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ORDINANCE NO. 4202

TITLE: AN ORDINANCE AMENDING ORDINANCE #4030, WHICH ADOPTED THE CITY OF ALBANY'S COMPREHENSIVE DEVELOPMENT PLAN, TO PROVIDE FOR THE RECLASSIFICATION OF URBAN RESIDENTIAL LAND USE CLASSIFICATION WITHIN AN AREA GENERALLY DESCRIBED AS LOCATED IN NORTH ALBANY AT THE NORTHWEST CORNER OF SPRINGHILL ROAD AND HICKORY AVENUE TO BUSINESS/PROFESSIONAL AND COMMERCIAL AND DECLARING AN EMERGENCY.

WHEREAS, the Planning 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 comprehensive plan amendment with 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 comprehensive plan amendment 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)

now, therefore,

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

Section 1: COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT NO. 8

(description)

(see attached legal

is hereby amended in accordance with Exhibit A attached hereto and this amendment shall be known as Comprehensive Development Plan Amendment No. 8.

Section 2: COPY FILED

A copy of this comprehensive development plan amendment shall be filed in the Office of the City Recorder of the City of Albany.

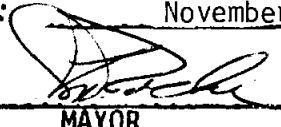
Section 3: EMERGENCY CLAUSE

Whereas, it is in the best interest of the public health, safety, and general welfare of the citizens of the City of Albany, Oregon, that this matter be disposed of at the earliest possible moment; therefore, an emergency is hereby declared to exist and this ordinance shall become immediately effective upon its passage by the Council and approval by the Mayor.

Passed by the Council: November 8, 1978

Approved by the Mayor: November 8, 1978

Effective Date: November 8, 1978



MAYOR

ATTEST:


Deputy CITY RECORDER

4202

FINDINGS OF FACT

Comprehensive Plan Amendment:

- (1) The Albany Comprehensive Plan designates three commercial areas in North Albany: The 20 acre shopping center south of the subject property and neighborhood commercial nodes at Scenic Drive and Gibson Hill Road. However, these latter two areas have been eliminated from the Benton County Comprehensive Plan which has jurisdiction in the unincorporated areas of Benton County. Thus, an argument can be made for a need for additional commercial-business designations on the Albany Comprehensive Plan to serve the future needs of North Albany. In addition, the North Albany residents have expressed a desire for centralized versus de-centralized commercial services.
- (2) Although the Comprehensive Plan is not specific with regard to the RP District, this district is by intent included within the commercial element of the Comprehensive Plan, the full title of which is "Business Professional and Commercial."

Billy Lewis

TO: CITY OF ALBANY PLANNING COMMISSION AND PLANNING DEPARTMENT

FROM: ROBERT T. SCOTT, Attorney for Applicants

RE: FINDINGS IN SUPPORT OF R-P ZONING; REQUEST FOR COMPREHENSIVE PLAN AMENDMENT AND FINDINGS IN SUPPORT THEREOF.

I. REQUEST FOR R-P, RESIDENTIAL-PROFESSIONAL ZONING

The applicants' annexation request simultaneously seeks R1-6 PUD zoning for 14.5 acres and RP zoning for a 2.86 acre strip on the South side of the subject property adjacent to Hickory Drive. Applicants intend to construct luxury condominiums on the R1-6 property and business and professional offices on the R-P strip. Applicants submit the following findings in support of R-P, Residential-Professional Zoning for the 2.86 acre strip:

1. The R-P zoning would provide for a desirable mixing of the residential land use (the condominiums) with light commercial uses. The design of the PUD on the residential property to the North will be aesthetically and functionally compatible with the design of the Business-Professional use on the 2.86 acres.
2. The R-P zone limits development to those business uses which are fully compatible with residential uses.
3. The proposed R-P property is located near an arterial street.
4. The R-P zone would serve as a buffer between the condominiums and the large Community Commercial area directly across Hickory Lane.
5. According to the interdepartmental memo of the Albany Planning Department, there are 1.8 acres of vacant land zoned R-P Residential-Professional within the City. It is apparent that there is a public need for more residential-professional land.

Based upon the above findings, applicants request R-P Residential-Professional zoning for the 2.86 acres adjacent to Hickory Lane as shown on the drawings previously submitted.

II. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT FROM URBAN RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR 2.86 ACRES.

This request is made because of the position of the Planning Department that the R-P zone does not fit within property designated as "Urban Residential" on the Comprehensive Plan map. Although applicants feel that R-P zoning is appropriate to property located near the boundaries of both Commercial and Urban Residential areas, they have no objection to the Comprehensive Plan Amendment. In support thereof, we submit the following findings:

1. The property is located near a collector street, a main arterial and a highway. Traffic flow and accessibility would be similar to the existing commercially zoned property directly across Hickory Street from the subject property.

2. Sewer and water service is available to meet the needs of the proposed development.

3. Residential-Professional use of the 2.86 acres forms an effective buffer between the R1-6 PUD property to the North and the intense commercial development which can be expected across Hickory Lane to the South. Designating the property as Commercial on the Comprehensive Plan map would permit the establishment of the desired buffer strip.

Based upon the above findings, applicants request a Comprehensive Plan map amendment from Urban Residential to Commercial on the 2.86 acres described in drawings previously submitted.

Respectfully submitted,

SCOTT & NORMAN

BY: 

GARY E. NORMAN

Of Attorneys for Applicants

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HOWARD G. KRAUS, P.E.
RICHARD DALKE, P.E.

77-99

TELEPHONE 503-928-2583

NORTH ALBANY ANNEXATION
PROPERTY

Annexation Property

Beginning at a 5/8 inch iron rod said iron rod being 66.0 feet North 89° 55' 15" East, and 331.22 feet South 3° 55' 15" West of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61, Township 11 South, Range 3 and 4 West, Willamette Meridian Benton County, Oregon; running thence North 83° 33' 59" East 280.79 feet to a 5/8 inch iron rod; thence North 3° 55' 15" East 62.68 feet to a 1/2 inch iron pipe; thence North 89° 57' 30" East 163.38 feet to a 5/8 inch iron rod; thence South 3° 55' 50" West 736.75 feet to a 5/8 inch iron rod; thence North 86° 01' 30" West 439.07 feet to a 5/8 inch iron rod; thence North 3° 55' 15" East 611.90 feet to the point of beginning.

Containing 6.78 acres.

also

Beginning at a 5/8 inch iron rod said rod being 66.0 feet North 89° 55' 15" East; 943.12 feet, South 3° 55' 15" West and 459.07 feet South 86° 01' 30" East of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61 in Township 11 South, Range 3 and 4 West, Willamette Meridian, Benton County, Oregon; running thence North 3° 55' 50" East 706.71 feet to a 5/8 inch iron rod; thence North 73° 51' 15" East 811.35 feet to a 5/8 inch iron rod; thence South 23° 56' 40" West 800.99 feet to a 5/8 inch iron rod; thence South 44° 12' 20" West 65.31 feet to a 5/8 inch iron rod with an aluminum cap; thence South 27° 17' 57" West 149.88 feet to a 5/8 inch iron rod with an aluminum cap; thence South 56° 26' 45" West 74.68 feet to a 5/8 inch iron rod; thence North 86° 01' 30" West 326.98 feet to the point of beginning.

Containing 10.58 acres.

Total Annexation Acreage 17.36 acres.

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NORTH ALBANY ANNEXATION PROPERTY
PROPOSED RP ZONING

Beginning at a point, said point being 66.0 feet North 89° 55' 15" East, and 943.12 feet South 3° 55' 15" West of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61, Township 11 South, Range 3 and 4 West, Willamette Meridian, Benton County, Oregon; running thence North 3° 55' 15" East 150.00 feet; thence South 86° 01' 30" East 439.10 feet; thence South 3° 55' 50" West 150.00 feet; thence North 86° 01' 30" West 439.07 feet to the Point of Beginning.
Containing 1.51 acres.

also

Beginning at a 5/8 inch iron rod said rod being 66.0 feet North 89° 55' 15" East; 943.12 feet South 3° 55' 15" West; and 459.07 feet South 86° 01' 30" East of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61, Township 11 South, Range 3 and 4 West, Willamette Meridian, Benton County, Oregon; running thence North 3° 55' 50" East 150.00 feet; thence South 86° 01' 30" East 431.38 feet; thence South 27° 17' 57" West 113.81 feet; thence South 56° 26' 45" West 74.68 feet; thence North 86° 01' 30" West 326.98 feet to the Point of Beginning.
Containing 1.35 acres.

Total Proposed RP Zoning Acreage 2.86 acres.

8/17/78

SMR

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NORTH ALBANY ANNEXATION PROPERTY
PROPOSED R-1(8) PUD ZONE

Beginning at a 5/8 inch iron rod said iron rod being 66.0 feet North 89° 55' 15" East; and 331.22 feet South 3° 55' 15" West of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61, Township 11 South, Range 3 and 4 West, Willamette Meridian, Benton County, Oregon; running thence North 83° 33' 59" East 280.79 feet; thence North 3° 55' 15" East 62.68 feet; thence North 89° 57' 30" East 163.38 feet; thence South 3° 55' 50" West 586.75 feet; thence North 86° 01' 30" West 439.10 feet; thence North 3° 55' 15" East 461.90 feet to the point of beginning.

Containing 5.27 acres.

also

Beginning at a point, said point being 66.0 feet North 89° 55' 15" East; 943.12 feet South 3° 55' 15" West; 459.07 feet, South 86° 01' 30" East; and 150.00 feet North 3° 55' 50" East of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61, Township 11 South, Range 3 and 4 West, Willamette Meridian, Benton County, Oregon; running thence North 3° 55' 50" East 556.71 feet; thence North 73° 51' 15" East 811.35 feet; thence South 23° 56' 40" West 800.99 feet; thence South 44° 12' 20" West 65.31 feet; thence South 27° 17' 57" West 36.07 feet; thence North 86° 01' 30" West 431.38 feet to the Point of Beginning.

Containing 9.23 acres.

Total R-1(6) PUD Annexation Acreage 14.70 acres.