

## Development Code Burden of Proof

**DATE:** 6/27/2016

**PROJECT NAME:** Ochoco Elementary School

**PROJECT LOCATION:** 440 NW Madras Hwy

**GOVERNING JURISDICTION:** City of Prineville

**PREPARED BY:** Pinnacle Architecture, Inc.

**This Burden of Proof seeks land use approval for the conversion of Ochoco Elementary School into 29 to 30 multifamily dwelling units. Existing gym will remain as a gymnasium. Existing cafeteria will be leased to an early education provider.**

**The following narrative will show compliance with applicable criteria from the City of Prineville's Development Code for the proposed development.**

### **Article 153.020 SITE PLAN AND DESIGN REVIEW PROVISIONS**

*A) The following burden of proof will outline how the proposed development meets the intent of the city standards and goal of maintaining a desirable character for the community. The existing school was built in 1946 and has the unique character of buildings at that time and has become an important part of the community. The applicant's intention is to keep the shell and façade of the existing building with some minor exterior modifications and upgrades. The scale of the school building works well within the site, a single story building with large expanses of classroom windows which will work well with the intended change to a residential dwelling units.*

*The site of the school will be improved with a new parking lot and landscaping. Edges of the property line where currently asphalt expands to the site walk will be softened with landscaping to make a more presentable and attractive site. Landscaping will use trees and plants that are native to the area and have low water use.*

*The developer has a history of maintaining attractive and well maintained projects around Central Oregon and this site will take a currently abandoned building and build a small community housing project that will serve and provide homes for families in the area.*

*Regarding the proximity to the highway, the intent of the design is to limit any interaction with the highway. The school's existing concrete sidewalk path from the front door of the school to the highway will be removed and no paths will be provided from individual dwelling units to the highway. A landscaping no grass along the highway will discourage tenant activity in this area and large landscape areas with site amenities are provided on the north side of the school for tenants.*

*B) Design review will apply to this project.*

*C) No exemptions apply to this project.*

*D) Improvements proposed are shown on the site plan including street, utilities and landscaping.*

*E) Type II review will be required.*

*F) Application packet includes these required plans.*

*G) Site plan and elevations show the proposed design and applicant understands that the city will compare this against the design review criteria listed in this section.*

*H) Revision process will be followed if any revisions are planned.*

*I) Development will not commence until these requirements are met.*

*J) Phasing not proposed*

K) City to list any bond requirements on Conditions of approval.

**Article 153.021 SPECIAL DESIGN REQUIREMENTS FOR BUILDINGS WITH A FOOTPRINT OVER 40,000 SQUARE FEET IN COMMERCIAL ZONES**

- A) Applicant's proposed project will adhere to the special design requirements of this code.
- B) Existing school is over 40,000 SF in a commercial zone. Conditional Use Application will be applied for.
- C) No exception requested.
- D) 1) Projections, columns, awnings, bands, and porch roofs added to public façade.
- D) 2) Existing façade area is 4,735 SF. Not counting the glass block, 19% is provided.
- D) 3) Entrances emphasized with entry roofs and glass doors.
- D) 4) Roof lines added to break up large flat expanses.
- D) 5) Existing gym does have large expanse of flat roof but remaining area of building has sloped roofs with gable ends.
- D) 6) Material is mix of brick and stucco with fiber cement panel accents.
- D) 7) Paint colors are earth tones, see elevations.
- D) 8) a) Over 15% landscape area provided, see landscape section. 102 parking stalls required 10 trees. 14 trees provided immediately adjacent to parking area.
- D) 8) b) Open grass fields provided along residential lots to the east.
- D) 8) c) 5' landscape strip provided along north and south roads.
- D) 8) d) Trees provided along planting areas near public roads. Trees along grass area on north east corner can be provided but potential street width needs to be determined.
- D) 8) e) No merchandise loading areas proposed.
- D) 9) Sidewalks are proposed to be concrete.
- D) 10) See site development plan for site lighting layout. Fixtures type shown in lighting packet.
- D) 11) No ground mounted or exposed roof top mechanical units proposed.
- D) 12) Sidewalk provided at each drive aisle. Enclosed bike parking proposed at eastern entrance near gym inside alcove. Steel gate enclosing 4 bike stalls will be provided.
- D) 13) a) Plaza provided near gym entry. Entry canopy extends 10' over the sidewalk. Benches will be provided at plaza.
- D) 14) a) Ground mounted signs proposed. See sign section.
- D) 14) b) No flashing lights or signage proposed.

**Article 153.031 LOCATION OF ZONES**

Response: Lot rests in the C2 zone

**153.037 COMMERCIAL & INDUSTRIAL USE TABLE**

Response: Multi-family dwelling complexes in a C2 zone require a Conditional Use application with public hearing. Requirements of 153.083 H) will apply.

**153.038 COMMERCIAL & INDUSTRIAL DIMENSIONAL STANDARDS**

Response:

Setbacks in the C2 zone are 0' except where adjacent to a R-zone on an interior side or rear. This site is adjacent to a R-zone along the eastern property line so the 10' setback will be adhered to.

Clear vision area: See response to 153.081.

Landscaping: See 153.087

Building Height: 35' maximum. Existing building meets this requirement with approximately 30' tall existing gym.

Street Frontage: 50' required. 50' is provided along Locust St. Full length of site along Madras Highway and 6<sup>th</sup> St is provided as well.

**Lot Coverage:**

*Impervious Surface: Drainage for site will be improved and all stormwater will be kept on-site.*

*Building: Existing building footprint will be kept. Parking, landscaping, clear vision and drainage will be contained on-site.*

*Minimum Lot Size: Existing lot size allows for off street parking, landscaping, those standards administered by Public Works and other applicable dimensional standards to be kept on-site with proposed development.*

**153.051 GENERAL COMMERCIAL C-2 ZONE.**

*A) Purpose: Underlying C2 zone is for general commercial use considered more desirable outside of the downtown core.*

*B) Specific Conditions: See Section 153.085*

*C) Design Review required.*

*D) Parking: See sections 153.085 and 153.086.*

*E) Landscaping: See section 153.087.*

*F) Streets and Public Facilities: Design review is required therefore streets will be improved. See Section 153.194.*

*G) Proposed site is not within Natural Features Overlay District.*

*H) Sidewalk Requirements: New sidewalks will be provided along portions of Madras Hwy, 6<sup>th</sup> St and Locust St. See site plan for locations. At new sidewalks, a width of 8' will be provided. At locations of existing sidewalks being replaced, width of existing sidewalk will be maintained.*

*I) No outdoor merchandizing is proposed.*

*J) Signs: 152.32 One ground mounted sign is proposed for the apartment complex along Locust St and the ground mounted sign is proposed along Madras Highway*

*K) Use Limitations:*

*1) No display of merchandising is proposed.*

*2) Proposed use is a residential use therefore sight obscuring fence is not proposed.*

*3) Proposed use does not create excessive odor, dust, noise vibration or general hazard.*

**153.076 NATURAL FEATURES OVERLAY DISTRICT**

*A) Site is not within the Natural Features Overlay District*

**153.080 ACCESSORY DWELLING UNITS & GUEST HOUSES**

*A) No Accessory Dwelling Units proposed.*

**153.081 CLEAR VISION AREAS**

*A) Clear vision areas exist at the three entrances to the site; one along Madras Highway, one at Locust St and one on 6<sup>th</sup> St. No plantings over 2.5' are proposed. Existing fence will be removed in the clear vision area. No walls or structures are proposed in this area.*

**153.082 ONSITE LIGHTING**

*A) Proposed light locations shown on site plan. Proposed lighting fixtures shown. Pole lights are proposed for lighting parking lot area. Metal Shields attached to pole lights will be installed to prevent light from shining directly onto adjoining properties.*

**153.083 STANDARDS FOR SPECIFIC USES**

*A-G) Not Applicable, proposed use is not any of the listed items.*

*H) Multi-family Dwelling Complex*

- 1) Proposed complex is over 20 units so this section will apply. Traffic analysis by Kittleson Engineering has been included as part of this application that outlines the proposed access points. An access easement is provided as an extension of NW 5<sup>th</sup> Street into the property. As proposed, this will serve as a new main entrance to the site.
  - 2) Proposed design includes an improved ingress and egress at each access point per city standards and specifications.
  - 3) Access roads will be 30' with interior complex driveways at 25'. All interior access roads, driveways, and parking facilities are proposed to be asphalt and will be improved and maintained by the owner.
  - 4) Sidewalks are provided at the site to connect parking and main use areas. Sidewalks are generally 5' to 7' wide except for smaller paths that lead to a single dwelling unit. Paths are concrete.
  - 5) No recreation vehicles will be allowed by management but extra parking spaces are provided above and beyond city code to allow for multiple vehicles per dwelling unit. Unit interiors are spacious for the number of bedrooms and interior storage is provided inside units for bikes and household goods.
  - 6) Services:  
Water will be provided by the city of Prineville, existing service is provided at school and will be modified to provide service to every unit.  
Sewer will be provided by the city of Prineville, existing service is provided at school and will be modified to provide service to every unit.  
Electrical will be provided by the Pacific Power, existing service is provided at school and will be modified to provide service. New service panel will be installed at electrical room, existing transformer will likely remain but will need to be evaluated by Pacific Power once design loads are known.  
Garbage disposal will be provided by Prineville Disposal at two trash enclosure areas at each parking area that will have dumpsters and recycling area.  
Fire Hydrants have been coordinated with the fire department and are shown on the civil drawings.
  - 7) Mailbox proposed at central location on site for dwelling units and office. Boxes will be provided that meet USPS requirements.
  - 8) In the commercial dimensional Standards table 153.038, a residential use in a commercial zone reverts to the R2 residential standard in 153.036. Residential R2 starts with 10,500 sq. ft. for a 4-plex and then add 1,500 sq. ft. for each additional unit. 29 to 30 units would require 49,500 sq. ft. (1.13 acres). This property is over 6 acres which meeting the density standard. Proposed density of the complex is 219,884 SF of net land (SF of parcel minus area of common driveways) for 29 units for a Net Density of 7,582 SF of land per unit.
  - 9) Development code requires at least 2,500 SF plus 50 SF per unit for a total of 3,950 SF of recreational space with landscaping secured from parking areas. The central courtyard area between the two wings of the school provide an area of 11,975 SF with gazebo, BBQs and picnic areas. Playground structure and basketball court also provided in addition to the courtyard area.
  - 10) Tenants will not be permitted to have recreation vehicles.
  - 11) Each unit will be provided with a washer and dryer inside the unit.
  - 12) Fence: The total land area of the complex currently has a chainlink fence around the entire site that is proposed to remain. The applicant feels that installing a 6' tall sight-obscuring fence would detract from the character of the site and the entry to the city. The proposed landscaping and façade of the building will receive upgrades and we feel that the proposed character of the development would benefit the city without the 6' sight obscuring fence as a wall around the site.
- I-T) Not Applicable, proposed use is not any of the listed items.

**153.084 ATTACHED SINGLE FAMILY HOUSING, TOWNHOMES AND DUPLEX LOTS**

A) *Not Applicable*

**153.085 OFF-STREET PARKING AND LOADING: PROVISIONS AND REQUIREMENTS**

A) *Applicant understands that building permits will not be issued until parking plans are approved.*

B) *Off-street parking facilities will be provided in accordance with 153.086*

C) *None of these exemptions apply.*

D) *4) Parking demand will be accommodated on-site. No backing into public street required. Bicycle parking provided at rate of 1 bike stall per 12 vehicle stalls. 4 provided at each the building main entrances. 12 total.*

E)

*Multi-family complex requires 1.5 spaces per unit for the first 8 units plus 1.25 per each unit thereafter plus 2 spaces for the manager.*

*8 units \*1.5=12 spaces*

*21 units\*1.25=26.25 spaces*

*Manager=2 spaces*

*Total of 41 spaces required*

*Preschool*

*1 space per employee*

*5 employees estimated = 5 stalls*

*Total of 5 stalls*

*Off street parking is not available for this site so loading zone the size of 4 spaces is provided plus additional 12 spaces for drop-off provided.*

*Gymnasium*

*1 space per 300 SF of net area in gym*

*7,171 SF in gym/300 = 24 spaces required*

*Total Required Parking required is 70 spaces.*

*Proposed parking is 102 spaces.*

**153.086 OFF-STREET PARKING AND LOADING: PROVISIONS AND REQUIREMENTS**

A) *Total uses summed in item 153.085 E)*

B) *Full parking for each use provided.*

C) *Parking provided on same lot as units.*

D) *Apartment managers will not allow inoperable vehicles or storage to be located on parking lot*

E) *Asphalt will be provided at all parking areas.*

F) *1) Asphalt will be provided at all parking areas, aisles and turnarounds.*

F) *2) Concrete approaches will be provided*

F) *3) Grading plan will not use sidewalks to sheet drain parking areas. Open swales will be used for the retention of drainage.*

F) *4) Painted striping will be provided at all stalls*

F) *5) No vehicle will overhang a property line. Curbs will be provided at outline parking area and 4.5' from property line.*

F) *6) Site lights will be shielded to prevent light from shining onto adjoining properties.*

G) *Parking areas may be located in setbacks*

H) *4' landscape barrier proposed to shield residential area from parking area.*

- I) 90 degree pull in area proposed for a minimum stall width of 9' and depth of 19' with a drive aisle of 25'
- J) Parking area will be prepared for use prior to occupancy.
- K) 1) Proposed school is less than 25 students so continuous loading zone not proposed.
- K) 2) No material or supply are received or distributed.
- L) 1) No accessible less than 12' proposed.
- L) 2) No service drive proposed, only driveway connecting parking area.
- L) 3) Continuous drive aisle is provided to access all parking area with pedestrian traffic kept to one side of parking lot to minimize pedestrian and car interactions
- L) 4) 25' service driveway provided between all parking area for continuous flow of traffic. 25' backup aisles provided.
- L) 5) City Superintendent to review proposed parking layout
- L) 6) No commercial service drives proposed
- L) 7) No commercial service drives proposed
- M) Site plan included in packet showing parking spaces, circulation, streets, curb cuts, dimensions, landscape, lighting, signage, grading and structures.

### **153.087 LANDSCAPING REQUIREMENTS**

- A) Applicant has read city's definition of landscaping
- B) Existing vegetation (grass area) along the eastern side of the site will be maintained as part of the landscape plan.
- C) 1) 20% required landscaping for Multifamily Complexes.  
Site area is approximately 260,031 SF therefore 52,006 SF of landscaping would be required.  
80,028 SF of total open grass area is provided on the site  
70,444 SF of planting areas with ground cover and native plants  
152,472 SF of total landscaping is 58%
- C) 3) a) Planter areas of 150 SF are provided at parking areas of 12 stalls or more
- C) 3) b) Each planter will contain 1 tree and ground cover
- C) 3) c) Curb will be provided around planter
- C) 3) d) Clear vision area will be maintained at intersections with plants less than 2.5' tall
- C) 3) e) Parking is a minimum of 4' away from structure.
- C) 3) f) Screen planning will be provided along parking stalls abutting 6<sup>th</sup> St and Madras Highway
- C) 4) Buffering
- C) 4) a) 3) Multifamily complex contain more than 4 units and abuts residential parcel to the east therefore will require buffering. Applicant proposes that the open grass fields on the east side of the site provide an adequate buffer to the residential lots to the east.
- D) 1) Plants will be guyed and staked
- D) 2) Trees will be 8' minimum and fully branched
- D) 3) Shrubs to be 1 gallon or 6 inch burlap balls with minimum spread of 12"
- D) 4) Plan rows will be staggered
- E) Landscaping will be continuously maintained.

### **153.088 RIPARIAN HABITAT, SCENIC PROTECTIONS, SLOPE HAZARD**

Proposed site is not in Riparian Habitation, Scenic Protections or slope hazard areas.

### **153.089 CUTTING AND FILLING**

- A) 1) Grading plan is included in application packet
- A) 2) No alterations of over 3' proposed
- A) 3) Grading plan is included in application packet
- A) 4) Applicant understands that city Engineer will review grading plan.

- A) 5) *No filling of wetlands is proposed.*
- B) *No filling within floodway of Ochoco Creek or Crooked River is proposed.*

#### **153.090 FENCES**

- A) *Fences will not exceed 6' in height.*
- B) *Existing chainlink in the front yard is proposed to remain for the safety of the tenants.*
- C) *Fences inside clear vision areas will be removed.*
- D) *No fences proposed in surface water or wetland setbacks*
- E) *Applicant understands that fences are to be maintained*
- F) *No proposed fence will obstruct abutting buildings or fire service*
- G) *Existing open chainlink fence does not obstruct views.*
- H) *Fence height measured from ground.*
- I) *Proposed fences will comply with the Building code*
- J) *Fence to be structurally stable.*
- K) *No barbed wire fence is proposed or will remain.*
- L) *No electric fence is proposed or will remain.*

#### **153.091 DECKS**

- A) *No decks proposed within 3' of property line*
- B) *No decks about a stream or riparian habitat*
- C) *No decks will be detrimental to abutting property views*

#### **153.092 STORAGE-UNUSED VEHICLES/JUNK/DEBRIS**

*Manager will not allow storage and junk on site.*

#### **153.093 OUTDOOR MERCHANDISING**

*Not Applicable.*

#### **153.094 CLUSTER DEVELOPMENT**

*Not Applicable.*

#### **153.095 MANUFACTURED HOMES; MOBILE HOMES; RV'S**

*Not Applicable.*

#### **153.096 LIVESTOCK**

*Not Applicable.*

#### **153.097 COMPLIANCE WITH STATE/FEDERAL RULES**

*Proposed development will adhere to applicable state and federal rules.*

#### **NONCONFORMING USES AND EXCEPTIONS**

##### **153.115-153.122**

*Not Applicable.*

#### **CONDITIONAL USES**

##### **153.135 AUTHORIZATION TO GRANT OR DENY**

*Chapter sets forth guidelines for authorization*

##### **153.136 SPECIFIC CONDITIONS**

- A) *Applicant requests to have a time restrict on when activities can take place beyond city standard restrictions applicable to all multi-family developments.*

- B) Applicant requests to have standard setbacks applicable to the underlying zone.
- C) No variance or exception requested on height limits.
- D) Applicant proposes to dedicate the northern 17' of the site to the city to allow for 6<sup>th</sup> St to be improved in the future with conditions on how closely the improvements are placed to the building. The details of this proposal will need to be reviewed prior to final acceptance.
- E) Proposed vehicle access points can be found in the attached traffic analysis by Kittleson Engineering.
- F) Proposed site plan shows locations of lights which meet the requirements of the underlying zone.
- G) Fencing proposed per Chapter 153.093 along abutting residential parcels.
- H) Existing trees will be maintained. Existing building will remain with modifications to ensure long term safety for both the building and tenants.

**153.137 APPLICATION FOR CONDITIONAL USE**

Application with required information as outlined on City of Prineville Conditional Use Application is included in this packet along with fee.

**153.138 PERMIT PROCESSING: TYPE I AND II.**

Applicant understands this will be a Type II Conditional Use process.

**153.139 TIME LIMIT ON A CONDITIONAL USE PERMIT**

Applicant has reviewed the one-year limitation for starting substantial development on the project.

**SUBDIVISIONS, PARTITIONINGS, LOT CONSOLIDATIONS & REPLATS****153.155-164**

Not Applicable.

**DEDICATION OF STREETS NOT PART OF DEVELOPMENT****153.175-177**

Not Applicable.

**DESIGN AND IMPROVEMENT STANDARDS/REQUIREMENTS****153.190 COMPLIANCE REQUIRED**

Development does not include new lots or subdividing lots. Utilities improvements are in place and existing connections will be used.

**VARIANCES****153.210 AUTHORIZATION TO GRANT OR DENY**

Applicant does not request any variances.

**AMENDMENTS****153.230 AUTHORIZATION TO INITIATE AMENDMENTS**

Applicant does not request any amendments.

**ADMINISTRATION AND ENFORCEMENT****153.250**

Applicant has reviewed administration procedures.