

**DATE OF HEARING:** October 6, 2009**TO:** Springfield Planning Commission**PLANNING COMMISSION  
TRANSMITTAL  
MEMORANDUM****FROM:** Andy Limbird, AIC Planner III**SUBJECT:** Request for Zone Change Approval  
Don Horton, Applicant

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**ISSUE**

The Planning Commission is requested 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). The current zoning for the site is not consistent with the adopted Metro Plan designation; therefore, a plan/zone conflict exists.

**DISCUSSION**

The applicant is requesting the Zone Change for a ±0.54 acre parcel located at 5940 Main Street. The current zoning for the property is Low Density Residential (LDR), and the applicant requests rezoning to Medium Density Residential (MDR) consistent with the site's *Metro Plan* designation. Requests to address plan/zone conflicts are reviewed by the City on a case-by-case basis. The applicant intends to pursue an intensification of residential development on the property. However, the current LDR zoning does not allow for additional dwelling units on the property (without land division) as proposed by the applicant. Rezoning the parcel to MDR would bring the property into conformity with the *Metro Plan* designation for this site and allow for a higher density of residential dwelling units. Residential properties in east Springfield that front onto Main Street have been incrementally rezoned to Medium Density Residential consistent with the *Metro Plan* designation.

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

**ACTION REQUESTED:** Planning Commission approval of this Zone Change request (ZON2009-00014) by motion.

**ATTACHMENTS**

Attachment 1: Staff Report and Findings

Attachment 2: *Metro Plan* Designation for Subject Area

Attachment 3: Current and Proposed Zoning of Subject Site and Vicinity

Attachment 4: Applicant's Zone Change Request

Attachment 5: Planning Commission Final Order

**ATTACHMENT 1  
Staff Report and Findings  
Planning Commission  
Zone Change Request (Horton)**

**Hearing Date: October 6, 2009**

**Case Number: ZON2009-00004**

**Applicant: Don Horton**

**Site: 5940 Main Street (Map 17-02-34-32, Tax Lot 800)**

**Request**

The application was submitted on May 11, 2009 and the public hearing on the matter of the Zone Change request is scheduled for October 6, 2009. The City typically processes zoning requests seeking redress of plan/zone conflicts on a quarterly basis.

**Site Information/Background**

The property that is the subject of the Zone Change request is located on the north side of Main Street (Highway 126) opposite the intersection with South 59<sup>th</sup> Street. The Assessor's description of the property is Map 17-02-34-32, Tax Lot 800. The subject property comprises approximately 0.54 acres and contains an existing single-family residential dwelling. Access to the site is provided by a developed curb cut and paved driveway onto Main Street. Current zoning for the property is Low Density Residential (LDR); however, the *Metro Plan* designation for this property and contiguous properties to the north and east is Medium Density Residential (MDR). Some properties in the vicinity of the subject site have been zoned MDR to achieve Plan/Zone conformity. Other nearby LDR parcels could be rezoned to MDR on a case-by-case basis when application is made for more intensive development or redevelopment of the property.

To facilitate site redevelopment, the property owner is required to apply for a Zone Change for the subject parcel in accordance with provisions of the Springfield Development Code (SDC). The current Zone Change request is being processed as a Type III Zoning Map amendment. The applicant is requesting rezoning of the property to MDR in order to allow for additional dwelling units to be constructed on the property. The current LDR zoning does not permit a second detached dwelling being constructed on a single parcel.

**Notification and Written Comments**

Notification of the October 6<sup>th</sup> Planning Commission public hearing was sent to all property owners and residents within 300 feet of the site on September 14, 2009. Notification was also published in the September 23, 2009 edition of *The Register Guard*. Staff responded to one telephone inquiry about the proposal. No written comments were received.

**Criteria of Approval**

Section 5.22-100 of the SDC contains the criteria of approval for the decision maker to utilize during review of Zoning Map amendment requests. The Criteria of Zoning Map amendment approval criteria are:

*SDC 5.22-115 CRITERIA*

C. *Zoning Map amendment criteria of approval:*

1. *Consistency with applicable Metro Plan policies and the Metro Plan diagram;*

2. *Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans; and*
3. *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.*
4. *Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall:*
  - a. *Meet the approval criteria specified in Section 5.14-100; and*
  - b. *Comply with Oregon Administrative Rule (OAR) 660-012-0060, where applicable.*

### **Proposed Findings In Support of Zone Change Approval**

#### **Criterion: Zoning Map amendment criteria of approval:**

**1. Consistency with applicable *Metro Plan* policies and the *Metro Plan* diagram;**

Finding: The proposed zone change is consistent with the *Metro Plan* text and diagram, which designates the subject area as Medium Density Residential.

**2. Consistency with applicable Refinement Plans, Plan District maps, Conceptual Development Plans and functional plans;**

Finding: There are no Refinement Plans or Conceptual Development Plans that are adopted for this area of Springfield. The *Metro Plan* diagram remains the prevailing land use. Therefore, this criterion is not applicable.

**3. 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 site proposed for Zone Change is already provided with the full range of public utilities and services, and a fully developed transportation network (state highway) along the property frontage.

**4. Legislative Zoning Map amendments that involve a Metro Plan Diagram amendment shall:**

**a. Meet the approval criteria specified in Section 5.14-100; and**

**b. Comply with Oregon Administrative Rule (OAR) 660-012-0060, where applicable.**

Finding: The requested Zone Change would bring the site into compliance with the adopted Plan diagram, and a *Metro Plan* diagram amendment is not proposed or warranted. Therefore, this criterion is not applicable.

**Conclusion:** Staff has reviewed the application and supporting evidence submitted by the applicant for the Zone Change request. Based on the above-listed criteria, staff recommend support for the

request as the proposal meets the stated criteria for Zone Change approval and would bring the property into conformity with the *Metro Plan* diagram.

### **Conditions of Approval**

SDC Section 5.22-120 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 cited below:

#### **5.22-120      CONDITIONS**

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

Staff has reviewed the Zone Change request and supporting information provided by the applicant, and conditions of approval are not warranted. Any future site development will be subject to the provisions of the SDC for the applicable residential zoning district.

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

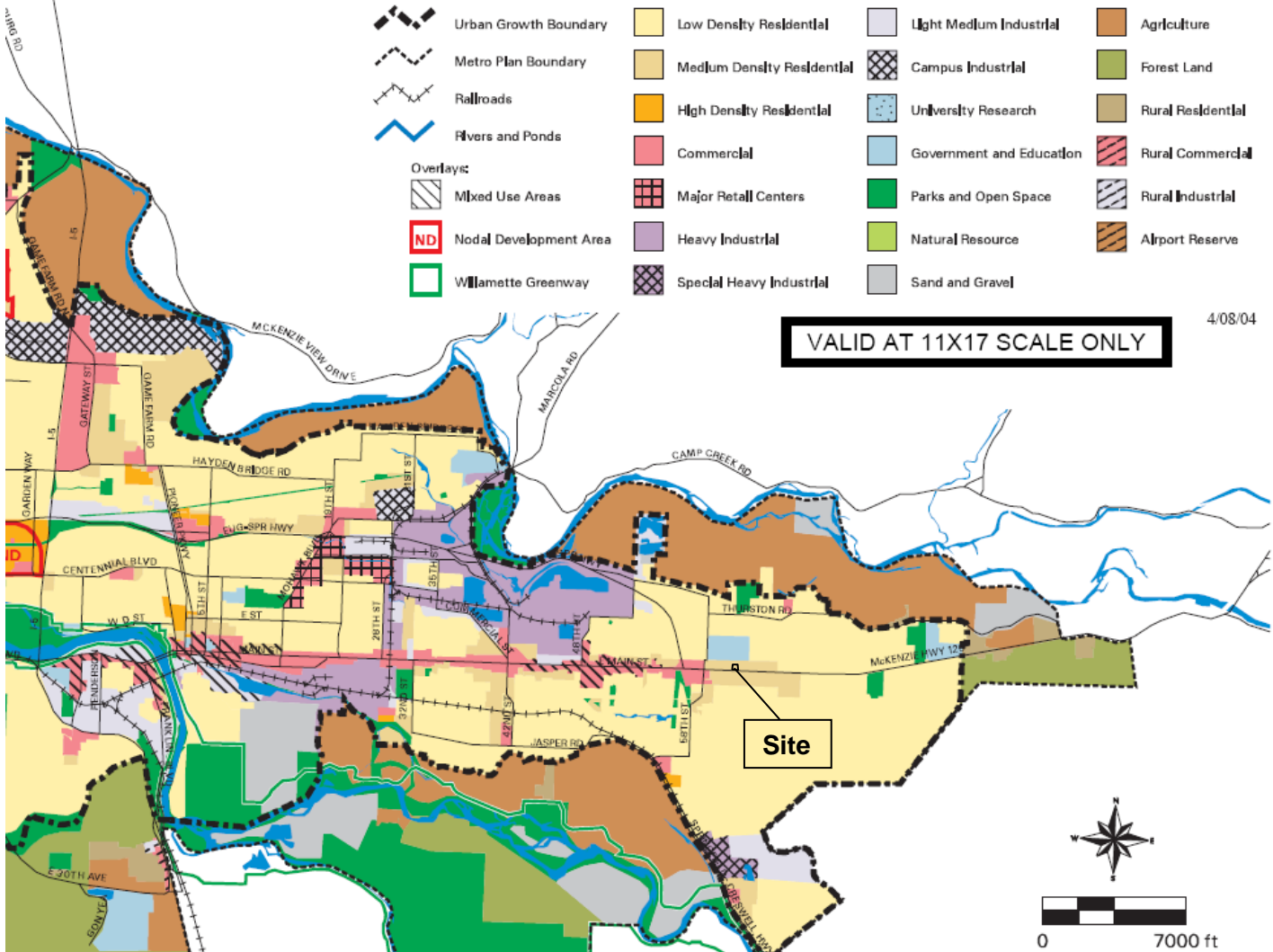
### **Additional Approvals**

The subject application is the first step for the applicant to proceed with development plans for the subject site. Upon approval of the Zone Change request, the property will be in conformity with the *Metro Plan* diagram and subject to the MDR provisions of the Springfield Development Code. An application to place additional dwellings on the subject site then could be reviewed in accordance with relevant provisions of the Development Code including but not limited to Sections 3.2-200, 4.7-100 and 5.17-100, as applicable.

**ATTACHMENT 2  
SPRINGFIELD PORTION OF ADOPTED METRO PLAN DIAGRAM**

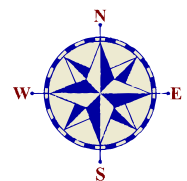
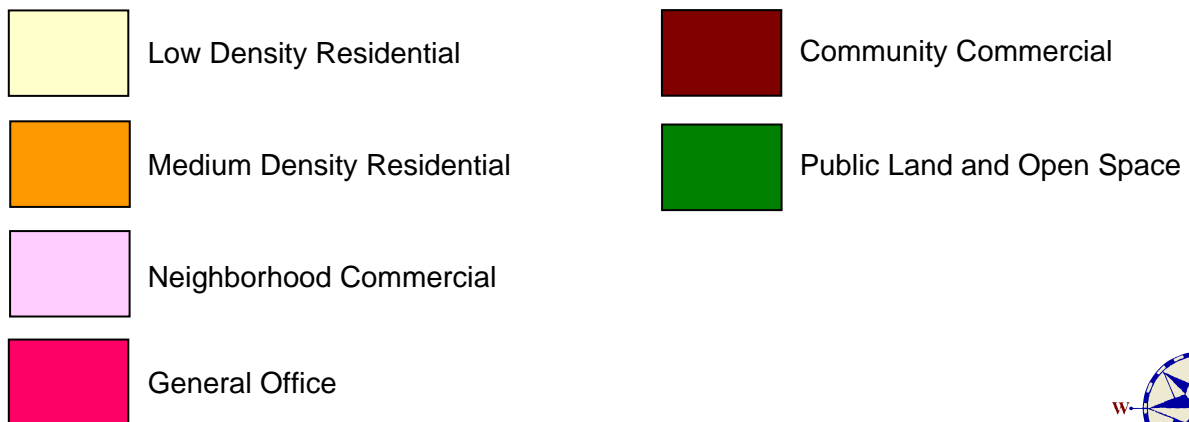
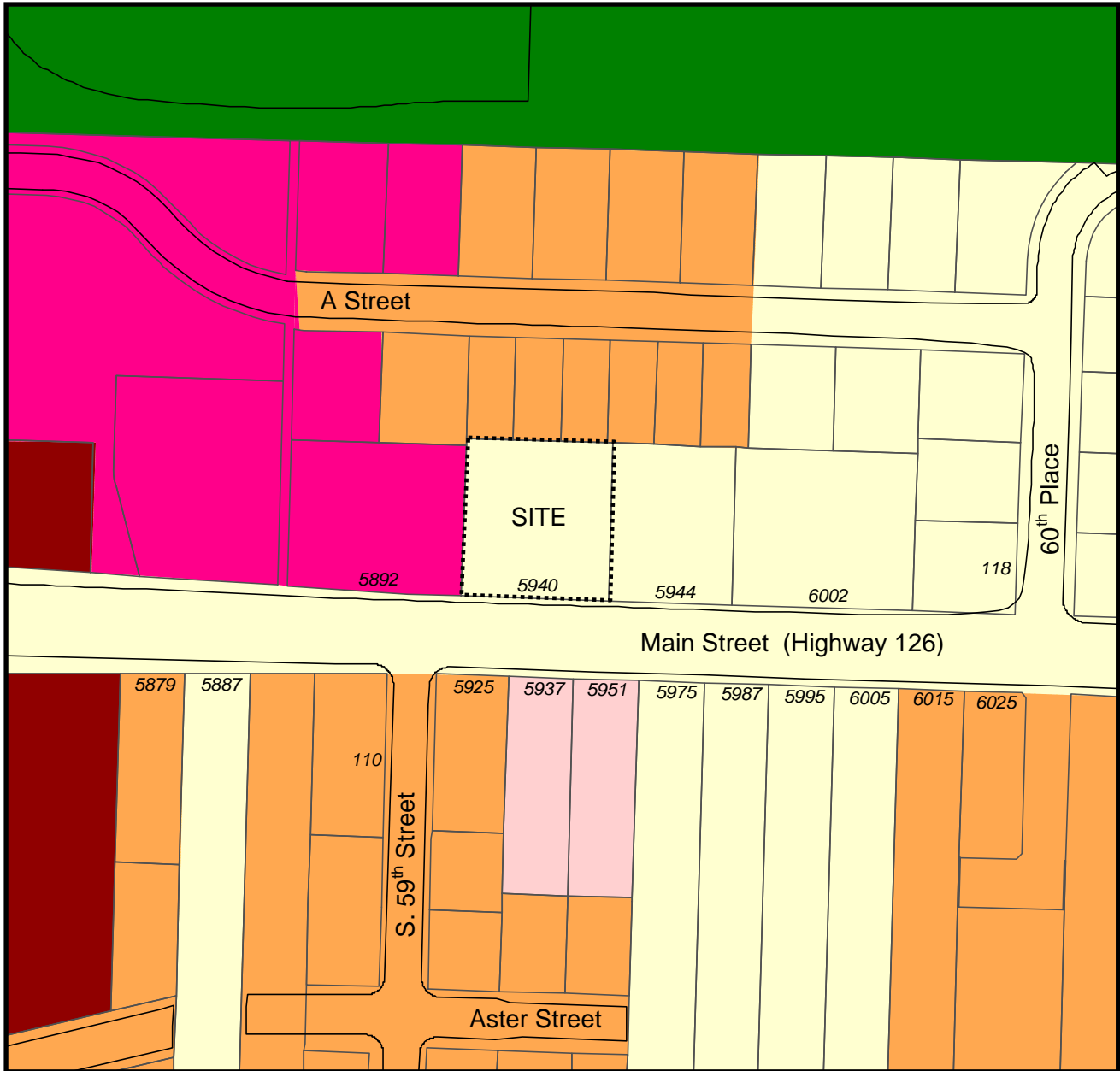
# Eugene-Springfield Metropolitan Area General Plan Plan Diagram

(The interpretation and purpose of the Plan Diagram, and descriptions of the land uses and symbols shown, are contained in Chapter II-G.)

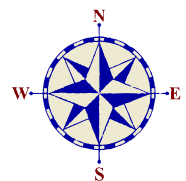
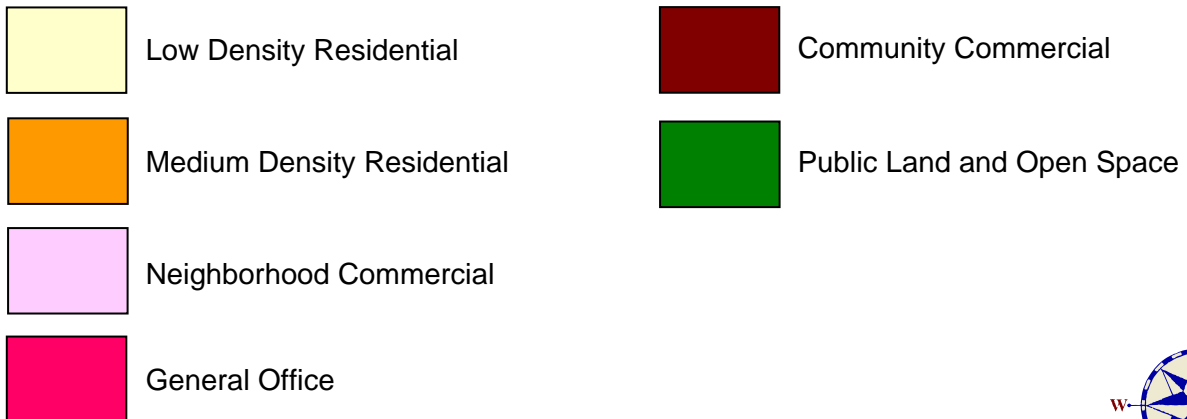
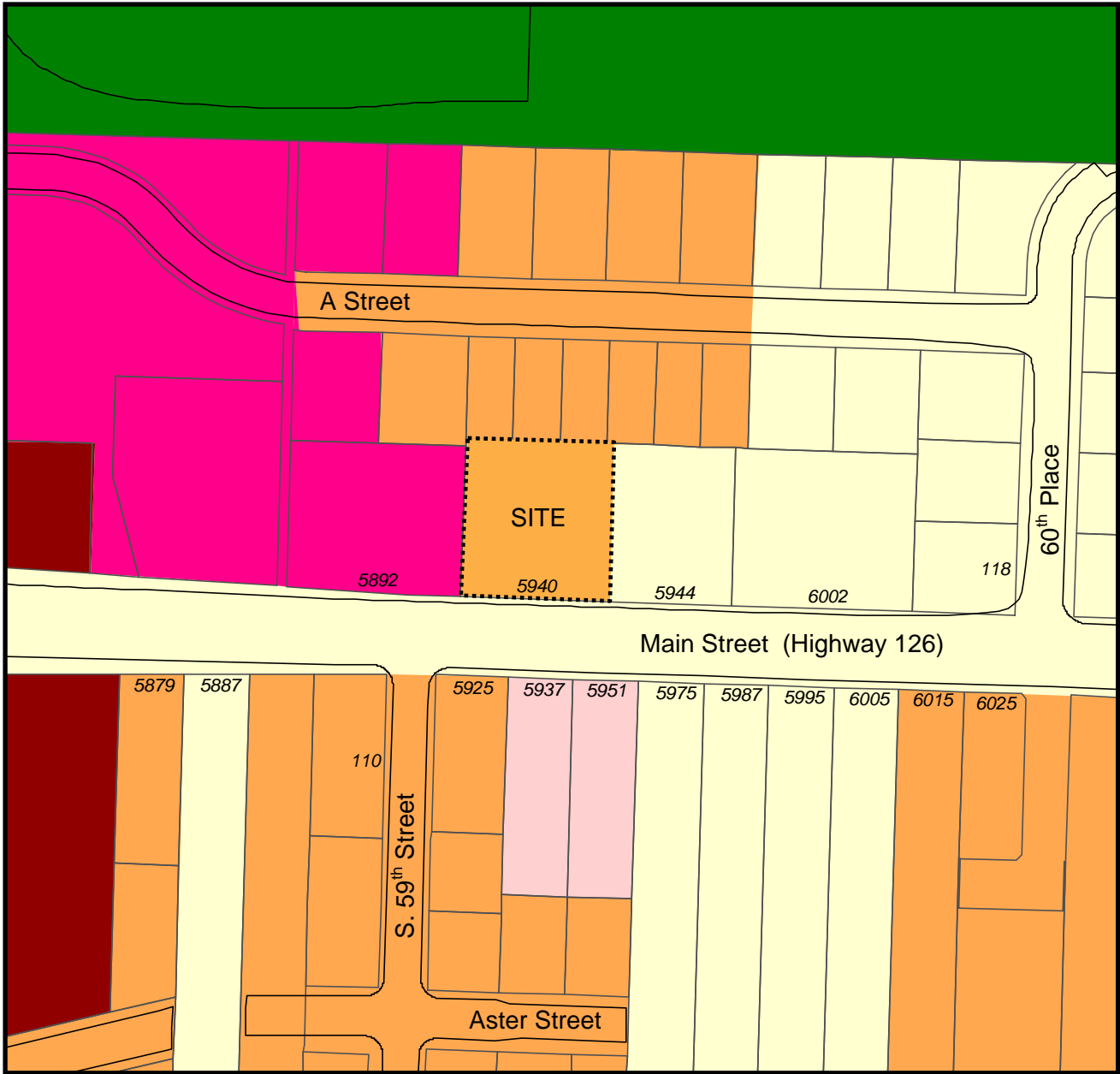


Note: Site location and boundaries are not to scale

**CURRENT ZONING FOR SUBJECT SITE  
5940 MAIN STREET, SPRINGFIELD (MAP 17-02-34-32, TL 800)**



**PROPOSED ZONING FOR SUBJECT SITE  
5940 MAIN STREET, SPRINGFIELD (MAP 17-02-34-32, TL 800)**





**Official Zoning Map Amendment, Type III**

Required Project Information		(Applicant: complete this section)	
Applicant Name:	Don m. HORTON	Phone:	517-3059
Company:		Fax:	736-1602
Address:	780 So 57 <sup>th</sup> street, Springfield, OR 97478		
Applicant Signature:	<i>Don m. Horton</i>		
Property Owner:	Don m. HORTON	Phone:	517-3059
Company:		Fax:	736-1602
Address:	780 So 57 <sup>th</sup> streets, Springfield, OR, 97478		
Owner Signature:	<i>Don m. Horton</i>		
If the applicant is other than the owner, the owner hereby grants permission for the applicant to act in his or her behalf			
ASSESSOR'S MAP NO:	<del>05300</del> 17-02-34-32	TAX LOT NO(S):	<del>800</del> 800
Property Address:	5940 MAIN STREET		
Area of Request	Square Feet:	Acres:	.54
Existing Use(s) of Property:	Residential		
Description of The Proposal:	Existing zoning LDR the city's Metro-plan calls for MDR		

**Required Property Information (City Intake Staff: complete this section)**

Case No.:	ZON2009-00014	Date:	5/11/09	Received by: (initials)	<i>H. Miller</i>
Application Fee:	0	Postage Fee:	\$385.00	Total Fee:	\$385.00

Date Received:

MAY 11 2009

Original Submittal *AT*

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

<b>REQUEST OF ZONE CHANGE</b>	<b>+</b>	<b>CASE NO. ZON2009-00010</b>
	<b>+</b>	<b>FINDINGS, CONCLUSIONS,</b>
	<b>+</b>	<b>AND RECOMMENDATION</b>

**NATURE OF THE APPLICATION**

Zone change from Low Density Residential to Medium Density Residential for Assessor's Map 17-02-34-43, Tax Lot 800, municipally addressed as 5940 Main Street.

1. On May 11, 2009 the following application for a Zone Change was accepted: Rezone approximately 0.54 acres of land from Low Density Residential to Medium Density Residential, Case Number ZON2009-00010, Don Horton, applicant.
2. The application was submitted in accordance with Section 5.4-105 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 5.2-115 of the Springfield Development Code, has been provided.
3. On October 6, 2009 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 5.22-115 of the Springfield Development Code. This general finding is supported by the specific findings of fact and conclusions in the attached staff report (Exhibit A) and attached hereto.

**ORDER**

It is ORDERED by the Planning Commission of Springfield that Case Number ZON2009-00010, Zone Change Request, be approved. This ORDER was presented to and approved by the Planning Commission on October 6, 2009.

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Planning Commission Chairperson

**ATTEST**

AYES:  
NOES:  
ABSENT:  
ABSTAIN: