

ORDINANCE NO. 4635

TITLE: ZONE CHANGE AMENDMENT NO. 1 UNDER ORDINANCE NO. 4528 REZONING ±ONE ACRE OF PROPERTY LOCATED AT 250 QUEEN AVENUE SW FROM RESIDENTIAL PROFESSIONAL TO LIGHT INDUSTRIAL.

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:

(see attachment "Probable Future Conditions")

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

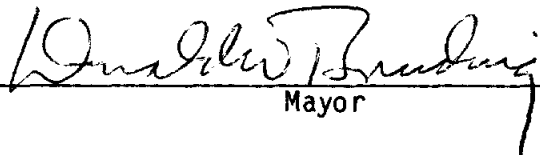
Section 1. ZONE CHANGE AMENDMENT NO. 1

An area described as follows: 11-3W-7CD, Tax Lot 102 (250 Queen Avenue SW), is hereby rezoned as Light Industrial and will be known as Zone Change Amendment No. 1.

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: July 11, 1984
Approved by the Mayor: July 12, 1984
Effective Date: August 10, 1984



Mayor

ATTEST:



City Recorder

JUN 06 1984

BEFORE THE CITY COUNCIL
OF THE CITY OF ALBANY

E-K-A

In the Matter of File)
No. CP-01-84/~~20~~-01-84)
an Application by Ed)
Perlenfein, et al, Re-)
lating to Property)
located at 250 SW Queen,)
Albany, Oregon.)

FINDINGS AND CONCLUSIONS

WHEREAS, Ed Perlenfein, Rick Perlenfein, and Arlene Hein, hereinafter referred to as Applicants, have filed applications seeking a change in the Comprehensive Plan designation from Light Commercial to Light Industrial with a concurrent zone change from Residential Professional to Light Industrial and have submitted to the Planning Department written comments on applicable criteria, and

WHEREAS, a public hearing before the Albany Planning Commission was held on May 7, 1984, at 7:15 PM. At said hearing, opportunity was afforded for proponents and opponents of the applications to testify. No person testified against the applications. The Commission considered the written comments submitted by the Applicants, the written staff report submitted by the Planning Department staff, the testimony of the witnesses at the public hearing, and the comments of staff and commission given at the public hearing. Being fully advised, the Commission unanimously voted to recommend to the City Council that the applications be approved. Thereafter, the Planning Department staff forwarded to the Council the entire record of the Planning Commission hearing, and all written testimony had been considered by the Planning Commission. The City Council then scheduled public hearings for

June 13, 1984, and June 27, 1984, and gave the required public notice to all interested parties. The Council has conducted the hearings, and being fully advised in the premises,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ALBANY MAKES THE FOLLOWING FINDINGS AND CONCLUSIONS:

I.

CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT

CRITERIA A. The Applicants must show conformance with goals and policies of the Plan or demonstrate a change in circumstances which would necessitate a change in the goals and/or policies. The Albany Development Code, Section 3.070(1).

FACTS: The subject parcel is less than one acre located at 250 SW Queen Avenue, a four lane major arterial. The adjoining property to the West contains an auto towing and wrecking business and a transmission repair business. Across Queen Avenue to the North are a ceramic shop, a floor covering store and a machine shop. Across Queen to the Northeast are single-family homes. To the east of the property are single-family residences and a convenience store. The property to the South contains single-family residences on large lots. Virtually all the property to the West has been developed for industrial or heavy commercial uses. To the East and South are mixed single-family and multiple residential uses, and a neighborhood convenience store.

The surrounding zoning is Light Industrial to the North and West; Limited Multiple Family Residential to the South and immediate East. Further East zoning is Neighborhood Commercial and Single-Family Residential.

The property is flat, has no significant vegetation upon

landscaping and larger setbacks than the zones permitted in the Light Commercial designation.

CONCLUSIONS: The current Comprehensive Plan designation and zoning were adopted in error. The subject property should have been included in the large Light Industrial zone which now adjoins it to the East. It was not realistic for the City to expect professional offices to locate next to a wrecking yard, when they can locate within any of the commercial or residential areas of the City. As a practical matter, with its intense landscaping and buffering requirements, a Light Industrial designation will act as a better buffer between the wrecking yard and the residences to the East than professional offices. The plan designation error should be corrected. Light Industrial is the proper designation for the property.

II.

CRITERIA FOR ZONE AMENDMENT

CRITERIA A: The Applicants must show that the proposed zone amendment conforms to the Comprehensive Plan.

FACTS: As indicated in the findings and conclusions in Section I of this document, the Council has approved the Applicants' request to change the Comprehensive Plan designation from Light Commercial to Light Industrial. The Applicants concurrently requested a zone change from Residential-Professional to Light Industrial. Residential-Professional is not a compatible use within the Light Industrial plan designation. (See Plan Designation-Zoning Matrix, p. 130 Comp. Plan). The staff report at pages 13 - 17 address the zone change criteria. We again adopt the comments of

the Applicants and the staff as set out in the staff report.

CONCLUSIONS: Zoning districts must be compatible with the Comprehensive Plan designation. Since the plan designation is now Light Industrial, the zoning classification must be changed. The only zoning districts which are compatible with the Light Industrial plan designation are Heavy and Light Industrial. The Heavy Industrial zone allows for, "...types of industrial uses which are potentially incompatible with most other uses..." Since residential uses abut the subject property's East and South boundaries, the Heavy Industrial zone would appear inappropriate. On the other hand, the Light Industrial zone provides for uses which, "...have a limited impact on surrounding properties." The Limited Industrial zone is the better of the two industrial zones for this mixed use area of the City. The zone change request should be allowed.

III.

CONDITIONS:

The Council finds that proposed conditions 1 through 5 at page 18 of the staff report are appropriate and should be imposed as conditions to the granting of the Applicants' requests.

Dated this _____ day of _____, 1984.

ALBANY CITY COUNCIL

BY: _____
MAYOR