



**ZA-13-02**

# **Zoning Map Amendment**

**Milwaukie Planning Commission**

**Li Alligood, Associate Planner**

**March 25, 2015**

# Background

- First hearing held on March 11, 2014
- Public testimony held open until 5:00pm on March 18, 2014
- 10 comments received between March 11 and 18
  - 3 from Jean Baker, Historic Milwaukie NDA
  - 7 from Historic Milwaukie NDA residents
    - Ray Bryan
    - Connie Kilby (x4)
    - Michael Park
    - Town Lake Estates residents
- Additional information from the applicant



# Revisions since 3/11 Hearing

- Revisions to recommended Findings
  - MMC 19.700 Public Facility Improvements is not applicable
  - Revisions to description of relationship between density standards of the Comprehensive Plan and Zoning Ordinance



# Community Concerns

- Role of the Comprehensive Plan and its ancillary documents, specifically the Town Center Master Plan
- Discord between residential density ranges in the Comprehensive Plan and Zoning Ordinance
- Comprehensive Plan Policies in High Density areas
- Area of analysis for “surrounding area”
- Permitted development and uses in the requested R-1-B zone
- Parking and traffic impacts of a zone change
- Crime rates
- Post-approval development requirements



# Comp Plan & Ancillary Documents

- **Issue:** The proposed zoning map amendment complies with the Comprehensive Plan text and map, but not with the TCMP proposed land use designations for this section of Subarea 5
- **Question:** Should the policies of ancillary documents, such as the Town Center Master Plan, be considered when reviewing a zone change?



# Comp Plan & Ancillary Documents

- Ancillary documents are implemented by the following process:
  - Step 1: Adoption as ancillary document to the Comprehensive Plan
  - Step 2: Amendments to Comprehensive Plan text and/or map(s)
  - Step 3: Amendments to the Zoning Ordinance
- Adoption does not, in itself, implement the ancillary document



# Comp Plan & Ancillary Documents

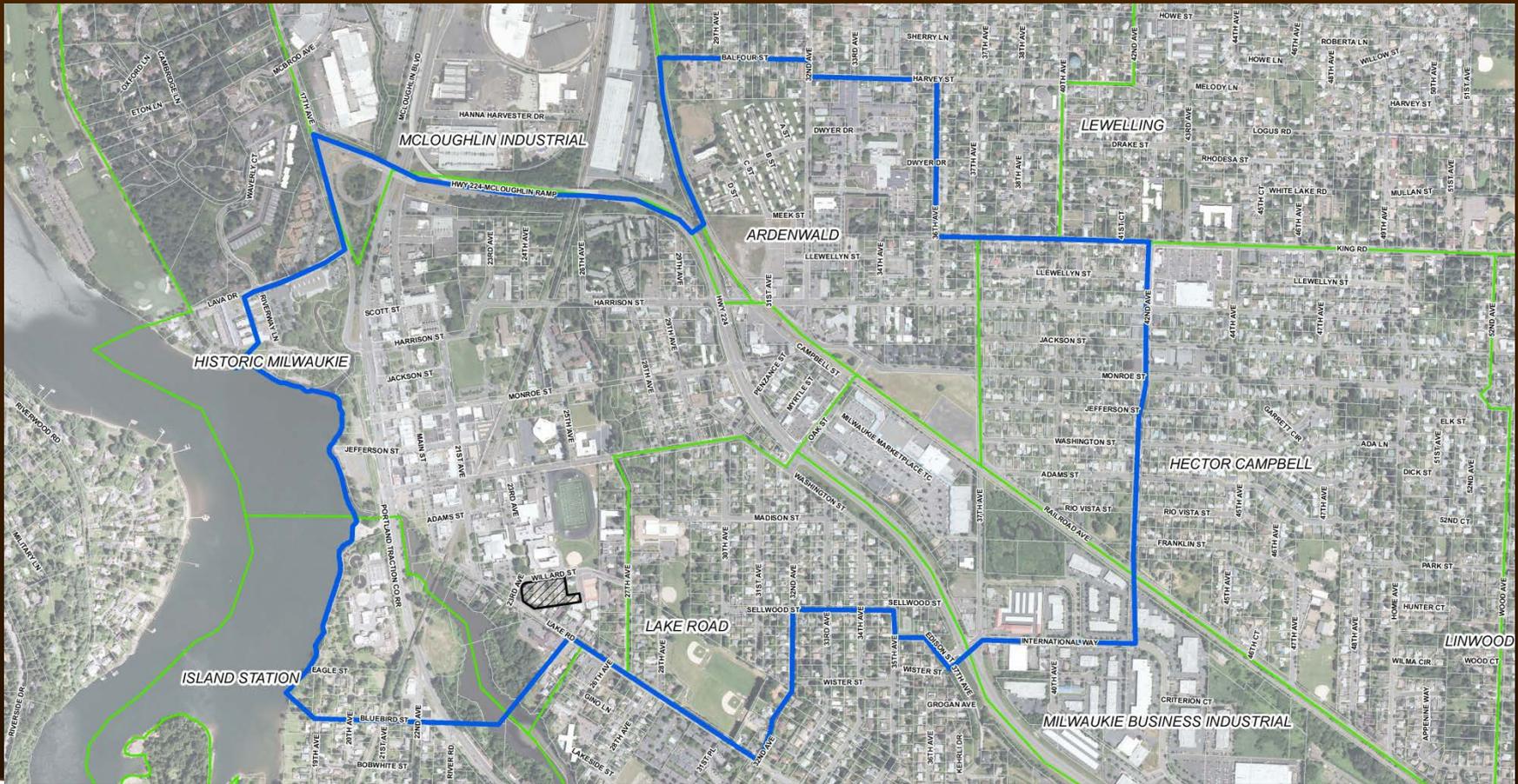
## Town Center Master Plan

- Milwaukie designated Metro 2040 “Town Center” in 1994
- Town Center Master Plan adopted 1997
- Includes 6 Subareas
- The subject site is located in Subarea 5



# Comp Plan & Ancillary Documents

## Town Center Master Plan



# Comp Plan & Ancillary Documents

## Town Center Master Plan

- The Town Center Master Plan is a policy document
  - “The following policies are derived in part from policies recommended in the Town Center Master Plan and the Downtown and Riverfront Land Use Framework Plan.”

(Chapter 4, Economic Base and Industrial/Commercial Land Use Element, Objective #12 –Town Center)



# Comp Plan & Ancillary Documents

## Town Center Master Plan

- Specific policies of the Town Center Master Plan are incorporated by reference:
  - “The Town Center Master Plan and the Downtown and Riverfront Land Use Framework Plan provide the most current Council direction for the future of downtown Milwaukie [the downtown zones] and the Milwaukie riverfront.”



# Comp Plan & Ancillary Documents

## Town Center Master Plan



Figure 35: Subarea 5 Redevelopment Sites

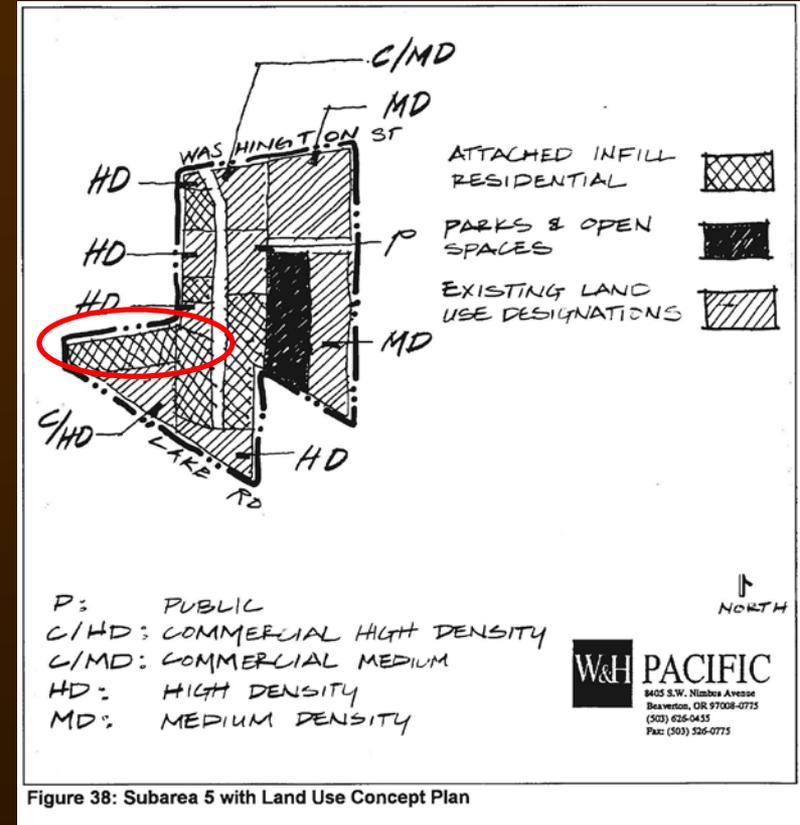


Figure 38: Subarea 5 with Land Use Concept Plan

Table 19: Land Use Concept for Subarea 5

Land Use Type	Uses and Densities	Subareas With Land Use Type
Attached Infill Residential	Duplexes, triplexes, and row houses at 12 dwelling units per net acre	Subarea 5



# Comp Plan & Ancillary Documents

## Town Center Master Plan

- Comprehensive Plan text and map were amended to implement some recommendations:
  - Town Center TC land use designation
  - Associated density ranges
  - References to the Town Center
- Recommended Land Use Designation for Subarea 5 (and many other recommendations) not adopted



# Comp Plan & Ancillary Documents

## Town Center Master Plan

- **Conclusion:** Town Center Master Plan policies for Subarea 5 were not adopted and are not applicable



# Residential Density Ranges

- **Issue:** The density ranges of the Comprehensive Plan and Zoning Ordinance for the R-1 and R-1-B zones appear to conflict.
- **Question:** Is this an actual conflict?



# Residential Density Ranges

- Comp Plan and Zoning Ordinance density ranges adopted at the same Council hearing as part of the same amendment package
- Intended to implement the same policies



# Residential Density Ranges

- Comprehensive Plan: Net density range
  - Demonstrates ability to provide dwelling units required by Goal 10
  - Reduces gross area by 15-25% based on lot size
- Zoning Ordinance: Gross density range
  - The number of dwelling units allowed based only on minimum lot size
  - Does not include dedications for public ROW or other area reductions



# Residential Density Ranges

Comp Plan Designation	Comp Plan Density Range	Implementing Zone(s)	Zoning Density Range
Low Density	Up to 6.2 du/ac	R-10	3.5 – 4.4 du/ac
		R-7	5.0 – 6.2 du/ac
Moderate Density	6.3 to 8.7 du/ac	R-5	7.0-8.7 du/ac
Medium Density	8.8 to 21.1 du/ac	R-3	11.6 to 14.5 du/ac
		R-2.5	11.6 to 17.5 du
		R-2	11.6 to 17.4 du/ac
High Density and Mixed Use	21.2 to 24.0 du/ac	R-1	25 to 32 du/ac
		R-1-B	25 to 32 du/ac
Regional/Town Center	25 to 50 du/ac	R-O-C	25 to 32 du/ac

Zone	Min. Att. Lot Size (sf)	Gross Density Range (du/ac)	Zoning Ord. Density (du/ac)	15% Reduction (du/ac)	25% Reduction (du/ac)	Comp Plan Density (du/ac)
R-1	1,400	27.5 – 31.1	25 – 32	24	20.1	21.2 - 24.0
R-1-B						

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# Residential Density Ranges

- **Conclusion:** There is not an actual conflict between the Comprehensive Plan and Zoning Ordinance density ranges



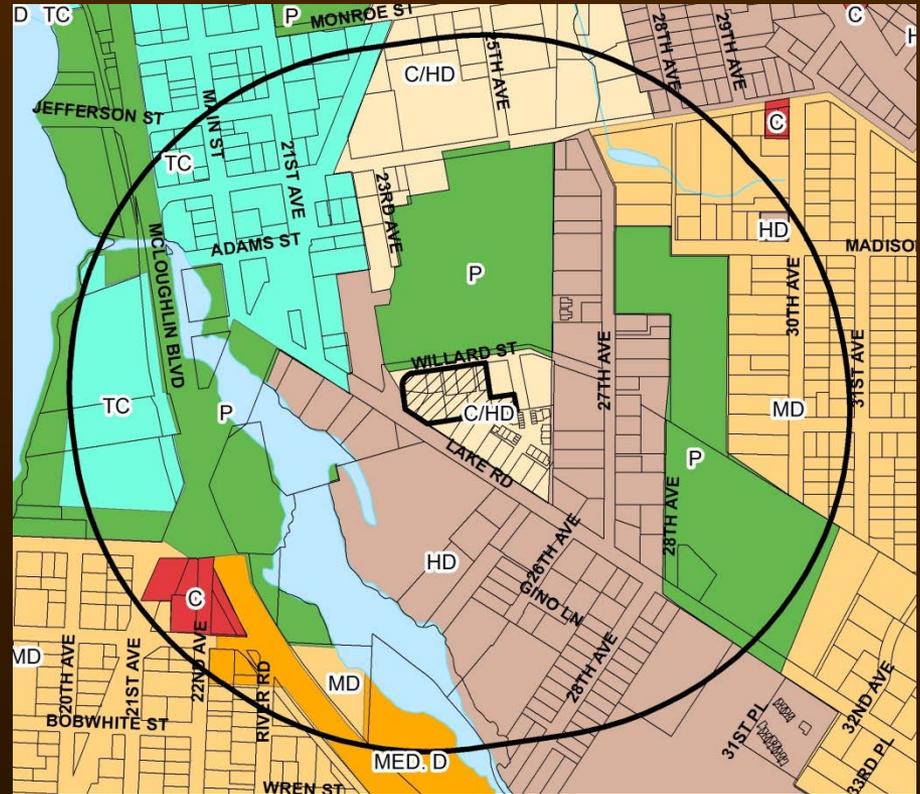
# Policies in High Density areas

- **Issue:** High Density and Mixed-Use land use designations assume redevelopment of existing sites.
- **Question:** What does this mean for the Town Center area?



# Policies in High Density areas

- Site is designated Commercial/High Density (C/HD) Mixed Use
- Surrounding areas designated High Density HD and Town Center TC



# Policies in High Density areas

- Comp Plan policies in place since 1979 assume redevelopment of High Density and Mixed Use areas
- Policies for sites designated Mixed Use:
  - Range of residential, commercial, and office uses
  - Clearance and new construction; primarily multifamily residential development



# Policies in High Density areas

- Evaluation of these policies should be part of a community-wide conversation during Comprehensive Plan update
- For the time being, these are the adopted policies for the area



# Policies in High Density areas

- **Conclusion:** The proposal complies with the policies of the Comprehensive Plan for development in HD and C/HD areas



# Area of Analysis

- **Issue:** Approval criterion #1 references the “surrounding area,” but does not provide guidance about what the “surrounding area” is.
- **Question:** What is the area of analysis when considering compatibility?

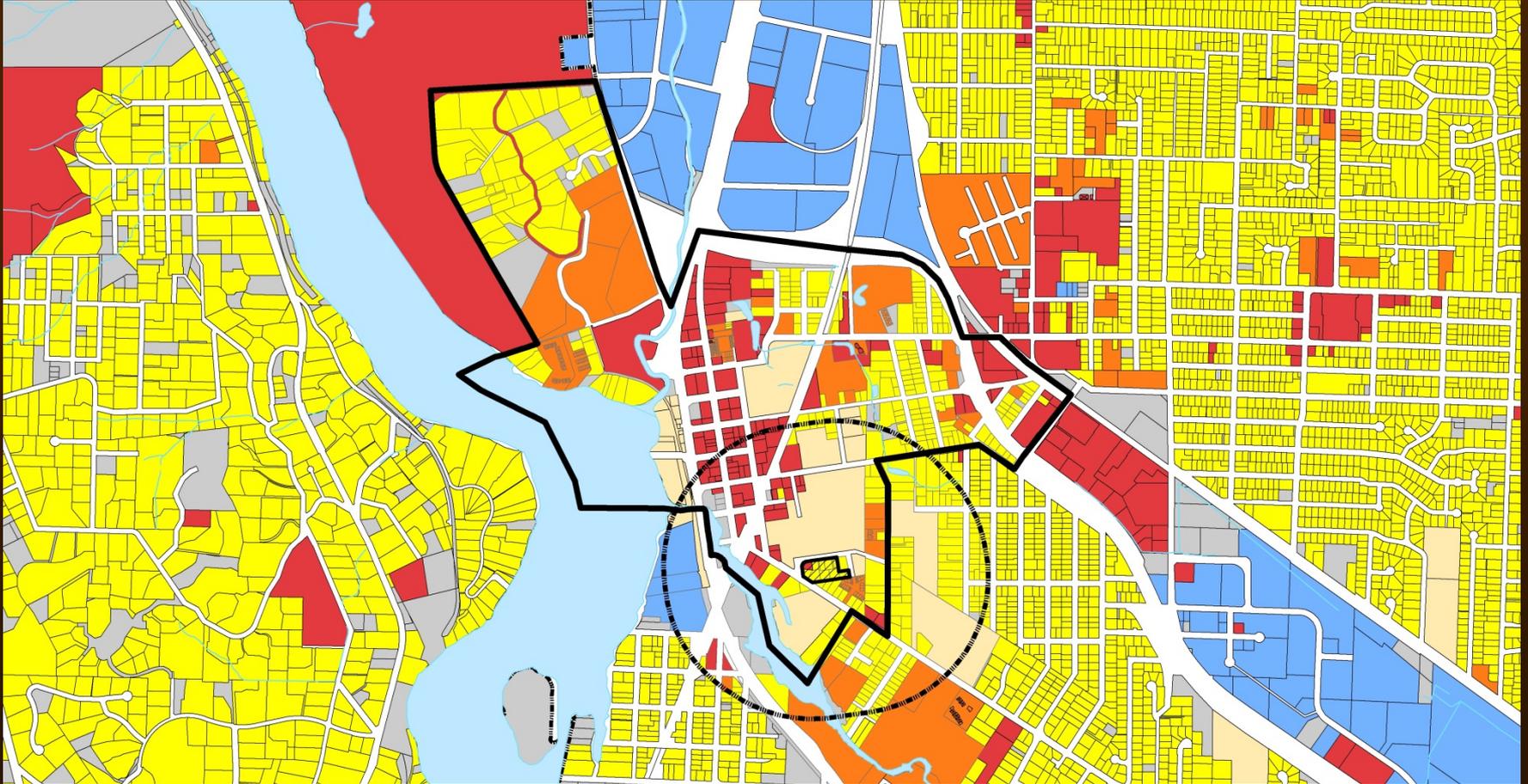


# Area of Analysis

- Area of analysis could be:
  - The lots immediately surrounding the site
  - The area within a certain distance
  - The entire neighborhood



# Area of Analysis



# Area of Analysis

- **Conclusion:** The outcome doesn't change much depending on area of analysis.



# Permitted Development and Uses

- **Issue:**

- R-1-B Zone permits office uses outright; R-2 Zone permits them as conditional uses.
- Both zones permit 3 story buildings.

- **Question:**

- What are the key differences between uses and development permitted in the R-2 and R-1-B zones?



# Permitted Development and Uses

Standard	R-2 (Existing)	R-1-B (Requested)
Permitted Uses	Multifamily residential	Multifamily residential, Office
Conditional Uses	Office	
Community Service Uses	Temporary Shelter	Temporary Shelter
Min. Lot Size	5,000 / 2,500	5,000 / 1,400
Min. Lot Dimensions	50 x 80 / 25 x 80	50 x 80 / 20 x 70
Min. Setbacks	15 ft front/rear, 5 ft side	15 ft front/rear, 5 ft side
Max. Height	3 stories/45 ft	3 stories/45 ft
Max. Lot Coverage	45%	50%
Min. Density	11.6	25
Max. Density	17.4	32
Max. Dwelling Units	30 / 29	55 / 51



# Permitted Development and Uses

- “Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.
- “Personal/business services” means the provision of services to individuals or businesses. Typical uses include laundromats/dry cleaners, tanning salons, barbers, beauty salons, shoe repair, copy centers, secretarial services, and blueprint services.
- Personal/business services are not allowed in either zone as a conditional or outright permitted use



# Permitted Development and Uses

- In either zone:
  - Buildings up to 3 stories/45 ft
  - Front/rear yard setbacks of 15 ft
  - Side yard setbacks of 5 ft
- Zone change does not affect the allowed height or location of new buildings
- Key differences are in office uses and residential density



# Parking & Traffic Impacts

- **Issue:** Community concerns about increased traffic as a result of a zone change.
- **Question:** How will increased traffic be mitigated?



# Parking & Traffic Impacts

- State Transportation Planning Rule (TPR):
  - TIS not required if zone change complies with Comprehensive Plan and the City's adopted TSP
  - R-1-B Zone implements Comp Plan land use designation of C/HD
  - TSP accounts for significant increases in trips from this transportation analysis zone (TAZ)
- No TIS required



# Parking & Traffic Impacts

- At the time of zone change:
  - No traffic generation triggered by the zone change itself
- At the time of development or redevelopment:
  - TIS required
  - Mitigation of any traffic impacts
  - Parking to be provided on site

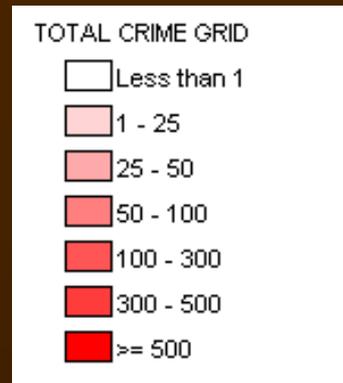
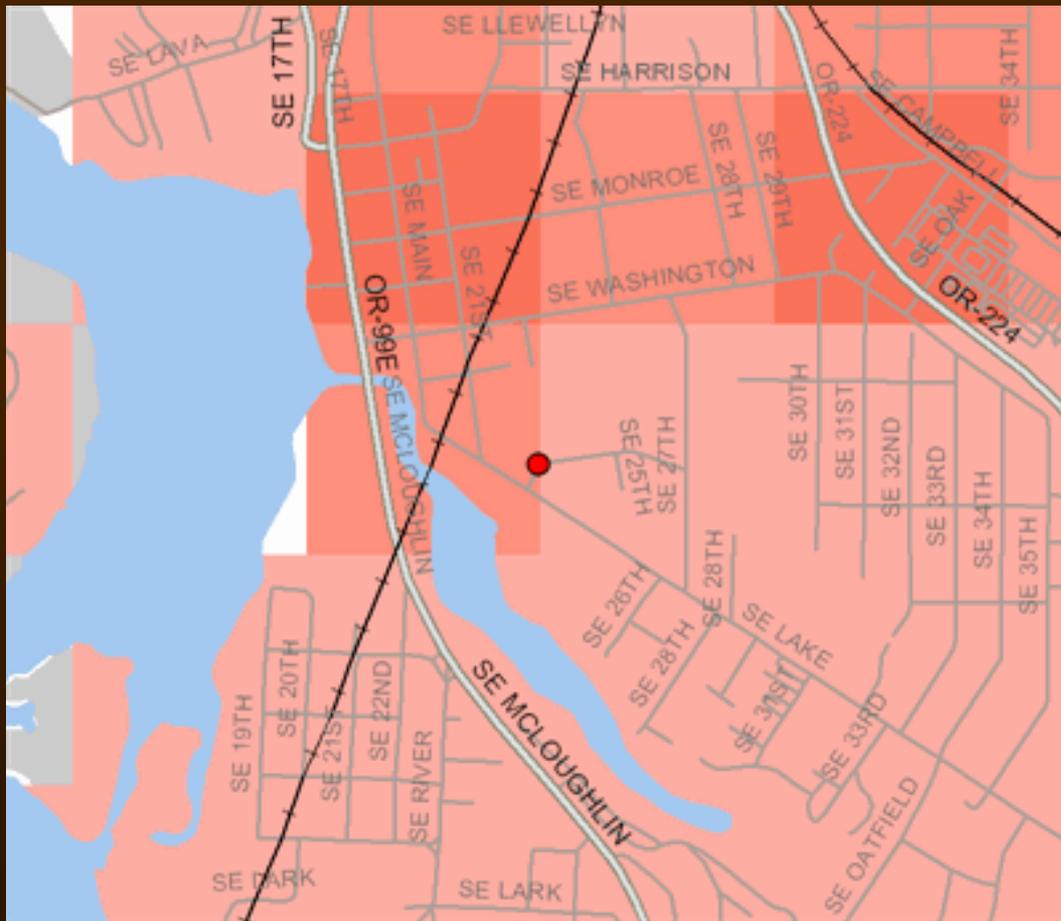


# Crime Rates

- **Issue:** Crime statistics for the site as related to surrounding areas were provided as evidence.
- **Question:** Can crime statistics be considered?



# Crime Rates



As of 2/28/14; from [www.portlandmaps.com](http://www.portlandmaps.com)



# Crime Rates

- Does not appear to apply to any criteria for the zone change
- Possible exception: compatibility
- Subject site has similar/lower rates than the surrounding areas
- Does not appear that a finding of denial could be made on this point



# Development Standards

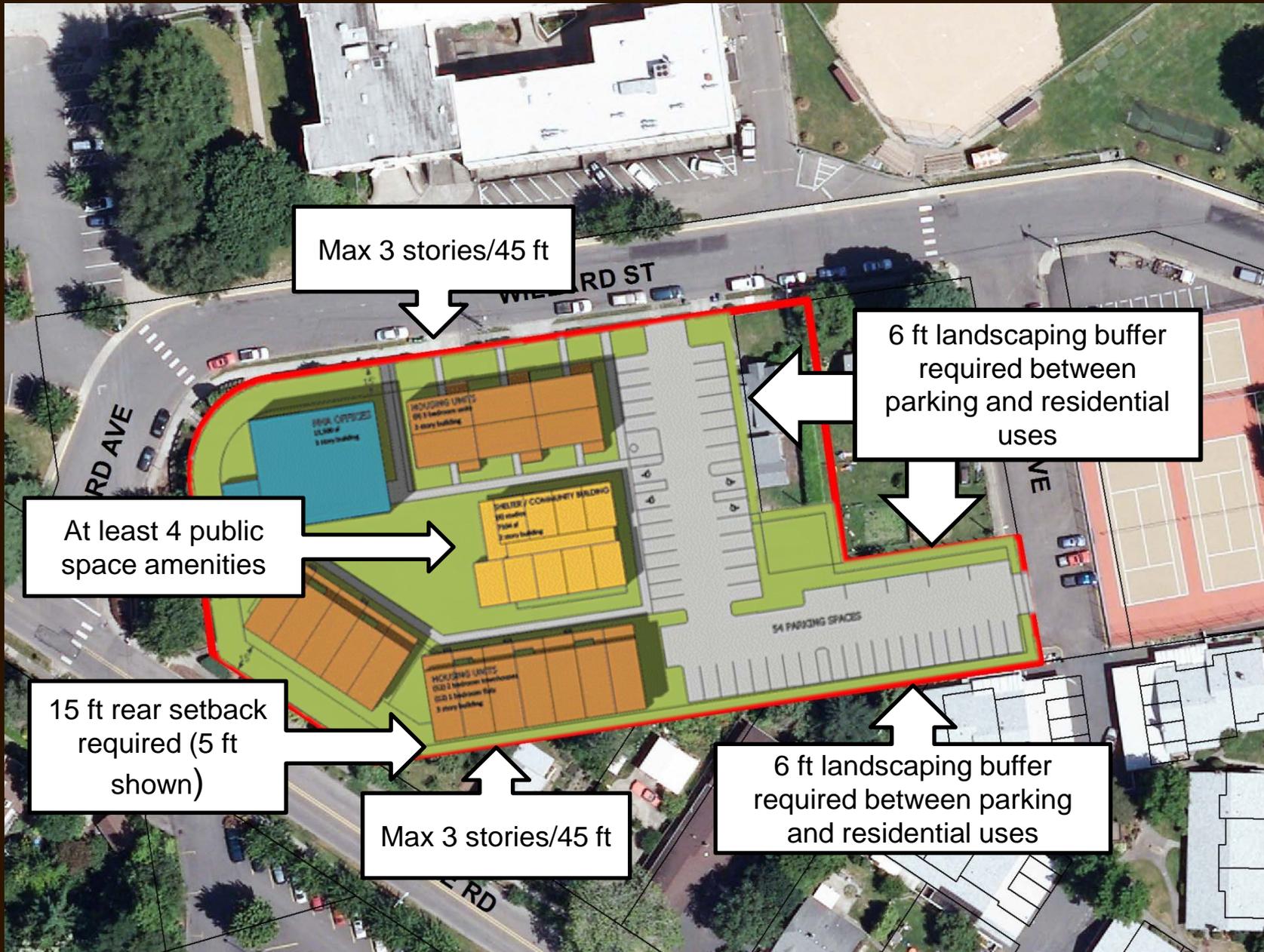
- **Issue:** Concerns about what new development would look like and how it would function if zone change is approved.
- **Question:** What site development and design standards apply to new multifamily and office development?



# Development Standards

- Multifamily residential development and design standards were adopted by City Council in 2013
- These standards are intended to achieve the principles of:
  - Livability
  - Compatibility
  - Safety and Functionality
  - Sustainability
- Reviewed at the time of building permit submittal





Max 3 stories/45 ft

6 ft landscaping buffer required between parking and residential uses

At least 4 public space amenities

15 ft rear setback required (5 ft shown)

Max 3 stories/45 ft

6 ft landscaping buffer required between parking and residential uses

# Analysis

- City policies were adopted by City Council with recommendations for the Planning Commission and significant public input
- The current Planning Commission and neighbors may not agree with the policies, but this not the forum to change them.
- Based on the analysis, the application meets the approval criteria of MMC 19.902.6



# Summary & Recommendation

- **Conclusion:** The R-1-B Zone is most appropriate for this location
- Future development of the site will require additional review and analysis
- Staff recommends approval of the zoning map amendment and Findings of Approval.



# Decision Options

1. Approve the application.
2. Approve the application with modified Findings of Approval. Modified Findings must be read into the record.
3. Deny the application and draft Findings of Denial. Modified Findings must be read into the record.
4. Continue the hearing. This would require the applicant to waive the 120-day decision period.



## MMC 19.902.6 Zoning Map Amendments

### B. Approval Criteria

1. The proposed amendment is compatible with the surrounding area based on the following factors:
  - a. Site location and character of the area.
  - b. Predominant land use pattern and density of the area.
  - c. Expected changes in the development pattern for the area.
2. The need is demonstrated for uses allowed by the proposed amendment.
3. The availability is shown of suitable alternative areas with the same or similar zoning designation.
4. *The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment. (Reviewed by the Engineering Director)*
5. *The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700. (Reviewed by City's traffic engineer)*
6. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.
7. *The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies. (Reviewed by Metro staff for consistency)*
8. *The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. (Reviewed by DLCD staff for consistency)*