



**MULTNOMAH COUNTY**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.co.multnomah.or.us/landuse>

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## NOTICE OF DECISION

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This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

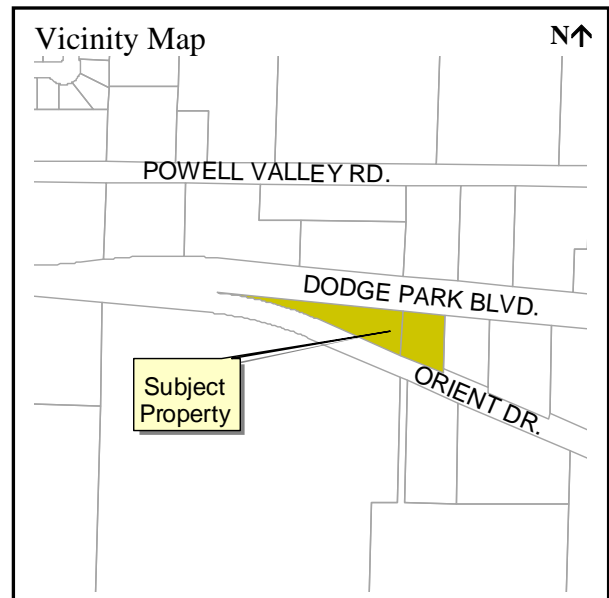
**Case File:** T2-07-003

**Permit:** Administrative Decision by the Planning Director, Design Review Permit and Sign Permit

**Location:** 29005 SE Orient  
Tax Lot 700 & 800, Section 19BD,  
Township 1 South, Range 4 East, W.M.

**Applicant:** Michael Kost

**Owner:** Michael D. and Carol J. Kost  
32321 SE Carpenter Lane  
Gresham, OR 97080



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**Summary:** Request for an Administrative Decision, Design Review and Sign Review approval to establish a barber shop, coffee shop and office building as a small scale, low impact commercial development on a property within the Orient Commercial-Industrial Zone with a free standing sign that has 40 square foot sign face and 18 square foot sign face area total per building for signs mounted on the buildings.

**Decision:** Approved with Conditions

Unless appealed, this decision is effective October 24, 2007, at 4:30 PM.

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Issued by:

By: \_\_\_\_\_  
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Wednesday, October 10, 2007

Instrument Number for Recording Purposes: # 2006091419

**Opportunity to Review the Record:** A copy of the Planning Director's Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director's Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact George A. Plummer, Staff Planner at 503-988-3043 ext. 29152.

**Opportunity to Appeal:** This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is October 24, 2007 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): Multnomah County Code (MCC): Chapter 37, MCC 36.3500 et. al: Orient Commercial-Industrial, MCC 36.4100 et. al: Off-Street Parking and Loading, MCC 36.7000 et. al. Design Review, and MCC 36.7400: Signs.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/landuse>.

### **Scope of Approval**

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **This land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 or 37.0700, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.**

### **Conditions of Approval**

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **Within 30 days of this decision becoming final and prior to building permit sign-off, the applicant shall record the Notice of Decision including the Conditions of Approval (pages 1-5 of this decision) with the County Recorder. The Notice of Decision with the Conditions of Approval shall run with the land. Proof of recording shall be made prior to the issuance of any**

**permits and filed with Multnomah County Land Use Planning. Recording shall be at the applicant's expense (MCC 37.0670).**

2. The proposed uses shall primarily support the needs of residents of the rural area or tourists visiting the area unless this requirement is amended in the zoning code [MCC 36.3527 (E)].
3. Prior to Building Permit plan zoning review, the property owner shall record with County Record a statement containing the language in Exhibit 2.9, recognizing and accepting that farm activities including tilling, spraying, harvesting, and farm management activities during irregular hours occur on adjacent property and properties in the area [MCC 36.3527 (A)].
4. The property owner shall dedicate an additional 5 feet of right-of-way along Orient Drive. The property owner shall record with County Records a deed restriction, as provided by County Transportation, committing the property owner to participate in future right-of-way improvements [MCC 36.3550 (C)].
5. The property owner shall provide grading and erosion control measures be maintained during development sufficient to ensure that visible or measurable erosion does not leave the site. A Grading and Erosion Control Permit shall be obtained for development subject to MCC Chapter 29 [MCC 36.3550 (F)].
6. New and replacement exterior lighting fixtures shall be of the "cut off" or fully shielded type so that no light is emitted above the horizontal [MCC 36.3550 (G)]. Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street [MCC 36.4185].
7. The property owner shall maintain off-street parking facilities and spaces without charge or other consideration for the parking of vehicles of customers, occupants, and employees [MCC 36.4115 & 36.4125 (A)].
8. The property owner shall install curbing at least four inches in height around the outer boundary of the parking and maneuvering areas [MCC 36.4180 (B)].
9. No parking of trucks equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space (pickup trucks exempt) [MCC 36.4125 (B)].
10. Required parking areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC 36.0525, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director [MCC 36.4135 (A)]. Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited. Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney [MCC 36.4135 (B)].
11. Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by Zoning Code shall be unlawful unless the additional spaces are provided [MCC 36.4140 (A)]. In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use [MCC 36.4140

(B)]. A change in use or an enlargement must be reviewed by County Land Use Planning to determine if the use meets the requirements of the Zoning Code [36.3525].

12. Traffic directions shall be plainly marked on the pavement [MCC 36.4170 (A)]. All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 36.4120, and such marking shall be continually maintained [MCC 36.4180 (C)]. Compact car parking spaces must be clearly marked for that use [MCC 36.4175 (A)(2)].
13. All areas used for parking and maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of Portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds [MCC 36.4180 (A)(1)].
14. The property shall plant and maintain shrubs at less than three feet in height not more than five feet apart located along the setback area south of the parking and maneuvering area and in the area north of the western parking area at least ten feet from the septic lines. In addition to the trees shown on the landscape plan the property owner shall plant an additional two trees along the northern property line just west of the driveway entrance at least ten feet from the septic drain lines (no willows allowed) [MCC 36.7055 (C)(3)(c)]. Existing trees shown on the plan to remain shall be maintained and not removed [MCC 36.7050(A)(4)]. Maximum height of tree species shall be considered when planting under overhead utility lines [MCC 36.7055 (C)(6)].
15. Required landscaping shall be continuously maintained [MCC 36.7055 (C)(5)]. Provision shall be made for watering planting areas where such care is required to maintain the plants in a living condition [MCC 36.7055 (C)(4)].
16. A gated emergency access shall be provided accessing Orient Drive. The gate shall be installed as close to the property line as possible [MCC 36.7060(C)(1)(d)].
17. One free standing sign advertising on site businesses is allowed which shall not exceed a maximum sign face area of 40 square feet [MCC 36.7450 (A)]. The area for signs attached to the barber shop/coffee shop building shall not exceed 18 square feet of sign face total for the building. The area for signs attached to the office building shall not exceed 18 square feet of sign face total for the building [MCC 36.7450 (B)]. The signs may be indirectly or internally illuminated. The signs shall not be electronic message centers, flashing signs, rotating signs or have moving parts [MCC 36.7450 (C)]. No point on the face of a fascia sign shall extend more than 18 inches from the wall to which it is attached [MCC 36.7470(B)].
18. Accessory signs in parking area shall be allowed for designating entrances, exits or conditions of use. Any such sign shall not exceed four square feet in area, one side. There shall not be more than one such sign for each entrance or exit to a parking area [MCC 36.7465].
19. Directional signs shall comply with the following provisions [MCC 36.7490]:

Maximum Sign Face Area:	Six Square Feet
Types of Signs Allowed:	Free Standing, Fascia, Projecting, Painted Wall
Maximum Height:	Free Standing 42 Inches Fascia and Projecting 8 Feet

Extensions into R/W:	Not Allowed
Lighting:	Indirect or Internal
Flashing Lights:	Not Allowed
Electronic Message Centers:	Not Allowed
Moving or Rotating Parts:	Not Allowed

20. Above ground utility installations other than poles shall be located at least 10 feet from the eastern property line. Landscaping shrubs shall be planted around any above ground utility facilities other than poles to provide for screening of the facility [MCC 36.7050(A)(8)].

**Notice to Mortgagee, Lien Holder, Vendor, or Seller:**

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

## **FINDINGS AND CONCLUSIONS**

This decision is based on the findings and conclusions in the following section.

**Staff Report Formatting Note:** To address Multnomah County Code requirements staff provides findings as necessary, referenced in the following section. Headings for each category of finding are underlined. Multnomah County Code language is referenced using a **bold** font. The Applicant's narrative, when provided, follows in *italic font*. Planning staff analysis and findings follow the **Staff** label. At the end of the report, Exhibits are described.

### **1. DESCRIPTION OF THE PROPOSAL**

**Applicant:** *Two buildings are proposed for the site. Building A, (the most westerly building) and building B, (the most easterly building). Building A will have 2,280 square feet and building B will have 1,392 square feet. The total floor area for the site is 3,672 square feet.*

*The proposal for this site is a small-scale, low-impact commercial development. The intent of the proposed uses is to support the local residents of the surrounding area. The proposed use of building A is for a barber shop and coffee shop. The barber shop will consist of approximately 1,523.5 square feet. The remaining 756.5 square feet will be used as a coffee shop. The coffee shop will include a drive up window along the south side of the building. The proposed use of building B is for a professional office. The office will be used by M&M Construction Services.*

**Staff:** The applicant is requesting an Administrative Decision by the Planning Director for a barber shop, coffee shop and an office building as a small scale, low impact commercial development that primarily serves the rural area, a Design Review and a Sign Review for the proposed development on a property within the Orient Commercial Industrial Zone District (Exhibit 1.1 and 2.2).

### **2. SITE AND VICINITY CHARACTERISTICS**

**Applicant:** *The existing site is located at the intersection of SE Orient Drive and SE Dodge Park Boulevard. The triangular shaped property is located south of Dodge Park Boulevard and north of Orient Drive. The property slopes to the southwest at approximately 6%. The adjacent street frontages are improved with paved roads and road side ditches. The site is split into two tax lots, tax lot 700 and 800. There is an existing overhead power line running north and south along the common lot line. There are two existing signs on the west side of the property that will remain after the site is developed. There are a few trees on the eastern half of the property. There are no existing structures on the property. See the existing features plan for more information.*

*The site is currently accessed by both Orient Drive and Dodge Park Boulevard. The proposed plan will eliminate the driveway connecting to Orient Drive. The existing driveway on Dodge Park Boulevard will be shifted 80 feet to the west and constructed in accordance with County requirements.*

**Staff:** The property is located at the intersection of Orient Drive and Dodge Park Boulevard. It is a pie-shaped property which is about 660 feet in length along the front property line on Dodge Park

Blvd. and is about 166 feet at it widest point. The property gently slopes downward toward Orient Drive. The surrounding area is a mixed use area with residential to the east and north; commercial to the east of the adjacent property and to the west; and farm uses to the south (Exhibit 2.5).

### **3. OWNERSHIP**

**MCC 37.0550:** Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser.

**Staff:** County Assessment records show the property owners as Judith R. Riggs and Denise L. Harper (Exhibit 2.1). The application is signed by Michael Kost (Exhibit 1.1). Both property owners provided written authorization for the application to be processed (Exhibit 1.2).

### **4. TYPE II CASE PROCEDURES**

#### **MCC 37.0530(B) Type II Decisions**

**(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject Tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Director's decision shall become final at the close of business on the 14<sup>th</sup> day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to LUBA within 21 days of when the decision is signed.**

**Staff:** An opportunity to comment notice was mailed to property owners within 750-feet of the property lines on July 12, 2007. We received two letters of comment regarding the application.

Joan Schmidt and Max Hendrix, 29110 SE Orient Drive, sent a letter dated July 18, 2007 received July 19, 2007 (Exhibit 3.1). The letter states support for an approval of the proposed uses.

John E. Stewart and Linda L. Stewart, 28925 SE Dodge Park Blvd., sent a letter dated July 20, 2007 received July 23, 2007 (Exhibit 3.2). The letter outline safety concerns related to the proposed access to Dodge Park Blvd. County Transportation Road Rules require the Dodge Park Blvd. access for safety reasons given its classification and use. Mr. and Mrs. Stewart are concerned that the driveway lines up with their driveway resulting in car headlights shining down their driveway and concern that this visibility will lead to crime on their property. However the driveways do not line up. The driveways are offset by about 30 feet. We are not aware of a link between crime and driveway alignments resulting in a dwelling being more visible. Usually visibility reduces crime. Mr. and Mrs. Stewart state a concern about an increase in noise which is addressed in Section 5.2.4 of this decision.

## 5. ORIENT COMMERCIAL-INDUSTRIAL Zone District

### 5.1. Orient Commercial-Industrial Review Uses

**MCC36.3525:** The commercial and industrial uses listed in this section may be permitted when found to meet the approval criteria in 36.3527 unless other approval criteria are listed for the use, and are subject to Design Review approval. Uses in this section shall be processed as Type II decisions pursuant to MCC 37.0510 through 37.0800.

(A) Small-scale low impact rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses including the uses listed below.

\* \* \*

(2) Restaurant,

\* \* \*

(4) Professional Office,

\* \* \*

(7) Retail bakery,

\* \* \*

(9) Beauty and barber shop,

**MCC 36.0005 Definitions: Small-scale Low Impact Commercial or Industrial Use -** As used in the rural communities of Orient and Pleasant Home, these terms have the following meanings:

A small-scale low impact commercial use is one which takes place in a building or buildings not exceeding 4,000 square feet of floor space.

**Applicant:** *The proposed barber shop, coffee shop and professional office are approved uses. The proposed small-scale, low-impact commercial development meets the above definition by maintaining a maximum floor area of less than 4,000 square feet.*

**Staff:** The proposed uses meet the definition of small-scale low impact commercial use. The total area of the proposed buildings is 3672 square feet (Exhibit 1.3a). The approval criteria in MCC 36.3527 are addressed in the following Section 5.2 of this decision.

### 5.2. Review Uses Approval Criteria

**5.2.1. MCC 36.3527 (A)** The proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

**Applicant:** *The only change this site will have on the surrounding properties will be to remove the existing driveway onto SE Orient Drive and to relocate the existing driveway on Dodge Park Boulevard. These minor changes will not change or increase the cost of accepted farming uses on surrounding properties. There are no other changes proposed that will adversely affect the surrounding properties.*

**Staff:** The properties to the south are the only nearby actively farmed lands. These properties are being used currently for growing landscaping crops (Exhibit 2.5). There is not any land nearby



used for forestry uses. Farm uses on these properties have coexisted for many years with several existing nearby business. The proposed uses should not result in a conflict with nearby farm uses given the indoor nature of these uses. The driveway access to Orient Drive will be eliminated, except for a gated emergency access, thus reducing potential of vehicular conflicts. A condition of approval will require the owner record a covenant stating recognition and acceptance that farm activities including tilling, spraying, harvesting, and farm management activities during irregular hours occur on adjacent property and properties in the area as shown in Exhibit 2.9. As conditioned the proposed uses will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. This criterion is met.

**5.2.2. MCC 36.3527 (B) The proposed use will not, by itself or in combination with existing uses in the community, result in public health hazards or adverse environmental impacts that violate state or federal water quality regulation; and**

**Applicant:** *A detention pond is proposed to reduce the amount of stormwater runoff leaving the site in accordance with the County requirements. The detention and storm sewer system will meet all County, State and Federal requirements. The proposed site will be landscaped to reduce sediment from leaving the site. The coffee shop drive-thru speaker system will be adjusted as low as possible so as to not create sound pollution. Customers will also be reminded, via a sign, to please turn down radios to respect the surrounding neighbors. The drive-thru customers will also reduce the number of automobile car doors closing thus reducing the noise level. Public health hazards are regulated by the State and the County health Department. All of the proposed uses will be licensed through the County. There is nothing proposed with this development that will create a public health hazard.*

**Staff:** The applicant has submitted a Certification of On-Site Sewage Disposal form for a barber shop and a coffee shop signed by Michael Ebeling, Sanitarian (Exhibit 1.8). The site plan included shows both buildings. Mr. Ebeling has confirmed in a phone message and an email that the proposed septic system will be able accommodate the office use. Staff has no other environmental concerns regarding the proposed development. This criterion is met.

**5.2.3. MCC 36.3527 (C) The proposed use will not, by itself or in combination with existing uses in the community, exceed the carrying capacity of the soil or of existing water supply resources and sewer services; and**

**Applicant:** *The proposed development will not exceed the carrying capacity of the soil. The sanitary sewer system for this site was designed by a State Registered Environmental Health Specialist. See the detailed plans provided by Aqua Resource Design & Consulting, LLC and the approved on-site sewage disposal certificate. The on-site stormwater detention system was designed by a Licensed Civil Engineer and the proposed system will not exceed the carrying capacity of the soil as an approved storm water detention pond is proposed for this development.*

**Staff:** The applicant has submitted a Certification of Water Service signed by the Cindy Zinser, General Manager, Pleasant Home Water District, stating that the water district can provide service (Exhibit 1.11). While the water district has sent a letter to County Land Use Planning stating there can not be any additional hookups to the system, this site has a meter already installed. Ms. Zinser has stated in a phone conversation that the businesses can be served with one meter. The water

district has confirmed that the business sprinkler system could be served as well. The applicant has submitted a certificate of on-site sewage disposal for the proposed businesses signed by Michael Ebeling, Sanitarian indicating the property is capable of providing for on-site sewage disposal (Exhibit 1.8). The applicant has provided a Storm Water Certificate signed and stamped by Ray L. Moore P.E. indicating the property can meet the standard of no increased off-site flow during the 10 year/24 hour storm after a stormwater system is installed (Exhibit 1.7). This criterion is met

**5.2.4. MCC 36.3527 (D) The proposed use will not create significant adverse effects on existing uses or permitted uses on adjacent land, considering such factors as noise, dust and odors.**

**Applicant:** *The proposed uses will not create dust, odors or noise that will adversely affect the existing uses on adjacent lands because the site will be landscaped and paved to prevent erosion and a detention pond will be constructed to reduce the peak stormwater discharge from the site. Also as discussed above the coffee shop drive-thru speaker system will be adjusted as low as possible so as to not create sound pollution. Customers will also be reminded, via a sign, to please turn down radios to respect the surrounding neighbors. The drive-thru customers will also reduce the number of automobile car doors closing thus reducing the noise level.*

**Staff:** The proposed uses should have low impact on adjacent properties. There should be no dust generated from the use given the driveway and parking areas will be paved. Minimal noise may be generated from the site due to vehicle uses, the ordering speaker system, and drive-up window, however, the closet dwelling is about 190 feet from the window and about 100 feet from the nearest parking area (Exhibit 2.5). The other nearest dwellings are more than two hundred feet from these uses. There may be minor odor of coffee brewing that escapes from the drive up window but at those distances it should dissipate. At these distances the minor noise and minor odor will not create significant adverse effects on existing uses or permitted uses on adjacent land. This criterion is met.

**5.2.5. MCC 36.3527 (E) The proposed use will primarily support the needs of residents of the rural area or tourists visiting the area.**

**Applicant:** *The proposed uses will be supported primarily by the surrounding area. The proposed barber shop and professional office will house two existing business currently operating in east Multnomah County. These business currently have clients and customers living in the rural area. See supplemental information submitted with the cover letter to this document for more information. The proposed uses will continue to provide needed services to the existing rural residents. The proposed barber shop will support the rural area by provided a service that everyone needs, This barber shop will also reduce travel time for the surrounding residents when they need a hair cut. The proposed coffee shop will also provide a needed service. These uses are specifically allowed under the Orient Commercial Industrial Zone. These uses were chosen by the County to meet the needs of the residents in this area.*

*The floor plan for the barber shop: Four years ago when Wendy Kost worked at the Orient Barber Shop with two other barbers it had a large clientele of approximately 2400 clients every 6 weeks. It has fallen off to about 650 due to health issues of the previous owner and is coming back by about 5 new and old clients a week under Wendy's new management. This shop had three chairs and three barbers. The new barber shop has more chairs because the plan is for Wendy and her employees to each have 2 chairs, one for men and one for women and then for one chair to be*

*used for walk-ins. Each barber uses their own chair and their own products and tools. The new shop will keep three good jobs in the rural community.*

*The shop is open from 8:30 am 6:00 pm five days a week with Mondays by appointment only and evenings after by appointment. The barbers cut hair on scheduled time bases, one works early and I works late. The third works at peak times. Usually less than 30 hours a week. As for the space in the back where the three chairs are, they are for future services. Our customers are interested in manicure and pedicure services and possibly tanning being added. Many of our customers come from Sandy and Estacada as well as Boring and the Orient community. Very few customers come from Gresham and the Portland area. The Orient Barber Shop has been servicing this area for about 60 years. We want to carry on this long standing rural community business for many more years.*

*After getting feedback from the community when they heard of our plan for a new barber shop they expressed a need for a coffee shop in their community to replace the Orient Café, just a ¼ mile away, which closed their doors due to a deteriorating building. The Café provided a community gathering place. That's how we came to the idea of combining a barber shop and coffee shop side by side to once again provide a gathering place for the rural community.*

*Construction Services, Inc. has completed within the last 25 years, 11 of which have been completed within the last two years. My clients and addresses are confidential. I will sign and notarize a legal document that states that the information I have given you is complete and truthful. I do not specialize in rural development. I have been in the community for 25 years and have a large rural base to draw from.*

*This is in response to your concerns for the M&M Construction Services professional office space. We have researched our records from 2004 to present and found we have had 13 projects in the rural community east of Gresham. These are various sizes and job sites. I have had 1 in the City of Sherwood and 9 project sites in the City of Portland. Almost 61% of job sites are East of Gresham and 39% come from the City of Portland.*

**Staff:** The applicant proposes three uses including a barbershop, a coffee shop and a business office for a construction business. The applicant's daughter, Wendy Kost will be operating the proposed barbershop business. Ms. Kost has operated the Orient Barbershop for four years and plans to move her operation to the new location. The applicant in his narrative describes in greater detail Ms. Kost's current barbershop (Exhibit 1.4 and 1.5). Her current clients are predominantly from the surrounding rural area. A barbershop business tends to be local in nature drawing from nearby areas. The barbershop meets the requirement of primarily supporting the needs of residents of the rural area.

A coffee shop by nature draws from the surrounding area. This type of business attracts mostly local clientele and those passing through on their way to work or on errands. A coffee shop may also attract tourists passing through the area. The coffee shop meets the requirement of primarily supporting the needs of residents of the rural area.

The applicant proposes a business office for his construction company, M & M Construction Services, Inc. Mr. Kost has provided as list of past projects including general locations and a signed statement (Exhibit 1.5 and 1.12) which indicates that M & M Construction's business for

the last 3 years has been predominately in the rural area east of Gresham. The construction business office for M & M Construction meets the requirement of primarily supporting the needs of residents of the rural area.

Any change or expansion for uses in the future will require a review under this code. This criterion is met by the proposed uses. This decision will be conditioned that the businesses continue to meet this criterion in the future unless this section of the code is amended.

### **5.3. Dimensional Standards and Development Requirements**

#### **5.3.1. MCC 36.3550 (A) Except as provided in MCC 36.3560, 36.3570, and 36.3575, the minimum lot size shall be one acre.**

**Applicant:** *No new lots are proposed with this development.*

**Staff:** No new lot is proposed.

#### **5.3.2. MCC 36.3550 (B) Minimum Yard Dimensions - Feet**

Front	Side	Street Side	Rear
30	10	30	30

**Maximum Structure Height - 35 feet**  
**Minimum Front Lot Line Length - 50 feet.**

**Applicant:** *No new lots are proposed with this development.*

**Staff:** The proposed buildings meet the minimum yard requirements. The barbershop/coffee shop building will be about 17 feet tall and the office building about 24 feet tall meeting the maximum height requirement (Exhibit 1.3(e) and (f)). Front property line meets the 50 foot length minimum.

#### **5.3.3. MCC 36.3550 (C) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.**

**Applicant:** *The County Transportation Planning Specialist, Alison Winter requested a 5-foot right-of-way dedication along SE Orient Drive. This dedication is shown on the proposed plans. Dodge Park Boulevard currently has a 100-foot wide right-of-way. No additional dedication is required or needed along Dodge Park. The proposed site plan meets the required 30-foot setback to Dodge Park Boulevard, and the 10-foot setback from the east property line. A 25% reduction in the setback to Orient Drive is requested with this application. This would reduce the setback from 30 feet to 22.5 feet.*

**Staff:** In a memorandum from Aruna Reddi, County Transportation Planning Specialist (Exhibit 2.6) requires a 5 foot of right-of-way dedication along Orient Drive and a deed restriction recorded committing the property to participate in future right-of-way improvements. Dolan findings are in a memo included as Exhibit 2.7 and are hereby adopted as part of this decision. A condition of approval will require the dedication and the recording of the deed restriction. Given the additional

right-of-way dedication, there is no need for additional yard requirements. The proposed structures meet the minimum yard areas. The applicant is requesting an exception from the yard requirements for a maneuvering area.

\* \* \*

**5.3.4. MCC 36.3550 (E) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.**

- (1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.**
- (2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.**

**Applicant:** *The proposed plan will dispose of the sanitary sewer onsite. As discussed above, a detention pond will be constructed onsite to meet the Code requirements. Domestic water will be provided from the existing meter.*

**Staff:** The applicant has submitted a Certification of Water Service signed by the Cindy Zinser, General Manager, Pleasant Home Water District stating that the water district can provide adequate water service (Exhibit 1.11). While the water district has sent a letter to us stating there can not be any additional hookups to the system, this site has a meter already installed. Ms. Zinser has stated in a phone conversation that the businesses can be served with one meter. The water district has confirmed that the business sprinkler system could be served as well (Exhibit 1.16). Water will be provided through an existing public water meter by Pleasant Home Water District.

The applicant has submitted a certificate of on-site sewage disposal for the proposed businesses, signed by Michael Ebeling, Sanitarian, indicating the property is capable of providing for on-site sewage disposal (Exhibit 1.8). The site plan included with the certificate shows both buildings. Mr. Ebeling has confirmed in a phone message and an email that the system will be able accommodate the office use. Staff has no other environmental concerns regarding the proposed development.

The applicant has provide a Storm Water Certificate signed and stamped by Ray L. Moore, P.E. indicating the property can, after a stormwater system is installed, meet the standard of no increased off-site flow during the 10 year/24 hour storm (Exhibit 1.7). This code requirements is met through the installation of an on-site storm water control system shown on the plans.

Parking and yard areas with an exception will be provided on-site (Exhibit 1.3). This criterion is met.

**5.3.5. MCC 36.3550 (F) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.**

**Applicant:** *A preliminary grading and erosion control plan is enclosed for review. A final plan will be provided at the time of construction.*

**Staff:** A condition of approval will require a Grading and Erosion Control Permit.

**5.3.6. MCC 36.3550 (G) New and replacement exterior lighting fixtures shall be of the "cut off" or fully shielded type so that no light is emitted above the horizontal.**

**Applicant:** *The proposed lighting will be the "cut off" fixture type as required.*

**Staff:** A condition of approval will require that exterior lighting fixtures shall be of the "cut off" or fully shielded type so that no light is emitted above the horizontal.

**5.4. Lot Of Record**

**MCC 36.3570 (A) In addition to the Lot of Record definition standards in MCC 36.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following**

**MCC 36.0005 Definitions: Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Re-cord is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 36.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.**

- (a) "Satisfied all applicable zoning laws" shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.**
- (b) "Satisfied all applicable land division laws" shall mean the parcel or lot was created:**
  - 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
  - 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Re-cording Section of the public office responsible for public records prior to October 19, 1978; or**
  - 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or**
  - 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**
  - 5. "Satisfied all applicable land division laws" shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Re-cord for the siting of a dwelling in the EFU and CFU districts.)**
- (c) Separate Lots of Record shall be recognized and may be partitioned congruent with an "acknowledged unincorporated community" boundary which intersects a Lot of Record.**

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.
2. An "acknowledged unincorporated community boundary" is one that has been established pursuant to OAR Chapter 660, Division 22.

**Staff:** The subject property appears on the 1962 zoning map shown as the existing two tax lots that currently exist. However the applicant has submitted a contract that shows that these two parcels were combined at some point (Exhibit 1.6) . Combining these properties by deed is allowed thus the property is a lot of Record.

#### **5.5. Off-Street Parking and Loading**

**36.3580 Off-street parking and loading shall be provided as required by MCC 36.4100 through 36.4215.**

**Staff:** Findings for the applicable off-street parking and loading, MCC 36.4100 through 36.4215, can be found in the following Section 6 of this decision. This standard is met.

### **6. OFF-STREET PARKING AND LOADING**

#### **6.1. General Provisions**

**MCC 36.4105** In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.

**Applicant:** *The purposes of this subdistrict and these off-street parking and loading regulations are to reduce traffic congestion associated with residential, commercial, manufacturing, and other land uses; to protect the character of neighborhoods; to protect the public's investment in streets and arterials and to provide standards for the development and maintenance of off-street parking and loading areas*

**Staff:** The proposal includes the erection of two building which results in an intensified use by customers, occupants, employees or other persons thus requiring off-street parking and loading be provided according to the requirements of this Section. The proposal meets the requirements of this section, see findings below.

#### **6.2. Continuing Obligation**

**MCC 36.4115:** The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued until satisfactory evidence in the form of a site development plan, plans of existing parking and loading improvements, a deed, lease, contract or similar document is presented demonstrating that the property is and will remain available for the designated use as a parking or loading facility.

**Staff:** The maintenance of parking without charge to users will be a continuing obligation of the property owner required through a condition of approval. No loading space is required by this development.

### **6.3. Plan Required**

**MCC 36.4120:** A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to O-P.

**Applicant:** *A plot plan as required by this section is enclosed for review and approval.*

**Staff:** The applicant has submitted a plan meeting the lists items (Exhibit 1.3). This standard has been met.

### **6.4. Use of Space**

#### **6.4.1. MCC 36.4125 (A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.**

**Applicant:** *There will be sufficient parking spaces available to park. The parking spaces and number of spaces meet the Code for the proposed uses. There will be no charge to use the parking area.*

**Staff:** The proposed businesses will require 16 parking spaces. A condition of approval will require the parking spaces be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.

#### **6.4.2. MCC 36.4125 (B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.**

**Applicant:** *The proposed parking lot will be used by the customers and employees only. The M & M Construction Services will not park equipment or materials at this site. This site is for the professional office only. No business activities will be conducted in the parking spaces.*

**Staff:** A condition of approval will require no parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.

#### **6.4.3. MCC 36.4125 (C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.**



**Applicant:** *No loading zones are proposed or needed for this development. See Section 36.4210 - Minimum Required Off-Street Loading Spaces. The floor area is less than 5,000 square feet.*

**Staff:** No loading spaces are required for these uses.

## **6.5. Location of Parking and Loading Spaces**

**MCC 36.4130 (A)** Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.

**Applicant:** *All required parking spaces are provided on the same lot. As explained above there is only one legal lot of record for this development.*

**Staff:** The plans show the required parking spaces located on the property of the uses served by the parking spaces (Exhibit 1.3). This standard is met.

## **6.6. Improvements Required.**

- 6.6.1. MCC 36.4135 (A)** Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC 36.0525, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

**Applicant:** *The improvements will be made as required.*

**Staff:** A condition of approval requires parking areas to be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC 36.0525, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

- 6.6.2. MCC 36.4135 (B)** Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited. Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney.

**Applicant:** *The improvements will be made as required.*

**Staff:** A condition of approval states that any such bond as described in MCC 36.4135(A) will include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited. Any bond filed hereunder will be subject to the approval of the Planning Director and the County Attorney.

## **6.7. Change of Use.**

- 6.7.1 MCC 36.4140 (A)** Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.

**Applicant:** *The proposed number of parking spaces will control the uses within this development unless additional off site parking is provided.*

**Staff:** The submitted plans show the required number of spaces for the proposed use. This standard is met for the proposed use. A condition of approval will state that any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.

**6.7.2. MCC 36.4140 (B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.**

**Applicant:** *The proposed number of parking spaces will control the uses within this development unless additional off site parking is provided.*

**Staff:** A condition of approval states that any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.

**6.8. Joint Parking or Loading Facilities.**

**6.8.1. MCC 36.4145 (A) In the event different uses occupy the same lot or structure, the total off-street parking and loading requirements shall be the sum of the requirements for each individual use.**

**Applicant:** *If a future use within the proposed buildings is requested, it is understood that the total number of parking spaces may control the use and the size of that use.*

**Staff:** The proposed development includes three different uses occupying the same property. The sum of the parking required is 16 spaces. The total off-street parking requirements meet the sum of the requirements for each individual use. The required number of parking spaces are shown on the submitted plans (Exhibit 1.3). There is no loading area required for the proposed uses. This standard is met.

**6.8.2. MCC 36.4145 (B) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Planning Director, upon a finding by the Director that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Director in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all the parties jointly using them.**

**Applicant:** *No joint parking is proposed.*

**Staff:** While the proposed uses utilize shared parking areas, the parking areas meet the sum of minimum required for these uses. No joint parking arrangement is needed.

## **6.9. Standards of Measurement.**

- 6.9.1. MCC 36.4160 (A) Square feet means square feet of floor or land area devoted to the functioning of the particular use and excluding space devoted to off-street parking and loading.**

**Staff:** The required area has been calculated using the areas proposed by the applicant. This standard is met.

- 6.9.2. MCC 36.4160 (B) When a unit or measurement determining the number of required off-street parking or off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall require one off-street parking or off-street loading space.**

**Staff:** The parking requirements equal 16 spaces with no fraction.

## **6.10. Design Standards: Scope.**

- 6.10.1. MCC 36.4165 (A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.**

**Staff:** The design standards of this section apply to the parking and maneuvering areas. No loading area is required for this development. This standard is met.

- 6.10.2. MCC 36.4165 (B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.**

**Staff:** The proposed development provides parking areas turning, maneuvering and parking of all vehicles on the lot. The parking is designed so that there will be no backing into the road. This standard is met.

## **6.11. Access.**

- 6.10.1. MCC 36.4170 (A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 36.7700 et seq., the Land Division Chapter, there shall be provided an unobstructed paved drive not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.**

**Staff:** The proposed development includes a unobstructed paved drive not less than 20 feet in width for two-way traffic, leading to a public street. A condition of approval will require Traffic directions to be plainly marked.

- 6.11.2. MCC 36.4170 (B) Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.**

**Staff:** The proposed development meets the parking requirements on the property. This standard is met.

**6.12. Dimensional Standards.**

- 6.12.1. MCC 36.4175 (A) Parking spaces shall meet the following requirements:**

- (1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.**
- (2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.**
- (3) For parallel parking, the length of the parking space shall be 23 feet.**
- (4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.**

**Applicant:** *There are a total of 16 spaces. Of the 16 spaces there are 12 spaces that meet the above requirement. This is 75% of the total. 75% is greater than 70% so this standard is met. There are 4 spaces, or only 25% of the total that meet this standard. 25% is less than 20% so this standard is met. No parallel parking is proposed. Dimensions exclude access drives, aisles, ramps or columns.*

**Staff:** The plans show 12 spaces meeting a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches (Exhibit 1.3). The required number of parking spaces for the proposed development is 16 spaces according to MCC 36.4205, thus 12 spaces meets these requirements exceeding the 70 percent standard listed above. The plan shows four spaces which have the minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet. Four spaces equal 25 % of the total spaces meeting the up to 30% standard for the reduced sized spaces. There is no parallel parking proposed. These standards are met.

- 6.12.2. MCC 36.4175 (B) Aisle width shall be not less than:**

- (1) 25 feet for 90 degree parking,**
- (2) 20 feet for less than 90 degree parking, and**
- (3) 12 feet for parallel parking.**
- (4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.**

**Applicant:** *The aisle widths are shown at 25 feet.*

**Staff:** The plans show all 16 spaces as 90 degree parking with the aisle widths at 25 feet (Exhibit 1.3). This standard is met.

## **6.13. Improvements**

### **6.13.1. MCC 36.4180 (A) Surfacing**

- (1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of Portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

\* \* \*

**Applicant:** *The proposed parking area will be paved in accordance with this section.*

**Staff:** The applicant proposes to pave the parking and maneuvering area to meet this requirement. A condition of approval will require this standard to be met.

### **6.13.2. MCC 36.4180 (B) Curbs and Bumper Rails**

- (1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.
- (2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence.

**Applicant:** *The landscape plan shows the required landscape strip between the maneuvering area for the drive-thru and the public street. The parking area will include 6-inch high curbs all around as required by this section.*

**Staff:** The plans show the parking and maneuvering areas area physically separated from public streets or adjoining property by both required landscaped strips and yards. The proposed development includes curbing around the outer boundary of the parking areas located more than three feet from the property line. However the plans do not show the curbing is 4 inches in height. No loading area is needed. This standard is met by the plans and a condition requiring 4 inch curbing.

### **6.13.3. MCC 36.4180 (C) Marking - All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 36.4120, and such marking shall be continually maintained.**

**Applicant:** *The proposed parking area will be marked as shown on the site plan. All marking will be maintained by the property owner.*

**Staff:** A condition of approval will require this standard to be met.

### **6.13.4. MCC 36.4180 (D) Drainage - All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.**

**Applicant:** *The parking area will be graded to drain to the proposed detention pond located at the southeast corner of the site. See the detailed grading plan for more information.*

**Staff:** The applicant is proposing to drain the parking and maneuvering areas to a stormwater detention pond located in the southeast corner of the property. This standard is met.

**6.14. Lighting.**

**MCC 36.4185** Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

**Applicant:** *The proposed lighting will be shielded and will be designed to not create a hazard to the traveling public on the adjacent streets.*

**Staff:** A condition of approval will require that artificial lighting to be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

**6.15. Signs.**

**MCC 36.4190** Signs, pursuant to the provisions of MCC 36.7465.

**Applicant:** *One free standing sign is proposed. See the site plan for location and the attached detailed sign drawing by the owner.*

**Staff:** The narrative states there will be one free standing sign but the plans show additional signs mounted on the sides of the buildings (Exhibit 1.3(e) and (f)). Findings for Sign provisions of MCC 36.7465 can be found in Section 8 of this decision. This standard is met.

**6.16. Design Standards: Setbacks.**

**6.16.1. MCC 36.4195 (A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.**

**Applicant:** *The proposed parking, adjacent to Dodge Park Boulevard meets the required 30 foot yard setbacks. A 25% reduction in the setback to Orient Drive is requested with this application. This would reduce the setback from 30 feet to 22.5 feet only along Orient Drive*

**Staff:** The applicant is requesting an exception for the maneuvering area in the required yard along Orient Drive for access to the drive-up window. The applicant proposes to reduce the setback requirement from 30 feet to 22.5 feet (Exhibit 1.3). The proposed development meets the required yard along Dodge Park Blvd with parking and maneuvering areas 30 feet from the property line. This standard will be met through an exception with findings in Section 7.8 of this decision.

**6.16.2. MCC 36.4195 (B) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways**

**which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.**

**Applicant:** *Only one driveway connection is proposed for this site due to the site terrain and driveway spacing standards. The driveway will need to be constructed in the yard setback to provide access to all of the buildings onsite.*

**Staff:** The driveway connection within the required yard has a 25 foot paved surface not exceeding the width of the curb cut. The maneuvering area for access to drive-up window of the coffee shop is allowed to be paved through an exception found in Section 7.8 of this decision. This standard is met.

#### **6.17. Landscape and Screening Requirements.**

**MCC 36.4200 (A) The landscaped areas requirements of MCC 36.7055 (C) (3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 36.4165 (A).**

**Staff:** The landscaped areas requirements of MCC 36.7055 (C) (3) to (7) apply the parking and maneuvering areas of the proposed development. No loading area is proposed. This standard is met.

#### **6.18. Minimum Required Off-Street Parking Spaces.**

##### **MCC 36.4205 (C) Retail and Office Uses**

- (1) Store, Supermarket, and Personal Service Shop - One space for each 400 square feet of gross floor area.**
- (2) Service and Repair Shop - One space for each 600 square feet of gross floor area.**
- (3) Bank or Office, including Medical and Dental - One space for each 300 square feet of gross floor area.**
- (4) Restaurant, Coffee Shop, Tavern or Bar - One space for each 100 square feet of gross floor area.**

##### **MCC 36.4205 (E) Unspecified Uses**

**Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.**

**Applicant:** *The minimum parking is calculated as follows:*

*(Building A) Coffee shop area = 756.5 sf ( $756.5/100 = 7.6$  parking spaces)*

*(Building A) Barber shop area = 1,523.5 sf ( $1,523.5/400 = 3.8$  spaces)*

*(Building B) Professional Office = 1,392 sf ( $1,392/300 = 4.6$  spaces)*

*Total minimum number of parking spaces = 16 spaces. The proposed parking plan provides 16 spaces. This standard is met.*

**Staff:** We concur with the applicant calculations. The total number of required parking spaces for the proposed uses is 16 parking spaces. The required spaces are shown on the plan (Exhibit 1.3). This standard is met.

## 6.19. Minimum Required Off-Street Loading Spaces

### MCC 36.4210 (A) Commercial, Office or Bank

Square foot of Floor or Land Area	Minimum Loading Spaces Required
Under 5,000	0

**Applicant:** *No loading zones are proposed or needed for this development. See Section 36.4210 • Minimum Required Off-Street Loading Spaces. The floor area is less than 5,000 square feet.*

**Staff:** The proposed development is under 5,000 thus no loading area is required.

## 7. DESIGN REVIEW

### 7.1. Purposes.

**MCC 36.7000 through 36.7065** provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

**Staff:** Following is the Design Review to meet this purpose.

### 7.2. Elements of Design Review Plan.

**MCC 36.7005:** The elements of a Design Review Plan are: The layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.

**Applicant:** *The proposed site plan illustrates all of the above listed information.*

**Staff:** The submitted site plan includes the required information (Exhibit 1.3).

### 7.3. Design Review Plan Approval Required.

**MCC 36.7010:** No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Planning Director, under this ordinance.

**Staff:** The applicant has applied for a Design Review Permit which is reviewed in the following finding under Section 7 of this decision. The final plan will be reviewed and approved during the zoning approval for the building permit if the applicable conditions are met. This standard is met.



#### **7.4. Design Review Plan Contents.**

**MCC 36.7030 (A):** Any preliminary or final design review plan shall be filed on forms provided by the Planning Director and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development.

**MCC 36.7030 (B):** Contents:

- (1) Preliminary Site Development Plan;
- (2) Preliminary Site Analysis Diagram;
- (3) Preliminary Architectural Drawings, indicating floor plans and elevations;
- (4) Preliminary Landscape Plan;
- (5) Proposed minor exceptions from yard, parking, and sign requirements; and
- (6) Design Review Application Fee, as required under the applicable fee schedule in effect at time of application;

**MCC 36.7030 (C):** A preliminary site analysis diagram may be in freehand form and shall generally indicate the following characteristics:

- (1) Relation to adjacent lands;
- (2) Location and species of trees greater than six inches in diameter at five feet;
- (3) Topography;
- (4) Natural drainage;
- (5) Significant wildlife habitat;
- (6) Information about significant climatic variables, including but not limited to, solar potential, wind direction and velocity; and
- (7) Natural features and structures having a visual or other significant relationship with the site.

**MCC 36.7030 (D):** A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:

- (1) Access to site from adjacent rights-of-way, streets, and arterials;
- (2) Parking and circulation areas;
- (3) Location and design of buildings and signs;
- (4) Orientation of windows and doors;
- (5) Entrances and exits;
- (6) Private and shared outdoor recreation spaces;
- (7) Pedestrian circulation;
- (8) Outdoor play areas;
- (9) Service areas for uses such as mail de-livery, trash disposal, above-ground utilities, loading and delivery;
- (10) Areas to be landscaped;
- (11) Exterior lighting;
- (12) Special provisions for handicapped persons;
- (13) Surface and storm water drainage and on-site waste disposal systems; and
- (14) Other site elements and spaces which will assist in the evaluation of site development.

**MCC 36.7030 (E):** The preliminary landscape plan shall indicate:

- (1) The size, species, and approximate locations of plant materials to be retained or placed on the site; and
- (2) Proposed site contouring.

**Applicant:** *The enclosed plans provide all needed information.*

**Staff:** The submitted plans include the required information (Exhibit 1.3).

## **7.5. Final Design Review Plan.**

**MCC 36.7040:** A final design review plan shall contain the following, :

- (A) Site Development and Landscape Plans drawn to scale, indicating the locations and specifications of the items described in MCC 36.7030 (D) and (E), as appropriate;
- (B) Architectural drawings, indicating floor plans, sections, and elevations;
- (C) Proposed minor exceptions from yard, parking, and sign requirements; and
- (D) A narrative and any other evidence needed to demonstrate compliance with the Design Review Criteria in section .7050, and the applicable Standards in .7055 or Minor Exceptions in .7060.

**Applicant:** *The enclosed plans provide all needed information.*

**Staff:** The applicant has submitted the required materials (Exhibit 1.3).

## **7.6. Design Review Criteria.**

**MCC 36.7050 (A):** Approval of a final design review plan shall be based on the following criteria:

### **7.6.1. MCC 36.7050 (A) (I) Relation of Design Review Plan Elements to Environment.**

- (a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.
- (b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.
- (c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.

**Applicant:** *The enclosed plans provide all needed information.*

**Staff:** The proposed development uses elements of the existing landscape with minimal grading. The site is vacant with no existing buildings. The grading will be used to level the development area and slope it for the stormwater runoff to a detention pond area for the stormwater (Exhibit 1.3). These site modifications will help assure no off-site impacts will occur due to stormwater for up to the 10 year/24 hour storm. The existing trees in the yard areas will be retained buffering the residential property to the east. The proposed building will need to meet building permit standards for energy conservation and climatic conditions. There should no adverse noise or air pollution created by the proposed businesses. The plan shows a layout that effectively, efficiently, and attractively serves the function of the proposed businesses. Signage is listed under MCC 36.7005 as an element of design review thus must meet this standard. Given that this standard also relates to signage, the sign code Section 36.7450 through 36.7490 regulates signs so they are relate harmoniously with the environment and are on a human scale. Findings in Section 8 of this

decision review the proposed signage to meet this standard. The elements of the plan are on a human scale, are inter-related and provide spatial variety and order. These standards are met.

**7.6.2. MCC 36.7050 (A) (2) Safety and Privacy - The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.**

**Applicant:** *The proposed parking area will be well lit and will provide a safe environment to the customers and employees.*

**Staff:** The proposed development will have a vegetative buffer area between it and the neighboring residential property to the east. This provides for privacy transition from public to private space. The proposal provides general open views between the public right-of-way and the outside areas of the development providing a safe environment. This standard is met.

**7.6.3. MCC 36.7050 (A) (3) Special Needs of Handicapped - Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and Braille signs.**

**Applicant:** *The proposed parking layout provides One ADA approved parking space as required. Required striping and signage will be provided as required by law.*

**Staff:** The proposed development will need to meet ADA requirements for access and parking. The plans show parking and access amenities for handicapped persons (Exhibit 1.3). This standard is met.

**7.6.4. MCC 36.7050 (A) (4) Preservation of Natural Landscape - The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.**

**Applicant:** *The proposed plan will maintain several trees located at the northeast corner of the site and one along the south property line and two along the east property line. The site will be graded as required to provide adequate drainage per County Code.*

**Staff:** The proposed plan shows trees to be maintained, several are located at the northeast corner of the site, along the eastern property line and one along the south property line (Exhibit 1.3(c)). Only trees in the development area are proposed to be removed. The grading will be kept to the minimum necessary to develop the site. This standard is met.

**7.6.5. MCC 36.7050 (A) (5) Pedestrian and Vehicular circulation and Parking - The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.**

**Applicant:** *There will be one access point to the site as shown on the enclosed plans. The proposed drive-thru and parking provide excellent interior circulation.*

**Staff:** As with all parking area pedestrians leaving their vehicle may need to cross some vehicular circulation areas. This interaction is kept to a safe minimum by locating the parking near the access points of the buildings maximizing safety and convenience. The only neighboring building is a dwelling which due to the setback and the access point distance from that property will not be affected by vehicular and pedestrian circulation. This standard is met.

**7.6.6. MCC 36.7050 (A) (6) Drainage - Surface drainage and stormwater systems shall be designed so as not to adversely affect neighboring properties or streets. Systems that insure that surface runoff volume after development is no greater than before development shall be provided on the lot.**

**Applicant:** *The proposed detention pond provides for the required detention to meet this section of the Code.*

**Staff:** The applicant has submitted a Storm Water Certificate stamped and signed by Ray L. Moore, P.E. which states that this code requirements is met through the installation of an on-site storm water control system shown on the plans (Exhibit 1.8). This criterion is met.

**7.6.7. MCC 36.7050 (A) (7) Buffering and Screening - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

**Applicant:** *Most of the site is surrounded by public streets that do not require buffering. The only neighboring property is to the East. Building B is located between the neighboring property and the proposed parking area. The building is setback 10 feet as required by code to the east property line. The area between the building and the property line will be maintained with existing and new landscaping per the attached plans.*

**Staff:** The proposed landscape plan shows buffering and screening of these uses with vegetation including trees and shrubs in relationship to the neighboring property to the east. The garbage bin will be screened from view using vegetation. This standard is met.

**7.6.8. MCC 36.7050 (A) (8) Utilities - All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

**Applicant:** *The above ground utility pedestals will be installed to minimize the impact to neighboring properties by ensuring that they do not interfere with adjacent sight distance requirements.*

**Staff:** The proposal includes above ground utility facilities. The applicant has refused request to show the location of all above ground utility installations. By locating these facilities ten feet from the property lines, the distance will minimize impacts. Impacts on-site and from neighboring properties can be minimized through landscaping shrubbery screening the facilities. A condition of approval will require these facilities to be located at least ten feet from the property line and landscaping shrubbery screening the facilities, to assure minimized adverse impacts on the site and neighboring properties. This standard is met with the condition.

- 7.6.9. MCC 36.7050 (A) (9) Signs and Graphics - The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.**

**Applicant:** *The signs are light boxes, 12" x 6' long x 6" thick.*

**Staff:** There is one proposed free standing, 14-foot tall sign with three internal light boxes that will need to meet the maximum size required by the sign code. Thus the sign face for this sign will need to be a maximum of 40 square feet. The narrative states the free standing sign will have light boxes that are 12" x 6' long x 6" thick (Exhibit 1.4). The plans show the light boxes of the sign at 2' by 10' by 6" (Exhibit 1.3(f)). In a meeting with the applicant he indicated the narrative was incorrect and the plan was incorrect and that the light boxes were 10' by 2'. The free standing sign is proposed along Orient Drive. The applicant proposes other signs attached to the buildings as shown on Exhibits 1.3(e) and (f). The signs will need to meet the sign size limitations listed in Section 8 of this decision. The sign code is designed to allow signs that are compatible with the other elements of the design review plan and surrounding properties. This standard is met.

**7.7. Required Minimum Standards.**

\* \* \*

**MCC 36.7055 (C): Required Landscape Areas**

**The following landscape requirements are established for developments subject to design review plan approval:**

- 7.7.1. MCC 36.7055 (C)(1): A minimum of 15% of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.**

**Applicant:** *There is 24,389.2 sf (55.2% of this site) of landscaping proposed for this site.*

**Staff:** We concur with the applicant that the proposed landscaped area exceeds the 15 percent requirement (Exhibit 1.3(c)). This standard is met.

- 7.7.2. MCC 36.7055 (C)(2): All areas subject to the final design review plan and not otherwise improved shall be landscaped.**

**Applicant:** *All unpaved areas onsite will be landscaped.*

**Staff:** All areas on the property that are not improved are shown as landscaped on the plans. The plans show this standard is met by the proposal.

**7.7.3. MCC 36.7055 (C)(3): The following landscape requirements shall apply to parking and loading areas:**

**7.7.3.1. MCC 36.7055 (C)(3)(a): A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.**

**Applicant:** *There are 16 proposed parking spaces. (16 x25 =400 sf of landscaping required.) There is over 24,000 sf of landscaping proposed.*

**Staff:** The plans show this standard is met by the proposal.

**7.7.3.2. MCC 36.7055 (C)(3)(b): A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.**

**Applicant:** *The proposed landscape strip between the drive-thru and Orient Drive is 22.5 feet wide. This exceeds the minimum width of 10 feet. There is a 10 foot wide landscape strip between Building B and the east property line. This also exceeds the minimum width of 5 feet.*

**Staff:** The proposed parking area is separated from Orient Drive property line by a least 22.5 feet landscaped area and the Dodge Park Blvd. property line by at least 30 feet landscaped area (Exhibit 1.3(c)). This exceeds the required landscape area width. The plans show this standard is met by the proposal.

**7.7.3.3. MCC 36.7055 (C)(3)(c): A landscaped strip separating a parking or loading area from a street shall contain:**

- 1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;**
- 2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and**
- 3. Vegetative ground cover.**

**Applicant:** *The proposed landscape plan shows planting "paperbark maple" trees every 30 feet along Orient Drive between the street and the drive-thru. This exceeds the above requirement. The proposed landscape plan shows planting a variety of low growing shrubs in the landscape strip as required. The proposed landscape plan shows planting "coral beauty" ground cover in the landscape strip as required. See the landscape plan for more information.*

**Staff:** The plan shows proposed trees along southern, Orient Drive, property line with trees located at about 30 feet separation meeting less than 50 feet standard. However, the shrubs do not meet the no more than 5 feet apart standard. There are proposed trees and shrubs north of the eastern parking area shown at less than 50 feet apart meeting the standard, however, north of the western parking area there are no trees shown. While the septic system is north of this parking area, Sanitarian's office indicated that as long as the trees are located at least ten feet from the septic line, trees other than willows are acceptable. A condition of approval shrubs requires an additional two trees and shrubs planted in this area at least ten feet from the septic drain lines. The condition will require shrubs less than three feet in height not more than five feet apart

located in the setback area south of the parking and maneuvering area. These standards are met by the plans and the condition.

**7.7.3.4. MCC 36.7055 (C)(3)(d): Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.**

**Applicant:** *Landscaping islands are distributed throughout the parking area as required. See site plan.*

**Staff:** Landscaping is provided uniformly throughout the parking areas. Given the parking area are of minimal size there are no landscape island needed to meet this standard. The plans show this standard is met by the proposal.

**7.7.3.5 MCC 36.7055 (C)(3)(e): A parking landscape area shall have a width of not less than 5 feet.**

**Applicant:** *The parking landscape areas are shown to be at lest 5 feet wide as required.*

**Staff:** The landscaped areas meet this requirement.

**7.7.4. MCC 36.7055 (C)(4): Provision shall be made for watering planting areas where such care is required.**

**Applicant:** *The final landscape plan will include an automatic sprinkler system.*

**Staff:** The applicant proposes an automatic watering system. A condition of approval will require a watering system to be installed and used to water the plants. The plans show this standard is met through the condition.

**7.7.5. MCC 36.7055 (C)(5): Required landscaping shall be continuously maintained.**

**Applicant:** *The property owner will maintain the landscaping.*

**Staff:** A condition of approval will require landscaping be continuously maintained.

**7.7.6. MCC 36.7055 (C)(6): Maximum height of tree species shall be considered when planting under overhead utility lines.**

**Applicant:** *This will be considered at time of planting considering there are overhead power lines running through the site.*

**Staff:** The applicant understands this standard must be met. A condition will require this standard to be met.

**7.7.7. MCC 36.7055 (C)(7): Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.**

**Staff:** The proposed landscaping meets this standard.

- 7.7.8. MCC 36.7055 (D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 36.7010 through 36.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.**

**Staff:** A condition of approval will require that features of the off-street parking and landscaping be installed prior to final on the building permit or a bond be posted assuring these features are installed.

**7.8. Minor Exceptions: Yard, Parking, Sign, and Landscape Requirements.**

- 7.8.1. MCC 36.7060 (A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:**
- (1) Dimensional standards for yards as required in the primary district;**
  - (2) Dimensional standards for off-street parking as required under MCC 36.4170 and 36.4175;**
  - (3) Standards for minimum number of off-street parking spaces as required in the primary district; and**
  - (4) Dimensional standards for signs as required in the primary district;**
  - (5) In the case of a proposed alteration, standards for landscaped areas under MCC 36.7055 (C).**

**Applicant:** *A 25% reduction in the setback to Orient Drive is requested with this application. This would reduce the setback from 30 feet to 22.5 feet only along Orient Drive. This setback is measured from the invisible right-of-way line to the edge of the drive-thru. There is actually an additional +/-18 feet from the right-of-way line to the physical edge of pavement on Orient Drive. After construction there will be over 40 feet between the paved Orient Drive and the paved drive-thru.*

**Staff:** The applicant proposes a minor exception to the 30 foot yard requirement for the setback from the parking and maneuvering area along Orient Drive resulting in 22.5 foot setback for maneuvering area related to the coffee shop drive through window. The setback is the distance after the dedication of an additional five feet of right-of-way.

- 7.8.2. MCC 36.7060 (B) Except under subsection (A) (5) above, no minor exception shall be greater than 25% of the requirement from which the exception is granted.**

**Applicant:** *The proposed maximum exception is 25% as required.*

**Staff:** The applicant has requested a 25 percent reduction of the 30 foot yard for setback from the parking and maneuvering area along Orient Drive. A 25 percent reduction would be 22.5 feet which is shown on the submitted plans.



**7.8.3. MCC 36.7060 (C) Approval of a minor exception shall be based on written findings, as required in this subpart.**

**7.8.3.1 MCC 36.7060 (C) (I) In the case of a minor yard exception, the Planning Director shall find that approval will result in:**

- (a) More efficient use of the site;**
- (b) Preservation of natural features, where appropriate;**
- (c) Adequate provision of light, air, and privacy to adjoining properties; and**
- (d) Adequate emergency accesses.**

**Applicant:** *By approving this minor exception will allow this triangular site to develop to the most efficient use possible. The site is challenging due to the required 30 foot setback from Dodge Park and Orient Drive.*

*The proposed plan shows saving the existing 18" Cedar tree along Orient Drive where we are requesting the 25% minor exception to the yard setback. Additional landscaping will be planter to create a buffer between the road and the drive-thru.*

*The proposed minor exception does not affect the adjoining property because the exception is a reduction to the yard setback along a public right-of-way not a private property line.*

*The proposed minor exception allows the construction of the paved drive-thru between Building A and Orient Drive. By allowing this exception will create a vehicle loop through the site improving emergency access. This access could be used to fight fires by allowing access all the way around Building A.*

**Staff:** The site for the proposed use is a pie shaped property with limited width. Given the shape and limited width the full setback would result in a very narrow building. In order to provide for a drive through window for the coffee shop, an efficient use of the site, provide for a reasonable sized building and provide for the required parking spaces the exception is necessary. There are no natural features protected without an exception. The exception will not impact provisions of light, air and privacy on adjoining properties. The emergency access will enter the property from Orient Drive through a gated emergency access. The exception will also allow for the coffee shop structure to be located slightly closer to the nearest fire hydrant. These criteria are met by the proposal.

**7.8.3.2 MCC 36.7060 (C)(2) In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Planning Director shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:**

- (a) Special characteristics of users which indicate low demand for off-street parking (e.g., low income, elderly);**
- (b) Opportunities for joint use of nearby off-street parking facilities;**
- (c) Availability of public transit;**
- (d) Natural features of the site (topography, vegetation, and drainage) which would be adversely affected by application of required parking standards.**

**Applicant:** *No exceptions are proposed to the dimensional standards for off-street parking.*

**Staff:** The proposal meets the minimum required number of parking spaces thus the approval will provide adequate off-street parking in relation to user demands. This standard is met.

## **8. SIGNS**

### **8.1. Conformance.**

**MCC 36.7410: No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits must be approved prior to erection of the sign.**

**Staff:** The applicant proposes one free standing sign with a 10 foot by 6 foot face or 60 square feet. The applicant is proposing a total of five signs mounted on the sides of the barber shop/coffee shop building (Exhibit 1.3(e) and (f)). These signs are a 2 foot by 10 foot, 20 square foot sign on the west side of the building, a 2 foot by 24 foot, 48 square foot sign on the north side of the building, a 3 foot by 8 foot, 24 square foot sign on south side of the building and two signs on the east side of the building that are both proposed to be 2 foot by 8 foot, 16 square feet. The applicant proposed a total of 124 square feet of signage on the side of the barber shop/coffee shop building. The applicant proposes three signs mounted on the business office building. The three signs are proposed to be 2 feet by 10 feet, 20 square feet each for a total of 60 square feet. There will be traffic directions signs as well. The following subsections will include a finding demonstrating conformance with the regulations of this Chapter.

### **8.2. Determination of Frontages.**

#### **MCC 36.7430 (A) Primary Building Frontages**

**Primary building frontages are derived from each ground floor occupant's qualifying exterior walls (See MCC 36.7505 Figure 1).**

#### **MCC 36.7430 (B) Corner Signs**

**Corner signs facing more than one street shall be assigned to a frontage by the applicant. The sign must meet all provisions for the frontage it is assigned to.**

**Staff:** Building frontages have been derived according to this section.

### **8.3. Signs Generally in the EFU, CFU, MUA-20, RR, PH-RC, and OR Zones.**

**For all uses and sites in the above listed zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign development regulations of MCC 36.7460 through 36.7500.**

**Staff:** While the OCI Zone District is not included in the base zones listed in this code sections, to meet the design review standard MCC 36.7050 (A) (1) Relation of Design Review Plan Elements to Environment these standards must be met. Signage for the proposed development is an element of design review. MCC 36.7050 (A) (1) requires that for each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order. The standards in these code sections provide for the signage to meet these elements. Therefore this code section applies to the

signage for the proposed development.

**8.3.1. MCC 36.7450: (A) Free Standing Signs:**

- (1) Allowable Area - Free standing signs are allowed .25 square feet of sign face area per linear foot of site frontage, up to a maximum of 40 square feet.**
- (2) Number - One free standing sign is allowed per site frontage.**
- (3) Height - The maximum height of a free standing sign is 16 feet.**
- (4) Extension into the Right-Of-Way - Free standing signs may not extend into the right-of-way.**

**Staff:** The plans show one proposed free standing, 14-foot tall sign structure with proposed three internal light boxes. The narrative states the free standing sign will have light boxes that are 12" x 6' long x 6" thick (Exhibit 1.4). The plans show the lighted sign at 2' by 10' by 6" or 60 square feet (Exhibit 1.3(f)). In a meeting with the applicant stated the narrative was incorrect and the plan are incorrect, that the light boxes were 10' by 24" for a total of 60 square feet. We must deny the proposed free standing sign due to it exceeding the 40 square foot limit. However we can approve a smaller version of that sign that meets the 40 square foot maximum requirement. A condition of approval will allow a 40 square foot free standing sign of similar design to the proposed sign at the same location.

**8.3.2. MCC 36.7450: (B) Signs Attached to Buildings:**

- (1) Total Allowable Area - The total allowable area for all permanent signs attached to the building is determined as follows: Eighteen square feet of sign face area is allowed, or .25 square feet of sign face area per linear foot of the occupant's primary building frontage, whichever is more.**
- (2) Individual Sign Face Area - The maximum size of an individual sign within the total allowable area limit is 50 square feet.**
- (3) Types of Signs - Fascia, marquee, awning and painted wall signs are allowed. Projecting roof top and flush pitched roof signs are not allowed.**
- (4) Number of Signs - There is no limit on the number of signs if within the total allowable area limit.**
- (5) Extension into the Right-Of-Way - Signs attached to buildings may not extend into the right-of-way.**

**Staff:** The applicant is proposing five signs mounted on each side of the barber shop/coffee shop building (Exhibit 13.(e)). These signs are a 2 foot by 10 foot, 20 square foot sign on the west side of the building, a 2 foot by 24 foot, 48 square foot sign on the north side of the building, a 3 foot by 8 foot, 24 square foot sign on south side of the building and two signs on the east side of the building that are both proposed to be 2 foot by 8 foot, 16 square feet. The applicant proposed a total of 124 square feet of signage on the sides of the barber shop/coffee shop building. The primary building frontage is 60 linear feet. Sixty times 0.25 equals an allowed sign face area of 15 square feet. The code allows for 18 square feet for this building. Because the proposed signage exceeds the area allowed for signs attached to the building, we must deny the requested signs. We will condition that signage attached to the building does not exceed 18 square feet total of sign face area for that building.

The applicant proposes three signs mounted on the business office building. The three signs are proposed to be 2 feet by 10 feet, 20 square feet each for a total of 60 square feet. The frontage of

this building is 40 linear feet. Forty times 0.25 equals an allowed sign face area of 10 square feet. The code allows for 18 square feet for this building. Because the proposed signage exceeds the area allowed for signs attached to the building, we must deny the requested signs. We will condition that signage attached to the building does not exceed 18 square feet total of sign face area for that building.

### **8.3.3. MCC 36.7450 (C): Sign Features**

**Permanent signs may have the following features:**

- (1) Signs may be indirectly or internally illuminated.**
- (2) Electronic message centers are not allowed.**
- (3) Flashing signs are not allowed.**
- (4) Rotating signs are not allowed.**
- (5) Moving parts are not allowed.**

**Staff:** The free standing sign is proposed to be internally illuminated. Internal illumination is allowed under this standard. A condition of approval will prohibit the types of signs listed in this standard which are not allowed.

### **8.3.4. MCC 36.7450: (D) Additional Signs Allowed - In addition to the sign amounts allowed based on the site and building frontages, the following signs are allowed in all zoning districts for all usages:**

- (1) Directional signs pursuant to MCC 36.7490.**
- (2) Temporary lawn, banner and rigid signs.**
- (3) Subdivisions may have a free standing sign at each entrance, up to a total of four, each of which may be up to ten feet in height and 50 square feet in area.**

**Staff:** Directional signs will be needed for the proposed development. They will be conditioned to meet MCC 36.7490.

## **8.4. Applicability.**

**MCC 36.7460: All signs allowed under the base zone provisions must comply with the development regulations of the following Sections.**

**Staff:** While the OCI Zone District is not included in the listed base zones, to meet the Design Review standard MCC 36.7050 (A) (I): Relation of Design Review Plan Elements to Environment, the standards of the following sections of the sign code must be met. The signage is an element of design review. MCC 36.7050 (A) (I) requires that for each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order. Therefore this code section applies to the signage for the proposed development.

## **8.5. Sign Placement.**

### **8.5.1. MCC 36.7465 (A) Placement: All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.**

**Applicant:** *The proposed sign is located on the site. See site plan for location.*

**Staff:** The proposed signage is located totally within the site outside the right-of-way. This standard is met.

#### **8.5.2. MCC 36.7465 (B) Frontages**

**Signs allowed based on the length of one site frontage may not be placed on another site frontage. Signs allowed based on a primary building frontage may be placed on a secondary building frontage.**

**Applicant:** *Only one sign is proposed along Orient Drive.*

**Staff:** The applicant proposes one free standing sign along Orient Drive. That sign will be placed on the property. The applicant proposes locating signage on secondary building frontage. Signage can be attached to the buildings on a secondary front if the signs meet the total sign face area size limitations for that building. This standard is met.

#### **8.5.3. MCC 36.7465 (C) Vision Clearance Areas**

- (1) No sign may be located within a vision clearance area as defined in subsection (C) (2) below. No support structure(s) for a sign may be located in a vision clearance area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.**
- (2) Location of vision clearance Areas - Vision clearance areas are triangular shaped areas located at the intersection of any combination of rights-of-way, private roads, alleys or driveways. The sides of the triangle extend 45 feet from the intersection of the vehicle travel area (See MCC 36.7505 Figure 2). The height of the vision clearance area is from three feet above grade to ten feet above grade.**

**Applicant:** *The proposed sign is not on a clear vision area.*

**Staff:** The proposed free standing sign is located along Orient Drive while the proposed access is located along Dodge Park Blvd. This standard is met.

#### **8.5.4. MCC 36.7465 (D) Vehicle Area Clearances**

**When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.**

**Applicant:** *The proposed sign does not extend over a travel area.*

**Staff:** The proposed signage does not project over any vehicle travel areas. This standard is met.

#### **8.5.5. MCC 36.7465 (E) Pedestrian Area Clearances**

**When a sign extends over private sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 8-1/2 feet above the ground.**

**Staff:** The proposed signage does not project over any private sidewalks, walkways or other spaces accessible to pedestrians. This standard is met.

#### **8.5.6 MCC 36.7465 (F) Required Yards and Setbacks**

**Signs may be erected in required yards and setbacks.**

**Staff:** The proposed free standing sign is in the required yard. This standard allows the proposed sign location.

#### **8.5.7. MCC 36.7465 (G) Parking Areas**

- (1) Unless otherwise provided by law, accessory signs shall be permitted on parking areas in accordance with the provisions specified in each district, and signs designating entrances, exits or conditions of use may be maintained on a parking or loading area.**
- (2) Any such sign shall not exceed four square feet in area, one side. There shall not be more than one such sign for each entrance or exit to a parking or loading area.**

**Staff:** A condition of approval will state that these types of signs are allowed but must exceed the maximum size limitation and not exceed the one sign for each entrance or exit to a parking or loading area requirement. Standard met through a condition.

### **8.6. Fascia Signs.**

#### **8.6.1 MCC 36.7470 (A) Height**

**Fascia signs may not extend more than six inches above the roof line.**

**Staff:** The proposed signs will not extend above the roof line. This standard is met.

#### **8.6.2 MCC 36.7470 (B) Extensions**

**No point on the face of a fascia sign may extend more than 18 inches from the wall to which it is attached. Fascia signs may not extend beyond the corner of buildings.**

**Staff:** The proposed signs do not extend beyond the corner of the building. A condition of approval can require that no point on the face of a fascia sign may extend more than 18 inches from the wall to which it is attached. This standard is met through conditions.

### **8.7. Directional Signs.**

**MCC 36.7490: Directional signs shall comply with the following provisions:**

<b>Maximum Sign Face Area:</b>	<b>Six Square Feet</b>
<b>Types of Signs Allowed:</b>	<b>Free Standing, Fascia, Projecting, Painted Wall</b>

<b>Maximum Height:</b>	<b>Free Standing 42 Inches Fascia and Projecting 8 Feet</b>
<b>Extensions into R/W:</b>	<b>Not Allowed</b>
<b>Lighting:</b>	<b>Indirect or Internal</b>
<b>Flashing Lights:</b>	<b>Not Allowed</b>
<b>Electronic Message Centers:</b>	<b>Not Allowed</b>
<b>Moving or Rotating Parts:</b>	<b>Not Allowed</b>

**Staff:** A condition of approval will require these standards are met by the directional signage.

## 9. **CONCLUSION**

**Staff:** The applicant has demonstrated the criteria and standards have been met for an Administrative Decision by the Planning Director, a Design Review and a Sign Review for a barber shop, coffee shop and an office building as a small scale, low impact commercial development on a property within the Orient Commercial Industrial Zone District.

## 10. **EXHIBITS**

### 10.1. **Exhibits Submitted by the Applicant:**

- Exhibit 1.1: Application form received 1/12/07 (1 page)
- Exhibit 1.2: Authority granted by property owners for the applicant to sign the application received 10/18/07 (1 page)
- Exhibit 1.3: Site plan maps, building elevation drawings and sign design submitted 9/27/07 (6 pages)
  - Exhibit 1.3(a): Site Plan
  - Exhibit 1.3(b): Existing Features Plan
  - Exhibit 1.3(c): Landscape Plan
  - Exhibit 1.3(d): Grading and Erosion Control Plan and Utility Plan
  - Exhibit 1.3(e): Building Elevations Plan and Signage Plan for Barber Shop/Coffee Shop
  - Exhibit 1.3(f): Building Elevations Plan and Signage Plan for M & M Construction Office Building and for Freestanding Sign
- Exhibit 1.4: Narrative address Zoning Code submitted 5/22/07 (31 pages)
- Exhibit 1.5: Addendum to the narrative submitted 6/21/07 (3 pages)
- Exhibit 1.6: Recorded contracts for the property submitted 1/12/07 (7 pages)
- Exhibit 1.7: Storm Water Certificate completed and signed by Ray L. Moore, PE submitted 1/19/07 (2 pages)
- Exhibit 1.8: Certification of On-site Sewage Disposal submitted 5/22/07 (2 pages)
- Exhibit 1.9: Fire District Review Fire Flow Requirements 1/12/07 (8 pages)
- Exhibit 1.10: Fire District Access Review submitted 6/19/06 (3 pages)
- Exhibit 1.11: Certification of Water Service submitted 6/19/06 (1 page)

- Exhibit 1.12: Memo dated July 5, 2007 from applicant addressing M&M construction job locations submitted 7/7/07 (1 page)
- Exhibit 1.13: Memo dated September 19, 2007 from applicant addressing water flow submitted 9/19/07 (1 page)
- Exhibit 1.14: Fax submitted by applicant addressing sprinkler system needs analysis by Basic Fire Protection, Inc. submitted 9/27/07 (2 pages)
- Exhibit 1.15: Memo dated September 28, 2007 from applicant granting a 30 day extension to the 150 clock if the decision is appealed submitted 9/28/07 (1 page)
- Exhibit 1.16: Fax dated from applicant with Pleasant Home Water letter attached submitted 10/4/07 (3 pages)

## **10.2. Exhibits provided by the County**

- Exhibit 2.1: County Assessment Record and map for the subject property (2 pages)
- Exhibit 2.2: Current County Zoning Map with subject property labeled (1 page)
- Exhibit 2.3: 1962 Zoning and Assessment Map (1 page)
- Exhibit 2.4: 2004 Aerial Photo showing subject property (1 page)
- Exhibit 2.5: 2004 Aerial Photo showing property and vicinity (1 page)
- Exhibit 2.6: Memo dated July 18, 2007 from Aruna Reddi, County Transportation Planning Specialist (3 pages)
- Exhibit 2.7: Memo dated August 06, 2007 from Aruna Reddi, County Transportation Planning Specialist with Dolan findings (5 pages)
- Exhibit 2.8: Email dated April 12, 2007 from Al Young County Right-of-Way Specialist (1 page)
- Exhibit 2.9: Copy of statement to be recorded recognizing farm practices exist on adjacent land (1 page)

## **10.3. Exhibits submitted by other parties**

- Exhibit 3.1: Letter of comment dated July 18, 2007 from Joan Schmidt and Max Hendrix submitted 7/19/07 (1 page)
- Exhibit 3.2: Letter of comment dated July 20, 2007 from John E. and Linda L. Stewart submitted 9/23/07 (3 pages)
- Exhibit 3.3: Email dated July 20, 2007 from Mike Ebeling, Sanitarian (1 page)
- Exhibit 3.4: Email dated September 19, 2007 from Mike Ebeling, Sanitarian (1 page)