

I2

TITLE: ZONE CHANGE AMENDMENT NO. 146, UNDER ORDINANCE NO. 4067 REZONING APPROXIMATELY 1.2 ACRES LOCATED EAST OF WAVERLY DRIVE AND SOUTH OF PACIFIC BOULEVARD FROM R-2 LIMITED MULTIPLE FAMILY RESIDENTIAL TO RP RESIDENTIAL-PROFESSIONAL

WHEREAS, the Planning and Zoning Commission of the City of Albany has held such hearings as are required by the law and the Ordinances of this city and has made findings concerning the appropriate zone for the property being considered, said findings being based upon evidence produced at hearings, and

WHEREAS, the Council of the City of Albany has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the zoning of the property above described and evidence having been introduced and the same being fully considered, the City Council does hereby find as follows:

(see attached findings)

and,

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

That development of the site be subject to Site Plan Review in accordance with Article 17 of the Zoning and Land Use Regulations.

now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: ZONE CHANGE AMENDMENT NO. 146

An area described as follows:

Assessor's Parcel Map 11-3W-5DD, Tax Lot 706
(see attached legal)

is hereby rezoned as RP-Res./Prof. and this amendment shall be known as zone change amendment number 146 .

Section 2: COPY FILED

A copy of this zone change amendment shall be filed in the office of the City Recorder of the City of Albany and the number noted on the official zoning map of the City of Albany.

41

4185

I2


Section 3: CERTIFICATE OF COMPLIANCE

This zone change amendment shall be effective upon filing of a certificate of compliance with the conditions above enumerated by the Planning Director of the City of Albany.

Passed by the Council: October 11, 1978

Approved by the Mayor: October 11, 1978

Effective Date: November 10, 1978



Mayor

ATTEST:



City Recorder

42

JUSTIFICATION FOR REQUESTED ZONE CHANGE

I. THE PROPOSED CHANGE IS CONSISTENT WITH AND PROMOTES THE OBJECTIVES OF THE COMPREHENSIVE PLAN, GOAL STATEMENTS AND ZONING REGULATIONS OF THE CITY.

The subject property is presently zoned Limited Multiple Family and lies within an area designated as Urban Residential in the Comprehensive Plan. The requested zone change is to Residential Professional to allow the construction of a credit union building on the site.

The Comprehensive Plan discusses at length the various goals and guidelines relating to residential and commercial uses. There is relatively little discussion of the business-professional uses, except a general statement that such uses should be encouraged to locate in commercial areas rather than in predominantly residential areas. The plan also includes a specific goal statement to the effect that the City should prevent the intrusion of "incompatible" commercial uses into residential areas. That statement implies that there may be some compatible commercial uses which could exist side by side with residences.

The theory that some commercial uses can exist in a predominantly residential area is put into effect by the Residential-Professional zone established in the 1977 zoning ordinance.

Section 4.01A provides,

"The RP RESIDENTIAL-PROFESSIONAL DISTRICT provides for a desirable mixing of residential land uses with light commercial uses in possible close proximity to adjacent residential districts. The light commercial uses allowed in this district are selected for their compatibility with residential uses. Such a district is typically appropriate along arterial streets as a transitional or buffer zone between residential districts and more intense commercial or industrial districts.

Offices for savings and loans, and banks are a permitted use in the R-P zone. The applicants propose to convey the subject property to the Wood Products Credit Union which would construct its offices on the site. Credit Union offices would be very similar to small bank or savings and loan operations. Such an operation is recognized by the zoning ordinance as being compatible with residential uses. It, therefore, would comply with the Comprehensive Plan. It meets the other standards of the zoning ordinance in that the property is adjacent to an arterial street and serves as a buffer between the single family Freeway Addition subdivision to the South and the Pacific Boulevard commercial area to the North.

II. THERE IS A PUBLIC NEED FOR THE CHANGE.

The wood products industry plays a vital role in Albany's economy. A large number of our residents are employed in that industry. The Wood Products Credit Union provides a useful, effective savings and lending service to those employed in the industry and their families. Use of credit unions has increased in recent years requiring expanded facilities. Such is the case with the Wood Products Credit Union. The employees need the credit union and the credit union needs more space.

III. THE PARTICULAR PIECE OF PROPERTY MEETS THE PUBLIC NEED.

The subject property is on an arterial street which would provide easy access to the persons using the credit union. It is located in the Northeast area of the city which is in fairly close proximity to the wood products industries near our community. It also is in close proximity to the major highways which transport employees from other communities to and from the credit union.

The change from Limited Multiple Family to Residential Professional provides an additional benefit in that it reduces space available in East Albany for the construction of multiple family housing. Much has been said in recent months regarding the disproportionate number of multiple family units which have been constructed in east and south Albany when compared with the number of units in other areas of the city. The area near the subject property is saturated with multiple family units. The best interest of the public would be served by construction of a credit union, rather than more housing units on the subject property.

2C Taylor

Applicant submits the following finding of fact:

The R-P Residential-Professional zone by definition is the most restrictive non-residential zone and allows only those business and professional uses which are compatible with residential areas.

Applicant further requests that all findings submitted in support of R-P zoning be considered as also supporting the request for an amendment of the Comprehensive Plan.

JOURNAL NO. 2C-5-78, Zone Change and Comprehensive
Plan Amendment

JOURNAL NO. 2C-5-78 - ZONE CHANGE REQUEST
OF TAYLOR, JOHNSON AND FOX - COMPLIANCE
WITH LCDC GOALS AND GUIDELINES

1. CITIZEN INVOLVEMENT

Citizen involvement is insured by the City ordinance and state statute requiring a public hearing prior to the grant or denial of the requested change.

2. LAND USE PLANNING

The City of Albany has established a functioning land use planning process. The proposed request is filed pursuant to the established procedures. One of the present problems in determining how to proceed in Albany is that the City has recently adopted a new zoning ordinance, but has not yet completed work on the revised Comprehensive Plan.

The text of the Comprehensive Plan adopted in 1971 is anything but comprehensive. It is a two page document which identifies problems, but sets no goals or guidelines. This is particularly true when discussing business and professional type uses. It is difficult to determine where business and professional uses should be on the plan map, since the plan text does not contain a single sentence addressed to business and professional uses.

Applicants take the position that the Residential Professional zone may fall within two classifications on the Comprehensive Plan map, Commercial or Urban Residential. We base our opinion on the definition of the R-P zone.

"The R-P RESIDENTIAL-PROFESSIONAL DISTRICT provides for a desirable mixing of residential land uses with light commercial uses in possible close proximity to adjacent residential districts. The light commercial uses allowed in this district are selected for their compatibility with residential uses. Such a district

is typically appropriate along arterial streets as a transition or buffer zone between residential districts and more intense commercial or industrial districts."

It is to be noted that the ordinance talks of a desirable mixing of the uses. It also speaks of a transition between commercial and residential districts. It, therefore, seems appropriate that the R-P zone fits equally well in the Urban Residential or in the Commercial designation of our somewhat vague Comprehensive Plan.

3. AGRICULTURAL LANDS- Not Applicable.

4. FOREST LANDS - Not Applicable.

5. OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES - Not Applicable.

6. AIR, WATER AND LAND RESOURCES QUALITY

The proposed amendment allows no industrial usage. No pollution of air, land or water is anticipated. The area is serviced by City sewer and water.

7. AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

The area is not subject to natural disasters or hazards.

8. RECREATIONAL NEEDS

The proposed change may lessen the need for recreational space in the area. Business and professional usage has lessor need for recreational space than does multiple family housing.

9. ECONOMY OF THE STATE

With the growth and increased diversification of Albany's economy, the need for increased and diversified business and professional services has grown. The proposed credit union will serve the many wood products workers in the area and provide them with a necessary savings and lending institution.

10. HOUSING

The interdepartmental memorandum which is a part of the staff report indicates that as of July 6, 1978, there were 238 acres of vacant R-2 Limited Multiple Family property in the City. That allows construction of approximately 3570 additional units. It is a matter of common knowledge that the overwhelming concentration of multiple family land is in East Albany. The area is rapidly reaching the saturation point for multiple family housing. The Comprehensive Plan indicates that multiple family housing should be dispersed throughout the City. It would seem that the less intense Business-Professional use is more appropriate to the subject property than more apartments.

11. PUBLIC FACILITIES AND SERVICES

All public facilities and services are available for the subject property.

12. TRANSPORTATION

The effect on the transportation system of a business and professional operation and multiple family housing would be similar. Both should be located on or near major arterials which Waverly Drive is.

13. ENERGY CONSERVATION

The proposed credit union is to be located in an area where a large number of wood products employees reside. It is also near the primary location of wood products plants. The distance the users would have to drive would be lessened by locating the credit union on Waverly Drive. Energy would be saved.

14. URBANICATION - Not Applicable.

15. WILLAMETTE VALLEY GREENWAY - Not Applicable.

10-4-21-78
10-4-21-78

MEMORANDUM IN SUPPORT OF COMPREHENSIVE PLAN AMENDMENT

TO: CITY OF ALBANY PLANNING COMMISSION, PLANNING
DEPARTMENT AND CITY ATTORNEY

FROM: ROBERT T. SCOTT, ATTORNEY FOR APPLICANTS

RE: JOURNAL NO. 2C-5-78, ZONE CHANGE AND COMPREHENSIVE
PLAN AMENDMENT

At the public hearing August 7, 1978, several Planning Commission members expressed approval of a zone change from R-2 to RP, but expressed the opinion that a Comprehensive Plan Amendment would be necessary before such a change could take place. Mr. Bryant and Mr. Delapoer expressed similar opinions. Both Mr. Bryant and Mr. Delapoer indicated that further findings should be submitted by the applicant to support a possible amendment to the Comprehensive Plan. This Memorandum will attempt to supply those findings.

1.) Historically, the property has been designated as commercial. The City recognized it's commercial character by giving preliminary approval of a commercial PUD in 1973, which included the subject property. No dramatic change has occurred in the immediately surrounding area which would diminish the property's suitability for limited commercial usage.

2.) The area in which the subject property is located is saturated with multiple family development. Immediately to the east are 48 apartments. Within two miles of the subject property there are literally hundreds of multiple family units. Designating the subject property as Business-Professional-Commercial, rather than Urban Residential would help disperse multiple family dwellings throughout other areas of the City rather than add to the concentration now existing in east Albany.

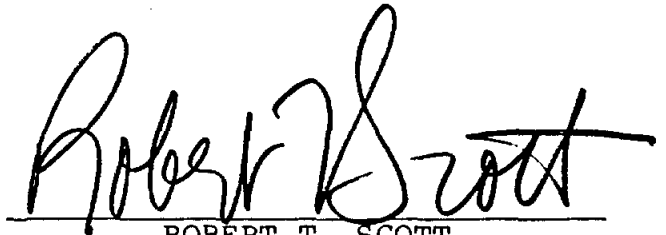
3.) Business-Professional-Commercial use of the property would spread out the use of the arterial streets in the area. Business-Professional users would tend to use the streets during 8:00 AM to 6:00 PM hours. Multiple family development, on the other hand, would add to the already heavy use during the evening hours.

4.) Business-Professional use would eliminate for the most part noise and light problems in the evening hours and, therefore, would benefit the single family residences to the south and west.

5.) A light Business-Professional use would be compatible with both the more intense commercial development to the north and the residential area to the south, east and west.

6.) Applicants have applied for a zone change to R-P Residential-Professional. There is very little Residential-Professional land vacant within the City. A Comprehensive Plan Amendment is necessary to allow the proposed change. The proposed change would be a less intense use of the property than that allowed by the present Urban Residential R-2 designation.

Applicants request a Comprehensive Plan Amendment as to the subject property from Urban Residential to Business-Professional and Commercial, based upon the findings set out above.

A handwritten signature in black ink, appearing to read "Robert T. Scott", written over a horizontal line.

ROBERT T. SCOTT
Attorney for Applicants

175.00 foot radius curve right (the long chord of which bears South 74°26'48" West 85.48 feet) a distance of 86.36 feet; thence South 88°35'00" West 61.38 feet to the true place of beginning.

1.20 Acres

Beginning at the northwest corner of Lot 4, Block 13, FREEWAY ADDITION to Albany, Linn County, Oregon; and running thence North 01°25'00" West 267.86 feet to the southerly right-of-way of a 40.00 foot roadway; thence South 60°18'35" West 69.01 feet; thence southwesterly along a 215.00 foot radius curve right (the long chord of which bears South 74°26'48" West 105.02 feet) a distance of 106.10 feet; thence South 88°35'00" West 71.38 feet to the easterly right-of-way of Waverly Drive; thence South 01°25'00" East 210.00 feet to the north line of said addition; thence North 88°28'00" East along said north line 234.00 feet to the true place of beginning.

275.2 square foot Tract

Beginning at a point which is North 01°25'00" West 267.86 feet from the northwest corner of Lot 4, Block 13, FREEWAY ADDITION to Albany, Oregon, said point also being on the southerly right-of-way of a 40.00 foot roadway; and running thence North 60°18'35" East 23.09 feet; thence northeasterly along a 345.00 foot radius curve right (the long chord of which bears North 61°27'03" East 13.74 feet) a distance of 13.74 feet; thence South 88°28'00" West 32.56 feet; thence South 01°25'00" East 17.14 feet to the true place of beginning.

0.52 Acre Tract (40' Roadway)

Beginning at a point which is North 01°25'00" West a distance of 285.00 feet from the northwest corner of Lot 4, Block 13, FREEWAY ADDITION to Albany, Linn County, Oregon; and running thence North 88°28'00" East a distance of 32.56 feet; thence northeasterly along a 345.00 foot radius curve right 138.95 feet (the long chord of which bears North 74°07'48" East 138.01 feet); thence North 85°40'05" East 148.21 feet; thence North 04°19'55" West 40.00 feet; thence South 85°40'05" West 148.21 feet; thence southwesterly along a 385.00 foot radius curve left 170.40 feet (the long chord of which bears South 72°59'20" West 169.01 feet); thence South 60°18'35" West 92.10 feet; thence southwesterly along a 175.00 foot radius curve right 86.36 feet (the long chord of which bears South 74°26'48" West 85.48 feet); thence South 88°35'00" West 71.38 feet to the easterly right-of-way of Waverly Drive; thence South 01°25'00" West 40.00 feet; thence leaving said right-of-way North 88°35'00" East 71.38 feet; thence northeasterly along a 215.00 foot radius curve left 106.10 feet (the long chord of which bears North 74°26'48" East 105.02 feet); thence North 60°18'35" East 69.01 feet; thence North 01°25'00" West 17.14 feet to the true place of beginning.