

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



Hearing Date:
February 21st, 2007

Case Number:
ZON 2006-00041

Applicant /Owner
David Dukes

Applicant's Representative
None

Date Submitted: August 11th, 2006

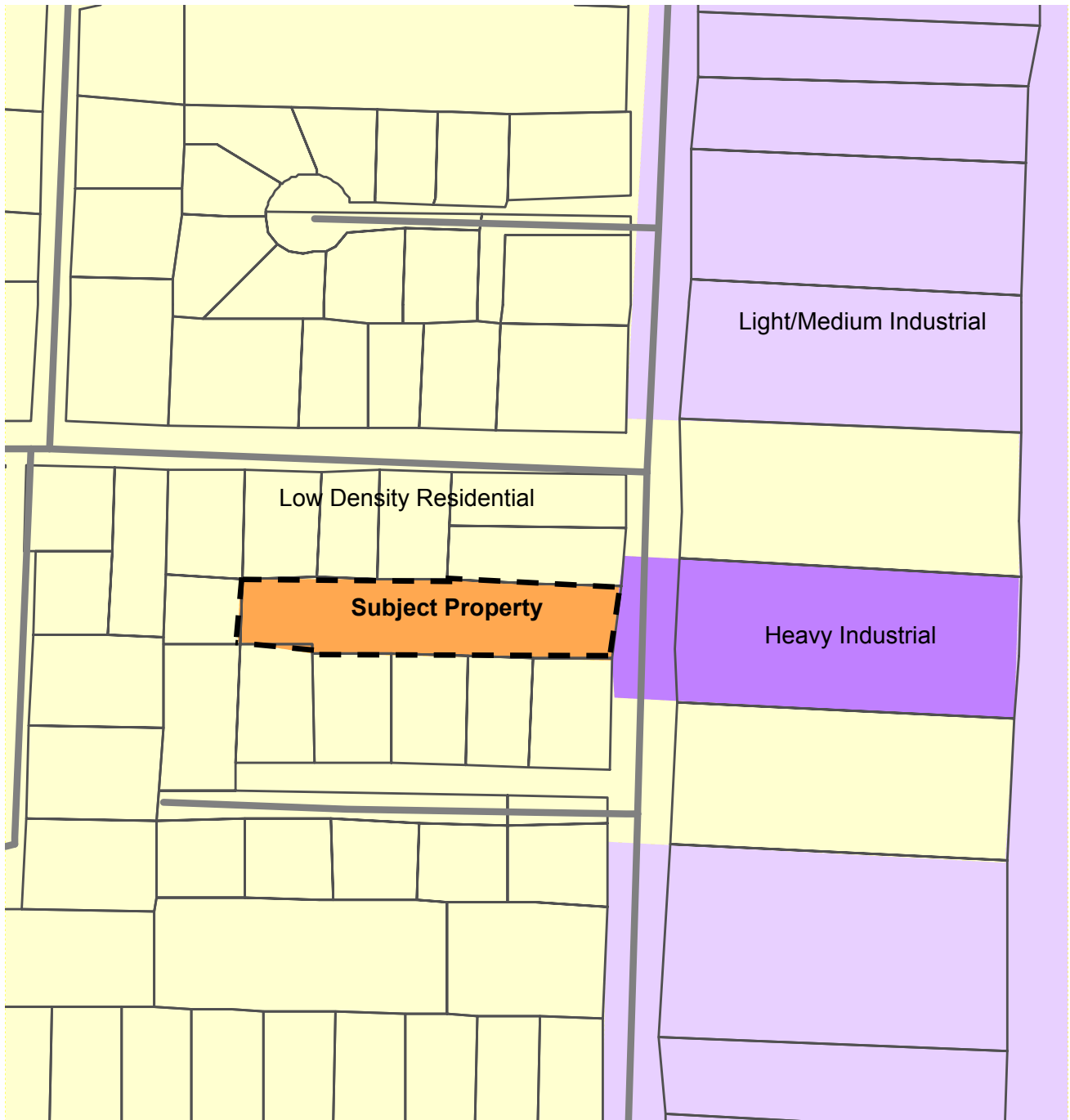
REQUEST:

The Applicant requests a zone change for property from Medium Density Residential (MDR) to Low Density Residential (LDR), in order to conform with the Metro Plan Designation. The applicant is applying for a City sponsored zone change since there is a clear *Plan/Zone* conflict. Approval of the request would allow the existing parcel to come into accordance with the standards of SDC Article 16 and Article 31 (where applicable).

SITE DESCRIPTION:

The subject property is located at 740 28th Street, Tax Map 17-03-36-11 TL 11300. The site is approximately .54 acre in size and is currently vacant. The site is flat with no existing trees on site. Land directly north, south and west of the subject property is zoned Low Density Residential (LDR). Said properties have single family homes located on each lot, consistent with their zoning and *Plan* designation. Land directly east of the subject property across 28th Street is zoned Heavy Industrial (HI), but is designated Light Medium Industrial (LMI) on the *Mid-Springfield Refinement Plan* and *Metro Plan*. Said lot has an existing manufactured home park on the site. The subject property takes access off of 28th Street.

Existing Neighborhood Development Pattern



Existing Site & Neighborhood Buildings-



Subject lot looking west



Neighboring single family home located on lot to the north



28th Street fronting subject lot – looking south



Existing mobile home park located to the east, across 28th Street



Single family home on corner of 28th and 'G' Street



Single family home on lot south of subject property

REVIEW PROCESS:

This application is reviewed under Type III procedures listed in SDC 3.090 and Article 12. This application was accepted as complete on August 11th, 2006. Notice of the public hearing date was mailed out on Tuesday, January 22, 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. Written response letters/petitions were received from the following Springfield residents:

Bradley J. Prophet
2711 'G' Street
Springfield, OR. 97477

Mr. Prophet submitted the following comment on January 25th, 2007: *"I strongly object to any zone change in the area. We do not need to change the zoning to meet one person's needs or wants. The zone was set way back whenever for reasons."*

Staff Response: The applicant is applying for a rezone change because it currently does not conform to the *Metro Plan* Diagram. The *Metro Plan* is the 20-year vision document that guides land use in the City. State law requires City zoning maps to be consistent with the Comprehensive Plan (*Metro Plan*). The proposed rezone will correct a conflict between the City zoning map and the Metro Plan Diagram.

METRO PLAN DESIGNATION:

The subject property is located in the Low Density Residential Plan designation as shown in the *Metro Plan* diagram. The *Metro Plan* diagram has identifiable features to establish the LDR boundary. No refinement plan has been adopted for the area.

DISCUSSION:

As of April 20th, 2006, the City began sponsoring zoning map amendments for properties where the zoning and *Plan* designation are clearly in conflict. This process will occur three times a year. This year's first hearing is at the February 21st hearing.

The applicant is requesting a Zone Change for the subject parcel because the site currently represents a Plan / Zone conflict. The current zoning for the property is MDR, and the applicant requests rezoning to LDR consistent with the *Metro Plan* designation. The proposed rezone would rectify the conflict, and bring the zoning into conformity with the Metro Plan designation.

As noted on the *Metro Plan* map, the subject lots represent a clear Plan / Zone conflict which can be corrected by approval of this application. All of the properties adjacent to the site have existing single family homes, consistent with their zoning and *Plan* designation. The Plan Diagram shows 28th Street as the boundary between LDR on the west and industrial on the east.

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: Staff informed the applicant that the *Metro Plan* designation for this property is LDR and that the existing MDR zoning represents a *Plan/zone* conflict.

Finding 2: The applicant proposed to apply a Zone Change from MDR to LDR for the subject lot in order to bring it into compliance with the *Metro Plan* designation.

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

Metro Plan page I-2, #4 states: *The Metro Plan provides the public with general guidelines for individual planning decisions. Reference to supplemental planning documents of a more localized scope, including neighborhood refinement plans, is advisable when applying the Plan to specific parcels of land or individual tax lots.*

Finding 4: No supplemental planning documents (e.g. Refinement Plans) of localized scope exist within the subject area. Therefore, the City must rely upon the Metro Plan diagram to the best degree possible and *Metro Plan* text for interpretation.

Finding 5: The *Metro Plan* diagram has identifiable features to establish specific boundaries of LDR plan designation area. The diagram shows a solid section of LDR west of 28th Street, between Centennial Avenue and just north of Main Street. Existing parcels located north and south of the subject parcel, and west of 28th Street are already in Plan / Zone compliance of LDR, thus, establishing a boundary of LDR properties along 28th Street.

Finding 6: The subject parcel is clearly located west of 28th Street between Centennial Avenue and Main Street, adjacent to existing LDR parcels which are in *Metro Plan* and Zoning compliance.

Finding 7: Since existing land uses and zoning of adjacent properties to the north, south and west are all consistent with the *Metro Plan* designation, the existing land use pattern and local zoning support the applicant's request.

Finding 8: Metro Plan page II-A1, Fundamental Principal #4 states: *Comprehensive plans identify and establish the plan-zoning consistency concept and recognize the importance of timing concerning implementation techniques. Implementation techniques, including zoning, shall generally be consistent with the precepts established in the Metro Plan, which is the broad policy document for the metropolitan area.*

Finding 9: As indicated in the Metro Plan's Fundamental Principal #4, the zoning map must be consistent with the Metro Plan. Approval of this rezone application will provide consistency between the Zoning Map and 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 10: As previously mentioned in this report, the subject properties are not located within any Refinement Plan area.

Finding 11: The subject property obtains access from 28th Street. There are no new road improvements shown in the *Trans Plan* that would affect the subject property. The Future Street Connectivity Map for the City of Springfield does not show any new roads through the subject properties.

Finding 12: The subject parcel is currently serviced by both City water and sewer, which is consistent with the City of Springfield Water and Sanitary Sewer Master 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, sanitary and storm sewer currently exist along 28th Street. The subject parcel is currently being serviced by these lines.

Finding 14: The property is served by Springfield Fire and Life Safety.

Finding 15: The site is within Springfield School District 19.

Finding 16: The site is within the Willamalane Parks and Recreation District.

Finding 17: Transportation systems currently provide access to the property. The subject property takes access from 28th Street. 28th Street is under City of Springfield jurisdiction.

Finding 18: The proposed zone change is from MDR to LDR. The subject lot has existing development on all sides, and is located on a fully improved City Street (28th Street). The proposed zone change will not negatively affect existing public transit service.

Finding 19: 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 20: 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 21: The City of Springfield Development Services Department provides land use control for property within the City's jurisdiction.

Finding 22: 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 currently.

Conclusion: All key urban facilities and services required for the proposed rezone are available to 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 a clear distinction of the Low Density Residential designation on the Metro Plan Map, staff finds that the applicant's request for a zone change from Medium Density Residential to Low Density Residential is appropriate for the subject property and recommends approval of this rezone request to resolve the Plan / Zone conflict.