



# City of Yachats

441 Hwy 101 N.  
P O Box 345  
Yachats, OR 97498

July 13, 2010

**To: Yachats Planning Commission**

**From: Larry Lewis, City Planner**

**Re: Aqua Vista Square – Request for Increased Density**

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**Applicant:** Aqua Vista Square, LLC

## **A. REPORT OF FACTS**

1. Applicant's Request: The applicant is requesting a mixed-use development consisting of approximately 1,500 square feet of commercial space and six multi-family residential units. The maximum density permitted outright in the C-1 Commercial Zone is 2,500 square feet of land per multi-family dwelling. The density may be increased if the developer is willing to yield to the Planning Commission's design control. The applicant is requesting a density of 2,223 square feet of land per multi-family dwelling.
2. Property Location: The subject property is located at the southwest corner of Hwy. 101 and Aqua Vista Loop, and further identified on Lincoln County Assessors Map 14-12-27AA as tax lots 1308 and 1309.
3. Zoning: Retail Commercial Zone C-1
4. Plan Designation: Commercial
5. Lot Size and Dimensions: The site currently consists of two tax lots. Each tax lot consists of 6,744 square feet with dimensions of 67.44' x 100'. The two tax lots total 13,488 square feet with dimensions of 134.88' x 100'.
6. Existing Structures: None.
7. Surrounding Land Use and Zoning: Surrounding land uses are primarily single family residential. Existing zoning is C-1 Retail Commercial to the north and south along the Highway 101 frontage. R-1 Residential zoned land is adjacent to the west, and R-3 Residential zoned land is across Highway 101 to the east.
8. Existing Utilities:  
Water & Sewer: City of Yachats  
Electricity: Central Lincoln PUD
9. Development Constraints: None identified.

## **B. APPLICANT PROPOSAL**

The applicant submitted a letter with a project overview and description of the density request. A Pre-Marketing Informational Booklet was also provided that includes a narrative; key project information; concept site plan, floor plans, aerial views, and building elevations; preliminary pricing; and a description of “Our Coastal Village Affordable Housing Program”.

## **C. RELEVANT CRITERIA**

### **Chapter 9.28 C-1 Retail Commercial Zone** (relevant to this application)

#### **Section 9.28.010 Permitted uses.**

- O. Mixed use (commercial and residential). Principal use must be commercial 60 percent of ground floor. Second floor will be considered secondary use and may be 100 percent residential use. Any change in use must be reported on the business license application which will be reviewed by the planning commission or its designated representative for off-street parking and off-street loading requirements in Section 9.48.010.

#### **Section 9.28.030 Standards** (relevant to this application)

- A. Lot Size and Dimensions.
  - 2. The minimum lot area per multifamily dwelling unit shall be 2,500 square feet with a public water and sewer system.
    - a. The minimum lot area per multifamily dwelling unit may be lowered to 1,500 square feet with a public water and sewer system if the developer is willing to yield to the planning commission design control.
- B. Building Height. No building in a C-1 zone shall exceed a height of 30 feet from finished grade or from natural grade, see Chapter 9.52.180.
- C. Lot Coverage. For nonresidential uses lot coverage may be 100 percent except all yards abutting a residential zone shall be a minimum of ten feet.
- D. No structure shall be located closer than 60 feet from the center line of any state highway, or 30 feet from the center line of any collector or arterial street.
- E. Yard Regulations. Yards are not required for nonresidential uses except where setbacks have been established for road widening, abutment to residential zones or other purposes. For residential uses, the minimum yard requirements which apply in the residential zones apply in the C-1 zone.
- F. Fences, Hedges, Walls and Landscaping. Where a commercial use abuts a residential zone, the planning commission may require that a fence, evergreen hedge, wall or landscaping be maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least 70 percent of the view between the zones. The buffer shall not be less than five or more than eight feet in height, except where vision clearance would be interrupted. The planning commission’s review shall consider aesthetic and maintenance factors.
- G. General Criteria. The vehicle and pedestrian access to the site can be safely and efficiently provided and the necessary utility systems and public facilities are available with sufficient supply and distribution capacity. If not provided by the city, it shall be the responsibility of the developer to insure these standards are met.

### Section 48.010 Off-Street Parking and Loading

At the time a structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in (Section 9.48).

O. Off-Street parking space requirements:

1. Residential dwellings: refer to specific zones for parking regulations (i.e. 1.5 parking spaces per residential dwelling as described in Section 9.24.040(E)).
9. Retail store: one space for each 200 square feet of floor area.
11. Office: one space for each 300 square feet of floor area.

## D. FINDINGS

### 1. Proposed Development

Aqua Vista Square is proposed to be a mixed use development consisting of approximately 1,500 square feet of commercial space and six residential units.

### 2. C-1 Standards

- a. **Density.** The maximum density permitted outright in the C-1 Commercial Zone is 2,500 square feet of land per multi-family dwelling. The density may be increased if the developer is willing to yield to the Planning Commission's design control. The applicant is requesting a density of 2,223 square feet of land per multi-family dwelling. The subject site totals 13,488 square feet. At 2,500 square feet per dwelling, 5.4 dwellings (rounded down to 5 dwellings) are permitted outright. The applicant proposes 6 dwellings.

In a request for increased density, there are no specific standards for the Planning Commission to consider when evaluating the design of the project. C-1 and parking standards are described below to assist the Commission in determining if the design adheres to applicable standards.

- b. **Building Height.** The maximum building height allowed in the C-1 zone is 30 feet. The building elevations show a maximum building height of 30 feet.
- c. **Adjacent Residential Zone Setback & Screening.** Residential zoned property is adjacent to the west of the subject site. Buildings in a nonresidential zone that abut a residential zone shall be setback a minimum of ten feet. The site plan identifies a 10 foot building setback from the west property line.

Where a commercial use abuts a residential zone, the planning commission may require that a fence, evergreen hedge, wall or landscaping be maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least 70 percent of the view between the zones. The buffer shall not be less than five or more than eight feet in height, except where vision clearance would be interrupted. The planning commission's review shall consider aesthetic and maintenance factors.

The adjacent property owner did contact the City and requested screening along the west property line, i.e. fence and landscaping. The proposed drawings do not specifically show screening along the west property line however the Planning Commission may require this.

- d. **Setback from Highway 101.** No structure shall be located closer than 60 feet from the center line of any state highway. A 20 foot building setback is required from the east property line (edge of highway right-of-way) in order to meet the 60 foot setback from the highway center line. A 20 foot setback is proposed.
- e. **Landscaping.** The plans show landscaping, i.e. tree plantings, along the street frontages and some landscaping along the south and west property line. Aside from the request for landscaping and fencing along the west property line, the City received one request for landscaping along the Aqua Vista frontage in order to maintain the existing residential character of Aqua Vista as much as possible. There was also a request to maintain a cherry tree located in front of the property within the Aqua Vista right-of-way. Landscaping should be included as part of the design.

- 3. **Parking.** Six residential units require 9 parking spaces (1.5 spaces/unit). If the 1,500 square feet of commercial space is all retail, 8 additional parking spaces are required (1 space/200 sq. ft.). Total required parking for 6 residential units and 1,500 square feet of retail is 17 spaces.

Seventeen (17) parking spaces are proposed including 9 residential spaces, 5 commercial spaces assuming 1 space is needed for every 300 square feet of floor area (office), and 3 guest spaces. If all of the commercial space is retail, the guest spaces could actually be commercial spaces and therefore satisfy the parking requirement. Note that if the commercial space is proposed to be converted to an eating or drinking establishment in the future, the one parking space for every 100 square of floor area would need to be satisfied.

One consideration the Planning Commission should address is that some of the parking is proposed to be within the Aqua Vista right-of-way. The five commercial spaces are proposed to be head-in spaces with about ½ of the spaces on the private property and ½ within the right-of-way. Additionally, the three guest parking spaces are within the right-of-way and a portion of one residential space is in the right-of-way. Although the Code does not identify that parking spaces within the right-of-way are counted in satisfying parking requirements, there are several examples in C-1 zones where parking for commercial establishments are within the right-of-way.

- 4. **Traffic and Lighting.** The City received a request that the Planning Commission consider the existing residential character of Aqua Vista Loop, particularly with regards to traffic and lighting. The nearby property owner is hopeful that no outside lights will be placed on the property so as to avoid light coming onto surrounding property and to maintain the ability to see stars at night.
- 5. **Lot Consolidation.** The subject site currently consists of two lots. Buildings are not permitted to be located on more than one tax lot. Prior to approval of a building permit the two lots will need to be consolidated into one tax lot.

## E. CONCLUSIONS.

The Planning Commission may approve or deny the request for increased density to allow for six residential units versus five units. If denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings for adoption. If the

request is approved, staff offers the following recommended conditions of approval, which may be added to or amended at the Commission's discretion:

1. **Proposed Development and Density.** Approval is based on the submitted plan including a maximum of six residential dwellings and 1,500 square feet of commercial space.
2. **C-1 Standards.** The development shall adhere to all C-1 standards including, but not limited to, a maximum 30 foot building height, minimum 60 foot setback from the centerline of Highway 101, and minimum 10 foot setback from the west property line.
3. **Screening and Landscaping.** A solid fence and landscaping shall be provided along the entire west property line. The fence shall be three feet in height along the first 16 feet from the Aqua Vista property line (16' is the building setback from the front property line) and six feet in height for the remainder of the property.

Landscaping shall be provided as shown on the approved site plan, including but not limited to tree planting along the street frontages and landscaping along a portion of the south property line. The existing cherry tree within the Aqua Vista right-of-way shall be preserved and maintained if possible.

4. **Parking.** A minimum 17 parking spaces shall be provided as shown on the approved site plan.
5. **Lighting.** Any proposed lighting shall be in accordance with Yachats Municipal Code provisions. Consideration shall be given to limiting light seen from surrounding residential uses.
6. **Lot Consolidation.** Prior to approval of a building permit, the applicant shall provide documentation that the two existing tax lots have been consolidated.

Enclosures: Vicinity Map  
Applicant June 22, 2010 Letter and Pre-Marketing Informational Booklet



AQUA VISTA SQUARE, LLC  
P.O. BOX 108  
YACHATS, OREGON 97498-0108

June 22, 2010

Larry Lewis  
Planning Director  
City of Yachats  
P.O. Box 345  
Yachats, OR 97498-0345

**Re: Aqua Vista Square (Lots 9 and 10, Block 2, Aqua Vista;  
Tax Parcel Nos. 14-12-27-AA 1308 and 1309)**

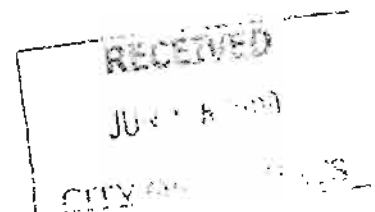
Dear Larry:

This letter constitutes Aqua Vista Square, LLC's request to the Yachats Planning Commission pursuant to Code Section 9.28.030(A)(2) to approve a mixed use development with a slightly higher density than 2,500 square feet residential unit. Our request is for one residential unit for each 2,223 square feet of the site. In order to place this request in context, I will first provide a brief overview of the project.

### PROJECT OVERVIEW

As you know, Our Coastal Village, Inc. ("OCV") is a 501(c)(3) public charity. OCV is the sole member of Aqua Vista Square, LLC. OCV's mission is to provide relief to the poor and distressed, with particular emphasis on creating affordable home ownership opportunities in Yachats for families at or under 80% of the area median income. Affordability is achieved because the land is donated and not included in the price of the affordable units, the homes are sold at cost, and our Perpetua Housing Fund provides an affordability grant of up to 20% of the cost of the home, to the extent required to reduce the mortgage amount to a monthly payment the family can afford. All that considered, as an example, an eligible buyer can own a brand new 925 to 950 square foot, one or two bedroom unit (affordable price of \$130,000) with no down-payment and a mortgage amount of only about \$105,000 – a monthly principal and interest payment of about \$565.00. The market rate price on the unit is about \$190,000.

Aqua Vista Square is designed for six residential units: one one-bedroom and five two-bedroom, ranging from 925-1025 square feet. Three of those units have an optional third floor that would add about 300 square feet (additional bedroom and bath). If there are enough eligible participants, all six units could be sold as affordable units. If the demand is not there for six



affordable units, up to three of the units would be sold as market rate units, with any gains on those units dedicated to our charitable mission. In addition to six residential units, Aqua Vista Square would have about 1,500 square feet of commercial space, to provide live-work opportunities for the neighborhood residents as well as some micro-enterprise opportunities for other very small businesses.

Enclosed are eight copies of our Aqua Vista Square Booklet containing pre-marketing information on this small project. Conceptual design information is found at Tabs 1-7. Details on the OCV affordable housing program, income eligibility limits, and directions for determining eligibility and participating, are at Tab 9. Preliminary pricing information is found at Tab 8.

### **DENSITY REQUEST**

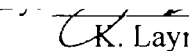
The building footprints shown on the site plan (Tab 3 in the Booklet) would be permissible in compliance with the one residential unit per 2,500 square feet if units 5 and 6 were combined into a single 1,900 square foot home. In light of the affordability objectives of this project, it is far better to divide that building into two residential units, one on the first floor and one on the second floor, with approximately 950 square feet each. To do that we need the approval for 6 units on the site with a density of one unit per 2,223 square feet.

Accordingly, we request that the Planning Commission approve 6 residential units for this site so long as the design for the project remains substantially similar to that which is set forth under Tabs 1 through 7 in the Booklet.

Thank you very much for your attention to this matter.

Very truly yours,

AQUA VISTA SQUARE, LLC

  
K. Layne Morrill, Manager

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Enclosures