Large Scale Retail Design

Development Code Text Amendments

City of Newberg City Council
Public Hearing, June 2, 2008

Presentation Overview

1. Background
2. Proposed text amendments & findings
3. Staff recommendation

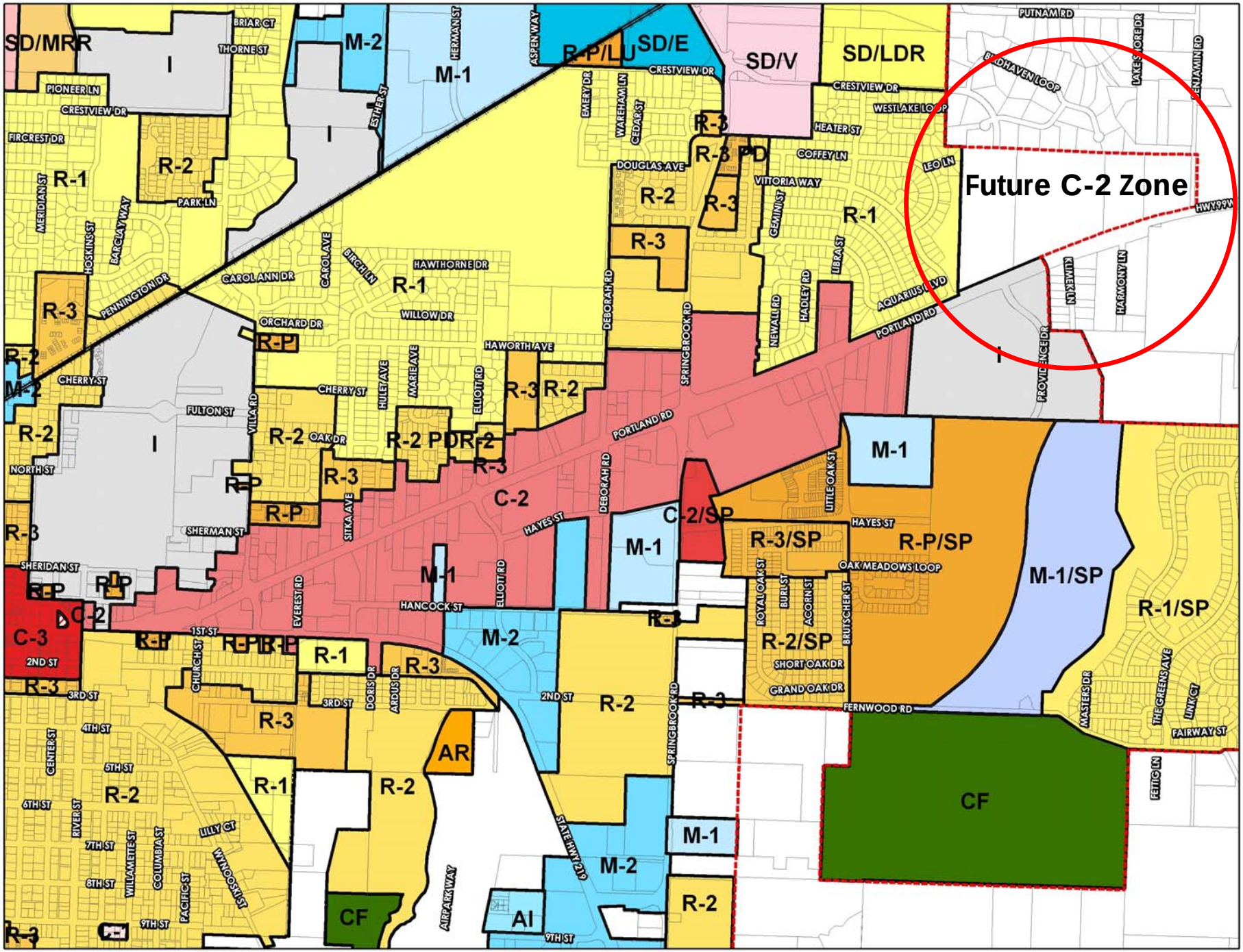
Background

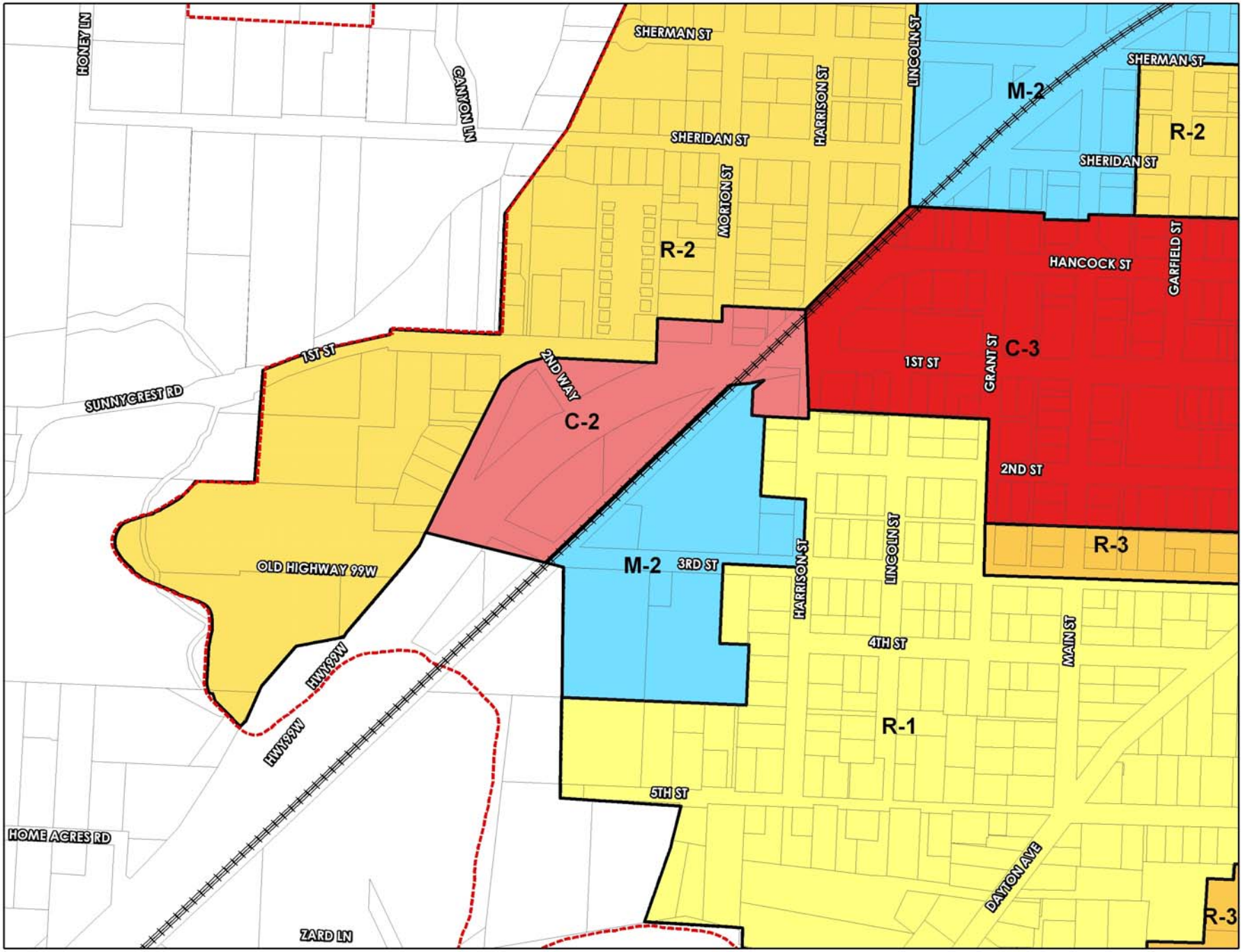
1. In 2007 the Newberg City Council adopted **Resolution 2007-2701**, initiating amendments.

2. On November 8, 2007, the Planning Commission adopted **Resolution 2007-235**.

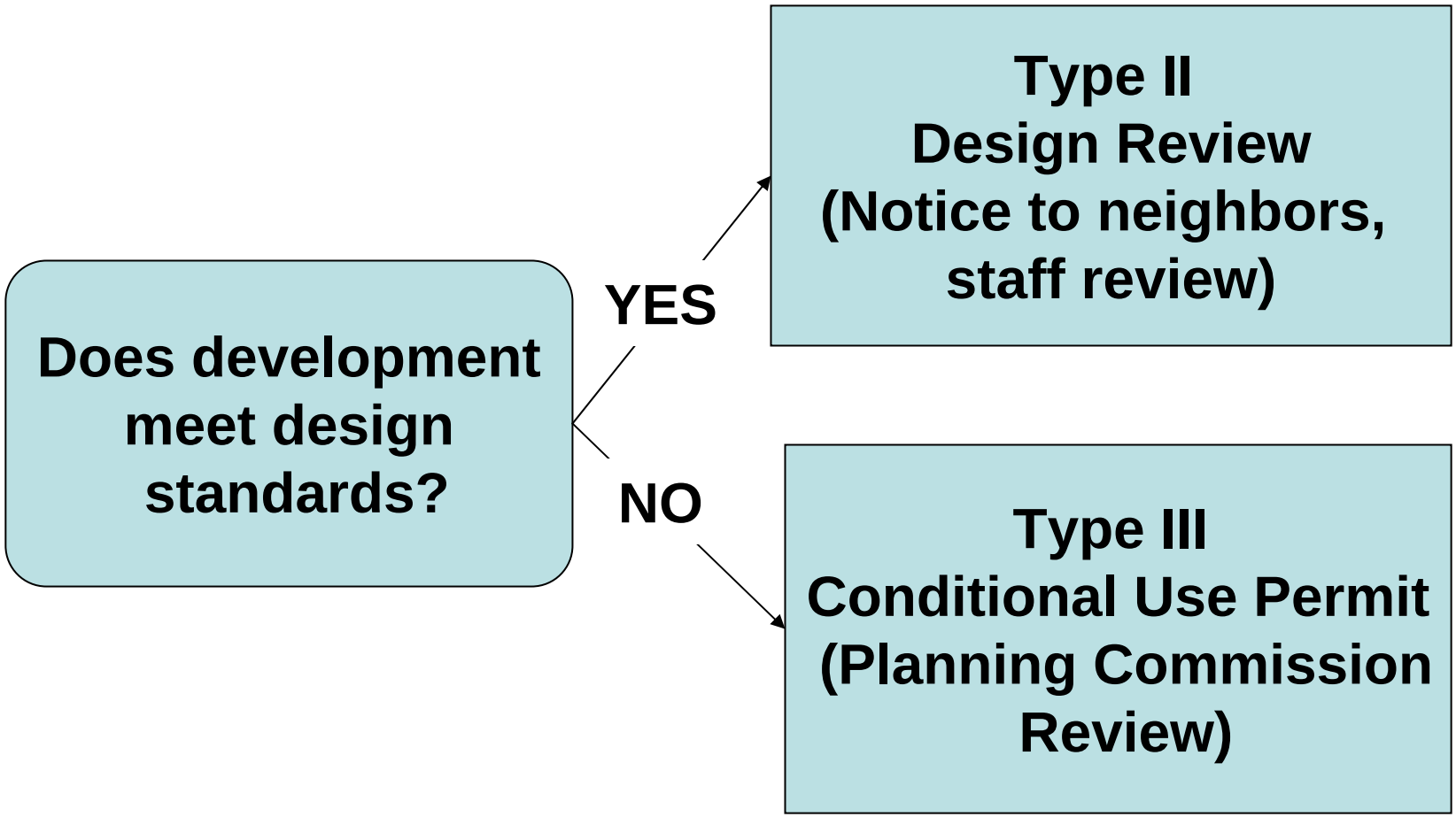
3. In 2008 the City Council held several workshops.

4. June 2, 2008 - City Council public hearing


Future C-2 Zone
SD/MRR
SD/E
SD/V
SD/LDR
R-P/LU
M-1
M-2
R-1
R-2
R-3
R-3 PD
R-2 PDR-2
R-P
C-2
C-2/SP
R-3/SP
R-P/SP
M-1/SP
R-1/SP
R-2/SP
C-3
AR
CF
AI
PORTLAND RD
HAYES ST
HANCOCK ST
FERNWOOD RD
SPRINGBROOK RD
DEBORAH RD
ELLIOTT RD
SITKA AVE
EVEREST RD
CHURCH ST
DORIS DR
ARDUS DR
STATE HWY 219
AIRPARK WAY
PENNINGTON DR
CAROL ANN DR
ORCHARD DR
HAWTHORNE DR
WILLOW DR
HAWORTH AVE
CHERRY ST
FULTON ST
OAK DR
NORTH ST
SHERMAN ST
SHERIDAN ST
1ST ST
2ND ST
3RD ST
4TH ST
5TH ST
6TH ST
7TH ST
8TH ST
9TH ST
CRESTVIEW DR
PIONEER LN
FIRCREST DR
PARK LN
BRIAR CT
THORNE ST
HERMAN ST
ASPEN WAY
EMERY DR
WAREHAM LN
CEDAR ST
DOUGLAS AVE
COFFEY LN
HEATER ST
VITTORIA WAY
GEMINI ST
LIBRA ST
NEWALL RD
HADLEY RD
AQUARIUS BLVD
PUTNAM RD
BIRDHAVEN LOOP
LAKESHORE DR
BENJAMIN RD
LEO LN
HWY99W
KIMEK LN
HARMONY LN
PROVIDENCE DR
LITTLE OAK ST
OAK MEADOWS LOOP
ROYAL OAK ST
BURL ST
ACORN ST
BRUTSCHER ST
SHORT OAK DR
GRAND OAK DR
MASTERS DR
THE GREENS AVE
LINK CT
FAIRWAY ST
FETTIG LN
MERIDIAN ST
HOSKINS ST
BARCLAY WAY
CAROL AVE
BIRCH LN
HULET AVE
MARIE AVE
VILLA RD
ESTHER ST
CENTER ST
RIVER ST
WILLAMETTE ST
COLUMBIA ST
PACIFIC ST
LILLY CT
WYNOOSKI ST


HONEY LN
CANYON LN
SHERMAN ST
SHERIDAN ST
HARRISON ST
MORTON ST
LINCOLN ST
M-2
SHERMAN ST
R-2
SHERIDAN ST
R-2
HANCOCK ST
GARFIELD ST
1ST ST
2ND WAY
C-2
1ST ST
GRANT ST
C-3
SUNNYCREST RD
2ND ST
R-3
OLD HIGHWAY 99W
M-2
3RD ST
HARRISON ST
LINCOLN ST
4TH ST
MAIN ST
HWY 99W
HWY 99W
R-1
5TH ST
HOME ACRES RD
DAYTON AVE
R-3
ZARD LN

Proposed Process



Design Standards or Conditional Use Permit

151.196. (H) *Design of large-scale buildings and developments*. ~~Commercial buildings and uses comprising more than 40,000 square feet of total ground floor building space shall additionally conform to the standards below:~~ All buildings on a development site shall conform to the design standards included under § 151.196 (H) where the total square footage of one commercial building **exceeds 30,000 square feet of total ground floor area *or* all commercial buildings exceed 50,000 square feet** of total ground floor area. **Deviations** from these standards **may be approved**, where appropriate, **through the conditional use permit process**.

§ 151.357 BUILDINGS AND USES PERMITTED CONDITIONALLY.

(I) All developments sites within the C-2 district that include buildings that individually exceed 30,000 gfa or 50,000 cumulative gfa that do not meet the code requirements of §151.196 (H).

Findings

- Large retail buildings possess a number of **unique characteristics** that warrant special review and can have **varied impacts** on the community.

- The buildings are much larger, posing much **greater aesthetic presences** in the community.

- They **generate large volumes of traffic, noise, lighting, debris**, and so forth in a concentrated area.

- If the review standards of §151.196 (H) are not met, it is appropriate to require conditional use permits.

Proposed Text Amendments

General Categories

1. Building entrances
2. Windows
3. Design standards or conditional use permit
4. Façade articulation
5. Building facades not fronting a street
6. Building orientation
7. On-site landscaping and screening
8. Vehicle and pedestrian connectivity
9. Parking
10. Existing development
11. Vacancy agreements
12. Economic impact assessment

Building Entrances

151.196 (A) Each building on a lot shall have a primary pedestrian entrance oriented to the primary street. "Oriented to a street" means that the building entrance faces the street or is connected to the street by a direct and convenient pathway not exceeding 60 feet in length. **"Primary street" means** t~~he highest classification street abutting the lot. On lots which abut two or more streets of equal classification, the primary street shall be~~ **the street which has the highest estimated volume of pedestrian traffic.** This requirement does not apply to buildings that are located behind other buildings on the lot such that 50% or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way. Such rear buildings shall have a primary entrance oriented to an internal sidewalk or pedestrian pathway system which is internally connected and provides a connection to the primary street.

Albertsons
26-28
04/24/2007

Building Orientation

151.196. (H) (4) **All buildings shall be oriented to a primary street as defined in division (A)** ***or*** **oriented to a plaza or open space** within the development site that connects to the primary street. "Oriented to a plaza or open space" means that the building entrance faces the plaza or open space or is connected to the plaza by a direct and convenient pathway not exceeding 60 feet in length.

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Findings

- Ensures that sites are more accessible and functional for pedestrians.
- May help to hide parking areas from street view.

Findings

- Important design element in creating a pedestrian scale site, similar to a “traditional downtown”.

- Entrance points near high volume pedestrian areas:

  - Increase informal security,
  - Are more convenient for pedestrians,
  - Create a lively outdoor space.

Windows

151.196. (G)(1)On commercial building facades facing a public street, windows shall comprise a minimum of 40% of the ground floor facade. For large-scale buildings and developments meeting the standards under subsection (H) below, **windows shall comprise a minimum of 20% of the ground floor façade.**

(2) For large-scale buildings and developments meeting the standards under subsection (H) below, **50% of all required window area shall allow view into an active space.** An active space is defined as any area within a building that is used for shopping, dining, office space, and so forth. Merchandise display windows with displays that change at least semi-annually shall be considered an active space. Examples of areas that are considered non-active spaces are storage and mechanical equipment areas, and windows that are obscured by shelving or material affixed to the window.

Approx. 20% of first floor façade area
05/02/2007

THE
LONDON
DESIGN
FESTIVAL
2006

Findings

- The required coverage is **visually appealing** without being cost prohibitive.
- **Increases natural light** in the interior of the building.
- **Provides informal security**. Allows customers inside to view the street as well as pedestrians outside to view into the building.

Façades Not Fronting A Street

151.196. (H) (3) For all ground floor facades that do not face a public street, **windows shall comprise a minimum of 20 % of the ground floor façade or a landscape strip shall be provided adjacent to the building.** The landscape strip shall be a minimum of 5 feet in width and include a combination of trees, shrubs, and groundcover or grass. Plant material shall be selected from at least two of the different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs). The type of tree selected shall have a crown of less than 15 feet at maturity. Exceptions to this standard include building facades that abut outdoor storage areas, loading docks, and mechanical equipment areas.

Pier 1 Imports
05/02/2007

05/02

Façade Articulation

151.196. (H) (1) Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, ~~or up-lighting~~); and similar features. **At least five of the following elements shall be included along each 100 feet of building frontage facing a street:**

(a) A building offset or projection of at least 6 feet depth and width.
(b) An awning or roof sheltering a pedestrian walkway or seating area.
(c) A building façade shall be comprised of at least two building materials, with the lesser comprising not less than 10% of the total façade.
(d) Contrasting brick, stone, or natural wood trim.
(e) Pitched roofs or gable-end roofs.
(f) Curved arches or roof line features.
(g) A tower, spire, or cupola.
(h) A cornice.
(i) Second story windows that comprise a minimum of 10 percent of the second floor façade.

04/24/2007

Findings

- Increases **visual interest and compatibility** with surrounding development.
- Provides a **change in facade direction**.
- **Divides large spaces** into varying heights and sizes.
- Increases **natural lighting** indoors.
- Provides a feel and scale **similar to "downtown".**
- May increase initial development costs.

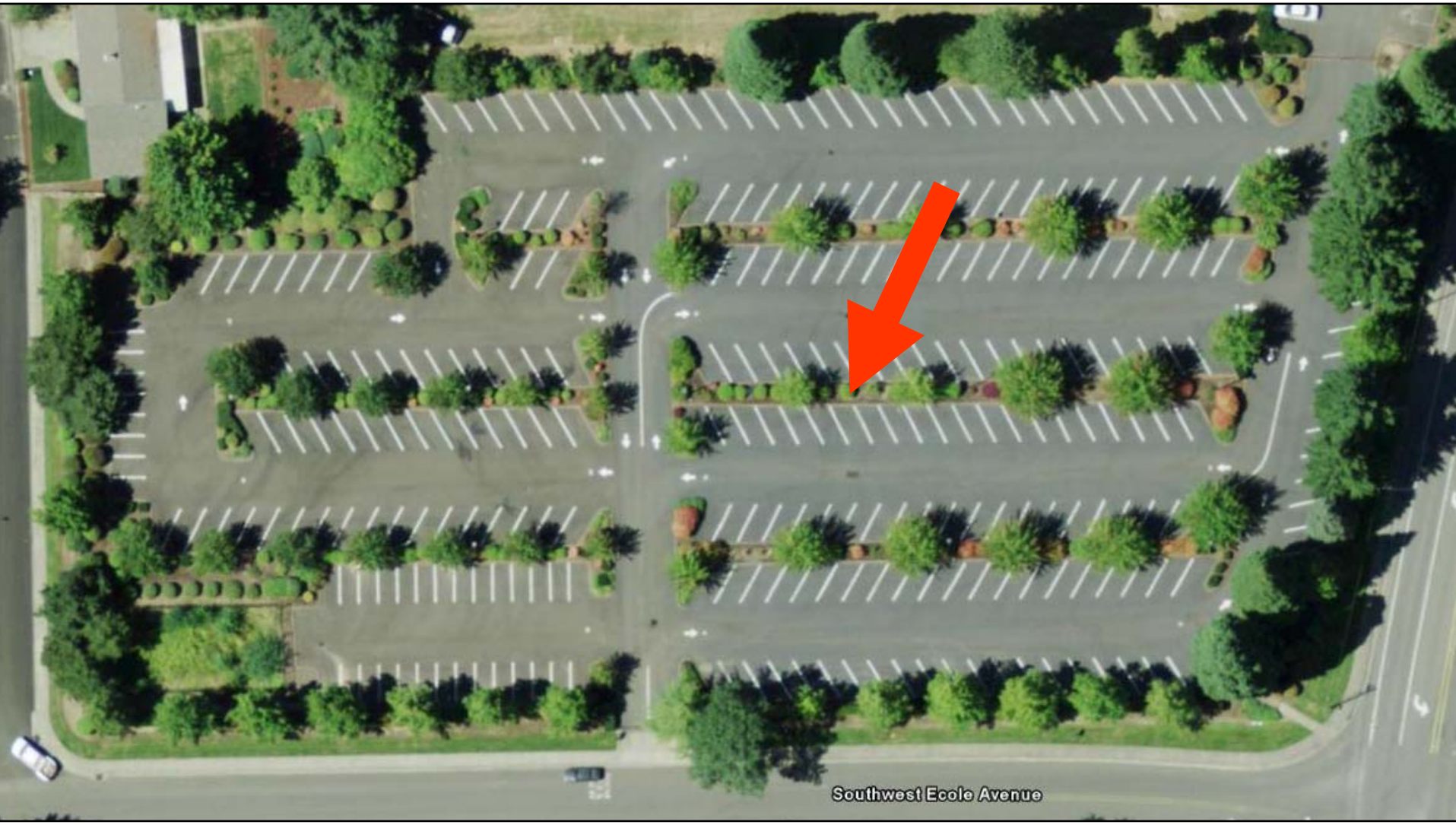
On-Site Landscaping and Screening

151.196. (H)(5) (a) **A continuous landscape strip, with a five foot minimum width, shall be located perpendicular to groups of 2 or more parking stalls.** Within the landscape strip, at a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. The type of tree shall be chosen from the City of Newberg Preferred Street Tree List and have a minimum crown spread of 25 feet. This standard shall apply **unless otherwise approved** by the Director based on the following alternative standards:

No more than seven parking stalls shall be grouped together without a landscape island. The landscape island shall have a width and depth no less than 5 feet and contain no less than one deciduous shade tree.

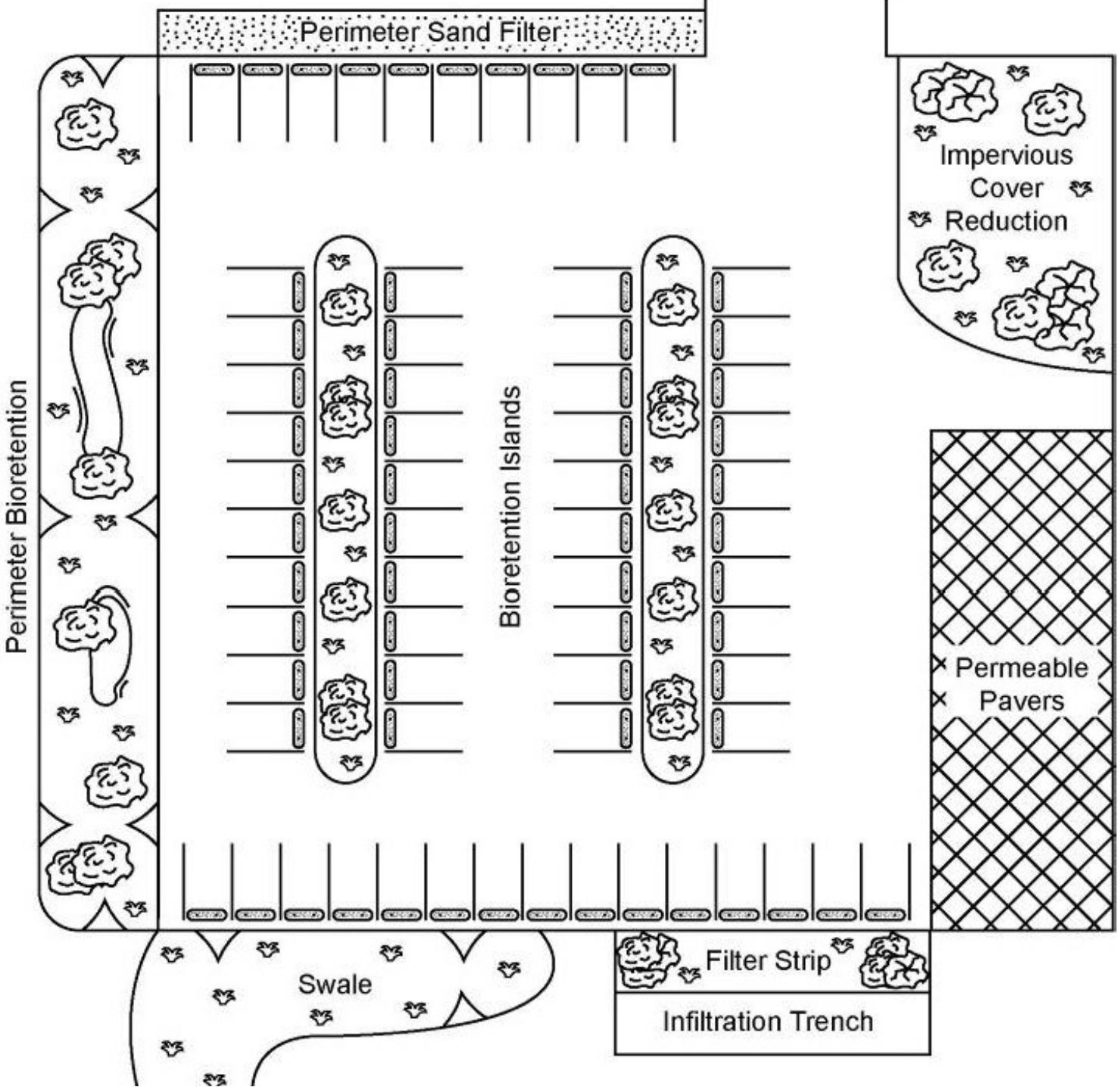
or

Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, with a maximum of 75 feet, within areas proposed for grouped parking. For every 7 planting landscape islands, 1 shall be no less than 500 square feet in size.


Southwest Ecole Avenue

On-Site Landscaping and Screening

151.196. (H)(5) (b) At a minimum **50 percent of the parking area shall drain to a storm water mitigation area**. The mitigation area shall be designed using best management storm water practices including, but not limited to, bio-swales, rain gardens, or similar design intended to reduce storm water flow and improve storm water quality.


Perimeter Sand Filter
Impervious Cover Reduction
Perimeter Bioretention
Bioretention Islands
Permeable Pavers
Swale
Filter Strip
Infiltration Trench

On-Site Landscaping and Screening

151.196. (H)(5)(c) **A 20-foot wide landscaped buffer shall be provided between the development and any adjoining residential district.** The buffer shall include a continuous 6-foot high sight-obscuring fence or wall, a continuous hedge and/or berm designed to achieve a height of 6-feet upon maturity, a row of trees not more than 35 feet on-center, and shrubs or living groundcover.

On-Site Landscaping and Screening

151.196. (H)(5)(d) Outdoor storage areas, loading docks, and mechanical equipment areas shall be fenced with 75% opaque site obscuring fencing or screened with landscaping between the area and public streets.

On-Site Landscaping and Screening

151.196. (H)(5)(e) **One square foot of interior open space or plaza space shall be required for every 5 square feet of gross floor area.** The following features shall be included in the open space or plaza area:

- One linear foot of seating space shall be required for every 30 square feet of open space or plaza space.

- One tree shall be provided for every 800 square feet of plaza space or open space.

- Pedestrian scale lighting according to subsection §151.196(H)(7).

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Findings

- Parking lot will have a **street-like tree canopy**.

- **Reduces the amount of storm water runoff** and helps to **improve storm water quality**.

- An open space, water feature, or plaza provides an
opportunity for **passive recreation, beautify a site**, and typically **increase pedestrian activity**.

- **May reduce the total area for parking** and will **require continuous maintenance**.

Findings

- The three different landscape island options allow for **greater flexibility in site design**.

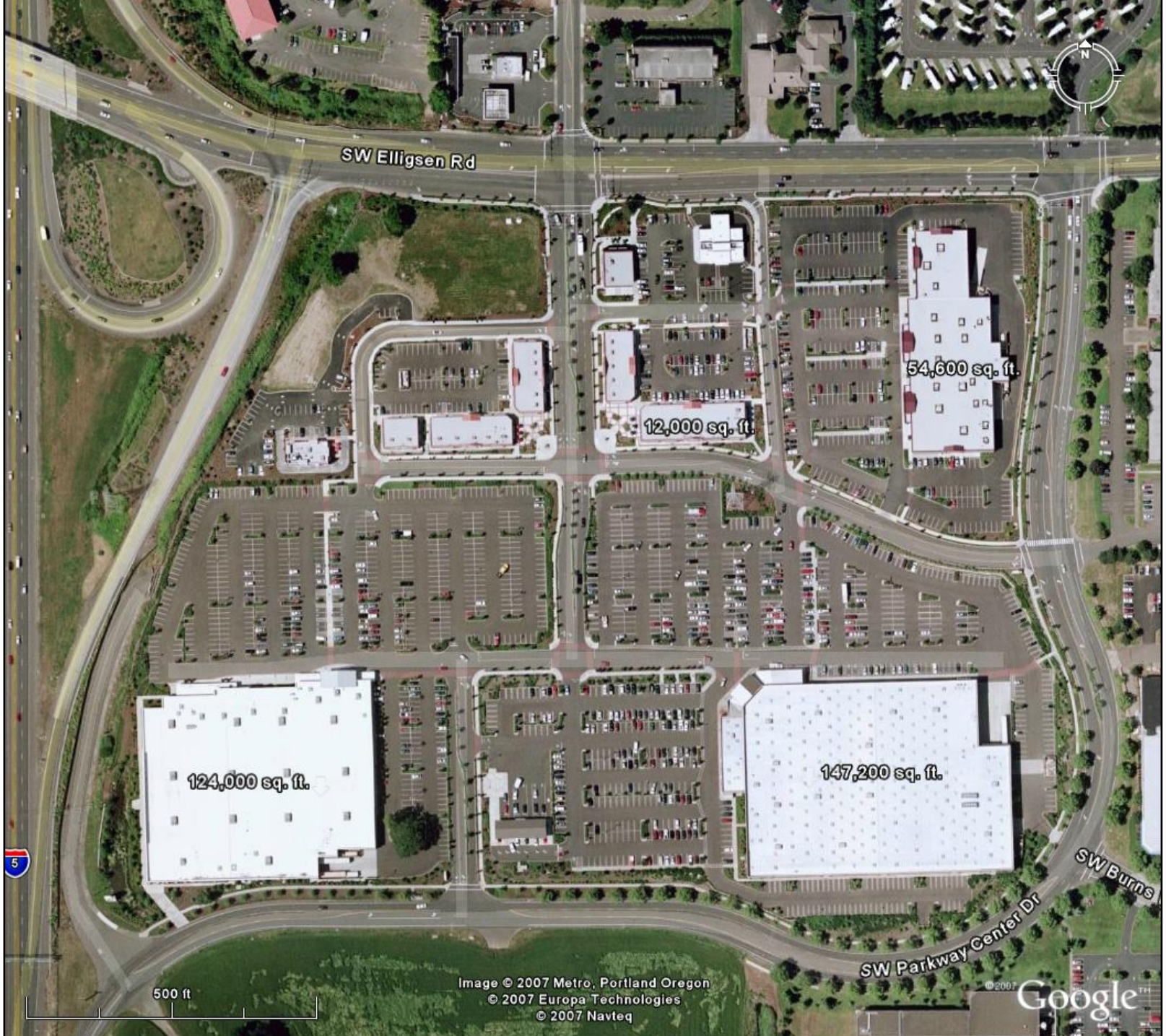
- May reduce the amount of potential parking spaces

- May increase initial development costs and long-term maintenance costs.

Vehicle and Pedestrian Connectivity

151.196. (H)(6)(a) **Public streets may be required to be dedicated where needed** to improve internal circulation, to connect to neighboring properties or streets, to break up large blocks, or to reduce travel around a site.

(b) At a minimum, **95% of the parking spaces shall be located within 75 feet of a private walkway.**


SW Elligsen Rd
54,600 sq. ft.
12,000 sq. ft.
124,000 sq. ft.
147,200 sq. ft.
SW Burns
SW Parkway Center Dr
5
500 ft
Image © 2007 Metro, Portland Oregon
© 2007 Europa Technologies
© 2007 Navteq
Google

Findings

- **Improves traffic flow**. Separates pedestrians from drive aisles.

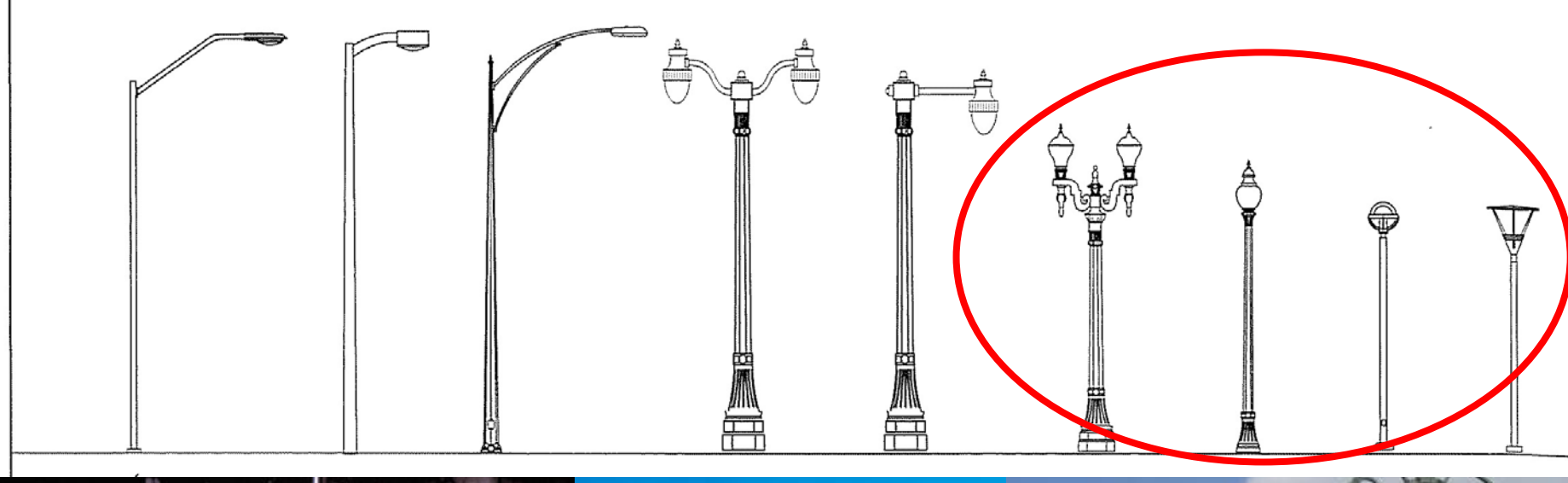
- **Improves** the on-site and off-site **vehicle and pedestrian connectivity**.

- **Increases safety.** Helps to better identify pedestrians.

- Creates a **"walkable"** site. Attracts pedestrian traffic.

Pedestrian Scale Lighting

151.196. (H)(7) **Pedestrian scale lighting shall be located along all internal walkways** and provide a minimum illumination of 1 foot candle. Building entrances shall have a minimum illumination of 5 foot candles. Lighting shall be fully shielded so that no light is emitted at an angle above the horizontal plane as illustrated by the lighting plan. The type of features that should be considered, but are not limited to; street lamps, light fixtures attached to buildings, and light bollards. All pedestrian scale light fixtures shall not exceed a maximum height of 15 feet as measured from grade to the fixture lamp. The lens material for all pedestrian scale lighting shall be constructed of acrylic or similar shatter resistant material as determined by the Director. Glass lenses shall not be used for any pedestrian scale lighting.



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Findings

- **Increases safety** and on-site security.

- **Improves** the **aesthetics** of the site.

- **Reduces light pollution**

- Specifies **minimum illumination** levels for walkways on commercial sites (Currently the NDC does not indicate a minimum numeric lighting value).

Parking

151.196. (H)(8) **The number of parking stalls shall not exceed 125 percent of the minimum number of stalls required.** Parking stalls constructed of grass blocks, grasscrete, pervious asphalt or concrete, or similar pervious material shall not be counted in this limit.

IKEA

Findings

- The cap would provide an amount of parking similar to existing local large scale retailers.

- Similar to demand shown in quantitative studies.

Existing Parking Data for Local Large Scale Retailers					
Use	*Existing parking ratio*	*Number of stalls provided*	*Minimum number of stalls required by existing Code*	*Proposed Code maximum*	*National studies parking ratio (3.8:1000)*
Bi-Mart	1:230	140	105	140	120
Fred Meyer	1:250	740	615	820	705
Springbrook Plaza	1:260	440	385	515	440

Existing Development

151.196. (H)(9)Any existing legal conforming site, through future development, exceeds the square footage threshold contained in § 151.196 (H) shall follow the standards contained in **§ 151.140 NON-CONFORMING USES AND BUILDINGS.**

Findings

- Affirms that the existing non-conforming criteria apply to large scale retail.

- The existing non-conforming criteria are found to not create an undue hardship on the owner and are legally defensible.

Vacancy Agreements

(potential adoption)

151.196. (H)(10)**All large scale retail development sites as defined in § 151.196 (H) shall have an abandoned building surety agreement filed with the City.** The purpose of the agreement is to ensure an attractive business environment for customers, citizens, and prospective tenants. The agreement shall provide measures to maintain the on-site landscaping and exterior of the buildings to their pre-vacancy condition, and to assist in finding a future tenant. Vacancy is defined as a period exceeding 2 years without legal occupancy. The terms of the agreement shall include:

- A surety bond equal to 1 percent of the total valuation of the buildings on-site.

Vacancy Agreements

(potential adoption)

- If the owner fails to maintain the physical exterior of the property or any building on-site the bond may be used for items including, but not limited to; landscape maintenance, exterior building repairs, parking lot paving, amenities in the public right of way (lighting, benches, landscaping, etc.). If the cost of maintenance exceeds the amount of the bond, the City will bill the owner. Any unpaid amounts will become a lien on the property.

- If the owner fails to legally occupy the site the bond may be used as an incentive for prospective tenants including, but not limited to; permit fees, application fees, system development charges, on-site landscaping, and façade improvements.

- If the surety bond is expended in any amount, the owner shall provide a new surety bond prior to occupancy by a new tenant. The amount of the bond shall be equal to 1 percent of the value of the building at the time of occupancy.

Findings

- Ensures that the on-site landscaping and exterior of the building will be maintained.

- Provides funds to assist prospective tenants to occupy the site.

- Significant social issues are associated with all types of vacant property. Consider adoption at future hearing.

Economic Impact Assessment

(potential adoption)

116. ECONOMIC IMPACT ASSESSMENT FOR LARGE SCALE RETAIL

116.01 ***Statement of purpose*:** The city finds that large scale retail development can have adverse impacts on a local economy such as creating a net loss of employment or wages, or exporting dollars from the local area. An economic impact assessment report assists the city to identify any adverse economic impacts and subsequently require mitigation measures for a proposed large scale retail development. It is intended as a tool to ensure that new businesses, in conjunction with existing businesses, provide long term net benefits for the local economy.

Economic Impact Assessment
Requirements

116.02 Applicability of requirements: An economic impact assessment shall be submitted to the Director for all proposed development that meets the following criteria:

- New large scale retail over 30,000 square feet gross floor area or 50,000 square feet cumulative gross floor area.

- Expansions of large scale retail requiring a Type II or Type III design review.

- New tenants to existing large scale retail.

Economic Impact Assessment
Process

116.03. *Process:* An economic impact assessment **report shall be conducted by an independent consultant** chosen at the discretion of the Director. The report shall be paid for by the applicant. The report shall be **submitted to the Director for review** prior to issuance of a building permit for any large scale retail project, or prior to occupancy for any project not requiring a building permit. If the Director finds that the report meets the criteria in section 116.04 a determination of no adverse economic impact is found. If the Director finds that the **criteria have not been met a public hearing will be held** by the Planning Commission to review the report and make a determination based on the criteria.

Economic Impact Assessment
Criteria

116.04. *No adverse impact criteria:* In order **to have a finding of no adverse impact, the report must show the following criteria are met:**

- The proposed development will not have an adverse effect on existing commercial employment in Newberg.
- Any duplicate services and merchandise can be accommodated within the local economy without adversely affecting existing businesses in Newberg.
- The proposed development will not have an adverse fiscal impact on municipal services (i.e. police, fire, road maintenance, etc.).
- The anticipated average starting employee wages meet or exceed existing wages for similar retail positions in Newberg.

Economic Impact Assessment
Mitigation

116.05. *Mitigation*. If the report finds any of the criteria in section 116.04 are not met, the Planning Commission can require mitigation. Conditions may include, but are not limited to; **increasing wages**, **offering different services** and merchandise than existing businesses, **paying for** the use of **municipal services**, and or **contributing to facilities** or a program to assist existing businesses.

Findings

- The City currently does not have Municipal Code requirements regarding the economic impact of a prospective business.

- Ensures **existing commercial businesses** in the Downtown and the C-2 district **will not be adversely affected** over the long term.

- Ensures that the large scale development **does not cause a burden on the municipal budget**.

- Ensures that large scale retailers, will **pay wages similar to existing businesses.**

Staff Recommendation

Adopt **Ordinance No. 2008-2696,** adopting site and design standards for large scale retail development.

For future consideration:

- Vacancy/foreclosed property ordinance for all development.
- Economic impact assessment standards.
- Green Design ordinance.

Large Scale Retail Design

Development Code Text Amendments

City of Newberg City Council
Public Hearing, June 2, 2008