



## CITY OF ST. HELENS PLANNING DEPARTMENT

# LAND USE FILE BRIEF

TO: Planning Commission  
FROM: Jacob A. Graichen, AICP, City Planner  
FILE: Variance V.4.23 & Minor Modification Site Development Review SDRm.3.23  
DATE: May 1, 2023

**This memo is not a substitute for the staff report or record of the file. It is a review aid.**

The Skinny's parking lot addition when through all the right steps to get approved yet was not constructed to approved plans.

The owner would like to keep the improvements as is and needs a Variance and modification of the original approval to minimize physical changes. This is what you are reviewing. Note that the number of parking spaces is moot from a compliance standpoint as they are all extra. The biggest victim of the "as-built changes" is the city's landscaping standards.

If denied, the owner would need to reconstruct some of the new parking. If approved in its entirety, minimum fixes would be getting the street tree right and fixing a too-small-parking-space issue. The next tier of approval would be as just described and additional curbing to island #1.

Note the report breaks down landscape area to islands #1-3 to help focus on details.

COMPARE THE ORIGINAL  
PLAN ON STAFF  
REPT PG #3  
TO THE  
APPLICANT'S  
REVISIONS  
PLAN

# CITY OF ST. HELENS PLANNING DEPARTMENT STAFF REPORT

## Variance V.4.23 & Minor Modification Site Development Review SDRm.3.23

**DATE:** May 2, 2023  
**TO:** Planning Commission  
**FROM:** Jacob A. Graichen, AICP, City Planner

**APPLICANT:** Wayne Weigandt  
**OWNER:** 1771 COLUMBIA BLVD LLC

**ZONING:** Highway Commercial, HC  
**LOCATION:** 4N1W-5DA-11900  
**PROPOSAL:** Modification of approved plans associated with Site Development Review SDR.3.22 and Variance to certain landscaping standards.

### SITE INFORMATION / BACKGROUND

This proposal is directly related to Site Development Review SDR.3.22. SDR.3.22 was to allow a vacant lot, formerly occupied by a detached single-family dwelling that burned approximately five years ago, to be developed as a parking lot expansion off Little Street.



**Left:** The subject property in June 2021 outlined. At this point, the burned single-family dwelling had been razed, but no parking lot improvements had occurred yet.

As far as meeting minimum requirements for this parking lot addition, main issues were adequate access (width of aisled between parking rows), minimum parking space dimension, and landscaping requirements. There was no minimum amount of parking required because all spaces were extra.

Upon inspection of finished construction staff observed many discrepancies between the approved plans and finished construction and sent a preliminary enforcement notice to the owner on March 20, 2023. After receipt of this correspondence, the owner and staff discussed the options, and one included this VAR/SDRm. The applicant wishes to use the landscaping areas as installed (without reconstruction), and this Variance is needed to do so.

### **PUBLIC HEARING & NOTICE**

**Public hearing** before the Planning Commission: May 9, 2023

**Notice** of this proposal was sent to surrounding property owners within 100 feet of the subject property(ies) on April 17, 2023 via first class mail. Notice was sent to agencies by mail or e-mail on the same date.

**Notice** was published on in The Chronicle newspaper.

### **APPLICABLE CRITERIA, ANALYSIS & FINDINGS**

#### **Development code standards:**

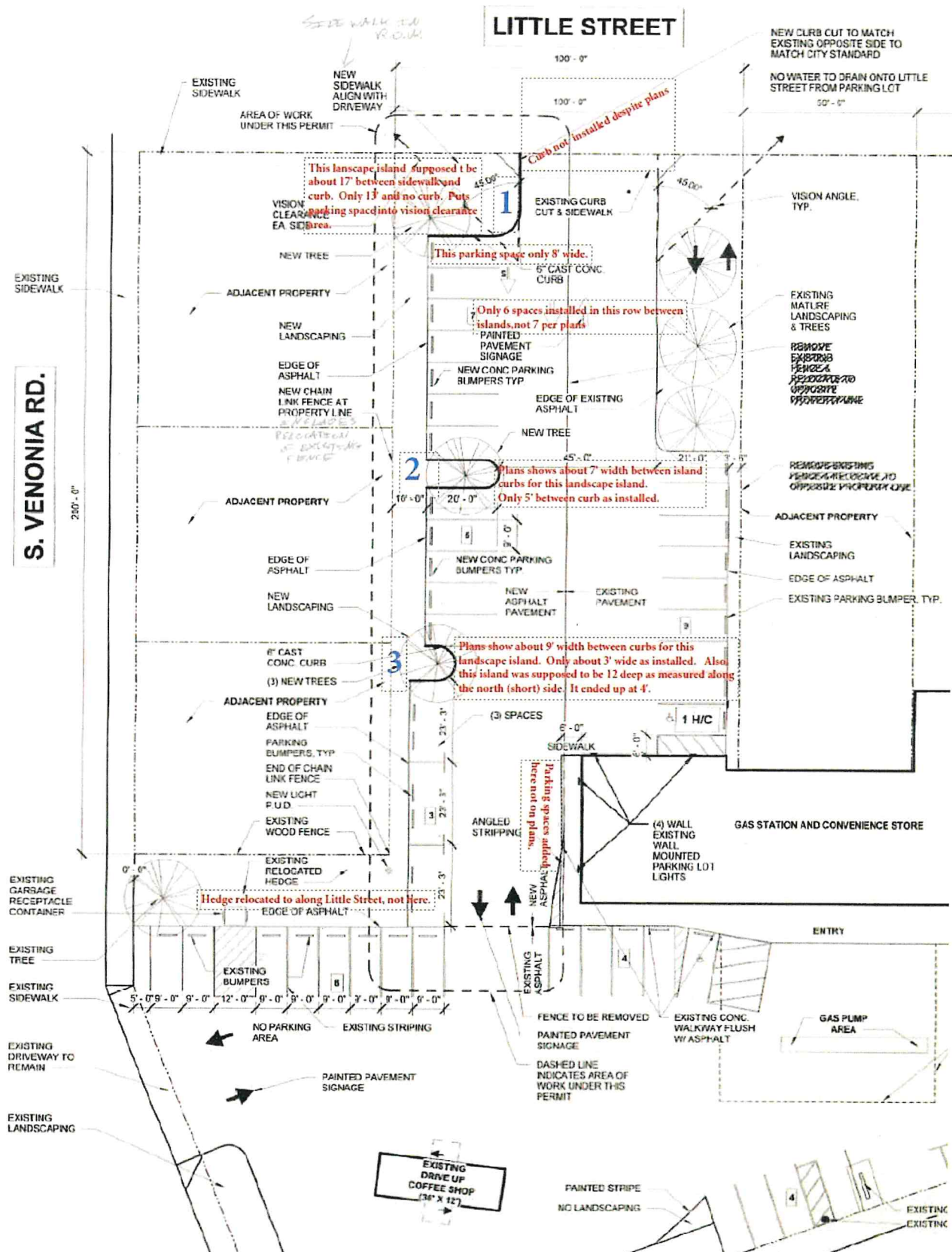
There are fewer parking spaces added than per approved plans. This is ok, all spaces are extra. However, this is important as off-street parking spaces could be sacrificed to achieve some compliance if this Variance is denied or only approved in part.

The applicant's plans help show some of the changes as does the original plan excerpt with notes regarding the discrepancies on the following page. Note #1-3 on that plan except, which corresponds with the discussion of each "landscape island."

A key provision is SHMC 17.72.140, which requires landscape islands with trees for parking lots exceeding 20 spaces. As a parking lot addition, the total sum exceeds 20 spaces, so this provision applies to this parking lot addition—the new row of parking spaces needs to comply, unless a Variance is granted. The approved plans for SDR.3.22 demonstrated compliance but was not honored and the as-built conditions do not comply.

The standards include rows of parking spaces are not to exceed 7 spaces, generally. The "islands" are required to be no less than 48 square feet in area and no dimension less than six feet. They are required to have a combination of groundcover and shrubs in addition to a tree, such that at least 50% of the island will be covered with living plants. They are also required to be protected from vehicular damage by some form of wheel guard or curb that is permanently fixed to the ground.

Excerpt of approved site plan with notes by staff explaining as-built discrepancies. Note the blue 1, 2 and 3 when looking at the pages that follow.



### Landscape island #1



Approved plans had this area at 17' between the sidewalk and curb. It also showed a curb on the opposite side of the sidewalk. It was only constructed with an approximate 13' length between the back of sidewalk and parking stall. No curb was installed. In addition, a street tree was installed with a dba of much less than the normal 2" minimum.

One reason for the extra width of this island (over the minimum 6') was to meet vision clearance standards. Parked cars violate

these standards so parking spaced immediately adjacent to the sidewalk would be inappropriate given the location of the driveway (partially visible in the lower right corner of the photo).

### Planning Commission Considerations:

- Approve as is with reduced area, no curb and insufficient street tree
- Consider approval but the curb to be installed and street tree of the proper size
- The adjacent parking space needs to be designated compact or eliminated by non-parking markings such as diagonal lines or increasing the landscape island size

### Landscape Island #2



Approved plans showed an island width between curbs of 7 feet. It was constructed at 5' between the curbs. The minimum width is 6' between curbs. Being slightly off from the minimum and having a tree that more closely honored the 2" caliper identified on the approved plans, this is the least problematic of the three islands and is a fair representation of a typical landscape island not along a street.

### Planning Commission Considerations:

- Approve as is with reduced area.
- If denied will need to be reconstructed which will impact 1 or 2 parking spaces.

### Landscape Island #3



Approved plans showed an island width between curbs of 9' and a depth of 12' as measured from the landscape edge on the right side as seen in this photo (i.e., the short edge). Instead of the 9' x 12' dimension of the approved plan, this island was installed as 3' x 4' including the curb.

This is far less than the minimum 6' dimension exclusive of curbs and the landscape island tree, far below the 2" caliper per the approved plans, was planted behind the island due to

insufficient space. Though curb was installed, this may be the most egregious of the changes compared to the approved plan.

### Planning Commission Considerations:

- Approve as is with reduced area and insufficient tree.
- If denied will need to be reconstructed which will impact 1 or several parking spaces—see next bullet point.
- Note that the parallel parking spaces to the left of this island are oversized as the minimum length of such space is 22 feet. The applicant identifies the as-built dimension as 25 feet. With three spaces, this is an extra 9 feet, which is what the proposed landscape island width was supposed to be.

### CRITERIA:

#### SHMC 17.108.050 (1) – Criteria for granting a Variance

- (a) The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;

- (b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- (c) The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
- (d) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and
- (e) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

The Commission needs to find all these criteria **(a) – (e)** are met in order to approve the variances. If you think one of these is not met, we'll need to address why.

### CONCLUSION & RECOMMENDATION

**Based upon the facts and findings herein, staff recommends the Commission consider this situation carefully. We'll need to craft conditions based on the Commission's findings and determination.**

If approved, here is the start of the condition list:

1. Variance approval is valid for a limited time pursuant to SHMC 17.108.040.
2. Owner/applicant and their successors are still responsible to comply with the City Development Code (SHMC Title 17), except for the Variance(s) granted herein.
3. **At an absolute minimum, the street tree issue (planted too small) should be fixed and the narrowed parking space should be marked "compact" or just eliminated. That could be a condition here.**

**Attachment(s):** ~~Final approved original plans with discrepancy notes by staff~~  
Applicant revised plan (proposal)

**LITTLE STREET**

