

## STAFF REPORT & DECISION

**File: SP22-04 and MP22-04 Type II Site Design Review; Type II Minor Land Partition**

**Location: N. Main Street.; 38-1W-10CC Tax Lots 700, 1000, 1100, 1200 & 1300 Land**

**Use District: City Center (C-C)**

**Date Notice of Application mailed: November 10, 2022**

**Date of Decision: December 1, 2022**

### I. APPLICANT

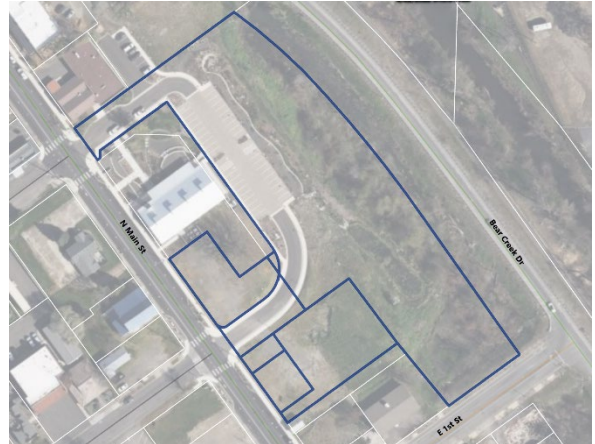
Taylor Elements Construction  
1679 Jackson Rd.  
Ashland, OR 97520

### II. OWNER INFORMATION

Taylor Elements Construction  
1679 Jackson Rd.  
Ashland, OR 97520

### III. PROJECT INFORMATION

The proposal includes the development of four vacant parcel with a food court on Tax Lot 700 and two 3,224 square foot commercial buildings and shared parking lot on Tax Lots 1100, 1200 and 1300. The proposed food court includes the development of five, site-built food stalls, a pavilion for outdoor seating, a tap house with rooftop seating, common storage for the food stalls and restrooms. As proposed, the site will be secured with a wrought iron style fence that is 6 feet in height and has two large pedestrian entrances. The proposal also includes a minor land partition to replat a previously approved partition. Both applications are being review together pursuant to Phoenix Land Development Code, Chapter 4.1.7(E), Consolidation of Proceedings.



#### A. Surrounding Land Uses:

**North:** City Center District

**South:** City Center District

**East:** City Center District

**West:** City Center District

**B. Comprehensive Plan Land Use Designation:** Commercial

**C. Property Zoning:** C-C (City Center District)



#### IV. COMPLIANCE WITH APPLICABLE CRITERIA

**Overall, the application on review met applicable submittal criteria and PLDC development standards.**

In order to approve the request, findings must be made showing consistency with all applicable criteria. The Applicant submitted a narrative addressing the standards and criteria of Chapters 2.2, 2.3, 3.1-3.9, 3.12, 4.2 and Chapter 4.3 along with a preliminary site design map and a Tentative Plat. Applicant's agent, Scott Sinner Consulting, LLC., submitted a general narrative describing the project, applicant findings, site plans, and other mapping for City consideration. PLDC approval criteria for Site Design Review and Land Divisions (boundary line adjustment) in relation to Applicant's submittal are summarized in the staff report and addressed in detail in the findings below.

### **CHAPTER 2 – LAND USE DISTRICTS**

#### **Chapter 2.3 – City Center District (C-C)**

##### **2.3.1 – Purpose**

*A city goal is to strengthen the City Center District as the “heart” of the community and as the logical place for people to gather and create a business center. The District is intended to support this goal through elements of design and appropriate mixed-use development. This Chapter provides standards for the orderly development and improvement of the City Center District based on the following principles:*

- *Efficient use of land and urban services;*
- *A mixture of land uses to encourage walking as an alternative to driving, and providing more employment and housing options;*
- *City Center District provides both formal and informal community gathering places;*
- *There are distinct storefront characteristics that identify the City Center District;*
- *The City Center District is connected to neighborhoods and other employment areas;*
- *Provide visitor accommodations and tourism amenities;*
- *Transit-oriented development reduces reliance on the automobile and reduces parking needs in the City Center District;*

##### **2.3.2 – Permitted Land Uses**

*A. Permitted Uses. The land uses listed in Table 2.3.2.A are permitted in the City Center District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.3.2.A, and land uses which are approved as “similar” to those in Table 2.3.2, may be permitted. The land uses identified with a “CUP” in Table 2.3.2.A require a Conditional Use Permit approval prior to development or a change in use.*

**FINDING:** The proposed development is located within the City Center District and creates a gathering place for patrons to enjoy food, beverages, and entertainment. The commercial buildings on the southern parcels will provide attractive lease space for commercial development and shared parking for the food court.

The proposed food court is listed within Table 2.3.2(A) as commercial food services, restaurants as a permitted use. The proposed commercial lease spaces will provide lease spaces for a variety of permitted commercial uses, including retail, office space or medical or dental offices. Per the table no Conditional Use Permit will be required and none of the uses are prohibited in the zone. **The standard is met.**



### 2.3.3 – Building Setbacks

#### A. *Front Yard Setbacks.*

1. *Minimum Setback. There is no minimum front yard setback required.*
2. *Maximum Setback. The maximum allowable front yard setback is 10 feet. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also Chapter 2.3.9 – Pedestrian and Transit Amenities, and Chapter 2.3.8 – Architectural Guidelines and Standards for related building entrance standards.)*

#### B. *Rear Yard Setbacks.*

1. *Minimum Setback. There is no minimum rear-yard setback for structures except for alley access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking.*
2. *Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” shall apply.*

#### C. *Side Yard Setbacks. There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards and the applicable fire and building codes for attached structures, fire walls, and related requirements.*

**FINDING:** The City Center District has no minimum front yard setbacks, but does have a 10-foot maximum setback. The proposed development spans across multiple legal lots of record and requires a reconfiguration of the lots. Following the consolidation of the lots, the proposed buildings will be sited in a manner where no building crosses a property line. The site plan proposes a front setback of less than 2 feet and a side yard setback for food stall #1 of approximately 1 ½ feet. Other setbacks in the proposed development meet the requirements. **The standard is met.**

#### D. *Buffer Setbacks. All buildings are subject to buffer requirements when commercial zoning is adjacent to residential zoning.*

**FINDING:** No portion of the proposed project is adjacent to a residential zoning district. **The standard is not applicable.**

#### E. *Oregon 99 Setbacks. All buildings within the Oregon 99 Setback Overlay Zone shall be set back no less than 15 feet from the Oregon 99 right-of-way line (see 2.10.2 – Setback Requirement.*

**FINDING:** The subject property is not located within the Oregon 99 Setback Overlay Zone. **The standard is not applicable.**

### 2.3.5 – Open Space

#### A. *General*

1. *Common open spaces shall be designed to accommodate a variety of activities and users ranging from active play by children to passive contemplation by adults, but shall generally be able to accommodate a variety of uses.*
2. *They shall be pedestrian-friendly, with amenities such as benches, water fountains, landscaping, and ornamental lighting.*



3. *Common open spaces shall be built and landscaped by the developer.*

**FINDING:** The development is designed around a common open space area and includes five food stalls and a taphouse that form a perimeter around common open space. The property owned by PHURA with the large maple tree will be incorporated into the Phoodery as additional open and entertainment space. The Phoodery area is a pedestrian access area only where patrons will be able to walk freely throughout the site to circulate between the food offerings, the taphouse and the seating areas. There are proposed movable improvements including a stage, outdoor seating, and two regulation cornhole courts that allow for flexibility in the open space layout.

The Commercial Site on the south side of 2nd Street proposes two commercial lease buildings. One building is sited near the Main Street right of way to provide a street frontage presence and the second commercial building is sited at the rear of the property with the parking lot to be shared for both buildings. Both commercial buildings feature covered entries suitable for bench seating, landscaping, or ornamental lighting. These commercial buildings as proposed will share the open space provided by the Phoodery food court area in addition to their proposed individual space.

Although the applicant's findings demonstrate that open space is proposed, the site plan does not clearly identify which areas are being considered open space nor do these areas have a defined square footage. As a condition of approval, the applicant shall, prior to issuance of permits, provide a revised site plan that clearly identifies the open space areas, their dimensions, square footages and which of the required features from Chapter 2.3.5(D) are proposed.

At no time shall the approved open space for the development site (which includes Tax Lots 300, a leased portion of Tax Lot 500, 700, 1000, 1100, 1200 & 1300) fall below 2 percent of the development site area, nor shall the open space features be reduced. Since the open space is shared across multiple parcels, all open space shall be installed and usable prior to occupancy of the any building on the site. As a general condition of approval, the approved open space for the development site shall not fall below 2 percent of the development site area nor shall the open space features be reduced. **The standard is met with conditions.**

**B. Open Space Location**

1. *Common open spaces shall be located within walking distance of all those living, working and shopping in the City Center district.*
2. *Common open spaces shall be easily and safely accessed by pedestrians and bicyclists.*
3. *For security purposes, common open spaces shall be visible from nearby residences, stores, or offices.*
4. *Common open space shall be located within all residential and all mixed-use areas with four or more dwelling units, as well as all non-residential areas on sites exceeding one-half acre. Alternatively, common open space for a development may be located within 300 feet of the development...*

**C. Open Space Amount & Size**

2. *Common open spaces shall have a minimum dimension of 20 linear feet.*
5. *Common open space in a mixed-use and non-residential development shall equal at least two percent of the development's site area.*

**FINDING:** The applicant states in their findings that the development area is 1.33 acres, including 0.25 acres for the Phoodery. After review of the parcel information available through the Jackson County Assessor's office, the entire development site (excluding the Tax Lot that contains 2<sup>nd</sup> Street) is approximately 0.95 acres. A development site of approximately 1.33 acres (57,934 square feet) requires approximately 1,158



square feet of open space to meet the two percent minimum. A development site of approximately 0.95 acres (41,382 square feet) requires approximately 827 square feet of open space. The applicant's findings state that the proposed development includes approximately 7,518 square feet of common open space exceeding the required minimum area and meeting the dimensions.

Although the applicant's site plan demonstrates that open space is proposed and the findings state the square footage of the open space, the site plan does not clearly identify which areas are being considered open space and no open spaces are labeled with their square footages. As a condition of approval, the applicant shall, prior to issuance of permits, provide a revised site plan that clearly identifies the open space areas, their dimensions, square footages and which of the required features from Chapter 2.3.5(D) are proposed. **The standard is met with conditions.**

*D. Open Space Design*

1. *Common open spaces shall include at least two of the following improvements:*
  - a. *benches for seating;*
  - b. *public art such as a statue;*
  - c. *a water feature such as a fountain;*
  - d. *a children's play structure;*
  - e. *a gazebo;*
  - f. *picnic tables;*
  - g. *gardens;*
  - h. *an indoor or outdoor sports court for one or more of the following: tennis, basketball, volleyball, badminton, racquetball, and handball/paddleball*
2. *Residential developments that may house children shall provide at least one common open space with a children's play structure.*
3. *For security purposes, all common open spaces shall be adequately illuminated in accordance with Chapter 3.12 – Outdoor Lighting. Landscaping shall be designed and maintained to avoid security risks.*

**FINDING:** As proposed, the common open space area includes a covered pavilion with outdoor seating, similar to a large gazebo. The area also includes tables with fire pits, benches and other landscaped areas.

The proposed development is not located within a residential development and is therefore not required to provide a play structure.

The Phoodery, as proposed will be fenced with a black wrought iron style fence 6 feet in height for securing the premises. The fencing provides controlled entrances to the facilities for the safety of the patrons and security for the vendors in the off hours. The Main Street frontage includes wrought iron style gates 6 feet in height between the food stalls along the street frontage. These gates will provide security while allowing vehicle and pedestrian traffic to view the activities. The applicant asserts that the central common area will be well lit for safety and security and that site lighting will be pedestrian scale downcast lighting to preserve the night sky. As a condition of approval, the applicant shall, prior to issuance of building permits, provide a revised site plan that identifies all proposed lighting and lighting specifications for all proposed lighting types using either the prescriptive or performance method in accordance with Chapter 3.12.6 of the Phoenix Land Development. **The standard is met with conditions.**



### 2.3.6 – Block Layout and Building Orientation

A. *Block Layout Standard. New land divisions and developments, which are subject to Site Design Review, shall be configured to provide an alley or interior parking court, as shown above. Blocks (areas bound by public street right-of-way) shall have a length not exceeding 200 feet, and a depth not exceeding 200 feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking.*

**FINDING:** The proposed Phoodery portion of the project does not include a land division, but rather a replat of a previously approved division. No changes to the street segments are being made as part of this request. The proposed plan includes a parking area that will serve both the Phoodery and the commercial development to the south. The commercial portion of the site is designed with parking between the buildings to promote an attractive street front and to provide proper parking lot driveways. Internal sidewalks provide pedestrian connectivity between the parking and commercial lease spaces as well as the Phoodery across 2nd Street. The applicant has acknowledged the need for a cross access easement between the proposed parking area and the adjacent property (Tax Lot 1400) to the south for future connectivity when that property redevelops and has identified areas in the parking lot where this can occur. However, neither the site plan or the tentative plat demonstrates that the area proposed is reserved for this purpose. As a condition of approval, prior to issuance of permits, the applicant shall provide the city a revised site plan and tentative plat identifying the location of the required cross access easement and instrument numbers (if any). **The standard is met with conditions.**

B. *Provide usable pedestrian space. Pedestrian space means a plaza or extra-wide pathway/sidewalk near one or more building entrances. Each development provides street trees or planters, space for outdoor seating, canopies or awnings, and on-street parking (in selected areas) to improve the pedestrian environment along internal private drives.*

**FINDING:** As proposed, usable pedestrian amenities in front of both commercial buildings provide usable pedestrian space. All vehicle parking areas are landscaped pursuant to the landscape standards in Chapter 3.3 of the PLDC softening their appearance and building entrances provide an area for outdoor seating creating an attractive pedestrian environment along both the public and private areas of the development. The Phoodery area as proposed is a completely pedestrian space with no vehicular traffic allowed. The plaza area includes outdoor seating canopies (sunshades) and well-defined entrances. **The standard is met.**

C. *Building Orientation Standard. All new development shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:*

1. *The minimum and maximum setback standards in Chapter 2.3.3 – Building Setbacks are met;*

**FINDING:** No minimum building setbacks are required in the City Center district. The Phoodery development is proposed with a Main Street front setback of less than two (2) feet and the adjacent commercial buildings with a setback of approximately one (1) foot. No residential development is adjacent to the proposed commercial area, therefore additional buffering is not required. **The standard is met.**

2. *Buildings have their primary entrances oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or*



*breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 15 feet in length is provided between the building entrance and the street right-of-way.*

**FINDING:** The proposed Phoodery (plaza area) is designed with its primary entrance facing 2<sup>nd</sup> Street and the proposed commercial buildings to the south of 2<sup>nd</sup> Street have their primary entrance facing the street. A small covered area extending the building entrance to the street is provided. No public entrances face a side yard. **The standard is met.**

3. *Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street. On corner lots, buildings and their entrances shall be oriented to the street corner, as shown above; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.*

**FINDING:** The proposal places all required parking spaces behind the building and accessible from 2<sup>nd</sup> Street. The applicant states that parking for the commercial buildings is to be shared with the Phoodery. Without a shared parking agreement, parking requirements for the Phoodery cannot be met. As a condition of approval, prior to certificate of occupancy, the applicant shall provide Community & Economic Development with a shared parking agreement evidenced by a recorded deed, lease, easement, or similar recorded instrument. **The standard is met with conditions.**

### 2.3.7 – Building Height

*All buildings in the City Center District shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings with a storefront character:*

- A. *Maximum Height. Buildings shall be no more than three stories or 35 feet in height, whichever is greater. The maximum height may be increased by 10 feet when housing is provided above the ground floor (“vertical mixed-use”), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing.*
- B. *Method of Measurement. Building height is measured as measured in accordance with the definition of “Height of Building” in Chapter 1.3 – Definitions. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features that are not for human occupancy.*

**FINDING:** The applicant asserts that no building features will exceed the maximum building height of 35 feet. Verification of building height will be completed at the time of building permit review. **The standard is met.**

### 2.3.8 – Architectural Guidelines and Standards

- A. *Purpose and Applicability. The City Center architectural guideline standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This Section applies to all subject to Site Design Review.*
- B. *Guidelines and Standards...*

**FINDING:** The proposed buildings and entrances are located close to the street establishing a street presence and reinforcing the pedestrian nature of the building entry and adjacent food plaza. Storefront windows at the entry presents a clear sense of entrance and welcoming transparency. Street facing windows are generally regular in width and articulation. A front ‘porch’ at the building entrance provides weather protection. Overhanging eaves on the gable roofs accentuate the reduced, more residential



scale and character of the building but lacks window trim pursuant to Chapter 2.3.8(B)(1)(c). As a condition of approval, prior to issuance of permits, the applicant shall provide a revised site plan that includes building elevations that provide window trim detail pursuant to Chapter 2.3.8(B)(1)(c). **The standard is met with conditions.**

2. *Fencing. In addition to complying with the fencing requirements in Chapter 3.3.5 – Fences and Walls, fencing in the City Center District shall meet the following standards:*
  - a. *Fencing shall be decorative wooden, PVC, or ornamental metal fencing of a single unified design that compliments the architectural character of the City Center District.*
  - b. *Fencing along a street frontage and within 20 feet of a sidewalk or other pedestrian accessway shall not exceed three feet in height.*
  - c. *Fencing that blocks pedestrian access to required open space, pedestrian space, or pedestrian and transit amenities is prohibited in the City Center District.*

**FINDING:** The plan proposes a black wrought iron style fence six (6) feet in height for security around the Phoodery premises. The fencing is intended to provide controlled entrances to the facilities for the safety of the patrons and security for the vendors in the off hours. The Main Street frontage also proposes a black wrought iron style fence six (6) feet in height between the food stalls along Main Street. These fence panels provide a necessary break in the building elevations along the street and allow for patrons to see out to the street and passersby to see into the plaza area. Fences may exceed six (6) feet in height when permitted as part of a site development approval and when needed to secure a site as is the case with this proposal. **The standard is met.**

### **2.3.9 – Pedestrian and Transit Amenities**

#### **B. Guidelines and Standards.**

1. *A plaza, courtyard, square, or extra-wide sidewalk next to the building entrance (minimum width of eight feet);*
2. *Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width));*
3. *Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space).*
4. *Public art that incorporates seating (e.g., fountain, sculpture, etc.).*
5. *Transit Amenities, such as a bus shelter or pullout, shall be designed in accordance with the guidelines established in the City's Transportation Plan and the Regional Transportation Plan.*

**FINDING:** The proposed plan and findings demonstrate compliance with this section. The site includes a plaza/courtyard, sitting space and building canopy. **The standard is met.**

## **CHAPTER 3 – DESIGN STANDARDS**

### **Chapter 3.2 – Access and Circulation**

#### **3.2.2 - Vehicular Access and Circulation**

- C. *Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a licensed traffic engineer to determine access, circulation, and other transportation requirements. (See also, Chapter 3.5.2 – Transportation Standards.)*

**FINDING:** The proposed project requires a Traffic Impact Study, which was prepared and submitted by Southern Oregon Transportation Engineering, LLC. The findings of the traffic study conclude that the



proposed development can be approved without causing adverse impacts on the transportation system. The traffic analysis evaluated site distance, intersection operations, queuing, crash history, and access spacing standards. No changes to the transportation system are required as part of this request. **The standard is met.**

*D. Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, Access and Circulation installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public arterial or collector street.*

**FINDING:** As proposed, the points of access are from a street with a lower functional classification and will function appropriately with no decrease in the level of service required. No additional conditions are required. **The standard is met.**

*E. Access Options.*

*1. When new vehicle access is required for development, access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are options to the developer/subdivider, unless one method is specifically required by Chapter 2 (i.e., under "Special Standards for Certain Uses").*

*b. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., shared driveway). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.*

*If it is not possible to provide access by one of the above methods, access may be provided from a public street adjacent to the development parcel. If possible, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Sections F and H, below. Owner/developer may be required to create a common access easement to allow joint use of a driveway, parking area, or other circulation as a condition of development approval.*

**FINDING:** Access to the proposed development is from Main Street, and as proposed, the existing private driveway/drive aisle (an extension of 2nd Street) will be used. Upon approval of this development, the private driveway (extension of 2<sup>nd</sup> Street) shall be dedicated as public right of way which will then be used for a single two-way access that meets the access standards above. As a condition of approval, prior to final plat approval, the applicant shall provide a revised tentative plat that includes the dedication of the private driveway (extension of 2<sup>nd</sup> Street) as public right-of-way. **The standard is met with conditions.**

*4. The following standards apply within the City Center District:*

*a. No private driveways are permitted unless all the following criteria have been met:*

*i. The City concludes that inadequate off-street, leased, shared, or public parking is available to serve the development.*

*ii. The property owner records a public access easement allowing cross access to and from adjacent properties that could potentially be served by the driveway. The easement vests with the City.*



- iii. *The property owner records a joint maintenance agreement with the deed defining maintenance responsibilities of property owners that could logically be served by the common driveway.*
- b. *Driveways to public parking are permitted when consistent with the City Center Plan. Important cross-references to other code sections: Chapters 2 and 3 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The City may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street and the street is identified by the Comprehensive Plan, the Transportation System Plan, or the adopted Local Street Plan. (Please refer to Chapter 3.5.2 – Transportation Standards.)*

**FINDING:** The applicant has acknowledged the need for a cross access easement between the proposed parking area and the adjacent property (Tax Lot 1400) to the south for future connectivity when that property redevelops and has identified areas in the parking lot where this can occur. However, neither the site plan or the tentative plat demonstrates that the area proposed is reserved for this purpose. As a condition of approval, prior to issuance of permits, the applicant shall provide the city a revised site plan and tentative plat identifying the location of the cross access easement and instrument numbers (if any). **The standard is met with conditions.**

- F. *Access Spacing. Access to and from off-street parking areas shall not permit backing onto a public street, with the exception of single-family driveway with access onto local streets only. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:*
1. *Minimum driveway spacing is measured from the edge of the driveway at the curb line to the edge of the next driveway at the curb line. Driveway separation from public street intersections is measured from the nearest edge of the driveway at the curb line to the intersecting street right-of-way.*
  2. *If a development is unable to meet the access spacing standards in Subsection F, above, then the driveway must be as far from the other driveway or street intersection as possible. The Planning Commission shall require, at a minimum, that driveways be located outside the functional area of the intersection, even if such a distance would be greater than that set forth in the above table.*
  3. *Arterial and Collector Streets. Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the above chart and the standards contained in the City's Transportation System Plan. Access to Interstate 5 and Highway 99 shall be subject to the applicable standards and policies contained in the Oregon Highway Plan, Oregon's Access Management Standards (Oregon Administrative Rule, OAR 734-051), and/or other applicable state access laws and regulations.*
  4. *Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Chapter 2 – Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1-2, may be required by the City, County, or ODOT to protect the function, safety, and operation of the street for all users. (See Section 'H', below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.*



**FINDING:** The proposed parking area has adequate drive and maneuvering space to allow for vehicle movements off of the street. As proposed, the cross access/parking drive aisle is the only access along the south side of 2<sup>nd</sup> Street and is approximately 97 feet from the intersection of 2<sup>nd</sup> Street and N. Main Street. **The standard is met.**

G. *Number of Access points...* The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety, and operation of the streets and sidewalks for all users. Shared access may be required, in conformance with Section H, below, in order to maintain the required access spacing, and minimize the number of access points.

**FINDING:** As proposed, the development contains a single access point. **The standard is met.**

K. *Fire Access and Parking Area Turn-arounds .* Parking areas shall provide adequate aisles or turn-around areas for public safety, service, and delivery vehicles so that all vehicles may enter the street in a forward manner. (The City's Fire Chief may exempt turn-around requirements for fire trucks if compliance with the Fire Code is maintained.) For requirements related to cul-de-sacs, please refer to Chapter 3.5.2 – Transportation Standards, Section M.

**FINDING:** The proposed site design plan includes adequate aisle widths for fire access. **The standard is met.**

M. *Vision Clearances.* The vision clearance setback shall be measured from curb line or where no curb line exists, from edge of pavement. No signs, structures, or vegetation in excess of three feet in height shall be placed in vision clearance areas, as shown below. The Planning Director may increase the minimum vision clearance area upon finding that more sight distance is required (i.e., due to Police Department requirements, traffic speeds, roadway alignment, topography, etc.).

**FINDING:** The proposed development is located adjacent to an arterial street and requires a vision clear setback of 35 feet. All buildings proposed as part of this development are setback in a manner that meets the required vision clearance setback of 35 feet. **The standard is met.**

N. *Construction.* The following development and maintenance standards shall apply to all driveways and private streets:

1. *Surface Options.* Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt or concrete surfacing. Paving surfaces shall be subject to review and approval by the Building Official.

**FINDING:** As proposed, all driveways and parking areas include both asphalt and concrete. **The standard is met.**

2. *Surface Water Management.* When a paved surface is used, all driveways, parking areas, aisles, and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City standards.

**FINDING:** The proposed site design plan includes the construction a stormwater quality and drainage swale to ensure proper infiltration of surface waters and to eliminate sheet flow of such waters onto public



rights-of-way and abutting properties. The development shall demonstrate compliance with the current MS4 permit and the Rogue Valley Stormwater Quality Design Manual and shall be approved by Rogue Valley Sewer Services prior to construction or issuance of building permits. Prior to issuance of permits, the applicant shall provide a copy of a stormwater management plan approved by Rogue Valley Sewer Services. **The standard is met with conditions.**

### 3.2.3 - Pedestrian Access and Circulation

#### A. *Pedestrian Access and Circulation.*

1. *Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathways to adjacent streets and private property, in accordance with the provisions of Chapter 3.2.2 – Vehicular Access and Circulation and Chapter 3.5.2 – Transportation Standards.*
2. *Safe, Direct, and Convenient Pathways.*
  - a. *Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of direction travel for likely users.*
  - b. *Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.*
  - c. *For commercial, industrial, mixed use, public, and institutional buildings, the primary entrance is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.*
  - d. *For commercial, industrial, mixed use, public, and institutional buildings, the primary entrance is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.*

#### B. *Design and Construction. Pathways shall conform to all of the standards in 1-5:*

1. *Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.*
2. *Crosswalks. Where pathways cross a parking area, driveway, or street, they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or a similar type of durable application. Crosswalks on state highway facilities shall be developed in coordination with the Oregon Department of Transportation (ODOT), shall be designed to state standards, and may require an Intergovernmental Agreement (IGA) to address maintenance responsibilities.*
3. *Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six feet wide, and shall conform to ADA requirements. Multi-*



*use paths shall be the same materials, at least 10 feet wide. (See also Chapter 3.5.2 – Transportation Standards for public, multi-use pathway standard.)*

4. *Accessible routes. Pathways shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.*

**FINDING:** The proposed plan provides safe, direct and convenient pathways for all entrances. The proposed pathways are shown as concrete and can conform to ADA requirements but do not currently meet the lighting requirements of Chapter 3.2.3(A)(4). As a condition of approval, the applicant shall provide a revised site plan that identifies all proposed lighting and lighting specifications for all proposed lighting types using either the prescriptive or performance method in accordance with Chapter 3.12.6 of the Phoenix Land Development.

The proposed parking area on the south side of 2<sup>nd</sup> Street is also proposed to be used for parking at the Phoodery. Where pathways are necessary to cross a street, they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. The proposed plan does not identify this required crossing. As a condition of approval, the applicant shall, prior to issuance of permits, provide a revised site plan that includes a crosswalk across 2<sup>nd</sup> Street that meets the standard of Chapter 3.2.3 (B)(2) from Tax Lot 700 to either Tax Lot 1100 or 1300. **The standard is met with conditions.**

### **Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls**

#### **3.3.3 - New Landscaping**

- B. *Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in 4.2.5 – Site Design Review Application Submission Requirements, Section B.5 (Landscape Plans). All landscape and irrigation plans must be reviewed and approved by the Planning Director, unless the conditions of the project specifically require Planning Commission approval.*
- C. *Landscape Area Standards. The minimum percentage of required landscaping equals: 1. Residential Districts. 20 percent of the site. 2. City Center District. 10 percent of the site. 3. Commercial Districts. A minimum of 20 percent of the site shall be landscaped. 4. Industrial Districts. 20 percent of the site.*

**FINDING:** The proposed site design includes a basic landscaping plan that generally identifies the location of landscaped areas. Neither the applicant's findings or the site plan demonstrates compliance with the minimum percentage of required landscaping and the site plan is not in conformance with Chapter 4.2.5(B)(5). Based on rough calculations using the site plan that was submitted, staff was able to make an approximation of the proposed landscaped area to determine feasibility. As proposed, the site is approximately 41,382 square feet, requiring approximately 4,138 square feet of landscaping. The area serving as the stormwater facilities and the area between the large maple tree and the Civic Center parking equal close to 4,500 square feet, exceeding the minimum. As a condition of approval, prior to issuance of permits, the applicant shall provide a revised landscaping plan including all required information in Chapter 3.3.3 (D)(1-10) and Chapter 4.2.5(B)(5), including the square footage of proposed landscaping. **The standard is met with conditions.**

- E. *Landscape Design Standards.*

2. *Parking areas. A minimum of eight percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be*



*landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per five parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of eight feet by 19 feet and all tree wells shall have minimum dimensions of four feet by four feet to ensure adequate soil, water, and space for healthy plant growth. Trees planted within parking areas shall be a minimum of 2-inch caliper trees, unless the landscape plan includes a dense planting of varying sized trees.*

**FINDING:** The proposed development plan includes a general landscape plan identifying the location of landscaping. PLDC Chapter 3.3.3 (E)(2) above requires that eight percent of the combined area of all parking be landscaped. The parking area includes 38 parking spaces, requiring eight (8) trees and no parking area includes more than 12 contiguous spaces. Based on the general landscape plan, all landscaped areas around the parking area meet the minimum dimension requirements above. As a condition of approval, prior to issuance of permits, the applicant shall provide a revised landscaping plan including all required information in Chapter 3.3.3 (E)(2). **The standard is met with conditions.**

3. *Buffering and Screening Required. Buffering and screening are required under the following conditions:*

b. *Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts.*

**FINDING:** The proposed site plan does not identify the location of any mechanical equipment onsite or the required buffering. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts. As a condition of approval, prior to issuance of permits, the applicant shall provide a revised site plan that identifies the location of all mechanical equipment and the design of the required mechanical equipment buffering. **The standard is met with conditions.**

### **3.3.4 – Street Trees**

*Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Chapter 3.5.2 – Transportation Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks.*

**FINDING:** The proposed site plan includes street trees as required by Chapter 3.3.4 – Street Trees. As proposed, the plan includes eight (8) trees within the adjacent planting strips. The project landscape plan incorporates three varieties of shade trees to provide a canopy in parking areas and pedestrian pathways. Trees are low-growing yet have growth characteristics that allow for clear vision. The species chosen are hardy low maintenance types that are well suited to the climate and soil type. **The standard is met.**

### **3.3.5 – Fences and Walls**

**FINDING:** The plan proposes a black wrought iron style fence six (6) feet in height for security around the Phoodery premises. The fencing is intended to provide controlled entrances to the facilities for the



safety of the patrons and security for the vendors in the off hours. The Main Street frontage also proposes a black wrought iron style fence six (6) feet in height between the food stalls along Main Street. These fence panels provide a necessary break in the building elevations along the street and allow for patrons to see out to the street and passersby to see into the plaza area. Fences may exceed six (6) feet in height when permitted as part of a site development approval and when needed to secure a site as is the case with this proposal. **The standard is met.**

### **Chapter 3.4 – Vehicle and Bicycle Parking**

#### **3.4.3 – Vehicle Parking Standards**

- A. *Number of Spaces Required. The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Table 3.4.3.A.*
- C. *Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 5%.*
- D. *Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the dimensions in Figure 3.4.3.E.*
- E. *Disabled Person Parking Spaces. The following parking shall be provided for disabled persons, in conformance with the Americans with Disabilities Act. Disabled parking is included in the minimum number of required parking spaces in Section A, above.*

#### **3.4.4 – Bicycle Parking Requirements**

*All uses that are subject to Site Design Review shall provide bicycle parking...*

**FINDING:** Table 7:3.4.3.A – Vehicle Parking – Minimum Standards Option provides the list of parking requirements for specific uses. The applicant uses the parking standards for ‘Restaurants’ at one space per every four (4) patrons and one (1) space per 350sf for the commercial buildings. Based on the applicant’s determination, 22 spaces are required for the 88 seats at the Phoodery and 18 spaces for the commercial buildings for a total of 40 spaces. The applicant has requested a reduction of parking to 38 parking stalls since public parking is available adjacent to the development area and east of the Phoenix Civic Center Plaza.

Staff has determined that other standards exist that require fewer parking stalls. As proposed, there are five (5) food stalls totaling 842 square feet and a covered area totaling 1,800 square feet. The total leasable space totals 1,642 square feet, requiring only 16 parking spaces. These spaces, combined with the commercial area totals 38 spaces. As noted above, there are a number of public parking spaces in the parking lot adjacent to the Civic Center that are available for public use. These spaces are in addition to any on street parking spaces along N. Main Street. Based on either of these calculations, the standard can be reasonably met.

Bicycle parking shall also be provided as part of this request. Chapter 3.4.4 of the PLDC requires 1 bicycle space per 3,000 gross floor area, or six (6) spaces based on the 6,400 square feet of Office/Business Services space and two (2) bicycles based on 1,642 square feet of Restaurant space. As proposed, the site plan provides 36 bicycle parking spaces across the site (12 spaces adjacent to the commercial buildings and 24 spaces near the Phoodery).



Table 3.4.4 also requires that 25 percent of required parking for the commercial buildings and 50 percent of the required parking for the Phoodery be designed for long-term use. This requires that a minimum of twelve long-term bicycle spaces for the Phoodery and three (3) for the commercial buildings. As a condition of approval, prior to issuance of permits, the applicant shall provide a revised site plan that identifies the location and design of the required long-term bicycle space. **The standard is met with conditions.**

## Chapter 3.5 – Street and Public Facilities Standards

### 3.5.2 – Transportation Standards

No Development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Chapter 3.2 – Access and Circulation...

**FINDING:** The site has been improved with paved streets, curb, gutter and sidewalks along both frontages (2<sup>nd</sup> Street and N. Main Street). The Phoodery site plan proposes reconstructing the north side of 2<sup>nd</sup> Street to allow for loading and unloading of products and to provide a temporary parking space for online food service deliveries. The City Engineer has reviewed the proposed changes to 2<sup>nd</sup> Street and approves of this modification provided that an encroachment permit is submitted for review and approval. As a condition of approval, prior to issuance of permits, the applicant shall provide Community & Economic Development with an encroachment permit detailing and approving the proposed changes to 2<sup>nd</sup> Street.

The applicant has acknowledged the need for a cross access easement between the proposed parking area and the adjacent property (Tax Lot 1400) to the south for future connectivity when that property redevelops and has identified areas in the parking lot where this can occur. However, neither the site plan nor the tentative plat demonstrates that the area proposed is reserved for this purpose. As a condition of approval, prior to issuance of permits, the applicant shall provide the city a revised site plan and tentative plat identifying the location of the cross-access easement and instrument numbers (if any).

All other standards in this section are addressed in the findings herein and either met the standards or can meet with conditions of approval. **The standard is met with conditions.**

## Chapter 3.6 – Signs

### 3.6.3 - Applicability and Exemptions

*Sign Permit Required. All signs visible from the public right-of-way or private areas accessible to the public within the City of Phoenix shall be subject to the provisions of this Chapter.*

**FINDING:** The applicant's proposal includes conceptual signage. Sign permits are reviewed independently of site design plan review and require a Type 1 Ministerial Review. No sign permit application was submitted with the requested site design plan review. **The standard is not applicable.**

## Chapter 3.8 – Storm and Surface Water Management Standards

### 3.8.1 – Purpose and Applicability

*B. Applicability. No permit for construction of new development or tenant improvements that result in impervious cover greater than 500 square feet within the city and urban growth boundary shall be issued until effects on stormwater management are evaluated. The level of review varies according to the affected area:*



3. 5000+ square feet. A comprehensive stormwater study that conforms to the stormwater management manual shall be submitted for approval.

**FINDING:** The proposed site design plan includes the development of more than 5,000 square feet of new impervious surface and the construction of the necessary stormwater facilities. The applicant's Engineer has demonstrated that stormwater management is feasible, but has not demonstrated that the development is in compliance with the city's current MS4 permit and the Rogue Valley Stormwater Quality Design Manual. As the Phase II Permit holder for the City of Phoenix, the stormwater management plan shall be reviewed and approved by Rogue Valley Sewer Services prior to construction or issuance of building permits. As a condition of approval, prior to issuance of permits, the applicant shall provide a copy of a stormwater management plan approved by Rogue Valley Sewer Services. **The standard is met with conditions.**

### Chapter 3.9 – Erosion Prevention and Sediment Control

#### 3.9.1 – Applicability and Purpose

- B. *Applicability. An erosion prevention and sediment control plan shall be required and approved by the city engineer under any of the following circumstances:*
  2. *Prior to Site Design Review, in accordance with Chapter 4.2 – Development Review and Site Design Review.*
  3. *Prior to approval of any building or grading permit that results in: a. Disturbance of 500 square feet or more of land surface.*

*Nothing in this Section shall relieve any person from the obligation to comply with the regulations or permits of any federal, state, or local authority.*

**FINDING:** The proposed development includes the disturbance of more than 500 square feet of land surface and requires Site Design Review in accordance with Chapter 4.2. As the Phase II Permit holder for the City of Phoenix, processing of erosion control permits for properties over 7,000 square feet, but under 1 acre in size shall be administered and approved by Rogue Valley Sewer Services prior to onsite construction or the disturbance of any land surface. Approval of the required medium storm drain protection permit meets the standards of this section. As a condition of approval, prior to construction, the applicant shall provide a copy of the approved medium storm drain protection (erosion control) permit approved by Rogue Valley Sewer Services. **The standard is met with conditions.**

### Chapter 3.12 – Outdoor Lighting

#### 3.12.6 – Standards for Non-Residential Lighting

- A. *Prescriptive Method. An outdoor lighting installation complies with this section if it meets the requirements of subsections 1, 2, and 3 below.*
  1. *Total Site Lumen Limit.*
  2. *Limits of offsite impacts.*
  3. *Full or 100% cutoff lighting.*
- B. *Performance Method I. An outdoor lighting installation complies with this section if it meets the requirements of subsections 1 and 2 below.*
  1. *Total Site Lumen Limit.*
  2. *Limits of offsite impacts.*



**FINDING:** The applicant asserts that the central common area will be well lit for safety and security and that site lighting will be pedestrian scale downcast lighting to preserve the night sky. As a condition of approval, prior to issuance of permits, the applicant shall provide a revised site plan that identifies all proposed lighting and lighting specifications for all proposed lighting types using either the prescriptive or performance method in accordance with Chapter 3.12.6 of the Phoenix Land Development. **The standard is met with conditions.**

## **CHAPTER 4 – APPLICATIONS AND REVIEW PROCEDURES**

### **Chapter 4.2 – Development Review and Site Design Review**

#### **4.2.5 – Site Design Review Application Submission Requirements**

- A. *All of the following information is required for Site Design Review application submittal:*
2. *Proposed site plan. The site plan shall contain the following information, if applicable:*
    - a. *North arrow and scale*
    - b. *The proposed development site, including boundaries, dimensions, and gross area;*
    - c. *The name and address of project designer, engineer, surveyor, and/or planner, if applicable.*
    - d. *The location, size, and species of trees having a 2" diameter that are proposed to be removed or modified by the development;*
    - e. *The location and dimensions of all proposed public and private streets, drives, rights of-way, and easements;*
    - f. *The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;*
    - g. *The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;*
    - h. *The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);*
    - i. *Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;*
    - j. *Loading and service areas for waste disposal, loading, and delivery;*
    - k. *Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;*
    - l. *Location, type, and height of outdoor lighting;*
    - m. *Location of mail boxes, if known;*
    - n. *Location of bus stops and other public or private transportation facilities.*

**FINDING:** The proposed site plan provides a substantial amount of the required information listed above. The applicant's proposal meets or can meet with conditions of approval the provisions of Chapter 4.2.5 of the PLDC listed above. **The standard is met with conditions.**

#### **4.2.6 – Site Design Approval Criteria**

*The Planning Director shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:*

- A. *The application is complete, as determined in accordance with Chapter 4.1 – Types of Applications and Review Procedures and Chapter 4.2.5 – Site Design Review Application Submission Requirements, above.*



**FINDING:** The applicant's proposal was deemed complete on November 7, 2022. **The standard is met.**

*B. The application complies with the all of the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;*

**FINDING:** The applicant's proposal meets or can meet with conditions of approval the provisions of the underlying Land Use District (Chapter 2). **The standard is met with conditions.**

*C. 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 5.3 – Non-Conforming Uses and Developments;*

**FINDING:** The applicant's proposal is located on vacant land. Chapter 5.3 – Non-Conforming Uses and Developments does not apply to this property. All proposed development meets the current zoning code regulations or can meet with conditions of approval. **The standard is met.**

*D. The application complies with the Design Standards contained in Chapter 3. All of the following standards shall be met:*

- Chapter 3.2 – Access and Circulation ▪ Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls
- Chapter 3.4 – Vehicle and Bicycle Parking
- Chapter 3.5 – Street and Public Facilities Standards
- Chapter 3.6 – Signs
- Chapter 3.7 – Environmental Constraints
- Chapter 3.8 – Storm and Surface Water Management Standards
- Chapter 3.9 – Erosion Prevention and Sediment Control
- Chapter 3.10 – Other Design Standards

**FINDING:** The applicant's proposal meets or can meet with conditions of approval the provisions of the Design Standards contained in Chapter 3. **The standard is met with conditions.**

## **Chapter 4.3 – Land Divisions and Lot Line Adjustments**

### **4.3.4 – Preliminary Plat Submission Requirements**

*B. Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:*

*1. General information:*

- a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);*
- b. Date, north arrow, and scale of drawing;*
- c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;*



- d. *Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey;*
- e. *Identification of the drawing as a preliminary plat; and*
- f. *Assessor parcel numbers.*

**FINDING:** All information required by this subsection has been provided on the tentative plat (preliminary plat). **The standard is met.**

2. *Site analysis:*

- a. *Streets: Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;*
- b. *Easements: Width, location, and purpose of all existing easements of record on and abutting the site;*
- c. *Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;*
- d. *Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than five percent;*
- e. *The location and elevation of the closest benchmarks within or adjacent to the site (i.e., for surveying purposes);*
- f. *Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having high erosion potential;*
- g. *Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also relevant portions of the Comprehensive Plan.);*
- h. *Site features, including existing structures, pavement, drainage ways, canals and ditches;*
- i. *The location, size and species of trees having a diameter of six inches or greater at four feet above grade in conformance with Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls;*
- j. *North arrow, scale, and name and address of owner;*
- k. *Name and address of project designer, if applicable; and*
- l. *Other information, as deemed appropriate by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.*

**FINDING:** All information required by this subsection has been provided on the tentative plat (preliminary plat). It will be essential to identify the location of required cross access easements to ensure each lot remains developable. As a condition of approval, prior to final plat, the applicant shall provide the city a revised site plan and tentative plat identifying the location of the required cross access easement and instrument numbers (if any). **The standard is met with conditions.**

3. *Proposed improvements:*

- a. *Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;*



- b. *Easements: location, width, and purpose of all easements;*
- c. *Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;*
- d. *Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;*
- e. *Proposed improvements, as required by Chapter 3 – Design Standards, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);*
- f. *The proposed source of domestic water;*
- g. *The proposed method of sewage disposal, and method of surface water drainage and treatment if required;*
- h. *The approximate location and identity of other utilities, including the locations of street lighting fixtures;*
- i. *Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing;*
- j. *Changes to navigable streams or other watercourses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;*
- k. *Identification of the base flood elevation and 100-year flood plain;*
- l. *Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the state’s jurisdiction; and*
- m. *Evidence of contact with the applicable natural resource regulatory agencies for any development within or adjacent to jurisdictional wetlands and other sensitive lands.*

**FINDING:** All information required by this subsection has been provided on the tentative plat (preliminary plat). It will be essential to identify the location of required cross access easements to ensure each lot remains developable. As a condition of approval, prior to final plat, the applicant shall provide the city a revised site plan and tentative plat identifying the location of the required cross access easement and instrument numbers (if any). **The standard is met with conditions.**

#### **4.3.5 – Approval Criteria for 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 all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2 – Land Use Districts and Chapter 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 Chapter 5 – Exceptions;*
  2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 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; and*



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

**FINDING:** (1) The proposed preliminary plat complies with all applicable Development Code sections, or can be made to do so through the application of conditions of approval. (2) The Tentative Plan is for an unnamed partition and satisfies the provisions of ORS Chapter 92. (4) Private common areas and improvements are neither proposed nor required. **The standard is met with conditions.**

- B. *Housing Density. The subdivision meets the City's housing standards of Chapter 2*
- C. *Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots, and parcels conform to the specific requirements below:*
  1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (See Chapter 2).*
  2. *Setbacks shall be as required by the applicable land use district (See Chapter 2).*

**FINDING:** The subject properties are zoned C-C, this is a commercial zone that does not contain a minimum housing density; staff finds the proposed partition meets the dimensional requirements of the C-C zone. **The standard is met.**

3. *Each lot shall conform to the standards of Chapter 3.2 – Access and Circulation.*
4. *Landscape or other screening may be required to maintain privacy for abutting uses. See also, Chapter 2 – Land Use Districts and Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls.*
5. *In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also, Chapter 3.2 – Access and Circulation.*
6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat...*

**FINDING:** (3) Staff finds the proposed partition can feasibly meet the provisions of this section subject to conditions of approval applied in Chapter 3.2 findings herein above. (4) Landscaping/screening is addressed in the findings herein above. (5) All proposed parcels are configured in a manner that precludes a building from being located more than 150 feet from a public right-of-way or approved access drive. (6) A common drive is not proposed; however, cross access is required and is addressed in the findings herein above. **The standard is met with conditions.**

#### **4.3.7 – Final Plat Submission Requirements and Approval Criteria**

- A. *Submission Requirements. Final plats shall be reviewed and approved by the City prior to recording with Jackson County. The applicant shall submit the final plat within one year of the approval of the preliminary plat as provided by Chapter 4.3.3 – Approvals Process. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Planning Department.*

**FINDING:** Final plats shall be reviewed and approved by the City prior to recording with Jackson County. The applicant shall submit the final plat within one year of the approval of the preliminary plat as provided by Chapter 4.3.3. As a condition of approval, prior to issuance of permits or within one year of the approved preliminary plat, whichever is first, the applicant shall submit the final plat to Community and Economic Development for review. **The standard is met with conditions.**



- B. *Approval Criteria. By means of a Type I procedure, the Planning Director shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:*
1. *The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;*
  2. *All public improvements required by the preliminary plat have been installed and approved by the city official and/or city engineer. Alternatively, the developer has provided a performance guarantee in accordance with 4.3.9 – Performance, Maintenance Guarantee and Development Agreement.*
  3. *The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;*
  4. *The streets and roads held for private use have been approved by the City as conforming to the preliminary plat;*
  5. *The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;*
  6. *The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&Rs); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat. The CC&Rs have been reviewed by the City and found to contain no conflicts with the City's development codes. A separate review fee will be charged for the review of the CC&R's.;*
  7. *The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);*
  8. *Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider to the City that such services will be installed in accordance with Chapter 3.5 – Street and Public Facilities Standards, and the bond requirements of Chapter 4.3.9 – Performance, Maintenance Guarantee and Development Agreement. The amount of the bond, contract, or other assurance by the subdivider shall be determined by a registered professional engineer, subject to review and approval by the City;*
  9. *The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.*

**FINDING:** As the final plat review is the next step in the land division process, this section has been included for informational purposes only.

## **VI CONCLUSION/DECISION**

As proposed, the site development plan and proposed partition meets or can meet with conditions, the applicable standards set forth in the Phoenix Land Development Code and as enumerated in this staff report. The request is **APPROVED** subject to the conditions of approval below.



## VII CONDITIONS OF APPROVAL

### GENERAL CONDITIONS:

1. Applicant must submit construction plans to RVSS for review and approval.
2. Applicant must submit plumbing plans to RVSS for the calculation of related System Development Charges.
3. The approved open space for the development site (which includes Tax Lots 300, a leased portion of Tax Lot 500, 700, 1000, 1100, 1200 & 1300) shall not fall below 2 percent of the development site area nor shall the open space features be reduced.

### PRIOR TO ISSUANCE OF PERMITS:

4. The applicant shall provide a revised site plan that clearly identifies the open space areas, their dimensions, square footages and which of the required features from Chapter 2.3.5(D) are proposed.
5. The applicant shall provide a revised site plan that identifies all proposed lighting and lighting specifications for all proposed lighting types using either the prescriptive or performance method in accordance with Chapter 3.12.6 of the Phoenix Land Development.
6. The applicant shall provide a revised site plan and tentative plat identifying the location of the required cross access easement and instrument numbers (if any).
7. The applicant shall provide a revised site plan that identifies the location and design of the required long-term bicycle space.
8. The applicant shall provide a revised site plan that includes a crosswalk across 2<sup>nd</sup> Street that meets the standard of Chapter 3.2.3 (B)(2) from Tax Lot 700 to either Tax Lot 1100 or 1300.
9. The applicant shall provide a revised site plan that includes building elevations that provide window trim detail pursuant to Chapter 2.3.8(B)(1)(c).
10. The applicant shall provide a revised landscaping plan including all required information in Chapter 3.3.3 (E)(2).
11. The applicant shall provide a revised site plan that identifies the location of all mechanical equipment and the design of the required mechanical equipment buffering.
12. The applicant shall provide a revised site plan that identifies the location and design of the required long-term bicycle space.
13. The applicant shall provide a copy of a stormwater management plan approved by Rogue Valley Sewer Services.
14. The applicant shall provide Community & Economic Development with an encroachment permit detailing and approving the proposed changes to 2<sup>nd</sup> Street.



Community & Economic Development Department  
220 N. Main Street / P.O. Box 330  
Phoenix, Oregon 97535  
(541) 535-2050

15. The applicant shall submit a sign permit pursuant to Chapter 3.6.
16. The applicant shall provide a copy of a medium storm drain protection (erosion control) permit approved by Rogue Valley Sewer Services.
17. Prior to issuance of permits or within one year of the approved preliminary plat, whichever is first, the applicant shall submit the final plat to Community and Economic Development for review.

**PRIOR TO FINAL PLAT SUBMITTAL:**

18. The applicant shall provide a revised tentative plat that includes the dedication of the private driveway (extension of 2<sup>nd</sup> Street) as public right-of-way.

**PRIOR TO CERTIFICATE OF OCCUPANCY:**

19. The applicant shall provide Community & Economic Development with a shared parking agreement evidenced by a recorded deed, lease, easement, or similar recorded instrument.
20. Applicant must have all sewer and stormwater quality facilities, including vegetation when applicable, inspected and approved by RVSS.

Date Approved: 12/1/2022

\_\_\_\_\_  
Planning Manager

Receipt #: \_\_\_\_\_

Fee Amount: \_\_\_\_\_

Date: \_\_\_\_\_