

MINUTES

Springfield Planning Commission
Work Session
Springfield City Hall--Jesse Main Room
225 Fifth Street, Springfield

November 1, 2005
6:45 p.m.

PRESENT: Steve Moe, Chair; Bill Carpenter, Vice Chair; David Cole, Greg Shaver,

STAFF: Colin Stephens, Brenda Jones, Bill Grile, Gary Karp

CITY ATTORNEY: Joe Leahy

ABSENT: Lee Beyer, Frank Cross, Gayle Decker

Commissioner Moe called the meeting to order, 6:45

1. **Springfield Development Code Amendment – Case Number LRP2005-00031, City of Springfield, Applicant -**

Gary Karp, Senior Planner introduced the code amendments that are before the planning commission. The code amendment came about to the recent Metro Plan Amendment process that was before the Planning Commission recently to enact the Nodal State mandate requirement. When staff was working on the Downtown Refinement Plan Amendments, staff decided to review Article 23 of the Springfield Development Code, Public Land and Open Space. When staff looked at Article 23, staff noted that the use list on Government, the only buildings that would come close to dealing with a Justice Center, was public office buildings. So staff decided this would be an appropriate time to add to the use list, and ease up on some of the review requirements, and do some revisions to the site standards, to allow the Justice Center to go in a little bit easier.

Gary asked the Commissioners to turn to Attachment 2, on page 2-1, what staff has done has revised the text to make it clear that there are three aspects of the Metro Plans public land and open space, land use designation. It is listed on this page and also has stated up front that this zoning district can also be in a Nodal Development Area, which has gone through the process of addressing that in the downtown refinement plan amendments.

On page 2-3, staff has added a number of specific uses to the use list and changed most of the uses to what would be a Type II Site Plan Review, with special use standards. The special use standards can be found in section 23.100. Staff did that because of the ongoing process that has been done with the Housekeeping amendments to take some of the review responsibility away from the Planning commission, which was directed by the Planning Commission in a previous work session.

Gary directed the commissioners to the look at the specific uses, courts, police stations and specifically jail facility, make up the Justice Center. With the use list being as specific as it is, staff will not have to go through any kind of interpretation process to site the Justice Center.

Commissioner Shaver asked Mr. Karp if he had lined through "Library" from the use list. Gary responded that he had just moved it down in the list.

On page 2-5, in a number of other zoning districts there is specific language, that talk about the downtown exception area, which is now defined from the Willamette River to 10th Street, and from South side of South "A" Street to the alley between "B" and "C" Streets. That particular area, there is no building set-backs. This issue will come up again, in various sections through-out the Springfield Development Code. There is no parking or no setback requirements in the Downtown exception area.

When staff was doing the Downtown Refinement Plan Amendments that original boundary of the Downtown Area changed a little bit. Staff will be back to the Planning Commission at a later date to finalize the boundary. The boundary exist in the definition section of the Springfield Development Code, so when ever staff does a code up-date that includes Article 2 , definitions, Staff will address that new boundary at that particular point and time.

On page 2-6, staff has revised the height standards, so that the building height in the PLO District is the same as the maximum building height in the adjacent Residential District, so we can get at least a two story building in PLO. So, the maximum height in the Low Density Residential is 30' and Maximum height in MDR and HDR is 35". That is why the two numbers have been added. That would be applicable for a 50' set-back area, and once you get beyond the 50' set-back area, it's a lot higher. This is related to the Solar Standards that we've gotten all the other zoning districts.

Commissioner Shaver asked, when including the public right-of-way, when you start measuring the 50' does it.....Mr. Karp interrupted Commissioner Shaver and directed him to the map hanging on the wall. Mr. Karp showed where the area is, and then directed the Commissioners attention to a 14' alley and then to the boundary of the Residential District, so you measure the 14' area and the 50' setback. Commissioner Shaver and Commissioner Carpenter believe that the wording for the set-back definition needs to be re-worded in a way that makes more sense. Commissioner Carpenter asked if there was anywhere else in the city where the set-backs are measured the same way. Mr. Karp responded that this is the only district where this is being proposed. Commissioner Shaver responded that the way this is worded, it is unclear. The way he reads it, he believes that it would be 50' from the building plus what ever right-of-way there is, whether it's a 20' or 14' right-of-way. Mr. Karp responded that if they want to include the right-of-way that way, it will not make a real difference, because, it would be the same as measuring at 50' from the south end of the property line. Commissioner Shaver hears Gary saying that it is not 50' from the property, but that it is 50' from an adjoining property line. Commissioner Shaver suggests that Mr. Karp re-word it in such a way that makes it clear to someone else reading it. Commissioner Shaver wanted to be clear that he is not disagreeing with the concept he only disagrees with the way it is worded, if what staff was trying to achieve was clarity. Mr. Karp agreed.

Commissioner Carpenter responded that maybe this is a fairness issue, more than a clarity issue for him. Commissioner Carpenter asked if private land owners get the same kind of set-back credit between right-of-way and there building space. Mr. Karp answered, no. Commissioner Carpenter asked why would the Planning Commission want to do this? Commissioner Cole responded, so the Jail could be 60' tall. Commissioner Carpenter responded that this feels like a government contract negotiation, and that they have already figured out the one guy can meet the contracts, so they write the specifications around having one thing come into play, so, Commissioner Carpenter recommended that staff keep the language consistent with the rest of the City, and the Jail end up being what the jail ends up being. Mr. Karp responded to Commissioner Carpenter that he can suggest a change in the language. Commissioner Carpenter suggested that the change is kept consistent with all of the other terminology we use in the City for setback. Planning Supervisor Colin Stephens asked the Planning Commission to give staff more direction. Mr. Stephens asked if Commissioner Carpenter wanted the set-back to be consistent with other Commercial Developments. With Commercial there is a SOLAR Formula that staff uses that's within the code that is also within other zoning districts, as well. Colin

asked the Commission, if that's what they want. Commissioner Carpenter responded that he thought there was some commercial along that area like Branch Engineering. Commissioner Carpenter asked what the code says about Commercial Setbacks in the Downtown Area. Is it just solar? Colin responded that Downtown, we just have Solar. There is a formula that runs throughout the zoning districts that abut Residential to the south. Gary responded that the language that has been deleted in sub-section (a) is what it says. Commissioner Carpenter asked Mr. Karp why the change needs to be done. Why do we need the revised language that we already have that is in place and working well throughout the City now?

Susanna Julber responded that there is a limited budget for the Justice Center project, so the building may need to be a little taller. Commissioner Carpenter responded that maybe a Variance is the way to approach that issue, rather than trying to rebuild the whole code around one building. Ms. Julber added that the Justice Center is only going to be 14' tall.

City Attorney Joe Leahy responded to Commissioner Shavers comment, "when a PLO district abuts 50 feet", and then delete "the 50' dimension shall be", so we have, "a distance of 50' measured from the boundary of the adjacent residential district." Then forget the "include any public right-of-way....." Commissioner Shaver agreed that that language is completely ambiguous, and he understands that language. City Attorney Leahy added that we go on beyond the 50', and incorporate the last sentence. What this does is eliminates the fortuitist or non-fortuitist as to whether you have to have an alley there.

Mr. Stephens responded that what the proposed language would do, would then with that 50' you would have the height restriction of the Residential District. If it is abutting Low Density Residential it would be 30' and if it was abutting Medium or High Density it would be 35' within the setback. What other districts have, like the commercial zoning district, there is a formula that is not clear, but what you essentially do is take a 16' imaginary fence and then project a plain off of that at 23 degrees, for the 50' back that's what your setback would be.

Mr. Karp added that Commissioner Carpenter's issue with the variance. We have a Minor and Major Variance applications. The Minor Variance is a staff review, and you can go up 30%, height is one of the standards you can go through that process with.

One of the things Mr. Karp was looking at was to, how to avoid these extra steps for this particular use that's going in. There is no hidden agenda, so if the Planning Commissioners want to keep the old language that is fine, if you want to use the new language that Mr. Leahy just used, or if you want to combine the two that's fine also, this is the Commissions call.

Commissioner Shaver asked Mr. Leahy if he is also striking, "and shall include any right-of-way that separates...." Mr. Leahy responded yes. So how it reads is, "Residential District for distance of 50' measured from the boundary of the adjacent residential zoning district." Commissioner Shaver likes this wording.

Commissioner Cole asked if this language accomplish the same thing. Where does the residential zoning district begin rather than residential property begins. Would this be 7' to the middle of the alley?

Mr. Karp responded that the zoning is given to the private land or public land it's not given to the street. In the alley it is across the alley. In this particular scenario the alley would be part of it. They have a 60' right-of-way the setback would be the right way.

Mr. Leahy asked if the alley way is on the residential property. Mr. Karp responded that no that the alley way is between the residential zone and the alley... Mr. Karp reiterated that the 50' has been constant, whether there is an alleyway or not. Commissioner Carpenter asked staff to tell him the difference between the new versions vs. the old one, when you lay it on the ground with this alley, on

the north-side of the Main Street development. Mr. Karp responded that the old one would not be using the right-of-way. Commissioner Carpenter also asked about the hypothetical 16' fence. Mr. Karp responded that that is the language that is in every one of the zoning district articles dealing with the formula that Mr. Stephens was explaining earlier. You go on top of the 16' fence, 23 degrees, 50 feet back, and the fence is on the property line. Commissioner Carpenter responded that it does make a significant difference, on some streets it could make a 30' to 40' difference, to this zone it may not, it might be the alley way that we are talking about. Mr. Karp responded that in this particular example, the alleyway is the issue, but if you were going to apply this to all of the PLO properties you would be having different situations.

Commissioner Carpenter asked if we had other PLO properties that are outside the Downtown Refinement Plan, where it might be the maintenance yard out on Main Street at 22nd, so you are basically letting the City kind of slip from the solar code we have in place, or PLO properties which are broader than the City. Mr. Karp responded that Commissioner Carpenter was correct. Mr. Carpenter asked Mr. Karp, why the Commission would do that? Would we do that for one Jail Center? Or is it a good public policy to do for the whole city? Mr. Karp responded that in most other situations you are looking at the welfare of the entire City.

Commissioner Shaver and Commissioner Carpenter debate whether it is a good idea or not to change the height restriction.

Commissioner Carpenter wants to know if the Commission wants to Commercial Zone the people that are doing Commercial Downtown not have the same rights as the City has. Commissioner Shaver responded that Commercial has no height limitation, only on the edges of the district.

Commissioner Cole added that it's not the height limitation that we are worried about, it's the solar setback. Commissioner Shaver agreed that the downtown district does have some solar requirements, other than any height happening 50' from the property line.

Mr. Karp explained that it would have put us in a better position to do these amendments, after some of the design process was taken care of, then staff would have had a better idea of what we needed to ask for tonight. It could be that none of this will need to be changed, because they will not be building there or what they are building there. We are reacting to what we had at the time we met on this particular topic. It was a committee of staff that went through this process.

Commissioner Shaver added that the Lane County Jail is three stories, but the stories are unusual in size because the third floor is actually a split level which allows you to see up and down. It's about a five story building. The original plan was to go 5 stories and that was 25 years ago, with no funding to ever happen. Commissioner Carpenter responded that the set-back at the Lane County Jail is substantial. Commissioner Shaver responded that he wasn't talking about the jail for Springfield, he was speaking about jail facilities in general.

Commissioner Carpenter said that he wouldn't like that jail up against sidewalk that he would be walking on. Commissioner Shaver agreed. Commissioner Shaver remarked that he would want it to be 50' away from the sidewalk first of all. In this case it would have to be 36' away from a sidewalk. Chances are it wouldn't be the same intensity as the Lane County Jail. This information was for background.

Commissioner Carpenter big issue to drop some of the citing from a phase III down to a phase II those are in particular, Jails, Fire Station and public transit facilities. Not only are those very intense neighborhood uses, where we need to have all the public input that we can but, the other issue we actually have a perceived conflict of interest because it will be the City who pays the person who will be doing the Phase II review to come forth and approve these Phase II reviews for these things that will

clearly be other than public transit facilities, City facilities. Commissioner Carpenter really doesn't feel that this is a good idea, at least in these situations, to drop the review from a Phase III to a Phase II.

Commissioner Carpenter realizes that there is discretion where the Director can bump the type up to a type III, but doesn't feel that's enough protection for the public. This is a big issue for Commission Carpenter.

Commissioner Shaver also added that Sports Complexes and Stadiums should be added to the list as well. His guess is that if we were to pick 4 items on the list that neighbors might want to have a discussion about it would be Fire Stations, Police Stations/Jails, Public Transit Facilities, and sports Complexes and probably in reverse order. This is also Commissioner Carpenter's sense of things.

Commissioner Shaver responded that he found Libraries on the list but is unable to locate Public Office Buildings or Senior Centers. Commissioner Cole responded that Public Offices is now called Administrative Offices and Neighborhood Community Center encompasses Senior Center and many other items.

Commissioner Cole asked why Schools do not cover anything other than Elementary and Higher.

Mr. Leahy agreed that Senior Center should be left on the list as Senior Center and not lumped into Neighborhood Community Center, which has a much broader meaning.

Commissioner Moe asked for any other questions for staff. Being none, meeting is adjourned at 7:03

2. ADJOURN

Commissioner Moe adjourned the meeting at 7:03 p.m.