelopment Agency (LORA) Board will be looking at \$8,000,000 funding approval for City Hall’s prep work (demolition, foundation, site prep) on May 21, 2019; and looking at a change in the agreement w/ Block 138 (Lakeview Village), adding commercial services on State Street, as allowed on Windward.

### MINUTES

March 4, 2019:

Commissioner Arthur referred to a red-line version of the draft minutes with his edits.

Commissioner Shearer **moved** to approve the Minutes for March 4, 2019, as amended by Commissioner Arthur. **Seconded** by Commissioner Frankel and **passed 4:0**, with one abstention.

April 1, 2019: Review of these minutes is moved to June 3, 2019.

April 15, 2019:

Commissioner Arthur referred to a red-line version of the draft minutes with his edits.

Vice Chair Ahrend **moved** to approve the Minutes for April 15, 2019, as amended by

Commissioner Arthur. **Seconded** by Commissioner Frankel and **passed 5:0**.

May 6, 2019:

Chair Poulson noted that he saw red-line revisions. Commissioner Arthur affirmed previously suggested edits. Vice Chair Ahrend clarified changes on the top of page 4, in the discussion about seeing cars parked in the right-of-way of Percy Street, stating that would be the Maple Street right-of-way (as Percy Street runs north/south, while Maple Street runs east/west). Jessica Numanoglu, Planning Manager, needed a moment to look that up, but stated she believed Vice Chair Ahrend was right.

Vice Chair Ahrend **moved** to approve the Minutes for May 6, 2019, as amended, pending the confirmation by Ms. Numanoglu. **Seconded** by Commissioner Shearer and **passed 4:0**, with one abstention. Ms. Numanoglu later confirmed it should be Maple Street and that staff would make that correction.

## FINDINGS

LU 19-0009, a request for approval of

- Major alteration to a Historic Resource (the existing garage for the Dr. Walter Black House);
- Construction on a site with a Historic Resource (a new 2-car garage); and,
- A major variance to reduce the 25-foot front yard setback to three feet along the Maple St. frontage for the new garage.

This site is located at 1125 Maple Street (Tax Id: 21E10CA03800). The staff coordinator is Johanna Hastay, Senior Planner

Vice Chair Ahrend **moved** to approve the written Findings, Conclusion, and Order of LU 19-0009 as drafted. **Seconded** by Commissioner Shearer and **passed 4:0**, with two abstentions.

## PUBLIC HEARING

**LU 19-0011**, a request for approval of a modification to an approved Development Permit (DR 15-95) to construct a loading area canopy and covered detached greenhouse and outdoor sales area for a farm and garden store.

This site is located at 17711 Jean Way and 5955 Jean Road (Tax Id: 21E18BD02402; 21E18BD02600). The staff coordinator is Ellen Davis, Associate Planner.

Mr. Boone, Deputy City Attorney, gave an overview of the public hearing process.

Mr. Boone asked DRC members to declare any ex parte contacts (including site visits), biases, or financial conflicts and their business/employment. All DRC members present declared they have no ex parte contacts (other than listed site visits), conflicts of interests, and no bias. Commissioner Arthur stated that he previously served on the Planning Commission with fellow Commissioner Todd Prager, who supplied an arborist report. Chair Poulson has been to the site many times, but not in conjunction with this application. Vice Chair Ahrend noted that his employer designed the original building for "Nature's", back in the 1990's, and he had a very limited role in that project, and he is very familiar with the site, but has not made a specific site visit for this application. Commissioner Shearer had visited the site a couple of times and used to live in the neighborhood. Commissioner Smith had visited the site many times, but not for this application. There were no challenges to Commissioners' rights to consider the application.

## Staff Report

Jessica Numanoglu, Planning Manager, presented the staff report for Ellen Davis, Associate Planner, who was on vacation.

The northern portion of the site is zoned General Commercial (GC), while the southern portion is zoned Industrial Park (IP). This is a consolidated lot, and is approximately two acres in size; located in the Southwest Overlay District. There are 60 trees on the site that are six-inches in diameter or greater. Surrounding areas are mainly zoned IP to the southeast and west, and some GC located to the north.

The proposal before them tonight is for retail use. There was a grocery store located at the site previously, while this is a farm and garden center. The Applicant is proposing a new covered greenhouse (along the frontage of Boones Ferry Road), a new loading canopy (on the front façade, facing Jean Way), and to convert some parking area to an uncovered outdoor sales area (that will have a fence around it, but otherwise, be unenclosed). Ms. Numanoglu noted that on page 7 of the staff report, under the “Uses” discussion, it incorrectly stated the size as 30,314 square-feet of retail use, rather than the correct size of 43,425 square-feet (found on page 13 of the report, under the “Parking Standard”). Under the GC zoning for this area, up to 45,000-square-feet is allowed; therefore, the use does comply with that limitation.

The uncovered outdoor sales area, which is located in the IP zoned portion of the site, is a little more complicated. The “Use Table” states that retail use, between 10,000 and 20,000-square-feet of gross floor area, is allowed as a conditional use; however, an open sales area does not have gross floor area (as that requires an enclosed space per the definition). Uncovered sales areas are not covered in the “Use Table” for IP zoning. Staff’s interpretation is that it is a similar use to retail, found under provision “50.03.002.1g”; allowable with similar intensity, density, off-site impacts, and impacts on community facilities, as permitted in the zone. In this case, the outdoor sales area is accessory to the main retail use on the site, which is permitted outright, under the GC zone. Accessory retail sales is an outright permitted use in the IP zone, provided it is limited to 25 percent of gross floor area (but again, there is no gross floor area for an uncovered sales area) and not to exceed 5,000 square-feet per business. Staff finds the accessory use is not greater than 25 percent of the gross floor area, as it has zero gross floor area; therefore, under the “Similar Use” analysis, staff does find that it complies with this standard.

Moving to the Southwest Overlay District (SOD) standards; it applies to any addition that is 300 square-feet in size, or greater. The proposed loading canopy, shown on the east elevation, is 665 square-feet, so the SOD standards apply. This building preceded the SOD, so is non-conforming in many ways, and that is ok, as long as any new addition does not increase the degree of non-conformity. The staff report has a detailed discussion of all the different standards and many of them do not apply because they do not increase the degree of non-conformity. Ms. Numanoglu wanted to highlight the “Gateway Treatment” standard, as a version of it was in effect when the building was originally constructed and that standard was largely maintained when the SOD standards were created. It requires a “Gateway Treatment” at the Jean Way/Boones Ferry Road intersection to create a visual identity for vehicles and pedestrians entering the district and the city; composed of architectural details, signage and landscaping that creates strong identity and a visual landmark. The Applicant is proposing to refresh and expand the existing mural along the north elevation, which would be a strong “Gateway” element; and also, build the outdoor sales area with a saw-tooth-patterned black wrought iron fence, steel columns, and a heavy-timber roof structure, mimicking the feel of the existing building. Staff finds that these, along with the new trees to be planted along the frontage, will create a strong gateway identity.

The site plan currently shows a loss of about 40 parking spaces, due to the addition of the loading canopy and to the conversion of a portion of the parking lot to an outdoor sales area (the only improvement to that area being the addition of a perimeter fence). Based on the size of the building, there are 110 parking spaces that are required; however, after the conversion, there would only be 95 spaces available. As a Condition of Approval [A(1)(a)], staff recommends requiring the applicant to submit a revised site plan to add back in 15 parking spaces, which would be reviewed by staff to assure conformance with the dimensional parking requirements. Some existing parking spaces are non-conforming to the aisle width and depth and the Applicant is allowed to maintain that as long as the degree of nonconformity is not increased. In a separate Condition of Approval, staff recommends a minimum 5-foot clearance be maintained between the fire hydrant and vaults and the proposed perimeter fence, which was brought to the attention of staff by Vice Chair Ahrend earlier that day.

The proposal includes the removal of nine trees: six of which are Douglas firs (10 to 17 inches in diameter), two apple (six and seven inches in diameter), and one pear (seven inches in diameter). Four other trees under six inches in diameter require no permit for removal. The arborist stated in their materials there was no anticipated impact on erosion, soil stability or surface waters because the area is basically flat. There will be trees remaining on the perimeter of the site and additional trees will be added. Staff finds there will not be a significant impact to nearby trees or wind-breaks. There is only one tree requested for removal that is over 15 inches in diameter, which is a 17inch fir. It is healthy, so is eligible to be a significant tree, but staff finds it is not significant due to species, size, character, or location (not prominent). None of the trees are considered significant because they do not provide a screening between dissimilar zoning districts, and no more than one-third of the existing stand of trees is proposed for removal. Staff concluded, per the criteria, there is not a significant negative impact on the character or aesthetics of the neighborhood. Ms. Numanoglu noted that of the nine trees being removed, six are native trees, so six native mitigation trees are required to be planted [Condition A(6)].

In conclusion, staff recommended approval subject to the conditions listed on pages 1-3 of the staff report, with the following revisions and additions: delete Conditions A(2) and C(2), as 21 percent of the site will be provided in open space and landscaping, as seen in Exhibit E-005; and add a condition prohibiting the existing vault, riser and fire hydrant from being enclosed in the proposed new fencing, with a minimum five-foot clearance required, to the satisfaction of the City Engineer.

Ms. Numanoglu noted that the applicant has brought several of their consultants to the hearing and would be available to answer questions during the applicant's presentation.

## **Questions of Staff**

Vice Chair Ahrend inquired whether the original application included a Conditional Use for the retail parking in the IP zone. Ms. Numanoglu responded that she was unable to find an inclusion of any Conditional Use addressed in the original application; and she also looked at the code in effect at the time and it didn't list parking as a sole permitted use on that site. Vice Chair Ahrend then asked if the "Similar Use" code refers to being in the IP or in the GC zone. Ms. Numanoglu stated that is where it comes down to being an accessory use to the main use on the consolidated site, so as an accessory use, it would be allowed, as the code does not cover every possible accessory use. Vice Chair Ahrend inquired whether the City would be likely to approve full parking in the IP zone and a building in the GC zone, when other property zones are adjacent to each other. Ms. Numanoglu noted that this was staffs' interpretation for a "Similar Use" analysis and it was difficult as there is no enclosed retail space, so it doesn't fit into the gross floor area provision. Vice Chair Ahrend asked if the right-of-way, that appears to extend into the sidewalk at the corner of Jean Way and Jean Road, actually does extend that far. Ms.

Numanoglu answered that the existing curb does extend onto private property, but because the proposed use doesn't increase trips, there is no nexus to require street improvements or right-of-way dedication; however, there is an easement that covers it.

Chair Poulson inquired why the uncovered retail area was not considered for the parking standards. Ms. Numanoglu responded that parking requirements are based on the gross floor area of a building and that an uncovered retail area and outdoor garden center do not have gross floor area. This is similar to outdoor patio seating for restaurants, which are not included in the gross floor area and therefore not counted in parking requirements. Chair Poulson opined that outdoor retail would attract more customers, triggering the need for more parking. Ms. Numanoglu stated that, per code, it is based on gross floor area and those outdoor areas are not counted.

## **Applicant Testimony**

Sam Bugarsky, COO of "Wilco Farmers Co-Op" and President of "Wilco Stores", thanked members for hearing the company's application and noted that the company is owned by about 3,000 farmer-members, with all proceeds going back into the business or being returned to the farmer-members. There are four business units within the company and the face of the company is the store division, having 20 retail stores in Oregon and Washington, with a goal of adding another new store every year. Mr. Bugarsky opined that Lake Oswego would fill a distribution void between the existing stores of Newburg, Oregon City, and Canby (as there is a current customer-base around the Lake Oswego area). Mr. Bugarsky stated that he lives in West Linn and had seen the vacant site; liking it, as it fit the designs of the newer-styled stores. The livestock department generally provides up to 35 to 40 percent of total sales and there are four other departments in the store: pets (including grooming and a new pet-washing station); hardware (partnered with "True Value" for paint); Western lifestyle clothing; and a garden center (such as found at "Lowe's" or "Home Depot", including live outdoor plants).

Mr. Bugarsky noted that the architect came up with a different design than the other stores, mimicking the existing saw-tooth-style gazebo. The company will be investing approximately \$2,000,000 to ready the space. The company hired an arborist due to the need to remove some trees. The proposal includes removing 13 trees, but replacing those with 14 trees and 26,000-square-feet of landscaping. The company will also hire an artist to update and extend the existing mural, with a similar "farmers' market" theme. The company will also hire 40 to 50 employees, all of whom will be fully-benefited (approximately 20 employees will work full-time). Mr. Bugarsky opined that the company is not looking at Lake Oswego as having the highest sales in the livestock department, but there will be fencing products, light tractors, and garden soil available for purchase in the outdoor areas.

## **Questions of Applicant**

Commissioner Arthur asked for clarification on the amount of total retail space (of the listed 43,000 square feet). Mr. Bugarsky answered that there would be 22,000 square feet on the retail sales floor and the rest would be for a servicing warehouse (back-stock and feed); and that is the reason for the covered drive-thru load-out area.

Vice Chair Ahrend noted that one of his concerns has been the substandard parking stalls (w/ a depth of 14 to 15 feet). Vice Chair Ahrend then asked if customers will have enough room to maneuver, given the larger vehicles that may be coming to pick up supplies. Mr. Bugarsky responded that "Wilco" is not like a grocery store, but rather, is high-ticket retail, serving 400 to 500 customers, spread out between the hours of 8:00 AM and 8:00 PM; adding that the company would prefer to have longer, wider, and drive-thru stalls. Mr. Bugarsky noted that the

company is planning a parking analysis, as other jurisdictions require fewer parking spaces and the company feels 110 spaces are more than needed (but the company will comply with the additional 15 spaces requested). Ms. Numanoglu stated that City code required 3.33 parking spaces per 1,000-square-foot of gross floor area for retail, or they could submit a parking study, but since they are not requesting a parking study at this time, they would need to submit for a modification to this application separately. Chair Poulson opined that the outdoor retail area might be converted back to parking with a different applicant down the road, so if the current number is enough for the applicant, the members should consider that. Vice Chair Ahrend restated concern over larger pickups coming in. Ms. Numanoglu noted that the Applicant could do some paint restriping if the degree of nonconformity is not increased.

Commissioner Frankel inquired why tree #66 had to be removed if it was found to be significant. Ms. Numanoglu replied that the tree was right in the footprint of the expanded gazebo. Commissioner Shearer inquired whether trees #58 and #59 had to be removed due to the two foot deep rain garden (found at Exhibit 001, page 174). Todd Prager, Project Arborist for Teragan and Associates, replied that the excavation would be very near the trunks and root-systems (which are generally very shallow), so taking a shallow amount of dirt out would impact the health and stability of the trees. Commissioner Shearer pointed to the images at L100, with the appearance of dropping one-foot in elevation from 166 to 165; and C300, without scraping into the roots until dropping to elevation 165; adding that, as a Contractor, he would like to see those trees saved, knowing the rain garden has to work. Mr. Prager responded that he would have to complete some research to see if an adjustment could be made. Andrew Rapé, Project Engineer with Brady Evans and Associates, began to answer. Mr. Boone interrupted to state the Commission has to get beyond Criteria #1 (removal of trees for development or landscaping), before the members can get through Criteria #3 (saving the trees), but it was fine to ask to see if they could do something. Commissioner Shearer apologized for interrupting, stating he must have misread the criteria for being greater than fifteen-inches in diameter. Vice Chair Ahrend inquired whether the rain garden dropped one and one-half feet. Mr. Rapé affirmed that it was elevation 166 at the top and elevation 163.5 at the bottom. Vice Chair Ahrend then asked if there was one and one-half feet at the tree base and three to four feet for sloping. Mr. Rapé affirmed and noted that is shown on section 1 of C300.

Chair Poulson inquired of Mr. Boone, whether the Applicant can take out trees for any reason. Mr. Boone responded that it has to be for landscaping or development and then the trees could be removed, as long as Criteria #1 through #6 are met. Chair Poulson then asked if they can suggest a reconfiguration. Mr. Boone answered that the Commission could suggest it, but members would be unable to impose that unless they found there was a significant negative impact to the neighborhood character. Commissioner Shearer opined it impacted the neighborhood in his view. Mr. Boone replied that Criterion #3 list the factors in determining whether the removal would have a significant negative impact. Ms. Numanoglu responded that there must be a showing that the removal would have a significant negative impact, so it is a higher bar than every tree should stay. Commissioner Shearer believed there would be a hole in the landscaping, so thought the rain garden could be moved a bit. Mr. Boone restated that one of the six factors had to be met to show a significant negative impact. Chair Poulson opined that the water quality system should be reconfigured, and would save money by not taking out the trees.

## **Public Testimony**

### *In Opposition*

Ann Savage, 17494 Hill Way, Lake Oswego, 97035, stated she was an opponent and read part of the Tree Code, stating it was in place to preserve the wooded character of Lake Oswego. She stated that there were 173 trees scheduled for removal in May, 2019 in the City, including the

nine healthy trees in this application. Ms. Savage inquired of the Commission if anyone knew how many trees per month were removed, on average. There was no response by any of the members. She pointed out that the City Council noted the importance of and celebrated Arbor Day from April 7-14, 2019. Ms. Savage appreciated the members' discussion about the trees. Vice Chair Ahrend asked how many of the 173 trees removed in May were counted as "significant". Ms. Savage answered that the report didn't state that. Vice Chair Ahrend then inquired why she felt these nine trees were "significant". Ms. Savage stated that trees #58 and #59 are significant because they are big and beautiful, with a big canopy. Commissioner Frankel noted that the only significant tree was #66 was 16" in diameter. Ms. Savage stated that students at Lakeridge Junior High protested when 18 trees were removed at the school. Vice Chair Ahrend responded that there were no citizens in attendance at that Commission meeting.

Walt Bentley, 3112 Upper Drive, Lake Oswego, 97035, stated that he has changed his mind and is now speaking as an opponent. He has lived in the area since 1980 and sees trees coming down on main roads in all four directions. He opined that Lake Oswego's image of being a "tree city" is declining, due to it all being about greed and business development, rather than the City taking pride in that title. Mr. Bentley also opined that wildlife is being impacted. He stated that Beaverton and Tigard are now like deserts, being 10 degrees hotter, and the City should start enforcing trees being preserved. Chair Poulson responded that the Commission reviews development code criteria against a given application, and that those qualitative comments are more for the City Council and Planning Commission, being responsible for adjusting existing codes. Mr. Bentley inquired about code enforcement (specifically big equipment use and moving construction fencing). Chair Poulson answered that City staff enforces the codes. Mr. Bentley stated that he doesn't want to see trees cut down in areas of Lake Grove.

Pierre Zubrinsky, 17647 Hill Way, Lake Oswego, 97035, stated that he realized, after listening to Deputy Attorney Boone's explanation, that it was a waste of time coming here in opposition, unless the City has stricter codes, and it would be better to mobilize and go to the City Council meetings. He stated there were only two denials from the 350 applications for tree removal in 2018. Mr. Zubrinsky noted that he was here tonight on the nine trees' behalf. He pointed out there was only one little sign on the site, as notification of the tree removal, and opined it should be five feet tall. He felt the applicant saw the trees as an annoyance and in the way, and would like Wilco to go back and redesign the area. Mr. Zubrinsky stated that the Commission should be thinking of the life-lines for future generations; trying to save these nine trees from being killed, as eventually, it will make a difference.

Ty Beckmann, 17500 Hill Way, Lake Oswego, 97035, stated that he moved to Lake Oswego two to three years ago because of the old growth trees and protecting the identity of the City. He opined that codes that allow for more parking versus trees shouldn't be a discussion and that what space is there is what the applicant has to deal with. Mr. Beckmann noted that he didn't know if he would be alive to see these small trees grow old, and it wasn't a fair deal.

Nancy Osborne, 1217 Laurel, Lake Oswego, 97035, visited the site today and agrees that tree #67 has a missing main leader, so should be removed; however, trees #66, #68, and #69 are healthy and have room to grow, and trees #57 and #58 have only one inch of growth before they are considered to be "significant". She opined that the architects could have looked at alternatives in order to save the trees. She stated that if those trees were gone, there would be no shade for cars stopped at the Boones Ferry Road intersection. Ms. Osborne pointed to the Oregon City and Canby "Wilco" stores having no planted trees around the parking lot (other than a few small maple trees), but needing native plants. She referred to the book "The Hidden Life of Trees", stating that groves of trees (five or more) rely on each other for stability. Ms. Osborne agreed that over 900 "Type-II" trees were taken down over the course of 2017 and 2018.

## **Applicant Rebuttal**

Todd Prager, Project Arborist, stated that he had been speaking with the applicant, Mr. Bugarsky, and they believe it may be possible to retain trees #58 and #59 by reconfiguring the rain garden; however, the other trees are in the footprint of the proposed building site and will have to be removed.

Commissioner Shearer inquired if customers would through drive on Jean Rd. to the accessory lot. Mr. Bugarsky responded customers would drive in from the parking lot and out onto Jean Rd.

Mr. Bugarsky stated he had one final comment, that being that he appreciated everyone's comments about the trees and appreciated the business of those who shop in the company's stores now; adding that the company did not go into the project trying to remove trees, rather, taking out only what they had to, in order for the space needed for the outdoor sales area.

Commissioner Shearer commented that this Commission interprets the rules given to them and if citizens do not like these rules, they are coming in late and should be going in front of the City Council to be involved. Commissioner Shearer opined that the applicant wants to be a good steward of the property and stated that the applicant should be commended for listening to the citizens and willing to make changes in order to save the trees.

Chair Poulson closed the public hearing at 8:48 PM.

## **Deliberation**

Mr. Boone informed members that they may proceed to deliberations unless the applicant would like to present further evidence or submit a final written rebuttal. Applicant declined.

Commissioner Arthur asked Mr. Boone to go over the tree removal criteria. Mr. Boone listed the following criteria: "significant" defined as healthy, non-invasive, and over 15 inches in diameter; alteration to the skyline within 300 feet; visual screen between dissimilar zones; street tree; or 50% of a "stand" removed. Then you would look at exceptions of damage to structures or no other reasonable alternative. Commissioner Arthur inquired if the skyline alteration was an independent criterion. Mr. Boone affirmed it was an alternative to the 15-inch criterion. Commissioner Arthur noted that a review of the Community Development code with the Tree code was not authorized by the City Council at the end of 2017, as requested by the Planning Commission.

Chair Poulson inquired what qualified as a "street tree". Mr. Boone answered that it was a tree with a one and one-half-inch or larger diameter base in the right-of-way or public easement. Chair Poulson then asked if all trees under consideration were outside of the right-of-way. Mr. Boone affirmed that was the finding of staff.

Vice Chair Ahrend inquired whether all trees were planted at the time of the original application. Ms. Numanoglu replied that she assumes so, as landscaping was required at that time, but she didn't go through and match it per tree. Vice Chair Ahrend stated he didn't believe that corner in question was as treed when originally developed 25-years ago.

Vice Chair Ahrend noted that the Commission was able to save a couple of trees at the Junior High School and a number of trees at the townhome site on Boones Ferry Road; also stating that the applicant is not removing 51 trees here, and there is mitigation for the nine that are being removed, with staff analysis finding there are no "significant" trees. Vice Chair Ahrend noted there were discrepancies with the tree sizes, so he will look at the tree plan for the correct sizes.

Vice Chair Ahrend inquired whether the application would require a modification or Conditional Use permit if a parking study was submitted, given the grandfathered retail use (willing to approve, as is, at this time). Mr. Boone answered that members would be voting to approve the application as-is, then the applicant would come back with a modification to the application. Ms. Numanoglu added that it would be at the discretion of City staff whether to review it or refer it to the Commission. Chair Poulson pointed to a reduction of the outdoor sales or landscaping areas as a means to increase parking. Mr. Boone stated that the Commission could require a parking study as a condition of approval. Vice Chair Ahrend asked if there was a way to avoid the modification process. Mr. Boone responded there wasn't, but there could be a staff-level review for the modification instead of a DRC review.

Commissioner Smith stated he was encouraged by the applicant's willingness to possibly reconfigure the rain garden in order to save the trees, given the minor irony that the company sells fertilizer, trees and garden supplies.

Mr. Boone restated the procedures would not require the applicant to use the full authority of approval, so they don't have to remove all the trees they were approved for. Chair Poulson acknowledged that the Commission is unable to introduce new evidence for redesign. Mr. Boone agreed that staff was in the same situation when the application criteria are met. Commissioner Shearer stated that he hopes Wilco will follow the recommendations given.

## Decision

Vice Chair Ahrend **moved** to approve LU 19-0011, as conditioned. **Seconded** by Commissioner Smith and **passed 6:0**.

Mr. Boone asked that the tentative decision and written findings be brought back to the Commission on **June 3, 2019 at 7:00 PM** (changed to 6:00 PM, per discussion below).

## OTHER BUSINESS

### Schedule Review and Management Update

Jessica Numanoglu, Planning Manager, updated DRC members about upcoming meetings:

*June 3, 2019:* There is no other business scheduled, besides adopting findings for LU 19-0011, so the Commission may start the meeting at 6:00 PM, if members so choose. Chair Poulson is unavailable, as he is leaving town the next day. Commissioner Smith stated it would be difficult for him to arrive by 6:00 PM. Ms. Numanoglu responded that he could participate by phone.

*June 17, 2019:* There are one to two hearings possible, based on applications that are in-process.

## ADJOURNMENT

Chair Poulson adjourned the meeting at 9:12 PM.

Respectfully submitted,

/s/

Kat Kluge  
Administrative Support