

ORDINANCE NO. 4716

TITLE: ZONE CHANGE AMENDMENT NO. 5 UNDER ORDINANCE NO. 4528 REZONING 3.78+ ACRES FOR PROPERTY LOCATED AT THE SE CORNER OF 14TH AVENUE AND WAVERLY DRIVE AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS."

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

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

NONE

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

Section 1. Exhibit "A" known as "Findings" is hereby adopted as the Albany City Council's findings in support of this decision.

Section 2. ZONE CHANGE AMENDMENT NO. 5

An area described as follows: (see attached legal description) is hereby rezoned as RP (Residential Professional) and will be known as Zone Change Amendment No. 5.

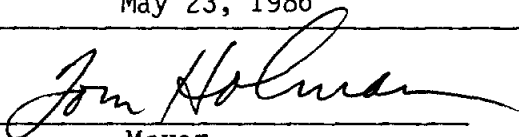
Section 3. COPY FILED

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: April 23, 1986

Approved by the Mayor: April 25, 1986

Effective Date: May 23, 1986



Mayor

ATTEST:



City Recorder

LEGAL DESCRIPTION

Tax Lot 300

Map 11 3W 8D

TOM POAGE
ENGINEERING & SURVEYING

MUNICIPAL ENGINEERING • SEWER & WATER SYSTEMS • SURVEYING

David Pedersen
Job No. 907
February 14, 1986

Beginning at a point which is 3405.72 feet North 01°39' West, 40.00 feet North 88°40'30" East from the Southwest corner of the Anderson Cox Donation Land Claim No. 49 in Sections 8 and 9 of Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, and running thence North 88°40'30" East 488.94 feet; thence North 01°38'40" West 330.01 feet; thence North 88°01'50" East 1.04 feet; thence North 01°39' West 50.00 feet; thence North 69°28'24" East 459.65 feet; thence along a 50.00 foot radius curve to the right (the chord of which bears North 30°19'26" East 85.07 feet); thence North 88°37' East 45.00 feet; thence North 01°23' West 253.60 feet; thence North 70°50' West 376.78 feet; to the True Point of Beginning; thence North 01°26'32" West 247.08 feet; thence North 70°49'17" West 722.09 feet to the East right-of-way of Waverly Drive; thence along said right-of-way South 01°40'58" East 247.63 feet; thence leaving said right-of-way South 70°50' East 720.92 feet to the True Point of Beginning.

EXCEPT FOR: Beginning at a point on the West boundary of the Donation Land Claim of Anderson Cox, Claim No. 49, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, State of Oregon, said point being South 1°22' East 200.00 feet distance from a point on the West line of said Claim, 93.04 chains Northerly from the Southwest corner of said Claim No. 49, said last point being the point of intersection of the West line of said Claim with the center line of the Santiam Highway, from said beginning point running thence South 1°22' East along said Claim line 1030.57 feet; thence North 88°38'00" East 30.00 feet; thence South 1°22'00" East 40.83 feet to the True Point of Beginning; thence South 70°33'00" East 155.52 feet to the beginning of a curve concave to the Southwest, having a radius of 170.00 feet through a central angle of 20°49'00" a length of 61.76 feet; thence South 88°38'00" West 59.95 feet to the beginning of a curve, concave to the Southeast having a radius of 25.00 feet through a central angle of 90°00'00" a length of 39.29 feet; thence North 1°22'00" West 69.17 feet to the True Point of Beginning.

Contains 3.8 acres more or less.

In determining compliance with the above criteria, the following questions have been developed by the staff. Adequate findings with these questions will support compliance with the Plan.

FINDINGS

1. TRANSPORTATION FACILITIES: What are the existing or anticipated transportation facilities (streets, bus routes, etc.), what impact on traffic generation and safety will result from the proposed zone, and how do the transportation facilities make the proposed zone the most appropriate zone within the plan designation?

- (a) Applicant's Comments: "The subject property is located at the southeast corner of the intersection of Waverly Drive and 14th Avenue in the City of Albany. Waverly Drive is designated as an arterial in the master street plan for the City of Albany and is a divided, four-lane street with a left turn refuge lane at both sides of the 14th Avenue intersection. 14th Avenue is designated in this same plan as a collector street between Waverly Drive and Geary Street. The section of 14th Street extending east from Waverly Drive has a right-of-way width of 60 feet but terminates at a point approximately 570 feet east of the intersection, leaving approximately 200 feet of the subject property not fronting on the street. 14th Avenue, west of Waverly Drive, has a planned right-of-way of 80 feet, but immediately west of the intersection the width is only 70 feet. Both streets are paved to urban design standards with curbs and gutters and with sufficient width to handle the designations of both collector and arterial. There are no sidewalks on either the 14th Avenue or Waverly Drive frontages, but they would be constructed during development of the parcel.

The intersection of Waverly Drive and 14th Avenue is signalized, permitting easy movement from both streets. According to the City of Albany Public Works Department, the 1984-85 traffic volumes on Waverly Drive were 13,983 vehicles per day north of Queen Avenue and 12,674 vehicles per day south of the Santiam Highway. 14th Avenue west of Waverly Drive carried 3,133 vehicles per day. No volume counts were recorded east of Waverly Drive on 14th Avenue. 14th Avenue east of Waverly Drive is used exclusively by customers and employees of the Albany Plaza Shopping Center. In order for the circulation pattern to be completed within the immediate neighborhood, 14th Avenue will need to be extended east approximately 500 feet to intersect with Shortridge Street.

A comparison of trip generation between the office park usage shown on the conceptual site plan attached as a part of this submittal and a conceptual maximum residential density permitted under the existing zoning reveals a difference in impacts between the two uses.

Under the maximum permitted residential density, the site could contain 50 two-bedroom or larger units or 68 one-bedroom or smaller units. Generally accepted standards of trip generation rates prepared by the Institute of Transportation Engineers (see Exhibit "A") show weekday

vehicle trips average 5.4 trips per dwelling unit, which results in 270 trips per day for the 2+ bedroom project or 367 trips per day for the one-bedroom project.

The conceptual office park project contains 35,000 square feet of office area. Again, according to the Institute of Transportation Engineers, this amount of square footage would generate 723 trips per day at an average trip rate of 20.65 trips per 1,000 square feet of gross office area. Thus, the traffic generation difference between full residential development and the conceptual office development could range between 356 and 453 trips per average weekday. (For the purposes of this analysis, 38 additional trips per day should be added to account for the 7 multi-family housing units shown on the conceptual site plan.) While this difference in trip generation rates between differing land uses seems large, the actual number of trips reflected by this difference remains small in relation to the existing capacity of adjacent streets and intersections.

Access to the proposed office development will be across the 14th Avenue frontage rather than the frontage on the more heavily traveled Waverly Drive. Turning movements from Waverly Drive to 14th Avenue are facilitated by the signalized intersection and curbs on the south side of 14th Avenue (initially proposed to be three, spaced some distance east of the intersection) should cause few, if any, conflicts with existing 14th Avenue traffic.

According to the current bus schedule, the subject property is on Bus Route One of the Albany Transit Service, with service provided each hour from 7:00 a.m. to 5:00 p.m. from the site to various points throughout the City, including downtown."

- (b) Staff Comments: The applicants have proposed to extend 14th Avenue a distance of 166 feet. At the time of Site Plan Review, the street would be required to be extended to the east property line of the subject property, a distance of 227 feet more or less. In addition, the original Phase 3 of the approved Planned Development shows access from the Planned Development to 14th Avenue through the subject property. A revised street plan for the entire parcel would be required which would also take into consideration a possible half-street dedication adjacent to the east property line for a cul-de-sac to serve the proposed multiple family units and the 376.51-foot deep lots to the east or possibly to extend to the south property line to serve future development of Cedarwood PUD. In addition, the proposed driveways must line up with the existing driveways for Albany Plaza and a 6-foot sidewalk constructed adjacent to Waverly Drive and a 5-foot sidewalk adjacent to 14th Avenue SE.
- (c) Staff Conclusions: The proposed Zone Change will not significantly impact traffic generation. However, all aspects of traffic safety will be reviewed closely at the time of Site Plan Review with appropriate conditions identified and required at that time.

2. PUBLIC SERVICES: How will other existing or anticipated services (sanitary sewers, storm sewers, schools, fire protection, etc.) be impacted by the proposed zone, and how do these services make the proposed zone the most appropriate zone within the plan designation?

(a) Applicant's Comments: "The subject property is located within the limits of the City of Albany and, as such, has access to a full range of municipal service. Police and fire protection are provided by the City. The proposed office development offers no unusual degree of risk or hazard requiring higher than normal levels of protection. The portion of the project which would be devoted to housing would be designed and managed to discourage occupancy by families with school-age children, due in part to the relatively small size of the project. However, school facilities are available for school-age children.

The parcel is served by all necessary utilities. A 12-inch water main is located in Waverly Drive near the west right-of-way line with a small domestic service (3/4 inch) extending across the street to the property. The 12-inch water main also extends easterly into 14th Street throughout its length and is located near the north right-of-way line. An 8-inch sanitary sewer line also is located in Waverly Drive, located near the east right-of-way line. (This service does not extend in the public right-of-way of 14th Avenue, east of Waverly Drive.) A 24-inch storm sewer is located near the east right-of-way of Waverly Drive and terminates in catch basins located at either side of the 14th Avenue paving. This storm drain is approximately 5 feet deep, sufficient to serve most, if not all, the proposed development. According to the City of Albany Public Works Department personnel who provided this information, the capacities are such that the development as proposed conceptually could be served by the existing utilities."

(b) Staff Comments: A 24-inch storm drain line exists on the east side of Waverly Drive adjacent to the subject property. In addition, a storm drain manhole is located on the southeast corner of 14th Avenue and Waverly Drive SE. The applicants will be required to provide the City of Albany Public Works Department with a utilities plan showing water meter locations, the location of the service tap into the 14th Avenue water line, sanitary sewer lateral line locations, a storm drainage collection and conveyance plan for the site. The applicants shall be required to extend an 8-inch water line on 14th Avenue to the east line of the subject property. The applicants will also be required to sign a Petition for Improvements/Waiver of Remonstrance for the extension of the water line on Waverly Drive. The applicants will be assessed when the Waverly line is constructed for that portion adjacent to the west line of the subject property.

(c) Staff Conclusion(s): Any uses allowed in the proposed zone will require the submission and approval of a Site Plan for the development facilities on and adjacent to the site. Adequate public facilities presently exist to serve the site.

3. NATURAL FEATURES: What are the natural features of the site, how will those features be impacted as a result of the zone change, and how do these features make the proposed zone the most appropriate zone within the plan designation?

(a) Applicant's Comments: "The subject parcel is vacant, yet is almost devoid of natural features. Topographically, it is nearly flat with few, if any, distinguishing features. Vegetatively, the site is covered with grasses which is a strong indication the site has previously been disturbed. There are several large trees along the Waverly Drive frontage which likely can be saved by careful sidewalk and building placement. There is a cluster of small deciduous trees at the intersection of 14th Avenue and Waverly Drive, which can be saved. One small tree, located near the center of the property could be lost by development, although its precise location has not yet been determined. The location and size of the existing trees on the property is shown on the conceptual site plan.

Because the site has previously been disturbed and few, if any, natural features remain, development on the site in any fashion would not adversely impact the few remaining natural features."

(b) Staff Comments: Section 7.011 of the Albany Development Code requires that all existing trees over 8 inches in diameter as measured 3 feet from the ground be noted on all development plans with notations indicating whether they are to be removed or utilized in the development of the site.

(c) Staff Conclusions: The applicants are in conformance with Section 7.011 of the Albany Development Code and meet the intent of the goals and policies of the Comprehensive Plan regarding the preservation of existing vegetation.

4. SPECIAL DISTRICTS: Is the area proposed for a change within any of the following special areas, and considering the impact of uses allowed in the proposed zone, how does this particular zone fit with the special area?

(a) Applicant's Comments: "The proposed change is not located in any of the special areas identified in the City of Albany Comprehensive Plan. This section is, therefore, not applicable."

5. NEIGHBORHOOD COMPATIBILITY: What type of development (existing and anticipated surround the site, what are the probable impacts from allowed uses on surrounding development, and how does the question of compatibility make the proposed zone the most appropriate zone within the plan designation?

(a) Applicant's Comments: "The request for a zoning change to permit office development in place of residential development stems from a belief that professional office development on the subject parcel best meets the goals and policies of the Albany Comprehensive Plan. Immediately south of the subject parcel is a 5-2/3 acre parcel of vacant medium density zoned residential property. Immediately south of that

is the platted and developed portions of Cedarwood Planned Unit Development which is only partially built out. Completion of the Planned Unit Development as well as development of the adjoining 5-2/3 acre parcel will depend on market conditions but when construction is resumed, the design and density will likely be a continuation of the pattern set in the existing Cedarwood Development.

Immediately north of the subject parcel across 14th Avenue is the Albany Plaza Shopping Center, a community shopping center with a wide range of retail services. Northwest across the intersection of 14th Avenue and Waverly Drive is the Albany City Library. To the north of the library along Waverly Drive is a movie theater, a savings and loan building, and the Fred Meyer Shopping Center parking lot. To the west across Waverly Drive, south of 14th Avenue, is a multi-family housing project, which is zoned R-3.

The uses allowed under the requested RP zoning classification are more compatible with the surrounding land uses than the medium density residential uses currently allowed. As partial evidence of the more desirable nature of the RP uses, as well as the desirability and efficiency of the proposed land use pattern, four policies from Chapter 3, pages 95 and 96, of the Albany Comprehensive Plan are cited. These policies are as follows:

Policy No. 1: "Encourage the development of vacant serviced properties before extending services to other undeveloped areas."

Policy No. 6: "Encourage the infilling of existing vacant land and the revitalization of older areas and discourage low density sprawl development."

Policy No. 7: "Encourage land use patterns which take advantage of density and location to reduce the need for travel, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use."

Policy No. 14: "Encourage residential professional uses as a buffer between intensive commercial uses and less intensive residential uses."

The change in zoning from R-2 to RP will not materially change potential conformance with Policies 1, 6, and 7 as cited above any more so than would any form of development. However, Policy 14 speaks specifically of residential professional uses as a buffer between intensive commercial uses and less intensive residential uses. If zoned RP, the subject parcel would be a buffer between the intensively-developed commercial use (the Albany Plaza Shopping Center) and the less intensive residential use of Cedarwood PUD."

(b) Staff Comments: The Zone Change from R-2 (Limited Multiple Family Residential) to RP (Residential Professional) will have a certain

amount of impact on the surrounding area. However, considering that the property is across the street from a major shopping center, adjacent to a major arterial street and within 600 feet more or less of the Fred Meyer shopping center; this location seems appropriate for the proposed zone change to provide for a transition and buffer between the more intensive commercial uses and the residential uses to the south.

- (c) Conclusions: The proposed Zone Change appears to be compatible with the development which has occurred within the close proximity of the subject property. Appropriate conditions which will address buffering, screening, landscaping, circulation, ingress and egress, parking, etc. will be more fully identified at the time that development occurs on the site.

6. COMMUNITY LOCATION: How does the proposed zone comply with distribution policies of the plan? For example, neighborhood commercial sites are to be spread throughout the community to serve as neighborhood centers. Higher density development is desired as to reduce the need for travel and increase energy policy. Pay particular attention to Comprehensive Plan Pages 43, 44, 50, 94, 95, and 106.

- (a) Applicant's Comments: "The preceding paragraph states that the City anticipates the creation of office areas in residential plan designations, but does not specifically identify where those office areas, which are to be located in residential plan designations, shall be. Because no locational criteria exists for office areas located in residential plan designations, other Comprehensive Plan policies determine the suitability and appropriateness of this land use. Of particular importance is the policy cited in the preceding amendment criteria No. 5."

- (b) Staff Comments: Although the Comprehensive Plan identifies the subject property as Medium Density Residential, a Zone Change from R-2 to RP is allowed without a Comprehensive Plan change. The proposal meets the following policies of the Comprehensive Plan relating to the provision of professional services:

Policy 7, Page 95: Encourage land use patterns which take advantage of density and location to reduce the need for travel, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.

Policy 8, Page 95: Locate traffic generating public facilities in cluster near high density areas and along transportation lines.

Policy 13, Page 96: Discourage the establishment of commercial development in a strip or strungout pattern along major arterials, preferring instead, clustered development and infilling in areas surrounding existing commercial development.

Policy 14, Page 96: Encourage residential professional uses as a buffer between intensive commercial uses and less intensive residential

uses.

Policy 17, Page 96: Provide opportunities for people to live in proximity to activity centers and particularly their place of employment.

(c) Conclusion(s): The proposed Zone Change from R-2 to RP is not in conflict with distribution policies of the Albany Comprehensive Plan.

7. LOW-INCOME HOUSING OPPORTUNITY: If residential zoning is involved, explain how approval of the request will not exclude opportunities for adequate provision of low- and moderate-income housing within the subject neighborhood area.

(a) Applicant's Comments: "The subject property is currently zoned R-2 which would permit a maximum density of between 50 and 68 multi-family units. The request is for a change of zoning to RP to permit approximately 35,000 square feet of office space in the western two-thirds of the property with seven units of multi-family housing occupying the eastern end of the site.

No specific provisions have been made nor have requirements been imposed to assure that the subject property would be developed for "low to moderate income" housing and housing not classified "low to moderate income" could be constructed presently on the property.

The housing proposed for the east end of the property is proposed so as to buffer the single family residential area to the east from the office development on the subject property and not to provide for low to moderate income housing, although this is not ruled out.

The 5-2/3 acre parcel located immediately south of the subject parcel can be developed for housing; it is currently designated medium-density residential. Whether it is developed for low to moderate income housing depends upon a number of market and program factors which are beyond the control of the applicant. In addition, careful reading of the City's Comprehensive Plan policies suggest that the office use proposed by the applicant represents a better buffer for medium density housing than retail uses located in the community shopping center north of 14th Avenue."

(b) Staff Comments & Conclusion(s): The proposed Zone Change will not affect the opportunities for low-income housing in the area as there are several vacant or underdeveloped parcels located within the immediate vicinity of the subject property.

8. ALTERNATIVE LANDS: What other areas within the city have the identical Comprehensive Plan designation and zoning as the zone redesignation being applied for? (Give location of parcels and estimate of acreage.) What are the characteristics of the subject parcel that are not duplicated by the similarly zoned land (mentioned above) that make it necessary to amend the zoning?

- (a) Applicant's Comments: "The largest contiguous area of RP zoned property lies to the west of the subject property, along the south side of 14th Avenue between Davidson Street and Geary Street. This vacant acreage totals approximately 16 acres.

The applicant has previously stated that the primary Comprehensive Plan policy supporting this request is the policy that states:

"Encourage residential professional uses as a buffer between intensive commercial uses and less intensive residential uses."

Because this Plan policy refers to uses and not zoning, the applicant contends that the subject property, located between existing commercial uses and existing lower density residential uses, better fits the Plan policy and goals than the vacant residential professional zoned property referred to above. The reason this is the case is that the C-2 zoned property north of 14th Avenue, across the street from the vacant RP property, is not developed. (This is the site of the proposed Oak Tree Mall, which according to local sources has an unknown future.) Therefore, the vacant residential professional zoned property located south of 14th Avenue, east of Davidson Street, and east of Geary Street, does not fit the Plan policies as well as the subject property because it does not buffer existing commercial uses from residential uses."

- (b) Staff Comments & Conclusion(s): The applicant has adequately addressed the availability of alternative lands and the relationship of the subject property to a major commercial center.

9. ENERGY EFFICIENCY: Explain how the zone change will assist with efficient service provisions and energy conservation, comparing present development on this parcel as opposed to other vacant parcels with the same zoning (Comprehensive Plan Pages 93-116 discuss growth and energy use).

- (a) Applicant's Comments: "The applicant contends the overall energy efficiency of the subject property is marginally superior to that of the vacant RP zoned properties to the west. Specifically, the subject property may be termed nearly identical in potential for energy efficient development in that the shape of both properties (the subject and the RP properties to the west) would dictate an east-west configuration of buildings. Both sites appear to have adequate room to prevent shading of buildings facing south by adjacent buildings and both appear to be provided equally with all available services.

The applicant's contention the subject property is marginally superior stems from the fact the Albany bus line directly services the intersection of 14th Avenue and Waverly Drive and does not serve the neighboring vacant RP zoned properties."

- (b) Staff Comments: The locations of the proposed buildings and the required landscaping will not infringe upon the solar access rights of the abutting properties.

EXHIBIT "A"

SUMMARY OF TRIP GENERATION RATES

Land Use/Building Type Office Park ITE Land Use Code 750
 Independent Variable—Trips per 1,000 Gross Square Feet

			Average Trip Rate	Maximum Rate	Minimum Rate	Correlation Coefficient	Number of Studies	Average Size of Independent Variable/Study
Average Weekday Vehicle Trip Ends			20.65	30.30	9.40		3	58
Peak Hour of Adjacent Street Traffic	A.M. Between 7 and 9	Enter	1.98	3.20	1.58		5	117
		Exit	0.26	0.64	0.17		5	117
		Total	2.63	5.89	1.33		8	95
	P.M. Between 4 and 6	Enter	0.33	1.00	0.18		6	135
		Exit	1.84	3.24	1.29		6	135
		Total	2.38	4.50	1.54		9	109
Peak Hour of Generator	A.M.	Enter	1.98	3.20	1.58		5	117
		Exit	0.26	0.64	0.17		5	117
		Total	2.63	5.89	1.33		8	95
	P.M.	Enter	0.33	1.00	0.18		6	135
		Exit	1.84	3.24	1.29		6	135
		Total	2.38	4.50	1.54		9	109
Saturday Vehicle Trip Ends								
Peak Hour of Generator	Enter							
	Exit							
	Total							
Sunday Vehicle Trip Ends								
Peak Hour of Generator	Enter							
	Exit							
	Total							

Source Numbers 4, 9, 15

ITE Technical Committee 6A-6—Trip Generation Rates

Date: 1975

SUMMARY OF TRIP GENERATION RATES

Land Use/Building Type Low Rise Apartment ITE Land Use Code 221
 Independent Variable—Trips per Dwelling Unit

			Average Trip Rate	Maximum Rate	Minimum Rate	Correlation Coefficient	Number of Studies	Average Size of Independent Variable/Study
Average Weekday Vehicle Trip Ends			5.4	5.5	4.7		3	295
Peak Hour of Adjacent Street Traffic	A.M. Between 7 and 9	Enter	0.1				1	372
		Exit	0.4				1	372
		Total	0.5	0.5	0.4		2	257
	P.M. Between 4 and 6	Enter	0.4				1	372
		Exit	0.2				1	372
		Total	0.6	0.6	0.6		2	257
Peak Hour of Generator	A.M.	Enter	0.1				1	372
		Exit	0.4				1	372
		Total	0.5	0.5	0.4		2	257
	P.M.	Enter	0.4				1	372
		Exit	0.2				1	372
		Total	0.6	0.6	0.6		2	257
Saturday Vehicle Trip Ends								
Peak Hour of Generator	Enter							
	Exit							
	Total							
Sunday Vehicle Trip Ends								
Peak Hour of Generator	Enter							
	Exit							
	Total							

Source Numbers 11, 21, 71

ITE Technical Committee 6A-6—Trip Generation Rates

Date: _____

- (c) Conclusion(s): The applicant should give additional consideration to the use of solar energy and additional building insulation for energy conservation.

FINDINGS FOR APPROVAL

1. The subject property is located adjacent to a major arterial street and will have minimal impact on the useage of Waverly Drive and the adjacent 14th Avenue.
2. Public facilities (i.e. paved streets, sewer, water, and storm drainage) are presently available to serve the site.
3. There is no significant natural features on the site.
4. The proposed professional offices and multi-family residential units area compatible with the surrounding uses.
5. Adequate buffering and screening can be provided on the site to minimize any impact on abutting properties.
6. The proposed uses are in compliance with the applicable Goals and Policies of the Albany Comprehensive Plan relating to neighborhood services.
7. The proposed uses will meet the intent of the RP (Residential Professional) zoning district which is to provide for a desirable mixing of residential land uses with professional offices and related limited commercial uses in possible close proximity to the adjacent residential areas.

STAFF RECOMMENDATION

That the Planning Commission recommend APPROVAL of the Zone Change from R-2 to RP on approximately 3.78 acres located south of 14th Avenue SE and east of Waverly Drive SE and identified as Tax Lot 300, 11-3W-08D on the Assessor's tax lot map.

PLANNING COMMISSION ACTION

The Planning Commission unanimously recommended that the City Council approve the proposed Zone Change from R-2 (Limited Multiple Family Residential) to RP (Residential Professional) based upon the facts and conclusions listed in the staff report.

APPEALS:

Should the Planning Commission recommend denial and the applicant is dissatisfied with the decision or any conditions thereof pertaining to this matter, s/he may file an appeal on a form prescribed by the City within 15 days from the date of the Commission's decision. If the applicant or any affected property owner is dissatisfied with the decision or any conditions thereof required for approval by the City Council, s/he may file a "Notice of Intent to Appeal" with the State Land Use Board of Appeals within 20 days from the effective date of the Council's action.