

ORDINANCE NO. 4853

TITLE: ZONE CHANGE AMENDMENT NO. 18 UNDER ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, AND PROVIDING FOR THE REZONING OF PROPERTY LOCATED SOUTH OF BELMONT AVENUE SW, WEST OF PACIFIC BOULEVARD SW, AND NORTH OF THE PROPOSED ELLINGSON ROAD EXTENSION AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS."

WHEREAS the Planning 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 below.

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

Section 1. EXHIBIT "A"

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

Section 2. PLANNING DEPARTMENT ZONE CHANGE CASE NO. ZC-01-89

The official Albany Zoning Map is hereby amended from R-3 (Multiple Family Residential) to C-1 (Neighborhood Commercial) for an area described as follows: (see attached legal description Exhibit "B") is hereby rezoned as C-1 (Neighborhood Commercial) and will be known as Zone Change Amendment No. 18.

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: February 22, 1989

Approved by the Mayor: February 23, 1989

Effective Date: March 24, 1989



Mayor

ATTEST:



City Recorder

CITY OF ALBANY ZONE CHANGE
STAFF REPORT

File No.: ZC-01-89

Hearing Body: Planning Commission
City Council

Hearing Date: February 6, 1989
February 22, 1989

GENERAL INFORMATION

Applicant: Phillips/Cruz Properties
11338 Aventine Circus
Portland, OR 97219

Filed By: Jose Cruz

Type of Request: A Zone Change application to change the zone from R-3 (Multiple Family Residential) to C-1 (Community Commercial).

Property Location: West of Pacific Boulevard SW; south of Belmont Avenue SW; north of proposed Ellingson Avenue SW and east of proposed Lanier Street extensions.

Total Land Area: 4 Acres

Assessor's Map & Tax Lot No.: 11-4W-25AD, Tax Lots 100 and 101

Neighborhood: South Albany

Existing Comprehensive Plan Designation: High Density Residential

Current Zoning Designation: R-3 (Multiple Family Residential)

Surrounding Zoning: R-3 (Multiple Family Residential) to the west of proposed Lanier Street extension; C-1 (Neighborhood Commercial) to the north across Belmont Avenue and to the east across Pacific Boulevard; R-1 (Single Family Residential) to the northwest and to the south across proposed Ellingson Avenue extension; ML (Light Industrial) to the southeast across Pacific Boulevard.

Existing Land Use: Vacant Land

Surrounding Land Use: Apartment Units to the west of proposed Lanier Street extension; a Seven Eleven Convenience Market to the north across Belmont Avenue; to the east across Pacific

Boulevard, non-conforming single family homes and vacant farm land to the northeast and two non-conforming single family homes and a retail lumber business to the southeast; Linn Benton Community College to the south across the proposed Ellingson Avenue extension; single family homes to the northwest across Belmont Avenue.

NOTICE INFORMATION: Notices were mailed to affected property owners on January 25, 1989. As of the time that this staff report was prepared, no written comments had been received by the Planning Department. One telephone call was received from an affected property owner who had no objection to the proposed zone change.

Three telephone calls were received from affected property owners requesting additional information. One affected property owner came to the Planning Department for additional information and expressed dissatisfaction in the proposed zoning.

PROPOSED DEVELOPMENT: The applicants have submitted a conceptual plan for the development of a neighborhood convenience center containing approximately 50,000 square feet of gross building area.

PRIOR HISTORY: The property was originally developed as part of the College Green Subdivision development. The subject lots were zoned R-3 (Multiple Family Residential) in anticipation of providing student housing for the community college.

DISTRICT ZONE AMENDMENT CRITERIA: Any zoning or special purpose district amendment proposal considered under a Type IV procedure must be demonstrated to be in conformance with each of the following criteria:

1. The requested amendment is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for in accordance with Section 3.060 of the Albany Development Code.
2. The adequacy of existing or anticipated transportation facilities (streets, bus routes, etc.) and the potential impact on traffic generation and safety.
3. A demonstration that the existing or anticipated services (sanitary sewers, storm sewers, schools, fire protection, etc.) can accommodate potential development within the subject area without adverse impact on the affected service area.
4. Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic district, etc. will be protected as a result of the proposed rezoning.
5. In comparison with other districts permissible under the Comprehensive Plan designation, the proposal is determined to best meet the intent of the Comprehensive Plan Goals and Policies.

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. COMPREHENSIVE PLAN DESIGNATION: Is the proposed zoning compatible, restricted or subject to special regulations, or not compatible with the existing plan designation for the subject property.

a. Staff Comments and Conclusions: Although the Comprehensive Plan identifies the subject property as High Density Residential, a Zone Change from R-3 (Multiple Family Residential) to C-1 (Neighborhood Commercial) is allowed without a Comprehensive Plan Change. The recently adopted Comprehensive Plan Goals and Policies have been added to the applicant's comments in bold by staff as they correspond to the former Comprehensive Plan Goals and Policies and Implementation methods in affect at the time the application was submitted by the applicant.

b. Applicant's Comments and Conclusions: The Comprehensive Land Use Plan is a framework for making better decisions regarding the uses of land and its resources for the total population of the City of Albany. Its guidelines are for both short and long term development. Change is built in as a necessary ingredient to the plan's proper functioning as the community continues to fluctuate (Albany Comprehensive Plan, September 10, 1982).

Economic Development: Policy 2, page 44. Provide trade and service establishments for the residents of Albany which includes a variety of levels of services ranging from neighborhood to regional needs. Policy 1. Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Albany's residents and others. Policy 10, page 45. Provide residents of the city with access to neighborhood commercial facilities within a half mile radius.

The C-1 (Neighborhood Commercial) district is intended to create, preserve, and enhance small areas of retail establishments serving frequently recurring needs in convenient locations. The C-1 District is typically appropriate to small shopping clusters or service centers located within residential neighborhoods.

The proposed site is located at the entrance to College Green Sub-division with approximately 400 housing units with a population of approximately 920 (2.3 x 400). Linn Benton Community College is located to the south of the site and has a enrollment of over 2,000 full-time students and approximately 4,200 individual students.

The new street is going to be the entrance to the north parking lot of the Community College with approximately one-third of the total car population of the College. With the combination of the college and

the College Green population, the location of the site will generate a focus point to service the population.

Implementation Methods: (1) Designate lands in suitable locations for future commercial and industrial development. (2) Assure the provision of an adequate supply of commercial lands to meet the needs of all types of retail and business services. (12) (2) Allow neighborhood and residential professional uses within the urban residential reserve plan designation, subject to zoning requirements and annexation requirements.

Goal 14, beginning page 104: In terms of commercial land use needs, it is projected that there will be a need for a total of 534 acres of commercial land while the Comprehensive Plan has designated 733 acres for commercial uses. These commercially designated lands allow a wide variety of commercial uses ranging from professional offices to major commercial centers. It is felt that this amount of land is necessary to ensure than an adequate supply of appropriately zoned commercial land is available in all areas of the urban growth boundary.

By allowing the Comprehensive Plan to identify the location of these sites sufficient land use controls can be used which will help to ensure neighborhood compatibility, efficient and economical provision of public services and facilities, and adequate commercial opportunities for the public to conveniently meet their daily needs. Additionally, by maintaining a slightly larger supply of commercially designated land than is required should avoid shortage conditions and encourage sufficient competition to maintain reasonable pricing of commercial sites.

When the property was submitted to the City of Albany for preliminary approval for College Green back in 1972, the property was not in the City Limits, but in Linn County. Since all the public services were to be from the City, an agreement was formed between the city, county, and the developer of the property. This was called a delayed annexation. Neighborhood Commercial was included in the plan for the site. At that time, the population in the area did not justify the request, and it was not included in the final request and approval. Since that time, population has increased over the 17 years. As stated before, the increased population, the increased college enrollment, and the traffic on Pacific Boulevard has changed the needs of the area. The Comprehensive Plan reflects the needs by designating properties along Pacific Boulevard as C-1. These properties lack the neighborhood population needed and they are oriented more toward the traffic along Pacific Boulevard and lack the acreage need for a neighborhood service center.

Directing Growth: Goal. Achieve stable land-use growth which results in a desirable and efficient land-use pattern. Goal. Achieve stable land use growth which results in a desirable and efficient land use pattern.

Policy 1. Encourage the development of vacant serviced properties before extending services to other undeveloped areas. Policy 9. Encourage the use of already serviced vacant and underdeveloped land through adaptive reuse of older areas of the community and the development and/or partitioning of lots which can meet minimum lot size requirements.

All public services are on the site or next to the site such that no extensions will be required. The utilities were sized for a higher usage than necessary for the proposed use.

Policy 7. Encourage land-use patterns which take advantage of density and location to reduce the need for travel, facilitate energy-efficient public transit system, and permit building configurations which increase the efficiency of energy use. Policy 15. 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.

The location of the site will reduce travel for the total neighborhood and the people using the college by providing services that are not located in the area. The only service located within 1/2 mile of the population center is a Seven Eleven Store with limited service. For other common services, the people must travel over three miles toward the center of Albany. The site is serviced by the public transportation system on Pacific Boulevard. The future buildings on the site will be designed to increase the efficiency of energy use by the standards set by the city.

Policy 12. Require the type and size of commercial service area to be commensurate with the size and area serviced. Policy 10. The size and type of future regional and community commercial sites shall be commensurate with the area to be served and located so as to be easily accessible by the service area. Approvals of additional regional and community commercial sites may be predicated upon studies requested by the City which assess public need, impacts upon competing commercial areas, traffic impacts, and impacts upon other public services.

The size of the site is the size that is recommended for a neighborhood commercial center, four or more acres, but not more than seven acres. The area to be served is about 1,400 population.

Policy 13. Discourage the establishment of commercial development in a strip or strung-out pattern along major arterials preferring instead clustered development and infilling in areas surrounding commercial development. Policy 12. Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas which will foster: (a) Efficient and safe utilization of transportation facilities. (b) A variety of attractive and comfortable shopping opportunities that encourage shopping in a

number of stores without auto use. (c) Compatibility between land uses, particularly adjacent residential neighborhoods. (d) Efficient extension of public facilities and services.

The site, apart from serving the population in College Green Sub-division, will serve the students and faculty of the existing community college. The college is a commercial development providing a service of education to the people of both Linn and Benton Counties. Policy 16. To the greatest extent possible integrate residential uses with commercial and recreational uses. Policy 14. Within planned unit developments, commercial recreation and retail uses may be allowed which are designed to be compatible with the development and which can be supported primarily by its residents.

The site will be integrated into the neighborhood by the location of the new street and by the location of the site to the college. The design of the development will be controlled by the rules and standards of the city.

Policy 19. Encourage development plans which do not depend on extensive use of the private automobile for transportation to work, shopping or recreation. Policy 11. 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.

The site is within walking distance for the community college and the existing neighborhood. The existing pathway which is not developed, will provide a path from the college to the neighborhood, and in the future, to downtown.

Implementation Method 3. Consider energy savings, travel times, and service cost in the development of a phasing program for the anticipated extension of urban services.

This will be completed by providing neighborhood service close to the center of existing population.

Implementation Method 4. Develop a few, compact, multi-purpose commercial areas which (1) encourage shopping in a number of stores without auto use, and (2) maintain smooth traffic flows on adjacent streets.

Neighborhood commercial allows a number of services that will encourage multi-purpose use. The new traffic light on the new street will maintain a controlled smooth traffic flow on the adjacent streets.

Implementation Method 6. Except for infilling do not allow, wherever possible, for further expansion of strip-commercial area, and improve existing areas by combining driveways, parking areas, and pedestrian ways. Implementation Method 7. Wherever possible, except for infilling, do not allow for further expansion of existing strip commercial areas and discourage new strip development, including isolated offices and professional facilities. Undertake measures to improve the appearance and safe utilization and operation of existing strip commercial areas by: (a) Providing development opportunities for compact and multi-purpose commercial facilities which encourage shopping in a number of stores without auto use. (b) Providing for combined access and otherwise limiting the number of access points to major arterials to maintain safety and the smooth flow of traffic. (c) Improving pedestrian access and on-site environmental amenities. (d) Providing for shared parking opportunities. (e) Implementing measures to improve the appearance and overall quality of strip commercial areas.

The site will serve the existing neighborhood and the college and will have pedestrian ways to serve the public. The new driveway into the new street will be located as to be directly across the driveway the college is proposing.

Energy Conservation: Goal. Achieve efficient utilization of all types of energy, and maximize the conservation of non-renewable resources.

Policy 2. Promote land use development patterns and projects that are energy efficient and cost effective.

The site is zoned for multi-family residential which the State average for general energy use is 14.7% . The average for the proposed neighborhood commercial development is 9.6% which will be a savings of 5.1% The second energy savings will be in transportation. The services that the neighborhood has to travel to will be next to their neighborhood. The amount of public services such as sewer and water will be reduced.

2. 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 and Conclusions: The site is served by Belmont Avenue on the north, by Pacific Highway on the east, and on the west and south by the proposed Ellingson Avenue. The total site is surrounded by the above streets. All of the streets are or will be per city standards. Pacific Boulevard has recently been improved to include curbs and gutters. A traffic signal has recently been installed at the intersection of Ellingson Road and Pacific Boulevard to serve Linn Benton Community College and College Green residents. The local bus system which serves the community college also services the site on Pacific Boulevard.

The existing zone of the property is R-3, with a total of 5 acres before the new street construction. The R-3 zone allows up to 24 units per acre for a total of 120 units. The amount of traffic generated will be approximately 1,200 total trip per day, using the standard 10 trips per unit. Of these 3/4 of the trips will be on peak traffic periods, 450 trips in the morning and the same amount in the afternoon. The remainder of the trips will be on the off peak periods.

The proposed C-1 (Neighborhood Commercial) zone will allow approximately 50,000 gross square feet of commercial retail space. This is based on the zoning, setbacks, and landscape requirements. Using the Transportation and Traffic Engineering Handbook standards, the site will generate approximately 1,075 trips per day with approximately 150 walk up trips from the neighborhood and the community college. The traffic will be generated from the neighborhood, the community college, the traffic on Pacific Boulevard, and the new signal at the intersection of Ellingson Road and Pacific Boulevard. The new signal will allow traffic to flow to the site without any problems. The site will be served by two driveways, one on Belmont Avenue and one from Ellingson Avenue. The traffic from the site will be mainly from the neighborhood and from Pacific Boulevard. Since College Green is a totally enclosed development, traffic will not be generated from the commercial site into the neighborhood.

- b. Staff Comments and Conclusions: The applicant has agreed to dedicate the necessary right-of-way to the City of Albany for the construction of the proposed Lanier Street and Ellingson Avenue extensions. The traffic signal at the intersection of Ellingson and Pacific Boulevard was installed as part of the Pacific Boulevard widening project. However, the traffic looping system for the Ellingson Avenue phasing would be installed at the time of construction of the street extension. Construction of the Ellingson/Lanier extensions is tentatively scheduled to begin in early spring with completion in late summer.
3. 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 and Conclusions: The site is served by the City of Albany 12-inch sanitary sewer and a 12-inch waterline in Belmont Avenue and a 16-inch water line in Pacific Boulevard. An 18-inch sanitary sewer crosses the site from north to south. The City of Albany Fire Department services the site, with two fire hydrants on Belmont Avenue. An open drainage ditch crosses the site from north to south. The ditch serves the total area south of the site. The greater Albany School District serves the site.

Sanitary sewer use will be reduced by more than 70%. Water use will be reduced by approximately 50% and will not be used during peak periods. Fire protection will be better served because of better access, less amount of cause (children), and higher building standards. The amount of students for the school district will be reduced by approximately 84 students for the life of the site. Storm drainage needs will be approximately the same as required for the existing zone.

- b. Staff Comments and Conclusions: Future development as shown may require the extension of a public water line to provide fire protection within the development. In addition, backflow prevention devices may be required for the water system and pretreatment may be required for the sanitary sewer. Any uses allowed in the proposed zone will require the submission and approval of a Site Plan for the development of facilities on and adjacent to the site.

4. NATURAL FEATURES: What are the natural features of the site? Is the area proposed for a change within any special districts? 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 and Conclusions: The site is flat with an elevation of 229.0 feet throughout the site with a drainage ditch crossing the site from south to north. The ditch is approximately eight feet deep. There are no major trees on the site. With the existing zone, the ditch would be cleaned and preserved in its natural state. With the proposed zone, the ditch would be enclosed in a pipe designed to carry the existing and proposed drainage. With an enclosed drainage system, the site can be better maintained and the danger of an open ditch will be avoided.

A greenway crosses the site from north to south, serving the community college and the City of Albany. This pathway will be improved per city standards (see conceptual plan).

- b. Staff Comments and Conclusions: The site will be required to be landscaped to meet the Albany Development Code standards. This will include the provision of street trees spaced between 35-40 feet apart adjacent to all four streets which border the site.

5. NEIGHBORHOOD COMPATIBILITY AND COMMUNITY LOCATION: 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? How does the proposed zone comply with distribution policies of the Plan?

- a. Applicant's Comments and Conclusions: The site is surrounded by public streets. On the north, across Belmont Avenue, the west half of the properties are zoned R-1 (Single Family Residential) with existing homes. The other half across Belmont Avenue is zoned C-1 (Neighborhood Commercial) with a 7-11 store on the east half of the site and the west half is vacant. On the east, Pacific Boulevard is the main highway into Albany. East across Pacific Boulevard the property is zoned C-1 and is vacant. On the south, Linn Benton Community College is zoned R-1 (Single Family Residential). On the west, the property is zoned R-3 with existing apartment units on the site.

The total impact of the new zone for the neighborhood will better serve the general public by having a site surrounded by public streets and traffic control by a traffic light. All of the existing and proposed residential population is on the west side of Pacific Boulevard. The new street will serve the neighborhood better because of the traffic signal onto Pacific Boulevard. The zoning requirements will protect the existing residential property by the setbacks, landscaping, and building height requirements.

At this time the neighborhood is served by a Seven Eleven store with limited services. The people in the area must travel over three miles for services. The new zone, because of its size will allow development of a true neighborhood center. This is the only site on the west side of Pacific Boulevard in the south of Albany that would allow a total neighborhood development.

"The C-1 (Neighborhood Commercial) district is intended to provide for small areas of retail establishments serving frequently recurring residents' needs in convenient locations. Generally, uses located within C-1 Districts should have as their primary market area the potential population within a one-half mile radius" (Albany Development Code).

The existing population of 1,200 in the South Albany Neighborhood is within 1/2 mile of this site. The new street (Ellingson Avenue) with its traffic light on Pacific Boulevard will serve the total residential population on the west side of Pacific Boulevard. The City of Albany Planning Staff states that in the last five years, the majority of new residential construction has been in the southern portion of the City. At the same time no new commercial sites have been developed. One of the reasons is that the existing zones are too small for a neighborhood commercial center. There is a total of three sites zoned C-1 on Pacific Boulevard and one zoned C-2. Of the three sites, none have the size or the traffic control to serve the general public.

There are three sites within a 1/2 mile of the existing residential housing that are zoned C-1. Site 1 is located north of Belmont on Pacific Boulevard which consists of approximately 2.85 acres with a 7-11 store, a vacant non-conforming industrial building, and a single family residence covering approximately one acre of the site. Site 2 is located on the east side of Pacific Boulevard at its intersection with Belmont and contains approximately 3.5 which is vacant. Site 3 is located south of the proposed site on the east side of Pacific Boulevard north of Allen Lane and contains approximately 7.34 acres. This area is broken up into 5 parcels ranging in size from 0.9 acre to 2 acres. Four of the parcels are developed with single family residences. The 2 acre parcel is vacant.

The proposed site is better suited for C-1 (Neighborhood Commercial) for the following reasons:

1. It will serve the existing neighborhood on the west side of Pacific Boulevard.
2. The new traffic signal and the extension of Ellingson Avenue will allow better access to the neighborhood and commercial development.
3. The size of the site is 4 acres and is more suited for a neighborhood commercial development.
4. The site is served on four sides by City of Albany streets and utilities.
5. The location in relationship to the existing housing and Pacific Boulevard will allow the site to serve the general public without a major impact to the existing housing, and Linn Benton Community College.

In summary, the needs of the neighborhood have been changing as new housing is built. The area transportation system has been improved by the widening of Pacific Boulevard, the installation of the new traffic signal the intersection of Ellingson Road and Pacific Boulevard, and the proposed extension of Ellingson Avenue and Lanier Street. All of these factors along with the major need for single family homes in the area in the near future will require a suitable site for Neighborhood Commercial.

- b. Staff Comments and Conclusions: The applicant has not addressed the existing C-2 (Community Commercial) zoned tract of land which contains approximately 35.93 acres and is located within a half-mile of the subject property. The property was annexed to the City of Albany on November 3, 1987. At the time the property was annexed, neither sewer or water service was available to the property. An 12-inch sanitary sewer line crossing is located approximately 400 feet north of the intersection of Morse Avenue with Pacific Boulevard and a 16-inch water line is located on the west side of Pacific Boulevard. Both of these public utility lines were constructed as part of the Pacific Boulevard widening project.

One of the findings for the annexation and zoning of the property was that "the proposed annexation will add property to the city which is needed to provide an adequate supply of zoned lands for the uses proposed and because this will supply the city of Albany with its largest contiguous single ownership piece of commercial property within the city. The recent development of the Heritage Mall removes from the inventory of available commercial lands a previous large block of undeveloped commercial land. The addition of this parcel replaces the lands now developed in the Heritage Mall".

Although the C-2 parcel is located on the east side of Pacific Boulevard, the site has the potential of providing the same times of neighborhood services that would be allowed on the subject property in addition to services that would be related to the community at large.

The proposed zone change from R-3 (Multiple Family Residential) to C-1 (Neighborhood Commercial) will have a certain amount of impact on the surrounding area. However, considering that the property is surrounded on four sides by streets, one of which is a designated major arterial, this location may be appropriate for the proposed zone. Appropriate conditions which address setbacks (20 feet for buildings, 10 feet for parking lots), landscaping, circulation, ingress and egress, parking, etc. will be more fully identified at the time that development occurs on the site through the Site Plan Review process.

STAFF RECOMMENDATION: At this time staff has no recommendation or this request. The unsuitability of this site for multiple family development may be counter balanced by the surplus of other commercial sites in this vicinity. Thus it is difficult to totally support either the present or the proposed zoning. If new evidence is presented at the public hearing or if the Planning Commission is not in complete agreement with the applicant's findings it may be necessary to direct staff to prepare additional findings before making a final decision or recommendation. However, if the Planning Commission is in agreement with the applicant's findings, then a motion to recommend approval based on the findings listed in the staff report will be appropriate.

PLANNING COMMISSION ACTION:

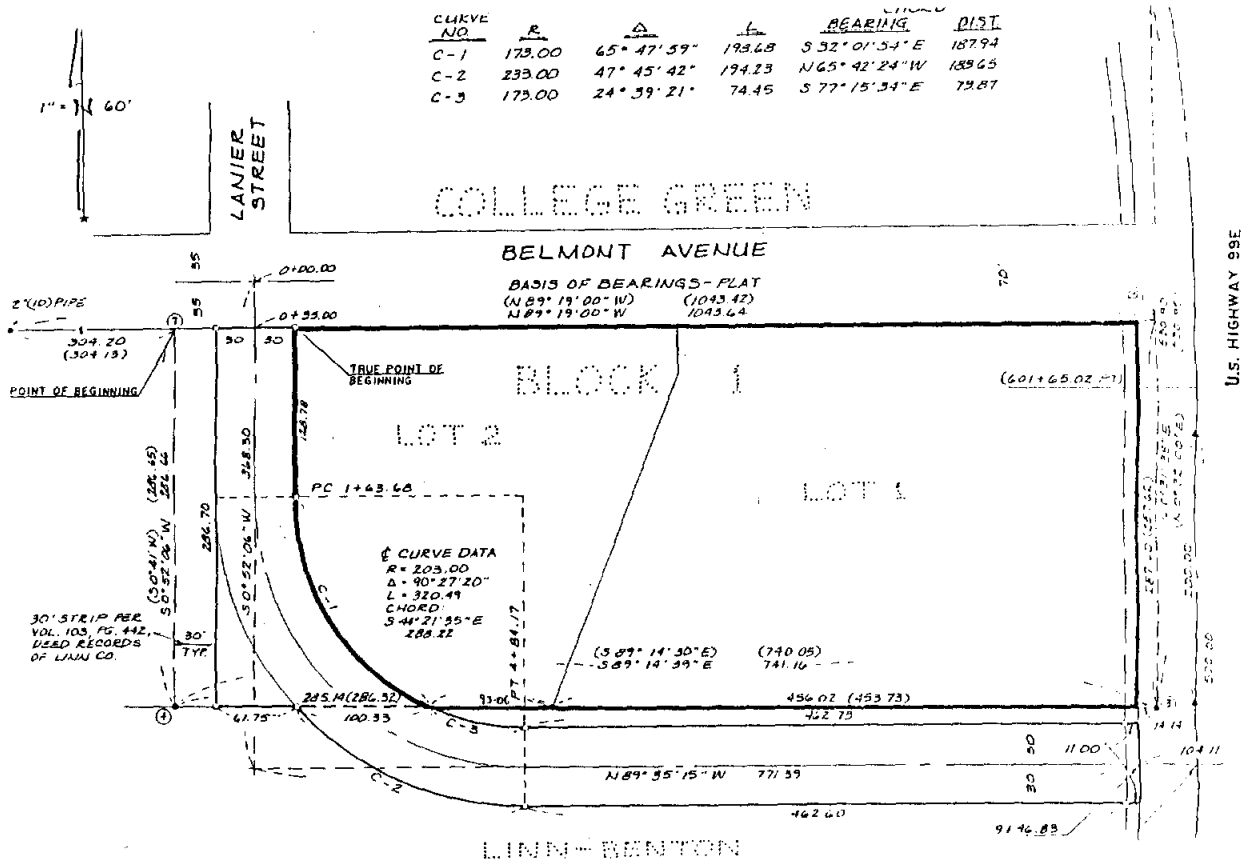
To recommend APPROVAL of the proposed Zone Change from R-3 (Multiple Family Residential) to C-1 (Neighborhood Commercial) based upon the findings listed in the staff report. The Commission further recommends that the Council direct staff to study alternatives for solving traffic problems in the area around the Pacific/Belmont/Ellingson intersections. Specifically, the issues of excessive speed and safety hazards related to ingress and egress onto 99E need to be included in such a study.

EXHIBIT "B"

Description of Property Owned by Phillips/Cruz and Associates
After Dedication of Right-of-Way for the Extension of Lanier Street

LEGAL DESCRIPTION

Beginning at the northwest corner of Lot 2, Block 1, College Green Subdivision, in the Northeast 1/4, Section 25, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence along the north line of said lot South 89°19'00" East 90-feet to a 5/8-inch iron rod at the true point of beginning; thence continuing along said lot line South 89°19'00" East 649.44-feet to the west right-of-way line U.S. Highway 99E; thence along said right-of-way line South 0°31'35" West 287.60-feet to the south lot line of Lot 1, Block 1, College Green Subdivision; thence along said lot line North 89°14'39" West 456.02-feet to a 5/8-inch iron rod at the southeast corner of Lot 2, Block 1, College Green Subdivision; thence continuing North 89°14'39" West 93.06-feet to a point; thence along a 173.00-foot curve right (long chord North 32°01'54" West 187.94-feet) 198.68-feet to a 5/8-inch rod; thence North 0°52'06" East 128.78-feet to the true point of beginning, containing 182,231 square feet, more or less.



NOTICE OF PUBLIC HEARING



AFFECTING THIS AREA



HEARING DATE: February 22, 1989 **TIME:** 7:15 p.m.

LOCATION: Council Chambers, City Hall II, 250 Broadalbin SW

HEARING BODY: Albany City Council **FILE NO.** ZC-01-89

SUBJECT PROPERTY: South of Belmont Avenue SW; West of Pacific Boulevard SW;
and North of the Proposed Ellingson Road Extension. Tax
Lots 100 and 101, 11-4W-25AD (See map below).

PETITIONERS: Phillips/Cruz Properties **Filed By:** Jose Cruz

PURPOSE OF HEARING: To provide an opportunity for citizens to express views to the City Council about a Zone Change from R-3 (Multiple Family Residential) to C-1 (Neighborhood Commercial). For information regarding permitted uses in the proposed designation, contact Candace Ribera, City of Albany Planning Department at 967-4300, Extension 362.

Any person wishing to speak either for or against the proposed Zone Change may do so in person or by authorized representative.

The Planning Department has additional information on file regarding this request. Interested or concerned persons should immediately contact the City of Albany Planning Department, 250 Broadalbin Street SW, Albany, OR 97321 for information about the proposed Zone Change request before the date of the public hearing. This allows you an opportunity to become better informed prior to the hearing and allows staff an opportunity to incorporate unresolved concerns in the staff report which is presented at the public hearing. Please feel free to call 967-4300, Ext. 362 for assistance or visit the Planning Department. Also, signed, written comments may be filed with the Planning Department prior to the time of the Hearing. **NOTICE:** Oregon State law requires that written or oral comments specify which application criteria apply to the submitted testimony. Failure to raise an issue in person or by letter precludes appeal and failure to specify to which criterion the comment is directed precludes appeal based on that criteria (ORS 197.762).

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER. The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

Dated this 10th day of February, 1989.

