

# Willamette Market

CPC ZC 18-00050 – QUASI-JUDICIAL

CPC DP 18-00051 – QUASI-JUDICIAL

CPC NV 18-00052 – QUASI-JUDICIAL

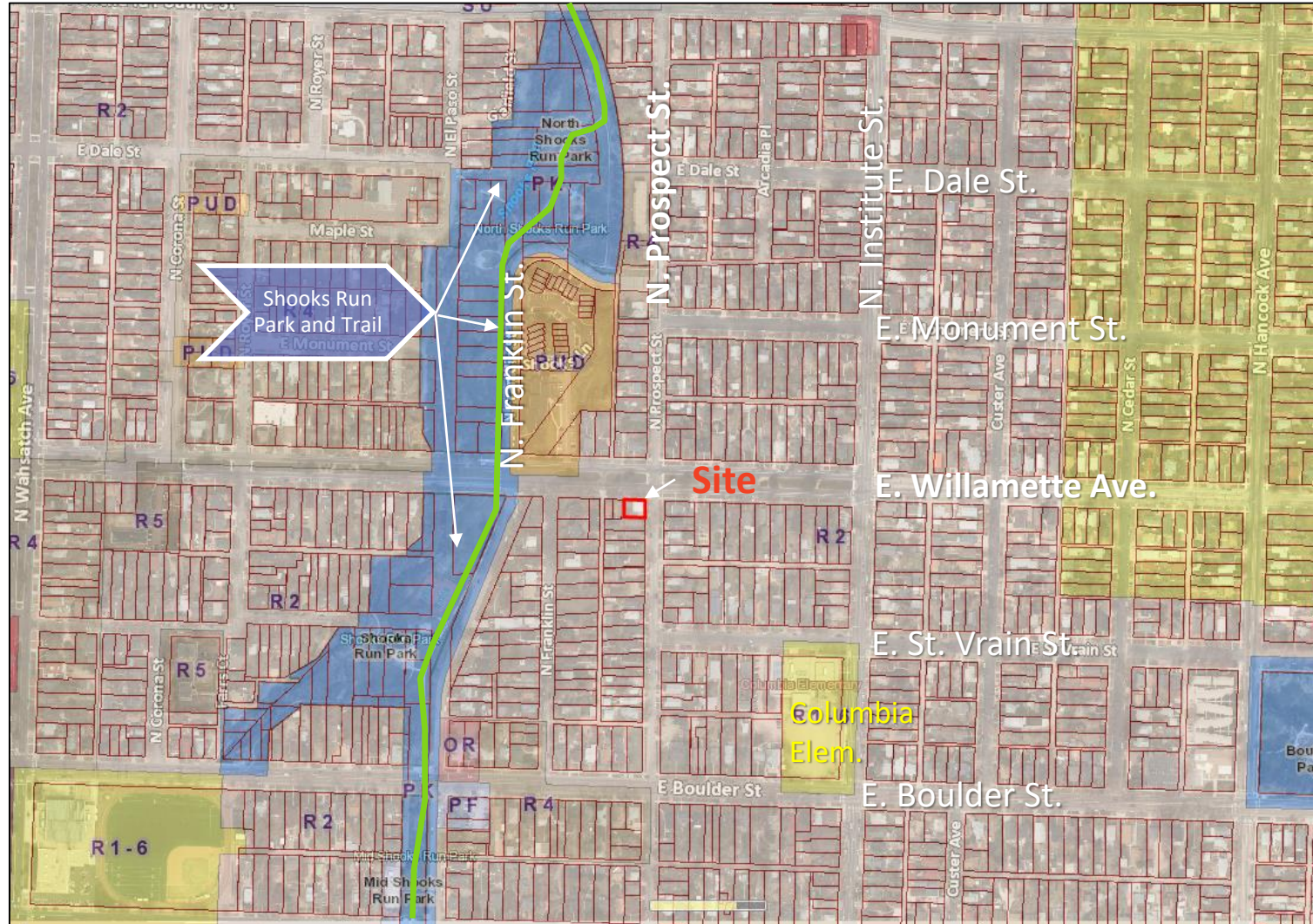
July 24, 2018 - City Council

Mike Schultz, Principal Planner



# Willamette Market (Lil' Market)

## Site Location





# Willamette Market (Lil' Market)

## Site Information



### Site Information

Lot Size: 4,590 sf  
Building: 1,921 sf  
Built: 1909

Use: Specialty &  
General Food  
Sales/Deli

Current off-street  
parking: 2  
driveways

On-street  
parking: 4 stalls



# Willamette Market (Lil' Market)

Property Pictures – West Façade/Proposed  
Patio





# Willamette Market (Lil' Market)

## Property Pictures – North Façade of Building



Existing 4+ bike rack



# Willamette Market (Lil' Market)

## Property Pictures – East Facade





# Willamette Market (Lil' Market)

## Property Pictures – Inside



# Willamette Market (Lil' Market)

## Site History



- Constructed in 1909, neighborhood grocery and retail market beginning around 1910 (Polk Directories);
- Known as Bowers & Son;
- Around 1917 purchased by Roy J. Harter - became known as Harter's Grocery;
- Remained Harter's until around the mid-1970's and became the Minute Mart;
- From 1990 to around 2001 it was known as T & L Market;
- From 2002 until around 2016 it operated as the Lil' Market;
- In 2017 it became Willamette Market & Deli.



# Willamette Market (Lil' Market)

## City Zoning History



- 1926 - City adopted first zoning regulations (same year a Supreme Court Case upheld “Euclidean” zoning).
- City zoning divided into seven (7) districts:
  - Districts ‘A’, ‘B’, ‘C’ and ‘D’ were largely residential zone districts;
  - District ‘E’ was a commercial zone;
  - District ‘F’ was an industrial zone;
  - District ‘G’ was an “unrestricted zone”.
- Based on 1926 Zoning Map, subject property and surrounding neighborhood was placed in district ‘B’,
  - Allowed single-family and two-family residential dwellings, fraternity houses and boarding and lodging houses.

# Willamette Market (Lil' Market)

## City Zoning History



- 1951 - City adopted new Zoning Code establishing many of the zone districts still in use today AND off-street parking regulations.
- Zoning Code established a 'C-4: Neighborhood Business' zone district, utilized in neighborhoods; one example is at the southwest corner of Cache La Poudre and North Institute Street (approximately 3 blocks north of the subject property).
- 1980 - adoption of new City Zoning Code, C-4 zone district was eliminated, properties were rezoned to either OC, C-5 or PBC (Planned Business Center).
- The above noted property on Cache la Poudre Street was rezoned from C-4 to PBC (Planned Business Center) in 1980.



# Willamette Market (Lil' Market)

## Legal Non-Conforming



Since adoption of 1926 Zoning Code the property has been considered legal non-conforming – has operated for 92 years in that status.

The subject property's use and structure are deemed legal non-conforming by the R-2 zone district:

- Use as a retail grocery/specialty food store not permitted
- Building setbacks do not meet current development standards
- Off-street parking does not meet current development standards.

To legalize the use of the property, the property owner is seeking the change of zone, development plan and non-use variance.

# Willamette Market (Lil' Market)

## Current Proposal



- Tenants seeking to expand with 700 square foot patio
- Request for Liquor License: *Hotel and Restaurant* Liquor License allows sales and service beer, wine and spirits. (State requires minimum 25% food sales, City requires 50% food sales when within 200-feet of residential)
- Staff considered both as an expansion of legal non-conforming status of the property (by expansion and use)
- Staff recommended to address property as a “restaurant” use rather than specialty food sales/market/deli, this was partly to address a “worst case scenario” if building were to convert to restaurant and address both the zoning and parking



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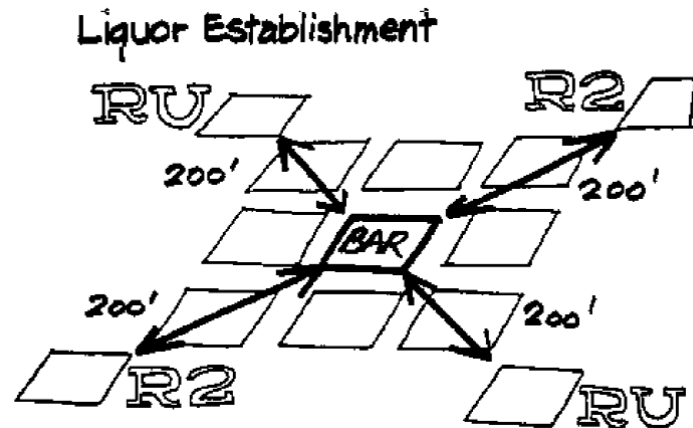


## Bar vs. Restaurant (Figure 6)

### 7.2.303.C: Definitions of Use Types

3: *BAR*: A use engaged in the preparation and retail sale of alcoholic beverages, alcoholic liquor or fermented malt beverages as defined by chapter 2, article 5, part 1 of this Code, for consumption on the premises including taverns, bars, cocktail lounges, and similar uses other than a "restaurant" as that term is defined in this part.

32. *RESTAURANT*: An establishment where food and drink is prepared, served and consumed either on premises (inside or outside), taken out, or delivered. It may include the sale of alcoholic beverages when conducted as a secondary feature of the use and producing less than fifty percent (50%) of the establishment's gross income. The bar area is an area of the restaurant where the primary business is the sale and consumption of alcohol.



# Willamette Market (Lil' Market)



## Public Process

- 289 property owners and to Mid-Shooks Run Neighborhood Association.
- City Planning Staff held a neighborhood meeting on May 10<sup>th</sup>
- Approximately 65 residents attended meeting.
- Attendees included both supporters and opponents to the proposed project.

### Discussion and comments included:

- C-5 zoning in lieu of use variance;
  - Allowing other uses under C-5 zone;
  - Becoming exclusively a restaurant;
- Hours of operation;
- Parking, more problematic when Masonic Lodge has meetings;
- Allowance of alcohol within the neighborhood;
- Noise, music, etc.
- Residents in support cited:
  - History of market;
  - Shopping convenience;
  - Providing a sense of place;
  - Operation is well done;
  - Understanding business (model) needs to evolve to remain financial viable.



# Willamette Market (Lil' Market)

## Neighborhood Comments – In Support



In support (**FIGURE 3**)

The e-mails in support generally express the following support:

- Provides walkability within the neighborhood;
- Convenience of grocery/food items;
- Provides the neighborhood a “sense of place”/meeting spot;
- Parking is not that much of an issue;
- The market provides “eyes on the street”/additional safety;
- Neighborhood amenity; some residents cited the market as reason why they moved to the neighborhood.

# Willamette Market (Lil' Market)

## Neighborhood Comments – In Opposition



In opposition (**FIGURE 4**)

The e-mails in opposition generally express the following concerns:

- Available parking/customer parking on Willamette and Prospect;
- Concern of allowing beer/liquor within the neighborhood;
- Allowing C-5 zoning within the neighborhood/other potential uses;
- Commercial should not be mixed with residential neighborhoods;
- Additional noise from patio seating;
- Allowance of alcohol.

# Willamette Market (Lil' Market)

Area Examples – E. Cache la Poudre St  
and Institute Street



## Commercial Area Includes:

- Screen Printing
- Barber
- Salon
- Vacant spaces
- On-street parking only

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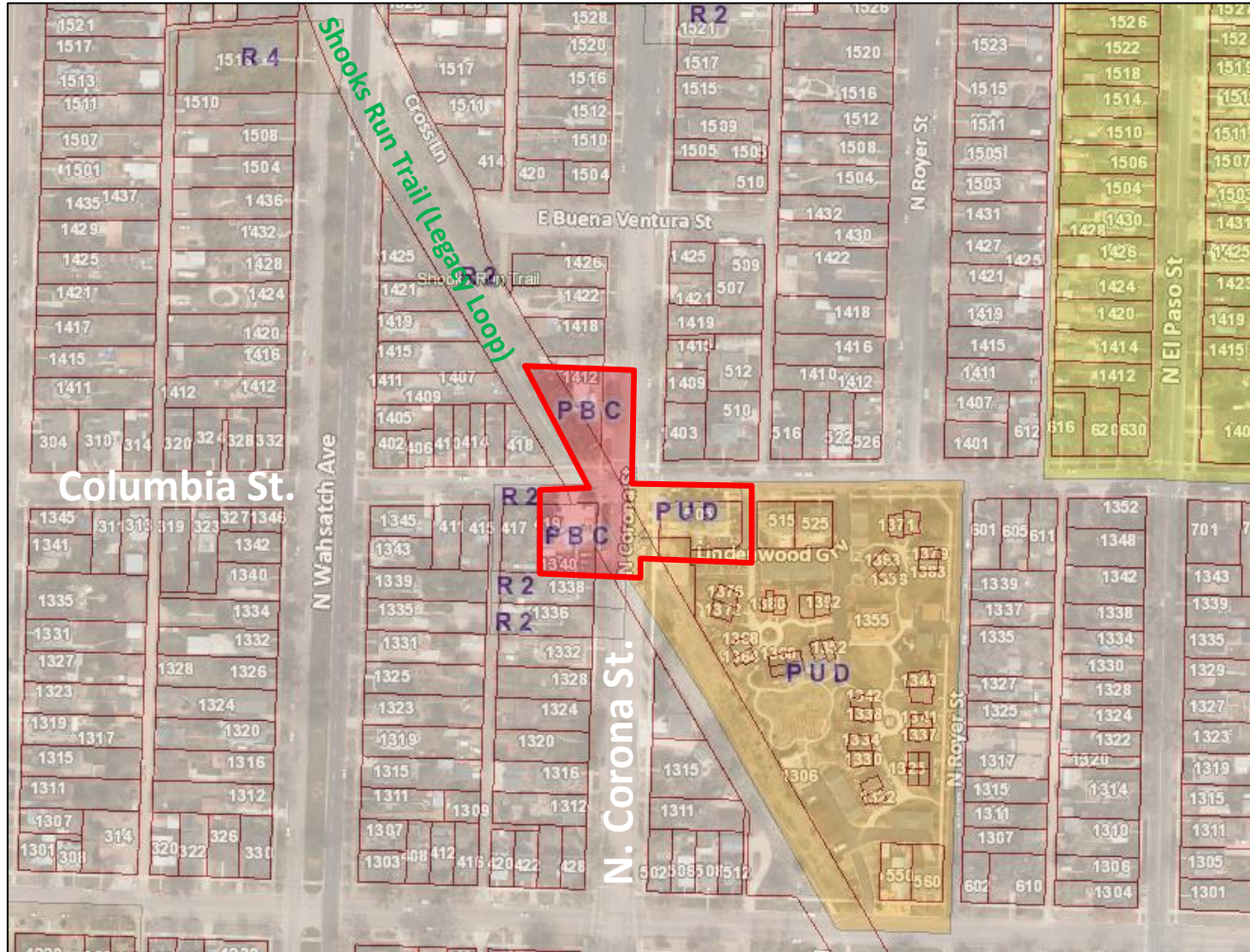
Area Examples – E. Cache la Poudre St  
and Institute Street





# Willamette Market (Lil' Market)

## Area Examples – Columbia and Corona



### Commercial Area Includes:

- Good Neighbors Meeting House
- Art Studio
- Apartments
- Butch's Auto Repair (now closed)
- Residential Use
- 11 off-street parking stalls behind Good Neighbors
- On-street parking along N. Corona St. and Columbia St.
- Adjacent to Shooks Run Trail

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Area Examples – Columbia and Corona





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## Area Examples – Helen Hunt School



1. Multi-family dwelling
2. Financial Services
3. General Offices
4. Medical Offices
5. Business Office Support Services
6. Business Park
7. Commercial Center
8. Communication Services
9. Consumer Repair Service
10. General Food Services
11. Specialty Food Sales
12. Mixes Commercial-Residential
13. Mixed Office-Residential
14. Personal Improvement Services
15. Indoor Entertainment
16. Indoor Sports and Recreation
17. Quick Serve Restaurant
18. Retail General
19. Neighborhood Serving Retail
20. Community Gardens
21. Cultural Services
22. Daycare Services
23. Public Assembly
24. Religions Institution
25. Semipublic Community Recreation
26. Commercial Greenhouse



- Rezoned in 2017 from R-2 to PBC/CR to allow re-use of school for office, daycare, and specialty food sales.
- 2.8 acre site
- Off-street and on-street parking

# Willamette Market (Lil' Market)

## Zone Change



- Rezone from R-2 (Two-family Residential) to C-5/cr with (Intermediate Business with conditions of record)
- Considered OC (Office Complex) and PBC (Planned Business Center) zones minimum district size:
  - 10,000 square feet and 1 acre, respectively;
  - Non-use variance to zone district size.
- The OR (Office Residential) considered, but specialty food sales and restaurants prohibited.
- The C-6 (General Business) considered, however this zone is utilized for heavier commercial land use types.
- Staff proposed to limit uses considering neighborhood concerns taking into consideration current R-2 uses. **FIGURE 5** for side-by-side comparison



# Willamette Market (Lil' Market)

## Zone Change – Conditions of Record



### Permitted Uses

Accessory Dwelling Unit

Domestic violence safe house

Family support residence

Human service home

Human service residence

Family care home

Single-family dwelling

Two-family dwelling

Financial Services

General Offices

Consumer convenience services

Consume repair services

Convenience food sales

Specialty food sales

Mixed commercial-residential

Mixed office-residential

Personal consumer services

Personal improvement services

Quick serve restaurant

Sit down restaurant

Community gardens

Daycare home

Religious institution

# Willamette Market (Lil' Market)

## Zone Change – Conditions of Record



### Conditional Uses

Human service facility

Hospice

Residential childcare facility

Large family care home

Human service shelter

Drug or alcohol treatment facility

Multi-family dwelling

Retirement home

Medical offices, labs and/or clinics

Mixed office/residential use

Bed and breakfast inn

Business office support services

Kennel – Indoor

Liquor sales

Pet services

Pharmacy

Veterinary service - Small animal clinic

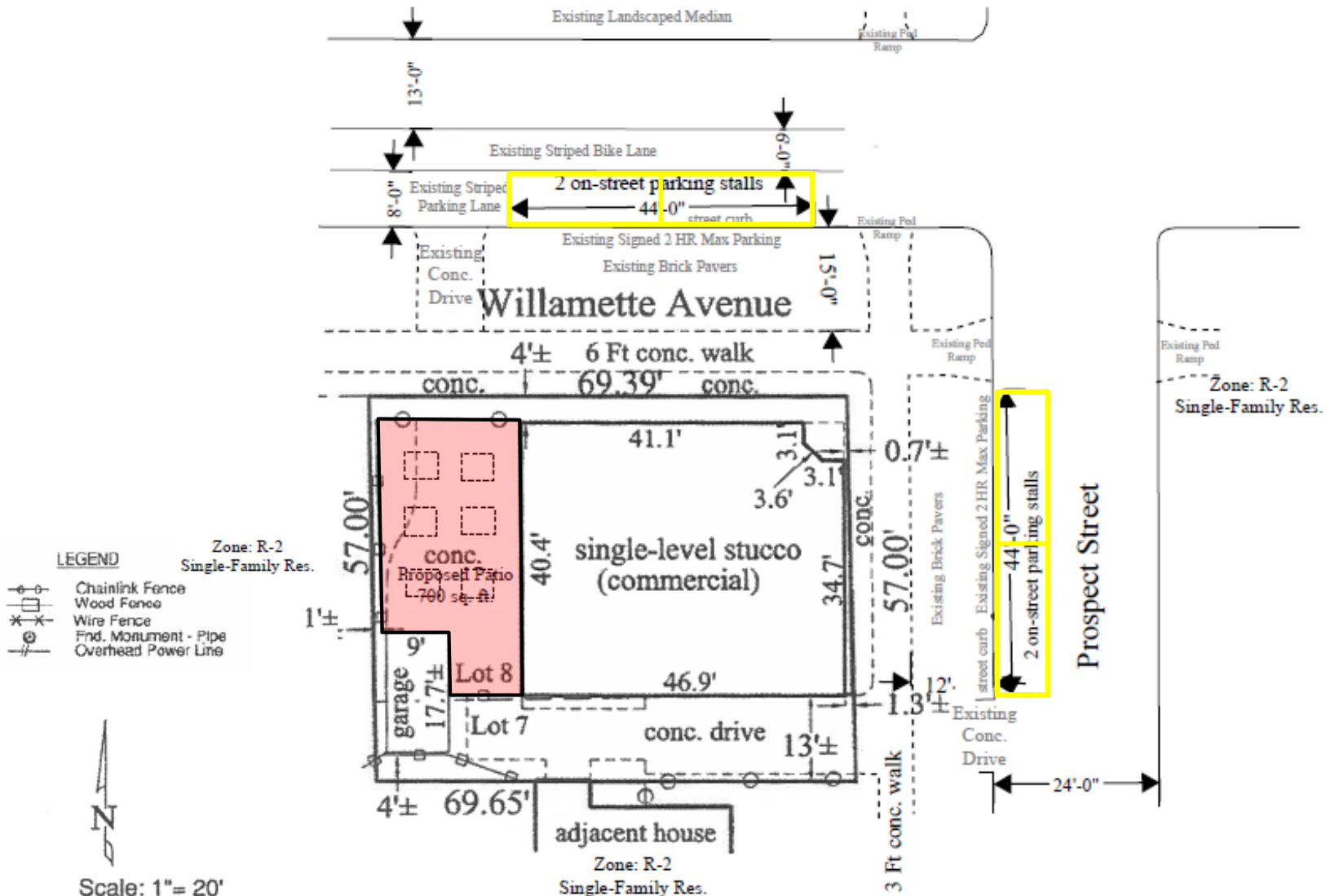
Cultural services

Daycare Home, Large

Semi-public community recreation

# Willamette Market (Lil' Market)

## Development Plan



# Willamette Market (Lil' Market)

## Development Plan – Operations Restrictions



### Hours of Operation:

Sunday – Thursday: No earlier than 6 a.m. / no later than 8 p.m.

Friday and Saturday: No earlier than 6 a.m. / no later than 10 p.m.

(Note: Closing hours should not imply that customers would not be permitted to finish meal/drink and have vacated the building by that time. Service to customers should end at or before required closing time; the owner/tenant should make efforts to ensure customers are off the premises within a reasonable amount of time after closing).

**Outdoor Seating:** Outdoor patio seating is limited to the west patio only. The existing picnic tables located within the boulevard/tree lawn may remain.



# Willamette Market (Lil' Market)

## Development Plan – Operations Restrictions



**Music:** No amplified music, including speakers, may be used on the patio.

**Smoking:** No smoking allowed on the patio.

**Signage:** Illuminated signage is limited to backlit or internally lit signage. Any exposed neon or excessively bright signage is prohibited anywhere on the building or displayed within a window.

**Employee Parking:** Employees should be encouraged to either use alternative transportation (i.e. walking, biking, motorcycle, moped, mass transit, etc.) or encouraged to park west along Willamette Ave. (Note: Staff and the owner understand that the enforceability of this provision may be difficult; owner and tenant(s) should work with their staff and the neighborhood regarding on-street parking).

**Amendments:** Amendments to these provisions may be administratively reviewed and amended at any time, however, notification to property owners within 1,000-feet of the property and to the neighborhood organization must be given to allow citizen comment.

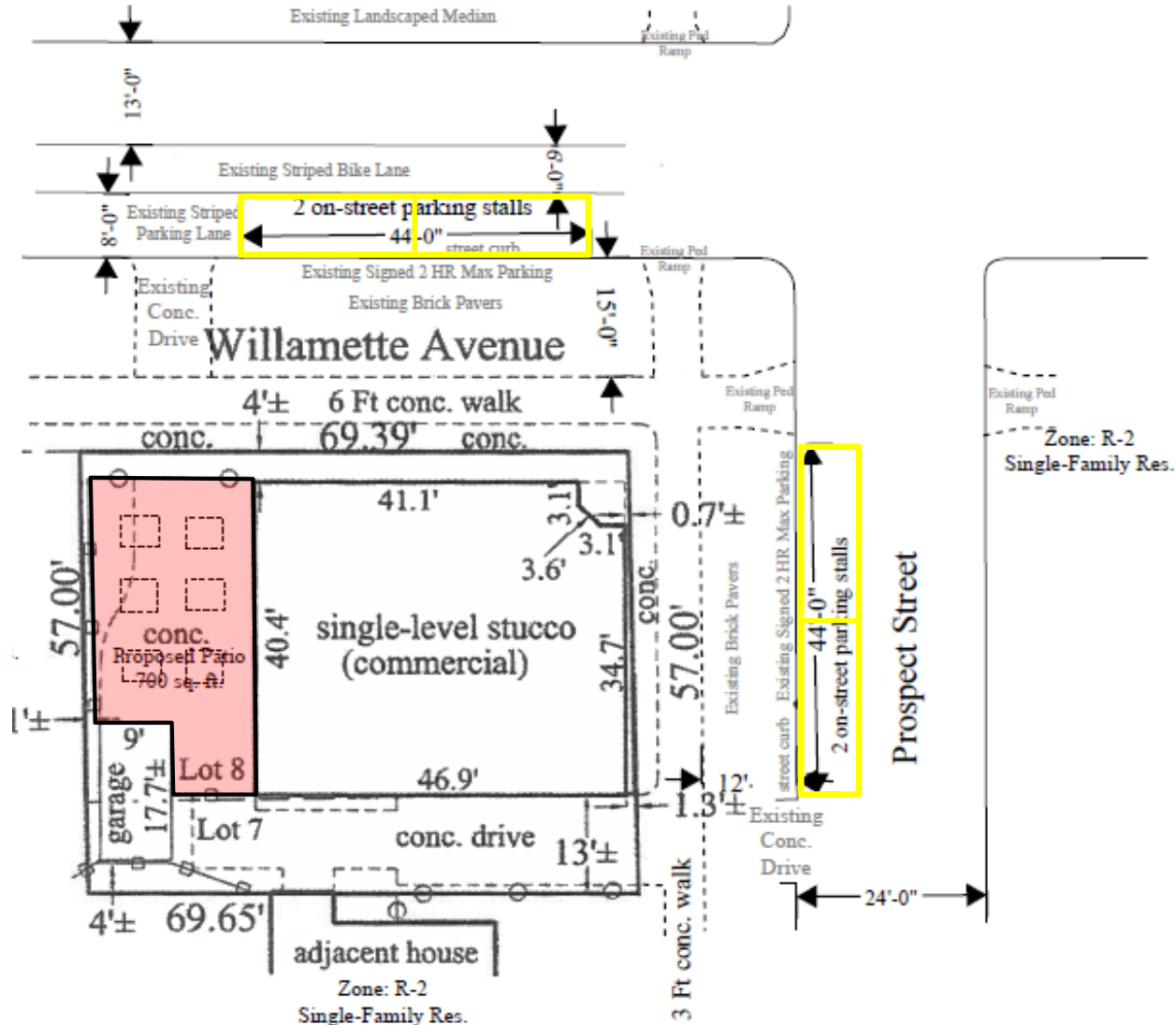
# Willamette Market (Lil' Market)

## Non-use Variance



Variance Based on  
 Restaurant  
 1 stall / 100 sf +  
 1 stall / 200 sf of patio  
 = 22 stalls

Alternative Parking  
 Allowance  
 5% Reduction for Bike Lane  
 4 on-street stall credit



# Willamette Market (Lil' Market)

## Walk and Bikeability of Neighborhood



Neighborhood is very “walkable” with sidewalks throughout neighborhood

Approximately 600 households within ¼ mile walk

Neighborhood is very “bikeable” with on-street bike lanes on Willamette and Institute / Shooks Run Trail





# Willamette Market (Lil' Market)

## Resident Parking



- Alley
- Alley Driveway or access
- Streetside Driveway
- No Alley or Driveway



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## Comprehensive Plan



Infill Supplement to Comprehensive Plan cites the following goals:

“Connectivity contributes to multimodal viability allowing for a range of choices for traveling between destinations in the community”.

“Support of neighborhoods and placemaking encourages better integration between neighborhoods and their adjoining communities for a more interconnected and livable city”.

The Infill Supplement cites the following policy recommendations:

# Willamette Market (Lil' Market)

## Comprehensive Plan



### 2 - SUPPORTIVE ZONING

With the exception of downtown zoning and parking regulations, city development requirements have a suburban and/or greenfield orientation and do not always adapt well to more mature areas. In addition to support for zone change requests that promote context sensitive infill and redevelopment – including mixed use, density and adaptive re-use, the recommendations are to:

- Revise development standards and the zoning code to include more infill-supportive standards and relief from “suburban” standards;
- Revise and extend the downtown form-based code (FBC) plan and consider additional targeted use of form-based zoning (FBZ);
- Pursue strategic infill-supportive zoning improvements related to use by right, accessory dwelling units and transit oriented development.

# Willamette Market (Lil' Market)

## Comprehensive Plan



### 2001 Comprehensive Plan – Vision Statements

- Is truly a city of neighborhoods – with affordable housing, walkable destinations....
- Establishes **positive connections between different land uses**....
- Successfully **integrates** the uses and activities that meet the daily needs of residents, including housing, **shops**, work places, schools, parks, and civic facilities;

**Strategy LU 203a: Locate the Places that People Use for Their Daily Needs and Activities Close to Each Other Group and link the places used for living, working, shopping, schooling, and recreating and make them accessible by transit, bicycle, and foot, as well as by car.**

**Strategy LU 301a: Support Mixed-use Development in Neighborhoods**

**Objective LU 4: Encourage Infill and Redevelopment**

**Strategy N 301a: Identify Non-Residential Land Uses that Support Neighborhoods**

# Willamette Market (Lil' Market)

## Planning Commission Recommendations



**CPC ZC 18-00050 – ZONE CHANGE** - Recommend approval of change of zone to C-5/cr  
**Motion Approved on 9 – 0 vote**

**CPC DP 18-00051 – DEVELOPMENT PLAN** – Recommend approval of development plan with the follow two additional provisions:

- A bike rack be provided for up to 12 bike stalls be provided on the site
- Vegetative screening is to be provided around the patio area

**Motion Approved on 9 – 0 vote**

**CPC NV 18-00052 – NON-USE VARIANCE** – Recommend approval of non-use variance  
**Motion Approved on 9 – 0 vote**



# Willamette Market (Lil' Market)

## Staff Recommendation



### **CPC ZC 18-00050 – ZONE CHANGE**

Approve the zone change from R-2 (Two- Family Residential) to C-5/cr (Intermediate Business with conditions of record), based on the findings that the zone change request complies with the three (3) review criteria for granting a zone change in City Code Section 7.5.603(B), subject to the Conditions of Record listed in Figure 10, attached hereto.

# Willamette Market (Lil' Market)

## Staff Recommendation



### **CPC DP 18-00051 – DEVELOPMENT PLAN**

Approve the Lil' Market Development Plan located at 749 East Willamette Avenue subject to the below operational notes; this recommendation is based on the findings that this project meets the development plan review criteria in City Code Section 7.5.502(E), subject to the following conditions:

#### Hours of Operation:

Sunday – Thursday: No earlier than 6 a.m. / no later than 8 p.m.

Friday and Saturday: No earlier than 6 a.m. / no later than 10 p.m.

(Note: Closing hours should not imply that customers would not be permitted to finish meal/drink and have vacated the building by that time. Service to customers should end at or before required closing time; the owner/tenant should make efforts to ensure customers are off the premises within a reasonable amount of time after closing).

Outdoor Seating: Outdoor patio seating is limited to the west patio only. The existing picnic tables located within the boulevard/tree lawn may remain. (cont'ed)

# Willamette Market (Lil' Market)

## Staff Recommendation



- Music: No amplified music, including speakers, may be used on the patio.
- Smoking: No smoking allowed on the patio
- Signage: Illuminated signage is limited to backlit or internally lit signage. Any exposed neon or excessively bright signage is prohibited anywhere on the building or displayed within a window.
- Employee Parking: Employees should be encouraged to either use alternative transportation (i.e. walking, biking, motorcycle, moped, mass transit, etc.) or encouraged to park west along Willamette Ave. (Note: Staff and the owner understand that the enforceability of this provision may be difficult; owner and tenant(s) should work with their staff and the neighborhood regarding on-street parking).
- Amendments: Amendments to these provisions may be administratively reviewed and amended at any time, however, notification to property owners within 1,000-feet of the property and to the neighborhood organization must be given to allow citizen comment.

### Planning Commission recommended additions

- **A bike rack be provided for up to 12 bike stalls be provided on the site**
- **Vegetative screening is to be provided around the patio area**

# Willamette Market (Lil' Market)

## Staff Recommendation



### **CPC NV 18-00052 – NON-USE VARIANCE**

Approve the non-use variance request relating to the Lil' Market zone change and development plan to allow zero (0) parking stalls; where this recommendation is based on the findings that the property meets the non-use variance review criteria in City Code Section 7.5.802(B).



# Willamette Market (Lil' Market)

