

**ORDINANCE NO. 2583**

**AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING LOC CHAPTER 50 (COMMUNITY DEVELOPMENT CODE) TABLE 50.03.002-2 TO PERMIT "SPECIALIZED FOOD STORES" IN THE CR&D AND OC ZONES AND ADOPTING FINDINGS (LU 11-0043-1786).**

Whereas, the Community Development Code does not currently allow "specialized food stores" (commercial food and beverage service uses), in the Campus Research and Development (CR&D) and Office Campus (OC) zones; and

Whereas, the purpose of both the CR&D and OC zones is primarily to provide employee-intensive industries and lands for major concentrations of regionally-oriented offices, with some secondary retail uses to serve as amenities; and

Whereas, Metro Title 4 (Metro Code 3.07.410 - .450) requires the City to impose limits on the square footage of retail uses in Employment Areas depicted on Metro's Employment and Industrial Areas Map and the Metro Employment Area designation applies to the majority of the City's CR&D zone; and

Whereas, by allowing "specialized food stores" no larger than 5,000 square feet in size within the CR&D and OC zones, the City will provide additional opportunities for secondary retail uses that serve as amenities for the primary office employment uses in these zones; and

Whereas, in order to ensure that "specialized food stores" are incidental to the primary office employment uses in the CR&D and OC zones, "specialized food stores" should not include associated drive-in service windows;

The City of Lake Oswego ordains as follows:

**Section 1.** The City Council hereby adopts the Findings and Conclusions (LU 11-0043-1786) attached as Exhibit 1.

**Section 2.** Table 50.03.002-2 of the Lake Oswego Code is hereby amended by adding the text shown in **bold, double-underlined type**, as follows:

	N C	G C	H C	O C	EC	CR & D	M C	WLG- [32]				I	IP	Special Purpose			Use Specific Standards
								OC	RM U	R- 2.5	RL W			CI	P F	P N A	
Specialized food stores (such as coffee shop or juice bar)	P	P	P	<u>P</u> [#]	P	<u>P</u> [#]	P									MC zone: Not to exceed 20,000 sq. ft. floor area	

**[footnote #] Not to exceed 5,000 sq. ft. of floor area and no drive-in service windows are permitted.**

**Section 3.** The City Recorder shall renumber the table footnotes in LOC Table 50.03.002-2, (Commercial, Mixed-Use, Industrial & Special Purpose Districts Use Table) to maintain numerical order of the Table's footnotes with the Table's text reference to the footnotes.

Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 19th day of June, 2012.

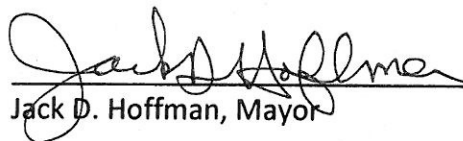
AYES: Mayor Hoffman, Gudman, Jordan, Moncrieff, Olson, Tierney

NOES: None

ABSENT: None

ABSTAIN: None

EXCUSED: Kehoe

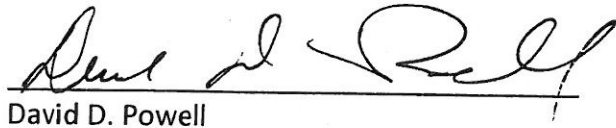
  
 Jack D. Hoffman, Mayor

Dated: 6/19/2012

ATTEST:

  
 Cate Schneider, City Recorder

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "David D. Powell", written over a horizontal line.

David D. Powell  
City Attorney

BEFORE THE CITY COUNCIL  
OF THE CITY OF LAKE OSWEGO

A REQUEST TO AMEND THE TEXT OF THE )  
THE LAKE OSWEGO COMMUNITY ) LU 11-0043-1786  
DEVELOPMENT CODE, CHAPTER 50, ) (CITY OF LAKE OSWEGO)  
TO ALLOW SPECIALIZED FOOD STORES )  
IN CR&D AND OC ZONES ) FINDINGS & CONCLUSIONS  
)  
[ORDINANCE No. 2583] )

**NATURE OF PROCEEDING**

This matter came before the City Council pursuant to a recommendation by the Lake Oswego Planning Commission to amend the text of Lake Oswego Community Development Code Article 50.03.002 (Commercial Use Table) to allow "Specialized Food Stores" such as coffee shops, bagel shops, and juice bars in the Campus Research and Development (CR&D) and Office Campus (OC) zones. In compliance with Title 4 of Metro's Urban Growth Management Functional Plan regulations protecting Employment Areas, there would be a 5,000 sq. ft. limitation on this use and no drive-in service windows allowed.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its February 13, 2012 meeting, and adopted findings and a recommendation on February 27, 2012. The City Council held a public hearing on this matter on May 15, 2012.

**CRITERIA AND STANDARDS**

City of Lake Oswego Comprehensive Plan

- A. Goal 1: Citizen Involvement - Policies 1 and 5
- Goal 2: Land Use Planning Section 1 Land Use Policies and Regulations, Policy 7
- Goal 9: Economic Development - Policies 20 and 21

1 B. Metro Urban Growth Management Functional Plan

2 Title 4: Industrial and Other Employment Areas, Metro Code Sections 3.07.410-  
3 3.07.450

4 C. City of Lake Oswego Community Development Code

5 LOC 50.75.005 Legislative Decisions Defined

6 LOC 50.75.015 Required Notice to DLCD

7 LOC 50.75.020 Planning Commission Recommendation Required

8 LOC 50.75.025 City Council Review and Decision

9 FINDINGS AND REASONS

10 As support for its decision, the City Council incorporates the February 13, 2012 staff  
11 report for LU 11-0043 (with all exhibits), the May 15, 2012 staff Council Report, and the  
12 Findings and Conclusions of the Planning Commission in this matter, together with the  
13 following supplemental findings.

14 Currently, "Specialized Food Stores" are not allowed in the CR&D or OC zones. The  
15 primary use in the CR&D zone, which is located south of Kruse Way on Meadows Road, is large  
16 office buildings with the highest concentration of employment in the city but few amenities to  
17 serve those employees. The OC zone, also primarily office uses, is concentrated further east  
18 along Kruse Way and Boones Ferry Road, with some additional land at the southern end of the  
19 City off of Highway 43. The proposed text amendments would allow coffee shops, bagel shops,  
20 juice bars and similar businesses in both zones in order to provide a more varied mix of  
21 amenities that office employees can walk to on the site.

22 Although Metro Title 4 allows retail uses of up to 60,000 square feet within mapped  
23 Employment Areas (including the CR&D zone), and although staff initially proposed a 20,000  
24 square foot limitation, the City Council concurs with the Planning Commission that a 5,000  
25 square foot limitation, the City Council concurs with the Planning Commission that a 5,000  
26

1 square foot limitation is more appropriate. The City Council also agrees that the same size  
2 limitation should be applied to the OC zone in order to ensure that new retail businesses are  
3 incidental to the predominant office uses in both zones.

4 The City Council further agrees that drive-in windows should be prohibited for  
5 specialized food stores in both zones. Most properties within these zones are currently  
6 developed. The drive-in service restriction will limit use to internal transactions, thereby  
7 minimizing pedestrian impacts while allowing a more vibrant and logical mix of businesses.  
8

9 **CONCLUSION**

10 The City Council concludes that the proposal meets all applicable criteria, including  
11 relevant provisions of the Lake Oswego Comprehensive Plan, Lake Oswego Community  
12 Development Code procedural requirements, and relevant Metro Urban Growth Management  
13 Functional Plan requirements, as detailed in the incorporated materials, and further concludes  
14 that LU 11-0043 should be approved.  
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