

City of Talent

Community Development Department - Planning



STAFF REPORT

Type-3 Land Use Application — Planning Commission

Meeting date: March 26, 2015

File no: SPR 2015-001

Prepared by: Zac Moody

Item: Mixed Commercial/Residential Use

GENERAL INFORMATION

Applicant..... Calvin Martin

Assessor's Map Number 38-1W-23CD Tax Lot 4200

Site Location..... 115 Lapree St.

Site Area..... 0.07 Acres (3,049 sq. ft.)

Zoning..... CBD – *Central Business District*

Adjacent zoning and land uses North: RM-22 – *Multiple Family – High Density*
..... South: CBD – *Central Business District*
..... East: CBD – *Central Business District*
..... West: RS-7 – *Single Family – Medium Density*

Applicable Code Sections..... Articles 8-3D.2, 8-3K.1, 8-3L.1 and 8-3M.2

120-Day Limit..... June 23, 2015

PROPOSAL

The proposal is for a mixed use commercial/residential structure housing two residential and two commercial units. The new use replaces a non-conforming residential use that was removed by the property owner. The site is in an area where there are multiple zoning districts, including a commercial zone. Each lot that surrounds the parcel is developed with a residential unit and the surrounding area, with the exception of the Civic Center and Library, are also developed with residential units.

BACKGROUND

The parcel, until recently was developed with an 1,118 square foot single-family residence built in 1946. The property was purchased by the current property owner on December 26, 2014 and in February, the owner began to renovate the dwelling.



PROPERTY CHARACTERISTICS

The site is located near the corner of Lapree St. and Gibson St. The parcel is currently non-conforming for lot size and until February of 2015 had a residential structure that was not only non-conforming, but built partially in the City right-of-way. Gibson St., which was recently reconstructed was designed around this encroachment. The property contained a 1946 single-family home that was in disrepair and since late 2012 had been vacant. The image above identifies the parcel as well as its current zoning. The property is surrounded to the south and east by other properties zoned Central Business District and to the north and west by medium density residential. It should be noted that this parcel is one of only three parcels zoned commercial in that general area that are not developed with a commercial use.

Stormwater/Waste Water

Stormwater is currently available to the area.

Water Service

Water service is currently available to the area.

APPROVAL CRITERIA

8-3 Division D. Article 2 of the Talent Zoning Ordinance regulates Central Business District. The purpose of Central Business District is to *“serve as the hub of government, public services and social activities; shall permit retail trade, personal and business services; and shall include residential uses to strengthen and enliven the community core. The CBD shall be pedestrian oriented and shall highlight and incorporate historic places and structures, parks and public transit facilities and opportunities.”*

8-3 Division K. Article 1 of the Talent Zoning Ordinance regulates Old Town Design Standards. The purpose of Old Town Design Standards with this application is to *“respect and enhance the character of talent’s original core areas while maintaining the city’s traditional, rural, vernacular architectural heritage.”*

8-3 Division L. Article 1 of the Talent Zoning Ordinance regulates Site Plan Reviews. The purpose of a site plan review is “determine and establish compliance with the objectives of the Zoning Code in those zones where inappropriate development may cause a conflict between uses in the same or an adjacent zone and to determine the conformance with any City plan.” Approval of a site plan or site plan amendment must comply with this section.

8-3 Division M. Article 2 of the Talent Zoning Ordinance regulates Non-Conforming uses, Lots and Structures. *Within the zones established by this Chapter, or amendments thereto, there exist lots, structures, and uses of land and structures which were lawful before this Chapter was enacted or amended by ordinance, but which would be prohibited, regulated, or restricted under the terms of this Chapter or amendments thereto. Such uses are generally considered to be incompatible with the permitted uses in the zone in which they are located, and their continuance shall therefore be permitted only in strict compliance with the restrictions of this Article. However, existing single-family residential uses shall not be treated as non-conforming uses, unless such use is voluntarily discontinued [amended by Ord. no. 777; 12/01/2004]. Subject to the provisions of this Article, a non-conforming structure or use may be continued and maintained in reasonable repair, but shall not be altered or extended except as provided herein.*

AGENCY COMMENTS

None

PUBLIC COMMENTS

As of the date of this staff report, there have been four comments returned to the City requesting DENIAL of the proposed request. One of the comments includes a statement of why those in opposition believe the application should be denied and the signatures of twenty-nine (29) residents in or around the subject parcel.

ISSUES

As noted above, the property was purchased by the current property owner in December of 2014. The owner began to restore the property in February and decided once renovations proved too costly to remove the dwelling. It wasn't until after the partial removal of the dwelling that staff had contact with Mr. Martin who represents the property owner. It was at that time that staff pointed Mr. Martin to Section 8-3M.250(E) and (F) of the Talent Zoning Code which states the following:

E. *Discontinuance of non-conforming use.*

1. *Any structure, or structure and premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the requirements for the zone in which such structure is located, and the non-conforming use may not thereafter be resumed.*
2. *If a non-conforming use of a structure is discontinued for a period of more than ninety (90) days, the further use of the property shall conform to this Chapter.*

F. *Destruction of Non-Conforming Use. If a structure containing a non-conforming use is destroyed by fire, flood, explosion or other calamity to an extent exceeding seventy-five percent (75%) of the appraised value of the structure, as determined by the records of the county assessor for the year preceding destruction, a future structure or use on the property shall conform to the regulations for the zone in which it is located.*

At that time, Mr. Martin advised the owner not to remove the remaining portion of the dwelling and site work ceased. The portion of dwelling that remained was the portion within the Gibson Street

right-of-way. The City received multiple complaints from residents about the dangerous conditions of the site and advised Mr. Martin to have the property owner to complete the removal of the dwelling and remove all hazardous material from the site.

Mr. Martin stated that their plans were to replace the existing single family residence with another because they were not aware of the restrictions of residential uses in the CBD zone. Staff agrees that because the adjacent uses are primarily residential, that the best use would be a new single family dwelling, however, as stated in Section 8-3M.250(E)(2), a non-conforming use of a structure that has been discontinued for a period of more than ninety (90) days shall conform with the current zoning code. The home was last occupied for housing purposes in late 2012, far exceeding ninety (90) days.

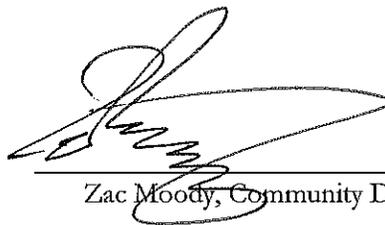
RECOMMENDATION

Staff is recommending that since there is likely to be a considerable amount of public comment, the Planning Commission open the public hearing to accept public testimony and leave the written record open for fourteen (14) days. This will provide the applicant and those in opposition to provide additional written comments and for staff to provide Planning Commission with a final order that better represents the comments received and the desires of the Planning Commission. Staff recommends that deliberations be held during the April 23, 2015 Planning Commission meeting and that a final order be considered at that time.

ATTACHMENTS

The following information was submitted regarding this application:

- Applicant's Statement
- Proposed Site Plan
- Public Comment
- Architectural Review Application



Zac Moody, Community Development Director

3/23/15

Date

Staff has recommended this proposal for approval, but it will require at least one public hearing before the Planning Commission for a decision. The Talent Zoning Code establishes procedures for quasi-judicial hearings in Section 8-3M.150.

A public hearing on the proposed action is scheduled before the Planning Commission on March 26, 2015 at 6:30 PM at the Community Center.

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.