

ORDINANCE NO. 4097

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TITLE: ZONE CHANGE AMENDMENT NO. 143, UNDER ORDINANCE NO. 4067 REZONING 8.8 ACRES IN FIRST ADDITION TO DEERFIELD FROM R-2 LIMITED MULTIPLE FAMILY TO C-1 NEIGHBORHOOD COMMERCIAL.

WHEREAS, the Planning and Zoning Commission of the City of Albany has held such hearings as are required by the law and the Ordinances of this city and has made findings concerning the appropriate zone for the property being considered, said findings being based upon evidence produced at hearings, and

WHEREAS, the Council of the City of Albany has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the zoning of the property above described and evidence having been introduced and the same being fully considered, the City Council does hereby find as follows:

(see attached findings of fact)

and,

WHEREAS, it is further determined that the rezoning hereinafter made should be subject to certain conditions, the said conditions being as follows:

Development of the property is subject to site plan approval by the City in accordance with Article 17 of the Zoning and Land Use Regulations.

now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: ZONE CHANGE AMENDMENT NO. 143

An area described as follows: Assessor's Parcel Map 11-3W-20, Tax Lot 1502

is hereby rezoned as C-1 and this amendment shall be known as zone change amendment number 143 .

Section 2: COPY FILED

A copy of this zone change amendment shall be filed in the office of the City Recorder of the City of Albany and the number noted on the official zoning map of the City of Albany.

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Section 3: CERTIFICATE OF COMPLIANCE

This zone change amendment shall be effective upon filing of a certificate of compliance with the conditions above enumerated by the Planning Director of the City of Albany.

Passed by the Council: January 25, 1978

Approved by the Mayor: January 25, 1978

Effective Date: January 25, 1978



Mayor

ATTEST:



City Recorder

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REQUEST TO CHANGE THE COMPREHENSIVE PLAN TO ALLOW A C-1 ZONE AS DESCRIBED BELOW

LOCATION: Property is located within the present city limits at the intersection of Columbus St. and Del Rio Ave. Property is east of Columbus St. and bounded on the south by the Southern Pacific Railroad. The property is divided by 140 ft. Bonneville Power Authority and Northwest Natural Gas easements. Location is approximately 1/2 mile south of South Albany High School. Legal description is attached as Exhibit "A".

PUBLIC NEED: Public need can be demonstrated by the attached petition and map showing present location of C-1 zones within the present Comprehensive Plan, and supported by review of LCDC Guidelines. The original Comp-Plan was in error and does not allow for enough C-1 zones in relation to the proposed Urban Growth Boundaries. The UGB show a vast area of urban development to the south of the requested Comp-Plan change without convenience---businesses that can be incorporated within the present residential designation of the Comp-Plan. The Comp-Plan is shortsighted on C-1 zones, perhaps for two reasons: (1) possibly because of the lack of any established commercial developments within the area designated in the UGB, or (2) because at the time the Comp-Plan was made, the boundaries and number of people to be served, had not yet been established. The need for a C-1 zone in the area, particularly in the light of new energy concepts, has become apparent as dramatic increases in the population take place in this area.

NOT IN CONFLICT WITH INTENT OF ZONING: The intent of zoning ordinances are to provide for an orderly growth. Anything done to promote the health, safety, and welfare of the residents in the area would add immensely to that intent, and in other cases where C-1 or C-2 zones have been established, the areas were generally bounded by Multi-Family buffers and/or arterial streets. The area in this proposal is bounded by the proposed extension of Waverly Dr., a major N-S arterial, Columbus St., presently a major N-S arterial, R.R. tracks to the south, and R-2 zones across the street. Proposed location would have natural built-in buffers; would provide conveniences; would benefit overall transportation plans, and therefore, would not be in conflict with the intended zoning.

COMPLIANCE WITH LCDC GUIDELINES: There are 14 goals and guidelines as established by LCDC. Changes in the Comp-Plan requires compliance with these goals where applicable. We consider this request to be effected by the following goals and guidelines:

1. Citizen Involvement

Citizen involvement has been covered in two areas; (1) by public hearings and (2) by a canvas of the residents living in close proximity to the area covered by this Comp-Plan Change Request. As a continuing factor, all development plans of the site will also be reviewed by the public through the planning and approval process.

2. Land Use Planning

This goal is being fulfilled by the actions of public hearings and procedures set forth by the City of Albany Planning & Development, giving full consideration to the needs of the residents of the area to be served.

3. Agricultural Lands

In reference to Goal 3, LCDC Goal Guidelines, currently before LCDC, there is a policy being considered which simply says that, "Any land located within Urban Growth Boundaries should be considered as excluded from consideration as farmland." However, until that policy is established, we would first point out that the property under discussion is located within UGB. It is within city limits, and zoned R-2. In zoning this property R-2, it has already been removed from the farmland inventory.

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4. Forest Land Not Applicable.

5. Open Spaces, Scenic and Historic Areas, and Natural Resources.

The area covered by this proposal is not desirable as open space and as recreational area, with the possible exception of the area lying within the BPA Easement; in fact, amending the Comp-Plan and allowing C-1 zoning will enable the developer to provide approximately 30,000 sq. ft. of open space and a public use bike path of approximately 1100 ft. in length. Aside from the bike path, there would be additional outside seating facilities for patrons of the commercial zone. This change would not affect any natural resources, historic areas or open areas. The scenic value of the property would actually be enhanced by the proposed amendment.

6. Air, Water and Land Resources Quality

The area in question is located adjacent to a part of the Albany Sewage System, a 30" sewer main interceptor, and would actually produce less waste than were it to continue in the present zone. Water is readily available. Storm water runoff can be adequately accommodated by an existing 48" storm drainage line.

7. Not Applicable

8. Recreational Needs

The area set aside for recreational use within the BPA Easement far exceeds the Albany ordinance with regard to parkland, and assuming that the needs statewide are no greater than in Albany, then we have exceeded recreational needs of development, and the developer is willing to cooperate with the city to enhance the area under discussion.

9. Economy of State

The proposed change from R-2 to C-1 in this area would add additional diversification of commercial business. Each business is an asset to the economy of the state. New businesses are continually finding it more and more difficult to locate available land in which to build, especially, the type of businesses found within C-1 zoning, which are primarily small owner-operated businesses. This change would create additional employment for people residing in the local area and should increase the tax yield per acre without taxing additional facilities of schools, parks, and other public facilities.

10. Housing

Although present Comp-Plan shows this area as an R-2 zone, the proximity to the R.R. Tracks and to public thoroughfares, and being split by BPA Easement, detracts greatly from its desirability as a residential zone, and even though we would be reducing the housing potential in this area, the overwhelming advantages, and the impact on the other goals are so great that we must make that sacrifice in order to accommodate a greater goal of serving all people in that area, i.e., a small neighborhood commercial area would greatly enhance surrounding residential areas for people without transportation.

11. Public Facilities and Services

The C-1 zone in this area would be an orderly progression within Urban Growth Boundaries as it would provide a location within walking distance of the transportation disadvantaged, i.e., provide a potential for doctors' offices, dental clinics, grocery stores, drug store, etc., in close proximity to residents of the immediate area and within the new proposed UGB.

12. Transportation

Locating a C-1 zone would provide relief on local streets by providing facilities within walking distance of a very large R-1 & R-2 zoned

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area not now served by a C-1 zone, as well as reduce travel time to services by car for a far greater area, as the nearest zone of this type is over a mile away to the north, and this area should adequately serve the area within UGB to the south as it develops. This area is located adjacent to a major arterial street, and should not increase traffic on local roads; in fact, it should reduce traffic on local roads as it would be a convenient walk for a large portion of people living in the surrounding area. Once again, the area would greatly benefit the transportation disadvantaged.

15. Energy Conservation

Conservation of fuel among residents within 1 to 1 1/2 miles, would be substantial compared to traveling to the nearest commercial area for the same services. This proposed area is along a major high volume transportation corridor that will have increased usage as this area grows within the UGB, offering a commercial shopping area without diversion, for people going to and from work. According to LCDC Guidelines, this is of extreme importance for locations of higher intensity users such as in a C-1 zone.

14. Urbanization

Careful consideration should be given to the providing of all elements of commercial need to effect an orderly transition from rural to urban use. A small C-1 zone in this area will provide for that orderly transition, and no other site could be developed more fittingly, taking into consideration, transportation, convenience, buffers, etc., than this site. The C-1 zone is approximately 1 1/2 miles from the south boundary of the Proposed Urban Growth Boundary on one of the few arterials entering Albany from the south. As the area south of the urban boundary is developed, the need for a C-1 zone in this area will become more critical, and now is the time to provide for that need. The need to provide sufficient land for uses to insure choices in the market place is obvious. A C-1 zone in this area fits all of the aspects within the LCDC Guidelines for urbanization, i.e., the need to accommodate long range urban population growth requirements consistent with LCDC goals; need for housing, employment opportunities, and livability, and maximum efficiency of land uses within and on the fringe of the existing urban area, etc.

SUMMARY: In summary, may we point out that we have dealt with location, public need, facts not in conflict with intent of zoning, in careful consideration of the LCDC Guidelines. We consider 12 goals to be applicable and we have responded to each of these goals, and we submit that the Comp-Plan should be changed to allow a C-1 zone in this area. We feel that we have shown compliance with both the strict letter of the law, as well as with the recommendations; that we would not be in conflict with any goal or guideline; that the location is ideal; that C-1 zoning is compatible and in the interests of the City of Albany and the present residents, and would enhance the remaining area within the Urban Growth Boundaries; would promote additional health and welfare by encouraging people to walk which, in turn, would benefit energy conservation.

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DESCRIPTION FOR C-1 ZONE

BEGINNING at a point S 0° 17' 59" W 162 ft. from the S.W. corner of Block 2, Deerfield Addition to the City of Albany, Linn County, Oregon, located in Section 20 T11S R. 3W W.M., said point also being on the Easterly R/W line of Columbus St.; thence S 0° 17' 59" W 214.57 Ft. to a 5/8" rod, said rod being at the intersection of the East R,W line of Columbus St. and the Northerly R/W line of the Southern Pacific Railroad; thence S 65° 28' 50" E along the Northerly R/W line of said R.R. R/W 755.69 ft.; thence N 50° E 545 ft.; thence No 40° W 67.83 ft.; thence Northwesterly along a 345 ' radius curve to the left 299.92 ft., the long cord of which bears N 64° 54' 15" W 290.56 ft.; thence N 89° 48' 30" W 797.19 ft. to the Point of Beginning.

Containing 8.82 Acres ±

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