

City of Talent

Community Development Department - Planning



STAFF REPORT and **PROPOSED FINAL ORDER**

Type-4 Land Use Application — Legislative Review — Planning Commission

Meeting date: January 26, 2017
File no: REZ 2016-001, CPA 2016-003, SUB 2016-001, VAR 2016-001
Prepared by: Zac Moody, Community Development Director
Item: Comprehensive Plan and Zoning Map Amendment, Subdivision and Variance

GENERAL INFORMATION

Petitioner Bradley Properties, LLC.

Requested Action Amendments to the City of Talent’s Comprehensive Plan and Zoning Map and 35-Lot Subdivision with Setback Variance

Amended Maps Comprehensive Plan and Zoning Map

PROPOSAL

The subject property is currently identified on the Comprehensive Plan Map as being within the Light Industrial (LI) designation and within the Light Industrial (IL) zoning district.

The approval of this application would amend the Comprehensive Plan Map designation for the subject property to the Residential High Density (RH) designation and the Zoning Map to the Multiple Family – High Density (RM-22) zoning district.

This Application seeks approval to create a two-phase, residential subdivision dividing the subject parcel into 35 residential lots with 22,019 sf of land reserved for future multi-family development.

PROCESS

This application was originally brought to the Planning Commission on January 26, 2017. During the course of the hearing, Staff requested that the public hearing remain open until February 9, 2017 to revise the proposed final order and to determine if the applicant could reasonably meet the required variance standards. The Planning Commission accepted Staff’s request and continued the public hearing to February 9, 2017. The hearing will provide an opportunity for the public to comment on Staff’s recommendation and to consider additional public comment that has been received. Following the close of the public hearing, the Planning Commission will deliberate and provide a recommendation to the Talent City Council.

AGENCY AND PUBLIC COMMENTS

Agency Comment

The applicant submitted the required pre-application conference forms and fees and attended the conference on December 15, 2016. During this conference multiple agencies, including Jackson County Fire District #5, Rogue Valley Sewer Services, Jackson County Building, City Engineer, Public Works Direct and the Talent Police Chief provided support for the proposed application. Rogue Valley Sewer Services provided additional comment detailing requirements for sewer connections and for stormwater management.

Public Comment

The City has received six comments public (**Attachment C**). Four of the comments are in support of the development and two have concerns about the potential conflicts with the development of residential near occupied and vacant industrial land. Comments from Holtz Family Trust and Fabricated Glass are summarized below:

- *Possible loss in value to any existing development*
- *The possibility that the re-zone will reduce the desirability of any future development on undeveloped land*
- *The livability which might arise, in the event any future residents wander onto the adjoining industrial property and are injured or suffer loss*
- *The possible litigation which might arise due to residents being disturbed during normal conditions of an industrial operation*
- *The additional impact due to the requirement of the Transition Buffer as defined in 8-3J.450 of the City of Talent Zoning Code*
- *The additional impact due to requirements of 8-3F.196 of the City of Talent Zoning Code*
- *Additional possible impacts of 8-3F.160 of the City of Talent Zoning Code*

DISCUSSION

Staff has addressed all applicable criteria relating to the proposed requests and has addressed all of the public comments related to specific criteria. It is Staff's determination that the proposed requests meet or can meet with conditions, the intent of Oregon's Statewide Planning Goals, Comprehensive Plan and Talent Zoning Code and Subdivision Codes.

Buffering

Section 8-3J.450 of the Talent Zoning Code states that the Planning Commission shall require a buffer when a development or use proposed in a commercially land industrially zoned area is adjacent to a conflicting land use zone or an incompatible but permitted use within the same zone. Section 8-3J.450(B) details the specific requirements for buffering when a residential use is proposed adjacent to a non-residential zone. As proposed, the buffer along the south and west side of the development meets the requirement of the zoning ordinance.

Section 8-3F.160 and 196 were also identified as a concern to the adjacent (pre-existing) industrial use. After review of this section, Staff has determined that these regulations do not apply to an existing industrial use and therefore the proposed residential use will not force a new buffering requirement on the existing industrial development.

Setback Variance

Staff has reviewed the supplemental findings submitted by the applicant on January 30, 2017 and agrees with the analysis provided by the applicant. The City’s zoning ordinance is an evolving document, but doesn’t always take into consideration the current development environment of the city. Because there is a need for flexibility as it pertains to development, cities have a variance process. The requested variance can be argued either way, but the subjective nature of the regulations provides the Planning Commission to grant a variance if specific findings are made. These findings are outlined in the Proposed Final Order and demonstrate the need for the variance.

As the City moves forward once the new Housing Element is adopted, it is likely that requests such as this will become a common way to creatively develop an infill parcel. The proposed policies of the Housing Element and the adopted policies of the Economy Element both recommend the City provide flexibility with development. Approval of this request is consistent with those policies and provides the Planning Commission and Staff reasonable example of how future zoning regulations in medium and high density zones might be developed.

RECOMMENDATION

Based on the findings for the Comprehensive Plan and Zoning Map change and Subdivision and Variance stated in the Proposed Final Order, staff recommends **APPROVAL** of the Comprehensive Plan and Zoning Map request from Industrial to High Density Residential and the request for a 35 lot subdivision with the requested variance to setbacks, with conditions outlined in the Proposed Final Orders.

ATTACHMENTS

The following information was submitted regarding this application:

- Proposed Final Order – Attachment A
- Applicant’s Supplemental Variance Findings - Attachment B
- Public Comment - Attachment C



 Zac Moody, Community Development Director

_____ February 2, 2017
 Date

Staff has recommended these amendments for approval, but it will require at least one public hearing before the Planning Commission and one public hearing before the City Council for a decision. The Talent Zoning Code establishes procedures for legislative hearings in Section 8-3M.160. **A public hearing on the proposed action is scheduled before the Planning Commission on January 26, 2017 at 6:30 PM at Talent Town Hall.**

For copies of public documents or for more information related to this staff report, please contact the Community Development Director at 541-535-7401 or via e-mail at zmoody@cityoftalent.org.