

RESOLUTION NO. 1236

A RESOLUTION APPROVING THE REVISED PLANS SUBMITTED WITH THE APPEAL TO THE WILSONVILLE CITY COUNCIL OF DESIGN REVIEW BOARD RESOLUTION NO. 95DR17, WILSONVILLE GARDEN CENTER, MR. ROBERT L. JONES, APPLICANT.

WHEREAS, on December 18, 1995, upon due notice and public hearing before the Wilsonville City Council, the appeal by G. P. Eby to the Wilsonville City Council of Design Review Board Resolution No. 95DR17, Wilsonville Garden Center, Mr. Robert L. Jones, applicant, was duly heard, *de novo*, on revised architectural, landscape and signage plans; a record of the Design Review Board hearings was duly forwarded to and reviewed by the City Council; the applicant was represented by Mr. J. B. Bishop; evidence, exhibits and arguments were presented by the applicant, staff written exhibits; findings, arguments and testimony, and an opportunity was provided for testimony and exhibits to be presented by those opposing the appeal; and applicant was given an opportunity to rebut the opposition; and

WHEREAS, the City Council having been fully and duly advised in these premises; and

WHEREAS, the Design Review Board (DRB) denial was based on series of ten major concerns listed in their conclusionary Findings of November 27, 1995; and

WHEREAS, the appellant has submitted a revised Site Plan (12-6-95), revised Landscape Plan (12-6-95), revised Irrigation plan (12-6-95), a new Exterior Lighting Plan (12-6-95), a new plant list with each revised plan addressing concerns listed by DRB; and

WHEREAS, the Planning Department staff has recommended a few further modifications to address DRB concerns including but not limited to: 1) Details of the relationship of fence to perimeter landscaping; 2) Denial of the proposed "pole sign" and approval of a monument sign; 3) Planting of five Douglas Fir trees as replacement for "cut trees"; and 4) Documentation of amount of permanent landscaping to meet code; and

WHEREAS, a summary of the methods of resolving the ten issues of concerns raised by DRB is listed in memorandum of December 12, 1995, from Blaise Edmonds, Associate Planner, to Mayor and Council; and

NOW, THEREFORE, THE CITY OF WILSONVILLE CITY COUNCIL RESOLVES AS FOLLOWS:

1. The City Council hereby adopts the findings and conditions and conclusions (November 27, 1995) of the Planning Department staff report, together with the additional modifications as set forth in the staff report dated December 12, 1995, including Conditions of Approval (Exhibit A), attached herein, save and except Condition #16 shall be remanded to the Design Review Board for final determination.

2. The application 95DR17, is deemed approved with conditions upon the decision of the City Council becoming final.

ADOPTED by the Wilsonville City Council at a regular meeting thereof on the 18th day of December, 1995, and filed with the Wilsonville City Recorder this date.


GERALD A. KRUMMEL, Mayor

ATTEST:


SANDRA C. KING, City Recorder

SUMMARY OF VOTES:

Mayor Krummel	Yes
Councilor Lehan	Yes
Councilor Hawkins	Yes
Councilor Leahy	Absent
Councilor Leo	Yes

EXHIBIT A

95DR17
WILSONVILLE GARDEN CENTER
SITE DESIGN

CONDITIONS OF APPROVAL
APPROVED BY CITY COUNCIL, DECEMBER 18, 1995

1. There is approximately 10% permanent landscape coverage versus 42.4% temporary (outdoor plant inventory). Code minimum is 15% landscape coverage. City Council does not consider temporary landscaping to satisfy the 15% requirement. At the time of issuance of a building permit, the applicant shall demonstrate to the Planning Department that permanent landscaping will satisfy 15% coverage of the net site area (Gross site minus areas in parking and drives).
2. All landscaping required by this approval shall be installed prior to issuance of occupancy permits, unless security equal to 110% of the cost of the landscaping as determined by the Community Development Director is filed with the City assuring such installation within six months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the Community Development Director. If the installation of the landscaping is not completed within a six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited within the City shall be returned to the applicant.
3. The final construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved by the City Council, unless altered with Council approval or minor revisions that are approved by the Planning Director.
4. Increase 1 gallon shrubs to 2 gallon. Applicant's 1st choice street tree, Flowering Pear (Pyrus-Red Spire) @ 3" caliper is approved.
5. The installation of an approved automatic irrigation system is required to ensure the longevity of all landscaping. The applicant shall coordinate the irrigation design with the Planning Department for the purpose of installing the most efficient irrigation system in terms of conserving water. Introduce more native grasses in ground cover areas to help reduce irrigation water usage. Further, landscaping shall be professionally maintained by weeding, pruning and replacing as necessary.
6. The applicant shall attempt to get the Oregon Department of Transportation approval to beautify the I-5 Right of Way with landscaping (Tulip beds, native wild flowers) next to the west side of the outdoor nursery area. Site obscuring fencing is not required along the west property line.
7. The applicant shall construct shade tree planting areas in the parking lot, particularly the middle rows, at a minimum eight feet in width and length and spaced 10 parking spaces or an aggregate amount in the parking lots. Shade trees shall be deciduous @ 2" minimum caliper. The Dwarf White Pines shall be replaced with Cherry, etc., 1-1/4" to 1-1/2" minimum caliper at the parking islands.

8. The applicant shall plant five (5) Douglas firs @ minimum 10 to 12' height to replace trees that were removed. Plant the trees in such a manner as to help screen the southeasterly garden supply area.
9. All roof-mounted mechanical equipment shall be painted to match the body color of the building.
10. The applicant shall provide the Planning Department an exterior lighting plan. Exterior lighting shall not project beyond property lines and not above 1.0 foot candles.
11. The applicant shall coordinate with the Building Official for proper addressing.
12. This approves a waiver to reduce the 30 foot side and rear yard setbacks to allow canopies within 10 feet from the property lines. Further, this approves a waiver to reduce the 30 foot front yard setback within 8 feet for a monument sign along Parkway Avenue.
13. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, or concrete, and shall provide for suitable drainage.
14. The applicant shall construct a 6' high site obscuring screening (fencing and landscaping) along the north property line adjacent to the nursery inventory, along the entire length of the south property line, along the east property line starting from the southeast corner of the property up to the driveway, and enclose the stored pallets, bagged materials, equipment, paver bricks, trash enclosures etc. The applicant is now proposing a chain link fence with no slats. In order to obtain adequate screening, the applicant shall plant a solid row of evergreens, 2 gallon size on the outside the fence along the south property line and Parkway Avenue. This condition requires that the fence be placed five (5) feet inside the property lines to accommodate the landscape buffering. Regarding the north fence, the applicant shall plant a solid row of evergreens inside the fence line next to the nursery storage area. Fencing along the north line of the parking lot is not required. Barbed type wire is not allowed on the fences.
15. This approves the proposed 6 mil plastic covering on the green houses. The plastic covering shall be replaced per manufacturers specifications.
16. The applicant shall construct a monument sign not to exceed 10' height with a brick base. The applicant shall coordinate the design of the sign with the City Planning Department, and coordinate with the City Engineer for it's final location to assure adequate sight vision clearance along Parkway Avenue prior to constructing the sign. **(This condition was remanded to the Design Review Board).**
17. Site design approval shall be void after two years unless a Building Permit has been issued and substantial construction pursuant thereto has taken place, or an extension is granted by motion of the Board. Such extensions may be not more than a two-year period. Furthermore, this approval is contingent on Council approval of the zone map amendment.
18. **The applicant shall install two larger-sized deciduous trees (examples might be big Leaf Maple or similar trees) which will be added to the landscaping plans, location on the site to be coordinated with staff.**