

ORDINANCE NO. 4866

TITLE: ZONE CHANGE AMENDMENT NO. 21 UNDER ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, AND COMPREHENSIVE PLAN AMENDMENT NO. 15 UNDER ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND THE CITY OF ALBANY COMPREHENSIVE PLAN MAPS, TO PROVIDE FOR THE RECLASSIFICATION AND REZONING OF PROPERTY DESCRIBED IN MORE DETAIL BELOW 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 Comprehensive Plan Amendment and Zone Change 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 reclassification and zoning of the property described below; and

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 CASE NOS. CP-02-89 & ZC-04-89

The official Albany Comprehensive Plan and Zoning Maps are hereby amended with a Comprehensive Plan Amendment from Low Density Residential to General Commercial with a concurrent Zone Change from R-1 (Single Family Residential) to C-2 (Community Commercial) for a portion of property located at 241 Waverly Drive SE (11-3W-05DD, Portion of Tax Lot 400) (Approximately 4,956 sq. ft.) as described in attached Exhibit "B" and will be known as Comprehensive Plan Amendment No. 15 and Zone Change Amendment No. 21.

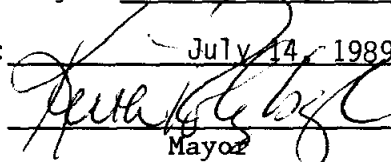
Section 3. COPY FILED

A copy of this Comprehensive Plan and 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: June 14, 1989

Approved by the Mayor: June 15, 1989

Effective Date: July 14, 1989


Mayor

ATTEST: 
Deputy City Recorder

EXHIBIT 'A'
FINDINGS FOR APPROVAL
COMP PLAN AMENDMENT/ZONE CHANGE CASE NOS. CP-02-89/ZC-04-89

1. The proposed Comprehensive Plan Amendment from Low Density Residential to General Commercial is in compliance with applicable state goals and administrative rules.
2. The proposed Comprehensive Plan Amendment with concurrent Zone Change is the logical extension of the existing commercial site which is located immediately adjacent to the subject property to the south.
3. The commercial use of the subject property will occur in conjunction with the commercial use which is located immediately adjacent to the subject property to the south.
4. The proposed Comprehensive Plan Change from Low Density Residential to General Commercial with concurrent Zone Change from R-1 (Single Family Residential) to C-2 (Community Commercial) is in conformance with the following Goals and Policies of the Albany Comprehensive Plan:

GOAL: Ensure vegetation is and remains an integral part of Albany's environment.

Policy 2. Encourage the protection of trees of significant size that represent a visual and aesthetic resource to the community and recognize that the vegetation resources of Albany's Historic Districts are an important element of Albany's historic and cultural heritage.

Policy 3. Where possible, retain the environmental and aesthetic qualities of existing wooded areas by incorporating them into public park and open space plans, and ensure the maximum preservation of vegetation during the development review and construction process.

Policy 4. Require new development to utilize landscaping and encourage the improvement of existing development sites to current Development Code standards, especially by planting trees. Landscaping shall address the need to:

- a. Visually enhance development projects.
- b. Provide buffering and foster compatibility between different land uses.
- c. Reduce water runoff and maintain soil stability.
- d. Reduce energy use by using vegetation for shading, windbreaks, and insulation.

GOAL 9: ECONOMIC DEVELOPMENT

GOAL 1. Diversify the economic base in the Albany area and strengthen the area's role as a regional economic center.

GOAL 2. Enhance the economic position of all elements of the area's established economic base.

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.

EXHIBIT 'A'
FINDINGS FOR APPROVAL
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GOAL: Provide a safe, diversified, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, and cultural and scenic values.

Policy 1. Review development and transportation plans to determine the most efficient, safe, and least disruptive relationship between land uses and the transportation system.

Policy 2. When planning for, designing, and providing transportation systems, ensure that:

- a. The requirements of the various transportation types are coordinated with each other and operational and safety conflicts are minimized.
- b. Proposed projects are coordinated with the plans of applicable county, state, and federal agencies.
- c. Effective notification and coordination occurs between affected agencies regarding the transportation impacts of proposed development within or adjacent to the Urban Growth Boundary.

Policy 3. As part of the development review process, evaluate the adequacy of transportation to, from, and within the site.

Policy 5. Ensure that design and location of driveways provides for safe and efficient property access and does not interfere with traffic circulation and carrying capacity.

Policy 6. Ensure that street design provides for high levels of efficiency and safety and, when necessary, incorporate design modifications to help preserve neighborhood quality and character.

Policy 9. Require adequate pedestrian and bicycle ways in conjunction with all new street projects and provide sidewalks along all City streets (proposed and existing) that are used for direct access to area schools.

GOAL 13: PUBLIC FACILITIES & SERVICES (WATER)

Policy 1. Encourage the use of techniques and devices that promote water conservation.

Policy 2. Provide an adequate supply and quality of water to meet projected demands for consumption, fire flows, and response to emergency conditions based on the Comprehensive Plan land use designations and adopted population projections.

GOAL 13: PUBLIC FACILITIES & SERVICES (POLICE & FIRE PROTECTION)

Policy 1. Ensure that all development can be provided with adequate police and fire protection. Particular consideration shall be given to:

- a. Fire hydrant distribution and sufficient water flow capabilities for adequate fire protection to promote a high level of public safety.
- b. Street layout and site design features that promote easy emergency vehicle access and building identification.
- c. Exterior site lighting.

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- d. Building layout and site landscaping.
- e. Building proximity and relationship to other buildings on and off the site.

GOAL (Directing Growth): Achieve stable land use growth which results in a desirable and efficient land use pattern.

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 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.

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.

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; and (d) efficient extension of public facilities and services.

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; and (e) implementing measures to improve the appearance and overall quality of strip commercial areas.

- 5. Considering that the property is adjacent to a minor arterial street, is within 100 feet of an intersection of two major arterial streets, and that the use will be in conjunction with an existing auto service related business which will share a common access and common off-street parking; this location is appropriate for the proposed zone. Appropriate conditions which address setbacks (10 feet for the building, parking areas, and required buffer/screening areas) landscaping, and circulation will be more fully identified at the time that development occurs on the site through the Site Plan Review process.

EXHIBIT B
 FILE NOS. CP-02-89 & ZC-04-89
PLANTS & ASSOCIATES
 PROFESSIONAL LAND SURVEYORS
 54 CENTENNIAL LOOP
 EUGENE, OREGON 97401

PHONE 503 / 680-0211

REVISED 5-27-89

April 19, 1989

Description: Charles Borris
Express Lube - Albany

Beginning at a Point being South 1° 25' 00" East
 81.06 feet and South 59° 25' 40" West 314.55 feet
 from the Southeast corner of Block 2, in Kurre
 Lakeside Tracts in Section 5, Township 11 South,
 Range 3 West of the Willamette Meridian, Linn
 County, Oregon; thence South 59° 25' 40" West
 96.19 feet; thence North 1° 25' 00" West ~~44.00~~ *91.86*
 feet; thence North 88° 35' 00" East 84.00 feet;
 thence South 1° 25' 00" East ~~44.00~~ *44.00* feet to the
 Point of Beginning, in Linn County, Oregon.

The above description is subject to easements as they may exist, title company concurrence and questions of survey.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Marvin S. Krush

OREGON
 JULY 14, 1978
 MARVIN S. KRUSH
 1643

CP-02-89