



AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, BY AMENDING THE ALBANY COMPREHENSIVE PLAN MAP AND THE ALBANY ZONING MAP AND ADOPTING FINDINGS FOR 2000 QUEEN AVENUE SE; LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-08CD; TAX LOT 211.

WHEREAS, on January 11, 2019, the Albany Community Development Department received an application for a Comprehensive Plan Map Amendment concurrent with a Zoning Map Amendment for a 4.85-acre parcel located at 2000 Queen Avenue SE (City of Albany Planning File CP-01-19 & ZC-01-19); and

WHEREAS, the application request is to amend the Comprehensive Plan Map designation for this property from Light Commercial (LC) to General Commercial (GC), concurrent with an amendment to the Zoning District Map from Neighborhood Commercial (NC) to Community Commercial (CC); and

WHEREAS, the Albany Planning Commission held a public hearing on April 15, 2019, considered public testimony, deliberated on the proposed map amendments and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, the Albany City Council held a public hearing on the same application on May 8, 2019, and reviewed the findings of fact and conclusions included in the staff report and testimony presented at the public hearing and then deliberated.

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

Section 1: The Comprehensive Plan Map is hereby amended from Light Commercial (LC) to General Commercial (GC) and the Zoning District Map is hereby amended from Neighborhood Commercial (NC) to Community Commercial (CC) for the property located at 2000 Queen Avenue SE, in the City of Albany, Linn County, Oregon, as shown in Exhibit A of this ordinance.

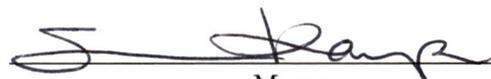
Section 2: A copy of this ordinance shall be filed in the Office of the Clerk of Linn County, Oregon, and these changes shall be made on the official City of Albany Comprehensive Plan Map and Zoning Map.

Section 3: A copy of this ordinance shall be filed with the Linn County Assessor's Office within 90 days of the effective date of this ordinance.

Passed by the Council: May 8, 2019

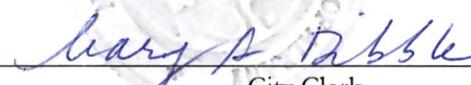
Approved by the Mayor: May 8, 2019

Effective Date: June 7, 2019



Mayor

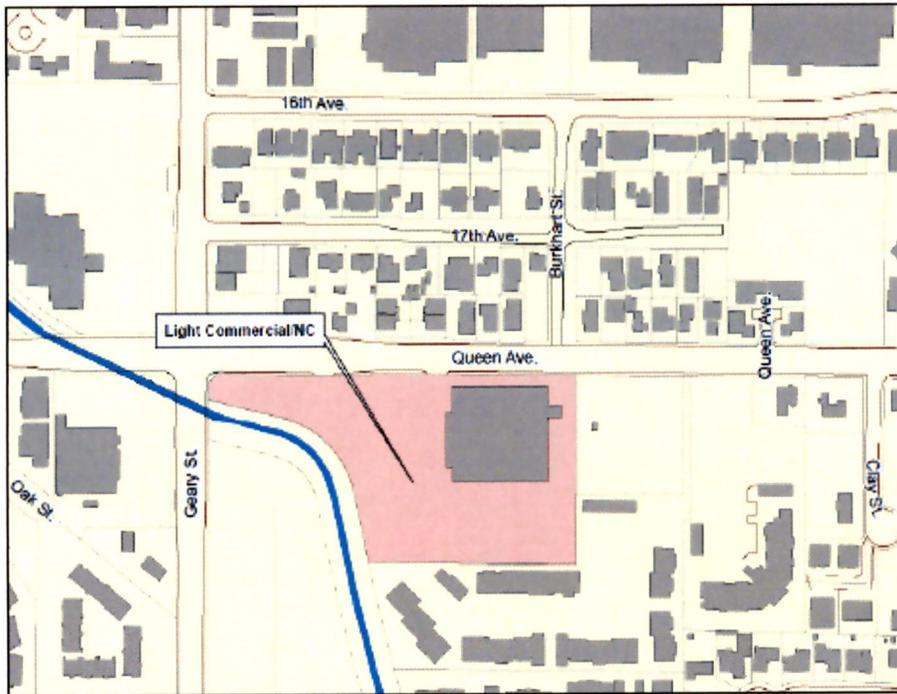
ATTEST:

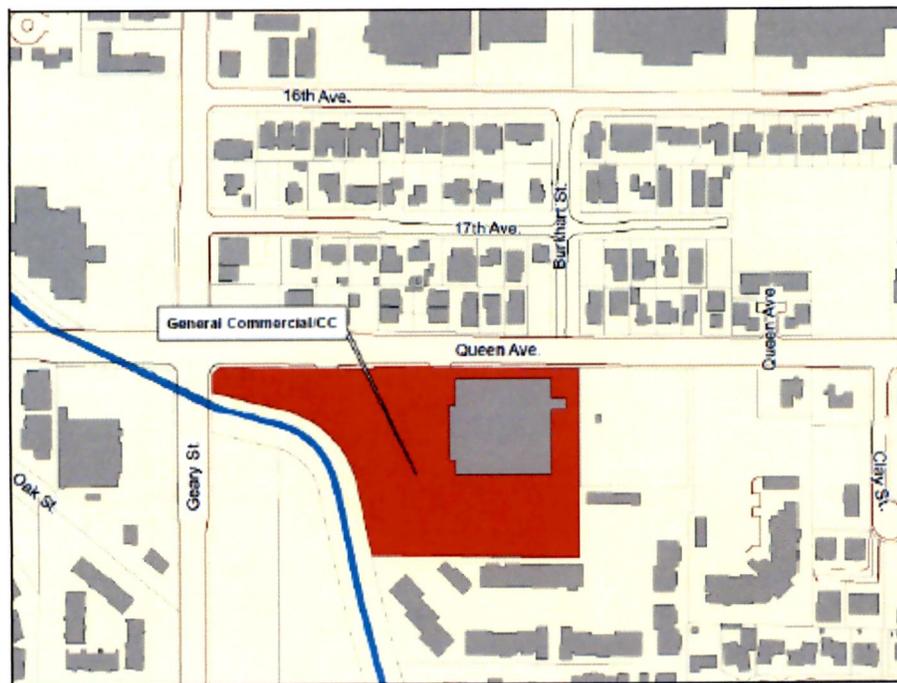
City Clerk

Exhibit A

Current Designation



Proposed Designation





COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Staff Report

Comprehensive Plan and Zoning Map Amendment

CP-01-19 & ZC-01-19

April 5, 2019

| | | |
|-------------------|---|------------------------|
| HEARING BODY: | PLANNING COMMISSION | CITY COUNCIL |
| HEARING DATE: | MONDAY, APRIL 15, 2019 | WEDNESDAY, MAY 8, 2019 |
| HEARING TIME: | 5:15 P.M. | 7:15 P.M. |
| HEARING LOCATION: | COUNCIL CHAMBERS, ALBANY CITY HALL, 333 BROADALBIN STREET SW | |

Background

B & E3, LLC, and Lyon Associates, represented by Attorneys Mark Shipman and Nathan Riemersma, of Saalfeld Griggs PC, submitted an application requesting a Comprehensive Plan Map Amendment to change the designation of a 4.85-acre parcel Light Commercial (LC) to General Commercial (GC). This application includes a concurrent Zoning Map Amendment that would change the site's zoning designation from Neighborhood Commercial (NC) to Community Commercial (CC).

The property is located at 2000 Queen Avenue SE (Attachment A). The subject property contains a 43,000-square-foot building that was built in 1990 and formerly contained the location of Mega Foods for approximately 18 years. The property is bordered by an electric utility substation and multifamily dwelling units to the east, apartments to the south, and Periwinkle Creek to the west with undeveloped Residential Medium Density Attached (RMA) beyond the creek. To the north, across Queen Avenue, there are single-family residences. A convenience store is located on the north side of Queen Avenue at the corner with Geary Street.

According to previous zoning maps and records, the Mega Foods property was zoned C-2 (Local Business) District until 1977, when it was zoned C-1 (Neighborhood Commercial) District. The original grocery store was approved through Site Plan Review in July 1990. The zoning remained C-1 (Neighborhood Commercial). At the time the grocery store was approved, there was no maximum building size in the district; however, businesses in that zone were supposed to cater to nearby residents in convenient locations. The zoning designation changes from C-1 to NC by 1998, but the name of the zoning district continued to be "Neighborhood Commercial." A maximum building size standard was added to the NC district in Ordinance 5555, which took effect February 7, 2003.

The maximum retail business building footprint was limited to 5,000 square feet and new lots in the NC zone could not exceed 30,000 sq. ft. An amendment to the Albany Development Code was approved January 9,



2019, that removed the maximum retail business limitation in the OP and NC zoning districts for existing buildings built prior to February 7, 2003 (file DC-06-18; Ordinance 5923); however new retail business building footprints cannot exceed 5,000 square feet. The applicants contend that being in the NC zone, there are no financially feasible alternative uses for a building of this size due to the use restrictions contained in Table 4-1 of the Albany Development Code (ADC). The building and the size of the parcel are both larger than those typically contemplated for the NC zone. The applicants assert that the subject property is essentially mis-zoned and submit this application to remedy the issue.

The staff analysis concluded the following:

- The proposal to change the Plan designation to GC with the concurrent zone change to CC will have little effect on the neighborhood since the site is already characterized by development more consistent with the CC zone.
- The requested Plan designation is consistent with the Comprehensive Plan map patterns apparent in the surrounding vicinity.
- On balance, the evidence supports changing the designation of the subject property from LC to GC, and the zoning from NC to CC.

Therefore, the staff recommends APPROVAL of the Proposed Comprehensive Plan and Zoning Map amendments.

Application Information

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|-----------------------------|--|
| Review Body: | Planning Commission and City Council (Type IV-Q Review) |
| Staff Report Prepared By: | David Martineau, Project Planner |
| Type of Application: | Quasi-Judicial Comprehensive Plan Map Amendment from Light Commercial to General Commercial, and Zoning Map Amendment from Neighborhood Commercial (NC) to Community Commercial (CC) |
| Property Owner / Applicant: | B & E3, LLC; Lyon Associates; 101 Ocean Avenue, Suite D601; Santa Monica, CA 90402 |
| Applicant Representatives: | Mark Shipman, Attorney; and Nathan Riemersma, Attorney; Saalfeld Griggs PC; 250 Church Street SE, Suite 200; Salem, OR 97301; hstevenson@sglaw.com (Hannah Stevenson, Assistant) |
| Address/Location | 2000 Queen Avenue SE |
| Map/Tax Lot: | Linn County Tax Assessor's Map No. 11S-03W-08CD; Tax Lot 211 |
| Zoning: | Neighborhood Commercial (NC) District |
| Total Land Area | 4.85 Acres |
| Existing Land Use: | Vacant commercial retail space with associated 150 space parking lot |
| Neighborhood: | Periwinkle |
| Surrounding Zoning: | North: Residential Medium Density (RM); Neighborhood Commercial (NC) South: Residential Medium Density Attached (RMA) East: RMA |

| | |
|-------------------|--|
| | West: Community Commercial (CC) across Geary Street; RMA |
| Surrounding Uses: | North: Convenience market (7-11); single family residences South: Multifamily dwelling units East: Electric utility substation; multifamily dwelling units West: Periwinkle Creek; undeveloped RMA-zoned land |
| Prior History: | According to previous zoning maps and records, the Mega Foods property was zoned C-2 (Local Business) District until 1977, when it was zoned C-1 (Neighborhood Commercial) District. The original grocery store was approved through Site Plan Review in July 1990. The zoning remained C-1 (Neighborhood Commercial). At the time it was approved, there was no maximum building size in the district; however, businesses were still supposed to cater to nearby residents in convenient locations. The zoning designation changed from C-1 to NC by 1998, but the name of the district continued to be "Neighborhood Commercial." A maximum building size standard was added to the NC district in Ordinance 5555, which took effect February 7, 2003. The maximum business building footprint was limited to 5,000 square feet and new lots in the NC zone could not exceed 30,000 sq. ft. An amendment to the Albany Development Code was approved January 9, 2019 that removed the maximum retail business limitation in the OP and NC zoning districts for buildings built prior to February 7, 2003 (file DC-06-18; Ordinance 5923). |

Notice Information

Public notice was issued in accordance with development code requirements. A notice was issued to the Oregon Department of Land, Conservation and Development on January 11, 2019, at least 35 days prior to the first public hearing. A Notice of Public Hearing was mailed to property owners located within 300 feet of the subject property on March 25, 2019, at least 20 days prior to the first public hearing. The Notice of Public Hearing was posted on the subject property by April 5, 2019. The staff report was posted on the City's website April 5, 2019. At the time this staff report was completed, no comments had been received.

Appeals

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per ORS 197.830 a notice of intent to appeal the plan and/or zoning map amendments shall be filed with LUBA no later than 21 days after notice of the decision is mailed or otherwise submitted to parties entitled to notice.

Analysis of Development Code Criteria

Comprehensive Plan Map Amendment (CP-01-19)

Section 2.220(3) of the Albany Development Code (ADC) includes the following review criteria that must be met for this quasi-judicial map amendment to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

Criterion (a)

The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.

Findings of Fact

a.1 **Current Plan Designation:** The current Comprehensive Plan Map designation of the property is Light Commercial-LC (Attachment B). The LC designation “Provides for limited commercial activities that include office professional and neighborhood commercial uses. This designation is used to buffer between residential and more intensive uses, (such as between the Community Commercial District and the surrounding residential areas) and also to provide neighborhood commercial uses in close proximity to residential areas,” (Albany Comprehensive Plan, page 9-10).

a.2 **Requested Designation:** The request is to designate 4.85 acres of LC to General Commercial-GC (Attachment C). The GC Plan designation “Identifies areas from community services to regional commercial establishments, suitable for a wide range of retail sales and service establishments”. Aside from recognition of existing commercial corridors, new commercial areas will develop under design guidelines to avoid the continuance of “strip commercial” development in order to more efficiently serve the shopping needs of the community and region.”

a.3 The Comprehensive Plan defines a goal as, “a general statement indicating a desired end, or the direction the City will follow to achieve that end.”

The Comprehensive Plan describes the City’s obligation in regard to goals as follows: “The City cannot take action which opposes a goal statement unless: 1) It is taking action which clearly supports another goal; 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed,” (Comprehensive Plan, page ii).

a.4 The Comprehensive Plan (page 2) defines a policy as, “a statement identifying a course of action or City position.”

The Comprehensive Plan describes the City’s obligation regarding policies as follows: “The City must follow relevant policy statements in making a land use decision . . . [I]n the instance where specific Plan policies appear to be conflicting, then the City shall seek solutions which maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the City shall consider whether the policy contains mandatory language (e.g., shall, require) or more discretionary language (e.g., may, encourage),” (Comprehensive Plan, page iii).

Relevant Plan Goals and Policies

a.5 The proposed Plan map amendment to change land from LC to GC must satisfy long-range interests of the general public as outlined in the Comprehensive Plan’s goals and policies.

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed GC designation is more supportive of the Comprehensive Plan, on balance, than the current LC designation. The relevant goals and policies are listed under the relevant Statewide Planning Goals and are shown in **bold** print followed by findings of fact and conclusions.

Statewide Planning Goal 9: Economy-Albany’s Economy (Chapter 3)

Goal 1: Diversify the economic base in the Albany area and strengthen the area’s role as a regional economic center.

Goal 2: Provide a supportive environment for the development and expansion of desired

businesses.

Goal 3: Promote Albany's positive economic, social, and cultural image throughout the state and region and, where appropriate, at the national and international levels.

- a.6 According to the applicant (see Attachment D), amending the Comprehensive Plan designation of the subject property would further Albany's economic goals because the new designation would provide opportunities for businesses to utilize the building on the subject property rather than having the building sit vacant and constrained by the ADC. The building's 43,000-square-foot footprint is best suited for uses allowed in general commercial zones, not in light commercial. Having a successful commercial business in that location, will do more to diversify the economic base in the City of Albany, create an environment for development and expansion of businesses and promote a positive economic image in the City of Albany.

The current Comprehensive Plan designation and zoning designation prohibit many of the viable uses for a building of such a size. In fact, Article 4 of the ADC limits new buildings in the NC zone to a 5,000 square foot maximum footprint for retail and service uses and limits the lot size of new NC zones to 30,000 square feet of contiguous land. The subject property is simply not compatible with its current zoning designation, and accordingly the range of uses allowable in the current zone are not consistent with a building of such a size.

The applicant notes that the most efficient and economically viable use of the subject property would be to make use of the building currently on the lot. Keeping the property in its current Comprehensive Plan designation and zoning assignment would likely require significant structural changes to the building at the minimum, if not a complete tear-down and rebuild which would constitute over one million dollars in wasted infrastructure.

For the reasons stated above, changing the subject property's Comprehensive Plan designation and zoning from its current status to GC and CC would diversify the economic base in the City of Albany by allowing the parcel to accommodate new zoning and allow the building to house a viable business to operate and grow the economic base of the City of Albany. Changing the Comprehensive Plan and zoning designations so that they are consistent with the structure on the property would provide the most supportive environment for the development and expansion of desired businesses. Finally, having a successful business in such a prominent location would contribute to Albany's positive economic, social, and cultural image throughout the state.

Statewide Planning Goal 9: Economy-Public Infrastructure (Chapter 3)

Goal 1: Ensure that new industrial and commercial development is located in areas that can be adequately served by public infrastructure.

- a.7 The subject property is presently served by public infrastructure. Any future development will have access to public services.

Statewide Planning Goal 12: Transportation (Chapter 5)

Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.

Goal 2: Provide a safe transportation system.

- a.8 The facts surrounding the transportation system are more fully addressed in the TPR Analysis completed by DKS Associates, Inc. (Attachment E). The TPR Analysis found that the allowable land uses under the CC zone would produce similar levels of trip generation to the NC zone, generating approximately 126 net new daily trips and would cause no further degradation to the transportation system. The traffic impacts in the new Community Commercial zone will be also be similar to the conditions when the Mega Foods grocery store was operational. At its peak, Mega Foods was servicing 1,800 customers within the peak hours (between 4:00 and 6:00 p.m.). The maximum traffic generated by a general commercial business would likely not exceed the peak traffic generated by the Mega Foods at its peak.

According to the City of Albany's Transportation System Plan (TSP), all signalized intersections under the City of Albany's jurisdiction currently operate at a Level of Service (LOS) "D" or better. This includes the two intersections nearest to the Subject Property: at Queen Avenue and Geary Street, and at Queen Avenue and Waverly Drive, both of which are signalized. The Queen/Geary intersection operates at a LOS B, and the Queen/Waverly intersection operates at a LOS C. The TSP also identifies improvements necessary to accommodate anticipated development through the year 2030. The TSP does not identify any capacity or level of service problems occurring adjacent to the Subject Property.

The proposed change is consistent with Goal 12 and will not hinder the City of Albany in providing an efficient transportation system that provides for the local and regional movement of people and goods. It will not hinder the City of Albany's goal of providing a safe transportation system that ensures mobility for all community members and providing alternatives to automobile travel.

Statewide Planning Goal 14: Urbanization (Chapter 8)

Goal 1: Achieve stable land use growth which results in a desirable and efficient land use pattern.

Policy 9: 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.

Policy 10: The size and type of future regional and community commercial sites shall be commensurate with the area to be served and located so as to be easily accessible by the service area. Approvals of additional regional and community commercial sites may be predicated upon studies requested by the City which assess public need, impacts upon competing commercial areas, traffic impacts, and impacts upon other public services.

Policy 15: Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.

- a.9 The subject property is located in an area which if revitalized could potentially be classified as infill development, according to the applicant. The property is fully serviced with City of Albany water, sanitary sewer, storm drainage, and police and fire service. Transit service is available approximately 950 feet from the building on the Subject Property at the Queen and Geary street intersection. A revitalized business in this location would further the City's goal of achieving a desirable and efficient land use pattern. Additionally, it would encourage the use of an already-serviced currently unoccupied parcel.

Conclusions

- a.1 The proposed Comprehensive Plan designation and zoning amendment will result in a more efficient use of existing site development and infrastructure.
- a.2 The subject property was developed in 1990, before limits were placed on maximum retail business footprint and lot sizes in the Neighborhood Commercial zone.
- a.3 On balance, the GC Comprehensive Plan designation and CC zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- a.4 This criterion is met.

Criterion (b)

The requested designation is consistent with any relevant area plans adopted by the City Council.

Findings of Fact

- b.1 "Relevant area plans" as used here means land use plans. For example, the City has relevant area plans for areas such as North Albany and South Albany. There are no relevant area plans for the area where the subject property is located.

Conclusion

- b.1 This review criterion is not applicable because there are no relevant area plans for the area where the property is located.

Criterion (c)

The requested designation is consistent with the Comprehensive Plan Map pattern.

Findings of Fact

- c.1 The Comprehensive Plan does not, in broad terms, describe ideal land use or map patterns. Typically, it is good practice to locate uses with negative off-site impacts away from residential areas, avoid "spot zoning," provide a transition from higher intensity land uses to less intense residential uses, encourage compatible infill, and discourage low-density sprawl.
- c.2 Particular Comprehensive Plan goals and/or policies provide guidance about what kind of uses and land patterns are desirable. For example, one Plan policy says, "Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use." Other Plan policies support locating goods, services, and employment close to the area intended to serve; and protecting natural resources and cultural assets.

- c.3 As illustrated in Figure 1 below, the Comprehensive Plan Map pattern in the vicinity of the subject property is a patchwork consisting of Medium Density Residential (MDR), Light Commercial (LC), General Commercial (GC), Low Density Residential (LDR), and Public/Semi-Public areas.
- c.4 The property surrounding the subject property to the east, south and west is designated Medium Density Residential (MDR). The parcel immediately adjacent to the subject property to the east is designated MDR and contains a transformer power station. Further east are apartment complexes and single-family residences designated MDR. Immediately south, are apartment buildings designated MDR. Across Queen Street to the north is a 7-Eleven with a Comprehensive Plan designation of LC and housing designated MDR. Further north is Heritage Plaza, a large block of general commercial development including a call center, grocery stores, Marshalls, Big Lots, and the Heritage Mall. To the west, immediately across Geary Street is a General Commercial (GC) parcel containing a Wheeler Dealer, and an LC parcel which has an office use (Cascades West Council of Governments). Periwinkle Creek provides buffered separation between the subject property and the undeveloped MDR-designated properties to the west. South of those parcels is designated MDR containing multi-family housing.

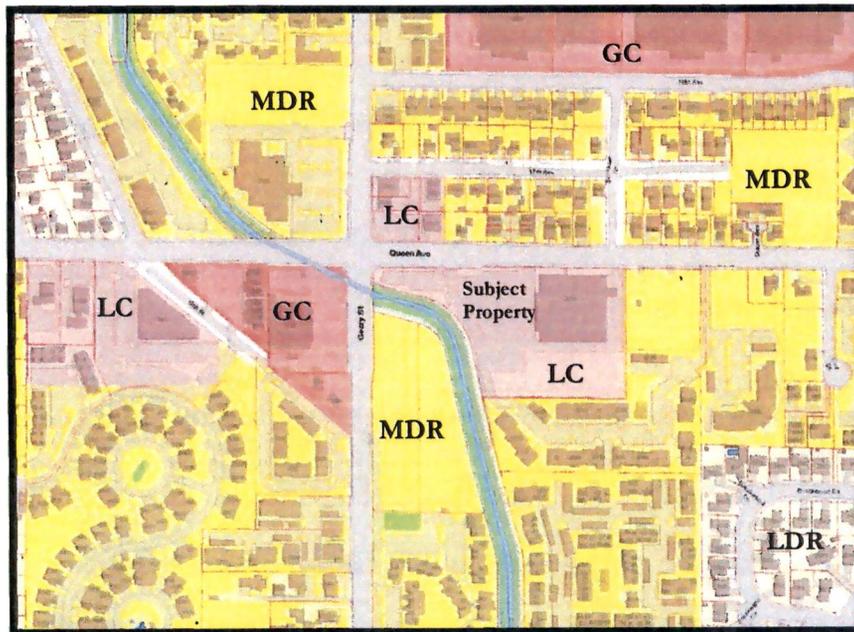


Figure 1: Subject property is identified as "Light Commercial" in the Comprehensive Plan. Properties to the south and east are designated "Medium Density Residential," north is designated "Low Density Residential" and "Light Commercial," and to the west, "General Commercial" and "Medium Density Residential."

Conclusions

- c.1 There is no specific formula for an appropriate Comprehensive Plan map pattern.
- c.2 The predominant map pattern for this location is MDR, LC and GC (see Figure 1).
- c.3 The requested Plan designation is consistent with the Comprehensive Plan map patterns reflecting a mix between light and medium intensity commercial and medium intensity residential land uses.

c.4 This review criterion is met.

Criterion (d)

The requested designation is consistent with the statewide planning goals.

Findings of Fact

d.1 Oregon's 19 Statewide Planning Goals constitute the framework for a statewide program of land use planning. The Statewide Goals are achieved through local comprehensive planning. The Albany Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1982 as being in compliance with the Statewide Planning Goals. The Statewide Planning Goals were evaluated under the Comprehensive Goals and Policies in Review Criterion (1) above. The Findings of Fact and Conclusions are hereby included by reference.

Conclusions

d.1 The requested GC designation for this site is consistent with the Statewide Planning Goals.

d.2 This criterion is met.

Quasi-Judicial Zoning Map Amendment File ZC-01-19

Section 2.740 of the Albany Development Code (ADC) includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 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.

Findings of Fact

- 1.1 The applicant proposes to change the zoning of 4.85 acres from Neighborhood Commercial (NC) to Community Commercial (CC) district.
- 1.2 The current Comprehensive Plan map designation of the subject site is Light Commercial (LC). The proposed CC zoning is not consistent with the LC Plan designation of the site.
- 1.3 The applicant has applied to change the Comprehensive Plan Map designation from LC to General Commercial (GC).
- 1.4 The proposed zone change to CC is consistent with the concurrent proposed GC designation of the property.

Conclusions

- 1.1 The applicant has applied for a concurrent Comprehensive Plan Map amendment to GC. The proposed CC zoning is consistent with the GC designation.
- 1.2 This criterion is satisfied, provided that the amendment to the Comprehensive Plan Map is approved.

Criterion 2

Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation (ADC 2.740 (2)).

Findings of Fact

- 2.1 The site is located on the southeast corner of Queen Avenue and Geary Street. The application would change the zoning of the parcel from Neighborhood Commercial (NC) to Community Commercial (CC). The site is currently developed with an approximately 43,000 square foot building previously used by Mega Foods grocery store.
- 2.2 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a “significant affect” occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility. The TPR refers to Action 1F.05 in the Oregon Highway Plan, which states that if there is a small increase in daily traffic (less than 400 trips) between the existing plan and proposed amendment, it can be determined that the proposed zone change will cause “no further degradation” to the surrounding roadway network.
- 2.3 The applicant’s application included a TPR Analysis. The analysis was performed by DKS Engineering and is dated December 31, 2018. The analysis evaluated the incremental difference in trip generation that would result from site development under the current NC zone designation with development under the requested CC designation. The NC zone designation limits new retail uses to 5,000 square feet.
- 2.4 The reasonable worst case uses assumed for site development under the existing NC zone designation included a mix of 5,000 square foot uses with a total area equaling the size of the existing building on the site. Assumed uses included: convenience market, high turn-over sit-down restaurant, fast-food with drive-thru, pharmacy with drive-thru, drive-in bank, and specialty retail. Based on ITE trip generation rates, that combination of uses would generate a total of 4,879 net vehicle trips per day. Of those, 325 would occur during the AM peak traffic hour, and 380 would occur during the peak PM traffic hour.
- 2.5 The reasonable worst-case use assumed by the TIA for site development under the requested CC zone designation included a mix of uses that included: convenience market, gasoline service station, high turn-over sit-down restaurant, fast-food restaurant, pharmacy, drive-in bank, and shopping center. Based on ITE trip generation rates, that combination of uses would generate a total of 5,005 net vehicle trips per day. Of those, 370 would occur during the AM peak traffic hour, and 415 during the peak PM traffic hour.
- 2.6 Based on the study results, development of the site under the requested CC zone designation would result in an increase of 126 average daily trips beyond what could be expected to occur under the existing NC zone designation. The number of expected AM peak hour trips would increase by 45, and the number of PM peak hour trips would increase by 35.
- 2.7 Because the net increase in daily trips that would result from the zone change is less than the 400-trip threshold identified in the OHP, the TPR analysis concluded that the requested change could be approved without having any significant effect on the transportation system.

Conclusions

- 2.1 The proposed zone change would change the zone designation of the site from NC to CC.
- 2.2 The TPR requires that zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation, and if so, if the additional trips would result in a “significant affect”.
- 2.3 The TPR refers to Action 1F.05 in the Oregon Highway Plan, which states that small increases in daily traffic (less than 400 trips) between the existing plan and a proposed amendment can be determined to cause “no further degradation” to the surrounding roadway network.
- 2.4 A TPR Analysis submitted by the applicant estimated that a reasonable worst-case development under the requested zone designation would generate 126 new additional daily trips on the transportation system. Because the additional trips are less than 400, the analysis concluded that change in potential site trip generation would not have a significant effect on the transportation system.
- 2.5 This criterion is satisfied.

Criterion 3

Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without a adverse impact on the affected service area (ADC 2.740 (3)).

Findings of Fact

Sanitary Sewer

- 3.1 City utility maps show an 8-inch public sanitary sewer main at the southwest corner of the subject property. The property is currently served by a sewer service lateral that is connected to the public main at the property’s southwest corner.
- 3.2 While different types of commercial development can have much different wastewater discharge characteristics, the City’s Wastewater Facility Plan does not distinguish between different types of commercial developments when estimating the wastewater discharge from those uses for design purposes. The City’s Wastewater Facility Plan does not indicate significant deficiencies downstream of the subject property and the system should be adequate for commercial development in either the Light Commercial designation or the General Commercial designation.

Water

- 3.3 City utility maps show 12-inch public water mains in Geary Street and Queen Avenue, and an 8-inch main along the east boundary of the subject property.
- 3.4 Public water system design and adequacy are typically dictated by the fire flow needs within an area or zone. The City of Albany groups all commercial uses in the same fire flow requirement category (3,500 gpm minimum), so the proposed comprehensive plan change would not affect the overall water needs of the site. Further development on the site could necessitate the installation of additional fire hydrants, but that would likely be the case for development for either comprehensive plan designation.

Storm Drainage

- 3.5 City utility maps show a 72-inch public storm drainage line in Queen Avenue, and Periwinkle Creek runs along the west boundary of the subject property. Periwinkle Creek is the principal drainage facility in this area.
- 3.6 Storm water runoff from a development is generally dependent on the total area of impervious surfaces on the property. The Albany Development Code determines the maximum amount of “lot coverage” (buildings and parking areas) in any particular zone. The greatest percentage of lot coverage that would be allowed within a zone permitted in the Light Commercial Comprehensive Plan designation would be 80% (NC zone – see ADC 4.090 Table 4-2). The greatest percentage of lot coverage that would be allowed within a zone permitted in the General Commercial Comprehensive Plan designation would be 90% (RC zone – see ADC 4.090 Table 4-2). Therefore, a change from Light Commercial to General Commercial Comprehensive Plan designation would allow for development that may result in a slightly higher amount of storm water runoff.
- 3.7 The subject property is currently developed with a 40,000-square-foot retail building and associated parking lot. There is an area slightly larger than one acre along the south boundary of the site that is currently undeveloped and is covered with grass. Should this area be developed, the difference in the amount of impervious surface allowed between the Light Commercial designation and the General Commercial designation is at most 10%, which for this undeveloped area would be roughly 4,000 square feet. In either case, it is likely that future development on this undeveloped area would be required to detain storm water before releasing to Periwinkle Creek.
- 3.8 Even though the maximum allowable lot coverage would increase from 80% to 90% if the Comprehensive Plan designation is changed from Light Commercial to General Commercial, it is the view of the City’s Engineering Division that over an area of slightly more than one acre this amount would not be significant in terms of the adequacy of Periwinkle Creek to accommodate the storm water runoff in this basin.

Schools

- 3.9 The property is currently zoned for neighborhood commercial development. The requested zone change to CC would have no impact on the amount of children attending school in this area.

Police and Fire Protection

- 3.10 The Albany Police Department and Fire Department provide services to all development in Albany, whether it is residential or commercial.

Conclusions

- 3.1 The existing public utility systems (sanitary sewer, water, storm drainage) are expected to be adequate to serve development in any zone allowed in the proposed General Commercial comprehensive plan designation.
- 3.2 The Albany Police and Fire Departments will provide service to development on the property regardless of the zoning.
- 3.3 Existing or anticipated services can accommodate potential development within this area without adverse impact on the affected service area.

3.4 This criterion is satisfied without conditions.

Criterion 4

The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan (ADC 2.740 (4)).

Findings of Fact

- 4.1 The current zoning designation of the property where the Zoning Map amendment is proposed is Neighborhood Commercial (NC). The proposed zoning is Community Commercial (CC).
- 4.2 Prior to being zoned NC, the subject property was zoned C-2 (Local Business) District until 1977, when it was zoned C-1 (Neighborhood Commercial) District. The original grocery store was approved through Site Plan Review in July 1990. The zoning remained C-1 (Neighborhood Commercial). At the time it was approved, there was no maximum building size in the district; however, businesses were still supposed to cater to nearby residents in convenient locations. The zoning designation changes from C-1 to NC by 1998, but the name of the district continued to be “Neighborhood Commercial.”

Zoning District Purposes

- 4.3 According to Section 4.020(2) of the Albany Development Code, the NC (Neighborhood Commercial) District is “intended primarily for small areas of retail establishments serving nearby residents’ frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius.”
- 4.4 Allowable uses that are permitted in the NC district include traditional offices, restaurants, small-scale retail sales and service that are convenience or personal services-oriented, community services, and single-family and two-family dwelling units. Taverns, bars, drive-thru restaurants, daycare centers, religious institutions and assisted living facilities are allowed conditionally.
- 4.5 According to Section 4.020(3) of the Albany Development Code, the CC (Community Commercial) District “recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas.” It is noted that both Queen Avenue and Geary Street are classified as minor arterials.
- 4.6 Allowable uses that are permitted in the CC district include some small-scale manufacturing activities, indoor and outdoor entertainment and recreation, offices, restaurants including drive-thru, retail sales and service, self-serve storage, taverns and bars, religious institutions, vehicle repair, vehicle service, and parking lots. Uses allowed conditionally include recycling centers, RV parks, schools, parks, assisted living, telecommunications towers and community services.
- 4.7 The applicant asserts that the subject property is more consistent with the CC zoning designation. The property contains a building that could house a small to medium-scale business or service site and is located on the corner of two minor arterial streets. The building either now complies or will comply

with all relevant design guidelines in order to enhance the community's image along these transportation corridors at such time the site is further developed. Buffers are in place to mitigate impacts to nearby residential areas. There are several uses allowable in the CC zone with site plan review would be consistent with the size and character of the building on the subject property. The property in its current state is better suited for the CC zone.

- 4.8 The Findings and Conclusions under Review Criterion (1) of the concurrent Comprehensive Plan Map amendment are included here by reference. In summary, those findings found that the proposed map amendments on the subject property were, on balance, more supportive of listed Plan policies.

Conclusions

- 4.1 The CC zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- 4.2 This criterion has been met.

Criterion 5

The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study (ADC 2.740 (5)).

Findings of Fact

- 5.1 Albany's Transportation System Plan (TSP) was developed with the assumption that this site would be occupied by commercial uses. The proposed zone change is consistent with and does not alter that assumption.
- 5.2 The proposed zone change will not result in any changes to the road system and will not alter the transportation pattern in the TSP.
- 5.3 The TSP does not identify any capacity or level of service problems associated with the proposed Zoning Map amendment.
- 5.4 There are no other applicable City-contracted or funded land use or transportation plan or study that applies to the subject area.

Conclusions

- 5.1 There are no applicable land use or transportation plans or studies for this area.
- 5.2 The proposal is in accordance with the land uses and transportation pattern in the TSP.
- 5.3 This criterion is met.

Overall Conclusion

Based on the analysis in this report, the proposed Comprehensive Plan Map Amendment from LC to GC concurrent with the Zoning Map Amendment from NC to CC meets all of the applicable review criteria as outlined in this report.

With respect to the proposed Plan and Zoning map amendment, the Planning Commission has two options:

Option 1: Recommend that the City Council approve the Plan amendment request; or

Option 2: Deny the Plan amendment request. The City Council will only consider the proposal on appeal by the applicants.

Based on the analysis in this report, staff recommends that the Planning Commission recommend that the City Council approve the Plan amendment request.

Similarly, the Planning Commission has two options with respect to the proposed Zoning Map amendment request:

Option 1: Recommend that the City Council approve the Zoning Map amendment request; or

Option 2: Deny the Zoning Map amendment request. The City Council will only consider the proposal on appeal by the applicants.

Based on the analysis in this report, staff recommends that the Planning Commission recommend that the City Council approve the Zoning Map amendment request.

Staff Recommendation

I move that the Planning Commission recommend that the City Council approve the proposed Comprehensive Plan map and zoning map amendment under planning files CP-01-19 and ZC-01-19. This motion is based on the findings and conclusions in the staff report, and the findings in support of the application made by the Planning Commission during deliberations on this matter.

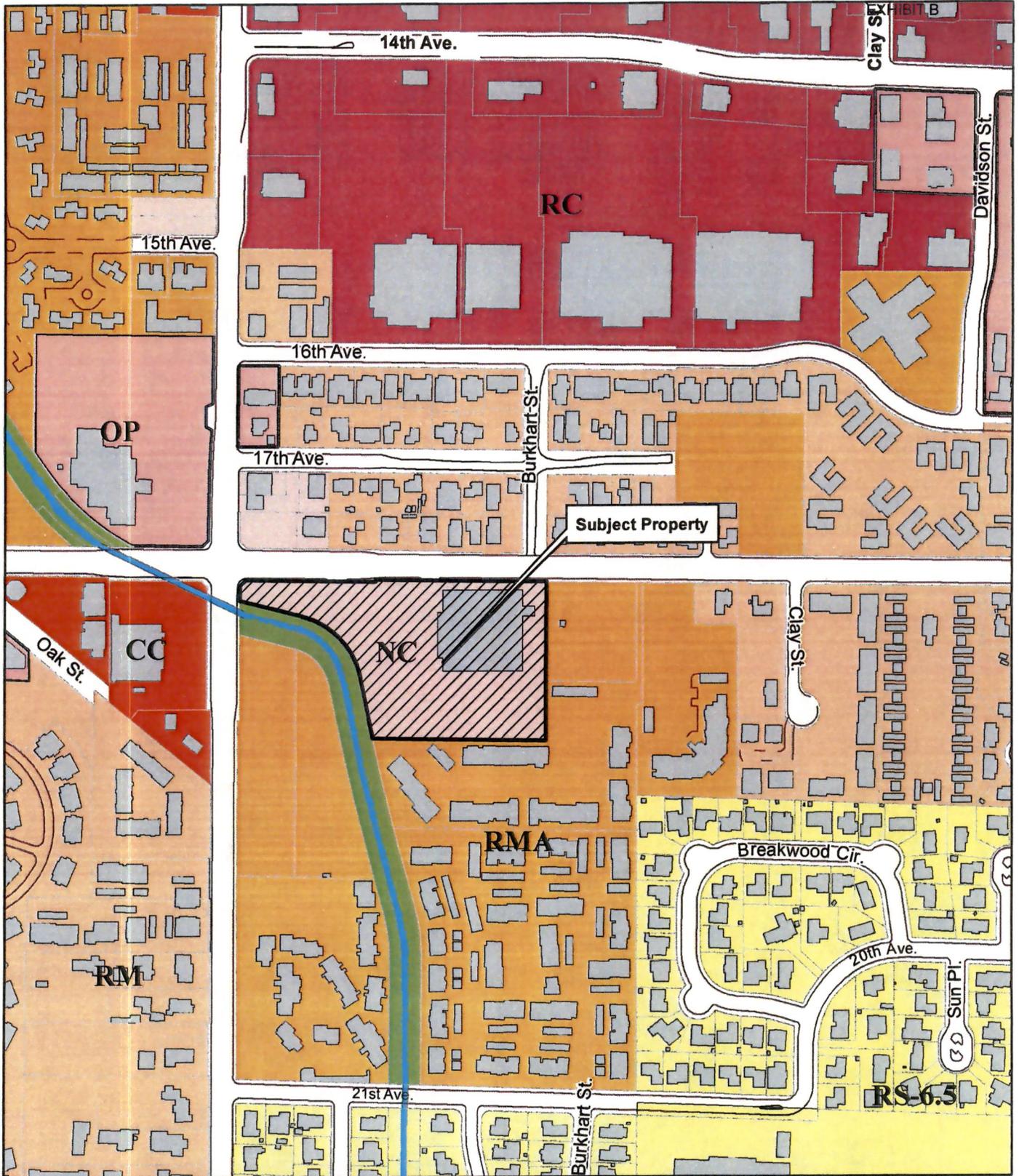
Attachments

- A. Location Map
- B. Current Comprehensive Plan & Zoning Designation
- C. Proposed Comprehensive Plan & Zoning Designation
- D. Applicant's Narrative
- E. Transportation Planning Rule (TPR) Evaluation from DKS dated 12/31/18
- F. Applicant's Site Plan – Existing Conditions

Acronyms

| | |
|------|--|
| ADC | Albany Development Code |
| ADT | Average Daily Traffic |
| AMC | Albany Municipal Code |
| C-1 | Neighborhood Commercial (now called "NC") |
| C-2 | Local Business District (no longer used) |
| CC | Community Commercial Zoning District |
| DLCD | Oregon Department of Land Conservation and Development |
| GC | General Commercial Comprehensive Plan Designation |
| ITE | Institute of Transportation Engineers |
| LC | Light Commercial Comprehensive Plan Designation |
| LDR | Low Density Residential Comprehensive Plan Designation |

| | |
|------|---|
| LOS | Level of Service |
| LUBA | Oregon Land Use Board of Appeals |
| MDR | Medium Density Residential Comprehensive Plan Designation |
| NC | Neighborhood Commercial Zoning District |
| ODOT | Oregon Department of Transportation |
| OHP | Oregon Highway Plan |
| RC | Regional Commercial Zoning District |
| RM | Residential Medium Density Zoning District |
| RMA | Residential Medium Density Attached Zoning District |
| ROW | Right of Way |
| TIA | Traffic Impact Analysis |
| TPR | Transportation Planning Rule |
| TSP | Transportation Systems Plan |
| V/C | Volume to Capacity |



Location Map: 2000 Queen Avenue SE

 The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect, thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the

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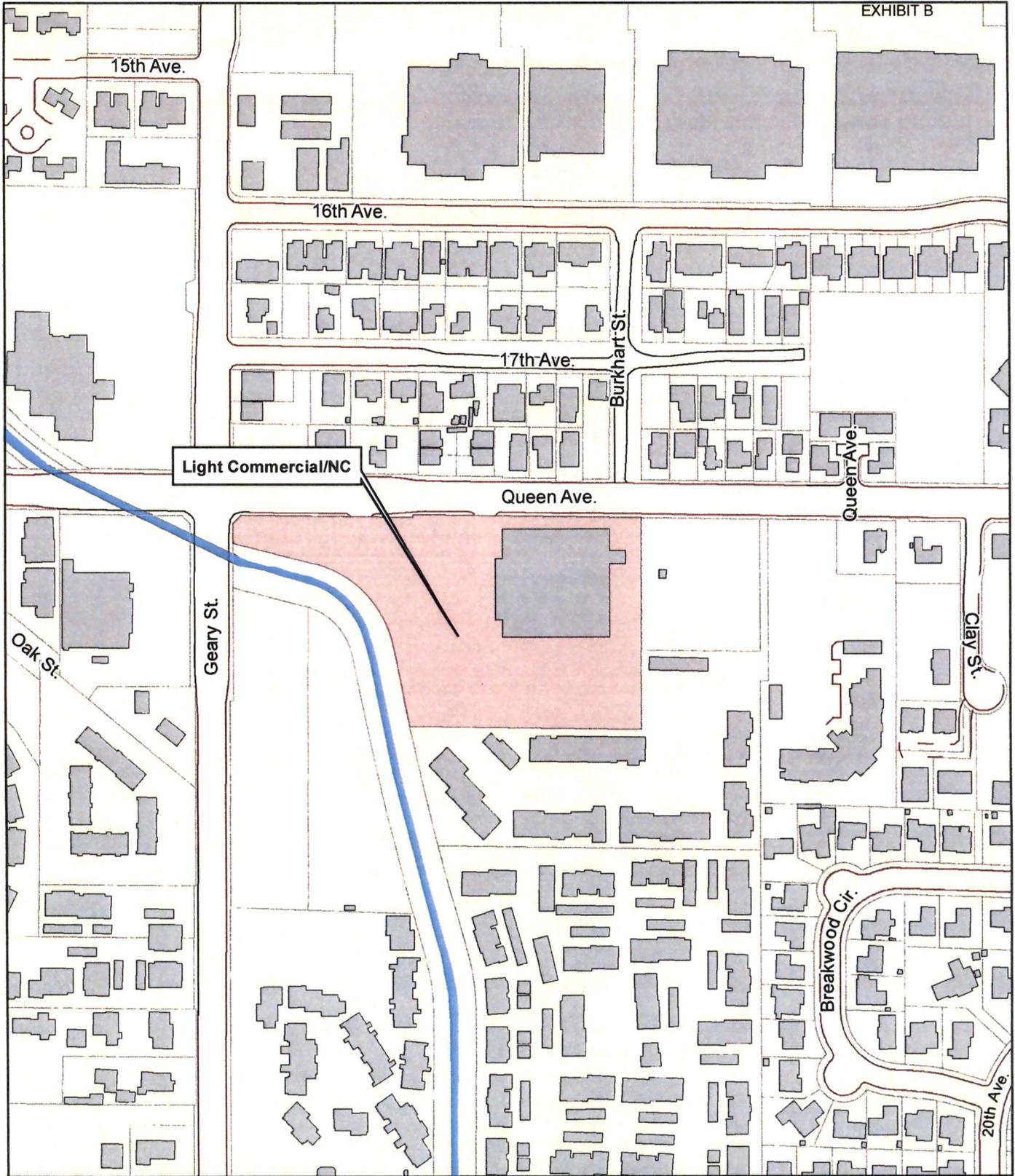


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February 22, 2019

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550



Current Comprehensive Plan and Zoning Designation: 2000 Queen Avenue SE



The City of Albany's infrastructure records, drawings and other documents have been gathered over many decades, using differing standards for quality control, documentation and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect, thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently verify the

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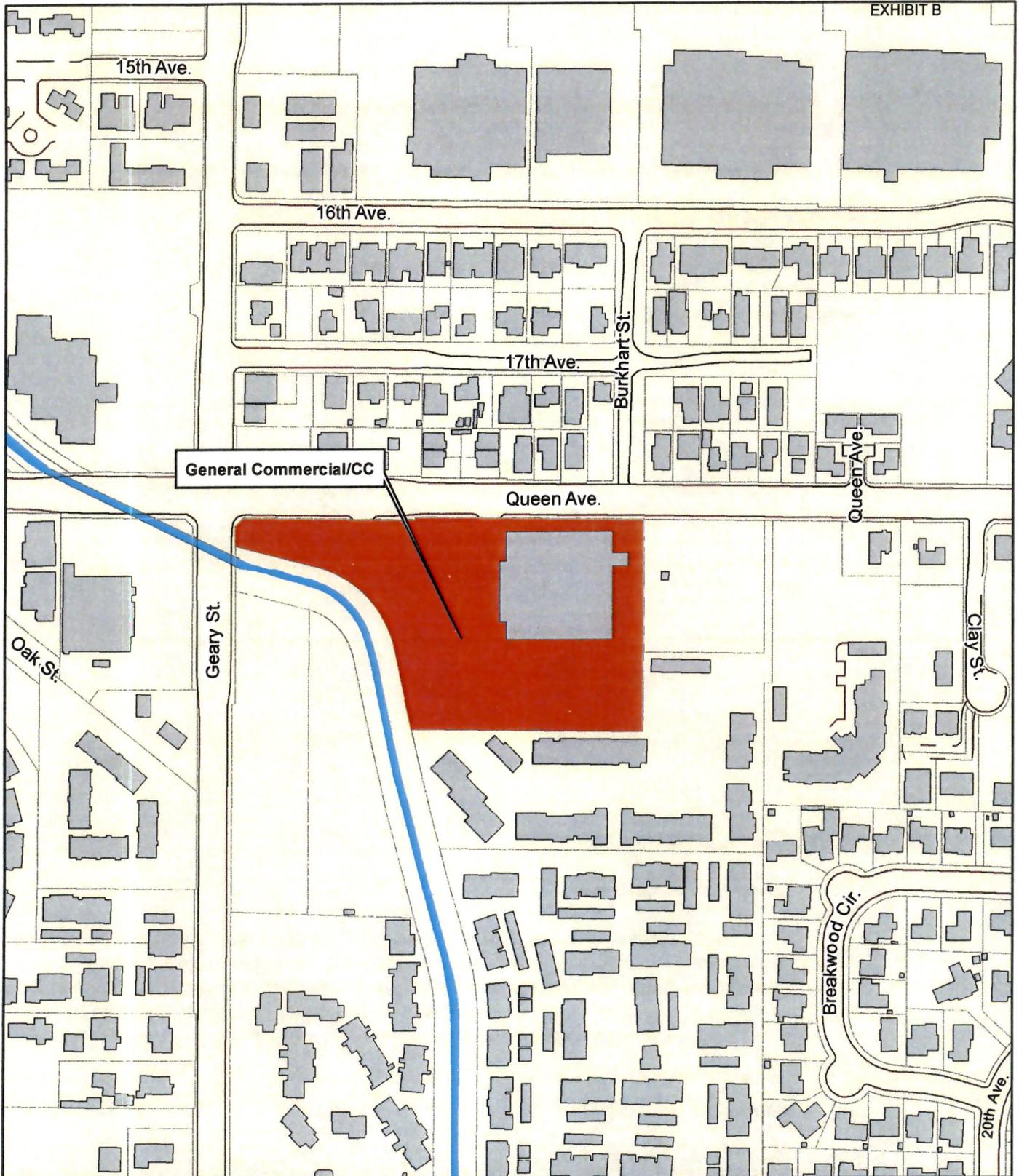

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January 11, 2019

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550

EXHIBIT B



Proposed Comprehensive Plan and Zoning Designation: 2000 Queen Avenue SE



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect, thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently verify the



0 55 110 220 330 440 Feet

January 11, 2019

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550

**COMPREHENSIVE PLAN AND ZONING MAP AMENDMENT APPLICATION
WRITTEN STATEMENT**

I. BACKGROUND INFORMATION

| | |
|---|--|
| APPLICANT/OWNER: | B & E3, LLC/ Lyon Associates |
| APPLICANT'S REPRESENTATIVE: | Mark Shipman, Attorney Nathan Riemersma, Attorney Saalfeld Griggs PC 250 Church Street SE, Suite 200 Salem, OR 97301 |
| TYPE OF APPLICATION: | Applicants are requesting amendments to the Subject Property's Comprehensive Plan designation from Limited Commercial ("LC") to General Commercial ("GC") and Zoning Map designation from Neighborhood Commercial ("NC") to Community Commercial ("CC"). |
| PROPERTY LOCATION: | The subject property is a 4.85 acre parcel located at 2000 Queen Ave SE Albany, Oregon (Assessor's Maps T11S, R3W, S08CD, Tax Lot 211). |
| APPLICABLE REVIEW & DECISION CRITERIA: | Albany Development Code ("ADC") Sections 2.220, and 2.740 |

II. PROJECT AND PROPERTY DESCRIPTION

(A) SUBJECT PROPERTY INFORMATION:

The property subject to this application is located at 2000 Queen Ave SE, in Albany, Oregon, and consists of a Tax Lot 211 located in Linn County Assessor's Map Township 11 South, Range 3 West, Section 8CD (the "**Subject Property**"). See **Exhibit "A,"** Site Plan. The Subject Property is owned by Lyon Associates, an Oregon limited partnership (the "**Owner**") and leased by B & E3, LLC, an Oregon limited liability company (the "**Tenant**") (collectively the "**Applicants**").

(B) BACKGROUND INFORMATION:

The Subject Property is approximately 4.85 acres, is designated Light Commercial (LC) in the Albany Comprehensive Plan and is correspondingly zoned Neighborhood Commercial (NC). The Subject Property contains a 43,000 square foot building (the "**Building**") that was built in 1990 and formerly contained the location of Mega Foods for approximately 18 years. The Building was built specifically for a retail grocery store use and at the time of its construction

was in compliance with the ADC¹ and applicable building codes. Prior to the Mega Foods, another grocery store owned by Fleming Foods West, Inc. occupied the Building. The Tenant took over the lease to the Building in April of 1999 and subsequently executed a lease and several lease extensions in the years to follow. In 2014, the City of Albany (the “City”) enacted Ordinance 5832 which limited retail and service uses in the NC zone to a 5,000 square foot building footprint.

In 2017, Mega Foods closed its doors due to Winco locating a store in Albany, making it no longer feasible for the Mega Foods to continue its operations.

Because the Subject Property is located in the NC zone, there are no financially feasible alternative uses for a building of this size due to the use restrictions contained in Table 4-1 of the ADC. Additionally, the Building and the size of the parcel are both larger than those typically contemplated for the NC zone. The Applicants argue that the Subject Property is essentially mis-zoned and submit this application to remedy the issue.

Accordingly, the Owner and Tenant have been evaluating the highest and best use of the Building and the Subject Property. The size and potential uses of the Building and Subject Property are more consistent with the General Commercial (GC) Comprehensive Plan designation and a Community Commercial (CC) zoning district. See the Vicinity Map attached as *Exhibit “B.”*

(C) PROPOSED CHANGE:

In order to find a new commercially viable use for the Building and the Subject Property, Applicants are requesting a Comprehensive Plan designation change from LC to GC and a zone change from NC to CC.

III. COMPREHENSIVE PLAN CHANGE:

The City of Albany Development Code establishes procedures to be used when considering plan amendments. Quasi-judicial amendments may be initiated by property owners with an application form supplied by the Albany Planning Division.

Albany Development Code 2.220 Amendments to the Comprehensive Plan will be approved if the Council finds that the application meets the following applicable criteria:

- 1. A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.**

Applicants are requesting this Comprehensive Plan designation change through a quasi-judicial process. As will be more fully addressed below, this change is consistent with the goals and policies of the Albany Comprehensive Plan and the Statewide Planning Goals. There are no relevant Area Plans that apply to the Subject Property. The sole area plan currently on the City Planning Division’s Website

¹ The previous ADC code provision governing the uses allowable in the Neighborhood Commercial zone was ADC 5.070-5.080. The City recodified this section in 2003 into ADC section 4.020-4.060.

is the South Albany Area Plan adopted on February 13, 2013. The area incorporated into the South Albany Area Plan is bordered by Interstate 5 to the east, Highway 99 to the west, vacant land surrounding Oak Creek to the north, and the Urban Growth Boundary to the south. The Subject Property is not within the boundaries of the area covered by the South Albany Area Plan. Applicants were unable to identify any Area Plans that would be relevant to the Subject Property.

(A) Statewide Planning Goals

Goal 1: Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Proposed Finding: As part of this application, public notice is required, and public hearings will be held, giving interested citizens an opportunity to give input on this land use request. The notice and hearings process prescribed by the City's procedures demonstrates compliance with Goal 1 and provides an opportunity for citizen involvement. This Goal is satisfied.

Goal 2: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Proposed Finding: The subject application for a Comprehensive Plan and Zoning Map amendment is examined under the implementing regulation to this goal. The ADC provides regulations governing the development and use of lands in the city limits of Albany, and the City's Comprehensive Plan was developed for the purpose of providing a guide to development and conservation of the City's land resources. The latter is a generalized long-range policy guide and land use map that provides the basis for decisions on the physical, social, and economic development of Albany. These policies and statements are based on inventories, developmental limitations, projected needs, public attitudes, citywide urban growth management project framework and implementation strategy, and the State Land Conservation and Development Commission Goals and Guidelines. This consolidated land use application request will be processed in accordance with OAR 660-004-0018, 660-004-0020, and 660-004-0022, and the land use procedures established by the City of Albany's Zoning Code and Comprehensive Plan. These procedures will ensure compliance with Statewide Planning Goal 2. This Goal is satisfied.

Goal 3: Agricultural Lands: To preserve and maintain agricultural lands.

Proposed Finding: The Subject Property is located in a developed area of the City of Albany, not resource zoned agricultural lands. This goal is not applicable.

Goal 4: Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Proposed Finding: The Subject Property is located in a developed area of the City of Albany, not in resource zoned forest lands. This Goal is not applicable.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

Proposed Finding: The Subject Property does not contain any inventoried natural resources, scenic or historic sites, or open spaces, and there are no inventoried natural resources, scenic, historic, or open spaces in the immediate vicinity. This goal is satisfied.

Goal 6: Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Proposed Finding: The proposed use will not result in significant particulate discharge into the air. The proposed use will not exceed the carrying capacity of area resources, degrade the area resources, or threaten the availability of such resources. This goal is satisfied.

Goal 7: Areas Subject to Natural Hazards: To protect people and property from natural hazards.

Proposed Finding: The Subject Property is not within an identified floodplain. The adjacent creek has a one percent chance of flood discharged contained in structure according to FEMA Flood Map. See *Exhibit "C."* According to the Oregon State Library's Geologic Hazards, Earthquake and Landslide Hazard Map(s) much of the City of Albany is in a relatively high ground-shaking amplification hazard zone, a relatively moderate liquefaction hazard zone and a relatively moderate landslide hazard zone; there have not been any landslides identified in the City of Albany. See *Exhibit "D."* At the time the Building was constructed, it met and satisfied all applicable building code criteria for the City of Albany. This Goal is satisfied.

Goal 8: Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Proposed Finding: No recreational use of the Subject Property is proposed or implicated by this application. The Subject Property is not currently used for recreational purposes. This Goal is not applicable.

Goal 9: Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Proposed Finding: The proposed changes are intended to revitalize the Subject Property and allow it to sustain a viable business once again, in accordance with the allowable uses under the ADC. A rejuvenated business will provide employment opportunities and commercial options for the citizens of Albany. Accordingly, this change will create economic opportunities contributing to the health, welfare, and prosperity of Oregon citizens. This Goal is satisfied.

Goal 10: Housing: To provide for the housing needs of citizens of the state.

Proposed Finding: The Subject Property is not currently designated for residential purposes. This Goal is not applicable.

Goal 11: Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Proposed Finding: The Building on the Subject Property is already developed and currently has access to adequate City water and sewer facilities, and adequately served by public roadways. The Subject Property is also in close proximity to public transportation. This Goal is satisfied.

Goal 12: Transportation: To provide and encourage a safe, convenient, and economic transportation system.

OAR 660-012-0060 implements this Goal regarding Comprehensive Plan Amendments.

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ration, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- (b) Change standards implementing a functional classifications system; or**
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:**
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or**
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

Proposed Finding: The proposed use will not significantly affect an existing or planned transportation facility. A memorandum showing compliance with the Transportation Planning Rule (TPR) (the "**TPR Analysis**") is attached as **Exhibit "E."** As stated in the TPR Analysis, the reasonable worst-case of the proposed zoning will generate approximately 126 net new daily trips than the NC zone. This reasonable worst-case scenario will not cause further degradation on the surrounding roadway network. The TPR Analysis concludes that the proposed zone change will not significantly impact and will cause "no further degradation" to the city roadway network, that the proposal complies with TPR requirements, and that no mitigation is required. This goal is satisfied.

Goal 13: Energy Conservation: To conserve energy.

Proposed Finding: The proposed use will not significantly impact energy consumption. The existing Building has previously operated and consumed energy consistent with other buildings of its size. A change in the property's comprehensive plan designation and zoning would not significantly change the amount of energy consumed by the building. This goal is satisfied.

Goal 14: Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Proposed Finding: The proposed zone change would allow a business to operate in a location that otherwise cannot operate due to the current market conditions and use restrictions. Allowing commercial use(s) in this Building is effective to accommodate urban population and employment by providing employment opportunities for citizens and an additional commercial location in town. Additionally, utilizing an existing building in an already developed parcel is the most efficient use of the land. This goal is satisfied.

Goal 15-19: Willamette River Greenway, Estuarine Resources, Coastal Shore Lands, Beaches and Dunes, and Ocean Resources

Proposed Finding: Statewide Planning Goals 15-19 do not apply to the City of Albany. The Subject Property is not within the relevant areas for the Willamette River Greenway. It is not located on the coast near the estuarine resources, coastal shore lands, beaches and dunes, or ocean resources. These Goals are not applicable.

Comprehensive Plan Goals***Goal 1: Citizen Involvement***

Ensure that local citizens and other affected groups, neighborhoods and jurisdictions are involved in every phase of the planning process.

Policy 2: When making land use and other planning decisions:

- a. Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.***
- b. Utilize all criteria relevant to the issue.***
- c. Ensure the long-range interests of the general public are considered.***
- d. Give particular attention to input provided by the public.***
- e. Where opposing viewpoints are expressed, attempt to reach consensus where possible.***

Proposed Finding: Opportunities for citizen involvement occurred during the formulation and adoption of the Albany Comprehensive Plan and Development Code. The Oregon Land Conservation and Development Commission acknowledged the Comprehensive Plan and Development Code as being in compliance with Goal 1.

In Type IV quasi-judicial proceedings conducted for zoning map amendments as proposed by the Applicants, the ADC sets forth the acknowledged provisions for citizen involvement at public hearings before the Planning Commission and City Council. Notice will be mailed to surrounding property owners within 300 feet of the Subject Property, and to affected government agencies. Notice of these public hearings was posted on the subject property. Based on these provisions, citizens will have ample opportunity to review and comment on the proposed map amendments.

Goal 2: Land Use Planning

Commercial: General Requirements

GENERAL COMMERCIAL: Identifies areas from community services to regional commercial establishments, suitable for a wide range of retail sales and service establishments. Aside from recognition of existing commercial corridors, new commercial areas will develop under design guidelines to avoid the continuance of “strip commercial” development in order to more efficiently serve the shopping needs of the community and region.

Proposed Finding: The proposed comprehensive map amendment from LC to GC is consistent with the requirements identified in the Comprehensive Plan for the GC designation. The Building on the Subject Property is suitable for a wide range of retail or service uses. The Building either already complies or will comply with the City of Albany’s design guidelines. The Subject Property is already developed and is not a “strip commercial” development. Utilizing the current Building on the Subject Property would contribute to efficiently serving the commercial needs of the community and region.

The Subject Property as developed is more consistent with the GC Comprehensive Plan designation than the current LC designation. The light commercial designation is intended for limited commercial activities allowable in the office professional and neighborhood commercial zones. As explained further below, based on the improvements, the location, and the prior uses on the Subject Property, the Subject Property best fits within the CC zone as it is situated on a larger urban parcel, contains a large commercial type building, and is located on arterial streets.

Goal 9: Economic Development

Albany’s Economy

Goals

1. **Diversify the economic base in the Albany area and strengthen the area’s role as a regional economic center.**
2. **Provide a supportive environment for the development and expansion of desired businesses.**
3. **Promote Albany’s positive economic, social, and cultural image throughout the state and region and, where appropriate, at the national and international levels.**

Proposed Finding: Amending the Comprehensive Plan designation of the Subject Property would further Albany's economic goals because the new designation would provide opportunities for businesses to utilize the Building on the subject property rather than having the Building sit vacant and constrained by the ADC. The Building's 43,000 square foot footprint is best suited for uses allowed in general commercial zones, not in limited commercial. Having a successful commercial business in that location, will do more to diversify the economic base in the City of Albany, create an environment for development and expansion of businesses and promote a positive economic image in the City of Albany.

The current Comprehensive Plan designation and zoning designation prohibit many of the viable uses for a building of such a size. In fact, Article 4 of the ADC limits a building in the NC zone to a 5,000 square foot footprint for retail and service uses and limits the lot size of new NC zones to 30,000 square feet of contiguous land. The Subject Property is simply not compatible with its current zoning designation, and accordingly the uses allowable in the current zone are not consistent with a Building of such a size.

The most efficient and economically viable use of the Subject Property would be to make use of the Building currently on the lot. Keeping the Subject Property in its current Comprehensive Plan designation and zoning assignment would likely require significant structural changes to the Building at the minimum, if not a complete tear-down and rebuild which would constitute over one million dollars in wasted infrastructure.

For the reasons stated above, changing the Subject Property's Comprehensive Plan designation and zoning from its current status to GC and CC would diversify the economic base in the City of Albany by allowing the parcel to accommodate new zoning and allow the Building to house a viable business to operate and grow the economic base of the City of Albany. Changing the Comprehensive Plan and zoning designations so that they are consistent with the structure on the Subject Property would provide the most supportive environment for the development and expansion of desired businesses. Finally, having a successful business in such a prominent location would contribute to Albany's positive economic, social, and cultural image throughout the state. Additionally, the City of Albany's recognition that the Subject Property was incorrectly zoned, and willingness to remedy the situation would bolster the City of Albany's reputation as an economically sound and reasonable municipality.

Public Infrastructure

Goal 1: Ensure that new industrial and commercial development is located in areas that can be adequately served by public infrastructure.

Proposed Finding: While the site is already developed, public services are available to the Subject Property as described in the response to Criterion 3 above.

Goal 12: Transportation

Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.

Goal 2: Provide a safe transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.

Proposed Finding: The facts surrounding the transportation system are more fully addressed in the TPR Analysis completed by DKS Associates, Inc. (“DKS”). The TPR Analysis found that the allowable land uses under the CC zone would produce similar levels of trip generation to the NC zone, generating approximately 126 net new daily trips and would cause no further degradation to the transportation system. The traffic impacts in the new general commercial zone will be also be similar to the conditions when Mega Foods grocery store was operational. At its peak, Mega Foods was servicing 1,800 customers within the peak hours (between four and six p.m.). The maximum traffic generated by a general commercial business would likely not exceed the peak traffic generated by the Mega Foods at its peak.

According to the City of Albany’s Transportation System Plan (TSP), all signalized intersections under the City of Albany’s jurisdiction currently operate at a Level of Service (LOS) “D” or better. This includes the two intersections nearest to the Subject Property: at Queen Avenue and Geary Street, and at Queen Avenue and Waverly Drive, both of which are signalized. The Queen/Geary intersection operates at a LOS B, and the Queen/Waverly intersection operates at a LOS C. The TSP also identifies improvements necessary to accommodate anticipated development through the year 2030. The TSP does not identify any capacity or level of service problems occurring adjacent to the Subject Property.

Proposed Finding: The proposed change is consistent with Goal 12 and will not hinder the City of Albany in providing an efficient transportation system that provides for the local and regional movement of people and goods. It will not hinder the City of Albany’s goal of providing a safe transportation system that ensures mobility for all community members and providing alternatives to automobile travel.

Goal 14: Urbanization

Goal 1: Achieve stable land use growth which results in a desirable and efficient land use pattern.

Policy 9: 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.

Policy 10: The size and type of future regional and community commercial sites shall be commensurate with the area to be served and located so as to be easily accessible by the service area. Approvals of additional regional and community commercial sites may be predicated upon studies requested by the City which assess public need, impacts upon competing commercial areas, traffic impacts, and impacts upon other public services.

Policy 15: Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.

Proposed Finding: The Subject Property is located in an area which if revitalized could potentially be classified as in-fill development. The Subject Property is fully serviced with City of Albany water, sanitary sewer, storm drainage, and police and fire service. Transit service is available approximately nine-hundred-fifty feet from the building on the Subject Property at the Queen and Geary street intersection. A revitalized business in this location would further the City's goal of achieving a desirable and efficient land use pattern. Additionally, it would encourage the use of an already serviced currently unoccupied parcel.

There are several advantages to changing the Comprehensive Plan designation from LC to GC and zoning the parcel CC. On balance, the GC Comprehensive Plan designation and CC zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.

This criterion has been met.

2. A legislative amendment is needed to meet changing conditions or new laws.

Proposed Finding: The Applicants are requesting a quasi-judicial map amendment, not a legislative amendment. However, changing conditions and the uses allowed in the Albany Development Code necessitate this change. The opening of a Winco in the area changed the economic conditions in the City of Albany and made the operation of Mega Foods no longer an economically viable option. In evaluating alternative uses for the Building, the Owner and Tenant realized that the restrictions on uses in the ADC for the NC zone were not conducive to any viable business uses for a Building of such size. It is clear from the most recent iterations of the ADC that the NC zone was contemplated for much smaller parcels and buildings. Businesses are now limited to a 5,000 square foot maximum building footprint in the NC zone and new NC zones may be no more than 30,000 square feet of contiguous land. While the Subject Property is not a new NC zone, and not subject to the 30,000-maximum lot size, the Subject Property being nearly 5 acres is much larger than the City's contemplated size for a NC zone and Light Commercial Comprehensive Plan designation. The Subject Property is essentially mis-zoned. Accordingly, changing economic conditions and the ADC necessitate this change.

Since this not a request for a legislative amendment this criterion is not applicable. However, this change is necessary based on the changing economic conditions in Albany and the Albany Development Code's regulation of allowable uses in the NC zone.

3. The requested designation for a quasi-judicial map amendment meets all of the following tests:

- a. **The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance is more supportive of the Comprehensive Plan as a whole than the old designation.**

Proposed Finding: The requested designation of Light Commercial for the Subject Property is more supportive of the Comprehensive Plan than the current designation. Changing the Comprehensive Plan would allow the zoning to be changed from NC to CC, which would in turn allow for the Building to be revitalized with commercially viable uses. Allowing a business to flourish which has previously been forced out of business and finds no allowable alternative uses, will help the City of Albany accomplish City of Albany's Economic Development goals

outlined in the Comprehensive Plan and the Albany Economic Opportunity Analysis². The proposed change will have little to no effect on the infrastructure and will not be harmful to the City of Albany's transportation focused goals.

b. The requested designation is consistent with any relevant area plans adopted by the City Council.

Proposed Finding: The sole Area Plan currently on the City Planning website is the South Albany Area Plan adopted on February 13, 2013. The area incorporated into the South Albany Area Plan is bordered by Interstate 5 to the east, Highway 99 to the west, vacant land surrounding Oak Creek to the north, and the Urban Growth Boundary to the South. The Subject Property is not within the boundaries of the area covered by the South Albany Area Plan. Applicants were unable to identify any Area Plans that would be relevant to the Subject Property. This criterion is not applicable.

c. The requested designation is consistent with the Comprehensive Plan Map pattern.

Proposed Finding: The requested designation is consistent with the Comprehensive Plan Map to the extent there is any pattern in the area. As explained further below, the Comprehensive Plan Map pattern in the area is a bit of a patchwork containing Residential-Medium Density (RMD), Light Commercial (LC), General Commercial (GC), and Residential-Low Density (RLD), and some Public/Semi-Public areas.

The property surrounding the Subject Property to the east, south and west is designated Residential – Medium Density (RMD). The parcel immediately adjacent to the Subject Property to the east is designated RMD and contains a transformer power station. Further east are apartment complexes and single-family residences designated RMD. Immediately south, are apartment complex buildings on 1st SW Ave designated RMD. Across Queen Street to the north is a 7-Eleven with a Comprehensive Plan designation of Light Commercial and housing zoned RMD. Further north is Heritage Plaza, a large block of general commercial development including a Grocery Outlet, Safeway, Marshalls, Big Lots, and the Heritage Mall. To the west, immediately across Geary Street is a GC parcel containing a Wheeler Dealer, and a Light Commercial parcel which is Disability Services. South of those parcels is designated RMD containing multi-family housing.

This area is compatible with several different Comprehensive Plan designations including multiple General Commercial parcels.

The requested designation of General Commercial is consistent with the Comprehensive Plan Map pattern.

d. The requested designation is consistent with the statewide planning goals.

² The 2007 Economic Opportunity Analysis identified a deficit of 225-340 industrial and commercial acres within the City of Albany.

Proposed Finding: As discussed above, the requested General Commercial designation is consistent with the statewide planning goals as explained above. This criterion is satisfied.

IV. ZONING MAP AMENDMENT

The ADC allows for amendments to the Zoning Map, which may be initiated by a property owner, a representative of the owner, the Director, the Planning Commission, or the City Council. (ADC 2.710). Applicants are requesting an amendment to the Zoning Map from NC to GC in conjunction with its requested Comprehensive Plan designation change to General Commercial in order to allow the building on the Subject Property to resume operation as a viable and productive business in the City of Albany.

- 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.**

Proposed Finding: Applicants are requesting an amendment to the Subject Property's Comprehensive Plan designation in addition to a Zoning Map Amendment.

Because Applicants are requesting a corresponding Comprehensive Plan amendment this criterion is either not applicable or it is satisfied.

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

Proposed Finding: The transportation facilities have been evaluated by DKS. According to the TPR Analysis produced by DKS the existing transportation facilities are adequate for uses permitted under the CC zone designation. *See Exhibit E.*

- 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.**

Proposed Finding: The current development or any future redevelopment of the Subject Property can be accommodated by the existing services in the subject area that are adequate for general commercial uses. The Subject Property is currently fully served by City of Albany water and sewer services. The storm sewer infrastructure is already developed and functioning. Periwinkle Creek borders the Subject Property and there are four catch basins and inlets on the Subject Property. There are two nearby lateral mainlines, one on Queen Ave and one in Periwinkle Creek where it crosses under the road. As the Subject Property is commercial in nature, school services is not necessary, but the surrounding area is served by Greater Albany Public Schools. Police protection is provided by the Albany Police Department located at 2600 Pacific Boulevard SW. Fire and ambulance service is provided by Albany Fire Department, the Subject Property is in the response area of East End Station 13.

- 4. The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.**

Proposed Finding: The current zoning description of the Subject Property is NC (Neighborhood Commercial). The proposed zoning is CC Community Commercial. This review criterion requires that the intent and purpose of the proposed CC zoning district “best satisfies” the goals and policies of the Comprehensive Plan.

According to Section 4.020(3) of the ADC, the Community Commercial (CC) district “recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinate and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas.

The Subject Property is more consistent with the CC zoning designation. The Subject Property contains a Building that could house a small to medium-scale business or service site and is located on the corner of two minor arterial streets. The building either now complies or will comply with all relevant design guidelines in order to enhance the community’s image along these transportation corridors. Buffers are in place to mitigate impacts to nearby residential areas. There are several uses allowable in the CC zone with site plan review would be consistent with the size and character of the building on the Subject Property. The Subject Property in its current state is better suited for a CC zone

A discussion of the applicable goals and policies of the Comprehensive Plan is addressed under the review criteria for the Comprehensive Plan map amendment discussed above. Those findings and conclusions are incorporated here by reference to demonstrate that the CC zone best satisfies the goals and policies of the Comprehensive Plan.

5. The land use and transportation pattern recommend in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.

Proposed Finding: The TSP does not identify any committed projects in close proximity to the Subject Property. The trip generation comparison supplied by the DKS estimated that a reasonable worst-case development under the requested zone designation would generate approximately 126 more net daily trips, 45 AM peak hour trips and 35 PM peak hour trips, than the development under the current zone designation and concluded that those trips would not result in a significant effect on the transportation system.

The proposal will not conflict with the transportation system as shown in the TSP and is in accordance with the TSP. This criterion is met.

V. CONCLUSION:

In conclusion, the proposed Comprehensive Plan and zoning designations are consistent with the Albany Comprehensive Plan, the Statewide Planning Goals and the review criteria in the Albany Development Code. Therefore, the requested changes to Comprehensive Plan and zoning map should be approved.



MEMORANDUM

DATE: December 31, 2018
TO: Mark D. Shipman | Saalfeld Griggs
FROM: Lacy Brown, Ph.D., P.E. | DKS Associates
Clive Lara, E.I.T. | DKS Associates



SUBJECT: Albany Queen Avenue Zone Change and Transportation Planning Rule Evaluation

This memorandum presents the findings of an evaluation of the zoning and land use considerations for the four-acre developed property located at 2000 Queen Avenue in Albany, Oregon. The developer desires to change the current zoning from Neighborhood Commercial (NC) to Community Commercial (CC) zoning. The proposed zone change must be in accordance with the Transportation Planning Rule (TPR) requirement by not significantly affecting the transportation system. The TPR refers to Action 1F.05 in the Oregon Highway Plan, which states that if there is a small increase in daily traffic (less than 400 trips) between the existing plan and proposed amendment, it can be determined that the proposed zone change will cause "no further degradation" to the surrounding roadway network.1 If the zone change generates an excess of 400 additional daily trips, it would warrant further operational evaluation and potential mitigations.

This memorandum summarizes the typical land use types and scenarios allowed under the existing NC zone and the reasonable worst-case trip generation under the proposed CC zone. This reasonable worst-case trip level can be used to identify land use and development scenarios that could potentially be implemented under the desired CC zoning.

1 Oregon Highway Plan, ODOT, 1999.

EXISTING CONDITONS

The property is located on the south side of Queen Avenue between Ocean Avenue and Multnomah Boulevard (Figure 1). It should be noted that the four-acre property is currently occupied by an approximately 45,000 square-foot Mega Foods grocery store that does not meet NC zoning requirements of limiting retail buildings to less than 5,000 square-feet. The purpose of this 5,000 square-foot retail constraint is to encourage convenience-oriented and personal services-oriented uses (Albany Development Code, Article 4, Special Condition 11a). After discussions with City of Albany, it was decided that the existing 45,000 square feet of commercial space would be analyzed as a group of 5,000 square-foot retail pads as a reasonable-worst case scenario.²



Figure 1: Site Location

Existing Zoning and Trip Generation

Under the current NC zone, a variety of permitted land uses could be developed on the property. For the purposes of identifying the reasonable worst-case trip generation for the subject property only the highest trip generating uses are shown:

- Restaurant, no drive-thru
- Restaurant, with drive-thru³
- Retail (convenience market, pharmacy, banks)⁴
- Daycare Facility⁵

A summary of the trip generation rates for different land uses permitted under the existing NC zoning is presented in Table 1 on the following page.⁶ As stated previously, retail land-uses are limited to 5,000 square-foot convenience-oriented and personal-services oriented uses. Examples of qualifying stores are listed in Article 22 of the Albany Development Code and are included in the table. The specialty retail land use from the

² Phone call with Ron Irish on December 5, 2018.

³ Per Albany Development Code, Article 4, Special Condition 10: Drive-thru restaurants are allowed in NC zones provided there are no more than 2 drive-through windows, and there is no speaker service (for ordering)

⁴ Per Albany Development Code, Article 4, Special Condition 11a: The only retail uses allowed are convenience-oriented and personal services-oriented retail and are restricted to a 5,000 square-foot maximum building footprint

⁵ Conditional Use review, Type III procedure required

⁶ Trip generation estimates calculated using average rates from the ITE Trip Generation Manual, 10th Edition.



EXHIBIT E

9th Edition ITE Trip Generation Manual was used to account for other specific retail land uses allowed under the existing zoning that are not included in the 10th Edition ITE Trip Generation Manual.

Table 1: Trip Generation Rates for Selected Allowed Land Uses under NC Zoning

| Land Use (ITE Code) | Units ^b | Weekday Trip Generation Rates | | |
|--|--------------------|-------------------------------|--------------|--------------|
| | | Daily | AM Peak Hour | PM Peak Hour |
| <i>Individual Land Uses Allowed</i> | | | | |
| High-turnover Sit-down Restaurant (932) | KSF | 112.18 | 9.94 | 9.77 |
| Fast-food Restaurant with Drive-thru (934) | KSF | 470.95 | 40.19 | 32.67 |
| Convenience Market (851) | KSF | 762.28 | 62.54 | 49.11 |
| Pharmacy w/ Drive-thru (881) | KSF | 109.16 | 3.84 | 10.29 |
| Drive-in Bank (912) | KSF | 100.03 | 9.50 | 20.45 |
| Specialty Retail (826) ^a | KSF | 44.32 | N/A | 2.71 |
| Daycare Center (565) | KSF | 47.62 | 11.00 | 11.12 |

^a ITE Trip Generation Manual, 9th Edition was used to estimate trip generation for Specialty Retail

^b KSF = 1,000 square feet

One of the 5,000 square-foot retail pads was considered to be a convenience market without gas pumps, since this an allowable land use under NC zoning. The ITE Trip Generation Handbook provides pass-by percentage estimates for the convenience market land use that is assumed for the project site.⁷ Pass-by trips account for vehicles that were already on adjacent streets (i.e. Queen Avenue) and decided to stop at the convenience store. These pass-by trips are therefore not included in the net new trips generated by the development as they are already using the transportation network. Table 2 on the following page presents trip generation estimates for one reasonable worst-case combination of allowed land uses that could be potentially developed on the four-acre subject property under the existing NC zoning.

⁷ Trip Generation Handbook, 3rd Edition, Institute of Transportation Engineers, September 2017.



Table 2: Reasonable Worst-Case Land Use and Trip Generation for Existing NC Zoning

| Land Use (ITE Code) | Size ^{b,c} | Weekday Trip Generation | | |
|---|---------------------|-------------------------|--------------|--------------|
| | | Daily | AM Peak Hour | PM Peak Hour |
| Convenience Market (851) | 5 KSF | 3,811 | 313 | 246 |
| <i>Pass-by Trips (51%)</i> | | (1,944) | (160) | (125) |
| High-turnover Sit-down Restaurant (932) | 5 KSF | 561 | 50 | 49 |
| <i>Pass-by Trips (43%)</i> | | (241) | (22) | (21) |
| Fast-food w/ Drive-thru (934) | 5 KSF | 2,355 | 201 | 163 |
| <i>Pass-by Trips (49%)</i> | | (1,154) | (98) | (80) |
| Pharmacy w/ Drive-thru (881) | 5 KSF | 546 | 19 | 51 |
| <i>Pass-by Trips (49%)</i> | | (268) | (9) | (25) |
| Drive-in Bank (912) | 5 KSF | 500 | 48 | 102 |
| <i>Pass-by Trips (35%)</i> | | (175) | (17) | (36) |
| Specialty Retail (826) ^a | 5 KSF | 222 | N/A | 14 |
| | 5 KSF | 222 | N/A | 14 |
| | 5 KSF | 222 | N/A | 14 |
| | 5 KSF | 222 | N/A | 14 |
| Total Trips Generated | | 8,661 | 631 | 667 |
| <i>Pass-by Trips</i> | | <i>(3,782)</i> | <i>(306)</i> | <i>(287)</i> |
| Net New Trips | | 4,879 | 325 | 380 |

^a ITE Trip Generation Manual, 9th Edition was used to estimate trip generation for Specialty Retail

^b Total square footage equals the footprint occupied by the existing commercial building on the site (45 KSF)

^c KSF = 1,000 square feet

As shown, full-build out of the property under existing zoning could generate 4,879 net new daily trips, 325 net new AM peak hour trips, and 380 net new PM peak hour trips. These values represent the reasonable worst-case trip generation produced by land uses allowed under the existing NC zoning.

PROPOSED ZONING AND TRIP GENERATION

Under the proposed CC zoning, a variety of permitted land uses could be developed on the property. For the purposes of identifying the reasonable worst-case trip generation for the proposed zoning, only the highest trip generating uses are shown:

- Restaurant, no drive-thru
- Restaurant, with drive-thru
- Retail (no restrictions)
- Gasoline Service Station
- Daycare Facility

The main difference between the existing NC zoning and proposed CC zoning is the lack of commercial restrictions with the CC zoning. Additionally, gas stations are also allowed, whereas NC zoning only allows standalone convenience markets. To remain consistent with existing zoning trip generation rates, it was decided to show both the convenience store land-use and standalone gas-station land use to identify the additional trips generated by the fueling pumps. A summary of the trip generation rates for different land uses permitted under the proposed CC zoning is presented in Table 3.⁸ Since there is no 5,000 square-foot limit for retail under the proposed CC zoning, the trip generation rates for shopping center land uses is shown instead.

Table 3: Trip Generation Rates for Selected Allowed Land Uses under CC Zoning

| Land Use (ITE Code) | Units | Weekday Trip Generation Rates | | |
|--|------------|-------------------------------|--------------|--------------|
| | | Daily | AM Peak Hour | PM Peak Hour |
| <i>Individual Land Uses Allowed</i> | | | | |
| High-turnover Sit-down Restaurant (932) | KSF | 112.18 | 9.94 | 9.77 |
| Fast-food Restaurant with Drive-thru (934) | KSF | 470.95 | 40.19 | 32.67 |
| Convenience Market (851) | KSF | 762.28 | 62.54 | 49.11 |
| Gasoline/Service Station (944) | Fuel Pumps | 172.01 | 10.28 | 14.03 |
| Pharmacy w/ Drive-thru (881) | KSF | 109.16 | 3.84 | 10.29 |
| Drive-in Bank (912) | KSF | 100.03 | 9.50 | 20.45 |
| Shopping Center (820) | KSF | 37.75 | 0.94 | 3.81 |
| Daycare Center (565) | KSF | 47.62 | 11.00 | 11.12 |

As shown in Table 4 on the following page, full-build out of the property under the proposed zoning could generate up to 5,005 net new daily trips, 370 net new AM peak hour trips, and 415 net new PM peak hour trips. These values represent the reasonable worst-case trip generation produced by land uses allowed under the proposed CC zoning.

⁸ Trip generation estimates calculated using average rates from the ITE Trip Generation Manual, 10th Edition.

Table 4: Reasonable Worst-Case Land Use and Trip Generation for Proposed CC Zoning

| Land Use (ITE Code) | Size | Weekday Trip Generation | | |
|---|---------------------------|-------------------------|--------------|--------------|
| | | Daily | AM Peak Hour | PM Peak Hour |
| Convenience Market (851) <i>Pass-by Trips (51%)</i> | 5 KSF | 3,811 (1,944) | 313 (160) | 246 (125) |
| Gasoline/Service Station <i>Pass-by Trips (58%)</i> | 8 fuel pumps ^a | 1,376 (798) | 82 (48) | 112 (65) |
| High-turnover Sit-down Restaurant (932) <i>Pass-by Trips (43%)</i> | 5 KSF | 561 (241) | 50 (22) | 49 (21) |
| Fast-food w/ Drive-thru (934) <i>Pass-by Trips (49%)</i> | 5 KSF | 2,355 (1,154) | 201 (98) | 163 (80) |
| Pharmacy w/ Drive-thru (881) <i>Pass-by Trips (49%)</i> | 5 KSF | 546 (268) | 19 (9) | 51 (25) |
| Drive-in Bank (912) <i>Pass-by Trips (35%)</i> | 5 KSF | 500 (175) | 48 (17) | 102 (36) |
| Shopping Center (820) <i>Pass-by Trips (34%)</i> | 17.5 KSF | 661 (225) | 16 (5) | 67 (23) |
| Total Trips Generated | | 9,810 | 729 | 790 |
| <i>Pass-by Trips</i> | | <i>(4,805)</i> | <i>(359)</i> | <i>(375)</i> |
| Net New Trips | | 5,005 | 370 | 415 |

^a The 8 fuel pumps were assumed to take up an additional 2,500 square-feet that would not otherwise be used with a standalone convenience market.

SUMMARY AND RECOMMENDATION

The land uses allowed under the existing NC and proposed CC zones produce similar levels of trip generation. The proposed CC zone would generate slightly more net new trips than the existing NC zone (45 AM peak hour trips, 35 PM peak hour trips, and 126 daily trips).

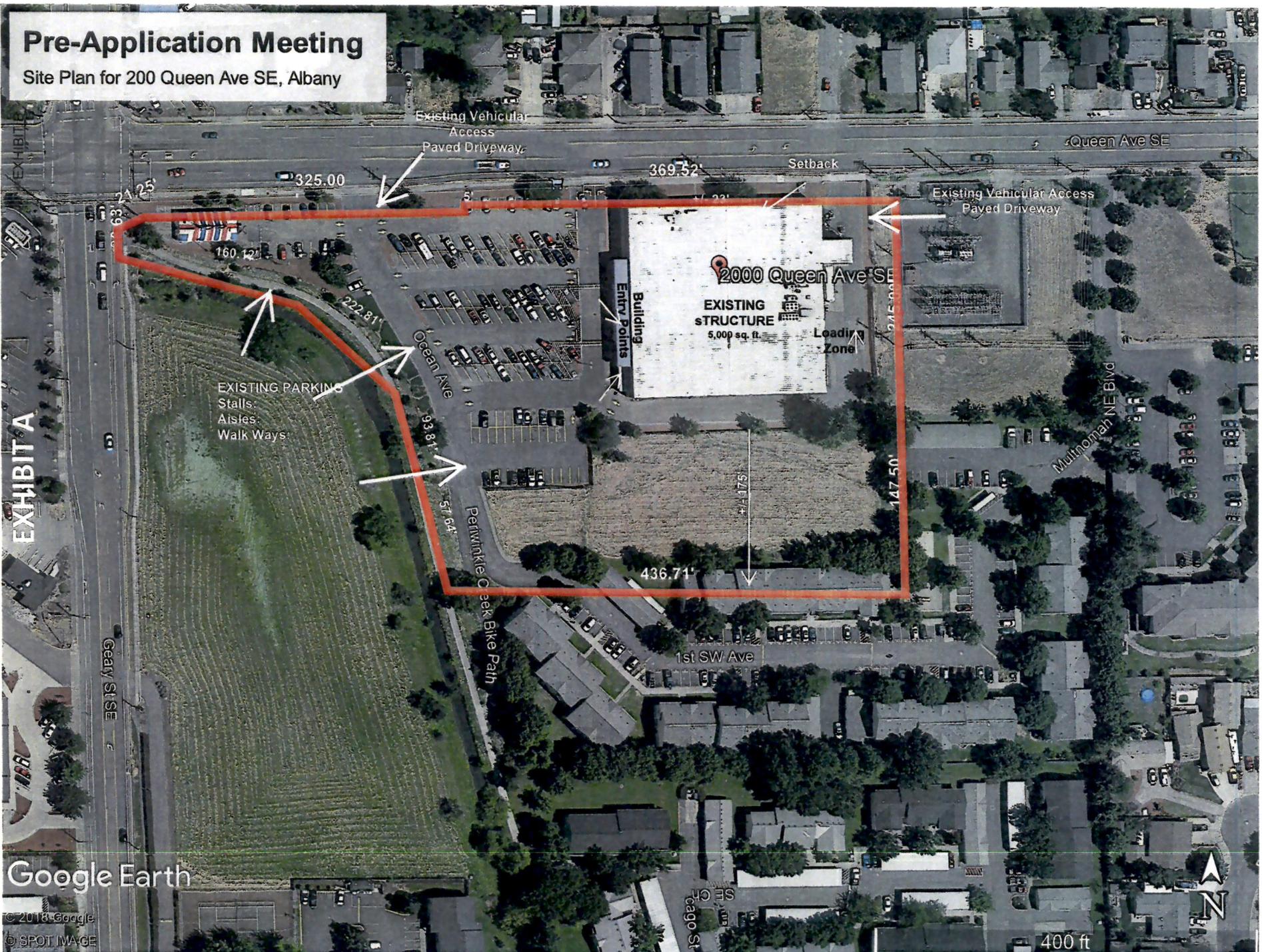
The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

Based on the reasonable worst-case trip generation evaluation, the proposed zone change would result in a daily increase of less than 400 trips. Therefore, the zone change would not contribute to a significant effect on the transportation system and would be consistent with the TPR requirements.

Let me know if you have any questions or comments.

Pre-Application Meeting

Site Plan for 200 Queen Ave SE, Albany



Google Earth

EXHIBIT A