

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **4-DR-10**

Tom Neel
5303 Hilldale Street
Klamath Falls, OR 97603

Vanessa Serrato
1042 Emerald Street
Klamath Falls, OR 97601

Date: March 24, 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 Vanessa Serrato, on behalf of landowner Tom Neel, proposes to expand a retail store, Mexico Video, to 2,420 sq ft. Mexico Video currently occupies 864 sq ft of the 2,784 sq ft building. This proposed expansion would increase the business by an additional 1,556 sq ft. The remaining 364 sq ft of the building is currently occupied by Klamath Glass Blowers. The expansion for Mexico Video is the building unit addressed as 1038 East Main Street, the existing Mexico Video building unit is addressed as 1042 East Main Street, and the Klamath Glass Blowers building unit is addressed as 1040 East Main Street. The property can be found on Assessor's Map R-3809-033DB, tax lot 05700 (Mills Addition, Block 105, Lot 788). The subject property fronts approximately 120.00 feet of East Main Street right-of-way and 50.00 feet of Reclamation Avenue right-of-way.

AGENCY COMMENTS

Planning:

1. **Setback & Lot Coverage:** Neighborhood Commercial (NC) zoning allows for 75% lot coverage, 10' front yard setbacks, 5' rear yard setbacks, 0' side yard setbacks, and 15' setbacks from abutting residential zones. The subject property does not abut a residential zone. The current and proposed building setbacks are approximately 2' from the east (East Main Street), 0' from the west, 62' from the north, and 0' from the south (Reclamation Avenue) property lines. The building has a footprint of 2,784 sq ft and covers 46% of the 6,000 sq ft subject property. The building is conforming for lot coverage, but does not meet 2 of the setback requirements. **The applicant shall show building setback distances from all building sides to all subject property lines on a revised site plan.**
2. **Building Height:** The maximum allowed building height in Neighborhood Commercial zones is 45'. **The current peak building height for the building is approximately 15'.**
3. **Parking:** The Community Development Ordinance (CDO) 14.010 requires 1 off street parking space for every 250 sq ft of retail space. The 2,784 sq ft building will all be used for retail. The applicant proposes to add an additional 1,556 sq ft of retail space for Mexico Video to a store that currently occupies 864 sq ft. Upon completion the business will occupy 2,420 sq ft. The remaining 364 sq ft of the building is currently occupied by Klamath Glass Blowers. This site requires 11 parking spaces for the retail area. The applicant has enough room on the subject

property to accommodate 5 standard parking spaces. While 5 off street parking spaces are not sufficient according to CDO off street parking standards it is most likely sufficient in this case with the following reasoning:

First, the subject property has 120 lineal feet in front of the store on East Main Street and 50 lineal feet on the side of the store on Reclamation Avenue for on street parking. According to CDO parallel parking standards these two on-street areas could accommodate 7 to 8 parking spaces. With these 7 to 8 on street parking spaces and the 5 off street parking spaces, the site could accommodate 12 to 13 vehicles at once.

Second, the subject property and the associated businesses are located on East Main Street which is zoned for Neighborhood Commercial uses. Given the surrounding residential density, many patrons shopping at Mexico Video and Klamath Glass Blowers walk to the stores and do not use a motorized vehicle.

Considering all of the above factors it is most likely that 5 off street parking spaces in combination with on street parking spaces will be sufficient for Mexico Video and Klamath Glass Blowers. **The applicant shall provide 5 off street parking spaces as indicated on the site plan.**

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 proposing an access aisle that is only 16 feet in width. While traffic can travel in two-way patterns all of the parking stalls are located on one side of the access aisle and are located within 62 feet of the alley. **The applicant shall show the access aisle width on a revised site plan.**

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 accommodate 11 parking spaces (off street and on street included), 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 and per ORS 447.233(2)d. the access aisle shall be located on the passenger side of the parking space.**

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 as indicated on the site plan. The bicycle rack shall not interfere with ADA access on the sidewalk.**

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 are no driveways at this site. The parking lot has access on to the alley that runs east to west between East Main Street and Owens Street. **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.**
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 depression in a concrete panel in front of the proposed expansion area for Mexico Video that could cause a tripping hazard. **The applicant shall repair the concrete panel depression in front of the proposed expansion area for Mexico Video.**
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 120 feet of property along East Main Street right-of-way requires the planting of at least 3 street trees. The 50 feet of property along Reclamation Avenue right-of-way requires the planting of at least 1 street tree. 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). A tree well will need to be created at least 4' by 4' in size along Reclamation Avenue.**

CDO 14.405 requires that for each 1,000 sq ft 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 landscaped areas as shown on the site plan satisfy the landscape requirements.**

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 East Main Street and Reclamation Avenue. The 120 feet of property along East Main Street right-of-way requires the planting of at least 3 street trees. The 50 feet of property along Reclamation Avenue**

right-of-way requires the planting of at least 1 street tree. 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 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 City staff noted that 6 signs were located on the south side of the building, 5 signs were located on the north side of the building, and at least 4 signs were located on the east side of the building. According to City Planning Division records none of the signs on the subject building were ever approved through a sign permit. Based on calculations the building is allowed 72.50 sq ft of signage area. **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.** The submitted site plan does not indicate any new proposed signs. At least a 5 foot setback is required for any proposed freestanding signs. Proposed signs shall not be located within the street right-of-way of East Main Street, Reclamation Avenue, nor within the required sign setbacks.
9. **Junk and Debris:** During a recent site visit City staff noticed junk and debris on the property. **Removal of the junk/debris (including leaves), concrete chunks and blocks, and metal railing from the landscape area and the south end of the parking lot is required.**

Engineering:

1. The plans submitted for Administrative Review are not showing any additional fire or domestic water service, nor did any sanitary sewer expansions (plumbing fixtures) be required. Based on that information there are no additional water or sewer System Development Charges.
2. Currently there is only one public sidewalk curb ramp at the northwest corner of Reclamation Avenue and East Main Street, which is adjacent to this development site. The ramp accessing to the east, crossing East Main Street is not constructed. I would recommend that the Planner of record contact the co-chairmen for the City ADA Committee in considering construction of that ramp as part of this development.
3. The Alley adjacent to the north of this site is paved asphalt across the side of the lot and the remainder of the Alley appears to be rough graded and rocked. No additional work will be required.
4. A Site Construction Permit from City Engineering will be required if it is determined that a public sidewalk curb ramp will be required. The permit would include a \$75 review and inspection fee.

Building Department:

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

KCFD#1:

“Klamath County Fire District No. 1 has no objection to the applicant’s request provided the addition is constructed in compliance with the Oregon Building and Fire Codes.”

Avista:

“Gas Services may need to be re-located. This would be at (the) owners expense.”

Basin Transit:

“No comments.”

SPOKES: 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 obtain a Site Construction Permit (SCP) from City Engineering.
- c) The applicant shall submit a revised site plan to City Planning for review and approval showing the following:
 - Building setback distances from all building sides to all subject property lines

- Access aisle width in the parking lot area
 - Revised building total area and building dimensions
 - Revised landscape total area
 - Revised total square feet area for Klamath Glass Blowers
 - Trash/recycle container(s) in a screened area
- d) 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 East Main Street and Reclamation Avenue. The 120 feet of property along East Main Street right-of-way requires the planting of at least 3 street trees. The 50 feet of property along Reclamation Avenue right-of-way requires the planting of at least 1 street tree. The trees shall be approved trees from the City Street Tree List and shall be planted in accordance with future sidewalk installation. A tree well will need to be created at least 4' by 4' in size along Reclamation Avenue.

2) General Conditions:

- a) All contractors working on this job shall maintain a valid city business license.
- b) The applicant shall remove all junk/debris (including leaves), concrete chunks and blocks, and metal railing from the landscape area and the south end of the parking lot by May 1st, 2010.
- c) The applicant shall obtain a building permit and a new certificate of occupancy prior to the new use moving in to the new building.
- d) The applicant shall repair the concrete panel depression in front of the proposed expansion area for Mexico Video prior to July 1st, 2010.
- e) The applicant shall submit building permits, including 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. Building Permit application shall include site plan and development approvals from City of Klamath Falls Planning and Engineering departments. Any variations to the site plan require re-approval by the City of Klamath Falls prior to issuance of building permit(s).
- No work shall commence prior to plan review and issuance of the appropriate building and trade permits.
- f) The applicant shall re-stripe the parking lot according to the approved site plan, with four inch painted lines and install wheel stops or curbing to prevent vehicles from driving over landscaping or sidewalks, the placement of approved bicycle parking, and installing signs identifying ADA spaces. All required

parking lot improvements shall be completed prior to July 1st, 2010 or issuance of Certificate of Occupancy.

- g) The applicant shall install all required landscaping prior to July 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).
- h) The applicant shall contact Avista to determine if gas service relocation is necessary. The applicant shall submit a letter to City Planning from Avista addressing the determination prior to July 1st, 2010.
- i) 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.
- j) 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 prior to July 1st, 2010.

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 (MARCH 24, 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 24TH OF MARCH 2010.

Kelly O'Neill
Planner

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