



**CITY OF CORNELIUS  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

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**PALMER – COMMERCIAL DEVELOPMENT  
Type III Site Design Review and  
Type II Preliminary Land Partition Permits**

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**Land Use File Numbers DR-78-23 and LP-01-23**

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**Planning Commission Hearing Date: November 28, 2023  
Staff Report Date: November 21, 2023**

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**Request:** A Type III Site Design Review (DR-78-23) and Preliminary Land Partition (LP-01-23) application to divide the existing 2.32-acre lot into two new parcels with a tract of land. Parcel #1 will be approximately 46,619 sf in size and will include a Dental Office (4,800 sf) and a Coffee Shop (2,330 sf) with a drive-through window. The new building will be 7,130 sf in size, which includes a new on-site parking lot, trash enclosure, landscaping, storm water facility and frontage improvements. Parcel #2 will be approximately 36,291 sf in size and will include on-site parking lot improvements, frontage improvements and a storm water facility. A future building pad will also be created on Parcel #2, but not developed at this time. Tract A will be approximately 18,761 sf in size, which will be for a vegetated corridor and wetland.

**Applicant:** Nathan Palmer  
**Property Owner:** Ann Snyder Tilden, Trustee Richard H. Tilden Administrative Trust  
**Location:** SE Corner of S 1<sup>st</sup> Avenue & Baseline Street  
**Map:** Township 1 South, Range 3 West, Map 4BB, Tax Lot #00300.  
**Zone:** Highway Commercial (C-2)

**Process:** Approval of a Type III Site Design Review and Type II Land Partition with public hearing shall be processed consistent with Cornelius Municipal Code (CMC) Section 18.15.010(C), a Type III Planning Commission Review. The application shall be processed with notice and a public hearing before the Planning Commission pursuant to CMC Chapter 8.15.040. The notice of the Planning Commission's decision shall be provided to Applicant, interested parties, and anyone that testifies in the matter.

## **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 CMC Chapter 18.15.090.

## **APPLICABLE CRITERIA OF THE CORNELIUS MUNICIPAL CODE**

- Chapter 17.05 (Land Divisions)
- 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 consists of one tax lot, which is approximately 2.32 acres in size.
- The subject Site is undeveloped.
- The SE corner of S. 1<sup>st</sup> Avenue and Baseline Street lies at the northwest corner of the subject Site.
- Baseline Street is an Oregon State Department of Transportation (ODOT) facility, commonly known as State Highway 8 or Tualatin Valley Highway. As this transportation corridor is a State facility, ODOT has control over improvements and access.
- The southern boundary of the site is the Portland and Western Rail Road line that connects the Coast Range to the Willamette Valley.
- S. 1<sup>st</sup> Avenue is a City street with a 'Local' designation as identified by the City of Cornelius Transportation System Plan (TSP). Please note, the western public Right-of-Way (ROW) line of S. 1<sup>st</sup> Avenue is the City Limit boundary between the City of Cornelius and the City of Forest Grove. All proposed improvements are within the City of Cornelius.
- The Preliminary Land Partition (LP-01-23) is a proposal to divide the property into two lots and a Tract of land. Lot #1 will be approximately 46,619 sf in size. Lot #2 will be approximately 36,281 sf in size. Tract A will be approximately 18,761 sf in size.
- The applicant is proposing a new 7,130 sf building with a new parking lot, landscaping, a water quality facility and new frontage improvements, as described within Exhibit "A".

- The applicant has obtained an approved CWS Service Provider Letter with a Wetland Delineation. The site is identified as TD-3 within the City of Cornelius Wetland Inventory (Exhibit “D”).
- The application was submitted on August 14, 2023 and was deemed complete on September 21, 2023.
- 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 scheduled to be published in the local newspaper on October 26, 2023, which is shown within Exhibit “C”.
- As of the date of this report, no public and or other agency comments 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 October 26, 2023. As of the date of this staff report, no public comments have been received.

The proposal is a Preliminary Land Partition, is to partition one tax lot into two new lots with a tract of land as shown within Exhibit, “A”.

Comprehensive Plan Chapters Two & Three - Urbanization and Land Use, encourage the efficient use of urban land. The property is Comprehensively Planned for commercial uses and development. Lot #1 will be approximately 46,619 sf in size. Lot #2 will be approximately 36,281 sf in size. Tract A will be approximately 18,761 sf in size. The proposed new lots will be similar in size and shape to other nearby C-2 zoned properties. Staff finds that the lots will be large enough to accommodate the proposed commercial uses as described within the application materials.

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 partition the lot accommodate three commercial uses, two immediately developed on one lot and a future commercial development on the second lot. 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 is addressing 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.

**CONCLUSION:** Based upon the findings above, staff concludes this criterion is met.

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

**FINDINGS:** The Site is undeveloped. The applicant is preparing for commercial development, which necessitates the partition of the lot into two new lots with a tract of land. The tract of land is a wetland area and the associated vegetated corridor. 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-01-23) 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 July 17, 2023 (CWS File Number #23-001847), as shown within Exhibit “A”.

As noted within the General Facts section of this report, there is an identified wetland within the City’s Wetland Inventory on the Site. The applicant has obtained an approved CWS Service Provider Letter with a Wetland Delineation. The site is identified as TD-3 within the City of Cornelius Wetland Inventory (Exhibit “D”). Within the Inventory, site TD-3 is not a significant wetland area. As part of the proposed partition (LP-01-23) the delineated wetland area is proposed to be protected as Tract “A”. Within the conditions of approval of the SPL from CWS, any work within the wetland area requires approval from the Oregon Department of State Lands (DSL) and the US Army Corps of Engineers (USACE). As the site is not significant, it does not have a Natural Resource Overlay (NRO) designation over it, which requires additional review and approvals for protections. As shown the wetland area is in a degraded condition, which is proposed to be enhanced. The City mailed Oregon Department of State Lands a copy of the public notice, as shown within the affidavit of mailing, Exhibit, “C”. The applicant shall apply for and receive any permits as required by CWS, the State and/or Federal agencies for work within the wetland area. This shall be a condition of approval.

**CONCLUSION:** Based upon the findings above, and through application of appropriate conditions of approval, staff concludes this criterion is met.

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

**FINDINGS:** There are public facilities located within the right-of-way of S. 1<sup>st</sup> Avenue and Baseline Street and they are 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 and Cornelius Public Works Standards. This shall be a condition of approval.

The right-of-way along the frontage of the Site of S. 1<sup>th</sup> Avenue and Baseline Street is 60 feet in width; therefore, no right-of-way dedication is required. The applicant shall dedicate an 8-foot-wide public utility easement (PUE) adjacent to the S. 1<sup>st</sup> Avenue and Baseline Street right-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.

**CONCLUSION:** Based upon the findings above, and through application of appropriate conditions of approval, staff concludes this criterion is met.

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

**Findings:** As noted above, the applicant is proposing to partition one lot into 2 new lots and a tract of land. Within the C-2 zone there is no minimum lot size requirement, other than the lot must be large enough to accommodate the proposed use. Staff finds the applicant is preparing the site for future commercial development.

Per the Washington County Tax Assessors map;

- Tax lot# 1S3 34BB00300 is approximately 2.32 acres in size.

Once partitioned;

- Parcel #1 will be approximately 46,619 sf in size.
- Parcel #2 will be approximately 36,281 sf in size.
- Tract 'A' (Wetland and Vegetated Corridor) will be approximately 18,761 sf in size.

The plans provided show the approximate footprints for the future commercial developments with their associated on-site parking, landscaping and other necessary amenities.

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

**CONCLUSION:** Based upon the findings above, staff concludes that this criterion is met.

*5. All proposed improvements meet City standards.*

**FINDINGS:** The applicant is proposing development at this time via City Land Use File # DR-78-23.

The City Engineer identified that S. 1<sup>st</sup> Avenue is currently improved with a sidewalk, curb, gutter, and two driveway drops. The applicant is proposing to use the southern driveway drop and replace the northern drop with the standard curb/gutter and sidewalk. The applicant is proposing street trees along the S. 1<sup>st</sup> Avenue frontage to City Standards. The applicant shall improve S. 1<sup>st</sup> Avenue to City Standards, as approved by the Community Development Department Director and City Engineer. This shall be a condition of approval.

Within Exhibit "B", the City Engineer identifies the following for Baseline Street (an ODOT facility);

*The frontage along Baseline is unimproved with a combination bike lane/shoulder adjacent to a road-side ditch. Street lights are mounted on PGE power poles. The overhead power lines on the south side of the street include PGE transmission lines near the top of the existing poles and PGE distribution lines midway up the poles. The poles also appear to support telecommunication lines.*

*Frontage improvements required by the City and proposed in the applicant's preliminary plans include:*

- *Bike lane*
- *Concrete curb and gutter*
- *6-foot concrete sidewalk*
- *Undergrounding all overhead lines, except the PGE transmission lines*
- *Cobra-head street lights on their own poles*
- *Driveways entering Baseline shall meet the Cornelius Standard Detail for a*
- *Commercial Driveway with a Parkway Strip (Detail S-22) or ODOT Standards*

*While the City's standards require street trees along frontages such as Baseline, these are not allowed in this area by ODOT because they can pose a hazard to drivers even though they protect pedestrians and are effective in slowing traffic.*

*A bus stop currently exists on the SE corner of Baseline and 1st. No special accommodation is required by the City for this bus stop.*

*As an ODOT road, ODOT controls access to Baseline. The applicant proposes a driveway accessing Baseline at the far eastern side of the parcel. This driveway is within 100 feet of an approved driveway that the development to the east, which has land use approval, will construct. These two driveways spaced so closely together present a traffic hazard and will likely not be allowed by ODOT. The City agrees that two driveways in this location are hazardous and must be avoided.*

***The applicant must remove the proposed Baseline driveway from the plan.*** *Fortunately, the driveway to be constructed by the development to the east is covered by a required access easement providing the applicant's parcel access to the driveway on the adjoining parcel to the east.*

The applicant is not proposing street trees along Highway 8 (Baseline Street). Due to ODOT regulations, the applicant is not proposing street trees along Baseline Street. Staff finds that street trees can be located on the backside of the right-of-way line, upon private property. Therefore, a condition of approval shall require that the landscaping plan be revised to include street trees along the frontage of Baseline Street. The street tree planting plan shall comply the standards identified in CMC 17.05.040(D)(3)(k) and Section 5.11 of the Cornelius Public Works

Standards. The revised landscaping plan shall be submitted to the Community Development Director and City Engineer for review and approval, prior to the application for a final plat.

**CONCLUSION:** Based upon the findings above, and through application of appropriate conditions of approval, staff concludes this criterion is met.

**Conclusion TYPE II Land Division, LP-01-23:** 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:*

...

*(D) Office, including professional, medical/dental.*

*(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(D) & (E), dental offices and a café with drive-up coffee window are uses permitted outright. The Site is currently undeveloped so a Type III Site Design Review per CMC 18.100 is necessary.

The applicant proposes to develop Parcel #1 with a new 7,730 sf building, a new parking lot, landscaping, new water quality facility, and new frontage improvements, as shown and described within Exhibit "A".

On Parcel #2, the applicant proposes to develop frontage improvements, a new water quality facility, parking lot, landscaping and pad for a future building. As identified within the application submittal, the future building will be approximately 10,900 sf in size.

Tract A will include the vegetated corridor and wetland.



**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 total Site is approximately 2.32 acres in size, according to the Washington County Tax Assessors Maps. The Site is located along Baseline Street and S. 1<sup>st</sup> Avenue. Baseline Street is Oregon Department of Transportation (ODOT) facility and S. 1<sup>st</sup> Avenue, a City local street.

The applicant has submitted a Type III Site Design Review application, which includes a detailed site plan and narrative. The submitted design and site 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 10 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 that the on-site parking will be located around the front and side areas of the Site, with the new building located generally in the middle of Parcel 1. The proposed drive-thru is located on the east side of the building, as shown on the submitted site plan within Exhibit, "A".

The applicant's site proposed site plan demonstrates that the minimum setback requirements of the zoning district are met. The proposed new building will be approximately 22'- 1 5/8" in height, which complies with the height limitation of the zoning district, as shown within Exhibit "A".

On Parcel 2, the pad for the future building is situated so it can comply with the setback standards of the zone. Its height and other elements of its construction will be reviewed through a Site Design review in the future, when the developer proposes a structure to be placed upon the pad.

***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:** The application was submitted on August 14, 2023 and was deemed complete on September 21, 2023. There are no previous land use approvals or reviews for the site. The applicant submitted the necessary application materials for the Planning Commission to review and consider the proposal.

***(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 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 systems be met prior to issuance of a final occupancy permit.

***(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. The on-site lighting shall not glare into the abutting rights-of-way or adjacent properties. A condition of approval shall require on-site lighting installation meet the glare requirements prior to issuance of a final occupancy permit.

*(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 acknowledges 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 area will be screened and constructed with a CMU block wall with gate.

The applicant indicates the trash enclosure is designed to serve both Parcel 1 and Parcel 2. As noted within the plans, this trash collection facility will be covered, with a grease interceptor. These type of trash collection facilities (covered with a grease interceptor) are required for business 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 disposing 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 business within the City of Cornelius, separating recyclable materials from trash is necessary, per CMC 8.01.150 Business Recycling. Within the business and trash collection facilities, there shall be adequate instructions and containers for sorting and separating recyclable materials from trash. Therefore, a condition of approval shall require that businesses on-site comply with CMC 8.05. 150 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 and/or merchandise sales; so, this criterion is not applicable to this application.

*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 on Sheet L100 Exhibit “A”. The plan shows general compliance with the minimum landscaping of the CMC, however the

street tree requirements are not met. Due to ODOT regulations, the applicant is not proposing street trees along Baseline Street. Staff finds that street trees can be located on the backside of the right-of-way line, upon private property. Therefore, a condition of approval shall require that the landscaping plan be revised to include street trees along the frontage of Baseline Street. The street tree planting plan shall comply the standards identified in CMC 17.05.040(D)(3)(k) and Section 5.11 of the Cornelius Public Works Standards. The revised landscaping plan shall be submitted to the Community Development Director and City Engineer for review and approval, prior to the application for a final plat.

As part of the required public improvements plans that the City Engineer will review and approve, a variety of street trees to City standards shall be reviewed and approved by the City Engineer. 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 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:** There is a proposed development to the east of parcel 2, which has ODOT approval for access. If, and only if, the project (DR-129-22) on Baseline Street that has approval to establish an access point on Baseline Street approximately 400 feet west of S. 4th Avenue expires or is withdrawn, or the DR-129-22 applicant otherwise voluntarily relinquishes this right to establish such access point, then an access point on Baseline Street approximately 400 feet east of S. 1st Avenue shall be allowed within this approval (DR-78-23) on this property. In addition to the foregoing, in order to allow the Baseline Street access on this property located approximately 400 feet east of S. 1st Avenue, a recorded crossover access easement is required across the property to benefit the properties to the east. Copies of the recorded crossover access easement(s) to adjacent property(ies) shall be provided to the City of Cornelius Community Development Department prior to the issuance of the building permit. This shall be a condition of approval.

*(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 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 aisles will be approximately 24' feet in width. The vehicle maneuvering areas will be asphalted. The applicant is proposing an entrance and exit located at S. 1<sup>st</sup> Avenue, a City street, and onto Baseline Street, an ODOT facility. As noted within this report, the property located to the east has an approved ODOT access within 100 feet of the proposed access on Parcel 2. Therefore, an additional access (the proposed access for this project on Baseline Street) cannot be permitted on Baseline Street. Cross-over easements are provided from the project to the east to this property.

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

**Findings:** For Parcel 1, the applicant is proposing frontage improvements along Baseline Street and S. 1<sup>st</sup> Avenue. From the sidewalks along the street frontages, internal sidewalks are proposed to the front doors of the new businesses, as shown on the submitted site plan of Exhibit "A".

For Parcel 2, the applicant is proposing frontage improvements along Baselines Street. From the sidewalk along Baseline Street, a sidewalk is proposed across the parking lot to the front of the building pad.

The applicant also proposes internal sidewalk connectivity between Parcel 1 and Parcel 2, as shown on the site plan (Sheet C100 of Exhibit, A).

The pathways will cross internal drive-aisles which are asphalt surfaces, as depicted on the submitted site plan. The site plan indicates the internal crosswalks will be a concrete surface.

Staff finds this is a visible difference between the asphalt and concrete, which will help differentiate the crosswalk for pedestrian safety.

Therefore, prior to issuance of final occupancy permits, the pedestrian pathways that connects the front doors of the new businesses shall be installed, as shown on the site plan. 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.*

**Findings:** The applicant has demonstrated within the plans the clear vision areas will be met.

*(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 a new driveway onto Baseline Street and S. 1st Avenue. Only the access on S. 1<sup>st</sup> Avenue is approved with this proposal. The access on Baseline Street is not approved and shall be removed from the plans.

Access and the associated frontage improvements shall be designed to comply with the applicable standards as required by the City Engineer and ODOT. This shall be a condition of approval.

*(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, so this criterion is inapplicable.

*(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:** Frontage improvements do not exist along the Baseline Street frontage of the Site. The Baseline Street frontage shall be required to be constructed to City and ODOT standards. The applicant is proposing to close the northern driveway approach along S 1st Avenue and utilize the southern driveway approach. 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.

At this time, the access on Baseline Street is not approved and shall be removed from the plans.

*(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 with an additional Low Impact Development Approach (LIDA). Therefore, prior to final occupancy, the storm water systems shall be installed and comply with all applicable CWS standards, including LIDA. 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 has provided a lighting plan for the Site. The lighting plan shows how the interior of the Site will be lit during hours of darkness. However, no lighting plan is shown along the street frontages. The applicant states that no streetlights are necessary, as lighting is present along S. 1<sup>st</sup> Avenue and Baseline Street. The City Engineer identifies within Exhibit “B”, cobra-head street lights on the town poles are needed along Baseline Street and there are lights on the PGE poles of S. 1<sup>st</sup> Avenue. Therefore, prior to issuance of building permits, the City Engineer shall review and approve, as part of the public infrastructure plan, lighting of the street and sidewalk frontage with cobra-head street lights as specified in Exhibit “B”. The required street lights shall be installed and functional, prior to issuance of a final occupancy



permit. The streets and walkways shall be lit during the hours of darkness in accordance with the public works standards. These shall be conditions of approval.

***(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 mailbox will be provided on-site and the placement shall be in agreement with the Post Master. If the mailbox is located along the street frontages, the City Engineer shall also review and approve of its placement.

***(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". The trash enclosure will be constructed with CMU brick. No chain link fencing is proposed; however, it may be used around the wetland/water quality facilities. If used, it shall not be galvanized. This shall be a condition of approval.

The applicant indicates the trash enclosure is designed to serve both Parcel 1 and Parcel 2. As noted within the plans, this trash collection facility will be covered, with a grease interceptor. These type of trash collection facilities (covered with a grease interceptor) are required for business 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 disposing 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 business within the City of Cornelius, separating recyclable materials from trash is necessary, per CMC 8.01.150 Business Recycling. Within the business and trash collection facilities, there shall be adequate instructions and containers for sorting and separating recyclable materials from trash. Therefore, a condition of approval shall require that businesses on-site comply with CMC 8.05. 150 Business Recycling.

*(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 development upon Parcel #1 does not directly abut residential development. Parcel #2 does abut a non-conforming residence, which is unoccupied and slated to be demolished as part of DR-129-22. Staff finds no sight-obscuring screening and/or fencing is necessary.

**(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 shows 52 on-site parking spaces and 6 bicycle parking spaces on Parcel 1. On Parcel 2 the site plan shows 11 on-site parking spaces and 6 bicycle parking spaces. In total across both parcels 63 on-site parking spaces and 12 bicycle parking spaces are proposed. Table 1 below identify the parking standards for Parcel 1.

<b>Table 1</b> <b>Minimum and Maximum Required Off-Street Vehicle and Bicycle Parking Requirements</b> (unless otherwise noted, standard is per 1,000 sf of gross floor area)		
Land Use	Maximum Parking Standards (spaces/square feet)	Minimum Bicycle Parking Standards
	Zone A	
<b>OFFICE</b>	3.4/1,000	0.5/1,000
<b>COMMERCIAL</b>		
Eating and Drinking Establishments	Fast food: 12.4/1,000	All: 1.0/1,000

Table 1					
Planned Use	Square Feet of Use	Maximum Parking Standard	Maximum Parking Permitted	Required Bicycle Parking	Minimum Spaces Required
Office	±4,800	3.4/1,000	16 spaces	0.5 spaces / 1,000 square feet	3 spaces
Eating and Drinking Establishments	±2,330	12.4/1,000	28 spaces	1.0 spaces / 1,000 square feet	3 spaces
<b>Maximum Vehicle Parking Permitted</b>			<b>44 spaces</b>	<b>Minimum Bicycle Parking Required</b>	<b>6 spaces</b>
<b>Planned Vehicle Parking (Shared Across Both Parcels)</b>			<b>63 spaces</b>	<b>Bicycle Parking Provided (Parcel 1)</b>	<b>6 spaces</b>

Table 2				
Anticipated Use	Square Feet of Use	Maximum Parking Standard	Maximum Parking Permitted for Parcel 2 Use	Maximum Parking Permitted Across Both Parcels
Sales-Oriented Retail	±10,900	5.1/1,000	55 spaces	99 spaces

Based upon the CMC, Parcel #1 is over parked and Parcel #2 is under parked. When combined they are under the maximum limitation. The site plan shows drive-aisle and pedestrian connectivity between the two Parcels and within the narrative the applicant describes how the parking lot has been planned to be shared. The preliminary land partition plat identifies cross-over easements for the internal drive-aisle.

Staff finds the applicant has the following options;

- The applicant shall submit a revised site plan, demonstrating that parking on Parcel #1 is below the maximum limitations, which is 44 parking spaces or less.

Or,

- The applicant shall enact a shared parking agreement between the two parcels with a notation on the final plat.

Through the above options, the applicant can comply with the CMC parking standards. These shall be conditions of approval.

Based on legislative changes enacted through Climate Friendly and Equitable Communities Rulemaking by the Land Conservation and Development, all parking minimums shall not be applied within ½ mile for a frequent bus route. Bus 57 is a frequent bus route travelling along Adair and Baseline. Thus, all parking minimum standards are no longer applicable nor can be enforced. Parking maximums as noted in Table 2 still apply as does the minimum bicycle parking standard.

The applicant described within the application/site 12 bicycle parking spaces will be provided. The detail of the proposed bicycle spaces are “inverted U” racks. On Parcel 1, 6 bicycle spaces are located near the NW corner of building A, in a concrete bump out area. The bicycle parking will not will not impede internal pedestrian sidewalks and pathways. The proposed 6 bicycle parking spaces comply with the minimum CMC standards for Parcel 1.

On Parcel 2, as no building and sidewalk is proposed at this time, no designated bicycle parking spaces are proposed at this time. In the future, with the appropriate Site Design Review application for the new building, the bicycle parking locations can be reviewed for its placement to insure pedestrian safety, as well as compliance with the minimal number for the final building size. Nothing in this land use approval shall limit future requirements for bicycle parking, should they change before the Site Design Review application is submitted for the new building.

As shown on the site plan, a drive-aisle with parking lot improvements are proposed on Parcel 2. As noted within the application packet, the applicant proposes access onto Baseline Street from Parcel 2, with crossover easements. Due to DR-129-22, development approval on the abutting property to the east, access onto Baseline Street for Parcel 2 cannot be approved. All vehicle maneuvering areas must be of an improved impervious surface, thus the applicant is proposing a majority of parking lot improvements to Parcel 2 at this time, leaving the pad, sidewalk, bicycle count and location, for the future Site Design Review application.

#### ***18.45.070 Signs.***

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

**Findings:** The applicant states that no sign permit are proposed with this application. Staff finds that in accordance with the CMC, all wall and freestanding signs shall be reviewed through a

sign permit application. Any proposed freestanding signs and signage placed on the building will also require building permits. Therefore, all wall and freestanding signage shall receive sign permit and building permit approval prior to their installation. This shall be a condition of approval.

At the corner of the site near Baseline Street and S. 1<sup>st</sup> Avenue, there is an existing Welcome to Cornelius freestanding sign. The property owner/applicant have worked the City to come to an agreement regarding this sign, a sign easement. Per CMC 18.175.040(E) Exempt signs, the Welcome to Cornelius Sign is Exempt, therefore when the property owner applies for future signage, a freestanding sign can be approved without regard for the existing Welcome to Cornelius Signs size and location.

### ***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 applicant proposes a Type III Site Design Review (DR-78-23) and Land Partition Preliminary Plat (LP-01-23) application to divide the existing 2.32-acre lot into two new parcels and a tract of land. Parcel #1 will be approximately 46,619 sf in size and will include a Dental Office (4,800 sf) and a Coffee Shop (2,330 sf) with a drive-through window. The new building will be 7,130 sf in size, which includes a new on-site parking lot, trash enclosure, landscaping, storm water facility and frontage improvements constructed. Parcel #2 will be approximately 36,291 sf in size and will include on-site parking lot improvements, frontage improvements and a storm water facility. A future building pad will also be created on Parcel #2, but not developed

at this time. Tract A will be approximately 18,761 sf in size, which will be for the vegetated corridor and existing wetland, as described within Exhibit “A”.

The site abuts Baseline Street, which is an ODOT facility and designated as Arterial Streets as defined by the 2020 Cornelius Transportation System Plan. S. 1<sup>st</sup> Avenue is a designated Local Street. 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”) which requires a revision to the access to Baseline Street. The property owner to the east has an approved access to Baseline Street, which must accommodate development along this stretch of Baseline Street. Therefore, the access point on Baseline is not permitted at this time and must be removed from the site plans.

The applicant proposes to connect to city utilities. The applicant has submitted a completed Service Provide Letter from CWS File #23-001847. There is an identified wetlands on the site, which will be protect as part of Tract “A”, of the proposed land partition application (LP-01-23). Within the Service Provide Letter, there are conditions of approval, which must be met for protecting the wetland area. Staff finds that for the development the applicant shall 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.

***(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:** Based on City standards, neither the City Engineer nor ODOT are requiring a Traffic Study for the proposed redevelopment.

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. 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. This shall be a condition of approval.

*(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 provided comments in Exhibit “B”. Specifically, the City Engineer noted that all frontage improvements are to be placed within the right-of-way. Based on the drawings and existing right-of-way of Baseline Street and S. 1<sup>st</sup> Avenue, no additional right-of-way will need to be dedicated, unless required by ODOT.

*(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, landscaping, street trees, water quality facility, internal sidewalks, trash enclosure, and a sidewalk connection to Baseline Street and S. 1<sup>st</sup> Avenue, as identified within Exhibit “A” for Parcel 1. On Parcel 2, the applicant also identifies parking spaces, a sidewalk connection from Baseline Street to the building pad, landscaping, street trees and water quality facility. Future development of Parcel 2 will require a Site Design Review application that addresses, at a minimum, the building design, pedestrian circulation, bicycle parking and location, and any other details that may be in place at the time of the application.

The applicant shows the location of the proposed enclosed screened trash area. The structure will be located near the eastern side of Parcel 1. The structure will be constructed of CMU with a single swing gate at the front of it for removing the trash bins. Staff finds that the gate shall not be left open where it could impede the internal drive-aisle. The applicant describes that the facility has been designed to serve both parcels. To insure that in the future that Parcel 2 can utilize the trash collection facility, a shared use/access agreement between Parcel 1 and Parcel 2 shall be provided and noted on the final plat.

The applicant indicates the trash enclosure is designed to serve both Parcel 1 and Parcel 2. As noted within the plans, this trash collection facility will be covered, with a grease interceptor. These type of trash collection facilities (covered with a grease interceptor) are required for business 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 disposing 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 business within the City of Cornelius, separating recyclable materials from trash is necessary, per CMC 8.01.150 Business Recycling. Within the business and trash collection facilities, there shall be adequate instructions and containers for sorting and separating recyclable materials from trash. Therefore, a condition of approval shall require that businesses on-site comply with CMC 8.05. 150 Business Recycling.

***(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. This shall be a condition of approval.

*(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. Prior to occupancy, the new building and spaces shall be adequately addressed for location by emergency personnel. For commercial buildings, the Cornelius Fire Department requires installation of a Knox Box for emergency access. The applicant/owner shall contact the Fire Department and discuss emergency protection measures. The Knox Box 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 Topo/Site Conditions plan, as shown within Exhibit “A”. The site is relative flat so minimal on-site grading will be necessary. 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 City Engineer identified that prior to development of the site a 1200-CN Erosion Control Permit is required for the Site. Therefore, this shall be a condition of approval. The applicant 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 undeveloped. The applicant included a detailed utility plan. 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. As part of the required frontage improvements, utilities will also be required to be underground, with the exception of the PGE high voltage transmission lines.

*(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:** The City Engineer and ODOT are requiring frontage improvements along Baseline Street, which is an arterial street. As noted within the City Engineers comment of Exhibit “B”, frontage improvements plans are required to be to city standards, which include sidewalks and bicycle lanes. A sidewalk and bicycle lane shall be installed along Baseline Street per the City of Cornelius standards and ODOT. This shall be a condition of approval.

***(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 building will be located upon Parcel 1, mainly in the middle of the site. The site plan shows 2 entrances. Only the entrance on S. 1<sup>st</sup> Avenue is approved through this development application. As noted earlier within the report, there is a proposed development to the east of parcel 2 which has ODOT approval for access. If, and only if, the project (DR-129-22) on Baseline Street that has approval to establish an access point on Baseline Street approximately 400 feet west of S. 4th Avenue expires or is withdrawn, or the DR-129-22 applicant otherwise voluntarily relinquishes this right to establish such access point, then an access point on Baseline Street approximately 400 feet east of S. 1st Avenue shall be allowed within this approval (DR-78-23) on this property. In addition to the foregoing, in order to allow the Baseline Street access on this property located approximately 400 feet east of S. 1st Avenue, a recorded crossover access easement is required across the property to benefit the properties to the east. Copies of the recorded crossover access easement(s) to adjacent property(ies) shall be provided to the City of Cornelius Community Development Department prior to the issuance of the building permit. This shall be a condition of approval.

The primary entrances of the buildings on Parcel 1 and Parcel 2 will face Baseline Street. The applicant is proposing concrete pathways from the sidewalks of S. 1<sup>st</sup> Avenue and Baseline Street to the front doors, for pedestrian connectivity. These connections will cross internal drive-  
isles for both Parcels.

The applicant provided renderings and architectural plans of the proposed structure to be placed on-site of Parcel 1, as shown within Exhibit, “A”. The setbacks and scale comply with the C-2 zoning district standards. In the future when a building is proposed on Parcel 2 a Site Design review will be necessary.

The site plan shows the location of the trash enclosure on Parcel 1. The applicant describes that this facility has been sized to also be used by both Parcels. The trash enclosure is located near an internal sidewalk and crossing, between the proposed buildings. The trash enclosure will be screened and covered with a roof. The applicant has provided details of the trash enclosure (Exhibit, A, Sheet A1.03). The structure will be a CMU block, with an oil separator. Along two sides of the trash enclosure, landscaping is proposed. The trash enclosure shall be installed, prior to occupancy. This shall be a condition of approval.

The applicant indicates the trash enclosure is designed to serve both Parcel 1 and Parcel 2. As noted within the plans, this trash collection facility will be covered, with a grease interceptor. These type of trash collection facilities (covered with a grease interceptor) are required for business 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 disposing 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 business within the City of Cornelius, separating recyclable materials from trash is necessary, per CMC 8.01.150 Business Recycling. Within the business and trash collection facilities, there shall be adequate instructions and containers for sorting and separating recyclable materials from trash. Therefore, a condition of approval shall require that businesses on-site comply with CMC 8.05.150 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 undeveloped. The site consists of a field area, shrubs and a few trees. There is an identified wetland areas along the southern property line, as shown within the applicant’s submittal. The applicant has submitted a detailed landscaping plan that shows new landscaped areas. The applicant’s proposal does not preserve any of the exiting trees or vegetation. However, it should be noted at the corner of Baseline Street and S. 1<sup>st</sup> Avenue, there are a few trees, shrubs and flowers that surround the Welcome to Cornelius Sign. The Plat shall

show the easement for the sign. The City will be responsible for maintenance of the sign and the landscaping within the easement.

***(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 and there will be some on-site grading necessary to redevelop the Site. 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.

***(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 trees 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 living 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.

Due to ODOT regulations, the applicant is not proposing street trees along Baseline Street. Staff finds that street trees can be located on the backside of the right-of-way line, upon private property. Therefore, a condition of approval shall require that the landscaping plan be revised to include street trees along the frontage of Baseline Street. The street tree planting plan shall comply the standards identified in CMC 17.05.040(D)(3)(k) and Section 5.11 of the Cornelius Public Works Standards. The revised landscaping plan shall be submitted to the Community Development Director and City Engineer for review and approval, prior to the application for a final plat.

In addition to the current CMC landscaping standards, applicants are required to address a Climate Friendly and Equitable Communities analysis. Within the September 19, 2023 completeness response letter (Exhibit, “A”) the applicant provides the following analysis and response:

*As noted within the narrative, the State adopted the Climate-Friendly and Equitable Communities (CFEC) rules. Please provide surface area calculations for the parking lots for each parcel and address the following;*

*Per OAR 660-012-0405(4), parking lot designs 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 50 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.*

**Response:** *This application includes a parking area across both parcels that exceeds the 0.5-acre threshold for the CFEC standards to apply. The applicable CFEC standards will be met by providing tree canopy per OAR 660-012-0405(4)(a)(C). According to the implementation guidance for OAR 660-012-0405, cities can “set reasonable exemptions for paved areas not for use by passenger vehicles” when calculating the parking area to be counted toward the 0.5-acre threshold of OAR 660-012-0405(4). The Preliminary Tree Canopy Shade Plan (Sheet L101) in the updated Preliminary Plans demonstrates the area on both parcels to be considered “surface parking area” for purposes of meeting these requirements (+29,634 square feet). This area was calculated to exclude the loading and driveway areas on the south portion of the project site as well as the drive-through queuing*

*aisle on Parcel 1. This shading plan demonstrates greater than 40 percent coverage of the parking area, as calculated based on the Implementation Guidelines for OAR 660-012-0405.*

*Additional standards of OAR 660-012-405(4) include:*

- *Developments must provide either trees along driveways or a minimum of 30 percent tree canopy coverage over parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy, except when interrupted by driveways, drive aisles, and other site design considerations; and*
- *Developments must provide pedestrian facilities between building entrances and pedestrian facilities in the adjacent public right-of-way.*
- *Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre- design, design, building, and maintenance phases.*
- *In providing trees under subsections (a) and (b) the following standards shall be met. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for planting and tree care no lower than 2021 American National Standards Institute A300 standards, and a process to ensure ongoing compliance with tree planting and maintenance provisions.*

*The Tree Canopy Plan included with the Preliminary Plans (Sheet L101, Exhibit A), demonstrates tree canopy coverage of at least 30 percent. Pedestrian facilities are included between building entrances and adjacent sidewalks along the S. 1<sup>st</sup> Avenue and W Baseline Street rights-of-way. The tree canopy plan will be implemented in coordination with the local electric utility (PGE) to ensure there are no conflicts between the planned trees and electric utilities. The planned trees will meet the standards of subsection (e) above. Therefore, CFEC standards are met as applicable.*

The findings by the applicant and tree shading areas appear inaccurate in the following ways:

- 1) The OAR defines a parking lot as “*The new surface parking area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.*” The entire parking lot should be hatched and included in the parking lot calculation.
- 2) The applicant did not provide documentation that the tree canopy plan and implementation has been coordinated with the PGE and the planned electric utilities on-site.

- 3) The trees are not planted in a continuous manner.
- 4) Calculations appear to include the coverage in landscape areas and outside of the hatched parking lot on the plans.
- 5) Shading is also shown at the SW corner of the future building pad where it is evident that the tree will not be able to reach the 40% coverage at maturity due to its location next to the building.

Therefore, staff finds this criterion has not been met. The applicant shall submit a revised landscaping plan, which includes an accurate parking lot area for the canopy shade calculation to be assessed for compliance with the referenced OAR for Parking Regulation Improvements. The revised plan shall be submitted to the Community Development Director for review and approval, before final plat submittal. As noted earlier in this report, the site lacks street trees along Bassline Street. With the addition of the street trees planted on-site and trees planted on the north side of Tract A, the site should be able to comply with this OAR standard. A condition of approval shall also require that trees planted on-site be maintained according to ANSI standards. If any trees are removed, each tree must be replanted so the approved Tree Canopy Plan can be maintained. These shall be conditions 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 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 ROWs, 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 discusses within the narrative that the planned improvements will maximize access to sunshine for future solar energy systems. Staff finds is a one-story structure, placed near the middle of the lot. The relation of the building to nearby properties appears that there will be no impact solar access.

## **CONCLUSION**

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



## **CONCLUSION AND DECISION:**

Based on the facts, findings, public testimony and conclusions found in this staff report, the City of Cornelius Planning Commission conditionally approves DR-78-23 and LP-01-23, subject to the following conditions of approval:

1. The proposal includes a Type III Site Design Review mix use commercial development and a Type II Preliminary Land Partition within the Highway Commercial, C-2 Zoning District.
2. The applicant shall submit a revised landscaping plan to include street trees along the frontage of Baseline Street. The street tree planting plan shall comply the standards identified in CMC 17.05.040(D)(3)(k) and Section 5.11 of the Cornelius Public Works Standards. The revised landscaping plan shall be submitted to the Community Development Director and City Engineer for review and approval, prior to the application for a final plat.
3. The applicant shall submit a revised landscaping plan, which includes an accurate parking lot area for the canopy shade calculation to be assessed for compliance with the referenced OAR for Parking Regulation Improvements. The revised plan shall be submitted to the Community Development Director for review and approval, before final plat submittal.
4. A Final Plat application is required after Preliminary Plat approval. Submittal for a Final Plat application, including a survey shall be done within twelve (12) months after the Preliminary Plat approval. A 12-month time extension is possible pursuant to CMC Section 17.05.30 (M). The Final Plat shall conform to the approved Preliminary Plat as submitted and in accordance with the conditions of approval described herein.
5. A Final Plat shall not result in any non-conformity with the standards of the CMC.
6. The Final Plat shall show all areas of easements (private and public) with notes describing the purpose of the easements. Easement shall include the 8-foot wide Public Utility Easements along Baseline Street and S 1<sup>th</sup> Avenue, a welcome to the City of Cornelius sign/maintenance easement and cross over easements through Parcel 1 and Parcel 2 from the S 1<sup>st</sup> Avenue Street driveway to the interior drive-aisles which will serve for future vehicle connectivity to the parcels to the east of Parcel 2.
7. The Final Plat shall have approximately the same dimensions as represented in this preliminary partition application.

8. The Final Plat shall meet the requirements found in ORS Chapter 92, Subdivisions and Partitions.
9. Prior to recording the Final Partition plat, the Applicant shall pay all City liens, taxes, and assessments, or apportion them to individual lots. Any liens, taxes and assessments levied by Washington County shall be paid to them according to their procedures.
10. A Final Plat application shall be submitted 12 months per CMC 17.05.030(M).
11. To insure in the future that Parcel 2 can utilize the trash collection facility, a shared use/access agreement between Parcel 1 and Parcel 2 shall be provided and noted on the final plat.
12. The applicant shall submit a revised site plan, demonstrating that parking on Parcel #1 is below the maximum limitations, which is 44 parking spaces or less.

Or,

The applicant shall enact and record a shared parking agreement between the two parcels with a notation on the final plat.

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

13. The Preliminary Land Partition Plat, as approved via LP-01-23, with Final Plat approval by the Community Development Director, shall be recorded with Washington County.
14. The applicant shall submit a final design of the utilities to the City Engineer for review and approval.
15. The applicant shall submit their public improvement plans to be reviewed and approved by the City Engineer.
16. When Building Permits are submitted, a geotechnical report for the foundation and foundation drainage shall be incorporated in the submittal.

#### **Prior to Site Development**

17. The applicant shall obtain all the necessary grading and erosion control permits for on-site and off-site work.

18. 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".
19. 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.
20. The applicant shall apply for and receive any permits as required by CWS, the State and/or Federal agencies for work within the wetland area.

**Prior to Building Permit Issuance**

21. If, and only if, the project (DR-129-22) on Baseline Street that has approval to establish an access point on Baseline Street approximately 400 feet west of S 4th Avenue expires or is withdrawn, or the DR-129-22 applicant otherwise voluntarily relinquishes this right to establish such access point, then an access point on Baseline Street approximately 400 feet east of S 1st Avenue shall be allowed within this approval (DR-78-23) on this property. In addition to the foregoing, in order to allow the Baseline Street access on this property located approximately 400 feet east of S 1st Avenue, a recorded crossover access easement is required across the property to benefit the properties to the east. Copies of the recorded crossover access easement(s) to adjacent property(ies) shall be provided to the City of Cornelius Community Development Department prior to the issuance of the building permit.
22. 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.
23. 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.
24. The applicant shall provide plans that demonstrate the storm water system complies with all applicable CWS standards, including LIDA, to be reviewed and approved by the City Engineer.
25. 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.

### **Prior to Occupancy**

26. Prior to issuance of Final Occupancy Permits, all required conditions of approval from this report shall be satisfied.
27. 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.
28. 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.
29. 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".
30. A private storm water quality facility maintenance agreement shall be signed and recorded by the applicant.
31. The applicant shall comply with all requirements as deemed necessary by the Cornelius Fire Department and the Building Official.
32. The buildings shall be adequately addressed for location by emergency personnel.
33. A Knox Box shall be installed near the front entrances, as required by the Fire Department.
34. All new utilities serving the site shall be located underground, except the high voltage PGE transmission lines.
35. The applicant shall obtain any required maintenance bonds for street trees and the water quality facility.
36. The applicant shall coordinate the installation of a mail box with the City and the Post Master, if proposed.
37. 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).

38. The development shall comply with all applicable ADA requirements.
39. The screened trash enclosure shall be installed.
40. Pedestrian pathways shall be lit to provide visibility during nighttime hours.
41. Pedestrian pathways that connect the front door of the new business to S 1<sup>st</sup> Avenue and Baseline Street, shall be installed to the approved plans.

**Other**

42. The future development upon the pad of Parcel 2 will require the appropriate Site Design Review application for review and approval.
43. Trees planted on-site be maintained according to ANSI standards. If any trees are removed, each tree must be replanted so the approved Tree Canopy Plan can be maintained.
44. The applicant shall meet all applicable State, County and City Building, Electrical, Plumbing, and Mechanical Code requirements.
45. If chain link fencing is used, it shall not be galvanized.
46. Signage that is placed on the property must receive Sign Permit approval through a Sign Permit application review process.
47. The streets and walkways shall be lighted during the hours of darkness in accordance with the public works standards.
48. 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.
49. Business on the site shall comply with all applicable sections of CMC 5.60 Business Food Waste Requirements.
50. For all business on-site, they shall comply with CMC 8.05.150 Business Recycling.
51. 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.

52. 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 Decision: **November 28, 2023**



Dave Waffle, Planning Commission Chair



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Barbara Fryer, AICP, Community Development Director

Exhibits:     “A” Applicant's submittal  
                  “B” City Engineer  
                  “C” Public Notice  
                  “D” Cornelius Wetland Inventory – Site TD-3

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