

JUNCTION PLANNING COMMISSION

AGENDA ITEM SUMMARY



Temporary Use Permit Extension Request (TUP-18-01)

Meeting Date: October 21, 2020
Department: Planning
www.junctioncityoregon.gov

Agenda Item Number: 5
Staff Contact: Tere Andrews
Contact Telephone Number: 541-998-4763

ISSUE STATEMENT

The owner of the Beer Station is requesting a one-year extension of their Temporary Use Permit (File # TUP-18-01). This would be the second of two one-year extensions permitted under Junction City Municipal Code 17.150.140. The Planning Commission may grant two, one-year extensions. This would be the second extension granted to the Beer Station.

BACKGROUND

On November 21, 2018, the Planning Commission approved a Temporary Use Permit for the Beer Station located at 495 Holly Street to host Mobile Food Units on their property. Current Code language does not permit or deny Mobile Food Units. Therefore, the owner of the Beer Station originally applied under a Temporary Use Permit. The Planning Commission granted a one-year extension on October 21, 2019. The extension is due to expire on November 21, 2020. If approved the second extension would expire November 21, 2021.

The City is currently in the process of amending the Junction City Municipal Code. If approved, the amended Code would permit Mobile Food Units (i.e. Food Truck and Food Carts). The Cod amendment would take the place of a Temporary Use Permit.

RELATED CITY POLICIES

17.135.070 Time limit on an approved temporary use permit.

Authorization of a temporary use permit shall be void one year after the date of approval of the permit application or such lesser time as the authorization may specify.

17.150.140 Time limit on approved plans and permits.

All land use decisions and approvals shall be based upon findings of fact. In order to assure that these decisions remain valid, all land use approvals shall be void after one year if no substantial construction has taken place. However, the planning commission may grant two one-year extensions upon a determination that the applicant is pursuing the completion of the project and that no material changes of surrounding land uses or designation has occurred. [Ord. [1242](#) § 1 (Exh. A), 2016; Ord. [975](#) § 2, 1993; Ord. [950](#) § 119, 1991.]

PLANNING COMMISSION OPTIONS

1. Approve the Temporary Use Permit extension request for TUP-18-01.
2. Approve a modified Temporary Use Permit extension request supported by Finding of Fact).
3. Deny the Temporary Use Permit extension request for TUP-18-01 supported by Finding of Fact.
4. Table the item, direct Staff to provide more information and return to the next available meeting.

SUGGESTED MOTION

“I make a motion to (approval/approve with modification/deny/table) the Beer Station extension request for their Temporary Use Permit File, TUP-18-01 with a new expiration date of November 21, 2021.”

ATTACHMENTS

1. Beer Station Extension Request
2. Final Order
3. Applicant’s Response to Requirements of the Final Order (dated 2-16-2019)
4. Beer Station Original Application for a Temporary Use Permit

FOR MORE INFORMATION

Staff Contact: Tere Andrews
Telephone: 541-998-4763
Staff E-Mail: jcplanning@ci.junction-city.or.us

To whom it may concern

The Beerstation would like to request to extend the temporary use permit (TUP-18-01).

Sign  [REDACTED]

Date 9-5-19

**FINAL ORDER OF THE
JUNCTION CITY PLANNING COMMISSION
TEMPORARY USE PERMIT (TUP-18-01)
MOBILE FOOD UNITS AT 495 HOLLY STREET**

A. The Junction City Planning Commission finds the following:

- a. The Applicant has submitted the application and supporting documents necessary for the Planning Commission to understand the proposed Temporary Use and its relationship to surrounding properties as required by Junction City Municipal Code Section 17.135.020.
- b. The Junction City Planning Commission held a public hearing on November 21, 2018 after giving the required notice per Junction City Municipal Code Section 17.150.080.
- c. The Junction City Planning Commission has reviewed all material relevant to the Temporary Use Permit that has been submitted or presented by the applicant, staff, and the general public regarding this matter.
- d. The Junction City Planning Commission followed the required procedure and standards of reviewing Temporary Use Permits as required by Junction City Municipal Code Section 17.130.030.

B. Conditions of Approval

1. Prior to Occupancy, the applicant shall provide a waste water plan detailing how waste water will be disposed. Any deviation from the approved waste water plan without prior City approval will result in immediate termination of the Temporary Use Permit.
2. Prior to Occupancy, the applicant shall provide an access and parking plan detailing service drives, parking areas, and ADA compliance. If the applicant proposes use of the alley as an ingress/egress point, the applicant shall pave the alley in accordance with the Junction City Public Works Design Standards.
3. Prior to Occupancy, the applicant shall submit a detailed service plan showing how the Mobile Food Units will receive water and electrical services. Additionally, the applicant shall obtain a backflow prevention device plumbing permit with a required RP valve installed prior to occupancy.
4. Prior to Occupancy, the applicant shall submit a scaled Site Plan showing compliance with all JCMC Land Use requirements, locations of the proposed Mobile Food Units, Fire, Life and Safety standards, and OLCC compliant service areas.

5. The use shall not encroach into Public Right-of-Way areas.

C. IT IS HEREBY ORDERED THAT the Junction City Planning Commission approves the Temporary Use Permit to allow Mobile Food Units at 459 Holly Street in Junction City based on the following findings of fact:

Approval criteria are listed in bold. Findings addressing criteria, condition of approval and informational items included where appropriate.

JCMC 17.135 Temporary Use Permits

17.135.020 Application.

Applications shall be filed with City Hall on the form prescribed by the city administrator at least three weeks prior to the planning commission's public hearing. The application shall be accompanied by the fee set forth in the city's fee schedule. [Ord. 1039 § 1, 1997; Ord. 950 Appx. F, 1991.]

The Temporary Use Permit request is Commercial in nature. The proposed site is located in the Central Commercial Zoning District. Therefore, the use is not inconsistent with the nature of the zoning district in which it is placed.

17.135.030 Criteria.

A temporary use permit may be granted only if:

A. The temporary use is not inconsistent with the nature of the zoning district in which it is placed.

B. The temporary use is not inconsistent with the Junction City comprehensive plan. [Ord. 1039 § 1, 1997; Ord. 950 Appx. F, 1991.]

Chapter 4 – Economic Development Element Goals and Policies of the 2012 Comprehensive plan states:

Policy 4.7.3 – Support strategic investments in Downtown Junction City and along Highway 99 to encourage reinvestment in existing buildings to make downtown more attractive.

Policy 4.11.1 – Support activities that are likely to attract visitors to Junction City.

Policy 4.11.2 – Support development of businesses that are tied to Junction City's history and agricultural context, such as farmers market, wine tasting, and arts and crafts related to the City's history or food processing facilities that use local products.

Staff finds that the applicant's proposal is in line with the Comprehensive Plan policies stated above, as they intend to utilize a historically significant structure located in close proximity to Highway 99 and within the Central Business Downtown area, have stated an interest in supporting local agriculture, and hope to attract visitors with a variety of food options year-round. Therefore, Staff finds the proposal is consistent with the adopted Comprehensive Plan.

17.135.040 Conditions.

A. Reasonable conditions may be imposed in connection with the temporary permit as necessary to meet the purposes of this section. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

- 1. Special yards and spaces;**
- 2. Surfacing of parking areas;**
- 3. Street and road dedications and improvements;**
- 4. Control of points of vehicular ingress and egress;**
- 5. Special provisions on signs;**
- 6. Landscaping and maintenance thereof;**
- 7. Maintenance of grounds;**
- 8. Control of noise, vibration, odors or other similar nuisances;**
- 9. Limitation of time for certain activities;**
- 10. A time period within which the proposed use shall be developed;**
- 11. A limit on total duration of use.**

Both Planning and Public Works Staff supports the CDC recommended direction and the applicant's proposal. However, Staff recommends the following Conditions:

- Prior to Occupancy, the applicant shall provide a waste water plan detailing how waste water will be disposed. Any deviation from the approved waste water plan without prior City approval will result in immediate termination of the Temporary Use Permit.
- Prior to Occupancy, the applicant shall provide an access and parking plan detailing service drives, parking areas, and ADA compliance. If the applicant proposes use of the alley as an ingress/egress point, the applicant shall pave the alley in accordance with the Junction City Public Works Design Standards.
- Prior to Occupancy, the applicant shall submit a detailed service plan showing how the Mobile Food Units will receive water and electrical services. Additionally, the applicant shall obtain a backflow prevention device plumbing permit with a required RP valve installed prior to occupancy.
- Prior to Occupancy, the applicant shall submit a scaled Site Plan showing compliance with all JCMC Land Use requirements, locations of the proposed

Mobile Food Units, Fire, Life and Safety standards, and OLCC compliant service areas.

- The use shall not encroach into Public Right-of-Way areas.
 - B. Where new structures and use thereof and new open land uses are permitted, the premises shall be required to be restored to the prior state within three months of the termination of the permit. Approved financial guarantee shall be required, if determined necessary by the planning commission, at the time of approval in sufficient amount to cover the estimated cost of such restoration. [Ord. 1039 § 1, 1997; Ord. 950 Appx. F, 1991.]**

No new structures are proposed as part of this Temporary Use Permit Application. Therefore, this criterion is not applicable.

17.135.050 Compliance with conditions of approval.

Compliance with conditions imposed in the temporary use permit and adherence to the plot plan submitted as approved are required. Any departure from these conditions of approval and approved plans constitutes a violation of this chapter. [Ord. 1039 § 1, 1997; Ord. 950 Appx. F, 1991.]

17.135.060 Vested interest in approved temporary use permits.

A valid temporary use permit supersedes conflicting provisions of subsequent rezoning or amendments to this chapter unless specifically provided otherwise by the provisions of this section or the conditions of the approval of the temporary use permit. [Ord. 1039 § 1, 1997; Ord. 950 Appx. F, 1991.]

17.135.070 Time limit on an approved temporary use permit.

Authorization of a temporary use permit shall be void one year after the date of approval of the permit application or such lesser time as the authorization may specify.

All rights granted by the temporary use permit, where construction of a permanent structure is part of the basis for permit issuance, shall be null and void after six months from the dated of approval of the permit application unless the grantee shall have commenced actual construction and, upon request, be able to establish to the satisfaction of the commission that is still the intention of the grantee to use said temporary permit, and that construction to completion would be carried on within a reasonable time thereafter. [Ord. 1039 § 1, 1997; Ord. 950 Appx. F, 1991.]

The Applicant understands these requirements and intends to maintain compliance in accordance with the Conditions stated in this Final Order and the criteria listed above.

This approval shall become final on the date this decision and supporting findings of fact are signed by the Chairperson of the Junction City Planning Commission. An appeal of the Planning Commission’s decision must be submitted to the City Council within 12 days of this Final Order being mailed to all opponents. Appeals may be made by filing written notice with the City and paying the fee equal to the average cost as prescribed by the City Council, and cost of the written transcripts up to \$500, plus one-half the cost over \$500. If no appeal is taken within the 12-day period, the decision of the Planning Commission shall be final. An appeal of the City Council’s decision must be submitted to the Land Use Board of Appeals within 21 days of the Council’s decision becoming final.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

Signature: _____
James Hukill
Chairperson Junction City Planning Commission

_____ Date

February 16, 2019

City of Junction City
City Planning Commission

To Members of Planning Committee:

In reference to the final Order of Conditions Approval, I have outlined the following responses:

Conditions of Approval:

- 1) No Mobile Food Units (MFU's) will be dumping waste water on the property. It is stipulated in each individual contract that the Unit's owner is responsible for removing and disposing of their own waste.

- 2) ADA Parking Access is designated at the South end of the building, along the front of the red caboose. There are also two (2) ramps provided for entrance/exit from the main building on either end. There is a regular parking lot available at the South end of the main building, with overflow available for on-street parking. The business does not plan to utilize the alley for any reason.

- 3) The electric and water access has been adapted to all of the MFU's on the West side of the small caboose. Each unit will provide their own

connections to both electric and water. A new backflow prevention device has been added, as requested.

4) Please see attached Site Plan showing compliance to all JCMC Land Use requirements, locations of each proposed MFU, Fire, Life and Safety standards and OLCC compliant service areas.

5) The use shall NOT encroach into Public Right of Way areas.

Sincerely Yours,

A handwritten signature in black ink, appearing to be 'Nelson Rosales', is written over a solid black rectangular redaction box.

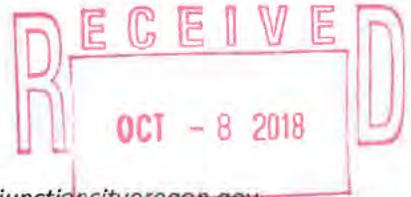
Nelson Rosales, Secretary



CITY OF JUNCTION CITY
Planning & Building Department
LAND USE APPLICATION

1171 Elm Street/PO Box 250 Junction City OR 97448

Ph 541-998-4763 ■ Fax 541-998-2773 ■ jcplanning@ci.junction-city.or.us ■ www.junctioncityoregon.gov



Date Submitted:	Received By:	Fee Paid: \$	Supplemental Application:
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Section 1

LAND USE ACTION (SEE TABLE 1):

Temporary use Permit

Section 2

Site Address: 495 Holly St.	Location Description:
Property Size: 25,000 s feet.	Assessor's Map & Tax Lot #: Lots 1, 2, 3, 4 and 5 Inclusive Block 60
Present Use: Restaurant / Bar	Proposed Use: Beer station & food trucks
Brief Summary of Action Requested: To have a Permit to put food trucks in our property	
Are there other permit applications associated with this application? If yes, list: No	

Section 3

I have the following legal interest in the property (Circle one):

Owner of Record Lessee Contract Purchase Holder of an exclusive Option to Purchase

Written authorization from the owner to act as his/her agent must be provided if not the owner of record

Section 4

Applicant: Abraham Velazco Beer Station JC, Inc.	
Address: 495 Holly St Junction City OR	
Phone: [REDACTED]	E-Mail: ranchitospringfield@gmail.com
Property Owner: Abraham Velazco	
Address: 998 S 32nd Place Springfield OR 97478	
Phone: [REDACTED]	E-Mail: ranchitospringfield@gmail.com
Contact: (if different than Applicant) same	
Address:	
Phone: same	E-Mail:

City of Junction City
LAND USE APPLICATION

Section 5	
Required Information	
	Written statement describing proposal in detail
	Narrative Statement explaining how the application complies with all relevant criteria with enough detail for review and decision-making. <i>Note: See Type I information, at the beginning of this packet, for the municipal code chapters and/or sections related to your land use request</i>
	Three (3) paper copies of application packet including any plan sets
	Digital copy of application packet including any plan sets
	Non-refundable Application Fee

Section 6		
Supplemental Application:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Attachment(S):	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Section 7	
Your signature below acknowledges the following:	
<p>1. Payment of the base fee may not cover the City's costs associated with processing the Application. <i>Per Resolution 1053: All direct costs for contracted services shall be charged monthly to the applicant in the amount billed to City. Contracted city services include, but are not limited to, city engineer, city attorney, building inspector, traffic consultant, &/or wetlands specialist. Direct costs 30 days past due shall be charged 9% interest in addition to the amount billed to the City.</i></p>	
<p>2. The foregoing statements and other information attached hereto are true and accurate to the best of my knowledge and belief.</p>	
<p>3. Signer agrees to pay all direct costs associated with processing this land use application.</p>	
Applicant Signature:	
Date:	10/04/18

PARKING LOT

CABOOSE

2 3 4

HANDICAPPED PARKING

FOOD TRUCK

FOOD TRUCK

FOOD TRUCK

FOOD TRUCK

CABOOSE

PATIO DECK

PATIO DECK

PERGOLA

LANDSCAPE RISE

GREEN AREA

PATIO

KITCHEN

BAR

2 BATHROOMS

BATHROOM

BAR TEQUILA

GAME AREA

