



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

OREGON

## EAGLE POINT PLANNING COMMISSION

17 BUCHANAN AVE. SOUTH, EAGLE POINT, OREGON  
REGULAR MEETING AGENDA

April 16, 2013

1. CALL TO ORDER - 7:00 p.m.
2. FLAG SALUTE.
3. AUDIENCE QUESTIONS/COMMENTS (Items not on the agenda).
4. INTRODUCTION OF CITY COUNCIL LIAISON.
5. ELECTIONS OF CHAIRMAN AND VICE-CHAIRMAN.
6. PUBLIC HEARING(S).
  - 6.1 PA#13-01 (Black Rock Coffee). Request for Site Plan Review and Conditional Use Permit approval to allow an approximately 500 square foot drive through coffee bar at 112 West Linn Road in the Heavy Commercial (C-2) zoning district.  
  
Applicant/Agent: Tom Robinson  
Owner: Lavar Hansen, Eagle Point Mini Storage LLC
  - 6.2 PA#12-09 (Quail Point Partition). Request for approval of a Minor Partition to divide an existing 40 acre parcel into two parcels at 1323 Alta Vista Road in the Single Family Low Density (R-1) zoning district.  
  
Applicant/Agent: Cris Galpin  
Owner: Amblegreen LLC
  - 6.3 PA#13-04 (Quail Point Subdivision Amendment). Request for approval of a Subdivision Amendment to allow revisions to conditions of the Quail Point Tentative Subdivision approval (Planning Action No. 99/00-20:SUB, City Council July 25, 2000).

**City of Eagle Point Planning Commission Meeting Agenda**

April 16, 2013

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Applicant/Agent: Cris Galpin  
Owner: Amblegreen LLC

7. CONSENT CALENDAR.

7.1 Presentation of Regular Meeting Minutes of November 20, 2012.

8. CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR.

9. UNFINISHED BUSINESS.

10. NEW BUSINESS.

11. REPORTS FROM PLANNING COMMISSION MEMBERS.

12. REPORTS FROM STAFF.

13. INFORMATION.

13.1 April 2013 City of Eagle Point Newsletter.

14. ADJOURNMENT.

*AGENDA AND COUNCIL PACKETS ALSO AVAILABLE ON WEBSITE*

**BUSINESS OF THE PLANNING COMMISSION  
EAGLE POINT, OREGON**

**STAFF REPORT**

**Item Number:** 6.1

**Meeting Date:** April 16, 2013

**ITEM TITLE:** Planning Action #13-01 (Black Rock Coffee). Request for Site Plan Review and Conditional Use Permit approval to allow an approximately 500 square foot drive-through coffee bar at 112 West Linn Road in the Heavy Commercial (C-2) zoning district.

**Applicant/Agent:** Tom Robinson

**Owner:** Lavar Hansen, Eagle Point Mini Storage LLC

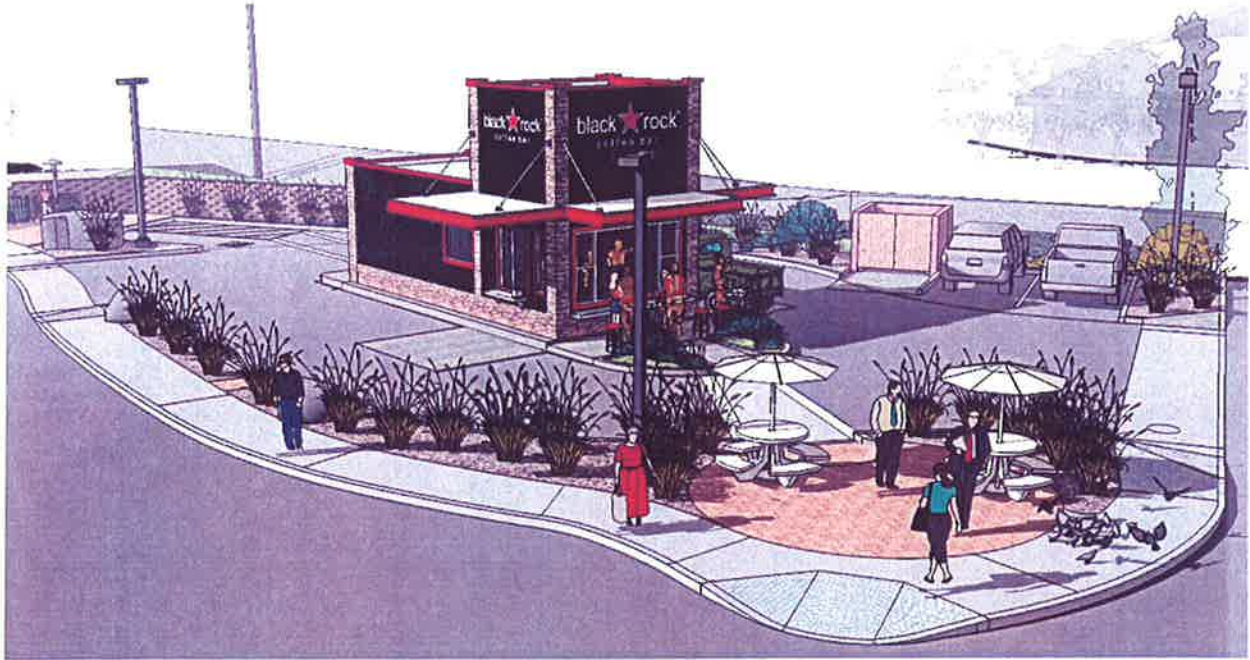
**Submitted By:** Mike Upston, Principal Planner (541) 826-4212, ext 111

**I. BACKGROUND & PROPERTY OVERVIEW**

The subject property, owned by Lavar Hansen under Eagle Point Mini Storage LLC, has an existing structure on it that was built in the 1950's and has been used for both residential and commercial purposes. It was an office for Eagle Point Mini Storage until 2005 when the business moved to its current location at 151 West Linn Road. As is apparent in the photo below, the building is currently used as a residence. The Location Map in Attachment A provides a helpful aerial view of the site and surroundings.



The project proposal is to demolish the existing building and construct a drive-through coffee bar. Refer to the image on the next page as well as Attachment B: Site Plan and Attachment C: Project Illustrations, and note that a larger version of the Site Plan is available for viewing in the Planning Office at City Hall. In addition to the proposed building, the lot would be paved, sidewalks provided along the street, new driveways established, and attractive landscaping planted to compliment the surrounding area. As shown on the project illustrations, the garbage container would be hidden by a walled & gated enclosure.



The property is one of five developed parcels located around a private street accessed off Linn Road on the west side of Highway 62. As mentioned above, the property has been used for residential and commercial purposes since the 1950's. As depicted on the illustration to the right, this property lies somewhat centered to its neighbors which include a church to the north, pet groomer and bank to the east, and Carl's Jr. to the south.

**Comprehensive Plan**

**Designation:** Commercial

**Zoning:** C-2 (Heavy Commercial)

**Permitted Uses:** A variety of commercial, wholesale and warehousing uses.

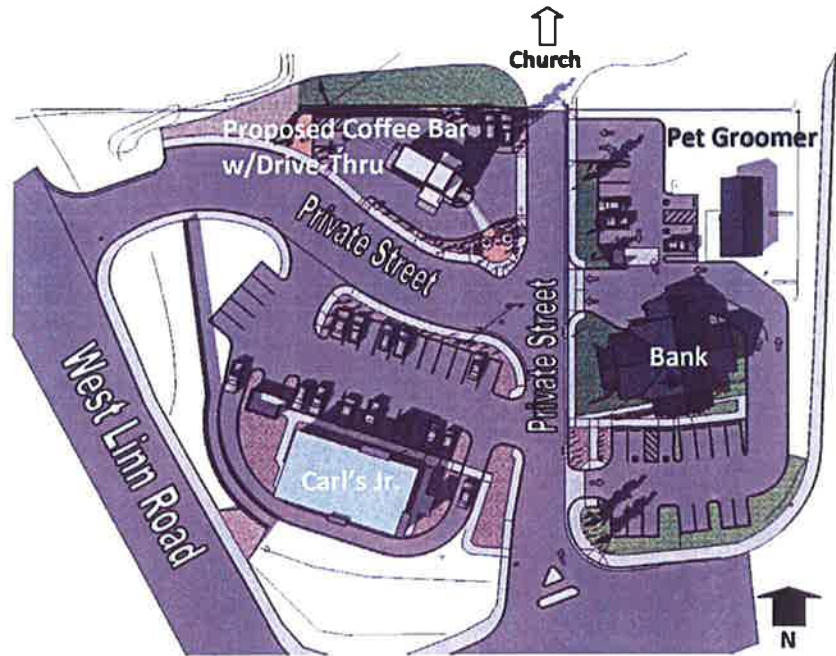
**Surrounding Land Uses:** Beyond the immediate location, in the vicinity there is a mix of agricultural, commercial, industrial, and residential uses as summarized below.

**North:** Agricultural/pasture

**West:** Commercial and storage uses @ Hansen Westside Plaza

**South:** Retail Commercial (WalMart)

**East:** Retail and service commercial uses @ Eagle Point Plaza across Highway 62



## II. LAND USE APPROVAL REQUIREMENTS

Eagle Point Zoning Ordinance, Chapter 17.60 establishes the Site Plan and Landscape Approval process applicable to new development. Section 17.60.040.C provides the standards for Site Plan and Landscape Approval; these are discussed under item III of this report.

Eagle Point Zoning Ordinance, Chapter 17.30 establishes the permitted buildings and uses within the C-2 zoning district, and Section 17.30.030 provides Planning Commission authority to consider a Conditional Use Permit for certain buildings or uses, including drive-through facilities, which are not permitted outright within the C-2 zoning district. Chapter 17.84 establishes the review and approval parameters for Conditional Use Permits, and Section 17.84.050 provides the findings of fact that must be met in order to approve a project; these are discussed under item IV of this report.

## III. STANDARDS FOR SITE PLAN AND LANDSCAPE APPROVAL

- A. That the site plan conforms with the general plans and ordinances of the City in terms of location and general development standards and all provisions of this Ordinance. EPZO 17.60.040.C.1**

**FINDING:** The site plan will conform to all relevant Comprehensive Plan goals and policies, as well as all applicable development standards and provisions of the Zoning Ordinance.

- B. That the site plan adequately provides for pedestrian safety and general welfare of facility users. EPZO 17.60.040.C.2**

**FINDING:** The site plan will provide adequate pedestrian access, including sidewalks, crosswalks, and seating areas.

- C. That the project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way improvements. EPZO 17.60.040.C.3**

**FINDING:** The project satisfactorily takes care of the traffic it generates by providing employee and handicap parking, two access points, two-way drive-thru stacking, and street right-of-way improvements including sidewalks, handicap ramp at the corner, and landscaping.

- D. That the project will be compatible with adjacent developments and will not adversely affect the land uses or character of the area. EPZO 17.60.040.C.4**

**FINDING:** The project, as conditioned, will be compatible with adjacent developments and will not adversely affect the land uses or character of the area. The building scale and design is compatible with the existing commercial uses,

particularly the adjacent Carl's Jr, Walmart, and bank buildings, and the proposed landscaping is intended to be in keeping with that provided by surrounding developments. A recommended condition of approval included in Section VII of this report requires landscape requirements to ensure that the site will be attractive and compatible with the landscaping provided on adjacent properties, and that all parking lot lights be arranged so as to reflect the light away from nearby residential areas.

- E. That the project will take into consideration natural hazards found to exist on or adjacent to the site proposed for development. EPZO 17.60.040.C.5**

**FINDING:** No natural hazards have been identified on or adjacent to the site.

#### **IV. DECISION CRITERIA FOR CONDITIONAL USE PERMIT APPROVAL**

- A. That the conditional use is in conformance with the letter and intent of the Comprehensive Plan and Zoning Ordinance. EPZO 17.84.050.A**

- 1. Comprehensive Plan.** The proposal conforms to the following Eagle Point Comprehensive Plan goals and policies:

**Chapter III – Land Use Element (Statewide Planning Goal #2):** To provide a long-range guide for the physical development of the City that maximizes the community's livability.

**FINDING:** The Land Use Element provides the framework for the Zoning Districts that have been adopted by the City. The subject property has been designated on the Comprehensive Plan Map as Commercial, with a C-2 zoning designation, both of which are designed to implement the land use goals and guidelines of the City. The proposed drive-thru coffee bar is consistent with this commercially designated area, it is compatible with the adjacent retail and service-oriented commercial uses, and it is one of the few uses small enough to fit on a parcel of this size.

**Chapter VII – Transportation Element/Eagle Point Transportation System Plan (Statewide Planning Goal #12):** To provide long range direction for development of the City's transportation facilities and services for all transportation modes, ensuring planned systems are both needed and adequate to serve the needs of planned land uses encompassing cost effective use of public funds.

#### **Eagle Point Transportation System Plan, Ch. 2, Sec. A. Highway 62**

Policy 2: The City shall adhere to Policy Number 9 of the Urban Growth Boundary adoption ordinance (9-39) stipulating: "Recognizing the need for careful planning on lands adjacent to State Highway 62, in order to minimize

adverse impacts upon that major thoroughfare, the following shall apply to those lands adjacent to Highway 62, both within the urban growth boundary and area of mutual planning concern:"

- No land use designation for any part of this special interest area by either Comprehensive Plan designation or zoning designation shall be adopted by either the City or County without joint City/county consultations concerning the proposed designation.
- The City shall notify ODOT of development applications that may affect the highway and coordinate review of those applications.

**FINDING:** The existing Heavy Commercial (C-2) land use designation is not proposed to be changed under this application, and the City has included the County and ODOT in the review of this project, particularly as related to a speed zone request along Linn Road west of the project site described in more detail below.

### **Eagle Point Transportation System Plan, Ch. 2, Sec. B. Arterials, Collectors and Local Streets**

Policy 13: Sidewalks or alternative pedestrian facilities shall be included on all new streets within the Urban Growth Boundary.

Policy 14: The City shall protect the planned alignments and function of existing and planned roadways as identified in the Transportation System Plan, or other, adopted implementation documents through the application of appropriate land use regulations.

Policy 15: All land use decisions shall include a consideration of their impact on existing and planned transportation facilities, protection of the safety and function of transportation facilities. Proposals for specific types of development projects, zone changes or other types of plan amendments shall include traffic impact studies and proposed mitigation measures for any significant impacts. The City shall adopt mobility standards for its local roads and adhere to State and County mobility standards for roads under their respective jurisdictions. These jurisdictional mobility standards shall be used in determining transportation impacts.

**FINDING:** The proposed development will take access off an existing private street which connects to Linn Road just west of Highway 62. During project review, City staff noticed that drivers heading east toward the project vicinity on West Linn Road have limited visual access around the bend alongside Eagle Point Mini Storage, and determined that there could be a traffic safety problem if speeds were not controlled on that segment of the roadway. Therefore, a recommended condition of approval included in Section VII of this report requires that a 35 mph speed zone sign be posted on

eastbound West Linn Road for drivers approaching the project vicinity. Jackson County and the Oregon Department of Transportation have already been working with the City on this matter, and it's anticipated that the sign will be posted by the County within the next few months. The Speed Zone Request is provided in Attachment D.

### **Eagle Point Transportation System Plan, Chpt 2, Section C. Bicycle and Pedestrian Facilities and Programs**

Policy 4: Sidewalks, or approved, alternative pedestrian systems, shall be included on all new streets within the Urban Growth Boundary.

Policy 14: The City, on its own or with community partners, shall develop incentives to encourage walking and bicycling and reduce single-occupancy driving.

**FINDING:** The proposed development includes an upgrade of the roadway frontage to include all required pedestrian improvements. In addition, a walk-up ordering window will be provided along with seating to encourage walking rather than driving, and a recommended condition of approval is included in Section VII of this report requiring bicycle parking.

**Chapter VIII – Economic Element (Statewide Planning Goal #9):** To provide a healthy, diverse, stable economy that enhances the livability of the community.

Policy 10: All commercial development shall be planned, constructed and landscaped so as to be visually and physically compatible with the surrounding uses.

Policy 12: Outdoor storage areas of commercial operations shall be screened from view of public roads and adjoining uses.

Policy 13: Site plan review procedures shall be required of all commercial developments.

**FINDING:** A site plan and illustrations (refer to Exhibits B & C) for the proposed development have been reviewed and revised by City staff as part of the Site Plan Review process. The drawings depict landscaping, plaza area, seating, lighting, a trash enclosure and other site improvements and amenities that will result in a more attractive property.

**Chapter XIII – Citizen Involvement Element (Statewide Planning Goal #1):** To provide opportunities for citizen involvement throughout the City's planning process.



Policy 3: The City shall continue to emphasize the public hearing process during land use decision making. All hearings shall be well advertised and open to all affected citizens.

Policy 4: The City shall continue to maintain public availability of planning related proposals and reports.

Policy 5: The City shall continue to notice affected agencies and organizations of specific planning related activities, proposals and reports.

Policy 6: The City shall continue to coordinate land use actions with affected agencies.

**FINDING:** The City of Eagle Point has an adopted citizen involvement program based upon the policies noted above. The program includes complete and open public information and involvement based upon public notice procedures and public hearings. This development application is being processed consistent with that program, and is consistent with the goals and policies of this Element. In addition, as mentioned in the Transportation discussion above, the City has been in coordination with Jackson County and the Oregon Department of Transportation on this project review.

**2. Zoning Ordinance. The proposal conforms to the following requirements of the Eagle Point Zoning Ordinance:**

Legal Notifications. All notifications and advertisements have been made in satisfaction of the legal requirements to hold public hearings on this application.

Zoning Regulations. All applicable requirements of the Eagle Point Zoning Ordinance will be met prior to issuance of construction permits.

**FINDING:** In addition to all legal notifications having been made in compliance with the Eagle Point Zoning Ordinance (EPZO), the proposed development also complies with the applicable development requirements of the EPZO, including those summarized in the table below.

	<b>Permitted/Required Eagle Point Zoning Ordinance (EPZO)</b>	<b>Proposed</b>
<b>Height</b>	No maximum EPZO 3.094	Approximately 17 feet
<b>Lot Coverage</b>	No maximum EPZO 3.095(b)	Approximately 20%

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<b>Setbacks</b>	None EPZO 3.093	Over 25 feet on all sides
<b>Parking</b>	Unspecified EPZO 5.060	2 stalls for up to two employees + required handicap stall
<b>Landscape</b>	Compliance with EPZO 10.045	Landscaping compliant with all EPZO landscape requirements
<b>Trash Area Screening</b>	Provide a view- obstructed trash area appropriate for the size and type of use.	A walled and gated trash enclosure along the northern parking lot perimeter

- B. That the potential positive impacts outweigh the negative impacts of the conditional use as it relates to the public health, safety and general welfare of the area. EPZO 17.84.050.B**

**FINDING:** The proposed drive-thru coffee bar will provide the community with a service and complement the surrounding businesses. According to the applicant, the neighboring Carl's Jr. believes that the drive-thru coffee bar would benefit them throughout the day, particularly in the early morning. Last, the proposed building design and landscaping is intended to be tasteful, and will be a significant improvement over the existing building.

- C. That the conditional use property and buildings are adequate in size and shape to accommodate said use, and all yard spaces, walls and fences, parking, loading, landscaping and other features are to standards required by this Ordinance. EPZO 17.84.050.C**

**FINDING:** The small size and odd shape of the parcel does not lend itself to many business types. Only a portion of this property is buildable, and it would not support the on-site parking required by many retail and office commercial uses. The proposed drive-thru coffee bar has a small footprint of less than 500 square feet and requires minimal parking for employees. Further, as conditioned, the project proposal would meet all applicable development standards.

- D. That the conditional use relates to streets and highways adequate to width and pavement type to carry the quantity and kind of traffic generated by the proposed use. EPZO 17.84.050.D**

**FINDING:** A transportation Impact Study has been completed and its findings are favorable. The project site is easily accessed via Hannon and Linn Roads, both of which are of adequate width to easily handle the anticipated traffic volume.

## **V. CONCLUSIONS**

1. The application was declared complete.
2. The proposal has been found to be consistent with the Comprehensive Plan.
3. The proposal has been found to be consistent with the requirements of the Zoning Ordinance.
4. All legal notifications have been satisfied with respect to the application.
5. Concerns expressed by affected agencies have been mitigated.

## **VI. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt the Findings and approve the application with the conditions recommended below.

## **VII. RECOMMENDED CONDITIONS OF APPROVAL**

The following conditions are recommended under the authority referenced:

### **1. LANDSCAPING**

The plans submitted for a building permit shall include a landscape plan which specifies plant types that are natural to the area and self-supporting. In addition, shrubs and groundcovers shall be closely spaced to fill in the planted areas and not result in a barren or dry appearance.

Excessive use of bark, gravel, or other non-plant materials as groundcover shall be avoided.

Authority: City of Eagle Point Zoning Ordinance, Section 17.60.050.A

### **2. PARKING LOT LIGHTS**

All parking lot lights shall be arranged as to reflect the light away from nearby residential areas.

Authority: City of Eagle Point Zoning Ordinance, Section 17.72.080.D

### **3. SPEED ZONE SIGN**

A 35 mph speed zone sign shall be posted on eastbound West Linn Road for drivers approaching the project vicinity.

Authority: City of Eagle Point Transportation System Plan, Chapter 2

### **4. BICYCLE PARKING**

A bicycle rack shall be provided on site.

Authority: City of Eagle Point Zoning Ordinance, Section 17.72.080.G

It shall be the sole responsibility of the developer to comply with the above conditions of approval. Failure to satisfy the terms and conditions of this approval shall constitute grounds for the City to take action which may include, but not be limited to, denial of a building permit, denial of permission to proceed, or issuance of a stop-work order. These conditions shall be binding upon and inure to the benefit of the heirs, successors and assigns of the property owner. These conditions are not personal, but are for the benefit of all the land herein described, and shall be binding upon the developer and all successive owners of all or part of said property. Should these conditions inadvertently omit any applicable item as determined by the Planning

Director from any affected agency correspondence contained in the whole record, said condition shall be incorporated herein with notice being provided to the developer.

**PLANNING COMMISSION OPTIONS:**

1. Adopt the Findings and approve the application with the recommended conditions; or,
2. Adopt the Findings and approve the application with revisions to the recommended conditions; or,
3. Deny the application; or,
4. Postpone action to a time specified providing additional information is required and the applicants or their representatives agree to such postponement.

**ATTACHMENTS:**

- A: Location Map
- B: Site Plan
- C: Project Illustrations
- D: Speed Zone Request

# Attachment A Location Map



