

RESOLUTION NO. 978

A RESOLUTION SETTING APRIL 19, 1993, AS THE DATE FOR A PUBLIC HEARING ON THE RECORD FOR APPEAL OF PLANNING COMMISSION DENIAL OF TOWN CENTER CAR WASH - APPLICANT, CAPITAL REALTY.

WHEREAS, at its meeting of January 11, 1993, the Wilsonville Planning Commission denied a request from Capital Realty of 93PC02 Town Center Car Wash - request to modify Ordinance No. 254 (Town Center Master Plan), the State I, Wilsonville Town Center Master Plan and review Stage II Site Development Plans for a drive through car wash; and

WHEREAS, it was the decision of the Planning staff and Planning Commission that the proposed location, design and use are inconsistent with Ordinance No. 254, the Comprehensive Plan and the Wilsonville Code and that the traffic circulation and queuing generated by the car wash will interrupt the free flow of traffic on adjacent drives and at the surrounding parking areas; and

WHEREAS, Capital Realty has appealed the Planning Commission's Findings 1, 5, 8, 12, 13, 14, 20, and 22 as set forth in their letter of January 27, 1993 attached hereto as Exhibit "A" and incorporated by reference herein; and

WHEREAS, Capital Realty has requested a de novo public hearing on this matter be held after April 1, 1993; staff has recommended the hearing be limited to the record.

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

1. A public hearing limited to the record, to consider the appeal by Capital Realty for a Town Center Car Wash - request to modify Ordinance No. 254, the Stage I, Wilsonville Town Center Master Plan and review State II Site Development Plans for a drive through car wash is hereby set for April 19, 1993. Applicant may supplement the record.
2. Should the applicant fail to notify the city by 5:00 p.m. on March 22, 1993, that they wish to proceed with the appeal, the application shall be null and void.

3. The City Recorder shall publish, post and mail notice of the hearing in accordance with the procedures for land use hearing set forth in Chapter 4 of the Wilsonville Code.

4. City staff shall prepare a factual report and recommendation on the subject.

ADOPTED by the Wilsonville City Council at a regular meeting thereof the 16th day of February, 1993 and filed with the Wilsonville City Recorder this date.



GERALD A. KRUMMEL, Mayor

ATTEST:



VERA A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Carter	<u>AYE</u>
Councilor Hawkins	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>



January 27, 1993

Mr. Wayne Sorenson
Planning Director, City of Wilsonville
City Hall
P.O. Box 270
Wilsonville, Oregon 97070

RE: Appeal to the City Council, of the Planning Commission decision, at the January 11, 1993 meeting, to deny "Request: 93PC02 Town Center Car Wash - Request to modify Ordinance No. 254 (Town Center Master Plan), the Stage I, Wilsonville Town Center Master Plan, and review Stage II Site Development Plans for a drive through car wash",.

Dear Wayne:

In accordance with paragraph 4.017 (3) (a) this letter will serve as official notice of Capital Realty Corp.'s appeal of the above noted Planning Commission decision.

In accordance with paragraph 4.017 (3) (b), the issue being appealed is the above noted Planning Commission decision to deny the request. More specifically, we are appealing the Planning Staff and Planning Commission decision that the proposed location, design and use are inconsistent with the Ordinance No. 254, the Comprehensive Plan and the Wilsonville Code. The basis for our appeal is that the applicable rules and guidelines are not clear as they apply to an automatic car wash, the Planning Commission was provided incorrect information by the Planning Staff and the Planning Commission did not take sufficient time to consider all of the information that was presented. Secondly, we are appealing the Planning Commission decision that the traffic circulation and queuing generated by the car wash will interrupt the free flow of traffic on adjacent drives and at the surrounding parking areas, on the basis that it is incorrect, as evidenced by the traffic study prepared at the City's direction by DKS Associates, the City's designated traffic engineers.

The following findings in the Staff Report Revised: Jan. 12, 1993, prepared by Mr. Blaise Edmonds, that was presented to the Planning Commission, are incorrect:

Finding 1: The staff report indicated that Pad 2 currently has the overlay zone Central Commercial (CC) . The actual overlay zone is currently Fast Food (FF). See Planning Commission Resolution No. 91PC31, dated August 12, 1991.

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Finding 5: The staff report indicated that the three self-service vacuum stations proposed to be located on the North side of the car wash "will be in full view of the central shopping area" and that this creates an inconsistency with Subsection 4.136(2). Capital Realty and Pacific Car Wash proposed that they would work with the Design Review Board to adequately screen the vacuums with landscaping, some type of enclosed structure, or a combination of both.

Finding 8: The staff report indicated that an automatic car wash is comparable to a self-service car wash, a recommended SC use. Capital Realty and Pacific Car Wash presented detailed information explaining the significant differences between the two uses. We agree with the Planning Staff and Planning Commission, that a self-service car wash would not be consistent with Ordinance 254, the Comprehensive Plan and the Wilsonville Code. However, an automatic car wash does not fit the SC overlay zone definition and has many characteristics of a CC use. We believe that the an automatic car wash located at Pad 2 would be an enhancement to Wilsonville Town Center and is consistent with the uses and services of a quality community shopping center.

Finding 12: The information presented at the Planning Commission by Mr. Blaise Edmonds indicated that there is an abundance of other SC land available in the Town Center. This is incorrect. There is currently no SC land available in Town Center that meets the characteristics necessary for an automatic car wash.

Finding 13: The staff report discussed "large windows displaying internal mechanical car wash machinery" and the building's "austere architecture". This is not an accurate description of the proposed design. Moreover, Capital Realty and Pacific Car Wash proposed working with the Design Review Board to provide the City an acceptable design and adequate landscape screening of the car wash machinery. Additionally, Capital Realty and the City have significantly more control over the design, landscaping and signage of the proposed automatic car wash than they will with a fast food restaurant, the approved use for this site.

Finding 14: Contrary to the statement in the staff report, Capital Realty believes the proposed location, design and use is consistent with the Wilsonville Town Center Master Plan, Comprehensive Plan and Wilsonville Code.

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Finding 20: The staff report indicated that on-site employee parking was not available. Capital Realty proposed that it would reach an agreement to provide adjacent on-site employee parking with Pacific Car Wash, for its employee(s).

Finding 22: The staff report indicated that , "The Planning Commission finds that traffic circulation and queuing generated by the car wash will interrupt the free flow of traffic onto adjacent pads, drives, and surrounding parking areas and is a safety hazard." This finding is in conflict with the findings of the City's designated traffic engineers, DKS Associates, hired to perform the traffic study for this request. The Planning Commission was provided the traffic study prepared by DKS, at the meeting and was therefore given little time to review it. Capital Realty and Pacific Car Wash concurred with the findings in the traffic study and agreed to follow the recommendations set forth there in.

In accordance with paragraph 4.017 (3) (c) we request a de novo hearing on the merits.

In summary, Capital Realty Corp. believes that there are many benefits to Wilsonville Town Center and community as a whole, of locating an automatic car wash at Pad 2. The design and use of the proposed car wash will work well with the aesthetics and function of a quality community shopping center. Additionally, it is not a destination use, rather a community amenity, that Wilsonville residents will use when they are out shopping or running other errands. Accordingly, the proposed automatic car wash will have less traffic impact than a fast food restaurant. It also provides the City and Capital Realty more architectural design control than we would have with alternative approved uses.

Additionally, we request that the City Council hear this matter sometime after April 1, 1993. I will provide you with a request regarding specific timing at least 40 days in advance of the requested hearing date. Thank you.

Very truly yours,



Kimberly J. Beach
Vice President

cc. Ms. Kelley Brewster
Mr. Dennis Thompson