

ORDINANCE NO. 5460

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP; AND AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS AND DECLARING AN EMERGENCY FOR PROPERTIES LOCATED AROUND THE INTERSECTION OF QUEEN AVENUE SW AND ELM STREET SW.

WHEREAS, the Albany Planning Commission, following a public hearing on June 26, 2000, recommended the City Council approve the proposed Comprehensive Plan Map and Zoning Map amendments based on the staff report for City of Albany Files CP-02-00 and ZC-02-00; and

WHEREAS, the Albany City Council held a public hearing on these amendments on July 12, 2000 and August 9, 2000.

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

Section 1: The findings and conclusions in the staff report attached as Exhibit "A" are hereby adopted in support of this decision.

Section 2: The Comprehensive Plan Map designation of the seven properties referenced below is hereby changed from LR (Low Density Residential) to LC (Light Commercial).

Section 3: The Zoning Map designation of the seven properties referenced above is hereby changed from HM (Hackleman Monteith) to NC (Neighborhood Commercial).

Section 4: A map showing the properties for which the Comprehensive Plan Map and Zoning Map designations are to be changed is attached as Exhibit "B." These properties are identified as Linn County Assessor's Map No. 11S-3W-12D, Tax Lot 100; Map No. 11S-3W-12DA, Tax Lots 17200 And 17400; Map No. 11S-3W-12DB, Tax Lot 14000, 14001, and 15800; and Map No. 11S-4W-12DD, 3810.

Section 5: A copy of the map which shows the properties for which the designations are to be changed shall be filed in the Office of the City Recorder of the City of Albany and the changes shall be made on the official City of Albany Comprehensive Plan and Zoning Maps.

Section 6: A copy of the map which shows the properties for which the designations are to be changed shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Albany, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the City Council: August 9, 2000

Approved by the Mayor: August 9, 2000

Effective Date: August 9, 2000


Mayor

ATTEST:



City Recorder



Community Development Department

333 Broadalbin Street SW, P.O. Box 490, Albany, OR 97321

Phone: (541) 917-7550 Facsimile: (541) 917-7598

STAFF REPORT Comprehensive Plan and Zoning Map Amendments

<u>HEARING BODY</u>	CITY COUNCIL
<u>HEARING DATE</u>	Wednesday, August 9, 2000 continuance from July 12, 2000
<u>HEARING TIME</u>	7:15 p.m.
<u>HEARING LOCATION</u>	City Council Chambers Albany City Hall, 333 Broadalbin Street SW

GENERAL INFORMATION

DATE OF REPORT:	Original: June 17, 2000. Revised: August 2, 2000
REPORT PREPARED BY:	Pam Silbernagel, Planner II
FILES:	CP-02-00 and ZC-02-00
TYPE OF REQUESTS:	<p>1) <u>CP-02-00</u>: Change the Comprehensive Plan Map designation of seven properties around the intersection of Queen Avenue and Elm Street SW from LR (Low Density Residential) to LC (Light Commercial).</p> <p>2) <u>ZC-02-00</u>: Change the Zoning Map designation of seven properties around the intersection of Queen Avenue and Elm Street SW from HM (Hackleman Monteith) to NC (Neighborhood Commercial).</p>
PURPOSE OF REQUEST:	To address apparent mapping errors created when maps were amended to implement Town Center-CALUTS recommendations.
REVIEW BODIES:	Planning Commission and City Council. (A Planning Commission public hearing was held on June 26, 2000, and a City Council public hearing was held on July 12, 2000 and continued to August 9, 2000.)
PROPERTY OWNERS:	Various Owners
APPLICANT:	City of Albany Planning Division; P.O. Box 490; Albany, OR 97321
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-4W-12D Tax Lot 100; 11S-4W-12DA Tax Lots 17200 and 17400; 11S-4W-12DB Tax Lots 14000, 14001 and 15800; 11S-4W-12DD Tax Lot 3810
NEIGHBORHOOD:	Broadway
SURROUNDING ZONING:	<p>North: HM (Hackleman Monteith)</p> <p>South: RS-6.5 (Residential Single Family) and RM-3 (Residential Multiple Family)</p> <p>East: HM (Hackleman Monteith)</p> <p>West: RM-3 and RS-6.5</p>

SURROUNDING USES: North: Single-family residential
South: Memorial Middle School and single-family residential
West: Single-family residential north of Queen Avenue; Memorial Middle School and West Albany High School south of Queen Avenue
East: Single-family residential north of Queen Avenue; Lutheran church on the south side of Queen Avenue

PRIOR HISTORY: The Comprehensive Plan and Zoning Map designations of these properties were changed in 1995 when the land use designations to implement the CALUTS/Town Center Plan were applied. Prior to the Town Center Plan changes, most of the area under consideration had been designated LC (Low Density Commercial) on the comprehensive plan and zoned NC (Neighborhood Commercial). There is no documentation in the City's files to explain why this change in use was made.

NOTICE INFORMATION

A Notice of Public Hearing was mailed to directly impacted property owners on June 6, 2000. In addition, directly impacted property owners were telephoned by Pam Silbernagel, City of Albany Community Development Planner II. On July 17, 2000 a memorandum and a Notice of Public Hearing for the August 9, 2000 Council Hearing was mailed to all property owners within approximately 300 feet of the properties proposed for amendment and to all directly impacted property owners.

PLANNING COMMISSION AND STAFF RECOMMENDATIONS

The Albany Planning Commission held a public hearing on the proposed amendments on June 26, 2000. No one other than Planning Division staff spoke in favor or against the amendments.

Following the public hearing, the Planning Commission recommended:

APPROVAL of the Comprehensive Plan Map amendment that would change the Comprehensive Plan Map designation of seven properties around the intersection of Queen Avenue and Elm Street SW from LR (Low Density Residential) to LC (Light Commercial).

APPROVAL of the Zoning Map amendment that would change the designation of seven properties around the intersection of Queen Avenue and Elm Street SW from HM (Hackleman Monteith) to NC (Neighborhood Commercial).

CITY COUNCIL DECISION

IF APPROVAL, passage of the attached ordinance.

IF DENIAL, motion to direct staff to prepare findings for denial.

APPEALS

Within five days of the City Council's decision on this application, the Community Development Director will provide a written Notice of Decision to all parties entitled to notice.

A decision of the City Council can be appealed to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date the Notice of Decision is mailed.

STAFF ANALYSIS

Comprehensive Plan Map Amendment File CP-02-00

Zoning Map Amendment File ZC-02-00

The Albany Development Code contains the following review criteria which must be met for these legislative map amendments to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

- (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.*

FINDINGS

- 1.1 City of Albany Planning Division staff proposes to change the Comprehensive Plan map designation of seven parcels around the intersection of Queen Avenue SW and Elm Street SW. The area proposed for re-designation is now shown on the Comprehensive Plan map as LR (Low Density Residential). Staff proposes that the designation be changed to LC (Light Commercial).
- 1.2 Staff also proposes to change the zoning designation of the same seven parcels from HM (Hackleman Monteith) to NC (Neighborhood Commercial).
- 1.3 The Comprehensive Plan defines the LC (Light Commercial) designation as: "Provides for limited commercial activities which include residential professional and neighborhood commercial uses. This designation is used to provide a buffer between residential and more intensive uses (such as between the Central Business District and the surrounding residential areas) and also to provide neighborhood commercial areas in close proximity to residential areas."
- 1.4 The Development Code describes NC districts as "intended primarily for small areas of retail establishments serving frequently recurring nearby residents' needs in convenient locations. The NC District is typically appropriate to small clusters or service centers located within residential neighborhoods. Generally, uses located within NC Districts should have as their primary market area the potential population within a one-half mile radius."
- 1.5 The Comprehensive Plan Designation Zoning Matrix designates C-1 (Neighborhood Commercial used to be called C-1) as C (Compatible) with the LC (Light Commercial) Plan designation.
- 1.6 The properties proposed for re-designation include the traditional neighborhood commercial uses of a sandwich shop, a convenience market, a laundromat, a veterinary clinic, and a hair salon. These uses existed at the time that the Town Center Plan designations were made, and there is no evidence in the Central Albany Land Use and Transportation Study or Town Center Plan documents that explain why the prior commercial-oriented designations were amended to residential-oriented designations.
- 1.7 The following Comprehensive Plan goals and policies are relevant to this decision.

Goal 9: Economy - Economic Development Goal 3, is to: "Insure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany including commercial, professional, and industrial development."

Goal 14 - Urbanization Directing Growth, Goal is to: "Achieve stable land use growth which results in a desirable and efficient land use pattern."

Goal 14 - Urbanization, Directing Growth, Policy 11, is to: "Provide opportunities for neighborhood commercial facilities to be located within an accessible distance of the area they are intended to serve. Neighborhood commercial uses shall:

- a. Be located, designed, and operated so as to be compatible with surrounding residential uses.
- b. Be oriented to provide for the common and frequently recurring shopping needs of the area they are intended to serve.
- c. Be limited in number, size, and location. Generally, new sites shall be less than five acres in total area and shall be located at least one-half mile in travel distance from any other commercial site which provides or is available to provide for similar commercial needs. Zone change applications for new neighborhood commercial sites must demonstrate that the chosen site is superior or equal to viable alternative sites within the same market area based on exposure to traffic flows and other market indicators, accessibility and convenience to the market area, and compatibility with surrounding uses.

Goal 14 - Urbanization, Directing Growth, Policy 15, is to: "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."

- 1.8 The proposed amendments address the City of Albany Comprehensive Plan Goals and Policies noted in 1.7, above, by allowing the type of uses located in this active neighborhood commercial center to meet the business, buffering, transportation and access needs of the surrounding area.
- 1.9 The proposed amendments address Statewide Planning Goal 9, dealing with the economy, and Goal 14, dealing with urbanization, by providing the opportunity for the type of uses currently located in this small but active neighborhood commercial center to serve the needs of the surrounding area within an efficient land use pattern.
- 1.10 The proposed amendments address the recommendations contained in the Town Center Plan, developed through the Central Albany Land Use and Transportation Study (CALUTS), by providing the opportunity for basic services to remain within walking distance for the surrounding residential neighborhoods.

CONCLUSIONS

- 1.1 This criterion is met because the proposed Comprehensive Plan designation of LC (Light Commercial) is consistent with the proposed NC (Neighborhood Commercial) zoning designation.
- 1.2 This criterion is also met as the neighborhood commercial center found at this intersection is brought back into designations that reflect the uses that currently and traditionally have occupied this area and served the surrounding residential areas.
- 1.3 By providing neighborhood access to basic services, this area will help to meet City Comprehensive Plan Goals and Policies and Statewide Land Use Goals that encourage economic development opportunity and urbanization.
- 1.4 This criterion is further met by providing pedestrian opportunities to reach basic goods, addressing the connectivity recommendations included in the Albany Town Center Plan.
- 1.5 The changes in designations created in this area with the implementation of the Town Center Plan were apparently made as a mapping error.

- (2) *A legislative amendment is needed to meet changing conditions or new laws.*

FINDINGS

- 2.1 The proposed amendment will correct an apparent mapping error made in re-designating the area as LR (Low Density Residential) and re-zoning it to the predominately residential zone of HM (Hackleman-Monteith). The existing uses on these properties do not conform with the low density residential designation that exists now. The new designations will conform with Comprehensive Plan Goals and Policies.

CONCLUSIONS

- 2.1 This criterion is met because the proposed changes will designate the properties as essentially as they were before they were re-designated in error.

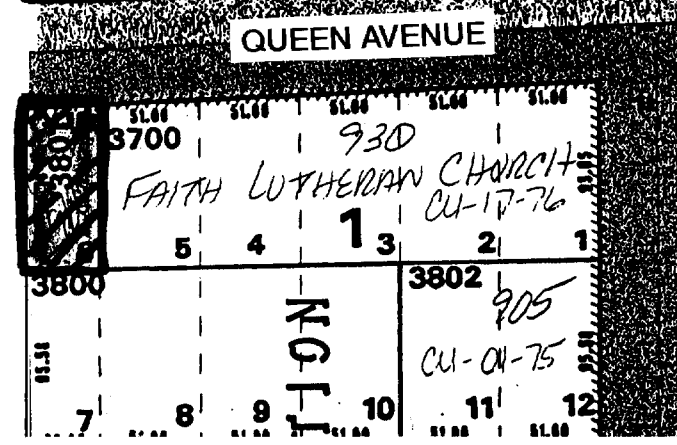
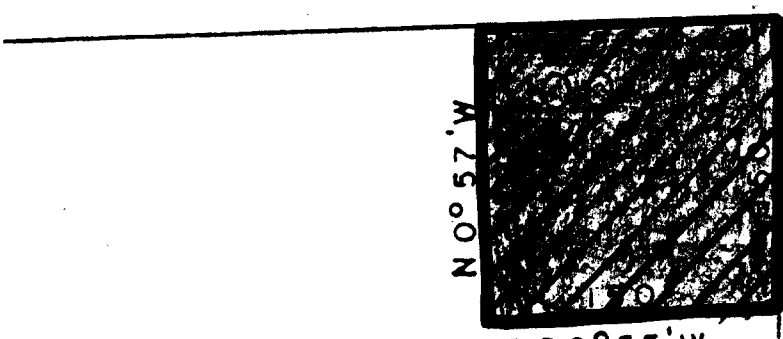
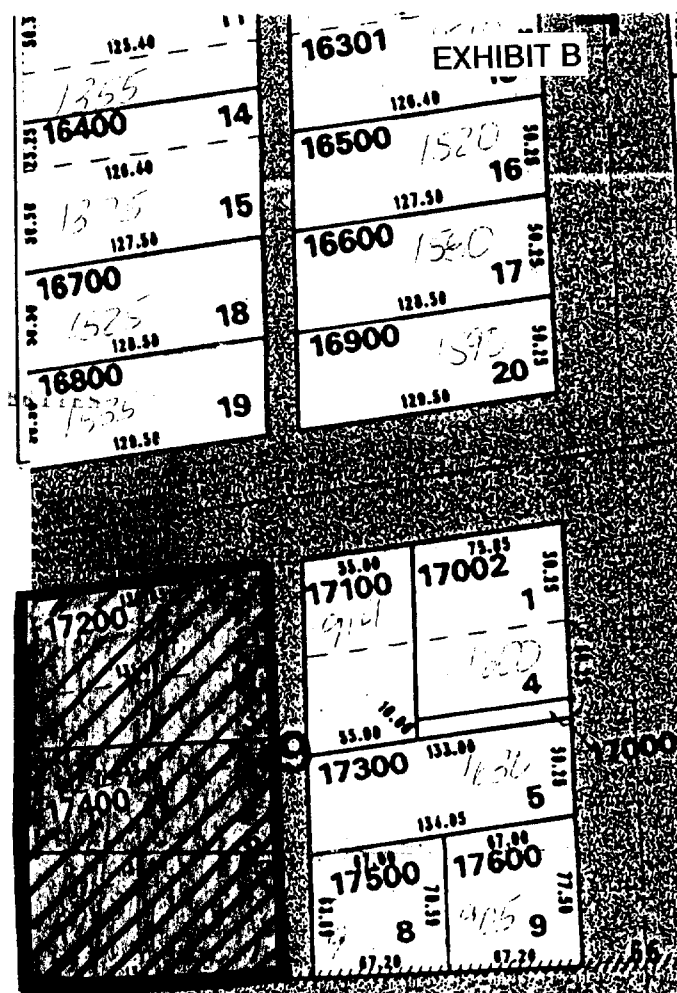
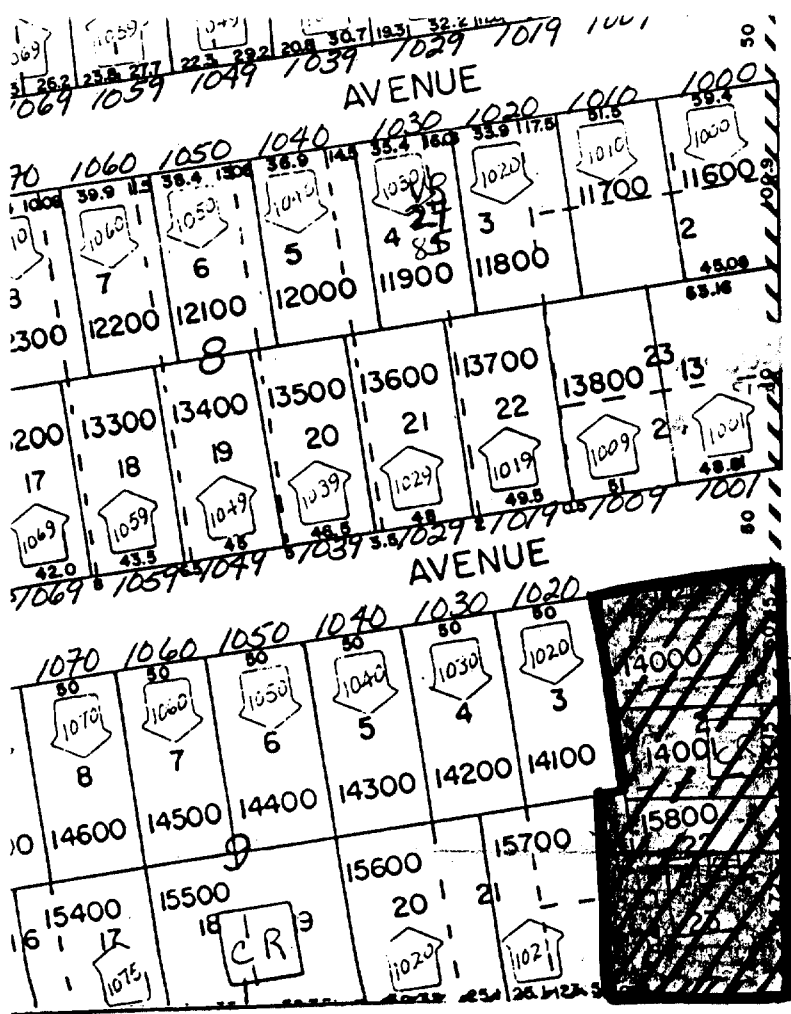
In addition to the review criteria above, Oregon Administrative Rule (OAR) 660-12-060(1) states that "amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility."

FINDINGS

- 1.1 The proposed LC (Light Commercial) Plan designation and proposed NC (Neighborhood Commercial) zone are consistent with the uses found on these properties when the area was reviewed for development of Albany's Transportation System Plan in 1997.
- 1.2 The properties under consideration for re-designation are predominately fully developed, with little opportunity to site additional users.
- 1.3 The opportunity for the area to house significant new development or to redevelop in a more intensive use that might impact transportation systems is constrained by the size of area on each block that is proposed for re-designation.

CONCLUSIONS

- 1.1. This criterion does not apply because the proposed rezoning and re-designation do not change transportation patterns from those that existed during development of the community's Transportation System Plan.
- 1.2. This criterion also does not apply because the proposed amendments will not provide an opportunity for a significant change in transportation demand over what is demanded by existing users today.



LINN COUNTY TAX ASSESSOR'S MAPS (COMPOSITE OF FOUR DIFFERENT MAPS)

CP-02-00: THE PROPOSED COMPREHENSIVE PLAN MAP AMENDMENT WOULD CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION OF THE PROPERTIES SHOWN HERE FROM LR (LOW DENSITY RESIDENTIAL) TO LC (LIGHT COMMERCIAL).

ZC-02-00: THE PROPOSED ZONING MAP AMENDMENT WOULD CHANGE THE ZONING MAP DESIGNATION OF THE PROPERTIES SHOWN HERE FROM HM (HACKELMAN MONTEITH) TO NC (NEIGHBORHOOD COMMERCIAL).



QUEEN & ELM



0 100 Feet

Jul 5, 2000