STAFF REPORT

SLSD ELEMENTARY SCHOOL

BUILDING HEIGHT VARIANCR

VARIANCE V 3-16

January 18, 2017

PROPOSAL DESCRIPTION

Date application filed: December 6, 2016

Owner: Krista Parent, Superintendent

 South Lane School District

 455 Adams Avenue

 Cottage Grove, OR 97424

Location: 1000 Taylor Avenue

 Map 20-03-33-31 TL 100

Present Conditions: Al Kennedy Alternative High School, play fields

Proposed Conditions: new elementary school, Head Start program, play fields

Comp Plan Designation: L Low Density Residential

Zoning: R-1 Single Family Residential

Proposal: The applicant has submitted this variance to build a new 650-student elementary school and 100-student early learning center that exceeds allowed building heights in the R-1 Single Family Residential District. The applicant is proposing a variance to the 28 foot height limit of the R-1 Zone. The purpose of the variance is to allow for an elementary school that meets modern design and construction standards on a property that has been owned by the school district since the 1930’s.

The proposed elementary school will be constructed on property owned by South Lane School District at 1000 Taylor Avenue (Map 20-03-33-31 TL 100). The property has the location of the old Cottage Grove High School, which was demolished in the early 2000’s and is the current location of the Al Kennedy Alternative High School, the Warren B. Daugherty Aquatic Center and several South Lane School District play fields.

The 18.8 acre property is zoned R-1 Single Family Residential. It runs approximately 1400’ along the southern side of Taylor Avenue, a commercial collector street, and 575’ along S. 8th Street, a residential collector, to the west and the right-of-way of I-5, a state highway, to the east. The City owns a small parcel to the northeast of the school along the I-5 right-of-way where we are currently installing a utility pump station. The properties to the south of TL 100 are occupied with single family residential dwellings, which are zoned R-1 to the southwest or RA (Lane Code Chapter 10 Low Density Residential) to the southeast. These homes back up to the School property, with access from Cooper Avenue.

The new elementary school will be located on what is now a soccer field along the Taylor Avenue frontage. The existing athletic field with track at the rear/southern side of the property is being retained, as is the pool (in the southeast corner along 8th Street) and the softball field on the eastern side of the property. The two story concrete block structure at the corner of 8th and Taylor that was at one point the High School’s wood shop and is currently in use by the Alternative School is to be retained and remodeled into an early learning center. The current trailers and other temporary structures used by Al Kennedy Alternative High School and the maintenance structures against to the track are being removed (6 in total).

The new school has a total building area of 86,899 square feet. As depicted on the submitted materials, the height at the classroom education wing is 38’-6”, the height at the gym/cafeteria is 33’-0”, the entry living room is 38’-6”, and an enclosed mechanical equipment area sits atop the educational wing that is at a height of 44’-6”. It is designed to house 650 students and teachers/staff. The main entrance to the school will be on the right/east side of the building, facing a hardscaped courtyard and the newly designed public parking lot. A ramp and stairs will lead up from Taylor Avenue to a concrete walk and portico along the front of this front façade.

The applicant has submitted this Variance request concurrently with a Conditional Use Permit (CUP 6-16) to permit a school in the R-1 District, and a Site Design Review application (SDR 3-16) for the development site. Approval of these applications is contingent upon approval of this Variance.

APPROVAL CRITERIA; V 3-16

*Chapter 5.1.500.C Class C Variances Approval Criteria . The City shall approve, approve with conditions, or deny an application a variance based on all of the following:*

1. *Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or necessary physical hardship inconsistent with the objectives of this Code;*

Staff response and findings of fact: The strict or literal interpretation of Section 2.3.180.A will result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Code.

A strict interpretation of the 28’ height limit for all uses at all times would result in a school structure that does not meet the needs of its students. The gymnasium is designed at 33’ in height to meet requirements for athletic use while keeping necessary mechanical equipment and lighting above the height of play equipment. Keeping the building to the maximum height limit of 28’ would constitute a practical difficulty that would substantially restrict the use of the property for any type of school.

The SLSD has owned this property for over 80 years. The original high school on the property was in excess of 28’ as well, as it had a 40-50’ tower with its auditorium and a full gymnasium. After the demolition of the high school, the property was retained by the SLSD for future use for another school. The proposed elementary school is in keeping with the expected uses of the property. Requiring a 28’ maximum height would mean that more of the property would be needed for structures, to spread the two-story building into a one-story building, requiring the district to find additional property to accommodate current and future enrollment needs. Depending on the location of a future school sites, there could be less of an opportunity for walking, biking, and efficient bussing, more of a need for vehicular usage, and a greater impact to City roads and infrastructure.

The Development Code allows Schools as Conditional Uses in the R-1 Single Family Residential Districts, as schools are appropriate within residential neighborhoods but do have some impacts that need to be evaluated and mitigated. Schools such as the old high school, the new high school, and the proposed elementary school are greater in mass and building height than other structures in the R-1 District, but their greater size is factored into the Conditional Use review and hence is not inconsistent with the intent of the code. Restricting the building to a maximum building height of 28’ or a two story residential home would create a practical hardship for the SLSD as it would prohibit needed programming elements such as the gym and require the footprint of the classrooms to take up a greater portion of the site, eliminating space for play fields and outdoor activities that would have to be accommodated elsewhere.

Staff finds that the proposed development is consistent with the objective of the code to accommodate schools within residential areas, with accessory play fields and open space and that strict interpretation of the code would result in a practical difficulty inconsistent with these objectives.

1. *Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by owners or other properties classified in the same land use district;*

Staff response and findings of fact: The privilege enjoyed by owners or other properties in the CT zoning district is a building height maximum of 28’ that is designed to keep the overall massing of structures within the R-1 Districts at a residential scale. Churches and schools are listed as Conditional Uses within this District, with the presumption that whereas they are appropriate uses in residential neighborhoods, their site needs are different and should be evaluated individually. Several other schools, theatres and churches exist within the City of Cottage Grove that are over-height due to the nature of their uses, including the current Cottage Grove High School and the old (now demolished) Cottage Grove High School previously located on the subject parcel. Strict or literal interpretation and enforcement of the R-1 maximum building height on the proposed elementary school would deprive the applicant of privileges enjoyed by other school or church owners in the same land use district, as it would eliminate the possibility of having a two-story school with an auditorium or gymnasium that meets modern elementary school needs.

Consequently, the city finds that strict or literal interpretation and enforcement of this regulation would deprive the applicant of privileges enjoyed by owners or other properties classified in the same land use district and this criterion is satisfied.

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same land use district;*

Staff response and findings of fact: The exceptional circumstance or condition applicable to this property not generally applicable to other properties within the district is the historical and proposed use of the property as a school.

The subject property has been continually used for educational use since the 1930’s. The property accommodated the original Cottage Grove High School from the mid 1930’s to mid 2000’s and then with Al Kennedy Alternate High School to present. Buildings on the property have historically exceeded the 28-foot height limitation, which is not often the case for R-1 zoned properties in the City.

The School District has a responsibility to provide educational facilities that meet current enrollment demands in an efficient manner. As noted in the applicant’s narrative, public school land use needs are unique. School districts are funded by property taxes, and growing school districts constantly work to efficiently use existing properties and/or identify new lands to accommodate growing enrollment. Opportunities for re-use and efficient use of existing properties often provide cost effective alternatives to acquiring new lands. Furthermore, well-suited locations provide an effective way to efficiently provide school services. Schools located in close proximity to households allow for walking, biking, efficient bussing, these in turn decrease vehicle miles traveled and decrease impacts to the transportation system; allowing for efficient development. Allowing for efficient development ultimately provides the School District the ability to offer better service at a lower cost.

The combination of the public user and the historic height of structures on the site are extraordinary circumstances that provide compliance with this approval criterion. For this reason, the city finds that this criterion is met.

1. *The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same land use district;*

Staff response and findings of fact: The granting of this variance will not constitute a grant of special privilege inconsistent with the limitations on other properties because the variance request is for the height associated with a public school, which requires a Conditional Use Permit, which includes a detailed assessment of potential impacts from the development. The proposal adequately mitigates any potential impacts; therefore the privilege of additional height will not result in negative impacts to surrounding properties and is consistent with this criterion. It will allow for the efficient use of land in that area and provide public amenities to surrounding properties. The alternative would be to use more land in an area farther away from the properties that will be served, creating greater impacts to roads, sidewalks, and public facilities.

Also, as noted throughout this narrative, the subject property has been continually used as educational property with the original Cottage Grove High School (from the mid 1930’s to mid 2000’s) and then with Al Kennedy Alternate High School to present. Buildings on the property have historically exceeded the 28-foot height limitation.

For this reason, the city finds that this criterion is met.

1. *The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;*

Staff response and findings of fact: The granting of this variance will not injure public health, safety or welfare nor will it materially injure properties or improvements in the vicinity.

The proposed structure will be built to current Building Code Standards. The building will be sprinkled, provide sufficient space for fire access, and will be built to funding requirement standards, with the intent of service children. The subject property is relatively large and the building will be sufficiently setback from abutting rights of way and substantially setback from neighboring properties, ensuring that the greater massing of the building does not overshadow or block light from any adjacent uses. Given the design and location, staff finds that the over-height elementary school will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. This criterion is met.

1. *Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;*

Staff response and findings of fact: The site has historically accommodated schools (educational purpose) and buildings over 40 feet in height. The historic use of the site has not impacted physical or natural systems in the City, and therefore it is not anticipated that a new building will impact physical or natural systems. Furthermore, by providing an elementary school instead of a high school, traffic impacts are forecast to be reduced, as elementary schools generate fewer trips.

For this reason, the city finds that this criterion is satisfied.

1. *The hardship is not self-imposed; and*

Staff response and findings of fact: As state above, the property has been used for educational purposes since the 1930’s. The City imposed the R-1 Zone and the associated 28 foot height limit on the property after that date. The requirement and associated hardship therefore were not self-imposed.Hence the hardship is not self-imposed, but is rather imposed by the exceptional circumstances inherent to the particular parcel’s historic and proposed use.

The city finds that this criterion is satisfied.

1. *The variance requested is the minimum variance that would alleviate the hardship.*

Staff response and findings of fact:

The applicant and its agents reviewed many design options and determined that the proposed design is the most functional and cost effective for the site, thus per the applicant, the proposed variance request is the minimum need for the desired elementary school. The proposed height of each section is based upon function, not pure form, with each section’s height dictated by the needs of the use therein contained. Hence, the proposed height variance, presuming the use is allowed via Conditional Use Permit CUP 6-16, appears to be the minimum variance needed to alleviate the hardship.

The city finds that this criterion is satisfied.

CONCLUSION

Variance **approval** pursuant to Section 5.1.500 Class C Variances and subject to the recommended conditions as supported by the findings of fact that establish compliance with the applicable state and local standards.

STAFF RECOMMENDATION

That Variance V 3-16be **approved** for the proposed variance to maximum building height for the new SLSD elementary school pursuant to Section 5.1.500 Class C Variances which are supported by findings of fact that can establish compliance with applicable state and local standards.

MATERIALS TO BE PART OF THE RECORD

File V3-16

EXHIBITS

1. Applicant’s Narrative

**Exhibit A:**

**Applicant’s Narrative**