

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **20-DR-10**

Wal-Mart Superstore
ATTN: Jody Elliot
3600 Washburn Way
Klamath Falls, OR 97603

Date: October 5, 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 Jody Elliot, on behalf of landowner Wal-Mart Stores, Incorporated, proposes to construct a 200 square foot (10 foot by 20 foot) smoke shelter for employees. The smoke shelter is proposed to be constructed on the north side of the building, and framed with wood and covered with metal sheet roofing. The site currently has a Wal-Mart Supercenter that contains a retail store, a grocery store, a hair salon, a nail salon, an automobile service center, a pharmacy, an optometrist facility, a photography center, and a fast food restaurant. The site is approximately 828,485 square feet and the structures on the site are approximately 222,514 square feet. The Wal-Mart store has an address of 3600 Washburn Way. The property can be found on Assessor's Map R-3909-009AD, tax lots 00400, 00203, and 00201 (Portion of Parcel 1 of MLP 23-91 and Parcel 1 of LP 23-03). The subject property fronts approximately 292 feet of Washburn Way right-of-way and approximately 1,045 feet of Laverne Avenue. The property is zoned General Commercial.

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 abuts a Klamath County designated Heavy Industrial (IH) zone to the west which does not require a setback. The Wal-Mart structure has an approximately 466' front yard (east) setback, 59' rear yard (west) setback, 91' interior side yard (north) setback, and 35' exterior yard (south) setback from the property lines. The smoke shelter would not decrease any setback distances. The structures on the site with the proposed smoke shelter would have a footprint of approximately 222,714 square feet and cover 27% of the 828,485 square feet of subject property. **The structures are conforming for setbacks and lot coverage.**
2. **Building Height:** The maximum allowed building height in General Commercial zones is 45'. **The current peak building height for the Wal-Mart is approximately 35 feet. The proposed peak building height for the smoke shelter is approximately 10 feet.**
3. **Smoke Shelter Size.** The proposed smoke shelter is 10 feet wide by 20 feet long. The sidewalk where the proposed smoke shelter is to be located is approximately 7 feet in width. Vehicles that park along the subject sidewalk are capable of overhanging the sidewalk by approximately 2 feet, which makes the buildable shelter area only approximately 5 feet in width. **The applicant shall remedy this situation by increasing the sidewalk width and designating the 3 parking spaces adjacent to the smoke shelter as compact spaces and installing curb stops at 4'6" from the sidewalk, or the applicant can choose to vacate the adjacent parking spaces and diagonal**

stripe and sign them as no parking. This remedy will allow for a wider area for the smoke shelter and prevent vehicles from colliding with the shelter.

4. **Parking:** The Community Development Ordinance (CDO) 14.010 requires 1 off street parking space for every 250 sq ft of retail space. The subject properties would have 222,514 sq ft of retail space which requires 891 parking spaces. The CDO allows for 10% parking beyond the required number of parking spaces. This site is allowed 980 parking spaces per the CDO. The site currently has 1,057 parking spaces, 10 of which are used for cart corrals. The reason for allowing the 77 additional parking spaces is most of the year there are parking spaces either being used for outdoor sales or snow stockpiling. There are 80 parking spaces within a designated outdoor parking lot sale area which is used in the summer and other times when the weather is pleasant. There are 36 parking spaces within a designated snow stockpile area that are occupied with snow during the winter and periodically in other seasons during inclement weather conditions.

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". **The applicant shall install three compact spaces adjacent to the smoke shelter and sign as 'Compact' on the asphalt. The applicant shall install curb stops at 4'6" from the sidewalk so that each parking space will be 19' in length. Or the applicant can choose to vacate the adjacent parking spaces and diagonal stripe and sign them as 'No Parking'.**

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. All existing access aisles meet this requirement and the proposal does not include a change to access aisle widths.

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 has 1,057 parking spaces, 21 parking spaces for people with disabilities is required. The Wal-Mart store currently has 24 parking spaces for people with disabilities. CDO 14.010(2)(b) requires that parking spaces for people with disabilities shall be located closest to the nearest accessible entrance.

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. Since the property has 24 parking spaces for people with disabilities, 3 of those spaces shall be van accessible. The Wal-Mart store currently has 4 van accessible parking spaces. 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.

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 feet from a public entrance. CDO 14.047(4) requires that the bicycle rack(s) be anchored to the ground. Based on 1,057 parking spaces, the applicant shall provide 88 bicycle spaces. The bicycle racks shall not interfere with ADA access.

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.

5. **Access and Driveways:** There are three existing driveways at this site and one existing additional access point to the north, all of which are in compliance with City Code. The driveway that accesses Washburn Way is across from the terminus of Edison Avenue. This driveway is a right-in/right-out driveway. The two driveways on Laverne Avenue have full access turning movements. **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.**
6. **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). **The applicant shall repair any concrete panels that are determined damaged.**
7. **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 1,337 feet of street frontage along Washburn Way and Laverne Avenue right-of-way requires the planting of at least 27 street trees. **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 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 paved parking and maneuvering surface is approximately 495,684 square feet. At 3% the subject property would require approximately 14,872 square feet of landscaping. The subject property currently has approximately 15,316 square feet of landscaping.

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 the vegetative cover requirement is being met and if the quantity of landscaping is insufficient the problem shall be remedied.**

The site plan does not show an irrigation method. There is no landscaping data provided on the site plan. The applicant has existing landscaping and does not have to submit any additional details regarding landscaping on the subject property.

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. This also requires that all weeds and grasses that exceed 8 inches in height shall be removed.

8. **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). If a solid waste receptacle is provided an equal area shall be provided for recycling adjacent to or within the trash enclosure.

The subject property contains at least 5 separate fences. The fences were installed prior to fence permit requirements. There is a black chain link fence on the south side of the property that abuts the swale between the building and Laverne Avenue. There are two small silver chain link fences at the two truck wells that adjoin the building. There is a slatted chain link fence on the north

side of the Wal-Mart structure that contains garbage receptacles. There is a slatted chain link fence that is approximately 35 feet high on the north side of the structure that contains mechanical equipment that is connected to the building. 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 fences screening the trash and recycle.**

9. **Signs:** At least a 5 foot setback is required for any proposed freestanding signs. Proposed signs shall not be located within the street rights-of-way of Washburn Way or Laverne Avenue, nor within the required sign setbacks. According to Planning Division records the site currently has 10 signs. The site has three freestanding signs, two of which are along Laverne Avenue right-of-way and one of which is along Washburn Way right-of-way. The three freestanding signs were approved per sign permits 62-S-04 and 66-S-04. The site has seven wall mounted signs on the front and southern side of the structure. One wall mounted sign advertising for McDonald's was approved per sign permit 21-S-05. All other wall mounted signs were approved in 2005 as part of Design Review 15-DR-03. **A sign permit (\$25) must be submitted, reviewed, and approved prior to the installation or change of any signs.**
10. **Deed Restriction:** All of the Wal-Mart owned properties at this site shall be entered into a recorded deed restriction that prohibits the individual sale of lots. **The applicant shall record a deed restriction that prohibits the individual sale of lots that have been acquired to provide space for the structure, parking, landscaping, and access for Wal-Mart.**

Engineering:

1. There are no proposed changes to any existing City water or sewer services to the properties shown per this application request. City Engineering does not anticipate any increases to existing traffic counts that would warrant a traffic analysis. From a Public Works position we have no concerns at this time.

Building Department:

"Klamath County Building Division will require a comprehensive submittal for review of the project for compliance with the Oregon Building Code. The following are general comments preceding building permit application:

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. The proposed smoke shelter addition is a habitable structure and therefore does not meet the exemption criteria from Building Permit. Contact our commercial plans examiner for possible waiver from requirement for documents to be prepared by licensed design professional (541-883-5121 #1).
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. The converted space shall not be occupied until the Building Division conducts and approves final inspection.
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."

USBR:

“In response to the City of Klamath Falls Planning Department administrative review request for the subject applicant to construct a 200 square-foot (10 foot by 20 foot) smoke shelter for employees to use, the Bureau of Reclamation has no comments and/or concerns at this time. There are no Reclamation facilities or water bodies adjacent to or in the vicinity, as the A-3-g Lateral is 0.2 +/- miles west of the proposed construction site.”

Avista: No comments were received.
PP & L: No comments were received.
KCFD#1: No comments were received.
Basin Transit: No comments were received.
Charter: No comments were received.
Qwest: No comments were received.
SPOKES: 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) **The applicant shall obtain a Development Permit prior to completion of the general conditions listed below.**
- 2) **General Conditions:**
 - a) All contractors working on this job shall maintain a valid city business license.
 - b) The applicant shall contact the Building Department’s commercial plans examiner for a possible waiver of the requirement for documents to be prepared by a licensed design professional (541-883-5121 #1).
 - c) 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. The converted space shall not be occupied until the Building Division conducts and approves final inspection.
 - d) The applicant shall designate the 3 parking spaces adjacent to the smoke shelter as compact spaces and install curb stops at 4’6” from the sidewalk so that each parking space will be 19’ in length. Each compact space adjacent to the smoke shelter shall be signed as ‘Compact’ on the asphalt. Or the applicant can choose to vacate the adjacent parking spaces and diagonal stripe and sign them as ‘No Parking’. This condition shall be satisfied prior to January 1st, 2011.

- e) The applicant shall record a deed restriction that prohibits the individual sale of lots that have been acquired to provide space for the structure, parking, landscaping, and access for Wal-Mart. This condition shall be satisfied prior to January 1st, 2011.
- f) 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.
- g) The applicant shall submit for review and approval, a sign permit prior to the installation of any signs.

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 (OCTOBER 5, 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 5TH OF OCTOBER 2010.

Kelly O'Neill
Planner

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