



Phone: 541-682-5377
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Meeting Location:
Sloat Room, Atrium Building
99 West 10th Avenue

The Eugene Hearings Official welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice. To arrange for these services, contact the Planning Division at (541) 682-5481.

WEDNESDAY, MARCH 2, 2016
(5:00 p.m.)

I. PUBLIC HEARING

COBURG PLACE ZONE CHANGE (Z 15-10)

Assessors Map: 17-03-21-22 **Tax Lot:** 6700

Location: 1755 Coburg Road

Request: Zone change from R-3 Limited High Density Residential and C-2 Community Commercial to C-1 Neighborhood Commercial and C-2 Community Commercial (only R-3 portion to be rezoned)

Applicant: Coburg Place, LLC

Representative: Kristen Taylor, TBG Architects

Lead City Staff: Erik Berg-Johansen, Assistant Planner
Telephone: (541) 682-5437
E-mail:erik.berg@ci.eugene.or.us

Public Hearing Format:

1. Staff introduction/presentation.
2. Public testimony from applicant and others in support of application.
3. Comments or questions from neutral parties.
4. Testimony from opponents.
5. Staff response to testimony.
6. Questions from Hearings Official.
7. Rebuttal testimony from applicant.
8. Closing of public hearing.

The Hearings Official will not make a decision at this hearing. The Eugene Code requires that a written decision must be made within 15 days of close of the public comment period. To be notified of the Hearings Official's decision, fill out a request form at the public hearing or contact the lead City staff as noted above. The decision will also be posted at www.eugene-or.us/hearingsofficial.



ZONE CHANGE STAFF REPORT

Applicant/File Name (Number):

Coburg Place Zone Change (Z 15-10)

Applicant's Representative:

Kristen Taylor, TBG Architects + Planners; 541-687-1010

Applicant's Request:

Rezone split-zoned site from C-2 Community Commercial and R-3 Limited High-Density to C-2 and C-1 Neighborhood Commercial (only R-3 portion to be rezoned).

Subject Property:

Tax Lot 6700 of Assessor's Map 17-03-21-22; Located at 1755 Coburg Road (along Coburg Road, north of Willakenzie Road and south of Jesppesen Acres Road)

Relevant Dates:

Application submitted on October 29, 2015; application deemed complete on January 12, 2016; public hearing scheduled for March 2, 2016.

Lead City Staff:

Erik Berg-Johansen, Assistant Planner, Eugene Planning Division, Phone: (541) 682-5437

Background and Present Request

The present request is zone change approval for a property located within Eugene's "Harlow Neighbors" neighborhood. The subject property is approximately 0.92 acre and is located along Coburg Road between Willakenzie Road and Jesppesen Acres Road. The parcel is currently split-zoned with C-2 Community Commercial zoning on the southern portion of the property, and R-3 Limited High-Density zoning on the northern portion. The applicant requests to rezone the R-3 portion of the property (0.57 acre) to C-1 Neighborhood Commercial. As discussed in the following evaluation, the Metro Plan diagram does not identify specific locations suitable for the C-1, Neighborhood Commercial Zone. Instead, the Metro Plan provides that if applicable standards and criteria are met, neighborhood commercial uses might be appropriate within a variety of areas.

Neighborhood Commercial zones are intended to support uses serving the day-to-day needs of nearby residents. The Eugene Code considers that appropriate neighborhood uses should not generate excessive noise, traffic, odors or other disturbances that might negatively impact

residents. Examples of appropriate C-1 uses provided within the Metro Plan include convenience stores, grocery markets, barber shops, medical/dental offices, laundromats, and restaurants. An example of a neighborhood commercial center in the area is “Oasis Plaza,” which exists along Willakenzie Road just west of Coburg Road. Most notably, this center supports a Market of Choice grocery store, medical offices, a dry cleaners, and at least two restaurants.

The subject property is currently developed with medical offices, which is a nonconforming use in the R-3 zone. Approval of this zone change request would bring the site’s uses into conformance with the Eugene Code, and also allow for future commercial redevelopment. While any allowable C-1 use could be realized on the rezoned portion of the site, the applicant has expressed intentions to redevelop the property with a commercial retail center. Future development on the site will also be subject to the Commercial Zone development standards included in Eugene Code Section 9.2000, which are designed to increase neighborhood compatibility in mixed-zone areas. For example, the C-1 development standards (as opposed to C-2 standards) restrict building height to a maximum of 35 feet, and also require greater building setbacks where commercial uses abut residentially zoned property. This is important as the subject site is adjacent to properties developed with residential uses (R-3 zoning to the east and R-2 Medium-Density Residential zoning to the north).

A Transportation Planning Rule (TPR) Analysis report completed by Sandow Engineering was also submitted and is included in the application file for reference. Staff’s response to the TPR analysis is provided below, following the evaluation of the zone change approval criteria.

The Eugene Code (EC) requires City staff to prepare a written report concerning the subject land use application. In accordance with the Type III land use application procedures at EC 9.7320, the staff report is made available seven days prior to the public hearing, to allow citizens an opportunity to review the staff analysis of the application. The staff report provides only preliminary information and recommendations. The Hearings Official will consider additional public testimony and other materials presented at the public hearing before making a decision on the application. Pursuant to EC 9.7330, the Hearings Official’s written decision on the application is made within 15 days from the close of the public record, following the public hearing. The quasi-judicial hearing procedures applicable to this request are described at EC 9.7065 through EC 9.7095.

Referrals/Public Notice

On January 21, 2016, staff provided information concerning the application to other appropriate City departments, the Oregon Department of Transportation (ODOT), public agencies, and the affected neighborhood group (Harlow Neighbors). Referral comments were received from the Public Works Engineering Division in regards to the required TPR Analysis. A summary of the analysis and recommendation related to the TPR is included in this report; the complete TPR analysis is available in the application file for reference.

Staff mailed notice of the proposed zone change to the Oregon Department of Land Conservation and Development (DLCD) on January 26, 2016. On January 29, 2016, staff also mailed public notice of the proposed zone change and the hearing date to owners and

occupants within 500 feet of the subject property. Up to this point no written public testimony has been received.

Zone Change Evaluation

EC 9.7330 and EC 9.8865 require the Hearings Official to review an application for a zone change and consider pertinent evidence and testimony as to whether the proposed change is consistent with the criteria required for approval, shown below in **bold** typeface. Staff's findings in response each of the criteria are provided below, to assist the Hearings Official in making a decision on the zone change request.

EC 9.8865(1): The proposed zone change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

The Neighborhood Commercial land use category is not represented on the Metro Plan land use designation map (the subject property is designated as High-Density Residential). Instead, the Metro Plan supports dispersal of Neighborhood Commercial zoning throughout the City. The Metro Plan gives the local jurisdiction (the City of Eugene) the ability to determine the appropriateness of C-1 zoning at specific sites. The Metro Plan also includes the following policies that generally promote Neighborhood Commercial zoning:

- *Policy A.22: Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.*
- *Policy B.22: Review local ordinances and revise them to promote greater flexibility for promoting appropriate commercial development in residential neighborhoods.*
- *Policy B.28: Recognize the vital role of neighborhood commercial facilities in providing services and goods to a particular neighborhood.*

Consistent with the policies above, the proposed zone change would expand and promote opportunities for commercial development in the Cal Young and Harlow neighborhoods and along the Coburg Road commercial corridor. Based on the general Metro Plan policies and guidance, C-1 zoning appears to be appropriate at the subject site so long as applicable location and siting standards are met.

The Metro Plan (page II-G-5) also outlines the following minimum location and siting criteria for neighborhood commercial facilities:

1. *Within convenient walking or bicycling distance of an adequate support population. For a full-service neighborhood commercial center at the high end of the size criteria, an adequate support population would be about 4,000 persons (existing or anticipated) within an area conveniently accessible to the site. For smaller sites or more limited services, a smaller support population or service area may be sufficient.*

2. *Adequate area to accommodate off-street parking and loading needs and landscaping, particularly between the center and adjacent residential property, as well as along street frontages next door to outdoor parking areas.*
3. *Sufficient frontage to ensure safe and efficient automobile, pedestrian and bicycle access without conflict with moving traffic at intersections and along adjacent streets.*
4. *The site shall be no more than five acres, including existing commercial development. The exact size shall depend on the numbers of establishments associated with the center and the population to be served.*

The subject property is consistent with these requirements. More specifically, the subject property is located near an adequate support population (further discussed under EC 9.8865(4) below), and is large enough to support parking, vehicle loading, and sufficient landscaping as required by the development standards for C-1 and C-2 properties. The property is no larger than five acres, and has adequate street frontage to allow for safe and efficient access.

Based on these findings, this criterion is met.

EC 9.8865(2): The proposed change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The subject property is within the boundaries of the Willakenzie Area Plan (WAP). The WAP contains a number of policies that are relevant to the subject request; these policies are listed below with corresponding findings:

➤ **General Policies and Proposed Actions for the Willakenzie Area (pg. 15)**

Policy #2: *“The City shall ensure that future commercial development and redevelopment in the Willakenzie planning area is sensitive to and compatible with existing and planned development in the surrounding area.”*

Staff finds that the proposed C-1 zoning will promote development that is sensitive to, and compatible with, existing development in the area. The proposed zone change will in effect expand an existing commercial corridor; in other words, approval of this zone change will not introduce a new, isolated neighborhood commercial center. It should also be noted that existing C-2 and GO General Office zoning exists just across Coburg Road to the west. The site is bounded to the north and east by residential apartments, but staff believes C-1 development standards will ensure compatibility with neighboring developments consistent with this policy.

Policy #5: *“Site review procedures or special development standards shall be considered for properties which abut or face one another, when the uses permitted on those properties are potentially incompatible.”*

Staff agrees with the applicant in that the Metro Plan has already determined the suitability of C-1 zoning in a wide variety of areas (including within single-family neighborhoods), and that in effect, a Site Review overlay zone is not necessary to ensure sufficient compatibility for future development. The Eugene Code also prescribes special development standards for C-1 zones. These standards work to increase the compatibility between neighborhood commercial uses and adjacent or nearby residences, which further decreases the importance and utility of a formal Site Review procedure. Finally, it should be considered that the site is adjacent to major arterial street and existing commercial uses; consequently, staff believes future neighborhood commercial development will be compatible with nearby existing development.

Policy #6: *“Minimize land use conflicts by promoting compatibility between low-density and higher-density residential land uses as well as between residential and nonresidential land uses.”*

This policy applies because commercial zoning is proposed and the subject site is adjacent to residential land uses. However, staff believes land use conflicts will be minimized by the limited types of uses allowed in C-1 zones, and by the special development standards discussed above.

➤ Sheldon Subarea Policies (pg. 26)

Policy #7: *“Recognize the existing medium- to high-density residential zoning and commercial zoning east of Coburg Road and north of Willakenzie Road (extending to the subarea boundary) and discourage any future commercial rezonings and residential rezonings to a higher density.”*

While this policy discourages future commercial rezonings, staff finds the policy to be aspirational and not a mandatory requirement. Further, the subject property will be rezoned to the least intense commercial zone (Neighborhood Commercial), and the area to be rezoned is already developed with a nonconforming commercial use.

Based on the above findings, this criterion is met.

EC 9.8865(3): The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban facilities and services are defined in the Metro Plan as: wastewater service, stormwater service, transportation, water service, fire and emergency medical services, police protection, City- wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (see Metro Plan page V-3).

Referral comments from the City’s Public Works Department confirm that the uses and density allowed by the C-1 zone on the subject property can be serviced by existing urban facilities and services. Those referral comments are included in the application file for reference.

Based on these findings, this criterion is met.

EC 9.8865(4): The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

(a) EC 9.2150 **Commercial Zone Siting Requirements.** In addition to the approval criteria in EC 9.8865 **Zone Change Approval Criteria**, the following C-1 Neighborhood Commercial siting requirements apply:

- 1) New C-1 zones shall be located within convenient walking or bicycling distance of an adequate support population. For new C-1 areas between 4½ and 5 acres, an adequate support population is 4,000 people (existing or planned) within an area conveniently accessible to the site.
- 2) New C-1 areas larger than 1.5 acres shall be located on a collector or arterial street.
- 3) Existing neighborhood commercial areas shall not be allowed to expand to greater than 1.5 acres unless the development area site abuts a collector or arterial street.

Subsection (1) is met because the subject site is located within convenient walking/bicycle distance of an adequate support population. Using the City's GIS database, staff determined that approximately 275 residentially zoned parcels exist within walking distance (1/4 mile), and approximately 10,000 residentially zoned parcels exist within biking distance (2 miles).

As the applicant asserts, large residential neighborhoods also exist to the east and west of the subject property. Residents in these neighborhoods can easily access the site from the east via Adkins Street, and from the west via Jesppesen Acres Road. Willakenzie Road provides an additional east-west connection, while Coburg Road serves as a primary north-south connection for vehicles, pedestrians and bicycles. All of the above mentioned streets have public sidewalks which further increases the convenience level for pedestrians who will utilize the site.

Subsection (2) is not applicable as the new C-1 zoned area will not exceed 1.5 acres. Regardless, this criterion would be met as the site is located on an arterial street.

Subsection (3) is met because the proposed C-1 area will not exceed 1.5 acres. Regardless, this criterion would be met as the site is located on an arterial street.

Based on these findings, this criterion is met.

EC 9.8865(5): In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the City to ensure the area is maintained as a natural resource area for a minimum of 50 years.

This criterion does not apply as the proposed zone change does not include the NR zone.

Transportation Planning Rule (TPR) Evaluation

In addition to the zone change approval criteria above, Goal 12 Transportation of the Statewide Planning Goals, adopted by the Land Conservation and Development Commission (DLCD), must also be specifically addressed as part of the requested zone change and in the context of Oregon Administrative Rule (OAR) 660-012-0060. The following findings demonstrate that the proposed TPR Analysis will comply with all applicable approval criteria. Section 1 and 9 of the TPR are the only sections that apply to the subject proposal, and these criteria are listed below in **bold**, with findings addressing each. Findings as to why other Sections are not applicable are available in the Public Works referral, which is available in the application file for reference.

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**
- a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
 - b) Change standards implementing a functional classification system; or**
 - c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
 - A. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 - B. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
 - C. Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

The City's acknowledged Transportation System Plan (TSP) is the TransPlan, which was adopted in 2001 and provides the basis for the Transportation Element of the Metro Plan. Both plans (TransPlan and Metro Plan) serve both the cities of Eugene and Springfield.

Coburg Road is classified as a major arterial street, and is currently improved to urban arterial standards (includes travel lanes, center turn lane, sidewalks, street lighting, and drainage controls). The intersections of the Coburg Road with the Beltline Highway (State Route 569) and Willakenzie Road are currently signalized. The intersection of Coburg Road and the Beltline Highway are under the jurisdiction of ODOT. The Intersection of the Coburg Road and

Willakenzie Road is under the jurisdiction of the City of Eugene. City of Eugene Public Works staff only analyze and provide recommendations regarding impacts to intersections under City of Eugene jurisdiction. ODOT has reviewed the applicant's analysis, and have no objections to the proposed zone change.

The current TSP (TransPlan) was developed assuming vehicular impacts and growth based on the subject site's High-Density Metro Plan designation. Coburg was not identified as having substandard vehicular capacity during the planning horizon. A project was programmed (#622) at the intersection of Coburg Road and the Beltline Highway to enhance ramps and signalizations, and ODOT has since implemented those improvements. Coburg Road was identified for a study (#139) to develop a "Long Range Capacity Refinement Plan". The study was identified as a financially constrained project. The study is un-programmed and the City currently has no plans to initiate it.

A reasonable worst case development scenario in the C-1 zone will result in increased trip generation above the reasonable worst case R-3 uses. The applicants engineer performed background vehicle counts at study intersections to establish baseline traffic volumes and patterns. All intersections and street segments are operational with acceptable levels of service (LOS) for existing conditions. The analysis report assumed a convenience store and fast food restaurant as the proposed reasonable worst case development scenario for the C-1 zone. Both uses are permitted outright in the C-1 zone and are consistent with the location and commercial character of Coburg Road. The applicants engineer analyzed the effect of the proposed C-1 zone above the baseline conditions and during the planning horizon year of 2027. The analysis accounted for proper trip generation, distribution, pass-by trip reduction and annual growth. All intersections and street segments operated within acceptable LOS for current build conditions and future growth conditions at the planning horizon. The result was no significant impact to the proposed or planned transportation system.

The additional traffic impacts from the C-1 zoning would not warrant a change in the function classification of an existing or proposed transportation facility. The existing transportation system has adequate capacity to serve the reasonable worst case C-1 zoning development scenario. There is no proposal or plans to change the standards for implementing a functional roadway classification system. Access and levels of travel are projected to be maintained. The intersection of Coburg and Willakenzie is not projected to exceed minimum LOS through the planning horizon from background traffic and existing R-3 zoning. The increase in traffic attributed to the C-1 zoning is not projected to degrade the performance of the existing transportation system below performance thresholds established in the current TSP.

Based on these findings and as confirmed in referral comments from Public Works and ODOT staff, there is no significant effect on the transportation system as a result of the proposed C-1 zoning.

- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.**
- a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;**
 - b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and**
 - c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.**

For a number of reasons, staff disagrees with the applicant's assertion that, pursuant to Section 9, the proposed zone change is not required to demonstrate compliance with the Transportation Planning Rule (or in other words, exempt from TPR).

Satisfaction of Section 9 does not exempt an applicant from demonstrating compliance with the TPR. Rather, Section 9 provides a local government with the discretionary authority to conclude that a proposed zone change does not significantly affect an existing or planned transportation facility if an applicant demonstrates satisfaction with the three requirements of OAR 660-012-0060(9). Here, while rezoning the subject property to C-1 does not require an amendment to the Metro Plan or the Willakenzie Area Plan, due to the unique nature of the proposed C-1 zone, we cannot rely on OAR 660-012-00060(9) to conclude that the proposed zone change does not significantly affect an existing or planned transportation facility.

OAR 660-012-0060(9)(b) recognizes the fact that an acknowledged TSP is the local government's plan for how it will accommodate the traffic impacts expected to occur as the jurisdiction grows in the ways anticipated by its 20-year comprehensive plan. As required by state law, TransPlan was based on the Metro Plan's land use designations. It follows that, usually, a zone change that is consistent with that comprehensive plan is also consistent with the TSP. Generally, so long as the proposed zone is consistent with the land use designation on which the TSP was based, the zone change is consistent with the TSP.

That said, there may be cases in which it is unclear whether a particular zone is consistent with the comprehensive plan designation on which the TSP was based. The proposed C-1 zone is one, and potentially the only, such case. The C-1 zone is a "floating" zone with no Metro Plan land use designation. Because the C-1 does not clearly implement the High-Density Residential designation, we have no basis for concluding that TransPlan's transportation needs analysis presumed, or even considered, C-1 zoning for property designated High-Density Residential. Without a way to somehow make a transportation planning connection between the proposed zone and the current Metro Plan designation, we cannot conclude that the proposed zone is consistent with TransPlan; thus, the applicant does not satisfy the requirement of OAR 660-012-0060(9)(b) and is not exempt under the rule. Nonetheless, the applicant has provided the required analysis confirming compliance with the TPR, as discussed above.

Staff Recommendation

Based on all the available evidence, and consistent with the preceding findings of compliance with the zone change criteria at EC 9.8865 (also including the TPR), staff recommends the Hearings Official approve the requested zone change to C-1 Neighborhood Commercial.

Consistent with EC 9.7330, unless the applicant agrees to a longer time period, within 15 days following close of the public record, the Eugene Hearings Official shall approve, approve with conditions, or deny this application. The decision shall be based upon and be accompanied by findings that explain the criteria and standards considered relevant to the decision, stating the facts relied upon in rendering a decision and explaining the justification for the decision based upon the criteria, standards, and facts set forth. Notice of the written decision will be mailed in accordance with EC 9.7335. Within 12 days of the date the decision is mailed, it may be appealed to the Eugene Planning Commission as set forth in EC 9.7650 through EC 9.7685.

Attachments

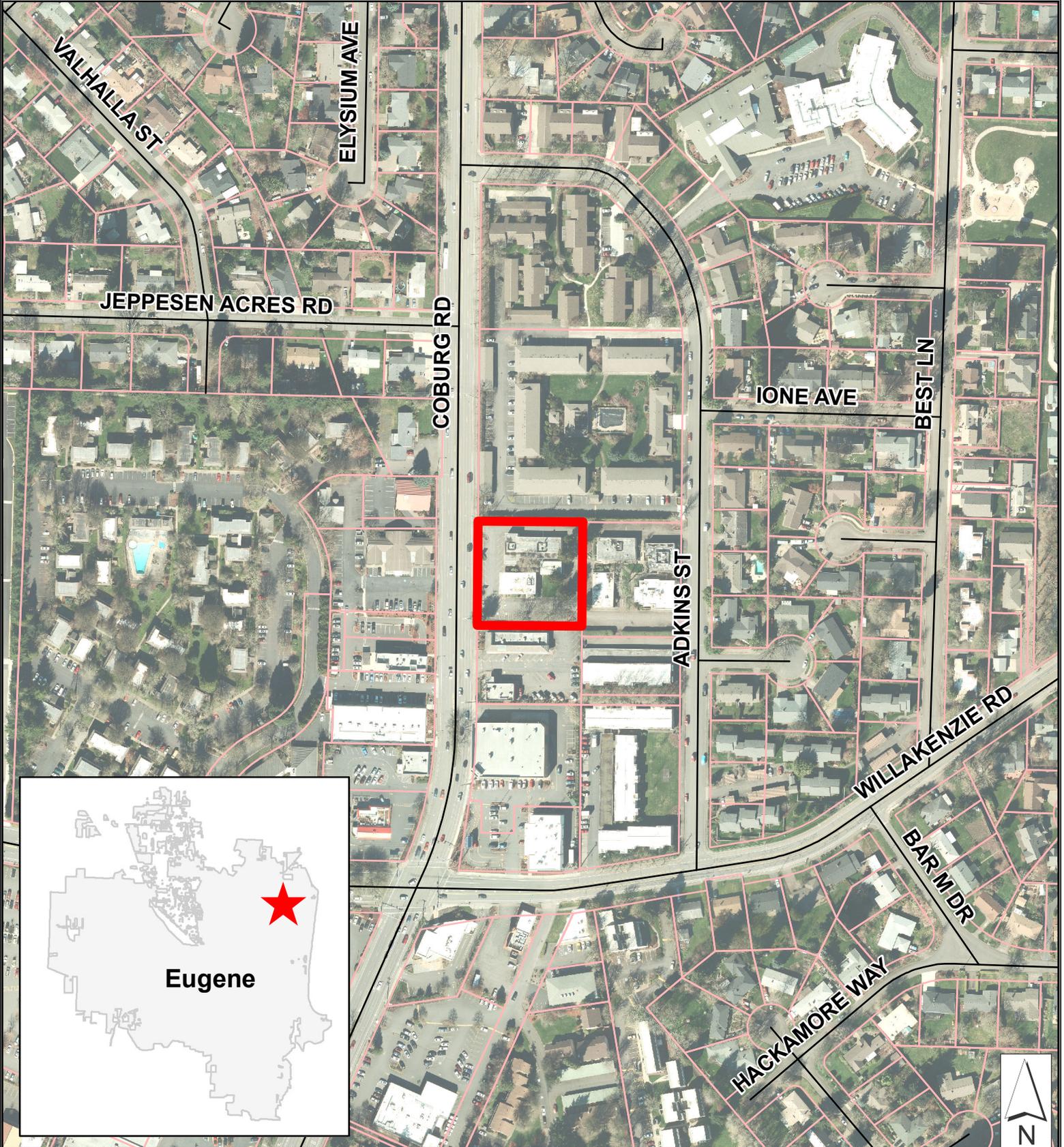
- A. Vicinity Map
- B. Current Zoning Map

The entire application file, which includes referral comments, the applicant's TPR analysis report and written statement, is available for review at the Eugene Planning Division offices. The Hearings Official will receive a full set of application materials for review prior to the public hearing. These materials will also be made available for review at the public hearing.

For More Information

Please contact Erik Berg-Johansen, Assistant Planner, City of Eugene Planning Division, at: (541) 682-5437; or by e-mail, at: erik.berg@ci.eugene.or.us

Attachment A - Vicinity Map



Legend

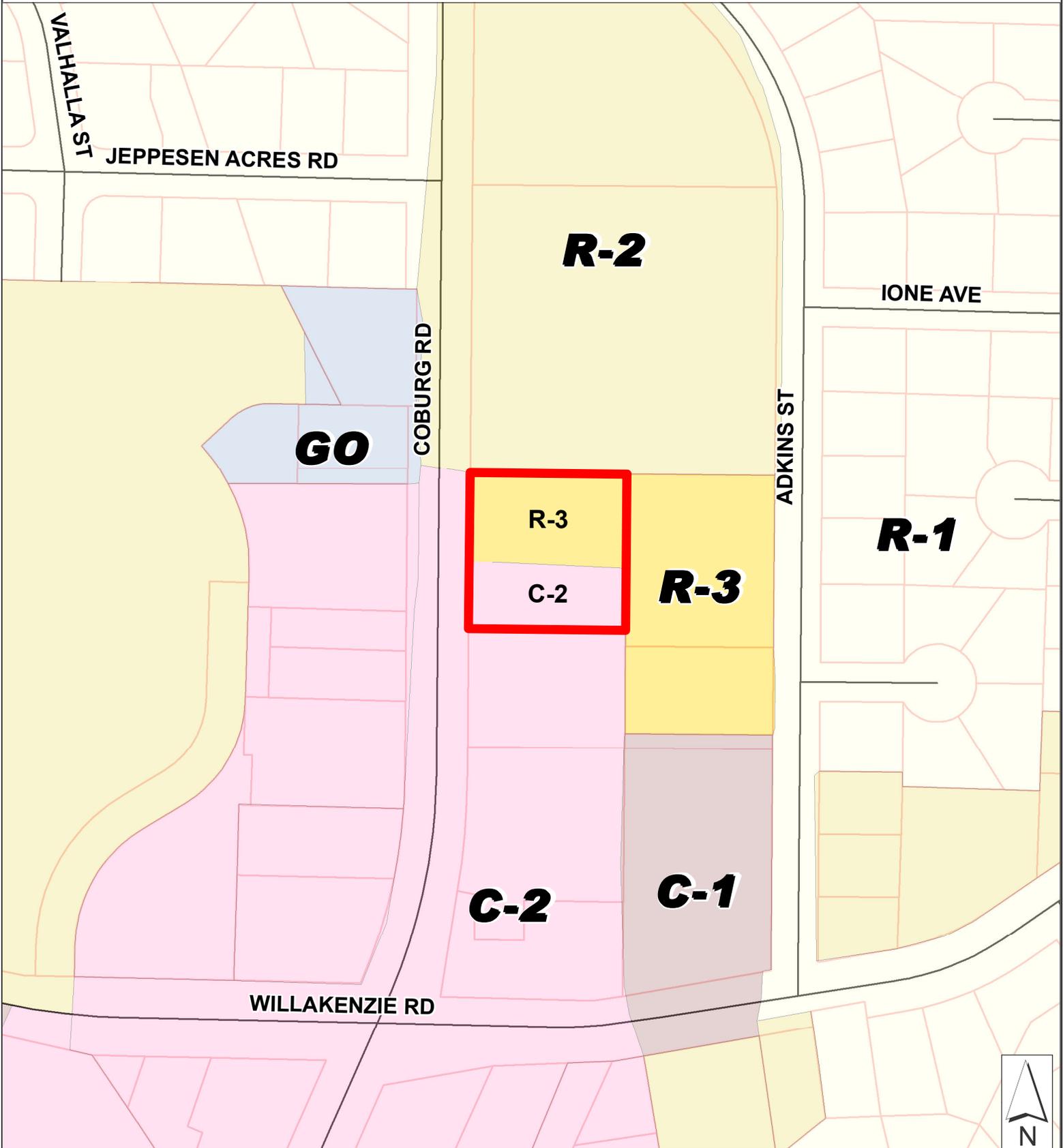
-  Subject Property
-  Streets
-  Taxlots



Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.

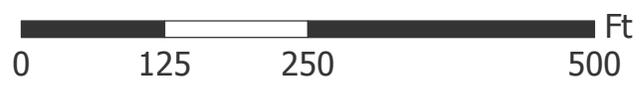


Attachment B - Current Zoning Map



Legend

- Subject Property
- Streets
- Taxlots



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