CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 13-07

AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.765, TO REDUCE MINIMUM PARKING RATIOS FOR EATING AND DRINKING ESTABLISHMENTS, SALES-ORIENTED RETAIL AND PERSONAL SERVICES – BANK WITH DRIVE-THROUGH USES AND REDUCE THE MINIMUM PARKING PERCENTAGES WITHIN MIXED USE AND MULTI-TENANT DEVELOPMENTS (DCA2013-00001), as Amended.*

WHEREAS, the city received application for the proposed code amendment to amend the text of the Off-Street Parking and Loading Chapter (18.765) of the City of Tigard Community Development Code to reduce minimum parking ratios for the following uses: eating and drinking establishments, sales-oriented retail and personal services – bank with drive-through and lower the required parking percentages within commercial mixed use or multi-tenant developments; and

WHEREAS, the purpose of Chapter 18.765 is to insure adequate parking in close proximity to varying uses for residents, customers and employees, and to establish standards which will maintain the traffic carrying capacity of nearby streets; and

WHEREAS, notice was provided to the Department of Land Conservation and Development at least 35 days prior to the first evidentiary public hearing; and

WHEREAS, notice to the public was provided in conformance with the Tigard Community Development Code Chapter 18.390.060.D; and

WHEREAS, the Tigard Planning Commission held a public hearing on April 1, 2013 and recommended with a unanimous vote that Council approve the proposed code amendment, as amended by staff and Planning Commission; and

WHEREAS, the Tigard City Council held a public hearing on May 14, 2013, to consider the proposed amendment; and

WHEREAS, the Tigard City Council has considered the recommendation of the Planning Commission; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and ~~unanimously~~ approves the request as being in the best interest of the City of Tigard. by a majority *

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendment attached as **"EXHIBIT A"** to this Ordinance is hereby approved and adopted by the City Council.

SECTION 2: The findings in the March 25, 2013 Staff Report to the Planning Commission and the Minutes of the April 1, 2013 Planning Commission hearing are hereby adopted in explanation of the Council's decision. (with the amendments to the Use/Minimums table approved by Council on May 14, 2013; see draft minutes attached.) *

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By majority vote of all Council members present after being read by number and title only, this 14th day of May, 2013.

Catherine Wheatley

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 14th day of May, 2013.

John L. Cook

John L. Cook, Mayor

Approved as to form:

Peter O. Walter

City Attorney

May 14, 2013

Date

Exhibit A

Commentary

The Planning Commission is recommending the addition of the term "commercial" in 18.765.030.D. There is concern that mixed use developments with residential components may be constructed without adequate parking. The addition of "commercial" to the code language means that the percentages will not apply to mixed use developments that include residences.

Staff is proposing to delete the language under 18.765.D.5 stating the maximum parking allowance shall be 150% of the total minimum as calculated in subsections 1-4. The code states that parking requirements for mixed use and multiple tenant developments shall be calculated using the percentages listed in 18.765.D, including the maximum of 150%. There are existing developments that may exceed the 150% and create non-conforming situations. Deleting this language lessens the likelihood of making a site non-conforming and maximums can be calculated by using the maximum parking ratios listed in Table 18.765.2.

Table 18.765.2 lists minimum and maximum ratios for two types of eating and drinking establishments (fast food and other). However, nowhere in the code is there a distinction made between the two types. The applicant has added a footnote (#8) to clarify how to determine if a restaurant is fast food. The applicant's proposed language is: *Fast food designation includes all eating and drinking establishments with a "walk up counter" and/ or less than 10 tables. Examples include Subway, Starbucks, Chipotle, etc.* Staff is recommending the elimination of the term "and" because it may be interpreted to require fast food restaurants to have less than ten tables, which is not typical of many fast food restaurants. Also the examples were removed because specific restaurant names should not be codified as they can change or are trademarked.

Proposed code as amended by staff and the Planning Commission:

DCA2013-00001
OFF-STREET PARKING MODIFICATIONS
DEVELOPMENT CODE AMENDMENT

Explanation of Formatting
These text amendments employ the following formatting:
~~Strikethrough~~ - Text to be deleted or not added
[Bold, Underline and Italic] – Text to be added

18.765.030 General Provisions

D. Parking in mixed-use ***and multiple tenant*** projects. In ***commercial*** mixed-use ***and multiple tenant*** projects, the required minimum vehicle parking shall be determined using the following formula:

1. Primary use, i.e., that with the largest proportion of total floor area within the development, at 100% of the minimum vehicle parking required for that use in Section 18.765.060;
2. Secondary use, i.e., that with the second largest percentage of total floor area within the development, at ***85*** ~~90%~~ of the vehicle parking required for that use in Section 18.765.060;
3. ***Tertiary*** ~~Subsequent~~ use ~~or uses~~, at ***70*** ~~80%~~ of the vehicle parking required for that use(s) in Section 18.765.060;
4. ***All other uses, at 60% of the vehicle parking required for that use(s) in Section 18.765.060;***

~~54. The maximum parking allowance shall be 150% of the total minimum parking as calculated in Subsection D.1—3 above.~~

Table 18.765.2 (Minimum & Maximum Required Off-street Vehicle & Bicycle Parking Requirements)

Use	Minimums		
	Current	Proposed	Amended by ~~Staff~~ Council
Eating and Drinking Establishments[8]	Fast Food: 9.9/1,000 Other: 15.3/1,000	6.0/1,000 8.0/1,000	***7.0*** ~~***8.0***~~***/1,000*** ***9.0*** ~~***10.0***~~***/1,000***
Sales-Oriented Retail	3.7/1,000	***3.0/1,000***	**3.0/1,000**
Personal Services (Bank with drive-through)	4.3/1,000	2.7/1,000	**3.0** ~~**4.3**~~/1,000 ~~(no change)~~

[8] Fast food designation includes all eating and drinking establishments with a "walk up counter" or less than ten (10) tables in the dining area.

City Recorder's Note: Changes shown in red font above reflect the amendments made by the Tigard City Council on May 14, 2013, when considering this proposed ordinance.

Draft Minutes – Agenda Item No. 10
May 14, 2013 Tigard City Council Meeting

10. LEGISLATIVE PUBLIC HEARING - COMMUNITY DEVELOPMENT CODE AMENDMENT FOR PARKING REQUIREMENT MODIFICATIONS

The purpose of the hearing is for the City Council to consider the applicant's request (Killian Pacific) to lower minimum parking ratio requirements for certain uses (Eating and Drinking Establishments, Sale-Oriented Retail and Personal Services – banks with drive through) and lower the minimum percentages required for primary, secondary, etc. uses in mixed-use or multi-tenant developments. This will allow greater opportunities for the leasing or expansion of existing structures and businesses.

a. Mayor Cook opened the public hearing.

b. Staff Report: Associate Planner Caines and Senior Transportation Planner Gray presented the staff report.

Associate Planner Caines reviewed the staff report and referred to a slide presentation on file in the record copy of the meeting packet. The application for the proposed code amendment came to the City of Tigard from an outside applicant who is requesting to lower the parking minimum ratios for restaurants, sales-oriented retail and banks with drive-through. In addition, the applicant also proposes to lower the minimum percentages for primary, secondary, tertiary uses in mixed-use and multi-tenant development.

Associate Planner Caines explained the proposed amendment would be citywide and would apply to all commercial, industrial and multi-family residential zones in the City of Tigard.

Associate Planner Caines gave background information:

- The city adopted the current minimum ratios in the parking chapter of the Community Development Code based upon the minimum ratios established by Metro in 1998. These minimums are applied to new construction, redevelopment and changes of use.
- The applicant owns property in the City of Tigard and is not the only property owner who has been confronted with the situation of wanting to expand existing businesses/developments and because of the size of the existing property size found it impossible to be successful in applying for a change of use or expansion of their businesses due to their inability to meet the minimum parking standards. This has created an economic development issue for some City of Tigard property owners.
- In 2012 the city received complaints from a residential neighborhood adjacent to a multi-tenant development where uses had changed over a period of time and the mix was such that there was insufficient onsite parking and it began to spill over into the residential neighborhood.
- Staff viewed the issues considering the perspectives of economic development and the interests of the adjacent property owners and endeavored to strike a balance to determine the "right" numbers for parking requirements in the City of Tigard. Metro's numbers

seemed high and the applicant's proposals seemed a little low. Staff proposed numbers to provide a "bridge" and recommended changes to the code until there could be a comprehensive review of parking standards in the future.

- The Transportation System Plan adopted in 2010 recommends looking at parking ratios to determine if these need to be changed and possibly lowered. The recommendation proposes this review to be done in a comprehensive manner. This comprehensive review is not on the schedule of Community Development Department projects, which is why the staff is proposing the "bridge" to allow economic development to occur in the meantime.
- The information provided by the applicant on parking standards was reviewed.
- Many of the area jurisdictions adopted the Metro minimum parking ratios.
- A chart showing proposed or recommended parking standards was reviewed and included the "ITE Peak," "City of Tigard Minimum," "Applicant's proposal," and the "Staff proposal."
- Staff thought the numbers proposed by the applicant were too low based on the ITE information and requirements in place by other jurisdictions. Staff has proposed minimum parking requirements based on being somewhat "in the middle" and to avoid creating unforeseen problems.

Senior Transportation Planner Gray provided the following information:

- Prior to coming on staff for the City of Tigard, Ms. Gray was a transportation consultant for Kittelson & Associates and her specialty area was parking.
- The application before the City Council is unusual in that it is rare for a private developer/property owner to seek a code change affecting the entire city. Citywide code changes are most often initiated by the city. If the city were proposing changes in parking, the approach would be to have quite a lot of data collection and public outreach.
- The materials provided by the applicant are not as extensive as what the city would like; however, staff appreciates that this proposal moves the city toward a direction it wants to go.
- Ms. Gray reviewed the table showing the proposed or recommended parking standard comparisons. She referred to the abundance of data that is available that could be analyzed and considered when considering this type of code change. There is no "one right number" to select on the chart – there are trade-offs to consider – it is about trying to find the right balance for the community.
- The benefit of the proposal before the City Council is that it provides for some benefit for economic development that cannot occur because of current code constraints.
- While the applicant's proposal does not provide as much data as what is typically preferred, the impacts are relatively minor because it is reducing the minimum and not changing the maximum numbers. The effects resulting with implementation of the staff proposal would be fairly narrow.
- The current situation with the parking standards is not unique to Tigard in that many cities adopted parking requirements in the 60's and 70's; many of these requirements have not been updated regularly.

c. Council/Staff Discussion

- In response to questions from Mayor Cook and Councilor Snider, Senior Transportation Planner Gray reviewed the differences between what the applicant was requesting and the

staff's proposal. She confirmed that the staff recommendation was based more on experience with ramifications of setting certain minimum requirements since the data depth is not available at this time. The nexus of requiring parking spaces in relation to the square area of the building was discussed and questioned since the amount of space devoted to kitchen area and storage was not factored. Ms. Gray said restaurants have a higher demand for parking than many other commercial uses but acknowledged that the current requirements for restaurant parking could pose a hardship especially when there are so many vacant commercial spaces. She said, as an interim step, taking a moderate reduction would be a good idea.

- Councilor Buehner referred to the recent City of Portland negative experiences when it eliminated certain parking requirements. She said she wanted to avoid a similar situation in Tigard.
- In response to a question from Councilor Snider, Associate Planner Caines advised the applicant is aware of and supports the staff recommendation.
- Mayor Cook asked about the triggers for changes in parking requirements. Associate Planner Caines said that, for example, if a retail shop moves out and their parking requirement is 3.7 spaces per 1,000 square feet and then a restaurant moves in, the parking requirement increases to 9.9 spaces per 1,000 square feet. This is a huge difference in the number of parking spaces required and if the property owner cannot show that the spaces are available or can be provided on the site, then staff cannot approve the use change. The reality is that sometimes the amount of parking required is not needed.
- Councilor Woodard referred to the Nimbus development and the circumstance whereby two commercial spaces are vacant because of the parking requirements. He asked if the staff proposal would make a difference for this development. Associate Planner Caines advised the applicant is the owner of the Nimbus Center. With the reductions recommended by staff, the minimums would not be met; however, the applicant could apply for an adjustment, which would get them to the point where they could go ahead with the mix of uses they were considering. Councilor Woodard referred to numbers contained in the attachments to the Agenda Item Summary for this matter noting that it appears even during peak time; parking lots are only 50-60 percent full. He questioned whether the amendments proposed by staff are adequate, especially with the changes now apparent in how people do business; i.e., online banking. He would like to see the most flexibility possible to assist with economic development, which appears to be supported by the data. While Councilor Woodard acknowledged taking a more cautious approach, he would rather see the requirements support economic development and more flexibility would appear to be closer to doing "it right."
- Senior Transportation Planner Gray commented that in many cities, if a developer wanted to get an adjustment to the parking requirement for a new fast food restaurant, to support a site-specific adjustment, they would take counts on three to five similar sites. The proposal before the City Council represents a citywide change, which is why she felt the data submitted by the applicant was not quite enough to support a citywide change. She added that the information provided does indicate a direction to ease up on minimum parking requirements. If additional ease is warranted, it can be allowed if a property owner justifies the need.
- Council President Henderson agreed the data supports the direction proposed by the applicant and staff with regard to helping business. However, he is concerned that a

property owner would still need to go through an expensive review process. He referred to his office complex and the fact that it was too expensive to have a restaurant. He has a fast food establishment at this complex and he rents 20 additional parking spaces at an adjacent church for $450/month. He said lowering the minimum parking standards would send a signal that Tigard is "open for business." He acknowledged this type of code change would affect the road maintenance fee calculations. Council President Henderson said he would prefer to get this done correctly the first time; that is, do not settle for mediocre. In response to a question from Councilor Snider, Council President Henderson indicated his preference was for the applicant's proposal. During his comments he would like to see a review of how the square footage area for businesses is calculated. He said the Papa John's establishment in his complex is 1,500 square feet and requires 20 parking spots because there is an extra 600 square feet of overhang on the building that is included in the calculation for parking requirements.

- Councilor Woodard responded to Council President Henderson's suggestion that the applicant's proposal was acceptable and he said he prefer a proposal that would set minimum parking requirements at numbers representing a compromise between the applicant's proposal and the staff's recommendation.

d. Public Testimony

Applicant representative from Killian Pacific, Vice President/Head of Development Noel Johnson, 500 East Broadway, Vancouver Washington offered testimony:

- His company owns several properties in Tigard including the Nimbus Retail Center at Scholls Ferry Road and Nimbus. There are a number of vacancies at this center due solely to the "challenge that is before us."
- A significant component of his company comprises large and small retail developments.
- For a number of years the Nimbus Center has had problems and after talking to Tigard staff, they decided to attempt to resolve the issues, which are keeping the center from developing to its potential. They decided that rather than to simply to pursue a solution that would only benefit this one center, they would pursue a solution that would benefit other properties in the city; that is spend the money and be a company focused on the community.
- Killian Pacific has spent about $55,000 on this effort to create the data to support their application from work done by Kittelson & Associates, other firms and experts. While the result is not ideal, it gives a good indication on where to go.
- While the applicant continues to prefer the numbers proposed in their application, they accept staff's recommendation. He acknowledged the capabilities of Tigard staff and especially noted the expertise in this area possessed by Senior Transportation Planner Gray. He acceded that if Ms. Gray said this was worth more study, then it probably should be studied more. He added the applicant would appreciate the change to happen now so they could work towards getting the Nimbus Center vibrant. They would have an opportunity to apply for an adjustment to meet their business needs.
- Mr. Johnson said they supported and encouraged continued study of this area of the code to adjust to the changing realities of how business is being conducted.

Councilor Buehner said she appreciated Mr. Johnson's words of support for the expertise possessed by Senior Transportation Planner Gray in this area of the code.

In response to a question from Council President Henderson, Mr. Johnson said further study would be enlightening and allow additional consideration of how to address parking demands for parking in different settings including urban development. The proposal tonight represents a first step to strike a balance between more and less urban types of development. His company does not want parking spillover to neighborhoods to become a problem.

Councilor Snider thanked Mr. Johnson for his company's approach to this matter to take a more global look toward finding solutions. Killian Pacific has done more than its part to analyze this situation and bring the matter forward because of the legitimate concerns adversely affecting Tigard businesses.

In response to a comment from Councilor Buehner, Mr. Johnson agreed that the proposed code change would make a difference for his company by allowing more flexibility. Once approved, his company will immediately move forward so they can completely fill up the Nimbus Center with tenants.

Councilor Snider asked about how the staff proposal would be of benefit to the applicant. Mr. Johnson said they would be able to move forward without further process toward filling up vacancies in the center if the applicant's proposal was approved. They would need to apply for an adjustment if the staff's recommendation was approved. He said this has been a multiple month process and no one is certain about "what the right numbers are." While the experts employed by the Killian Pacific firm are in support of what the applicant proposes, Mr. Johnson said he defers to Senior Transportation Planner Gray's (staff's) recommendation.

Councilor Snider summarized that it appears the council is being asked to make a big changed based on a relatively incomplete study. Ms. Gray said the data is very limited to go forward with a citywide code amendment, which is why the staff makes the recommendation before the City Council.

Mr. Johnson again noted support for the staff's recommendation as well as doing more study at a later date to determine if additional changes are warranted.

Richard Shavey, 11371 SW Sycamore, Tigard, OR 97223 advised he has been working with downtown landowners. Parking is the biggest issue in the downtown, which he sees is more of a matter of how the existing parking is being used. He said the downtown landowners need to resolve this issue, not the city. Mr. Shavey said he has a great deal of respect for any property owner who initiates the action to make a recommendation to the city. He said economic development is a big issue for him. His concern with the proposal before the City Council is that it is a "bridge approach" to spur economic development based on less than thorough information. He referred to the proposal for a comprehensive study and questioned when such a study could be undertaken and analyzed. In this case "we don't know the answers" and he would prefer having the information before proceeding.

Senior Transportation Planner Gray responded to Mr. Shavey's comments and noted she would defer response to Assistant Community Development Director McGuire with regard to the Community Development Department work program and budget. Mr. McGuire advised that next month he will brief the City Council and Planning Commission on upcoming legislative projects to update/revise various sections of the code. The parking issue is scheduled for review in the fall of 2014. Mr. Shavey acknowledged the workload of existing staff; however, noted his dismay that it would take this long to review this matter. Discussion followed about whether reprioritization should occur. Councilor Buehner noted the city's priority is to complete the River Terrace Community Planning.

d. Staff Recommendation: Associate Planner Caines said staff's recommendation is to include the proposed changes recommended by the Planning Commission at its hearing and further amended by staff.

e. Mayor Cook closed the public hearing.

f. Council consideration/discussion.

City Attorney Watts addressed Council President Henderson's announcement that he would recuse himself from voting on this matter. Generally advice on conflict issues is handled by the state ethics office. Mr. Watts said he heard Council President Henderson announce earlier that he might be financially impacted by a decision on the City Council on this matter. He said that Council President Henderson has disclosed this to the public and said he tends to advise a cautious approach on these issues of abstaining if there is any question. Mr. Watts said his advice would be for Council President Henderson to abstain on this issue. Council President Henderson said he would "abstain with comment."

Council President Henderson said that, "I really think that if we don't take the most conservative stand on this that we will be looking at problems down the line. I still come back and say this is going to trigger the road maintenance fee and we have been promised every year that we would have thorough investigation of this. I still think that we need to do that in total. I don't think we understand what is actually going to happen to us when we do this."

Councilor Snider asked Council President Henderson what he means by taking a conservative approach. Council President Henderson said he would rather we "pull this back as far as we can rather than taking a higher level and saying 'well, we're going to cut later when the information finally gets to us.'" Councilor Snider asked if Council President Henderson was recommending that the council adopt the applicant's recommendations. Council President Henderson said, "Correct." He said from an economic development perspective, he thinks the applicant's proposal is the best. Staff admits there is a problem. Councilor Snider said consideration should be given to making a mistake if a decision is made too far the other way.

Councilor Woodard said he was considering adjusting the proposed numbers lower. He said he did not think the city has ever addressed the policy with "overhang." He said he is unsure whether square footage is a true representation of the facility. He has not reviewed this

policy but said such a review might change his decision-making process. It makes it difficult for him to say the staff recommendation is the best.

City Manager Wine asked for staff to respond to the question of how square footage is determined in relation to the requirements for parking. Associate Planner Caines said that parking ratios are based on floor area. The definition of floor area includes any area that is under a roof. There were comments from council that this definition is "wrong." Councilor Woodard said this is a problem for him and because of this, he would lean more toward "the minimum."

City Manager Wine reiterated Assistant Community Development Director McGuire's earlier comments to the City Council that through an upcoming regulatory reform process, the Community Development Department staff regularly collects issues regarding problems with the code to address. When the City Council reviews the projects on the work plan, this issue being discussed by the council will be included. Issues can be addressed at the time code sections are reviewed; i.e., the point about the street maintenance fee or council's concerns regarding square footage calculation methodology.

Discussion followed on how these code adjustments can be made.

City Manager Wine explained how the street maintenance fees are calculated. While exact predictions of the magnitude on the overall fees cannot be made, if the council reduces the minimum requirements for parking spaces, then those spaces would be removed from the street maintenance fee calculations. It appears that the proposed changes are not so radical that it would greatly affect the total street maintenance fee revenue. Every five years the city reviews the street maintenance fee calculations. These issues are not before the City Council tonight; however, if council wants to review the street maintenance fee, then staff can bring this forward. Given the number of properties that would be affected by the proposed amendment, City Manager Wine said the impact to the street maintenance fee should not be significant. Staff was bringing this information to the council so it would understand that parking spaces are included in the street maintenance fee as a proxy for vehicle trips and as soon as you start taking parking spaces out of the calculation, it can affect the fee level.

Councilor Buehner said she thinks the council should defer to the point that a major overhaul of the code is coming and the code should not be rewritten in total this evening. Councilor Buehner made a motion to approve Ordinance No. 13-07 using the recommendation of staff, particularly since "we have the parking guru on staff" and it would be foolish to ignore her recommendation. She said she would add to the motion that "these items be included in the review as we move forward." This change is going to make a big difference to businesses. Councilor Buehner said "I don't want to be trying to make citywide major changes without having all of the data."

Councilor Snider asked for an opportunity to ask some additional questions and was not ready for a second to the motion. Councilor Woodard said he also was not ready for a second to the motion.

Councilor Snider said he did not like to make big changes on short notice. He said it appears the council has struck upon an issue as they are struggling with the staff recommendation and balancing it with economic development and the applicant's testimony. He referred to the calculations and the issues brought up with how square footage is considered. His question on the table is whether it is written in code with regard to how the calculations are done or is it prescribed in administrative rules. A code change takes 18 months while an administrative rule could be more easily amended. Councilor Snider said he has not heard testimony regarding the confidence in any of the proposed options for parking; therefore, it appears that council can draw its own conclusions about how to address this matter.

Assistant Community Development Director McGuire responded to Councilor Snider that the calculations are prescribed in the code; that is, the calculations are not subject to interpretation. He said he was not making a recommendation one way or another, but reminded the City Council about frequent complaints that the code is too complex. If the decision is made to calculate some things one way and other things another way, errors and omissions can be the result and/or the code has become more complex.

Councilor Woodard said he sees three options available to the City Council:

Option 1 – The proposed amendments as recommended by staff.
Option 2 – A median approach (between Option 1 and 2).
Option 3 – The proposed amendments submitted by the applicant.

Councilor Woodard proposed Option 2, which would mean the proposed code numbers would appear as follows:

Use	Minimums		
	Current	**Proposed**	**Amended by ~~Staff~~ Council**
Eating and Drinking Establishments[8]	Fast Food: 9.9/1,000 Other: 15.3/1,000	6.0/1,000 8.0/1,000	***7.0 ~~8.0~~/1,000*** ***9.0 ~~10.0~~/1,000***
Sales-Oriented Retail	3.7/1,000	***3.0/1,000***	**3.0/1,000**
Personal Services (Bank with drive-through)	4.3/1,000	2.7/1,000	**3.0 ~~4.3~~**/1,000 ~~(no change)~~
[8] Fast food designation includes all eating and drinking establishments with a "walk up counter" or less than ten (10) tables in the dining area.			

In response to a question from Councilor Snider, City Attorney Watts said the council has the ability to choose the staff's proposal, the applicant's request or for the council to "make your own path." He said there has been public notice on the parking requirements, there has been no notice regarding the calculation of the square footage nor has there been a notice about changes to the calculation of the street maintenance fees. These two topics would likely be of great interest to many business owners and individuals in the city and cautioned the council not to take positions on these topics tonight.

Councilor Woodard said his changes only relate to the numbers per 1,000 square feet.

Council President Henderson said he would like to have staff look into the two topics referred to by City Attorney Watts.

Mayor Cook noted that the proposed amendments only affect a few establishments now. The entire code will need to be reviewed at a later date after further study.

Councilor Snider proposed the council go forward with Councilor Woodard's recommendations of "7, 9, 3 and 3." After confirmation of these numbers by Councilor Woodard, Councilor Snider said his proposal as stated above is a motion.

Councilor Woodard seconded the motion.

The motion was approved by a majority vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Abstain
Councilor Buehner	No
Councilor Snider	Yes
Councilor Woodard	Yes

Later in the meeting proceedings Mayor Cook asked for the City Recorder to read the number and title of the proposed ordinance:

City Recorder Wheatley read the following:

ORDINANCE NO. 13-07 - AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.765, TO REDUCE MINIMUM PARKING RATIOS FOR EATING AND DRINKING ESTABLISHMENTS, SALES-ORIENTED RETAIL AND PERSONAL SERVICES – BANK WITH DRIVE-THROUGH USES AND REDUCE THE MINIMUM PARKING PERCENTAGES WITHIN MIXED USE AND MULTI-TENANT DEVELOPMENTS (DCA2013-00001) AS AMENDED.

A roll call vote was taken and the ordinance was adopted by a majority vote of the City Council:

Mayor Cook	Yes
Council President Henderson	Abstain
Councilor Buehner	No
Councilor Snider	Yes
Councilor Woodard	Yes

Draft prepared by Catherine Wheatley, Tigard City Recorder
May 16, 2013