

**CITY OF KLAMATH FALLS
PLANNING COMMISSION**

**Staff Report
3-Z-10**

August 23, 2010

I. TITLE

Request to rezone approximately 6,000 square feet of land from Public Facility to Apartment Residential and to rezone approximately 24,000 square feet of land from Apartment Residential to Public Facility.

II. SUMMARY AND BACKGROUND

Calvin & Edith Douglas propose to rezone approximately 6,000 sq ft of land from Public Facility to Apartment Residential so that the zoning more closely matches the existing use of the property as a single family residence. The City of Klamath Falls proposes to rezone approximately 24,000 sq ft of land from Apartment Residential to Public Facility so that the zoning more closely matches the existing use of the property as a city park. The two properties are across the street from one another.

The Douglas' property is addressed as 207 S Wendling Street and can be found on Klamath County Assessor's map R-3809-033AB tax lot 04000. The property can also be described as Dixon Addition, Block 8, Lot 1.

The City property (Henderson Park) is not addressed but can be found on Klamath County Assessor's map R-3809-033AB-00700. The property can also be described as Dixon Addition, Block 5, Lots 3-6.

The current use of the Douglas' property as a single family dwelling is not permitted under the existing Public Facility zone. Single family dwellings are permitted in the proposed Apartment Residential zone. The existing home was constructed in 1948 and predates the zoning of the area.

The current use of the City Property as a park (Henderson Park) is permitted in both the current Apartment Residential zone and the proposed Public Facility zone. Although the park is permitted in either zone staff feels it is more appropriate to have the park zoned Public Facility for the following reasons: The land will be classified correctly in the city's available lands inventory, the property's zone will more closely match its use and the park will be easier to identify on a zoning map.

Public Facility zones require 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. Apartment Residential zones require the following minimum setback distances: 20' front yard, 10' exterior side yard, and 5' interior side and rear yards. The maximum building height in Public Facility zones is 70' and the maximum building height in Apartment Residential zones is 45'. Public Facility zones allow for a maximum lot coverage of 100% so long as parking, setbacks and

landscaping requirements are met. Apartment Residential zones allow for a maximum lot coverage of 75%. The minimum allowed lot size for both zones is 5,000 sq ft.

Uses allowed in Public Facility zones include: parks, churches, schools, government offices and hospitals. Uses allowed in Apartment residential zones include: Single family dwellings, duplexes – four-plexes, apartments, and residential facilities. Business offices, day cares, and schools are permitted with a conditional use permit.

Referring Agency Comments:

Engineering: “There are no proposed changes to any existing City water or sewer services to the properties shown per this application request. City Engineering does not anticipate any increases to existing traffic counts that would warrant a traffic analysis. From a public works position we have no concerns at this time.”

City Parks: “City Parks has no issues or concerns with the proposed zone change.”

Basin Transit: “No comments”

USBR: “In response to the City of Klamath Falls Planning Departments administrative review request for the subject applicant’s proposal to rezone approximately 6,000 sq ft of land from Public Facility to Apartment Residential so that the zoning more closely matches the existing use of the property as a single family residence, the Bureau of Reclamation has no comments and/or concerns at this time. There are no Reclamation facilities adjacent to or in the vicinity of the proposed construction site.”

The following agencies did not respond to this proposal:

Avista Utilities

Charter Communications

Pacific Power and Light

Qwest

City Manager

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 97: The interrelationship of transportation, job sites, shopping sites, recreation, open space and scenery, education, and similar activities will be emphasized to provide maximum and efficient use of public facilities and services.

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

Policy 254: Allow growth to occur as naturally as possible without undue restrictions, or conversely, aggressive promotion.

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 location of the existing Henderson Park relates well with an existing neighborhood and it plays a major role in the neighborhood's access to recreation and open space (policy 97). The proposed rezoning of the Douglas' property will provide for the continued use of the property as a single family residence. This will provide for the repair and expansion of the existing residential use (policy 99). The rezoning of both of these properties will provide for the continuation of the existing uses on both properties (254).

There are no existing buildings on the City property (Henderson Park) so there are no existing building heights, lot coverage or setbacks to consider.

The Douglas' house has the following existing setback distances: Approximately 15' front yard (S Wendling St, west), approximately 10' exterior side yard (Henderson St, north), approximately 13' exterior side yard (Henry St, east) and approximately 10' interior side yard (south). The existing front yard setback will become non-conforming with the proposed change of zone to Apartment Residential. Although both S Wendling Street and Henry Street are platted south of Henderson Street (adjacent to the Douglas' property) neither of these streets have been developed as a typical city street. Rather, each of these rights-of-way have been developed, and are currently used as, driveways for the church south of the subject property. The proposed zone change will not change the existing setback distance. The propose zone change will not create any other non-conformities. The existing buildings are less than 45' tall and the existing lot coverage is approximately 46%.

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. **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 lot size is 5,000 sq ft for both existing zones and proposed zones (Apartment Residential and Public Facility). The Douglas' property is approximately 6,000 square feet in size, rectangular in shape (120' x 50') and fronted by streets on three sides. The size and shape of the lot is typical for the Dixon Addition subdivision and many other single family residences have been developed on similar lots in the area.

The Henderson Park property is approximately 24,000 square feet in size, rectangular in shape (120' x 200') and fronted by streets on three sides. The site has been used as a neighborhood park for decades.

Any future use of the subject property will require a residential review, a design 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.**

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 properties are bordered by S Wendling Street, Henry Street and Henderson Street. Although both S Wendling Street and Henry Street are platted south of Henderson Street (adjacent to the Douglas' property) neither of these streets have been developed as a typical city street. Rather, each of these rights-of-way have been developed, and are currently used as, driveways for the church south of the subject property. City Engineering does not anticipate any increases to existing traffic counts that would warrant a traffic analysis.

Proposed Finding: The property affected by the proposed zone change appears to be properly related to streets to adequately serve the type of traffic generated by the uses permitted in the Apartment Residential zone; however, when a specific proposal is submitted further traffic information will be required. **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: There are no plans to change either of the subject properties along with the proposed zone change. The proposed zone change will cause the zoning of the properties to more closely match the existing uses on each property. The proposed zone change will have no tangible affect on either of the subject properties.

Public Facility zones require 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. The proposed change of zone for the Douglas' property will cause the church property to the south to have an increased minimum setback distance between the two properties. This should not adversely affect the church property because that portion of the property is used as a playground for the church.

Any future use of the subject property will require a residential review, a design 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 proposed findings.

V. DOCUMENTS ATTACHED

- Vicinity Map

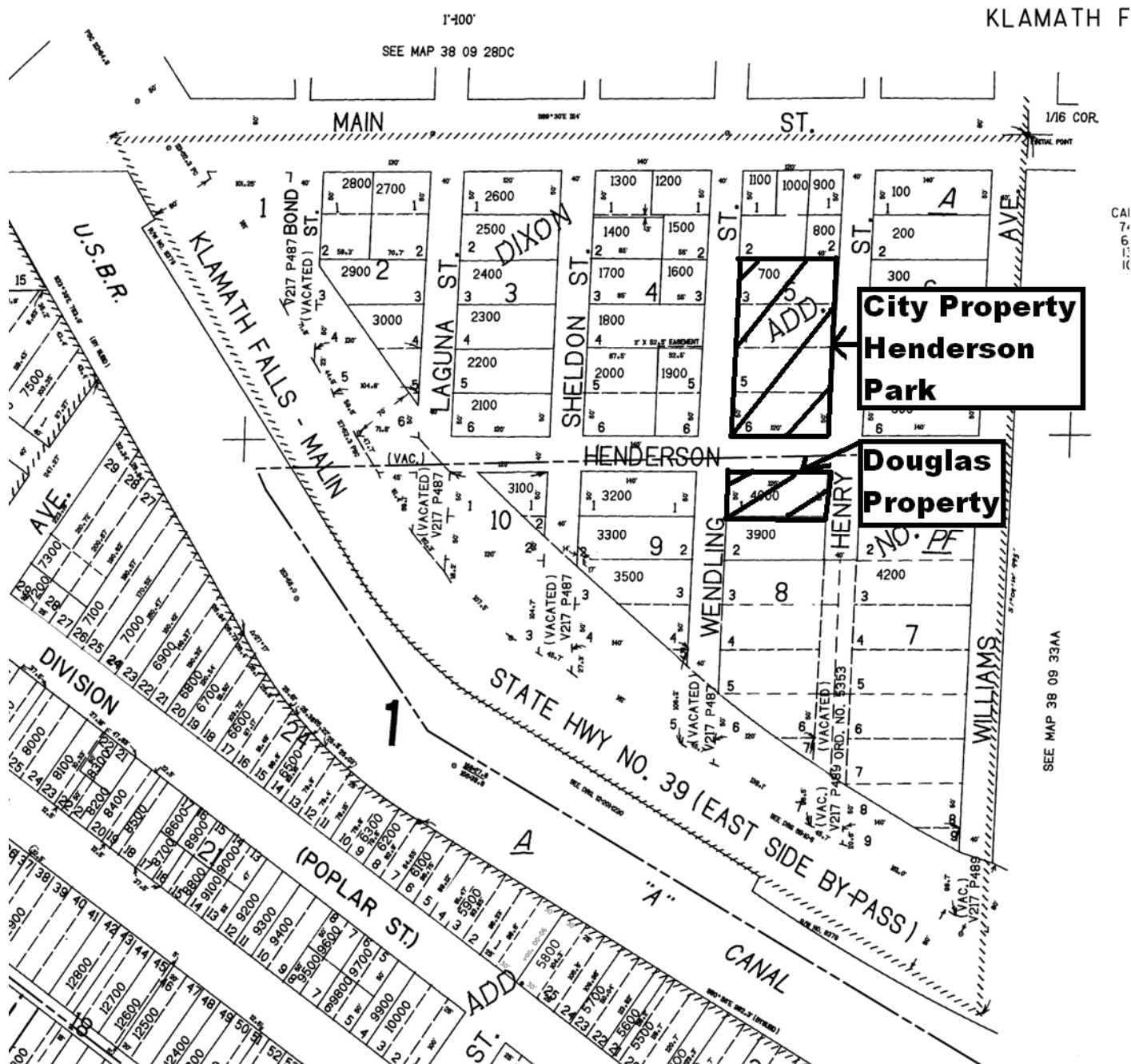
- Zoning Map

VI. PUBLIC NOTICE

Notice of this public hearing was mailed to 49 adjacent property owners within 500' of the property in question on July 14, 2010 and published in the Herald and News on August 1, 2010. No comments were received.

Joe Slaughter,
Associate Planner

Vicinity Map
(No Scale)



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Zoning Map (No Scale)

