



CITY OF CORNELIUS  
COMMUNITY DEVELOPMENT DEPARTMENT

**STAFF REPORT**

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**Hybrid Heating & Air Conditioning**

**Type III Site Design Review (DR-17-22)**

**Planning Commission Hearing Date: May 24, 2022**

**Staff Report Date: May 16, 2022**

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**APPLICANT:** Ardor Consulting – Greta Holmstrom

**OWNER:** Kuntz Enterprises, LLC

**LOCATION:** 230 Baseline Street, Cornelius, OR 97113

**PROPOSAL:** A Type III Site Design Review (DR-17-22) for a 4,240 sf new building expansion to the Hybrid Heating & Air Conditioning site. The expansion includes a new warehouse, remodel of existing space for offices, a new parking lot area, landscaping and other minor site improvements.

**LEGAL:** 1N3 33CC TL#02900

**ZONING:** Highway Commercial (C-2)

**PROCESS:** Approval of a Type III Site Design Review 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 notice of the 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 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 is currently developed with an older commercial building, that is approximately 1,600 sf in size.
- The subject Site is approximately .46 acres in size.
- The subject Site abuts and accesses Baseline Street, an Oregon Department of Transportation (ODOT) facility. As this transportation corridor is a State facility, ODOT has control over improvements within the public rights-of-way (ROW) and access.
- The applicant is proposing a new 4,240 warehouse building, remodel of the existing building for offices, a new parking lot area, landscaping and other supporting amenities, as described within Exhibit “A”.
- The application was submitted on February 18, 2022 and was deemed complete on April 8, 2022.
- The City Engineer submitted comments, which are attached as Exhibit “B”.
- Notice of the proposal was mailed to property owners within 250 feet of the subject property and affected agencies, and was published in the local newspaper on April 28, 2022 which is shown within Exhibit “C”.
- As of the date of this staff report no public or agency comments have been received.

## **FINDINGS**

### **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:*

...

*(B) Service Commercial, including barber, banks.*

...

**Findings:** The property is within the Highway Commercial (C-2) zoning district of Cornelius. Within the C-2 zone, per CMC 18.45.020(B), Service Commercial uses are permitted outright. The business, Hybrid Heating & Air Conditioning, is classified as a ‘Service Commercial’ use by selling and repairing residential and commercial heating and air condition units. To accommodate growth of the business and storage/warehousing needs, a new 4,240 sf building is proposed, as described and shown within Exhibits “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:** The Site is approximately .46 acres in size, according to the Washington County Tax Assessors Maps. The Site, located along Baseline Street, an Oregon Department of Transportation (ODOT) facility. Baseline Street is also known as SW Tualatin Valley Highway or Highway 8. (State Highway 8). The site current has one access from Baseline Street. No new access points are proposed with this application.

The applicant has submitted a Type III Site Design Review application, which includes a detailed site plan and narrative. The submitted plans to redevelop the Site 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 location of the existing and proposed buildings. The Site is not on the south side of Baseline Street, it is within the couplet of Baseline Street and N Adair Street. There is an abutting existing legal non-conforming single-family dwelling to the east of the site. The new proposed building will be located on the northwestern portion of the site, while the parking is proposed on the east side of the site.

The applicant described within the application packet that the building will be less than 25 feet in height and the proposed building elevations also verify that the building will be less than 25 feet in height. The height limitation within the C-2 zoning district is 35 feet.

As depicted on the site plan and building elevations, the minimum setbacks for the new development and height limitations will be met, as shown within Exhibit, “A”.

***18.45.050 Performance standards.***

***In a 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:** On February 18, 2022 the applicant submitted their land use application and it was deemed complete on April 8, 2022. To staff’s knowledge, are no outstanding previous conditions of approvals that have not been satisfied for the Site. The applicant has submitted the necessary application materials for the Planning Commission to review and consider.

*(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 Site will continue to have sewer, water and storm water connections. Storm water is managed and regulated by Clean Water Services (CWS). The City Engineer has submitted comments regarding the storm water system as described within Exhibit “B”. A condition of approval shall require that all CWS and City standards for the storm water system be met prior to issuance of a final occupancy permit.

Staff finds that CWS signed a sensitive area pre-screening site assessment form, which indicates there are no sensitive areas on-site, as showing within Exhibit, “A”.

*(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 submitted a lighting plan with fixture details. On-site lighting be installed and functional prior to issuance of a final occupancy permit, this shall be a condition of approval. The on-site lighting shall not glare into the abutting ROWs or adjacent properties, this shall be a condition of approval.

*(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 indicates that insects and rodents are not anticipated to be attracted to the Site. 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.

*(E) Outside Storage. Outside storage shall be appropriately screened consistent with CMC 18.45.060(F).*

**Findings:** No outdoor storage is proposed with this application, other than an outside trash enclosure. The application plan sheet C7.2 notes the Trash Enclosure Plan. Staff finds that the appropriate screening will be provided as required by CMC 18.45.060(F) per Sheet C7.2.

**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", plan sheet A01. The plan shows general compliance with the minimum landscaping and street tree requirements. Prior to issuance of the approved engineering plans, the applicant shall post with the

City a performance security 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. The planting and installation of the landscaping shall be meet 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 has access onto Baseline Street, an Oregon Department of Transportation (ODOT) facility. As required by the CMC, the City held a pre-application conference with the applicant. At the meeting, staff indicated that the applicant would need to contact ODOT and obtain an access permit. Within the application packet of Exhibit “A”, the applicant has provided a letter dated on June 16, 2021 from ODOT. The proposal has been reviewed by ODOT and the letter outlines the necessary ODOT permits that must be obtained. The letter outlines ODOT’s recommended conditions of approval. Therefore, a condition of approval shall require that the applicant comply with ODOT’s recommended conditions of approval for design and access permits onto Baseline Street, as described within the June 16, 2021 letter, provided within Exhibit “A”.

***(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’s detailed comments are shown as Exhibit “B”. City records indicate that no additional ROW dedications are necessary. The frontage improvements along Baseline Street shall be constructed 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 that the internal drive aisle will be approximately 24' feet in width. This is the main drive-aisle from Baseline Street into the parking lot area. The vehicle maneuvering areas will be asphalted. The entrance and exit will be onto Baseline Street, an ODOT facility. The driveway is not within 100 feet of a roadway intersection that is on the same side of the street.

Staff also finds that the location of the development on the Site will not preclude a future cross-over easement/frontage road between the abutting property to the east, so accesses onto Baseline Street could be minimized upon future development of the easterly abutting property.

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

**Findings:** The applicant proposes frontage improvements along Baseline Street, including a 6' public sidewalk. From the new public sidewalk, an internal sidewalk is proposed to the front door of the business, as shown on the submitted site plan of Exhibit "A", Plan Sheet C0.0. Prior to issuance of final occupancy permits, the pedestrian pathway that connects the front door of the business to the Baseline Street frontages, shall be installed. 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 proposes to move the driveway access from the west to the east side of the Baseline frontage. As shown in Exhibits "A" and "B", both the City and ODOT (Response #12172) have found the driveway location acceptable. Clear vision areas are shown on Exhibit "A", Plan Sheet C2.0. A condition of approval shall require that the clear vision area adjacent to the driveway access as shown on Exhibit "A", Plan Sheet C2.0 remain clear.

The applicant coordinated the new driveway with ODOT. Further ODOT permitting shall be a condition of approval. The proposed driveway width will be approximately 24 feet in width, which

is within the allowable parameters of the CMC. The driveways and the associated frontage improvements shall be designed to comply with the 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:** The City Engineer has submitted detailed comments regarding frontage improvements that will be required in order to meet applicable standards, as described within Exhibit, "B". Prior to Building Permit submittal, the City Engineer shall review and approve the public improvement plans. This shall be a condition of approval.

The City Engineer notes that there is an existing sidewalk on the submitted plans will be reconstructed to a 6-foot wide concrete sidewalk as a result of a new driveway drop. The new proposed sidewalk is acceptable.

***(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 reviewed the proposal. To comply with CWS standards, the applicant is required to demonstrate on-site treatment. Therefore, prior to final occupancy, the storm water system shall be installed and comply with all applicable CWS standards. This shall be a condition of approval.

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

**Findings:** The applicant provided a lighting plan for the Site. The lighting plan shows interior Site lighting during hours of darkness. The City Engineer notes that street lighting is provided on the south side of Baseline Street. No new street lights are required.

***(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 the business has an existing mail service, which will be continued. The narrative/plans do not specifically indicate if a mailbox will be provided. If proposed, a condition of approval shall require that the mailbox and its placement conform to the requirements of the Post Master.

***(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, or PVC or polymer covered chain link fencing. Galvanized chain link fencing shall not be permitted on new construction.***

**Findings:** The applicant proposes a screened garbage and trash collection area. The applicant provided a detail of this proposed facility and showed its location on the site plan and plan details within Exhibit “A”, Plan Sheet C7.2. The proposed screened garbage and trash collection area is not located within the front yard area, it is proposed at the rear of the property as shown on Exhibit “A”, Plan Sheet C2.0. A chain link fence with slats is proposed. The plans and details do not specify if the chain link fencing will be galvanized. As indicated above, galvanized chain link fencing is not permitted. Therefore, the proposed chain link fencing shall be a PVC or polymer covered. This shall be a condition of approval. Prior to issuance of final occupancy, the screened trash enclosure with slats shall be installed as shown within Exhibit “A”, Plan Sheets C7.2 and C2.0, with PVC or Polymer coating.

***(2) The reviewing body may require non sight-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, other than the existing non-conforming residence that is located to the east. The submitted site plan shows that all of the on-site parking will be within the interior of the Site.

***(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 within Exhibit, “A”, provides a detailed site plan that showing 8 on-site parking spaces and one bicycle parking rack. The property is located within parking zone “A” of the City. The applicant is proposing 8 on-site parking spaces. Within the application packet, the applicant is calculating the on-site parking based upon an Industrial Service use. The existing building is approximately 1,600 sf in size and the new building will be approximately 4,240 sf in size. The new building will primarily be used for warehousing with two office spaces. The applicant does not provide a detailed parking lot and parking code analysis.

Staff finds that the parking code does not have a ‘Service Commercial’ category, for determining a required parking count. In conversations with the property owner, there is little to customer visitations to the site, one to two a week. A majority of the sales/services occur on-line, via the phone or at the customers’ place of business/residence. The new office spaces within the new building will be for the owner and installation manager. The interior area of the existing building will be remodeled, once the new building is constructed, to updated office space. The owner indicates there are approximately 5 office employees. The field technicians typically take their work vehicles home in the evening, reporting to the office for training or to pick up materials for their scheduled installation. When reviewing the CMC, staff finds that the appropriate off-street parking table to use for this project is the ‘Industrial Services’ category. This category is similar in nature and most fitting for the exiting on-site activity. If future redevelopment or a change of land use occurs, the on-site parking category and design of the parking lot may need to be reevaluated.

In total, the site consists of approximately 5,840 sf of building area. With an Industrial Services use, .8 parking spaces per 1,000 sf of floor area is necessary. In total 5 parking spaces are required, but the applicant is proposing 8 parking spaces. Therefore, a total of 8 on-site parking spaces as shown on the site plan of Exhibit, “A” shall be provided. This shall be a condition of approval. Commercial the on-site area will be

For the proposed use, .1 bicycle parking spaces per 1,000 sf of floor area is necessary. One bicycle parking space is required to be installed. The applicant has shown on the site plan the location of a bicycle rack. Prior to issuance a final occupancy certificate, the bicycle parking space shall be installed. 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:** No signs are proposed with this application. Any future wall and/or freestanding signage shall receive sign permit and building permit approval prior to their installation.

**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:** The site has access on Baseline Street, which are ODOT facilities and are designated as Arterial Streets as defined by the 2018 Cornelius Transportation System Plan. The applicant has provided documentation from ODOT that outlines ODOT’s recommended conditions of approval. As identified earlier within this report, the applicant has provided a site plan (Exhibit “A”) and ODOT’s Response #12172 demonstrating location standards for driveway placement have been met.

The applicant proposes to connect to city utilities. The applicant has submitted a completed Sensitive Area Pre-Screening Site Assessment form (Exhibit “A”) showing that there are no sensitive areas within 200 feet of the project. Staff finds that the applicant shall be required to meet all applicable State, County and City Building, Electrical, Plumbing, Mechanical Code requirements. This shall be a condition of approval.

When Building Permits are submitted, a geotechnical report for the foundation and foundation drainage will need to be incorporated in the submittal for Building Permits. This shall be a condition of approval.

The City Engineer does note that the water line that serves the site is inadequate and substandard. To the west of the site the Carl's Jr. development upgraded the main line with a new 8" C900 water main. Therefore, the City Engineer is requiring that the application replace the water main along the frontage, as described within Exhibit "B". 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 proposes constructing a new 4,240 sf commercial service building for warehousing and storage and remodeling the existing building to locate two new office spaces. The proposal also includes new landscaping, a new parking lot area and other supporting amenities. Based on City standards, the City Engineer is not requiring a Traffic Study for the proposed redevelopment, unless required by ODOT. Based upon the ODOT letter (#12172) to the applicant, a Traffic Study is not required.

The frontage improvements as defined by the City Engineer within his comments (Exhibit "B") are required. This shall be a condition of approval.

Prior to issuance of a building permit, the City shall review the building permit plans and provide the applicant 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, the preferred method of payment and pay the TDT

accordingly. The City of Cornelius shall calculate and collect the TDT. Prior to issuance of Building Permits, the applicable TDT shall be collected.

*(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:** No additional public ROW dedication is necessary. However, the City Engineer does notes that a 8-foot wide Public Utility Easement (PUE) outside of the existing ROW is necessary for utilities. Therefore, prior to issuance of development permits the applicant/owner shall record an 8-foot PUE along the frontage of the site as required by the City Engineer. This shall be a condition of approval.

*(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 submitted a site plan (Exhibit “A”) showing the location of the building, parking spaces, internal sidewalks, trash enclosure, and a sidewalk connection to Baseline Street.

The applicant shows the location of the proposed enclosed trash receptacle area. The structure will be located near rear of the Site. The structure will have a double gate at the front for removing the trash bin. Staff finds that the gates will not impede the internal vehicle circulation or pedestrian areas.

The applicant is proposing a new walkway from Baseline Street to the front door of the existing office and new building as shown within Exhibit “A”, Plan Sheet C2.0. Staff finds that the new walkway will provide safe internal pedestrian connectivity.

***(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 storm water will drain to an approved water quality facility that will be constructed as part of this project. Prior to occupancy, this water quality facility shall be constructed as required by the City Engineer and a private storm water 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.

The applicant shall also meet all applicable requirements as deemed necessary from 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. Prior to occupancy, the new building shall be adequately addressed for location by emergency personnel. For commercial buildings, the Fire Department may require installation of a Knox Box for emergency access. The applicant/owner shall contact the Fire Department and discuss emergency protection measures. If measures, such as a Knox Box are necessary, they shall be installed prior to issuance of a final occupancy permit. These shall be conditions 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 an existing conditions plan and rough grading plan, as shown within Exhibit “A”. The site is relative flat where the new building will be constructed. Prior to site development, the applicant shall be required to submit a final grading and storm water design to the City Engineer and Building Official for review and approval. This shall be a condition of approval. The applicant/owner shall meet all applicable City and CWS requirements prior to any site work. This shall be a condition of approval.

***(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 lot is currently developed with an older building that is approximately 1,600 sf in size. The applicant/owner proposes to keep the original building and add a new 4,240 sf building in the rear of the lot. A detailed utility plan has been provided, which is shown within Exhibit “A”. It is the developer’s responsibility to connect 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 structures. The ADA parking space(s) 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:** There is an existing striped bicycle lane adjacent to the southernmost travel lane of Baseline Street. No new bicycle lane is necessary in front of the Site. The City Engineer is requiring frontage improvements, which include a new sidewalk that is six feet in width, as described within Exhibit, “B”.

***(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 submitted a site plan (Exhibit “A”), renderings and architectural plans of the proposed structure to be placed on-site. The building height, setbacks, and scale comply with the C-2 zoning district standards. The new building will be located along rear western half of the site. The parking lot will be located roughly in the middle of the lot with the screened trash enclosure in the northeastern corner of the lot. The applicant is proposing a pathway from the sidewalk along Baseline Street to the front door, this will be a pedestrian connection. The lot is located within the couplet of N Adair Street and Baseline Street, but the lot only legally abuts Baseline Street. The Site does not have access onto N Adair Street. The front door of the existing office faces Baseline Street. New landscaping around the front walkway and entrance of the office is proposed. The site is located within 500 feet of a bus/transit line (Bus 57); however, the bus stop is located on the south side of Baseline Street.

***(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 an older office near Baseline Street. To the rear of the property there is a field with minimal established trees/landscaping. The new building will be placed in the rear portion of the property. The applicant has submitted a detailed landscaping plan that shows new landscaped areas. There is an existing tree that will be removed for the new building.

***(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 no known historic structures on or 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 near the proposed building area. There will be some on-site grading necessary for the required storm water facility. 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 any 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 landscape planting plan shows 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 lot. 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.

***(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 lighting onto the exterior surface of the building. The lighting fixture details have been provided, as shown within Exhibit “A”. To protect the nearby uses on adjacent properties and public rights-of-way, a condition of approval shall require that no on-site lighting may shine or glare into adjacent properties or public rights-of-way.

***(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 this commercial structure is similar to

other buildings and developments along the highway corridor. The relation of the building to nearby properties will not impact solar access.

## **CONCLUSION AND DECISION**

Based on the facts, findings, public testimony and conclusions found in this staff report, the Cornelius Planning Commission conditionally approves the Type III Site Design Review application, City File# DR-17-22. The proposal as represented by the applicant can conform to the applicable chapters of the CMC, with the following conditions of approval:

1. This approval is for a Type III Site Design Review (DR-17-22) as described within Exhibit “A”.

### **Prior to Building Permit Submittal**

2. The applicant shall submit a final design of the utilities to the City Engineer for review and approval.
3. The applicant shall submit their public improvement plans to be reviewed and approved by the City Engineer.
4. When Building Permits are submitted, a geotechnical report for the foundation and foundation drainage shall be incorporated in the submittal.

### **Prior to Site Development**

5. The applicant shall obtain all the necessary grading and erosion control permits for on-site and off-site work.
6. 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”.
7. 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 and access permits onto Baseline Street.

### **Prior to Building Permit Issuance**

8. The City shall review the building permit plans and provide the applicant 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.

9. 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.
10. The applicant shall provide plans that demonstrate the storm water system complies with all applicable CWS standards, to be reviewed and approved by the City Engineer.
11. Prior to issuance of the approved engineering plans, the applicant shall post with the City a performance security 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.
12. The applicant/owner shall record an 8-foot Public Utility Easement along the frontage of the site as required by the City Engineer.

**Prior to Occupancy**

13. 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.
14. The applicant shall coordinate with the City Engineer and install all frontage improvements that abut the property to the public works standards or ODOT standards, as applicable. 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".
15. A private storm water quality facility maintenance agreement shall be signed and recorded by the applicant.
16. A total of 8 on-site parking spaces shall be provided, as shown on the submitted site plan.
17. The applicant shall comply with all requirements as deemed necessary by the Cornelius Fire Department and the Building Official.
18. The building shall be adequately addressed for location by emergency personnel.
19. A Knox Box, if required, shall be installed near the front entrance as required by the Fire Department.
20. All new utilities serving the site shall be located underground.
21. One bicycle parking rack shall be installed prior to issuance a final occupancy certificate.

22. The applicant shall obtain any required maintenance bonds for street trees and the water quality facility.
23. The applicant shall coordinate the installation of a mail box with the City and the Post Master, if proposed.
24. All on-site lighting be installed and functional. Lighting shall not glare or shine into abutting properties or into the abutting public rights-of way as required by CMC 18.45.050(C)(2).
25. 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 and internal sidewalk and its connection to the public sidewalk shall meet all applicable Building Code and ADA requirements.
26. The screened trash enclosure with slats shall be installed as shown on Exhibit "A", Plan Sheets C2.0 and C2.7. Galvanized chain link fencing is prohibited, therefore; the fencing shall be PVC or polymer covered.
27. A pedestrian pathway that connects the front door of the business to the Baseline Street frontage, shall be installed as shown on the submitted site plans.

**Other**

28. The applicant shall meet all applicable State, County and City Building, Electrical, Plumbing, and Mechanical Code requirements.
29. Signage that is placed on the property must receive Sign Permit approval through a Sign Permit application review process.
30. The streets and walkways shall be lighted during the hours of darkness in accordance with the public works standards.
31. 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.
32. 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.
33. 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 ordinance 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 a serious danger to the 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 Planning Commission Decision:** May 24, 2022



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Dave Waffle, Planning Commission Chair



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Barbara Fryer, AICP, Community Development Director

Exhibits:      “A” Applicant's submittal  
                  “B” City Engineer  
                  “C” Notice

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