

City of Talent

Community Development Department - Planning



STAFF REPORT

Type II Land Use Application — Administrative Review

Date: March 10, 2017
Item: SPR 2016-009, Jonathan Jensen
Site: 101 W. Valley View Rd.

Applicant:	Jonathan Jensen 620 Brian Way Medford, OR 97501
Property Owner:	Mark & Patricia Scales 1780 Sunnyview Dr. Libertyville, IL 60048
Requested Action:	Approval of a Site Development Plan for the conversion of office/storage space to a restaurant and residential living space
Assessor's Map Number:	38-1W-23DC, Tax Lot 1700
Site Location:	101 W. Valley View Rd.
Zoning:	CBD – Commercial - Central Business District
Deemed Complete:	December 28, 2016
Notice Mailed:	December 29, 2016
120-Day Limit:	April 27, 2017

PROPOSAL

Conversion of an existing office/storage space to a restaurant and living space

APPROVAL CRITERIA

Talent Zoning Code 8-3D.2, 8-3J.1, 8-3J.3-6 and 8-3L.1

PROPERTY CHARACTERISTICS



The site is located on the corner of W. Valley View and Talent Ave. as shown above.

AGENCY COMMENTS

One comment from Rogue Valley Sewer Services (RVS) was received, indicating that there is no requirement for a Stormwater management plan because the addition of new impervious surface does not exceed 2,500 square feet. Additionally, changes to the internal configuration of the building and

the addition of new plumbing fixtures will require additional System Development Charges (SDCs) to be paid to RVS.

PROPERTY OWNER COMMENTS

Three property owner comments were received, one recommending approval of the application and two stating “no comment”. One of the comments cited concerns that the proposed new fence on the east side of the property would encroach onto the adjacent property. The applicant has submitted plans identifying the fence on the subject property. Property line disputes are a civil matter that are not handled by the City, however, the City will attempt to locate a recently placed property pin to determine the vicinity of the property line. These concerns are further addressed in the findings below.

ANALYSIS

Tentative administrative approval is subject to compliance with the approval criteria above, and the underlying zoning district (8-3D.2, CBD). Text from the code appears in *italics*.

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

- 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.*

FINDING: The subject parcel is zoned Central Business District (CBD) and allows for dwelling units provided the dwelling is at ground level behind a non-residential use and does not exceed 50 percent of the total ground floor space. The property consists of a single building with commercial on the north side and residential on the south side. The building is fronted by right-of-way on two sides and public parking on the south side. There is limited space on the east side of the property that faces the adjacent residential land, so expansion for residential proposes on that side is not practical. There are two sides of the building that face a right-of-way and two main entrances to the building adjacent to the right-of-way. Considering this, staff has determined that the existing residence in the southern portion of the building meets the requirement of being located behind the building since one of the main entrances is located in the north portion of the building.

According to county records, the building is approximately 3,115 square feet of which approximately 848 square feet is dedicated to the residential use. The result is a living space that is approximately 27 percent of the total ground floor space.

The intent of allowing a residence above or behind a commercial space is to maintain the commercial appearance of the building. To ensure the commercial character of the building, there shall be no appearance of a residential use on the property. This can be achieved by disallowing items such as storage sheds, private patio furniture and other residential type items on the property unless properly screened. The applicant has proposed a parking area for residential use on the southeast corner of the property, with access from W. Valley View. As a means of allowing some space for personal, residential-type items, a sight obscuring fence six (6) feet in height shall be installed between the south portion of the building and adjacent property to the east. As a condition of approval, the applicant shall, prior to Certificate of Occupancy, install a sight obscuring fence six (6) feet in height between

the south portion of the building and eastern property line to ensure the residential use is not visible from W. Valley View Rd. **The provisions of this section have been met subject to conditions of approval.**

8-3D.230 BUILDINGS AND USES SUBJECT TO TYPE-2 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 District (CBD) which allows eating and drinking establishments as a Type 2 review, provided the building does not exceed 6,000 square feet. The existing building is approximately 3,115 square feet and no expansions of floor area are proposed. **The provisions of this section have been met.**

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 CBD zone allows for the proposed restaurant and residential use and is subject to an Administrative Site Development Plan review and notice to the neighboring property owners. All applicable code sections of the TZC have been addressed within the application submittals or will be made to comply with 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 CBD zone is intended 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 use of the property as a restaurant and residential living quarters meets the intent and objectives of the CBD zone. **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 of the Talent Zoning Code and meets the overall intent of the commercial Comprehensive Plan designation. **The provisions of this section have been met.**

- 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 site plan identifies a fence six (6) feet in height between the commercial portion of the building and the adjacent residential use to the east. However, the portion of the building used for residential does not have a proposed fence. Although not an incompatible use with

the adjacent residential dwelling, it is incompatible with the other commercial uses. As a means of allowing some space for personal, residential type items, a sight obscuring fence six (6) feet in height shall be installed between the south portion of the building and adjacent property to the east. As a condition of approval, the applicant shall, prior to Certificate of Occupancy, install a sight obscuring fence six (6) feet in height between the south portion of the building and eastern property line to ensure the residential use is not visible from W. Valley View Rd. **The provisions of this section have been met subject to conditions of approval.**

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

FINDING: The proposed conversion does not create any new impervious surface in excess of 2,500 square feet or generate any waste other than normal water runoff. Comments from RVS state that no stormwater management plan is required since the proposal does not increase the impervious surface by 2,500 square feet. **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: The proposed plan does not identify the required sidewalk on the south side of the development. As a condition of approval, the applicant shall, prior to Certificate of Occupancy, dedicate the necessary right-of-way to allow the future installation of a 5' sidewalk and 2' curb and gutter between the south side of the building and W. Valley View Rd. **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 development is located at the intersection of Talent Ave. and E. Main St and Talent Ave. and W. Valley View. Recent surveys as part of the West Valley View Master Plan have identified an area along W. Valley View that does not have sufficient right-of-way. The proposed plan does not identify the required sidewalk on the south side of the development. As a condition of approval, the applicant shall, prior to Certificate of Occupancy, dedicate the necessary right-of-way to allow the future installation of a 5' sidewalk and 2' curb and gutter between the south side of the building and W. Valley View Rd. **The provisions of this section have been met subject to conditions of approval.**

8-3J.180 *BUFFERING*

Where buffering is required between adjacent uses or zones, the type of buffering shall be appropriate to its purpose. Where the purpose is primarily the screening of objectionable views, a fence, wall or screen planting of six feet in height—or of such greater or lesser height as will be adequate to obscure the objectionable view—shall be required. Fences or walls shall either be of a material so as to provide an aesthetically pleasing or shall be landscaped so as to provide an aesthetically pleasing buffer for adjacent properties. Other appropriate means of buffering, including but not limited to spatial separations, landscaping, natural topography and other barriers shall be utilized to minimize other types of incompatibility between land uses.

FINDING: The subject parcel is adjacent to residential development with residential parking located on the east side of the building between the proposed use and the neighboring property. To ensure that the proposed commercial use is adequately screened from the residential use, the applicant shall install a site-obscuring fence not more than six (6) feet in height or an evergreen hedge along the east side of the property from the north end of the building to the south end of the building. As a condition of approval, the applicant shall, prior to Certificate of Occupancy, install either a site-obscuring fence or evergreen hedge at least six (6) feet in height along the east side of the property from the north end of the building to the south end of the building. **The provisions of this section have been met subject to conditions of approval.**

8-3J.420 *MINIMUM LANDSCAPED AREAS*

A. *The minimum percentage of required landscaping is as follows:*

2. *Central Business District (CBD). 20 percent of the site.*

FINDING: The subject parcel is not currently landscaped. The parcel is approximately 10,454 square feet which would require approximately 2,090 square feet of landscaping or three (3) trees and twelve (12) shrubs. The site currently has two large trees, but no shrubs as required by the zoning code. As a condition of approval, prior to Certificate of Occupancy of the new restaurant use, the applicant shall provide Community Development with a landscaping plan identifying the location of all required landscaping in accordance with 8-3J.4 of the Talent Zoning Code including, one (1) 2” caliper tree, twelve (12) shrubs and groundcover covering areas that are not occupied by structures, roadways or parking areas and install all approved landscaping. **The provisions of this section have been met subject to conditions of approval.**

8-3J.470 *LANDSCAPE MAINTENANCE*

It shall be the responsibility of the property owner to maintain landscaping on their property. All landscaping and trees shall be provided with irrigation or other facilities for the continuing care of the vegetation.

B. *Commercial Areas. Landscaping. In commercial zones, areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities shall be landscaped and maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3.*

FINDING: As a general condition of approval, all landscaped areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities and fences, walls, hedges and other screen plantings or buffers shall be continually maintained. **The provisions of this section have been met subject to conditions of approval.**

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:

FINDING: The subject parcel is zoned CBD and is exempt from the off-street parking standards. No off-street parking is being proposed as part of this development. **The provisions of this section are not applicable.**

8-3J.560 BICYCLE PARKING FACILITIES

Commercial, industrial facilities and multiple-family dwellings shall provide adequate, safe and conveniently located parking facilities for bicycles. All uses, which are 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:*
 2. *Parking Lots. All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces. Sheltered bicycle parking is recommended to encourage bicycle use.*

FINDING: The proposed plan does not identify any off-street parking stalls and therefore does not require any bicycle parking. However, the general nature of the area is pedestrian oriented and the applicant is encouraged to provide sheltered bicycle parking to support multimodal transportation and reduce vehicle trip generated to the site. **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 service drive so that no backward movement or other maneuvering of a vehicle within a street other than an alley will be required.*

FINDING: The proposed plan does not identify any off-street parking stalls for customer use. The only proposed parking space is located on the east side of the proposed living space at the south end of the building. Backward movement and maneuvering of a vehicle is permitted at this location because the area is no longer a local street. **The provisions of this section are not applicable.**

- 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.*

FINDING: No parking stalls are being proposed. No compact stalls have been requested. **The provisions of this section are not applicable.**

- 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).*

FINDING: No off-street parking stalls are being proposed as part of this development. **The provisions of this section are not applicable.**

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 area to the east of the residential living space serves as access to the trash enclosure area and shall have a durable, dust-free surface of asphalt, concrete or other materials approved by the City Engineer. As a condition of approval, prior to Certificate of Occupancy, the applicant shall pave the area to the east of the residential living space to provide a dust-free surface to the trash enclosure area. **The provisions of this section have been met subject to conditions of approval.**

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

FINDING: No off-street parking stalls are being proposed as part of this development. **The provisions of this section are not applicable.**

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: No off-street parking stalls are being proposed as part of this development. **The provisions of this section are not applicable.**

E. *Where parking facilities or driveways are located adjacent to residential or agricultural uses, school yards, or similar institutions, a site-obscuring fence, wall or evergreen hedge not less than five (5) feet and not more than six (6) feet in height (except that such wall, fence or screen planting may exceed six feet in height if located beyond the required yard setbacks), and adhering to any vision clearance requirements and the yard requirements of the zone in which it is located, shall be provided on the property line, or between the property line and the parking area or driveway. Screen plantings shall be of such size and number as to provide the required screening at maturity, and shall be planted within twelve (12) months of the issuance of the building permit required in subsection H, below.*

FINDING: The subject parcel is adjacent to residential development with residential parking located on the east side of the building between the proposed use and the neighboring property. To ensure that the proposed commercial use is adequately screened from the residential use, the applicant shall install a site-obscuring fence not more than six (6) feet in height or an evergreen hedge along the east side of the property from the north end of the building to the south end of the building. As a condition of approval, the applicant shall, prior to Certificate of Occupancy, install either a site-obscuring fence or evergreen hedge at least six (6) feet in height along the east side of the property from the north end of the building to the south end of the building.

The provisions of this section have been met subject to conditions of approval.

- 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 does not identify any outdoor lighting. If parking area lighting is being considered, the applicant shall install lights that are shielded or arranged to reflect light away from abutting or adjacent properties and limit excessive light pollution. **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 development is not currently served by an access. The proposed access is located off what used to be W. Valley View Rd., but is now the plaza parking area. Access at this location would be limited to a single lane with a driveway apron of no greater than 12 feet. Construction of this access point shall be approved by the Public Works Department through a Right-of-Way Construction Permit. As a condition of approval, prior to Certificate of Occupancy, the applicant shall, at their own expense, provide Community Development with an approved right-of-way permit for the construction of the driveway access from W. Valley View Rd and shall install approved improvements in accordance with the approved right-of-way permit. **The provisions of this section have been met subject to conditions of approval.**

2. *Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum width of 10 feet per lane is required). These methods are "options" to the developer/subdivider, unless one method is specifically required by Divisions 8-3C through 8-3H, and Article 8-3J.1.*
 - a. *Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access point. Street access points shall comply with Paragraph 630(A)3.*

FINDING: The proposed development is not currently served by an access. The proposed access is located off what used to be W. Valley View Rd., but is now the plaza parking area. Access at this location would be limited to a single lane with a driveway apron of no greater than 12 feet. Construction of this access point shall be approved by the Public Works Department through a Right-of-Way Construction Permit. As a condition of approval, prior to Certificate of Occupancy, the applicant shall, at their own expense, provide Community Development with an approved right-of-

way permit for the construction of the driveway access from W. Valley View Rd and shall install approved improvements in accordance with the approved right-of-way permit. **The provisions of this section have been met subject to conditions of approval.**

DISCUSSION

Overall, staff is very supportive of the proposed site development plan because of its ability to meet the intent of the Central Business District zone, providing a needed eating establishment and live work housing to Talent residents.

RECOMMENDATION

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

GENERAL CONDITIONS

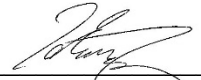
1. The applicant shall continually maintain all landscaped areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities and fences, walls, hedges and other screen plantings or buffers.
2. If parking lot lights are to be installed, the applicant shall provide a revised site plan that includes the light specifications for all exterior parking lot and building lighting. All lights shall be shielded or directed in a manner that prevents light from reflecting towards the residential uses.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

3. The applicant shall pay all required transportation system development charges related to the change from an office/storage use to a restaurant use and from an office use to a residential use. Applicant shall also pay all required parks system development charges related to the new residential use.
4. The applicant shall install a sight obscuring fence six (6) feet in height between the south portion of the building and eastern property line to ensure the residential use is not visible from W. Valley View Rd.
5. The applicant shall dedicate the necessary right-of-way to allow the future installation of a 5' sidewalk and 2' curb and gutter between the south side of the building and W. Valley View Rd.
6. The applicant shall install either a site-obscuring fence or evergreen hedge at least six (6) feet in height along the east side of the property from the north end of the building to the south end of the building.
7. The applicant shall provide Community Development with a landscaping plan identifying the location of all required landscaping in accordance with 8-3J.4 of the Talent Zoning Code

including, one (1) 2” caliper tree, twelve (12) shrubs and groundcover covering areas that are not occupied by structures, roadways or parking areas and install all approved landscaping.

8. The applicant shall pave the area to the east of the residential living space to provide a dust-free surface to the trash enclosure area.
9. The applicant shall install lights that are shielded or arranged to reflect light away from abutting or adjacent properties and limit excessive light pollution.
10. The applicant shall, at their own expense, provide Community Development with an approved right-of-way permit for the construction of the driveway access from W. Valley View Rd and shall install approved improvements in accordance with the approved right-of-way permit.



Zac Moody
Community Development Director

3/10/17

Date