

MEMORANDUM

CITY OF SPRINGFIELD

DATE OF HEARING: September 18, 2007

TO: Springfield Planning Commission

FROM: Steve Hopkins, Planner II

RE: Case No. ZON2007-00040

SUBJECT: Request for Zone Change by Scott and Lisa Leatham.

**COMMISSION
TRANSMITTAL
MEMORANDUM
work/regular session**

ISSUE: The Planning Commission is asked to conduct a public hearing and decide whether or not to approve a Zone Change from Low Density Residential (LDR) to Medium Density Residential (MDR).

DISCUSSION: This is a city-sponsored zone change to correct an identified Plan/Zone conflict. The subject property contains 0.67 acre and is located within an area that is designated in the Metro Plan for residential development at a density of 11-20 dwelling units per acre. However, the current zoning (LDR) limits the density to 10 units per acre or less. This application is being processed as a quasi-judicial Type III zoning map amendment. Type III decisions are made by the Planning Commission after a public hearing.

RECOMMENDATION: Staff recommends approval based on findings contained in the attached Staff Report.

ACTION REQUESTED: Planning Commission approval of this Zone Change request (ZON2007-00040) by motion.

ATTACHMENTS

Attachment 1: Staff Report and Findings

Attachment 2: Maps

Attachment 3: Planning Commission Final Order

Staff Report Planning Commission Zone Change Request (Leatham)

Hearing Date

September 18, 2007

Case Number

ZON2007-00040

Applicants

Scott and Lisa Leatham
Summer Development, Inc.
2264 Lakeview Drive, Eugene OR 97408

Request

The application was submitted on July 10, 2007. This is a city-sponsored zone change to correct an identified Plan/Zone conflict. This request is being processed as a quasi-judicial Type III zoning map amendment because it involves the application of existing policy to a specific factual setting and it does not involve a change to the Metro Plan diagram. Type III decisions are made by the Planning Commission after a public hearing.

Site Information/Background

The site contains .67 acre and a dwelling. It is located at 6002 Main Street (17-02-32-34 TL 600). The current zoning is LDR (Low Density Residential). The applicant wishes to change the zoning to MDR (Medium Density Residential).

A conflict between the Metro Plan and the base zone has been identified. Specifically, the Metro Plan diagram shows this area as Medium Density Residential and should be developed with residential uses at a density of 11 to 20 dwellings per acre. However, the current zoning only allows a density of 1 to 10 dwellings per acre. The property has been zoned LDR (Low Density Residential) since the Metro Plan was acknowledged by the Department of Land Conservation and Development on August 23, 1982. There was one city-sponsored zone change in 1992 (Journal #92-12-223) that attempted to correct the Plan/Zone conflict for properties located north of Main Street between 58th and 60th Streets. This property was not rezoned at that time because the previous land owner did not wish to participate in that process.

The MDR and LDR zones have the same minimum lot size and allow residential and some limited commercial uses. However, the greater density in the MDR zone also allows a variety of attached dwellings, including apartments. For this site, a total of 13 dwellings could be developed. In contrast, the lower density of the LDR zone allows no more than six dwellings on this property. In the LDR zone, duplexes are the only attached dwellings allowed and apartments are prohibited.

The following Metro Plan Residential Density policies are directly applicable to the proposed map amendment:

Policy A.9:

“Establish density ranges in local zoning and development regulations that are consistent with the broad density categories of this plan.

Medium density: Over 10 through 20 dwelling units per gross acre (could translate to over 14.28 units per net acre through 28.56 units per net acre depending on each jurisdictions implementation measures and land use development codes).”

Policy A.10:

“Promote higher residential density inside the UGB that utilizes existing infrastructure, improves the efficiency of public services and facilities, and conserves rural resource lands outside the UGB.”

Policy A.12:

“Coordinate higher density residential development with the provision of adequate infrastructure and services, open space, and other urban amenities.”

Notification and Written Comments

On August 15, 2007, notice of the public hearing was mailed to property owners and residents within 300 feet of the site. Notice was also published in the August 24, 2007, edition of *The Register-Guard*. No comment were received prior to the writing of this report.

Criteria of Approval

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

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 the Zone Change

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

Finding: The Metro Plan diagram shows this property is within the Medium Density Residential area (refer to the attached map). This designation encourages the development of residential uses at a density of 11 to 20 dwellings per acre. Metro Plan Residential Density Policies A.9, A.10 and A.12 also

encourage this site to be developed with residential uses at a density of 11 to 20 dwellings per acre.

Conclusion: The proposed zone change complies with SDC 12.030(3)(a).

(b) Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans;

Finding: There is no adopted Refinement Plan that is applicable to this site. The Conceptual Street Plan Map shows 60th Street will be extended south of Main Street, but there is no public street proposed to extend through or adjacent to this property.

Conclusion: The proposed zone change complies with SDC 12.030(3)(b).

(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 property is served with electricity, cable and phone utilities and a fully developed transportation network along the property frontage. There is a 6" sanitary line at the northern property line and a 30" storm line in Main Street adjacent to the property. No evidence has been submitted that demonstrates the existing infrastructure is insufficient or could not be provided to support the greater development density allowed in the MDR zone.

Conclusion: The proposed zone change complies with SDC 12.030(3)(c).

Conclusion: The staff has reviewed the application and supporting evidence submitted by the applicant. Based on the evidence in the record, staff recommends approval because:

1. The proposal complies with the approval criteria contained in SDC 12.030, and
2. The zone change would bring the property into conformity with the Metro Plan diagram.

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:

SDC 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.

Staff does 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.

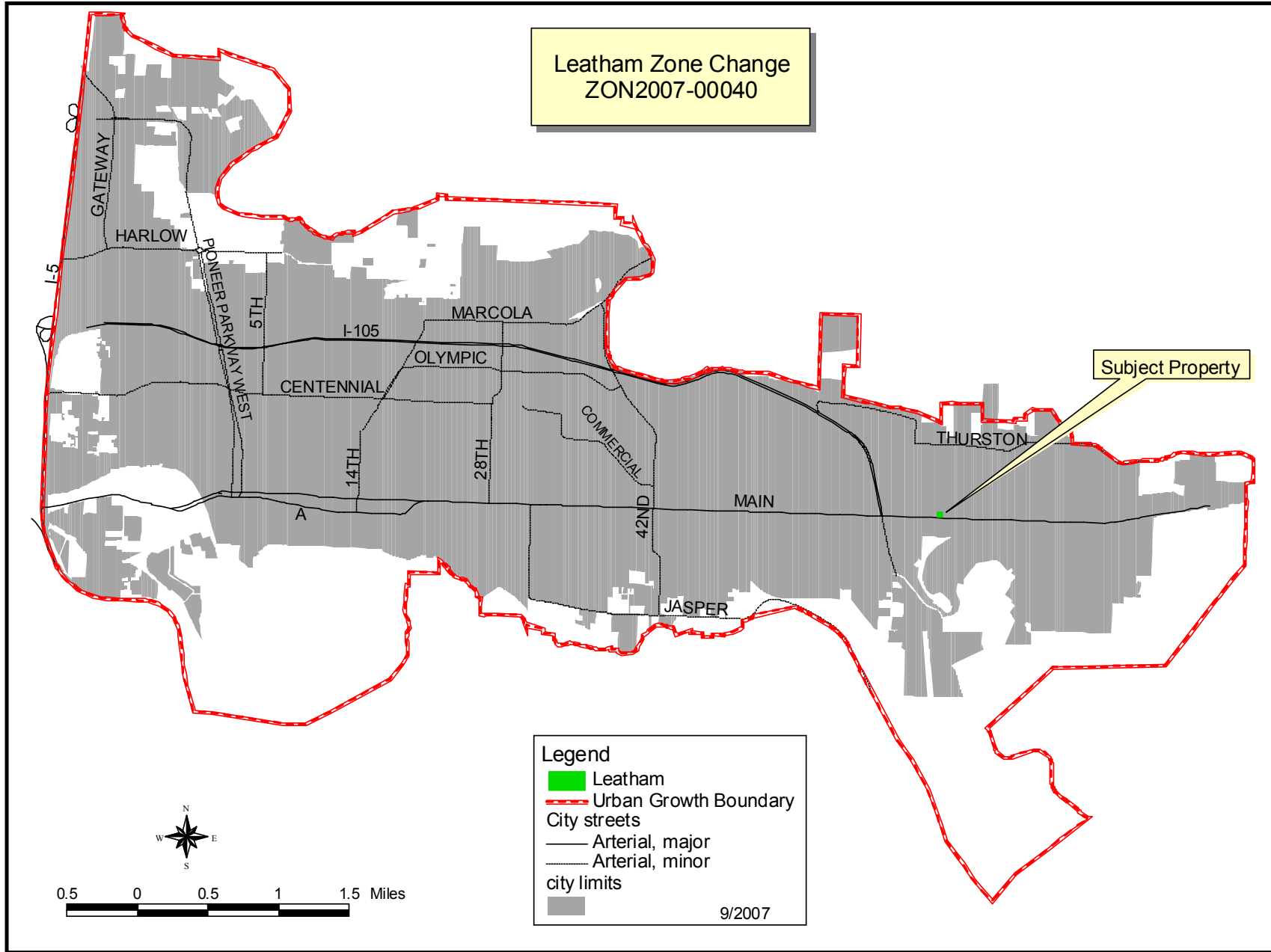
Additional Approvals

Upon adoption of the Order to approve the Zone Change, the property will be in conformity with the Metro Plan diagram and subject to the MDR (Medium Density Residential) provisions of the Springfield Development Code. Once the zone change has become effective (30 days after adoption), the owner can submit a land use application to develop the property in conformance with the MDR zone.

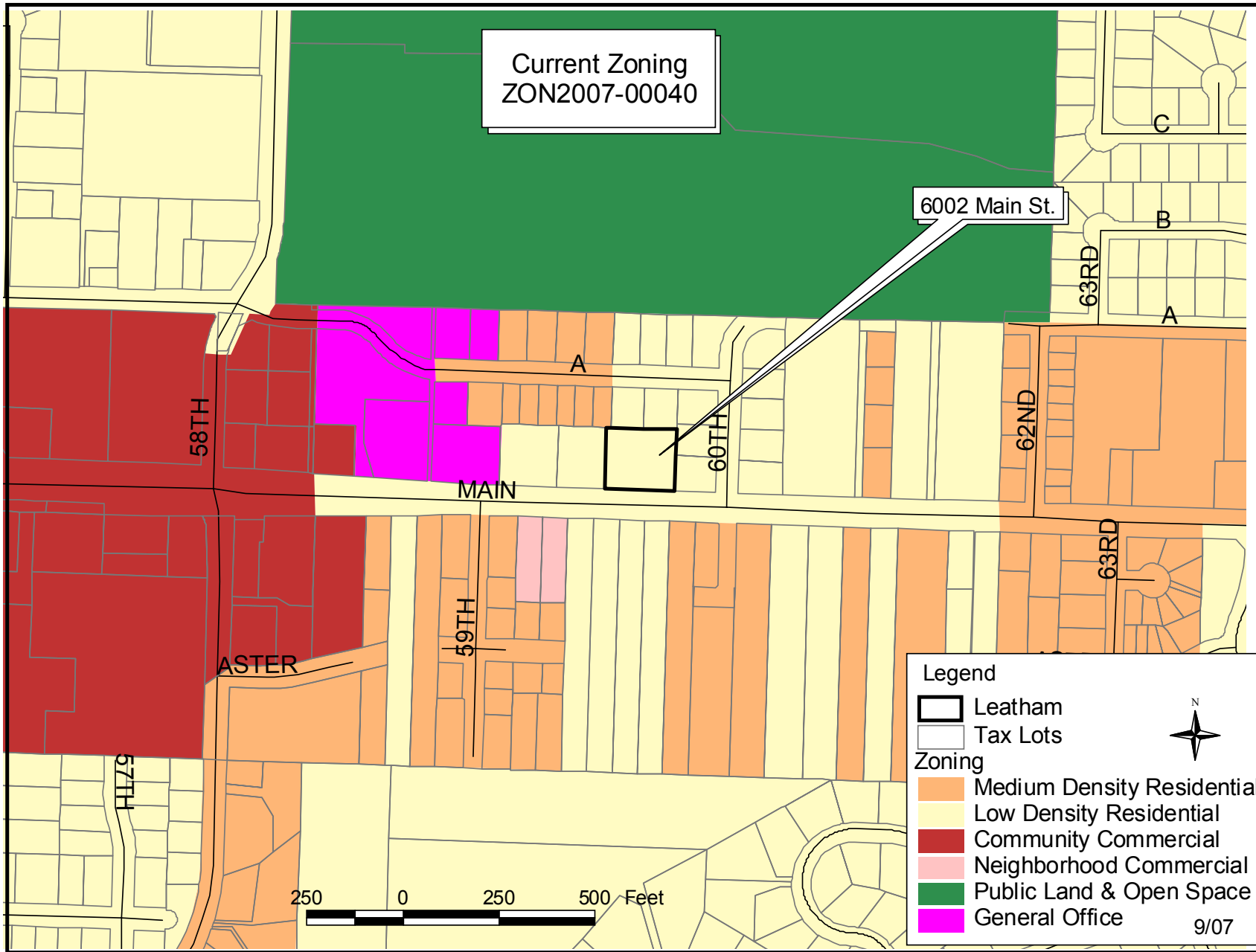
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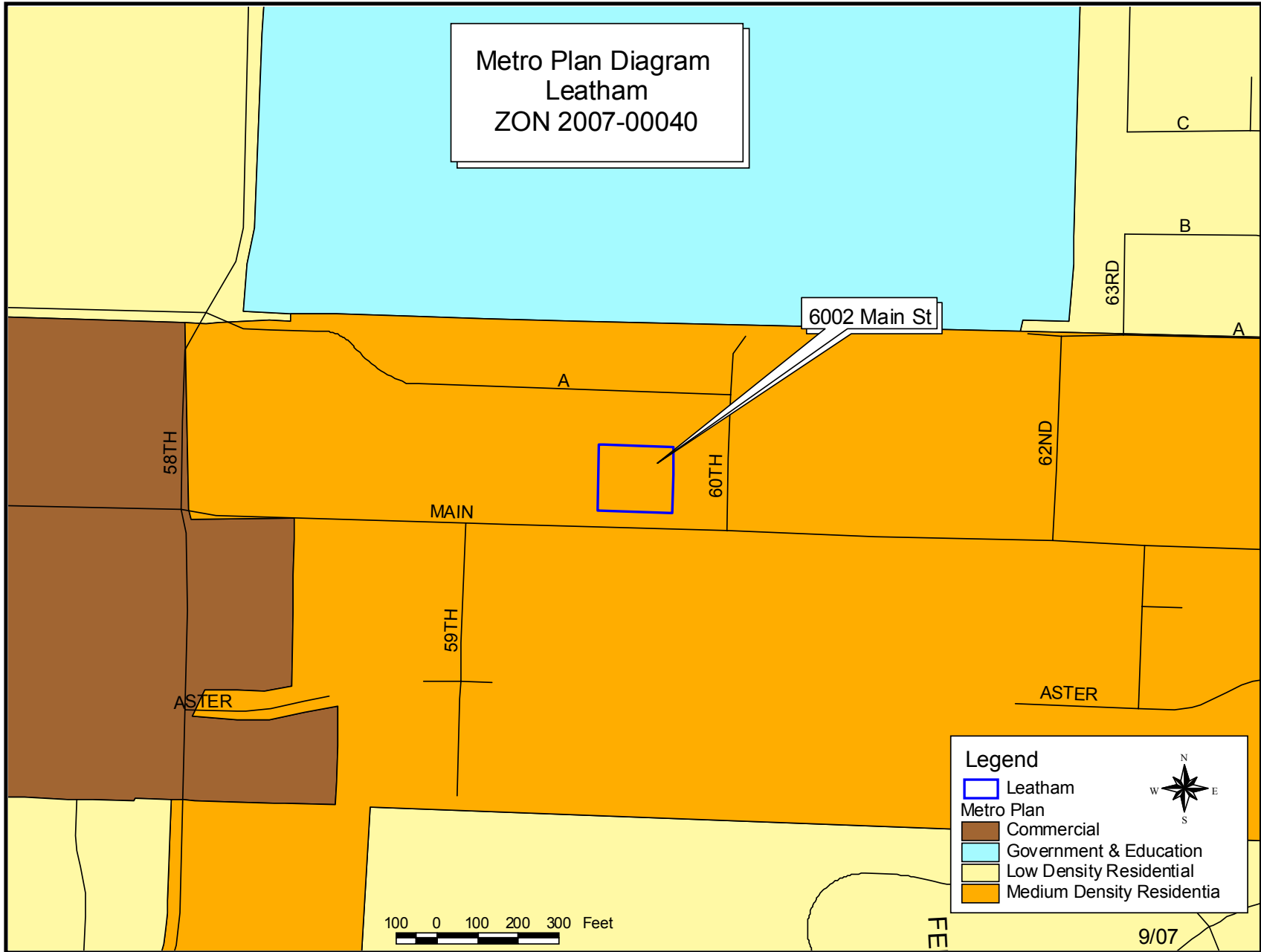
Map #1



Map #2



Map #3



**BEFORE THE PLANNING COMMISSION
OF THE CITY OF SPRINGFIELD**

REQUEST FOR ZONE CHANGE

) **CASE NO. ZON2007-00040**
) **FINDING, CONCLUSIONS AND**
) **RECOMMENDATIONS**

NATURE OF THE APPLICATION

Zone change from LDR (Low Density Residential) to MDR (Medium Density Residential) for Map 17-02-32-34 TL #600.

1. On July 10th, 2007 the following application for a Zone Change was accepted: Rezone approximately .67 acre of land from LDR (Low Density Residential) to MDR (Medium Density Residential), Case Number ZON2007-00040, Scott and Lisa Leatham, owners and applicants.
2. The application was 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 September 18th, 2007, a public hearing on the zone change request was held. The Development Services Department staff notes including criteria of approval, findings and recommendations, together with the testimony and submittals of the persons testifying at that hearing have been considered and are part of the record of this proceeding.

CONCLUSION

On the basis of this record, the requested zone change application is consistent with the criteria of Section 12.030 of the Springfield Development Code. This general finding is supported by the specific findings of fact and conclusions in the attached staff report (Attachment #1) and attached hereto.

ORDER

It is ORDERED by the Planning Commission of Springfield that Journal Number ZON2007-00040, Zone Change Request, be approved. This ORDER was presented to and approved by the Planning Commission on September 18th, 2007.

Planning Commission Chairperson

ATTEST:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____