

Staff Report
Planning Commission
Discretionary Use and Zone Change Request (Justice Center)

Meeting Date

April 18, 2006

Case Numbers

DRC2006-00013 (Discretionary Use Application)

ZON2006-00007 (Zone Change Request)

Applicant

Attn: Jerry Smith, Chief of Police

City of Springfield

344 A Street

Springfield, OR 97477

Request

The City Council selected a preferred site option for the Justice Center at their February 21, 2006 regular meeting. Consistent with Council's direction regarding the Justice Center site planning, the City of Springfield Police Department submitted a Discretionary Use application and concurrent Zone Change request to the Development Services Department on February 22, 2006. The applications were accepted as complete on February 28, 2006. A public hearing on the matters of the Discretionary Use and Zone Change request was held on March 21, 2006 at the Planning Commission regular meeting. The written portion of the hearing was extended to March 28, 2006 and rebuttal was accepted until April 4, 2006.

Zone Change Request:

The project site is located north of A Street between Pioneer Parkway East and 4th Street, and includes the existing parking lot south of the alley between B Street and C Street (a total of one and one-half city blocks). The City owns all 14 tax lots within the subject area, of which eight are currently zoned and designated Mixed Use Commercial/Nodal Development (MUC/NDO) and the remaining six are zoned Public Land and Open Space/Nodal Development (PLO/NDO). All tax lots are located within the Downtown Exception Area as defined by the Springfield Development Code (SDC). The eight MUC/NDO lots comprise an area of ±1.3 acres and require rezoning to PLO if a Justice Center is to be allowed at this site, because the proposed use is not listed in the MUC/NDO District. In accordance with the SDC, the Zone Change request is being processed as a Type III Zoning Map amendment.

Discretionary Use:

The Discretionary Use application is being processed as a Type III Discretionary review in accordance with provisions of the SDC. Council previously adopted amendments to the PLO District and the *Downtown Refinement Plan* allowing for a Justice Center to be considered as a Discretionary Use. The area requested for Discretionary Use consideration is a total of ±3.0 acres, including portions of 4th Street and B Street proposed for vacation. Application for

vacation of the affected streets will be made if the Discretionary Use for the Justice Center is approved. Any proposed use of the affected public rights-of-way is allowable only if the rights-of-way are vacated.

The conceptual site plan for the Justice Center as approved by City Council included the segment of 4th Street located between A Street and B Street. The design contemplated vacation of the block-long segment of 4th Street for incorporation within the Justice Center parking and secure jail entrance areas. Staff advise that the Justice Center design has been evolving, and the 4th Street right-of-way likely can be incorporated into the overall site design without going through a street vacation. However, there is still a possibility that vacation of 4th Street will be required, and for this reason the option is retained within the staff report. The recommended conditions have been structured so that either scenario can proceed without having to return to the Commission in the future with a follow-up application.

Notification

Notification of the March 21st Planning Commission public hearing was sent to all property owners and residents within 300 feet of the Justice Center site. Notification was also published in the March 3, 2006 edition of *The Springfield News*.

Public Hearing Testimony

Six people provided verbal and/or written testimony at the public hearing on March 21, 2006. The Planning Commission voted to hold the written portion of the record open until March 28, 2006 for providing supplementary public hearing testimony, with rebuttal testimony held open until April 4, 2006. Of the six people providing testimony at the hearing, two people were strongly in favor of the proposal; two were in favor of the Justice Center in principle, but had specific issues and concerns related to street vacations and the planning process; and two were neutral.

The issues raised by testimony at the public hearing are summarized and listed below:

- 1. The mailing to property owners within 300 feet did not contain complete information.*

Staff Response: The notification mailings were conducted in accordance with requirements of ORS 197.763(2) & (3) and provisions of the Springfield Development Code (SDC). Additionally, interested persons were invited to view the complete application file at the Development Services department during regular office hours.

- 2. The notice in The Springfield News edition of March 3, 2006 was not properly delivered as about 5,000 newspapers were not delivered until the following week.*

Staff Response: Ms. Kristi Koons, Circulation Manager for *The Springfield News* advises that there were no delivery problems with the March 3, 2006 edition. Ms. Koons did concede that printing and delivery problems had occurred with the February 24, 2006 edition due to the Presidents Day holiday that week. An email from Ms. Koons is included in the staff report packet.

3. *The applicant package does not contain the City Council commitment to build the jail.*

Staff Response: This issue is not relevant to these proceedings, as written commitment by City Council is not required for Discretionary Use and Zone Change request applications to be prepared and submitted, or for a decision to be issued by the Planning Commission on these matters.

4. *The project assumes vacation of B Street, 4th Street and the alley west of 4th Street between A and B Streets.*

Staff Response: The Discretionary Use and Zone Change requests are based on the City Council-selected site plan option which proposes vacation of the subject streets and alley. However, the vacations must occur independently of the requests presently before the Commission. The decision before the Commission is limited to a determination of whether the use complies with the Criteria of SDC Article 10. While portions of the proposed use are shown within existing rights of way, the application does not approve vacation of the roadway. This is made clear by the staff recommended conditions of approval which require the application for and approval of a street vacation for the use to utilize the existing rights of way. If the future vacation application is ultimately denied, any subsequent site review application to develop the property could not include the non-vacated rights of way. Upon a decision being issued on these requests, the applicant can proceed with other required planning steps including street vacation.

5. *The record does not reflect other options such as the South A option.*

Staff Response: The Discretionary Use and Zone Change requests presently before the Planning Commission are based on the site plan option selected by City Council. Other possible sites that may or may not have been considered are not relevant to these proceedings.

6. *Option 2 assumes vacations and control of the Church and Carter property that are not in the City's possession.*

Staff Response: The Discretionary Use and Zone Change requests presently before the Planning Commission do not involve or affect the Church (Assessor Map 17-03-35-31, Tax Lots 1400 & 2700) or Carter Property (Assessor Map 17-03-35-31, Tax Lots 1000, 1100, 1200, 2800 & 2900).

7. *Transportation issues are not addressed in the application, including existing or proposed transit routes and location of EmX bus stops.*

Staff Response: Transit service will be maintained along Pioneer Parkway East and West, and along the downtown city streets. At this stage, it is premature to address potential bus route changes as application for street vacations has not yet occurred. Any bus route changes would be discussed with Lane Transit and other stakeholders at the time of application for street vacation.

8. *There has been no written response from ODOT as Pioneer Parkway is a state highway.*

Staff Response: ODOT has provided written confirmation that they have no concerns with vacation of B Street between 4th Street and Pioneer Parkway East as proposed in the Justice Center site plan. A letter from ODOT is included in the staff report packet.

9. *The traffic analysis does not indicate the impact on B Street vacation west of Pioneer Parkway and other impacts to 4th Street, downtown, and the Washburne neighborhood.*

Staff Response: The *Springfield Justice Center Task 2 Report – Traffic Impact Study* dated March 16, 2006 analyzes the impact of street vacations on downtown streets in the vicinity of the project area. Eastbound traffic from B Street west of Pioneer Parkway East is a negligible factor and was not considered in the study. There may be practical solutions to this issue, including directional and information signage along Pioneer Parkway (East and West) that will prevent most vehicles from accidentally turning onto B Street when looking to access the Justice Center.

10. *There has been no environmental assessment of this project based on National Environmental Policy Act (NEPA) standards.*

Staff Response: There is no Federal funding being provided for this municipal facility. Therefore, a NEPA assessment is neither required nor recommended for this project.

11. *The proposal conflicts with provisions of the Metro Plan and TransPlan pertaining to collector streets, block length requirements, and the desire to maintain connectivity and movement corridors in the downtown core (Testimony from Scott Olson dated March 26, 2006 – contained in staff report packet).*

Staff Response: The issues raised by Mr. Olson pertain almost exclusively to the proposed street vacation and block length variance applications that would be referred to the Planning Commission for a recommendation at a future public hearing, prior to being presented to City Council at another public hearing meeting. Staff is unable to respond to these issues as the Discretionary Use and Zone Change request criteria do not have any direct relationship to the *Metro Plan* and *TransPlan* transportation goals, objectives and policies.

12. *Access for police cars entering and leaving the site will be constrained if B Street is closed and vehicles are forced to pass through C Street.*

Staff Response: The proposed site design provides for a vehicle entrance onto Pioneer Parkway East at B Street to be maintained for use by police and emergency vehicles. This access driveway should significantly reduce the number of police, emergency and staff vehicle trips passing through the adjacent residential neighborhood.

13. *Parking availability during construction and operation of the Justice Center, including the potential for implementing a residential parking pass system.*

Staff Response: This issue is a specific detail of the future site plan review application and construction scheduling for the Justice Center and, as such, it is unrelated to the Discretionary Use and Zone Change requests presently before the Planning Commission. A parking strategy for contractors, construction vehicles, police, visitors, and City Hall staff will be developed and implemented when project construction is planned and initiated. It is very unlikely that residential streets north of the proposed Justice Center would be used for short-term or long-term parking solutions. Implementing a restrictive parking pass system for residential neighborhoods adjacent to the future Justice Center would be at the discretion of Council.

14. The aesthetic appearance of the Justice Center structure.

Staff Response: This issue pertains to the site plan review stage for the proposed Justice Center, and does not have any bearing on the Discretionary Use and Zone Change requests presently before the Planning Commission. The project architect is still developing the building elevation plans, color and exterior materials palette, and site landscaping strategy – key components of the “aesthetic image” of the building.

15. How does the jail fit into the City’s effort to develop a cultural district?

Staff Response: The proposed Justice Center (including the jail) is consistent with the City’s desire to locate public, semi-public and government buildings within the downtown core, and specifically along A Street. Provisions of the *Downtown Refinement Plan* encourage development of a municipal Justice Center at the proposed location.

16. Have any surveys been done to determine whether property values will change as a result of the project?

Staff Response: This issue is not relevant to the Discretionary Use and Zone Change requests presently before the Planning Commission, and subjective property value perceptions are not typically a “planning” consideration for this type of development. The proposal is consistent with the current planning framework for downtown, and there should be no adverse effect of zoning on adjacent property values. The applicant has submitted several studies for the record that show correctional facilities have no adverse effect (and occasionally have a slightly beneficial effect) on property values.

17. The Washburne District has lower water pressure than other areas of Springfield. Will the City be able to improve on this or will it place additional stress on the system?

Staff Response: Springfield Utility Board had participated in the review of the Justice Center applications and has not identified any water supply concerns. The condition of the water system and any potential upgrades or improvements that are required will continue to be evaluated through the site plan review process. In any event, water pressure for adjacent residential areas would not be adversely affected by the proposed Justice Center.

18. *Will fences used for the Justice Center be compatible with current fencing restrictions?*

Staff Response: This issue is not relevant to the Discretionary Use and Zone Change requests presently before the Planning Commission. Any fencing installed for the project would be in accordance with provisions of the SDC and will be reviewed through the site plan review application.

19. *Will there be policies in place to protect the neighborhood and will jail releases occur at all times of the day or night?*

Staff Response: Jail operation issues are dependent on staffing levels and will be determined as the site plan review process moves forward. The Police Chief previously testified that wherever possible, release and transfer of inmates will be done such that there are no adverse effects on nearby residential areas.

20. *Does the City have plans to cut down any historic trees?*

Staff Response: This issue is not relevant to the Discretionary Use and Zone Change criteria presently before the Planning Commission. Article 30 at 30.040(2)(d) requires a Type II procedure if “removal or radical trimming of large established trees or vegetation” is proposed at a designated Historic Landmark site or within the Washburne Historic District. The proposed justice center site does not qualify under this provision. It should be noted there are no trees of significant age within the development area. The site already has been developed with City buildings and parking lots. It is likely that some existing landscaping trees internal to the site will be removed and replaced with perimeter landscaping when the Justice Center is constructed. Tree felling affecting five or more mature trees would be subject to a Tree Felling Permit in accordance with the SDC.

Criteria of Approval

Discretionary Use:

Springfield Development Code (SDC) Article 10 contains the applicable review criteria for consideration of Discretionary Use requests. These criteria follow:

SDC 10.030 CRITERIA

A Discretionary Use may be approved only if the Planning Commission or Hearings Official finds that the proposal conforms with the Site Plan Review approval criteria specified in Section 31.060 of this Code, where applicable, and the following approval criteria:

- (1) *The proposed use conforms with the applicable:*
 - (a) *Provisions of the Metro Plan;*
 - (b) *Refinement plans;*
 - (c) *Plan District standards;*
 - (d) *Conceptual Development Plans; or*
 - (e) *Special use standards in this Code;*

- (2) *The site under consideration is suitable for the proposed use, considering:*
- (a) *The location, size, design and operating characteristics of the use (operating characteristics include but are not limited to parking, traffic, noise, vibration, emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations, where applicable);*
 - (b) *Adequate and safe circulation exists for vehicular access to and from the proposed site, and on-site circulation and emergency response as well as pedestrian, bicycle and transit circulation;*
 - (c) *The natural and physical features of the site, including but not limited to, riparian areas, regulated wetlands, natural stormwater management/drainage areas and wooded areas shall be adequately considered in the project design; and*
 - (d) *Adequate public facilities and services are available, including but not limited to, utilities, streets, storm drainage facilities, sanitary sewer and other public infrastructure.*
- (3) *Any adverse effects of the proposed use on adjacent properties and on the public can be mitigated through the:*
- (a) *Application of other Code standards, for example buffering from less intensive uses, increased setbacks, etc.;*
 - (b) *Site Plan Review conditions of approval, where applicable;*
 - (c) *Other conditions of approval that may be required by the Approval Authority; and/or*
 - (d) *A proposal by the applicant that meets or exceeds the cited Code standards and/or conditions of approval.*

Proposed Findings In Support of Discretionary Use Approval

Criterion (1): *The proposed use conforms with the applicable:*

- (a) *Provisions of the Metro Plan;*

Finding: The *Metro Plan* speaks in broad terms about development in the greater Eugene/Springfield urban area, and there are no policies specifically related to the siting of the Justice Center specifically or correction facility projects generally. However, the proposal is consistent with the *Metro Plan* objectives for siting public/government buildings and services in nodal development areas such that population and employment are concentrated in well-defined areas with good transit service and a mixture of compatible land uses (*Metro Plan* Chapter II-E(4)).

Finding: The *Metro Plan's* Public and Semi Public plan designation provides for the accommodation of major government facilities and office complexes. Springfield's Public Land and Open Space zoning district implements this plan designation in the City. The Justice Center, a large public facility, is proposed to be

located within this plan designation and, therefore, is consistent with the *Metro Plan* Chapter II.

(b) *Refinement plans;*

Finding: The proposal is consistent with provisions of the *Downtown Refinement Plan*, including recent amendments made to allow consideration of Justice Center proposals within the Plan area. The *Downtown Refinement Plan* - Land Use Element, General Policy #2 contains the following enabling policy in support of the proposed Justice Center development: “Civic and governmental uses serving the Springfield community shall be encouraged to locate in the downtown area. Within the downtown, governmental uses, including City Hall, the Justice Center and jail, the library, Willamalane and SUB offices, shall be encouraged to locate and expand along A Street.”

(c) *Plan District standards;*

Finding: The proposal is consistent with provisions of the Public Land and Open Space District (PLO), as Justice Centers are listed as a Discretionary Use in the district.

(d) *Conceptual Development Plans;*

Finding: There are no conceptual development plans for the subject development area.

(e) *Or, Special use standards in this Code;*

Finding: In accordance with SDC 23.100(a-b), the applicant would be required to address special use standards applicable to this proposal at the time of Site Plan Review application.

Criterion (2): *The site under consideration is suitable for the proposed use, considering:*

(a) *The location, size, design and operating characteristics of the use (operating characteristics include but are not limited to parking, traffic, noise, vibration, emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations, where applicable);*

Finding: The proposed Justice Center will be oriented to streets that already serve the downtown commercial area, and will occupy City-owned land already used for municipal police and court functions within Springfield. Conceptual site design has provided for separation from residential uses to the north, and the operational characteristics of the Justice Center will be compatible with existing office, commercial and institutional uses in the immediate vicinity.

Finding: Several participants at the public hearing meeting on March 21 referred to the “safety” element of this criterion and expressed both concerns and confusion about the meaning of this term. Staff would like to clarify that the Discretionary Use criteria associated with “safety” refers to the possible introduction of an unusual and extreme hazard in close proximity to incompatible land uses. Staff

advise that construction of the proposed Justice Center, including the jail, would not introduce any type of unusual condition in the downtown core or adjacent residential area where public safety would be compromised. Conversely, studies provided by the applicant in the public hearing testimony suggest that a new Justice Center would be expected to have a beneficial effect on public safety and security in the immediate vicinity.

- (b) *Adequate and safe circulation exists for vehicular access to and from the proposed site, and on-site circulation and emergency response as well as pedestrian, bicycle and transit circulation;*

Finding: The proposed Justice Center will be served by the existing grid street system of downtown Springfield, including Pioneer Parkway East which is classified as a minor arterial. Sidewalks and on-street bicycle routes already exist to provide non-motorized access to the site. The site will be designed such that access points and on-site circulation patterns are safe, effective, and recognize the operational characteristics of the surrounding street system.

Finding: The secure parking lot located on the north side of the facility will provide a secure area for jail inmates in the event that the facility is evacuated providing for public safety in the event of an emergency response.

- (c) *The natural and physical features of the site, including but not limited to, riparian areas, regulated wetlands, natural stormwater management/drainage areas and wooded areas shall be adequately considered in the project design;*

Finding: There are no existing natural and/or physical features that will be affected by the proposed Justice Center.

- (d) *Adequate public facilities and services are available, including but not limited to, utilities, streets, storm drainage facilities, sanitary sewer and other public infrastructure.*

Finding: The Development Review Committee¹ held a meeting to review the proposed conceptual site plan, Discretionary Use, and Zone Change requests. Staff and Springfield Utility Board representatives have determined that sufficient capacity exists in the adjacent street and utility system to allow consideration of Discretionary Use and Zone Change requests. Specific details on utility servicing and other potential effects on public facilities would be finalized with a Site Plan Review application.

Criterion (3): *Any adverse effects of the proposed use on adjacent properties and on the public can be mitigated through the:*

¹ The Development Review Committee consists of City staff from various departments including Public Works Engineering, Transportation, Planning, Building, and Fire and Life Safety, along with representatives from referral agencies such as Springfield Utility Board (Electric and Water), Oregon Department of Transportation, Lane Transit District, and Willamalane Park and Recreation District.

- (a) *Application of other Code standards, for example buffering from less intensive uses, increased setbacks, etc.;*

Finding: The proposed Justice Center has been intentionally sited on the block between A Street and B Street to increase separation from existing residential uses on C Street. Site design strategies also will include building entrance orientation, landscaping, screening and other mechanisms to minimize the impact to nearby residential and institutional uses.

- (b) *Site Plan Review conditions of approval, where applicable;*

Finding: Conditions of approval may be applied to the Site Plan Review for the proposed Justice Center to address specific site development issues if the Discretionary Use and Zone Change requests are approved.

- (c) *Other conditions of approval that may be required by the Approval Authority;*

Finding: The use of public right-of-way is necessary to implement the site design, as proposed, therefore a condition of approval requiring the streets to be vacated prior to their use is incorporated into this application. Additional conditions may be part of the decision if deemed appropriate by the Planning Commission.

- (d) *A proposal by the applicant that meets or exceeds the cited Code standards and/or conditions of approval.*

Finding: There have been no identified adverse impacts which require the applicant to submit a proposal to mitigate additional adverse impacts.

Conclusion: The staff has reviewed the application and supporting evidence submitted for the Justice Center Discretionary Use approval. The staff recommends support for the request as the proposal meets the stated criteria for Discretionary Use approval as listed above.

The staff has also reviewed the public hearing testimony and suggest that no changes are required to the findings of fact and recommended conditions of approval. An additional condition of approval requiring the vacation of the alley west of 4th Street between A Street and B Street has been added at the suggestion of Commissioner Decker. However, there has not been any compelling testimony pertaining directly to the Discretionary Use criteria of approval that warrants any changes to the proposal presently before the Planning Commission.

Zone Change Request:

Article 12 of the SDC contains the criteria of approval for the decision maker to utilize during review of Zoning Map amendment requests. The Criteria of Zoning Map amendment approval criteria follow:

SDC 12.030 CRITERIA

- (3) *Zoning Map amendment criteria of approval:*

- (a) *Consistency with applicable Metro Plan policies and the Metro Plan diagram;*

- (b) *Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and*
- (c) *The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities, services and transportation networks are planned to be provided concurrently with the development of the property.*

Proposed Findings In Support of Zone Change Approval

Criterion: *Zoning Map amendment criteria of approval:*

- (a) *Consistency with applicable Metro Plan policies and the Metro Plan diagram;*
Finding: The proposed zone change is consistent with the *Metro Plan* text and diagram which designate the subject area as Nodal Development/Mixed Use.
- (b) *Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans;*
Finding: The proposed zone change is consistent with provisions of the *Downtown Refinement Plan* text and diagram which enables Nodal Development in the subject area. Justice Centers are listed among the types of Civic and governmental activities that are encouraged to locate along A Street in accordance with Land Use Element – Policy #2 of the *Downtown Refinement Plan*.
- (c) *The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities, services and transportation networks are planned to be provided concurrently with the development of the property.*
Finding: The site proposed for development of the Justice Center is already serviced with a full range of public facilities and a fully developed transportation network.

Conclusion: The staff has reviewed the application and supporting evidence submitted by the applicant for the Justice Center Zone Change request. Based on the above-listed criteria, staff recommend support for the request as the proposal meets the stated criteria for Zone Change approval.

The staff has also reviewed the public hearing testimony and suggest that no changes are required to the findings of fact and recommended conditions of approval. An additional condition of approval requiring the vacation of the alley west of 4th Street between A Street and B Street has been added at the suggestion of Commissioner Decker. However, there has not been any compelling testimony pertaining directly to the Zone Change request criteria of approval that warrants any changes to the motion presently before the Planning Commission.

Conditions of Approval

SDC Article 10 and Article 12 allow for the Approval Authority to attach conditions of approval to both the Discretionary Use and Zoning Map amendment requests to ensure that the applications fully meet the criteria of approval. The specific language from these code sections is listed below:

10.040 CONDITIONS OF APPROVAL

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Discretionary Use approval to be granted.

12.040 CONDITIONS OF APPROVAL

The Approval Authority may attach conditions as may be reasonably necessary in order to allow the Zoning Map amendment to be granted.

The proposed development will require vacation of the alley west of 4th Street between A Street and B Street to allow for buildings to be constructed over this right-of-way. This is the only right-of-way vacation absolutely required for the development to proceed. As proposed, the discretionary use application also would require the vacation of B Street if the right-of-way is to be developed with a secure parking lot. The applicant has testified that a secure parking area is integral to the normal functions of the jail and police station, and also serves an important role as emergency evacuation space for jail detainees in accordance with standards of the National Fire Protection Association (NFPA) *101 Life Safety Code*. A segment of 4th Street between A Street and B Street was identified for potential vacation in the application, as it is proposed for use as dedicated parking and vehicle circulation areas for the Justice Center. However, the applicant has testified that street vacation for 4th Street might not be required to accommodate the proposed Justice Center if public passage is maintained and no buildings are contemplated within the affected area.

Staff note that construction of the Justice Center building itself is proposed entirely within City-owned property (Assessor's Map 17-03-35-24, Tax Lots 13900, 14000, 14100 & 14300; and Assessor's Map 17-03-35-31, Tax Lots 1500-2400), and the proposal is consistent with the criteria of zone change and discretionary use approval outlined in this staff report. Furthermore, Justice Centers are a listed and encouraged use within the downtown core in general, and along A Street specifically, in accordance with provisions of the *Downtown Refinement Plan* and the *Springfield Development Code*. It is the opinion of staff that there has not been any substantive testimony presented at the public hearing that would lead to a different conclusion. Although street rights-of-way are not required for the purpose of constructing the Justice Center, the applicant is proposing to use street rights-of-way for secure parking and other ancillary uses. Street vacation is a separate and distinct decision that is not before the Planning Commission. Therefore, the recommended conditions of approval are intended to allow for the discretionary use and zone changes to be granted for the subject tax lots irrespective of whether vacated street rights-of-way are used in the Justice Center site design. In the event that street vacation does not occur for B Street and/or 4th Street, the Planning Commission decision on the discretionary use

and zone change requests would not be revisited. Staff advise that, if the alley and one or more abutting streets are shown incorporated into the Justice Center site design (thereby impeding public use and access), Final Site Plan approval will be contingent upon vacation of the affected alley and street(s). To allow this to occur, staff recommend that the following conditions of approval are endorsed by the Commission:

Staff Recommended Conditions of Approval:

1. Prior to Final Site Plan Review approval for development of the Justice Center where improvements are to be constructed within the B Street right-of-way between 4th Street and Pioneer Parkway East, and public passage is not maintained, the City Council must approve an alteration of use or vacation of the affected portion of B Street right-of-way.
2. Prior to Final Site Plan Review approval for development of the Justice Center, the City Council must approve an alteration of use or vacation of the alley west of 4th Street between A Street and B Street.
3. Prior to Final Site Plan Review approval for development of the Justice Center where improvements are to be constructed within the 4th Street right-of-way between A Street and B Street, and public passage is not maintained, the City Council must approve an alteration of use or vacation of the affected portion of 4th Street right-of-way.

The Planning Commission may choose to apply additional conditions of approval as necessary to comply with the Discretionary Use and/or Zone Change criteria.