



## *City of Manzanita*

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### **STAFF REPORT**

**TO:** Manzanita Planning Commission  
**FROM:** Walt Wendolowski, Contract Planner  
**SUBJECT:** Planning File – Manzanita Market Design Review  
Staff Report  
**DATE:** August 9, 2021

#### **I. BACKGROUND**

- A. **APPLICANTS:** Chung & Judy Lee.
- B. **PROPERTY LOCATION:** The property is located on the northwest corner of the intersection of Laneda Avenue and North 2<sup>nd</sup> Street. The site address is 193 Laenda Avenue and the County Assessor places the property within Township 3 North; Range 10 West; Section 29BD; Tax Lots 15200, 15400, 15500.
- C. **PARCEL SIZE:** The combined site contains approximately 17,587 square feet.
- D. **EXISTING DEVELOPMENT:** The subject property contains a 5410 square foot building used as a market and deli with two additional commercial structures on the north side (Tax Lot 15200) of the site. The property fronts, and accesses, two public streets and is served by public sewer and water. All three tax lots are connected by driveways and parking.
- E. **ZONING:** Tax Lots 15400 and 15500 are located along Laneda Avenue and zoned Commercial (C-1) while Tax Lot 15200 fronts on Second Street and is zoned High Density Residential/Limited Commercial (R-4).
- F. **ADJACENT ZONING AND LAND USE:** Property to the west, south and east is also zoned C-1 and is primarily developed with commercial uses. Property to the north is zoned High Density Residential/Limited Commercial (R-4) with a majority of the sites developed with single-family homes on property.
- G. **REQUEST:** The applicants are requesting approval of a Design Review to expand the Manzanita Market; a Variance to expand a Nonconforming Use; and, Subdivision request to consolidate three lots.

- H. DECISION CRITERIA: This application will be evaluated against the following: Design Review - Sections 4.080, 4.090 and 4.137 through 4.156 of Ordinance 95-4, and Section 3.040 [Commercial (C-1) zone] of Ordinance 95-4; Variance – Section 7.060 (Nonconforming Uses) and Section 8.020 (Variances) of Ordinance 95-4; Subdivision Lot Consolidation – Section 13 of Ordinance 95-5.
- I. SUBMITTED MATERIAL: In addition to the staff report, the application includes the following documents:
1. Land Use Application
  2. Site Review Narrative
  3. Variance Narrative
  4. Variance Narrative Supplement
  5. Schematics and Site Plans

## II. APPLICATION SUMMARY

- A. The applicants wish to modify the existing market building. The current structure contains 5,410 square feet. Approximately 1,310 square feet will be removed on the north side of the structure and replaced with a 1,650 square foot addition increasing the building size to 5,750 square feet. The addition will also allow the interior and deli areas to be renovated for improved customer service. The addition generally continues the existing horizontal siding. There will be a flat roof on the end (with minimal slope) to accommodate various HVAC equipment for coolers and the kitchen exhaust. A parapet roof will hide the HVAC equipment.

Pursuant to Section 4.152.2, a Design Review is mandated to expand the structure. This action is subject to a public hearing and review by the Planning Commission. For the record, the use of the building for a grocery store and deli is permitted in the C-1 zone [Section 3.040(1) b.]

- B. As noted, the subject site is composed of three separate lots all located in the same subdivision. The current building crosses the lot line separating Tax Lots 15200 and 15500. The new addition will also cross this lot line by approximately 3 or 4 feet. As structures cannot be built upon property boundaries, the applicant is requesting approval to consolidate the three lots into a single parcel. In addition, where a development includes two or more contiguous lots, the C-1 zone requires the lots to be legally combined into one lot [Section 3.040(3)].

Pursuant to ORS Chapter 92, a property boundary adjustment can consolidate the properties. However, Ordinance 95-5 does not include such provisions. Per a conversation with the Tillamook County Surveyor, the County will accept a replat of a subdivision *provided* there is a local decision to approve such a consolidation. Section 13 of Ordinance 95-5 allows the Commission to determine whether a final plat conforms with applicable Ordinance requirements. This appears to be the only applicable Ordinance provision to review the request.

- C. The Market operations include the large building being modified as well as the two commercial structures on Tax Lot 15200 used for an office and storage. These three buildings total 6,720 square feet of area. Of that total, 5,345 square feet are located in the C-1 zone and 1,375 square feet in the R-4 zone. While the market and deli are permitted uses in the C-1 zone, they are considered nonconforming uses in the R-4 zone.

The project calls for removal of the approximate rear 30-feet of the larger building and replacement with a new addition. That portion of the addition within the C-1 zone will comply with setback provisions in the zone. However, the expansion will increase the portion of the main building located in the R-4 zone by 85 square feet. While slight, it nevertheless enlarges the nonconforming use area. Enlargement of a nonconforming use (Section 7.020) is permitted, subject to the approval of a Variance. An increase cannot exceed 20% of the existing nonconforming use area; the proposed increase is slightly more than 6% of the total building area in the R-4 zone. In addition, Section 7.060 states the alteration of a nonconforming use requires a public hearing before the Commission. As part of their review, the Commission must determine that the action is not detrimental to the City, neighborhood, or Plan policies.

- D. This application includes three requests. The report will proceed with the lot consolidation followed by the Nonconforming Use expansion. The report will end with the design review of the structure.

### III. LOT CONSOLIDATION - FINDINGS

- A. As noted, Ordinance 95-5 does not include a provision for property boundary adjustments, a process that also allows the consolidation of lots. These are three individual platted subdivision lots. Creation of a single property combining all three lots ultimately requires a replatting of the original subdivision, and this can only be recorded with the County Surveyor if a local decision allows the combining of the lots.
- B. Authority to confirm whether a subdivision layout conforms to the applicable Ordinance requirements rests with the Planning Commission. Regarding, the proposed consolidation to create a single 17,587 square foot property:
  - 1. The two lots located in the C-1 zone comply with the minimum 5,000 square foot minimum lot size. Combining the lots into a single larger property does not reduce or otherwise the area devoted to the C-1 zone.
  - 2. In a similar vein, the 7,587 square R-4 portion exceeds minimum area requirements and will not be altered, other than it becomes part of a larger property.

3. All points of access and provisions for facility services remain unchanged.
  4. While the newly consolidated property will contain two zones (C-1 and R-4), nothing prohibits a property from containing more than one zone. Note that the current City zoning map identifies a number of properties with split zones.
- C. On balance, this consolidation does not impact zone boundaries or alter uses allowed the property: the C-1 zone portion remains subject to provisions in Section 3.040 of Ordinance 95-4 and the R-4 portion remains subject to provisions in Section 3.025. Therefore, the consolidation does not appear to violate provisions in either Ordinance 95-5 or Ordinance 95-4.

#### IV. CRITERIA AND FINDINGS - VARIANCE FOR NONCONFORMING USE

- A. Article 8 contains the provisions to address variance applications. Section 8.010 notes the Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the Ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

FINDINGS: The proposal would allow expansion of a nonconforming use. Based on provisions in Ordinance 95-5, this is the only available option to permit the expansion.

- B. Section 8.020 establishes the specific review criteria. Each criterion, and associated finding, is noted below:
1. Exceptional or extraordinary circumstances apply to the property and result from lot size or shape, topography, or other circumstances over which the owners of the property have no control.

FINDINGS: The applicant noted commercial use of the split-zoned site pre-dates the City's zoning regulations. In order to allow a reasonable expansion and maintain existing site improvements such as parking within the C-1 zone, there is no option but for this (or any) expansion to include additional R-4 zoned property.

2. The variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same zone or vicinity possess.

FINDINGS: As a long-time commercial use, continued use of the site for existing purposes would appropriately maintain the existing property right of the owner.

3. The variance would not be materially detrimental to the purposes of the Ordinance, the Comprehensive Plan, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City policy.

FINDINGS: This is a minor (85 square foot) expansion of a nonconforming use into the R-4 zone. This small amount will barely be discernable to the general public while allowing necessary improvements to the structure's exterior and interior.

4. Variance request is the minimum variance which would alleviate the hardship.

FINDINGS: The applicant's architect was aware of the limitation of the R-4 zone and made every attempt to restrict the size of the expansion. Recognizing the constraints of the R-4 zone, and limited options noted in item #1, the expansion was the minimal amount necessary for the structural and business improvements.

- C. Section 7.060 (Public Hearing Required) reads as follows: *"Alteration, restoration, replacement or resumptions of a nonconforming use shall only be done after a public hearing and determination by the Planning Commission that the action is not detrimental to the City or the neighborhood, or the policies of the Comprehensive Plan."*

FINDINGS: The area of the nonconforming use activity within the R-4 zone will be increased by 85 square feet. Overall, the building will remain the same relative size and is therefore not expected to have a detrimental impact to the City or neighborhood. The Economy Policy #2 states *"the City supports the efforts of the downtown merchants to improve the appearance of the commercial core . . ."* The new addition is in keeping with that policy as there is a visible exterior improvement, as well as interior upgrade. Otherwise, the Comprehensive Plan does not offer specific guidance as to nonconforming uses or structures. Based on these factors, staff concludes the expansion of the nonconforming use will not be detrimental to the community or violate Plan policies.

## V. CRITERIA AND FINDINGS –DESIGN REVIEW

- A. As noted, the subject building is primarily located within the C-1 zone and the nonconforming expansion into the R-4 zone was previously addressed. Development requirements for the C-1 zone are contained in Section 3.040, specifically in subsection "(3)". Applicable items are noted below:
  1. The minimum setback requirements are 10-feet for the front yard, and, 5-feet for the remaining yards. The new portion of the building will respect a 10-foot setback on the Laneda frontage and 5-foot setbacks elsewhere

(including the 2<sup>nd</sup> Street frontage). Some portions of the existing structure are within the current right-of-way as an existing nonconforming use; those areas will not be altered.

2. The approximate 22-foot building height does not exceed the maximum 28-foot 6-inch height limitation of the zone.
3. At least 10% of the 17,590 square foot site must be landscaped, or a minimum of 1,759 square feet. The site plan identifies 1,920 square feet of landscaping improvements, the majority of which is in vegetative cover.
4. Signs, awnings, marquees and sidewalk coverings shall extend not more than 10 feet from a building or more than 5 feet over a sidewalk, whichever is less. No part of the modified structure will extend from the building or over a sidewalk.
5. Dry wells and/or under pavement catch-and-release system will be provided as determined by the city and engineering considerations to address drainage.
6. A design review is required which is addressed in the following sections of this report.
7. Including all structures on the property, the Floor Area Ratio of this project is 0.34. This ratio does not exceed the 0.65 limit for the C-1 zone.
8. Where a development includes two or more contiguous lots, the lots must be legally combined into one lot. This was previously reviewed.
9. Signs must conform to Ordinance requirements. This will be addressed as a separate permit.

- B. Sections 4.080 establishes the City's parking requirements. It specifically notes that "(A)t the time a new structure is erected or the use of an existing structure is changed or enlarged, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established."

FINDINGS: Parking must be addressed as this is a building expansion. All required spaces will be on the same lot and be accessed by two existing driveways. The identified spaces meet the minimum 9-foot by 18-foot space requirement. The commercial parking area effectively doubles as a delivery area which, for most downtown retail spaces, is common and sufficient. Required curbs and bumper rails are in place. A 5'6" cedar fence will be constructed along the north edge of the parking lot to act as a barrier for adjacent residences.

- C. Sections 4.090 establishes the City's parking standards. When a use in the commercial zone existing as of November 9, 2011 does not have the number of off-street parking spaces required by this ordinance and the use or size changes, the total number of parking spaces required for the new use or size shall be reduced by the deficient number of spaces for the existing use or size.

FINDINGS: The existing site is nonconforming, with a deficiency of 3 spaces. The new site would require 15 spaces at 1 per 400 square feet of commercial

retail space. Carrying this deficiency forward, the actual number of spaces required is 12. The site contains 12 spaces.

- D. Provisions in Sections 4.137 to 4.142 address site plan reviews (4.137), the use of fill for structural elevation (4.138), parking structures in the front yard (4.141) and matters regarding trees (4.142).

FINDINGS: This application and process are consistent with provisions in Section 4.137 which describe the submittal requirements. Fill is not required as part of the expansion and the project does not involve the installation of parking in the front yard (Sections 4.138 and 4.141). Two shore pines will be removed during the work, and replacements will be planted in the landscaping area along 2<sup>nd</sup> Street (Section 4.142).

- E. Section 4.150 identifies the purpose of the design review process, while Section 4.151 lists applicable definitions. Section 4.152 identifies when a design review is required.

FINDINGS: This application is consistent with provisions in Section 4.150 as the application and process seek to determine whether the proposal maintains the unique characteristics of the community. The addition follows the form of the existing structure, does not increase the building height and contains a similar exterior finish, which maintains compatibility with the neighborhood. The definitions are applicable to the design review process but do not by themselves establish design criteria (Section 4.151). Finally, as previously noted, a design review is required as the proposal expands an existing building (Section 4.152).

- F. Section 4.153 outlines the review procedures. For the purpose of this Section, a pre-application conference occurred and the applicant submitted the required material. Further, the City mailed notice to area property owners in compliance with applicable provisions.

- G. Section 4.154 outlines the purpose behind the design review criteria. This Section states *“(T)he design review criteria are intended to provide a frame of reference for the applicant in the development of site, building and landscape plans and to provide the city with a means of reviewing proposed plans. These criteria are not intended to be inflexible requirements nor are they intended to discourage creativity or innovation. The criteria do not intend to specify a particular architectural style.”* Further: *“(T)he Design Review Board is not authorized to approve projects which do not adhere to specific development standards provided by this ordinance (e.g., building height or setbacks.)”*

H. Section 4.155 contains the specific decision criteria; each item is reviewed below:

1. In terms of setback from street or sidewalk, the design creates a visually interesting and compatible relationship between the proposed structure and the surrounding area.

FINDINGS: The expansion effectively extends the existing design and does not impact the Laneda Avenue frontage. Further, the upward slope of the property effectively reduces the impact of the addition as viewed from 2<sup>nd</sup> Street.

2. The design incorporates existing features such as rocks, slopes and vegetation.

FINDINGS: Landscaping improvements are limited to that portion of the expansion located along 2<sup>nd</sup> Street. Slopes will be incorporated in the improvements.

3. Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining space in order to create pedestrian pathways and/or open system that connects other properties.

FINDINGS: There will be no change to the existing pedestrian access. ADA improvements will be maintained.

4. The design gives attention to the placement of storage or mechanical equipment so as to screen it from view.

FINDINGS: Mechanical equipment will be located on the roof behind parapets, effectively hiding their view from the street.

5. All functions, uses and improvements are arranged to reflect and harmonize with the natural characteristics and limitations of the site and adjacent properties.

FINDINGS: The new addition is to the rear of the building and maintains the existing look for the Market. This addition incorporates materials and textures, such as cedar siding, that are compatible with those of surrounding buildings.

I. Section 4.156 contains the decision criteria evaluating architectural and landscaping design; each item is reviewed below:

1. The design integrates and harmonizes the existing and proposed development with the existing surroundings and future allowed uses. This standard shall be applied in a manner that encourages village design and visual diversity within development projects and the surrounding area.



Corrugated siding is prohibited as it does not harmonize with siding used on most existing buildings.

FINDINGS: Exterior materials will include cedar shingles, stainless steel trim, and painted siding that effectively continue the existing design of the building relate to buildings in the vicinity.

2. The landscape design acknowledges the growing conditions for the climatic zone, and provisions are made for the survival and continuous maintenance. The landscape design shall include the use of local native species of trees and shrubs.

FINDINGS: Native plantings are used in the landscape areas. As such, minimal maintenance will be required. Hose bibbs will be provided for additional watering until plants are fully established, and for emergencies during dry periods.

3. The minimum lot area required to be landscaped under Section 3.040(3)(d) for commercial, mixed use, or non-residential uses shall be located in the front and side yards and the portion of the lot adjacent to the front or street side yards and not within the foundation footprint or rear yard. Living plant material shall cover at least 50% of this required minimum landscape area. For corner lots, at least 25% of the living plant material required by this section shall face each street frontage.

FINDINGS: A total of 1759 square feet of landscaping is required of which 880 square feet must contain living plant material. One quarter of this total (25%) must be located along each street, or 220 square feet per street. The majority of the 1,920 square feet of landscaped area is in vegetative cover. Along 2<sup>nd</sup> Street, some 690 square feet of cover are provided while 250 square feet of landscaping will be maintained along Laneda Avenue. The layout conforms to the Ordinance requirements.

4. [Reserved]

5. The grading and contouring of the site, and on-site drainage facilities, shall be designed so there is no adverse effect on neighboring properties or public rights-of-way.

FINDINGS: No significant changes will be made to the grading of the site.

6. The design avoids monotony and provides visual interest by giving sufficient attention to architectural details and to design elements.

FINDINGS: The exterior finish mixes horizontal detailing, and the use varied materials, to reduce the visual scale of the building. In combination,

this maintains visual interest.

7. The design adequately addresses the pedestrian nature of the commercial area and places structures in relation to sidewalks and open areas to foster human interaction.

FINDINGS: The existing Laneda Avenue frontage, which includes benches and artwork, will essentially remain unchanged. For the record, these improvements add interest and foster human interaction.

8. Lighting is non-industrial and non-invasive in character, and contributes to the village character.

FINDINGS: The building will be lit with commercial, low-glare fixtures and indirect lighting to reduce glare.

9. Compatibility. All new commercial and mixed-use buildings and exterior alterations shall be designed consistent with the architectural context in which they are located. This standard is met when the Design Review Board finds that all of the criteria in a.- c., below, are met.

- a. There is compatibility in building sizes between new and existing commercial and mixed-use buildings;
- b. The size, shape and scale of the structures are architecturally compatible with the site and with the village character of the surrounding neighborhood. Particular attention will be paid to addressing the visual impact of the structures on residential uses that are adjacent or on the opposite side of the same street.
- c. All buildings and developments shall provide human scale design. The design avoids a monolithic expanse of frontages and roof lines, diminishes the massing of buildings by breaking up building sections, and/or by use of such elements as visual planes, projections, bays, dormers, second floor setbacks or changes in the roof line, and/or similar features generally shown in the following figure (see Ordinance). Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features will not independently satisfy this criterion.

FINDINGS: As previously noted, the street-facing portions of the building will remain largely unchanged. The addition to the rear has been designed to blend in with the adjacent structures and area improvements.

- J. Section 4.158 includes on performance assurance, including building permit requirements and time limitations.

FINDINGS: These are administrative requirements applicable to both the City and applicant.

#### IV. RECOMMENDATION AND CONDITIONS OF APPROVAL

City staff finds the proposal complies with the applicable Design Review criteria and recommends the Planning Commission approve the application subject to the following Conditions:

- A. If necessary, the developer shall submit engineering plans to the City of Manzanita addressing water, storm water, street improvements and similar facility improvements. If necessary, sanitary sewer plans shall also be submitted the Nehalem Bay Wastewater Agency (NBWA). These plans shall be reviewed and approved by the City and NBWA prior to construction.
- B. The developer shall submit a building permit for construction of the expansion, conforming to the applicable building code requirements. The submitted site plan shall substantially conform to the approved layout. While building plans may be simultaneously submitted with engineering plans, building permits shall not be issued until any required engineering plans are reviewed and approved.
- C. The developer shall record a replat of Tax Lots 15200, 15400 and 15500 consistent with the requirements of Tillamook County. Evidence of this recording shall be submitted to the City prior to commencing construction at the site.
- D. Prior to occupancy, the developer shall complete the following:
  - 1. Install and/or extend public facility improvements, consistent with any required City and/or NBWA approved engineering plans.
  - 2. Install a 5'6" cedar fence along the north side of the parking lot as per submitted plans.
- E. The structure shall comply with the building permit requirements and conform to the submitted site plan. The applicant is advised that modifications to the approved plan may require a new design review application and decision.
- F. Compliance with these conditions, the requirements of Manzanita Ordinances 95-4 and 95-5, Nehalem Bay Wastewater Agency, Nehalem Bay Fire & Rescue and applicable building code provisions shall be the sole responsibility of the developer.

## VI. PLANNING COMMISSION ACTION

- A. The Planning Commission has the following options:
  - 1. Approve the application, adopting findings and conditions contained in the staff report;
  - 2. Approve the application, adopting modified findings and/or conditions;
  - 3. Deny the application, establishing findings as to why the application fails to comply with the decision criteria.
- B. Staff will prepare the appropriate Order for the Chair's signature.

Date: 28 May 2021

To: City of Manzanita

Re: Design review, Manzanita Deli

Thanks for taking the time to review our proposed development for the Manzanita Deli. What follows is a narrative response to the various issues relating to the Manzanita zoning ordinance. If you have any questions, please don't hesitate to contact me.

Address: 193 Laneda Ave  
Tax Lot: 3N10-29BD #15500, 15400, 15200  
Applicants: Chung & Judy Lee  
Owner: Same  
Zoning: C-1 (Commercial)

(passages from the Manzanita Zoning Ordinance appear in in italics)

*3.040: (1) Commercial Zone, C-1. Uses Permitted Outright. In the C-1 zone the following uses and their accessory uses are permitted outright: (b) Retail trade establishment (other than an auto wrecking yard or outdoor storage of scrap material).*

The building will continue to be used as a grocery store.

*(3) Standards. In the C-1 zone the following standards shall apply: (b) For commercial, nonresidential, or mixed use development uses, the minimum front yard shall be 10 feet, the minimum side yard shall be 5 feet, and the minimum rear yard shall be 5 feet. For corner lots adjacent to Laneda Avenue, the yard facing Laneda Avenue shall be considered the front yard.*

New portions of the building will respect a 10 foot setback on the Laneda frontage and 5 foot setbacks elsewhere (including the second street frontage). Some portions of the existing structure are within the current right as an existing nonconforming use, and the footprint of those areas will not be changed.

*(c) The maximum building or structure height shall be 28 feet, 6 inches.*

No portion of the building will be higher than approximately 22'.

*(d) Minimum landscaped area: At least 10% of the total lot area of commercial, mixed use, or non-residential uses shall be devoted to landscaping or usable open space such as playgrounds, sitting areas or picnic areas.*

Just over 10% of the lot will be landscaped, as shown on the site plan. See §4.156 for additional requirement compliance.

*(g) In the C-1 zone, signs, awnings, marquees and sidewalk coverings shall extend not more than 10 feet from a building or more than 5 feet over a sidewalk, whichever is less.*

No portions of the building will extend more than 10 feet from the building or 5 feet over the sidewalk.

*(h) Adequate storm drainage shall be provided as specified by the City.*

Dry wells and/or underpavement catch-and-release system will be provided as determined by the city and engineering considerations.

*(i) Design review subject to Section 4.152.*

This project is subject to Design Review.

*(j) Building(s) on a lot shall have a floor area ratio of no more than 0.65. The combined floor area of all buildings on a lot shall be used in calculating the floor area ratio.*

The Floor Area Ratio of this project is 0.34, including all structures on the property.

*(k) If a development is proposed on a parcel consisting of two or more contiguous lots, the lots must be legally combined into one lot.*

The lot consists of three parcels. As discussed with the City, prior to start of construction the owners will combine the properties with an affidavit that is signed, notarized, and filed with the county clerk.

*4.070 Sign Requirements. a. A sign permit and fee determined by City Council resolution is required for: (1) The erection or placement of any new sign or signs, except those that are Exempted Signs in this Ordinance. Permits shall be obtained from City Hall.*

The signage permit application will be filed separately. All signage will conform to the requirements of the Manzanita zoning ordinance.

*2. General. The following apply to all zones and all uses:*

*a. No sign shall be placed on public property or extend over a sidewalk/street right-of-way except where specifically allowed by this Ordinance.*

*b. There shall be no flashing elements, including but not limited to moving, rotating, handheld, projected and/or laser projected or otherwise animated parts. Light from a sign shall be directed away from a residential use or zone, shall not create or reflect glare on any adjacent building and shall be located so as not to distract from a motorist's view of a traffic sign and/or vehicular or pedestrian traffic.*

*c. Sign Height. Maximum 24 feet except where otherwise noted.*

*d. No sign may be attached to trees, shrubs, utility poles, traffic control or directional sign posts except for Public Signs.*

*e. When multiple signs are used, the sum of the face area of all signs may not exceed the maximum square footage permitted in this ordinance, except where otherwise noted.*

*f. All signs shall meet the material and construction methods requirements of the latest Uniform Sign Code, and Oregon Structural Specialty Code.*

*g. Placement on the property must be consistent with the location shown on the Sign Permit.*

Signage on the new building comply with all of the above criteria

*3. Sign Requirements - Commercial Zones*

*a. General requirements. The following types of signs are allowed in the commercial zones:*

*(1) Permanent, free-standing, and awning signs shall be allowed subject to the total area limitation specified in paragraph 3.b. (Total Square Foot Restrictions for Commercial Businesses) below*

*b. Total Square Foot Restrictions for Commercial Businesses*

- (2) *Businesses not abutting Highway 101 will be allowed 24 square feet of signs not including Incidental Signs, Temporary Signs, one exterior reader board/bulletin board, and not more than one (1) A-Frame/sandwich board or portable-type sign meeting the requirements of Section 3.a.(2).*

The total proposed area of signage is 24 square feet.

*Section 4.080 Off-Street Parking and Off-Street Loading Requirements. At the time a new structure is erected or the use of an existing structure is changed or enlarged, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this Ordinance.*

- 1. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.*
- 2. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.*
- 3. Owners of 2 or more uses, structures, or parcels of land may agree to utilize the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases, or contracts to establish the joint use.*
- 4. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other parking spaces required by this Section may be located on another parcel of land, provided that the furthest parking space is no more than 500 feet from an entrance of a use it serves, measured by following a sidewalk or other pedestrian route. The right to use the offsite parking must be evidenced by a recorded deed, lease, easement or similar written instrument. Any use of offsite parking spaces may not decrease the parking spaces of any other use below the requirements of Sections 4.080 or 4.090. [Amended by Ord. 11-04, passed November 9, 2011]*

All parking spaces for this project are located on the parcel.

- 5. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting business or use.*
- 6. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and drained so as to avoid flow of water across public sidewalks or adjacent property.*

All parking surfaces will be paved with asphalt or concrete.

- 7. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbances of residents by the erection between the uses of a sight-obstructing fence of not less than 5 or more than 6 feet in height except where vision clearance is required.*

A cedar fence 5'6" high will be constructed along the north edge of the parking lot.

- 8. Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least 4 inches high and set back a minimum of 4 1/2 feet from the property line.*

The parking lot is surrounded by a 6” concrete curb and that is located 5’ from the property line.

9. *Artificial lighting which may be provided shall not create or reflect glare in a residential zone or on any adjacent dwelling.*

Building-mounted lighting will be provided with full cutoff fixtures and designed for <.1fc of light trespass at property lines not adjacent to a right-of-way.

10. *Groups of more than 4 parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.*

The parking lot has its own driveway onto Second Street.

11. *Loading of merchandise, materials, or supplies, buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.*

There is adequate space in the off-street parking lot to accommodate small to medium sized delivery vehicles during the morning hours before start of business. The owner will continue the existing practice of using the on-street parking for large deliveries in the early morning hours before start of business.

12. *Groups of 4 or more parking spaces shall be required within the Commercial and Limited Commercial zones to be clearly marked and shall not be less than 9 feet by 18 feet in size for each space required. An information sign of 4 square feet, visible from the street, road or highway will be used to identify the location of off-street parking areas.*

Spaces are 9’x18’. A 4 square foot informational sign will be added to the southwest corner of the building.

13. *For corner lots on Laneda Avenue, access to parking areas for new structures shall not be from Laneda Avenue.*

There is an existing access to Laneda that will be maintained.

14. *When a use in the commercial zone existing as of November 9, 2011 does not have the number of off-street parking spaces required by this ordinance and the use or size changes, the total number of parking spaces required for the new use or size shall be reduced by the deficient number of spaces for the existing use or size.*

The existing site is nonconforming, with a deficiency of 3 spaces. The new site would require 15 spaces at 1 per 400sf of commercial retail space. Carrying this deficiency forward, the actual number of spaces required is 12, which are provided. Additional calculations can be seen on the Zoning Site Plan.

15. *For development on lots adjacent to Laneda Avenue, offsite parking for commercial uses may be located further away than outlined in Section 4.080(4) above if the following conditions are met:*

All parking will be located on site.



16. *Parking spaces within a structure shall be on no more than one level.*

There are no parking spaces within the structure.

*4.090 Off-Street Parking Requirements.*

*1. In determining the number of parking spaces required by this section, all fractions shall be rounded to the nearest whole number.*

*3. Requirements for specific uses: (f) Retail, restaurant, and library: One space for each 400sf of gross floor area.*

The proposed development has 5,750sf gross area for all buildings, requiring 15 parking spaces. See previous discussion under section 14 for compliance.

*4.137 Site Plan Approval*

See attached drawings. Two shore pines will be removed during the work, and replacements will be planted in the landscaping area along second Street.

*4.138 Filling of Lots*

No fill will be added to the lot.

*4.141 Parking structures within the front yard*

There will be no parking in the front yard.

*4.155 Site Design Evaluation Criteria*

*1. In terms of setback from street or sidewalk, the design creates a visually interesting and compatible relationship between the proposed structure and the surrounding area.*

*2. The design incorporates existing features such as rocks, slopes and vegetation.*

Landscape areas along Second Street will have slopes and vegetation.

*3. Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining space in order to create pedestrian pathways and/or open system that connects other properties.*

The property will be maintaining the existing pedestrian-friendly and ADA accessible approach.

*4. The design gives attention to the placement of storage or mechanical equipment so as to screen it from view.*

Mechanical equipment will be located on the roof behind parapets, hiding it from view from the street.

*5. All functions, uses and improvements are arranged to reflect and harmonize with the natural characteristics and limitations of the site and adjacent properties.*

The new addition is to the rear of the building, maintaining the familiar look of the Little Apple that has become a cornerstone of the Manzanita visitor experience. The

new addition will incorporate materials and textures, such as cedar siding, that work harmoniously with those of the existing and surrounding buildings.

*Section 4.156 Architectural and Landscape Design Evaluation Criteria.*

*1. The design integrates and harmonizes the existing and proposed development with the existing surroundings and future allowed uses. This standard shall be applied in a manner that encourages village design and visual diversity within development projects and the surrounding area. Corrugated siding is prohibited as it does not harmonize with siding used on most existing buildings.*

The materials pallet of the building will include cedar shingles, stainless steel trim, and painted siding that relate to the surrounding context.

*2. The landscape design acknowledges the growing conditions for the climatic zone, and provisions are made for the survival and continuous maintenance. The landscape design shall include the use of local native species of trees and shrubs.*

Native plantings are used in the landscape areas. As such, minimal maintenance will be required. Hose bibbs will be provided for additional watering until plants are fully established, and for emergencies during dry periods. The owner will continue to provide regular maintenance such as trimming.

*3. The minimum lot area required to be landscaped under Section 3.040(3)(d) for commercial, mixed use, or non-residential uses shall be located in the front and side yards and the portion of the lot adjacent to the front or street side yards and not within the foundation footprint or rear yard.*

The landscaping is located in the front and side yards.

*4. Living plant material shall constitute of minimum of 50% of the total required landscape area, which can include landscaping around buildings, in parking lots and loading areas, outdoor recreation use areas, and screening and buffering areas. For corner lots, no less than 25% of the total landscape area required to be in living plant material shall face each street frontage.*

1759sf of landscaping is required. 25% of that = 440sf require in each street facing, since this is a corner lot. On the Second Street facing, 690sf is provided. On the Laneda Ave frontage, only 250sf of landscaping is provided. This is an existing nonconformance, and as this area of the building is not being significantly changed, we propose to continue the nonconformance.

*5. The grading and contouring of the site, and on site drainage facilities, shall be designed so there is no adverse affect on neighboring properties or public rights-of-way.*

No significant changes will be made to the grading of the site.

*6. The design avoids monotony and provides visual interest by giving sufficient attention to architectural details and to design elements.*

The facades of the building are articulated with horizontal detailing, use a varied materials pallet, and provide changes in massing to reduce the visual scale of the building and create visual interest.

*7. The design adequately addresses the pedestrian nature of the commercial area and places structures in relation to sidewalks and open areas to foster human interaction.*

The existing Laneda frontage will remain essentially as is it, with benches and artwork to remain and be enjoyed by pedestrians passing by.

8. *Lighting is non-industrial and non-invasive in character, and contributes to the village character.*

The building will be lit with commercial, low-glare fixtures and indirect lighting giving soft illumination.

9. *Compatibility. All new commercial and mixed use buildings and exterior alterations shall be designed consistent with the architectural context in which they are located. This standard is met when the Design Review Board finds that all of the criteria in a.- c., below, are met.*

a. *There is compatibility in building sizes between new and existing commercial and mixed use buildings;*

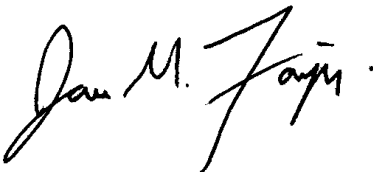
b. *The size, shape and scale of the structures are architecturally compatible with the site and with the village character of the surrounding neighborhood.*

c. *All buildings and developments shall provide human scale design. The design avoids a monolithic expanse of frontages and roof lines, diminishes the massing of buildings by breaking up building sections, and/or by use of such elements as visual planes, projections, bays, dormers, setbacks or changes in the roof line, and/or similar features generally shown in the following figure (Note: The examples shown below are meant to illustrate these building design elements, and should not be interpreted as a required architectural style).*

As previously noted, the street-facing portions of the building will remain largely as it is. The addition to the rear has been designed to blend in with the adjacent structures and local context.

In summary, the newly remodeled Manzanita Deli will provide additional capacity for a wider range of goods on offer, greater economy of operation for the owner, and improved energy efficiency while retaining the character and street frontage of the existing building. The Manzanita Deli has been a cornerstone of our community for decades, and it is with the greatest respect and pride that we propose this remodel.

Respectfully submitted,



James M Fanjoy, Architect

Brittall Architecture Inc  
35820 7<sup>th</sup> St.  
Nehalem , OR 97131  
Ph: 360-636-5074

enc: Schematic drawings (full size, 2 sheets)

Date: 14 July 2021

To: City of Manzanita

Re: Variance request, Manzanita Deli project

Based on our discussion regarding the residential zoning for parcel #15200, we would like to pursue a variance to allow a continuation of the nonconforming use as a commercial property. What follows is a narrative response to the various issues relating to the Manzanita zoning ordinance. If you have any questions, please don't hesitate to contact me.

Address: 193 Laneda Ave  
Tax Lot: 3N10-29BD #15500, 15400, 15200  
Applicants: Chung & Judy Lee  
Owner: Same  
Zoning: C-1 (Commercial)

(passages from the Manzanita Zoning Ordinance appear in in italics)

*Section 7.020 Enlargement or Expansion of a Nonconforming Use. In case of practical difficulty and unnecessary hardship, the Planning Commission may grant a variance for the enlargement or expansion of a nonconforming use up to 20% in floor area or in those cases not involving structures, up to 10% in land area as existing on the effective date of this Ordinance. The Planning Commission shall grant expansion or enlargement where required to conform to another law, such as a pollution control requirement.*

The Manzanita Deli has been operating for decades as a commercial business on these three combined parcels. The northern parcel (#15200) is zoned residential, but has been used as part of the grocery operation. There are three buildings on that parcel currently, and the two northernmost will not be removed as part of the project. The third building will be demolished to make room for the new addition, and the new portion of the main deli building will be farther away from the residential neighbor to the north than the building it is replacing.

The area of the building to be demolished is 215 square feet. The portion of the new structure on the parcel in question is 150sf, making it a REDUCTION of the area of nonconforming building.

*Section 8.020 Circumstances for Granting a Variance. A variance may be granted only in the event that all of the following circumstances exist:*

*1. Exceptional or extraordinary circumstances apply to the property and result from lot size or shape, topography, or other circumstances over which the owners of the property have no control.*

All three parcels have been in continuous use as a commercial property since before the establishment of the zoning ordinance, which is both an exceptional circumstance and beyond the owner's control.

*2. The variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same zone or vicinity possess.*

These three parcels have historically been used and treated as one, and to prohibit commercial use on one of them would deprive the owner of the the same commercial usages that are granted to other property owners along Laneda Ave.

*3. The variance would not be materially detrimental to the purposes of the Ordinance, the Comprehensive Plan, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City policy.*

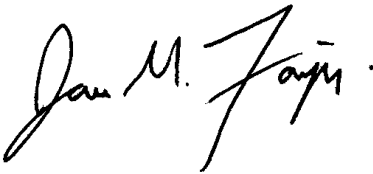
This variance promotes the intent of the comprehensive plan to develop and encourage commercial uses along Laneda Ave. In order to fulfill this and other requirements of the land use process, we will re-platting these three properties to be legally combined into one.

*4. Variance request is the minimum variance which would alleviate the hardship.*

There is no other variance which would allow the owner to exercise their property rights.

The Manzanita Deli is one of the oldest, most well-known businesses in the entire city of Manzanita. It has been a part of the visitor experience for decades, and evolved along with the town over that time, in a way that is organic and appropriate but doesn't exactly fit into the mold described by the zoning ordinance. This variance would allow the deli to continue to serve the community for years to come, in a way that adheres to the spirit of the law yet accommodates the real-life practicalities of the site.

Respectfully submitted,

A handwritten signature in black ink that reads "James M. Fanjoy". The signature is fluid and cursive, with a period at the end.

James M Fanjoy, Architect

Brittelle Architecture Inc  
35820 7<sup>th</sup> St.  
Nehalem , OR 97131  
Ph: 360-636-5074

Date: 20 July 2021

To: City of Manzanita

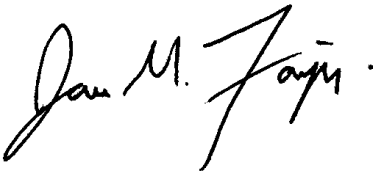
Re: Variance request supplement, Manzanita Deli project

Based on continuing discussion with the city planner regarding the variance for the Manzanita Deli, we would like to offer the follow clarification: upon approval of the planing commission and before the start of construction, the owner will replat the three lots into one.

If you have any questions, please don't hesitate to contact me.

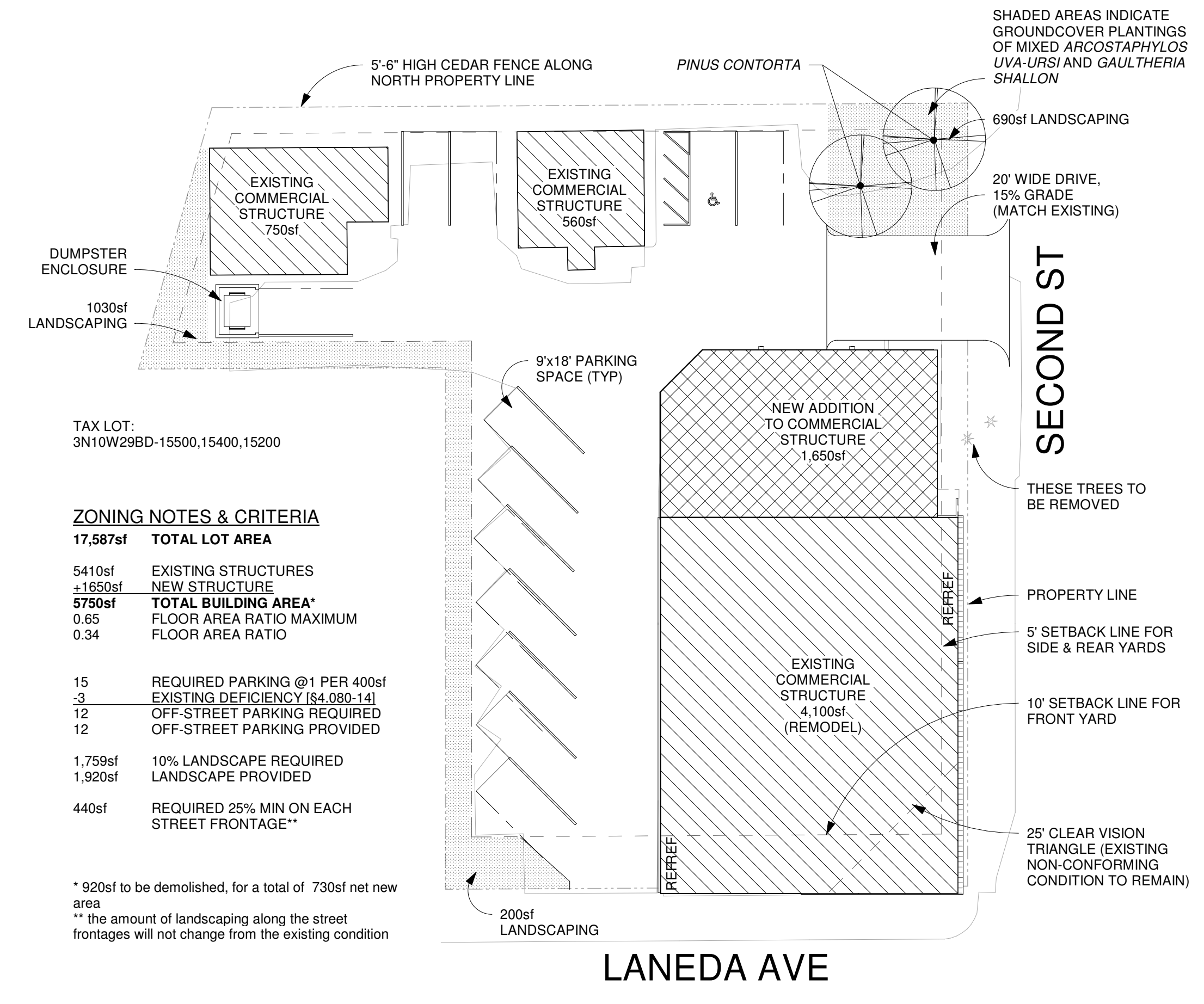
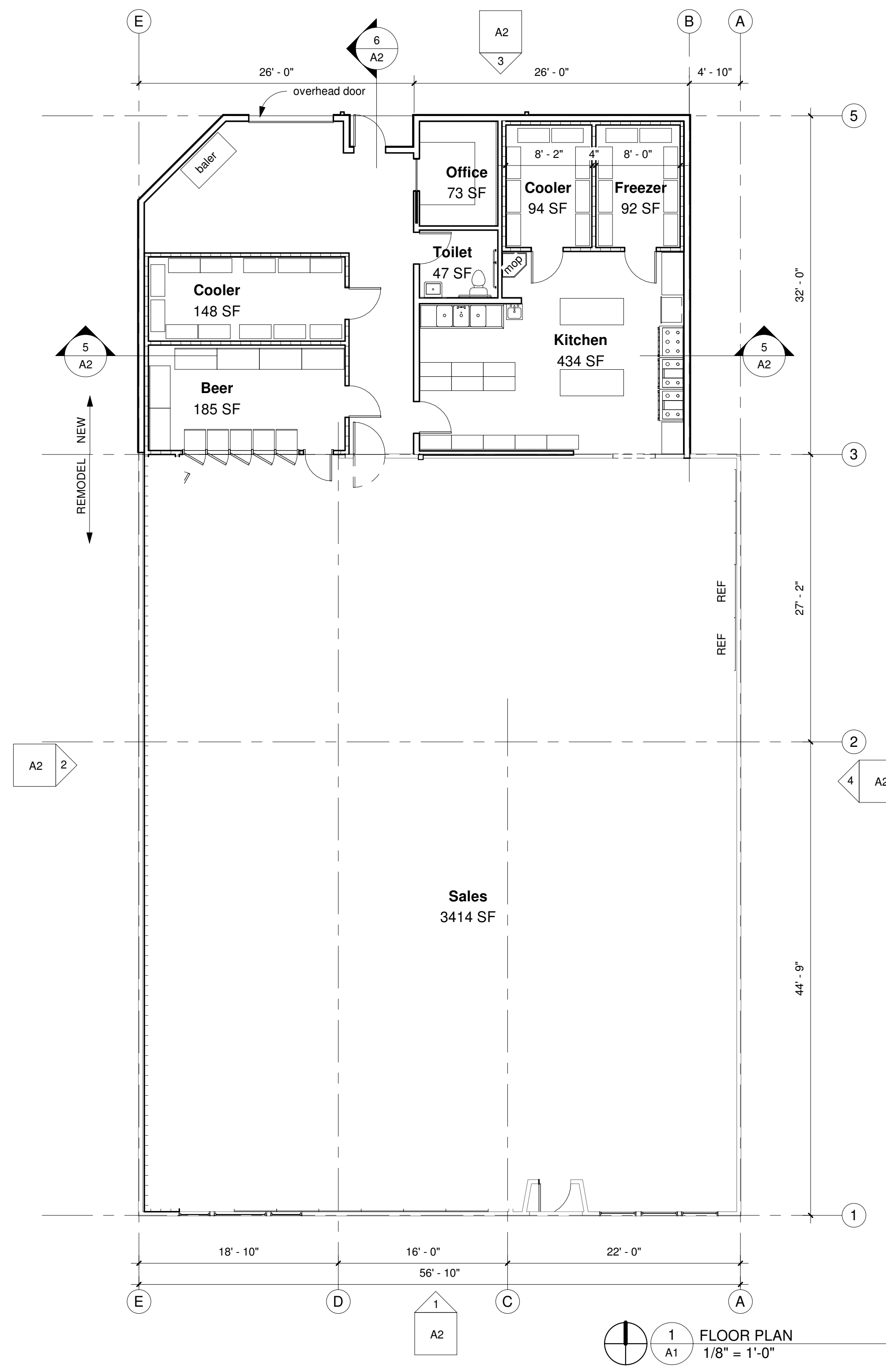
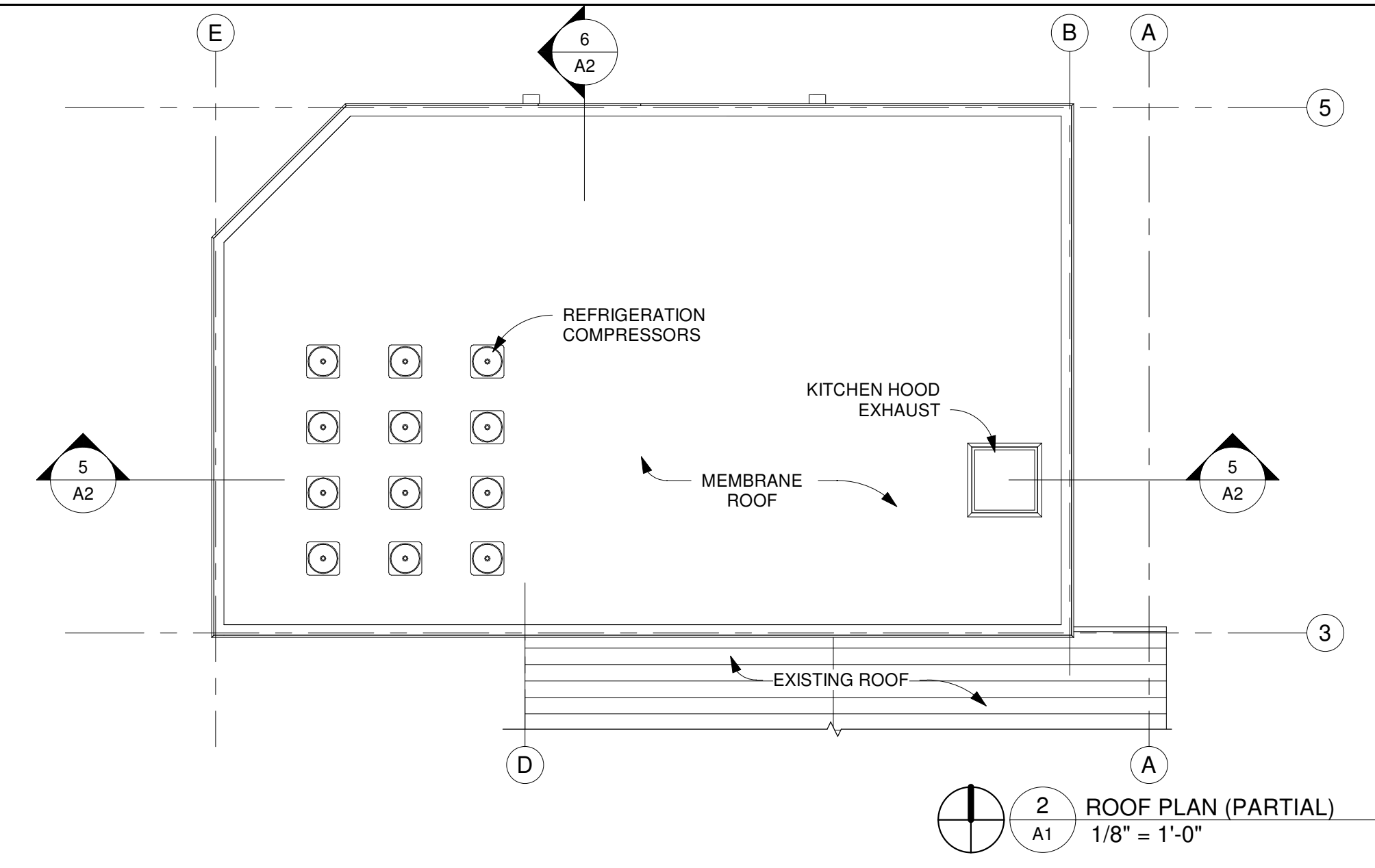
Address: 193 Laneda Ave  
Tax Lot: 3N10-29BD #15500, 15400, 15200  
Applicants: Chung & Judy Lee

Respectfully submitted,



James M Fanjoy, Architect

Brittell Architecture Inc  
35820 7<sup>th</sup> St.  
Nehalem , OR 97131  
Ph: 360-636-5074



TAX LOT:  
 3N10W29BD-15500,15400,15200

**ZONING NOTES & CRITERIA**

17,587sf	TOTAL LOT AREA
5410sf	EXISTING STRUCTURES
+1650sf	NEW STRUCTURE
5750sf	TOTAL BUILDING AREA*
0.85	FLOOR AREA RATIO MAXIMUM
0.34	FLOOR AREA RATIO
15	REQUIRED PARKING @1 PER 400sf
3	EXISTING DEFICIENCY (S4.080-14)
12	OFF-STREET PARKING REQUIRED
12	OFF-STREET PARKING PROVIDED
1,759sf	10% LANDSCAPE REQUIRED
1,920sf	LANDSCAPE PROVIDED
440sf	REQUIRED 25% MIN ON EACH STREET FRONTAGE**

\* 920sf to be demolished, for a total of 730sf net new area  
 \*\* the amount of landscaping along the street frontages will not change from the existing condition

3  
 A1  
 ZONING SITE PLAN  
 1" = 20'-0"

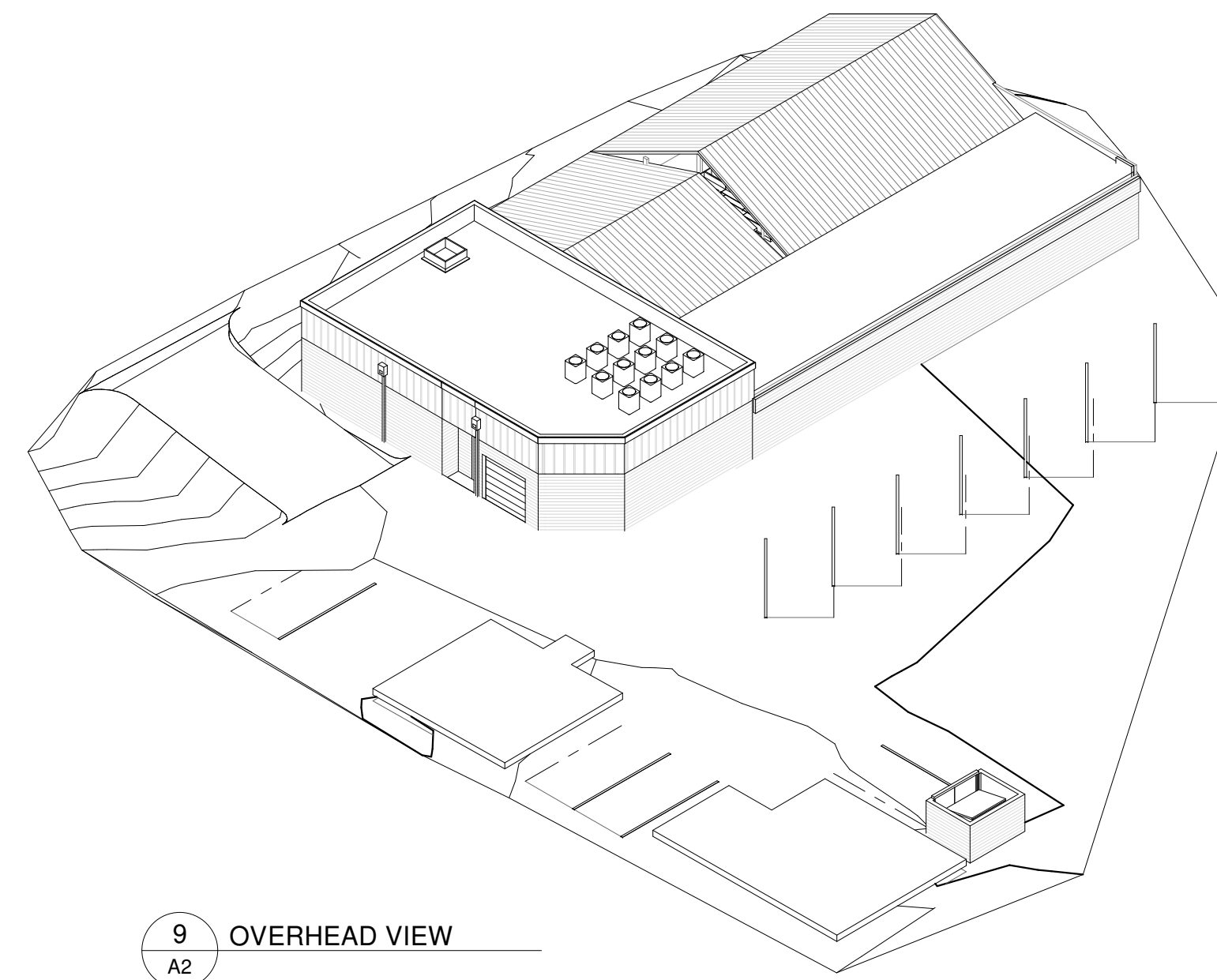
Little Apple Remodel  
 Manzanita Deli  
 193 Laneda Ave.  
 Manzanita OR 97130

No.	Description	Date
	planning commission	6/11/2021

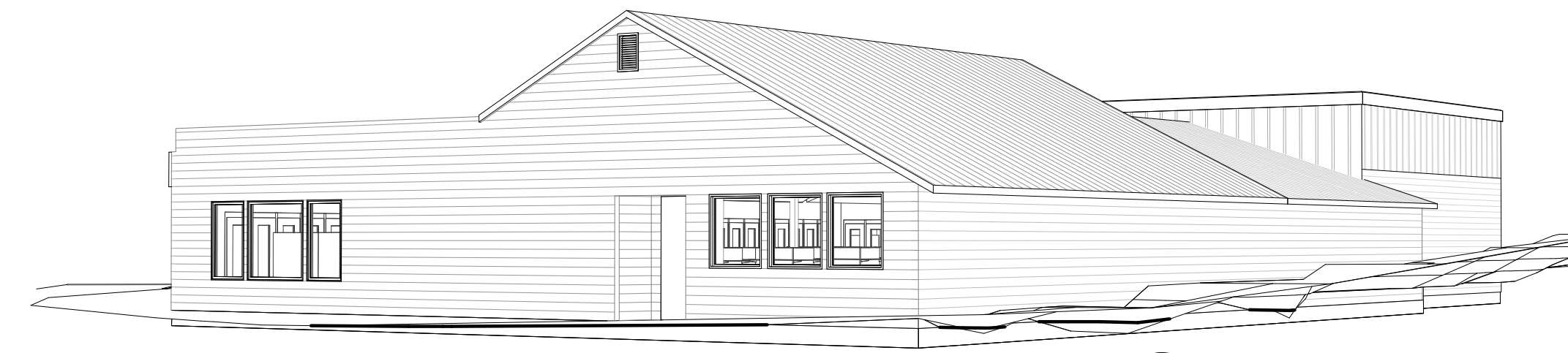
PRELIMINARY  
 NOT FOR CONSTRUCTION

Project number 1929

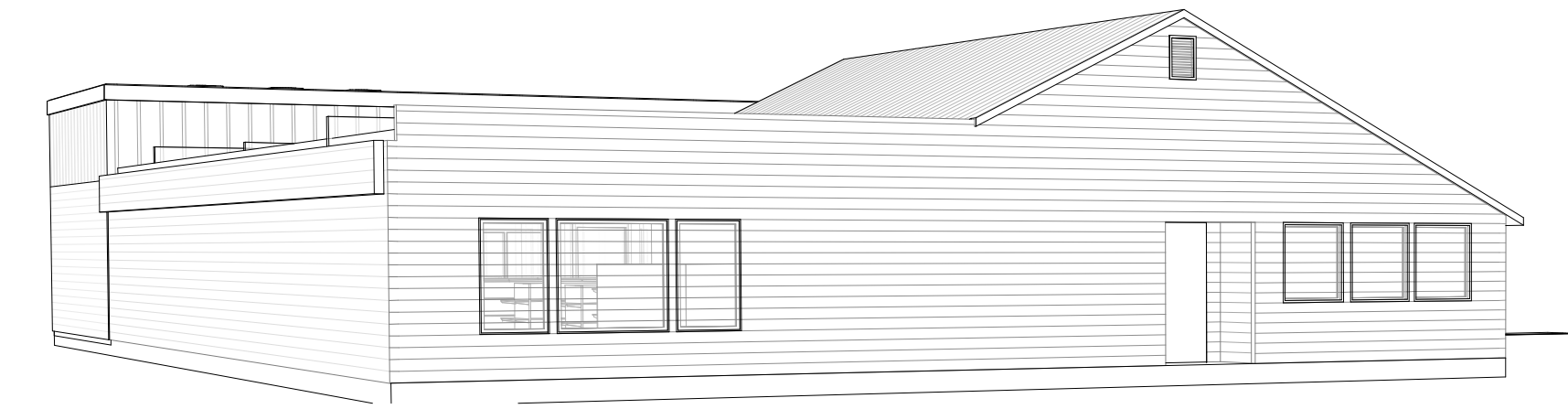
**A1**  
 FLOOR PLANS



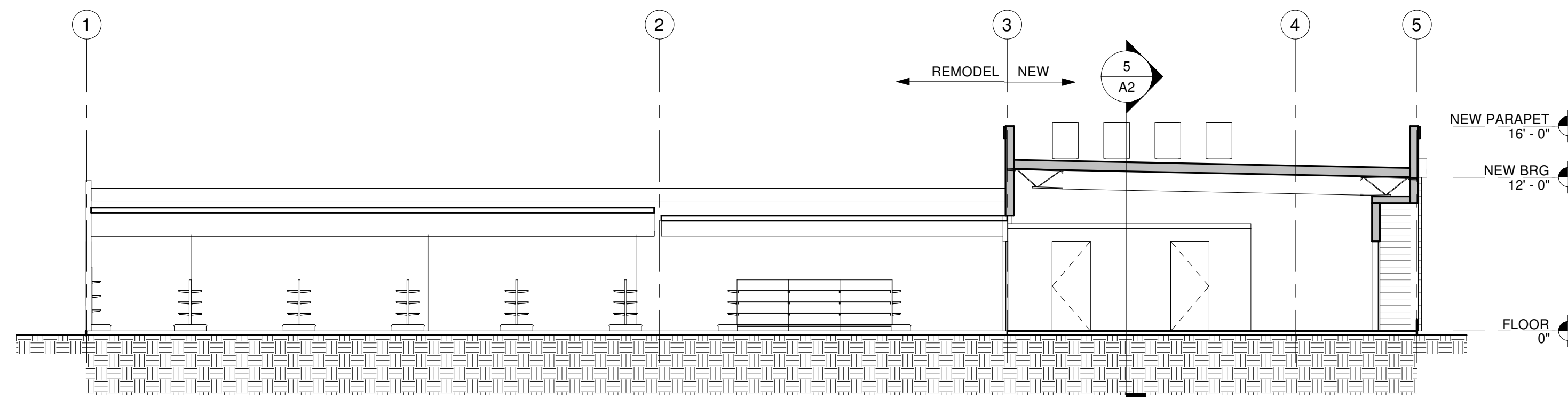
9 OVERHEAD VIEW  
 A2



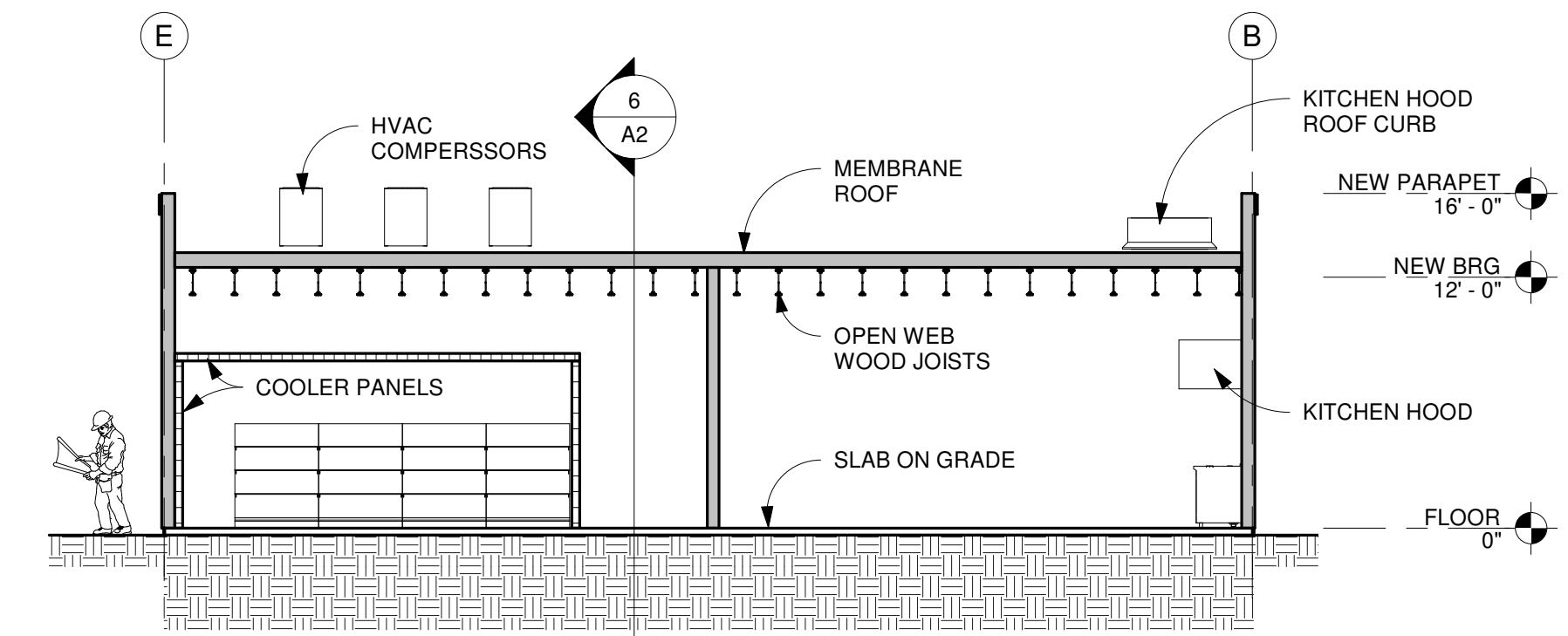
8 PERSPECTIVE-CORNER  
 A2



7 PERSPECTIVE-LANEDA  
 A2

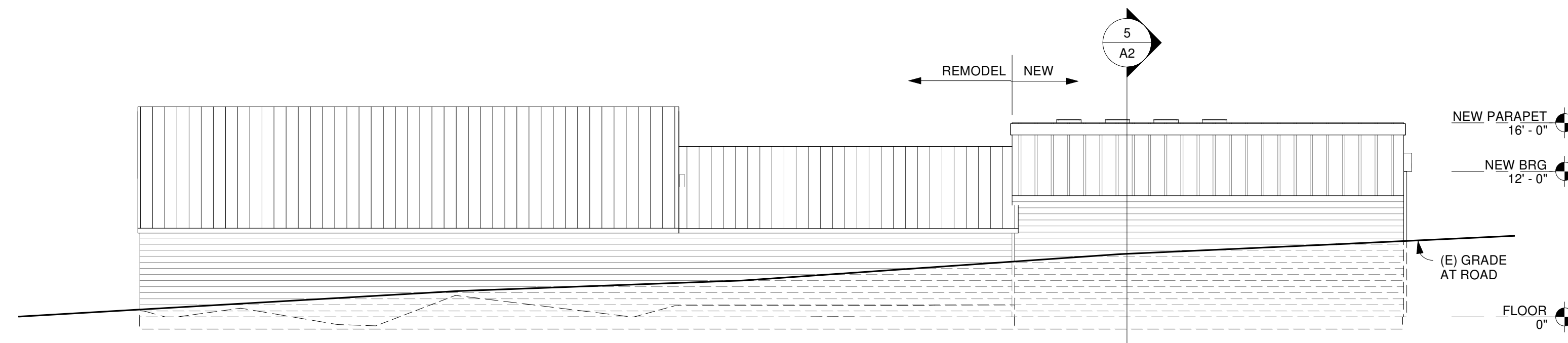


6 BUILDING SECTION LOOKING WEST  
 A2 1/8" = 1'-0"

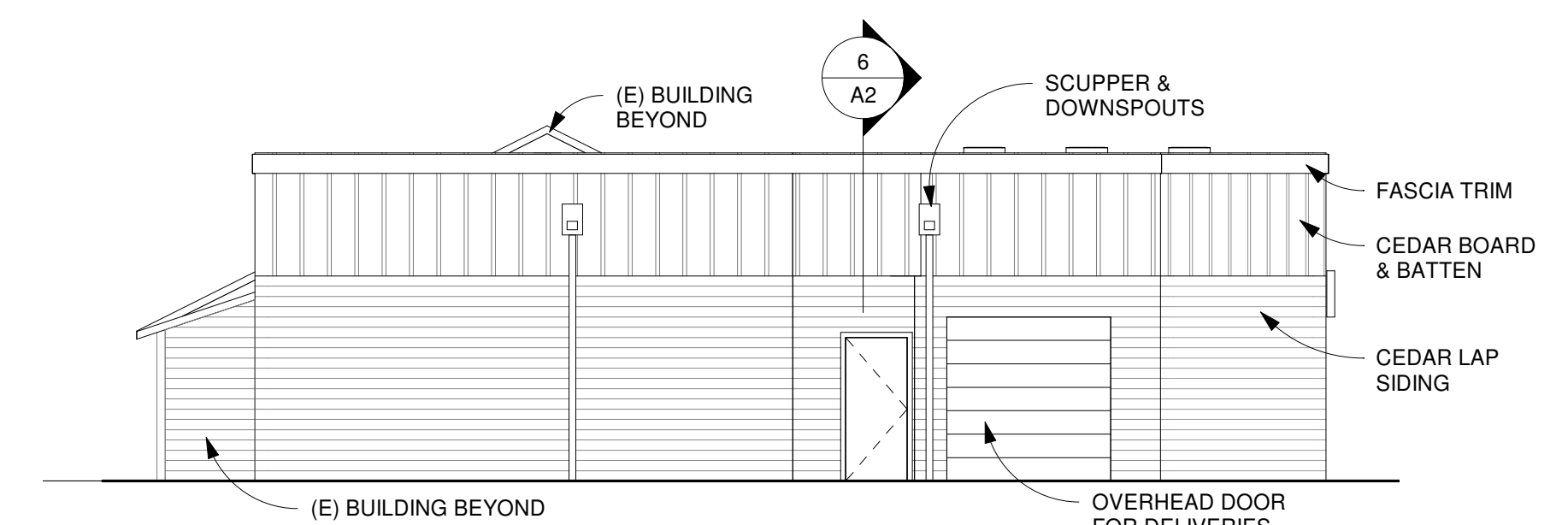


BUILDING SECTIONS ARE FOR GENERAL ORIENTATION ONLY. REFER TO DETAILED SECTIONS FOR CONSTRUCTION INFORMATION

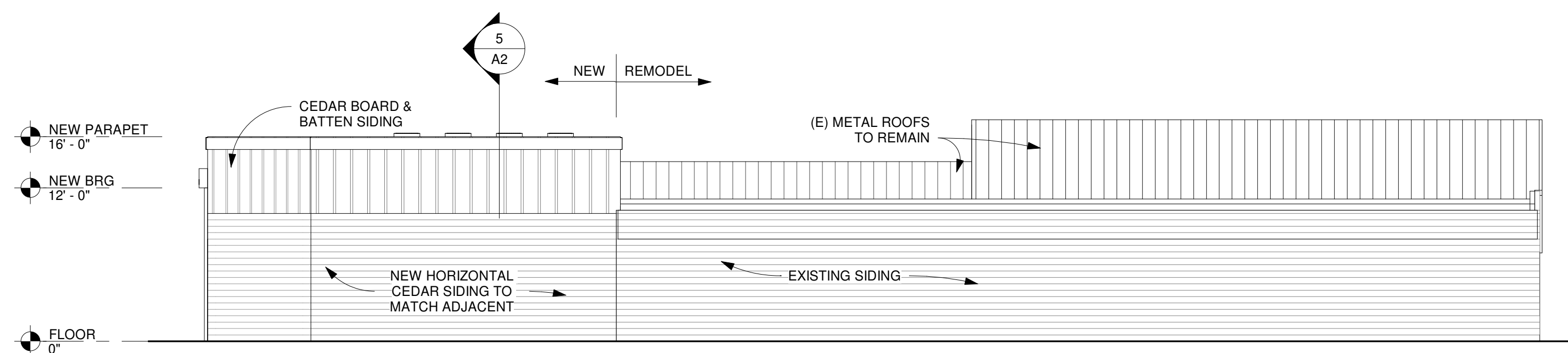
5 BUILDING SECTION LOOKING NORTH  
 A2 1/8" = 1'-0"



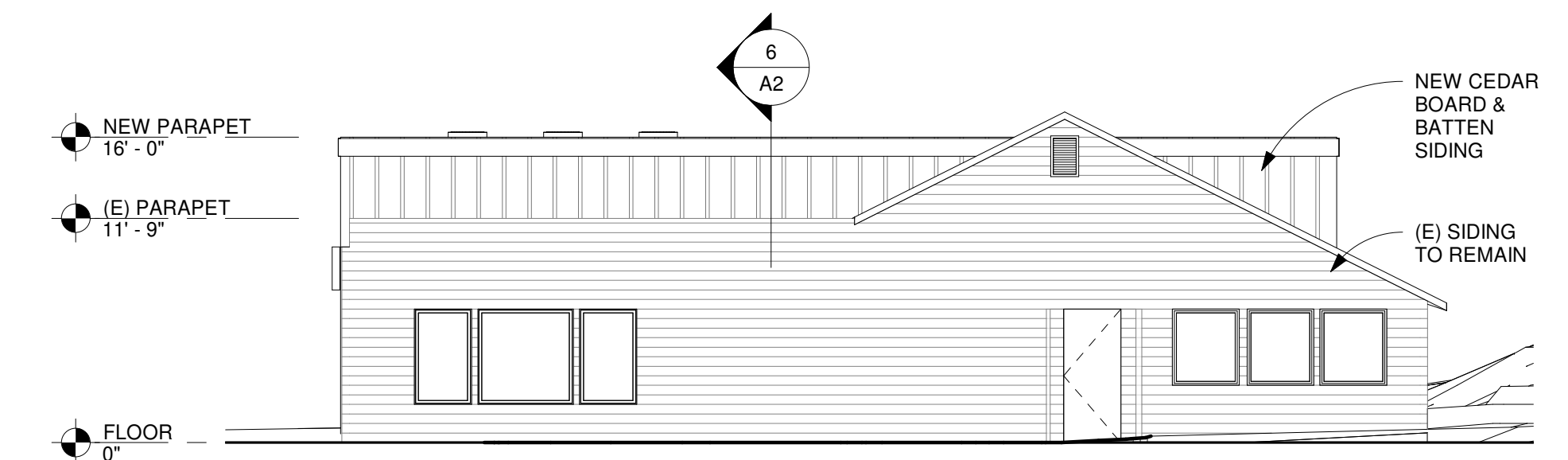
4 EAST ELEVATION  
 A2 1/8" = 1'-0"



3 NORTH ELEVATION  
 A2 1/8" = 1'-0"



2 WEST ELEVATION  
 A2 1/8" = 1'-0"



1 SOUTH ELEVATION  
 A2 1/8" = 1'-0"

Little Apple Remodel  
 Manzanita Deli  
 193 Laneda Ave.  
 Manzanita OR 97130

No.	Description	Date
	planning commission	6/11/2021

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

Project number 1929

**A2**  
 ELEVATIONS &  
 BUILDING  
 SECTIONS