



APPROVED

CITY OF LAKE OSWEGO
Development Review Commission Minutes
Monday, March 17, 2014

CALL TO ORDER / ROLL CALL

Chair Don Richards called the meeting to order at 7:00 p.m. in the Council Chambers of City Hall, 380 A Avenue.

Members present: Chair Don Richards, Vice Chair Gregg Creighton, Brent Ahrend, Ann Johnson, and Frank Rossi. Bob Needham and David Poulson were not present.

Staff present: Hamid Pishvaie, Assistant Planning Director; LU 14-0008: Jessica Numanoglu, Senior Planner; Leslie Hamilton, Senior Planner; Evan Boone, Deputy City Attorney; and Janice Reynolds, Administrative Support

MINUTES

Ms. Johnson **moved** to approve Minutes of January 22, 2014 as corrected by Mr. Ahrend. Mr. Ahrend **seconded** the motion and it **passed** 4:0:1. Mr. Rossi abstained.

FINDINGS

LU 14-0008: Second annual review of the Traffic Monitoring and Maintenance Plan for Our Lady of the Lake Parish (required per LU 09-0029). The site is located at: 650 A Avenue (Tax Lot 8700 of Tax Map 21E 03CD and Tax Lots 13500, 13600, & 13700 of Tax Map 21E 03DC).

Vice Chair Creighton **moved** to approve LU 14-0008-1836 Findings, Conclusions and Order. Ms. Johnson **seconded** the motion and it **passed** 3:0:2. Mr. Rossi and Mr. Ahrend abstained.

PUBLIC HEARINGS

LU 13-0025: An appeal of the staff decision approving a request by (add name of the applicant) for exceptions to the R-7.5 zone requirements, listed below, through the Residential Infill Design Review (RID) process. The applicant is requesting the following exceptions in order to construct additions to the existing single-family dwelling and to raise the roof of the existing detached carport:

- Reduce the side yard setback for the detached carport from 10 feet to zero;
- Reduce the rear yard setback for the dwelling from 30 feet to 9'-9";
- Reduce the Oswego Lake setback for the dwelling from 25 feet to 9'-9";
- Reduce the combined 15-foot side yard setback for the dwelling to 11'-10"; and,
- Increase the maximum lot coverage from 25% to 47.8%.

The site is located at: 1227 Lake Front Road (Tax Lot 400 of Tax Map 2 1E 10CA). Continued from March 3, 2014 for deliberations only.

Chair Richards opened the hearing. Mr. Rossi reported that he had reviewed the record. Mr. Ahrend and Vice Chair Creighton each reported making an additional site visit. No one challenged the ability of any Commissioner to decide the matter.

Deliberations

Mr. Rossi indicated at this point he did not feel the application met the criteria but he was interested in hearing from the Commissioners who had visited the site. Mr. Ahrend observed the site was smaller than a typical R-7.5 lot and the home currently extended over some setback requirements. If someone built a new home there it would have to be tall and skinny in order to meet all of the requirements. He thought a new home could go to three stories and it would reduce the view of the lake from the road. He noted the applicants' proposal was not going to impact the view, except perhaps the neighbor's view towards the side, so what they proposed was a reasonable trade-off to building upwards and reducing the view from the street. Even though they were getting pretty close to the lake a lot of homes were that way so it was not out of character. He indicated this was an acceptable solution he was willing to vote for it.

Vice Chair Creighton related he had driven as far up the street as possible looking at the houses, particularly the ones on the lake side. The entire neighborhood was substantially nonconforming, since sometimes half a dozen ways homes were not meeting Code related to height, setback, lot coverage, etc. This home was a classic example. His said his opinion was to the project had to meet the Code and not make the dwelling any larger. The lot coverage was already way over 46% now and they wanted to go to 47%. He indicated that he believed there was a solution to it that required none of the exceptions, but he was willing to agree to the ones on the front of the dwelling. He did not feel good about the 3-foot extension on the second level that encroached further toward the lake. He said he had re-evaluated the view situation and felt that was a very minor issue.

Ms. Johnson indicated she would approve the application as proposed. She did not feel the 3-foot extension of the deck severely impacted the neighbors on either side. There were so many neighbors who were nonconforming to the lake setback that she did not see that the 3-foot extension seriously interfered with the view from anyone's vantage point. She said the front improvements improved the look of the house.

Chair Richards said he had looked at the plans again. His agreed there were already issues with encroachment into the lake setback around the lake. Because it was more the norm than not the applicant was asking to do basically the same thing as all of the other homeowners around them so the proposal was not out of character with the neighborhood. He indicated he would not hold up approval of the application because of the 3-foot encroachment because it was literally hanging out in the air and not physically taking up more ground; and, because the design would allow for more outdoor living space being brought indoors into a fairly small house.

Mr. Ahrend **moved to approve LU 13-0025** with the conditions recommended by staff. Ms. Johnson **seconded** the motion and it **passed** 3:2. Vice Chair Creighton and Mr. Rossi voted against. Mr. Boone announced the vote on the findings would be on April 6 or 7. Chair Richards left the meeting after asking Vice Chair Creighton to take over duties of chair.

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LU 14-0004: The applicant is requesting approval of a modification of a Development Review Permit (DR 6-88 (Mod 5-98)/SD 24-88/VAR 17-88) for an exterior remodel of the Oswego Village Shopping Center. The site is located at: 27 S State Street (Tax Lots 4300, 4900, and 5100 of Tax Map 21E 10AA).

Vice Chair Creighton opened the public hearing. Vice Chair Creighton reported a site visit. Mr. Ahrend related he worked on projects with the applicant's architect. No one challenged the ability of any of the Commissioners to hear the matter.

Staff Report

Ms. Numanoglu described how the applicant proposed to remodel the exteriors of three buildings in the Oswego Village Shopping Center (see Exhibit E-13). The types and extent of proposed changes meant the proposal was not subject to the East End Redevelopment District standards. Staff found that the proposal met the applicable Building Design standards. The proposed removal of the existing blue awnings and panels and replacing them with more substantial, higher-quality, materials (including steel canopies, wood soffits, and open grid wood frames for signs) and the proposed paint colors would make the buildings blend in better with existing buildings, including Albertsons, Starbucks and the Lake Theater. Staff found the proposal met the criteria because the proposed materials and colors were complementary to nearby structures of good design and complementary to the building on which they were located. Staff recommended approval subject to the conditions of approval listed in the staff report, including a condition calling for the applicant to remove or reface nonconforming signs on the clock tower so they were complementary to the remodeled buildings.

Questions of Staff

Staff clarified that refaced signs on the clock tower would be subject to limited staff review to ensure the colors were complementary. She clarified that staff would allow the existing blue awnings on the Leonard Street façade of Building 1 to remain because people could not see that facade at the same time as they viewed all of the other buildings because of the topography.

Applicant

Patrick Tiland, and Scott Sutton, Tiland Schmidt Architects, PC, 3611 SW Hood, Ste. 200, Portland, Oregon (97239), represented the applicant. They proposed to keep the existing red brick and update the center by replacing the existing blue awnings with a steel frame wrapped around a wood soffit and repainting using warm shades of gray. They showed an example of the wood color and quality. They would lighten up the office level by removing the blue awnings on the upper levels and use fins to shade the upper spaces from too much sunlight. They agreed to the condition of approval related to the clock tower and were willing to work with staff to make it consistent with the remodel.

Questions of Applicant

The applicant's representatives clarified they would remove the existing signage on the front edge of the arcades of Buildings 1 and 2 and use a nicer looking metal grid there for signage. Soffits would be stained wood. The canopy on the roof of Building 3 would be removed and they would give the parapet the same panel and trim style as the other buildings. There was no other public testimony.

Deliberations

Mr. Ahrend and Mr. Rossi each indicated he supported the application because it was an improvement. Vice Chair Creighton characterized it as a very minor facelift. He liked the steel grid and the look of the new soffit.

Ms. Johnson **moved to approve LU 14-0004**. Mr. Rossi **seconded** the motion and it **passed** 4:0. The vote on the findings was scheduled on April 7, 2014.

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LU 13-0063: An appeal of the staff decision to approve a request (add name of the applicant) for minor variances to the maximum retaining wall height and to the combined height of a retaining wall and fence in order to construct a 14-foot high retaining wall with a 6-foot fence along the property line, and the removal of eight trees. The site is located at: 1899 Woodland Terrace, (Tax Lot 3800 of Tax Map 21E 09CD).

Staff reported the applicant was asking for a 90-day continuance. Mr. Ahrend **moved to continue** LU 13-0063 to June 16, 2014. Ms. Johnson **seconded** the motion and it **passed** 4:0.

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LU 14-0001: The applicant is requesting approval of the following: A Development Review Permit to construct additional fixed seating, stadium cover, press box, and a team/concessions building:

- A Conditional Use Permit modification [LU 99-0028 (AP 00-01), LU 08-0007] to increase the number of fixed stadium seating on the site
- A hardship variance to the Building Orientation Standard to locate the team/concession building more than 30 feet from a public street [LOC 50.06.001.5.g.ii]
- Multiple sign variances to the number, size, height and type of allowed signage.

The applicant is also requesting approval to remove 15 trees to accommodate the development. The site is located at: 1235 Overlook Drive, (Tax Lot 100 of Tax Map 21E 16).

At this time the Commission was also to review SV 14-0001 request for sign variances.

Vice Chair Creighton opened the public hearing. He and Mr. Ahrend each reported making a site visit. No one challenged any Commissioner's ability to hear the application

Staff Report

Ms. Hamilton offered an overview and highlighted aspects of the staff report. The land use-related decisions were related to the design of the structures, circulation and fencing; a hardship variance to allow the team/concessions building to be farther away from a public street than the Code required; and allowing modifications to two previous Conditional Use Permit approvals in 2002 and 2008. The sign code-related decision related to multiple sign variances.

Staff found the press box, stadium cover and team/concessions building could meet Building Design standards with two conditions of approval calling for extending roof top mechanical screening so the equipment was not visible to spectators; and providing proportionally similar trim on the team/concessions building as was on the stadium. Staff recommended approval of the hardship variance because it met the applicable criteria. They pointed out that locating the building within 30' of one of the public streets, as the Code required, would impact site circulation, access and parking and put the use closer to residential uses. In the proposed location there would be no increase in impacts and that location offered optimum accessibility to those it would serve. The applicant was asking for exception to PF zone lighting standards. The Code offered two options for addressing exceptions: prescriptive standards and performance standards. They had opted to use prescriptive standards but had not met one that required lights on the stadium to be at 18' height. They proposed to put them at 25'. Staff advised it was likely they could meet the performance standards and recommended a condition of approval that the lighting either be lowered to 18' or that the applicant show the performance standard was met.

The applicant had declined to provide staff with an updated traffic report, contending that there had been three annual reviews of the parking management program that had illustrated sufficient compliance and that no further analysis was necessary. Staff had asked for the updated report so they could address the proposed 83% increase in permanent seating, the increase to year-round capacity and potential impacts on the neighborhood. Based on the previous reviews they agreed that the parking management program worked for large events at the stadium. They recommended that a diminimus increase in large events (to three) could occur outside of football season provided that the parking program was instituted for those events. They clarified that 'large events' were playoff events or tournaments. With that staff found the stadium size could be made reasonable compatible with the neighborhood. Staff recommended approval of land use application LU 14-0001 subject to the conditions of approval in the staff report.

Staff recommended denial of all three sign variances. The applicant was asking to be permitted to use signs that did not conform to PF Zone sign requirements. They proposed to have a pole sign at the entrance to the field which was a type specifically prohibited in that zone. They also proposed to have two wall signs and a sign on the stadium that were larger than the largest sign permitted in the PF Zone, which was 36 s.f. The applicant had argued that some signs that were not visible to vehicular traffic were not 'Signs' subject to regulation. Staff found they were regulated, citing the Code definition of 'Sign', and advising that not being visible to vehicular traffic was not a criterion for exemption from the Sign Code. In regard to pole and wall signs the applicant argued that strict application of the Code denied them a reasonable opportunity to communicate because of an unusual or unique circumstance with the property; the proposed sign would not affect the surrounding neighborhood in a manner inconsistent with the Code; and the degree of the variance was limited to that reasonable necessary to alleviate the unique circumstance. They held the pole sign should be allowed because the entrance to the field was not readily visible from Outlook Drive. Staff believed they had alternative opportunities to have signs that met the Code that would identify and direct people to the entrance, such as a monument sign similar to the one for the school's performing arts center. In regard to wall signs staff found the applicant did not identify what the communication hardship was, and in addition, they could not find that a 576 s.f. wall sign was the minimum size necessary to alleviate a hardship.

Questions of Staff

Ms. Hamilton clarified that the current requirement for offsite parking and shuttles only applied to football games, not other events that might exceed onsite parking capacity. The light fixtures on the back of the stadium building facing the existing buildings were proposed to be 25' high. The recommended condition was to either lower them to 18' to meet the prescriptive standard or demonstrate they met the performance standard. Staff believed it would be relatively easy for the applicant to meet the performance standard related to lighting levels at all property lines and the percentage of direct up-light lumens because the stadium was in the middle of a large property.

Applicant

Stuart Ketzler, 1838 Barnes Cir., West Linn, Oregon 97068, Executive Director of Finance, Lake Oswego School District; Jennifer Schiele, 2981 Beacon Hill Dr., West Linn, Oregon 97068, Principal, Lakeridge High School; and Rob Dreier, 1515 Cloverleaf Rd., Director of Facility Operations, Lake Oswego School District; represented the applicant. Mr. Ketzler related that the applicant would use a phased approach as funding became available. The initial project was 600 more seats, the stadium cover, and a press box. He pointed out they had reduced the size of the Pacer field sign on the front of the press box to 32 s.f. and no longer needed a variance for its size. He noted it was the sign that was most visible to the public at large. 'Home of the Pacers' conveyed a sense of place and pride. It was large because they were incorporating it as part of the standard-sized CMU wall. It would really only be viewable as one approached the backside of the stadium. They did not believe it would be an eyesore or impact any neighbors' sightlines except for the Stafford retirement community. Mr. Ketzler indicated the entrance sign identified where the primary entrance to the stadium was. It was technically a 'pole sign' because it was on two columns. The applicant did not think using a monument sign instead would have the same presence as people approached the site. Landscaping and other features on the property obscured the proposed sign from all but the Stafford retirement community and a few locations along Overlook Drive. The applicant did not believe it would be an eyesore in the community. However, he showed an alternative sign that the applicant proposed for the Commission to consider if the Commission did not find the proposed sign acceptable. He noted it had a roof and would likely be more observable than the proposed sign. He clarified the applicant was now only asking for two sign variances. Ms. Hamilton advised that pole signs were not allowed in the zone. An alternative was to have a structure such as a ticket booth, instead of the sign. The applicant's representatives noted that no negative public comments had been submitted regarding a variance for the proposed sign. They clarified the location of the main entrance and that there was no sign there now.

The applicant's representatives indicated the applicant did not feel they had to do a traffic study because they were informed by their experience with their Lake Oswego High School stadium. It had a cover and about the same seating capacity as they were proposing at Lakeridge, and that high school had about 50 fewer onsite parking spaces than Lakeridge did. It typically did not draw more than 1,000 participants and they could typically accommodate parking for events such as civil war games and double headers on site. That was why they believed Lakeridge could accommodate parking onsite after the proposed improvements. He said they could agree to the staff-recommended condition in regard to diminimus impact that limited them to three large events if 'large' was defined. They suggested 'large' was 1,200 or more participants, and 'participants' included players and spectators. He explained that the applicant worked to ensure field activity by many user groups was compatible with the neighborhood. Not all of the groups were school district groups, so it was not always perfect, but they always tried to improve.

The applicant's representatives confirmed that Lake Oswego High School had a large 'Home of the Lakers' sign painted on the back wall of their stadium. The Lakeridge sign would be colored enamel on CMU block in a design that was complementary to the existing gym. They explained the applicant wanted to only address the removal and replanting of trees that was necessary for the phase they were in so mitigation trees would not be in the way of grading. They submitted a letter from their landscape architect recommending planting Western red cedar. They also wanted to install additional permanent seats and reduce temporary seating proportionally and in phases. They suggested related language. They explained why the staff-recommended condition calling for 4-inch trim around all doors and windows was not appropriate in some circumstances. They wanted to have their architect to design the trim.

Mr. Boone pointed out a letter in Exhibit G-200 included a request to continue the hearing to allow the public 30 days to provide comment concerning an incomplete statement. He advised that a statutory request for continuance (for any reason) had to be granted; it had to be for at least seven days; and staff did not recommend extending it for 30 days because that would jeopardize meeting the 120-day rule.

Vice Chair Creighton **moved** to continue LU 14-0001 to April 7; keep the record open to only written testimony until March 24, 2014, at 5:00 p.m.; and receive rebuttal information until March 31 5:00 p.m. Mr. Rossi **seconded** the motion and it **passed** 4:0.

GENERAL PLANNING AND OTHER BUSINESS

None.

ADJOURNMENT

There being no other business Vice Chair Creighton adjourned the meeting at approximately 8:57 p.m.

Respectfully submitted,

Janice Reynolds /s/

Janice Reynolds
Administrative Support