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**VENETA BUILDING AND PLANNING OFFICIAL'S
FINDINGS AND DECISION**

Tom's Courtyard Site Plan Amendment SR-6-09

Application Received: December 10, 2009
Referrals: None
Public Notice Mailed and Posted at City Hall: February 4, 2010
Public Notice Posted on Property: February 4, 2010
Staff Report Date: April 13, 2010
Prepared by: Zac Moody, Associate Planner
Reviewed By: Brian Issa, Community Services Director

BASIC DATA

Applicant: William and Josee Tom
25512 Josee Lane
Veneta, Oregon 97487
Owner: William and Josee Tom
25512 Josee Lane
Veneta, Oregon 97487
Location: 88115 Territorial Rd.
Veneta, Oregon 97487
Assessor's Map: 17-05-31-23
Tax Lot Number: 2700
Area: .61 acres
Plan Designation: Commercial (C)
Zoning Designation: Community Commercial (CC)

REQUEST

The request before the Veneta Building & Planning Official is for approval of a site plan amendment proposing to change the use of the existing retail space to a restaurant and to add a second small scale food vending unit adjacent to the site.

DECISION

The Veneta Planning & Building Official approves with conditions Tom's Courtyard Site Plan Amendment. The applicant shall comply with the following conditions of approval:

CONDITIONS OF APPROVAL

PRIOR TO OCCUPANCY:

- 1. The property owner shall pay estimated Systems Development Charges at the time building permits are issued.**
- 2. The applicant shall install all pedestrian accesses in accordance with the approved revised site plan.**
- 3. The applicant shall provide the City with a revised site plan showing the parking stalls and pedestrian walkways reconfigured to provide adequate vehicle and pedestrian flow.**
- 4. The applicant shall provide three (3) bicycle spaces, one (1) of which shall be long term.**

GENERAL CONDITIONS:

- 5. The applicant shall screen all garbage collection areas, service facilities and air conditioning units with sight-obscuring screening.**
- 6. Parking spaces shall be used solely for operable motor vehicles.**

BACKGROUND

On March 6, 2007, Veneta Planning Commission approved a site plan amendment application submitted by the applicant, Josephine Tom, to operate a concession trailer serving food on the site on a permanent basis.

The approved site plan for the property includes a flower stand (not currently existing), operation of a retail business within a converted single family structure and the use of a small scale food vending unit. Assessor's map 17-05-31-23 tax lot 2700 is a .61-acre lot, which is developed with a single-family home that has been converted to retail space. All previous conditions of approval have been met. The applicant now would like to change the approved retail use to a restaurant use.

PROPERTY CHARACTERISTICS

The subject property is located near the northeast corner of Territorial Highway and Hunter Road. Hunter Road is classified as a major collector and Territorial is a Minor Arterial under the jurisdiction of the Oregon Department of Transportation. The subject property and the properties to the south and across Territorial to the west are zoned Community Commercial (CC). Across Territorial Highway is Huang’s Village, a Chinese Restaurant. Directly south is vacant building that has historically housed an antiques/second-hand store and classic car retail store. Southeast of the subject property, along Hunter Road are single-family homes. Some of them are zoned Community Commercial (CC) and the rest are zoned General Residential (GR). To the north is Veneta Elementary, which is zoned Public Facilities and Parks.

Wastewater Service

City services are currently servicing this property.

Storm water

Storm drainage is already in place for the site. The proposed changes will not increase impervious surface or runoff.

Water Service

City services are currently servicing this property.

Natural Resources

The proposed changes do not affect any significant natural resources.

AGENCY COMMENTS

No permanent changes are being made, therefore no referrals were sent.

PUBLIC COMMENTS

No comments were received.

THE BUILDING AND PLANNING OFFICIAL FINDS THE FOLLOWING:

1. The applicant has submitted information required by Section 6.03 of the Veneta Land Development Ordinance No. 493.
2. The Veneta Building and Planning Official reviewed all material relevant to the site plan amendment on March 22, 2010, after providing proper notice of the limited land use decision according to Section 2.13 of the Veneta Land Development Ordinance No. 493.
3. The Veneta Building and Planning Official followed the required procedure and standards for approving minor site plan amendments as required by Section 6.06 of the Veneta Land Development Ordinance No. 493.

Minor Site Plan Amendments Criteria:

All minor amendments are subject to the site plan review provisions of Article 6. Based on the requirements of Veneta's Land Development Ordinance 493, (Section 6.07. Minor site plan amendments that may be approved as an Administrative Decision by the Building and Planning Official are those that meet the following criteria:

Veneta Land Development Ordinance No. 493

Article 6- SITE PLAN REVIEW

Section 6.04 REQUIRED FINDINGS

After examination of the site and prior to approval of plans, the Commission or Building and Planning Official must make the following findings:

- (1) *That all provisions of city ordinances are complied with.*

The proposal is consistent with all applicable provisions of the City of Veneta Land Development Ordinance No. 493 with the conditions of approval based on the findings addressed below.

- (2) *That traffic congestion is avoided; pedestrian, bicycle and vehicular safety and protected; and future street right-of-way are protected.*

The proposal is consistent with the provisions of this section with the conditions of approval based on the findings addressed below.

- (3) *That the proposed signs or lighting will not, by size, location or color, interfere with traffic or limit visibility.*

The proposal is consistent with the provisions of this section. There is no new lighting or signage proposed as part of the site plan amendment.

- (4) *That adequate water, sewer and utilities for the proposed use are available.*

The proposal is consistent with the provisions of this section. There are no changes in water, sewer or utilities as part of the site plan; therefore there are no concerns of adequacy of water, sewer or other utilities.

- (5) *The drainageways are protected and drainage facilities provided.*

The proposal is consistent with the provisions of this section. There is no change in the existing drainageways or drainage facilities.

- (6) *That the extent of emissions and potential nuisance characteristics are reasonably compatible with the land use district, adjacent land uses and standards of all applicable regulatory agencies having jurisdiction.*

The proposal is consistent with the provisions of this section. The site is located in the Community Commercial zoning district and will not interfere with adjacent land uses. The extent of traffic, emissions, and potential nuisance characteristics are compatible with the zoning district per Section 4.06 of the Veneta Land Development Ordinance No. 493.

Section 6.07 AMENDMENTS

- (1) *The site plan amendment does not involve any interpretation of submission requirements or required findings that would set a precedent for other site plans or site plan amendments.*

There is no question as to what needs to be submitted for this application or what findings are needed for approval. Therefore, this amended site plan will not set a precedent for other site plans or site plan amendments.

- (2) *The site plan amendment will not change the impacts (such as traffic generation, emissions or drainage) on surrounding properties.*

The site plan amendment will not substantially change the impacts of traffic, noise, or drainage.

- (3) *The site plan amendment fully complies with City ordinances and does not require a variance.*

The change in use proposed by the site plan amendment fully complies with City ordinances and does not require a variance.

- (4) *There are no unusual circumstances relative to the site plan amendment.*

The site plan amendment poses no unusual circumstances.

- (5) *There are no questions of adequacy of services raised by Public Works Director, City Engineer, or any affected public or private agency.*

There are no concerns regarding adequacy of services.

- (6) *The site plan amendment does not involve commercial or industrial development adjacent to Highway 126 where the change in use is more intensive than the previous use.*

The proposed amendment is not adjacent to Hwy 126 and does not involve a change in use that is more intensive than the previous use; therefore a decision on the amendment may be approved as an Administrative Decision by the Building & Planning Official.

Section 6.05 APPROVAL CRITERIA

- (1) *That the proposed development complies with the Veneta Comprehensive Plan.*

The proposal is consistent with the provisions of this section. The proposed use is allowed and is consistent with Comprehensive Plan policies that support development in a Commercial designation. The amended site plan complies with Veneta's Comprehensive Plan.

- (2) *That all provisions of city ordinances are complied with.*

The proposal is consistent with the provisions of this section. The original site plan and amendments complied with all provisions of city ordinances. These provisions have not changed since the original site plan was approved. The applicable provisions are addressed below.

Article USE ZONES

Section 4.06 COMMUNITY COMMERCIAL (CC)

In the CC zone, the following regulations shall apply:

- (1) *Purpose: To provide areas suitable and desirable for a wide range of small commercial and business facilities to serve the Fern Ridge community.*

The proposal is consistent with the provisions of this section. The proposed change adds an additional small scale food vending business and change the use of the existing retail to a restaurant supplying travelers and local residents with services.

- (2) *Permitted Uses. In a CC zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6, provided all operations except off-street*

parking, recreational facilities, common areas (e.g., plazas), and permitted temporary activities associated with an allowed use shall be conducted entirely within an enclosed building (excludes drive-thru facilities):

- (e) Eating and drinking establishments, excluding drive-thru restaurants*

The proposal is consistent with the provisions of this section. The proposed addition of an eating establishment and an additional small scale food vending business is permitted in the CC zone.

- (5) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be raised or marked in a manner that calls attention to the sidewalk.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to certificate of occupancy the applicant shall install pedestrian accesses in accordance with the approved revised site plan.

- (7) For additional requirements see Article 5 - Supplementary Provisions.*

Article 5-SUPPLEMENTARY PROVISIONS

Section 5.12 LANDSCAPING

All yards and parking areas shall be landscaped in accordance with the following requirements:

- (2) Site plans indicating landscape improvements shall be included with the plans submitted to the Building and Planning Official or Planning Commission for approval. Issuance of a Building permit includes these required improvements which shall be completed before issuance of a Certificate of Occupancy.*

The proposal is consistent with the provisions of this section. The property has existing landscaping, including six (6) large trees and various shrubs.

- (7) Garbage collection areas, service facilities and air conditioning facilities located outside the building shall have sight-obscuring screening. Mechanical equipment, lights, emissions, shipping/receiving areas, and garbage collection areas for*

industrial, commercial, and public facility uses shall be located away from residential areas, schools, and parks.

The proposal is consistent with the provisions of this section with the condition of approval that the applicant screen all garbage collection areas, service facilities and air conditioning units with sight-obscuring screening.

Section 5.20 OFF-STREET PARKING REQUIREMENTS

(2) Design and improvement requirements for parking lots (not including single-family two-family dwellings).

- (a) All parking area and driveway approaches shall be surfaced with two (2) inches of asphalt concrete or six (6) inches Portland Cement over approved base or other materials approved by the City Engineer. All parking lots shall be graded so as not to drain storm water over the sidewalk or onto any abutting property*
- (b) Service drives and parking spaces on surfaced parking lots shall be clearly and permanently marked. Parking spaces, except for handicap spaces, shall have a minimum dimension of eighteen (18)' x nine (9)' exclusive of maneuvering and access area. The dimension includes the area in front of the curb stop over which the front of a vehicle would extend. Handicap spaces shall be provided as required by the Oregon State Structural Specialty Code.*
- (c) Parking lots shall be served by a service driveway so that no backing movements or other maneuvering within a street other than an alley shall be required. Design for parking arrangements and turning movements shall be approved by the Building and Planning Official. Two-way driveways shall have a minimum width of twenty (20) feet and a maximum width of thirty (30) feet. One-way driveways shall have a minimum width of twelve (12) feet and a maximum width of sixteen (16) feet.*
- (d) Parking spaces along outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over the property line.*
- (e) Service driveways to off-street parking lots shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site. The number of service driveways shall*

be limited to the minimum that will allow the property to accommodate and service the traffic anticipated.

- (f) *All off-street parking lots within or abutting residential districts or uses shall be provided with a sight-obscuring fence, wall or hedge as approved by the Building and Planning Official to minimize disturbances to adjacent residents.*
- (g) *A grading structure and drainage plan shall be submitted to the City Building and Planning Official and approved by the City Engineer.*

The proposal is consistent with the provisions of a-g above. The proposed uses will utilize the existing parking lot and drainage system which is adequate in size, design, and construction to accommodate the proposed uses.

- (h) *Parking lots shall be provided with landscaping as provided in Section 5.12 and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control and to improve the appearance of the parking lot. A minimum of one (1) shade tree per sixteen (16) parking spaces shall be provided in planter islands distributed throughout the lot. A maximum of twenty (20) spaces shall be allowed between planter islands.*

The proposal is consistent with the provisions of this section. No changes to the parking area are proposed that requires the use of planter islands.

(3) Location standards for parking lots

- (a) *Off-street parking shall be provided on the development site for all zones, except off-street parking spaces for the Commercial, Residential-Commercial, and Industrial Zones may be located not farther than 400 feet from the building or use they are required to serve. Owners of two (2) or more uses, structures, or parcels of land may agree to use the same parking spaces jointly when peak demands do not occur at the same time periods, provided substantial proof is presented to the Building and Planning Official or Planning Commission pertaining to the cooperative use of the parking facilities.*
- (c) *Parking lots and loading docks for new commercial, public, and semi-public buildings shall be located to the side or rear of the building.*

The proposal is consistent with the provisions of a and c above. The proposed use will utilize the existing parking lot and drainage system which is adequate in size, design, and construction to accommodate the proposed uses.

- (4) *Required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons, and employees only and shall not be used for storage of vehicle or materials or for the parking of trucks used in conducting the business or for repair or servicing.*

The proposal is consistent with the provisions of this section with the condition of approval that parking spaces be used solely for operable motor vehicles.

- (5) *The provision and maintenance of off-street parking spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking area required by this ordinance.*
- (6) *Should the owner or occupant of a lot or building change the use of the property to a use which increases the off-street parking requirements, it shall be unlawful and a violation of this ordinance to begin to maintain such altered use until the required increase in off-street parking is provided.*
- (7) *In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*

The proposal is consistent with the provisions of section 5-7 above with the condition of approval that prior to certificate of occupancy of the restaurant, the applicant shall provide the City with a revised site plan showing the parking stalls and pedestrian walkways reconfigured to provide adequate vehicle and pedestrian flow.

- (8) *A system of joint use driveways, sidewalks, and cross access easements shall be established for commercial and office properties wherever feasible and shall incorporate the following:*
- (a) *A design speed of ten (10) mph and a maximum width of twenty (20) feet to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.*

The proposal is consistent with the provisions of this section. The proposed uses will utilize the existing parking lot and access system.

(11) *Space requirements for off-street parking shall be listed in this section. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building primary to the use but shall exclude any space within a building used for off-street parking, loading or service functions not primary to the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. A reduction in the number of required spaces is allowed if evidence is provided to show that a reduced amount of parking is sufficient and will not cause any detrimental impacts to on-street parking or other parking areas. For example, an employer working with LTD to provide bus passes to employees or who offers van pools may need fewer parking spaces for employees.*

Table 5.20(a)

Eating or drinking establishments	One (1) space per 200 square feet of floor area	1 per 600 square feet of floor area	25% Long Term 75% Short term
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The proposal is consistent with the provisions of section 5-7 above with the condition of approval that prior to certificate of occupancy of the restaurant, the applicant shall provide the City with a revised site plan showing the parking stalls and pedestrian walkways reconfigured to provide adequate vehicle and pedestrian flow.

The existing building being proposed for use as a restaurant is approximately 1550 square feet. The square footage of the two food vending businesses is approximately 250 square feet. There are currently 14 parking spaces on the site. The proposed new uses require 10 parking spaces.

(12) *Accessible Parking Spaces. Parking shall be provided for disabled persons, in accordance with the Americans with Disabilities Act (ADA). Accessible parking is included in the minimum number of required parking spaces listed above.*

Total Number of Spaces Provided (Per Lot)	Number of Parking Spaces (Per Aisles)	Total Minimum of Accessible Parking Spaces (60" and 96" aisles)	Van Accessible Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min 60" wide access aisle
I-25	1	1	1	0

The proposal is consistent with the provisions of this section. There is currently one designated van accessible parking space in close proximity to the proposed eating establishment.

- (14) *Off-Street Loading.* In any zone, in connection with every building or part thereof hereafter erected and having a gross floor areas of 10,000 square feet or more, which is to be occupied for manufacturing, storage, warehousing, goods display, retail sales or as a hotel, hospital, mortuary, laundry, dry cleaning establishment or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained at least 1 off-street loading space, plus 1 additional such loading space for each additional 20,000 square feet of gross floor area.

The gross floor area of the building is not greater than 10,000 square feet, therefore the provisions of this section are not applicable.

Section 5.21 BICYCLE PARKING

- (17) *Shall apply to all developments that require a Site Plan Review or Site Plan Amendment for new development, changes of use, and building expansions or remodels. Bicycle parking spaces are intended to provide a safe, convenient and attractive place for the circulation and parking of bicycles as well as encouraging the use of alternative modes of transportation. Long term bicycle parking requirements are intended to accommodate employees, students, residents, commuters and other persons who expect to leave their bicycles parked for more than 2 hours. Short term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within two (2) hours.*

(a) *Bicycle Parking Space Requirements*

- (2) *Non-Residential Parking.* Required bicycle parking shall be provided by either short or long term parking, or both as

outlined in Table 5.20(a) above for all commercial, mixed-use, and industrial zoned parcels.

The proposal is consistent with the provisions of this section with the condition of approval that prior to certificate of occupancy, the applicant provide three (3) bicycle spaces, 25% of which shall be long term.

Section 5.22 PEDESTRIAN ACCESS AND CIRCULATION

- (1) *Internal pedestrian circulation shall be provided within new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, or similar techniques.*

The proposal is consistent with the provisions of this section. No changes to the pedestrian circulation of the site are planned.

- (3) *Internal pedestrian and bicycle systems shall connect with external existing or planned systems. Pedestrian access from public sidewalks to the main entrances of public, semi-public, commercial, and multi-family buildings shall not cross driveways or parking lots.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to occupancy of the additional facilities, the applicant shall install all pedestrian accesses in accordance with the approved revised site plan.

Section 5.24 ACCESS MANAGEMENT

- (3) *Access to state highways is regulated by the Oregon Department of Transportation (ODOT) as described in the Oregon Highway Plan.*

The proposal is consistent with the provisions of this section. Access will continue to be regulated by ODOT. No changes to the access to state highways are proposed.

Article 6 SITE PLAN REVIEW

Section 6.03 REQUIRED INFORMATION ON SITE PLAN

- (1) *Site Plan. All maps must be drawn to scale and indicate clearly and with full dimensions, the following information:*

- (a) *Vicinity Map*

- (b) *Development Plans*
1. *Building and Land Use Plans*
 2. *Parking and Traffic Flow Plans*
 3. *Landscaping and Site Improvements*
 4. *Utility Plans*
 5. *Emissions or Potential Hazards*

The proposal is consistent with the provisions of this section. The applicant has provided all required maps and plans.

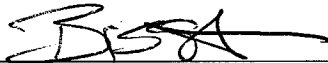
EXHIBITS

- A. Narrative Statement and Amended Site Plan, dated December 10, 2009

CONCLUSION

Based upon the information and findings set forth above, the proposed minor site plan amendment for Tom's Courtyard complies with the requirements of the City of Veneta Comprehensive Plan and Land Development Ordinance 493. Therefore, a conditional approval of the application is granted. This approval does not relieve the applicant of complying with prior conditions of approval, applicable provisions of Veneta's Ordinances or the Oregon Revised Statutes, which may govern the development of this property.

This decision may be appealed to the Planning Commission within 15 days after this decision is mailed.

Signature: 

Brian Issa, Community Service Director

Approval Date: 4/14/2010