

To: Citizens Advisory Committee
From: Rich Faith, Community Development Director
Subject: Discussion Paper on Zoning of the County Farm Property North of Halsey Street
Date: December 29, 2010

ISSUE FOR DISCUSSION: Determine the most appropriate and desirable zoning classification for the County Farm Property north of Halsey Street.

PROPOSAL: Rezone this property from Light Industrial (LI) to General Commercial (GC)

BACKGROUND: At its November 3, 2010 meeting, the CAC voted 8-1 to recommend changing the zoning of this property to GC, but with strong concerns about, and opposition to, the list of conditional uses allowed in the GC zoning district.

At the December 7, 2010 joint work session of the Planning Commission (PC) and City Council (CC), zoning of the County Farm property was discussed extensively. In addition to the CAC's recommendation, the members also discussed the merits of keeping the current LI zoning, rezoning to Industrial Park (IP), creating a new mixed use employment zone, and removing the property from the Town Center (TC) Overlay District. The topic of TC Overlay did not come up when this was discussed by the CAC, and so their recommendation was silent on this point.

In general, the Planning Commission and City Council expressed a desire for zoning that would allow for a range of employment uses, particularly higher value uses or those that are likely to result in higher paying jobs. These could include certain types of commercial, office, research and design uses. They are less supportive of storage, warehousing or light industrial uses. They also recommended a set of allowable uses that would provide a certain degree of flexibility to the property and would be compatible with and not adversely impact operations at Edgefield. Some also expressed an interest in providing opportunities for senior housing on the site and/or uses that would be compatible or consistent with development plans previously proposed by Edgefield.

Members of the Planning Commission and City Council in attendance at the work session took a straw vote on this matter and voted 5-3 in favor of rezoning to GC but also favored removing the property from the Town Center Overlay (TC). Opposition to the TC Overlay was primarily due to the residential uses that the TC Overlay adds as permitted uses in the GC district. The members also expressed concerns about the list of conditional uses, particularly uses that would entail a significant amount of large truck traffic or storage, such as some of the uses associated with light industrial, warehousing and truck stop operations. They directed staff to use the CAC as a sounding board in refining the GC zoning for the County Farm property by further evaluating the list of permitted and conditional uses and by comparing these against other zoning options such as IP or LI.

The CAC is being asked to develop a final recommendation on zoning of this property that will then be taken to the Planning Commission and City Council for public hearing and adoption in conjunction with other Comprehensive Plan and Development Code amendments under Periodic Review Goal 9 and 10 tasks.

ZONING OPTIONS for COUNTY FARM PROPERTY:

A. Retain existing LI zoning

This option has been discounted already by the CAC, PC and CC primarily because of the uses allowed in this zone. Allowed uses, such as manufacturing and processing facilities, distribution centers, and warehouses are generally not desired at this location. Amending the zoning text to remove these unwanted uses from the LI zone would affect other LI zoned properties within the City and would likely create nonconforming uses as a result.

The Town Center Overlay has no affect on the list of permitted and conditional uses in the LI zone.

B. Rezone to IP

This option has some appeal because the IP zone allows uses that are desired at this location but which are not permitted in the LI district. For example, professional offices; research, experimental, or testing laboratories; and, business parks are allowed as permitted uses. Hotels, restaurants, bars and taverns, banks, medical clinics and retail sales are all allowed as conditional uses. However, a serious shortcoming of the IP zoning district is that, as an industrial zone, most of these desirable non-industrial uses are limited to 5,000 square feet in floor area. This would be a significant deterrent to the type of commercial uses desired on the County Farm property. The types of commercial uses desired are generally those that could provide higher paying jobs and also not compete with downtown retail businesses. Many of these uses would require spaces larger than 5,000 square feet. Our consultant, Jerry Johnson of Johnson Reid, stated at the joint work session that the IP zone appears to do more to limit uses on the site compared to retaining the existing LI zoning and therefore would not add much value or flexibility.

C. Rezone to GC with TC Overlay

See separate summary attached.

D. Rezone to GC without TC Overlay

See separate summary attached.

E. Create a new Mixed Use Employment Zone

The City's consultant has already shared a draft of a possible mixed use zone that is a hybrid of our GC and LI zoning districts. This hybrid zone is comprised of permitted uses from the current GC district, conditional uses from both the GC and LI, setback standards from both zones, and lot area standards based on the LI district. This new zone is on the right track as far as listing acceptable uses, but it misses the mark with respect to lot area standards and other things. In the end, it is unclear whether this would be a commercial zone falling within the Commercial Plan Designation of the comprehensive plan map or an industrial zone falling within the Industrial Plan Designation. Creation of a new zoning district that would be applied only to this particular County Farm property seems unnecessary and would impact many more sections throughout the Troutdale Development Code for consistency.

STAFF ANALYSIS of OPTIONS: There is general agreement among the CAC, PC and CC that General Commercial Zoning is a better fit for the County Farm property than the current LI zoning. However, there are some aspects of the GC zone that are troubling and that ought to be adjusted in order to make this zone an even better fit. Based on the discussions among the three bodies to date, the following are the major issues that still need to be resolved.

1. Problems with GC Conditional Uses.

Most everyone agrees that the LI zoning should be removed from this property because most industrial-type uses are not really desirable at this location although certain uses allowed within the LI zone would be acceptable (e.g., research and development or small-scale manufacturing). Some of the “objectionable” uses in the LI district, either allowed as outright permitted uses or conditional uses, are also allowed in the GC district as conditional uses. Among these are distribution centers, warehouses, heliports, and automotive sales. The question then becomes, if GC zoning is applied to the property, how can these less desirable uses be prevented?

One answer is by retaining the current Town Center Overlay designations. The TC designation currently eliminates four of the five objectionable conditional uses of the GC district. Only “wholesale distribution outlets, including warehousing” is not eliminated by the TC overlay. One could argue that if this type of use was proposed for this property, the Planning Commission could deny it because it is a conditional use subject to their approval. Although true, if the proposal meets the approval criteria for a conditional use, a denial would be at risk of challenge because denial would have to be based on consistency with the conditional use approval criteria, which may not always relate directly to why the city might find a particularly type of use undesirable. If this type of use is not wanted here, then the right approach would be to eliminate it from the list of allowed uses.

A better way to handle “wholesale distribution and warehousing” is by amending the TC Overlay District to include this use among the others that are eliminated by the TC designation. The only other properties currently zoned GC within the TC overlay that would be affected by this change are the Factory Outlet Mall and the City’s former sewage treatment plant site. This amendment would not create any nonconforming uses nor is it likely to be opposed by the two affected property owners.

2. Allowing Residential Uses

There appear to be mixed opinions about whether residential uses are desirable on the County Farm property. At one point the CAC talked about designating some portion of the property for residences. However, in the end the CAC opted to go with GC zoning in favor of commercial uses. However, what was overlooked is that the GC zone also permits residential uses when the TC overlay is applied.

This fact was addressed head on at the PC/CC work session. By a split vote, the majority favored removing the property from the TC overlay specifically because residential uses were not desirable. The conundrum this presents is that the TC overlay cures one problem with GC zoning – eliminating unwanted industrial type conditional uses – but creates another problem by permitting residential uses. But is this really much

of a problem? Bear in mind the actual language of the TC overlay district with respect to allowing residential uses:

“Additional permitted uses: Single-family detached dwellings (except manufactured homes), duplex, triplex, attached, and multiple-family dwellings, provided the residential use is located above or behind a permitted commercial use, whether within the same building as the commercial use or in a separate building.” (bold type added)

What the bold faced text means is that residential is subordinate to the other permitted uses. The result is that residences either must be constructed above ground floor commercial uses, or behind commercial uses facing the street or front of the lot. Thus, whenever residential is part of the development on GC/TC zoned property, it actually becomes a mixed use development. This end result may alter the opinion of those who have spoken out against residential uses on the property; and this fact may also sway them into accepting the TC overlay with the already recommended GC zoning.

RECOMMENDATION:

Considering the prior recommendations of the three bodies and the various factors behind them, I offer the following as my recommendation for the best zoning fit of the County Farm Property.

Rezone the property to General Commercial and retain the Town Center Overlay designation as well. Amend the TC overlay zone to add “wholesale distribution outlets, including warehousing” among the eliminated conditional uses.

A SUMMARY OF THE GENERAL COMMERCIAL ZONE'S USES AND STANDARDS

Purpose of GC Zoning District: Intended for more intensive commercial uses. It is the City's most intensive commercial zone.

Permitted Uses: *(The following list is not verbatim nor necessarily in the same order as the code, but it encompasses the entirety of permitted uses.)*

- A. Retail establishments, including but not limited to barber and beauty shops, shoe repair store, dressmaking or tailoring shop, florist shop, bookstore, gift shop. There is no size limitation for retail establishments – ie. a big box retailer is permitted outright. *(Staff comment: some of the retail examples are actually service uses, but the intent is to allow the broadest range of commercial retail and service uses.)*
- B. Restaurants (including drive-through) or taverns
- C. Professional offices
- D. Banks or savings and loan associations
- E. Laundromat or dry cleaning establishment
- F. Medical or dental clinics or laboratories
- G. Motels or hotels
- H. Newsstands
- I. Studios for art, dance, etc.
- J. Day care centers
- K. Amusement enterprises, including pool halls, bowling alleys, boxing arenas, theaters, auditoriums, printing, lithographing, or publishing.
- L. Various uses, if conducted within a completely enclosed building with all outside storage of merchandise, supplies or work areas screened from the public right-of-way and any adjacent residential district. Among the list of uses is automotive service station; automotive repair, painting, and incidental body and fender work; tire shops; and lumber yards (retail sales only).
- M. Minor utility facilities
- N. Other uses similar in nature to those listed above.

Conditional Uses:

- A. Wholesale distribution outlets, including warehousing.
- B. Off-street parking and storage of truck tractors and/or semi-trailers.

- C. Heliport landings.
- D. Outdoor stadiums and race tracks.
- E. Automobile and trailer sales areas.
- F. Community service uses.
- G. Major utility facilities.
- H. Other uses similar in nature to those listed above.

Effects of Town Center Overlay Designation on the GC Zoning District:

Additional Permitted Uses

- All types of residential uses, except manufactured homes, provided the residential use is above or behind a permitted commercial use, whether within the same building as the commercial use or in a separate building.
- Public parking lots.

Eliminated Permitted Uses

- Some of the uses listed in L under permitted uses. Specifically, automotive repairs, including painting and incidental body and fender work; automotive service stations; lumber yards; and tire shops.

Eliminated Conditional Uses

- Off-street parking and storage of truck tractors and/or semi-trailers
- heliport landings
- outdoor stadiums and race tracks
- automobile and trailer sales areas

Other Overlay Standards

- Residential density of the CBD zone applies.
- Residential development is subject to CBD standards for lot width, depth and area.
- The minimum street frontage for new lots is reduced from 50 feet to 20 feet.
- Development adjacent to Halsey Street must install decorative street lights as part of any half-street improvement.
- Various street design and streetscape standards apply to residential development.
 1. Pedestrian orientation of blocks
 2. Fence height restrictions in side and rear yards abutting streets
 3. Prohibits snout houses
- Local residential streets are 28' wide rather than 32' wide.

- Except for residential units on individual lots, no use is permitted to exceed the required minimum amount of off-street parking by more than ten percent. As an example, a 10,000 s.f. retail store could have up to 62 off-street parking stalls when it is not within the TC Overlay, but could only have up to 46 parking stalls when within the TC Overlay. The more limited parking standard under the TC Overlay might be objectionable to some retail businesses.

