



STAFF REPORT and TENTATIVE DECISION

Type-2 Land Use Application — Administrative Review

Date: March 19, 2020 Item: SPR 2020-001
Prepared by: Jeff Wilcox Site Development Plan Review

Applicant..... Evan Archerd
100 E. Main St. Ste. A
Medford, OR 97504

Owner..... Evan Archerd
100 E. Main St. Ste A
Medford, OR 97504

Application Received..... January 22, 2020

Application Complete March 2, 2020

Notice Mailed and Posted..... March 2, 2020

Requested Action..... Construction of two new live-work units

Assessor’s Map Number..... 38-1W-23DC, Tax Lot 3400

Lot Size..... 0.91 Acres

Zoning Commercial Zone, Highway Central Business District (CBH)

Other applicable code sections Talent Municipal Code (TMC) Title 18, Zoning

PROPOSAL

This is an update to a previously approved proposal filed under applications PUD 2019-001 and PUD 2005-002. The request is for the approval of two (2) detached live-work units on the individual lot immediately adjacent to and north of 160 N Pacific Hwy.

PROPERTY CHARACTERISTICS

The subject property is partially developed with off-street parking and service drives for an adjacent 6-plex apartment building and 10-unit commercial building. The topography is somewhat sloped with a slight drop in elevation to the northeast.



Stormwater/Waste Water

Sewer services are currently available to the site, connections and permits are explained in detail in findings below.

Water Service

Water Service is currently available to the site.

APPROVAL CRITERIA

- TMC Ch 18.55, Commercial Zone, Highway Central Business District (CBH)
- TMC Ch 18.150, Site Development Plan

AGENCY COMMENTS

Jackson County Fire District #5 response: No comment

Rogue Valley Sewer Services provided comment and development requirements which are addressed in the Findings below.

ANALYSIS

Tentative administrative approval is subject to compliance with the criteria found in the Zoning Code (TMC Title 18), and the underlying zoning district, CBH (TMC Ch 18.25). Text from the code appears in italics.

18.55.030 BUILDINGS AND USES PERMITTED SUBJECT TO TYPE II SITE DEVELOPMENT PLAN REVIEW

No structure shall be erected, enlarged or structurally altered, nor shall land be developed, except for the following uses or structures, which shall not include drive-in, drive-through or drive-up facilities. The following uses are permitted subject to the provisions of Chapter 18.150 TMC and review by the planning department:

J. Live-work units. [Ord. 817 § 8-3D.330, 2006.]

FINDING: The applicant proposes to build two (2) detached live-work units. **The provisions of this section have been met.**

18.55.060 YARD REGULATIONS

A. Front Yard.

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

B. Side Yard.

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

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

D. General Provision Applying to All Setbacks. Where public utility or similar easements exist on or across property lines, setbacks shall be measured from the lot-interior edge of the easement.

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

F. Exceptions to setback provisions shall be made and shall be required on corner lots where vision clearance for automobiles would be impaired by strict observance of the provisions. [Ord. 817 § 8-3D.360, 2006.]

FINDING: The subject property is a corner lot abutting a residential zone (RM-HD), these two factors warrant increased setback exception to provide: a transition from residential, and greater vision clearance for automobiles. **The provisions of this section have been met.**

18.55.070 LOT AREA AND DIMENSIONS

For dwelling units above the ground floor of a business, there shall be a minimum of 1,200 square feet of total lot area for each dwelling unit. For all other permitted uses, there shall be no minimum lot size or lot width. [Ord. 817 § 8-3D.370, 2006.]

FINDING: The subject property is 8,906ft² with a proposal for two (2) dwelling units. This provides 4,453ft² lot area for each dwelling unit. **The provisions of this section have been met.**

18.55.090 PARKING AND LOADING REQUIREMENTS

A. Off-street parking and loading spaces shall be provided as prescribed in Chapter 18.110 TMC without exception and despite the exclusion provision found in TMC 18.110.050.

B. On-site parking is prohibited between the building and the street, with the exception of sites with three or more frontages. [Ord. 817 § 8-3D.390, 2006.]

FINDING: Off-street parking and loading has been installed in accordance with the approved land use files: PUD 2005-002 and ZON 2019-088. On-site parking (driveway) is proposed between the buildings and the street; this is consistent with the PUD approval and is permissible, as there are four frontages. **The provisions of this section have been met.**

18.55.100 LANDSCAPING, FENCES, WALLS AND SIGNS

All required landscaped areas shall be installed in accordance with Chapter 18.105 TMC. Fences, walls, hedges and screen plantings shall be permitted in conformance with Chapter 18.105 TMC. In all cases, and at all times, they shall not exceed four feet in height within front and street-side yards. Signs shall be permitted in accordance with Chapter 18.120 TMC. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.395, 2006.]

FINDING: Six (6) foot tall concrete masonry fencing with stucco finish is proposed for rear yards, no fencing is proposed for side or front yards.

No lighting, signs or noise generating facilities are proposed as part of this request.

As a condition of approval, prior to the issuance of certificate of occupancy, the property owner shall install landscaping, sidewalks and paint crosswalks as indicated in the approved PUD 2005-002.

As a general condition of approval, the property owner shall obtain sign permits for any proposed business signage. **The provisions of this section have been met subject to conditions of approval.**

18.55.110 BUFFERING

All required landscaped areas shall be installed in accordance with Chapter 18.105 TMC. Fences, walls, hedges and screen plantings shall be permitted in conformance with Chapter 18.105 TMC. In all cases, and at all times, they shall not exceed four feet in height within front and street-side yards. Signs shall be permitted in accordance with Chapter 18.120 TMC. [Ord. 918 § 3 (Exh. A), 2016; Ord. 817 § 8-3D.395, 2006.]

FINDING: The applicant proposes to build two (2) detached live-work units located between a commercial complex and high-density residential housing. Buffering is provided in the form of: Physical barriers (fencing) and spatial separation (landscaping, drive aisles and parking). **The provisions of this section have been met.**

18.115.050 STREET ACCESS AND CIRCULATION

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 III through VII of this title and Chapter 18.90 TMC.

c. 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 subsection (A)(3) of this section.

e. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the residential district, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the residential district, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; and maintenance shall be assured by the owner (i.e., through homeowners' association, etc.).

FINDING: Subject property is a corner/double-frontage lot abutting Poppy Bay Place and Clearview Parkway, these public roads are both classified as 'local' roads in the 2015 Transportation System Plan. Proposed driveway access width is greater than ten (10) feet and access will be from Poppy Bay Place. **The provisions of this section have been met.**

18.150.050 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 site development plan, with conditions, complies with the provisions of the Talent Zoning Code and supports the intent of the CBH zone by providing additional opportunities for business and housing. **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, with conditions, is consistent with the 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 applicant proposes to build two (2) detached live-work units located between a commercial complex and high-density residential housing. Buffering is provided in the form of: Physical barriers (fencing) and spatial separation (landscaping, drive aisles and parking). **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 site development plan does not drain 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: Internal vehicular and pedestrian access and circulation have been adequately addressed in the proposed site plan and supplemental findings. Several of the public improvements have already been installed in accordance with the approved PUD 2005-002.

No lighting, signs or noise generating facilities are proposed as part of this request.

As a condition of approval, prior to the issuance of certificate of occupancy, the property owner shall install landscaping, sidewalks and paint crosswalks as indicated in the approved PUD 2005-002. **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 title and the applicable portions of TMC Title 17, or has provided for an adequate security arrangement with the city to ensure that such improvements will be made. [Ord. 817 § 8-3L.150, 2006.]

FINDING: There is an 8-inch sewer main along Poppy Bay Place to the northeast and a 4-inch service stubbed to the tax lot from this main. There is also an 8-inch main crossing the subject tax lot east of the proposed buildings and a 4-inch service stubbed off this main located southeast of the proposed buildings.

Each building must have a single service connection to the main. Sewer service for the northwest building can be had by connecting the existing 4-inch sewer stub from Poppy Bay Place. Sewer service for the southeast building can connect to the southeast service if the existing sewer elevation allows. Otherwise, a new tap connection will be required to connect either of the two buildings.

As a general condition of approval, the property owner shall provide evidence that the following conditions from Rogue Valley Sewer Services (RVSS) have been met:

Prior to the start of construction:

- a. Applicant must provide construction plans prepared per RVSS standards for approval.
- b. Applicant must prepare a stormwater management plan in accordance with the Regional Stormwater Quality Design Manual and pay related plan review and inspection fees to RVSS
- c. Applicant must record a Declaration of Covenants for all new stormwater quality features.
- d. Applicant must obtain all required sewer permits and pay related sewer fees to RVSS.

During Construction:

- a. Sewer and Stormwater facilities must be constructed and inspected per RVSS standards.
- b. Applicant must sequence construction so that the permanent stormwater quality features are installed and will be operational when stormwater runoff enters them.

Prior to final acceptance of project:

- a. All new sewer must be approved per RVSS standards.
- b. Applicant must have all stormwater quality facilities, including vegetation when applicable, inspected and approved by RVSS.

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

DISCUSSION

Overall, staff is supportive of the proposed site development plan because of its capacity to meet City housing needs, support small business and enhance connectivity to adjacent developments.

DECISION

Staff tentatively **APPROVES** the Site Plan Review with the following conditions:

GENERAL CONDITIONS OF APPROVAL

1. The property owner shall provide evidence that the following conditions from Rogue Valley Sewer Services (RVSS) have been met:

Prior to the start of construction:

- a. Applicant must provide construction plans prepared per RVSS standards for approval.
- b. Applicant must prepare a stormwater management plan in accordance with the Regional Stormwater Quality Design Manual and pay related plan review and inspection fees to RVSS
- c. Applicant must record a Declaration of Covenants for all new stormwater quality features.
- d. Applicant must obtain all required sewer permits and pay related sewer fees to RVSS.

During Construction:

- a. Sewer and Stormwater facilities must be constructed and inspected per RVSS standards.
- b. Applicant must sequence construction so that the permanent stormwater quality features are installed and will be operational when stormwater runoff enters them.

Prior to final acceptance of project:

- a. All new sewer must be approved per RVSS standards.
- b. Applicant must have all stormwater quality facilities, including vegetation when applicable, inspected and approved by RVSS.

2. The property owner shall obtain sign permits for any proposed business signage.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

3. The property owner shall install landscaping, sidewalks and paint crosswalks as indicated in the approved PUD 2005-002.

Approved by:



Jeff Wilcox
Assistant Planner

3/19/2020

Date

This matter has been approved administratively without a public hearing. The Talent Zoning Code allows administrative decisions under specified conditions. If no one requests a hearing on this matter within **14 days** of this tentative decision, it becomes the final decision of the city. To appeal an administrative decision requires written notice and a \$257.00 deposit. Please refer to TMC 18.190.040(E)(5), "Appeal," for specific provisions for appeals on Type-2 decisions.

This decision is being mailed to the applicant and all property owners who responded to the original notice.

For copies of any public documents or more information related to this application, please contact the Community Development Director at 541-535-7401 or via e-mail at zmoody@cityoftalent.org.