

Community Development

110 E. Main St. Talent, OR 97540 Phone: 541-535-7401 Fax: 541-535-7423

Site Development Plan Review



*Calvin Martin - 115 Lapree St
SPR 2015-001*

*Talent Planning Commission
March 26, 2015*



Background

- *Prior to demolition, the site was developed with a 1,118 square foot single family dwelling constructed in 1946.*
- *The dwelling was last occupied in late 2012 (date non-conforming use was discontinued).*
- *The property was purchased by the current owner on December 26, 2014.*
- *Renovations began in January 2015.*
- *Dwelling partially removed at the beginning of February 2015.*
- *February 9, 2015 the developer made contact with the City to request information about parking and the discussion of the non conforming use began.*
- *On February 13, 2015, the developer was advised that the property was zoned commercial and subject to the provisions of Section 8-3D.2 (Central Business District).*
- *Applicant was also advised of Section 8-3M.2 (Non-Conforming Structures, Uses and Land) requiring the new structure conform to the current zoning requirements.*
- *On February 18, 2015, the developer submitted site plan review and architectural review application for the construction of a mixed use building.*

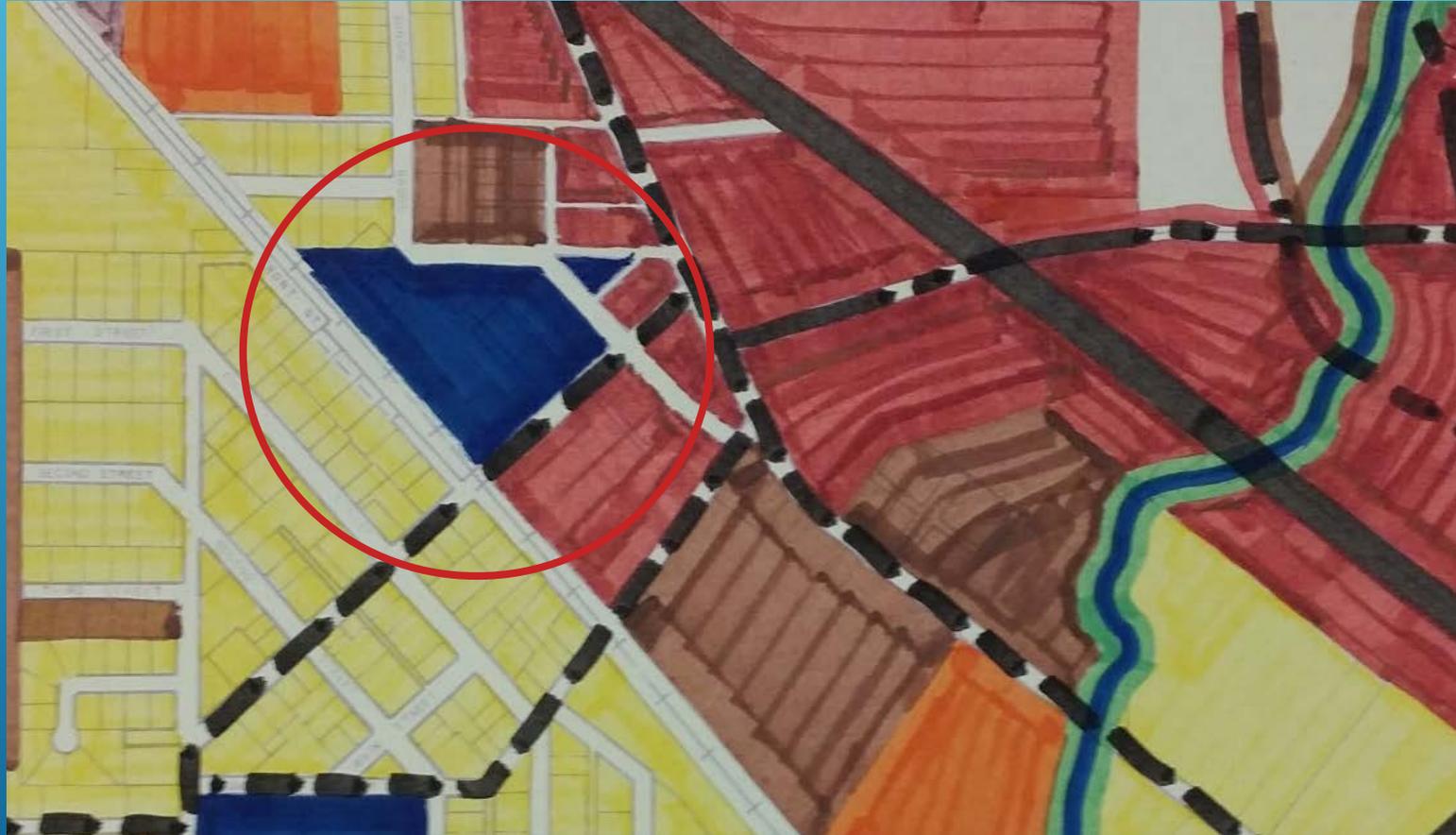
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Background



Historic Zoning/Comprehensive Plan Designations



Talent Comprehensive Land Use Plan
Adopted: 12/20/1978

Historic Zoning/Comprehensive Plan Designations



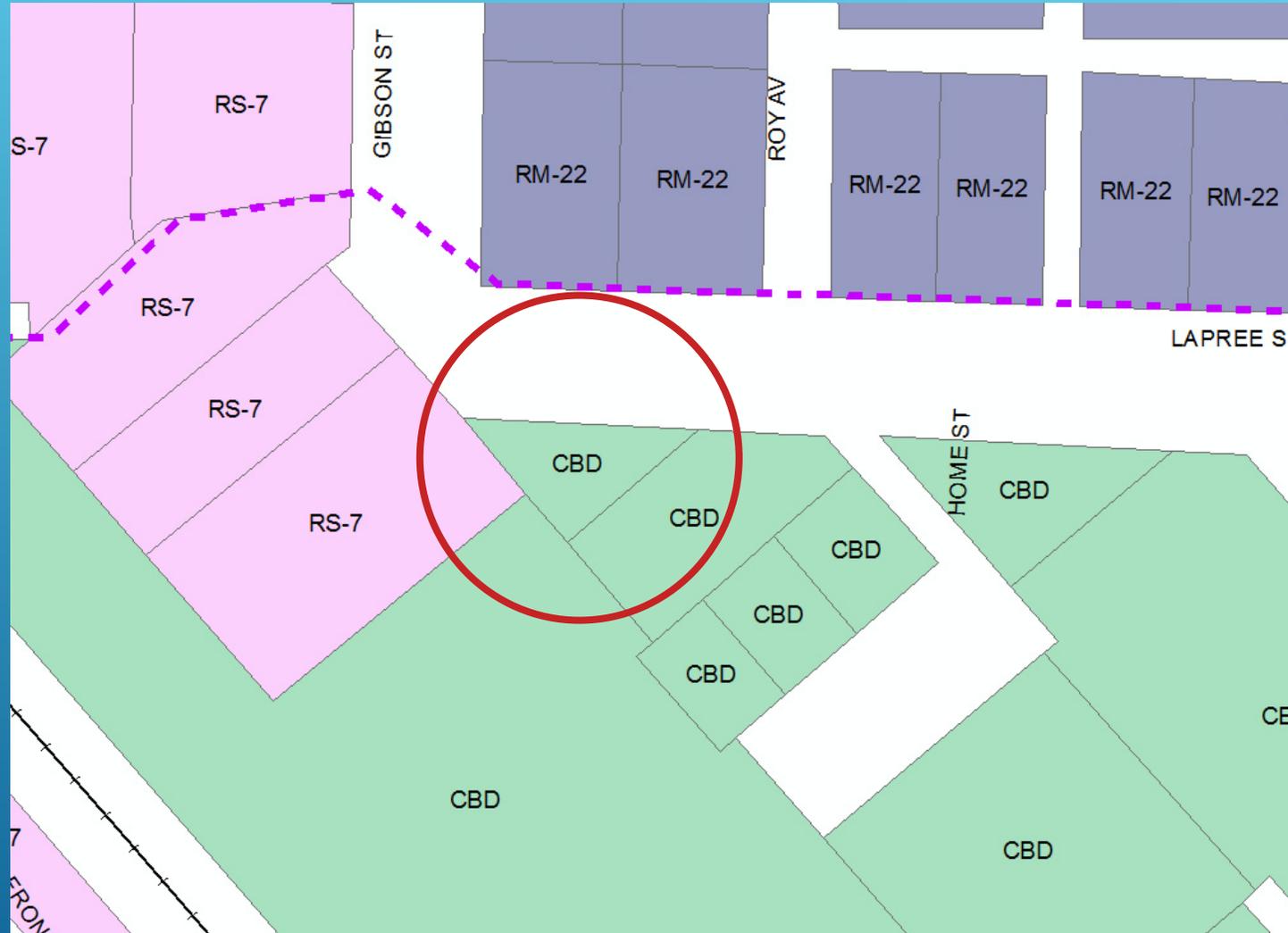
Talent Zoning Map
Effective Until: 10/31/2006

Historic Zoning/Comprehensive Plan Designations



Talent Zoning Map
Adopted: 11/1/2006

Current Zoning Designation



Talent Zoning Map
Amended: 11/15/2012



Approval Criteria

8-3 Division D. Article 2 of the Talent Zoning Ordinance regulates Central Business District. *The purpose of Central Business District is to “serve as the hub of government, public services and social activities; shall permit retail trade, personal and business services; and shall include residential uses to strengthen and enliven the community core. The CBD shall be pedestrian oriented and shall highlight and incorporate historic places and structures, parks and public transit facilities and opportunities.”*

8-3 Division K. Article 1 of the Talent Zoning Ordinance regulates Old Town Design Standards. *The purpose of Old Town Design Standards with this application is to “respect and enhance the character of talent’s original core areas while maintaining the city’s traditional, rural, vernacular architectural heritage.”*



Approval Criteria

8-3 Division L. Article 1 of the Talent Zoning Ordinance regulates Site Plan Reviews. The purpose of a site plan review is *“determine and establish compliance with the objectives of the Zoning Code in those zones where inappropriate development may cause a conflict between uses in the same or an adjacent zone and to determine the conformance with any City plan.”* Approval of a site plan or site plan amendment must comply with this section.

8-3 Division M. Article 2 of the Talent Zoning Ordinance regulates Non-Conforming uses, Lots and Structures. *Within the zones established by this Chapter, or amendments thereto, there exist lots, structures, and uses of land and structures which were lawful before this Chapter was enacted or amended by ordinance, but which would be prohibited, regulated, or restricted under the terms of this Chapter or amendments thereto. Such uses are generally considered to be incompatible with the permitted uses in the zone in which they are located, and their continuance shall therefore be permitted only in strict compliance with the restrictions of this Article. However, existing single-family residential uses shall not be treated as non-conforming uses, unless such use is voluntarily discontinued [amended by Ord. no. 777; 12/01/2004]. Subject to the provisions of this Article, a non-conforming structure or use may be continued and maintained in reasonable repair, but shall not be altered or extended except as provided herein.*



Overview of Review Process

REVIEW OF THIS APPLICATION WAS CONDUCTED IN THE FOLLOWING ORDER:

- ❖ 8-3 Division D. Article 2 of the Talent Zoning Ordinance regulates Central Business District.
- ❖ 8-3 Division M. Article 2 of the Talent Zoning Ordinance regulates Non-Conforming uses, Lots and Structures.
- ❖ 8-3 Division L. Article 1 of the Talent Zoning Ordinance regulates Site Plan Reviews.
- ❖ 8-3 Division K. Article 1 of the Talent Zoning Ordinance regulates Old Town Design Standards.



What Uses Are Allowed in CBD?

8-3D.220 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-1 PERMIT REVIEW

- A. Existing residential uses, without any increase in density, or any expansion of use, floor area or improvements.*
- B. Dwelling units, provided the units are above non-residential uses and the ground floor is devoted entirely to a commercial use or uses permitted in this Article. One dwelling unit is allowed at ground level behind a non-residential use, and cannot exceed 50 percent of the total ground floor space of buildings on the parcel.*
- The initial request was to increase the floor area of the non-conforming use, therefore the request to increase the floor area or to replace the dwelling with another dwelling is not allowed.*
 - The proposed request is to provide two non-residential units on the ground floor and two dwelling units on the second floor.*



Non-Conforming Uses of Land

8-3M.240 NON CONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Chapter, lawful use of land exists that is made no longer permissible under the terms of this Chapter, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter; and*
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Chapter; and*
- C. If any such non-conforming use of land ceases for any reason for a period of more than forty-five (45) days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the zone in which such land is located.*



Non-Conforming Uses of Structures

8-3M.250 NON CONFORMING USES OF STRUCTURES AND PREMISES

E. Discontinuance of non-conforming use.

- 1. Any structure, or structure and premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the requirements for the zone in which such structure is located, and the non-conforming use may not thereafter be resumed.*
- 2. If a non-conforming use of a structure is discontinued for a period of more than ninety (90) days, the further use of the property shall conform to this Chapter.*

F. Destruction of Non-Conforming Use. If a structure containing a non-conforming use is destroyed by fire, flood, explosion or other calamity to an extent exceeding seventy-five percent (75%) of the appraised value of the structure, as determined by the records of the county assessor for the year preceding destruction, a future structure or use on the property shall conform to the regulations for the zone in which it is located.

Changes to a Non-conforming Use



8-3M.250 NON CONFORMING USES OF STRUCTURES AND PREMISES

- B. *Repairs and maintenance. Routine maintenance and repairs, including repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be performed on structures and premises, the use of which is non-conforming. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared unsafe by any official charged with protecting the public safety, upon order of such official.*
- C. *Change of non-conforming use. If a non-conforming use* involving a structure is replaced by another use, the new use shall conform to this Chapter unless the planning commission determines that the proposed use is of the same or of a more restrictive classification, that the proposed use will not affect the character of the area in which it is proposed to be located more adversely than the existing or pre-existing use, and that the change of use will not result in the enlargement of the cubic space occupied by a non-conforming use, except as provided in subsection (d) below. An application for a change of use must be filed in accordance with the provisions of Article 16, including the payment of required fee.*

Non-conforming use was “discontinued” based on the criterion in 8-3M.250(E).



Proposed Site Development Plan

8-3L.140 SITE DEVELOPMENT PLAN—REQUIRED DATA

The site development plan shall be drawn to scale and shall indicate clearly the required information.

8-3L.150 REQUIRED FINDINGS FOR APPROVAL OF PLAN

After an examination of the site, the Planning Commission shall approve, or approve with conditions the site development plan if all of the following findings are made:

- A. All provisions of this Chapter and other applicable City ordinances and agreements are complied with;*
- B. The proposed development will be in conformance with the intent and objectives of the zone in which it will be located;*
- C. All applicable portions of the City comprehensive plan or other adopted plan are complied with;*
- D. The proposed development will be compatible with or adequately buffered from other existing or contemplated uses of land in the surrounding area;*
- E. That no wastes, other than normal water runoff, will be conducted into City storm and wastewater facilities;*



Proposed Site Development Plan

8-3L.150 REQUIRED FINDINGS FOR APPROVAL OF PLAN

After an examination of the site, the Planning Commission shall approve, or approve with conditions the site development plan if all of the following findings are made:

- F. *The following are arranged so that traffic congestion is avoided, pedestrian and vehicular safety, solar access, historic sites, and the public welfare and safety are protected, and there will be no adverse effect on surrounding property:*
- 1. buildings, structures, and improvements;*
 - 2. vehicular and pedestrian ingress and egress, and internal circulation;*
 - 3. parking and loading facilities;*
 - 4. setbacks and views from structures;*
 - 5. walls, fences, landscaping and street and shade trees;*
 - 6. lighting and signs; and*
 - 7. noise generation facilities and trash or garbage depositories.*
- G. *The applicant has made any required street and other needed public facility and service improvements in conformance with the standards and improvements set forth in this Chapter and the applicable portions of the City Subdivision Code, or has provided for an adequate security arrangement with the city to ensure that such improvements will be made.*



Proposed Site Development Plan





Proposed Site Development Plan

Project Information

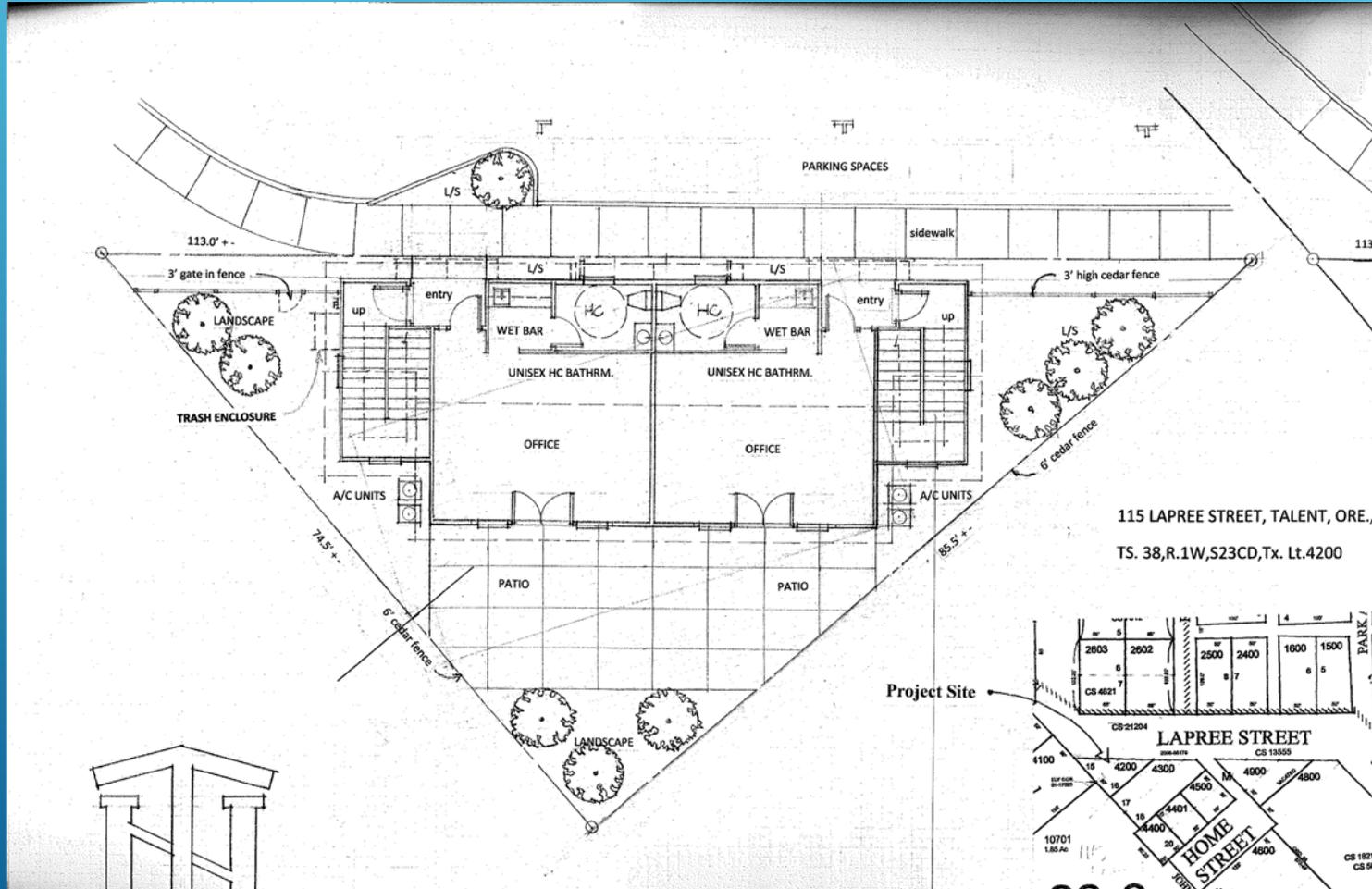
Building area	
1 st floor offices	1056 sq. ft.
Stairs	162 sq. ft.
2nd floor studios	
Stairs	162 sq. ft.
Total building area	2,436 sq. ft.
Ground floor foot print	1,218 sq. ft.
Lot size	3,185 sq. ft.
Lot coverage	38%
Building height at peak	23'-6"
Building width at street	62'-0"
Overall depth of building	24'-0"
Width of lot at street	113' + -

Comparison – Existing vs. Proposed

- Recently removed dwelling footprint – 1,118 square feet
- Proposed structure footprint – 1,218 square feet
- Previous lot coverage – 35%
- Proposed lot coverage – 38%
- Previous setbacks – Non-Conforming
- Required Setbacks – Residential 20'/Commercial Zero
- Proposed setbacks – Residential varies from 4' – 20'



Proposed Site Development Plan



- Off-street parking not required in CBD.
- Proposed sidewalk and parking spaces can be considered.
- Sufficient ROW exists to relocate sidewalk to the south and provide tree wells.
- Parking in this zone for a commercial use is prohibited between the building and the street.

Concerns About the Proposed Plan



- 20 feet of setback is required between the abutting residential zone to the west and the proposed structure.
 - Developer states that the average setback on the western portion of the property is about 13.5’.
 - Lot is irregular and with a partial residential zoning boundary requiring a 20’ setback, making it difficult to meet the required setback.
 - No variance application or findings in support of a variance have been submitted.
- Residents of the Gibson Street area submitted a petition requesting denial of the proposed application (petition has been included in the record).
- Other comments included concerns about allowing two (2) residential and two (2) commercial units in this area as well as concerns that the proposed plan does not meet the design criteria in Section 8-3K.1 of the Talent Zoning Code.
- Parking was also noted as a concern.

Possible Solutions & Considerations



- Provide modified plan to correct setback issue along the west portion of the parcel and proceed with development as proposed.
- Apply for a Variance to the required setbacks along the west portion of the parcel. If granted, proceed with development.
- Apply for a comprehensive plan and zoning map change. Request a change to residential and develop the property with a single-family dwelling.

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Staff's Recommendation

