

Exhibit A

Findings of Fact New Use Interpretation ZON2006-024

Issue:

The applicant, James Spickerman, requested that the Planning Commission provide a formal interpretation of whether a home improvement center is a permitted use in the Heavy Industrial (HI) zoning district. "Home Improvement Center" is not listed as a permitted use in any zoning district within the Springfield Development Code (SDC). Interpretations of new uses are processed under the Type II procedure unless the Planning Director determines that the application should be reviewed as a Type III decision by the Planning Commission due to its complexity or need for discretionary review. Because an affirmative decision that a home improvement center is a permitted use could have broad implications on the retail composition of the industrial district, the Director elevated the review of the application to the Planning Commission.

Background:

The applicant's rationale behind the request that an approximately 150,000 square-foot home improvement center be considered a permitted use in the HI district based upon the uses listed under SDC section 20.020(9) *Warehouse commercial, wholesale trade, storage and distribution*. Under subsection (d) of this section, uses listed under 18.020(13) of the Code, excluding (m) are permitted in the HI, Light Medium Industrial (LMI) and Special Heavy Industrial (SHI) districts. 18.020(13) lists the following uses:

- (13) *Warehouse commercial retail and wholesale sales (Section 18.110(11)):*
- (a) *Cold storage lockers*
 - (b) *Electrical supplies and contractors*
 - (c) *Floor coverings sales*
 - (d) *Fuel dealers*
 - (e) *Heavy equipment and truck rental/sales*
 - (f) *Indoor storage, other than mini-warehouses, and outdoor storage areas / yards*
 - (g) *Large electrical appliance sales*
 - (h) *Lumber yards and building materials*
 - (i) *Merchandise vending machine operators*
 - (j) *Mini-warehouses*
 - (k) *Plumbing and heating supplies and contractors*
 - (l) *Unfinished furniture*
 - (m) *Uses listed under automotive and retail which are wholesale uses.*

The applicant reasoned that if the uses listed under (b) electrical supplies and contractors, (c) floor covering sales, (g) large electrical appliance sales, (h) lumber yards and building materials and (k) plumbing and heating supplies and contractors were all located within one large building, the use would, in effect, be a home improvement center.

The Planning Commission noted that the interpretation will apply to the Light Medium Industrial (LMI), Heavy Industrial (HI) and Special Heavy Industrial (SHI) districts because the use list within Article 20 allows for warehouse commercial/retail uses of SDC 18.110(13) in all three districts.

Procedural Findings:

The application was submitted on May 15, 2006 and was deemed complete for processing in accordance with SDC 3.050. Notification of the public hearing before the Springfield Planning Commission was printed in the May 26, 2006 edition of the Springfield News. The Planning Commission held a public hearing on July 5, 2006 to accept public testimony on the application. At the conclusion of the hearing, the Commission voted six in favor, one opposed to approve a home improvement center as a permitted use in the industrial districts. The Commission further instructed staff to return on July 18, 2006 with a Final Order and findings in support of the motion.

Criteria of Approval:

The criteria applied to new use interpretations are found within the SDC Article 4, Section 4.030. The criteria are:

A new use may be considered to be a permitted use when, after consultation with the City Attorney or other City staff, the Director determines that the new use:

- (a) Has the characteristics of one or more use categories currently listed in the applicable zoning district;*
- (b) Is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking or density; and*
- (c) Is consistent with all land use policies in this Code which are applicable to the particular zoning district.*

Application of the Criteria:

(a) Has the characteristics of one or more use categories currently listed in the applicable zoning district;

Findings: The use will have characteristics of the use category “warehouse commercial retail and wholesale sales.” This is borne out by the fact that it will incorporate several specific uses listed in that category. The use will draw the same type of customers and have the same operational characteristics as other uses in the category.

If each of the of the uses within what is contemporarily understood to be a home improvement center were to be separated into different structures based upon use, each could be permitted independently within the industrial districts. An electrical supply store could be located next to a floor covering sales store, next to a lumber yard and building materials store, etc. A home improvement center which houses all of these uses under one roof does have the characteristics of the permitted uses listed in the industrial zoning districts which satisfies this criterion of approval.

(b) Is similar to other permitted uses in operational characteristics, including but not limited to, traffic generation, parking or density; and

Findings: In terms of traffic generation and parking, the operational characteristics will be the same as other permitted uses in that it is a combination of those permitted uses. The only distinction is that more than one use will be found at the site.

The type of traffic to be generate will consist of deliveries to the site by large trucks or other delivery vehicles and customer traffic, including both wholesale and retail customers. The amount of traffic will be similar to that generated by a building material and lumber store. The hours of operation will be approximately 9:00 a.m. to 9:00 p.m.

The Institute of Transportation Engineers (ITE) Trip Generation 7th Addition, provides an average vehicle trip generation projection for a “Building Materials and Lumber Store” (Use 812). The document projects an average of 4.49 vehicle trips per 1,000 square feet of gross floor area on a weekday during the peak hour of adjacent street traffic one hour between 4 and 6 p.m. A 150,000 square-foot building materials and lumber store would produce 673 p.m. peak hour vehicle trips. It should be noted that the ITE manual states that the studied building materials and lumber stores are less than 25,000 square feet in size.

The ITE document also contains a section entitled “Home Improvement Superstores” (Use 862) which is described as a free standing facility that specializes in the sale of home improvement merchandise. The buildings contained in this land use usually range in size from 50,000 to 200,000 square feet of gross floor area. The ITE manual projects an average of 3.05 vehicle trips per 1,000 square feet of gross floor area on a weekday during the peak hour of adjacent street traffic one hour between 4 and 6 p.m. A 150,000 square-foot home improvement superstore would produce 457 p.m. peak hour vehicle trips.

An additional related use category contained within the ITE is Hardware/Paint Store (Use 816). The ITE projects 4.84 vehicle trips per 1,000 square feet of gross floor area on a weekday during the peak hour of adjacent street traffic one hour between 4 and 6 p.m. A 150,000 square foot hardware/paint store would produce 726 p.m. peak hour vehicle trips. It should be noted that the average square footage for the hardware/paint store uses utilized in the ITE statistical analysis was 18,000 square feet. While the hardware and paint store use is not permitted in the industrial districts, this information is included for informational purposes.

The ITE contains no information on trip generation for electrical supplies and contractors, floor covering sales, electrical appliance sales or plumbing and hearing supplies and contractors.

Use	Size	P.M. Peak Hour Trips
Building Materials and Lumber Store	150K Square Feet	673
Home Improvement Superstores	150K Square Feet	457
Hardware/Paint Store	150K Square Feet	726

This exercise demonstrates that, according to the ITE manual's statistical analyses, a home improvement superstore use would have less impact than a lumber yard and building material store in terms traffic generation on a per-square-foot basis.

Because the interpretation involves the industrial district, residential density is not applicable. As for parking, SDC Article 18 requires one vehicle parking space per every 600 square feet of "warehouse commercial sales". There is no citation under Article 20 which stipulates the number of required spaces for such a use. Typically, when a use is permitted in more than one district, the parking standards are the same for both districts unless a different standard is specifically called out. In this case, one space per 600 square feet of gross floor area would be required. Most primary industrial uses require a minimum of 500 square feet for manufacturing and assembly and one space per thousand for warehousing. The proposed use would not be inconsistent with the parking impacts generated by a primary industrial use.

(c) Is consistent with all land use policies in this Code which are applicable to the particular zoning district.

Findings: A land use policy that is applied to warehouse commercial uses in the Industrial district that is not applied in the Commercial district is found in SDC 20.100(2) which proscribes that at least 50 percent of the structure used for warehouse commercial shall be used for storage of materials and 50 percent or less may be used for combined retail and office floor space. The common practice for home improvement centers is to utilize much of the vertical space within the structure for warehousing supply stock in large shelving areas above the display merchandise.

SDC Article 2, *Definitions*, defines warehousing as "*The storage of finished and unfinished products and materials within an entirely enclosed building. This may include facilities for regional wholesale distribution, if permitted by the applicable zoning district.*"

According to the definition, the vertical storage of materials can meet the definition for warehousing because it is storing finished and unfinished products within an enclosed building. It is therefore possible for a home improvement center to meet this standard.