

City of Klamath Falls Planning Division

Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **3-DR-09**

Clough Oil
865 Spring Street
Klamath Falls, OR 97601

Scott DeVry
2157 Ogden Street
Klamath Falls, OR 97603

Date: February 10, 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, Scott DeVry for Clough Oil, proposes to construct a 7' x 25' restroom addition on the north side, and an 8' x 25' cooler addition on the south side of the existing Chevron station located at 3730 Highway 97 North. The proposed additions, totaling 375 sq ft, will increase the existing service station / convenience store building to a total of 1,475 sq ft.

The subject property is accessed by two driveways on Hwy 97 and there are no changes proposed for the existing driveways.

The proposed use of the property as an auto service station and indoor retail facility (convenience store) are permitted uses under the property's current zoning of General Commercial. The property can be found on tax assessor's map R-3809-019AA tax lot 01100.

AGENCY COMMENTS

Planning –

1. Setbacks & Lot Coverage: General Commercial zoning allows for 100% lot coverage with zero setbacks provided all parking and landscaping requirements are met. The existing and proposed setback distances were measured at right angles from the service station building and canopy areas to the nearest property line for the purposes of this review. The existing setback distances on the subject property are as follows: Approximately 5' from the Hwy 97 right-of-way (east), approximately 102' from the Byrd Avenue right-of-way (north), approximately 287' from adjacent property to the west, and approximately 233' from adjacent property to the south. Only the north and south side yard setbacks will be effected by the proposed building additions. The proposed additions will reduce the north setback to approximately 95' and reduce the south setback to approximately 225'.

The following structures currently exist on the subject property: An approximately 1,100 sq ft service station / convenience store building, an approximately 1,110 sq ft fueling area canopy in the front of the building, and an approximately 1,184 sq ft fueling area canopy in the back of the building. The existing structures have a combined footprint of approximately 3,394 sq ft which covers approximately 2.4% of the approximately 141,570 sq ft subject property. The 375 sq ft of proposed building additions will increase the total building footprint to approximately 3,769 sq ft which will increase the lot coverage to approximately 2.7% on the subject property.

2. **Parking:** CDO Section 14.010 requires 1 parking space for every 250 sq ft of retail space. The proposed building additions will increase the total retail building area to approximately 1,475 sq ft requiring a total of 6 parking spaces. The site plan shows a total of 5 parking spaces.

CDO Section 14.046(1) requires a minimum of 1 bicycle space for every 12 required vehicle parking spaces. The 6 required vehicle parking spaces require a total of 1 bicycle space to be provided for the site. The proposed site plan does not show the placement of 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 "handicap parking" space but does not include space or access isle dimensions.

The applicant shall submit a revised (scaled) site plan to the City Planning Division showing the following details:

- **A total of 6 parking spaces shall be provided on the subject property; and**
- **a 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; and**
- **curbing or wheel stops shall be installed to prevent vehicles from driving over / into landscaping, buildings and pedestrian walk ways; and**
- **a minimum of 1 bicycle parking space shall be provided.**

All required parking lot improvements shall be completed by June 1, 2009.

3. **Landscaping:** The proposed site plan does not show the location of any existing or proposed landscaping on the subject property. CDO Section 14.410 (3)(c) requires a minimum of 3% of the space provided for vehicular circulation to be landscaped for parking lots with 5 or more parking spaces. The approximately 47,500 sq ft of parking and driveway area requires a minimum of 1,425 sq ft of landscaping to be placed in and around the parking area. The placement of the required amount of landscaping on the subject property is unreasonable given the existing site conditions including: The placement of existing structures on the subject property, existing and proposed site circulation patterns, and the potential for the future development of the western portion of the subject property which is currently undeveloped. The placement of 1,425 sq ft on the subject property is likely to interfere with on site circulation, which could impact the flow of traffic on Hwy 97 adjacent to the site, or impede the future development.

CDO Section 14.410 (1) requires a minimum of 15 sq ft of landscaping for each parking space and in no case shall there be less than 200 sq ft of landscaped area. The 6 required parking spaces for this development require a total of 90 sq ft, which does not meet the minimum requirement of 200 sq ft. At this time, a total of 200 sq ft of landscaping is required to be placed between the front fueling area canopy and the property line adjacent to the Hwy 97 right-of-way. In addition, a minimum of 200 sq ft of landscaping shall be placed near the existing sign in the southeast corner of the subject property. Any additional expansion of the building area and/or use of the subject property will require full compliance with the landscaping requirements of CDO Section 14.410 (3)(c).

CDO Section 14.405 (3) requires a minimum of 1 street tree to be planted for every 50 feet of street frontage. The subject property's approximately 420' of frontage along Hwy 97 requires a minimum of 9 street trees to be provided by the applicant along the eastern edge of the subject property adjacent to the highway right-of-way.

The applicant shall submit a detailed (scaled) landscaping plan to City Planning, for review and approval, showing the following details:

- A minimum of 200 sq ft of landscaping to be placed on the subject property between the front fueling area canopy and the property line adjacent to the Hwy 97 right-of-way; and
- a minimum of 200 sq ft of landscaping to be placed near the existing sign in the southeast corner of the subject property; and
- all areas devoted to landscaped space shall have a minimum of one tree and two shrubs with at least one tree and two shrubs provided for every 1,000 sq ft of the total landscaped area; and
- all landscaped areas not covered with trees or other vegetation shall be covered with bark mulch; and
- a minimum of 50% of the landscaping area shall be covered by vegetation; and
- the placement of a minimum of 9 street trees to be planted along the eastern edge of the subject property adjacent to the highway right-of-way; and
- all required trees will be a minimum of 2" caliper in size; and
- irrigation method; and
- the species names of all plants.

All landscaping shown on the detailed landscaping plan, once approved, shall be installed by the applicant prior to June 1, 2009 and maintained in perpetuity by the property owner.

4. 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. **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.**
5. Signs: There are a total of three free-standing signs associated with the subject property that are located along the eastern edge of the subject property: One near the north end of the property and two near the south end. The sign located near the north end of the property does not appear to be located within the boundaries of the subject property, but rather, the sign appears to be located within the Byrd Ave right-of-way. There is neither a sign permit nor a variance recorded for the placement of this sign. The existing "Chevron" sign located near the south end of the property was permitted by the City in 1991. The maximum height of the sign structure was permitted at 25' and the sign face was permitted at 7.5' wide. There is no recorded setback distance for this sign; however, the sign does not appear to meet the required 25' setback for freestanding signs greater than 8' in height, in the General Commercial zones. The sign appears to be setback approximately 10-15 feet from the property line. There is no sign permit on record for the other freestanding sign located near the south end of the property. This sign has a changeable reader board, is approximately 6' tall, and does not currently display a message. The sign appears to be setback approximately 3-5 feet from the property line. 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 a business to which the sign pertains to is expanded by greater than 10% of the existing floor area. The proposed 375 sq ft building additions result in a 34% expansion of the existing service station / convenience store building and an 11% expansion of the total covered area use by the service station. This results in an expansion which is greater than 10% of the existing floor area. **The applicant shall provide the City Planning Division with detailed information for each of the three existing freestanding signs so that compliance, or non-compliance, with the Uniform Sign Act can be determined. This information shall include: Height, setback distances, and sign dimensions; and shall be submitted and reviewed prior to the issuance of a Development Permit. 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 and/or modification 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 a Site Construction Permit will not be required.
2. City records indicate this site is currently serviced by a 1 inch water meter. It is the applicant's responsibility to determine whether or not the site has adequate water for domestic use, irrigation, and fire suppression. If additional water meter(s) or fire protection is required, contact the City Engineering Plans Examiner (Ray @ 541-883-5291) for more information.
3. 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.
4. 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 has no objection to the approval of the applicant's request provided:

- The applicant obtains all necessary permits, inspections and approvals for the proposed additions from the Klamath County Building Department.

The existing fire hydrants in the near vicinity of the station are adequate for firefighting water supply.”

Building Division –

1. Building permit submittal shall include a comprehensive code evaluation, drawings, calculations, and specifications for the project. **Unless waived by Building Official**, 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.

ODOT –

“Review shows a proposed expansion of 375 sq ft to the mini market. It is assumed that the number of pump fueling positions is to remain as it exists today. A review of the ITE traffic rates tells us that the addition equated to an increase of 22 PM peak hour traffic trips.

ODOT isn’t real concerned with this small expansion, at this time, but does want to remind the City that in previous development reviews in this area, ODOT has determined that the southern driveway access should continue to serve as joint access to the Pacific Pride, the future relocated CFN, and the Chevron Station/ Mini Market. When CFN relocation is constructed the southern Chevron driveway will need to be widened to the south and the northern driveway directly to US 97 for the Pacific Pride will need to be closed.”

Or. Dept. of Agriculture –

“Proposed addition of restroom and cooler are approved.”

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.
Co. Env. Health:	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) City records indicate this site is currently serviced by a 1 inch water meter. It is the applicant’s responsibility to determine whether or not the site has adequate water for domestic use, irrigation, and fire suppression. If additional water meter(s) or fire protection is required, contact the City Engineering Plans Examiner (Ray @ 541-883-5291) for more information.
- 2) The applicant shall 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.
- 3) 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.

- 4) The applicant shall provide 3 copies of a revised (scaled) site plan to City Planning showing the following:
 - A total of 6 parking spaces shall be provided on the subject property; and
 - a 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; and
 - curbing or wheel stops shall be installed to prevent vehicles from driving over / into landscaping, buildings and pedestrian walk ways; and
 - a minimum of 1 bicycle parking space shall be provided.
- 5) The applicant shall submit a detailed (scaled) landscaping plan to City Planning, for review and approval, showing the following details:
 - A minimum of 200 sq ft of landscaping to be placed on the subject property between the front fueling area canopy and the property line adjacent to the Hwy 97 right-of-way; and
 - a minimum of 200 sq ft of landscaping to be placed near the existing sign in the southeast corner of the subject property; and
 - all areas devoted to landscaped space shall have a minimum of one tree and two shrubs with at least one tree and two shrubs provided for every 1,000 sq ft of the total landscaped area; and
 - all landscaped areas not covered with trees or other vegetation shall be covered with bark mulch; and
 - a minimum of 50% of the landscaping area shall be covered by vegetation; and
 - the placement of a minimum of 9 street trees to be planted along the eastern edge of the subject property adjacent to the highway right-of-way; and
 - all required trees will be a minimum of 2” caliper in size; and
 - irrigation method; and
 - the species names of all plants.
- 6) The applicant shall provide the City Planning Division with detailed information for each of the three existing freestanding signs so that compliance, or non-compliance, with the Uniform Sign Act can be determined. This information shall include: Height, setback distances, and sign dimensions; and shall be submitted and reviewed prior to the issuance of a Development Permit.

➤ **General Conditions:**

- 7) All required parking lot improvements shall be completed by June 1, 2009.
- 8) Any/all nonconforming sign(s) existing on the subject property shall be brought into compliance with the Uniform Sign Act or cease to exist by June 1, 2009.
- 9) 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.
- 10) All approved landscaping shall be installed prior to June 1, 2009 and maintained in perpetuity by the property owner.

- 11) 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.
- 12) A fence permit (no fee) must be submitted, reviewed, and approved prior to installation of any fence.
- 13) All contractors working on or at the subject property shall maintain a valid City Business License.
- 14) All businesses located on the subject property shall maintain a valid City Business License.
- 15) Building permit submittal shall include a comprehensive code evaluation, drawings, calculations, and specifications for the project. **Unless waived by Building Official**, all design documents shall be prepared and stamped by an Architect or Engineer licensed by the State of Oregon to practice as such.
- 16) 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).
- 17) No work shall commence prior to plan review and issuance of the appropriate building and trade permits.
- 18) 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.
- 19) ODOT has determined that the southern driveway access should continue to serve as joint access to the Pacific Pride, the future relocated CFN, and the Chevron Station/ Mini Market. When CFN relocation is constructed the southern Chevron driveway will need to be widened to the south and the northern driveway directly to US 97 for the Pacific Pride will need to be closed.

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 10 FEBRUARY 2009

Joe Slaughter
Associate Planner

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