

City of Talent

Community Development Department - Planning



STAFF REPORT

Type II Land Use Application — Administrative Review

Date: May 18, 2016
Item: SPR 2016-003, Stefan Peña
Site: 111 S. Pacific Hwy.

Applicant:	Stefan Peña 332 Everett Way Talent, Oregon 97540
Property Owner:	Reginald Breeze 100 E. Main Street, Suite C Medford, Oregon 97501
Requested Action:	Approval of a Site Development Plan to allow the temporary placement of a mobile food vendor.
Assessor's Map Number:	38-1W-23D, Tax Lot 1200
Site Location:	111 S. Pacific Hwy.
Zoning:	CBH – Central Business Highway
Deemed Complete:	March 24, 2016
Notice Mailed:	March 25, 2016
120-Day Limit:	July 24, 2016

PROPOSAL

The request is for a Site Development Plan Review to allow the placement of a single mobile food cart on a vacant, unimproved lot.

APPROVAL CRITERIA

Talent Zoning Code 8-3D.3, 8-3J.4-6 and 8-3L.1

PROPERTY CHARACTERISTS



The site is located on W. Valley View and is also adjacent to Highway 99. The subject parcel is currently vacant of any structures and consists of a graveled area, providing commonly used access to the Organic Grind and Rogue Chef. The photos below show a street level view of the subject property.

AGENCY COMMENTS

One comment from Rogue Valley Sewer Services was received, indicating that there is no requirement for a Stormwater management plan because the development site is under 2,500 square feet; however, this development will need to meet erosion and sediment control standards outlined in the Regional Stormwater Quality Manual.

PROPERTY OWNER COMMENTS

One property owner comment was received, recommending approval of the application.

ANALYSIS

Tentative administrative approval is subject to compliance with the approval criteria above, and the underlying zoning district (8-3D.3, Highway Central Business District). Text from the code appears in *italics*.

8-3D.230 BUILDINGS AND USES SUBJECT TO TYPE-II SITE DEVELOPMENT PLAN REVIEW

C. *Eating and drinking establishments (which may include entertainment) not exceeding 6,000 square feet.*

FINDING: The subject parcel is zoned Central Business Highway (CBH) zone which allows eating and drinking establishment uses subject to a Type-II Site Development Plan review. The proposed use of the property is to provide a mobile food vendor space and is consistent with the provisions of this section. **The provisions of this section have been met.**

8-3D.260 YARDS REGULATIONS

A. *Front yard.*

1. *Minimum: Zero (0) feet.*
2. *Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width.*
3. *Parking lots: Ten (10) feet, which shall be landscaped to provide screening.*

B. *Side yard.*

1. *Minimum: Zero (0) feet.*
2. *Maximum: Ten (10) feet for no more than 50 percent of the ground-floor width on street-facing sides; ten (10) feet on alley-facing sides.*
3. *Parking lots: 10 feet, which shall be landscaped to provide screening.*

C. *Rear yard. No rear yard is required between commercially zoned properties.*

D. *General provision applying to all setbacks: Where public utility or similar easements exist on or across property lines, setbacks shall be measured from the lot-interior edge of the easement.*

FINDING: The proposed site plan locates the mobile food cart near the western boundary of the property. All required setbacks have been met provided the mobile food cart does not encroach on the adjacent utility easements. **The provisions of this section have been met.**

8-3D.475 LANDSCAPING, FENCES, WALLS AND SIGNS

All areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific uses shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with Article 8-3J.3, and may be required in conformance with Section 480, below. All fences, walls, hedges and screen plantings shall be properly maintained. Signs shall be permitted and in conformance with Article 8-3J.7.

FINDING: Because the lot is currently a vacant gravel area and the use is temporary in nature, no landscaping is required. The lot shall however, be maintained in a clean, weed free manner in accordance with Section 8-3J.460(B). As a condition of approval, all areas not occupied by structures

shall be maintained in a clean, weed free manner. **The provisions of this section have been met subject to conditions of approval.**

8-3D.480 *BUFFERING*

When a development or use is proposed on property within the CH zone which abuts or is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone, the planning commission shall require a buffer sufficient to protect the intent of the adjacent zone or the integrity of the incompatible use. In many cases a fence, wall, hedge or screen planting along the property line closest to the conflicting use or zone will be sufficient. However, the type of buffer shall be considered in relation to existing and future land use, the degree of conflict between adjacent uses, and the amount of permanence desired. Buffers may consist of spatial separation, physical barriers, landscaping, natural topography or other features. The greatest amount of buffering shall be required where necessary to protect an agricultural resource. Proposed buffers shall be subject to the approval of the planning commission, who shall review the buffering for adequacy and appropriateness as part of the site development plan review.

FINDING: The proposed development does not abut residential properties, it is entirely surrounded by other commercially zoned properties and therefore does not conflict with nearby existing land uses. **The provisions of this section are not applicable.**

8-3J.320 *PERMIT REQUIRED*

Prior to erecting a fence or wall, apply to the City planning department for a Type-I zoning permit. Plantings do not require a permit, but are subject to the provisions of this Article.

FINDING: The proposed site plan did not include the request for a fence, wall, hedge or screen planting. **The provisions of this section are not applicable.**

8-3J.450 *DEVELOPMENT STANDARDS—LANDSCAPING PLANNING*

New subdivision or Site Development Plan Review applications subject to review by the Planning Commission shall include a plan for Street Trees along arterial, collector, and local streets and a general landscaping plan for all undeveloped areas on the property. The general landscape plan should consider the use of native and drought resistant species, erosion control, and water quality mitigation.

FINDING: Because the lot is currently a vacant gravel area and the use is temporary in nature, no landscaping is required. The lot shall however, be maintained in a clean, weed free manner in accordance with Section 8-3J.460(B). As a condition of approval, all areas not occupied by structures shall be maintained in a clean, weed free manner. **The provisions of this section have been met subject to conditions of approval.**

8-3J.525 *PERMIT AND REVIEW REQUIRED OF ALL OFF-STREET PARKING LOT SURFACING AND RESURFACING PROJECTS*

No parking lot shall be surfaced or resurfaced without a building permit and until the project plans have been submitted to the City planning office for review to insure conformance with the provisions of this article. If the staff advisor determines that the project plans conform to the provisions of this article, this person shall so certify on a copy of plans, retain one copy in the planning office files, and return a copy to the applicant. If a question arises as to the project's conformance with the provisions of this article, the staff advisor shall subject the project to a site development plan review without a public hearing.

FINDING: The proposed use is temporary in nature. The proposed site plan does not include the request to resurface the existing parking lot, therefore a building permit is not required. **The provisions of this section are not applicable.**

8-3J.530 OFF-STREET PARKING

Off-street parking spaces shall be provided and maintained as set forth in this Article for all uses in all zoning districts, except in the Central Business District Zone (CBD), or as otherwise provided at the time:

- B. *The use of a building or property is hereafter changed to another use with greater parking requirements, provided that if the enlargement of a building existing at the time hereof is less than fifty percent (50%) of the gross floor area, parking space shall be required in proportion to the increase only. Any use requiring one-half or more of a parking space shall be deemed to require the full space. The provision and maintenance of off-street parking space is a continuing obligation of the property owner.*

FINDING: The proposed site plan identifies five (5) parking stalls. Parking stalls will not be improved, but were identified on plan to provide a means of determining pedestrian and vehicle circulation. Because the use is temporary in nature, the parking stalls do not need to be paved. However, to ensure pedestrian and customer safety, the applicant shall as a general condition place and maintain parking bumpers or some other physical barrier between the driveway identified on the site plan and the mobile unit. **The provisions of this section have been met subject to conditions of approval.**

8-3J.630 STREET ACCESS AND CIRCULATION

- A. *General. This Article shall apply to all public streets within the City and to all properties that abut these streets.*
1. *General Considerations. The number of access points to a single property shall be limited to a minimum that will allow the property to accommodate and service such traffic as may be reasonably anticipated to be commensurate with the safety of the traveling public, and must not infringe on the frontage of adjoining property. Access points shall be located where they do not create undue interference or hazard to the free movement of normal road, bicycle or pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other services that affect traffic operation are to be avoided.*

FINDING: There are three (3) access points to the property. To ensure compliance with this section, access to the Highway 99 shall be closed to traffic until a more comprehensive site plan is developed for the site. This access point creates a hazard for pedestrians and vehicle traffic using the highway. As a general condition, the applicant shall close the access to Highway 99 using a barricade appropriate to alert drivers that the access is closed. **The provisions of this section have been met subject to conditions of approval.**

8-3J.640 PEDESTRIAN ACCESS AND CIRCULATION

- A. *Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer*

may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Sections 630 and 640

- B. *Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets...*
- C. *Connections Within Development. For all developments subject to Site Development Plan Review (8-3L.1), pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas, and adjacent developments to the site, as applicable.*

FINDING: The modifications proposed in the site plan are small scale and do not negatively impact pedestrian traffic, further modifications to pedestrian access are not required. Staff does recommend the applicant provide some physical barrier between the customer space and the driveway to prevent pedestrian/vehicle conflicts. This barrier could consist of planters or other means of separation that adequately protects pedestrians. **The provisions of this section are not applicable.**

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;*

FINDING: The purpose of the Central Business Highway (CBH) zone is to serve as the hub for social activities, including retail trade, personal and business services. The proposed use is a mobile food cart that will promote pedestrian activities in the core business area, consistent with the purpose of the CBH. **The provisions of this section have been met subject.**

- C. *All applicable portions of the City comprehensive plan or other adopted plan are complied with;*

FINDING: The proposed use is consistent with the intent of the uses allowed on a property with a commercial Comprehensive Plan Designation. **The provisions of this section have been met subject.**

- D. *The proposed development will be compatible with or adequately buffered from other existing or contemplated uses of land in the surrounding area;*

FINDING: The proposed use is commercial in nature is compatible with the other existing or contemplated uses of land in the surrounding area. **The provisions of this section have been met subject.**

- E. *That no wastes, other than normal water runoff, will be conducted into City storm and wastewater facilities;*

FINDING: The proposed use is a self-contained mobile food cart. All waste, other than normal water runoff is located within the mobile vehicle. As a general condition of approval, the applicant shall properly dispose of all waste other than normal runoff in an appropriate off-site location. **The provisions of this section have been met subject to conditions of approval.**

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.*

FINDING: The proposed mobile food cart as proposed, is located adjacent near the western property line and occupies a space that is approximately 120 square feet. Access is taken from a driveway apron along West Valley View and is adequate for the proposed use and limited traffic. To ensure compliance with this Section 8-3J.630 above, the applicant shall close the access to Highway 99 using a barricade appropriate to alert drivers that the access closed. This access point creates a hazard for pedestrians and vehicle traffic using the highway. As a general condition, the applicant shall close the access to Highway 99 using a barricade appropriate to alert drivers that the access is closed. **The provisions of this section have been met subject to conditions of approval.**

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.*

FINDING: The proposed mobile food cart is temporary in nature and does not increase need for water, sewer or transportation services or improvements beyond what is currently available. **The provisions of this section have been met.**

DISCUSSION

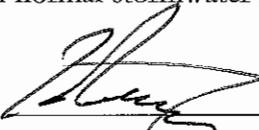
Overall, staff is very supportive of proposed site development plan because of its ability to meet the intent of the Central Business Highway zone, providing a needed service to Talent residents.

RECOMMENDATION

Staff tentatively approves the Site Development Plan application subject to the following conditions:

GENERAL CONDITIONS

1. The applicant shall ensure all areas not occupied by structures be maintained in a clean, weed free manner.
2. The applicant shall place and maintain parking bumpers or some other physical barrier between the driveway identified on the site plan and the mobile unit.
3. The applicant shall close the access to Highway 99 using a barricade appropriate to alert drivers that the access is closed.
4. The applicant shall properly dispose of all waste other than normal stormwater runoff in an appropriate off-site location.



Zac Moody
Community Development Director

5/19/16

Date