

Agenda Report

TO: CITY COUNCIL

DATE: FEBRUARY 23, 2009

FROM: CITY MANAGER

SUBJECT: ZONING CODE AMENDMENTS – SERIES III - AMENDMENT FOR DONATION COLLECTION FACILITIES

RECOMMENDATION:

It is recommended that the City Council approve the revised Zoning Code Amendment as it relates to donation collection facilities.

BACKGROUND:

On September 15, 2008, the City Council held a public hearing on the Series III Zoning Code amendments. At the public hearing staff presented a series of amendments which included requirements for bicyclist shower and locker facilities, regulations for donation collection facilities, modification of the walls sign requirements in the Central District, requirements for boarding houses and a series of minor amendments, corrections and codification of interpretations and practices. The Council approved these amendments with the exception of the amendment regarding bicyclist shower and locker facilities and the regulations for donation collection facilities. The Council approved amendments are presented in a separate ordinance.

The Council supported the idea of having regulations for donation collection facilities but requested that staff review the proposed standards in light of the issues raised during the discussion which included:

1. The proposed distance requirement from residential districts;
2. Concern about the potential of an overconcentration of this use and recycling centers impacting adjacent residential neighborhoods;
3. Application of standards to existing facilities;
4. The possibility of a public hearing or MCUP for the establishment of the use; and
5. Consideration of distinguishing between for-profit and non-profit facilities.

In considering the comments of the Council, staff has revised several of the proposed standards as follows:

1. No recommendation was made in the original staff report for any distance requirement. The revised recommendation is to require that a donation collection facility shall be a minimum distance of 500 feet from a recycling facility or another donation collection facility. This is the same distance requirement that was adopted for boarding houses.
2. The original recommendation was that a donation collection facility shall be setback 15 feet from a residential district. The revised recommendation is that a collection facility shall be setback 150 feet from a residential district. This is consistent with the requirement for recycling centers.
3. The original recommendation did not address the issue of applying standards to existing uses. The revised recommendation is that existing collection facilities will be required to meet the new standards. Staff has a preliminary list of the location of these facilities and would be able to notify the owner of the requirements.

The Council asked the staff to consider a conditional use permit for the establishment of these uses. Staff considered this option but is recommending instead that the review process be performed through the Zoning Permit process. All collection facilities (including existing facilities) will be required to obtain a Zoning Permit. A Zoning Permit is similar to a building permit and was created for the review of projects in which there is only Zoning review. It consists of a staff level review and ensures that the project does not violate any provision of the Zoning Code. Generally, such a permit takes a week to review.

In the event that a facility is out of compliance, the operator will be given 10 days to comply. Otherwise the permit is revoked. This process allows the permit to be revoked without going through a lengthy revocation hearing process before the Hearing Officer and the possibility of an appeal hearing with the Board of Zoning Appeals.

The Council requested that staff consider treating for-profit and non-profit facilities differently. In reviewing this issue, staff concluded that the impacts of this use are the same regardless of whether the use was for-profit or non-profit and that developing standards that treat these uses differently could undermine Council's intention in regulating these facilities in the first place.

In addition to the above modified requirements, the following requirements have been included in the proposed ordinance. These standards were reviewed at the September 22, 2009 public hearing.

1. The donation collection bins would be allowed in commercial and PS districts and shall be accessory to a commercial, industrial or public, semi-public use;
2. The bins shall be located at least 25 feet from a street property line in order to minimize any impact on street traffic and entries into parking lots;

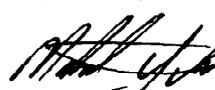
3. The bins shall not be located in a required landscaped area or located in a required parking space;
4. There shall be no more than one facility per site;
5. The site shall be kept clean and maintained in a litter-free condition at all times; and
6. The property owner shall ensure that any materials that are left outside the bin are removed within 24 hours.

The proposed changes are intended to address the issues raised by the Council. If the Council wishes to require a Conditional Use Permit for these facilities, then this item should be returned to the Planning Commission for its review since such a requirement was not previously considered by the Planning Commission.

FISCAL IMPACT:

The proposed amendments were reviewed on September 15, 2008. At that time, the determination was made that the amendments would have a negligible fiscal impact.

Respectfully submitted,



MICHAEL J. BECK
City Manager

Prepared by:



Denver E. Miller
Principal Planner

Reviewed by:



Richard J. Bruckner
Director of Planning and Development