

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

FILE COPY

Ixtapa Site Plan Amendment SR-5-09

Application Received: May 12, 2009
Referrals: None
Public Notice Mailed and Posted at City Hall: May 29, 2009
Public Notice Posted on Property: May 29, 2009
Staff Report Date: June 18, 2009
Prepared by: Zac Moody, Assistant Planner
Reviewed By: Brian Issa, Community Services Director

BASIC DATA

Applicant: Daniel Velasco
24965 Hwy 126
Veneta, Oregon 97487
Owner: Arlie and Co.
871 Country Club Rd.
Eugene, OR 97401
Location: West Lane Shopping Center
24965 Hwy 126
Veneta, Oregon 97487
Assessor's Map: 17-06-36-11
Tax Lot Number: 900
Area: 11 acres
Plan Designation: Commercial (C)
Zoning Designation: Highway Commercial (HC)

REQUEST

The request before the Veneta Building and Planning Official is for approval of a site plan amendment proposing to add a "cantina" to the existing Ixtapa Mexican Restaurant.

DECISION

The Veneta Planning & Building Official approves with conditions the Ixtapa 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 based on normal average usage at the time building permits are issued and sign and record an irrevocable development agreement approved by the City Attorney stating that the applicant agrees to have a review of the water usage (one) 1 year from the date of approval of the amendment in order to calculate any additional Systems Development Charges resulting from additional use, and that they will pay all applicable charges at that time.
2. The applicant shall provide the Building & Planning Official with a revised site plan map in accordance with Section 6.03(1) of the Veneta Land Development Ordinance.

GENERAL CONDITIONS:

3. The applicant shall obtain a sign permit in accordance with Section 5.15 of the Veneta Land Development Ordinance for all proposed signage.
4. Parking spaces shall be used solely for operable motor vehicles.

BACKGROUND

A Site Plan review (SR-4-83) was approved in 1983 for the West Lane Center. Amendments to the site plan have been approved with conditions from 1994 and 2006. Each change of use or use of a new structure has required an amendment to the original site plan.

The space located in the West Lane Shopping Center, adjacent to Ixtapa was previously an office. The applicant is proposing the office space to be remodeled into a cantina to serve the Ixtapa Restaurant.

PROPERTY CHARACTERISTICS

The subject property is zoned Highway Commercial and has been developed as a shopping center since 1994. Highway 126 lies to the south and Territorial Highway to the east of the property. Properties to the north and west are undeveloped wetlands. The proposed change is to add approximately 900 square feet of space adjacent to the existing Ixtapa Restaurant. The site currently provides 452 parking spaces. The proposed additional use at the shopping center brings the required parking space amount to 451.

Wastewater Service

City services are currently servicing this property.

Storm water

Storm drainage is already in place for the site. 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

Kyle Schauer, Public Works Superintendent reviewed the proposal and had no comments.

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. 461.
2. The Veneta Building and Planning Official reviewed all material relevant to the site plan amendment on June 11, 2009, after providing proper notice of the limited land use decision according to Section 2.13 of the Veneta Land Development Ordinance No. 461.
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. 461.

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 461, (Section 6.06), the following are criteria regarding minor site plan amendments as applied to the amended site plan. Minor site plan amendments must meet the following criteria and thus may be approved by the Building and Planning Official:

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.*

The proposed amendment does not increase the use of city water, sanitary sewer, storm drainage, or underground electrical services. No concerns regarding adequacy of services were raised by the Public Works Director.

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 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.

Site Plan Required Findings

The following are findings of fact regarding the amended site plan. The findings are required by Veneta's Land Development Ordinance No. 461, (Section 6.04) and are based on information provided by the applicant:

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

- (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 an allowed use and consistent with Comprehensive Plan policies that support development in the Highway/Commercial zone. 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 these site plans were approved and the current proposal is a change of use within the existing space. The applicable provisions are addressed below:

Veneta Land Development Ordinance No. 461

Article 4-USE ZONES

Section 4.06 HIGHWAY COMMERCIAL (HC)

In the HC zone, the following regulations shall apply:

(1) *Purpose: To provide services to accommodate travelers and to provide large scale commercial services needed to serve the Fern Ridge Area.*

The proposal is consistent with the provisions of this section. The proposed change in use from an office space to an eating establishment are allowed uses in the HC zone and they will continue to supply travelers and local residents with services.

(2) *Permitted Uses. In an HC 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 and temporary activities associated with an established business shall be conducted entirely within an enclosed building:*

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

The proposal is consistent with the provisions of this section. The proposed addition to the existing eating establishment is permitted in the HC 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. The existing sidewalk system for the shopping center provides safe and adequate pedestrian access to the entire shopping center.

(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. No additional landscaping is proposed.

- (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. The addition to Ixtapa will utilize existing facilities located behind the shopping center.

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 the provisions of this section. No changes to the parking area are proposed or required.

(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. The existing parking is adequate to accommodate the proposed changes. There are currently 452 parking spaces at the shopping center. The proposed changes to Ixtapa would result in an increase of total required parking for West Lane Center to 451 parking spaces due of the change of use from office to a restaurant.

- (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.

| <u>Use</u> | <u>Space Requirement</u> |
|---|---|
| <i>Commercial</i> | |
| <i>(c) Bank, office (except medical and dental)</i> | <i>One (1) space per 300 square feet of floor area</i> |
| <i>(e) Eating and drinking establishment</i> | <i>One (1) space per 100 square feet of floor area.</i> |

The proposal is consistent with the provisions of this section. The existing parking is adequate to accommodate the proposed changes. The existing building being used by Ixtapa for the restaurant is approximately 2,300 square feet. The square footage of the proposed use is approximately 895 square feet. There are currently 452 parking spaces at the shopping center. The proposed new use would bring the required total parking spaces from 442 spaces to 451 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.

| <i>Total Number of Spaces Provided (Per Lot)</i> | <i>Total Number of Accessible Spaces (60" and 96" aisles)</i> | <i>Minimum of Accessible Parking Spaces (60" and 96" aisles)</i> | <i>Van Accessible Spaces with min. 96" wide access aisle</i> | <i>Accessible Parking Spaces with min 60" wide access aisle</i> |
|--|---|--|--|---|
| <i>401 to 500</i> | <i>9</i> | | <i>2</i> | <i>7</i> |

The proposal is consistent with the provisions of this section. The total number of accessible parking spaces is currently 14, all of which are van accessible. One accessible space is located 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 proposal is consistent with the provisions of this section. The proposed uses will utilize existing loading facilities at the rear of the building and the gross floor area of the use will not exceed 10,000 square feet.

Section 5.21 BICYCLE PARKING

Bicycle parking requirements shall apply to all developments that require a site plan or amended site plan for new development, changes of use, and building expansions and remodels. Bicycle parking spaces provide a convenient place to lock a bicycle and shall be at least six (6) feet long, two (2) feet wide, and seven feet high. Bicycle parking shall not interfere with pedestrian circulation.

- (2) Non-Residential Parking. There shall be a minimum of one bicycle space for every seven motor vehicle spaces. At least ten percent of all bicycle parking spaces shall be sheltered. Bicycle parking provided in outdoor areas shall be located near the building entrance, similar to vehicle parking spaces, unless existing development on site precludes that option. Fractions shall be rounded to the nearest whole number.*

The proposal is consistent with the provisions of this section. Bicycle parking is provided in outdoor areas near the existing buildings.

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. No new walkways or changes to the access plan for the site are proposed or required.

Section 5.22 PEDESTRIAN ACCESS AND CIRCULATION

(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.

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

The proposal is consistent with the provisions of this section. The proposed amendment is to existing buildings and the overall uses for the spaces are staying the same, the traffic patterns are not likely to increase. The use of the new space is an extension of an existing business, an increase in traffic congestion is not likely.

(4) That 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 with the condition of approval that the applicant obtain a sign permit in accordance with Section 5.15 of the Veneta Land Development Ordinance for all proposed signage.

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

Water

The property owner shall pay estimated Systems Development Charges based on normal average usage at the time building permits are issued and sign and record an irrevocable development agreement approved by the City Attorney stating that the applicant agrees to have a review of the water usage (one) 1 year from the date of approval of the amendment in order to calculate any additional Systems Development Charges resulting from additional use, and that they will pay all applicable charges at that time.

Sewer

The City sewer system is adequate to serve the site.

Utilities

All utilities are adequate to serve the proposed uses.

- (6) *That drainageways are protected and drainage facilities provided.*

The proposal is consistent with the provisions of this section. No additional impervious surface is being proposed. The proposed changes will not affect the existing drainage system.

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

The proposal is consistent with the provisions of this section. The potential emissions from the proposed changes in use are compatible with surrounding uses.

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 with the condition of approval that prior to occupancy of the additional facility, the applicant shall provide the Building & Planning Official with a revised site plan map in accordance with Section 6.03(1) of the Veneta Land Development Ordinance.

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. 461 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. The existing facility has not caused traffic congestion or pedestrian, bicycle or vehicular safety issues. The right-of-way has already been established; therefore no future right-of-way is necessary.

- (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 with the condition of approval that the applicant obtain a sign permit in accordance with Section 5.15 of the Veneta Land Development Ordinance for all proposed signage. There is no new lighting proposed as part of the site plan amendment at this time.

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

There are no proposed changes in water, sewer or utilities as part of the site plan; therefore the provisions of this section are not applicable.

- (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 Highway 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. 461.

EXHIBITS

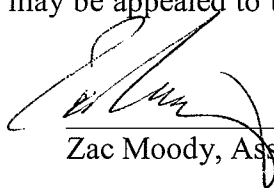
- A. Narrative Statement and Amended Site Plan, dated May 28, 2009

CONCLUSION

Based upon the information and findings set forth above, the proposed minor site plan amendment for Ixtapa complies with the requirements of the City of Veneta Comprehensive Plan and Land Development Ordinance 461. 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:



Zac Moody, Assistant Planner

Approval Date:

6.18.09