

*Planning*

ORDINANCE NO. 3862

TITLE: ZONE CHANGE AMENDMENT NO. \_\_\_\_\_, UNDER ORDINANCE NO. 2916,  
REZONING A PARCEL THAT LIES WEST OF HILL STREET BETWEEN 19TH  
AVENUE AND 24TH AVENUE FROM RA (2) MULTIPLE FAMILY DISTRICT  
TO R-1(6) SINGLE FAMILY DISTRICT.

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

Section 1: ZONE CHANGE AMENDMENT NO.

An area described as follows:

Assessor's Map 11-3W-7DD, Tax Lots 10751 and 10600  
Assessor's Map 11-3W-18AA, Tax Lot 2600

is hereby rezoned as R-1(6) Single Family District

and this amendment shall be known as Zone Change Amendment No. \_\_\_\_\_

Section 2: 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 shall be filed in  
the office of the City Recorder of the City of Albany and the number shall be  
noted on the official zoning map of the City of Albany.

Section 3: This zone change is granted based on the following findings:

*as stated in Minute of July 23*

and is subject to the following conditions:

Passed by the Council : August 13, 1975

Approved by the Mayor : August 13, 1975

Effective Date: September 12, 1975

ATTEST:

*Ernest W. Isham*  
City Recorder

*David C. Hayes*  
Mayor 4  
3862

ALBANY CITY COUNCIL

July 23, 1975

The Albany City Council met in regular session on Wednesday, July 23rd at 7:15 p.m. in the City Hall Council Chambers. Those present included Mayor Hayes and Councillors Hubert, Hayne, Potts, Olsen, Jones, and Davis.

The minutes of the June 4, July 9 and July 16 meetings were presented for approval. Mr. Hayne moved that the minutes be approved as submitted and Mr. Jones seconded the motion. The motion carried unanimously.

REZONE ON CUDE PROPERTY FROM RA (2) TO R-1(6) SINGLE FAMILY

This particular zone change request involves several large parcels of land located west of Hill Street and between 19th and 24th Avenues. The land involved contains approximately 17 acres and is presently undeveloped.

The owner and petitioner wishes to obtain rezoning from R-A(2) to R-1(6), which would allow for a Major Subdivision of the existing large parcels into 78 (6,000 square feet) lots as provided for under the requirements of an R-1(6) land use classification. The request for downzoning is the direct result of the owner's attempt to develop land in accordance with a more acceptable density which has been a continuing concern by the Sunrise Neighborhood, both school districts and the city. The Planning Commission recommended approval of this request based on the following reasons: (1) The request conforms to the Comprehensive Land Use Plan from the standpoint of future residential development. (2) The Sunrise Neighborhood and school districts have expressed a strong desire for single family versus apartment development and a serious need for compatibility with existing and acceptable land use patterns. (3) The existing schools, streets and utility systems for the area have been designed and improved for single, not multiple family densities. (4) The request represents a desire to decrease densities in a neighborhood that currently has serious density and housing conditions.

The public hearing was declared open. There being no one to speak for or against this rezone, the public hearing was closed. Mr. Long related to the Council a new ruling from the Board of Appeals regarding inconsistencies in Comprehensive Plans. In a case outlined for the Council, Mr. Long said a conflict existed between the map adopted by a city intended to be the Comprehensive Plan Map and the text on the back of the map. It was felt by the city involved that the text actually modified the outlines on the map. The ruling was that this was inconsistent. Mr. Long said, "It is not essential that full evidence is before the Planning Commission and City Council providing a full explanation is made at the Planning Commission and is, in fact, adopted by the City Council. They have said that the trial court will be the Planning Commission and the appellate court is the Council. You can adopt findings of the Planning and Zoning Commission." Mr. Davis questioned whether the matter before the Council now was a zone change or a change in densities within the zone. Mr. Davis then moved that the existing findings of the Planning Commission be adopted and that the change in density be approved by the Council and that the ordinance be read for the first time. Mr. Hubert seconded the motion. The motion carried unanimously and the ordinance was read for the first time entitled, "ZONE CHANGE AMENDMENT NO. UNDER ORDINANCE NO. 2916 REZONING A PARCEL THAT LIES WEST OF HILL STREET BETWEEN 19TH AVENUE AND 24TH AVENUE FROM RA (2) MULTIPLE FAMILY DISTRICT TO R-1(6) SINGLE FAMILY DISTRICT.

Mr. Olsen asked what had happened to the application for rezone from a group of people to the west of the parcel being discussed tonight (along Jackson and Marion). Mr. Rhodaback told the Council that the Planning Commission decided not to consider rezoning that particular area. The neighborhood group out there is still interested in doing something about the zoning out there and the issue has been brought up in the Neighborhood meetings. Staff suggested to these citizens that the opportunity to review this issue would be during discussions on the proposed new zoning ordinance. Mr. Rhodaback explained that the petition was originally signed by a number of property owners, but other areas involved did not sign the petition. Mr. Olsen said he felt a hearing should be held to allow the people in this neighborhood an opportunity to say what they want. Mr. Rhodaback said when the people come back and submit a proper petition he felt the Planning Commission would give it some more thought. Mr. Davis said it appeared that there was no emergency on this matter of a rezone, and since the petitioner was not present, the ordinance was read only for the first time.

REZONE ON SIEGRIST-SHINDLER PROPERTY FROM R-1(6) TO RA (2)

This request involves four lots located at the southeast corner of Gear y and 15th Avenue. The owner and petitioner has submitted this request for the purpose of changing the land use classification from R-1(6) to R-A (2) which would allow the maximum construction of the apartment units. However, the owner only proposes to build either two triplexes or one sixplex with adequate off-street parking. The Planning Commission recommended denial of the zone change request based on the following reasons: (1) There is much undeveloped multiple family land already in the area; (2) There is a substantial amount of multiple dwellings in the area; (3) There is a definite need to lower the density in the Sunrise Neighborhood. The public hearing was declared open. There being no one to speak for or against this matter, the public hearing was closed. Mr. Hayne moved to uphold the recommendation to deny the request based upon the findings of the Planning and Zoning Commission. Mr. Olsen seconded the motion and it carried unanimously.

REZONE ON PROPERTY LOCATED AT ERMINE STREET (930) MERLE TAYLOR

The public hearing was declared open on this request for a rezone from R-2 residential to C-2 Commercial which would allow for expansion of Mr. Taylor's existing Dodge Dealership. At the June 11, 1975 City Council meeting, Mr. Taylor's request for rezone was tabled. At the June 25th meeting, Council removed the matter from the table at the request of Mr. James Goode, attorney for Mr. Taylor, and set July 23rd as the date for a new public hearing time. At the time the attorney requested that the public hearing be re-opened, their request had been modified slightly from their original request: it would consist of rezoning Lot 10 and the southwest corner of Lot 11 consisting of a right triangle (930 S. Ermine St. and the Southwest corner of 920 S. Ermine Street). Mr. Goode, in speaking for Mr. Taylor (his client) requested that he be sworn in. Mr. Long, City Attorney, did swear him in. Mr. Goode stated that Mr. Taylor has withdrawn his request for the southwest corner of Lot 11. Mr. Taylor has submitted a revised plot plan in which he has agreed to several changes and conditions which would result in improvements to the property and to the neighborhood. Mr. Taylor requests that if the zone change is re-considered that a time request be made for improvements and that the blacktopping be completed within 120 days or else the zone change would revert back to residential zoning. Mr. Goode said it appears that the objections to this zone change request stems from concern of bad effect on the residences close by. Mr. Goode pointed out that Mr. Taylor is operating under a 50 year lease, and the area is to be used for dealership purposes only. Mr. Goode said Mr. Taylor must have this additional space in order to adequately serve his customers. The use he intends for this property, and the improvements Mr. Taylor intends to make, will be for the benefit of his customers as well as the aesthetics of the neighborhood, Mr. Goode said.