

ORDINANCE NO. 4422

TITLE: ZONE CHANGE AMENDMENT NO. 152, UNDER ORDINANCE NO. 4273, REZONING APPROXIMATELY 0.37 ACRES LOCATED ON THE NORTHWEST CORNER OF SANTIAM HIGHWAY AND GEARY STREET FROM R-2 LIMITED MULTIPLE FAMILY TO C-2 COMMUNITY COMMERCIAL.

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

WHEREAS, the Council of the City of Albany has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the zoning of the property described above and bases its decision in accordance with the findings on file with the City Recorder which are adopted by separate motion and incorporated by reference herein; and

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

1. Tax Lots 13300, 13400, and 13500 shall be combined into a single tax lot.
2. Future development of this site shall be subject to Site Plan Review by the entire Planning Commission.
3. Location of access shall be determined based on traffic general and traffic flow information to be submitted by the applicant with the Site Plan Review request. Specific location of access shall not be approved until submission of a detailed site plan where specific location of driveways shall be subject to site plan approval. The site plan review may require the closure of existing access.

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

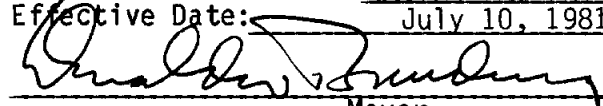
Section 1. ZONE CHANGE AMENDMENT NO. 152

An area described as follows: 11-3W-5CC, Tax Lots 13300 and 13500 is hereby rezoned as C-2 Community Commercial and will be known as Zone Change Amendment No. 152.

Section 2. COPY FILED

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

Passed by the Council: June 10, 1981  
Approved by the Mayor: June 10, 1981  
Effective Date: July 10, 1981

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

Existing Land Use: Older single family homes presently occupy the two parcels for which the zone change has been requested. The larger parcel which is already zoned C-2 is currently vacant and is used as a parking lot.

Surrounding Land Use: North - older single family houses  
East, South & West - some small scale general commercial and businesses.

### BACKGROUND INFORMATION

At the time that the Planning Commission and City Council were reviewing the Comprehensive Plan, Mr. Ervin requested that the subject property be designated as General Commercial. It was designated for commercial use, but the Commission and the Council felt that the zone change should be done through the normal zone change procedures. This would allow for neighborhood input and consideration of specific site development problems such as access.

This property is located on the northwest corner of Santiam Highway and Geary Street, an intersection with substantial congestion, poor traffic flow and frequent traffic accidents. In 1979, there were nine traffic accidents at this intersection and in 1980 there were eight. A major factor contributing to the congestion of this intersection is the close proximity to the Santiam Highway/Pacific Boulevard intersection. The Pacific-Santiam intersection had 18 accidents in 1979 and 12 in 1980. Commercial development of the subject site will add more traffic and congestion to the area, and could contribute to increasing the number of accidents in the area.

The Roadway and Traffic Safety Program prepared in 1978 recommends intersection improvements for the Geary and Santiam intersection. For details, refer to the attached map.

Geary Street has just recently been improved by the City. There are currently two curb cuts off Geary Street onto the property. One is narrow and goes to the existing small house, and the other is wider and serves the existing vacant lot. There currently are two accesses off of Santiam Highway also. One very wide access serves the vacant lot or parking lot and one serves the small house.

The two houses that will have to be removed to allow development of this site are not of historic significance. Removal of these will require a demolition permit. There are no natural hazards that will affect this site. Approval of this request will remove two existing housing units from the housing stock.

### APPLICABLE REGULATIONS

LCDC Goals: Until such time as the Albany Comprehensive Plan is acknowledged by the State Land Conservation and Development Commission to be in conformance with the statewide planning goals, all land use actions by the City of Albany must be in conformance with these goals.

Albany Comprehensive Plan: All land use actions taken by the City of Albany must be in conformance with the Albany Comprehensive Plan.

The Comprehensive Plan Map designates the subject area as General Commercial. The Master Bicycle Plan designates a proposed bicycle path along Geary Street. The Master Street Plan designates both Santiam Highway and Geary Street as arterial streets. There are numerous goals and policies included in the Comprehensive Plan that directly affect the decision to allow the development of this site. As a minimum these are listed below, by reference only:

Chapter 1: Environmental Setting

Natural Resources: Goals, Policies 1, 3, 4, 6, 8, & 10.  
Implementation Methods 2, 4, 5, 6, 7, 8, 11, & 13.

Chapter 2: Community Needs

Economic Development: Goals, Policies 2, 4, 5, 9, 10, 17, & 19.  
Implementation Methods 1 & 10.

Housing: Goal

Transportation: Goal, Policies 1, 3, 13, 14, 15, 16, & 21.  
Implementation Methods 2, 8, 21, 26, 27, 28, 29, 33, 42, & 44

Public Services and Facilities: Goal

Storm Drainage Policies: 1 & 3

Chapter 3: Growth Management Process

Directing Growth: Goal, Policies 1, 6, 7, 10, 12 & 13.  
Implementation Methods 5 & 6.

Development Review: Goal 2, 3, 4, 7, & 9

Energy Conservation: Goal, Policies 4  
Implementation Methods 9 & 13

Public Involvement: Goal and Policies 5 & 9

City of Albany Zoning and Land Use Regulations (and/or) Albany Development Code:

The actual site development must be in conformance with the Albany Zoning Ordinance. If the applicant does not request development review for this site prior to adoption of the Development Code, then the new standards and regulations in the Development Code will apply.

FINDINGS

Findings Required: In order to take action on this request, the City of Albany must adopt findings which address the LCDC goals, and the Albany Comprehensive Plan.

Findings in Favor: The applicant has prepared some findings in favor of this request. These proposed findings are attached as "exhibit F."

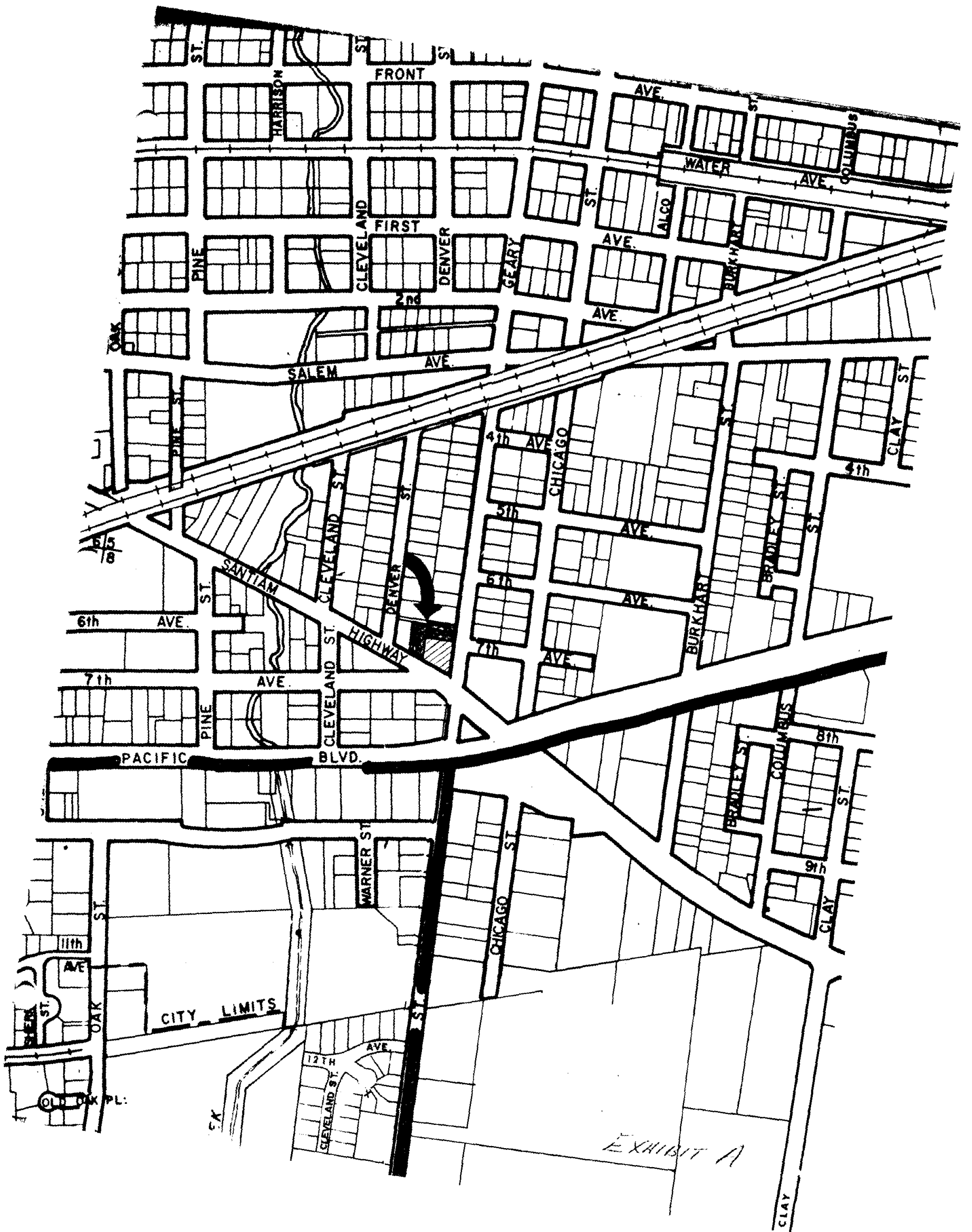
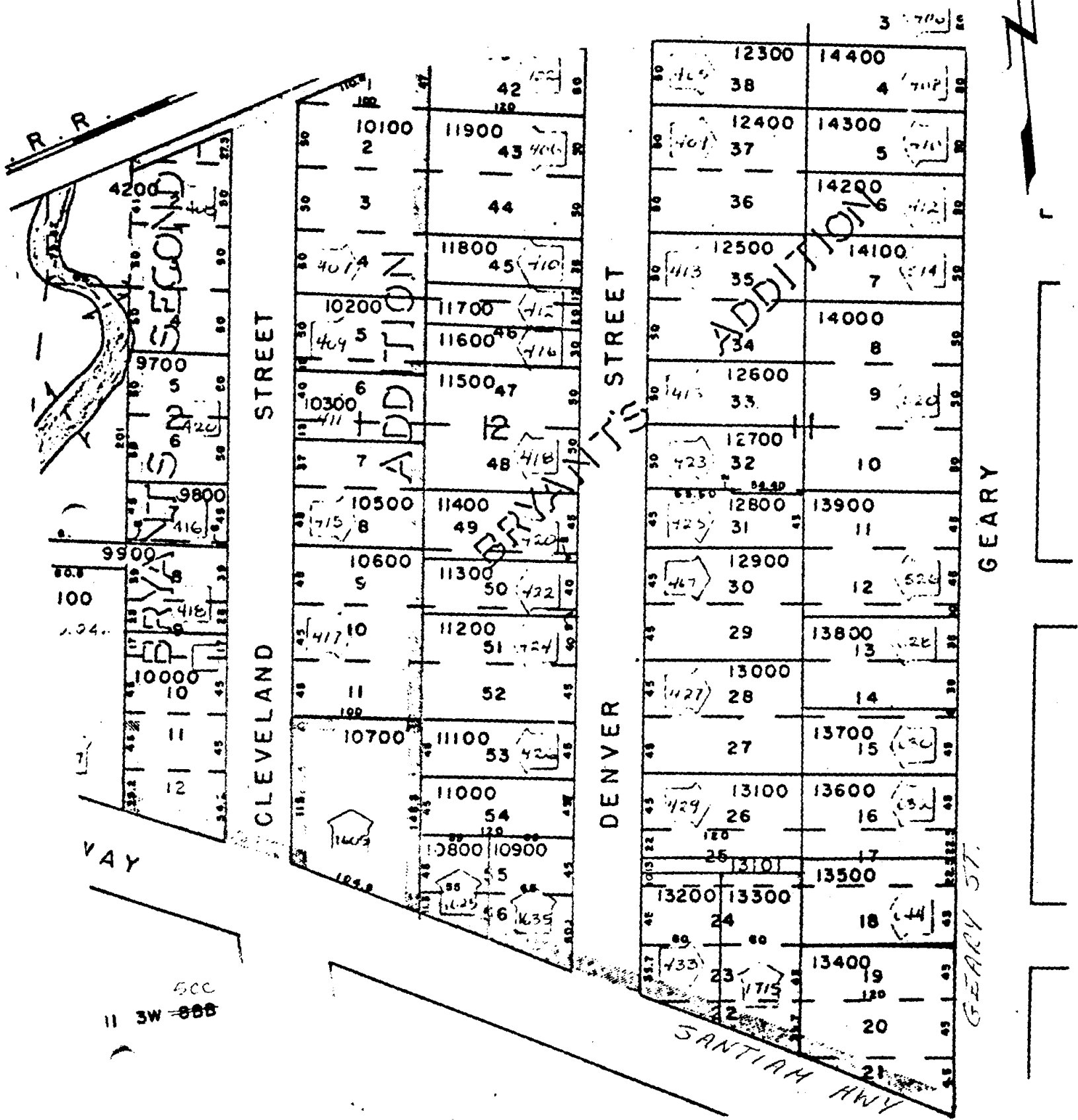


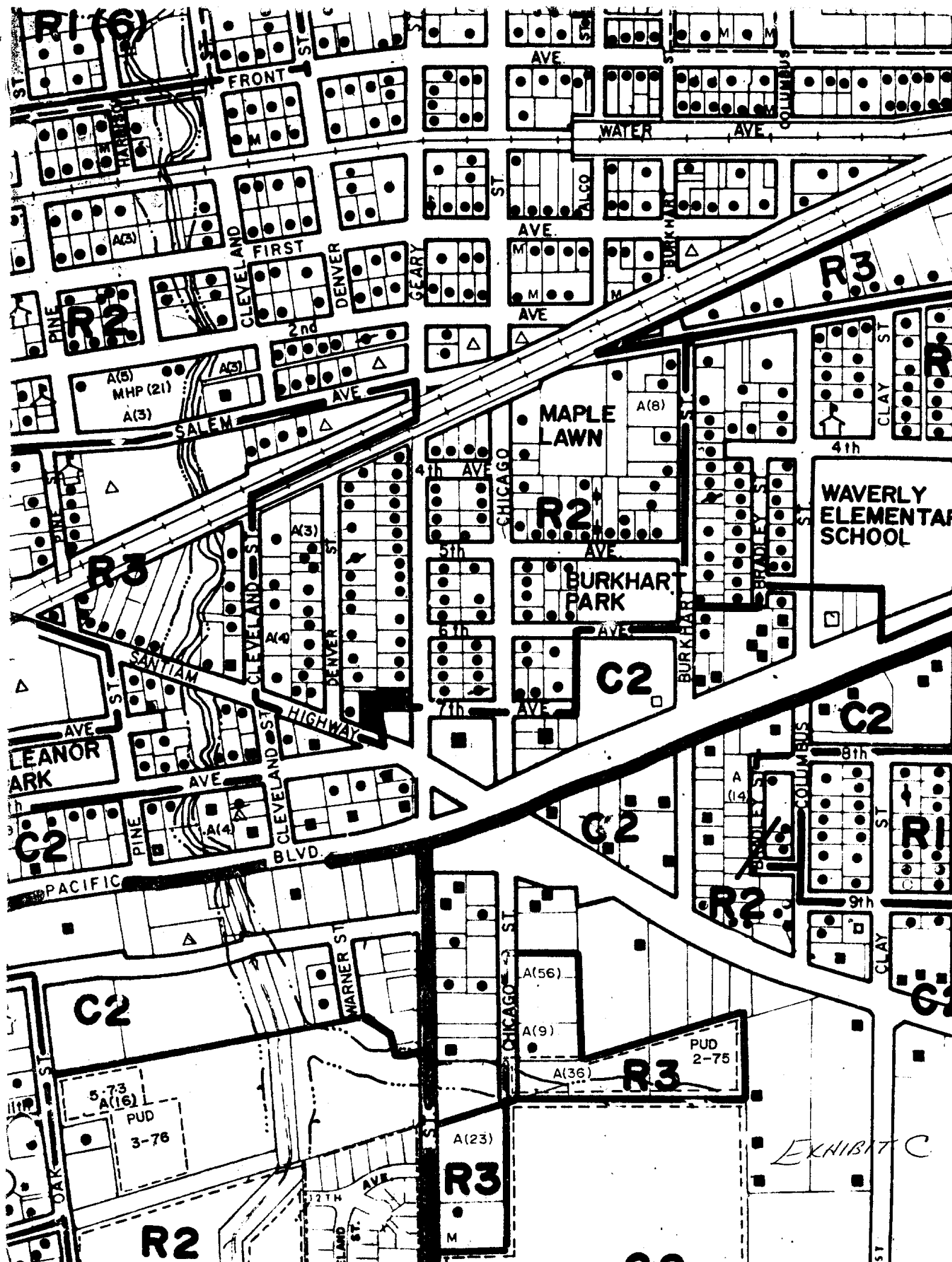
EXHIBIT A

The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.

Pioneer National Title Insurance Company  
A TICOR COMPANY



500  
11 3W-888



R3

R2

A(5) MHP (21)  
A(3)

R3

MAPLE  
LAWN

R2

BURKHAR  
PARK

C2

WAVERLY  
ELEMENTARY  
SCHOOL

LEANOR  
PARK

C2

C2

C2

5-73  
A(16)  
PUD  
3-76

R2

R3

A(56)  
A(9)

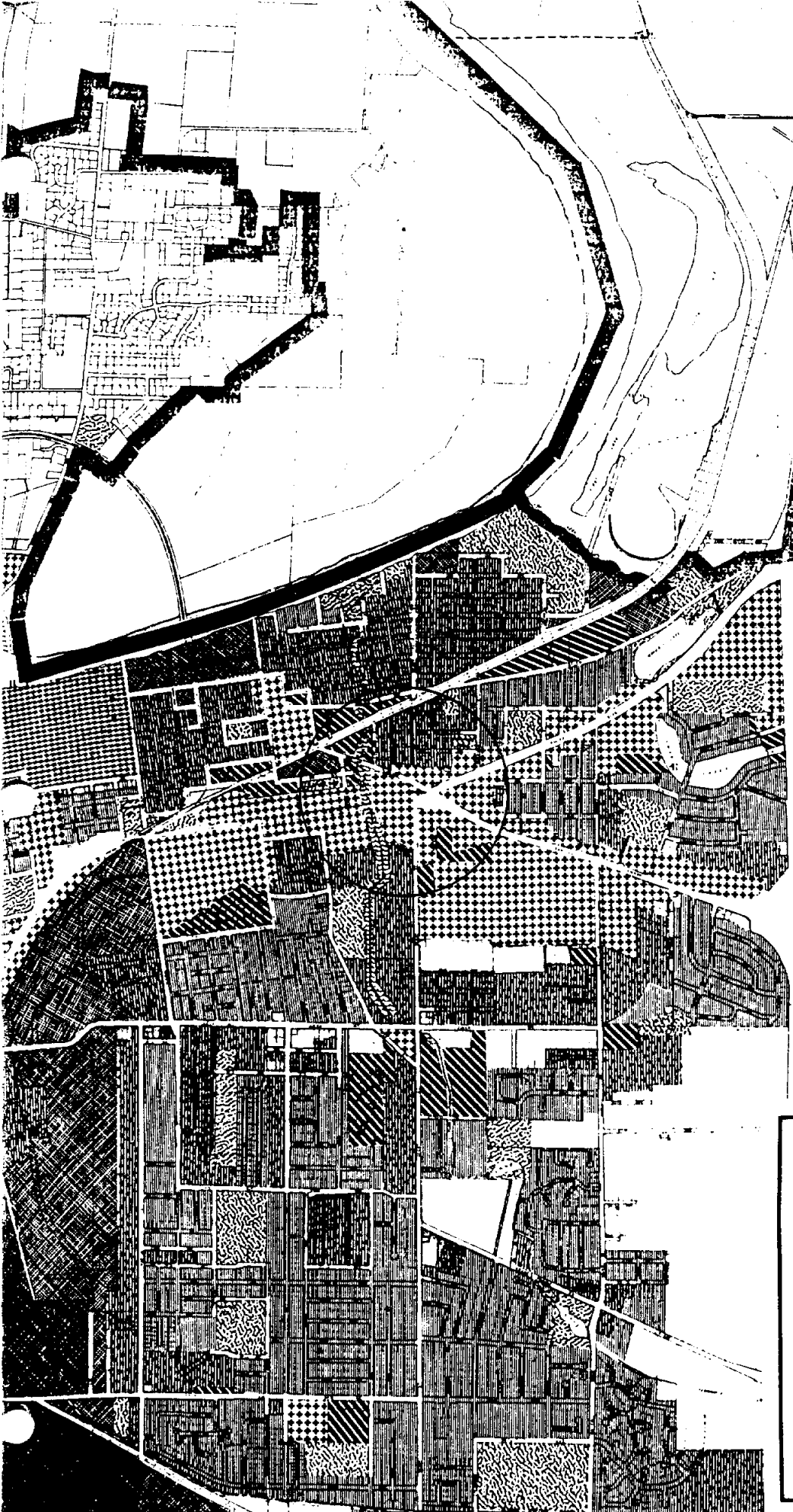
A(36)

R3

PUD  
2-75

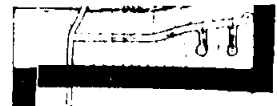
EXHIBIT C

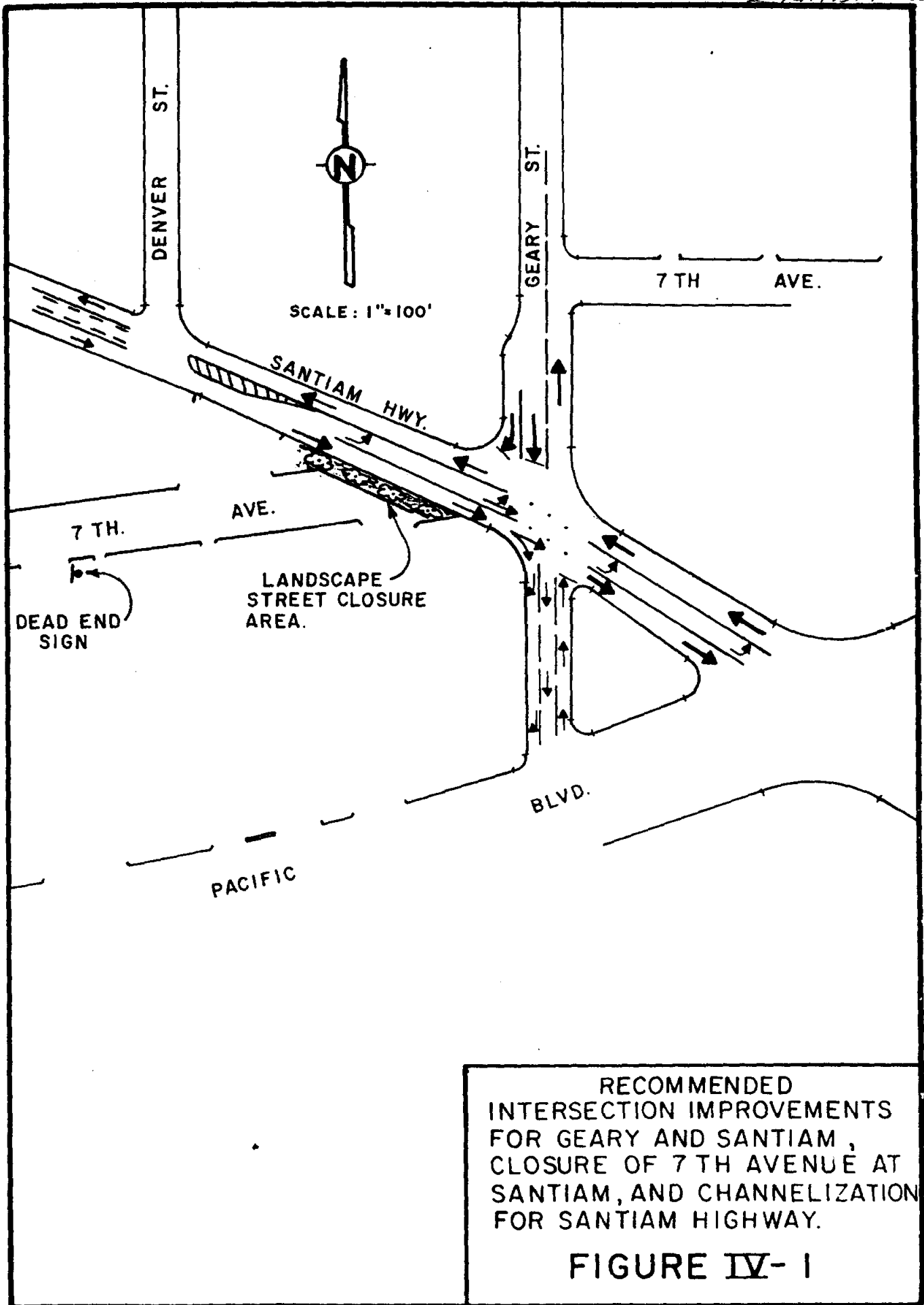
EXHIBIT D



**Plan Designations**

- Urban Residential Reserve
- ▨ Low Density Residential
- ▩ Medium Density Residential
- ▧ High Density Residential
- Light Commercial
- ▨ General Commercial
- ▩ Central Business District
- ▧ Industrial Park
- ▨ Light Industrial
- ▩ Heavy Industrial
- ▧ Public Facilities
- ▨ Open Space







## ATTACHMENT F

### Conformance with the Albany Comprehensive Land Use Plan

#### ENVIRONMENTAL SETTING

##### Vegetation and Wildlife Habitat:

1. Development of site will include protection of existing large oak tree at intersection of Santiam and Geary Streets.
2. Landscaping of future development will consider distribution through parking areas to minimize summer heat gain and create a buffer between the proposed commercial use and adjacent residential property.

##### Air Pollution:

1. Proposed use (retail outlets) is non-polluting (air, sound).
2. Neighborhood pedestrian access and bike path potential lessen necessity of automobile use.

##### Noise Pollution:

1. The proposed commercial building's mass should aid in shielding the adjacent neighborhood from traffic noise of Pacific Boulevard.

The affected site is not located within a hazard zone or defined special area.

#### COMMUNITY NEEDS

##### Economic Development:

1. The project would strengthen Albany as an economic center by providing additional diversity in small retail outlets available to the region.
2. The project would provide additional jobs in the area, both in the construction and staffing of these shops.
3. The development would provide specialty shopping needs at a location readily available to both neighborhood (pedestrian) and regional (auto oriented) uses.
4. The site is located so as to limit traffic generated by its use to existing major arterials (Santiam and Geary Streets) without loading residential streets.

Transportation:

1. Supports existing arterials as access to commercial use.
2. Supports designated bike path route.

Public Services:

1. Development site is within an existing developed area with recently upgraded sewer system.
2. Commercial use should produce a lighter utility and services loading in relation to the multi-family use possible under existing zoning.

## ATTACHMENT G

### Conformance with Oregon Land Conservation and Development Commission Goals and Guidelines.

#### Citizen Involvement:

1. Project is submitted to City of Albany under a Zoning Change Request with public hearings and neighborhood input as standard procedure.

#### Land Use:

1. The requested zoning change will bring the properties zoning into conformance with the newly adopted Comprehensive Land Use Plan of Albany.
2. The zoning change will bring the effected property into conformance with existing C-2 zoned property possessed by owner providing a viable small retail center.

#### Air, Water and Land Resources Quality:

1. Provides a "clean" retail use of site.
2. Project makes use of existing municipal utility systems and provides minimal loading of that system.

#### Economy of the State:

1. Commercial use meets demand for retail outlets within  $\frac{1}{2}$  mile radius of site.
2. Project provides development of otherwise vacant property and creation of additional jobs in the region.

#### Housing:

1. The two residential structures to be removed for this project are substandard and delapidated (one vacant).
2. The site (at the intersection of two busy arterials) is not desirable for residential use (children's safety, noise problems).

#### Transportation:

1. The development would reinforce existing arterial routes.
2. The development would reinforce designated bike routes.
3. The development would reinforce the bus route.
4. The development would reinforce and enhance the adjacent properties to form a "shopping center" for the community.

#### Energy Conservation:

1. The project would recycle existing vacant land and housing (energy inefficient) in an otherwise developed area.