

ORDINANCE NO. 12-01

**AN ORDINANCE AMENDING ORDINANCE 95-3 AND ORDINANCE 95-4 BY ADOPTING A
PLANNED DEVELOPMENT OVERLAY ZONE FOR A RESIDENTIAL PLANNED
DEVELOPMENT (CLASSIC STREET COTTAGES)**

WHEREAS, the City Council received a recommendation from the City of Manzanita Planning Commission to approve a planned development overlay zone for the parcels described as Map 3N 10 29DA, Tax Lots 200 through 1700 for a 24 unit clustered residential development; and,

WHEREAS, the City Council conducted a public hearing on December 7, 2011 and received public testimony on the proposed planned development overlay; and,

WHEREAS, the City Council modified the Planning Commission recommendation after further discussion; now, therefore,

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1. The following applies only to those parcels described as Map 3N-10-29DA, Tax Lots 200 through 1700 (Pacific Dunes Unit No. 6 Subdivision):

- a. The City of Manzanita Comprehensive Plan Land Use Map adopted by Ordinance 95-3 is hereby amended by adding a Planned Development overlay zone to the aforementioned property, which shall be designated as Special Residential/Recreational-Planned Development on the Comprehensive Plan Land Use Map.
- b. The City of Manzanita Zoning Map adopted by Ordinance 95-4 is hereby amended by adding a Planned Development overlay zone to the aforementioned property, which shall be designated as SR/R-PD(Special Residential/Recreational-Planned Development) on the Zoning Map.
- c. The Architectural Site Plan for Classic Street Cottages Planned Development described in Exhibit A (3 sheets) attached hereto and by this reference incorporated herein is hereby adopted as the Planned Development for the aforementioned property:

SECTION 2. The Findings of Fact and Conclusions described in Exhibit B attached hereto and by this reference incorporated herein are hereby adopted relative to the Classic Street Cottages Planned Development described in Section 1 above.

PASSED FIRST READING by the Council this 7th day of December, 2011.

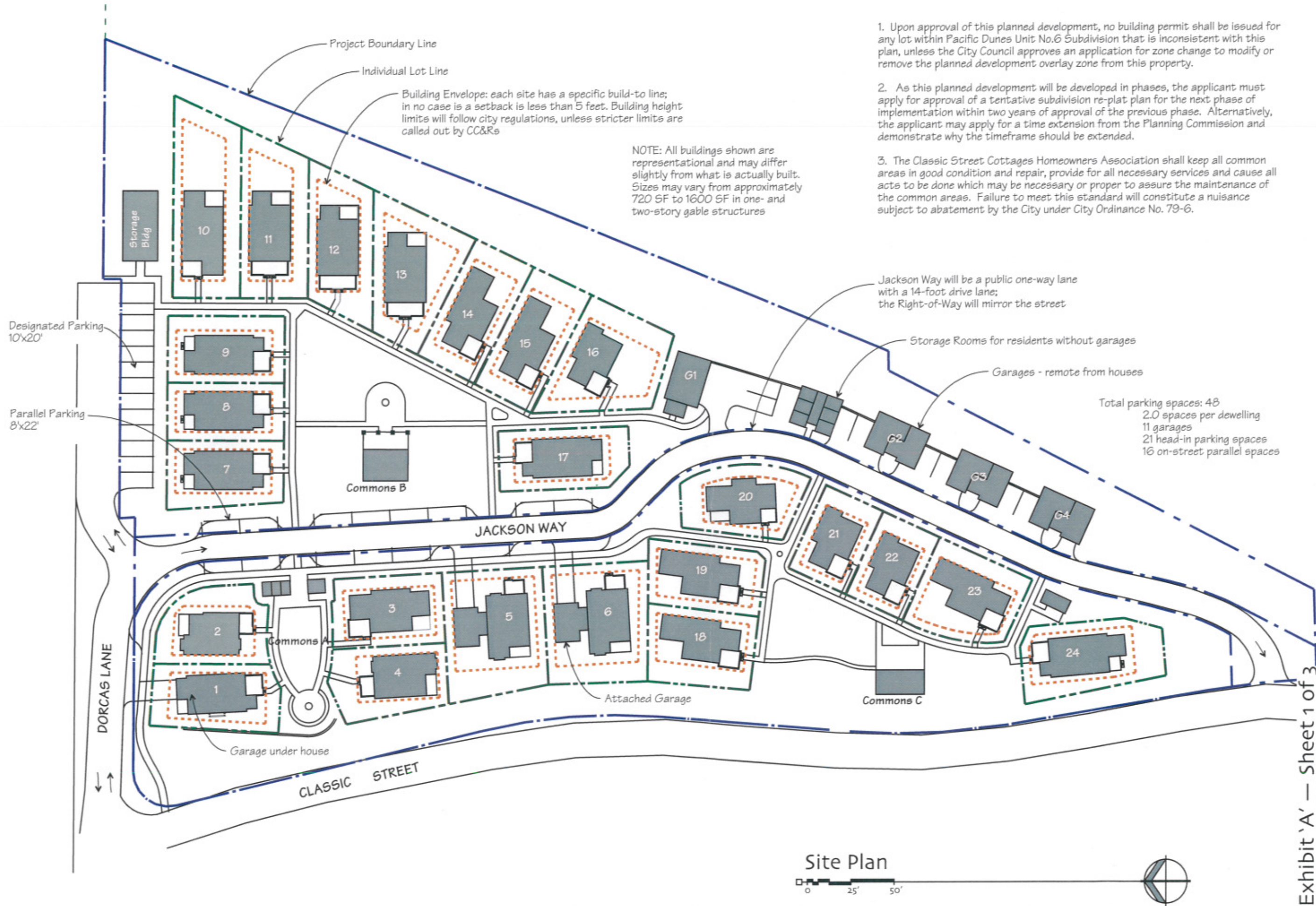
PASSED SECOND READING by the Council this 4th day of January, 2012.

APPROVED by the Mayor this 4th day of January, 2012.

Leila N. Salmon, City Council President

ATTEST:

Jerald P. Taylor, City Manager/Recorder



Site Plan



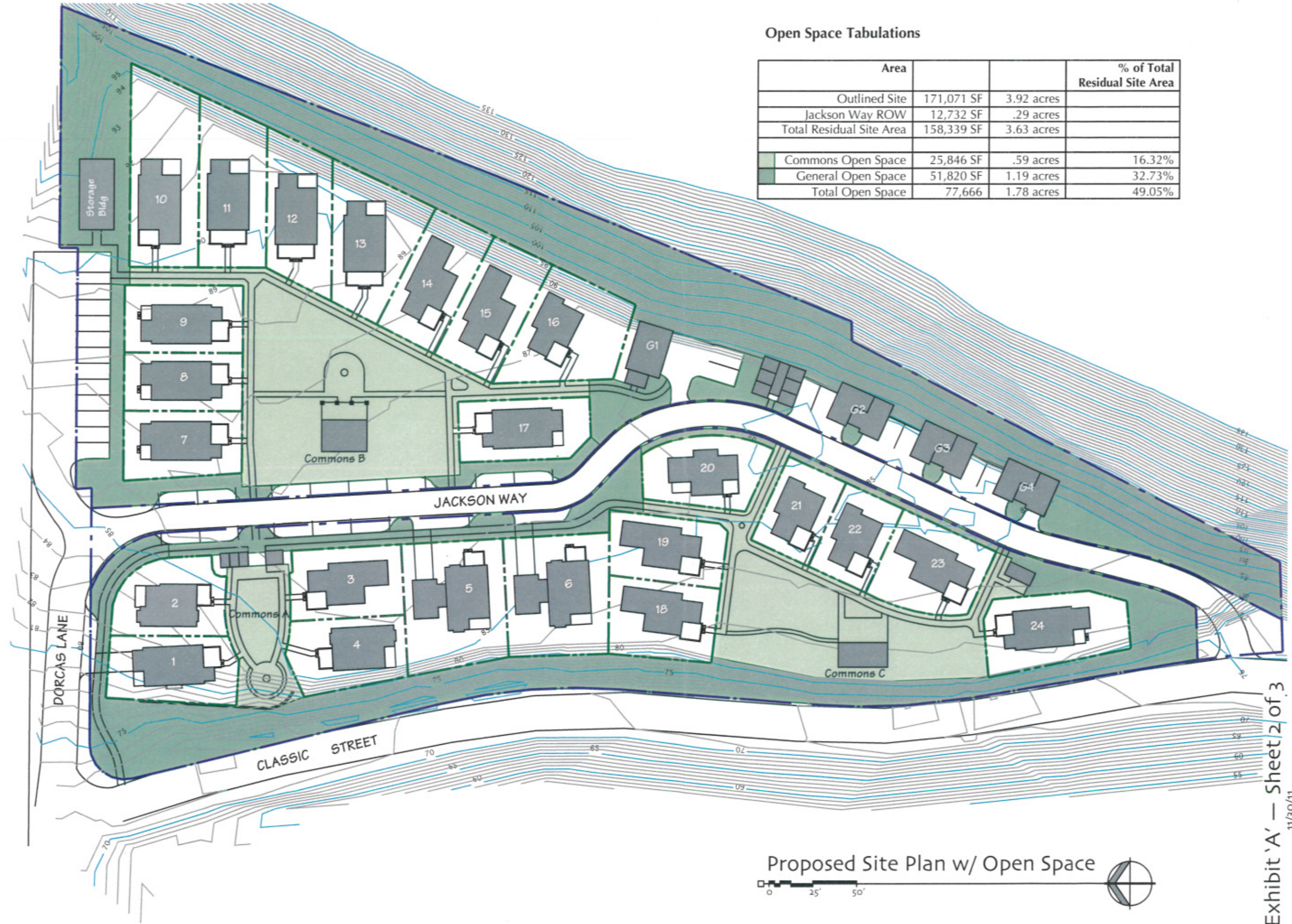
Exhibit 'A' — Sheet 1 of 3
 12/21/11

V2.2
 SITE PLAN

Classic Street Cottages
 Manzanita, Oregon



ROSS CHAPIN ARCHITECTS
 Post Office Box 230 • 195 Second Street • Langley, Washington 98260
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Open Space Tabulations

Area			% of Total Residual Site Area
Outlined Site	171,071 SF	3.92 acres	
Jackson Way ROW	12,732 SF	.29 acres	
Total Residual Site Area	158,339 SF	3.63 acres	
Commons Open Space	25,846 SF	.59 acres	16.32%
General Open Space	51,820 SF	1.19 acres	32.73%
Total Open Space	77,666	1.78 acres	49.05%

Proposed Site Plan w/ Open Space



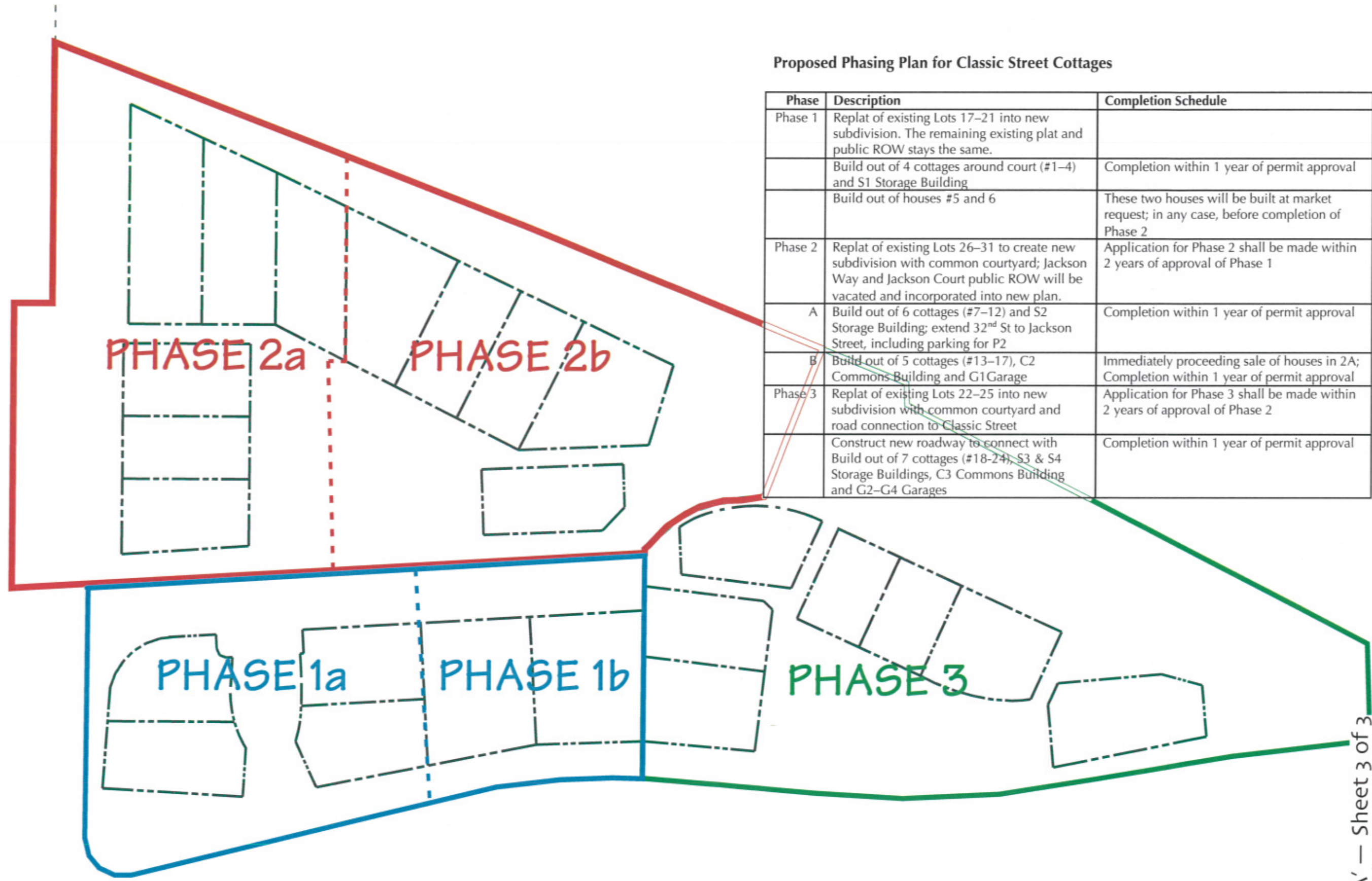
Exhibit 'A' — Sheet 2 of 3
11/30/11

V2.2
SITE PLAN

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Proposed Phasing Plan for Classic Street Cottages

Phase	Description	Completion Schedule
Phase 1	Replat of existing Lots 17-21 into new subdivision. The remaining existing plat and public ROW stays the same.	
	Build out of 4 cottages around court (#1-4) and S1 Storage Building	Completion within 1 year of permit approval
	Build out of houses #5 and 6	These two houses will be built at market request; in any case, before completion of Phase 2
Phase 2	Replat of existing Lots 26-31 to create new subdivision with common courtyard; Jackson Way and Jackson Court public ROW will be vacated and incorporated into new plan.	Application for Phase 2 shall be made within 2 years of approval of Phase 1
A	Build out of 6 cottages (#7-12) and S2 Storage Building; extend 32 nd St to Jackson Street, including parking for P2	Completion within 1 year of permit approval
B	Build out of 5 cottages (#13-17), C2 Commons Building and G1 Garage	Immediately proceeding sale of houses in 2A; Completion within 1 year of permit approval
Phase 3	Replat of existing Lots 22-25 into new subdivision with common courtyard and road connection to Classic Street	Application for Phase 3 shall be made within 2 years of approval of Phase 2
	Construct new roadway to connect with Build out of 7 cottages (#18-24), S3 & S4 Storage Buildings, C3 Commons Building and G2-G4 Garages	Completion within 1 year of permit approval

Proposed Phasing

0 25' 50'



Exhibit 'A' — Sheet 3 of 3
12/27/11

V2.2
SITE PLAN

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**CITY OF MANZANITA CITY COUNCIL
FINDINGS OF FACT AND CONCLUSIONS**

Zoning map amendment from Special Residential/Recreational (SR/R) to Special Residential/Recreational – Planned Development (SR/R-PD) for a planned development of 24 clustered residential units

Location: Southeast corner of Dorcas Lane and Classic Street
Assessor's Map: Map 3N 10 29DA, Tax Lots 200 through 1700
Applicant: Manzanita Investment Properties, LLC (Jim Pentz)
Zoning: SR/R – Special Residential/Recreational
Criteria: This application will be evaluated against the criteria for zoning map amendments listed on page 3 of the Manzanita Comprehensive Plan and Article 9 of Ordinance 95-4 (Manzanita Zoning Ordinance), the criteria for planned developments listed in Section 4.136 of Ordinance 95-4 (Manzanita Zoning Ordinance) and Sections 3.030 of Ordinance 95-4 (Manzanita Zoning Ordinance).

Date of Hearing: December 7, 2011

FINDINGS OF FACT

BACKGROUND

1. Applicant Manzanita Investment Properties, LLC (Jim Pentz) submitted an application on September 12, 2011 and paid the required fee for the abovementioned application for zone change for a planned development. The application also included a tentative plan for replatting a portion of the existing subdivision for Phase 1 of the project. The application was determined to be complete on September 16, 2011. A copy of this application (60 pages) is included as Exhibit A of this report. The applicant included a written statement addressing the criteria in the application materials.

2. Notice of Public Hearing on the application was published in the (Tillamook) Headlight-Herald on September 21, 2011. Written notice of the public hearing on this application was also mailed to property owners of record within 250 feet of the subject property as required by Article 10 of Ordinance 95-4. Copies of the newspaper advertisement and notice to property owners were included in the file for this application. A public hearing was conducted at the regular Planning Commission meeting of October 17, 2011. The public hearing was closed at the October 17, 2011 meeting, and the Planning Commission recommended approval of the zone change to the City Council.

3. Notice of Public Hearing before the City Council on the Planning Commission recommendation to approve the application was published in the (Tillamook) Headlight-Herald on November 16, 2011. A copy of the newspaper advertisement was included in the file for this application. A public hearing was conducted at the regular City Council meeting of December 7, 2011.

Findings Report - Application for planned development zone change (Pentz)

4. Applicant is proposing a planned development of 24 single family homes clustered around one of three shared community green spaces or parks. The development would include replatting most of Pacific Dunes Unit No. 6 subdivision into smaller lots, common areas and open space. A portion of the adjoining parcel owned by Pine Grove Properties is also included with its approval in the requested overlay. The new building lots would range from 1,856 square feet to 4,177 square feet. The property is located entirely in the Special Residential-Recreational (SR-R) zone. The adjacent property to the east, south and west is in the SR-R zone; the property to the west is a golf course and the other property is undeveloped. The adjacent property to the north is within the High Density Residential/Limited Commercial (R-4) zone and the Commercial (C-1) zone. In the C-1 zone is a ministorage business and an auto repair shop.

5. Comprehensive Plan adoption and amendment are addressed on page 3 of the Manzanita Comprehensive Plan as follows:

PLAN ADOPTION AND AMENDMENT

The Comprehensive Plan is to be adopted by an ordinance of the City Council, based upon the recommendation of the Planning Commission.

Changes to the plan shall be made only after study and adequate public discussion. Private individuals or groups requesting a plan change are required to show that circumstances related to the general welfare of the city require such a change, and that the public interest will be better served by the proposed revision.

Findings of fact shall be presented for a change request, which, as a minimum:

- 1. explain what plan goals, objectives or policies are being furthered by the change.*
- 2. present the facts used in making the decision to change.*
- 3. explain how the change will serve the public need.*

Adequate findings of fact shall be made a part of the record in plan change hearings, and shall be made available for public review.

Procedural requirements for public hearings shall be established in the City's Zoning Ordinance. Zone changes must be consistent with the Comprehensive Plan.

On page 8 of the Manzanita Comprehensive Plan, the following statement is included:

LAND USE CATEGORIES

In order to prevent confusion and future conflicts between the comprehensive plan and the zoning ordinance, the following land use categories are the same in both documents. In the future, changes to either land use categories or zoning designations will necessitate a change in both the plan and the ordinance.(emphasis added)

Article 9 of the Zoning Ordinance 95-4 states as follows:

ARTICLE 9. AMENDMENTS

Section 9.010 Authorization to Initiate Amendments. An amendment to the text of this Ordinance or to the zoning map may be initiated by the City Council, the Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the City Manager.

Section 9.020 Public Hearings on Amendments. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall, within 40 days after the hearing, recommend to the City Council approval, disapproval, or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment, and approve, disapprove or modify the proposed amendment.

Findings: The applicant has followed the procedure for obtaining a Comprehensive Plan amendment and a zoning change by applying for the planned development overlay zone for the subject property.

6. The following are general residential land use policies in the City of Manzanita Comprehensive Plan on page 8:

**RESIDENTIAL LAND USES, GENERAL
POLICIES:**

3. *Permit a variety of dwellings and flexibility in densities and site design for large planned developments. Density standard established in the vicinity will generally serve as the basis for the overall density of such planned developments. Special review and approval by the Planning Commission will be required. Projects will be expected to provide usable open space, community facilities and other special amenities. The clustering of dwelling units in order to leave a greater amount of land for open space is encouraged.*

page 9

SPECIAL RESIDENTIAL/RECREATIONAL AREA (SR-R Zone)

Intended for major unplatted land areas where dwellings are appropriate, but where the character and density of the residential development has yet to be established. This land use category will allow greater freedom and flexibility in site design, setbacks and the use of open space than in medium and high density areas where standard platting has taken place. Uses may include single-family, or multi-family dwellings and commercial uses developed to serve the development.

Overall residential densities shall not exceed 6.5 dwelling units per acre. In determining dwelling densities, considerations will be given to the amount of designated open space areas, the quality of site and building design and other improvements and amenities.

Findings: Although this parcel is platted as a subdivision, there have been no building permits issued for any of the existing lots. Except for the streets, the area is vacant. The application is consistent with the policy permitting planned developments to provide flexibility in densities and site design. Clustered development allows the east side of the property to remain in a natural state and provides open space in addition to the other planned common areas with community amenities.

Findings Report - Application for planned development zone change (Pentz)

The overall site is 171,071 square feet. This amounts to 6.12 dwellings per gross acre as proposed for 24 units. The proposed development is within the density standard of the SR-R zone. Consideration has been given to the amount of designated open space areas, the quality of site and building design and other proposed amenities. The standard is met.

7. Section 3.030(4) of the Manzanita Zoning Ordinance 95-4 states as follows:

Section 3.030(4)

(4) Standards. In the SR-R zone the following standards shall apply:

- (a) Overall density for the SR-R zone is 6.5 dwelling units per gross acre. Dwellings may be clustered on one portion of a site within the SR-R zone and achieve a maximum density of 13 dwellings per acre where at least 40% of the total lot or parcel area is reserved or dedicated as permanent open space as a public or private park area or golf course. The open space shall be so indicated on the Plan and zoning map, and deed restrictions to that effect shall be filed with the City.
- (b) Standards other than density in the SR-R zone shall conform to those established in the R-3 zone (Section 3.020) except that the Planning Commission may authorize relaxation of these standards to permit flexibility in design such as cluster development, with respect to lot size, setbacks and lot coverage, but not use.
- (c) The Planning Commission shall use the procedure set forth in Section 4.136 of this Ordinance (Planned Development) in order to evaluate development proposals in this area.
- (d) The maximum lot coverage in the SR-R zone shall not exceed 40%. Less lot coverage may be required in steeply sloping areas or areas with drainage problems. In all cases the property owner must provide the City with a storm drainage plan which conducts storm runoff into adequately sized storm drains or approved natural drainage as approved by the Public Works Director. [Amended by Ord. 01-03, passed 8/27/01]
- (e) In areas without a high water table, a dry well capable of absorbing the storm runoff shall be provided in accordance with City standards.

Findings: The gross size of the site is 171,071 square feet. Open space of 77,666 square feet is shown, which is greater than 40% of the total site. The three main clusters do not exceed 13 dwellings per acre. The area on the open space calculations sheet that is designated for open space should be designated on the final plan as dedicated permanent open space, and deed restrictions should be filed with the City and on the subdivision final plat.

8. Section 4.136(3)(a) of Ordinance 95-4 specifies as follows the information to be presented on which the Planning Commission will evaluate a planned development:

Section 4.136 Planned Unit Development (PD). *In a planned development the following regulations shall apply:*

- 3. *Planned Development Procedure. The following procedures shall be observed in applying for and acting on a planned development:*

Findings Report - Application for planned development zone change (Pentz)

- (a) *An applicant shall submit 10 copies of a preliminary development plan to the Planning Commission for study at least 10 days prior to the public hearing at which it will be discussed. In addition to publicizing the public hearing, the City Manager shall notify all property owners within 250 feet of the proposed development by mail. The preliminary plan shall include the following information:*
- (1) *A map of existing conditions showing contour lines, major vegetation, natural drainage, streams, water bodies and wetlands.*
 - (2) *Proposed land uses, lot overages, building locations and housing unit densities.*
 - (3) *Proposed circulation pattern indicating the status of street ownership.*
 - (4) *Proposed open space uses.*
 - (5) *Proposed grading and drainage pattern.*
 - (6) *Geologic hazards study where required.*
 - (7) *Proposed method of water supply and sewage disposal.*
 - (8) *Relation of the proposed development to the surrounding area and the Comprehensive Plan.*

Findings: The applicant submitted the information described in items 1, 2, 3, 4, 7, and 8. A proposed grading and drainage plan (5) was not submitted, but the base parcel is a completed subdivision that is already graded to the desired levels. A geologic hazards study (6) is not necessary for this property as it is not within any identified geologic hazard area.

9. Section 4.136(3)(b) of Ordinance 95-4 specifies that prior to discussion of the plan at a public hearing, the City Manager shall distribute copies of the proposal to appropriate City agencies or staff for study and comment.

Findings: A copy of the proposed planned development and tentative plan for replat was distributed to City of Manzanita Public Works Department, Nehalem Bay Wastewater Agency, Nehalem Bay Fire and Rescue, RTI – Nehalem Telecom, Tillamook PUD, Charter Communications Cable TV, and Western Oregon Waste for their review and comments on the proposal. Some of their concerns have been incorporated into the findings listed in this report. The applicant is responsible for working directly with these agencies to address any additional requirements imposed by them.

10. Section 4.136(3)(c) of Ordinance 95-4 specifies the standards by which a planned development shall be evaluated. Addressing these issues also addresses the requirement in the Comprehensive Plan to provide findings of fact for Comprehensive Plan amendments and zone changes.

In considering the plan, the Planning Commission shall seek to determine that:

- (1) *There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.*

Findings: This subdivision is a good location for this type of development in that it is physically separated by the golf course from other more traditional neighborhoods. The proposal provides an ownership option of a small house with a large amount of surrounding green space which is consistent with the rural village atmosphere the community finds desirable.

Given the detailed planning and design as to how the cottages interface with each other and with the common areas, it is appropriate that the lot size, setback and lot coverage standards be relaxed.

- (2) *Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area, particularly with regard to dune stabilization, geologic hazards and storm drainage.*

Findings: Cluster development is specifically described in the Comprehensive Plan and Zoning Ordinance as being appropriate in the SR-R zone. There are no issues regarding dune stabilization, geologic hazards or storm drainage for the areas proposed to have houses or other buildings on them. The steeply sloped areas are mostly in open space. This proposal is consistent with the Comprehensive Plan provisions and zoning objectives of the area.

- (3) *The area around the development can be planned to be in substantial harmony with the proposed plan.*

Findings: The proposed plan development is separated from land uses in surrounding areas by streets, the golf course and a steep bank. Development on surrounding properties can easily be designed to harmonize with this planned development.

- (4) *The plan can be completed within a reasonable period of time.*

Findings: The applicant proposes to develop the planned development in three major phases. Approval has been given by the Planning Commission for the replatting necessary for the first phase. The phasing plan appears to be reasonable. A condition should be placed which requires application for replatting the portion of the existing subdivision for subsequent phases within two years of the previous phase unless extended by the Planning Commission. Once the planned development is approved, building permits will not be issued for lots within the current subdivision (Pacific Dunes Unit No. 6) unless an application is approved by the Planning Commission and City Council to remove or modify the Planned Development zone overlay.

- (5) *The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.*

Findings: The applicant is proposing a development that contains fewer residential dwelling units than if the current subdivision was developed to its full allowable potential. Therefore, the streets surrounding the development are adequate to handle anticipated traffic. However, Dorcas Lane (32nd Street) east of Jackson Way will need to be improved in order to accommodate the parking area proposed on the northeast corner during Phase 2 of the planned development.

Findings Report - Application for planned development zone change (Pentz)

- (6) *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.*

Findings: The utility and drainage facilities for the existing subdivision have been constructed and are adequate for residential development. Conditions placed on the current subdivision anticipated that post lights would be installed upon construction of individual homes. A condition of the final plat is that street and security lighting will need to be addressed for the planned development.

11. Sections 4.090 of Ordinance 95-4 specify requirements for residential off-street parking as follows:

Section 4.090 Off-Street Parking Requirements.

	<i>USE</i>	<i>REQUIREMENTS</i>
(a)	<i>Dwelling</i>	<i>Two spaces for each dwelling unit.</i>

Findings: The number of uncovered and garage parking spaces shown on the plan is 48. The 24 dwelling units require 2 spaces each or a total of 48 spaces. Some of the parking spaces are in whole or in part on the current public right-of-way. The proposal is that the right-of-way be reduced in width to allow parallel parking on private property. However, until the planned development is fully implemented, the road right-of-way width should be maintained as well as the current fire truck turnaround. Consideration of reducing the right-of-way should be deferred to Phase 3. The applicant will need to provide a more conclusive case that it is in the best interest of the public to allow a 14 foot right-of-way instead of the current 30 foot right-of-way. The proposed parking spaces are acceptable given the overall design of the planned development.

CONCLUSIONS AND DETERMINATION

The application for a planned development meets the standards of the Comprehensive Plan and the Zoning Ordinance for amending the zone to place a planned development overlay on the subject property. The applicant has adequately explained what plan goals, objectives and policies would be furthered by the change, and has explained how the change will serve the public need.

The application for zone change from SR/R to SR/R-PD should be APPROVED with the conditions outlined in this findings report, and the City Council should adopt an implementing ordinance.