

**CITY OF KLAMATH FALLS
PLANNING COMMISSION**

**Staff Report
5-Z-11**

July 25, 2011

I. TITLE

Request to rezone approximately 5.57 acres of land from Apartment Residential to General Commercial.

II. SUMMARY AND BACKGROUND

Pilot Travel Center, LLC proposes to rezone approximately 5.57 acres of land, owned by South Valley Bank & Trust, from Apartment Residential to General Commercial. This property, along with another 1.10 acres of property currently zoned General Commercial, was the former site of the Mollie's truck stop and restaurant. The fueling stations are still in operation but the restaurant is closed. The current and past use of the property is not permitted in the Apartment Residential zone. The proposed zone change is requested to facilitate the redevelopment of the site as a truck stop and travel center.

The property is addressed as 3817 Hwy 97 N and can be found on Klamath County Assessor's map R-3809-019AA tax lots 00100, 00400 & 00600.

A Transportation Impact Study and zone change analysis was prepared by Kittelson & Associates, Inc. for the proposed development. The conclusions of the study showed that with build-out of the proposed Pilot Travel Center the surrounding intersections will continue to operate acceptably in 2015. As the project proposed to rezone the eastern parcel from Apartment Residential to General Commercial a zone change analysis was also performed to comply with the Transportation Planning Rule. This analysis assessed year 2035 traffic conditions with a reasonable worst-case development scenario, and found that the change from Apartment Residential to General Commercial could result in as many as 146 additional net new weekday p.m. peak hour trips on the system. If the total amount of trips shown to be generated by the site were allowed the US 97 and Biehn Street-Campus Way intersection would not meet ODOT performance thresholds. Kittelson & Associates, Inc. has proposed placing a "trip cap" on the site reducing the potential of the two-parcel site from 339 net new weekday p.m. peak hour trips to 313 net new weekday p.m. peak hour trips to be generated. This trip cap significantly exceeds the current plans for the proposed Pilot Travel Center, which is expected to generate 85 net new weekday p.m. peak hour trips (34 more than the existing Mollie's site). This condition will be monitored through the Design Review process. If new uses are proposed for the site a traffic study will be required to show the number of new trips generated by the proposed use and compliance with this cap to demonstrate zone change compliance.

Apartment Residential zones require the following minimum setback distances: 20' front yard, 10' exterior side yard, and 5' interior side and rear yards. Building can cover up to 60% of the lot in Apartment residential zones. General Commercial zones allow for zero setback and 100% lot coverage provided all parking and landscaping requirements are met. The maximum building height in both zones is 45' and the minimum allowed lot size for both zones is 5,000 sq ft.

Uses allowed in General Commercial zones include: multi-family dwellings, retail stores, automobile sales, auto repair, auto service stations, business offices, hotels/motels, and restaurants.

Referring Agency Comments:

Engineering:

1. The applicant has submitted a Traffic Study for review and comments by the Oregon Department of Transportation, City Public Works Engineering and the City Planning Division. At this time, both public agencies are in the review process that will be followed by a joint meeting of those agencies so that comments can be compiled and returned to the applicant.
2. The City of Klamath Falls does not have any public streets that are contiguous with this site.
3. At the time of Planning Administration Design Review or before; the applicant will need to submit a Water and Waste Water Data Connection Report for City Engineering review. The data will assist in determining City utility serviceability.

KCFD No. 1:

KCFD1 has no objection to the requested rezone of the subject property.

Basin Transit:

“No comments”

USBR:

In response to the City of Klamath Falls Planning Departments administrative review request for the subject applicant’s proposal to rezone approximately 5.57 acres of land from Apartment Residential to General Commercial, 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.

The following agencies did not respond to this proposal:

- Avista Utilities
- Charter Communications
- Pacific Power and Light
- Qwest

III. RELEVANT REVIEW CRITERIA

11.415 Required Findings. Prior to making a recommendation on the proposed change of zone, the Commission shall analyze the following criteria and incorporate such analysis in their decision:

- A. Criterion The change of zone is in conformance with the Comprehensive Plan and all other provisions of Chapters 10 to 14 and any applicable street plans.**

Staff Response: The following Comprehensive Plan Policies relate to the proposed zone change:

Policy 72: Klamath Falls' position as the retail center for south-central Oregon and northern California will be strengthened wherever possible.

Policy 77: Development which will assure the City of an adequate tax base will be encouraged and supported.

Policy 164: The City will make land use decisions that minimize distances to goods and services.

Policy 222: Land development will be in a systematic manner which contributes to the efficient use of public facilities, quality of the project, and livability of the community as a whole.

Policy 225: The appropriate reuse of land which is underdeveloped or where structures are deteriorating will be encouraged.

Policy 244: In-filling of developable lands will be encouraged to minimize sprawl and take advantage of existing facilities and services.

Policy 254: Allow growth to occur as naturally as possible without undue restrictions, or conversely, aggressive promotion.

Policy 259: Public and private actions will result in a net benefit for existing City residents and will contribute to the improvement of the local economy.

Although records show that the subject property has been zoned for high density residential use since before it was annexed into the city, in the early 1980's, the property has been used for commercial uses for at least the last 35 years. The location of the property is better suited for commercial uses rather than residential uses because the property abuts Hwy 97. The proposed zone change will allow for the redevelopment of the property as a commercial use allowing for an addition to the local commercial tax base, allowing for commercial development properly related to Hwy 97, and allowing for commercial development within the urban growth boundary. The proposed zone change will allow growth and redevelopment to occur as naturally as possible in the area and will result in the net benefit for existing City residents while contributing to the improvement of the local economy.

A Transportation Impact Study was prepared by Kittelson & Associates, Inc. for the proposed zone change and entitlements. While build-out of the site by 2015 could be accommodated outright, the conclusions of the study showed that the proposed zone change from Apartment Residential to General Commercial could result in as many as 339 net new weekday p.m. peak hour trips from the combined parcels on the roadway system. If the total amount of trips shown to be generated by the site were allowed the performance standard for the intersection of US 97 and Biehn Street and Campus Street would be reduced below the acceptable level. Kittelson & Associates, Inc. has proposed placing a "trip cap" on the site to allow a maximum of 313 net new weekday p.m. peak hour trips to be generated by the site. The number of trips will be monitored through the Design Review process. As new uses are proposed for the site a traffic study will be required to show the number of new trips generated by the proposed use. The applicant has included an analysis of the proposed use of the property as a Pilot Travel Center. The study shows that the number of trips generated by that proposed use, 85 net new trips, will be far less than the proposed maximum number of trips, 313.

A Design Review or Conditional Use Permit (depending on the type of use) will be required before any new business is allowed to operate on the subject property. This review process will insure all applicable portions of Chapters 10 to 14 of the Community Development Ordinance are met by the proposed use.

Proposed Finding: The change of zone is in conformance with the Comprehensive plan and all other provisions of Chapters 10 to 14 and any applicable street plans as long as the total number of p.m. hour vehicle trips is capped at 313 net new weekday p.m. peak hour trips. **This criterion is met with conditions.**

B. Criterion The property affected by the change of zone is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning.

Staff Response: The minimum required lot size is 5,000 sq ft for both existing zones and proposed zones (Apartment Residential and General Commercial). The portion of the subject property considered by this proposed zone change is approximately 5.57 acres in size and the entire subject property is approximately 6.67 acres. The subject property is of adequate size and shape to facilitate any number of uses, or combination of uses, normally allowed in the General Commercial zone.

Proposed Finding: The property affected by the change of zone is adequate in size and shape to facilitate the uses normally allowed in conjunction with the proposed zoning. **This criterion is met.**

C. Criterion The property affected by the proposed change of zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein.

Staff Response: The property abuts Hwy 97 and is also accessed by a “backage” road constructed by ODOT to provide access to the back of the property from Dan O’Brien Way. There is an existing permit on file with ODOT for access to the property from Hwy 97. Trips generated by any new use will be monitored during the development review process to insure the recommended “trip cap” is not exceeded. Both ODOT and the City will be provided the opportunity to review appropriate trip generation information (submitted by the applicant) prior to permitting any new/additional use of the property.

Proposed Finding: The property affected by the proposed zone change is properly related to streets to adequately serve the type of traffic generated by the uses permitted in the General Commercial zone provided the total number of p.m. peak hour vehicle trips is capped at 313 net new weekday p.m. peak hour trips. **This criterion is met with conditions.**

D. Criterion The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof.

Staff Response: The proposed change of zone will allow for the continued use of the subject property for commercial uses. Since this has been the ongoing use of the property for many years the proposed zone change will create no discernable change to the property. The property is located in an area of mostly commercial and industrial zoning and uses. The proposed trip cap will insure that the proposed zone change will not negatively impact the hwy/street system in the vicinity.

A Design Review or Conditional Use Permit (depending on the type of use) will be required before any new business is allowed to operate on the subject property. This review process will insure all applicable portions of Chapters 10 to 14 of the Community Development Ordinance are met by the proposed use. This review will insure that the site is developed appropriately for the proposed use and any potential adverse effect on abutting properties will be mitigated.

Proposed Finding: The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof. **This criterion is met.**

CONDITIONS

1. All combined uses of the 6.67 acre property shall not be permitted to generate more than 313 net new weekday p.m. peak hour trips. This “trip cap” will be monitored through development review (Design Review/Conditional Use Permit). Appropriate trip generation information will be required prior to each/any new use for the property to insure this cap is not exceeded.

IV. REQUESTED MOTIONS/ACTIONS

- Hold a public hearing and take testimony
- Motion to Accept the Proposed Findings as stated in the Staff Report
- Motion to recommend approval of the zone change to City Council based on the proposed findings.

V. DOCUMENT ATTACHED

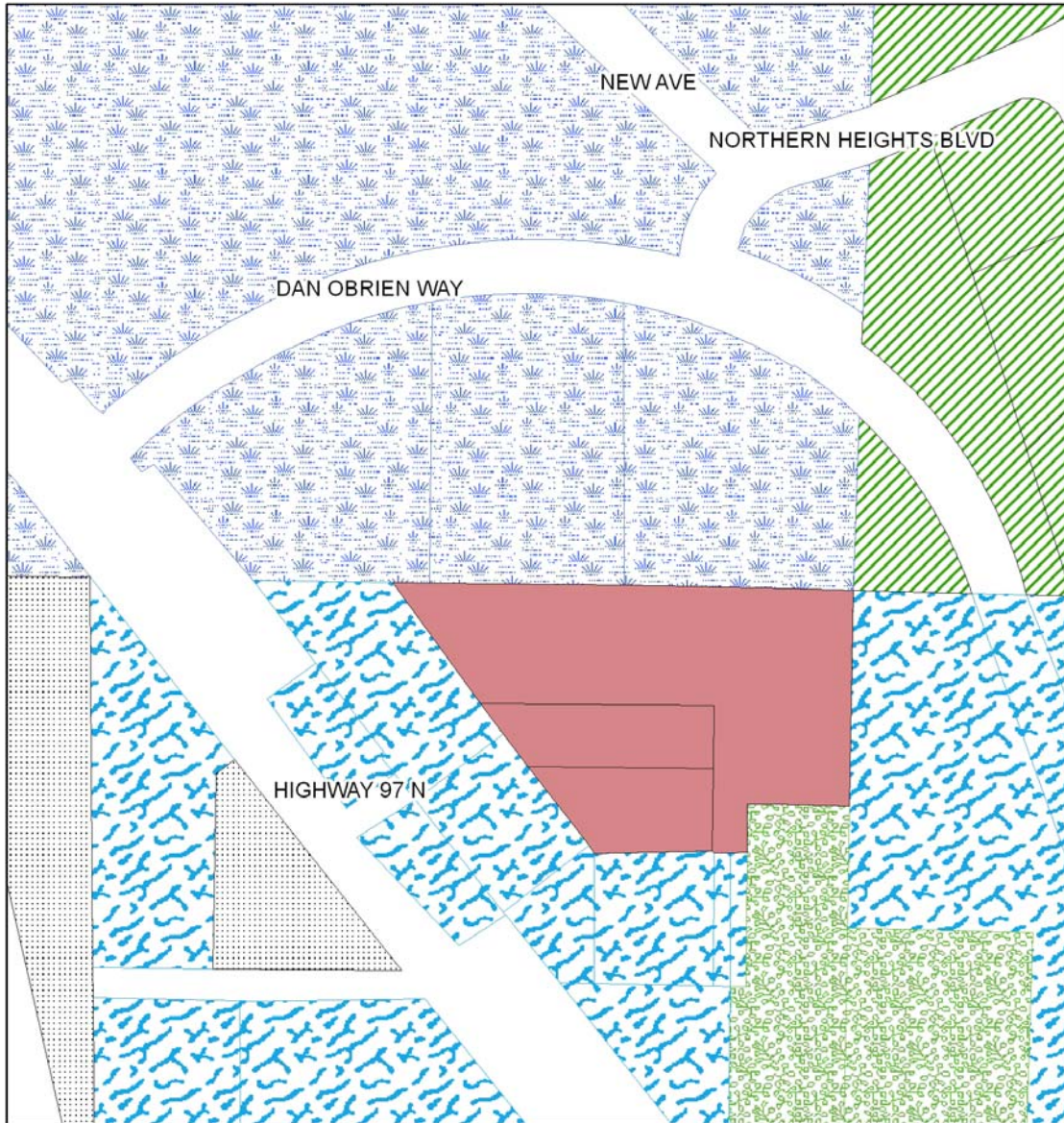
- Zoning Map

VI. PUBLIC NOTICE

Notice of this public hearing was mailed to 15 adjacent property owners within 500’ of the property in question on May 17, 2011 and published in the Herald and News on July 3, 2011. No comments were received.

Joe Slaughter,
Associate Planner

**Zoning Map
(No Scale)**



Legend

-  Subject Property
-  Apartment Residential
-  General Commercial
-  Light Industrial
-  Industrial
-  Planned Unit Development

