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Site Design Review (Type III) SDR-19-04

STAFF REPORT

Date Submitted: February 14th, 2020

Agenda Date Requested: February 18th, 2020

To: John Day Planning Commission

From: Nicholas Green
City Manager

Subject: Site Design Review for Len's Drug Store

Location: 120 E Main St. John Day, OR
Map: 13S31E26BA Tax Lots: 8800, 8900, 9000, 9710, & 10100

Type of Action Requested:

<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Formal Action	<input type="checkbox"/>	Report Only

1. BACKGROUND

The owner of Len's Drug Store at 120 E Main St. (Map Number: 13S31E26BA Tax Lots: 8800, 8900, 9000, 9710 and 10100) in John Day is proposing a substantial renovation of the downtown building. The project will include the demolition of a portion of the existing structure, construction of a 5,900 Sq. Ft. addition, and various structural upgrades including the installation of ADA compliant toilets, a larger pharmacy area, fire suppression system upgrades, and additional retail space. This property is zoned downtown (D) and is subject to all the requirements and limitations of this zone.

2. APPLICABLE CRITERIA

The proposed development plan requires site design review. A public hearing is required for this application. The Planning Commission's review must focus on the relevant code criteria and follow the public hearing procedures for Type III (Quasi-Judicial) review under Section 5-4.1.040. The Planning Commission should approve the request, including the site plan, if it conforms to the approval criteria or if it can be made to conform to the criteria through the imposition of reasonable conditions.

The Site Design Review procedure can be conducted using a Type II procedure, consistent with Chapter 5-4.1 except for proposals exceeding the thresholds below which are reviewed using a type III procedure:

- A. The proposed use's estimated vehicle trip generation exceeds 100 average daily trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Manual. (This is the equivalent of approximately 10 dwelling units or a 1,000 square foot bank with drive-thru window.); or the use exceeds 5,000 square feet of gross leasable floor area; or the project involves more than one (1) acre total site area.
- B. The proposal involves a conditional use.
- C. The proposal involves an adjustment to a development standard, as provided under subsection 5-4.2.060(B).
- D. The City Planning Official determines that, due to the nature of the proposal, a public hearing is the most effective way to solicit public input in reviewing the application.
- E. The proposal involves expansion of a non-conforming use.

Because this proposal exceeds 5,000 square feet of gross leasable floor area, the application shall be reviewed as a Type III procedure.

3. PLANNING COMMISSION CONSIDERATIONS

The Planning Commission's review must focus on the relevant code criteria and follow the public hearing requirements for a Type III Quasi-Judicial procedure under section 5-4.1.040. The Planning Commission should approve the request if it conforms to the approval criteria.

4. STAFF RECOMMENDATION

Staff recommends that the Planning Commission **approve SDR-19-04.**

5. PUBLIC NOTIFICATION

The City of John Day mailed public notice to all affected property owners on January 16th, 2020 and published notice in the Blue Mountain Eagle 14 days prior to the planning commission hearing as required by the Development Code. No public comments were received.

6. BURDEN OF PROOF

The applicant has the burden of demonstrating that the proposal meets all applicable Code requirements. The applicant is also responsible for complying with building code requirements and applicable state or federal requirements. It is the Planning Commission's responsibility to interpret the Code based on findings of fact.

7. APPROVAL CRITERIA AND FINDINGS

The following section shown in italics and boldface provides the decision-making criteria as required by John Day Development Code Section 5-4.

5-4.2.060 Site Design Review - Approval Criteria; Adjustments

A. Approval Criteria. An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The City decision making body may, in approving the application impose reasonable conditions of approval, consistent with the applicable criteria:

- 1. The application is complete, as determined in accordance with Chapter 5-4.1 - Types of Applications and Section 5-4.2.050, above.*
- 2. The application complies with all of the applicable provisions of the underlying Land Use District (Article 5-2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;*

Finding: The application is complete and complies with the provisions of the downtown commercial district see *preliminary plat approval criteria* for more information.

- 3. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;*
- 4. The proposal complies with all of the Design Standards in Article 5-3:*
 - a. Chapter 5-3.1 - Access and Circulation;*
 - b. Chapter 5-3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;*
 - c. Chapter 5-3.3 - Parking and Loading, for automobiles and bicycles;*
 - d. Chapter 5-3.4 - Public Facilities and Franchise Utilities;*
 - e. Chapter 5-3.5 - Signs;*

Findings: The proposal conforms with the applicable land use district standards.

8. PRELIMINARY PLAT APPROVAL CRITERIA

Section 5-4.3.070 contains approval criteria for preliminary plats. The Planning Commission's evaluation of the project must focus on the relevant code criteria under

Section 5-4.3.070 and follow the public hearing procedures for Type III (quasi-judicial) review under Section 5-4.1.040.

The applicable code criteria are provided below in *italics* typeface; staff’s findings follow each code provision in regular typeface. The findings, which are based on information submitted by the applicant, are preliminary. The plans, exhibits, and narrative submitted by the applicant and used in making the findings are attached to this report and include:

- Site Design Review Application (Exhibit A)
- Preliminary Plans (Exhibit B)

All of the above documents are hereby incorporated and made part of the public record.

5-4.3.070 Approval Criteria: Preliminary Plat

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 5-2 (Land Use Districts) and Article 5-3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5-5;

Findings:

<i>Standard</i>	<i>Downtown (D)</i>	<i>Application</i>	<i>Finding</i>
Minimum Lot Area	2,000 sf.	5,949 sf.	Compliant
Min. Lot Width	20 ft.	80 ft.	Compliant
Min. Lot Depth	2 times min. width (40 ft.)	74 ft.	Compliant
Building Height	60 ft.	20 ft. max. height (addition is 16')	Compliant
Lot Coverage	95% Maximum	4,887 sf. (82%)	Compliant
Landscape Area	5% Minimum	Aprox. 500 sf. (8%)	Compliant
Min. Front Setback	0 ft.	36 ft. 5 in.	Compliant
Side Setback	0 ft.	N/A	Compliant
Rear Setback	0 ft.	109 ft.	Compliant

Build-to line: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line... The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right of way (See Section 5-2.3.090).

Findings: This requirement applies to new buildings only.

2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

Findings: No conflicts exist with ORS 92.

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

Findings: Site is fully developed. Any changes to utility connections shall be approved by COJD public works director.

4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and

Findings: Not applicable.

5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;

Findings: Not Applicable

6. Evidence that improvements or conditions required by the City, road authority, Grant County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and

Findings: No additional conditions are required unless requested by the planning commission.

7. If any part of the site is located within an Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

Findings: The site is not located within a current Overlay Zone or previously approved Master Planned Development.

B. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

Findings: Not applicable.

C. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 5-3.4 Public Facilities.

Findings: None required unless requested by planning commission.

9. PLANNING COMMISSION MOTION

After hearing the staff presentation and any public testimony, including any rebuttal, the commission will close the hearing and deliberate. The following motion is suggested:

“I move to approve SDR 19-04 based on the findings contained in the staff report [with conditions, if any].”

The staff report may be amended during the course of the hearing.

Respectfully submitted this 14th day of February 2020,



Nicholas Green
City Manager / City Planning Official
City of John Day

Enclosures