

DATE OF HEARING: January 4, 2006

TO: Springfield Planning Commission

**PLANNING COMMISSION
TRANSMITTAL
MEMORANDUM**

FROM: Greg Mott, Planning Manager
Gary M. Karp, Planner III

SUBJECT: Springfield Development Code Amendment –
Case Number **LRP 2005-00031**, City of Springfield, Applicant

ISSUE

Hold a public hearing on the proposed Springfield Development Code (SDC) amendment of Article 23 PLO Public Land and Open Space District to reconsider the level of review for fire stations, police stations, jails and public transit facilities in the PLO District.

DISCUSSION

The Planning Commission voted to forward an Ordinance amending Article 23 to the City Council for adoption on November 1, which included several revisions requested by the Commission. During the preparation of the Ordinance, the Justice Center Project Team raised some concerns regarding the proposal to require Type III Discretionary Use approval for fire stations, police stations, jails and public transit facilities. Staff prepared an explanation of this concern with a choice of options for the City Council's consideration at their work session and public hearing on November 28. The City Council deferred expressing an interest in any of these options and directed staff to take the matter back to the Planning Commission for additional consideration. The City Council opened the public hearing and continued it until January 17, 2006.

RECOMMENDATION/ACTION REQUESTED

Consider options for the review of fire stations, police stations, jails and public transit facilities in the PLO District. Select one of the attached options, propose a new option or blend portions of these options and advise the City Council, by motion and signature of the revised order and recommendation by the Planning Commission Chairperson, to approve the Ordinance amending Article 23, PLO Public Land and Open Space District, as may be revised, at the continuation of the public hearing on January 17, 2006.

ATTACHMENTS

Attachment 1 Background

Attachment 2: Options, Assets and Liabilities

Attachment 3 Revisions to the uses under "Government" based on the proposed options

Attachment 4 Discretionary Use Criteria of Approval

Attachment 5 Site Plan Review Criteria of Approval

Attachment 6: Revised Order and Recommendation

ATTACHMENT 1

BACKGROUND

Currently, SDC Section 23.020(2) "Government" contains a use list that is limited to libraries, public office buildings, senior centers and sports complexes/ stadiums. Staff proposed to expand this use list to specifically include the elements that comprise the Justice Center (courts, a police station and a jail) and added other uses consistent with established public buildings in the City.

Currently, approval of all uses listed in SDC Section 23.020(2) "Government" requires Type III Discretionary Use approval from the Planning Commission. Staff proposed that instead, the Type II Site Plan Review process, along with compliance with the applicable special use standards found in SDC Section 23.100, (a staff decision) be used. Staff's recommendation for the Type II process was to comply with the Planning Commission's direction given during the recently adopted SDC "housekeeping" amendments (July '05). The Planning Commission wanted staff to reduce the number of Type III reviews decided by the Commission.

At their public hearing on November 1, the Planning Commission directed staff to apply the Type III Discretionary Use approval process for fire stations, police stations including jail facilities, and public transit facilities. The Planning Commission felt that these uses may have an impact on neighboring properties, especially those zoned residential. Staff stated that the SDC currently gives the Development Services Director the authority to raise a Type II Site Plan application to a Type III review before the Planning Commission "due to the complexity of the application or the need for discretionary review." The Planning Commission preferred the certainty of requiring discretionary review and voted unanimously to forward the use list amendments to the City Council with the four uses cited above requiring Type III Discretionary Use approval.

The Site Plan Review process considers applications on the basis of compliance with SDC development standards such as zoning consistency; availability and capacity of necessary public improvements, compliance with applicable construction standards, transportation issues and protection of physical features (see Attachment 5). Two recent public developments, the fire station on Game Farm Road near Harlow Road and the LTD Transit facility at 4th and South A Streets were both reviewed under the Type II Site Plan Review process.

While one of the Discretionary Use approval criteria specifically addresses the mitigation of: "Any adverse effects of the proposed use on adjacent properties and the public...", when adverse effects and/or compatibility issues with surrounding uses are raised during any Type III public hearing process, including Site Plan Review, the Planning Commission has the authority to add conditions of approval addressing mitigation of these issues.

As staff began to prepare the adopting Ordinance, the Justice Center Project Team raised some concerns about applying Type III Discretionary Use approval because this process requires a determination that the site must be considered "suitable for the proposed use" resulting in a yes/no decision by the Planning Commission in order to site the use (see Attachment 4). The Discretionary Use would apply to the Justice Center because it includes a police station and a jail. Implementation of the Discretionary Use process appears to conflict with the recent Downtown Refinement Plan text amendments that state: "**All publicly owned property within the nodal development mixed use plan diagram designation shall be rezoned Public Land and Open Space (PLO).**" (Implementation Policy A. 1.). Additionally, "**Downtown shall be the**

preferred location for civic and governmental uses serving the Springfield community. Within the downtown, governmental uses, including City Hall, the Justice Center, Willamalane and SUB offices, shall be encouraged to locate and expand along A Street. Other civic uses or public places, such as theaters, parks, plazas and other sites of public interest, should be dispersed throughout downtown to encourage walking from place to place, provide visual contrast to the built environment, and compliment adjoining businesses.“ (Implementation Policy A. 2.).

As the cover memorandum indicates, the City Council wanted to be sure that these concerns and options were thoroughly discussed by the Planning Commission and that any option chosen by that body should result in a recommendation to the City Council. For this reason, staff now presents what we believe is a full array of potential options for the Planning Commission’s consideration. Option A is the Planning Commission’s recommendation as approved on November 1; Option B is the original staff recommendation of Site Plan Review, administrative approval; Option C elevates Site Plan Review to the Planning Commission’s jurisdiction; Option D, which is presented for the first time, confers a status of outright use, without the Site Plan requirement.

As these options are discussed, the other unique circumstances that exist in the Downtown Exception Area should not be overlooked:

1. The evidence of Downtown Refinement Plan policy for the proposed use.
2. No off-street parking requirements.
3. No landscape requirements.
4. No building setback requirements.
5. No height requirements.

These rules apply to all development in the Downtown Exception Area, not just government property. Development standards that are otherwise achieved during Site Plan Review are deliberately reduced in this area

ATTACHMENT 3

REVISIONS TO THE USES UNDER “GOVERNMENT” BASED ON THE PROPOSED OPTIONS

OPTION A

- | | | |
|------------|--|---|
| (1) | Government (23.100) | |
| (a) | Libraries | S |
| (b) | Senior/Adult Activity Centers | S |
| (c) | Courts | S |
| (d) | Fire Stations | D |
| (e) | Administrative offices | S |
| (f) | Museums | S |
| (g) | Neighborhood and community centers | S |
| (h) | Performing arts centers | S |
| (i) | Plazas and other sites of public interest, | S |
| (j) | Police stations, including jail facilities | D |
| (k) | Post offices | S |
| (l) | Public transit facilities | D |
| (m) | Sports complexes/stadiums | D |

ATTACHMENT 3

OPTION B

- (2) Government (23.100)
 - (a) Libraries S
 - (b) Senior/Adult Activity Centers S
 - (c) Courts S
 - (d) Fire Stations S
 - (e) Administrative offices S
 - (f) Museums S
 - (g) Neighborhood and community centers S
 - (h) Performing arts centers S
 - (i) Plazas and other sites of public interest, S
 - (j) Police stations, including jail facilities S
 - (k) Post offices S
 - (l) Public transit facilities S
 - (m) Sports complexes/stadiums D

ATTACHMENT 3

OPTION C

- | | | |
|------------|--|---------|
| (3) | Government (23.100) | |
| (a) | Libraries | S |
| (b) | Senior/Adult Activity Centers | S |
| (c) | Courts | S |
| (d) | Fire Stations | SPR/III |
| (e) | Administrative offices | S |
| (f) | Museums | S |
| (g) | Neighborhood and community centers | S |
| (h) | Performing arts centers | S |
| (i) | Plazas and other sites of public interest, | S |
| (j) | Police stations, including jail facilities | SPR/III |
| (k) | Post offices | S |
| (l) | Public transit facilities | SPR/III |
| (m) | Sports complexes/stadiums | D |

ATTACHMENT 3

OPTION D

(4)	Government (23.100)	
(a)	Libraries	S
(b)	Senior/Adult Activity Centers	S
(c)	Courts	S
(d)	Fire Stations	-
(e)	Administrative offices	S
(f)	Museums	S
(g)	Neighborhood and community centers	S
(h)	Performing arts centers	S
(i)	Plazas and other sites of public interest,	S
(j)	Police stations, including jail facilities	-
(k)	Post offices	S
(l)	Public transit facilities	-
(m)	Sports complexes/stadiums	D
(n)	Justice Center, a building including but not limited to a police station, courts, administrative offices and a jail	P Allowed as of right without addressing Site Plan Review or Discretionary Use Standards

Note: The Planning Commission must fill in the review processes on the blank spaces in this table. The Planning Commission may choose from Options A – C or propose a new option or blend portions of these options.

ATTACHMENT 4
DISCRETIONARY USE CRITERIA OF APPROVAL (ref. SDC 10.030).

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 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.

ATTACHMENT 5

SITE PLAN REVIEW CRITERIA OF APPROVAL (ref SDC 31.060)

The Director shall approve or approve with conditions: a Type II Site Plan Review application upon determining that approval criteria (1) through (5) of this Section have been satisfied. If conditions cannot be attached to satisfy the approval criteria, the Director shall deny the application.

- (1) The zoning is consistent with the Metro Plan diagram, and/or the applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan.
- (2) Capacity requirements of public improvements, including but not limited to, water and electricity; sanitary sewer and stormwater management facilities; and streets and traffic safety controls shall not be exceeded and the public improvements shall be available to serve the site at the time of development, unless otherwise provided for by this Code and other applicable regulations. The Public Works Director or a utility provider shall determine capacity issues.
- (3) The proposed development shall comply with all applicable public and private design and construction standards contained in this Code and other applicable regulations.
- (4) Parking areas and ingress-egress points have been designed to: facilitate vehicular traffic, bicycle and pedestrian safety to avoid congestion; provide connectivity within the development area and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; minimize curb cuts on arterial and collector streets as specified in this Code or other applicable regulations and comply with the ODOT access management standards for state highways.
- (5) Physical features, including but not limited to, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their associated riparian areas, wetlands, rock outcroppings and historic features have been evaluated and protected as specified in this Code or other applicable regulations.

ATTACHMENT 6

BEFORE THE PLANNING COMMISSION OF THE CITY OF SPRINGFIELD, OREGON

ORDER AND RECOMMENDATION FOR A]
SPRINGFIELD DEVELOPMENT CODE]
TEXT AMENDMENT]

CASE NUMBER LRP 2005-00031

RECOMMENDATION TO THE CITY COUNCIL

NATURE OF THE APPLICATIONS

CASE NUMBER LRP 2005-00031. The purpose of the Springfield Development Code text amendment is to amend SDC Article 23, PLO Public Land and Open Space District to: 1) Revise the use list under "Government" to allow the Justice Center and other specific uses as outright permitted uses along with other minor siting standard amendments; 2) Reduce approval process from Type III review to Type II review; and 3) To add pedestrian amenity standards for public buildings from SDC Article 40 Mixed Use Districts as special use standards in SDC Article 23.

1. The above referenced applications have been accepted as complete.
2. The applications were initiated and submitted in accordance with Section 3.050 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 14.030 of the Springfield Development Code, has been provided.
3. On November 1, 2005 the Planning Commission held a public hearing on the proposed amendments. The Development Services Department staff notes and recommendation together with the oral testimony and written submittals of the persons testifying at that hearing have been considered and are part of the record of this proceeding.
4. On January 4, 2006 the Planning Commission reopened the public hearing to consider options for the review of fire stations, police stations, jails and public transit facilities in the PLO District, select an option, and advise the City Council to approve the Ordinance amending Article 23, PLO Public Land and Open Space District, as may be revised, at the continuation of the public hearing on January 17, 2006.

CONCLUSION

On the basis of this record, the proposed amendments are consistent with the criteria of SDC Sections 8.030. This general finding is supported by the specific findings of fact and conclusion in the Staff Report and Findings.

ORDER/RECOMMENDATION

It is ORDERED by the Springfield Planning Commission that approval of **CASE NUMBER LRP 2005-00031**, be GRANTED and a RECOMMENDATION for approval forwarded to the Springfield City Council.

Planning Commission Chairperson

ATTEST

AYES:

NOES:

ABSENT:

ABSTAIN:

