

City of Talent

Community Development Department - Planning



STAFF REPORT

Type II Land Use Application — Administrative Review

Date: May 5, 2015
Item: SPR 2015-003, Ian Bagshaw
Site: 550 S. Pacific Hwy.

Applicant: Ian Bagshaw
550 S. Pacific Hwy.
Talent, Oregon 97540

Property Owner: Ian Bagshaw
550 S. Pacific Hwy.
Talent, Oregon 97540

Requested Action: Approval of a Site Development Plan to modify parking on a commercial parcel to provide a permanent location specifically for mobile food vendors and create additional parking stalls using pre-existing paved surfaces.

Assessor's Map Number: 38-1W-25B, Tax Lot 3602

Site Location: 550 S. Pacific Hwy.

Zoning: CH – Highway Commercial

Deemed Complete: March 31, 2015
Notice Mailed: April 1, 2015
120-Day Limit: July 29, 2015

PROPOSAL

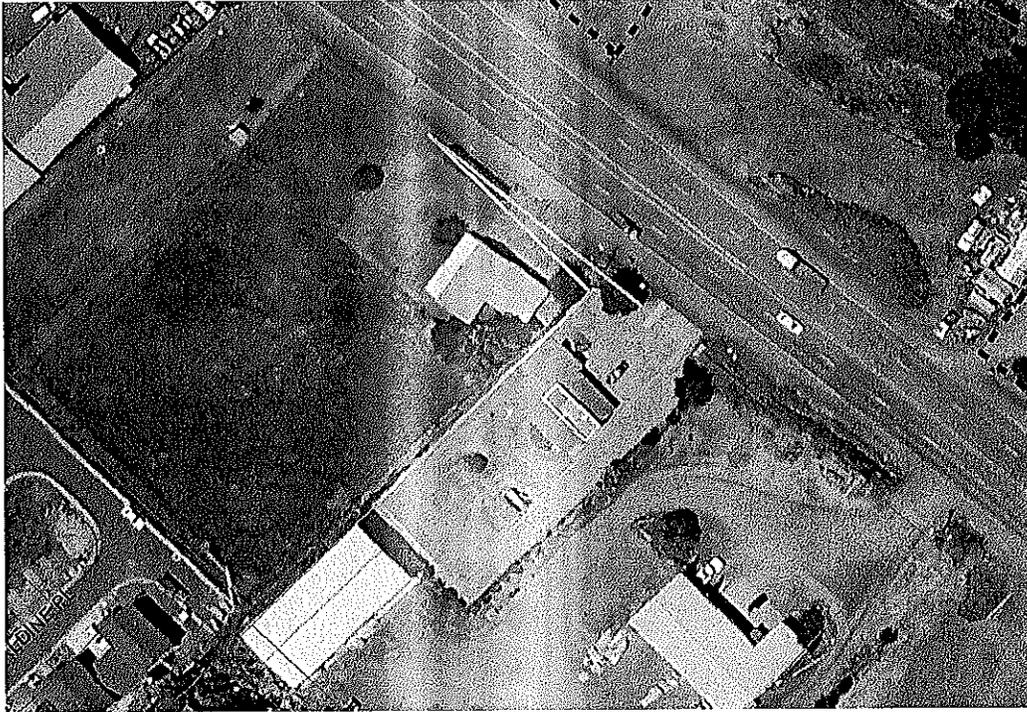
The applicant is proposing to convert two existing parking stalls for use by mobile food vendor, relocate a dumpster cage and create additional parking stalls within that space. The existing lot is 18,295 square feet, with one commercial building totaling 1,554 square feet.

APPROVAL CRITERIA

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

PROPERTY CHARACTERISTICS

The subject property is located south of the intersection of S. Pacific Hwy. (Highway 99) and Rapp Rd. The property is bordered by a commercial building to the north and a landscape supply business to the south and west. The property has an almost entirely paved concrete surface that is relatively flat, but slopes gently towards Highway 99.



AGENCY COMMENTS

Oregon Department of Transportation (ODOT) supplied the following comment:

Thank you for sending agency notice of a an application for a Site Plan Review to create additional parking stalls and provide a location for mobile food vendors on a property located at 550 S. Pacific Highway (38-1W-25B, TL 3602). The property is in a Highway Commercial zone district. We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

PROPERTY OWNER COMMENTS

No property owner comments were received.

ANALYSIS

Tentative administrative approval is subject to compliance with the approval criteria above, and the underlying zoning district (8-3D.4, Highway Commercial). Text from the code appears in *italics*.

8-3D.430 BUILDINGS AND USES SUBJECT TO TYPE-II SITE DEVELOPMENT PLAN REVIEW

- A. *Any use permitted subject to site development plan review without a required public hearing in the Highway Central Business District Zone (CBH), except civic center buildings or other buildings of a public service nature.*
- F. *Retail (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and wholesale business and service establishments providing home furnishings; nursery supplies; retail lumber, paint and wall paper; plumbing, heating and electrical sales and service; drapery, floor covering and tile sales.*

FINDING: The subject parcel is zoned Highway Commercial (CH) which allows retail and wholesale business uses subject to a Type-II Site Development Plan review. The proposed use of the property as a bicycle shop (service/retail/repair) and mobile food vendor space eating/drinking establishment is consistent with the provisions of this section. **The provisions of this section have been met.**

8-3D.470 PARKING AND LOADING REQUIREMENTS

Off-street parking and loading spaces shall be provided as prescribed in Articles 8-3J.5 and 8-3J.6

FINDING: The proposed site plan provides twenty (20) parking spaces including one Americans with Disabilities Act (ADA) Van Accessible parking space. As proposed the site would continue to operate as a bicycle sales and service business, however it would additionally offer mobile food vendors a place operate. Table 540-1 and 540-2 detail the required spaces for each use which includes 1,554 square feet of shop space (service/repair/retail) and 528 square feet of mobile food vendor space (restaurant/tavern/bar). The breakdown is as follows:

1,554 square feet of service/retail/repair (1 space/750 sq.ft. of g.f.a.) = 3 spaces (2.072 spaces rounded in accordance with 8-3J.520).

528 square feet of restaurant/tavern/bar (1 space/100 sq.ft. of g.f.a.) = 6 spaces (5.28 spaces rounded in accordance with 8-3J.520).

The number of off-street parking space required is nine (9) which is less than the twenty (20) proposed. **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 surface modifications proposed in the site plan are small scale and do not negatively impact existing landscaping arrangements, landscaping modifications are not required. As a condition of approval, existing landscaping, fences, walls and signs shall continue to be maintained. **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 CH- Highway Commercial 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 surface modifications proposed in the site plan are small scale and do not negatively impact existing landscaping arrangements, landscaping modifications are not required. As a condition of approval, existing landscaping, fences, walls and signs shall continue to be maintained. **The provisions of this section have been met subject to conditions of approval.**

8-3J.520 OFF-STREET LOADING

Every hospital, institution, hotel, commercial or industrial building hereafter erected or established, and every existing structure enlarged or changed for these uses within any zone of the City, having a gross floor area of 10,000 square feet or more, shall provide and maintain at least one (1) off-street loading space....

FINDING: The only building on site has a gross floor area of 1,554 square feet and the proposed site plan does not include the request for additional structures, therefore off-street loading space is not required. **The provisions of this section are not applicable.**

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 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 provides twenty (20) parking spaces including one ADA Van Accessible parking space. As proposed the site would accommodate mixed use commercial uses including a bicycle shop (service/retail/repair) and mobile food vendor space eating/drinking establishment. Table 540-1 and 540-2 detail the required spaces for each use which includes 1,554 square feet of service/retail/repair space and 528 square feet of restaurant/tavern/bar space. The breakdown is as follows:

1,554 square feet of service/retail/repair (1 space/750 sq.ft. of g.f.a.) = 3 spaces (2.072 spaces rounded in accordance with 8-3J.520).

528 square feet of restaurant/tavern/bar (1 space/100 sq.ft. of g.f.a.) = 6 spaces (5.28 spaces rounded in accordance with 8-3J.520).

The number of off-street parking space required is nine (9) which is less than the twenty (20) proposed. **The provisions of the section have been met.**

8-3J.540 NUMBER OF PARKING SPACES REQUIRED

A. *The number of off-street parking spaces required shall be not less than as set forth in (the following) Table 540-1, except as otherwise provided in this Article.*

Table 540-1. Parking Requirements by Use

<i>Use</i>	<i>Standard</i>
<i>Commercial Uses</i>	
<i>Restaurants, taverns or bars</i>	<i>1 space per four seats or one space for each 100 square feet of gross floor, whichever is less</i>
<i>Service or repair shops; retail stores exclusively handling bulky merchandise (e.g. automobiles, furniture)</i>	<i>1 space for each 750 square feet of gross floor area</i>

B. *Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 10%. Spaces*

provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.

- C. *The following parking shall be provided for disabled persons, in conformance with the Americans with Disabilities Act (Table 540-2). Disabled parking is in addition to the minimum number of required parking spaces in 8-3J.540(A). Handicapped parking spaces shall be located in a safe location in close proximity to a building entrance.*

Table 540-2. *Minimum Number of Accessible Parking Spaces
ADA Standards for Accessible Design 4.1.2 (5)*

<i>Total Number of Parking spaces Provided (per lot)</i>	<i>Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)</i>	<i>Van Accessible Parking Spaces with min. 96" wide access aisle</i>	<i>Accessible Parking Spaces with min. 60" wide access aisle</i>
	<i>Column A</i>		
1-25	1	1	0

FINDING: The proposed site plan provides twenty (20) parking spaces including one ADA Van Accessible parking space. As proposed the site would accommodate mixed use commercial uses including a bicycle shop (service/retail/repair) and mobile food vendor space (restaurant/tavern/bar). Table 540-1 and 540-2 detail the required spaces for each use which includes 1,554 square feet of service/retail/repair space and 528 square feet of service/retail/repair space. The breakdown is as follows:

1,554 square feet of service/retail/repair (1 space/750 sq.ft. of g.f.a.) = 3 spaces (2.072 spaces rounded in accordance with 8-3J.520).

528 square feet of restaurant/tavern/bar (1 space/100 sq.ft. of g.f.a) = 6 spaces (5.28 spaces rounded in accordance with 8-3J.520).

The number of off-street parking space required is nine (9) which is less than the twenty (20) proposed.

The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this section by more than 10%. Due to the pre-existing use of this site as a restaurant, parking stall requirements are exceeded by more than double. Today this commercial site serves a wholly different function, and because no additional surface improvements are proposed, aside from re-striping an already paved surface, this standard is not applicable.

Table 540-2 addresses the minimum standards for ADA parking. Parking lots with twenty-five (25) stalls or less require a minimum of one (1) ADA stall. As proposed, the site development plan identifies one (1) ADA Van Accessible parking stall. As a condition of approval and prior to the issuance of permits, the existing ADA Van Accessible stall shall be re-striping and brought into conformance with current ADA requirements. **The provisions of this section have been met subject to conditions of approval.**

8-3J.560 BICYCLE PARKING FACILITIES

Commercial/industrial facilities & multiple-family dwellings shall provide adequate, safe & conveniently located parking facilities for bicycles. All uses subject to Site Design Review shall provide bicycle parking in conformance with the following standards, which are evaluated during Site Design Review:

- A. *Number of Bicycle Parking Spaces. A minimum of 2 bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces. The following additional standards apply to specific types of development:*
 - 6. *Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required unless a bus shelter with an existing bike rack is located adjacent to the proposed site.*
- C. *Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided, unless demonstrated otherwise by the applicant. Street furniture includes benches, streetlights, planters, and other pedestrian amenities. Creative designs are strongly encouraged.*
- D. *Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage*
- E. *Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building*
- F. *Lighting. Bicycle parking shall be as well lit as vehicle parking for security, unless otherwise well lit by an existing street light in the public right-of-way*
- G. *Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only*
- H. *Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (8-3J.6)*

FINDING: The site plan with uses as proposed, requires ten (10) vehicular parking spaces when including the ADA Van Accessible spot. A minimum of one (1) bicycle parking space for every 10 motor vehicle parking spaces is required. Since the plan proposes twenty (20) vehicle parking stalls, two (2) bicycle parking stalls are required on site. The proposed site plan does not indicate existing bicycle parking locations however a site inspection revealed three (3) bicycle parking racks. As a condition of approval, the applicant shall continue to maintain no less than two (2) bicycle parking spaces in a safe and practical location. **The provisions of this section have been met subject to conditions of approval.**

8-3J.565 LOCATION AND USE OF OFF-STREET PARKING SPACES

- C. *Parking, Front Yard. Unless otherwise provided, required parking and loading space shall not be located in a required front yard setback, except in the case of single-family dwellings and mobile homes on individual lots; but such space may be located within a required side or rear yard.*

FINDING: The proposed development includes parking in the required front yard setbacks. Parking in the front yard setback is not allowed for commercial uses unless otherwise stated in the zoning district. In the case of this development, parking is included in the front yard setback (see Section 8-3D.460(A) amended by Ord. 782 7/6/2005) which allows parking lots and internal access drives in the setback. **The provisions of this section have been met.**

8-3J.570 PARKING AREA DESIGN STANDARDS

- B. *Groups of three (3) or more parking spaces shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street other than an alley will be required*
- C. *In cases where a lot fronts on a major or minor arterial street, parking spaces shall be arranged so that no backward movement in the public right-of-way or other maneuvering of a vehicle, including any trailer being towed by a vehicle, within the arterial street shall be required.*
- D. *The Planning Commission may allow thirty-five percent (35%) of the required off-street parking spaces to be reduced to seven feet six inches by fifteen feet (7'6" x 15') to accommodate compact or hybrid electric cars.*
- E. *Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standards parking spaces shall conform to the dimensions below (Figure 570-1 and Table 570-1). Disabled parking shall conform to the standards in 8-3J.540(C).*

Table 570-1. Minimum Parking Space and Aisle Dimensions

<i>A</i>		<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>
<i>Angle</i>	<i>Type</i>	<i>Stall Width (in feet)</i>	<i>Stall Depth (in feet)</i>	<i>1-Way Aisle Width (in feet)</i>	<i>2-Way Aisle Width (in feet)</i>	<i>Curb length perpendicular to Aisle (D) (in feet)</i>
<i>0° (parallel)</i>	<i>standard</i>	<i>8.0</i>	<i>8.0</i>	<i>12.0</i>	<i>24.0</i>	<i>22.5</i>
	<i>compact</i>	<i>7.5</i>	<i>7.5</i>	<i>12.0</i>	<i>24.0</i>	<i>19.5</i>
<i>90°</i>	<i>standard</i>	<i>9.0</i>	<i>19.0</i>	<i>24.0</i>	<i>24.0</i>	<i>9.0</i>
	<i>compact</i>	<i>7.5</i>	<i>15.0</i>	<i>22.0</i>	<i>24.0</i>	<i>7.5</i>

FINDING: The proposed parking lot configuration will provide adequate service drives for vehicle maneuvering while parking and exiting, no backward movement into the public right-of-way will be required.

Parking stall angles are identified on the site plans, however stall and aisle dimensions are not. As a condition of approval, the applicant shall adhere to the minimum parking space and aisle dimensions as identified in Table 570-1 of the Talent Zoning Code. **The provisions of this section have been met subject to conditions of approval.**

8-3J.575 *PARKING AREA IMPROVEMENTS*

All public and private parking areas, which contain three (3) or more off-street parking spaces, except for single and two-family dwellings and mobile homes on individual lots, shall be improved according to the following:

- A. *All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland Cement Concrete, or other materials approved by the City Engineer. The use of pervious asphalt paving in parking areas is encouraged to meet on-site stormwater standards that may significantly reduce the requirement for drainage facilities.*

FINDING: The parking area is surfaced with concrete. **The provisions of this section have been met.**

- B. *All parking areas, aisles, turnarounds, and outdoor vehicle sales areas shall be graded so as not to drain storm water over sidewalks, public rights-of-way, and abutting private property. Storm water runoff generated beyond that which is normal for the site in its natural state shall, as much as possible, be retained on the site. Direct flow in stream channels is to be avoided. Methods to accomplish this provision include exhausting the possibilities of grading and draining parking lots into one or more of the following: percolation wells, trenches or ponds; vegetated or landscaped swales; natural drainage channels other than creek channels; and, for peak rainfall or runoff periods, seldom-used portions of the parking lot itself. It is the responsibility of the property owner to maintain the storm water system on his property in an operational manner so as to maintain the public safety and welfare; failure to maintain such a system in good repair may be constituted as a public nuisance in accordance with the provisions of any City ordinance regarding public nuisances. At least, drainage systems shall be conducted to public storm water sewers and ditches. (Please see Stormwater Design Standards)*

FINIDNG: The applicant will not be adding to the pre-existing impervious surface area of the site in order to accommodate parking needs, therefore the quality and quantity of stormwater runoff from the site is not expected to change. **The provisions of this section have been met.**

- C. *All spaces shall be permanently and clearly marked.*

FINDING: The proposed plan identifies each space however a site visit had indicated that parking stall lines have faded substantially in the decades since the lot was initially paved and marked. As a condition of approval, the applicant shall permanently and clearly mark the parking area as detailed on the approved plan. **The provisions of this section have been met subject to conditions of approval.**

- D. *Wheel stops and bumper guards shall be provided where appropriate for all spaces abutting property lines or buildings, and where necessary to protect trees or other landscaping; and no vehicle shall overhang a public right-of-way.*

FINDING: The proposed site plan does not identify wheel stops for the parking stalls abutting the exterior of the building. To ensure the safety of pedestrians using the sidewalk adjacent to the building and those within the building, the applicant shall, prior to mobile food cart occupancy on-site, install wheel stops in the parking stalls that abut the building. **The provisions of this section have been met subject to conditions of approval.**

- F. *Trees and Landscaping.*

- 1. *A minimum of forty percent (40%) of the outdoor parking area shall be shaded by trees within fifteen (15) years of planting, and buildings at noon on August 21 Pacific Daylight Time. Noon on August 21 constitutes a 58-degree solar altitude and shadow lengths shall be calculated by multiplying the height of a shadow-casting object by 0.625. Shadow patterns will be cast in a due north direction from the object.*

2. *Trees shall be retained and/or planted in landscaped areas, which shall cover not less than seven percent (7%) of the area devoted to outdoor parking facilities. Such landscaping shall be uniformly distributed throughout the parking area and may consist of trees plus shrubs, ground cover or related material. The intent is to break up large expanses of asphalt and thus provide shade in the warmer months and pervious surfaces for stormwater, and aesthetic relief. At a minimum, one tree per 5 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for sustainable plant growth, with appropriate timing devices to encourage water conservation.*
3. *Irrigation facilities or other provisions for the continuing care of the vegetation and protective curbs or raised wood headers shall be provided for landscaped areas.*
4. *Trees shall be of a type and distribution to reduce the reflection of heat by paved surfaces and should have an adequate lifespan, be pollution tolerant and have low maintenance requirements in order to save long-term costs. An approved recommended tree list will be provided to the applicant.*
5. *Trees shall be planted in a manner that will minimize interference with the solar access of adjacent properties.*

FINDING: The lot surface modifications proposed in the site plan are small scale and do not negatively impact existing landscaping arrangements, landscaping modifications are not required. **The provisions of this section are not applicable.**

- G. *Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect light away from any abutting or adjacent residential district and limit excessive light pollution.*

FINDING: The proposed site plan did not include the request for additional lighting. **The provisions of this section are not applicable.**

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: The proposed site modifications will not negatively impact the only pre-existing vehicular access point, which connects with Highway 99. ODOT will be reconfiguring all access along Highway 99 in 2017 and any access issues will be resolved at that time. **The provisions of this section are not applicable.**

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 lot surface modifications proposed in the site plan are small scale and do not negatively impact pedestrian traffic, further modifications to pedestrian access are not required. **The provisions of this section are not applicable.**

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

After an examination of the site, the planner 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.*

FINDING: The subject parcel is zoned Highway Commercial (CH) which allows retail and wholesale business uses subject to a Type-II Site Development Plan review. The proposed use of the property as a bicycle shop (service/retail/repair) and mobile food vendor space eating/drinking establishment is consistent with the provisions of this section.

The applicant's proposed site plan and findings address all provisions of this Chapter and other applicable City ordinances or meet the provisions of this chapter and other applicable City ordinances through the applications of conditions of approval. **The provisions of this section have been met subject to conditions of approval.**

- b) *The proposed development will be in conformance with the intent and objectives of the zone in which it will be located.*

FINDING: The subject parcel is zoned Highway Commercial (CH) which allows retail and wholesale business uses subject to a Type-II Site Development Plan review. The proposed use of the property as a bicycle shop (service/retail/repair) and mobile food vendor space eating/drinking establishment is consistent with the provisions of this section. **The provisions of this section have been met.**

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

FINDING: The proposed site development plan is consistent with the approval criteria addressed in this staff report and meets the overall intent of the commercial Comprehensive Plan designation. **The provisions of this section have been met subject to conditions of approval.**

- 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 property is surrounded by a commercial building to the north and a landscape supply business to the south and west. All of these lots are zoned CH Highway-Commercial, no significant increases in noise or waste are expected, therefore the proposed development does not conflict with nearby existing land uses. **The provisions of this section have been met.**

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

FINDING: The applicant stated that all additional waste generated by food vendors will be the responsibility of the food vendors to dispose of off-site. The proposed site modification involves relocating the existing garbage dumpster from the parking lot to the western corner of the building. From this location, the garbage dumpster will not be visible from the Highway 99 and will not impair parking lot traffic flow. The applicant will not be adding to the pre-existing impervious surface area of the site in order to accommodate parking needs, therefore the quality and quantity of stormwater runoff from the site is not expected to change. **The provisions of this section have been met.**

- 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: Through the submittal of a detailed site development plan and findings, the applicant has demonstrated that the above criteria have been met or can be met with conditions of approval.

As proposed, the building is situated in such a manner that vision clearance to the Highway 99 is maintained and that internal circulation and pedestrian safety is adequate. Each of the above criteria have been addressed in the findings above. **The provisions of this section have been met.**

- 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 proposal does not require any street related or other needed public facility improvements. **The provisions of this section are not applicable.**

DISCUSSION

Overall, staff is very supportive of proposed site development plan because of its multiple-use functionality and its ability to meet overall intent of the Highway Commercial zoning district.

RECOMMENDATION

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

GENERAL CONDITIONS

1. The applicant shall continue to maintain existing landscaping, fences, walls and signs.
2. The applicant shall continue to maintain no less than two (2) bicycle parking spaces in a safe and practical location.
3. The applicant shall adhere to the minimum parking space and aisle dimensions as identified in Table 570-1 of the Talent Zoning Code.

PRIOR TO FOOD VENDOR OCCUPANCY

4. The applicant shall re-stripe the ADA Van Accessible parking stall and bring it into conformance with current ADA requirements.
5. The applicant shall permanently and clearly mark the parking area as detailed on the approved plan.
6. The applicant shall install wheel stops in the parking stalls that abut the building.



Zac Moody
Community Development Director

5/6/15

Date