

SITE PLAN & ARCHITECTURAL COMMISSION AGENDA FEBRUARY 16, 2018



Commission Members

Jim Quinn, Chair

Bill Chmelir, Vice Chair

Jeff Bender

Jim Catt

David Culbertson

Bob Neathamer

Marcy Pierce

Rick Whitlock

City Council Liaison - Dick Gordon

City Council Liaison Alt. - Tim D'Alessandro

Regular Commission meetings are held on
the first and third Fridays of every month

Beginning at 12:00 Noon

City of Medford

Council Chambers,

Third Floor, City Hall

411 W. 8th Street

Medford, OR 97501

(541) 774-2380



Site Plan and Architectural Commission

Agenda

Public Hearing

February 16, 2018

12:00 noon

Council Chambers, City Hall, Room 300
411 West Eighth Street, Medford, Oregon

-
10. Roll Call.
 20. Consent Calendar. None.
 30. Minutes.
 - 30.1 Consideration for approval of minutes from the January 19, 2018, meeting.
 40. Oral and Written Requests and Communications.

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**
 50. Public Hearings.

Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**

New Business.

- 50.1 AC-17-144 Consideration of a proposal for the development of a single 0.85-acre lot, consisting of the construction of a 2,300 square foot fast food restaurant located at 2233 Biddle Road in the Regional Commercial (C-R) zoning district (371W18C1205); (Oregon Architecture, Inc., Applicant; Dustin Severs, Planner).
60. Written Communications.
 - 60.1 AC-15-156 Consideration of request for the maximum five-year approval period for Delta Center Phase 2, consisting of 30,570 square feet of commercial and office development on a 4.71 acre site generally located 550 feet north of the intersection of Crater Lake Highway (OR 62) and Delta Waters Road, approximately 200 feet west of Delta Waters Road within the I-L/PUD (Light Industrial/Planned Unit Development Overlay) zoning district.
70. Unfinished Business. None
80. New Business.
90. Report from the Planning Department.
100. Messages and Papers from the Chair.

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

- 110. Propositions and Remarks from the Commission.**
- 120. City Council Comments.**
- 130. Adjournment.**



Site Plan and Architectural Commission

Minutes

From Public Hearing on January 19, 2018

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Jim Quinn, Chair
Bill Chmelir, Vice Chair
Jeff Bender
Dave Culbertson
Marcy Pierce
Curtis Turner
Rick Whitlock
Tim D'Alessandro, City Council Liaison

Staff Present

Kelly Akin, Assistant Planning Director
Katie Zerkel, Senior Assistant City Attorney
Doug Burroughs, Public Works/Eng Development Services Mgr.
Steffen Roennfeldt, Planner III
Liz Conner, Planner II
Debbie Strigle, Recording Secretary

Commissioners Absent

Jim Catt, unexcused
Bob Neathamer, excused
Dick Gordon, City Council Liaison

10. Roll Call.

10.1 Election of Officers.

Nomination: Re-elect Chair Quinn as the Chair for 2018.

Moved by: Commissioner Chmelir Seconded by: Commissioner Whitlock

Voice Vote: Motion passed unanimously, 7-0

Nomination: Re-elect Vice Chair Chmelir for Vice Chair for 2018.

Moved by: Commissioner Whitlock Seconded by: Commissioner Bender

Voice Vote: Motion passed unanimously, 7-0

20. Consent Calendar/Written Communications.

20.1 **AC-17-143** Final Order for consideration of the construction of a 6,286 square foot professional office building to be located within Phase II of the Crater Lake Business Center, a commercial center located at the intersection of Excel Drive and Aero Way in the Service and Professional Office Commercial (C-S/P) zoning district (371W07D311); (MC Holdings LLC, Applicant; Burrill Real Estate LLC, Agent; Steffen Roennfeldt, Planner).

Motion: Adopt the consent calendar.

Moved by: Commissioner Whitlock Seconded by: Commissioner Bender

Voice Vote: Motion passed unanimously, 7-0

30. Minutes.

30.1 The minutes for the January 5, 2018, meeting, were approved as submitted.

40. Oral and Written Requests and Communications. None.

50. Public Hearings.

Katie Zerkel, Senior Assistant City Attorney, read the rules governing the public hearings.

Old Business.

50.1 **E-17-138** Consideration of a request for an exception to the General Design Requirements for Parking, specifically the requirement that all parking, loading, and vehicle maneuvering areas shall be paved and improved, at a heavy equipment sales Lot located at 4866 Helo Drive in the I-H, Heavy Industrial zoning district (371W06AB300 & 301); (Pacific Truck, Trailer & Equipment LLC, Applicant; Douglas Day, Agent; Steffen Roennfeldt, Planner).

Chair Quinn asked for any potential conflicts of interest or ex-parte communications. There were none.

Steffen Roennfeldt, Planner III, gave a PowerPoint presentation of the January 10, 2018, Staff Report. Staff recommended approval.

Commissioner Whitlock wanted to know if there were any specs or standards for the gravelling of the area to prevent it from turning into a mud pit.

Doug Burroughs, Public Works Department, said there is not a standard for graveled areas in the code since paving is the standard.

Commissioner Whitlock stated that Commissioner Bender had pointed out to him there is a gravel specification reference on the site plan.

The public hearing was opened and the following testimony was given:

a) Doug Day, agent for the applicant, said there was nothing he could add to Mr. Roennfeldt's presentation but was available to answer any questions from the Commission.

Commissioner Whitlock asked Mr. Day if he would have any concerns if a specific condition was added that reflected the language of the code provision that at no time shall wheeled vehicles and/or trailers be allowed to park, load, or maneuver on the gravel area. Mr. Day responded they do have an area that will be paved where the maneuvering will take place. This area is shown on the plans.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and adopt the final order for E-17-138 per the staff report dated January 10, 2018, including Exhibits A through I, and also including the following:

➤ A specific condition reading that no wheeled vehicles or trailers may be parked, loaded, or maneuvered on the unpaved portions of the property

Moved by: Commissioner Whitlock

Seconded by: Commissioner Chmelir

Roll Call Vote: Motion passed, 7-0

New Business.

50.2 AC-17-085/E-17-152 Consideration to expand a multi-family dwelling complex to 8 dwelling units and an exception to the required parking standards on one lot totaling 0.17 acres located at 233 and 235 N. Oakdale Avenue within the Community Commercial (CC) zoning district (372W25AD TL 7200); (Clinton Hall, LLC., Applicant; Douglas Clark, Agent; Liz Conner, Planner).

Chair Quinn asked for any potential conflicts of interest or ex-parte communications. Commissioner Turner declared he passes the property on a daily basis and is a former member of the YMCA. Neither will affect his decision. Commissioner Bender declared that the applicant's agent is a former employee of his firm but it would not affect his ability to provide a fair and unbiased decision.

Liz Conner, Planner II, gave a PowerPoint presentation of the January 12, 2018, Staff Report. Staff recommended approval.

Commissioner Whitlock asked if it was necessary to have the lots legally combined so that they could not be sold separately. He said his concern was if they were sold separately would they still meet the parking requirements either with the exception granted or not granted. Commissioner Whitlock wanted to know if they should be requiring this as a condition.

Kelly Akin, Assistant Planning Director, stated she had thought about that when she was reviewing the staff report. She noted they should require a shared parking agreement between the properties that would require the 10 parking spaces be shared between them. This is the proposal that is before the Commission and clearly within the Commission's authority to meet the first criterion.

Commissioner Whitlock asked if there was any concern in meeting the parking requirements if the lots were sold separately. Ms. Akin said another option would be a deed restriction. Both the shared parking agreement and deed restriction should resolve any parking requirement issues.

The public hearing was opened and the following testimony was given:

a) Douglas Clark, architect for the applicant, thanked staff for their excellent job in presenting the project. In regards to the parking requirement concern, Mr. Clark stated the owner of the property had already agreed to do a permanent and legal cross-easement to address the parking issue.

Mr. Clark reserved time for rebuttal.

Commissioner Whitlock noted that it was a great project but he had concerns regarding the parking exception request. He wanted to know what the length of the lease to the Family Nurturing Center was. Mr. Clark replied that currently it is stated as one year.

b) Len Gotshalk, owner of the property, indicated that historically the mix of units they've had in the past has had a low incidence of cars.

Commissioner Whitlock commented that looking at the past doesn't predict what the future will be.

Mr. Gotshalk stated he thinks that one space per unit serves the need.

Commissioner Whitlock inquired as to how many Family Nurturing Center units were part of the current rental arrangement. Mr. Gotshalk answered eight.

Commissioner Whitlock wanted to know what would happen if the parking exception was not granted. Mr. Gotshalk answered the footprint would remain the same and they would have less units but more bedrooms.

Vice Chair Chmelir asked if they didn't have the parking would the footprint of the building remain the same and the units just grow in size. Mr. Gotshalk answered yes but they would have more bedrooms.

c) Brad Russell, Executive Director of the YMCA, stated he was grateful that someone was willing to improve the property and make it much better. He said he had met with Mr. Gotshalk. One of his concerns was regarding the trash but indicated the mini trash containers would help instead of having the bigger trash dumpsters. He also had concerns about property damage, and the parking issue. He explained that parking had been a real problem with previous tenants. Mr. Russell felt that in doubling the amount of spaces, the parking would continue to be a problem. Mr. Russell commented he would advocate that the addition of two more spaces be added to the plan as had been stated by Mr. Gotshalk.

Commissioner Whitlock wanted more information from staff on the two additional parking spaces that Mr. Russell referred to and how it fit in to the parking discussion. Ms. Conner pointed out on the site plan the proposal for two parking spaces if the exception was not approved. She noted that if those two parking spaces were added there would be a dimension requirement for 10 feet away from a street. Because they don't meet the dimension, the applicant would have to file for an exception request to that standard.

Commissioner Whitlock asked if there were any compact parking spaces that could reduce the size of the one space Ms. Conner referred to. Ms. Conner stated the standards do allow for compact parking but she would have to look at that section.

Commissioner Whitlock wanted to know what was currently identified in the two optional spaces Ms. Conner pointed out. Ms. Conner answered that it is currently landscaping.

Mr. Clark commented that the parking code has a compact stall but not for parallel parking. The parallel parking stall is oversized at 24 feet in length. He said the ordinance doesn't exist in this particular case.

Mr. Gotshalk stated they could get one more space there and still meet the landscape requirements.

Commissioner Whitlock asked how they would feel if the Commission granted the exception but required that they add one additional space rather than the two spaces that would ordinarily be required. Mr. Clark and Mr. Gotshalk responded they would be happy with that.

Commissioner Whitlock asked if the area next to unit #2 could also be converted to a parking space. Mr. Clark answered it was just a little short for the parallel requirement.

The public hearing was closed.

Commissioner Pierce asked what kinds of trash containers were being proposed and where. Ms. Conner pointed out that the trash area is on the south property line and the applicant is proposing smaller-sized individual trash containers. Ms. Conner deferred to the applicant for confirmation of the containers.

The public hearing was re-opened.

Mr. Clark confirmed they would be individual roll-away type trash bins.

Commissioner Whitlock asked if the occupants of the units would be responsible for taking their trash out. Mr. Gotshalk replied yes, it would be on a weekly basis. He added the individual trash cans are a better option than a having a dumpster.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and adopt the final orders for approval of AC-17-085 and E-17-152 per the staff report dated January 12, 2018, including Exhibits A through N and adding the following:

- A shared parking agreement is required between the two parcels
- An appropriate deed restriction be added related to the combined usage of these two lots

- The number of parking spaces required in connection with the exception will be 11 rather than 10, and the 11th spot would be located in the parallel parking slot that was discussed during the hearing

Moved by: Commissioner Whitlock

Seconded by: Commissioner Culbertson

Roll Call Vote: Motion passed, 7-0

50.3 **AC-17-153** Consideration of a proposal for the construction of a two-story, 2,260 square foot professional office building and an adjoining 10,500 square foot warehouse to be located at the intersection of Rossanley Drive and Stowe Avenue in the Light Industrial (I-L) zoning district (372W23A5600); (Tom Casey & Dan Hawkins; Applicant; Bill Philp, Agent; Steffen Roennfeldt, Planner).

Chair Quinn asked for any potential conflicts of interest or ex-parte communications. Commissioner Culbertson declared that Mr. Casey’s family and his family have been friends for years but it would not affect his decision.

Steffen Roennfeldt, Planner III, gave a PowerPoint presentation of the January 10, 2018, Staff Report. Staff recommended approval.

The public hearing was opened and the following testimony was given:

- a) Bill Philp, agent for the applicant, asked for clarification of where the landscaping was located and then asked the Commission for approval and adoption of the final order.

Mr. Philp asked for rebuttal time.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and adopt the final order for AC-17-153 per the staff report dated January 10, 2018, including Exhibits A through P.

Moved by: Commissioner Pierce

Seconded by: Commissioner Turner

Commissioner Whitlock expressed his appreciation and thanks to the applicant and developer for this type of non-exception development where the conditions the code imposes are complied with.

Roll Call Vote: Motion passed, 7-0

Commissioner Whitlock stated he now had to leave this meeting because of another commitment and left.

60. Written Communications. None.

70. Unfinished Business. None.

80. New Business. None.

90. Report from the Planning Department.

90.1 Ms. Akin announced there is no business scheduled for the February 2nd meeting but there is business scheduled for the February 16th meeting.

90.2 Ms. Akin reported that City Council had approved the vacation for a portion of the public utility easement for People’s Bank. On February 1st City Council will be hearing an annexation.

90.3 Ms. Akin gave an update on the Urban Growth Boundary saying she had sent the Commissioners an e-mail summarizing the Housing Advisory Committee’s (HAC) policy recommendations to City Council. City Council had contemplated those policies at their study session and they will be scheduled for public hearing on February 15, 2018.

90.4 Transportation System Plan (TSP) – Ms. Akin said they were working through open houses in each of the four wards. Wards 1 and 4 had held their open houses with approximately 50 people attending Ward 1 and 20 attending Ward 4. Ward 2 will have their open house on January 23rd at the downtown library, and Ward 3 will have open house on January 24th at the Santos Center. The open houses run from 5:30 to 7:30 p.m.

90.5 Ms. Akin thanked Commissioner Turner for his service on this Commission and wished him well.

100. Messages and Papers from the Chair.

100.1 Chair Quinn thanked Commissioner Turner for his service and said he would be missed.

110. Propositions and Remarks from the Commission. None.

120. City Council Comments.

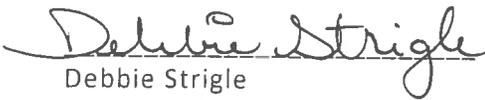
120.1 Councilmember D’Alessandro thanked Commissioner Turner for his service on the Commission.

120.2 Councilmember D’Alessandro remarked that City Council had a lot going on right now and said he was excited to learn what HAC has for City Council on February 15th.

130. Adjournment

130.1 The meeting was adjourned at approximately 1:05 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder’s office.

Submitted by:



Debbie Strigle
Recording Secretary

Jim Quinn
Site Plan and Architectural Commission Chair

Approved: February 19, 2018



STAFF REPORT

for a Type-C quasi-judicial decision: **Site Plan and Architectural Review**

PROJECT Arby's
 Applicant: Oregon Architecture, Inc.

FILE NO. AC-17-144

TO Site Plan and Architectural Commission *for February 16, 2018 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Akin, Assistant Planning Director

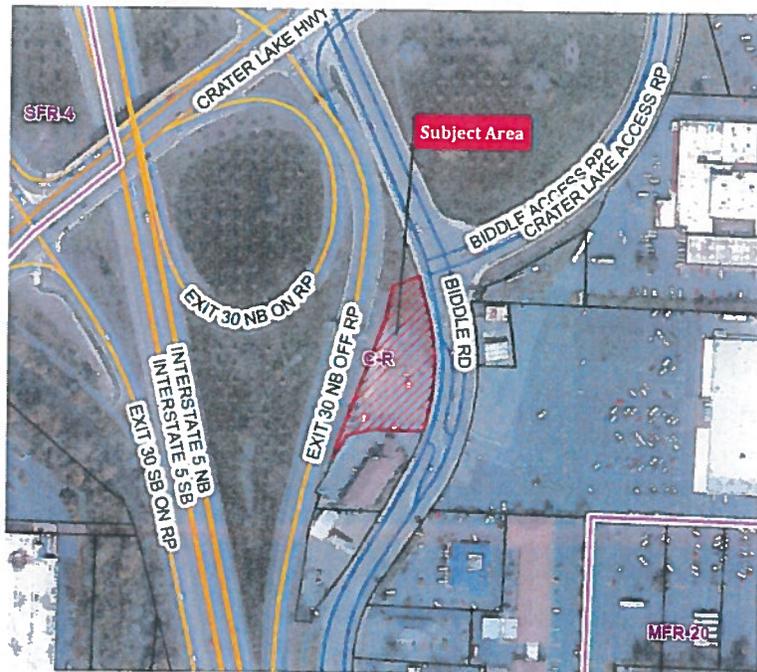
DATE February 9, 2018

BACKGROUND

Proposal

Consideration of a proposal for the development of a single 0.85-acre lot, consisting of the construction of a 2,300 square foot fast food restaurant located at 2233 Biddle Road in the Regional Commercial (C-R) zoning district (371W18C1205).

Vicinity Map



Subject Site Characteristics

Zoning: C-R (Regional Commercial)
GLUP: CM (Commercial)
Overlay(s): AC (Airport Area of Concern) and F (Freeway)

Surrounding Site Characteristics

<i>North</i>	Zone:	C-R
	Use(s):	I-5 North Medford Interchange
<i>South</i>	Zone:	C-R
	Use(s):	Shilo Inn Medford
<i>East</i>	Zone:	C-R
	Use(s):	Sherm's Food 4 Less, Chevron gas station
<i>West</i>	Zone:	C-R
	Use(s):	I-5 North Medford Interchange

Related Projects

PA-17-103

Applicable Criteria

MLDC Section: 10.290 – Site Plan & Architectural Review Criteria

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (1) The proposed development is compatible with uses and developments that exist on adjacent land; and*
- (2) The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC § 10.253.*

ISSUES AND ANALYSIS

Project Summary

The subject site consists of a single 0.85-acre lot fronted by Biddle Road – a major arterial street under the jurisdiction of the Oregon Department of Transportation along its easterly property boundary, and the North Medford I-5 interchange off-ramp along its westerly property boundary. The applicant is proposing the construction of a 2,300 square foot Arby's fast food restaurant with a drive-thru and patio seating. The applicant is additionally requesting relief

from the Code to the frontage landscaping requirements along the site's frontage along I-5, and approval to allow greater than 15 seats for the proposed outdoor seating area.

Site Development Standards

SITE DEVELOPMENT TABLE

	Allowed	Proposed
Height	85 feet Max.	18.5 feet
Lot Coverage	40% Max.	6.4%
Setback (front)	10 Foot Min.	65 feet
Setback (rear)	10 foot Min.	30 feet
Setback (sides)	None	140 feet

As shown in the Site Development Table above, it can be found that the proposed structure identified on the submitted site plan meets the bulk standards for the C-R zoning district as found in Article V of the Medford Land Development Code.

Parking

PARKING TABLE (10.743-751)

	Required	Provided
Total Spaces	28 min. / 32 max.	30 (+ 8 shared with adjacent motel)
Accessible Spaces	2	2
Bicycle Spaces	3	4

The submitted site plan identifies a total of 30 proposed parking spaces - plus 8 existing spaces shared with the adjacent Shilo Inn motel - meeting the minimum required spaces for the site per MLDC 10.741. Additionally, the site plan includes the requisite number, location, and dimensions of accessible parking spaces and bicycle parking spaces as outlined in the Code.

Landscaping

LANDSCAPE TABLE - Frontage Landscaping (10.797)

Biddle Road	Required	Shown
Trees	12	12
Shrubs	75	110

I-5	Required	Shown
Trees	14	5
Shrubs	90	96

LANDSCAPE TABLE – Parking Area Planters (10.746[3])

	Required	Shown
Trees	4	5
Shrubs	8	96
Coverage area	665 square feet	694 square feet

It can be found that the submitted Landscape Plan (Exhibit G) meets and/or exceeds the frontage landscaping requirements along the property's frontage along Biddle Road, and meets the parking lot planter requirements per MLDC 10.797 and 10.746(3). However, the number of trees shown on the Landscape Plan is deficient nine trees along the property's frontage along I-5.

MLDC 10.780(C)(2) reads as follows:

(2) The approving authority may approve landscape plans or irrigation plans not in full compliance with provisions of the Medford Land Development Code Chapter 10, without the need for a separate Exception application, subject to the following:

a. The approving authority shall make one of the following findings to grant relief from a provision:

1. Due to a unique circumstance of the site, strict application of the standards requires an improvement that does not further the intent of this chapter, and granting relief does not:
 - i. Diminish the quality of life;
 - ii. Diminish the aesthetic environment of the site and its surroundings;
 - iii. Increase reliance on irrigation water;
 - iv. Allow landscaping that is horticultural incompatible with the surroundings or climate.

The applicant's submitted findings state the following in response to compatibility criterion P:

P. Section 10.780(C)(2) – List any petition for relief of landscaping standards. Provide rationale for requested deviation from standard.

Although the site has a reasonable amount of area on paper for development, it is unusually long and narrow, with a lot of street frontage for a site this size. To meet the requirement of providing a 10-foot landscape buffer along both frontages (Biddle Road and Interstate 5) is an onerous requirement that unfairly impacts this site. A typical rectangular commercial lot within a commercial area can expect to devote 4-5% of the total lot square footage to frontage landscaping. On this lot that number jumps to nearly 19.5%. We request to deviate from that standard for the portion of the landscape buffer strip along the Interstate 5 frontage. As per Planning Department staff, their interpretation of the Medford LDC is a minimum required 10 foot buffer along both the street and the freeway. That is not possible and still have room on the site for building and parking. We are proposing to maintain the 10-foot landscape buffer along Biddle Road, but reduce it to 5-feet along the freeway frontage, primarily because the freeway itself has a 15-20 foot buffer between the driving lane and the property line. The Developer for his part doesn't care where the landscape strip is located, as long as the combined landscape strip totals no more than 15 feet.

We are also requesting relief from the standard requiring 4 trees per 100 feet of frontage along the Interstate 5 frontage. ODOT has already told us they will not allow trees to overhang the property line fence. At maturity, trees located within a 5-foot (or even a 10) landscape strip cannot be expected to stay within the limits imposed. This will potentially mean a large expense to the Arby's operator to maintain trees within the proscribed limits. We will group street trees in locations where there will be more than 10 feet of available landscape planter, but there is not area where this can happen that will allow us to meet the standard.

It is staff's view that the applicant's findings effectively demonstrate that there are exceptional circumstances unique to the site, and therefore the granting of relief – reducing the landscape buffer width of the property's frontage along I-5 from 10 feet to 5 feet, and reducing the requisite number of trees from 14 to 5 trees – can be made in keeping with the intent of MLDC 10.780(C)(2) and does not diminish the quality of life; diminish the aesthetic environment of the site and surroundings; increase reliance on irrigation water; or allow landscaping that is horticultural incompatible with the surroundings or climate.

Access

Vehicular Access

Access to the subject site will be provided by an existing driveway located to the south of the site, which will be shared with the abutting Shilo Inn. The submitted site plan shows all vehicle travel moving in one counter-clockwise direction, looping from the entrance around the building and exiting through the same access point.

Pedestrian Access

The submitted site plan shows pedestrian walkways connecting the building's entrance with the existing public sidewalk along Biddle Road, and connecting with the abutting Shilo Inn property to the south, consistent with Pedestrian Walkway provisions found in MLDC 10.772-776.

Per MLDC 10.775(2), the design of pedestrian walkways shall be:

Separated from parking area by grade, different paving materials, speed bumps or landscaping.

While the applicant's submitted site plan shows pedestrian walkways, the site plan does not demonstrate compliance with the design standards pursuant to MLDC 10.775(2) cited above. As a condition of approval, the applicant will be required to submit a revised site plan with their building permit submittals illustrating a pedestrian walkway design consistent with the design standards found in MLDC 10.775(2).

Concealments

Trash Enclosure

The submitted site plan (Exhibit B) identifies a CMU gated trash enclosure located to the north of the site and includes an elevation drawing showing the trash receptacle concealed behind a 17'-4" x 10'-8" foot concrete masonry wall (5'8" in height) with a metal gate fence, consistent with the requirements found in MLDC 10.781.

Architecture

The applicant's submitted narrative (Exhibit H) describes the building's proposed architecture and how exterior treatments break up large façade and gives relief to the building mass, as the following:

The exterior wall will be clad with three materials – face brick, stucco and horizontal siding. The three materials are tied together with a horizontal metal band in the corporate color. Large panes of glass will punctuate the exterior walls of the dining room, providing areas where passing motorists and/or pedestrians can see what is going on inside. The overall design effect is one where the building's exterior planes are broken into smaller, more interesting sections. The roof parapet rises and falls as well, adding additional design interest.

Outdoor Eating Area

MLDC 10.833 – Restaurants-Outdoor Eating Areas – reads as follows:

10.833 Restaurants - Outdoor Eating Areas.

Outdoor eating areas shall be allowed for restaurants in all commercial and industrial zoning districts subject to the following:

- (1) Compliance with all other provisions of this Chapter.
- (2) Historic Review or Site Plan and Architectural Review as applicable and approval when the outdoor eating area includes seating for more than 15 patrons.
- (3) Where adjacent or abutting a residential zone, outdoor activity shall only be allowed between the hours of 8:00 a.m. and 9:00 p.m.

The applicant's submitted findings (Exhibit H, Compatibility criterion O)) states the following:

The other exception from LDC standards is to allow more than 15 seats on the exterior patio. While there are currently no plans to have more than 12, it is possible outside seating could expand to 4 tables with 16 seats total. The Developer requests that approval as part of the overall SPAC approval.

Staff is supportive of the applicant's request to be approved for up to 16 seats on the restaurant's exterior patio, as it is staff's view that the submitted site plan shows sufficient space to accommodate the additional seating.

Facility Adequacy

Per the agency comments submitted to staff (Exhibits I-K), it can be found that there are adequate facilities to serve the proposed development.

Other Agency Comments

Oregon Department of Transportation (ODOT) (Exhibit L)

Both I-5 and Biddle Road are under the jurisdiction of ODOT. Per the email received by staff, the applicant will be required to obtain a State Highway Approach Permit, and ODOT utility permits will be required for any work performed in the ODOT rights-of-way.

Address Technician (City of Medford) (Exhibit M)

An error in the submitted application was identified in an email received by staff, noting that the address of the site is 2233 Biddle Road, not 2111 Biddle Road as identified on the submitted site plan. This correction will be made with the applicant's building permit submittals.

Committee Comments

No comments were received from committees such as BPAC.

FINDINGS OF FACT

MLDC 10.290

1. *The proposed development is compatible with uses and development that exist on adjacent land;*

The Commission can find that there is sufficient evidence contained in the Applicant's Questionnaire and the Staff Report to determine that the proposal is compatible with the uses and development on adjacent land. This criterion is satisfied.

2. *The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC § 10.253.*

The Commission can find that the proposal can be made to comply with the applicable provisions of the Code with the imposition of conditions of approval contained in Exhibit A. This criterion is satisfied.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit H) and recommends the Commission adopt the findings as recommended by staff.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the Final Order for approval of AC-17-144 per the staff report dated February 9, 2018, including Exhibits A through M.

EXHIBITS

- A Conditions of Approval, drafted February 9, 2018.
- B Site Plan, received November 2, 2017.
- C Drainage Plan, received December 6, 2017.
- D Floor/Roof Plan, received November 2, 2017.
- E Elevation Plan (south/east), received November 2, 2017.
- F Elevation Plan (north/west), received November 2, 2017.
- G Landscape Plan, received December 6, 2017.
- H Applicant's Narrative, Questionnaire, and Findings of Fact, received November 2, 2017
- I Public Works staff report, received January 24, 2018.
- J Medford Water Commission report & map, received January 24, 2018.
- K Medford Fire Department report, received January 24, 2018.
- L Oregon Department of Transportation email, received January 24, 2018.
- M Address Technician email, received January 24, 2018.
Vicinity map

SITE PLAN AND ARCHITECTURAL COMMISSION AGENDA

February 16, 2018

EXHIBIT A

Arby's
AC-17-144
Conditions of Approval
February 9, 2018

CODE REQUIRED CONDITIONS

Prior to the issuance of a building permit for vertical construction, the applicant shall:

1. Comply with all conditions stipulated by the Public Works Department (Exhibit I).
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit J).
3. Comply with all requirements of the Oregon Department of Transportation (ODOT) (Exhibit L).
4. Submit a revised site plan with the building permit submittals illustrating a pedestrian walkway design consistent with the design standards found in MLDC 10.775(2).

CITY OF MEDFORD

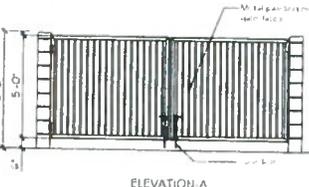
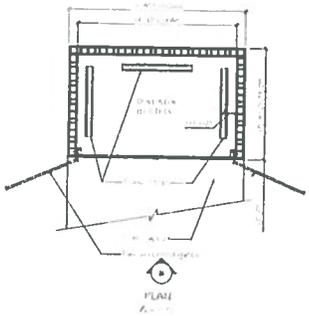
EXHIBIT #

A

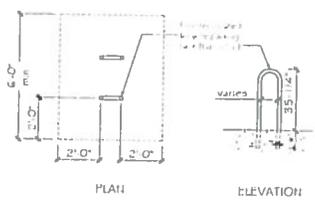
#

AC-17-144

VICINITY MAP



CMU Trash Enclosure



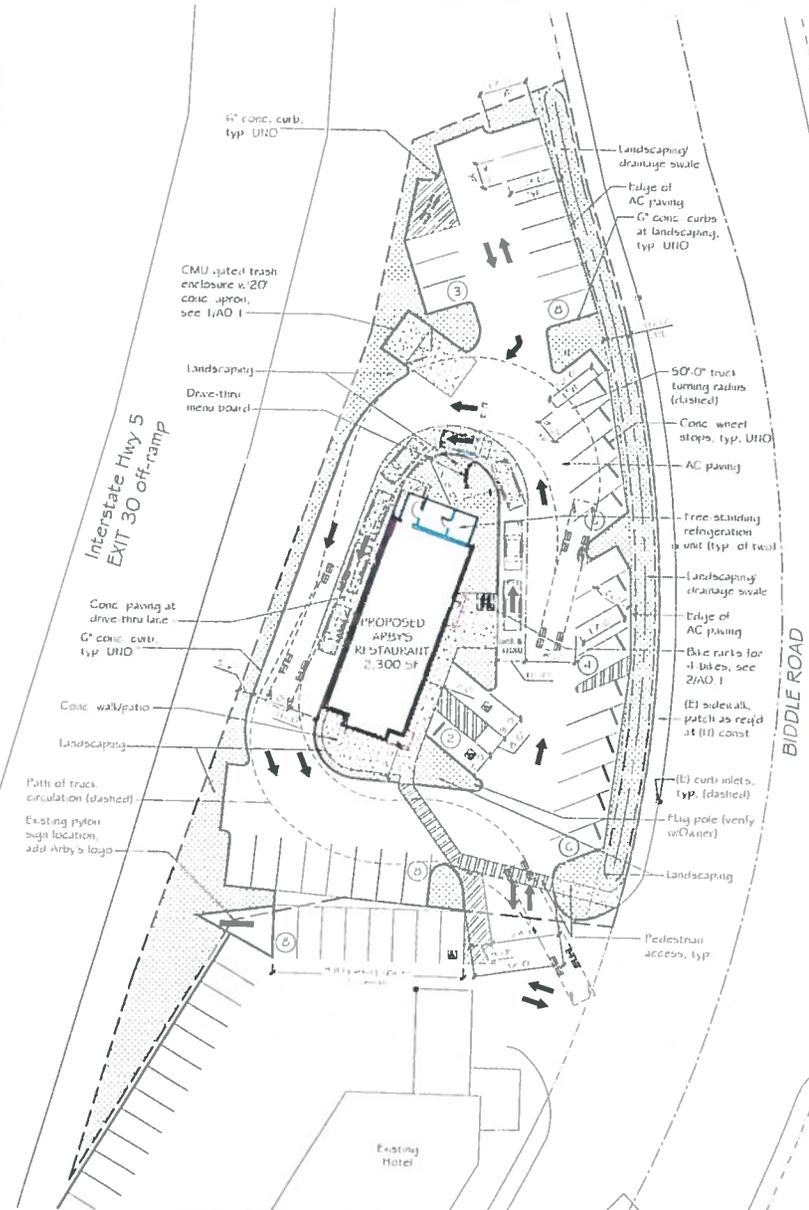
Bike Parking

PROJECT DATA

PROJECT NAME:	ARBY'S RESTAURANT
ADDRESS:	3111 BIDDLE ROAD, MEDFORD, OREGON 97504
DATE:	11/15/17
DESIGNER:	ONE ON ARCHITECTURE
CLIENT:	ARBY'S RESTAURANT
PROJECT AREA:	2,300 SF
PERMITTED:	NO
APPROVED:	NO
DATE:	NO
BY:	NO
SCALE:	AS SHOWN

SHEET SCHEDULE

SHEET NO.	SHEET TITLE
1	PROPOSED SITE PLAN
2	EXTERIOR ELEVATIONS
3	INTERIOR ELEVATIONS
4	MECHANICAL
5	ELECTRICAL
6	PLUMBING
7	PAINT
8	FINISHES
9	LANDSCAPE
10	TRUCK TURNING RADIUS
11	CONCRETE
12	AC PAVING
13	LANDSCAPING
14	TRUCK TURNING RADIUS
15	CONCRETE
16	AC PAVING
17	LANDSCAPING
18	TRUCK TURNING RADIUS
19	CONCRETE
20	AC PAVING
21	LANDSCAPING
22	TRUCK TURNING RADIUS
23	CONCRETE
24	AC PAVING
25	LANDSCAPING
26	TRUCK TURNING RADIUS
27	CONCRETE
28	AC PAVING
29	LANDSCAPING
30	TRUCK TURNING RADIUS
31	CONCRETE
32	AC PAVING
33	LANDSCAPING
34	TRUCK TURNING RADIUS
35	CONCRETE
36	AC PAVING
37	LANDSCAPING
38	TRUCK TURNING RADIUS
39	CONCRETE
40	AC PAVING
41	LANDSCAPING
42	TRUCK TURNING RADIUS
43	CONCRETE
44	AC PAVING
45	LANDSCAPING
46	TRUCK TURNING RADIUS
47	CONCRETE
48	AC PAVING
49	LANDSCAPING
50	TRUCK TURNING RADIUS
51	CONCRETE
52	AC PAVING
53	LANDSCAPING
54	TRUCK TURNING RADIUS
55	CONCRETE
56	AC PAVING
57	LANDSCAPING
58	TRUCK TURNING RADIUS
59	CONCRETE
60	AC PAVING
61	LANDSCAPING
62	TRUCK TURNING RADIUS
63	CONCRETE
64	AC PAVING
65	LANDSCAPING
66	TRUCK TURNING RADIUS
67	CONCRETE
68	AC PAVING
69	LANDSCAPING
70	TRUCK TURNING RADIUS
71	CONCRETE
72	AC PAVING
73	LANDSCAPING
74	TRUCK TURNING RADIUS
75	CONCRETE
76	AC PAVING
77	LANDSCAPING
78	TRUCK TURNING RADIUS
79	CONCRETE
80	AC PAVING
81	LANDSCAPING
82	TRUCK TURNING RADIUS
83	CONCRETE
84	AC PAVING
85	LANDSCAPING
86	TRUCK TURNING RADIUS
87	CONCRETE
88	AC PAVING
89	LANDSCAPING
90	TRUCK TURNING RADIUS
91	CONCRETE
92	AC PAVING
93	LANDSCAPING
94	TRUCK TURNING RADIUS
95	CONCRETE
96	AC PAVING
97	LANDSCAPING
98	TRUCK TURNING RADIUS
99	CONCRETE
100	AC PAVING



PROPOSED SITE PLAN



Prepared For: **Arby's**
FAST FOOD RESTAURANT
 3111 BIDDLE ROAD, MEDFORD, OREGON 97504
 Scale: 1/8" = 1'-0"

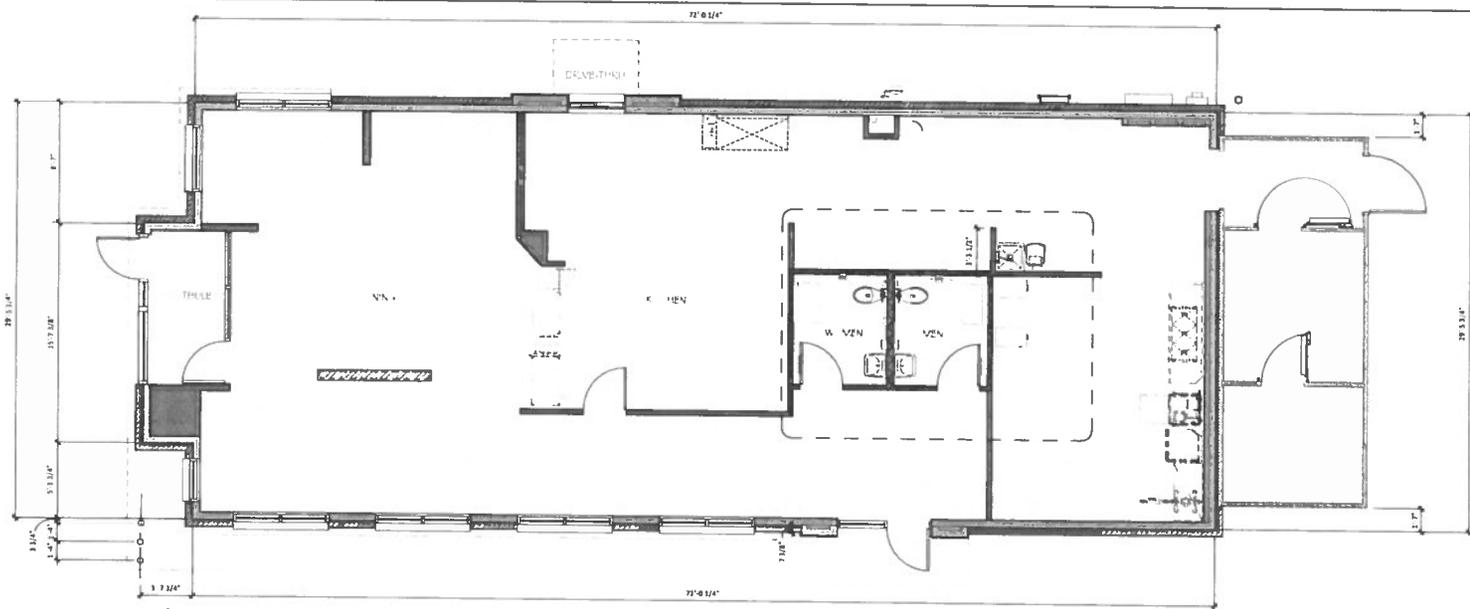
DATE:	11/15/17
BY:	[Signature]
CHECKED:	[Signature]
SCALE:	AS SHOWN
TITLE:	SPAC 1.0

CITY OF MEDFORD
EXHIBIT # B
File # AC-17-144

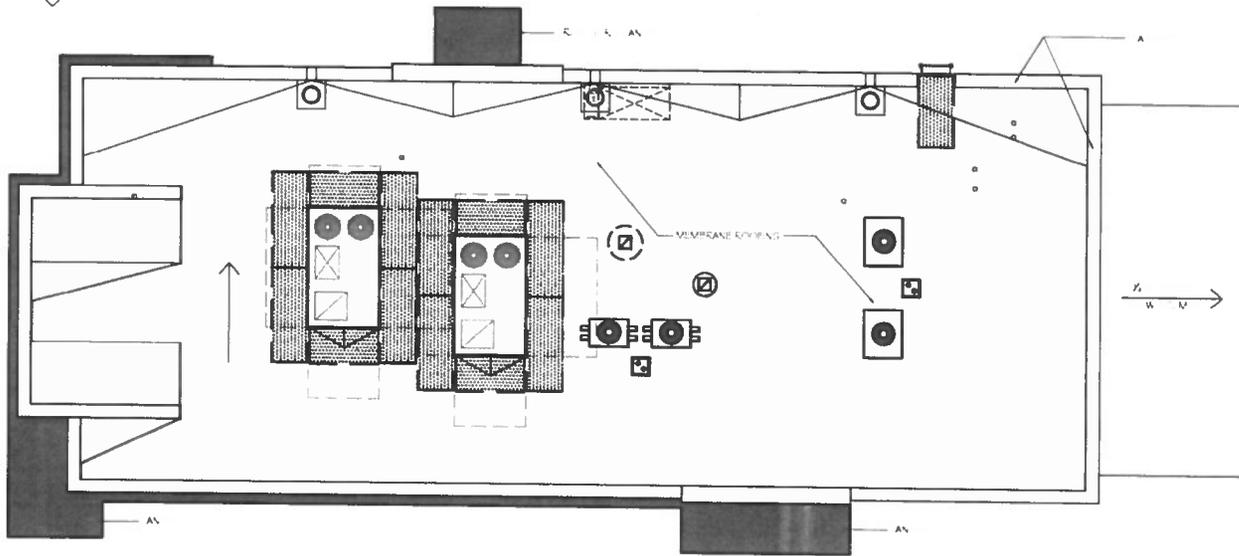
RECEIVED

NOV 02 2017

PLANNING DEPT.



FLOOR PLAN
SCALE: 1/4"=1'-0"



ROOF PLAN
SCALE: 1/4"=1'-0"

OREGON ARCHITECTURE
 132 W. Main Street, Suite 101
 Medford, Oregon 97501
 PH: 541 772-4372 | OREGONARCHITECTURE.BIZ

Proposed New Construction for
ARDY'S FAST FOOD RESTAURANT
 2111 MIDDLE ROAD MEDFORD, OREGON 97504
 Parcel: MAP 37 1N 1E C TAX LOT 1205

PROJECT NO.	
DATE	12/19/17
BY	
CHECKED BY	
DATE	
PROJECT NO.	
DATE	
BY	
CHECKED BY	
DATE	
PROJECT NO.	
DATE	
BY	
CHECKED BY	
DATE	

CITY OF MEDFORD
EXHIBIT # D
File # AC-17-144

RECEIVED

NOV 02 2017

PLANNING DEPT.

(541) 772-4372



132 WEST MAIN STREET, SUITE 101 MEDFORD, OREGON 97501 www.oregonarchitecture.biz

November 1, 2017

NARRATIVE FOR NEW 2,300 SF FAST FOOD RESTAURANT LOCATED AT 2111 BIDDLE ROAD

BRIEF PROJECT NARRATIVE

The property is located at 2111 Biddle Road, immediately adjacent to the I-5 North Interchange exit ramp that wraps around the site and exits onto Biddle Road. The site is between Biddle and the freeway, and is a remainder parcel created when ODOT improved the interchange a few years ago. The site is served by existing water and sewer lines. Biddle Road was improved at the time of the overall reconstruction and has four drive lanes – two each going north and south, as well as sidewalks, a bike lane and a turn lane. The median is controlled access, allowing left in and right in/right out at this location.

The site is narrow, so a full 10-foot landscape buffer on both Biddle and the freeway frontages is not possible without severely impacting the usability of the site. The Owner is requesting an exception from standards for the freeway side to reduce the depth of the landscape buffer from 10 feet to 5 feet along a portion of that frontage. Additional shrub plantings will be provided to minimize visual conflicts with cars using the freeway exit. The landscape buffer along Biddle will remain at 10 feet. We are also seeking an exception to the tree planting standard along this frontage because of incompatibility between normal tree debris and freeway traffic. We don't want to drop leaves onto the ODOT ROW, and ODOT is going to require that all plantings remain on the private side of the ROW, which is not possible with street trees, even in a 10-foot landscape strip.

PROJECT EVALUATION CRITERIA - COMPATIBILITY

- A. List existing uses and development adjacent to your project site. Along with this list, describe the architecture (materials, colors, etc.) age and condition of the adjacent buildings.**

This site is fairly isolated from surrounding structures. Along the entire west and north site frontages is the I-5 exit ramp connecting to Biddle Road and Highway 62. Along the south frontage is a parking lot shared with the Shilo Inn, a three story wood frame structure. On the east side of Biddle Road and at the north end of the site is a recently constructed Chevron gas station. Far to the east is the Food-4-Less grocery store and immediately to the southeast along Biddle is Elmer's restaurant. All buildings are reasonably well maintained.

CITY OF MEDFORD
EXHIBIT # h
File # AC-17-144

5

B. Describe the building architecture and exterior treatments in your proposal and how they fit with and complement adjacent buildings and development.

Except for this lot, this section of Biddle Road is fully developed and currently occupied and reasonably well maintained. There is no overriding design theme that relates any of the adjacent buildings to each other, and relating the design of this building to one adjacent structure would not bring any meaningful connection to the existing design cacophony. The proposed elevations for this building do provide a crisp design with modern materials in tasteful colors. It will provide a nice contrast to the somewhat dated exteriors of the hotel, Elmer's and Food-4-Less.

C. Describe the proposed architecture and exterior treatments that break up large facades and give relief to the building mass.

This building is not large to begin with. The exterior walls will be clad with three materials – face brick, stucco and horizontal siding. The three materials are tied together with a horizontal metal band in the corporate color. Large panes of glass will punctuate the exterior walls of the dining room, providing areas where passing motorists and/or pedestrians can see what is going on inside. The overall design effect is one where the building's exterior planes are broken into smaller, more interesting sections. The roof parapet rises and falls as well, adding additional design interest.

D. Describe how the placement and orientation of the proposed building relates to the street facilities and how this orientation promotes a more pedestrian-friendly site design.

The site is long and narrow, with a lot of frontage along Biddle. Given this location, there is not likely to be much pedestrian traffic other than from the adjacent motel. We have provided a direct pedestrian connection to both the public sidewalk along Biddle and to lobby of the adjacent Shilo Inn.

a. If the site lies within 600 feet of an existing or planned transit stop, describe compliance with the standards of Section 10.808.

This site does not abut a RVTD transit route, nor is there a transit route within 600 feet. The standards of LDC Section 10.808 do not apply to this site.

E. Describe the pedestrian facilities and amenities on your site, and how they will function for pedestrians.

The site is zoned Freeway Commercial, so pedestrian facilities must be designed with care. A pedestrian connection is proposed to both the sidewalk on Biddle and to the lobby of the adjacent Shilo Inn. In addition, we have provided walks to get guests safely from their cars to the building entrance. We have also provided outdoor seating on a patio separated by landscaping from driveways, and bicycle parking for guests who want to arrive via that transportation option.

F. Describe vehicle and pedestrian access to the site and how it relates internally on the site and to adjacent sites.

The project site is access controlled by ODOT, so currently there exists only one access. It is located at the south end of the site, and is shared with the adjacent motel.

As per Arby's preferred prototypical plan, all automobile travel around the site is in one counter-clockwise direction, looping from the entrance around the building and exiting through the Biddle Road access point.

Pedestrian access is only from the sidewalk along west side of Biddle. We have provided pedestrian access onto the site at the southeast corner, closest to the adjacent motel.

G. Describe if and how the proposed plan is sensitive to retaining any existing trees or significant native vegetation on the site.

The site has been previously fully developed, so no native vegetation remains. There are no existing trees and there is no remaining significant native or non-native vegetation on this lot.

H. Describe storm water detention facilities on the site. If these facilities will be landscaped areas, describe how the proposed landscaping will be integrated with other landscaping on the site.

The site was previously fully developed, although the former buildings and parking areas have been removed. Stormwater detention and water quality will be handled on site in landscaping areas, primarily the 10-foot landscape strip along Biddle Road. All the plantings in this area will be suitable for this type of use. Outfall will be into the public system which runs along Biddle Road.

I. Describe how your proposed landscaping design will enhance the building and other functions on the site.

One restaurant operator we work with describes the importance of well-maintained site landscaping as "lipstick for the site". That particular operator wants his landscaping to look lush and vibrant all year long. Given the tight site, we plan to exceed the minimum landscaping requirements along Interstate 5 and around the building. Landscaping along Biddle Road will also be varied and will be selected for suitability within a storm drainage facility.

J. Describe how your exterior lighting illuminates the site, and explain how the design of the fixtures does not diminish a view of the night sky or produce glare on adjacent properties, consistent with the standards of Section 10.764.

Site lighting for the building and the parking area will be downward facing heads with a horizontal cutoff that will not cast light above the horizontal plane.

K. Describe any proposed signage and how it will identify the location of the occupant and serve as an attractive complement to the site.

There is an existing pylon sign for the Shilo Inn along the Interstate frontage located on this site. That sign has a tall pole for sign visibility along the highway. There is an agreement in place for the Arby's to place their signage on that pole. Other signage will include directional signage and building signage. All signage will meet City signage standards and maximum sizes requirements.

L. Explain any proposed fencing, including its purpose, and how you have incorporated it as a functional, attractive component of your development.

There is an existing chain link fence along the property line shared with ODOT and the freeway. That fence is the property of and maintained by ODOT. It will remain. No additional fencing is proposed.

M. Explain how any potential noise generated by future occupants will be mitigated on the proposed site, consistent with the standards of Section 10.752-10.761.

Once construction is complete the Developer does not expect any tenant to generate noise louder than what is permitted in the code.

N. Explain anything else about your project that adds to the compatibility of the project with adjacent development and uses.

This parcel was created when the North Medford interchange was improved/developed a number of years ago. It is the only remaining vacant parcel on this given stretch of Biddle Road. A number of people have taken a look at it to see if they could develop something that works on this site without success, primarily because of access issues and the narrowness of the site.

While this site has its challenges, we believe this proposal is going to be a good fit for the site, the neighborhood and the community.

O. List and explain any exceptions or modifications requested and provide reasons for such.

See Section P below for requested relief from the landscape standards. The other exception from LDC standards is to allow more than 15 seats on the exterior patio. While there are currently no plans to have more than 12, it is possible outside seating could expand to 4 tables with 16 seats total. The Developer requests that approval as part of the overall SPAC approval.

P. Section 10.780(C)(2) – List any petition for relief of landscaping standards. Provide rationale for requested deviation from standard.

Although the site has a reasonable amount of area on paper for development, it is unusually long and narrow, with a lot of street frontage for a site this size. To meet the requirement of providing a 10-foot landscape buffer along both frontages (Biddle Road and Interstate 5) is an onerous requirement that unfairly impacts this site. A typical rectangular commercial lot within a commercial area can expect to devote 4-5% of the total lot square footage to frontage landscaping. On this lot that number jumps to nearly 19.5%. We request to deviate from that standard for the portion of the landscape buffer strip along the Interstate 5 frontage. As per Planning Department staff, their interpretation of the Medford LDC is a minimum required 10 foot buffer along both the street and the freeway. That is not possible and still have room on the site for building and parking. We are proposing to maintain the 10-foot landscape buffer along Biddle Road, but reduce it to 5-feet along the freeway frontage, primarily because the freeway itself has a 15-20 foot buffer between the driving lane and the property line. The Developer for his part doesn't care where the landscape strip is located, as long as the combined landscape strip totals no more than 15 feet.

We are also requesting relief from the standard requiring 4 trees per 100 feet of frontage along the Interstate 5 frontage. ODOT has already told us they will not allow trees to overhang the property line fence. At maturity, trees located within a 5-foot (or even a 10) landscape strip cannot be expected to stay within the limits imposed. This will potentially mean a large expense to the Arby's operator to maintain trees within the proscribed limits. We will group street trees in locations where there will be more than 10 feet of available landscape planter, but there is not area where this can happen that will allow us to meet the standard.



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 1/24/2018
File Number: AC-17-144

PUBLIC WORKS DEPARTMENT STAFF REPORT

Arby's Restaurant Biddle Road – TL 1205

- Project:** Consideration of a proposal for the development of a single 0.6-acre lot, consisting of the construction of a 2,300 square foot fast food restaurant.
- Location:** Located at 2111 Biddle Road in the Regional Commercial (C-R) zoning district (371W18C1201).
- Applicant:** Applicant, Oregon Architecture, Inc.; Planner, Dustin Severs.

NOTE: The items listed here shall be completed and accepted prior to the respective issuances of permits and certificates:

Prior to issue of the first building permit, the following items shall be completed and accepted:

- Submittal and approval of plans for site grading and drainage, and detention, if applicable.
- Completion of all public improvements, if required. The Applicant may provide security for 120% of the improvements prior to issuance of building permits. Construction plans for the improvements shall be approved by the Public Works Engineering Division prior to acceptance of security.
- Items A – D, unless noted otherwise.

Prior to issue of Certificate-of-Occupancy for completed structures, the following items shall be completed and accepted:

- Paving of all on-site parking and vehicle maneuvering areas
- Certification by the design Engineer that the stormwater quality and detention system was constructed per the approved plan, if applicable.
- Completion of all public improvements, if applicable.

A. STREETS

1. Dedications

Biddle Road is classified as a Major Arterial street, in accordance with the Medford Land Development Code (MLDC) 10.428, and is under Oregon Department of Transportation (ODOT) jurisdiction. The Applicant should consult with ODOT regarding any additional right-of-way dedication requirements.

In accordance with MLDC 10.471, **the property owner shall dedicate a 10-foot wide public utility easement (PUE)** adjacent to the right-of-way of Biddle Road.

The easement dedication shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

Biddle Road is classified as a Major Arterial street, in accordance with MLDC 10.428, and is under ODOT jurisdiction. The Applicant shall consult with ODOT regarding any additional improvements that may be required.

NOTE: All projects subject to Site Plan and Architectural Review shall be required per MLDC 10.501 (6), as a condition of approval, to repair all frontage sidewalks as determined by the Engineering Division. When attached as a condition of approval of a Site Plan and Architectural Review application the sidewalk maintenance procedures set forth in Chapter 3, Section 3.025, Notice on Hearing of City Repair of Sidewalks, through 3.035, Notice of Sidewalk Repair, are hereby superseded.

b. Street Lights and Signing

The Developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights will be required:

Street Lighting – Developer Provided & Installed:

A. 1 – Type A-400

Numbers are subject to change if changes are made to the plans. All street lights shall be installed per City standards and be shown on a public improvement plan, see Section 'D' 1 & 2. Public Works will provide preliminary street light locations upon request. All street lights

shall be operating and turned on at the time of the final “walk through” inspection by the Public Works Department.

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer’s contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

c. Pavement Moratoriums

The Applicant shall consult with ODOT regarding any moratorium(s) currently in effect along this frontage to Biddle Road.

d. Access to Public Street System

Applicant shall consult with ODOT regarding all proposed driveway accesses to the proposed development.

The Developer shall submit evidence of or obtain a cross-access easement (or restrictive covenant if owned by the same entity) for the shared driveway to the south in accordance with MLDC 10.550.

3. Section 10.668 Analysis

To support a condition of development that an Applicant dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an Applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the Developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or

(2) a mechanism exists and funds are available to fairly compensate the Applicant for the excess burden of the exaction to the extent that it would be a taking.

1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-

of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

2. **Rough proportionality between the dedications and improvements, and the impacts of development.**

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining “rough proportionality” have been considered, including but not limited to: increased property values, intensification of use, as well as connections to municipal services and the transportation network.

As set forth below, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Biddle Road:

The additional street lighting on Biddle Road will provide the needed illumination to meet current MLDC requirements.

Dedication of the PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each lot or building being served. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. The area required to be dedicated for this development is necessary and roughly proportional to that required in similar developments to provide a transportation system that meets the needs for urban level services.

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector Street capacity (including street lights) required as a result of new development. Because a mechanism exists in the form of SDC credit for right-of-way dedication and street improvements in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, to fairly compensate the applicant, the conditions of MLDC, Section 10.668 are satisfied.

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. The Developer shall provide one separate individual service lateral to each tax lot or ensure that each tax lot is served by an individual service lateral. All unused laterals adjacent and stubbed to the development shall be capped at the main.

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the project’s impacted site with sufficient information to determine the direction of runoff to the existing or proposed drainage system, and also

showing elevations of the proposed drainage system (if applicable), shall be submitted with the first building permit application for approval.

The Developer shall provide copies of either a Joint Use Maintenance Agreement or a private stormdrain easement for any stormwater draining onto or from adjacent private property.

A Site/Utility Plan shall be submitted with the building permit application to show the location of existing or proposed stormdrain lateral/s for the site.

All private storm drain lines shall be located outside of the public right-of-way and/or any public utility easements (PUE).

2. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed development will be submitted with the improvement plans for approval. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

3. Detention and Water Quality

Stormwater quality and detention facilities shall be required in accordance with MLDC Section 10.481 and 10.729.

4. Certification

Upon completion of the project, and prior to certificate of occupancy of the building, the Developer's design Engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. Erosion Prevention and Sediment Control

All development that disturbs 5,000 square feet or greater shall require an Erosion Prevention and Sediment Control Plan. Developments that disturb one acre and greater shall require a 1200C permit from the Department of Environmental Quality (DEQ). Erosion Prevention and Sediment Control Plans shall be submitted to the Building Department with the project plans for development. All disturbed areas shall be covered with vegetation or properly stabilized prior to certificate of occupancy.

D. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a professional Engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the governing Commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

In order to properly maintain an updated infrastructure data base, the Surveyor of Record shall submit an as-built survey prior to the Final Inspection and, the Engineer of Record shall submit mylar "as-constructed" drawings to the Engineering Division within sixty (60) calendar days of the Final Inspection (walk through). Also, the Engineer shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

3. Construction and Inspection

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans.

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit from the County. Any work falling within another agencies jurisdiction shall require a separately issued permit or approval from the respective agency.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, the Developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

4. Site Improvements

All on-site parking and vehicle maneuvering areas related to this development shall be paved in accordance with MLDC, Section 10.746, prior to issuance of certificate of occupancy for any structures on the site. Curbs shall be constructed around the perimeter of all parking and maneuvering areas that are adjacent to landscaping or unpaved areas related to this site. Curbs may be deleted or curb cuts provided wherever pavement drains to a water quality facility.

5. System Development Charges

Buildings in this development are subject to street, sanitary sewer collection and treatment system development charges (SDC). All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

Arby's Restaurant: Biddle Road – TL 1205

AC-17-144

A. STREETS

1. Street Dedications to the Public:

- **Biddle Road** – Consult with ODOT.
 - Dedicate 10-foot Public Utility Easement (PUE) along Biddle Road.

2. Improvements:

Public Streets

- **Biddle Road** – Consult with ODOT.

Lighting and Signing

- Developer supplies and installs all street lights at own expense.

Access to Public Street System

- Consult with ODOT regarding all proposed driveway accesses.
 - Provide cross-access easement (or restrictive covenant).

Other

- Consult with ODOT regarding any moratorium(s) currently in effect along this frontage to Biddle Road.

B. SANITARY SEWER:

- Ensure or construct separate individual sanitary sewer connection.
- Cap remaining unused laterals at the main.

C. STORM DRAINAGE:

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide Engineers certification of stormwater facility construction.

- = City Code Requirement
- = Discretionary recommendations/comments

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection.



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: AC-17-144

PARCEL ID: 371W18C TL 1205

PROJECT: Consideration of a proposal for the development of a single 0.6-acre lot, consisting of the construction of a 2,300 square foot fast food restaurant, to be located at 2111 Biddle Road in the Regional Commercial (C-R) zoning district (371W18C1201); Applicant, Oregon Architecture, Inc.; Planner, Dustin Severs.

DATE: January 24, 2018

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

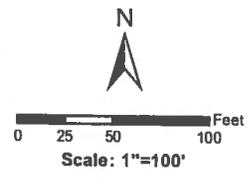
CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing 1.5-inch water meter is located along the west side of Biddle Road approximately mid-lot shall be protected in place during construction activities.
4. Installation of an Oregon Health Authority approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow assembly tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is approximately 77 psi.
4. MWC-metered water service does exist to this property. There is an existing 1.5-inch water along west side Biddle Road approximately mid-lot. (See Condition 3 above)
5. Access to MWC water lines is available. There is an existing 8-inch water line along east side of Biddle Road. There is also an existing 8-inch water line that crosses Biddle Road that currently serves the existing Shilo Inn, this water line is located in a 10-foot easement.

CITY OF MEDFORD
EXHIBIT # _____
File # AC-17-144
Page 1 of 4



Water Facility Map for AC-17-144

- Legend**
- ◆ Air Valve
 - Sample Station
 - Fire Service
 - ◆ Hydrant
 - ▲ Reducer
 - Blow Off
 - ⊕ Plugs-Caps

- Water Meters:**
- Active Meter
 - On Wall
 - Unknown
 - Vacant

- Water Valves:**
- Butterfly Valve
 - ⊕ Gate Valve
 - Tapping Valve

- Water Mains:**
- Active Main
 - - - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line

- Boundaries:**
- ▭ Urban Growth Boundary
 - ▭ City Limits
 - ▭ Tax Lots

- MWC Facilities:**
- C** Control Station
 - P** Pump Station
 - R** Reservoir



This map is based on a report of water compliance. Medford Water Commission has a number of reserves. Medford Water Commission does not warrant the accuracy of this map. Medford Water Commission is not responsible for any errors or omissions. The user of this map is advised to verify the information on the ground.

Date: 10/20/18
 Proj: 18-000000-MWC Map - MWC IDE - Letter 18.mxd



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 01/24/2018

From: Fire Marshal Kleinberg

Report Prepared: 01/22/2018

File #: AC - 17 - 144

Site Name/Description:

Consideration of a proposal for the development of a single 0.6-acre lot, consisting of the construction of a 2,300 square foot fast food restaurant, to be located at 2111 Biddle Road in the Regional Commercial (C-R) zoning district (371W18C1201); Applicant, Oregon Architecture, Inc.; Planner, Dustin Severs.

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement: No Additional Requirements	

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.

Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

Dustin J. Severs

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Wednesday, January 24, 2018 12:45 PM
To: Dustin J. Severs
Cc: WANG Wei * Michael; SCRUGGS Julee Y; HARSHMAN Cathaleen A * Cathy; MCDONALD John; 'patrick@oregonarchitecture.biz'
Subject: AC-17-144

Hi Dustin,

Thank you for sending agency notice of consideration of a proposal for the development of a single 0.6-acre lot, consisting of the construction of a 2,300 square foot fast food restaurant, to be located at 2111 Biddle Road in the Regional Commercial (C-R) zoning district (371W18C1201). Our comments are:

- Please have the property owner contact Julee Scruggs at 541-864-8811 to obtain a State Highway Approach Permit.
- Landscaping within the ODOT right of way along Biddle Road will be approved as long as the landscaping is not being done to meet City of Medford Junction standards. No landscaping will be allowed within the Interstate 5 right of way. ODOT miscellaneous/utility permits will be required for any work performed in the ODOT right of way. Please have the property owner contact Julee Scruggs at 541-864-8811 to obtain them.
- A copy of the proposed sign elevations will need to be emailed to me in order to have further review completed in Salem.

Thank you,

Don Morehouse

Senior Transportation Planner

ODOT Region 3, District 8 (Rogue Valley Tech Center)

Ph: (541) 774-6399

Fax: (541) 774-6349

Donald.Morehouse@odot.state.or.us

CITY OF MEDFORD
EXHIBIT # L
File # AC-17-144

Dustin J. Severs

From: Jennifer L. Ingram
Sent: Wednesday, January 24, 2018 8:32 AM
To: Dustin J. Severs
Subject: AC-17-144

Good morning, Dustin.

I won't be attending the LDC Meeting this morning. The only comment I have on AC-17-144 is that the address should be **2233 Biddle Road**, not 2111 Biddle Road (as that is the Shilo Inn's address).

Thank you,
Jennifer

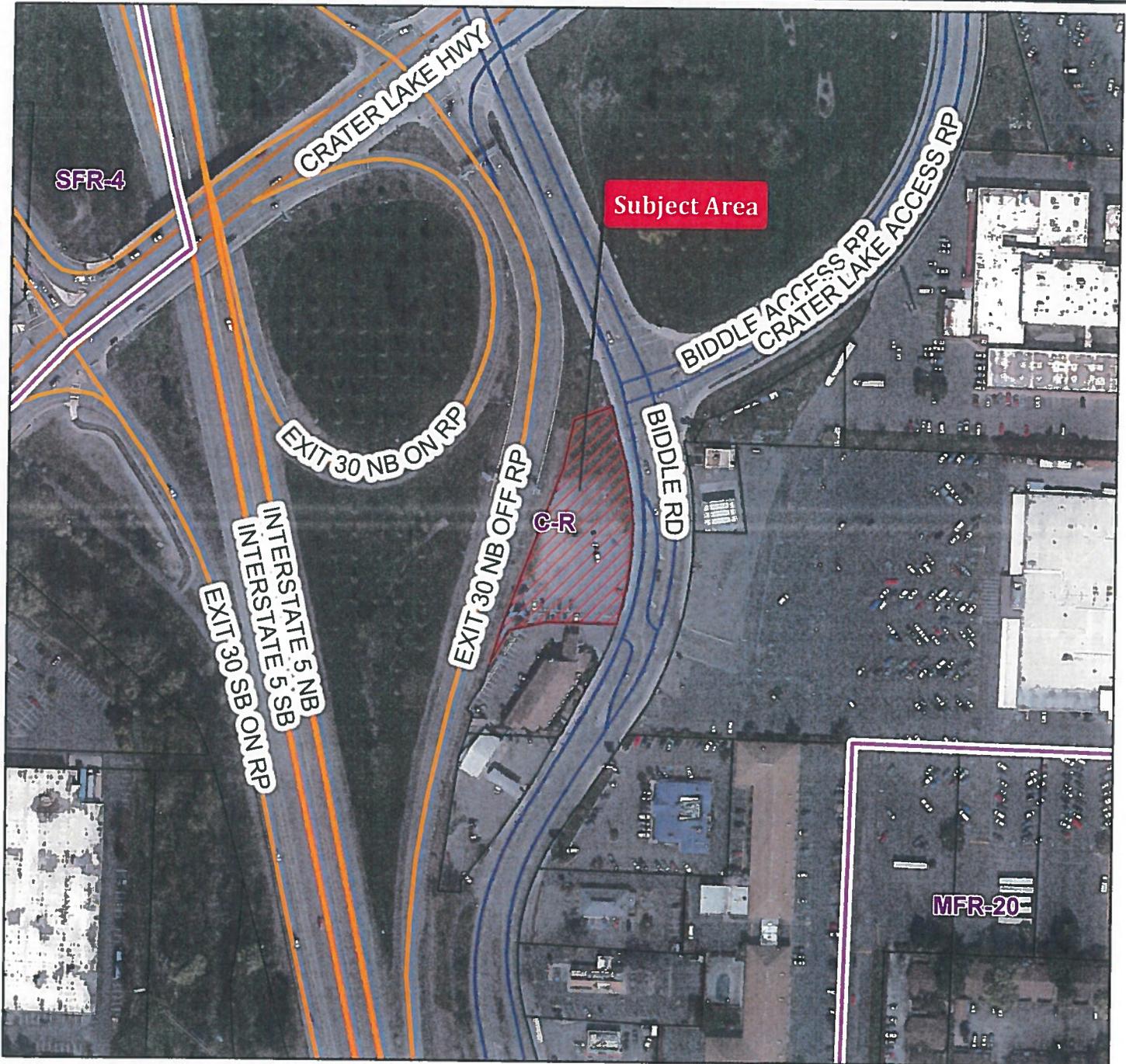


City of Medford
Planning Department

Vicinity
Map

File Number:

AC-17-144



Project Name:

**Arby's
Fast Food Restaurant**

Map/Taxlot:

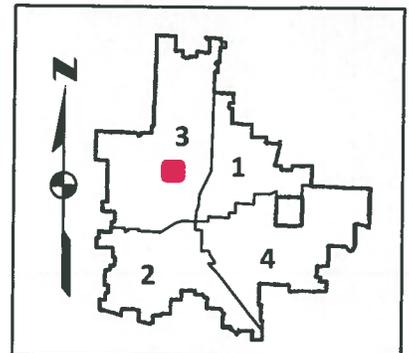
371W18C TL 1205



11/14/2017

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots





STAFF REPORT – EXTENSION OF TIME

PROJECT Delta Center Phase 2
Crater Lake Venture LLC, Applicant; Brian Westerhout, Ron Grimes Architects pc,
Agent

FILE NO. AC-15-156

To Site Plan and Architectural Commission *for meeting of February 16, 2018*

From Kelly Akin, Assistant Planning Director *ka*

Date February 9, 2018

Request

Consideration of request for the maximum five-year approval period for Delta Center Phase 2, consisting of 30,570 square feet of commercial and office development on a 4.71 acre site generally located 550 feet north of the intersection of Crater Lake Highway (OR 62) and Delta Waters Road, approximately 200 feet west of Delta Waters Road within the I-L/PUD (Light Industrial/Planned Unit Development Overlay) zoning district.

Background

The Site Plan and Architectural Commission adopted the Final Order granting approval of the project on February 5, 2016. On January 18, 2018, the applicants submitted a letter requesting that the Commission exercise its authority and allow the maximum five-year approval period for phased projects as allowed under Medford Land Development Code (MLDC) Section 10.292(2).

Project Review

Per MLDC 10.292(2):

When it is the developer's intent to complete an approved project in phases, the approving authority may authorize a time schedule for the issuance of building permits for a period exceeding one year, but in no case shall the total time period for the issuance of building permits be greater than five years without having to resubmit a new application for Site Plan and Architectural Commission review. Phases developed after the passage of one year from approval of the Site Plan and Architectural Commission application will be required to modify the plans as necessary to avoid conflicts with changes in the Comprehensive Plan or this chapter.

The approved site plan for Delta Estates Phase 2 shows six buildings. The site was designed to be constructed in four phases: Buildings 12 and 13, Building 9, Building 8 and Buildings 10 and 11 (Exhibit B).

The applicant's letter requesting the extension consents to modifying plans as needed to meet the requirement in MLDC 10.292(2) above. Based on this information, staff does not object to the request.

It should be noted that if approved, the new expiration date will be February 5, 2021. No additional extensions are allowed under the Medford Land Development Code.

Recommended Action

Approve the request to allow the maximum five year approval period and set the expiration date for February 5, 2021, for AC-15-156 per the Staff Report dated February 9, 2018.

Exhibits

- A Letter requesting extension received January 18, 2018
- B Approved site plan
Vicinity Map



RECEIVED

JAN 18 2018

PLANNING DEPT.

18 January 2018

Ms. Kelly Akin
City of Medford Planning Department
200 South Ivy Street
Medford, OR 97501

Re: AC 15-156
Delta Center Phase 2
Crater Lake Venture LLC, Applicant
Brian Westerhout, Ron Grimes Architects, Agent

Dear Ms Akin,

Thank You for meeting with David and myself this morning to discuss this and other projects. The purpose of this letter is to request that a phasing element be added to the definition of the project in accordance with MLDC 10-292(2). The owners intent is to construct the project in phases as it can be leased out. We expect to pull all permits for this construction within 5 years of our original approval date. (Final Order February 5, 2016) Accordingly we expect to pull all permits for the approved work by February 5, 2021. Since all of this development will occur more than one year after the initial approval of the Site Plan and Architectural Commission we will modify plans as necessary to avoid conflicts with changes to the Comprehensive Plan or Chapter 10 of the MLDC.

As always, feel free to contact me with any further questions or concerns you may have.

Sincerely,

Brian Westerhout
Principal Architect
Ron Grimes Architects pc

CITY OF MEDFORD
EXHIBIT # A
File # AC-15-156
EXTENSION OF TIME



City of Medford Planning Department

Vicinity
Map

File Number:

AC-15-156



Subject Area

Project Name:

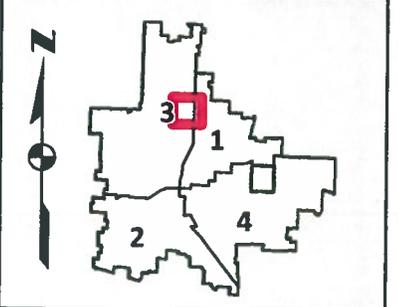
The Delta Center, Phase 2 - SPAC Review

Map/Taxlot:

371W07D TL 400

-  Subject Area
-  Medford Zoning
-  Airport Approach
-  Tax Lots
-  PUD

Medford UGB with Wards



11/12/2015