



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

HEARING DATE: November 15th, 2016

PROJECT NUMBER: Cu-2016-108

APPLICANT: Jesse Toomey
770 NE Holly St.
Prineville OR 97754

OWNER: Ronald Storey
420 N Main St.
Prineville OR 97754

PROJECT REVIEWER: Joshua Smith
Senior Planner

APPLICABLE CRITERIA:

(1) City of Prineville Code of Ordinances, Title XV Land Usage – 153.009, 153.014, 153.020, 153.037, 153.050, 153.080 – 153.096, 153.135 – 153.138 & 153.190 – 153.200

FINDINGS OF FACT:

1. **PROPOSAL:** A change of use converting an old auto shop/retail building to a Brew/Pub (Crooked River Brewing)
2. **LOCATION:** The proposed change of use is located at 420 N Main St. Map and Tax lot 15-16-05BB 01200.
3. **SITE DESCRIPTION:** The property has an old existing building that has had many uses ranging from the historic use as a Heavy truck sales and service (Towner motors & Inland motor) to the current use as an antique shop. The building is built up to the side lot lines and has a rear access to a paved parking area. Below is a 2014 aerial view.



4. **ZONING:** The subject property is zoned Central Commercial (C-1) and designated Core Commercial on the Comprehensive Plan Map.
5. **LOT OF RECORD:** The property has been determined to be a legal lot of record. It is all of Lots 4 & 9 and the north 8.5' of lots 5 & 8 of block 1 of the First Addition to Prineville.
6. **AGENCY COMMENTS:**
Fire Department: Since this is a change of use for the building, they need to follow the building code/building official for requirements.
City Engineer: Provided the applicant paper work stating the limitations on discharging to the City Sewer.
7. **FINDINGS SUMMARY:** A Brew/Pub is a conditional use within the C1 zone due to the inclusion of a bar. The proposed use is a significant change from an antique store and therefore triggers design review criteria, although the building has had higher intense uses in the past including Heavy truck sales and service. With a change of use in an existing building it is difficult to meet all the requirements associated with parking, landscaping and site drainage. City has reviewed the proposal and found the existing site improvements such as sidewalks and paved parking to be worn down but adequate. The parking area will require striping of the proposed spaces including a handicap space. The City has not received any written comments from neighboring properties.

Criteria: 153.037 COMMERCIAL & INDUSTRIAL USE TABLE

Type II Conditional Use C1 zone: Bar, Lounge, Tavern, nightclub, brew pub/with restaurant

153.050 CENTRAL COMMERCIAL ZONE C-1 ZONE.

In a C-1 Zone, the following regulations shall apply.

(A) Purpose. The purpose of the C-1 Zone is to preserve and enhance the dominant characteristics of that area of the city identified as the Downtown Core Commercial Area with emphasis on pedestrian shopper convenience and safety, the enhancement of historic features, downtown improvement needs and designs and to enhance the area's economic importance as a commercial center of the community.

Finding 1: The applicant is proposing to convert an existing building Brew/Pub (Crooked River Brewing). An eatery not serving alcohol is an outright use in the C1 zone; however, a Brew/Pub due to serving alcohol is a type II conditional use to be approved by the Planning Commission. The primary purpose of this is to ensure that the business is located in an appropriate place and to provide an opportunity for neighboring properties to comment at a public hearing.

Criteria: (J) *Signs. In a C-1 Zone, signs are permitted in accordance with the provisions set forth in Chapter 152 as amended.*

Finding 2: A sign for the business is approved as part of this decision so long as it conforms to the City's sign code. The applicant is proposing a wall sign fronting onto Main St. and Belknap. The square footage of a wall sign is calculated as 2 sq. ft. per every 1 lineal foot of store front. The building on both frontages is 48.5 feet wide, therefore, the applicant is allowed up to 97 sq. ft. of signage per frontage. Based on discussions with the applicant the proposed signs should easily meet this standard.

Criteria: (K) *Use limitations. In a C-1 Zone, permitted uses shall be subject to the following limitations and standards.*

(1) *All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for drive-in windows as may be approved by the Planning Commission. Display of merchandise along the outside wall of the building shall not in any case impede parking or preclude pedestrian use of walkways, sidewalks and the like; these limitations do not apply to the outside display of merchandise during a merchants or community sponsored promotional sale.*

(2) *All building frontages or primary entrances shall be constructed to the sidewalk of the primary or higher order street. In the case of a corner lot where a building has no entrances on the side street, landscaping shall be provided as a buffer to the sidewalk. Exemptions to this rule include extensions to the streetscape that include outdoor seating for restaurants, cafés, bakeries etc. or plazas open to the public.*

(3) *All nonresidential uses permitted in this zone shall be screened from abutting properties in a residential zone by a sight-obscuring fence except as otherwise approved by the city.*

(4) *Nuisance. No structure or land shall be occupied or used for any purpose which creates or causes to be created any public nuisance, including but not limited to excessive odor, dust, noise, vibration, flashing light or any hazard to the general health, safety and welfare of the area.*

Finding 3:

- 1) The applicant's business is conducted wholly within an enclosed building. Outdoor merchandising should not be a problem for a restaurant. The proposal is to re-model the interior of the existing building as shown in the submitted site plan. The rear of the lot will mostly be used for employee parking and deliveries as well as an outdoor seating area near the rear of the building.
- 2) The existing building is constructed to the sidewalk along the primary entrance on Main St.
- 3) This property does not abut a residential zone.
- 4) The proposed use is not expected to create or cause a nuisance; however, if a nuisance is declared it shall be corrected in accordance with City code.

Criteria: 153.014 GENERAL CRITERIA.

In determining whether or not any application shall be approved or denied, it shall be determined that the following criteria are either met or can be met through compliance with specific conditions of approval.

(A) *The proposal is compatible with the City Comprehensive Plan and applicable policies set forth thereby.*

(B) *The proposal is in compliance with the requirements set forth by the applicable primary zone, by any applicable combining or overlay zone, and other provisions set forth by this chapter that are determined applicable to the subject use.*

(C) That, for a proposal requiring approvals or permits from other local, state and/or federal agencies, evidence of the approval or permit compliance is established or can be assured prior to final approval.

(D) The proposal is in compliance with specific standards, conditions and limitations set forth for the subject use in the applicable zone, this section and this chapter.

(E) That no approval be granted for any use which is or expected to be found to exceed resource or public facility carrying capacities.

(F) For any use which is found to require compliance with air, water, land, solid waste and/or noise pollution standards, that the compliance be a condition of approval and compliance therewith shall be a continuing condition.

Finding 4:

A) The proposal is compatible with the Comprehensive Plan by meeting the zone requirements and providing flexible alternatives to economic growth.

B) The proposal is in compliance with the applicable zone as a conditional use. The property is not within the 100 year floodplain or the natural features overlay district.

C) The applicant has already been approved by OLCC and obtained a liquor license from the City. The Applicant will also require an occupancy permit from the Crook County Building Department.

D) There are no specific standards listed in section 153.083. Use limitations in the C1 zone were discussed in Finding 3.

E) The City has analyzed the impacts of the proposed conversion and has determined that no additional System Development Charges (SDCs) will be assessed. The applicant is not proposing to increase the existing water meter size, therefore; water and sewer SDCs will not be charged. The proposed use is a significant change from an antique store. Trip rates for an antique store is not listed in the ITE manuals nor is general retail, however; the building has had higher traffic intense uses in the past, including Heavy truck sales and service that does have a trip rate in the ITE manuals. Based on similar trip rates between past uses and the proposed use as shown below City will not charge additional traffic SDCs, however; this does not exempt the use from design review criteria.

Highest known past use: Auto sales & service (943)

$$2.68(\text{trip rate.}) \times 7(\text{per thousand sq. ft.}) = 18.76 \text{ P.M. Peak trip rate}$$

Proposed Use: Brew/Pub

$$\text{Restaurant (931) - } 4.19(\text{trip rate.}) \times 3.5(\text{per thousand sq. ft.}) = 14.6 \text{ P.M. Peak trip rate}$$

$$\text{Manufacturing (140) - } 0.73(\text{trip rate.}) \times 3.5(\text{per thousand sq. ft.}) = 2.55 \text{ P.M. Peak trip rate}$$

F) All uses are required to comply with local, state or federal pollution standards. If it is identified that such standards are being exceeded, measures shall be taken to come back into compliance.

Criteria: 153.020 SITE PLAN AND DESIGN REVIEW PROVISIONS.

(A) Purpose.

(1) The purpose of the design review provisions of this chapter is to ensure that development within the city complies with standards and limitations set forth within the applicable zoning regulations, other city standards and requirements, and with applicable county, state and federal regulations. It is also the intent of these provisions that some level of review be exercised regarding the aesthetics of developments for the goal of maintaining the desirable character and living quality of the community or of specific areas within the community. The overall community character and living quality is defined by the following: keeping buildings in scale; honoring the beauty and ecology of the city's natural setting; and recognizing that historical and natural features are an integral part of the community's overall character.

(B) Applicability. The following uses and developments shall be subject to the provisions of this section:

(1) All new development and changes of use. A building permit shall not be issued prior to approval by the City. Site clearance activities such as grading, excavation or filling shall not be permitted unless specifically allowed by the City prior to approval.

(C) Exemptions. The following are exempt from the site and building design review process.

(4) Changes of uses that occupy an existing building or site that is either similar to the previous use or of equal or lesser impact to the site with regard to water, sewer and traffic as determined by the Planning Director and City Engineer. A change of use application may be required to make this determination (converting a residence to a commercial use is always considered a greater impact). Conditional use procedures still apply for those applications that require it. As a conditional use improvements may be required that are exempted in this section.

(D) Improvements Required. Uses requiring a design review application shall be subject to public improvements and or site improvements. Improvement requirements and standards are found in section 153.194 and the City's Standards and Specifications. Public improvements and site improvements include but are not limited to the following:

(1) Streets. Right of Way dedication, street extensions, sidewalks, access management. Double frontage lots may require improvements on both frontages.

(2) Utilities. Connection to municipal water and sewer and other utilities as necessary.

(3) Landscaping. Per standards set forth in section 153.087.

(4) Paved parking including access and maneuvering areas as set forth in section 153.085 and 153.086.

(5) Storm Water Drainage. Per the City's Standards and Specifications.

Finding 5: The proposed use is not exempt from design review because a Brew/Pub is a conditional use in the C1 zone and a significantly different use than the previous retail use.

1,2) The street right-of-way exceeds standards, utilities are already available to the property and the structure is already connected to city sewer and water. The City has reviewed the proposal and found the existing site improvements such as sidewalks and paved parking to be worn down, but adequate.

3) This property is not within the downtown enhancement zone and there are no specific landscaping requirements in the C1 zone. The rear parking area is surrounded by commercial buildings or parking areas so there is little reason to provide screening to neighboring properties. Landscaping is always welcome but in this case no landscaping will be required with this change of use unless required by the Planning Commission through the hearings process.

4) The applicant has submitted a parking plan showing 6 standard parking spaces and 1 ADA space. These spaces will require striping as there is currently no identified spaces on site. Parking standards are discussed further in Finding 6.

5) There appears to be evidence of a roof drainage system but no onsite collection system. With the property being completely developed or paved there is little the property owner could do without eliminating potential parking area or blocking access to neighboring properties. The City has not had major issues with drainage in this area and since the applicant is not proposing any additional construction that would increase the amount of stormwater to manage, no additional drainage facilities will be required with this change of use unless required by the Planning Commission through the hearings process.

Criteria: 153.085 OFF-STREET PARKING AND LOADING: PROVISIONS AND REQUIREMENTS.

(A) The provision and maintenance of off-street parking and loading facilities are continuing obligations of the property owner. No building permit shall be issued until plans are submitted and approved by the city that show property that is and will remain available for exclusive use as off-street parking and loading facilities as required by this section and this chapter. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the required parking and loading facilities set forth by this section and this chapter. It is not, however, the intent of these provisions to require off-street parking and loading facilities in a manner as to unreasonably limit improvements to existing structures and uses, particularly in that area identified as the downtown core commercial area.

(B) Applicability. Unless exempted by this section, all construction, reconstruction, enlargement of a structure or at the time a use is changed in any zone off-street parking facilities shall be provided in accordance with the requirements set forth by this section and section 153.086

(D) Specific Parking Requirements by Zone.

(3) C-1 Zone. More specifically, the provisions of this section shall be exempted for uses permitted outright in a C-1 Zone, which occupy an existing building on a parcel of land which contains no room for parking. For those parcels of land which do have room for parking, the standards of this section shall apply.

Finding 6: This application is a conditional use because of the inclusion of a bar area, otherwise a restaurant is an outright use. As stated above it is not the intent of the code to unreasonably limit improvements to existing structures and uses, particularly in the downtown commercial area. The applicant has room to provide some off street parking to the rear of the building accessed from NE Belknap St. The applicant has provided a parking plan outlining 6 off street spaces and 1 handicap space. Staff finds that the plans meets with the intent of the code while also allowing a desired outdoor seating area for the proposed business. All spaces shall be properly striped in accordance with section 153.086 and the building code.

Criteria: 153.136 SPECIFIC CONDITIONS.

In addition to the standards and conditions set forth in a specific zone, this subchapter, this chapter and other applicable local, county, state and/or federal regulations, additional conditions may be imposed which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the city as a whole, and to otherwise protect the general welfare and interests of the surrounding area, the city as a whole and the general public. No condition may be imposed which violates federal or state law with regard to needed housing. The conditions may include, but are not limited to, the following.

(A) Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restrictions to minimize environmental impacts such as noise, vibration, air or water pollution, glare and odor.

(B) Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.

(C) Limiting the height, size or location of a building or other structure or use.

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(D) Increasing street width and/or requiring improvements to public streets and other public facilities serving the proposed use, even including those off-site but necessary to serve the subject proposal.

(E) Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.

(F) Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor or security lighting, and the intensity and/or direction thereof.

(G) Requiring diking, screening, fencing or other improvements or facilities deemed necessary to protect adjacent or nearby properties, and establishing requirements or standards for the installation and maintenance thereof.

(H) Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or manmade significant resources.

Finding 7: As a conditional use that Planning Commission may consider additional conditions of approval if deemed necessary to protect the general welfare of the City or surrounding area. Staff does not recommend any additional conditions.

RECOMMENDED CONDITIONS:

Based on the foregoing Findings, those conditions contained within and the following conditions of approval; application C-2016-108 for the conversion of an existing building in the downtown to a Brew/Pub (Crooked River Brewing) is recommended for approval.

1. The applicant shall comply with all necessary Fire Department requirements. The applicant shall coordinate with the Crook County Rural Fire and Rescue. Should Crook County Fire and Rescue determine that additional conditions are necessary the applicant shall meet the necessary conditions.
2. The applicant shall stripe the parking area as shown in the submitted layout per city standards prior to occupancy.
3. The applicant shall pay all applicable System Development Charges (SDCs) prior to occupancy. The City has determined that the use as proposed will not be accessed additional SDCs, however; if at any time the water meter size is increased, additional water and sewer SDCs shall be required.
4. The signs approved as part of this application shall maintain compliance with the City's sign code and not impede pedestrian walkways. As proposed, the maximum wall signage for the front and rear facades shall not exceed 97 sq. ft.
5. The applicant shall secure any and all required city, county and state permits and comply with the required conditions of those permits prior to occupancy.
6. The applicant shall comply with all applicable requirements of the C-1 zone and relevant portions of the City of Prineville Code of Ordinances and Crook County Building Department.

Date this 8th day of November 2016

Written by:


Joshua Smith, Senior Planner