



JUNCTION CITY PLANNING COMMISSION

AGENDA ITEM SUMMARY

Juniper Street Mini-Storage Research

Meeting Date: September 17, 2014
Department: Planning
www.junctioncityoregon.gov

Agenda Item Number: 4b
Staff Contact: Jordan Cogburn
Contact Telephone Number: 541-998-2153

ISSUE STATEMENT

The Juniper Street Mini-Storage research pertains to the property located at 1701 Juniper Street (Attachment A). At a previous meeting, the Planning Commission direct Staff to research the history of the site and determine what land use action(s), if any, are required for the existing use (mini-storage facility) to conform with City regulations. Staff confirmed with the property owner, he is agreeable to a process by which the property comes into compliance with City Code.

BACKGROUND

This research stemmed from the 2013 Planning Commission Work Plan. Specifically, the Work Plan item titled “Comprehensive Plan Map/Zoning Map Inconsistencies.” A series of inconsistencies were identified in the work plan and this property was listed as the top priority. Therefore, Staff was requested to conduct research to determine what inconsistencies existed and the land use actions, if any, would be required to bring the current use into conformance with City regulations.

The subject property is designated High Density Residential (HDR) on the City’s 2012 Plan Designation Map and zoned R4 (Multi-Structural Residential) on the current Zoning Map. Conditional uses allowed in the R3 are permitted in R4 under 17.25.020 but this does not include mini-storage facilities.

The following is a summary of the relevant City actions affecting the subject property. The subject property was at the edge of city limits until parcels to the west were annexed in 1995. The property was zoned M1, Light Industrial until 1996 when a rezoning was approved, which changed the zoning to R4, Multi-Structural Residential (which is the current zoning). Also in 1996, the owners of the subject property were granted both a Conditional Use Permit (CUP) for the mini-storage facility and a variance for setbacks.

In 2003, Ordinance 950 was amended eliminating the ‘Mini-storage’ use from the list of conditional uses in the R3. Thus, the mini-storage facility at 1701 Juniper Street became a non-conforming use.

TABLE 1. TIMELINE OF RELEVANT CITY ACTIONS

Date	Action	Description	Result	Source
1996	Rezone	Rezoned from M1 to R4 (Mini-Storage facility is a conditional use in R3 and subsequently R4)	Use brought into conformance with zoning regulations	RZ-96-01 and 11-19-1996 PC minutes
1996	Conditional Use Permit (CUP)	CUP required to apply for permits to build addition to existing mini-storage facility	CUP approved	CUP 96-03 and 11-19-1996 PC minutes
1996	Variance request	Variance requested to setback provisions.	setbacks reduced to 5-ft on west property line	V-96-05 and 11-19-1996 PC minutes
1997	Building permit application for addition submitted	setbacks are 0-ft except west property line which is 5-feet	approved 3-19-1997	Permit # 024-C-97
2003	AMD-03-01	Ordinance 1116 adopted amending Section 22 removing mini-storage facilities from the list of conditional uses in R3	The mini-storage facility at 1701 Juniper becomes a non-conforming use	Ordinance 1116

FINDINGS

The use of a mini-storage facility on the subject property is non-conforming under the current zoning. The Plan Designation of High Density Residential and the corresponding zoning of R4 (Multi-Structural Residential) does not permit mini-storage facilities as either an outright or conditional use. Mini-Storage facilities are a conditional use in the General Commercial (GC) zoning district.

Prior to adoption of Ordinance 1116, Ordinance 950, allowed Mini-storage facilities as a conditional use in the R4 zone under Section 29. Section 22 set the provisions for mini-storage facilities:

1. Located no closer than 250 feet of any U.S. Highway, and on a recognized collector or arterial street in residential zones.
2. All lands fronting any street be fully landscaped with a minimum 10-foot setback with solid ground cover of grass or bark dust, solid screen of living vegetation reaching a height of at least five (5) feet at maturity and at least two (2) feet at the time of planting such vegetation requirements may be waived or reduced by providing decorative fencing such as wrought iron
3. A residence for security personnel may be provided as an accessory to the use.

In 2003 Ordinance 1116 was adopted which amended Ordinance 950. Among the amendments was the removal of mini-storage as a conditional use in the R3, and under Section 29, R4 zoning districts. Thus, the mini storage facility at 1701 Juniper Street became a non-conforming use. As a non-conforming use, it is subject to the provisions of JCMC 17.125 (see below). Initiation of a land use action is required to

begin a process of bringing the subject property into conformance with the City zoning code. This process can be done in a number of ways. The table below lists possible options and their accompanying land use action(s).

TABLE 2. POSSIBLE OPTIONS

	Possible Option 1	Possible Option 2	Possible Option 3	Possible Option 4
Description of Possible Action	Existing Conditions	Add Mini-Storage Facilities as an Outright or Conditional use in R4 Zone	Rezone Subject Property to General Commercial (Use permitted conditional in GC)	Rezone to zoning other than GC or R4
Plan Designation	High Density Residential	Remains HDR	Re-designate to Commercial	To be Determined
Zoning District	R4 (Multi-Structural Residential)	Remains R4	Rezone to General Commercial	To be Determined
Land Use Action(s) Required	None, remains as is	Zoning Text Amendment	1. Amendment to Comprehensive Plan Designation Map 2. Rezone to change zoning from R4 to GC	1. Amendment to Comprehensive Plan Designation Map 2. Zoning Text Amendment to allow outright/conditionally mini-storage facility 3. Rezone to desired zone
Use	Mini-Storage Facility	Mini-Storage Facility	Mini-Storage Facility	Mini-Storage Facility
Result	Non-Conforming Use	Conforming Use	Conforming Use	Conforming Use
Proposal affects other properties	No, land use action not required	Yes, Mini-Storage would be an outright/conditional use in all R4 zones	No, action is property specific	No, action is property specific

RELATED CITY POLICIES

Junction City Comprehensive Plan: Land Use Definitions

High-Density Residential – detached and attached residential uses at a typical density of 12 or more dwelling units per acre.

Commercial/Residential – areas where both commercial and high-density residential uses are allowed. Uses may be allowed individually or within the same building.

Commercial – may include retail, office, and/or multifamily uses, depending on the location. Retail uses are those which provide goods and/or services directly to the consumer, including service uses not usually allowed within an office use. Commercial areas can range in size and function from small residential markets serving the immediate neighborhood to a regional commercial center.

Industrial – uses predominantly connected with manufacturing, assembly, processing, wholesaling, warehousing, distribution of products, and high technology.

Junction City Municipal Code (JCMC)

JCMC 17.25.010 Uses permitted outright (R4).

In an R4 zone, the following uses and their accessory uses are permitted outright:

A. A use permitted in the R3 zone. Includes:

In an R3 zone, only the following uses, their accessory uses, and uses determined to be similar are permitted outright. Other uses are expressly prohibited.

A. Multiple-family dwellings (three or more attached units on one lot).

B. Townhomes (attached single-family housing or row houses on their own lots with three or more units).

C. Neighborhood commercial uses as defined in JCMC 17.20.130. Includes:

17.20.130 Neighborhood commercial supplemental standards. All neighborhood commercial uses shall comply with the following standards:

A. Permitted Uses. Only the following neighborhood commercial uses are permitted in an R3 zone:

1. Retail goods and services;

2. Child care center (care for more than 12 children);

3. Food services, excluding automobile-oriented uses;

4. Medical and dental offices, clinics, and laboratories;

5. Professional and administrative offices;

6. Repair services, conducted entirely within the building; auto repair and similar services not permitted;

7. Mixed use building (residential with other permitted use);

8. Laundromats and dry cleaners;

9. Art, music, or photography studio;

10. Personal services (barber shops, salons, similar uses); and

11. Other similar uses.

D. Duplex (two-family attached dwelling on one lot), which shall comply with the standards in the R2 zone (Chapter 17.15 JCMC).

E. Accessory structures.

F. Residential care homes and residential care facilities (ORS 197.660 through 197.670).

G. Uses similar to those listed above. [Ord. 1116 § 1, 2003; Ord. 950 § 21, 1991.]

B. Manufactured dwelling park subject to requirements of Chapter 17.100 JCMC. [Ord. 1116 § 1, 2003;

Ord. 950 § 27, 1991.]

JCMC Chapter 17.125 Nonconforming Uses and Structures

17.125.010 Continuation of nonconforming uses and structures.

Except as otherwise provided, the use of a building, structure, premises or land lawfully existing at the time of the effective date of the ordinance codified in this chapter or at the time of a change in the official zoning maps may be continued and maintained in reasonable repair, although such use does not conform with the provisions of this chapter.

17.125.020 Vested rights.

Nothing in this chapter shall require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of the ordinance codified in this chapter, provided the structure is completed within two years from the issuance of the permit.

17.125.030 Alteration of nonconforming use or structure.

As used in this section, "alteration" of a nonconforming use or structure includes: (A) a change in the use of no greater adverse impact to the neighborhood; and/or (B) a change in the structure or physical improvements of no greater adverse impact to the neighborhood.

A. Minor Alteration. For any given nonconforming use or structure, the city administrator may approve as a minor variance to the provisions of this chapter one or more alterations up to the point where a cumulative alteration of 10 percent or less of the total square footage of that nonconforming use or structure has occurred.

B. Major Alteration. A proposal for the alteration greater than 10 percent of the total square footage of a nonconforming use or structure may be approved by the planning commission subject to the provisions for conditional use permits. [Ord. 1037 § 1, 1997; Ord. 950 § 93, 1991.]

17.125.040 Restoration of nonconforming use or structure.

The city administration may approve, as a minor variance, the restoration, reconstruction, or replacement of a nonconforming use or structure which is damaged by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy to an extent greater than 60 percent of the replacement value using new materials; provided, that the restoration is commenced within a period of one year and is diligently prosecuted to completion.

Residential uses of land, destroyed to any extent, shall be allowed to be reconstructed, replaced, or restored, provided such work is commenced within one year and diligently completed. [Ord. 969 § 2, 1993; Ord. 950 § 94, 1991.]

17.125.050 Discontinuance.

If a nonconforming use involving a structure or property is discontinued from active use for a period of one year, any subsequent use of the property or structure shall be a conforming use. The planning commission may, however, permit a use for which the structure was originally designed or similar thereto, through the conditional use process. [Ord. 950 § 95, 1991.]

17.125.060 Criteria to grant or deny.

When reviewing any request to alter or restore a nonconforming use, in addition to the conditional use criteria, it shall be determined that all of the following are found to exist:

A. The nature and character of the proposed use are substantially the same as that for which the structure was originally designed;

B. There is no material difference in the quality, character, or degree of use; and

C. The proposed use will not prove materially adverse to surrounding properties. [Ord. 950 § 96, 1991.] 17.125.070 Compliance with state and local codes.

The granting of any such approval shall not be deemed as providing any exception to all other state and local codes such as, but not limited to, fire and life safety, building or health codes. [Ord. 950 § 97, 1991.]

PLANNING COMMISSION OPTIONS

1. Direct Staff to initiate a process and indicate the desired process to bring the subject property into compliance with City standards.
2. Table the item, direct Staff to provide more information and return to the next available meeting.
3. Review the item and provide feedback to Staff.

PLANNING STAFF RECOMMENDATION

Staff requests direction from the Planning Commission regarding the direction they wish to take in this matter. Staff would recommend initiation of a land use process to bring the subject property into conformance with City Code.

SUGGESTED MOTION

To Move Forward: “I move that we direct Staff to begin (Option 1/Option 2/Option 3/Option 4) process to bring the subject property into compliance with City standards.”

To Table: “I move that we table the item and direct Staff to gather more information and bring back to the next available meeting.”

ATTACHMENTS

- A. Aerial Map
- B. Current Plan Designation Map
- C. Current Zoning Map
- D. Planning Commission Work Plan

Site

Attachment A: Site Map

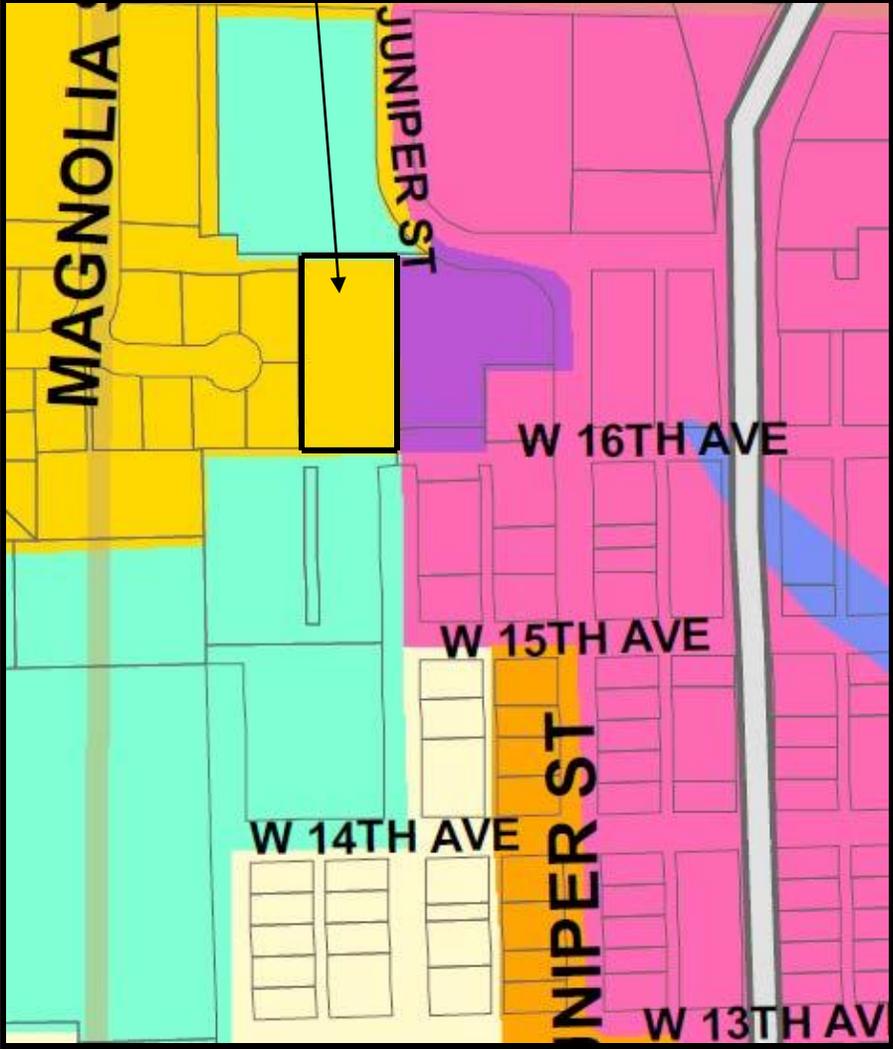


Legend

- Commercial
- Commercial/Residential
- Industrial
- Low Density Residential
- Med. Density Residential
- Open Space/Wetlands
- Professional/Technical
- Public
- Section Lines
- Parcel Boundaries
- Urban Growth Boundary
- City Limits

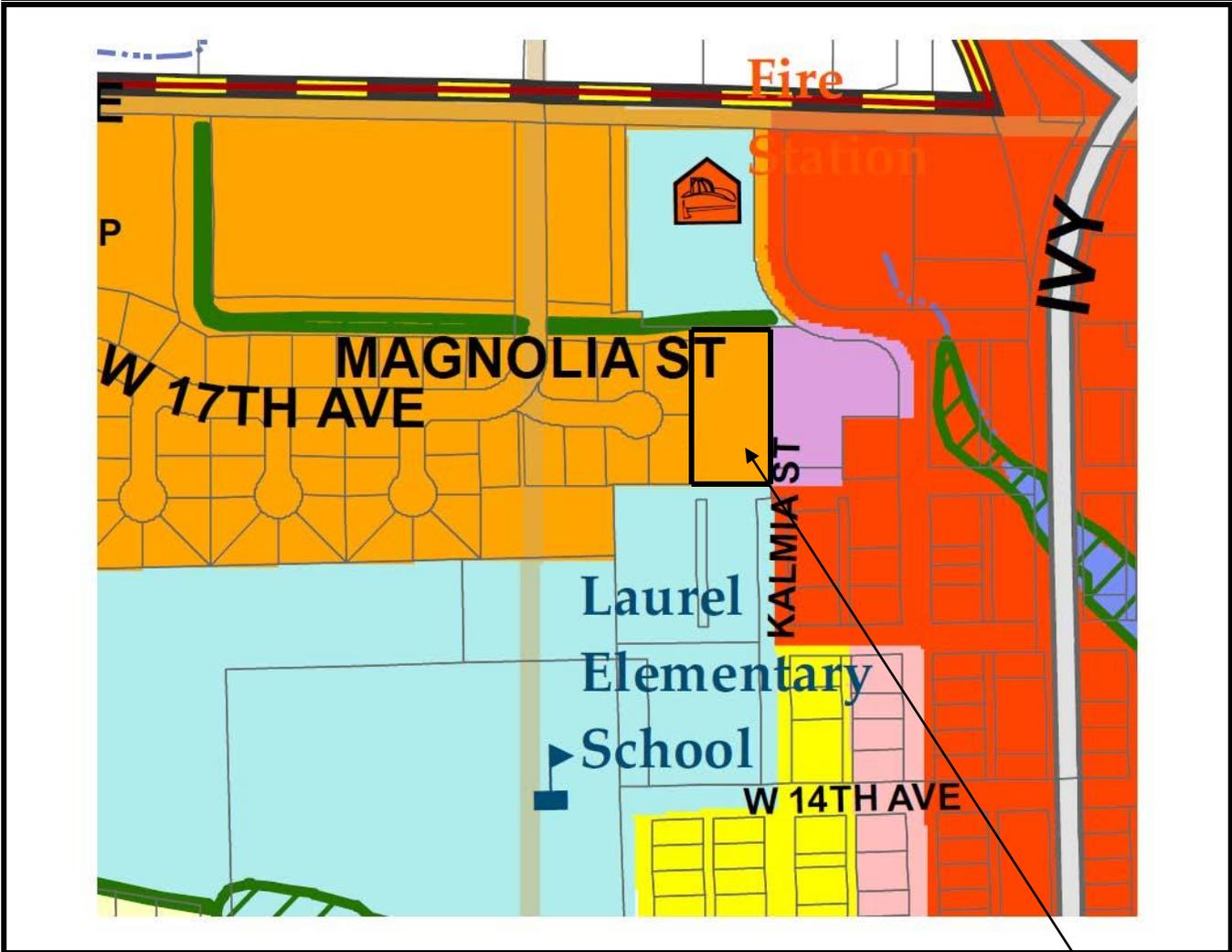
Attachment B: Plan Designation Map

Site



Attachment C: Zoning Map

 AG, Agricultural	 M1, Light Industrial	 R2, Duplex Family Residential
 C2, Central Commercial	 M2, Heavy Industrial	 R3, Multi-Family Residential
 CR, Commercial/Residential	 PL, Public Land	 R4, Multi-Structural Residential
 GC, General Commercial	 R1, Single Family Residential	



Site

Draft Planning Commission Work Plan

Proj #	Project Name	Description	Gap/Opportunity	Ranking	Suggested Schedule	Status
14-01	Timeline Reviews	Review of timelines associated with land use actions	Planning Commission requested opportunity to review timelines for the various types of land use actions.			Opened
13-01	Sign Regulations	Review and make necessary amendments to the sign regulations contained in JCMC 17.115	At least 1 issue has been discussed for potential amendment relating to the City's provisions for off-premise signs. Community Development Committee has been investigating how to initiate Open Banner sign program similar to those in Corvallis and Springfield. Current sign regulations provide a barrier to implementation and would need to be amended. Additional flexibility on sign regulations has also been discussed.	High (Banner Program)	2014: Review by Planning Commission - Feb-April, then City Council - May or June	
13-02	Comprehensive Plan Map & Zoning Map Inconsistencies	Review and address inconsistencies between land uses and the Comprehensive Plan Land Use Map and/or the Zoning Map	The Customized Periodic Review process and inquiries with the City identified areas of inconsistency between the current use and/or the Plan Designation or Zoning including:	High (Property Owner requests) otherwise low-medium	2014: May - September for Planning Commission Review	
13-02A			<u>1701 Juniper</u> - Current use as a mini storage facility is inconsistent with both the Plan Designation and Zoning (property owner request)	High	(see 13-02)	Research to PC 12-17-13
13-02B			<u>West 17th Avenue</u> - Single family homes are non-conforming uses as the properties are designated High Density Residential (HDR) on the Plan Designation Map and R4 (multi-structural residential) on the Zoning Map	(see 1302)	(see 1302)	
13-02C			<u>East 10th Place</u> (Scandinavian Estates) - Single Family stick-built and manufactured homes are non-conforming uses as the properties are designated HDR and zoned R4	(see 13-02)	(see 13-02)	
13-02D			<u>Raintree Meadows Park</u> (Lots 92 & 93) - the Plan Designation is residential development. Property is City owned and developed as a public park	(see 1302)	(see 1302)	

Draft Planning Commission Work Plan

Proj #	Project Name	Description	Gap/Opportunity	Ranking	Suggested Schedule	Status
13-02E			Juniper Street, 3rd to 15th - Plan Designation and Zoning are Commercial/Residential. Existing Single Family Homes are non-conforming uses	(see 13-02)	(see 13-02)	
13-03	Comprehensive Plan - Update to the Public Facilities Plan	Update the City's Public Facilities Planning to be consistent with planned growth and the new Urban Growth Boundary (UGB)	Following acknowledgement of the Customized Periodic Review revisions, the City will need to revise its facility plans to be consistent with the new planned growth and UGB addressing requirements of Statewide Planning Goal 11.	High	Junction City: Nov 2013 to Jan 2014 (Lane Co. adoption required)	
13-04	Comp Plan update to the Transportation System Plan (TSP)	Update the City's TSP to be consistent with planned growth and new UGB	The City has begun the process to update its TSP to be consistent with the new UGB addressing requirements of Planning Goal 12.	High	Junction City: 11-2013 to 1-2014 (Lane Co. adoption required)	
13-05	Quasi-Judicial Land Use Applications	Review land use applications	As needed, when application are submitted	High	As needed	
13-06	M1 (Light Industrial) Zoning District Amendments	Revisions to allow small-scale retail uses in the M1	These revisions were being evaluated in the fall 2011 before the Planning Commission focused on the Customized Periodic Review	Medium	Not Scheduled at this time	
13-07	Planning Commission By-Laws Amendments	Review and make necessary amendments to the Planning Commission By-Laws	Review and make changes as needed	Medium	5/1/2014	closed
13-08	Administrative Amendments	Modify Administrative provisions in JCMC 17.150 & 16.05 (subdivisions) to address changes in State Administrative Rules & provide clearer distinction between legislative & quasi-judicial review processes	there are a number of potentially outdated sections in the Zoning Code and Subdivision regulations that Staff recommends be reviewed and updated, if found necessary, including:	Low	Not Scheduled at this time	

Draft Planning Commission Work Plan

Proj #	Project Name	Description	Gap/Opportunity	Ranking	Suggested Schedule	Status
13-08A			The appeals section of the Subdivision Ordinance (ORD 809)	Low	Not Scheduled at this time	
13-08B			Updating notice requirements (such as the shortened 35 day period now applicable to Dept. of Land Conservation and Development (DLCD) notices and notices under Measure 56)	Low	Not Scheduled at this time	
13-08C			Revising the public hearing procedures in JCMC 17.150.090 to clarify the difference between legislative and quasi-judicial hearing processes	Low	Not Scheduled at this time	
13-08D			Addressing whether the City would prefer to allow joint hearings of the Planning Commission and City Council	Low	Not Scheduled at this time	
13-09	Commercial Land Use Revisions	Provide greater flexibility in allowed uses	The land use listings in the commercial zoning districts are very detailed and may overlook new types of land uses. Some jurisdictions have revised their land use listings to provide greater flexibility by allowing general <i>types</i> of similar land uses.	Low	Not Scheduled at this time	
13-10	Property Line Adjustments and Replats	Develop new regulations governing property line adjustments and replats	Junction City Ordinances do not address lot line adjustments or replats. These two (2) types of land use actions are reviewed under the provisions contained in Oregon Revised Statute (ORS) 92.180-92.192	Low	Not Scheduled at this time	
13-011	Floodplain Development	Modify the provisions contained in JCMC 17.80	Modify the provisions contained in JCMC 17.80 to include address changes recommended by FEMA for such ordinances (the State recently issued a new Floodplain model ordinance)	Low	Not Scheduled at this time	