

Public Comments for May 8, 2017 City Council  
Appeal Hearing (AP-17-01) received by  
May 4, 2017 at 4p.m.

## Spir, Peter

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**From:** Jason Harra <jharra@gmail.com>  
**Sent:** Tuesday, April 25, 2017 9:14 PM  
**To:** Axelrod, Russell; Cummings, Teri; Perry, Brenda; Martin, Bob; Sakelik, Richard  
**Cc:** Spir, Peter  
**Subject:** Objection Re: Applicant Letter in Response to Appeal

Dear Mayor Axelrod and Members of the City Council:

In response to the communication sent from Seth King representing Upper Midhill Estates, LLC, via email on April 19, 2017, Re: Applicant Letter in Response to Appeal, I object to placing any of Mr. Kings limitations on our appeal. We understand the scope of our appeal and our argument will fall within the scope of reconsideration. I will follow up this email with a phone call to discuss "The appeal issue must have been raised below with sufficient specificity to allow the Planning Commission and the parties to respond." As we plan to present new evidence and argument to support our appeal. I am also requesting that City staff include a copy of this letter in the official record for this matter and place a copy before you prior to the appeal hearing in this matter.

Thank you for your attention on this matter.

Regards,

Jason Harra

[jharra@gmail.com](mailto:jharra@gmail.com)

503-420-1052

17701 Hillside Dr.

West Linn, OR 97068

Cc: Peter Spir

## Spir, Peter

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**From:** Scot Chandler <scotchandler@hotmail.com>  
**Sent:** Thursday, May 04, 2017 12:31 PM  
**To:** Spir, Peter  
**Cc:** Axelrod, Russell; Perry, Brenda; Cummings, Teri; Sakelik, Richard; Martin, Bob  
**Subject:** Opposition letter for May 8th hearing on 18000 Upper Midhill  
**Attachments:** May 8 WLCC.docx

Peter:

Please add the attached opposition letter to the record for the May 8th City Council hearing on 18000 Upper Midhill.

Thank you,

Scot Chandler

May 4, 2017

I am adamantly against the development at 18000 Upper Midhill as currently proposed for a number of reasons. Within the narrowed scope of the current review I will limit my comments to the issues generated by the high-density development and the resulting impact on the surrounding neighborhood.

Opposition to this development hinges on one key aspect that the developer has chosen to push aside for purposes of maximizing his overall profit margin. The primary issue here is stuffing far more homes into the given space than exist in the surrounding neighborhoods on all four sides of the proposed development and the resulting issues that will arise in pedestrian and traffic safety. Creating a development where there is more than one instance of three new lots backing up to a single existing lot from a long-established neighborhood is a key indicator that the density level just doesn't match the existing neighborhoods.

The only reason this discussion is in front of the Council for a second time in the past year is because the developer threatened the Robinwood Neighborhood with an even higher density proposal under an ELD process. A handful of people irrationally reasoned that the original proposal was more palatable than the latter one and petitioned the Council to consider their original denial of the development. Neither proposed development will address the density issue that will be created by adding more homes into the center of lower density neighborhoods. And funneling additional vehicles onto roadways that lack safe pedestrian walkways and all end up entering a clogged major artery on 43 is going to create issues that will only compound with time.

On more than one occasion in prior hearings the developer's consultants and attorneys have stated that roadways and zoning have been planned for many, many years and existing residents in the surrounding areas need to accept that. But the simple fact of the matter is that this piece of undeveloped property lay dormant since God created it while the surrounding areas have all been developed and have long since attained and surpassed their designated infrastructure capacity levels.

A resounding theme that will be heard over and over again in the hearing on May 8 is that the existing infrastructure is overburdened and adding even more households and daily vehicle trips will only exacerbate an already bad situation. The only viable solution that will see limited opposition and will lead to a more peaceful existence for everyone is to rezone the property to R.10 to match the existing neighborhoods on three of the four adjacent sides and make major improvements to the roads, sidewalks and bike lanes in the surrounding areas. Even then, there are still likely to be safety and traffic issues, but hopefully to a lesser degree.

I implore the City Council to make a decision that will benefit everyone in the surrounding neighborhoods and not just the developer. Keeping density levels and traffic congestion to a minimum is common sense and the long-term effects of not planning and acting wisely will affect many people for years to come.

Sincerely,

Scot Chandler



## **Spir, Peter**

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**From:** Doug and Dorianne Palmer <cooperdel2@msn.com>  
**Sent:** Thursday, May 04, 2017 11:25 AM  
**To:** Spir, Peter; west linn city council-all; City Council; Boyd, John  
**Subject:** Upper Midhill City Council Testimony

Council Members,

We live on College View Drive, a block from the proposed development.

Although the application was denied by Planning Commission and City Council, as you know, the applicant then threatened our neighborhood with more density with town homes if their application was not approved.

Planning Commission approved the application with conditions, but there are more concerns we have that were not addressed.

The applicant will not be building the homes himself, he will be putting in roads and creating lots that he will sell individually. Because of this, the home building timeline will be years, and possibly decades. As was clearly established, our roads cannot handle the amount of construction traffic that will be inevitable. Arbor at highway 43 is, and will remain a failing intersection. There are no plans to address that intersection in the Highway 43 improvement plan. The proposed "fix" turn lanes will create more confusion and danger as the bike lane will be compromised, putting the safety of both cyclists and pedestrians at risk, daily.

As the construction traffic will only be using Arbor due to the enormous safety risk it would cause if Upper Midhill were an alternative, the intersection at Highway 43 will be MUCH worse than it already is, (at an F rating) for YEARS. Taking into account the massive development with retail at Mary's Woods, and the duplexes a block away, that area will be a nightmare.

Because this development is being forced on a city that has rejected the application at every level, the applicant should be held to a timeline for not just the construction of the lots, but ALSO of the homes.

There is a solution that would satisfy the neighborhood, and that would be if the applicant would rezone to a lower density. We spoke with 60 plus neighbors who all felt this was the only solution that would be acceptable to them.

If the applicant would agree to rezone, would the city be able to expedite the process in any way? If the city needs to rezone a more appropriate property to match this density, (possibly in the waterfront proposal?) would that be feasible? We understand the applicant has the right to develop, but this density at this location is so detrimental

to the safety to our neighborhoods, and will be a mistake that cannot be corrected once it has been made.

Thank you for your consideration, and all you do.

Dorianne and Doug Palmer

our neighborhood with more density if  
Sent from Outlook

## Spir, Peter

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**From:** Greg <gsb.mailbox@gmail.com>  
**Sent:** Saturday, April 29, 2017 9:34 PM  
**To:** Spir, Peter  
**Subject:** File No. AP-17-01

Mr. Spir and Members of the West Linn City Council:

I would like to reiterate my concerns regarding AP-16-02, a 34-Lot Subdivision and Water Resource Area permit at 18000 Upper Midhill Drive, and lack of "adequate public facilities including traffic impact and influences and pedestrian improvements and safety that are related to CDC 85.200(A)." Others have raised concerns about pedestrian safety, especially children meeting the school bus. I share those concerns. I would also like to highlight that Willamette Drive / Highway 43 is a failed road. Casual observation of the traffic along this road reveals stopped traffic and idling cars along significant portions from Interstate 205 through downtown Lake Oswego. This thoroughfare is a vital corridor without alternative. Fire, ambulance, and police vehicles use this road on a regular basis. I have observed safety vehicles that were impeded by congestion- for instance fire trucks driving in the oncoming traffic lanes to negotiate a traffic jam. When response time is critical, we do not want our safety vehicles impeded by stopped traffic along this corridor. The proposed development will push the road into more severe failure and will further degrade the response time of emergency services. The developers proposed remedy will not prevent this degradation. The subdivision does not meet the requirements of the Community Development Code (CDC) and the application should be rejected.

Sincerely,  
Gregory Ball

## Spir, Peter

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**From:** Anne Beltman <banditblake@yahoo.com>  
**Sent:** Thursday, May 04, 2017 2:24 PM  
**To:** Boyd, John; Spir, Peter; City Council  
**Subject:** Proposed Development Upper Midhill Drive  
**Attachments:** RNOverlay4-11.doc

Dear West Linn City Council,

I am writing today concerning the proposed development at the end of Upper Midhill Drive.

It was brought to my attention today that there may be an opportunity to consider rezoning the parcel of land in question. I would like to bring to your attention a document call the RN Overlay which should be in the city archives and was developed by members of the Robinwood Neighborhood Association, in conjunction with members of City Hall.

It has greatly bothered me that the current developer stated during a public meeting that "no one ever tried to rezone" this property. Unfortunately, I was not signed in to speak and therefore was never allowed to invalidate his claims. The neighborhood AND the city have long agreed that this property was not correctly zoned.

Ultimately the rezoning was not achieved based upon verbal threatening language from the previous owner, changes in the planning department personnel, and that the city wanting to maintain it's "in-fill potential" for the urban growth boundary requirements.

Meetings and emails with City employees occurred over several months and included Bryan Brown, Gordon Howard, and Carole Connell. My earliest email record indicates that this was started around February 5th of 2005.

Please let me know if you have any further questions on this project as you continue to explore possibilities for the proper use of this land. Thank you.

Anne Beltman  
182698 Upper Midhill Drive  
West Linn, OR 97068

RNOverlay4-11

**ROBINWOOD NEIGHBORHOOD PLAN  
And  
PROPOSED ROBINWOOD OVERLAY ZONE**

**INTRODUCTION**

In August 2003 the Robinwood Neighborhood Association completed a Neighborhood Vision and presented it to the West Linn City Council. The Plan was accepted by the City Council because the City had recognized the association and encouraged it to commence preparation of the plan. It was a City goal to collaborate with its citizens in order to create a vision for the neighborhood and an implementing action plan to achieve the vision.

During this time three neighborhood plans were developed, but several changes in City staff and then in the City Council caused delays in the implementation of their visions. Confusion about “adopting” neighborhood plans further delayed the process. Nonetheless, as agreed upon by the City, the Robinwood Neighborhood established a subcommittee and in March 2005 began developing implementation measures for the land use actions from their neighborhood vision. The committee worked for a year to develop the Robinwood Overlay Zone presented in this report. In order to realize important elements in their vision document, the zone is proposed for a review and adoption by West Linn city officials.

In the meantime, Oregon Measure 37, a measure resulting in limitations to some land use regulations, was approved by the voters, overturned by a Circuit Court and then overturned again by the Oregon Supreme Court. The final ruling in February 2006 has confirmed the effectiveness of the measure.

As this product is sent forward to the full Robinwood Neighborhood Association for comments and approval, and then on to city officials for adoption there are two underlying problems. One is that the current City Council has not adopted the Robinwood Neighborhood Vision and Action Plan, 2003. Therefore, the proposed overlay zone amendments are ready for review in advance of plan adoption by the current City Council. Furthermore, now that the effect of Measure 37 has so recently been confirmed, elements of the proposed overlay zone may have Measure 37 implications for affected property owners that are not in support of the amendments.

Residents and committee volunteers of the Robinwood Neighborhood Association may continue to experience frustration in their attempt to maintain neighborhood livability in a rapidly growing community. As the process continues, it is hoped that the West Linn City Council will honor its 2005 goal to:

***“Promote trust and open communication between its citizens and their City government.”***

## Summary of Robinwood Neighborhood Overlay Zone Provisions

As a means to implement several action items in the Robinwood Neighborhood Vision document (2003), the association's land use committee has developed a Robinwood Neighborhood Overlay Zone. The overlay zone provides additional land use regulations to the underlying R-15, R-10 and GC zones within the neighborhood's boundary. The proposed zone standards achieve the following:

### Residential:

- Reduce the lot coverage maximum for a house taller than 22'.
- Develop a sliding scale rather than a fixed number for maximum floor area ratio, so that the larger the lot the less the floor area ratio.
- Develop a building "front plane" limit, similar to the recently proposed "side plane" building height limit. This reduces the allowable "mass" of a residence on the site facing the street and an adjoining structure.
- Develop specific but flexible design review criteria for single and two-family infill dwellings, expedited through a staff review and decision.
- Support the new City definition of how to measure building height.
- Develop limitations to flag lots related to maximum number of driveways, maximum building height and floor area ratio limitations.
- Re-zone all land currently designated R-4.5 to R-10.
- Allow larger ADU's to encourage them in the overlay area.

### Commercial:

- Add residential/commercial mixed-use buildings as a permitted use in the Overlay/GC zone, by permitting residential use of the second floor or a portion of the ground floor of a permitted commercial use.
- Prohibit certain Conditional Uses in the Overlay/GC zone such as: auto, light and heavy equipment repair; sales or rentals of light or heavy equipment; storage of RV's and boats; construction sales and service; heliports; light industrial manufacturing or finishing of products; wholesale storage and distribution; mini-warehouses; super stores.
- Prohibit uses in the GC zone including self-service storage; vehicle repair or tire installation; household hazardous waste depot.
- Provide a definition for building height in the overlay that limits buildings to 2.5 stories or 35', whichever is less, as measured from the grade in the center of Highway 43 to the nearest lot line of the subject parcel.
- Use cast stone, brick, terra cotta, wood and other long lasting quality building materials. Prohibit T1-11, plain concrete or concrete block, corrugated metal, full sheet plywood, sheet pressboard, synthetic stucco and prefabricated tilt-up concrete, except as a secondary finish on up to 10% of the façade of the surface area of the building.
- On-site parking lots are limited to one side of an access driveway, prohibiting double-loaded parking lots for any new permitted or conditional use.

**Overlay Zone for the Robinwood Neighborhood  
RN OVERLAY ZONE**

Section#

**00.010 PURPOSE**

The purpose of this Robinwood Neighborhood RN Overlay Zone is to implement land use actions of the Robinwood Neighborhood Vision document, an element of the West Linn Comprehensive Plan. The zone is intended to provide development standards tailored to the unique attributes of the neighborhood that respect the existing character of the residential and commercial sectors. New residential development should be compatible with existing dwellings as well as consistent in scale and impact in order to retain the sense of livability unique to Robinwood. New commercial development should enhance the appearance of Highway 43 while also respecting the existing character of the area and the adjoining residential uses.

**00.20 DEFINITIONS**

**00.30 APPLICABILITY**

A. The Robinwood Neighborhood zone is an overlay zone. The RN Overlay Zone is delineated on the West Linn Zoning Map and corresponds with the boundaries of the Robinwood Neighborhood district.

B. Unless specified otherwise in this chapter, all uses permitted under the provisions of the underlying base zone are generally allowed in the manner described in the base zone. However, some uses, and the placement, intensity, height, massing and other development standards may be further regulated to conform to the requirements of this chapter.

**00.40 EXEMPTIONS.** These provisions do not apply to land zoned R.2.1.

**00.50 RESIDENTIAL DEVELOPMENT STANDARDS**

*(Note: No zone change is proposed for the existing R2.1 zones in Robinwood. A change in zoning is recommended for all parcels currently zoned R4.5 to be re-zoned R-10. The re-zoning may delete up to 63 additional dwelling units allowed by the R4.5 zone).*

The following changes to residential development standards are proposed for the R-10 and R-15 Zones in Robinwood by this overlay zone. It is assumed that the R4.5 zones have been re-zoned R-10.



**Current**

**Proposed**

**A. Lot coverage:** R-10 (35%), R-15 (30%)

Same % in both if structure < 22' and 5% less coverage if > 22 feet in height

**B. Floor Area Ratio:** .45

Create a sliding scale so that the larger the lot, the less the ratio rather than all treated the same – see table

*FAR Definition:* The FAR is that % of the total lot size that can be built as habitable space. A FAR of .45 means that the square footage of the lot is multiplied by .45 to yield the total habitable square footage of the house including accessory dwelling units. For example, on a 10,000 SF lot, an FAR of .45 will allow a 4,500 SF house. The FAR does not include garages, basement areas less than 50% of the basement perimeter exposed above grade. Accessory structures other than ADU's located to the rear of the house are exempt. Uninhabitable spaces such as crawl spaces and attics are also exempt.

Lot Size (Square Feet)	Maximum Floor Area Ratio (FAR)	
Lot Size (SF)	R-10	R-15
< 5,000	.6	.6
≥ 5,001 < 6,000	.55	.55
≥ 6,000 < 7,000	.5	.5
≥ 7,000 < 8,000	.45	.45
≥ 8,000 < 9,000	.4	.44
≥ 9,000 < 10,000	.4	.43
≥ 10,000 < 11,000	.4	.42
≥ 11,000 < 12,000	.39	.41
≥ 12,000 < 13,000	.38	.4
≥ 13,000 < 14,000	.37	.39
≥ 14,000 < 15,000	.36	.38
≥ 15,000 < 16,000	.35	.37
≥ 16,000 < 17,000	.34	.36
≥ 17,000 < 18,000	.33	.35
≥ 18,000 < 19,000	.32	.34
≥ 19,000 < 20,000	.31	.33
≥ 20,001	.3	.32



C. **Building Setbacks**: Currently building setbacks in the R-10 and R-15 zones are 20' in the front, 20' in the rear and 7.5' on the sides in the interior and 15' on the street side. No change in existing setback standards is proposed.

*The following is a recommended standard to reduce building mass on the front and the sides of a new building:*

**D. Building Side and Front Plane (see sketch):**

Purpose

New homes need to be compatible with adjacent existing homes especially when the new house is bigger than the existing one. To this end, transitions shall be required to avoid a monolithic and overbearing front façade or sidewall.

1. **Single-family and Duplex Residential Front-Yard transitions - Front Plane requirement:**

a. The front profile of a structure shall fit behind a plane that starts at the front yard setback line and extends upward to 20 feet in height, then slopes toward the rear of the lot at a minimum slope of 6:12, up to the maximum allowed height at the peak.

b. Exceptions to the front setback plane. Any individual roof form may penetrate the front setback plane if it is less than one-third of the total structure width at 20 feet in height. Two separate and distinct roof forms, such as dormers, may project into the front setback plane if they are less than one-half of the total structure width at 20 feet in height.

2. **Single-family & Duplex Residential Side-Yard Transitions (as currently proposed for side yards only by West Linn PC to CC)**

General Provisions

New house construction or remodels to the side wall of existing homes shall transition to homes on either side by one of two methods (a), (b) or satisfy one of the exemptions (c)(1-7) listed below.

- a. The side elevation of a structure must be divided into smaller areas or planes to minimize the appearance of bulk to properties abutting the side elevations of a primary structure. When the side elevation of a primary structure is more than 700 square feet in area, the elevation must be divided into distinct planes of 700 square feet or less. For the purpose of this standard, areas of side-yard wall planes that are entirely separated from other wall planes are those that result in a change in plane such as a recessed or projecting section of the structure, that projects or recedes at least 2 feet from the adjacent plane, for a length of at least 6 feet.
- b. The height of the sidewall shall not exceed 22 feet or more from the side lot line.
- c. Exemptions:

1. Exempt the side of homes that are built 20 feet or more from the side lot line.
  2. Exempt homes on steep lots where the peak of the roof would be no more than 24 feet above the average street grade.
  3. Homes on narrow lots 50 feet wide or less shall be allowed a minimum side-to-side width of 30 feet for floors above the first floor. The 30-foot wide floor shall be able to accommodate a nine-foot floor-to-ceiling measurement on the second floor.
  4. Homes whose side yards are contiguous to a park, open space, unbuildable area, or non-residentially zoned lands are exempt.
  5. Houses that have the gable facing the side lot lines are exempt.
  6. Builders or remodelers may be exempted from standard (a) or (b) above, if they can provide a signed and notarized letter from the adjacent property owner that states that the adjacent property owner agrees with the proposed design. This would not exempt the builder from height and FAR requirements, just the side yard transition.
  7. Replacement in kind of building materials on the sidewall of an existing house shall be exempt. For example, the replacement of siding would be exempt.
- (End of City proposed language)

**3. Add Provision to increase the side yard plane under certain conditions:**

The maximum side yard plane may be increased by 10% on a side for every additional 5 feet of side yard setback provided beyond the minimum required by the zone, on the side property line.

**E. Building Height and Massing:** Currently the building height in the R-10 & R-15 zones is 2.5 stories or 35'. The Robinwood Neighborhood is concerned about the City method for measuring height. The City has since recommended amending the method as stated below. The Association accepts the proposed, amended method for measuring height.

***Pending City revision to the definition of building height:*** The vertical distance above a reference datum measured to the highest point of a flat roof or to the deck line of a mansard roof or to the highest gable, ridgeline, or peak of a pitched or hipped roof. The reference datum shall be selected by either of the following; whichever yields a greater height of building:

1. The elevation of the highest grade five feet from the exterior wall of the front of the building if there is less than a 10-foot differential between the front and the rear elevation of the building; or
2. The elevation of the lowest grade five-feet from the exterior wall of the building if there is more than a 10-foot differential between the front and rear elevation of the building.

Section 41.020 *Current Height Exceptions*: if the average slope of a building site which fronts on the downslope side of the street is 25% or greater, as measured along the planes of the proposed structure, the total building height may not exceed 3.5 stories of 35 feet, provided the building height does not project more than 21 feet above the average grade of the street.

If the average slope of a building site which fronts on the upslope side of the street is 25 percent or greater, as measured along the planes of the proposed structure, the total building height shall not exceed 3.5 stories or 35 feet.

*Pending City revision*: If the highest grade of a building site which fronts on the down slope of the street is greater than 10 feet above the lowest grade, as measured along the planes of the proposed structure, the total building height may not exceed 45 feet as measured from the lowest grade at a point five feet downhill from the rear of the building, provided the building height does not project more than 24 feet above the average grade of the street. In the R-15, R-20 and R-40 zones the 45-foot height may be increased to 50 feet.

If the highest grade of a building site which fronts on the upslope side of the street is greater than 10 feet above the lowest grade, the total building height shall not exceed 35 feet. In the R-15, R-20 and R-40 zones the 35-foot height may be increased to 40 feet.

**F. Flag Lots**: The City requires that a flag lot width be 15' wide, and up to four lots may share a driveway that is 8 feet wide for each lot. Change that provision and add additional flag lot development standards in the RNA Overlay zone to improve the appearance as follows:

1. Require a conceptual site plan illustrating parcelization and location of structures.
2. No more than 2 driveways may be combined (replaces current allowance for 4).
3. Require building orientation with maximum separation and privacy from existing dwellings on adjacent lots, including allowing conditions of

approval for location, increased setbacks, additional height restrictions, location and orientation of windows.

4. Maximum height is that allowed in the underlying zone or the average of existing homes on all abutting parcels. Exceptions for cupolas and other features up to a third or half of the building width.
5. Provide landscaped strips adjacent to a residence or another driveway, and 6' landscaped screens on side and rear yards. Mitigate tree removal with replacement trees.
6. **Floor Area Ratio limitation in creating a flag lot:** A new flag lot may not be created from the original parent lot if the existing structure, including an ADU, on the original parent lot has reached the maximum allowed floor area ratio permitted in the overlay zone.

## 00.60 ACCESSORY STRUCTURES

### **Current City standards:**

Accessory structure provisions currently in the West Linn Code are as follows:

A side or rear yard requirement may be reduced to 3 feet for an accessory structure except for a side or rear yard abutting a street, with the exception of alleys platted and dedicated prior to 9/30/1984, as defined in this Code, provided that:

- A. The structure is erected more than 60' from the front lot line.
- B. The structure does not exceed one story or 15' in height.
- C. The structure does not exceed an area of 500 SF; and,
- D. The structure does not violate any existing utility easements.

### **Recommendation for accessory structures in the RN Overlay Zone:**

**Maintain above standards A. and D. Replace standards B. and C. above with the following:**

A. Floor Area: An accessory structure  $\leq$  18 feet in height shall not exceed 800 sq. ft. in area, or the footprint of the primary structure, whichever is less. An accessory structure greater than 18 feet in height shall not exceed the greater of 600 square feet or the ground floor area of the primary structure, whichever is less.

B. Height: The maximum height of an accessory structure shall be 24 feet, except that no accessory structure shall be taller than the primary structure.

***Recommendation for residential design review: Single-family housing does not require design review. However, for infill housing, administrative design review is appropriate to assure compatibility in the RN Overlay Zone.***

**00.70–A RESIDENTIAL DESIGN REVIEW:**

A. Design Review for a residential dwelling is required for infill lots. This shall be an administrative decision by the Planning Director in accordance with Section 99.160. The decision shall be based on compliance with the building height, lot coverage and floor area ratio, yard setbacks, front and side setback plane and accessory dwelling and structure requirements of the underlying zone and the RN Overlay Zone. The Director may make exceptions to zone and overlay standards if the applicant demonstrates the proposed dwelling or accessory structure design results in development that is equal to or better than development that would meet the standards of the overlay zone.

B. Criteria: The Director may permit a residential dwelling or accessory structure design to exceed or vary from the standards listed in subsection A above when a more compatible, positive relationship between a residential dwelling or accessory structure and the scale, character and privacy of its neighbors can be demonstrated in other ways. The Director will evaluate that relationship by considering the degree to which a proposed design offers features that enhance perceived scale, character and privacy relative to adjoining properties. The review will include consideration of:

1. Distance and visibility from adjoining properties and the street;
2. Prevailing patterns of front yard setback, building alignment and spacing (rhythm) in the area;
3. Preservation of existing trees and features of perceived value to the street;
4. Topography;
5. Perceived building height, form, proportion, massing and orientation relative to the street and adjoining properties;
6. Treatment of elevations exposed to adjoining properties;
7. Perceived sight lines to and from windows, decks and outdoor living spaces;
8. Fencing or screening; and
9. Landscaping

When applying the criteria for compatibility of residential dwelling or accessory structure size, relationship to the street, and relationship to neighbors as set forth in the subsection above, the Director shall consider the pattern and character of development of all lots within 200 feet of the subject site. The Director shall also consider any neighborhood design objectives or guidelines for residential development that have been adopted by the local neighborhood association.

## 00.80 COMMERCIAL DEVELOPMENT STANDARDS

### *Recommendation for adding prohibited uses and a change in the permitted uses of the underlying GC Zone in the RN Overlay Zone:*

#### A. Permitted Uses

1. Unless otherwise specified below, the underlying General Commercial GC base zone permitted and conditional uses are allowed. In the event there is a conflict, the more restrictive provision applies. The intent of this section is to assure that commercial uses are compatible with the adjacent residential uses and the character of the neighborhood.
2. Additional Permitted Uses in the GC Zone on Highway 43 within the RN Overlay Zone:
  - a. Residential use of the second floor or a portion of the ground floor of a permitted use.  
(This provision will add new dwelling units to replace the 63 lost in the R 4.5 zone)
3. Prohibited Conditional Uses in the GC Zone on Highway 43 within the RN Overlay Zone:
  - a. Automotive and light and heavy equipment repair, sales or rentals of light or heavy equipment, storage of recreation vehicles and boats
  - b. Construction, sales and services
  - c. Heliports
  - d. Light industrial manufacturing or finishing of products
  - e. Wholesale storage and distribution
  - f. Mini-warehouse
  - g. Super stores
  - Add to Conditional Use: Schools (with under **200** students); currently limited to 100 students, unless already amended by the City)
4. Prohibited Uses in the GC on Highway 43 within the RN Overlay Zone:
  - a. Self Service Storage
  - b. Vehicle Repair or tire installation
  - c. Household hazardous waste depot

**d. Building Height**

The existing GC zone permits 2.5 stories or 35' in building height for any structure within 50 feet of a low or medium density residential zone, and 3.5 stories or 45' for any structure located 50' or more from a low or medium density zone.

***Recommendation:*** The RN Overlay building height limit is 2.5 stories or 35,' whichever is less, as measured from the grade in the center of Highway 43 to the nearest lot line of the subject parcel.

- e. **Building Architectural Design Theme:** utilize current design review standards in Chapter 55 and add the following building materials limitation;

***Recommendation for Building Materials on new buildings:*** Use cast stone, terra cotta, wood or other long lasting materials. Prohibit T1-11, plain concrete or concrete block, corrugated metal, full sheet plywood, sheet pressboard, synthetic stucco and pre-fabricated tilt-up concrete, except as a secondary finish for up to 10% of the façade surface area.

**f. Parking Requirements**

In addition to the off street parking requirements of Chapter 46, in the RN Overlay Zone on-site parking lots are limited to one side of an access driveway, prohibiting double-loaded parking lots for any new permitted or conditional use.

**g. Lighting and Landscaping Plans**

The TGM grant will address lighting, street furniture and landscaping on the Highway 43 streetscape.