

ORDINANCE NO. 4864

TITLE: ZONE CHANGE AMENDMENT NO. 19 UNDER ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, AND COMPREHENSIVE PLAN AMENDMENT NO. 14 UNDER ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND THE CITY OF ALBANY COMPREHENSIVE PLAN MAPS, TO PROVIDE FOR THE RECLASSIFICATION AND REZONING OF PROPERTY DESCRIBED IN MORE DETAIL BELOW AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS."

WHEREAS the Planning Commission of the City of Albany has held such hearings as are required by law and the ordinances of this city and has made findings concerning the appropriate Comprehensive Plan Amendment and Zone Change 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 reclassification and zoning of the property described below; and

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. EXHIBIT "A"

Exhibit "A" known as "Findings" is hereby adopted as the Albany City Council's findings in support of this decision.

Section 2. PLANNING DEPARTMENT CASE NOS. CP-01-89 & ZC-02-89

The official Albany Comprehensive Plan and Zoning Maps are hereby amended with a Comprehensive Plan Amendment from High Density Residential to General Commercial to with a concurrent Zone Change from R-3 (Multiple Family Residential) to C-2 (Community Commercial) for property located at 422 Cleveland Street SE (Map 11-3W-05CC, TL 10000) (11,896 square feet) as described below and will be known as Comprehensive Plan Amendment No. 14 and Zone Change Amendment No. 19:

South 17 feet of Lot 9 and all of lots 10, 11, & 12, Block 2, Bryant's Second Addition, City of Albany, Linn County, Oregon.

Section 3. COPY FILED

A copy of this Comprehensive Plan and 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.

Passed by the Council: June 14, 1989

Approved by the Mayor: June 15, 1989

Effective Date: July 14, 1989

ATTEST: Debbie Anderson  
Deputy City Recorder

John R. Thompson  
Mayor

EXHIBIT 'A'

**FINDINGS FOR APPROVAL  
COMP PLAN AMENDMENT/ZONE CHANGE CASE NOS. CP-01-89/ZC-02-89**

This application is for a Comprehensive Plan amendment from High Density Residential to General Commercial with concurrent Zone Change from R-3 (Multiple Family Residential) to C-2 (Community Commercial). Surrounding zoning is R-3 to the northeast and southwest and C-2 to the southeast. Currently, the property is a large lot with a vacant concrete block building which was previously used as an auto repair business which became a non-conforming auto repair business when the zoning was changed from Light Industrial to Multiple Family Residential.

The applicant seeks to have the property used as a commercial refrigeration repair facility. The application is based upon the public need to provide land suitable for commercial service facilities within the C-2 zone. A review of available locations within the C-2 zone indicates large parcels or parcels which have been developed for retail use. The majority of the undeveloped parcels are located in large parcels which exceed the need of the applicant and many are located a distance from the Santiam Highway-Pacific Boulevard strip where most of the food and beverage businesses and other businesses which would require commercial refrigeration services are located.

The proposed facility would be served by the existing community water and sewer and the site has other available public utilities already in place. Use of this parcel would allow infilling of otherwise unused property within the city without the need to provide additional public services. The location and size of the parcel make it much more likely to be used for a commercial service facility than as a commercial sale facility.

Utilization of this property would bring a business from outside Albany into the city. This would allow diversity of the economic base by providing a new employer within the city and strengthen the area's role as the regional economic center by providing another business to service the food and beverage industry, both within and without of Albany. This application fills the need to provide an adequate supply of appropriately zoned land to provide for the full range of commercial-economic development opportunities in Albany. This specific application fills the existing need to provide land for service facilities which allow the service business to acquire lower cost land in close proximity to the customers they serve in order to operate with lower fixed overhead and operational costs.

The proposed site will have minimal impacts on the surrounding neighborhood. Since there is no ongoing use of the property at this time, any use of the property will increase the amount of traffic. However, the traffic increase with the commercial refrigeration repair business will be very slight as it is only a rare event when a customer comes to the business, and the remainder of the traffic is generated by the two vehicles (3/4-ton pickups) owned by the business.

The vehicle usage of Cleveland Street will be considerably less than what would be generated if the property was developed as a multiple family residential structure which would be allowed under current R-3 (Multiple Family Residential) zoning. The impact will be far less on the remainder of the

EXHIBIT 'A'

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neighborhood since all traffic that would be generated would turn off of Cleveland into the area available for off-street parking prior to traffic arriving at the driveway of any other residential or multiple family residential use along Cleveland Street.

In summary, this application successfully addresses the short-term and long-term impacts of the proposed change and indicates that the proposed change is in conformance with the Goals and Policies of the Comprehensive Plan. The hearing process has provided the opportunity for citizen review and comment and the applicant has adequately addressed the applicable statewide planning goals. The use of this property best meets the identified public need versus available alternatives in the C-2 and Light Industrial zones.

With the change in the Comprehensive Plan, the Zone Change request would be consistent with the Comprehensive Plan and the proposed use would be consistent with the revised Comprehensive Plan and Zone Change designations. The existing transportation facilities are adequate and the potential for traffic generation is minimized due to the type of use that would be located on the property. Traffic safety is insured by using Cleveland as a control access onto Santiam Road. Existing public services are available to service the project and will not have to be increased to meet the new development.