



**BEFORE THE TALENT PLANNING COMMISSION
STATE OF OREGON, CITY OF TALENT**

IN THE MATTER OF PLANNING COMMISSION FILE NO. SPR)
2017-003 LOCATED NEAR THE INTERSECTION OF TALENT) ORDER
AVE. AND LAPREE ST. [MAP NO. 38-1W-23DC TAXLOT 901],)
THE CITY OF TALENT PLANNING COMMISSION FINDS THE)
FOLLOWING:

1. The Planning Commission held a properly noticed public hearing on this matter on May 25, 2017;
2. The Planning Commission asked the Community Development Director to present a Staff report and a final order with findings and recommendations at the May 25, 2017 public hearing;
3. At the public hearing evidence was presented and the public was given an opportunity to comment;
4. The Commission found that the proposed use was allowed and consistent with the intent of the Central Business District (CBD) zoning district and with the Site Development Plan Review standards outlined in 8-3L.1 of the Talent Zoning Code;
5. The Commission found that the building design is consistent with the Old Town Design Standards outlined in 8-3K of the Talent Zoning Code.

The Talent Planning Commission approves the Site Development Plan (SPR 2017-003) with the following conditions of approval:

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. The applicant shall provide Community Development with a revised landscape plan identifying the specific location of three (3) 2” caliper trees, twelve (12) 5-gallon shrubs and the required ground cover.
2. The applicant shall provide a revised site plan indicating the location of the two (2) required public bicycle parking spaces conveniently located near the public right-of-way in a manner that does not conflict with the vision clearance standards.
3. The applicant shall provide a revised site plan stating the type of emergency vehicle access signage to be installed and that the applicant will be responsible for all costs associated with the required signage.

4. As a condition of approval, prior to issuance of permits, the applicant shall provide Community Development with a copy of the Stormwater Management Plan approved by Rogue Valley Sewer Services (RVSS) that addresses all detention and treatment requirements outlined in the Rogue Valley Stormwater Design Manual (8/2008).
5. The applicant shall provide Community Development with a revised landscape plan identifying the specific location and type of the proposed trees.
6. The applicant shall provide Community Development with a detail of the proposed exterior lighting consistent with the approved plan.
7. The applicant shall provide Community Development with building plans that demonstrate the proposed pathways meet current ADA standards.
8. The applicant shall provide evidence that all SDCs have been paid in full.

PRIOR TO CERTIFICATE OF OCCUPANCY:

9. The applicant shall install wheel stops or bumper guards in all proposed public and private parking stalls.
10. The applicant shall permanently and clearly mark all parking stalls in accordance with the approved plan.

GENERAL CONDITIONS

11. All areas of the subject property not occupied by roadways, parking areas, walkway, patios or structures shall be maintained at all time.

IT IS HEREBY ORDERED THAT the Talent Planning Commission approves with conditions the requested site development plan to build a mixed-use commercial/residential structure with ground floor commercial/residential and a second floor residential unit based on the information presented in the Staff Report and Findings of Fact below:

In the following, any text quoted directly from City codes appears in *italics*; staff findings appear in regular typeface.

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 proposed mixed-use building has a main level building footprint of 2,078 square feet, of which approximately 796 square feet will be devoted to ground floor residential behind the non-residential use. As proposed only 38 percent of the ground floor level is devoted to residential. The upper level of the proposed building will include a residential unit 915 square feet in size as well as 380 square feet of space dedicated as rentable art studio space. **The provisions of this section have been met.**

8-3D.230 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE 2 SITE DEVELOPMENT PLAN REVIEW

B. *Retail stores (excluding sales of medical or recreational marijuana by producers, wholesalers, processors and retail outlets) and offices; personal, business and repair services, not including automotive repair. Such uses may not exceed 6,000 square feet. Automotive parts and sales are permitted provided that the activity happens fully within enclosed buildings.*

FINDING: The proposed mixed-use building has a main level building footprint of 2,078 square feet, of which approximately 796 square feet will be devoted to ground floor residential behind the non-residential use. As proposed 62 percent of the ground floor level is devoted to commercial space, including 960 square feet of art gallery space and open plaza space. The proposed building does not exceed 6,000 square feet. **The provisions of this section have been met.**

8-3D.260 YARD 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.*

FINDING: The proposed mixed-use building meets all required setback. Approximately 55 percent of the front elevation has a zero setback while the remaining 45 percent is setback six (6) feet to accommodate a plaza area near the building entrance. The side yard on the north side of the parcel is zero (0) feet, while south side yard is setback twenty-three (23) feet to accommodate parking directly off the alley. **The provisions of this section have been met.**

E. *Adjacency to residential zones: Where lots abut residentially zoned lots, all setbacks shall be twenty (20) feet on the side(s) abutting said lots. This includes front setbacks in order to provide a transition.*

FINDING: The proposed development does not abut residentially zoned lots. **The provisions of this section are not applicable.**

8-3D.290 PARKING AND LOADING REQUIREMENTS

- A. *Off-street loading spaces shall be provided as prescribed in Article 8-3J.5. Off-street parking spaces adequate to serve commercial establishments shall be made available, but may be provided on a district-wide or joint use basis rather than adjacent to each commercial use. If adequate public or commercial parking areas are not available, the individual business shall be responsible for providing adequate off-street parking in conformance with the requirements of Article 8-3J.5.*
- B. *On-site parking is prohibited between the building and the street, with the exception of sites with three or more frontages. Access to parking lots shall be from alleys wherever possible.*

FINDING: Although the development is not required by Section 8-3J.5 to provide parking, the applicant has proposed both public and private parking spaces. The public spaces have direct access to the one-way alley and include both standard and handicap stalls. All private parking is to the rear of the building behind a locked gate. All parking design standards are addressed in the findings below. **The provisions of this section have been met.**

8-3D.295 LANDSCAPING, FENCES, WALLS AND SIGNS

In the CBD zone, all required landscaping shall be installed in accordance with Section 8-3J.4. Fences and walls shall be permitted in accordance with Section 8-3J.4. Signs shall be permitted in accordance with Section 8-3J.7. [Amended by Ord. No. 918; 7/15/2016]

8-3D.296 BUFFERING

When a development or use is proposed on property within the CBD 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 in accordance with Section 8-3J.450. The Planning Commission may waive buffering that would otherwise be required by Section 8-3J.460(B) if it finds that the need to fulfill the intent of the CBD zone outweighs the need for buffering. [Amended by Ord. No. 918; 7/15/2016]

FINDING: The proposed landscape plan adequately demonstrates compliance with the provisions of Section 8-3J.4 and are addressed in the findings for Section 8-3J.420-430 and 8-3J.450 below. **The provisions of these sections have been met.**

8-3J.420 MINIMUM LANDSCAPED AREA

- A. *The minimum percentage of required landscaping is as follows:*
 - 2. *Central Business District (CBD) and Central Business Highway (CBH) Zones. 20 percent of the site.*

FINDING: The subject parcel totals approximately 10,285 square feet which requires 2,057 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 2,366 square feet of landscaped area. **The provisions of this section have been met.**

8-3J.430 MINIMUM VEGETATION AND GROUND COVER

- A. *Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:*
 - 1. *One tree, minimum 2” caliper.*
 - 2. *Four 5-gallon shrubs or accent plants.*
- B. *Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material as defined in Section 8-3J.430(C) below, shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy unless a xeriscape plan is approved.*
- C. *Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. “Coverage” is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting. The landscape materials below may be modified as part of an approved xeriscape plan.*

FINDING: The subject parcel totals approximately 10,285 square feet which requires 2,057 square feet of landscaping. As shown on the proposed site plan, the development includes approximately 2,366 square feet of landscaped area. Pursuant to Section 8-3J.430(A) above, the applicant shall plant three (3) 2” caliper trees and twelve (12) 5-gallon shrubs or accent plants to meet the minimum landscape requirements. The proposed landscape plan identifies four (4) trees and a combination of small and large shrubs without any specific size. As a condition of approval, prior to issuance of building permits, the applicant shall provide Community Development with a revised landscape plan identifying the specific location of three (3) 2” caliper trees, twelve (12) 5-gallon shrubs and the required ground cover. **The provisions of this section have been met subject to conditions of approval.**

8-3J.450 BUFFER AND SCREENING

The Planning Commission shall require a buffer when a development or use proposed in a commercially and industrially zoned area is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone.

FINDING: The proposed development is not adjacent to a conflicting or incompatible use. **The provisions of this section are not applicable.**

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.

- A. *Residential Areas*

In all residential zones, areas on a lot not occupied by roadways, parking areas, walkways, patios or structures shall be maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.3. All fences, walls, hedges and screen plantings shall be maintained.

B. *Commercial Areas*

In commercial zones, areas not occupied by structures, roadways or parking areas, walkways, bicycle paths, patios or other specific facilities shall be maintained. Fences, walls, hedges and screen plantings shall be permitted in conformance with the requirements of 8-3J.420 and 430 above.

FINDING: As a general condition of approval, all areas of the subject property not occupied by roadways, parking areas, walkway, patios or structures shall be maintained at all time. **The provisions of this section have been met subject to conditions of approval.**

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 Table 540-1, except as otherwise provided in this Article.*

FINDING: Parking is not required in the Central Business District zone. **The provisions of this section are not applicable.**

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).*

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>		
<i>1-25</i>	<i>1</i>	<i>1</i>	<i>0</i>

FINDING: As stated above, there are no parking requirements in the CBD zoning district. However, the applicant has proposed twelve (12) off-street parking stalls along the alley and on the eastern boundary of the property. Considering that parking has been proposed, it shall meet the ADA requirements above. As proposed, the applicant has identified one (1) ADA stall in conformance with the ADA standards in Table 540-2 above. **The provisions of this section have been met.**

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:*

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.*

FINDING: The proposed site plan provides sheltered bicycle parking spaces that can accommodate the required two (2) spaces. As proposed, the sheltered spaces are only accessible to the business owner or occupants of the two residences and are not conveniently located near the right-of-way. In order to meet this standard, the applicant shall provide a bicycle parking hoop that can accommodate two (2) additional spaces available to the public. As a condition of approval, prior to issuance of permits, the applicant shall provide a revised site plan indicating the location of the two (2) required public bicycle parking spaces. **The provisions of this section have been met subject to conditions of approval.**

- 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 proposed site plan provides sheltered bicycle parking spaces that can accommodate the required two (2) spaces. As proposed, the sheltered spaces are only accessible to the business owner or occupants of the two residences and are not conveniently located near the right-of-way. In order to meet this standard, the applicant shall provide a bicycle parking hoop that can accommodate two (2) additional spaces available to the public. As a condition of approval, prior to issuance of permits, the applicant shall provide a revised site plan indicating the location of the two (2) required public bicycle parking spaces conveniently located near the public right-of-way in a manner that does not conflict with the vision clearance standards. **The provisions of this section have been met subject to conditions of approval.**

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.*

- 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.*

FINDING: The proposed parking area design, including the parking stalls adjacent to the public alley, provides adequate space for proper movement and other maneuvering of vehicles. The proposed parking stalls along the alley are standard width and extend to the right-of-way line. Jackson County Fire District 5 expressed concern about large vehicles parking adjacent to the alley and the potential of vehicles extending into the right-of-way. To ensure proper emergency vehicle access along the 20' wide alley, the Fire District suggested, and the applicant has agreed to provide signage or paint indicating the alley shall not be blocked. Staff recommends that the applicant work with Public Works to identify the proper signage to be installed. As a condition of approval, prior to issuance of permits, the applicant shall provide a revised site plan stating the type of emergency vehicle access signage to be installed and that the applicant will be responsible for all costs associated with the required signage.

Stormwater management is required for all new impervious surfaces in the development. As required in Section 8-3J.570 (E) above, all parking stalls shall be improved to City standards for surfacing, stormwater management and striping. As a condition of approval, prior to issuance of permits, the applicant shall provide Community Development with a copy of the Stormwater Management Plan approved by Rogue Valley Sewer Services (RVSS) that addresses all detention and treatment requirements outlined in the Rogue Valley Stormwater Design Manual (8/2008). **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: All driveway and parking areas in the proposed site plan consist of a durable dust-free paved surface. **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).

FINDING: Stormwater management is required for all new impervious surfaces in the development. As required in Section 8-3J.570 (E) above, all parking stalls shall be improved to conform to City standards for surfacing and stormwater management. As proposed, the parking area will be paved to meet the current city standards and no stormwater will drain over sidewalks, public rights-of-way or abutting properties. As a condition of approval, prior to issuance of permits, the applicant shall provide Community Development with a copy of the Stormwater Management Plan approved by Rogue Valley Sewer Services (RVSS) that addresses all detention and treatment requirements outlined in the Rogue Valley Stormwater Design Manual (8/2008). **The provisions of this section have been met subject to conditions of approval.**

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

FINDING: The proposed plan identifies all required parking stall in accordance with Section 8-3J.570(E) Figure 570-1 and Table 570-1. As a condition of approval, prior to Certificate of Occupancy, the applicant shall permanently and clearly mark all parking stalls in accordance with 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: All proposed parking stalls adjacent to the alley about a raised sidewalk five (5) feet in width. The proposed sidewalk serves as sufficient protection for adjacent building but does not provide adequate pedestrian safety or proper ADA access without wheel stops to prevent the front end of vehicles from encroaching on the walkway. As a condition of approval, prior to Certificate of Occupancy, the applicant shall install wheel stops or bumper guards in all proposed public and private parking stalls. **The provisions of this section have been met subject to conditions.**

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.*

FINDING: The proposed mixed use development does not site parking facilities or driveways adjacent to residential uses. **The provisions of this section are not applicable.**

F. *Trees and Landscaping.*

1. *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.*
2. *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.*
3. *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.*
4. *Trees shall be planted in a manner that will minimize interference with the solar access of adjacent properties.*

FINDING: The purpose landscape plan provides trees and shrubs uniformly distributed throughout the parking area and meets the intent of breaking up large expanses of asphalt, creating shade during the warmer months and pervious surfaces for stormwater. As proposed, the plan identifies six (6) trees, including one (1) public street tree.

All proposed landscaping, including trees, shrubs and groundcover include irrigation facilities and protective curbs to prolong the life of the vegetation and to provide proper provisions for healthy establishment. All trees shall be of a type and distribution to reduce the reflection of heat by paved surfaces. As a condition of approval, prior to issuance of permits, the applicant shall provide Community Development with a revised landscape plan identifying the specific location and type of the proposed trees. **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 plan identifies the use of wall sconce downlights on the west and south elevations of the building. As proposed, all lights reflect light away from the abutting residential uses. As a condition of approval, prior to the issuance of permits, the applicant

shall provide Community Development with a detail of the proposed exterior lighting consistent with the approved plan. **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.*

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 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.*

FINDING: The development proposes access from the existing alley between the subject parcel and the Camelot Theater. No direct vehicle access from Talent Ave. is being requested as part of this proposal. **The provisions of this section have been met.**

4. *Curb Cut—Driveway Standards.*

a. *Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts. Driveways shall be designed and constructed to facilitate the flow of traffic ingress and egress and maximize safety of pedestrians and vehicular traffic on site. Curbs, sidewalks, landscaping, signs and/or other improvements shall be utilized to clearly define points of ingress and egress.*

b. *Curb cuts or driveway widths shall be sized according to the following:*

(3) *Commercial and industrial uses: maximum curb cuts and driveway approaches are the following according to property frontage:*

<i>Property frontage</i>	<i>One two-way driveway</i>	<i>Two or more two-way driveways</i>
<i>under 30 feet</i>	<i>60% of frontage</i>	<i>-----</i>
<i>30-50 feet</i>	<i>18 feet</i>	<i>-----</i>
<i>50-80 feet</i>	<i>29 feet</i>	<i>-----</i>
<i>80 feet or more</i>	<i>33 feet</i>	<i>28 feet</i>

FINDING: The proposed driveway is fifteen (15) feet in width and can reasonably accommodate two-way traffic. The proposed driveway serves four (4) parking stalls for the

private residents of the building and is controlled with gated access. As proposed, the driveway is designed to facilitate the flow of traffic ingress and egress and maximize safety of pedestrians and vehicular traffic on site. **The provisions of this section have been met.**

8-3J.640 PEDESTRIAN ACCESS AND CIRCULATION

To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicyclists.)

- 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, based on the following definitions:*
 - 4. *For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multiple-family buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway, which serves as a common entrance for more than one dwelling.*
- 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.*
- D. *Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Sec. 630(A). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable.*
- E. *Design and Construction. Pathways shall conform to all of the following standards:*
 - 1. *Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six (6) inches and curbed, or separated from the driveway/street by, at minimum, a five-foot-wide strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.*
 - 2. *Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of five (5) feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions in Divisions 8-3C through 8-3G and Article 8-3L.7. Where there is no building separation, a pathway is not required for commercial, industrial, public, or institutional uses.*

3. *Accessible Routes. Pathways shall comply with the Americans With Disabilities Act, which requires accessible routes of travel.*

FINDING: All proposed pathways within the development are continuous and provide safe, direct and convenient access to the proposed dwelling units. The pathway system within the development includes two (2) access points to the public right-of-way and are elevated six (6) inches above the grade of the adjacent right-of-way and parking area. It is unclear from the proposed plans whether the proposed pathways meet ADA standards, therefore, the applicant shall demonstrate during the building permit process that the proposed pathways comply with ADA standards. As a condition of approval, prior to issuance of permits, the applicant shall provide Community Development with building plans that demonstrate the proposed pathways meet current ADA standards. **The provisions of this section have been met subject to conditions of approval.**

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 proposed mixed-use development complies with the provisions of the Talent Zoning Code and meets the objectives of the zone subject to conditions of approval. **The provisions of this section have been met subject to conditions of approval.**

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

FINDING: The proposed mixed-use development 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.**

- 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 mixed-use commercial and residential development is not adjacent current or future primary residential uses. **The provisions of this section are not applicable.**

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

FINDING: The proposed site development plan does not propose to put any waste other than normal water runoff into the City storm and wastewater facilities. **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: Vehicular and pedestrian access and circulation have been adequately addressed. The proposed building provides an adequate transition to the adjacent single story structures to the north and the proposed landscaping has been designed to create an attractive development that when fully mature. **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: There are no required street or other needed public facilities or service improvements required as a part of this development. **The provisions of this section are not applicable.**

8-3K.130 Commercial Structures

The traditional commercial core area of Talent, including those properties facing Talent Avenue between Wagner Street and Colver Road, reflects the historic character of the community as a small, rural, service area. Buildings here have historically been of modest scale and construction, consistent with the community's vernacular design heritage. In order to reflect that basic character in the core the following standards govern all new commercially zoned construction and remodeling projects requiring a structural building permit.

A. *Commercial Standard 130(A): Volume & Mass*

1. *Setbacks:*

- a. *Setback: Minimum: Two (2) feet; maximum five (5) feet. The surface area in the front or side setback area along the street shall match the existing surface material of the public right-of-way with the goal of creating a safe and attractive pedestrian amenity. Surface area in front area setback shall be durable hardscape but may include areas for small planter beds, flower boxes or chairs and tables, with the goal of creating an attractive pedestrian amenity.*
 - b. *Open Space Setback: Minimum: zero (0) feet; maximum: twenty (20) feet for the primary facade facing the public open space. No parking or vehicular drive isle is permitted within the setback unless already existing or approved or contemplated as part of the West Valley View Master Plan. Such existing parking and drive isles are to be considered legally grandfathered, but non-conforming. Surface area may include landscaping or hard surface materials or mixture thereof.*
2. *Street Elevations:*
- a. *Primary: All buildings will be sited with the primary facade facing the public right-of-way, including the open space area, but excluding public alleys.*
 - b. *Secondary: All building walls that are not visible from the public rights-of-way or abut a public alley, driveway or another wall. Design of the secondary facade may have less ornamentation but shall include a defined and articulated sense of entry. Such entryways may include extended awnings, plaza spaces or courtyards.*
 - c. *Trash enclosures or similar services are excluded from primary elevations except those facing the public open space. Such services must be screened from public view.*
 - d. *Trash enclosures or similar services may be installed along secondary elevations provided they are screened.*
3. *Width:*
- a. *Commercial buildings shall extend from side lot line to side lot line to create a solid streetscape along the public right-of-way. An exception to this standard may be granted to provide for plazas, courtyards, dining areas, or pedestrian access. (See 130(E), below, regarding vertical divisions). This exception may also apply to existing residential buildings converted into commercial space in order to retain the structure's original appearance.*

FINDING: The proposed building is oriented towards Talent Ave. and is of an appropriate size to blend with the surrounding area. The building extends to the north property line, and along the south line is the existing alley. In an effort to provide additional downtown parking, the applicant has proposed parking directly off of the alley increasing the building setback from the property line. Considering the existing gap created from the alley and the need for parking, it is reasonable to permit the increased side yard setback as it will have no detrimental impact on the visual aesthetics of the downtown area. **The provisions of this section have been met.**

B. *Commercial Standard 130(B): Openings*

To maintain and insure a pedestrian-friendly scale within Talent's traditional commercial core, storefronts and upper facades shall reflect the following:

1. *Verticality: All facade window openings shall have a generally vertical proportion (i.e., a height-to-width ratio of 1.5 : 1 or greater; for example, a 24-in. wide window would be at least 36 in. tall). An exception to this standard is allowed for large, fixed storefront windows. In such cases, transom panels spanning the entire storefront glazed area are encouraged.*
2. *Transparency: Ground floor storefronts should be predominately "transparent," with a minimum of 75% glazed surface area, including entry doors (see Fig. 130-1).*
3. *Prohibited Opening Types:*
 - a. *Sliding or "French" entry door sets on the facade (such doors are permitted on side and rear elevations only).*
 - b. *Roll-up garage doors (metal or wood), on street-facing sides (such doors are permitted on side, rear, and alley elevations only). Uses requiring large garage openings on the facade may use sliding or bi-fold doors; wood or metal doors with multiple glass panels are encouraged.*
 - c. *Reflective glazing, "mirror glass" and similar.*
 - d. *Horizontal slider windows (i.e. vertically oriented slider windows).*
 - e. *Arched or "fan light" type windows, except where inset into an articulated structural opening.*

FINDING: As proposed, all front-facing windows and other openings express the desired verticality. The proposed building meets the intent of the transparency section above by providing a large proportion of the lineal front footage with glazed and open areas (breezeway). **The provisions of this section have been met.**

C. *Commercial Standard 130(C): Height*

In order to increase opportunities to transit, reduce transportation impacts, and promote pedestrian activity, multiple-story commercial or mixed-use construction is encouraged. All new commercial and mixed-use construction in the zone is subject to the following standards:

1. *Maximum: No building may be greater than 2½ stories nor shall exceed 30' in height. A ½ story as defined herein is the floor area above the second floor. No ½ story shall be larger than 60% of the total square footage of the second floor and shall be recessed a minimum of ½ the total height of the primary façade from the front in order to minimize mass and scale from the primary rights-of-way which would include corner buildings with two primary facades.*

2. *Minimum: No single-story building shall have a top plate height of less than 16 feet at the public right-of-way (a top plate is the top horizontal member of a frame wall supporting ceiling joists, rafters, or other members).*
3. *Variation: Building height shall be differentiated from the height of adjacent buildings to avoid a solid street wall of uniform height. An exception to this standard will be made for buildings that incorporate a projecting vertical division in the facade treatment that visually separates the facade from adjacent buildings, such as a column, pilaster or post.*

FINDING: The proposed building meets all the height requirements listed in this section. As proposed, the building height is designed in such a manner that avoids a solid street wall of uniform height and is comparable to other nearby buildings. **The provisions of this section have been met.**

D. *Commercial Standard 130(D): Horizontal Facade Rhythm*

To maintain the rhythm of Talent’s traditional architecture, all new commercial construction shall respect the three-part “base-shaft-capital” facade system common to pre-WWII commercial designs.

1. *Base: Buildings shall provide a visually articulated foundation or “base” feature at ground level, typically rising to the bottom of the sill height. A “base” may be created by detail or a change in material or form that differentiates the base from the upper portions of the facade. (i.e. a brick or tiled “base” on a concrete building, or a paneled wood base on a horizontal sided wood building) This standard may also be met by projecting elements or change in surface planes that employ a common material, i.e. a projecting brick sill and “apron” on a brick wall or a cast concrete shoulder that projects away from a concrete wall.*
2. *Stringcourse: Prominent horizontal lines shall be maintained between all floor levels, visually dividing the facade into horizontal sections that reflect the interior levels. Such features may be projecting or incised bands of common materials (as in brick or concrete) or applied trim, as in a wooden “bellyband.” See Figure 130-4*
3. *Cornice Details: All buildings shall have a “cap” element at the uppermost portion of the facade that visually terminates the main facade surface. Cornice details may be integrated into a stepped or decorative parapet or consist of an articulated line that projects from the main surface plane. Modest marker blocks stating building name and date of construction are strongly encouraged.*

FINDING: The proposed building meets all the criteria listed in this section. As proposed, the building has a brick base of approximately 36” in height, which terminates at the window sill; a prominent string course at the second floor; and a cornice at the roof line. **The provisions of this section have been met.**

E. *Commercial Standard 130(E): Vertical Facade Rhythm*

Reflecting the narrow lots common in Talent’s downtown and creating visual interest that enhances the pedestrian scale, commercial facades shall have strong and clearly articulated vertical elements.

1. *Multiple Bays: All storefronts shall be divided into vertical “bays” through the use of structural members such as columns, pilasters, and posts, or by the use of other surface detailing that divides large walls into narrower visual panels. No structure shall have a single “bay” larger than 30 feet (based upon the lot width of the Original Plat of the Town of Talent). Buildings occupying one or more original town lots (i.e., greater than 30 feet in width) shall be visually divided into multiple bays of 30’ or one-half the overall lot width, whichever is the lesser. For example, the facade of a 50-foot wide structure shall be visually divided into two 25’ wide bays. An 80’ foot structure may be divided into two 30’ bays and one 20’ bay or into four 20’ bays, either of which will meet this standard.*
 - a. *West Valley View: In the West Valley View area, buildings shall follow the above standard to maintain vertical rhythms to create attractive pedestrian scale on all primary facades (i.e. facing East Main, Wagner Street or the open space area). On primary facades no single bay shall be larger than 30 feet in width, as defined by articulated vertical elements such as pilasters, columns, posts or other surface detailing. Buildings occupying larger tax lots shall be visually divided into multiple bays of 30’ in width or less. For example, the façade of a 100’ wide structure may be divided into three 30’ bays and one 10’ bay, four 25’ bays, two 30’ bays and two 20’ bays or any multiple thereof providing no single bay exceeds 30’ in width. The use of asymmetrical bays of varied widths meets this standard and is encouraged.*
2. *Edge Definition: All storefronts shall use a pilaster, engaged column, or other structural or decorative vertical element at each side lot line, to create visual division from the adjacent structure. (See 130(C)(3), above, regarding the use of projecting elements). For structures that do not extend from sideline to sideline (as per 130(A)(3), above) the outermost building corner will be treated as the edge for compliance with this Standard.*

FINDING: The proposed building is divided by an offset into two main bays of less than 30 feet each. At the northwest section, which contains the breezeway, the brick continues up the cornice to a strong vertical division. **The provisions of this section have been met.**

F. *Commercial Standard 130(F): Sense of Entry*

All commercial buildings shall have a clearly defined “sense of entry,” with the primary public access serving as a focal point in the visual organization of the facade. This can be accomplished via structural articulation, such as in a recessed entry, or through the use of trim, materials, or other elements. A clear and defined sense of entry facilitates retail activity and adds significantly to the pedestrian interest of the street.

1. *No door may swing open into any public way.*
2. *Doors: Primary commercial entrances shall be primarily transparent with no less than 50% of the total surface consisting of glass.*
3. *Integration: Entryways shall be architecturally integrated into the vertical and horizontal rhythms of the facade.*
4. *Depth: Recessed entries shall be no less than three (3) feet in depth.*

FINDING: The proposed building has a strong sense of entry, facing Talent Ave. with a moderate sized awning-covered plaza inset six (6) feet. The main public entry doors are double doors which are nearly 100% transparent. **The provisions of this section have been met.**

G. *Commercial Standard 130(G): Roof Forms*

Traditional commercial roof forms, including flat, single-slope, or bowstring and other trussed roofs, are all typical of downtown Talent. Other roof forms, particularly gables, were commonly screened from the public right-of-way.

1. *False-front gables and parapets are required to hide pitched roofs, unless otherwise permitted by the review body.*
2. *Mansard roofs are prohibited.*

FINDING: The roof of the proposed building is flat with a cornice and a partial overhand on the west (front) elevation facing Talent Ave. **The provisions of this section have been met.**

H. *Commercial Standard 130(H): Exterior Surface Materials*

1. *Permitted materials include, but are not limited to:*
 - a. *Painted horizontal wood, cement fiberboard, or manufactured wood-based siding (all of which must be smooth finished rather than displaying a fake “wood grain” relief).*
 - b. *Board-and-batten vertical wood siding, painted.*
 - c. *Brick: Traditional use of brick laid in common bond is preferred. Split-faced or “Roman” brick may be appropriate for bulkheads or detail treatments but is prohibited as a primary building material. Highly decorative “washed”, glazed, or molded brick forms are discouraged.*
 - d. *Stucco.*
 - e. *Poured concrete (painted or unpainted).*
 - f. *Concrete block: Split faced concrete block is appropriate for foundations, bulkhead, or detail treatments but is prohibited as a primary building material. Smooth-faced concrete block is prohibited when visible from the public right-of-way, except when used for a building base.*
 - g. *Corrugated metal (roof or wall) in traditional zinc/galvanized finish and profile only. Prefinished grey meets this standard; all other prefinished colors are excluded.*
 - h. *Glazed ceramic tile, particularly for use in bulkhead or storefront areas.*

FINDING: The proposed exterior surface material is primarily stucco, with brick along the base and a brick tower at the breezeway entrance. **The provisions of this section have been met.**

I. *Commercial Standard 130(I): Awnings and Marquees*

Awnings and marquees projecting from the facade over the public right-of-way are a traditional commercial element and enhance pedestrian interest and use by providing shelter. Such features are encouraged but are not required in the zone. Where awnings or marquees are an element in a proposal they shall conform to the following:

1. *Scale: Awnings and marquees shall be proportionate in size to the facade and shall not obscure architectural detail.*
2. *Placement: Awnings should fit entirely within the window or door openings, retaining the vertical line of columns and wall surfaces. Storefront awnings may be full width, crossing interior posts, to a maximum of 25 feet, provided the edge-definition (See 130(E)(2), above) remains visible.*
3. *Awning Materials*
 - a. *Permitted/Encouraged: Cotton, acrylic canvas, or canvas-like materials.*
 - b. *Prohibited: vinyl awnings.*
 - c. *Fixed metal awnings of corrugated metal are permitted provided the pitch is 5/12 or less.*
 - d. *Wood shingle awnings are permitted provided the pitch is 5/12 or less.*
4. *Marquee Materials*
 - a. *Preferred: Natural or painted metal surfaces over an internal structural framework are a traditional marquee design.*
 - b. *Permitted: Painted wood marquees.*
 - c. *Prohibited: Plastic panels or any form of internally illuminated marquees.*
 - d. *Glass or transparent elements that reveal other light sources are excluded.*
5. *Shapes: Traditional single-slope awnings are preferred. "Bubble" or rounded shapes are prohibited except when used with rounded structural openings of the facade wall such as arch-topped windows. Projected "slab" marquees, with angled tie-backs as needed, are preferred.*
6. *Lighting: Internal awning lighting is prohibited. Canned 'downlights' within a marquee are permitted.*
7. *Signage: Signs or painted graphics are limited to the valance or "edge" of the awning or marquee only.*

FINDING: The proposed building includes a traditional trapezoidal awning at the front entrance and a trellis along the south side facing the off-street parking and alley. As proposed, exterior wall sconce lights will be used and directed downward as required by this section of the zoning code. **The provisions of this section have been met.**

J. *Commercial Standard 130(J): Secondary Elevations*

By nature, non-street or alley-facing elevations were less detailed than the primary facade. Rear and sidewall elevation may accordingly be less detailed than storefronts and built of simple materials.

1. *Public Rear Entrance: When a rear or alley entrance serves as the primary or secondary public entrance, such as an elevation facing the public open space area between Main and Wagner Streets, modest detail or highlight should create a “sense of entry” as in 130(F), above. Even when intended as the primary entrance to the use, rear entrances should remain essentially functional in character, thereby reinforcing the primacy of the street-facing elevation.*
2. *Corner Entrances: When a storefront includes a corner entry, both adjacent facades on the public rights-of-way shall both be treated as the “facades” for purposes of these Standards. When a storefront has a visible sidewall elevation as the result of 130(A)(3), above, that elevation shall be treated as a facade in addition to the primary facade.*

FINDING: The secondary elevations of the proposed building are less ornate than the front (Talent Ave.) elevations. The rear and side elevations are for the private use of the proposed dwelling units. **The provisions of this section have been met.**

ORD #725 SYSTEM DEVELOPMENT CHARGES

Section 8. COLLECTION OF CHARGES

- A. *The System Development Charge is payable upon, and as a condition of, issuance of:*
1. *A building permit*
 2. *A development permit and/or a development permit for development not requiring the issuance of a building permit;*
 3. *A permit or approval to connect to the water or storm drainage system, or sewer system;*
 4. *A right-of-way permit.*

The proposed development includes the addition of two (2) residential units with ground floor commercial. System Development Charges (SDCs) will be assessed for each new unit in accordance with Ordinance #725 adopted October 5, 2005. In addition, the applicant will be required to provide evidence that all other SDCs from other jurisdictions have been paid in full. As a condition of approval, prior to the issuance of permits, the applicant shall provide evidence that all SDCs have been paid in full. **The provisions of this section have been met subject to conditions of approval.**

This approval shall become final 14 days from the date this decision and supporting findings of fact are signed by the Chair of the Talent Planning Commission, below. A Planning Commission decision may be appealed to the Hearing's Officer within 14 days after the final order has been signed and mailed. An appeal of the Hearing's Officer decision must be submitted to the Land Use Board of Appeals within 21 days of the Hearing Officer's decision becoming final.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

Felicia Hazel
Planning Commission Chair

Date

ATTEST

Zac Moody
Community Development Director

Date