

City of Klamath Falls Planning Division

Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **2-DR-09**

Pete Fondi
105 Spring Street
Klamath Falls, OR 97601

Rhine-Cross Group, LLC.
112 N 5th Street, Suite 200
Klamath Falls, OR 97601

Date: January 29, 2009

In accordance with the provisions of Sections 11.050-11.094 and 12.010 of the Community Development Ordinance (CDO), the City of Klamath Falls Planning Department has reviewed this request for a Design Review.

NATURE OF THE PROPOSAL

The applicant, Pete Fondi, proposes to renovate the property located at 105 Spring Street, formerly used as the old Coke bottling facility, and prepare the site for commercial uses as opposed to the historical light industrial use of the property. Included in the conversion of the property from industrial use to commercial use is the proposed conversion of a portion of the existing warehouse into office space.

Neither tenants nor a specific use have been identified for the property at this time but the site plan identifies 2,480 sq ft of professional office space and 7,990 sq ft of storage area.

The proposed use of the property as professional office space is a permitted use under the property's current zoning of General Commercial. Storage and warehousing are not permitted in General Commercial zones. Any storage on the property must be an accessory use to a permitted primary use. The property can be found on tax assessor's map R-3809-028CC tax lot 07900 and is also described as Lots 9 – 13, Block 58, Hot Springs Subdivision.

AGENCY COMMENTS

Planning –

1. Uses Permitted by Zone: The subject property is zoned General Commercial (GC) and any use of the property must conform to the Uses Permitted by Zone listed in Community Development Ordinance (CDO) Section 12.005 and must conform to all site development standards of CDO Chapter 14. The proposed use of the property as professional office space is a permitted use under the property's current zoning of GC. Storage and warehousing are not permitted in GC zones. Any storage on the property must be an accessory use to a permitted primary use, i.e. storage associated with a primary use of wholesaling, or storage associated with a contractor's office. All such storage shall be conducted entirely within buildings and shall not be permitted outdoors. **Any use of the property that does not conform to the building areas and uses described on the proposed site plan will require additional review by the City Planning Division.**
2. Setbacks & Lot Coverage: The existing buildings, parking, and landscaping on the subject property occupy several subdivided lots: Lots 9 – 13, Block 58, Hot Springs Subdivision. These lots all front Main Street but have no access from Main Street due to the existing change in grade between the subject property and the street surface. The only access available to the subject property is from

Spring Street, and only Lot 9 fronts Spring Street. **In order to continue to use the entire subject property as one parcel with common development, the applicant shall either vacate the existing lot lines between the 5 subdivided lots or record a restrictive covenant for the property that prohibits these lots (Lots 9 – 13, Block 58, Hot Springs Subdivision) from being sold (held) separately.**

Existing setbacks and lot coverage have been reviewed using the external boundaries of the entire subject property because the proposal shows one coordinated development occupying all 5 of the subdivided lots which comprise the subject property. General Commercial zoning allows for 100% lot coverage with zero setbacks provided all parking and landscaping requirements are met. The existing setback distances on the subject property are as follows: 1.75' from the railroad property to the east, 0' from adjacent property to the north, approximately 3' from the Spring Street right-of-way to the west, and 18.5' from the Main Street right-of-way to the south. The 17,140 sq ft of existing building and dock area covers approximately 49% of the approximately 35,284 sq ft subject property. The proposed building renovation will not change the existing setback distances or lot coverage.

3. Parking: The site plan submitted with the application identifies 2,480 sq ft of professional office space and 7,990 sq ft of storage area. CDO Section 14.010 requires 1 parking space for every 400 sq ft of professional office space and 1 parking space for every 700 sq ft of storage space. The total building area proposed as office space requires 6.2 parking spaces and the area proposed as storage space requires 11.4 parking spaces; for a total of 18 (17.6) parking spaces. The site plan shows a total of 27 parking spaces and includes the requirement for employee parking in the required parking space calculation. The requirement of 1 parking space for every 400 sq ft of professional office space includes parking for employees. Since all storage or warehousing on the subject property must be tied directly to a permitted primary use of the property, there will be no storage, warehousing, or light industrial business permitted on the subject property and therefore there is no requirement for employee parking that would be attached to those uses.

CDO Section 14.010(4) allows for a maximum number of parking spaces equal to 110% of the total number required, allowing for a maximum of 20 parking spaces for this development.

CDO Section 14.046(1) requires a minimum of 1 bicycle space for every 12 required vehicle parking spaces. The 18 required vehicle parking spaces require a total of 2 bicycle spaces to be provided for the site. The proposed site plan shows 2 bicycle parking spaces.

Parking areas with 1-25 parking spaces require 1 van accessible parking space for people with disabilities. The proposed site plan identifies one van accessible parking space for people with disabilities.

The van accessible space for people with disabilities shall be constructed to meet all requirements of the Oregon Department of Transportation Disabled Parking Standards for width, location, striping and signage. A minimum of 2 bicycle parking spaces shall be provided. The 7 parking spaces identified within the existing buildings shall be removed from the parking lot layout and the 20 spaces identified outside of the buildings shall be used to meet the parking requirement for this site. All required parking lot improvements shall be completed by June 1, 2009.

4. Landscaping: The existing landscaping provided on the subject property along with the additional landscaping shown on the site plan meet the CDO requirements for amount, location, and coverage on the subject property.

There is no place to plant street trees in the Main Street right-of-way adjacent to the subject property and the placement of the existing fence along the southern property line (adjacent to Main Street) makes the planting of street trees on the subject property impractical.

There is no landscaping planted in the planter strip (area behind the back of the curb and the front of the sidewalk) in Spring Street right-of-way adjacent to the subject property. The planter strip has been covered with asphalt. It is not necessary for the applicant to remove all of this asphalt in order to place landscaping as there is adequate landscaping provided along the western edge of the subject property. However, the applicant shall place the required number of street trees within the Spring Street right-of-way by placing tree wells, a minimum of 4' long by the full width of the planter strip, within the existing asphalt. CDO Section 14.405 requires a minimum of one street tree be planted for every 50 feet of street frontage. The approximately 200' of frontage along Spring Street requires a minimum of 4 street trees.

The applicant shall place a minimum of 4 street trees along the Spring Street frontage of the subject property. All landscaping as shown on the approved site plan shall be installed by June 1, 2009. All landscaping shall be maintained in perpetuity by the property owner.

5. **Trash Containers:** The site plan identifies a “trash area”. **All trash containers greater than 50 gallons in capacity shall be screened to a height of six feet, by a site-obscuring fence. Trash enclosure location shall not conflict with approved parking. A fence permit shall be submitted, reviewed, and approved prior to installation of any fence.**
6. **Fences:** The site plan does not show the placement of any new fences on the subject property. Approval of this Design Review does not constitute approval of fence placement, materials, or height. **A fence permit shall be submitted, reviewed, and approved prior to installation of any fence.**
7. **Signs:** The site plan shows an “existing billboard sign (to remain)” near the southeast corner of the subject property. This sign does not conform to the height and setback requirements of the Uniform Sign Act of CDO Sections 14.300 – 14.368. CDO Section 14.360 (2) a. requires legal nonconforming sign structures to be brought into compliance with the Uniform Sign Act or terminate and cease to exist when there is a change of tenant or vacation of the premises by a former tenant. **Any nonconforming signs existing on the subject property shall be brought into compliance with the Uniform Sign Act or cease to exist by June 1, 2009.**

Approval of this Design Review does not constitute approval of sign placement or size. **A sign permit shall be submitted, reviewed, and approved prior to installation of any/each sign. All signs shall conform to the Uniform Sign Act found in CDO Sections 14.300 – 14.368.**

Engineering –

1. Based on the information provided by the applicant it has been determined that a Site Construction Permit is required.
2. A public sidewalk curb ramp (ADA ramp) for pedestrian traffic crossing Spring St. at the Spring St. / Main St. intersection shall be installed to the City of Klamath Falls Public Works Engineering Standards (CKFPWES) current edition, by the applicant per this development review.
3. The plans will need to identify both existing and proposed water services, fire service and irrigation back-flow devices. It is the applicant’s responsibility to determine whether or not the existing 1-1/4 inch (undersized) water main line will meet the demands for domestic, irrigation, and fire suppression required for this site development. A 5/8 inch water meter currently services the site. It has been indicated that the site is for office space and storage.

If the existing undersized water main line requires upgrading, it shall be upgraded / extended by the property owner per the requirements of the CKFPWES current edition. Contact the Engineering Plans Examiner (Ray @ 541-883-5291) to schedule a pre-design meeting if this upgrade is required.

4. Attached is an Undersize Water Main Customer Acceptance Form to be filled out by the property owner if it’s determined the existing main line will supply adequate water for the site.

5. Provide the City with 3 copies of a transportation analysis letter (TAL) that meets the requirements of the City's Engineering Standards Section 12-5, along with the \$500 review fee. The TAL shall be based on the worst case traffic scenario for the zoning or intended use of this property. Based on the content of this letter driveway turning movement restrictions and the related driveway reconfiguration may be required of this site.
6. Please submit 4 sets of the engineering design / construction plans and 4 sets of the TAL to the City Engineering Plans Examiner at the City Engineering Division office (upstairs at 226 South 5th St.).
7. Prior to City Engineering signing the design / construction plans, the applicant shall submit a construction schedule, and traffic control plan for approval.
8. The applicant will be required to have a signed set of the Site Construction Permit set of drawings, from City Engineering office, prior to the issuance of the Site Construction Permit.
9. Refer to the attached Engineering Fee Schedule to determine the fees related to this project.
10. The applicant will need to submit two copies of their plumbing fixture plans showing both existing conditions and any proposed changes/additions; along with a completed Sewer System Development Charge Calculation Information Sheet (attached). The sewer System Development Charge (SDC) will be calculated by the City for the applicant to pay prior to receiving their Development Permit.
11. The applicant shall submit the attached Industrial Sewer Use Evaluation information sheet to City Engineering, along with the design/construction plans, to determine if there are any pretreatment requirements for this site. Please note: The signature line on page 4 of this form is to be completed by a person in charge of the facility.

Basin Transit –

“No Comments”

KC Fire Dist #1 –

“Klamath County Fire District No. 1 has no objection to the applicant's request provided:

- All necessary construction permits, inspections and approvals are obtained from the Klamath County Building Department.”

Building Division –

1. Building permit submittal shall include a comprehensive code evaluation, drawings, calculations, and specifications for the project. All design documents shall be prepared and stamped by an Architect or Engineer licensed by the State of Oregon to practice as such.
2. Building Permit application shall include site plan and development approvals from City of Klamath Falls Planning and Engineering Divisions. Any variations to the site plan require re-approval by the City of Klamath Falls prior to issuance of building permit(s).
3. No work shall commence prior to plan review and issuance of the appropriate building and trade permits.
4. Phased construction and/or deferred submittals require approval of the Building Division and submittals for such work shall follow established policy for plan review. No work shall commence prior to review and approval of the associated project phase.

Avista:	No comments were received.
Qwest:	No comments were received.
PP&L:	No comments were received.
Charter:	No comments were received.
SPOKES:	No comments were received.
Opponents:	No comments were received.
Proponents:	No comments were received.

DECISION

After consideration of all staff, agency and citizen comments, and reviewing various data, the application is **approved** as presented subject to the following conditions:

CONDITIONS

➤ **Prior to the issuance of the Development Permit:**

- 1) Based on the information provided by the applicant a Site Construction Permit is required.
- 2) A public sidewalk curb ramp (ADA ramp) for pedestrian traffic crossing Spring St. at the Spring St. / Main St. intersection shall be installed to the City of Klamath Falls Public Works Engineering Standards (CKFPWES) current edition, by the applicant per this development review.
- 3) The plans will need to identify both existing and proposed water services, fire service and irrigation back-flow devices. It is the applicant's responsibility to determine whether or not the existing 1-1/4 inch (undersized) water main line will meet the demands for domestic, irrigation, and fire suppression required for this site development. A 5/8 inch water meter currently services the site. It has been indicated that the site is for office space and storage.

If the existing undersized water main line requires upgrading, it shall be upgraded / extended by the property owner per the requirements of the CKFPWES current edition. Contact the Engineering Plans Examiner (Ray @ 541-883-5291) to schedule a pre-design meeting if this upgrade is required.

- 4) Attached is an Undersize Water Main Customer Acceptance Form to be filled out by the property owner if it's determined the existing main line will supply adequate water for the site
- 5) Provide the City with 4 copies of a transportation analysis letter (TAL) that meets the requirements of the City's Engineering Standards Section 12-5, along with the \$500 review fee. The TAL shall be based on the worst case traffic scenario for the zoning or intended use of this property. Based on the content of this letter driveway turning movement restrictions and the related driveway reconfiguration may be required of this site.
- 6) Please submit 4 sets of the engineering design /construction plans and 4 sets of the TAL to the City Engineering Plans Examiner at the City Engineering Division office (upstairs at 226 South 5th St.).
- 7) The applicant will be required to have a signed set of the Site Construction Permit set of drawings, from City Engineering office, prior to the issuance of the Site Construction Permit.
- 8) The applicant shall submit a construction schedule, and traffic control plan for approval, prior to City Engineering signing the design / construction plans.
- 9) The applicant will need to submit two copies of their plumbing fixture plans showing both existing conditions and any proposed changes/additions; along with a completed Sewer System Development Charge Calculation Information Sheet (attached). The sewer System Development Charge (SDC) will be calculated by the City for the applicant to pay prior to receiving their Development Permit.
- 10) The applicant shall submit the attached Industrial Sewer Use Evaluation information sheet to City Engineering, along with the design/construction plans, to determine if there are any pretreatment

requirements for this site. Please note: The signature line on page 4 of this form is to be completed by a person in charge of the facility.

- 11) In order to continue to use the entire subject property as one parcel with common development, the applicant shall either vacate the existing lot lines between the 5 subdivided lots or record a restrictive covenant for the property that prohibits these lots (Lots 9 – 13, Block 58, Hot Springs Subdivision) from being sold (held) separately.
- 12) The applicant shall provide 3 copies of a revised site plan to City Planning showing the following:
 - The 7 parking spaces identified within the existing buildings removed from the parking lot layout and the 20 spaces identified outside of the buildings used to meet the parking requirement for this site; and
 - the removal of any nonconforming sign structures from the subject property, including the existing billboard sign located in the southeast corner of the subject property; and
 - a minimum of 4 street trees along the Spring Street frontage of the subject property.

➤ **General Conditions:**

- 13) The van accessible space for people with disabilities shall be constructed to meet all requirements of the Oregon Department of Transportation Disabled Parking Standards for width, location, striping and signage. A minimum of 2 bicycle parking spaces shall be provided. All required parking lot improvements shall be completed by June 1, 2009.
- 14) Any use of the property that does not conform to the building areas and uses described on the proposed site plan will require additional review by the City Planning Division.
- 15) All trash containers greater than 50 gallons in capacity shall be screened to a height of six feet, by a site-obscuring fence. Trash enclosure location shall not conflict with approved parking.
- 16) All contractors working on or at the subject property shall maintain a valid City Business License.
- 17) All businesses located on the subject property shall maintain a valid City Business License.
- 18) All approved landscaping shall be installed prior to June 1, 2009 and maintained in perpetuity by the property owner.
- 19) The applicant shall obtain all necessary construction permits, inspections and approvals from the Klamath County Building Department
- 20) A fence permit (no fee) must be submitted, reviewed, and approved prior to installation of any fence.
- 21) Any nonconforming signs existing on the subject property shall be brought into compliance with the Uniform Sign Act or cease to exist by June 1, 2009.
- 22) A sign permit shall be submitted, reviewed, and approved prior to installation of any/each sign. All signs shall conform to the Uniform Sign Act found in CDO Sections 14.300 – 14.368.
- 23) Refer to the attached Engineering Fee Schedule to determine the fees related to this project.

This **Design Review** has met the condition and scope of the City of Klamath Falls Comprehensive Plan, acknowledged by the Oregon State Land and Conservation Development Commission on May 31, 1984. In doing so, this **Design Review** does address the appropriate policies encompassed in the Comprehensive Plan.

APPLICANTS ARE ADVISED THAT THIS DECISION BECOMES FINAL TWELVE DAYS FROM THE DATE OF MAILING THIS DECISION, UNLESS WRITTEN APPEAL AND A \$200 APPEAL FEE IS FILED WITH THE CITY PLANNING DEPARTMENT.

DATED THIS 29 JANUARY 2009

Joe Slaughter
Associate Planner

c: Tom Del Santo, Development Coordinator
Rick Bowman, Code Enforcement Officer