

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **1-TUP-11**

American Marine & RV
ATTN: Tim Southwell
5102 South 6th Street
Klamath Falls, OR 97603

Walmart Superstore
3600 Washburn Way
Klamath Falls, OR 97603

Date: March 8, 2011

In accordance with the provisions of Chapter 11 Sections 11.500 - 11.530 of the Community Development Ordinance (CDO), the City of Klamath Falls Planning Department has reviewed this request for a Temporary Use Permit.

NATURE OF THE PROPOSAL

The applicant, Tim Southwell on behalf of American Marine & RV, requests approval for a boat show in the parking lot of Walmart Supercenter at 3600 Washburn Way. The boat show would occupy 50 parking spaces in the southwestern area of the parking lot adjacent to the Walmart Lawn and Garden area. The event would occur from 9:00 AM to 9:00 PM on April 14th, 15th, 16th, and 17th. The boat show would not include any food or beverages. Some of the boats on display would have single height helium balloons attached. The boat show area would be set-up on April 13th and removed on April 18th, 2011. 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 property is zoned General Commercial.

AGENCY COMMENTS

Planning:

1. **Standards:** The applicant has submitted evidence that the temporary occupancy required is limited in duration by the purposes for which the permit is sought, such as Christmas tree sales, temporary banking or office facilities, parade stands, circuses, fairs or other exhibitions and other obviously temporary needs as required by CDO 11.510 (3).
2. **Parking:** This Walmart Supercenter has gone through a multitude of land use processes; most recently design review 20-DR-10 for the approval of a 200 square foot smoke shelter for employees. The Community Development Ordinance (CDO) 14.010 requires 1 off street parking space for every 250 sq ft of retail. 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 1,047 parking spaces and 10 cart corral spaces. The reason for allowing the 67 additional parking spaces was because 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 can be 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 occasionally occupied with snow during the winter and periodically in other seasons during inclement weather conditions. The total number of parking spaces the boat show is occupying is

approximately 50 which would reduce the total number of parking spaces from 1,047 to 997. The remaining 997 provided parking spaces are well above the required 891 parking spaces. As long as snow stockpiling and other outdoor sales do not occupy more than 106 parking spaces the Walmart Supercenter will have adequate parking.

Engineering:

“The proposed TUP dates requested are from April 14 to April 17, 2011. 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 regarding this Temporary Use Permit.”

Bureau of Reclamation:

“In response to the City of Klamath Falls Planning Departments administrative review request for the subject applicant’s proposal to request a Temporary Use Permit to allow for the temporary placement of boat sales for the purpose of a parking lot boat show for American Marine and RV at the Wal-Mart on Washburn Way, the Bureau of Reclamation has no comments and/or concerns at this time. There are no Reclamation facilities adjacent or in the vicinity of the proposed construction site.”

Klamath County Building Depart:

“No comment.”

Klamath County Fire District #1:

“KCFD1 has no objection to the applicant’s request to hold the proposed Boat Show provided: a detailed plan is submitted to the Fire Marshal and approved showing the actual area to be occupied in the parking lot so that Fire Department access and access to fire hydrants is properly maintained and verified.”

Klamath County Environmental Health:

“Thanks for the information, Klamath County Environmental Health has not applicable comments.”

RELEVANT REVIEW CRITERIA

Per the Community Development Ordinance (CDO) the Planning Department cannot approve a request unless certain criteria are met. **The required Findings per Community Development Ordinance Section 11.510 and 11.515 are as follows:**

11.510 Standards Criterion:

Subsection (3): The temporary occupancy required is limited in duration by the purposes for which the permit is sought, such as Christmas tree sales, temporary banking or office facilities, parade stands, circuses, fairs or other exhibitions and other obviously temporary needs.

Facts: The proposed boat show would occupy 50 parking spaces and last for a limited duration from April 14th through April 17th. The boat show area would be set-up on April 13th and removed on April 18th, 2011.

Finding: This criterion has been met based on the Facts.

1. Criterion: The location, size, design and operating characteristics of the proposed temporary structure, if applicable, will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity.

Staff Analysis: The proposed boat show would be located on General Commercial zoned property and is for the purpose of selling boats. No food or beverage sales are involved. Neighboring properties are zoned for commercial use. The subject property abuts street right-of-way to the south and partially to the east. The boat show would occupy 50 parking spaces in the southwestern area of the parking lot adjacent to the Walmart Lawn and Garden area.

Some of the boats on display would have single height helium balloons attached. If trash and/or recycle receptacles are utilized they shall be orderly. Port-a-potty restroom facilities are not being proposed as restrooms are located inside the store; however, if port-a-potty restrooms are utilized they shall be orderly. There is no outdoor lighting or sound systems proposed for the event.

Finding: The proposed temporary boat show would be compatible with and have no adverse affect on the livability or appropriate development of abutting properties if the hours of operation are limited from 9:00 AM to 9:00 PM.
This Criterion is met with conditions.

2. Criterion: The proposed temporary structure will not adversely affect the capacity, circulation or generation of traffic on streets or other public ways in the vicinity.

Staff Analysis: The boat show products and event supplies would have to be removed after the commencement of the event and prior to April 19th, 2011. The boat show shall not be located in any public right-of-way. All of the other existing parking spaces, and areas used for site circulation and access should be kept free of the boat show and all related items. The total number of parking spaces the boat show is occupying is approximately 50 which would reduce the total number of parking spaces from 1,047 to 997. The remaining 997 provided parking spaces are well above the required 891 parking spaces. As long as snow stockpiling and other outdoor sales do not occupy more than 106 parking spaces the Walmart Supercenter will have adequate parking.

Finding: The temporary boat show shall be used in addition to, the permanent structures, and all existing parking spaces (except for the 50 needed) and areas used for site circulation and access shall be kept free. Given these conditions, there should be no adverse affect on the capacity, circulation or generation of traffic on streets or other public ways in the vicinity. **This Criterion is met with conditions.**

3. Criterion: The use of the proposed temporary structure is consistent with the spirit and intent of the zone where the structure is to be located and does not create a substantial property right not enjoyed by others within the same zone.

Staff Analysis: The boat show event would occur from 9:00 AM to 9:00 PM on April 14th, 15th, 16th, and 17th. All current and proposed uses of the property are permitted in General Commercial zones.

Finding: The use of the proposed temporary structures should be consistent with the spirit and intent of the zone where the tent is proposed to be located and should not create a substantial property right not enjoyed by others within the same zone as long as the

boat show is removed prior to April 19th, 2011. **This Criterion is met with conditions.**

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 hours of operation for the temporary structure shall not exceed the established hours of 9:00 AM to 9:00 PM on April 14th, 15th, 16th, and 17th, 2011.
2. The applicant shall not use balloons that float higher than an average single height helium balloon.
3. The boat show products and event supplies shall be removed prior to April 19th, 2011.
4. All existing parking spaces and areas (except the 50 parking spaces) being used for site circulation and access shall be kept free of the boat show and its patrons.
5. All businesses located on the subject property shall maintain a valid City Business License.
6. All contractors and subcontractors associated with the project shall obtain a current City Business License prior to working on site. Temporary Business Licenses are available in certain circumstances. Please contact City of Klamath Falls Business License Administrator (541-883-5360), Fran Smith, for more information.
7. The applicant shall obtain a sign permit from the Planning Department prior to placing any signs on the site.

This **Temporary Use Permit** 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 Temporary Use Permit 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 8, 2011), UNLESS WRITTEN APPEAL AND A \$200 APPEAL FEE IS FILED WITH THE CITY PLANNING DEPARTMENT WITHIN 12 DAYS OF THE DATE OF MAILING.

Please be advised that this temporary use permit (1-TUP-11) is valid from April 13th through April 18th, 2011. The boat show products and event supplies shall be removed prior to April 19th, 2011.

DATED THIS 8TH DAY OF MARCH 2011.

Kelly O'Neill
Planner

cc: Rick Bowman, Code Enforcement Officer
Tom Del Santo, Development Coordinator
Fran Smith, Business License Administrator