

ORDINANCE NO. 5071

TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, BY REZONING PROPERTY TO PROVIDE FOR THE RECLASSIFICATION AND REZONING OF PROPERTY ADOPTING FINDINGS ATTACHED IN EXHIBIT "A" AND DECLARING AN EMERGENCY FOR PROPERTY LOCATED AT 2625 QUEEN AVENUE SE (CASE NO. ZC-03-93).

WHEREAS, the Albany Planning Commission held a public hearing on August 16, 1993 as required by local and state law, and recommended that the Albany City Council approve the proposed amendments to the Official Zone Map (Case No. ZC-03-93) based on the findings of fact listed in the staff report, and

WHEREAS, the Albany City Council advertised and caused notices to be given as required by law and held a public hearing on August 25, 1993 and approved the proposed amendment to the Official Zoning Map concerning the zoning for the property being considered (Case No. ZC-03-93).

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

Section 1: The Findings attached as Exhibit A are hereby adopted in support this decision.

Section 2: The official Albany Zoning Map is hereby amended from RM-5 (formerly R-2, Residential Limited Multiple Family) to OP (formerly RP, Office Professional) for an area described as follows: 2625 Queen Avenue SE (See attached legal description Exhibit B.)

Section 3: 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.

Section 4: A copy of the adoption of or changes in comprehensive plans, zoning ordinances and zoning designations shall be filed with the Linn County Assessor's Office within 90 days after the date of this change as well as the legal description and map for the zone change.

Section 5: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of this city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by the Council: August 25, 1993

Approved by the Mayor: August 25, 1993

Effective Date: August 25, 1993

ATTEST:

Mom C. Wilkerson
Deputy City Recorder

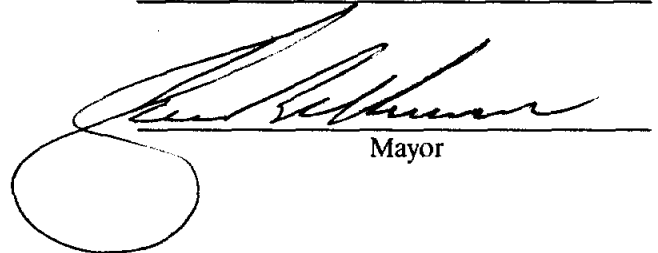

Mayor

EXHIBIT "A"
ZONE CHANGE CASE NO. ZC-03-93

FINDINGS

1. The Comprehensive Plan map designation is Medium Residential.
2. The "Plan Designation Zoning Matrix" found on page 131 of the Comprehensive Plan identifies OP zoning as allowable, subject to special regulations such as Zone Change given a Medium Residential Comprehensive Plan designation.
3. The site is approximately 200' from the intersection of two arterial streets (Queen Avenue and Waverly Drive) equipped with a traffic signal.
4. The site is currently used for retail purposes and is currently operating adequately in terms of transportation facilities.
5. Retail uses like those currently in operation would be the most intense uses allowed under the OP zoning.
6. Site specific circulation for numbers of parking spaces to be provided will be addressed at the the time of Site Plan Review. A doctor's office requires 1 space per 200 square feet of building area, while a flower shop requires 1 space per 300 square feet of floor area.
7. The appropriate service providers identified no adverse impacts associated with the rezoning when contacted about this case as part of the development review process. Site specific conditions will be addressed at the time a Site Plan Review application is submitted for a change of use from a flower shop to a doctor's office.
8. The site is fully developed within an existing urbanized area with no unique natural features or special areas.
9. Buffering and screening may be required to be upgraded at the time of Site Plan Review.
10. The proposed zone change insures that the professional services portion of the commercial mix will continue to be provided. The existing flower shop was allowed as a Modification to a Non-conforming use in the Office Professional zoning district.
11. The proposed zone change encourages the continued use of an already existing Office Professional use, eliminating the need to redevelop the site for multi-family use allowed under the current zoning.
12. While this residential professional use is not acting as a buffer between intensive commercial uses and less intensive residential uses, it is increasing the supply of professional business opportunities of an already existing professional zoning node.

**CITY OF ALBANY
ZONE CHANGE
STAFF REPORT AND FINDINGS DOCUMENT**

FILE NO.: ZC-03-93

HEARING BODY: Albany Planning Commission **HEARING TIME AND DATE:** 5:15 p.m. - August 16, 1993

HEARING LOCATION: Council Chambers, City Hall II, 250 Broadalbin Street SW.

HEARING BODY: Albany City Council **HEARING TIME AND DATE:** 7:30 p.m. - August 25, 1993

HEARING LOCATION: Council Chambers, City Hall II, 250 Broadalbin Street SW.

GENERAL INFORMATION

Applicants: Fred and Eula Stovall; 815 Cox St. SE; Albany, OR 97321

Filed By: Carl Hanson; 408 Fulton SE; Albany, OR 97321

Type of Request: Zone Change from RM-5 (formerly R-2, Residential Limited Multiple Family) to OP (formerly RP, Office Professional). The 11,200 square foot parcel currently is being used for a flower shop (The Flower Gallery).

Property Location: 2625 Queen Ave. SE (west of the northwest corner of Waverly Dr. SE and Queen Ave. SE).

Total Land Area: .27 Acre

Assessor's Map & Tax Lot No.: 11-3W-08D, Tax Lot: 806

Neighborhood: Santiam

Existing Comp. Plan Designation: Medium Residential

Current Zoning Designation: RM-5

Surrounding Zones: OP to the east, RM-5 elsewhere.

Existing Land Use: Flower shop

Surrounding Uses: On the adjoining property to the east, a real estate office; to the east across Waverly Drive, a Planned Unit Development with single family attached houses on the northside of Cedarwood Court and a dental office with a vacant 3-acre Office Professional zoned parcel which has recently sold; to the northeast, Holy Cross Luthern Church; to the north, a vacant 0.64-acre parcel which is adjacent to an existing 4-plex; to the south across Queen Avenue, 2 single family homes on lots of 6,098 and 13,939 square feet each; to the southwest across

Queen Avenue, a vacant 0.98 and 0.84 acre parcels which have been approved for the construction of 40 2-bedroom apartment complex.

Prior History:

The subject property was used for a second-hand thrift store with related outside storage until December 1982 when a Modification to a Non-Conforming Use was approved for a change of use to a flower/gift shop. At that time the property to the east, adjacent to Waverly Drive was vacant and the property to the immediate west was the site of a 7,200 square foot metal building which was occupied by Albany Cabinets, also a non-conforming use. In 1991, a real estate office was constructed as the first phase of a three-office complex on the property to the east. On June 27, 1992, the Albany Cabinets building was destroyed by fire. Approval was given for the construction of a 5,000 square foot church on the Albany Cabinet site in March of 1993.

NOTICE INFORMATION: Notices were mailed to affected property owners on August 4, 1993 as well as posted in the first floor kiosk of City Hall II, 250 Broadalbin SW. The site was posted in accordance with Section 4.034 of the Albany Development Code. At the time this staff report was prepared (August 4, 1993) the Planning Division had received no written comments.

STAFF RECOMMENDATION: APPROVAL TO CHANGE ZONING FROM RM-5 TO OP

PLANNING COMMISSION RECOMENDATION: The Planning Commission unanimously recommended that the City Council APPROVE of the Zone Change request (Case No. ZC-03-93) from RM-5 to OP on an 11,761 square foot parcel of property located at 2625 Queen Ave. SE (Tax Lot 806, 11-3W-8D) based upon the Findings of Fact and Conclusions and the Findings for Approval listed in the Staff Report.

CITY COUNCIL ACTION:

MOTION IN FAVOR

I Move that the City Council APPROVE of the Zone Change request (Case No. ZC-03-93) from RM-5 to OP on an 11,761 square foot parcel of property located at 2625 Queen Ave. SE (Tax Lot 806, 11-3W-8D) based upon the Findings of Fact and Conclusions and the Findings for Approval listed in the Staff Report, the testimony received at the Public Hearing.

OR

MOTION IN OPPOSITION

I move that City Council DENY the Zone Change request (Case No. ZC-03-93) from RM-5 to OP on an 11,761 square foot parcel of property located at 2625 Queen Ave. SE (Tax Lot 806, 11-3W-8D) based upon the testimony received at the Public Hearing and direct Staff to prepare Findings for the denial.

APPROVAL STANDARDS

The approval standards relevant to the review of this application are found in the Albany Development Code and the Albany Comprehensive Plan. Section 2.550 of the Development Code lists the five review criteria which must be met for a zone change request to be approved. Incorporated within the analysis of each review criteria are relevant Comprehensive Plan policies.

[CODE CRITERIA WILL BE WRITTEN IN BOLD PRINT FOLLOWED BY PROPOSED FINDINGS]

- 2.550 (1) *The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for in accordance with Section 2.080.***

Findings of Fact

- 1-A. The Comprehensive Plan map designation is Medium Residential.
- 1-B. The "Plan Designation Zoning Matrix" found on page 131 of the Comprehensive Plan identifies OP zoning as allowable, subject to special regulations such as Zone Change given a Medium Residential Comprehensive Plan designation.

Conclusion

This criterion has been met.

- 2.550 (2) *Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.***

Findings of Fact

- 2-A. The site is approximately 200' from the intersection of two arterial streets (Queen Avenue and Waverly Drive) equipped with a traffic signal.
- 2-B. The site is currently used for retail purposes and is currently operating adequately in terms of transportation facilities.
- 2-C. Retail uses like those currently in operation would be the most intense uses allowed under the OP zoning.
- 2-D. Site specific circulation for numbers of parking spaces to be provided will be addressed at the time of Site Plan Review. A doctor's office requires 1 space per 200 square feet of building area, while a flower shop requires 1 space per 300 square feet of floor area.

Conclusion

This criterion has been met.

- 2.550 (3) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.*

Findings of Fact

- 3-A. The appropriate service providers identified no adverse impacts associated with the rezoning when contacted about this case as part of the development review process. Site specific conditions will be addressed at the time a Site Plan Review application is submitted for a change of use from a flower shop to a doctor's office.

Conclusion

This criterion has been met.

- 2.550 (4) *Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic district will not be jeopardized as a result of the proposed rezoning.*

Findings of Fact

- 4-A. The site is fully developed within an existing urbanized area with no unique natural features or special areas.
- 4-B. Buffering and screening may be required to be upgraded at the time of Site Plan Review.

Conclusion

This criterion has been met.

- 2.550 (5) *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.*

The following Comprehensive Plan policies have been identified as relevant to this review criteria:

Economy

1. Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Albany's residents and others.

Urbanization

1. Encourage the use of already serviced vacant and underdeveloped land through adaptive reuse of older areas of the community and the development and/or partitioning of lots which can meet minimum lot size requirements.
2. Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.

Findings of Fact

- 5-A. The proposed zone change insures that the professional services portion of the commercial mix will continue to be provided. The existing flower shop was allowed as a Modification to a Non-conforming use in the Office Professional zoning district.
- 5-B. The proposed zone change encourages the continued use of an already existing Office Professional use, eliminating the need to redevelop the site for multi-family use allowed under the current zoning.
- 5-C. While this residential professional use is not acting as a buffer between intensive commercial uses and less intensive residential uses, it is increasing the supply of professional business opportunities of an already existing professional zoning node.

Conclusion

This criterion has been met.