



Where Life is Sweet

Planning Department

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To: Planning Commission
From: Clinton Spencer, City Planner
Subject: Conditional Use and Variance Request – 255 NE 2nd Street - City of Hermiston
Date: June 1, 2016

Background

The City of Hermiston has received a Community Development Block Grant (CDBG) to construct a new senior center on land located at 255 NE 2nd Street. The existing senior center is located at 435 W Orchard Ave. The existing senior center is part of the Umatilla County Fairgrounds and must be relocated concurrently with the relocation of the fairgrounds to facilities off E Airport Road. The existing senior center is not a city operated facility but does provide a broad public service which the city wishes to support and encourage. In order to further support and encourage the provision of this service, the city has pledged financial support to the relocation of the senior center and sponsored the application for the CDBG which will further fund the new construction.

The city contracted with Ascent Architecture to assist with the design of the facility, outreach, preparation of construction drawings, and preparation of bid documents.



Figure 1 Vicinity Map

The site plan indicates a planned loading and delivery area adjacent to the south wall of the building. However, no driveway is shown for this entrance. Staff recommends the planning commission require a driveway to be shown and constructed for the delivery dock.

Parking will be located on the east side of NE 2nd Street and encompass existing parking previously used by the old Armand Larive Middle School and the public parking lot north of the public library. The public library and building department are both located within the Downtown Commercial Overlay zone and may use the public parking lots on the south side of E Gladys and on-street parking which leaves the existing parking south of E Ridgeway Ave to be reallocated to the Harkenrider Center.

Calculating the required parking for the Harkenrider Center involves interpreting the city's parking standards in §157.175. The building will have a mix of uses but is closest to a church (one space per four seats), auditorium (one space per four seats), or club/lodge (combined spaces to meet the requirements of each use). Based upon the rated occupancy of the building calculated by the building official, the Harkenrider Center can accommodate 250 people in the main hall. If 250 people can use the facility during a major event, then it is reasonable to calculate the parking requirement as one space per four rated occupants or $250/4$ or 62.5 as the minimum parking requirement. Sixty-four spaces are provided across NE 2nd Street in the existing city lots with some restriping required. Per §157.178(E) of the Hermiston Code of Ordinances, required off-street parking spaces may be located off the development site but must be within 500 feet of the use. All of the required parking is proposed to be located within 500 feet of the development site. The planning commission may wish to discuss the provisions of §157.179(B) which requires parking areas adjacent to residential uses to be screened with a sight obscuring fence. To meet the strict application of this provision, a six foot sight obscuring fence should be installed between the east line of the upper parking lot and the adjacent apartments. However, the location of the apartment building directly on the lot line would effectively block all west facing windows from any use. Staff recommends the planning commission waive this requirement.

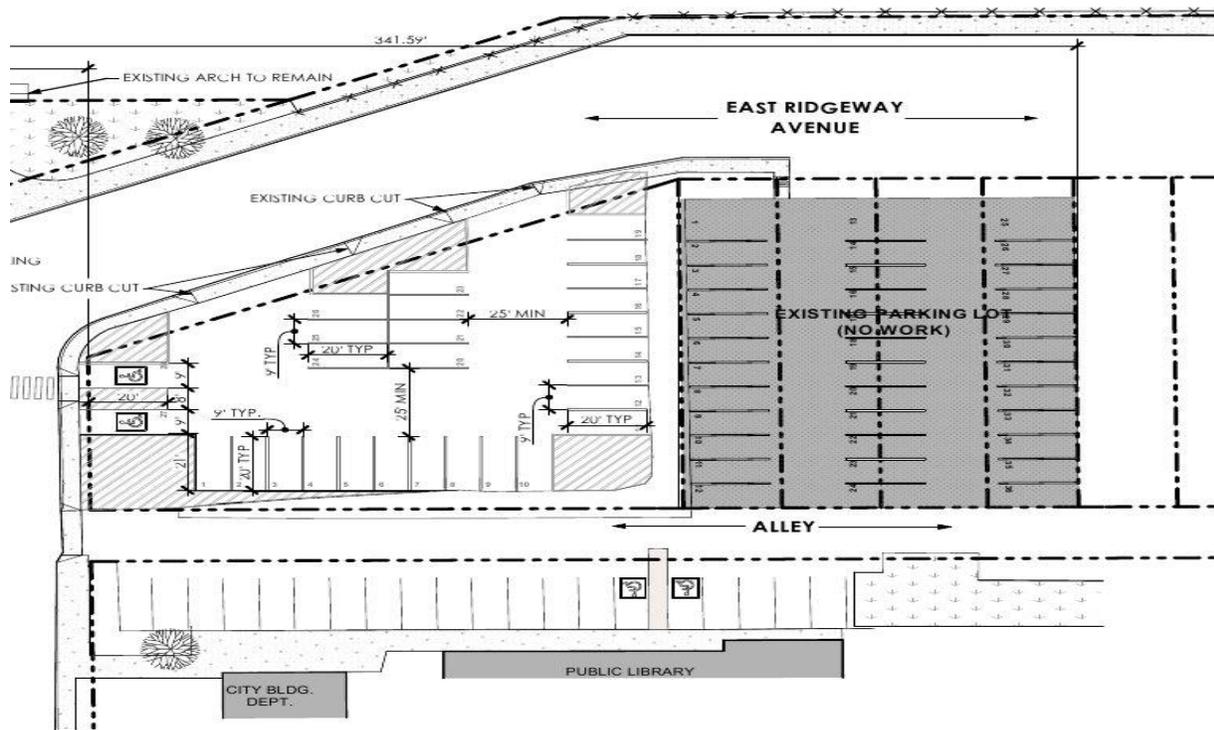


Figure 3 Parking Lot Layout

The property proposed for the Harkenrider Center building lies within the city’s Duplex Residential (R-2) zone. Per §157.026(B)(1) of the Hermiston Code of Ordinances, a community building is a conditional use in the R-2 zone. A senior center itself is not a defined use in the zoning code, but a senior center encompasses many of the uses served by a community building and is considered a similar use. As a conditional use, a community building must receive approval from the planning commission subject to the provisions of the city’s conditional use permit standards in §157.205 through §157.210.

The proposed Harkenrider Center will be built two feet from the property line shared with NE 2nd Street. Approval of the building in this location requires a variance from §157.026(D)(1) which establishes the minimum front yard setback of 20 feet. The proposed Harkenrider Center also has a proposed *porte cochere* referred to as a “loading/unloading area” in the staff report which extends into the right-of-way for NE 2nd Street. Construction of the loading/unloading area over the right-of-way requires a variance from §157.137 which establishes that buildings projections may extend no more than 2 feet into a required yard or open space. Variances to development standards must be approved by the planning commission subject to the variance provisions contained in §157.225 of the Hermiston Code of Ordinances.

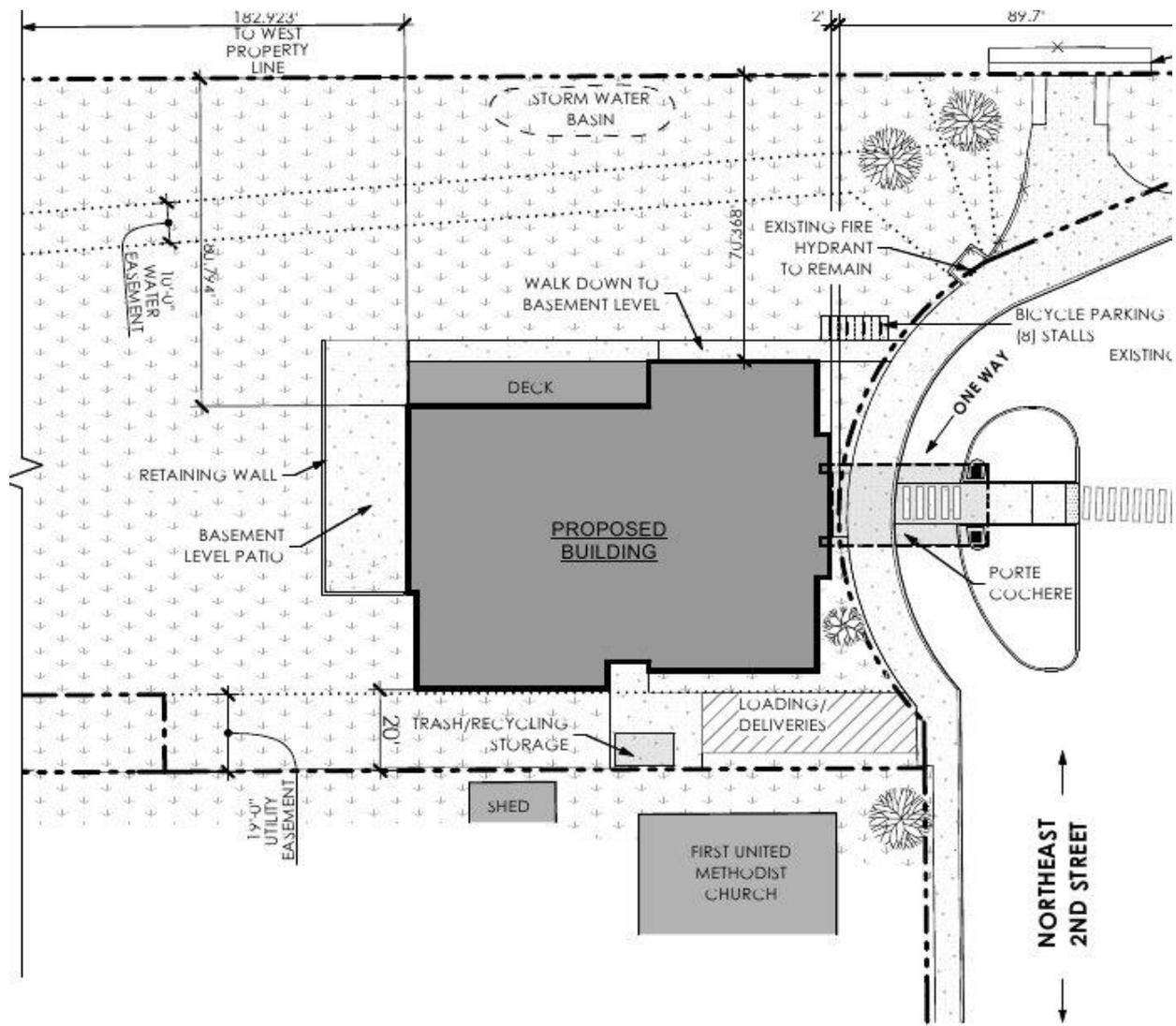


Figure 4 Building Layout

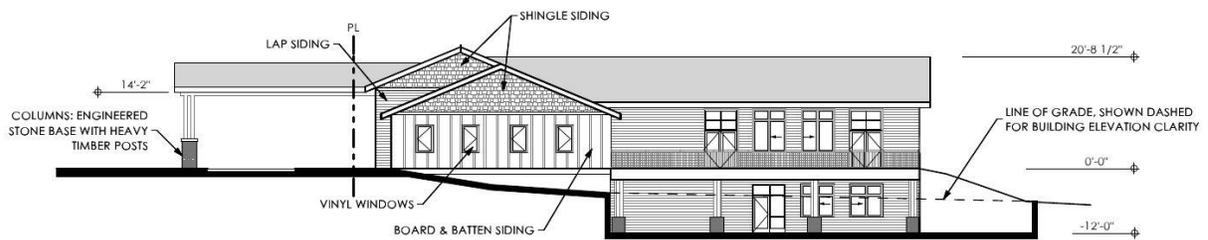


Figure 5 Elevation Showing Encroachment into Right-of-Way

There are additional parking lot and street improvements planned for the site which are not directly tied to the conditional use permit but are included in this report for the planning commission's reference. The parking lot improvements will be part of the planned municipal parking lot upgrades in the urban renewal plan. The planned festival street on NE 2nd Street between E Main and E Gladys will also extend north an extra half block to the senior center entrance. Money for planning and design work is budgeted for the 2016-17 fiscal year. Construction is planned for the 2017-18 fiscal year. The city has committed \$200,000 for parking lot upgrades and the remaining funds will be from urban renewal dollars through a bond issuance. The enhanced parking lot and street design will add several features to enhance safety. A cul-de-sac will be added for better circulation to the *porte cochere*. Removable bollards will close the street to daily through traffic but allow continued fire and life safety access. Additional parking will be added on the street. Street curbs will be reconstructed and relocated to narrow the street width, slowing traffic. Additional crosswalks will be installed. New landscaping will be added. These improvements are not necessary for the minimum code requirements for the Harkenrider Center, but will provide a better community facility as funds become available outside the CDBG funding window.

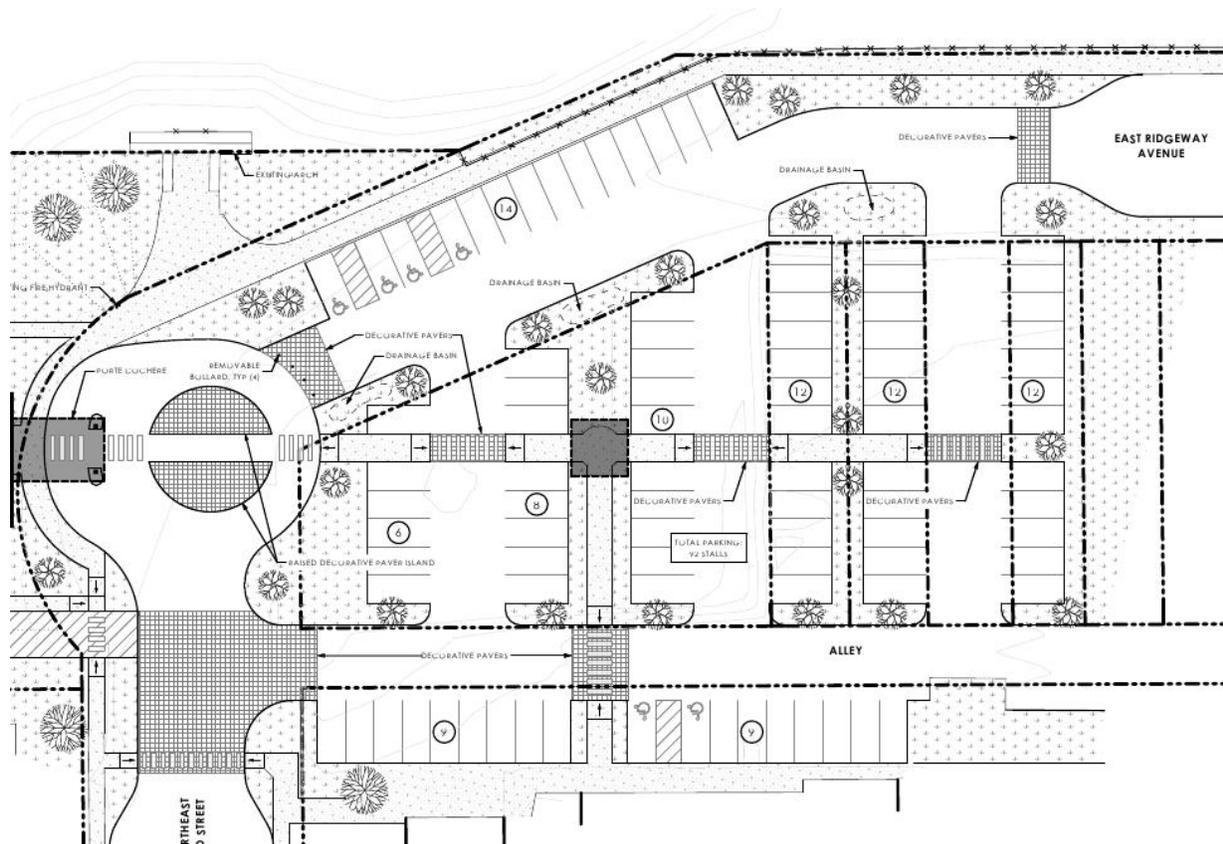


Figure 6 Parking Lot Enhancements

Public notice requirements for the property have been met as follows:

- Notice of public hearing published in Hermiston Herald on May 25, 2016
- Notice of proposed land use action posted on property on May 25, 2016
- Notice of public hearing provided by direct mail to all property owners within 300 feet on May 25, 2016

Requirements For Granting a Conditional Use Permit

§157.208 of the Hermiston Code of Ordinances provides the method and approval criteria necessary for approving or denying a conditional use. The specific findings required by this section are:

1. The proposal is in conformance with the comprehensive plan and zoning code.
2. The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the planning commission.
3. Public facilities are of adequate size and quality to serve the proposed use.
4. The proposed use will prove reasonably compatible with surrounding properties.

In granting a conditional use permit, the planning commission may impose, in addition to those standards and requirements expressly specified by the zoning code, any additional conditions they consider necessary to protect the best interests of the surrounding property or the city as a whole. These conditions may include increasing the required lot size or yard dimensions; limiting the height of buildings; controlling the location and number of off-street parking and loading spaces required; limiting the number, size and location of signs; requiring screening and landscaping to protect adjacent property and any other condition deemed necessary by the commission.

Requirements For Granting a Variance

The specific criteria relied upon by the planning commission are contained in §157.225(A)(1) of the Hermiston Code of Ordinances. In granting a variance, the applicant must demonstrate that all of the following criteria have been met:

1. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by owners of other property in the same zone or vicinity.
3. The authorization of the variance shall not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development patterns or policy.
4. It is impossible to maintain the zoning ordinance and at the same time, build, erect or use the structure.

5. The variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

The granting or denial of a conditional use permit or variance will not affect the requirements of the City of Hermiston to comply with building, plumbing and electrical codes, other ordinances, statutory or regulatory compliance issues.

Findings of Fact

Ascent Architecture has prepared findings of fact supporting the conditional use permit and variance requests. The full burden of proof is attached to this report. The burden of proof for the conditional use permit, containing six pages of evidence and findings prepared by Ascent Architecture is attached as Exhibit A. The burden of proof for the two variance requests, containing three pages of evidence and findings prepared by Ascent Architecture is attached as Exhibit B. Staff recommends the planning commission review the findings and consider any public testimony submitted as part of the hearing. The planning commission may wish to amend the findings as needed

Draft Conditions of Approval

1. The lower parking lot shall be striped as shown on the site plan prior to occupancy.
2. The site plan shall be revised to show the access and curb cut design for the loading/delivery area adjacent to the south wall of the building.
3. The design for the concrete island and NE 2nd Street around the *porte cochere* shall be amended as follows:
 - Narrow the concrete island by 4 feet so that there are two 12 foot travel lanes and a 2-foot shoulder on each side.
 - Striping on both the north and south ends of the island to delineate the traffic flow; yield markings on the south end and median/lane split markings on the north
 - Delineate the on-street parking spaces so that it is clear where no parking is allowed
 - Additional signage shall be added
4. The city shall comply with §92.12 of the Hermiston Code of Ordinances which relates to the control of blowing dust, during all phases of construction.
5. All stormwater shall be retained on-site in drainage areas as shown on the site plan.
6. Bicycle parking shall be installed in accordance with §157.150(L) of the Hermiston Code of Ordinances.
7. All signage shall comply with Chapter 155 of the Hermiston Code of Ordinances.
8. The applicant shall work with the Fire Marshall prior to issuance of a building permit. No building permit shall be issued until the Fire Marshall has approved the site plan.
9. Landscaping shall be installed in all areas as shown on the site plan. Final determination of specific plantings shall be submitted to the city prior to occupancy.
10. A security plan shall be submitted to the city police department for review and comment prior to issuance of a building permit.
11. Exterior site and parking lot lighting shall be designed to avoid interference with adjacent properties.

Staff Recommendation

Staff recommends that the planning commission consider the design of the Harkenrider Center, the public testimony presented at the hearing, and the evidence presented by Ascent Architecture and Parks and Recreation staff. After the consideration of the evidence, staff recommends that the planning commission make the following motions:

1. Approve the findings of fact as prepared by Ascent Architecture for the conditional use permit and variance requests.
2. Approve a variance from the 20 foot front yard setback requirement in the R-2 zone and approving a two foot front yard setback.
3. Approve a variance from the two foot yard encroachment allowance and allow the construction of a *porte cochere* or covered loading/unloading area within the right-of-way for NE 2nd Street.
4. Approve a conditional use permit for the construction of a new senior center at 255 NE 2nd Street subject to the conditions of approval.