

# CITY OF KLAMATH FALLS PLANNING COMMISSION

**Staff Report  
1-Z-09**

**July 13, 2009**

## **I. TITLE**

Request to rezone approximately 0.20 acres (8,812 square feet) of land from Public Facility to Medium Density Residential.

## **II. SUMMARY AND BACKGROUND**

The applicants, Daniel & Mali Perriton, propose to rezone approximately 0.20 acres (8,812 square feet) of land from Public Facility to Medium Density Residential to make the zoning of the property more closely match the existing use of the property. The property is currently developed as a single family residence with a house and a garage. The subject property is addressed as 1203 Carlyle Street and can be found on Klamath County Assessor's map R-3809-029AC tax lot 10800. The property can also be described as Second Klamath Addition, Block 33, Lots 13-15 and a portion of the vacated alley immediately east of these lots.

The property is bordered by Carlyle Street to the south, private property to the east, and City park property to the north and west. The properties to the north and west are zoned Public facility, and the properties to the south and east are zoned Medium Density Residential.

Public Facility zoning requires a 10' setback from all property lines unless the yard abuts a residential zone. If the yard abuts a residential zone a setback of 15 feet (plus one foot for every foot the proposed nonresidential structure exceeds 28' in height) is required. Medium Density Residential setback requirements are 20' for front yards, 10' for exterior side yards, and 5' for all rear and interior side yards. The maximum building height in Public Facility zones is 70' and the maximum lot coverage is 100% so long as parking, setback and landscaping requirements are met. The maximum building height in Medium Density Residential zones is 28 feet and the maximum allowed lot coverage is 40%. The minimum required lot size is 5,000 sq ft for both Public Facility and Medium Density Residential.

Uses allowed in Public Facility zones include: churches, schools, government offices, parks and hospitals. Uses allowed in Medium Density Residential zones include: residential dwellings (single family dwellings and duplexes with residential review; and tri-plexes and four-plexes with conditional use permit) and residential homes / facilities. Bed & breakfasts, churches, government offices and schools are allowed with a conditional use permit.

### Referring Agency Comments:

Engineering: There are no public works concerns at this time that are directly related to a zone change. Infrastructure comments can be addressed at a future land use application pertaining to this property.

KCFD #1: I have reviewed the Administrative Review Sheet for the rezone of the property at 1203 Carlyle St. and have no objection to the applicant's request to rezone the property.

The following agencies did not respond to this proposal:

Avista Utilities

Charter Communications

Pacific Power and Light

Qwest

City Parks Division

### III. RELEVANT REVIEW CRITERIA

**11.415 Required Findings.** Prior to making a recommendation on the proposed change of zone, the Commission shall analyze the following criteria and incorporate such analysis in their decision:

**A. Criterion The change of zone is in conformance with the Comprehensive Plan and all other provisions of Chapters 10 to 14 and any applicable street plans.**

Staff Response: The following Comprehensive Plan Policies relate to the proposed zone change:

Policy 88: Energy-efficient residential densities will be promoted relative to work sites and transportation planning.

Policy 99: A maximum priority will be given to maintaining and rehabilitating, where possible, existing housing units.

Policy 234: Maintenance and improvement of established residential areas will be promoted.

Policy 259: Public and private actions will result in a net benefit for existing City residents and will contribute to the improvement of the local economy.

The proposed zone change will make it easier for the property owner to continue to use the property as a single family residence. The proposed zone change will allow the residential use to be altered or expanded and will help to facilitate the sale/purchase of the property as a single family residence. The house is located in a residential neighborhood situated near schools, parks, and businesses that provide opportunities for work and shopping. These conditions are encouraged by Comprehensive Plan Policies 88, 99 & 234 which encourage maintaining and improving established residential areas and promoting residential neighborhoods located in close proximity to work sites.

Public Facility zoning requires a 10' setback from all property lines unless the yard abuts a residential zone. If the yard abuts a residential zone a setback of 15 feet (plus one foot for every foot the proposed nonresidential structure exceeds 28' in height) is required. Medium Density Residential setback requirements are 20' for front yards, 10' for exterior side yards, and 5' for all rear and interior side yards. The existing structures have the following setbacks: approximately 5' rear yard (north), approximately 5' interior side yard (east), approximately 28' interior side yard (west), and approximately 22' front yard (south). Two

of the existing setbacks do not meet the setback requirements of the Public Facility zone but all will meet the setback requirements of the Medium Density Residential zone.

Proposed Finding: The change of zone is in conformance with the Comprehensive plan and all other provisions of Chapters 10 to 14 and any applicable street plans if a variance is granted for the structure. **This criterion is met.**

**B. Criterion The property affected by the change of zone is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning.**

Staff Response: The minimum required for both Public Facility and medium Density Residential zones is 5,000 sq ft. The subject property has an area of approximately 8,812 sq ft. The property is rectangular in shape with approximately 117 feet of frontage along Carlyle Street.

Although the whole subject property is currently developed as a single family residence the subject property is comprised of three separate subdivided lots (Second Klamath Addition, Block 33, Lots 13-15). These lots if sold separately would not meet Community Development Ordinance requirements for street frontage or minimum lot size. In order to meet this criterion a deed restriction shall be recorded for the subject property to prohibit the individual sale of any of the subject lots independent of the rest.

Any future use of the subject property will require a residential review or conditional use permit application be submitted to and reviewed by City Planning. This review will insure that the site is developed appropriately for the proposed use.

Proposed Finding: The property affected by the change of zone is adequate in size and shape to facilitate the uses normally allowed in conjunction with the proposed zoning. **This criterion is met with conditions.**

Condition: The applicant shall file a deed restriction with the Klamath County Clerk's office which prohibits the individual sale of any of the subject lots independent of the rest. A copy of this recorded document shall be provided to the City Planning Division.

**C. Criterion The property affected by the proposed change of zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein.**

Staff Response: The subject property has approximately 117 feet of frontage along Carlyle Street. The portion of Carlyle Street adjacent to the subject property is a semi-improved street with an asphalt surface and extruded concrete curbs on both sides of the street. There are no sidewalks on either side of Carlyle Street and the existing curbs do not include gutter plates. Other streets in the area are improved to a similar standard with asphalt paved surfaces and no sidewalks. The proposed zone change is not expected to generate any additional vehicle or pedestrian traffic in the area as there are no plans to alter the property at this time. Public Facility zoning allows for more intense uses with the potential to generate more traffic than those uses allowed in Medium Density zones.

Proposed Finding: The property affected by the proposed zone change is properly related to streets to adequately serve the type of traffic generated by the uses permitted in the medium Density Residential zone. **This criterion is met.**

**D. Criterion The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof.**

Staff Response: The subject property is located in a neighborhood comprised almost entirely of Medium Density Residential zoning. The three exceptions are Fairview Elementary School, Fairview Park, and Linkville Pioneer Cemetery; which are all zoned Public Facility. The proposed zone change will have no immediate effect on the neighborhood and will mitigate future impacts of having privately owned Public Facility property in a residential neighborhood.

Any future use of the subject property will require a residential review or conditional use permit application be submitted to, and reviewed by, City Planning. This review will insure that the site is developed appropriately for the proposed use and any potential adverse effect on abutting properties will be mitigated.

Proposed Finding: The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof. **This criterion is met.**

**IV. REQUESTED MOTIONS/ACTIONS**

- Hold a public hearing and take testimony
- Motion to Accept the Proposed Findings as stated in the Staff Report
- Motion to recommend approval of the zone change to City Council based on the approved findings.

**V. DOCUMENTS ATTACHED**

- Vicinity Map
- Zoning Map

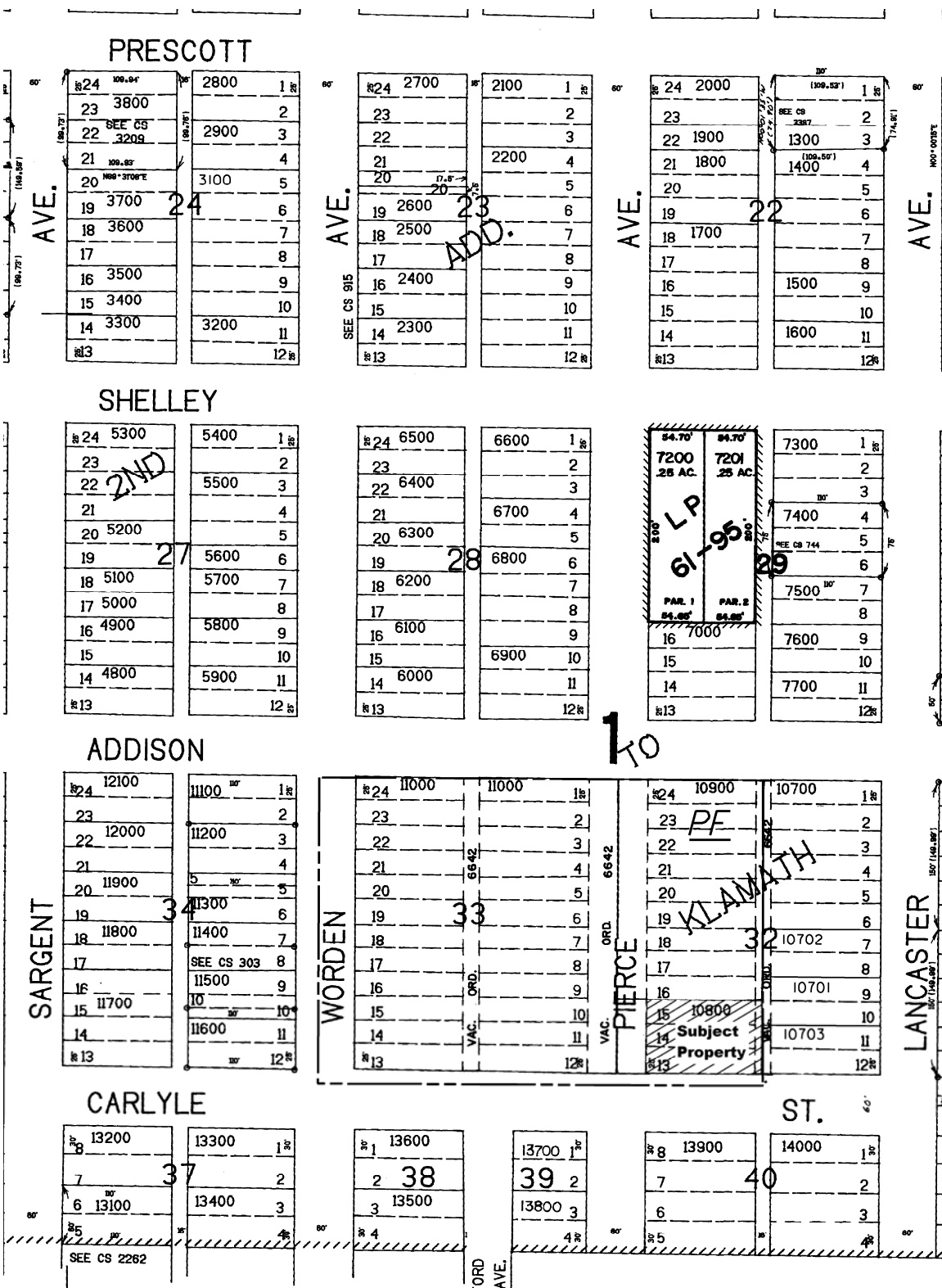
**VI. PUBLIC NOTICE**

Notice of this public hearing was mailed to 63 adjacent property owners within 500' of the property in question on May 26, 2009 and published in the Herald and News on June 21, 2009. No comments were received.

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Joe Slaughter,  
Associate Planner

### Vicinity Map (No Scale)



Zoning Map  
(No Scale)

# Zone Map 1-Z-09

