

ORDINANCE NO. 4926

TITLE: AN ORDINANCE AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, BY REZONING PROPERTY LOCATED AT 1900 QUEEN AVENUE SE, AND ADOPTING FINDINGS ATTACHED AS EXHIBIT A.

WHEREAS, an appeal has been filed with the Land Use Board of Appeals relating to the City Council's denial of Zone Change Case No. ZC-01-90; and

WHEREAS, the appeal relates only to that portion of the property whose zoning was previously C-1 but appears to have been changed due to a mapping error; and

WHEREAS, the opposition to the Zone Change request has stated through counsel that they "will not take further action in this matter and stand in the way of progress"; and

WHEREAS, public hearings concerning the original Zone Change request were held before the Planning Commission on May 7 and the City Council on May 23, and

WHEREAS, the LUBA appellants have stated that they will withdraw their appeal if the portion in question is rezoned, thereby saving City planning and attorney staff time and money.

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

Section 1: The Council decision of June 13, 1990, on Zone Change Case No. ZC-01-90 is hereby reconsidered.

Section 2: The Findings attached as Exhibit A are hereby adopted in support of this decision.

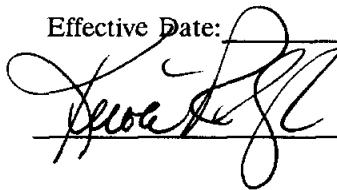
Section 3: The official Albany Zoning Map is hereby amended from R-3 to C-1 for an area described in attached Exhibit B.

Section 4: 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: September 12, 1990

Approved by the Mayor: September 13, 1990

Effective Date: October 12, 1990



Mayor

ATTEST:



City Recorder

EXHIBIT A

FINDINGS FOR APPROVAL CASE NO. ZC-01-90

1. The Plan Designation Zoning Matrix as shown on page 131 of the Albany Comprehensive Plan indicates that C-1 (Neighborhood Commercial) zone is allowed but "Restricted" or subject to special regulations such as Zone Change, in areas designated for R-3 (High Density Residential). This means the rezoning can be processed without need for a Plan map amendment.
2. It appears that a cartographic error may have carried to the present. The area of the proposed zone change is consistent with the original zone change approved in 1974 and with subsequent plans for a commercial area in conjunction with the Planned Unit Development approved in 1974 and 1978.
3. The Zone Change involves the addition of less than 2 acres to the current amount of commercially zoned land in the City of Albany. The City currently has an adequate supply of vacant land designated for medium and high density residential uses.
4. The north portion of this site is already zoned commercial. The southern portion is zoned for multi-family development. The proposed amendment will only adjust the line between these two uses. The relationship of the residential uses to the commercial uses will stay the same.
5. The subject property is located at the southeast quadrant of the intersection of two arterial streets and will have minimal impact on the carrying capacity of Geary Street or Queen Avenue.
6. Public facilities (i.e. paved streets, sewer, water, and storm drainage) are presently available to serve the site.
7. There are no significant natural features on the site. Periwinkle Creek is a channelized creek in this area and as such there is no floodplain on the subject property. No wetlands exist on the site.
8. The proposed grocery store is compatible with the surrounding uses.
9. Appropriate conditions which address buffering, screening, landscaping, circulation, ingress and egress, parking, etc. are fully identified through the conditions of approval for Site Plan Review.
10. The proposed use is in compliance with the applicable Goals and Policies of the Albany Comprehensive Plan relating to neighborhood services.

