



## MEMORANDUM

September 8, 2009

**TO:** Veneta Planning Commission  
**FROM:** Teresa Bishow, AICP  
**SUBJECT:** DRAFT VENETA LAND DEVELOPMENT ORDINANCE

---

Arlie & Company owns and manages the West Lane Center. Over the years we have made significant improvements to the center and have strived to create a vibrant place that serves both local residents and the region.

Especially during this tough economic time, we hope that any changes to the land development ordinance will promote job growth, result in more affordable housing, and foster sustainable developments.

After reviewing the revised draft ordinance distributed with the Planning Commission agenda packet for the September 8, 2009 hearing, we would like to submit the following comments:

### **SECTION 4.07 HIGHWAY COMMERCIAL (HC) (page 38)**

#### **Subsection (2) –**

Recommendation: Delete the word “required” when referring to off-street parking.

The code provides a minimum off-street parking requirement. The draft code states that any off-street parking except those meeting “required” off-street parking shall be in an enclosed building. Motor vehicle parking can’t occur within an enclosed building due to air quality standards. The draft code would have the unintended consequence of requiring parking lots to be adjusted in size whenever there is a change of use that generates a different off-street parking requirement. This is an excessive code provision and it conflicts with the allowance of parking lots in subsection (2)(n).

#### **Subsection (2)(o) – Outdoor sales of pre-packaged landscaping and rock products.**

Recommendation: Add more flexibility for outdoor display in the HC zone; amend to read: “Outdoor merchandise display including plants and garden supply products; motor vehicle sales, service, and repair; vending and recycling machines; manufactured home sales;

children's play equipment; and hot tubs." In related action, amend Section 4(i) to remove "Vehicle sales, rental or repair" since this use would be allowed above.

### **SECTION 5.03 CLEAR VISION AREAS (page 82)**

Excellent use of graphics to illustrate code requirements.

### **SECTION 5.06 RESIDENTIAL USES IN COMMERCIAL ZONES (page 83)**

**Subsection (2)** – Code provisions require a building to be constructed "solely for commercial use" and later retrofitted to allow residential. Why is this approach being taken? If the City is willing to allow residential use in commercial zones, just say it. The draft code will be difficult to administer and does not appear to allow a new building to be designed and built for a mix of uses. In addition, if residential uses are allowed in certain zones, for internal code consistency, they should be delineated in the zone as either permitted subject to site review or conditional use permit.

Recommendation: Clarify for purposes of this section that "commercial" includes any non-residential use. Examples include indoor bike storage area, office for apartment manager or leasing office, or mailboxes for upper story residents. Add a new section allowing new buildings designed and constructed for a mix of uses. (Correct typos and incomplete sentence.)

With increased housing costs and strains on small businesses, the code should allow live/work developments in all commercial zones and appropriate residential zones.

### **SECTION 5.13 COMMERCIAL AND MIXED-USE DESIGN STANDARDS (page 87)**

**Subsection (1)** – These standards appear suitable for established neighborhoods or for new commercial areas that are adjacent to residential areas. Some of the standards do not seem appropriate for the HC Highway Commercial zone. If the goal is to create a pedestrian-oriented development, large commercial sites along a highway need greater flexibility. Designing an interior shopping center street may be a preferred option versus orienting new buildings towards Highway 126.

Recommendation: Eliminate the applicability of the design standards to areas zoned HC Highway Commercial. The use of gables or dormers, such as outlined in Subsection (2)(e), would not architecturally be compatible with existing buildings in the West Lane Center.

## **SIGN TABLE – (page 105)**

**Highway 126 Corridor** - Allow 1 free-standing or monument sign per street frontage. Large sites on corner lots should have the ability to have two monument signs. We support allowance of blade signs but recommend a total square footage area be permitted instead of specific maximum dimensions.

## **SECTION 5.16 STORMWATER DETENTION AND TREATMENT (page 111)**

**Subsection (1)** - New standards are triggered for “new development greater than 500 square feet of impervious area”.

Recommendation: Clarify that stormwater detention and treatment standards apply to: “All developments that increase the impervious surface area by 500 square feet or more shall...”

## **SECTION 5.20 OFF-STREET PARKING REQUIREMENTS (page 112)**

**Subsection (2)** – Design and improvement requirements for parking lots excluding single-family and multi-family. Parking lots associated with multiple-family dwellings are also not subject to Section 5.20(1). Is it the intent to not require parking design and improvement requirements for apartments?

Recommendation: Amend to clarify what parking lot standards are applicable to multi-family dwellings.

**Subsection (6)** – In general, commercial sites provide more off-street parking than the minimum code requirements. The proposed code amendment would require a land use application whenever a building is proposed for a change in use that increases the off-street parking requirement. The text does not exempt changes in use that do not actually need to increase the size of the parking lot. Site Plan Review would be required even if no physical expansion is necessary to an existing parking lot. In many cases there will be sufficient off-street parking to accommodate the change in use. In other cases, a change in the parking lot layout may increase the number of available spaces and still not trigger a physical expansion to the lot. The draft code creates an excessive requirement that does not result in any direct public benefits. If an existing development site has an off-street parking area that can meet the minimum parking requirements for a new proposed use a discretionary land use application should not be required.

Recommendation: Remove the requirement for Site Plan Review or Conditional Use Permit for changes in use that require more off-street parking. Parking lot standards should be clearly written and complied with during the building permit process. There is no need for public notice and the other nuances that accompany a land use application.

**Subsection (17)** – Why does bicycle parking only apply to new developments that are subject to Site Plan Review or a Site Plan Amendment? What about projects that go thru other planning entitlement processes such as a PUD or Conditional Use Permit?

**Subsection (17)(b)** – Clear standards. Suggest providing more flexibility in the type of bicycle rack. If the City decides to simplify code by requiring a hoop rack design, please reduce the minimum required width to 18” for any interior spaces. While the outside spots may need the full 24”, the interior spaces can be tighter since handle bars can slightly overlap.

#### **SECTION 6.01 SITE PLAN REVIEW (page 142)**

**Subsection (2)** – Applicability will result in almost all commercial project development requiring site plan review. This is unnecessary if the code has clear standards for parking lot landscaping, setbacks, etc.

#### **SECTION 6.04 IMPROVEMENT REQUIREMENTS**

**Subsection (2)** - Draft code provisions attempt to quantify thru the use of percentages the degree an existing developed site would need to be brought up to current code standards. Many code standards can't be quantified. Take signage for example. The type of signs may not comply but many may meet the dimensional standards. How do you calculate the percent of the sign standards that are met and demonstrate that 10% are brought up to current standards? If a new standard relates to the building, such as the orientation of the building, how do you calculate the percent of the standard impacted and how could you redevelop site to achieve compliance without demolishing the building? The draft code would require an alteration to the development site that is very insignificant, such as adding new bike parking, to bring at least 10% of the development site up to code. This code provision will hinder redevelopment activity.

Recommendation: Trigger the compliance with new code standards based on the physical portion of the site being changed and the practicable ability to make improvements.

#### **SECTION 6.05 APPROVAL CRITERIA**

**Subsection (8)** – eliminate reference to SDC fees. These fees should be applicable and paid according to an adopted rate schedule. Including this section as a criteria for Site Plan Review implies that these fees are not paid if the development does not go thru Site Plan Review.

## **SECTION 6.067 AMENDMENTS**

For internal consistency, eliminate reference to the development site complying with Section 6.04 Improvement Standards. The applicability of these standards should be included in Section 6.04. Repeating here is redundant and if Section 6.04 is modified, this section could be in conflict.

**Thank you for considering the above comments.**