

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **3-DR-10**

Fred Meyer Stores, Inc
3800 S.E. 22nd Avenue
Portland, OR 97202

Barghausen Consulting Engineers, Inc
18215 72nd Avenue South
Kent, WA 98032

Date: March 12, 2010

In accordance with the provisions of Sections 11.050-11.094 and 14.048 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, Fred Meyer Stores, Inc, proposes to construct a 22-foot addition to the Fred Meyer fueling facility resulting in a 65' x 92' canopy over eight multi-product dispensers. The existing 8' x 14' kiosk and two underground storage tanks (20,000 gallon and 16,000 gallon) will remain. The applicant also proposes to designate an outdoor storage area in the northeast corner of the property. The proposed fueling canopy addition will eliminate 10 existing parking spaces and the outdoor storage area will eliminate 8 parking spaces. The applicant has requested a parking variance to reduce the parking requirement by 20% from 4 parking spaces per 1,000 sq ft of gross floor area to 3.20 parking spaces per 1,000 sq ft of gross floor area. The subject property is addressed as 2655 Shasta Way and can be found on Assessor's Map 3809-034CC Tax Lot 00301. The property can also be described as Parcel 3, Land Partition 1-88, and is zoned General Commercial.

AGENCY COMMENTS

Planning –

1. **Setback & Lot Coverage:** General Commercial zoning allows for 100% lot coverage and zero setbacks, provided all parking and landscaping requirements are met. The proposed addition will reduce the setback from the south property line to the fueling station structure to approximately 766 feet. The other setback distances for the structure will be unchanged and will remain at: Approximately 113 feet from the north property line, approximately 40 feet from the west property line and approximately 458 feet from the east property line. The proposed 2,024 sq ft canopy addition will increase the building area on this 608,322 sq ft property to a total of approximately 175,263 sq ft. The proposed addition will bring the total lot coverage to approximately 29%.
2. **Height:** The proposed height of the fueling station is 19 feet and the maximum allowed building height in the General Commercial zone is 45 feet.

3. **Parking:** Community Development Ordinance (CDO) 14.010 requires 1 parking space for every 250 sq ft of retail space. The total floor area of the Fred Meyer store is 172,264 sq ft. This amount of retail space requires a total of 689 parking spaces. The applicant requested and received a parking variance in 2007 to allow for a total of 609 parking spaces for the site. The applicant has requested a parking variance along with the proposed addition to the fueling station and the addition of an outdoor storage area that would reduce the parking requirement by 20%, from 4 parking spaces per 1,000 sq ft of gross floor area to 3.20 parking spaces per 1,000 sq ft of gross floor area (552 total spaces). The applicant has submitted a Parking Demand Study by Kittelson & Associates showing the parking demands measured at four northwest Fred Meyer store sites. The study shows a demand of approximately 1.30 to 1.72 spaces per 1,000 sq ft, which in many cases leaves Fred Meyer stores over-parked. The applicant also submitted an excerpt from the July 5, 2007 Kittelson & Associates, Inc, report, documenting the ITE Parking Generation Manual recommendation of 3.02 spaces per 1,000 square feet of gross floor area for this type of retail facility. The applicant contends that these studies taken along with field observations of the Klamath Falls Fred Meyer parking lot demonstrate that the parking needs for the use of this property will be adequately served with a parking ratio of 3.20 spaces per 1,000 sq ft of retail area. The Klamath Falls Fred Meyer Store is located in an area that encourages alternative modes of transportation. The store is located within walking distance of residential neighborhoods, it has sidewalks along its perimeter as well as on site, the store provides parking for bicycles, and it is located along Basin Transit Service bus routes.

The materials referenced above were submitted and reviewed in considering the parking variance requested in 2007. At that time it was determined reasonable to conclude that the 609 parking spaces ultimately required of the Fred Meyer store and fueling station would adequately serve the development. The applicant has indicated the need to remove 10 parking spaces to accommodate the expansion of the fueling station and an additional 8 parking spaces to accommodate the placement of an outdoor storage area in the northeast corner of the subject property. While the materials submitted along with the requested parking variance indicate that other northwest Fred Meyer stores only require between 1.30 to 1.72 parking spaces per 1,000 sq ft of building area and the ITE Parking Generation Manual indicates a parking ratio of 3.02 parking spaces per 1,000 sq ft for this type of facility these studies have not actually studied the parking demand for this particular site. The requested parking ratio for the store of 3.20 parking spaces per 1,000 sq ft is higher than the parking demand numbers indicated by both studies and it may in fact be true that this Fred Meyer store requires more parking than other Fred Meyer stores in the region.

Site observation and experience with the subject property from both Planning and Public Works staff indicate that the Fred Meyer store in Klamath Falls quite possibly requires a higher parking ratio than other similar stores in the region. There are two large “one-stop shopping” retail facilities in Klamath Falls: Fred Meyer and Wal-Mart. Unlike other communities of the size of Klamath Falls the choices for such retail facilities are limited. The City of Klamath Falls Comprehensive Plan Policy #72 states: “Klamath Falls’ position as the retail center for south-central Oregon and northern California will be strengthened whenever possible.” This policy along with other factors in and around Klamath Falls helps to draw shoppers to Klamath Falls from a very large geographic area. While it was reasoned previously that a reduction in the number of parking spaces for the Fred Meyer property would likely result in an adequate number of parking spaces for the site there are some

concerns that the current request could reduce the number of spaces below what is needed for **this** Fred Meyer store.

The provisions of CDO Section 14.048 allows for a reduction in the number of required parking spaces provided the parking needs of the use will be adequately served. While Planning and Public Works staff is not convinced that the requested ratio of 3.20 parking spaces per 1,000 sq ft will adequately serve the parking needs of the use we are comfortable with the request to eliminate the total of 18 parking spaces required to expand the fueling station and legitimize the outdoor storage area in the northeast corner of the property provided the following conditions are met:

- a) **A cross-over easement shall be recorded between the Fred Meyer property and the currently vacant property to the east. Fred Meyer shall agree to develop a driveway to align with the parking aisle immediately south of the main Fred Meyer building (adjacent to the leasable spaces on the south side of the building) to provide cross access between the Fred Meyer property and the property immediately to the east. This driveway shall be constructed once the property to the east develops.** As a condition of their development, the property to the east will record a similar cross-over easement and be responsible for developing the portion of the driveway on their property. This requirement is intended to reduce the number of vehicles entering and existing along Shasta Way to access between these two properties. This condition is also intended to insure that adequate parking is provided for the two properties by encouraging shoppers to walk between the two sites.
- b) **The area shown as designated for outdoor storage in the northeast corner of the subject property shall be screened by a site obscuring wood fence that is a minimum of 6' and a maximum of 7' in height. The fence shall be constructed in such a way as to limit visibility into the storage area from adjacent properties and rights-of-way. This shall include fencing along the north and east exterior sides of the proposed storage area. Fencing shall also be placed along the portion of the western perimeter of the storage area nearest to Washburn Way and the portion of the southern perimeter nearest to Shasta Way.**

This outdoor storage area has existed in one form or another for a number of years. Previously the materials have been stored in this area at the expense of parking spaces that were required to meet the parking requirements for the site. The request to formalize this storage area will not reduce the number of actual parking spaces provided on site. As discussed in detail above the City has some hesitations in granting the requested parking variance. However, if the applicant is willing to properly screen this storage area and stripe the parking spaces (as shown on the submitted site plan) around the area, the conditions on site will be improved from where they currently are. The number of spaces actually available to customers and employees will increase by formalizing the storage area and striping the parking in that portion of the parking lot. **The parking spaces shown on the site plan near the northeastern corner of the property shall be striped on the property.**

Provided the applicant meets the conditions listed above the applicant is hereby granted a parking variance to provide a total of 582 parking spaces for the subject property instead of the 689 parking spaces required by CDO Section 14.010, a variance of approximately 15.5%.

4. **Fences:** (See discussion regarding proposed outdoor storage area under parking) **A fence permit must be obtained prior to the placement of any new fence.**
5. **Landscaping:** There is approximately 41,175 sq ft of existing landscaping on the Fred Meyer site, covering nearly 7% of the total area. The proposed addition to the existing fueling station will eliminate approximately 500 sq ft of landscaping, leaving more than 40,000 sq ft of landscaped area. Another approximately 500 sq ft section of landscaping will be removed and replaced along the western edge of the property. CDO 14.410(3) (c) requires parking lots with more than 5 parking spaces to have a minimum landscaping area equal to 3% of the parking area. With the proposed reduction in landscaping the subject property will continue to have between 6-7% of the total property area landscaped. CDO 14.410(1) states that no parking space shall be located more than 120 feet from a portion of the required landscaped open space. The existing parking lot meets this requirement and will continue to after the proposed expansion of the fueling station. The existing landscaping is in good condition.
6. **Signs:** Approval of this Design Review does not constitute approval of sign placement or size. A sign permit must be submitted, reviewed, and approved prior to installation of any/each sign.

Engineering –

1. The plans submitted for Administrative Review are not showing any additional fire or domestic water service, nor did they show any sanitary sewer expansions (plumbing fixtures) to be required. Based on that information there are no additional water or sewer System Development Charges.
2. The expansion of the fueling station will add to the traffic that uses the driveway on Washburn Way, which is in alignment with Radcliffe Avenue on the west side of Washburn. That driveway shall be brought into compliance with respect to continuous sidewalks across driveways. Currently the sidewalk terminates on both the north and south side of this driveway. The driveway shall be constructed in accordance with the City of Klamath Falls Public Works Engineering Standard Drawing 8-210. The plans shall be updated showing this sidewalk and driveway. An Engineering Site Construction Permit will be required for this work with a fee of \$75.
3. A detailed response was made, on March 4, 2010, to the Planner of record on the submitted Traffic Letter prepared by Kittelson and Associates. Public Works Engineering agrees with the final conclusion of the letter, but determined that other factors known by our local staff supports a cross-over easement between Fred Meyer and the vacant land immediately east of Fred Meyer (future home of Lowes). This access between the two properties will minimize the ingress and egress access at the Shasta Way driveways by creating this proposed cross-over easement, being an internal driveway between the two properties. The Engineering Division review and comment fee of \$500, for the traffic letter, to date has not been paid.
4. Prior to issuing a Site Construction Permit the applicant shall:
 - Pay the \$500 City Engineering fee for the review of the traffic letter.
 - Record an easement for the cross-over access to the property on the east side of Fred Meyer. Details of that location can be discussed and approved by the City Planner of record for 3-DR-10.

- Update the plans submitted to reflect the sidewalk design across the driveway on Washburn Way as noted in above item 2. The plans shall be signed by the property owner’s representative, City Planner and City Engineering (per Detail Drawing 10-100 for Site Construction Permit Set signature block).
- Complete and submit a Site Construction Permit application with the \$75 fee for the sidewalk improvements across the driveway.
- Be issued a Development Permit from the City Planning office.

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.

Basin Transit –

“No Comments.”

Avista:	No comments were received.
PP & L:	No comments were received.
SPOKES:	No comments were received.
USBR:	No comments were received.
Fire District # 1:	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) The applicant shall pay the \$500 City Engineering fee for the review of the traffic letter.
- 2) The applicant shall record an easement for the cross-over access to the property on the southeast side of Fred Meyer.

- 3) The applicant shall submit a letter indicating Fred Meyer Stores, Inc agrees to develop a driveway to align with the parking aisle immediately south of the main Fred Meyer building (adjacent to the leasable spaces on the south side of the building) to provide cross access between the Fred Meyer property and the property immediately to the east. This driveway shall be constructed once the property to the east develops.
- 4) The applicant shall update the plans submitted to reflect the sidewalk design across the driveway on Washburn Way as noted in above item 2 of the Engineering comments section. The plans shall be signed by the property owner's representative, City Planner and City Engineering (per Detail Drawing 10-100 for Site Construction Permit Set signature block).
- 5) The applicant shall complete and submit a Site Construction Permit application with the \$75 fee for the sidewalk improvements across the driveway.

➤ **General Conditions:**

- 6) The area shown as designated for outdoor storage in the northeast corner of the subject property shall be screened by a site obscuring wood fence that is a minimum of 6' and a maximum of 7' in height prior to July 30, 2010. The fence shall be constructed in such a way as to limit visibility into the storage area from adjacent properties and rights-of-way. This shall include fencing along the north and east exterior sides of the proposed storage area. Fencing shall also be placed along the portion of the western perimeter of the storage area nearest to Washburn Way and the portion of the southern perimeter nearest to Shasta Way.
- 7) All parking spaces as shown on the approved site plan shall be striped prior to July 30, 2010.
- 8) All new landscaping shown on the approved landscape plan shall be installed prior to July 30, 2010.
- 9) 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.
- 10) 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).
- 11) No work shall commence prior to plan review and issuance of the appropriate building and trade permits.
- 12) 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.
- 13) All contractors working on this job shall maintain a valid city business license.
- 14) A sign permit is required prior to the placement of any sign.
- 15) A fence permit must be applied for and approved prior to the placement of any fence.

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 12TH OF MARCH 2010

Joe Slaughter
Associate Planner

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