

ORDINANCE NO. 4696

TITLE: ZONE CHANGE AMENDMENT NO. 2 UNDER ORDINANCE NO. 4528 REZONING 0.84 ACRES OF PROPERTY APPROXIMATELY 338 FEET SOUTH OF THE SOUTHWEST CORNER OF 14TH AVENUE AND DAVIDSON STREET FROM R-2 (LIMITED MULTIPLE FAMILY RESIDENTIAL) TO R-P (RESIDENTIAL PROFESSIONAL).

WHEREAS the Planning and Zoning 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 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 described above and bases its decision in accordance with the findings on file with the City Recorder which are adopted by separate motion and incorporated by reference herein; and

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

(none)

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

Section 1. ZONE CHANGE AMENDMENT NO. 2

An area described as follows: (see attached legal description) is hereby rezoned as R-P (Residential Professional) and will be known as Zone Change Amendment No. 2.

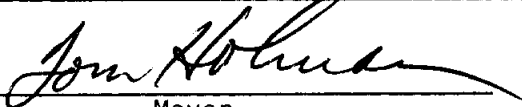
Section 2. COPY FILED

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.

Passed by the Council: October 23, 1985

Approved by the Mayor: October 24, 1985

Effective Date: November 22, 1985


Mayor

ATTEST:


City Recorder

JACKSON & PROCHNAU
 INCORPORATED
 CONSULTING FOREST ENGINEERS
 LICENSED LAND SURVEYORS REGISTERED PROFESSIONAL ENGINEERS
 409 S.E. ERMINE ST.
 P.O. BOX 177
 ALBANY, OREGON 97321

July 31, 1985

LEGAL DESCRIPTION
 MURRAY, OLSEN, CUDE
 SE $\frac{1}{4}$ SECTION 8, T11S, R3W, W.M.

X PARCEL 1

Beginning at a point on the West right-of-way line of Davidson Street, in the City of Albany, Linn County, Oregon, said point being N 88° 51' E 1899.48 feet, N 1° 25' 10" W 390.16 feet, N 89° 48' 05" W 70.00 feet, N 22° 29' 06" E 12.29 feet, N 1° 28' 29" E 198.05 feet, N 7° 31' 44" E 90.70 feet and N 9° 40' 05" E 51.20 feet from the Southeast corner of Abram Hackleman Donation Land Claim No. 62 in Section 8, T11S, R3W, W.M. Linn County, Oregon. Thence along said West right-of-way line, on a 375 foot radius curve to the left, the long chord of which bears N 3° 36' 55" E 28.00 feet; thence along said West right-of-way line, N 1° 28' 29" E 50.67 feet; thence S 73° 15' W 98.92 feet; thence N 16° 45' W 70.00 feet; thence S 73° 15' W 96.00 feet; thence N 16° 45' W 37.00 feet; thence West 166.74 feet; thence S 6° 33' W 52.42 feet; thence East 60.50 feet; thence S 1° 25' 10" E 80.87 feet; thence N 88° 34' 50" E 324.73 feet to the point of beginning. Containing 0.84 acres more or less.

In determining compliance with the above criteria, the following questions have been developed by the staff. Adequate findings with these questions will support compliance with the Plan.

FINDINGS

1. TRANSPORTATION FACILITIES: What are the existing or anticipated transportation facilities (streets, bus routes, etc.), what impact on traffic generation and safety will result from the proposed zone, and how do the transportation facilities make the proposed zone the most appropriate zone within the plan designation?

(a) Applicant's Comments:

"FACTS: The property is located south of the SE corner of the intersection of Fourteenth Avenue and Davidson Street, constructed to City standards at the time the area was developed. Fourteenth Avenue is designated as a collector on the Master Street Plan, as is Clay Street which is immediately north of the subject property. The property is also served by the City bus service. If the zone change is granted, a minor land partition will join the property with a 5.97 acre parcel of R-P land to the north and west.

CONCLUSION: Existing streets are adequate for either the existing R-2 zoning or the proposed R-P zoning. The limited business and professional uses permitted by the R-P zone will have no significant adverse impact on the streets when compared to the impact R-2 development would have. The zone change will have little or no effect on the transportation system. Conversely, the transportation system in and of itself is not a significant factor in determining whether R-2 or R-P zoning is the most appropriate."

(b) Staff Comments & Conclusions:

Clay Street and 14th Avenue are also designated on the Master Bike Plan as proposed bikeways. The subject property is adjacent to and approximately 358 feet south of two designated collector streets. Any traffic impact which occurs as a result of the development of the property can be minimized through enforcement of the City of Albany's development standards.

2. PUBLIC SERVICES: How will other existing or anticipated services (sanitary sewers, storm sewers, schools, fire protection, etc.) be impacted by the proposed zone, and how do these services make the proposed zone the most appropriate zone within the plan designation?

(a) Applicant's Comments:

"FACTS: The subject property is served by existing sanitary sewers and storm sewers. It is within the City and is now and will continue to be protected by the City Fire and Police departments. Public services are not a significant factor in determining whether R-2 or R-P is the most appropriate zone.

CONCLUSION: It is unlikely that R-P uses will put a more severe demand on City services than R-2 uses. Business and commercial use of the property will not bring an increase in residential population to the area and should not effect existing schools."

(b) Staff Comments & Conclusions:

Any use allowed in the proposed zone will require the submission and approval of a Site Plan for the development which will assure adequate sewer, water, and storm drainage facilities on the site. Adequate public facilities presently exist to service the site.

3. NATURAL FEATURES: What are the natural features of the site, how will those features be impacted as a result of the zone change, and how do these features make the proposed zone the most appropriate zone within the plan designation?

(a) Applicant's Comments:

"FACTS: The subject property has no significant natural features.

CONCLUSION: The property has no significant natural features and is equally conducive to R-2 or R-P zoning."

(b) Staff Comments & Conclusions:

Landscaping is required for all developments in the R-P (Residential-Professional) zone including parking areas.

4. SPECIAL DISTRICTS: Is the area proposed for a change within any of the following special areas, and considering the impact of uses allowed in the proposed zone, how does this particular zone fit with the special area?

(a) Applicant's Comments:

"FACTS: There are no special areas involved such as floodplains, slopes, historical districts, etc.

CONCLUSION: This criteria has no application to the current request."

(b) Staff Comments & Conclusions:

The subject property does not fall within any of the special districts designated in the Comprehensive Plan. There will be no impact on any of the special districts listed the the Albany Comprehensive Plan.

5. NEIGHBORHOOD COMPATIBILITY: What type of development (existing and anticipated surround the site, what are the probable impacts from allowed uses on surrounding development, and how does the question of compatibility make the proposed zone the most appropriate zone within the plan designation?

(a) Applicant's Comments:

"FACTS: The subject property is located in an area which has been developed for mixed business and residential uses. Across Davidson to the east is a large office building and vacant land. To the south is a retirement center. Immediately to the west and north is a 5.97-acre parcel of R-P land owned by the applicants. Because of setback requirements and size, the subject property is virtually unusable unless joined with adjacent R-P property.

CONCLUSION: Uses in the R-P zone are selected for their compatibility with both residential and business endeavors. R-P uses may be more compatible with the retirement center to the south than medium density residential uses. R-P zoning would allow development of the property in a way which might provide needed services and facilities to the occupants of the retirement center (i.e. beauty shops, barbers, lawyers, doctors, dentists). That is preferable to leaving the land vacant which is likely a result of letting it remain R-2. The request is compatible with existing and contemplated uses in the area."

(b) Staff Comments & Conclusions:

Adequate assurances exist through regulations established in the Albany Development Code for the Residential-Professional designation to require development which would be compatible with existing and allowed uses.

6. COMMUNITY LOCATION: How does the proposed zone comply with distribution policies of the plan? For example, neighborhood commercial sites are to be spread throughout the community to serve as neighborhood centers. Higher density development is desired as to reduce the need for travel and increase energy policy. Pay particular attention to Comprehensive Plan Pages 43, 44, 50, 94, 95, and 106.

(a) Applicant's Comments:

"FACTS: There are no residential professional facilities available in close proximity to the retirement center and residences to the south. While the Fred Meyer shopping area is not far away, the residents of the retirement center have to travel across 14th Avenue and along Clay Street to go there. Both are heavy traffic streets.

CONCLUSION: The residents to the south of the subject property would make use of R-P facilities within close walking distance of their homes. This complies with policies 10 and 18 at page 44 of the Comprehensive Plan."

(b) Staff Comments & Conclusions:

The subject property is located adjacent to and 358 feet south of designated collector streets. The proposed R-P zoning designation is not in conflict with the distribution policies of the Albany Comprehensive Plan.

7. LOW-INCOME HOUSING OPPORTUNITY: If residential zoning is involved, explain how approval of the request will not exclude opportunities for adequate provision of low- and moderate-income housing within the subject neighborhood area.

(a) Applicant's Comments:

"FACTS: Vacancy rates for rentals in Albany is high. There is a significant amount of land zoned for medium density residential development in Southwest Albany available for development, including an adjacent parcel owned by the applicants. In the event this property remains R-2, its size and shape make it unlikely it will be developed and there is no guarantee it would be developed for moderate- or low-income housing. If such development is desired by the owners, they could do so under the planned unit development procedures, even if the property is zoned R-P.

CONCLUSION: The proposed rezone would have no significant impact on low- and moderate-income housing opportunities."

(b) Staff Comments & Conclusions:

Although the property is currently zoned R-2 (Limited Multiple Family Residential) and that zoning designation does allow for low-income housing, the opportunity for low-income housing will not change as there is a 3.42-acre vacant parcel to the west of the subject property which is currently zoned R-2 (Limited Multiple Family Residential).

8. ALTERNATIVE LANDS: What other areas within the city have the identical Comprehensive Plan designation and zoning as the zone redesignation being applied for? (Give location of parcels and estimate of acreage.) What are the characteristics of the subject parcel that are not duplicated by the similarly zoned land (mentioned above) that make it necessary to amend the zoning?

(a) Applicant's Comments:

"FACTS: Other residential professional land is available within the City including the adjoining parcel owned by applicants. The purpose of this request is to make the subject property usable by joining it with the R-P zoned property to the north.

CONCLUSION: Because of its size and shape, it is necessary to join the subject property to an adjoining parcel to make use of it. It makes no sense to join it to the R-P property to the north without zoning it R-P."

(b) Staff Comments & Conclusions:

The subject property is currently designated as Medium Density Residential on the Albany Comprehensive Plan map. The property to the immediate north is designated as Light Commercial. The existing group care facility located immediately to the south was allowed as a Conditional Use in the Limited Multiple Family Residential zone and would be

allowed in the R-P zone also as a Conditional Use. The proposed zoning is in conformance with the existing Comprehensive Plan designation.

9. ENERGY EFFICIENCY: Explain how the zone change will assist with efficient service provisions and energy conservation, comparing present development on this parcel as opposed to other vacant parcels with the same zoning (Comprehensive Plan Pages 93-116 discuss growth and energy use).

(a) Applicant's Comments:

"FACTS: Because of its size and shape, the subject property is not suited for development unless joined with another parcel.

CONCLUSION: Joining the subject property to the R-P property to the north makes useable otherwise unusable land. conservation of land resources is energy efficient."

(b) Staff Comments & Conclusions:

The subject property is adjacent to property currently zoned R-P and would be combined with said property which will encourage the development of the property as a whole and will not leave a small vacant parcel between two larger developed parcels.

10. ADDITIONAL APPLICANT FINDINGS: If this application is approved, the applicants will submit a request for a minor land partition to the staff. The staff has indicated that if the request is in the proper form, it will be approved. Upon approval of the minor land partition, this small, irregular .84-acre parcel will be joined with the applicants' 5.97-acre parcel to the north and east, making a large usable R-P parcel, which hopefully can be developed for the good of the area.

STAFF RECOMMENDATION

That the Planning Commission recommend approval of the Zone Change from R-2 (Limited Multiple Family Residential) to R-P (Residential-Professional).

PLANNING COMMISSION RECOMMENDATION

At the October 7th meeting, the Planning Commission unanimously recommended approval of the proposed Zone Change from R-2 (Limited Multiple Family Residential) to R-P (Residential-Professional) based upon the facts and conclusions listed in the staff report.

APPEALS:

Should the City Council recommend denial and the applicant or any affected property owner is dissatisfied with the decision or any conditions thereof, s/he may file a "Notice of Intent to Appeal" with the State Land Use Board of Appeals within 20 days from the effective date of the Council's action.