



JUNCTION CITY PLANNING COMMISSION

AGENDA ITEM SUMMARY

Juniper Mini-Storage Research

Meeting Date: December 17, 2013
Department: Planning
www.junctioncityoregon.gov

Agenda Item Number: 5d
Staff Contact: Nicole Peterson
Contact Telephone Number: 541-682-6571

ISSUE STATEMENT

The Juniper Mini-Storage research project pertains to the property located at 1701 Juniper Street (See Attachment ariel map). Staff was asked to research the history of the site and determine what land use applications, if any, are required for the existing use (mini-storage) to be conforming with City regulations.

BACKGROUND

This research stemmed from the 2013 Planning Commission Work Plan. Specifically, the Work Plan item or project is titled "Comprehensive Plan Map/Zoning Map Inconsistencies." A series of inconsistencies are identified in the work plan and this property was listed as the top priority. Therefore Staff was requested to conduct research to determine what the inconsistencies are and what land use applications, if any, are required for the existing use (mini-storage) to be conforming to City regulations.

The current Comprehensive Plan designation on the subject property is M – Medium Density Residential. Uses allowed in the M Comprehensive Plan designation do not include mini-storage facilities, such as the use that is currently on the property. The current zoning of the property is R4 - Multi-Structural Residential. Current uses allowed in the R4 Zone District could include mini-storage facilities, such as the use that is currently on the property. Neighborhood Commercial uses are permitted in the R4 district that include but are not limited to: Retail services, medical offices, repair services conducted entirely within the building, photo studio, and other similar uses (See JCMC 17.25.010 for entire list below).

The following timeline of events is meant to summarize the relevant City actions affecting the subject property. In summary, the subject property was at the edge of town until the properties to the west were annexed in 1995. The property was zoned M1, Light Industrial until 1996 when a rezoning was approved to Multi-Structural Residential (which is the current zoning of the subject property). Also in 1996, the owners of the subject property were granted both a Conditional Use Permit (CUP) to allow mini-storage on the site and a variance for setbacks in the R4 district. In 2003 the JCMC Chapter 17, Zoning and Land Use, was amended to eliminate the 'Mini-storage' use from the list of conditional uses in the R3 and R4 zones. The 2003 Code Amendment caused the non-conforming mini-storage use on the subject property.

TIMELINE OF RELEVANT CITY ACTIONS

Date	Action	Description	Result	Source
1991	Ordinance No. 950 is approved	An ordinance establishing zoning regulations, prescribing the uses to which property in the zones may be put, providing penalties for violations thereof, and repealing ordinance No. 381.	1. Adopted definition of "Mini-Warehouse" 2. Mini-Warehouse is not listed as permitted or conditional in the R3, R4, or M1. 3. In the M1 zone similar uses, to mini-storage, are listed as permitted including: manufacture, repair or storage of articles and products.	Ordinance 950
1992	property purchased	Purchaser T J M. Investments (officers Tracy & Judy Mustoe)		RLID
1993	Building Permit approved by Jim Minard, Planner/City Administrator, despite M1 zoning (mini storage not a permitted use in M1)	Phase 1 - constructed. Setbacks in M1 are 0'	non-conforming structure	8/19/1996 PC meeting minutes
1995	Subject Property is zoned M1			LCOG archive zoning map
1995	Property to the west is annexed and rezoned from M1 to R4	50-ft setback required between industrial & residential zones	addition to building 3 must meet new setback	RZ-95-11
1996	building permits submitted for 2nd phase	Mr. Mustoe told structure is non-conforming	Cannot construct 2nd phase as planned, scope reduced	
1996	Comp Plan Amendment	re-designate from Ind. To MDR	rezone to R3 no possible	CPA-96-02 and 11-19-1996 PC minutes
1996	Rezone	rezoned from M1 to R4 (conditional use under Section 27(1), ORD 950	can move forward with 2nd phase (will need to meet setbacks for R3)	RZ-96-01 and 11-19-1996 PC minutes
1996	Conditional Use Permit	allow mini-storage in the multi-structural residential zone	approved CUP	CUP96-03 and 11-19-1996 PC minutes

Date	Action	Description	Result	Source
1996	Variance request	Variance requested so does not have to meet setbacks	setbacks reduces to:5-ft from west pty line	V-96-05 and 11-19-1996 PC minutes
1997	2nd phase building permit submitted	setbacks are 0-ft except west is 5-ft	approved 3-19-1997	Permit # 024-C-97
2003	AMD-03-01	SMART Code adopted	1. mini-storage removed from section 22 of ORD 950 result is a non conforming use at 1701 Juniper 2. Neighborhood Commercial Uses' is added to the list of permitted uses in the R3 and R4 zones (Exhibit C Page 1).	ORD1116 (per 6-24-03 Council minutes code to be reviewed after 1 yr.)*

FINDINGS

The use of a mini-storage facility on the subject property is non-conforming as to Comprehensive Plan designation and possibly zoning. Interpretation of the current R3/R4 zone district standards is subjective. In 2003, the 'Mini-storage' use was removed from the list of conditional uses in the R3 and R4 zones. Within the same 2003 ordinance, the City approved the introduction of 'Neighborhood Commercial Uses' in the R3 and R4 districts. This is confusing because a mini-storage use could be considered a similar use to the other uses listed under 'Neighborhood Commercial.' However, the issue of conformance will always remain until the subject property is re-designated to a Comprehensive Plan Designation that allows commercial or industrial uses (Reference Related City Policies – Comprehensive Land Use Designation Definitions below).

Currently, if the property use is either destroyed by 60 % of the total value or the use is discontinued for more than one year, the subject property and use will either need to come into compliance or apply for a conditional use permit in compliance with JCMC Chapter 17.125 Nonconforming Uses and Structures. If the use was destroyed or discontinued and the owner were to apply for a conditional use permit to keep the non-conforming use under the current code; the Planning Commission would need to consider the following criteria in order to grant the alteration and/or restoration of the nonconforming use:

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.*

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.]

If the City wishes to bring the property into compliance with City standards, two processes need to take place including: 1) A Planning Commission zoning interpretation and 2) An amendment to the City's Comprehensive Plan. The Planning Commission zoning interpretation would address the issue of including a mini-storage use within the definition of 'Neighborhood Commercial.' The amendment to the City's Comprehensive Plan would amend the Land Use definition of M-Medium Density Residential to include neighborhood commercial uses (such as mini-storage).

Planning Staff estimates that this will cost approximately \$880-\$1,265 based on the following estimated time below (\$55/hour):

- 1) A Planning Commission zoning interpretation = 6-8 hours (including Planning Commission hearing)
- 2) An amendment to the City's Comprehensive Plan = 10-15 hours (including PC and CC hearings)

RELATED CITY POLICIES

The following sections of the Junction City Comprehensive Plan and Junction City Municipal Code (JCMC) are relevant to this research. The current Comprehensive Plan designation on the subject property is M – Medium Density Residential. Uses allowed in the M Comprehensive Plan designation do not include mini-storage facilities, such as the use that is currently on the property. The current zoning of the property is R4 - Multi-Structural Residential. Current uses allowed in the R4 Zone District could include mini-storage facilities, such as the use that is currently on the property. Neighborhood Commercial uses are permitted in the R4 district that include but are not limited to: Retail services, medical offices, repair services conducted entirely within the building, photo studio, and other similar uses (See JCMC 17.25.010 for entire list below).

Junction City Comprehensive Plan: Land Use Definitions

Medium-Density Residential – detached and attached residential uses at a typical density of 8 to 12 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. Recommend to the Council that Staff initiates the processes necessary to bring the subject property into compliance with City standards as described in this AIS and with the estimated time and cost stated in this AIS.
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 recommends that the Planning Commission recommend to the Council that Staff initiates the processes necessary to bring the subject property into compliance with City standards as described in this AIS and with the estimated time and cost stated in this AIS.

SUGGESTED MOTION

“I move that we recommend to the Council that Staff initiates the processes necessary to bring the subject property into compliance with City standards as stated in this Agenda Summary.”

ATTACHMENTS

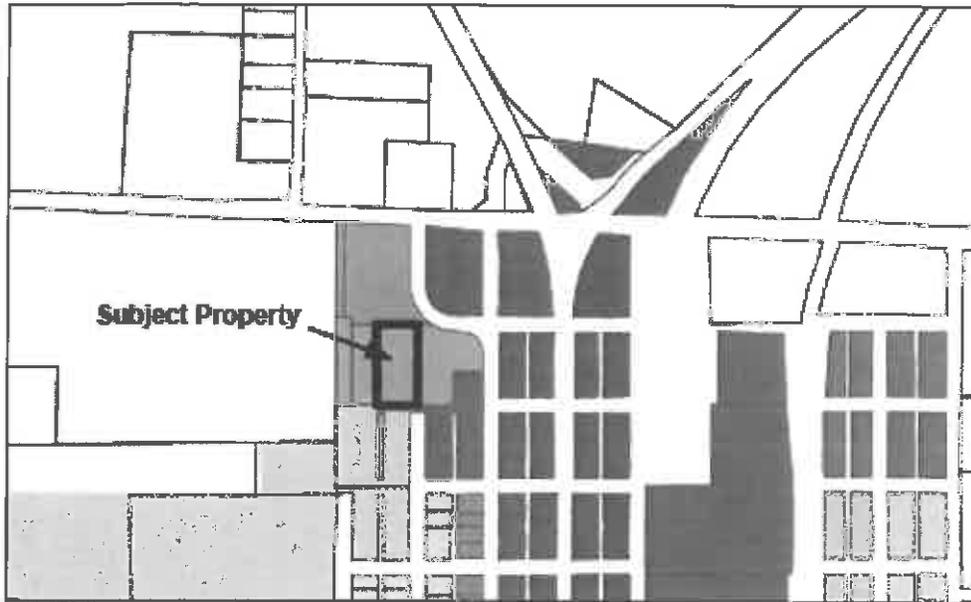
- A. Ariel Map
- B. Historic Zoning Maps

Attachment A: Ariel Map

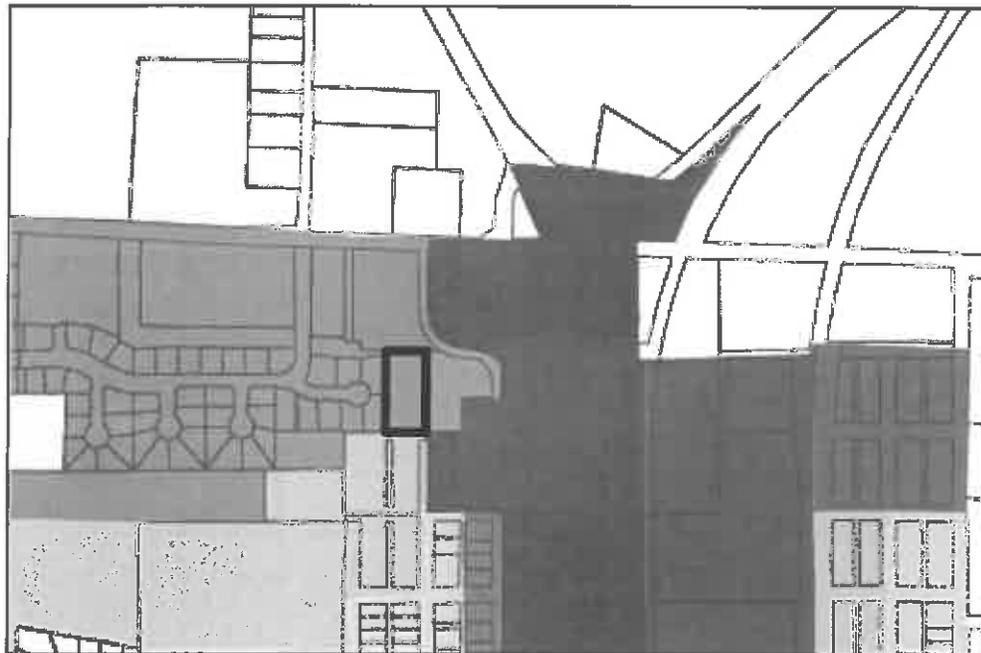


Attachment B: Historic Zoning Maps

Junction City Zoning - GIS Data from 1999



Junction City Zoning - GIS Data from 2002



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|----------------------------|-------------------------------|----------------------------------|
| 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 | |