

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **6-DR-09**

Gary Kottong
2041 Radcliffe Avenue
Klamath Falls, OR 97601

Jeffery & Marie Linders
513 Main Street
Klamath Falls, OR 97601

Date: April 14, 2009

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, Gary Kottong proposes to re-develop a site for a used clothing store. The site was most recently used as an office by JM Solutions for accounting and tax preparation services. The existing site shall meet current City standards including landscaping, parking, site access, and sidewalks. The property is zoned General Commercial and the proposed clothing retail use for the property is a permitted use in this zone designation. The property is addressed as 1717 Avalon Street and can be found on Assessor's Map R-3909-003BA, tax lot 04800 (Lot 32, Enterprise Tracts). The lot fronts approximately 50.00 feet of Shasta Way right-of-way and 164.08 feet of Avalon Street right-of-way and is located on the southeast corner of the intersection of the two streets.

AGENCY COMMENTS

Planning:

1. **Setback & Lot Coverage:** General Commercial zoning allows for 100% lot coverage and zero setbacks unless the property abuts a residential zone. The subject property does abut a residential zone (north of Shasta Way), but the property line does not abut property with a residential zoning designation because the Shasta Way right-of-way is between the properties. CDO 12.010 requires General Commercial to have a 15 foot setback from the yard abutting the residential zone. In this case the yard (property line) abuts the street right-of-way, not the residential property line, thus the 15 foot setback is not required.

The existing building is setback approximately 25'6" from the west property line, 8'6" from the east property line, 47'0" from the south property line, and 58'6" from the north property line. The building has an existing footprint of approximately 924 sq ft (primary structure is 20' x 45' with 4' x 6' awning) and covers 8.48% of the 10,890 sq ft of the subject lot.

2. **Parking:** The Community Development Ordinance (CDO) 14.010 requires 1 off street parking space for every 250 sq ft of retail. The 924 sq ft of retail requires a minimum of 4 parking spaces. Per CDO 14.010(4) a maximum of 5 parking spaces is allowed. **The applicant shall provide 4 or 5 off street parking spaces which shall be shown on a revised 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'. **The revised site plan shall show spaces at least at 9' x 19'.**

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 will be maintained.

CDO 14.040(4) requires that access aisles which provide two-way traffic shall be a minimum of 24 feet in width. The applicant shall provide two-way traffic for the vehicle access aisle. CDO 14.040(6) requires that directional signs and pavement markings be used to control vehicle movement within parking and loading facilities.

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 proposed buildings shall have 4 to 5 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; however, the parking space is not located in a suitable location. The location of the 1 space for people with disabilities shall be relocated south of the building and shown on a revised site plan.**

CDO 14.010(2)c. requires at least a 6' wide by 19' long parking access aisle adjacent to each parking space for people with disabilities. Van accessible spaces shall have an access aisle at least 8' wide and 19' long. CDO 14.010(2) a. requires that one in every eight accessible spaces, but no less than one space, shall be van accessible. **The applicant shall have 1 van accessible access aisle for people with disabilities, which shall be shown on a revised site plan.** 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' from a public entrance. CDO 14.047(4) requires that the bicycle rack be anchored to the ground. **The 4 to 5 vehicle parking spaces require a total of 1 bicycle space be provided.**

The approved vehicle parking layout shall be striped according to a parking plan approved by the Planning Division, with four inch-wide painted lines. Wheel stops or curbing shall be installed (CDO 14.040(3)) along property lines and to prevent vehicles from driving over landscaping, unpaved areas, and sidewalks, and the ADA van accessible space shall be constructed to meet all requirements of the Oregon Department of Transportation Disabled Parking Standards for width, location, striping and signage.

3. **Building Height:** The maximum allowed building height in General Commercial zones is 45'. **The peak building height for the office building will remain at approximately 15'.**
4. **Access and Driveways:** There are currently two driveways at the site that have access on to Shasta Way and Avalon Street. The existing driveway on to Shasta Way is approximately 40 feet from the intersection of Avalon Street and Shasta Way. Per City Engineering Standards Section 8-5.3.8(2) no commercial driveway shall be located within 100 feet of any collector intersection. Since Shasta Way is classified as a major collector street the distance from this driveway to the intersection is not acceptable per City Engineering Standards. **The applicant shall terminate the driveway on to Shasta Way. In addition, the asphalt for this driveway shall be removed.**

The driveway on to Avalon Street is approximately 134 feet from the intersection of Avalon Street and Shasta Way which meets Engineering Standard requirements. **The applicant shall install curbs in areas of driveway construction, changes and/or elimination.**

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. **Signs:** During a recent site visit there were two signs approximately 16' wide by 2' in height located on both the west and east sides of the building. These signs appear to be backlit and are mounted on the roof of the building. There are no records indicating the signs were approved through the City of Klamath Falls sign permit process. There is also a wall sign with the words "Income Tax Preparation" on the north side of the building. This sign was not permitted through the sign permit process and shall be removed immediately. Existing and proposed signs (including replacement of panels) to be located on the subject property must meet the requirements of the uniform sign code found in CDO sections 14.300-14.368. Any proposed signs shall not be located within the street right-of-way of Shasta Way or Avalon Street nor within the required sign setbacks.

A sign permit 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.

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 50 feet of property along Shasta Way requires the planting of at least 1 street tree. The 164.08 feet of property along Avalon Street requires the planting of at least 4 street trees.** 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.

Landscaping needs to be added to all sides of the parking area in order to satisfy the requirements of CDO 14.410(1). CDO 14.410(4)(b) requires that parking lots shall have landscaped islands at the ends of parking rows to facilitate movement of traffic and to break large areas of parking surface. **The applicant shall install landscaping areas at the ends of all parking rows landscaped in a similar manner to the other vegetation strips.**

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. **Once the asphalt is removed from the terminated driveway on to Shasta Way, the applicant shall install landscaping in a similar manner to the adjacent vegetation.**

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. The landscaping data provided on the site plan is inadequate and is not approved.

The applicant shall submit a detailed landscaping plan on 11" x 17" paper, for review and approval, showing the following:

- **Trees planted at a minimum of every 50 feet along Shasta Way and Avalon Street. A minimum of 1 street tree along Shasta Way and 4 street trees along Avalon Street.**
- **A minimum of 1 tree and 2 shrubs for every 1,000 square feet of landscaping or fraction thereof**
- **All required trees shall be a minimum of 2" caliper in size when planted**

- **Landscaping in the terminated driveway on to Shasta Way. This landscaped area shall be a continuation of the other landscaping along Shasta Way.**
- **Reconfigured landscape area that accommodates sidewalk along Avalon Street**
- **Landscaping at both ends of all parking rows**
- **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 shrubs shall be planted from a 5 gallon container**
- **Name of plant material, the number of each species of plant that will be used, and the location of the different plant material**
- **An irrigation plan**

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 place the trash container(s) in a screened trash area.**

If a common 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 the site plan.

The property currently does not contain any fence and the proposed site plan does not include the addition of a fence. 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. **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). ADA ramps which do not meet current specifications shall be brought into compliance. The ADA ramp at the corner of Shasta Way and Avalon St. is out of compliance and shall be replaced per CKFPWES.

No sidewalk currently exists along Avalon Street adjacent to this property. While existing sidewalk to the south of the subject property is curb tight, **the sidewalk along 1717 Avalon Street shall be located to the east of the landscaping to provide for a buffer between vehicles and pedestrians.**

The sidewalk along Shasta Way between the intersection and the driveway to be terminated will need to be repaired as it has degraded. **The sidewalk and curb to the north of the terminated driveway will need to be replaced per CKFPWES.**

Water from the site flowing across the sidewalk will not be permitted. **Barrier/curbing material shall be installed where determined appropriate by City Engineering to prevent landscaping material from washing into the street and/or on to the sidewalk.**

Engineering:

1. Based on the information provided by the applicant the following has been determined:
 - A Site Construction Permit (SCP) is required.
 - A grading/erosion control plan may be required. Please refer to the attached flow chart.

2. A storm water site plan is not required. However, sheet flow across the sidewalk will not be permitted. See section 4-10 of the City of Klamath Falls Public Works Engineering Standards (CKFPWES) and City Code 5.640.
3. Any areas within the City right-of-way adjacent to this site that are missing sidewalks or public sidewalk curb ramps (ADA ramps) shall be installed to the CKFPWES current edition by the applicant per this development review. ADA ramps which do not meet current specifications shall be brought into compliance.

The ADA ramp at the corner of Shasta Way and Avalon St. is out of compliance.

4. Driveways (existing and proposed) 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 on Shasta Way shall be eliminated.
5. Curbs/gutter shall be installed in areas of driveway construction, changes and/or elimination.
6. A street light shall be installed at the appropriate location adjacent to this site.
7. Any public improvements and grading/erosion control shall be shown on a set of engineering design/construction plans that meet the requirements of the City of Klamath Falls Public Works Engineering standards (CKFPWES) current edition.
8. The plans will need to identify both existing and proposed water services, fire service and irrigation back-flow devices. It is the applicant's responsibility to determine whether or not the existing water main lines will supply enough water for domestic use, irrigation, and fire suppression.
9. Please submit 4 copies of the engineering design / construction plans to the City Engineering Plans Examiner at the City Engineering Division office (upstairs at 226 South 5th St.).
10. Prior to City Engineering signing the design / construction plans, the applicant shall submit a construction schedule, and traffic control plan for approval.
11. The applicant will be required to have a signed set of the Site Construction Permit set of drawings, from City Engineering office, prior to the issuance of the Site Construction Permit.
12. Refer to the attached Engineering Fee Schedule to determine the fees related to this project.
13. City records indicate this property is currently serviced by a 5/8" water meter. If additional meter(s) or fire protection is required, contact the City Engineering Plans Examiner (Ray @ 541-883-5291) for more information.
14. 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.

Building Dept.:

1. **The project appears to be a "Change of Occupancy" from office to retail and will require a Building Permit for code review and new Certificate of Occupancy.** 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:

“Fire District No 1 has no concerns with this project. Permits may be required by the Building Department for remodel and change of occupancy.”

Basin Transit:

“No comments.”

SPOKES:

“No details of handicap parking were provided. Please refer to ORS 447.233 for specifications.”

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 Site Construction Permit (SCP).
- b) The applicant shall determine if a grading/erosion control plan is required. The applicant shall refer to the attached flow chart to determine this requirement.
- c) The applicant is not required to submit a storm water site plan. However, water from the site flowing across the sidewalk will not be permitted. See section 4-10 of the City of Klamath Falls Public Works Engineering Standards (CKFPWES) and City Code 5.640 for more information.
- d) The applicant shall submit a site plan identifying both existing and proposed water services, fire service, and irrigation back-flow devices. It is the applicant’s responsibility to determine whether or

- e) The applicant shall contact the Engineering Plans Examiner (Ray @ 541-883-5291) if an additional meter or an upgrade in meter size is required. City records indicate this site is currently serviced by a 5/8 inch water meter.
- f) The applicant shall submit 4 copies of the engineering design/construction plans to the City Engineering Plans Examiner at the City Engineering Division office (upstairs at 226 South 5th St.).
- g) The applicant shall submit a construction schedule and traffic control plan for approval prior to City Engineering signing the construction plans.
- h) The applicant shall show any public improvements and grading/erosion control (if applicable) on a set of engineering design/construction plans that meet the requirements of the CKFPWES current edition.
- i) The applicant shall have a signed set of the Site Construction Permit set of drawings, from City Engineering office, prior to the issuance of the Site Construction Permit.
- j) The applicant shall pay all Engineering fees related to this project. Refer to the attached Engineering Fee Schedule to determine the fees related to this project.
- k) 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.
- l) The applicant shall install a street light at the appropriate location adjacent to this site. The applicant shall contact the Engineering Plans Examiner (Ray @ 541-883-5291) for additional information on placement and lighting standards.
- m) The applicant shall submit a revised site plan to City Planning for review and approval showing the following:
 - Placement of 4 or 5 parking spaces.
 - Parking spaces at least 9' wide by 19' in length.
 - Parking space for people with disabilities relocated south of the building closest as possible to the nearest accessible entrance.
 - Parking space for people with disabilities access aisle located on the passenger side of the parking space for people with disabilities per ORS 447.233.
 - Elimination of the driveway on to Shasta Way.
 - Sidewalk along Avalon Street adjacent to this property. While existing sidewalk to the south of the subject property is curb tight, the sidewalk along 1717 Avalon Street shall be located to the east of the landscaping to provide for a buffer between vehicles and pedestrians.
 - Reconfigured ADA ramp at the corner of Shasta Way and Avalon Street.
 - Placement of the required street light.
 - Reconfigured landscape area that accommodates sidewalk along Avalon Street.
- n) The applicant shall submit a detailed landscaping plan, to City Planning for review and approval, showing the following details:
 - Trees planted at a minimum of every 50 feet along Shasta Way and Avalon Street. A minimum of 1 street tree along Shasta Way and 4 street trees along Avalon Street.
 - A minimum of 1 tree and 2 shrubs for every 1,000 square feet of landscaping or fraction thereof

- All required trees shall be a minimum of 2” caliper in size
- Landscaping in the terminated driveway on to Shasta Way. This landscaped area shall be a continuation of the other landscaping along Shasta Way.
- Reconfigured landscape area that accommodates sidewalk along Avalon Street
- Landscaping at both ends of all parking rows
- 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 shrubs shall be planted from a 5 gallon container
- Name of plant material, the number of each species of plant that will be used, and the location of the different plant material
- An irrigation plan

2) General Conditions:

- a) All contractors working on this job shall maintain a valid city business license.
- b) 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.
- c) The applicant shall install the required street light prior to August 1, 2009.
- d) The applicant shall install curbs in areas of driveway construction, changes and/or elimination prior to August 1, 2009.
- e) The applicant shall eliminate the driveway on to Shasta Way prior to August 1, 2009. The sidewalk shall be replaced at the time of driveway elimination and the asphalt driveway shall be replaced with appropriate landscaping. The applicant shall only install driveways that conform to the City of Klamath Falls Code 8.570 for driveway width, and to section 8-5.3.8 of the CKFPWES current edition for design criteria.
- f) The applicant shall replace or install ADA ramps which meet City Engineering Standards. The ADA ramp at the corner of Shasta Way and Avalon Street is out of compliance and shall be brought in to compliance prior to August 1, 2009.
- g) The applicant shall install a sidewalk along Avalon Street adjacent to this property prior to August 1, 2009. While existing sidewalk to the south of the subject property is curb tight, the sidewalk along 1717 Avalon Street shall be located to the east of the landscaping to provide for a buffer.
- h) The applicant shall install required barriers/curbing materials in places of potential landscaping washout prior to August 1, 2009.
- i) 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 August 1, 2009 or issuance of Certificate of Occupancy.
- j) The applicant shall install all required landscaping prior to August 1, 2009.

- k) 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.
- l) The applicant shall 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 (APRIL 14, 2009), 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 14TH OF APRIL 2009.

Kelly O'Neill
Planner

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