

Attachment 1 Zoning District Change - Type III Staff Report and Findings



Hearing Date:
February 21st, 2007

Case Number:
ZON 2006-00070

Applicant /Owner
Donald Fairchild
P.O. Box 788
Springfield, OR 97477

Applicant's Representative
Karl Mueller, Planner
Metro Planning
380 'Q' Street, Suite 220
Springfield, OR 97477

Date Submitted: December 26th, 2006

REQUEST:

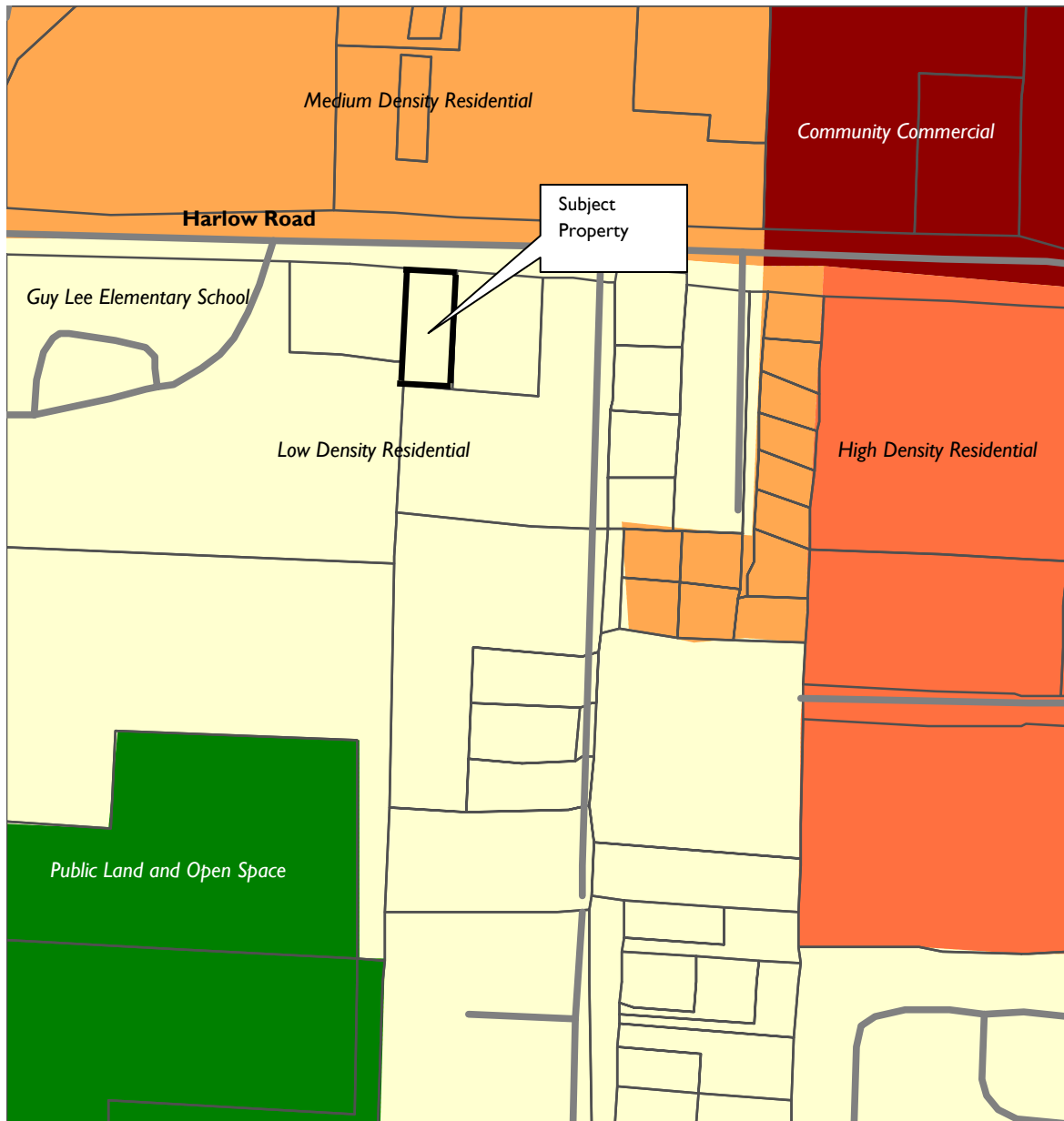
The Applicant requests a zone change for approximately 0.27 acre from Low Density Residential (LDR) to Neighborhood Commercial (NC). The applicant is applying for a zone change to the official zoning map.

SITE DESCRIPTION:

The subject property is located at 697 Harlow Road, Tax Map 17-03-27-12 # 2900. There is an existing single family home on the site. The subject property is a .27 acre parcel currently owned by Donald Fairchild. The subject property is zoned LDR and is designated LDR on the Gateway Refinement Plan Map and the *Metro Plan*. The site is located on Harlow Road, a minor arterial.

Land directly north of the subject property (across Harlow Road) is zoned Medium Density Residential (MDR). Land directly east, west and south of the subject property is zoned LDR. The existing structure on-site receives access from Harlow Road. Guy Lee Elementary School is located on property to the southwest of the subject lot. The neighborhood consists of a mix between Low Density Residential, Medium Density Residential, General Office, Community Commercial, and High Density Residential.

Existing Neighborhood Development Pattern



Existing Site & Neighborhood Buildings-



Existing structure on site.



Neighboring property located to the west has an existing single family home with work-shed / garage in back.



Looking south from subject property. The lot located to the south is currently vacant.



Subject lot fronts onto Harlow Road, a minor arterial.



Medium Density development (apartment complex) located across the street from proposed rezone.



Community Commercial development east of proposed rezone.

REVIEW PROCESS:

This application is reviewed under Type III procedures listed in SDC 3.090 and Article 12. This rezone application is presented as a Quasi-judicial Zoning Map Amendment because the proposed rezone involves the application of existing policy to a specific factual setting and does not involve a Metro Plan diagram amendment. SDC 12.020 states that Quasi-judicial Zoning Map amendments shall be reviewed using a Type III procedure.

This application was accepted as complete on December 26th, 2006. Notice of the public hearing date was mailed out on Monday, January 22nd, 2007 to property owners within 300 feet of the proposed zone change per Section 14.030 (1) (a)-(n) of the SDC. Public notice of the hearing was published in the local newspaper (*Register Guard*) on February 1st, 2007, as required in Section 14.030 (2) of the SDC. No written comments were received.

METRO PLAN DESIGNATION:

The subject property is located in a LDR Plan designation shown in the *Metro Plan* diagram. The *Metro Plan* diagram has identifiable features to establish the LDR boundary. The subject property is located within the Gateway Refinement Plan area, and is designated LDR in the Refinement Plan. Specific Findings related to the Metro Plan designation and Refinement Plan designation are discussed in this report.

DISCUSSION:

The Applicant requests a zone change for property with an existing single family home from LDR to NC. The applicant is applying for a zone change to the official zoning map. Approval of the request would allow for future site plan review of an accountant and tax office in accordance with the standards of SDC Article 18 and Article 31 (where applicable).

As previously indicated in this report, the subject property is located within the Gateway Refinement Plan, and is designated LDR on said Plan. The Metro Plan designation is also LDR. As indicated in the Metro Plan, Neighborhood Commercial is not at a large enough scale (5 acres or greater) to be represented on the Metro Plan Diagram.

SDC 12.030 Criteria of Approval – Zoning District Change

SDC 12.030 (1) – Quasi-judicial Zoning Map Amendments – The Planning Commission or Hearings Official may approve, approve with conditions or deny a quasi-judicial Zoning Map amendment based upon approval criteria (3)(a)-(c) below. The Planning Commission or Hearings Official shall make the final local decision on all quasi-judicial Zoning map amendments that do not include a Metro Plan diagram amendment.

SDC 12.030(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.*

STAFF FINDINGS

Criterion 1

SDC 12.030 (3)(a): Consistency with the Metro Plan Text and Diagram;

Finding 1: The Metro Plan designation for the subject property is LDR.

Finding 2: The applicant proposes to apply a Zone Change from LDR to NC in order to allow a future use of an accountant and tax office.

Finding 3: The applicant's proposal is consistent with the *Plan* text with respect to the following:

Page II-G-3 of the Metro Plan:

Residential:

This category is expressed in gross acre density ranges. Using gross acres, approximately 32 percent of the area is available for auxiliary uses, such as streets, elementary and junior high schools, neighborhood parks, other public facilities, neighborhood commercial services, and churches not actually shown on the Metro Plan Diagram. Such auxiliary uses shall be allowed within residential designations if compatible with refinement plans, zoning ordinances, and other local controls for allowed uses in residential neighborhoods.

Finding 4: The above mentioned paragraph of the Metro Plan (pg. II-G-3) indicates that approximately 32 percent of the residentially designated area [emphasis added] is available for auxiliary uses, including neighborhood commercial services.

Finding 5: The subject property is designated LDR on the Metro Plan diagram. The applicant is proposing to rezone the property to NC, which is specifically listed as an allowable auxiliary use in the LDR designation.

Finding 6: The subject property is .27 acre is size. Section 18.010 (1) indicates that the Neighborhood Commercial district designates sites up to 3 acres in size to provide day to day commercial needs for support populations up to 4,000 people.

Finding 7: Page II-G-2 of the Metro Plan Diagram states: *Certain land uses are not individually of metropolitan-wide significance in terms of size or location because of their special nature or limited extent. Therefore, it is not advisable to account for most of them on the Metro Plan Diagram.*

Given the small scale (under 5 acres) of Neighborhood Commercial, it is not depicted on the Metro Plan Diagram.

Conclusion: The proposed rezone request is consistent with the Metro Plan Text and Diagram

Criterion 2

SDC 12.030 (2): Consistency with applicable Refinement Plans, special area studies and functional plans;

Finding 8: The subject property is located within the Gateway Refinement Plan. The Gateway Refinement Plan designation is LDR which is consistent with the *Metro Plan* designation.

Finding 9: The Gateway Refinement Plan has specific goals, policies and discussion related to Neighborhood Commercial properties. The Commercial Element of the Gateway Refinement Plan is described in pages 21-23 of the Plan.

Finding 10: The Commercial Element on page 21 of the Gateway Refinement Plan discusses the purpose of the Refinement Plan's Commercial Element. Text on Page 21 states: *The Commercial Element of the Gateway Refinement Plan addresses lands within the Refinement Plan area that are commercially designated on the Metro Plan Diagram [Emphasis Added].*

Finding 11: As previously indicated in this report, the Metro Plan specifically states that approximately 32% of residentially designated land is available for auxiliary uses, including Neighborhood Commercial uses. As mentioned above, the Gateway Refinement Plan's Commercial Element is written to address *commercially designated* area of the Metro Plan Diagram. The subject property is designated residential, not commercial. Therefore, the Commercial Element of the Gateway Refinement Plan is not applicable to this application. A Refinement Plan Amendment is not required for this rezone to neighborhood commercial. The proposed neighborhood commercial zone is allowable as an "auxiliary use" as defined in the *Metro Plan*.

Finding 12: The subject property is not located within any additional special area studies and functional plans.

Conclusion: The proposed zone change is in compliance with Criterion 2.

Criterion 3

SDC 12.030 (3): That the property can be served by the orderly and efficient extension of key urban facilities and services as prescribed in the Metro Plan prior to or in conjunction with development.

Finding 13: City water, electricity, sanitary and storm sewer currently exist along Harlow Road. The subject parcel is currently being serviced by these lines to the existing single family home on-site. Springfield Utility Board (SUB) provides water and electric service to the site.

Finding 14: The subject property is surrounded by currently developed property, all with existing city services.

Finding 15: The property is served by Springfield Fire and Life Safety.

Finding 16: The site is within Springfield School District 19.

Finding 17: The site is within the Willamalane Parks and Recreation District.

Finding 18: Transportation systems currently provide access to the property. The existing single family home has access from Harlow Road. Harlow Road is under City of Springfield jurisdiction.

Finding 19: The applicant is applying for a rezone from LDR to NC. As stated in this report, NC is a compatible use with residentially designated land on the *Metro Plan* diagram. Approval of this rezone will not negatively affect any LTD service.

Finding 20: Solid waste management service is available at the subject property. The City and Sanipac have an exclusive franchise arrangement for garbage service inside the city limits.

Finding 21: The site receives police protection from the City of Springfield, consistent with service provision throughout the city and with service that is now provided to adjacent properties.

Finding 22: The City of Springfield Development Services Department provides land use control for property within the City's jurisdiction.

Finding 23: Qwest and Comcast currently provide telephone and cable communication service in this area for and an array of wireless companies provide a number of different communication services. The City has no exclusive franchise arrangements with telecommunication or wireless companies. The field is competitive and therefore guarantees a wide selection.

Finding 24: Specific Site Plan design will take place upon submittal of an application for redevelopment of the site. Any potential changes needed to urban facilities and services on the site will be addressed in more detail during Site Plan Review or MDS Review.

Conclusion: All key urban facilities and services required for the proposed rezone are available and currently being used on the site. Any specific public and private improvement requirements and utility connection points will be determined when the property is developed. The proposal meets Criterion 3.

SDC 12.040 Conditions of Approval

SDC Article 12 allows for the Approval Authority to attach conditions of approval to a Zone Change request to ensure that the application fully meets the criteria of approval. The specific language from the code section is listed below:

12.040 Conditions of Approval

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

Staff have reviewed the Zone Change request and supporting information provided by the applicant and do not recommend any conditions of approval.

The Planning Commission may choose to apply conditions of approval as necessary to comply with the Zone Change criteria.

CONCLUSION AND RECOMMENDATION

Staff finds that the request meets the criteria of SDC 12.030. Upon review of the evidence provided by the applicant, site visits, existing structures/uses and the applicant's burden of proof, staff finds that the applicant's request for a zone change from LDR to NC is appropriate for the subject property and meets the criteria of SDC 12.030. Staff recommends approval of the applicant's request.