

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: AN APPEAL OF THE PLANNING COMMISSION'S DECISIONS TO APPROVE HERZOG MEIER EXPANSION (DR 2020-0079 AND SDM 2020-0007), APP 2021-0002 AND APP 2021-0003

FOR AGENDA OF: 09-07-21 **BILL NO:** _____

CITY MANAGER'S APPROVAL: _____

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED: 08-31-21

CLEARANCES: City Attorney _____

CSE _____

Planning _____

PROCEEDING: PUBLIC HEARING

- EXHIBITS:** In Reverse Chronological Order
1. Staff Appeal Memorandum for APP 2021-0002 and APP 2021-0003
 2. Planning Commission Land Use Record for DR 2020-0079 and SDM 2020-0007

BUDGET IMPACT

| EXPENDITURE REQUIRED \$0 | AMOUNT BUDGETED \$0 | APPROPRIATION REQUIRED \$0 |
|-----------------------------|------------------------|-------------------------------|
|-----------------------------|------------------------|-------------------------------|

RECOMMENDED ACTION:

City Council conducts a public hearing, and votes to approve or deny land use appeal APP 2021-0002 (an appeal of Herzog Meier Expansion Design Review Three, Case File DR 2020-0079) and land use appeal APP 2021-0003 (an appeal of Herzog Meier Expansion Sidewalk Design Modification). Denial of the appeals would affirm the Planning Commission's decisions, while approval of the appeals would modify the conditions of approval endorsed by the Planning Commission.

ISSUE STATEMENT SUMMARY:

Herzog Meier Volkswagen and Volvo has appealed the Planning Commission decision to require reconstruction and widening of sidewalks on SW Tualatin Valley Highway and SW Whitney Way as a conditions of approval for redevelopment of the existing auto dealership and service business on site.

In the land use decision, the Planning Commission granted some, but not all modifications that were requested through a Sidewalk Design Modification application included with the full set of land use applications proposed to facilitate the project. Specifically, the sidewalk on SW Tualatin Valley Highway was required to be reconstructed at the ultimate location reflecting ODOT standards for the right turn lane and bike lane at that location, and the SW Whitney Way sidewalk was proposed to be widened to five feet from the existing substandard four-foot width that does not meet ADA minimum.

Detailed staff responses to the assertions of the appellants are provided in Exhibit 1.

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HISTORICAL PERSPECTIVE:

The Herzog Meier Expansion project for the Herzog Meier Volkswagen and Volvo dealerships located at 4180 SW 141st Avenue includes: a Major Modification of a Conditional Use application to increase the gross floor area of the existing conditionally permitted Major Automotive Service use on the site; a Design Review Three application to partially demolish 5,703 square feet of the existing automotive service building, construct a new 24,900 square foot, one-story, automotive service building containing service bays and manual carwash with rooftop storage for inventory vehicles, and reconfigure the on-site vehicle circulation and parking areas; a Loading Determination application to reduce the required off-street loading spaces from three to two; a Parking Requirement Determination application to establish an off-street parking ratio for automotive dealerships; a Sidewalk Design Modification application to modify the sidewalk and planter strip widths for a portion of the sidewalk; and a Tree Plan Two application to remove eight Community Trees.

The applicant, AXIS Design Group, submitted Design Review Three (DR 2020-0079) and Tree Plan Two (TP 2020-0005) applications on June 16, 2020, and Major Modification of a Conditional Use (CU 2020-0006), Loading Determination (LO 2020-0003), Parking Requirement Determination (PD 2020-0005), and Sidewalk Design Modification (SDM 2020-0007) applications on August 28, 2020. Staff received the applicant’s request to deem the applications complete on September 24, 2020. On July 14, 2021, the Planning Commission held a public hearing to consider the Herzog Meier Expansion (CU 2020-0006 / DR 2020-0079 / LO 2020-0003 / PD 2020-0005 / SDM 2020-0007 / TP 2020-0005) proposal and took public testimony. After reviewing all materials entered into the record and conducting deliberations, the Commission voted to approve the Herzog Meier Expansion (CU 2020-0006 / DR 2020-0079 / LO 2020-0003 / PD 2020-0005 / SDM 2020-0007 / TP 2020-0005) proposal.

The Land Use Orders were prepared and mailed on July 27, 2021, with the appeal period ending at 4:30 PM on August 6, 2021. Two timely appeals were filed by the applicant and owner on July 30, 2021, prior to the appeal deadline: one appeal (APP 2021-0002) of the Design Review Three (DR 2020-0079) application and one appeal (APP 2021-0003) of the Sidewalk Design Modification (SDM 2020-0007) application. Staff reviewed and accepted the appeals as valid under the provisions of Section 50.70 of the Beaverton Development Code. The appellant did not file any additional appeals; therefore, the Council may only consider the Design Review Three and Sidewalk Design Modification applications. Because the Major Modification of a Conditional Use (CU 2020-0006), Loading Determination (LO 2020-0003), Parking Requirement Determination (PD 2020-0005), and Tree Plan (TP 2020-0005) applications were not appealed, those decisions are final.

Staff anticipates that additional materials will be filed by the appellant or members of the public. Staff will provide additional memoranda to the Council as necessary to respond to additional materials.

COMMUNITY VISION/COUNCIL GOALS/MASTER PLANS:

Beaverton Comprehensive Plan Goal 6.2.2. from the Transportation Element:

C) Develop and provide a safe, complete, attractive, efficient, and accessible system of pedestrian ways and bicycle ways, including bike lanes, cycletracks, bike boulevards, shared roadways, multi-use paths, and sidewalks according to the pedestrian and bicycle system maps, and the Development Code and Engineering Design Manual requirements.

...

J) Require developers to include pedestrian, bicycle, and transit-supportive improvements within proposed developments and adjacent rights-of-way in accordance with adopted policies and standards.

FOR MORE INFORMATION:

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