



CITY OF CORNELIUS
COMMUNITY DEVELOPMENT DEPARTMENT

**PLANNING COMMISSION APPROVED
STAFF REPORT**

Chick-fil-A

**Type III Site Design Review, DR-74-24
Type II Preliminary Land Partition, LP-04-24**

Planning Commission Hearing Date: December 10, 2024

Staff Report Date: December 3, 2024

APPLICANT: Austin Cross – 4G Development and Consulting, Inc.

OWNERS: HBH Equity LLC.

LOCATION: 300 Baseline Street; 316 Baseline Street & 47 N 4th Avenue.

PROPOSAL: A Type III Site Design Review (DR-74-24) and Preliminary Land Partition 'One-Lot Land Partition' (LP-04-24) to redevelop a commercially zoned property for a new 4,855 SF Chick-fil-A restaurant. The new development will include a new parking lot, landscaping, vehicle drive-thru lanes, and other supporting amenities. The application also includes a preliminary land partition plat, to legally redescribe five existing tax lots, into one new lot.

LEGAL: T 01 N, R 03 W, Map 33CC, Tax lot# 2400, 2500, 2600, 2700 & 3000.

ZONING: Highway Commercial, C-2

PROCESS: Approval of a Type III Site Design Review and Type II Preliminary Land Partition shall be processed per Cornelius Municipal Code (CMC) Section 18.15.010(C). The request shall be processed with notice, and a public hearing shall be held before the Planning Commission pursuant to Chapter

18.15.040. The notice of the Planning Commission's decision shall be provided to the applicant and interested parties. A ten-day appeal period is provided by the CMC for any person to appeal the decision of the Planning Commission.

APPEAL RIGHTS

An affected party may appeal a decision of the Planning Commission to the City Council by filing an appeal within ten (10) working days of the Notice of Decision pursuant to the CMC. The Notice of Appeal shall indicate the decision that is being appealed and include all required contents pursuant to Chapter 18.15.090.

APPLICABLE CRITERIA

- Chapters 18.10 & 18.15 (Application & Review Procedures)
- Chapter 17.05.30 (Land Partitioning)
- Chapter 18.45 (Highway Commercial, C-2)
- Chapter 18.100 (Site Design Review)
- Chapter 18.145 (Off-Street Parking and Loading)
- Chapter 18.155 (Solar Access for New Development)

GENERAL FACTS

- The subject Site consists of five individual tax lots, which are identified as T 01 N, R 03 W, Map 33CC, Tax lot# 2400, 2500, 2600, 2700 & 3000.
- The applicant is proposing a preliminary land partition, a 'one-lot' land partition to legally redescribe the five lots into one new lot.
- In total, the site is 2.25 acres.
- The site abuts N Adair Street, Baseline Street, and N 4th Avenue. N Adair Street and Baseline Street are Oregon State Department of Transportation (ODOT) facilities, commonly known as State Highway 8. Within the City of Cornelius's Transportation System Plan (TSP), they are designated as 'Arterial' streets.
- N 4th Avenue is a City of Cornelius Street. Within the City of Cornelius's Transportation System Plan (TSP), it is designated as a 'Collector' street.
- The applicant is proposing a new fast-food restaurant with two drive-thru lanes, a new parking lot, landscaping, pedestrian pathways, and frontage improvements, as described within Exhibit A.

- Lot #2600 is currently addressed as 316 Baseline Street. Lot #2700 is currently addressed as 300 Baseline Street. Lot #2400 is currently addressed as 47 N 4th Avenue. These are three existing, non-conforming residential structures that are proposed to be removed. With the proposed development of the site, the following address will be assigned - **390 Baseline Street.**
- The application (Exhibit A) was submitted on September 10, 2024, and deemed complete on October 25, 2024.
- The City Engineer and Fire Department submitted comments, as shown in Exhibit B.
- Notice of the proposal was mailed to property owners within 250 feet of the subject property and affected agencies, and it was published in the local newspaper on November 14, 2024. The Affidavit of Mailing is within Exhibit C.
- As of the date of this staff report, no comments from the general public have been received.

FINDINGS

TITLE 17 LAND DIVISIONS

Per CMC Section 17.05.030(C), a request to partition land must meet all of the following approval criteria:

1. The proposal conforms with the City's Comprehensive Plan.

Findings: Chapter One of the Comprehensive Plan requires community and agency involvement. Property owners within 250' of the site were sent notice of this land use action, providing them the opportunity to comment (Exhibit C). Additionally, public notice was published in the Forest Grove Times on November 14, 2024. As of the date of this staff report, no public comments have been received.

The proposal is a Preliminary Land Partition, a 'one-lot' partition to legally combine five lots into one new lot, as shown and described within Exhibit A.

Comprehensive Plan Chapters Two & Three - Urbanization and Land Use encourages the efficient use of urban land. The property is Comprehensively Planned for commercial uses and development. Once legally redescribed through the partitioning process, the

new lot will be 2.256 acres. This is similar in size and shape to other nearby C-2 zoned properties. Staff finds that the lot will be large enough to accommodate the proposed commercial use as described within the application materials of Exhibit A.

Comprehensive Plan Chapter Five - Economic Development, specifies the following goal:

“To develop a diversified economic base that is supportive of existing commercial and industrial development and attractive to selected commercial and industrial development.”

Findings: The applicant proposes to redevelop the site, which has three non-conforming uses, to a conforming commercial use. The proposed commercial development will help diversify the City’s economic base in compliance with this goal.

The Development & Zoning Code (i.e., Title 17 and 18 of the CMC) implements the Comprehensive Plan, and as such, all applicable criteria of the Development & Zoning Code shall apply to this proposal. The request has been filed in accordance with the procedures and requirements of the Development & Zoning Code. As described further within this report, the proposed development addresses the development standards of the CMC.

As noted above within the findings, no written public comments were received for the record.

The conditions of approval for this proposal are intended to ensure compliance with the CMC and the Comprehensive Plan. With conditions of approval, the proposal conforms to the City’s Comprehensive Plan.

2. The proposal complies with all applicable statutory and ordinance requirements and regulations.

Findings: The Site consists of five existing tax lots, three of which are developed with non-conforming uses. The applicant is preparing the site for commercial development, which necessitates the one-lot land partition process. To develop the site, a Type III Site Design Review is necessary, which is part of this staff report for the City of Cornelius Planning Commission to review and consider.

Prior to recordation with Washington County, a Final Plat Application with the City of Cornelius shall be required. The purpose of the Final Plat Application is to review the proposed plat for conformance to this Land Use Application (LP-04-24) and associated conditions of approval.

The parcels are within the Clean Water Services (CWS) Special Services District. The City of Cornelius and CWS have an intergovernmental agreement for the provision of sanitary sewer, storm water management, and natural resource protection. The applicant has obtained a signed Service Provider Letter (SPL) from CWS that was issued on August 29, 2024 (CWS File Number #24-001949), as shown within Exhibit A. Based upon the CWS SPL, no sensitive area is near the site.

3. Adequate public facilities are available to serve the proposal.

Findings: There are public facilities located within the right-of-way of N Adair Street, Baseline Street, and N 4th Avenue available to serve the site. These services include public water, sanitary sewer, and storm water. When the Site is developed, the applicant/property owner shall comply with all applicable Clean Water Services, Cornelius Public Works, and Oregon Department of Transportation standards. This shall be a condition of approval.

Based upon the City of Cornelius and ODOT comments, no dedication of right-of-way along the frontage of the N Adair Street, Baseline Street, or N 4th Avenue are necessary. The applicant shall dedicate an 8-foot-wide public utility easement (PUE) adjacent to the street rights-of-way, as noted on the preliminary plat. When the final plat is submitted for recordation, the final plat shall also include any notes, legal descriptions, and easements that are required by the City Engineer and Washington County Surveyor. This shall be a condition of approval.

4. All proposed lots conform to the size and dimensional requirements of this ordinance.

Findings: As noted above, the applicant is proposing a 'one-lot' land partition, to legally combine and redescribe five existing lots into one new lot. Within the C-2 zone there is no minimum lot size requirement, other than that the lot must be large enough to accommodate the proposed use. Staff finds the applicant is preparing the site for future commercial development, as described within Exhibit A.

Per the Washington County Tax Assessors map;

- Tax lot# 1N3 33CC02400 is .87 acres in size.
- Tax lot# 1N3 33CC02500 is .17 acres in size.
- Tax lot# 1N3 33CC02600 is .65 acres in size.
- Tax lot# 1N3 33CC02700 is .36 acres in size.
- Tax lot# 1N3 33CC03000 is .23 acres in size.

With LP-04-24, the five lots will be legally redescribed into one new lot. The plans provided show the approximate footprint for the future commercial development with its associated on-site parking, landscaping and other necessary amenities.

Staff find the proposed parcels will be large enough to accommodate commercial uses.

5. All proposed improvements meet City standards.

Findings: The applicant is proposing development at this time via City Land Use File # DR-74-24.

The City Engineer has identified within Exhibit B the necessary frontage improvements for N 4th Avenue, N Adair Street, and Baseline Street. Within the application packet, the applicant is proposing full frontage improvements along these street frontages. The applicant shall improve N 4th Avenue, N Adair Street, and Baseline Street to City Standards, as approved by the City Engineer and the Oregon Department of Transportation. This shall be a condition of approval.

Conclusion Type II Preliminary Land Partition, LP-04-24: Based upon the findings above, and through application of appropriate conditions of approval, staff concludes the criteria for a Type II Land Partition to have been met.

TITLE 18 ZONING

Chapter 18.45. Highway Commercial (C-2) zone

18.45.020 Uses permitted outright.

In a C-2 zone the following uses shall be permitted outright: provided, that all operations are conducted within an enclosed structure:

...

(E) Indoor amusement or entertainment and restaurants, including fast food with drive-up window.

...

Findings: The property is within the Highway Commercial (C-2) zoning district of Cornelius. Within the C-2 zone, per CMC 18.45.020 (E), fast-food restaurants with a drive-up window are permitted outright. The site is currently developed with three non-conforming residential structures. The age and size of the non-conforming structures are unknown. The applicant is proposing to redevelop the site with a new fast-food restaurant, as described and shown within Exhibit A.

18.45.040 Development requirements.

(A) Lot Size. *In a C-2 zone there is no minimum lot size, save and except that the lot must be large enough to accommodate the proposed use, including all design standards and functional requirements related to the use.*

Findings: There are five tax lots that, through LP-04-24, are proposed be legally redescribed into one new lot. Once LP-04-24 is completed and recorded the new lot will be 2.25 acres.

The applicant has submitted a Type III Site Design Review application, which includes a detailed site plan. The plans show the existing property lines and the proposed new lot, which will be one new parcel. If the property was not legally redescribed into one new parcel, the new development would bisect existing property lines. Therefore, prior to issuance of building permits, a Final Plat review for LP-04-24 is necessary, and the final mylar shall be recorded with Washington County. This shall be a condition of approval.

The submitted plans demonstrate that the site is large enough for it to be functional for the proposed use.

(B) Setback Requirements. *In a C-2 zone the following setbacks shall meet the base standard; however, the review body may require a greater or lesser setback based on the design review criteria set forth in this chapter:*

(1) The front yard shall be 20 feet, except that:

(a) Parking shall be allowed within five feet of the front property line.

(b) For all properties abutting the south side of Baseline Road, there shall be a front yard setback equal to five percent of the average lot depth, but not less than four feet.

(2) No side yard shall be required, except five feet when abutting a residential use or zone, and when a side yard abuts a public street the setback shall be the same as the front yard.

(3) No rear yard is required, except five feet when abutting a residential use or zone, and when a side yard abuts a public street the setback shall be the same as the front yard.

(C) Height of Building. *No building shall exceed a height of 35 feet, unless approved by the planning commission. [Ord. 810, 2000; Code 2000 § 11.20.54.]*

Findings: The submitted site plan shows the following approximate setbacks for the new restaurant, once the final plat for LP-04-24 has been recorded:

- Front yard (south) setback – 58-feet
- Rear yard (north) setback – 77-feet
- Side yard (west) setback – 28-feet
- Side yard (east) setback - 75-feet

The parking lot will have 74 on-site parking spaces. The site does not abut any residential zoning districts. There is a non-conforming residential use to the west of the site. The proposed building and structures are located on the opposite side of the lot, away from this residential use.

The proposed height of the building, as described and shown within Exhibit A, is 20 feet, 10 inches. This is less than the maximum height limitation, which is 40-feet, as of November 12, 2024.

The restaurant is proposing an enclosed trash collection facility. The trash collection facility is located on-site, and it complies with the setback and height standards of the C-2 zone.

18.45.050 Performance standards.

In the C-2 zone no land or structure shall be used or occupied unless there is continuing compliance with the following standards:

(A) Design Review Approval. All design review requirements and conditions of approval, including all prior attached conditions shall be satisfied.

Findings: The application (Exhibit A) was submitted on September 10, 2024, and it was deemed complete on October 25, 2024.

Prior to issuance of a final occupancy permit, all required conditions of approval from this report shall be satisfied. This shall be a condition of approval.

(B) Environmental Standards. All uses shall comply with required air, land, and water quality standards set forth by all state, federal and local jurisdictions (i.e., Department of Environmental Quality, Clean Water Services, and Metro).

Findings: The restaurant will have sewer, water, and stormwater connections. Stormwater is managed and regulated by Clean Water Services (CWS). The applicant

has provided a Clean Water Service Provider letter dated August 29, 2024 (CWS File# 24-001949). The City Engineer has submitted comments regarding the stormwater system as described within Exhibit B. A condition of approval shall require that all CWS and City standards for the stormwater system be met prior to issuance of a final occupancy permit.

The trash enclosure will have a roof over the top of it and, per CWS and State Building Code requirements, is required to have a floor drain that ties into an approved grease trap. This is necessary due to the oils and fats associated with the restaurant's cooking activities. A condition of approval shall require that the trash enclosure complies with CWS requirements and a floor drain that ties into the approved grease trap is installed.

(C) Heat and Glare.

(1) Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed structure, such that glare is not visible from a public street or adjacent property.

(2) Exterior lighting shall be designed such that glare is directed away from public streets or adjacent properties.

Findings: The applicant has provided lighting plans (Sheets ES1.0, EP1.0, EP1.1 & EP1.2, Exhibit A) with details regarding the fixtures to be used. A condition of approval shall require that the on-site lighting be installed and functional prior to issuance of a final occupancy permit. The on-site lighting shall not glare into the abutting right-of-way or adjacent properties.

(D) Insects and Rodents. Materials including wastes shall be managed and stored, and grounds shall be maintained, in a manner that will not attract or aid the propagation of insects or rodents or create a health hazard.

Findings: The applicant acknowledged this section. A condition of approval shall require that the Site be kept clean of wastes, so it does not attract or aid in the propagation of insects or rodents or create a health hazard. The applicant shows the location of the proposed trash collection area on the submitted site plan. The plan shows that the trash collection areas will be screened and constructed with Concrete Masonry Unit (CMU) block walls with gates as shown on Sheet A-103 of Exhibit A.

The trash collection facility will be covered with a grease interceptor. Trash collection facilities covered with a grease interceptor are required for businesses that produce food waste, per State Building Codes and CWS standards. When a business generates food waste, the food waste shall be separated from all other solid waste when disposed

of for trash collection, per CMC 5.60 Business Food Waste Requirements. Therefore, a condition of approval shall require compliance with all applicable sections of CMC 5.60 Business Food Waste Requirements.

For all businesses within the City of Cornelius, separating recyclable materials from trash is necessary, per CMC 5.05.075 Business Recycling. Within the business and trash collection facility, there shall be adequate instructions and containers for sorting and separating recyclable materials from trash. Therefore, a condition of approval shall require that the business comply with CMC 5.05.075 Business Recycling.

(E) Outside Storage. Outside storage shall be appropriately screened consistent with CMC 18.55.070(F)(1).

Findings: The applicant is not proposing outside storage.

18.45.060 Development standards.

In a C-2 zone no new use or occupation of land or a structure or a new structure and no change of use of land or a structure shall be permitted unless there is continuing compliance with the following standards:

(A) Landscape Plan.

(1) For all uses in a C-2 zone, the first five feet of lineal street frontage on the subject site shall be landscaped (exclusive of frontage trees) prior to occupancy, in accordance with the approved site plan and the standards set forth herein.

(2) When at maturity, at least 80 percent of the proposed landscape area shall be covered by plant material, lawn, and trees. The remaining area may be covered in nonvegetative ground cover.

(3) Frontage Trees. Frontage trees shall be required and shall be selected from the approved public works street tree list. The total number of trees shall be determined by dividing the total linear footage of the site, which abuts a public street, by 30 feet. The location of the trees shall be determined through design review, and the following standards shall apply:

(a) Trees shall be located at least five feet from a utility pole, fire hydrant, driveway, crosswalk, or utility easement, except as may be approved by the public works director, and at least 20 feet from an overhead street light.

(b) There shall be no impervious material within a one-and-one-half-foot radius around the tree trunk.

(c) Trees at the time of planting shall have a minimum height of six feet from ground level and shall be at least two inches in caliper (d.b.h.).

(d) Trees shall not cause any vision impairment to vehicular traffic.

(e) Installation of required landscaping may be deferred for up to six months; provided, that the owner posts with the city a cash deposit or irrevocable letter of credit assigned to the city for an amount equal to 150 percent of the estimated cost of the landscaping materials and installation by a qualified contractor.

Findings: The applicant has provided a landscaping plan, as shown within Exhibit A. The landscaping plan shows general compliance with the landscaping and street tree requirements. The street trees shall meet the City's public works standards and be reviewed and approved by the City Engineer. Prior to issuance of the approved engineering plans, the applicant shall provide performance security to the City, equal to 150 percent of the estimated cost for landscaping materials and installation by a qualified contractor. The planting and installation of the landscaping shall be to the approved plans and the CMC. These shall be conditions of approval.

(B) Vehicular Access, Internal Circulation and Clear Vision Areas.

(1) Where possible, vehicular access to commercial developments shall be from abutting arterial or collector streets, and shall be shared with adjacent properties to minimize multiple curb cuts. Access to individual lots from T.V. Highway shall be approved by ODOT with secondary access from adjacent collectors or minor local streets where possible. Except in the case of a multi-building complex, direct lot access to an arterial shall not be permitted, unless there is no viable alternative, and direct access to collector and local streets shall only be allowed as permitted by the review body.

Findings: The site is located within the couplet, between Baseline Street and N Adair Street, just west of N 4th Avenue. The applicant is proposing two accesses into the site, one from N Adair Street and one from Baseline Street, as shown on the submitted site plan. No access is proposed from N 4th Avenue. The applicant has been coordinating access with the City Engineer and the Oregon Department of Transportation. Access is proposed onto the ODOT facilities. Staff finds the two properties to the west along

Baseline Street (1N333CC02800 and 1N333CC02900), are under the same ownership. Tax lot #2900 is currently being redeveloped, as approved by DR-74-22. In the future when tax lot #2800 is redeveloped and improved, a shared the driveway with tax lot #2900, can be required. ODOT has reviewed and can approve the proposed accesses for the Chick-fil-A project. A shared driveway between the subject site and the abutting properties to the west would be challenging due to the lot configuration, stormwater quality facilities, and other limiting factors.

Along N 4th Avenue, requiring an access midblock would create vehicle maneuvering conflicts due to turn lanes, vehicle queuing, and stoplights. Staff find the proposed accesses as proposed, one each along N Adair Street and one along Baseline Street, are proposed in logical locations.

As required by the CMC, City staff held a pre-application conference with the applicant. At the meeting, ODOT was in attendance and provided the applicant with comments regarding the proposed development. Based upon the current site plan, ODOT provided the applicant a response letter dated October 2, 2024, as shown within Exhibit A. The letter outlines ODOT's recommended conditions of approval. A condition of approval shall require that the applicant comply with ODOT's recommended conditions of approval for access and improvements along Baseline Street and N Adair Street.

(2) The minimum public street width for commercial development shall comply with the standards and design identified in CMC 18.143.040, Street design cross-sections per transportation system plan.

Findings: The City Engineer has provided detailed comments regarding the proposed project. City records indicate that no additional ROW dedications are necessary. The frontage improvements along N Adair Street, Baseline Street, and N 4th Avenue shall be to City and ODOT standards, as required by the City Engineer and ODOT.

(3) Internal Access. All internal roadways and drives shall be paved and maintained by the owner in accordance with city standards. No entrance or exit shall be located closer than 100 feet to any intersection of a public street, unless there is no reasonable alternative. They shall have the following minimum unobstructed pavement width:

(a) Two-way traffic: 24 feet;

(b) One-way traffic: 15 feet.

Findings: The applicant shows multiple drive-aisles throughout the site ranging from 24 to 28 feet in width. The driveways are not closer than 100-feet to any intersections, as

noted by the applicant within the narrative and site plan included in Exhibit A. The vehicle maneuvering areas will be asphalted. Staff find the applicant is providing logical pedestrian pathways and vehicle access throughout the site. As designed, there appears to be minimal vehicle maneuvering conflicts near the access points of the site, internal drive-aisles, drive-thru lanes, and pedestrian crossing areas.

(4) Internal sidewalks or pathways shall be provided to ensure safe and convenient pedestrian circulation throughout the development.

Findings: In the submitted site plan, the applicant includes pedestrian pathways from the front door of the building to the Baseline Street and N Adair Street sidewalks, which will be developed. The applicant is also proposing a pedestrian pathway through the parking lot area, to the front door. Where the pedestrian pathways cross the drive-thru drive-aisles and parking lot drive-aisles, they shall be striped, and they shall meet all applicable ADA requirements. This shall be a condition of approval.

(5) Clear vision areas shall be provided at all roadway and driveway intersections in accordance with the vision clearance standards set forth in CMC 18.150.070.

(C) Access Streets – Sidewalks – Drainage.

(1) All streets shall be designed in accordance with standards set forth in Chapter 18.143 CMC, Transportation Facilities, the subdivision code and public works standards.

(2) All driveways for new construction shall have minimum pavement width of 12 feet and shall not be more than 35 feet in width at the curb, unless specifically approved by the review body to meet unusual requirements of a particular use. Each driveway shall have a concrete curb apron designed to comply with public works standards.

Findings: As shown within Exhibit A, the applicant proposed to construct new frontage improvement along the Baseline Street, N Adair Street, and N 4th Avenue frontages of the site. A new driveway will be constructed along Baseline Street and N Adair Street. The new driveways will be 28 feet in width, which complies with the standard. The frontage improvements shall be designed to comply with applicable standards as required by the City Engineer and ODOT.

(3) Cul-de-sacs shall serve no more than four separate uses and shall have a minimum turning radius of 50 feet measured to the front edge of the curb.

Findings: The proposal does not involve a cul-de-sac.

(4) Sidewalks and Improvements.

(a) For all new construction, curbs, gutters, and a minimum six-foot-wide sidewalk, with eight feet at a bus stop, shall be provided along the entire lot frontage, and shall meet ADA accessibility standards.

(b) Site design review Type II requests for remodels, alterations and/or additions to an existing building shall require a sidewalk if one does not exist, the driveway apron and paved driveway to be constructed to city standards. Commercial sidewalks shall be curb tight, unless otherwise approved by the review body.

Findings: New frontage improvements, including curbs, gutters, sidewalks, and driveways are proposed with this application, as noted within Exhibit A. The site is within the couplet area between Baseline Street and N Adair Street, just west of N 4th Avenue. A majority of the site frontage is unimproved, apart from the frontage along N 4th Avenue. The City Engineer notes, within Exhibit B, the required frontage improvements for the project. Staff find that once the site is developed with the required frontage improvements, a significant portion of the couplet block area will be completed. There will be pedestrian connections completed to the west along N Adair Street, as well as improved streetscapes for the couplet area.

(5) Storm drainage shall be managed through a system of underground drainage lines and catch basins, which convey storm water off the site to a public storm system, and shall comply with Clean Water Services (CWS) standards for water quality and quantity.

Findings: The applicant shows within their submitted materials the proposed storm drainage plans. The City Engineer has reviewed the proposal and determined that to comply with CWS standards, the applicant is required to demonstrate on-site treatment with a type of Low Impact Development Approach (LIDA), which has not been provided within this application packet. Therefore, prior to issuance of building permits, the applicant shall provide plans that demonstrate the storm water system complies with all applicable CWS standards, including LIDA. This shall be a condition of approval.

As noted within the City Engineers comments (Exhibit B), since the site will discharge into the ODOT storm system, ODOT will likely require that their standards also be met. A condition of approval shall require that all applicable ODOT stormwater standards be met.

(D) Lighting Streets. Streets and walkways shall be lighted during the hours of darkness in accordance with public works standards.

Findings: The applicant has provided a lighting plan for the Site. A condition of approval shall require that the streets and walkways will be lighted during the hours of darkness in accordance with the public works standards.

(E) Mailboxes. Except for in-fill partitioning, clustered mailboxes shall be provided, consistent with the locational criteria set by the Post Master. They shall be of uniform style.

Findings: The applicant indicates that a cluster mailbox is not needed for the proposal. There are not any notes in regard to a mailbox on-site. Staff finds a condition of approval shall require that if a mailbox is proposed in the future, then its placement shall conform to the requirements of the Postmaster, City Engineer, and ODOT.

(F) Screening.

(1) Sight-obscuring screening shall be provided for all garbage and trash collection areas, and for any approved outdoor storage, or parking lots abutting a residential development. Such screening shall be six feet in height, and shall consist of a wall of brick, stone, or other substantial material, or a densely planted evergreen hedge and a decorative fence, such as wrought-iron. Chain link fencing may not be used in the front yard area.

Findings: The site does not directly abut a residential development. The applicant is proposing a screened garbage and trash collection area, as shown within Exhibit A. For the non-conforming residential use to the west, the applicant is providing screening with a combination of shrubs and trees, as shown within Sheet L1.0 of Exhibit A. Landscaping is proposed around two sides of the trash collection area, which is near the middle of the parking lot area.

(2) The reviewing body may require nonsight-obscuring screening and/or fencing of parking lots abutting property lines, front yards abutting a public street, or other yards abutting a residential development.

Findings: The site does not directly abut a residential development. The submitted site plan shows that on-site parking will be within the interior area of the site, as well as along the western boundary of the site and along the N Adair Street frontage. The applicant is providing a five-foot landscaping buffer, as shown on Sheet L1.0 of Exhibit A.

(G) Parking and Loading Space.

(1) Off-Street Parking. Parking shall be provided as set forth in Chapter 18.145 CMC.

(2) Paving and Design. Off-street parking and maneuvering areas shall be paved with asphalt or concrete and designed in accordance with the standards of the off-street parking regulations of this title.

(3) Parking Lot Landscaping. There shall be a five-foot landscaped buffer at the perimeter of all parking lot areas. Parking lots shall be designed and landscaped so as to break up large paved areas with landscaped islands, such as every 10 spaces.

Findings: The applicant provided a detailed site plan that shows on-site parking spaces for the development.

The table below shows parking requirements for Eating and Drinking Establishments within the City of Cornelius.

Table 1 Minimum and Maximum Required Off-Street Vehicle and Bicycle Parking Requirements (unless otherwise noted, standard is per 1,000 sf of gross floor area)				
Land Use	Minimum Parking Standards	Maximum Parking Standards		Minimum Bicycle Parking Standards
		Zone A	Zone B	
Eating and Drinking Establishments	fast food: 9.9/1,000 other: 15.3/1,000	12.4/1,000 19.1/1,000	14.9/1,000 23/1,000	All: 1.0/1,000

The new restaurant will be 4,855 SF. There will be 74 on-site parking spaces and 3 bicycle parking racks, for a total of 6 bicycle parking spaces.

The property is located within parking zone “A” where a minimum of 9.9 parking spaces per 1,000 SF of floor area are required. The maximum number of parking spaces per 1,000 SF of floor area is 12.4 parking spaces per 1,000 SF. Under current state law, the city no longer can require that the applicant comply with the minimum on-site vehicle parking requirements. However, the maximum number is not to be exceeded. All bicycle parking standards remain applicable.

For the proposal, the allowable on-site parking is 75 spaces. The applicant is proposing 74 on-site parking spaces, which complies with the standard.

The site plan shows 3 ADA parking spaces will be located near the front door of the restaurant. The applicant is proposing the one-site parking spaces to be 9-feet by 20-feet

in size, which is the typical measurement for a parking space. The parking lot area will be an asphalt surface.

The site plan shows compliance with a five-foot landscaping buffer every 10 spaces. The landscape buffer will be landscaped as shown within the submitted landscaping plan. The site plan shows parking is within the interior of the site, along the perimeter of N Adair Street and along the western property line. The applicant is proposing a landscaped buffer. A condition of approval shall require that prior to final occupancy the parking lot and landscaping shall be installed to the approved plans.

The CMC requires one bicycle parking space per 1,000 SF of building floor area. For the restaurant, a minimum of 5 bicycle parking spaces is required, which has been met by the applicant. The applicant has shown the location of the bicycle racks on the site plan. The bicycle racks proposed are single 'hoops,' and will accommodate six bicycle parking spaces, which exceeds the minimum required. Prior to issuance of a final occupancy certificate, bicycle racks shall be installed for the restaurant. This shall be a condition of approval.

18.45.070 Signs.

Signs within the C-2 zone may be allowed consistent with Chapter 18.175 CMC.

Findings: The applicant does not discuss signage in great detail in the application packet. For new signage, a separate sign permit will be required, as signage is not approved through this application process. In accordance with the CMC, wall and freestanding signs shall be reviewed through a sign permit application. Freestanding signage along Baseline Street, and signage placed on the buildings, also require building permits from the City of Forest Grove Building Division. Therefore, all wall and freestanding signage shall receive sign permits and building permits prior to their installation.

The application packet shows menu board signage under the canopy area of the drive-thru lanes. No directional signage is shown within this application. There is a proposed flagpole, which will fly the American Flag. These items do not require sign permit approval; however, they shall be located so any on-site vision clearance areas remain unobstructed. Building permits for these items shall be required as deemed necessary by the Building Official. On the directional signage, if proposed in the future, no corporate logos are permitted, as that would constitute advertisement. If corporate logos are placed on the directional signage, they are then considered to be a 'freestanding' sign. This also applies to flying a corporate flag on the flagpole, as this constitutes signage, as defined by the CMC. The CMC only permits one freestanding sign per tax lot, except as may be provided by the CMC 18.175.050(B)(1)(b), due to the site being considered a through lot that is located along an Arterial Street.

At the northeastern corner of the site near the intersection of N Adair Street and N 4th Avenue, there is an existing billboard. Within the zoning district the sign code limits freestanding signage to no more than 32 SF for any one face with a height maximum of 20-feet. The billboard exceeds the size limitation of the zone and is considered non-conforming. The applicant indicates that the billboard will be removed, as described within Exhibit A. A condition of approval shall require that the billboard be permanently removed from the site prior to issuance of a grading permit.

Chapter 18.100. Site Design Review

18.100.040 Approval criteria.

In addition to the other requirements of the zoning code and other city ordinances, a project submitted for design review shall comply with the standards and criteria in subsections (A) and (B) of this section; all applications for a sign permit subject to the provisions of the sign code, Chapter 18.175 CMC, inclusive, shall comply with the rules and regulations of the committee adopted under the provisions of Division III of this title and other applicable provisions of the Cornelius City Code.

(A) Technical Standards. Where applicable, required off-site improvements shall be based on proportional analysis.

(1) Facilities and Services. The public and private facilities and services provided by the development are adequate as to location, size, design and timing of construction in order to serve the residents or establishments to be accommodated and meet city standards and the policies and requirements of the comprehensive plan. The service provider is presumed correct in the evidence which they submit;

Findings: According to County records, the five lots once replated though LP-04-24 will be approximately 2.25 acres. The new restaurant will be 4,855 SF. There will be 74 on-site parking spaces, a water quality facility, a covered trash enclosure, dual drive-thru lanes with a vehicle reservoir for 20 vehicles for window one and 18 vehicles for window two, and landscaping as shown within Exhibit A.

Full frontage improvements along Baseline Street, N Adair Street and N 4th Avenue are proposed. Access to the site will be from N Adair Street and Baseline Street, as permitted by ODOT. N 4th Avenue is a city 'Collector' street and N Adair Street and Baseline Street are designated as 'Arterial' Streets, as defined by the 2018 Cornelius Transportation System Plan (TSP). The applicant has provided documentation from ODOT that outlines ODOT's recommended conditions of approval.

The applicant proposes to connect to city utilities. The applicant has submitted a completed Sensitive Area Pre-Screening Site Assessment Form (Exhibit A), CWS File #24-001949, dated August 29, 2024. The form indicates that there are not any sensitive areas within 200 feet of the project.

When Building Permits are submitted, a geotechnical report for the foundation and foundation drainage will need to be incorporated in the submittal. This shall be a condition of approval. Staff finds that for the development the applicant shall be required to meet all applicable State, County, and City Building, Electrical, Plumbing, and Mechanical Code requirements. This shall be a condition of approval.

(2) Traffic Generation. Based on anticipated vehicular and pedestrian traffic generation and the standards and policies of the comprehensive plan, adequate right-of-way and improvements to streets, pedestrian ways, bikeways, transit ways and other ways are provided by the development in order to promote safety, reduce congestion, conserve energy and resources, and encourage transit use, bicycling and walking. Consideration shall be given to the need for constructing, widening and/or improving, to the standards of the comprehensive plan and this code, public streets, bicycle, pedestrian, and other ways in the area of the proposed development impacted by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, transit facilities, street drainage facilities, traffic calming devices, and other facilities needed because of anticipated vehicular, transit, bicycle, and pedestrian traffic generation. Access and street design shall comply with the standards identified in Chapter 18.143 CMC, Transportation Facilities, inclusive. Street trees shall be installed to the standards identified in CMC 17.05.040(D)(3)(k). In lieu of actual construction of off-site improvements, the committee may accept written waivers of remonstrance to the formation of local improvement districts for the purpose of providing the needed off-site improvements or cash payment to the city in an amount equal to the estimated cost of said off-site improvements;

Findings: The applicant is proposing to construct a Chick-fil-A restaurant that will be 4,855 SF with drive-thru windows. Two new access points are proposed, one from Baseline Street and one from N Adair Street. Baseline Street and N Adair Street are ODOT facilities. The City Engineer did not require a Traffic Study for the proposed development, however, ODOT did require a Traffic Study. Within Exhibit A, the applicant has provided a Traffic Study dated September 25, 2024, from Kittelson & Associates. The

traffic study evaluated the proposed use, existing conditions of the site, the transportation facilities, and expected trip generation. Based on the study, Kittelson & Associates finds that the proposed Chick-fil-A can be constructed while maintaining acceptable operations at the study intersections, with certain improvements. Staff find the proposed improvements align with the requirements that the City Engineer and ODOT require for development.

The frontage improvements, as defined by the City Engineer within his comments (Exhibit B), are required. Any work within the ODOT right-of-way requires an ODOT permit. This shall be a condition of approval.

In Washington County, there is a voter approved, county-wide Transportation Development Tax (TDT) that the city administers within its city limits. The Institute of Transportation Engineers (ITE) code for the proposed restaurants is #934 – Fast Food Restaurant with Drive-Thru. Prior to issuance of building permits, the City shall review the building permit plans and provide the applicant with a Notice of Transportation Development Tax (TDT) Decision, per the Washington County TDT procedures. This shall be a condition of approval. The applicant shall indicate to the City, prior to issuance of the building permit, their preferred method of payment and pay the TDT accordingly. The City of Cornelius shall calculate and collect the TDT.

(3) Dedication. Adequate dedication or reservation of real property for public use, as well as easements and right of entry for construction, maintenance and future expansion of public facilities and services, shall be required to protect the public from any potentially deleterious effects resulting from the proposed use to fulfill the need for additional, improved services, whether on- or off-site, created by the proposed use, and to effect the implementation of the standards and policies of the comprehensive plan;

Findings: The City Engineer identifies that no additional public ROW dedication is necessary based upon records available to the City.

(4) Internal Circulation. There is a safe and efficient circulation pattern within the boundaries of the site. Consideration shall include the layout of the site with respect to the location, number, design and dimensions of vehicular, transit, and pedestrian access, exits, drives, walkways, bikeways, transit stops and facilities, building location and entrances, emergency equipment ways and other related on-site or off-site facilities so that there are adequate off-street parking and loading/unloading facilities provided in a safe, well designed and efficient manner. Consideration shall include the layout of parking, storage of all types of vehicles and trailers, shared parking lots and common driveways, garbage collection and storage points, as well as the

surfacing, lighting, screening, landscaping, concealing and other treatment of the same. Developments shall provide a safe and reasonably direct pedestrian connection from the main entrance to the public right-of-way and/or the pedestrian system or both. The pedestrian connection shall be reasonably free of hazards from automobile traffic, so as to help encourage pedestrian and bicycle travel;

Findings: The applicant has submitted a site plan that shows the location of the building, parking spaces, drive-thru lanes, internal sidewalks, trash enclosure, and sidewalk connections to Baseline Street and N Adair Street.

Within the application (Exhibit A), the applicant provided a site plan that shows pedestrian pathways from Baseline Street and N Adair Street to the front doors of the restaurant. The pathway crosses the drive-thru 'entrance' and 'exit.' The site plan shows ADA ramps with striping across the internal drive-aisles, but not at the drive-thru lanes. For pedestrian safety, pedestrian pathways, where they cross the drive-thru drive-aisles, and internal drive-aisles, shall be raised, striped and shall meet all applicable ADA requirements prior to issuance of a final occupancy permit. In addition, the pathways must be lit to provide visibility during nighttime hours. This shall be a condition of approval.

The applicant shows the locations of the proposed enclosed trash receptacle area. The structure is located in the parking lot area, near the walkway. The structure will be screened, and it will have a roof with a storm drain that ties into a grease trap. Access into the structure will be through a man-door on the north side of the structure. When garbage collection occurs, the main gates will swing outwards, into the internal drive-aisle. This would occur during collection times. When trash is not being collected, the gates shall remain closed and not swing into the drive-aisle. This shall be a condition of approval.

The site will have two drive-thru windows, The CMC requires a 10-vehicle stacking reservoir area per service window. The applicant describes that window one will stack 20 vehicles and window two will stack 18 vehicles. The applicant is proposing a covered structure over the ordering area (south side of the building) and a covered structure over the pick-up window area (north side of the building).

(5) Maintenance of Private Facilities. Adequate means are provided to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency;

Findings: This proposal does not affect nor prohibit the provision of the maintenance of private or public facilities. The stormwater will drain to approved water quality facility that will be constructed as part of this project. Prior to occupancy of the buildings, the water quality facility that services the buildings and their associated uses shall be constructed as required by the City Engineer, and a private stormwater quality facility maintenance agreement shall be signed and recorded by the applicant. This shall be a condition of approval.

(6) Public Facilities. The structures and public facilities and services serving the site are designed and constructed in accordance with adopted codes and/or city standards at a level which will provide adequate fire protection and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development;

Findings: The public facilities that will serve the site shall be constructed to City public works standards. A condition of approval shall require that the applicant submit the necessary documentation as required by the City Engineer (Exhibit B) for engineering plan review and approval of the public improvements.

Within Exhibit B, the Deputy Fire Marshal provided comments for the record. He inquired if the applicant could look at an access width of 28+ feet south of the dumpsters. It is currently 25ft, but a wider point in this location would improve engine access to the entrance of the structure. The staff finds that a condition of approval shall require that prior to building permit submittal, the applicant contacts the Deputy Fire Marshal to discuss access in this location. If necessary, a revised site plan shall be submitted to the Community Development Department for review and approval. This shall be a condition of approval.

The Deputy Fire Marshal works with the City Engineer and Building Official to review fire hydrant placement. The Deputy Fire Marshal indicates within Exhibit A that hydrants need to be within 400ft, but the two existing hydrants present obstacles for effective use (one is across Adair and would block the road if used, and the other is on the corner of Baseline and 4th). This second hydrant has a water quality swell between it and the structure. The Deputy Fire Marshal is requesting one additional hydrant for the project. Therefore, the applicant shall coordinate with the Deputy Fire Marshal, prior to building permit submittal, to determine the placement of one additional fire hydrant for the project. The applicant shall update the plans that are submitted to the City Engineer to include one additional fire hydrant. This shall be a condition of approval.

The applicant shall also meet all applicable requirements as deemed necessary by the Building Official and Fire Department for fire protection and public safety.

(7) Security. Adequate facilities shall be provided to prevent unauthorized entries to the property, facilitate the response of emergency personnel, and optimize fire protection for the building and its occupants. Adequate facilities may include, but not be limited to, the use of lighted house numbers and a project directory for multi-family projects of three or more units;

Findings: Prior to occupancy, the applicant/property owner shall comply with any fire, life, and safety requirements as deemed necessary by the Cornelius Fire Department or the Building Official.

Lot #2600 is currently addressed as 316 Baseline Street. Lot #2700 is currently addressed as 300 Baseline Street. Lot #2400 is currently addressed as 47 N 4th Avenue. These lots include three existing, non-conforming residential structures, that are proposed to be removed. With the proposed development of the site, the following address will be assigned - 390 Baseline Street.

Prior to occupancy, the new building shall be adequately addressed for location by emergency personnel as identified by the Fire Department. The Fire Department will require a Knox Box to be installed for the business. This shall be a condition of approval.

(8) Grading. The grading and contouring of the site takes place and site surface drainage and on-site storage of surface waters facilities are constructed so there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system and that said site development work will take place in accordance with the city site development code;

Findings: The applicant submitted a grading plan as shown within Exhibit A. Prior to site development, the applicant shall be required to submit a final grading and stormwater design to the City Engineer and Building Official for review and approval. This shall be a condition of approval.

The City Engineer identified that prior to development of the site, an Erosion Control Permit (1200-CN) will be required. This shall be a condition of approval. The applicant will also need to meet all applicable City and CWS requirements prior to any site work.

(9) Utilities. Prior to the development of a site, utilities shall be extended to serve the site or financially secured for extension to serve the site. Connection to city utilities shall be required prior to final inspection and

occupancy. Electric, telephone, and other utility services to new development shall be located underground. New utilities for redeveloped parcels shall be located underground from the right-of-way to the redeveloped parcels;

Findings: The site is currently undeveloped with multiple structures. The applicant included a detailed utility plan. It is the developer's responsibility to disconnect existing services and reconnect the new development to the public utility systems. All utilities that will service the development shall be located underground from the right-of-way prior to occupancy. Prior to building permit submittal, a final design of the utilities must be reviewed and approved by the City Engineer. This shall be a condition of approval.

(10) Accessibility. Access and facilities for physically handicapped people are incorporated into the site and building design with particular attention to providing continuous, uninterrupted access routes;

Findings: The applicant shall comply with the requirements of the Americans with Disabilities Act (ADA) prior to occupancy of the structure. The ADA parking spaces and internal sidewalks, and their connections to the public sidewalks, shall meet all applicable Building Code and ADA requirements. This shall be a condition of approval.

(11) Bicycle Lanes and Sidewalks. Where street improvements on arterials and collectors are required as a condition of development approval, they shall include bicycle lanes and sidewalks constructed in accordance with city standards.

Findings: The site abuts N Adair Street and Baseline Street, Oregon Department of Transportation (ODOT) Facilities. They are designed as an 'Arterial' street within the City of Cornelius Transportation System Plan (TSP). There are existing striped bicycle lanes located on the north side of the travel lane on Baseline Street and on the north side of the travel lane on N Adair Street.

The applicant is proposing full frontage improvements along the frontages of the site. The applicant will construct approximately 578ft of new sidewalk along N Adair Street. This will connect to an existing sidewalk, west of the site, thus completing a pedestrian connection along the north face of the block. The applicant is proposing to construct approximately 388ft of new sidewalk along Baseline Street. In the future, when the property to the west redevelops, the Baseline Street block will be near completion.

Access to the site will be from N Adair Street and Baseline Street. Each new access requires approval from ODOT. No new bicycle lanes are necessary for the proposed project.

(B) Design Standards.

(1) Relation of Building to Site. The proposed structures shall be related harmoniously to the terrain and to existing buildings which have a visual relationship to the proposed structure. Building height, bulk, lot area, coverage, setbacks, and scale should be particularly considered with regard to achieving compatible relationships. Screening, except in the industrial zone, exposed storage areas, utility buildings, machinery, service and truck loading areas, solid waste disposal cans, containers and other structures, and other accessory uses and structures, shall be adequately set back and screened. If a building is constructed, enlarged or altered to meet Type II thresholds and is located within 500 feet of a bus/transit stop, a main entrance door shall be placed on the street side of the bus/transit line and located as close as structurally possible to the bus/transit stop in compliance with this title;

Findings: The applicant has submitted a site plan (Exhibit A) of the proposed development. The new restaurant will be located near the eastern side of the lot. The drive-thru windows and lanes will be entering on the south side of the building and exiting on the north side of the building, respectively. The parking lot for the restaurant will be located roughly in the middle of the lot. As shown on the site plan, the restaurant will have a screened trash enclosure, west of the building. The applicant provided renderings and architectural plans of the proposed structures to be placed on-site. The building height, setbacks, and scale comply with the C-2 zoning district standards, as noted earlier within this report.

The lot abuts N Adair Street and Baseline Street, Oregon Department of Transportation (ODOT) facilities. There is one designated bus stop along N Adair Street, across the street from the subject site at the NW corner of N 4th Avenue and N Adair Street. There is one designated bus stop along Baseline Street, across the street from the subject site at the SW corner of S 4th Avenue and Baseline Street. The front door of the new restaurant will be approximately 200ft from the N Adair Street and Baseline Street bus stops. The applicant has provided a pedestrian pathway from the front door to the sidewalk of N Adair Street and Baseline Street.

This application includes a one-lot land partition (LP-04-24), to legally combine the existing 5 lots into one new lot. This is necessary so the proposed utilities and structures can be built without crossing property lines.

The proposal shows that one new trash enclosure will be provided. As noted within the plans, this trash collection facility will be covered, with a connection to a grease

interceptor. These types of trash collection facilities (covered with a grease interceptor) are required for businesses that produce food waste, per State Building Codes and CWS standards. The business will generate food waste; the food waste shall be separated from all other solid waste when disposed of for trash collection, per CMC 5.60 Business Food Waste Requirements. Therefore, a condition of approval shall require compliance with all applicable sections of CMC 5.60 Business Food Waste Requirements.

For all businesses within the City of Cornelius, separating recyclable materials from trash is necessary, according to CMC 5.05.075 Business Recycling. Within the business and trash collection facility, there shall be adequate instructions and containers for sorting and separating recyclable materials from trash. Therefore, a condition of approval shall require that the business on-site comply with CMC 5.05.075 Business Recycling.

(2) Trees and Vegetation. The development has been designed to, where possible, incorporate and preserve existing trees or vegetation of significant size and species. Consideration shall be given to whether habitat, survival of the tree species, and aesthetics can best be achieved by preserving groves or areas of trees as opposed to only individual trees;

Findings: The site is currently developed with three structures, and ornamental landscaping and vegetation is sporadically planted. The applicant has identified that there are 13 preexisting trees located on the site, four will be preserved, as shown on Sheet C1.0. Once the site is redeveloped, there will be an additional 36 street trees planted, as well as robust interior landscaping. Therefore, the trees proposed to be preserved shall remain, and the other on-site vegetation may be removed.

(3) Historic Structures. Consideration is given to the effect of the proposed development on historic buildings or features both on the site and within the immediate area;

Findings: There are three structures on the site. The structures are not known as historic structures, nor are there known historic structures near the property.

(4) Grading and contouring of the site shall take place with particular attention to minimizing the possible adverse effect of grading and contouring on the natural vegetation and physical appearance of the site;

Findings: The lot is relatively flat. The applicant submitted an existing conditions/grading plan as shown within Exhibit A. The grading and contouring plan shall be reviewed by the City Engineer and Building Official prior to issuance of a grading permit.

The applicant is also required to meet all applicable City and CWS requirements prior to any site work. The applicant shall obtain all the necessary grading permits for on-site and off-site ROW work, prior to commencing site work. This shall be a condition of approval.

(5) Landscaping. The quality, location, size, and structural and aesthetic design of walls, fences, berms, traffic islands, median areas, hedges, screen planting and landscape areas are such that they serve their intended purposes and have no adverse effect on existing or contemplated abutting land uses;

Findings: The landscaping plan includes a diverse variety of trees, shrubs, and ground cover to be placed on-site. The placement of the landscaping on the site is in logical areas around the buildings, walkways, and parking lots. The placement of the landscaping is not anticipated to have an adverse effect on the proposed development or abutting land uses. To ensure plant health, the landscape areas shall be maintained, and an irrigation system shall be installed. The installation of the irrigation system shall be to the City and State Plumbing Code. This shall be a condition of approval.

In addition to the current CMC landscaping standards, applicants are required to address a Climate Friendly and Equitable Communities analysis, which is:

Per OAR 660-012-0405(4), parking lot design requirements change for development with more than ¼ acre of surface parking on the lot or parcel, as follows:

a. Provide one of the following:

A. Install solar panels with a generation capacity of at least 0.5 KW per parking space on the property. Panels can be located anywhere on the property or a fee of \$1,500 per parking space can be paid; or

B. Comply with OAR 330-135-0010, which requires 1.5 percent for green energy technology in public building construction contracts; or

C. Provide tree canopy covering at least 40 percent of the parking lot at maturity, but no later than 15 years after planting

b. street trees along driveways, but not drive aisles

c. street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities.

d. any tree canopy plan must be done in coordination with local electric utility including pre-design, design, building, and maintenance phases

e. tree spacing and species must be designed to maintain a continuous canopy, maximum root health and survival, 2021 ANSI A300 standards, and a maintenance provision.

The applicant has provided a detailed landscaping plan (Sheet L.10, Exhibit A) that demonstrates 43% of the parking lot area will be covered in canopy area at maturity. The minimum tree canopy area at maturity is 40%.

The applicant did not provide documentation that the tree canopy plan and implementation has been coordinated with Portland General Electric (PGE) and the planned electric utilities on-site. A condition of approval shall require that electrical conduit be located in a manner that will not impact tree roots or their ability to grow and remain healthy.

(6) Lighting. Adequate exterior lighting shall be provided to promote public safety, and shall be designed to avoid unnecessary glare upon other properties;

Findings: The applicant is proposing exterior lights throughout the development. A Photometric Plan and lighting fixture details have been provided, as shown within Exhibit A. To protect the nearby uses on adjacent properties and public right-of-way, a condition of approval shall require that no on-site lighting may shine or glare into adjacent properties or public ROWs.

(7) Solar Access. In determining the appropriate relation of the building or structure to the site, the committee shall require that the building or structure be located on the site in a location and direction that will maintain, where feasible, solar access for adjacent properties and buildings or structures within the site.

Findings: The applicant has indicated that the project will not impact solar access on adjacent properties. Staff finds that the footprint and orientation of the commercial structures are similar to other buildings and developments along the highway corridor. The relation of the buildings to nearby properties will not impact solar access, as shown within Exhibit A.

18.155.040 Access to Sunshine.

The elements of a development plan shall be located and designed, to the maximum extent feasible, to protect access to sunshine for planned solar energy systems or for solar-oriented rooftop surfaces that can support a solar collector or collectors capable of providing for the anticipated hot water needs of the buildings in the project between the hours of 9:00 am and 8:00 pm PST on December 21st.

18.155.050 Shading.

(A)The physical elements of the development plan shall be, to the maximum extent feasible, located and designed so as not to cast a shadow onto structures on adjacent property greater than the shadow which would be cast by a 25-foot hypothetical wall located along the property lines of the project between the hours of 9:00 am and 3:00 pm PST on December 21st.

The applicant has provided site plans that show the solar shading on December 21st at 9:00 AM and 3:00PM. The shadow from the building and structures shades portions of the parking lot and N Adair Street. The shading does not impact surrounding properties, as shown within Exhibit A.

CONCLUSION

Based upon the findings above, the staff concludes that the development of the site, as proposed, can conform to the applicable chapters of the CMC with conditions of approval.

DECISION

Based on the facts, findings, public testimony and conclusions found in this staff report, the City of Cornelius Planning Commission conditionally approves DR-74-24 and LP-04-24, subject to the following conditions of approval:

- 1. This approval is for a Type III Site Design Review (DR-74-24), and a Type II Preliminary Land Partition (LP-04-24) to redevelop a commercially zoned property for a Chick-fil-A fast-food restaurant. The new development will include a new parking lot area, landscaping, drive-thru service windows, and other supporting amenities, as described within Exhibit A.

Prior to Building Permit submittal

- 2. The applicant shall apply for and receive Preliminary Land Partition Plat and Final Plat approval for a ‘One-Lot’ Land Partition to legally redescribe the five tax lots into one lot.
- 3. An eight foot (8’) wide public utility easement shall be shown on the final plat, along Baseline Street, N Adair Street, and N 4th Avenue, street frontages.

~~4. The applicant shall submit their public improvement plans to be reviewed and approved by the City Engineer.~~ (Moved to Prior to Building Permit Issuance by Planning Commission Motion)

- ~~5. The applicant shall submit a final design of the utilities to the City Engineer for review and approval. (Moved to Prior to Building Permit Issuance by Planning Commission Motion)~~
4. When Building Permits are submitted, a geotechnical report for the foundation and foundation drainage shall be incorporated in the submittal.
- ~~5. The existing billboard shall be removed from the site. (Moved to Prior to Building Permit Issuance by Planning Commission Motion)~~
- ~~6. The applicant shall contact the Deputy Fire Marshal, to discuss access width, south of the trash enclosure. If necessary, a revised site plan shall be submitted to the Community Development Department for review and approval. (Removed by Planning Commission Motion)~~
5. The applicant shall coordinate with the Deputy Fire Marshal, prior to building permit submittal, the placement of one additional fire hydrant for the project. The applicant shall update the plans that are submitted to the City Engineer to include one additional fire hydrant.

Prior to Building Permit Issuance

6. The Final Plat shall be recorded with Washington County.
7. The applicant shall obtain all the necessary grading and erosion control permits for on-site and off-site work.
8. The applicant shall submit the necessary documentation for engineering plan review and approval of the proposed public improvements, as required by the City Engineer in Exhibit B.
9. The applicant shall obtain an Erosion Control Permit (1200-CN), as required by the City Engineer.
10. The applicant shall obtain the necessary access, miscellaneous, and construction permits from ODOT. The applicant shall comply with ODOT's recommended conditions of approval for design along Baseline Street.
11. The applicant shall obtain any necessary Public Works Permits from the City of Cornelius for work within N 4th Avenue.
12. The applicant shall obtain any necessary permits for work within N Adair Street and Baseline Street from ODOT.

13. The City shall review the building permit plans and provide the applicant with a Notice of TDT Decision, per the Washington County TDT procedures. The applicant shall indicate to the City their preferred method of payment and pay the TDT accordingly, if necessary.
14. The applicant shall provide plans that demonstrate the stormwater systems comply with all applicable CWS and ODOT storm water standards, including LIDA, to be reviewed and approved by the City Engineer and ODOT.
15. Prior to issuance of the approved engineering plans, the applicant shall provide performance security to the City, equal to 150 percent of the estimated cost for landscaping materials and installation by a qualified contractor.
16. The applicant shall submit their public improvement plans to be reviewed and approved by the City Engineer, with a 'at their own risk' letter addressed to the City of Cornelius Community Development Department.
17. The applicant shall submit a final design of the utilities to the City Engineer for review and approval, with a 'at their own risk' letter addressed to the City of Cornelius Community Development Department.
18. The existing billboard shall be removed from the site.

Prior to Site Development

19. The applicant shall obtain all the appropriate Building, Plumbing, Electrical, and Mechanical Permits and shall meet all applicable Building Code requirements for the proposed development.

Prior to Occupancy

20. Prior to issuance of a Final Occupancy Permit, all required conditions of approval contained in this report shall be satisfied.
21. All landscaping, including street trees and irrigation, shall be installed per the approved landscaping plans. The installation of the irrigation system shall be to the City and State Plumbing Code.
22. Electrical conduit shall not be located in a manner that impacts tree roots and their ability to grow and remain healthy.

23. The applicant shall coordinate with the City Engineer and install, to the public works standards or ODOT standards (as applicable), all frontage improvements that abut the property. The applicant shall construct an on-site storm drainage system in conformance with CWS standards. All public improvements shall be in accordance with the City Engineer's comments, attached herein as Exhibit B.
24. A private Stormwater Quality Facility Maintenance Agreement shall be signed and recorded by the applicant.
25. The applicant shall comply with all requirements as deemed necessary by the Cornelius Fire Department.
26. The building shall be adequately addressed for location by emergency personnel, as **390 Baseline Street.**
27. A Knox Box shall be installed near the front entrance or employee entrance, as required by the Fire Department, for the business.
28. All new utilities serving the site shall be located underground.
29. Bicycle parking racks shall be installed that can hold at least 5 bicycles.
30. The applicant shall obtain any required maintenance bonds for street trees and the water quality facility.
31. The applicant shall coordinate the installation of a mailbox with the Postmaster, City, and ODOT, if proposed.
32. All on-site lighting must be installed and functional. Lighting shall not glare or shine into abutting properties or into the abutting public right-of-way as required by CMC 18.45.050(C)(2).
33. The parking lot shall be constructed and all improvements such as striping, ADA parking, landscaping, and wheel stops shall be installed in accordance with the approved site plan. The ADA parking space(s), internal sidewalks, and their connections to the public sidewalks shall meet all applicable Building Code and ADA requirements.
34. The trash enclosure shall be screened with a covered roof. It shall have a floor drain that ties into an approved grease separator, as required by the Building Official and Clean Water Services.

35. Pedestrian pathways, where they cross the drive-thru and drive-aisles, shall be ~~raised and striped dyed stamped concrete (amended by Planning Commission motion)~~, meeting all applicable ADA requirements. In addition, the pathways shall be lit to provide visibility during nighttime hours.

Other

36. The applicant shall meet all applicable State, County, and City Building, Electrical, Plumbing, and Mechanical Code requirements.

37. Signage must receive approval through the Sign Permit application review process.

38. The streets and walkways shall be lit during the hours of darkness in accordance with public works standards.

39. All materials and wastes shall be managed/stored, and the grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or create a health hazard.

40. The business shall comply with CMC 5.05.075 Business Recycling.

41. The business shall comply with CMC 5.60 Business Food Waste Requirements.

42. When trash is not being collected, the gates of the trash collection area shall remain closed and not swing into the drive-aisle.

43. Any damage to any public improvements or the public right-of-way as a result of construction shall be repaired and/or replaced to City standards by the applicant/owner.

44. The Community Development Director is authorized to suspend or revoke any permit if there is probable cause to believe that the conditions of the permit or any provisions of this decision have been violated or that the use is causing a nuisance to the public or surrounding properties. In any case where the Community Development Director finds any serious danger to public health or safety, the Community Development Director may suspend the permit without a hearing. In all other cases, the applicant may appeal the Community Development Director's decision of revocation per the applicable Sections of the City Code.

Date of decision: **December 10, 2024**



Dave Waffle, Planning Commission Chair



Tim Franz, Senior Planner

- Exhibits:
- A - Applicant's submittal
 - B - City Engineer and Fire Department comments
 - C - Affidavit of Mailing: Notice of Public Hearing
 - D- Applicant's letter requesting reconsideration of certain conditions of approval.
