

City of Talent

Community Development Department - Planning



STAFF REPORT

Type II Land Use Application — Administrative Review

Date: February 26, 2018

Item: SPR 2018-001, Clearview Residential Long Term Holding, LLC.

Site: 160 N. Pacific Hwy.

Applicant:	Clearview Residential Long Term Holding, LLC. 860 Ohare Pkwy Ste. 200 Medford, OR 97504
Property Owner:	Clearview Residential Long Term Holding, LLC. 860 Ohare Pkwy Ste. 200 Medford, OR 97504
Requested Action:	Site Development Plan amendment changing the use of Building H approved as part of PUD 2005-002 from live/work units to residential multi-family.
Assessor's Map Number:	38-1W-23DC, Tax Lot 3400
Site Location:	160 N. Pacific Hwy.
Zoning:	CBH –Central Business Highway
Deemed Complete:	February 8, 2018
Notice Mailed:	February 8, 2018
120-Day Limit:	June 12, 2018

APPROVAL CRITERIA

Talent Zoning Code 8-3D.3, 8-3J.1, 8-3J.5-6 and 8-3L.1

PROPERTY CHARACTERISTICS



The site is located on the north side of Highway 99 between Valley View Road and Clearview Parkway. The site is currently a single irregular shaped parcel of land that consists of a total of 2.19 acres. Only the portion of the property adjacent to the highway is developed with a commercial building, however all of the infrastructure and parking facilities have been installed. The parcel is landscaped adjacent to the building as per the development plan. Building H, as proposed is located in the southeast corner of the subject parcel.

AGENCY COMMENTS

No agency comments received.

PROPERTY OWNER COMMENTS

No public comments received.

ANALYSIS

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

8-3D.340 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE-3 SITE DEVELOPEMNT PLAN REVIEW

- I. *Multi-family housing. In the CBH zone, multi-family housing is allowed on both the ground level and upper levels, provided total ground level area in housing is less than 50 percent of the parcel's gross area and commercial storefronts are provided along the street frontage.*

FINDING: Although listed as a Type 3 Planning Commission review, the previous decision (PUD 2005-002) by the Planning Commission approved live/work units in a single structure in the same location. The requested change proposes a different multi-family use, but without the use intensity that is typical with commercial uses. Based upon the allowance of a multi-family use in this zone and that commercial storefronts are already established along the street frontage, the proposal simply needs to meet the basic standards in the zoning code. Since a decision is being rendered based on standards such as parking and landscaping, Planning Commission review is not required. **The provisions of this section have been met.**

8-3D.360 YARDS REGULATIONS

A. *Front yard.*

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

B. *Side yard.*

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

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

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 CBH zone allows for multi-family uses but does not specify setback requirements for new residential uses adjacent to other residential uses. As proposed, the new residential building has a 10' side yard setback to the north and south and a 10' back yard setback adjacent to

the residential zone to the east. The provisions of 8-3D.360(E) are intended to provide adequate buffering between potential conflicting uses. In this case, the proposed use is residential and the adjacent use and zone is residential and no conflicting use exists. Therefore, the required 20' setback does not apply to this situation and the 10' setback to accommodate private porches and landscaping is sufficient. The proposed residential use in the Clearview development provides an appropriate transition between the residential uses to the east and the established commercial along the highway. To ensure that no issues arise between new and existing uses, the applicant has proposed a vegetative buffer between the established residential use and the new residential building. **The provisions of this section have been met.**

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 proposed and the adjacent uses are residential. However, the east elevation of the proposed six-plex faces garage units, an objectionable view. The applicant has provided a landscape plan that address any incompatibility uses between the development to the east and the proposed new residential building, providing boxwoods, holly and dwarf Chinese shrubs along the perimeter. **The provisions of this section have been met.**

8-3J.420 *MINIMUM LANDSCAPED AREAS*

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

3. *Commercial Business Highway (CBH). 20 percent of the site.*

FINDING: The subject parcel is more than 20% landscaped as required by the zoning code. The parcel is approximately 54,885 square feet which would require approximately 11,000 square feet of landscaping or 11 trees and 44 shrubs. The landscaping on site is well established and includes 9 trees and the minimum number of shrubs required. The proposed landscape plan identifies 9 additional 1 ½ caliper trees and over 200 new two (2) gallon shrubs. All proposed landscaping has been identified as being served by onsite irrigation. **The provisions of this section have been met.**

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.**

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 developed with a parking lot that accommodates 77 vehicles. The existing uses that require on site include three restaurants, one retail space and one dental office. Parking requirements for restaurants are 1 space per 100 square feet of gross building space, requirements for retail are 1 space per 400 square feet and dental offices require 1 space per 350 square feet. Considering the space distribution and type of each use, the total amount of parking stalls required totals 69 spaces, not including the 12 required for the residential units. Half of the required space for the residential uses are accounted for adjacent to the dwelling unit and with the garage of each unit. The others (6 spaces) can be accommodated with the remaining available onsite parking. A small amount of parking stalls are being removed as part of this request, but are not included in the 77 spaces previously discussed. The removal of these stalls does not impact the available parking for the current use. **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:*
- 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 requires 6 parking stalls. As a condition of approval, the applicant shall, prior to certificate of occupancy, provide a minimum of 1 bicycle parking space adjacent to the proposed improvement area. Although the general nature of the area is not pedestrian oriented, 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 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.

FINDING: The site includes 77 off-street parking stalls for customer, employee and residential use. All the identified spaces are served by a service drive and all backward movement and maneuvering of a vehicle can be safely accommodated. **The provisions of this section have been met.**

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 compact parking stalls are being proposed. **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: All existing off-street parking stalls meet the standard dimensions and all parking stalls are improved to conform to the City standards for surfacing, stormwater management and striping. **The provisions of this section have been met.**

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 existing parking area is paved with a durable, dust-free surface of asphaltic concrete. As proposed, all new residential parking areas will be constructed with asphaltic concrete. **The provisions of this section have been met.**

C. All spaces shall be permanently and clearly marked.

FINDING: As proposed, all spaces will be permanently and clearly marked. **The provisions of this section have been met.**

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 parking stalls are proposed directly adjacent to property lines or buildings and all proposed trees are planted near the back of the existing landscaped area. **The provisions of this section have been met.**

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 new 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: No new access points are proposed as part of this development. **The provisions of this section are not applicable.**

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

The site development plan shall be drawn to scale and shall indicate clearly the following information:

Q. *Location and size of all existing and proposed water, sewer and public safety facilities and existing street right-of-way and roadway widths adjacent to the property;*

FINDING: The location of the water service for the project has not been identified. After public works review of available water facilities, the Public Works Director and City Engineer have determined that the appropriate location for water service to the site is near the property access at Poppy Bay Place. The size of the necessary service will be determined by the Public Works Director based on the number of fixtures. As a condition of approval, the applicant shall prior to issuance of permits, identify the location of the proposed water service extending from Poppy Bay Place to the proposed structure. **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 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 CBH zone allows for multi-family uses subject to conformance with the standards of Section 8-3J.5, Off-Street Parking and Loading, Section 8-3J.4, Landscaping, Fences and Hedges and Section 8-3J.6, Access, Circulation and Street Improvements and the Site Development Plan Review standards in Section 8-3L addressed in the findings below. **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 CBH zone is intended to serve as the hub of social activities and includes residential uses to strengthen and enliven the community core. The addition of multi-family units adjacent to commercial uses meets the intent of the 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 and the adjacent uses are residential. However, the east elevation of the proposed six-plex faces garage units, an objectionable view. The applicant has provided a landscape plan that address any incompatibility issues between the development to the east and the proposed new residential building, providing boxwoods, holly and dwarf Chinese shrubs along the perimeter. **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 proposed residential building does not create any new impervious surface that was not previously accounted for in the approved Planned Unit Development or generate any waste other than normal water runoff. Stormwater for the development is currently conveyed off-site through an existing open channel ditch that was modified to transfer water from the commercial site to an existing pond east of the development. **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 slightly modifies the parking area but still provides the necessary width for two-way traffic and proper turning movements. Vehicular and pedestrian ingress and egress are improved as part of this request. Additionally, landscaping is improved with the addition 9 new trees and over 200 shrubs. **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 is for the modification of an existing site plan. The proposed six-plex will be sited in the same location as the previous live/work units. No significant changes in access circulation or street related access are required as part of this request. **The provisions of this section are not applicable.**

DISCUSSION

Overall, staff is supportive of the proposed site development plan because of its ability to meet the intent of the Commercial Business Highway zone, enhancing the residential and commercial area while providing additional needed housing.

RECOMMENDATION

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

PRIOR TO CERTIFICATE OF OCCUPANCY

1. The applicant shall install all landscaping as proposed on the approved landscape plan.
2. The applicant shall construct the proposed trash enclosure as proposed on the approved site plan.

PRIOR TO ISSUANCE OF PERMITS

3. The applicant shall identify the location of the proposed water service on the site plan, extending from Poppy Bay Place to the proposed structure.
3. The applicant shall permanently mark the area adjacent to the trash enclosure as a fire lane as proposed on the approved site plan.
4. The applicant shall install a single bicycle hoop in a convenient location available to all residents.



Zac Moody
Community Development Director

2/27/2018
Date