

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **2-DR-10**

Donald Gruener
1081 Joe Wright Road
Klamath Falls, OR 97603

Date: February 23, 2010

In accordance with the provisions of Sections 11.050-11.094 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 and landowner, Donald Gruener, proposes to open a tire store business with an area of 1,440 sq ft within a 2,880 sq ft building already containing offices for the Klamath Crusaders. 1551 Owens Street is the location of the proposed tire store and 1555 Owens Street is the location for the Klamath Crusaders. The property can be found on Assessor's Map R-3809-033DC, tax lot 13000 (Southern 100 feet of lot 6, Block 205, Mills 2nd Addition). The subject property fronts approximately 100.00 feet of Owens Street right-of-way and 52.00 feet of Union Avenue right-of-way.

AGENCY COMMENTS

Planning:

1. **Setback & Lot Coverage:** General Commercial (GC) zoning allows for 100% lot coverage and zero setbacks unless the property abuts a residential zone. The subject property does not abut a residential zone. The current and proposed building setbacks are approximately 0' from the east, 16' from the west (Owens Street), 10' from the north, and 10' from the south (Union Avenue) property lines. The building is 80' by 36', has a footprint of 2,880 sq ft and covers 55% of the 5,200 sq ft subject property. The building is conforming for lot coverage and setbacks. **The applicant shall show building setback distances from all building sides to all subject lot lines on a revised site plan.**
2. **Building Height:** The maximum allowed building height in General Commercial zones is 45'. **The current peak building height for the building is approximately 16'. The applicant shall show the peak building height of the building on a revised site plan.**
3. **Parking:** The Community Development Ordinance (CDO) 14.010 requires 1 off street parking space for every 400 sq ft of office space and 1 off street parking space for every 700 square feet of storage/warehouse, plus 1 parking space for every employee in storage/warehouse. The 2,880 sq ft of building is divided into the following: 1,440 sq ft for office and 1,440 sq ft for tire installation. This site requires 4 parking spaces for the office and 3 parking spaces for the tire store. The applicant can use the garage space in the Klamath Crusaders office to satisfy 1 parking space and may also stripe a space in front of said garage space (with no curb stop). The applicant also has parking area in front of the windows and doors to satisfy the remainder of the parking. **The applicant shall provide 7 off-street parking spaces and indicate so on a revised site plan.**

There is currently only 25 feet from the back of the existing curb to the face of the building, which is insufficient distance to allow continued use of the head-in parking once a sidewalk is constructed. **The applicant will need to redesign the parking area to accommodate the**

required 7 off-street parking spaces or use another lot to serve this building at the time the sidewalks are constructed.

CDO 10.010 Parking Space Standards requires that all standard parking spaces shall have a minimum width of 9' and minimum length of 19'. Small vehicle parking spaces shall have a minimum width of 8'6" and minimum length of 14'6".

CDO 14.040(1) requires that all areas used for parking and maneuvering of vehicles, including driveways and truck loading areas, to have either a concrete or asphalt surface. The site plan shows that an asphalt area is already installed.

Access Aisles: CDO 14.040(4) requires that access aisles which provide two-way traffic shall be a minimum of 24 feet in width. Due to site constraints the applicant is not proposing access aisles.

Parking for people with disabilities: CDO 14.010(2) requires 1 parking space for people with disabilities for every 25 parking spaces. Parking spaces for people with disabilities shall be at least 9' wide by 19' in length. Since the property shall have 7 parking spaces, 1 parking space for people with disabilities is required. CDO 14.010(2)(b) requires that parking spaces for people with disabilities shall be located closest to the nearest accessible entrance. **The applicant proposes 1 space for people with disabilities.**

CDO 14.010(2) a. requires that one in every eight accessible spaces, but no less than one space, shall be van accessible. Van accessible spaces shall have an access aisle at least 8' wide and 19' long. **The applicant shall have 1 van accessible access aisle for people with disabilities. As mentioned by SPOKES, per ORS 447.233(2)d. the access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle. The applicant shall revise the location of the access aisle on a revised site plan.**

Bicycle parking: CDO 14.046(1) requires a minimum of 1 bicycle space for every 12 required vehicle parking spaces and CDO 14.046(2) requires the bicycle parking facility to be located no further than 50' from a public entrance. CDO 14.047(4) requires that the bicycle rack be anchored to the ground. **This site requires that a total of 1 bicycle space be provided. The applicant shall show the location of a bicycle rack on a revised site plan.**

The vehicle parking layout shall be striped according to a parking plan approved by the Planning Division, with four inch-wide painted lines. This area shall have asphalt or concrete.

4. **Access and Driveways:** There is one driveway at the site that has access on to Owens Street. The existing driveway is the only ingress and egress for this site and is approximately 90 feet in length. Klamath County Fire District #1 requires a minimum driveway width of 20'. City of Klamath Falls Code 8.570 limits a driveway width to a maximum of 24'. The applicant shall install curbs in areas of driveway construction, changes and/or elimination. If the applicant shortens the driveway access to 24 feet in width then the site will not have the capacity to have sufficient off-street parking.

Any proposed driveways shall conform to the City of Klamath Falls Code 8.570 for width and number of driveways, and to section 8-5.3.8 of the CKFPWES current edition for location and design criteria. The driveway width may be modified by an order of variance issued by the Community Development Director in consultation with the Public Works Director.

This development is not proposing any additional driveways and intends to use the one on Owens Street that is not in compliance with City Codes or City Engineering Standards. **The driveway width will need to be addressed at the time of future sidewalk construction on Owens Street.**

5. **Sidewalks:** The City of Klamath Falls Public Works Engineering Standards (CKFPWES) requires that sidewalks or curb ramps are installed in any areas within the City right-of-way adjacent to this site that are missing sidewalks or public sidewalk curb ramps (ADA ramps). There is a sidewalk on the site that extends to Union Avenue. This existing sidewalk does not have a curb cut where it meets Union Avenue. Providing pedestrian connectivity is important; however, installing sidewalks along Owens Street and Union Avenue at this time does not provide connectivity to the east, north, or south. Installing sidewalk along Owens Street and Union Avenue makes more sense at a future date when properties to the east, north, or south are re-developed. **The applicant shall install sidewalks along Owens Street and Union Avenue when any of the lots to the east, north, or south are developed/re-developed and no later than January 1st, 2016. The City will need to enter into a formal agreement with the property owner so that the sidewalks are guaranteed to be constructed when surrounding properties develop or by January 1st, 2016.**
6. **Landscaping:** CDO 14.405(6) requires mulch consisting of wood chips, bark, or similar organic materials, to be installed and maintained no less than three inches in depth within the drip-line of required trees. CDO 14.405(3) requires that a minimum of one tree be planted for every 50 feet of frontage along each street. The 100 feet of property along Owens Street right-of-way would typically require the planting of at least 2 street trees; however, placing trees in this area would limit the ability for sufficient off-street parking. **The 52 feet of property along Union Avenue right-of-way requires the planting of at least 2 street trees. The trees shall be approved trees from the City street tree list and shall be planted within 10 feet of the curb per CDO 14.405(2).**

CDO 14.405 requires that for each 1,000 square feet of landscaped open space or fraction thereof, a minimum of 1 tree and 2 shrubs shall be planted. The City does not support placing rock in the right-of-way. Also, rock placed around lawn areas can create problems with properly maintaining and grooming those lawns.

CDO 14.410 (4)(c) requires a minimum of 3% of the space provided for vehicular circulation such as driveways, driveway easements or open parking areas shall be landscaped which shall be evenly distributed throughout when the parking area contains five or more spaces. **The landscape area on the southern portion of the property satisfies this requirement.**

CDO 14.410(1) requires all areas set aside for landscaping to have a minimum vegetative cover of at least 50%. The applicant shall ensure that this requirement is met.

The site plan does not show an irrigation method. There is no landscaping data provided on the site plan.

The applicant shall submit a detailed landscaping plan for review and approval, showing the following:

- **Name of plant material, the number of each species of plant that will be used or have been planted, and the location of the different plant material**
- **A minimum of 1 tree and 2 shrubs for every 1,000 square feet of landscaping or fraction thereof**
- **All landscaped areas not covered with trees or other vegetation shall be covered with a 3 inch layer of bark mulch**
- **A minimum of 50% of the landscaping area shall be covered by vegetation**
- **All required trees shall be a minimum of 2" caliper in size**
- **An irrigation plan**
- **All shrubs shall be planted from a 5 gallon container**
- **Trees planted at a minimum of every 50 feet along Union Avenue. The 52 feet of property along Union Avenue right-of-way requires the planting of at least 2 street**

trees. The trees shall be approved trees from the City Street Tree List and shall be planted in accordance with future sidewalk installation.

The applicant shall install and maintain the required landscaping as part of this Design Review. This requires that any existing lawn areas shall be brought into compliance or replaced.

- 7. Trash Enclosures and Fences:** All trash containers greater than 50 gallons in capacity shall be screened to a height of six feet by a sight-obscuring fence per CDO 14.150(1). **The applicant shall show the trash container(s) in a screened trash area or inside the garage on a revised site plan.**

If a solid waste receptacle is provided an equal area shall be provided for recycling adjacent to or within the trash enclosure. The trash and recycle containers shall be placed in an approved area and indicated on a revised site plan.

The property currently does not contain any fences. Approval of this Design Review does not constitute approval of future fence placement. **A fence permit (no fee) must be submitted, reviewed, and approved prior to installation of any fence, including the fence screening the trash and recycle area.**

- 8. Signs:** During a recent site visit 1 sign was noted on the subject property. This sign is a small wall mounted sign for the Klamath Crusaders. According to City Planning Division records it was never approved through a sign permit. **The existing Klamath Crusaders sign shall be approved through a sign permit.** The submitted site plan does not indicate any new proposed signs. At least a 5 foot setback is required for any proposed freestanding signs. Any proposed signs shall not be located within the street right-of-way of Owens Street, Union Avenue, nor within the required sign setbacks.

A sign permit (\$25) must be submitted, reviewed, and approved prior to the installation or change of any signs. All existing signs shall be made to conform to the uniform sign code found in CDO Sections 14.300-14.368.

Engineering:

1. Per discussions with the Planning Division, the Engineering Division supports the construction of sidewalks, at a later date, when development improvements are required on the properties either to the north on Owens Street or to the east on Union Avenue. At that time this site will be required to construct sidewalks on both Owens and Union across Lots 6 & 7, Block 205 of Mills Second Addition. The City will need to enter into a formal agreement with the property owner so that the sidewalks are guaranteed in getting constructed. I would recommend a time line be placed on the construction of the sidewalks so as not to exceed 5 years from the time the City issues this Development Permit.
2. This development is not proposing any additional driveways and intends to use the one on Owens Street that is not in compliance with City Code or City Engineering Standards. The driveway width will need to be addressed at the time of future sidewalk construction on Owens Street. Currently there is only 25 feet from the back of the existing curb to the face of the building, which is insufficient distance to allow continued use of the head-in parking and construction of a sidewalk. The property owner will need to redesign the parking area, or use their lot on Union Avenue for the parking area to serve this building at the time the sidewalks are constructed.
3. The plan is not showing any existing or proposed City water service. The applicant will need to verify their intent.

4. The applicant will need to complete and return an “Industrial Sewer Use Evaluation” form and a “Sewer System Development Charge Calculation Sheet”, both of which can be acquired at the City Engineering Division office at 226 So. 5th Street
5. Not enough information was provided to determine if the site is a small or large site grading erosion project, or if a storm drainage plan is required, or if a site construction permit will be required. The applicant may pick up the City Engineering flow charts to determine if these are applicable or not. Written responses can be submitted to the Planner of record, which will be forwarded to the City Surveyor for review and response.
6. The Administrative Review Sheet identifies only the south portion (100 feet) of Lot 6, but the provided sketch shows the north portion (20 feet) of Lot 6 included in the parking area of this proposed development. The north 20 feet is also attached to all of Lot 7, which is inclusive of Tax Lot 13100 and not only Tax Lot 13000.
7. Any required fees will be determined after all of the information has been reviewed.

Building Department:

“The County Building Department has no issues or concerns with this proposal at this time.”

KCFD#1:

“The tire shop will require a change of occupancy and a new Certificate of Occupancy from the Building Department. Tires stacked or stored at a height greater than 6 feet is High Piled combustible storage and may trigger a requirement that the building be provided with an automatic fire sprinkler system.”

Basin Transit:

“No comments.”

SPOKES:

“Handicap parking, as drawn, does not appear to meet codes. Please amend to comply with ORS 447.233.”

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

1) Prior to the issuance of the Development Permit:

- a) The applicant shall submit a plan showing any existing or proposed City water service and verify their intent to City Engineering.

- b) The applicant shall complete and return an “Industrial Sewer Use Evaluation” form and a “Sewer System Development Charge Calculation Sheet”, both of which can be acquired at the City Engineering Division office at 226 South 5th Street.
- c) The applicant shall submit information to determine if the site is a small or large site grading erosion project, or if a storm drainage plan is required, or if a site construction permit will be required. The applicant may pick up the City Engineering flow charts to determine if these are applicable or not. Written responses can be submitted to the Planner of record, which will be forwarded to the City Surveyor for review and response.
- d) The applicant shall submit a revised site plan to City Planning for review and approval showing the following:
 - To scale site plan with lot lines
 - Building setback distances from all building corners to all subject lots lines
 - Peak height of the building
 - 7 off street parking spaces
 - Location of a bicycle rack
 - Revised location of a handicap access aisle
 - Trash/recycle container(s) in a screened trash area or inside the garage (not being used for vehicular parking)
- e) The applicant shall submit a detailed landscaping plan, to City Planning for review and approval, showing the following details:
 - Name of plant material, the number of each species of plant that will be used or have been planted, and the location of the different plant material
 - A minimum of 1 tree and 2 shrubs for every 1,000 square feet of landscaping or fraction thereof
 - All landscaped areas not covered with trees or other vegetation shall be covered with a 3 inch layer of bark mulch
 - A minimum of 50% of the landscaping area shall be covered by vegetation
 - All required trees shall be a minimum of 2” caliper in size
 - An irrigation plan
 - All shrubs shall be planted from a 5 gallon container
 - Trees planted at a minimum of every 50 feet along Union Avenue. The 52 feet of property along Union Avenue right-of-way requires the planting of at least 2 street trees. The trees shall be approved trees from the City Street Tree List and shall be planted in accordance with future sidewalk installation.

2) General Conditions:

- a) All contractors working on this job shall maintain a valid city business license.
- b) The applicant shall obtain a change of occupancy and a new Certificate of Occupancy from the Klamath County Building Department prior to the new use moving in to the new building.
- c) The applicant shall verify with the Klamath County Building Department that the height of tires stacked or stored will not exceed 6 feet in height. If tires are stacked at a height greater than 6 feet they are regarded as High Piled combustible storage and could trigger a requirement that the building be provided with an automatic fire sprinkler system.
- d) The applicant shall install sidewalks along Owens Street and Union Avenue when any of the lots to the east, north, or south are developed/re-developed and no later than January 1st, 2016.

- e) The applicant shall enter into a formal agreement with the City of Klamath Falls by March 12th, 2010, so that the sidewalks are guaranteed to be constructed when surrounding properties develop or by January 1st, 2016.
- f) The applicant shall redesign the driveway at the time of future sidewalk construction on Owens Street. When this occurs the applicant shall also redesign the parking area to accommodate the required 7 off-street parking spaces or use another lot to serve this building. The applicant shall also redesign the landscaping area(s) at this site.
- g) The applicant shall submit a new design review application when sidewalks, parking, the driveway, and landscaping are redesigned.
- h) The applicant shall stripe the required parking lot according to a parking plan approved by the Planning Division, with four inch-wide painted lines. This area shall have asphalt or concrete. All required parking lot improvements shall be completed prior to June 1st, 2010 or issuance of Certificate of Occupancy.
- i) The applicant shall install all required landscaping prior to June 1st, 2010. The street trees shall be approved trees from the City street tree list and shall be planted within 10 feet of the curb per CDO 14.405(2).
- j) The applicant shall submit for review and approval a fence permit (no fee) prior to installation of any fence or any stand alone trash enclosure.
- k) The existing Klamath Crusaders sign shall be approved through a sign permit. The applicant shall remove all non permitted signs and submit for review and approval, a sign permit prior to the installation of any signs. All existing signs shall be made to conform to the uniform sign code found in CDO Sections 14.300-14.368.

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 IS FINAL AS OF THE DATE OF MAILING THIS DECISION (FEBRUARY 23, 2010), UNLESS WRITTEN APPEAL AND A \$200 APPEAL FEE IS FILED WITH THE CITY PLANNING DEPARTMENT WITHIN 12 DAYS OF THE DATE OF MAILING.

DATED THIS 23RD OF FEBRUARY 2010.

Kelly O'Neill
Planner

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