

ORDINANCE NO. 5288

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; APPROVING A SITE PLAN FOR A PROPOSED MEDICAL FACILITY; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY FOR PROPERTY LOCATED AT 1700 GEARY STREET SE.

WHEREAS, the City of Albany Planning Commission recommended approval of the proposed Zoning Map amendment and Site Plan, based on evidence presented in the staff report and at the public hearing for City of Albany File Nos. ZC-02-97, and SP-08-97; and

WHEREAS, the Albany City Council held a public hearing on these cases on April 23, 1997.

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

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

Section 2: The Zoning Map designation of the 4.69-acre subject property is hereby amended from RM-5 (Residential Limited Multiple Family) to OP (Office Professional).

Section 3: A legal description of the subject property and a map showing the amendment to the Zoning Map are attached as Exhibits "B-1" and "B-2."

Section 4: The Site Plan that shows construction of an 18,000-20,000 square foot building for medical offices and an Urgent Care Facility is hereby approved with the conditions listed in the Findings (Exhibit "A"). A drawing showing the approved Site Plan is attached as Exhibit "C."

Section 5: A copy of the legal description of the subject property and the map showing the amendment to the zoning map 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 Zoning Map.

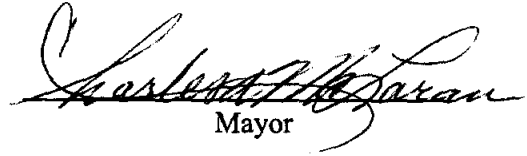
Section 6: A copy of the legal description of the subject property and the map showing the amendment to the Zoning Map shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

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: April 23, 1997

Approved by the Mayor: April 23, 1997

Effective Date: April 23, 1997


Mayor

ATTEST:


City Recorder

FINDINGS DOCUMENT

(Refer to Staff Report for ZC-02-97/SP-08-97)



Community Development Department

STAFF REPORT

Zoning Map Amendment and Site Plan Review

HEARING BODY CITY COUNCIL
HEARING DATE Wednesday, April 23, 1997
HEARING TIME 7:15 p.m.
HEARING LOCATION Council Chambers, Albany City Hall, 333 Broadalbin Street SW

GENERAL INFORMATION

DATE OF REPORT: April 14, 1997

FILE: ZC-02-97 and SP-08-97

TYPE OF REQUEST: Amendment to change the Zoning Map designation of a 4.69-acre parcel from RM-5 (Residential Limited Multiple Family) to OP (Office Professional) and a Site Plan Review for the construction of an 18,000-20,000 square foot building for medical offices and an Urgent Care Facility.

REVIEW BODY: City Council

PROPERTY OWNER: Asghar Sadri
203 East Reserve Street
Vancouver, WA 98661

APPLICANT: Tim Greenfield
First Care Health Foundation
1046 6th Avenue SW
Albany, OR 97321

APPLICANT REP: Edward F. Schultz
Weatherford Thompson Quick & Ashenfelter
P.O. Box 667
Albany, OR 97321

Bob Young
Young & Wieprecht Architects
780 Commercial Street SE, Suite 200
Salem OR 97301

ADDRESS/LOCATION: 1700 Geary Street SE (new address)

MAP/TAX LOT: Linn County Assessor's Map No. 11S-3W-8CB, Tax Lot 1207

CURRENT ZONING: RM-5 (Residential Limited Multiple Family)

TOTAL LAND AREA: 4.69 acres

51

EXISTING LAND USE: Vacant land

NEIGHBORHOOD: Jackson Hill

SURROUNDING ZONING: RM-5 (Residential Limited Multiple Family) to the north; NC (Neighborhood Commercial) and RM-5 across Geary Street to the east; CC (Community Commercial) across Queen Avenue to the south; and RM-5 to the west.

SURROUNDING USES: A new multi-family development to the north; a 7-11 convenience market across Geary Street to the east; a former grocery store (Prairie Market) that has been converted to a hobby shop across Queen Avenue to the south; and vacant land across Periwinkle Creek to the west.

PRIOR HISTORY: No previous Planning Division reviews

NOTICE INFORMATION

A Notice of Public Hearing was mailed to surrounding property owners on March 4, 1997. The site was posted on March 7, 1997. The signs were removed after the Planning Commission public hearing, then put up again on March 16. At the time this staff report was prepared (April 11, 1997), the Albany Planning Division had received one letter from one of the surrounding property owners. The letter was addressed to the Planning Commission from Forrest P. Bowman, the property manager of Brookshore Apartments located north of the subject property. The letter supports the proposed Zoning Map amendment. The letter is attached as Exhibit A.

STAFF AND PLANNING COMMISSION RECOMMENDATION

At the March 17, 1997, Planning Commission meeting, staff presented reports on the proposed Zoning Map Amendment (ZC-02-97) and Site Plan Review (SP-08-97), with recommendations for approval of both. The Planning Commission voted unanimously to recommend the City Council approve the applications.

APPEALS

Within five days of the City Council's decision, the Community Development Director will provide written notice of the decision to the applicant and any other parties entitled to notice.

The decision of the City Council may be appealed to the State Land Use Board of Appeals (LUBA) when a person with standing files a Notice of Intent to Appeal not later than 21 days after the City mails the notice of decision to parties entitled to notice.

CITY COUNCIL ACTION FOR THE PROPOSED ZONE CHANGE AND SITE PLAN REVIEW

[NOTE TO CITY COUNCIL: CHOOSE ONE FROM THE MOTIONS LISTED BELOW.]

MOTION TO APPROVE

If there is no new evidence presented at the public hearing, the City Council may approve the application based on the findings and conclusions of the staff report. This motion would be made following the first and second reading of the ordinance.

I MOVE that the City Council ADOPT the attached ordinance that would change the Zoning Map designation of a 4.69-acre parcel from RM-5, Residential Limited Multiple Family to OP, Office Professional), and would APPROVE the Site Plan Review application for construction of an 18,000-20,000 square foot building for medical offices and an Urgent Care Facility, SUBJECT TO the conditions of approval listed in the staff report. These applications have been designated File ZC-02-97 and SP-08-97. This recommendation is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO DIRECT STAFF TO PREPARE ADDITIONAL FINDINGS FOR APPROVAL

If new information is presented at the public hearing or if the City Council believes additional findings are needed to address issues in the staff report, the City Council may direct staff to prepare additional findings for approval for its review at a future meeting. If those findings are found to be satisfactory, the City Council would then recommend approval of the application based on the staff report, the new information, and the additional findings.

I MOVE that the City Council direct staff to prepare additional findings for approval of the Zoning Map Amendment application that would change the Zoning Map designation of a 4.69-acre parcel from RM-5, Residential Limited Multiple Family to OP, Office Professional (File ZC-02-97). These findings will address (*Note to City Council: Insert appropriate review criteria where you feel additional findings are needed*). The findings will be brought back to the City Council for consideration at a future meeting.

I MOVE that the City Council direct staff to prepare additional findings for approval of the Site Plan Review application for the construction of an 18,000-20,000 square foot building for medical offices and an Urgent Care Facility (File SP-08-97) SUBJECT TO the conditions of approval listed in the staff report . These findings will address (*Note to City Council: Insert appropriate review criteria where you feel additional findings are needed*). The findings will be brought back to the City Council for consideration at a future meeting.

OR

MOTION TO DIRECT STAFF TO PREPARE FINDINGS FOR DENIAL

If there is new information presented at the public hearing, the City Council may direct staff to prepare findings for denial for its review at a future meeting. If those findings are found to be satisfactory, the Council would then deny the application based on the staff report, the testimony at the public hearing, and the additional findings.

I MOVE that the City Council direct staff to prepare findings for the denial of the Zoning Map Amendment application that would change the Zoning Map designation of a 4.69-acre parcel from RM-5, Residential Limited Multiple Family to OP, Office Professional (File ZC-02-97). These findings will address (*Note to City Council:*

Insert appropriate review criteria which you feel indicate a decision for denial). The findings will be brought back to the City Council for consideration at a future meeting.

I MOVE that the City Council direct staff to prepare findings for the denial of the Site Plan Review application for the construction of an 18,000-20,000 square foot building for medical offices and an Urgent Care Facility (File SP-08-97). These findings will address (*Note to City Council: Insert appropriate review criteria which you feel indicate a decision for denial*). The findings will be brought back to the City Council for consideration at a future meeting.

OR

MOTION TO DENY

If the City Council finds that the applicant has not provided sufficient evidence to demonstrate that the review criteria have been met, or if they find the applicant has presented incorrect information, the City Council may deny the application.

I MOVE that the City Council DENY the application for the Zoning Map Amendment that would change the Zoning Map designation of a 4.69-acre parcel from RM-5, Residential Limited Multiple Family to OP, Office Professional (File ZC-02-97). This decision is based on the findings and conclusions of the staff report and/or the testimony presented at the public hearing.

I MOVE that the City Council DENY the Site Plan Review application for the construction of an 18,000-20,000 square foot building for medical offices and an Urgent Care Facility (File SP-08-97). This decision is based on the findings and conclusions of the staff report and/or the testimony presented at the public hearing.

STAFF ANALYSIS

Zoning Map Amendment File ZC-02-97

The Albany Development Code contains the following review criteria which must be met for this quasi-judicial map amendment to be approved. Code criteria are written in *bold italics* and are followed by proposed findings and conclusions.

(1) The proposed base zone 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 2.080.

FINDINGS OF FACT

- 1.1 The Comprehensive Plan Map designation of the subject property is Medium Density Residential.
- 1.2 The proposed base zone is OP (Office Professional). OP districts were called RP (Residential Professional) until 1991 when the name was changed. The Comprehensive Plan still refers to OP zoning districts as RP.
- 1.3 The "Plan Designation Zoning Matrix" on Page 131 of the Comprehensive Plan shows whether a particular zoning district is compatible with a particular Plan designation. The matrix shows that the RP (now OP) zoning designation is "restricted" if the Comprehensive Plan designation is Medium Density Residential. The matrix says that "restricted" means "subject to special regulation such as Zone Changes." This means that the OP designation cannot be applied to a particular land area unless the Planning Commission and City Council approve a zone change (zoning map amendment).
- 1.4 The proposed change from an RM-5 zoning designation to an OP designation is the subject of this review.

CONCLUSIONS

- 1.1 The consistency of a proposed new zoning designation with a Comprehensive Plan Map designation is determined by the Plan Designation Zoning Matrix on Page 131 of the Comprehensive Plan. An OP zoning designation is "restricted," which means that a zoning map amendment application and review is necessary to apply the OP designation to a particular land area. The applicants have submitted the necessary application, and it is the subject of this review. This criterion is met.

(2) Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.

FINDINGS OF FACT

- 2.1 The subject property is located on the northwest corner of Queen Avenue SE and Geary Street SE. Both Queen Avenue and Geary Street are designated on the Master Street Plan (Comprehensive Plan Plate 12) as Urban Minor Arterials. Future development on the property will take access to and from Queen Avenue and/or Geary Street.
- 2.2 OP zoning districts are intended primarily for a mixing of residential land uses with professional offices and related limited commercial uses. The same applicants who have submitted the application for this zoning map amendment have also submitted an application for site plan review of a medical office facility. For the purposes of this review, we assume the proposed development to be typical of development that may occur on the property if the zoning designation is changed from RM-5 to OP.

- 2.3 Traffic counts taken in November 1994 show average daily traffic (ADT) on Queen Avenue as 14,616 trips and on Geary Street as 14,951 trips. The intersection of Queen and Geary is signalized. Using Institute of Transportation Engineers (ITE) trip generation guidelines, City staff has estimated that a typical development on the subject property, if the zoning is changed to OP (Office Professional), would generate approximately 475 vehicle trips per day. These additional trips would not cause the level of service of the intersection to fall below the acceptable level of "D."
- 2.4 Queen Avenue and Geary Street are both improved to City standards along the frontage of the subject property, except that there is no sidewalk along the Geary Street frontage. Eastbound, Queen Avenue has one traffic lane, a bicycle lane, and a right-turn lane onto Geary Street; westbound are two traffic lanes that merge into one and a bicycle lane, with a continuous center turn lane. Northbound, Geary Street has one traffic lane and one bicycle lane, and a continuous center turn lane; southbound there is one traffic lane, a bicycle lane, and a right turn lane onto Queen Avenue.
- 2.5 The City's traffic engineer has determined that Queen Avenue and Geary Street can accommodate vehicle and bicycle traffic that will be generated by future development of the subject property.
- 2.6 Development on the property will most likely generate demand for a sidewalk along the property's Geary Street frontage. ADC 12.290 requires that "all development for which land use applications are required... must include sidewalks adjacent to public streets." A zoning map amendment is not included in the Development Code definition of "development," and a change in the zoning of the property does not create the need for a sidewalk at this time. However, a sidewalk along the Geary Street frontage of the property will be required at the time development is proposed on the property, so the sidewalk is considered an "anticipated facility" for the purposes of this review. The eastern property line of the subject property appears to be 30 feet west of the centerline of Geary Street, so there is insufficient room to construct a sidewalk between the curb and the property line. It will be necessary for the owner of the property to provide the additional right-of-way width that will be needed to construct the sidewalk. The additional right-of-way and the sidewalk will be required at the time development is proposed on the property, so these requirements are considered an "anticipated facility" for the purposes of this review.

CONCLUSIONS

- 2.1 Existing transportation facilities for vehicles and bicycles are adequate to serve uses that are permitted under the proposed OP zoning designation.
- 2.2 Existing pedestrian facilities are adequate along the Queen Avenue frontage of the subject property, but not adequate along the Geary Street frontage. Pedestrian facilities along the Geary Street frontage will be made adequate at the time development occurs on the subject property by providing the needed right-of-way and constructing a sidewalk along the Geary Street frontage.
- 2.3 This criterion is met.

(3) Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.

FINDINGS OF FACT

- 3.1 OP zoning districts are intended primarily for a mixing of residential land uses with professional offices and related limited commercial uses. The same applicants who have submitted the application for this zoning map amendment have also submitted an application for site plan review of a medical office facility. For the

purposes of this review, we assume the proposed development to be typical of development that may occur on the property.

- 3.2 Water: Public water utility maps show that there is a 12-inch main on the west side of Geary Street and a 12-inch main on the south side of Queen Avenue. Both of these existing water mains run for the full length of the subject property's frontage on Queen Avenue and Geary Street. The City Engineer has determined that these lines are of adequate size to accommodate potential development on the subject property.
- 3.3 Sanitary sewer: Public sanitary sewer utility maps show that there is an 8-inch main in Geary Street from 17th Avenue northward. As-built drawings show an 8-inch stub from a manhole at the intersection of 17th Avenue and Geary Street to the subject property. The City Engineer has determined that the 8-inch sanitary sewer line is of adequate size to serve the subject property.
- 3.4 Storm sewers: Public storm drain utility maps show that there is a 72-inch storm drain line that runs along the Queen Avenue frontage of the subject property. This 72-inch storm drain line discharges into Periwinkle Creek near the property's southwest corner. Periwinkle Creek runs along the entire westerly property line of the property. There is no documentation that the 72-inch pipe has the capacity to serve future development on the subject property. Periwinkle Creek, however, does have the capacity.
- 3.5 Schools: If the zoning designation of the subject property is changed from RM-5 (Residential Limited Multiple Family) to OP (Office Professional), approximately the same amount of residential development as is now allowed on the property can occur, so there would be no change in the amount of school space potentially necessary to serve it. However, if the zoning is changed, it will also be possible to develop the property with an office use, instead of residential uses. This would reduce the potential need to provide space in schools for children.

The Planning Division has provided notice of the subject application, and an opportunity for the school district to comment on the subject application, but the school district has not submitted a response.

- 3.6 Police and fire protection: The Planning Division has provided notice of the subject application, and an opportunity for the Albany Police Department to comment. ADC 1.215 provides that "if the agency or city department does not comment within 10 days..., the agency or city department is presumed to have no comments or objections." The Police Department has not returned comments, so they are presumed to have no comments or objections.

The Planning Division has provided notice of the subject application, and an opportunity for the Fire Department to comment. The Fire Department has responded. There is a public fire hydrant near the southeast corner of the subject property and near the northeast corner of the property. It will be necessary to construct a public fire hydrant on the subject property to provide adequate fire protection. A public water line must be constructed to serve the hydrant. An easement on the property will be needed to provide for construction and maintenance of the public line. These requirements will be conditions of approval of future development on the property, so they are considered as "anticipated services" for the purposes of this review.

CONCLUSIONS

- 3.1 Existing water, sanitary sewer, storm drain and police services can accommodate potential development on the subject property without adverse impact on the affected service area.
- 3.2 Greater Albany Public School District 8-J was notified of the subject application, and since no comments were received back from them, we assume school capacity in relation to this application is not an issue.

If the zoning of the subject property is changed from RM-5 to OP, the potential demand for school space will either stay the same, or decrease. Presumably, the school district has planned to accommodate the current potential for development on this property, so capacity should not be an issue with this application.

- 3.3 It will be necessary to construct a public fire hydrant and water line within a public easement on the subject property to provide adequate fire protection. These requirements will be conditions of approval of future development on the property, so they are considered as "anticipated services" for the purposes of this review.
- 3.4 This criterion is met.

(4) Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic district will not be jeopardized as a result of the proposed rezoning.

FINDINGS OF FACT

- 4.1 **Floodplains:** *Comprehensive Plan Plate 5: Floodplains* shows no areas within a 100-year floodplain on the subject property. FEMA/FIRM Community Panel No. 410137 0002 E, dated March 16, 1989, shows the property in Zone X, an area determined to be outside the 500-year floodplain.
- 4.2 **Slopes:** *Comprehensive Plan Plate 7: Slopes* shows no areas of steep slopes on the subject property. The property is relatively flat.
- 4.3 **Wetlands:** *Comprehensive Plan Plate 6: Wetland Sites* shows no wetlands on the subject property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetlands Inventory, dated 1994, shows no wetlands on the property.
- 4.4 **Vegetation:** *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat* shows no areas of concern on the subject property.

Planning Division staff visited the site on March 4, 1997, and found no significant vegetation or wildlife habitat. Vegetation on the site consists primarily of grass, blackberry bushes, and one tree.

- 4.5 **Historic District:** *Comprehensive Plan Plate 9: Historic Districts* shows that the subject property is not within a historic district, and the City's Preservation Planner states that there are no known historic or archaeological sites on the property.

CONCLUSIONS

- 4.1 There are no areas of floodplains, steep slopes, wetlands, or significant natural vegetation or wildlife habitat located on the subject property. The property is not within a historic district.
- 4.2 There are no natural features or special areas on the subject property to be jeopardized as a result of the proposed rezoning, so this criterion is not applicable.

(5) The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.

FINDINGS OF FACT

- 5.1 The OP (Office Professional) zoning district is included in the Development Code as a commercial zoning district. The purpose of commercial zones, in general, is to provide land for commercial uses. The differences among the various commercial zoning districts in the permitted uses and development standards relate to the intensity of commercial development. The OP district encourages commercial development that is compatible with surrounding residential areas. (ADC 4.010)
- 5.2 The OP district is intended primarily for a mixing of residential land uses with professional offices and related limited commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses. Such a district is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts. [ADC 4.020(1)]
- 5.3 The following Comprehensive Plan goals and policies are relevant to the proposed change in zoning designation from RM-5, Residential Limited Multiple Family to OP.

Goal 9: Economic Development

Goals:

3. 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.

Policies:

1. Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Albany's residents and others.

Goal 10: Housing

Goal: Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.

Policies:

1. Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services to provide a variety of choices regarding type, location, density, and cost of housing units commensurate to the needs of city residents.

Goal 14: Urbanization - Directing Growth

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

Policies:

12. Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas which will foster:
- Efficient and safe utilization of transportation facilities.
 - A variety of attractive and comfortable shopping opportunities that encourage shopping in a number of stores without auto use.
 - Compatibility between land uses, particularly adjacent residential neighborhoods.
 - Efficient extension of public facilities and services.
13. Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.

16. Provide development opportunities for large scale industrial and commercial development and for people to live in proximity to activity centers, particularly their place of employment.
- 5.4 An inventory of available OP-zoned land, prepared by real estate agent Bob Myers for the applicants in December 1996, shows that there are only three parcels of land zoned OP that are at least one acre in size within Albany's city limits. We consider one acre to be the minimum size of a parcel to allow "large scale" office professional development. The three parcels identified are all 1-2 acres in size, but none has access to and from an arterial or collector street. Three other parcels zoned OP were located, but they are not contiguous and could not be assembled to create a single parcel of at least one acre in size. This inventory indicates that there is a minimal amount of available OP zoned land available for development, and the current supply may not satisfy Goal 9, Policy 1. (The inventory is attached to this staff report as Exhibit B.)
- 5.5 An inventory of vacant RM-5 zoned land was also submitted by the applicants. The total acreage of RM-5 currently available is approximately 76 acres. Four parcels were identified. These parcels range in size from 6 acres to 40 acres. Bob Myers estimates this is an adequate supply for about a four or five years. Staff has reviewed a description provided by the applicants of the methodology used by Mr. Myers and finds this calculation to be reasonable. The inventory indicates there is likely a sufficient amount of RM-5 land available for development, and the current supply most likely satisfies Goal 10, Policy 1.
- 5.6 Comprehensive Plan policies that include the words "encourage" or "discourage" are not mandatory; they are considered "aspirational," an ideal towards which decisions should move the pattern of development. These policies may not be used as the sole basis for approval or denial of an application, but they may be considered as part of the overall evaluation of a proposal.
- 5.7 Goal 14, Policy 12 is to "discourage future strip commercial development and promote clustered commercial opportunities...." If the zoning designation of the subject property is changed to OP, it will allow development of professional offices at a location which is across the street from other commercial-zoned land (NC to the east and CC to the south). This will create a cluster of commercial opportunities.
- 5.8 Goal 14, Policy 13, is to "encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses...." If the zoning designation of the subject property is changed to OP, the subject property will create a buffer between the more intensive CC zoned land across Queen Avenue to the south and the less intensive residential RM-5 land to the north. It will also provide a buffer between the NC land across Geary Street and the RM-5 land to the west.
- 5.9 The same applicants that have submitted the application for the subject zoning map amendment have also submitted an application for site plan review of a plan to develop a medical clinic on the property, so it is likely the property will be developed with this professional office use. However, if the medical clinic is not developed, changing the zoning designation of the property from RM-5 to OP does not necessarily preclude residential development of the property. Single-family residential development on separate lots is allowed, duplexes are conditional uses, and multi-family development can be done as a Planned Development.

CONCLUSIONS

- 5.1 The intent and purpose of the OP zoning designation is to provide land for commercial development, primarily Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses y professional offices, that is compatible with surrounding residential areas, located along arterial or collector streets as a buffer zone between residential and more intense commercial districts.

Changing the zoning designation of the subject property from RM-5 to OP best satisfies the goals and policies of the Comprehensive Plan because:

- a. There is currently an inadequate supply of OP zoned land within Albany's city limits, and an adequate supply of RM-5 land. If the zoning designation of the subject property is changed from RM-5 to OP, there will still be an adequate supply of RM-5 land. The supply of OP land will be increased.
- b. A cluster of commercial opportunities will be created at the corner of Queen Avenue and Geary Street, which would not exist if the subject property remained as RM-5.
- c. A buffer will be created along Queen Avenue and Geary Street between the RM-5 land to the north and west of the subject property and the more intense commercial uses across Queen Avenue to the south and across Geary Street to the east. This buffer would not exist if the subject property remained RM-5.
- d. Changing the zoning designation of the property from RM-5 to OP does not necessarily preclude residential development on the property.

5.2 This criterion is met.

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STAFF ANALYSIS

Site Plan Review File SP-08-97

The Albany Development Code contains the following review criteria which must be met for this application to be approved. Code criteria are written on *bold italics* and are followed by findings and conclusions.

(1) Public facilities can accommodate the proposed development.

FINDINGS OF FACT

- 1.1 Sanitary Sewer. Sanitary sewer utility maps indicate that public sanitary sewer adjacent to this site consists of an 8-inch main in Geary Street from 17th Avenue (approximately 307 feet from 17th Avenue to the property's north boundary). As-built drawings show an 8-inch stub from the manhole at the intersection of 17th & Geary to the subject parcel (this should be field verified by the applicant).
- 1.2 Sanitary Sewer. The Albany Development Code requires connection to the public sanitary sewer system if the property is within 300 feet of a public line (ADC 12.470).
- 1.3 Sanitary Sewer. Where private sanitary sewer services will exceed 100 feet in length, as measured from the public main to the structure, the City Engineer may require extension of public sewers into the interior of the property (ADC 12.490).
- 1.4 Sanitary Sewer. The submitted site plan drawing shows the proposed building located approximately 215 feet from the existing public sanitary sewer in Geary Street.
- 1.5 Sanitary Sewer. According to the City of Albany Finance Department, Tax Lot 1207, Linn County Assessor's Map 11-3W-08CB has not been assessed for existing public sanitary sewer mains. An in-lieu-of assessment charge for sanitary sewer for this tax lot in the amount of \$45 per running foot of frontage, and \$1500 per existing service lateral (Resolution No. 3445) may be assessed based upon the current in-lieu-of assessment ordinance when the parcel is developed and/or prior to connection to the sanitary sewer system (AMC Chapter 10.14).
- 1.6 Sanitary Sewer. Sanitary sewer System Development Charges for commercial development are calculated based on the number of plumbing drainage fixtures for the proposed building. These charges are due (or arrangements for financing the charges must be made) at the time of issuance of Building Permits (Res. No. 3513).
- 1.7 Sanitary Sewer. All required public sanitary sewer system improvements must be constructed, or financial assurances for their construction provided, **prior to final plat approval**.
- 1.8 Water. Public water utility maps indicate that public water adjacent to this site consists of a 12-inch main on the west side of Geary Street, and a 12-inch main on the south side of Queen. Both of these existing water mains run for the full property frontage along Queen Avenue (197.23 feet) and Geary Street (563.60 feet). A public fire hydrant exists near the southeast corner of the property, and near the northeast corner of the property.
- 1.9 Water. The Albany Development Code requires connection to the public water system if the property is within 150 feet of a public line (ADC 12.410).
- 1.10 Water. Water service to the new building is not shown on the submitted Site Plan. **Prior to issuance of Building Permits**, the intended meter locations and sizes are to be shown on the plans. The requirements

for installing new services and meters are issued by the Engineering Division. In addition, the size of the new water service lines need to be indicated on the plans submitted for Building Permit issuance. This requirement is placed to ensure that the service line head loss is not excessive, resulting in a water pressure reduction at the building (AMC11.01.100 and Uniform Plumbing Code).

- 1.11 Water. In order to provide the fire suppression capabilities required by the Albany Fire Department, the applicant must construct a public fire hydrant within the site. The applicant's site plan drawing shows a public water line from the existing 12-inch main in Geary Street to a point near the northeast corner of the proposed building, where a fire hydrant is to be placed. This proposed location appears to be generally acceptable.
- 1.12 Water. Backflow protection is required for all medical facilities (AMC 11.01.225 and OAR 333.61.070). All required backflow protection devices shall be installed and tested at the applicant's expense **within 60 days of occupancy of the building** and thereafter tested annually at the applicant's cost.
- 1.13 Water. According to the City of Albany Finance Department, Tax Lot 1207, Linn County Assessor's Map 11-3W-08CB has not been assessed for existing public water mains. An in-lieu-of assessment charge for water for this tax lot in the amount of \$30 per running foot of frontage (Res. No. 3467) may be assessed based upon the current in-lieu of assessment ordinance when the parcel is developed and/or prior to connection to the public water system (AMC Chapter 11.14). This in-lieu-of assessment for water mains may be discounted for properties connecting to waterlines purchased from Pacific Power & Light in accordance with the discount percentages discussed in Res. No. 3467.
- 1.14 Water. Water System Development Charges for commercial development are calculated based on the size of water meter installed. These charges must be paid, or arrangements for financing the charges made, at the time of issuance of Building Permits (Res. No. 3514).
- 1.15 Storm Drainage. Storm drain utility maps indicate that public storm drainage adjacent to this site consists of a 72-inch line along the property's Queen Avenue frontage. This 72-inch line discharges into Periwinkle Creek near the property's southwest corner. Near the property's southeast corner there is a public catch basin, which is connected to the 72-inch line by a 12-inch pipe. Periwinkle Creek runs along the entire west boundary of the subject parcel.
- 1.16 Storm Drainage. Any new development on this site must make provisions for managing storm water runoff. Roof drains shall be discharged to a collection system approved by the City Engineer (ADC12.530 revised).
- 1.17 Storm Drainage. The submitted site plan review drawing does not show details regarding the on-site storm drainage (i.e., pipe sizes, invert elevations, proposed finished grade elevations, pipe slopes, detail of outfall to Periwinkle Creek, etc.). This information must be submitted for review by the City of Albany Engineering Division, prior to issuance of Building Permits.
- 1.18 Storm Drainage. The final private catch basin (before discharging to the public storm drain system) must include an oil/sand separator.
- 1.19 Streets. The project is located at the northwest corner of Queen Avenue and Geary Street. The City's Comprehensive Plan designates both streets as Urban Minor Arterials. Traffic counts taken in November of 1994 show an ADT of 14,616 on Queen Avenue and 14,951 on Geary Street. The intersection is signalized. The applicant did not submit a traffic study with the application. City staff has estimated project generated traffic using Institute of Transportation Engineers trip generation guidelines. The project is estimated to generate 476 vehicle trips per day. The additional trips generated by the development will not cause the level of service of the intersection to fall below the acceptable level of "D". Queen Avenue and

Geary Street are improved to city standards, with the exception of sidewalk along the frontage of the project on Geary Street. The proposed use for the site will generate pedestrian traffic from customers and employees choosing to walk to the project, and between the project and nearby commercial and recreational uses.

- 1.20 Streets. Queen Avenue and Geary Street are constructed to city standards and are adequate to accommodate the transportation needs of the proposed development.
- 1.21 Sidewalks. The subject property's east property line along Geary Street appears to be 30 feet west of the centerline of Geary. There is insufficient room to install sidewalk along the project's frontage on Geary Street within the existing right-of-way. The existing curb and gutter alignment varies along the frontage of the project due to widening for turn lanes at the intersection with Queen Avenue. Additionally, the existing sidewalk lies outside of the existing right-of-way as do the signal poles and traffic control devices located at the intersection of Queen Avenue and Geary Street.
- 1.22 Sidewalks. All developments for which land use applications are required must include sidewalks adjacent to public streets (ADC12.290 revised). The required width for a sidewalk on an arterial or collector street is 7 feet unless the sidewalk is separated from the curb by a landscaped planter strip, a minimum of 5 feet in width, in which case, the sidewalk must be at least six feet wide [ADC12.300(1) revised].
- 1.23. Sidewalks. The site does not currently have sidewalk facilities along its frontage on Geary Street. Installation of a sidewalk is needed to accommodate pedestrian traffic generated by the project.
- 1.24 Sidewalks. The project will need to dedicate additional right-of-way along Geary Street in order to construct sidewalk improvements and adjacent to Queen Avenue to accommodate the existing sidewalk. The amount of needed dedication will vary.
- 1.25 Transit. Oregon Administrative Rules OAR660-12-045(4)(b) requires preferential access to transit for new development at or near transit stops. To serve transit customers working and conducting business at the proposed building, the applicants shall be required to provide for a bus shelter pad and a future shelter near the north side of the private pedestrian walkway connection to Geary Street and near the east side of the private pedestrian walkway connection to Queen Avenue. The bus route currently runs north bound on Geary Street but after July 1, 1997, the route will run south bound on Geary Street.

CONCLUSION(S). The City is capable of providing city services commensurate with the needs of existing and any proposed new uses in the area without significantly impairing existing city services in this area. Public improvements must be constructed to serve this development, as the existing facilities will not support the proposed use. This criterion can be met provided the following conditions are met:

Public Utilities General.

1. All required public utilities must be constructed or financial assurances for their construction provided prior to issuance of Building Permits.

Sanitary Sewer.

2. The applicant must extend a public sanitary sewer into the site to within 100 feet of the proposed building, and terminate the public main with a manhole. This work must be done under a Permit for Private Construction of Public Improvements.

Water.

3. The applicant must extend a minimum 8-inch public water main into the site to install a fire hydrant as required by the Albany Fire Department. The location indicated on the applicant's site plan drawing appears to be satisfactory. This work must be done under a Permit for Private Construction of Public Improvements.

Storm Drainage.

4. The applicant shall submit to the Public Works Engineering Division, a storm drainage plan for the parking lot that shows slope of the lot and how storm drainage will be collected and routed to a public storm drain system. If storm drain pipes are planned, indicate the size and slope of each pipe. The City does not allow sheet flow of storm water across the sidewalk and into the street. The high point on the driveway must be at the property line so that all on-site drainage is collected within the applicant's property. The submitted storm drain plan shall include proposed finished elevations around and within the proposed parking lot to show how the surface runoff will be collected on-site before being discharged to the public storm drain system, and a detail (plan and profile) of the outfall into Periwinkle Creek. Also, no storm water (including roof drainage) may be discharged to the sanitary sewer (ADC12.530 revised).

Streets.

5. Driveway access for the project shall be from Geary Street. The driveway shall be located approximately mid-block between 16th and 17th Avenues as indicated on the submitted Site Plan. No access will be permitted to Queen Avenue.

Sidewalks.

6. **Prior to issuance of Building Permits**, the applicant shall dedicate an additional right-of-way adjacent to Geary Street for the entire length of the subject property sufficient to accommodate the construction of sidewalks to City Specifications to a point one foot behind the back edge of the proposed public sidewalk. The applicant shall dedicate additional right-of-way adjacent to Queen Avenue to accommodate the existing sidewalk to a point one foot behind the back edge of the existing sidewalk and a triangular piece of right-of-way at the corner of Queen Avenue and Geary Street that measures 15 feet back from the corner of each of the new property lines to accommodate the existing signal poles and traffic control devices. The applicant must provide the City with the legal description for the public right-of-way and the City will insert the approved description into the City's dedication form for signatures and recordation.
7. Construct sidewalks adjacent to Geary Street to City Specifications for the length of Tax Lot 1207, Linn County Assessor's Map 11-3W-08CB **prior to occupancy of the proposed building**. The minimum width of a curblined sidewalk is 7 feet. A setback sidewalk may be 6 feet in width when separated from the curb by a minimum 5-foot wide planter strip.

Transit.

8. **Prior to issuance of Building Permits**, an 8' x 10' easement for a bus shelter and pad shall be granted to the City of Albany for access, repair and maintenance purposes near the north side of the private sidewalk connection to Geary Street and near the east side of the private sidewalk connection to Queen Avenue. The applicant must provide the City with the legal description for the public easement and the City will insert the approved description into the City's easement form for signatures and recordation.
9. **Prior to issuance of an Occupancy Permit**, an 8' x 10' bus shelter pad shall be constructed to City Standards. The City will install the bus shelter in the future when there is sufficient ridership at this location

to warrant the shelter or the applicant may install an architecturally compatible shelter at the applicant's expense. Contact Edna Campau, at (541) 917-7606 for specifications or assistance.

(2) Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.

FINDINGS OF FACT

- 2.1 Topography. The subject property is relatively flat with an elevation ranging from 220 feet to 221.5 feet. It is currently an undeveloped field of weeds and grasses.
- 2.2 Floodplain. The subject property does not lie within a floodplain as shown of FEMA/FIRM Community Panel No. 4101370002E (dated March 16, 1989).
- 2.3 Wetlands. The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory Map (Albany Quad)(1994) shows no wetlands on the subject property nor have any wetlands been identified by the applicants, affected parties, or by staff review.
- 2.4 Vegetation. The subject properties are not identified as having natural vegetation or wildlife habitat as noted on Plate 3 of the Comprehensive Plan. The subject property is bounded on the west by Periwinkle Creek which is contained in a channelized ditch which is part of the Periwinkle bicycle system.
- 2.5 Historic District. The subject property is not located within any historic district identified on Plate 9 of the Albany Comprehensive Plan.

CONCLUSION There are no special features to consider with this request. This criterion is met.

(3) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

FINDINGS OF FACT

- 3.1 Overview. The applicant proposes to build a "medical office building" containing approximately 18,000-20,000 square feet at the southwest corner of the subject property bounded by Queen Avenue on the south and Periwinkle Creek on the west. The site is laid out to provide for an integrated parking lot with a future building which could contain as much as 28,000 square feet. The applicants have not submitted an elevation of the proposed building. The maximum height of the building, measured from adjacent grade to roof peak, is approximately 30 feet, which is the also the allowed height in a residential zoning district. Access and parking areas will be paved. The setbacks for the buildings meet or exceed the standards for the Office Professional zoning district. Landscaping is shown surrounding the area on the site subject to this review.
- 3.2 Surrounding Development and Land Use. To the south, across Queen Avenue, is an existing commercial building which once housed a grocery store (Prairie Market) and now is used for a speciality business (The Hobby Shop); to the southwest is a small integrated center (Queen Center) which contains law offices, a hair salon, a portrait studio, a florist and other general offices for various businesses, and the Council of Governments building; to the north and to the west, across Periwinkle Creek, east of Oak Street, vacant land and "townhouse" apartment units beyond; to the west of Oak Street, single family homes; to the east, a convenience market (Seven Eleven), a small integrated center containing an accounting office, an automotive accessory business and a property management business (building under construction) apartment units,

single family homes and vacant multiple family zoned lots; to the northeast, across Geary Street, Heritage Plaza; to the southeast, across Queen Avenue, a grocery store (Fore's Shop N Kart) and vacant multiple family zoned land with apartments beyond.

- 3.3 A variety of uses are permitted in the Office Professional zoning district, which is intended primarily for a mixing of residential land uses with professional offices and related limited commercial uses in close proximity to residential and commercial districts. The limited uses allowed in the Office Professional district are selected for their compatibility with residential uses. Such a district is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial uses [ADC 4.020(1) revised].
- 3.4 Lot Coverage. Commercial Development Standards, as shown in Article 4 of the Albany Development Code, Table 1, indicate that OP zoned property may have building and parking coverage up to 70% of the land area being developed.
- 3.5 Landscaping. The landscape standards for commercially zoned property require that all front yards exclusive of access ways and other permitted intrusions are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one year may be issued if the developer posts a bond with the city. The minimum landscaping acceptable per 1000 square feet of required yard area shall be as follows:
- a. One tree at least six feet in height;
 - b. Five five-gallon or eight one-gallon shrubs, trees or accent plants.
 - c. The remaining area treated with attractive ground cover (e.g. lawn, bark, rock, ivy, and evergreen shrubs). [ADC9.140(2) revised]
- 3.5 Buffering Requirements. In order to reduce the impacts on adjacent uses which are of a different type, buffering is required in accordance with the matrix which follows Section 4.280 of the revised Albany Development Code. The minimum improvements within a buffer area consist of the following:
- a. At least one row of trees. These trees will be not less than 10 feet high at time of planting for deciduous trees and spaced not more than 30 feet apart and 5 feet high at time of planting for evergreen trees and spaced not more than 15 feet apart.
 - b. At least five 5-gallon shrubs or ten 1-gallon shrubs for each 1,000 square feet of required buffer area
 - c. The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs.)
- 3.6 Landscape/Irrigation Plans. The applicant has not submitted a landscape and irrigation plan. Such a plan must be submitted for staff review and approval prior to occupancy of the building.
- 3.6 Vision Clearance Safety. Landscaping and fencing shall be placed respecting vision clearance areas as described in Section 12.180 of the revised Albany Development Code.
- 3.7 Signage. Sign permits are required for signs identifying the development. The proposed development would classify as a minor integrated center and as such would adhere to the signage restrictions listed in Section 13.431 of the revised Albany Development Code and limited by the height restrictions of the Office Professional zoning district [ADC13424(1) revised].
- 3.8 Lighting. Any lighting provided on the site, including that provided by and/or for the illumination of a parking lot, building, or signage shall be arranged to reflect the light away from any residential uses and the adjacent street [ADC9.120(14) revised].

CONCLUSION: The proposed use is similar to the other buildings on adjacent properties. Clear and objective standards in relation to setbacks, minimum landscape and parking requirements are listed in Article 4 of the Albany Development Code of development of property within the OP (Office Professional) zoning district. This criterion can be met subject to meeting the following conditions:

1. **Landscape Plan. Submit Landscape Plan to the Planning Division for review and approval prior to occupancy of the building (ADC9.180 revised).**

Minimum Landscaping required adjacent to Queen Avenue (ADC9.140 revised):

- a. **Five (5)** street trees a minimum of 6 feet in height at time of planting and spaced a maximum distance of 45 feet on center.
- b. **Fifteen (15)** five-gallon shrubs or **twenty-two (22)** one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).

Minimum Landscaping required adjacent to Geary Street, south of driveway (ADC9.140 revised):

- a. **Seven (7)** street trees a minimum of 6 feet in height at time of planting and spaced a maximum distance of 45 feet on center.
- b. **Twenty-five (25)** five-gallon shrubs or **thirty (30)** one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).

Minimum Buffering required adjacent to southwest property line (ADC9.210 revised):

- a. **Ten (10)** deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart or **twenty (20)** evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart.
- b. At least **fifteen (15)** five-gallon shrubs or **thirty (30)** one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).

Minimum Landscaping for Planter Bays: **one (1)** tree at least 10 feet high and decorative ground cover containing at least **two (2)** shrubs for every **100 square feet** of landscape area ([ADC9.150(1) revised]).

2. **Irrigation.** All required landscaped areas must be provided with a piped underground water supply irrigation system unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation. Irrigations systems installed in the public right-of-way require an Encroachment Permit.
3. **Installation of Landscaping. Prior to issuance of an Occupancy Permit, either** the landscaping shall be installed as shown on the approved Final Landscape Plan *or* the applicant may submit a landscape completion guarantee equal to 110% of the estimated cost of the plant materials and labor as determined by the Director which shall be forfeited to the City of Albany if landscaping is not completed within nine months of issuance of the temporary occupancy permit. An extension of three months may be granted by the Director when circumstances beyond the control of the developer prevents earlier completion.
4. **Landscape Maintenance.** It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained (ADC9.200 revised).

5. Refuse Containers. All refuse materials shall be contained within a screened area consisting of a sight-obscuring fence, wall or hedge at least 6 feet in height. No refuse container shall be placed within 15 feet of a dwelling window.
6. Vision Clearance Safety. No trees, shrubs, fences, or signs may be located within any vision clearance area which **prohibits** structures or planting that would impede visibility between the heights of two feet and eight feet. A clear vision area shall consist of a triangular area, two sides of which are lot lines or a driveway, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the two sides. **For a commercial driveway, the measurement along the lot line and driveway shall be 20 feet and for Queen Avenue and Geary Street, the measurement for the two sides is 20 feet** (ADC12.180 revised).
7. Signage. **Obtain Sign Permit(s)** prior to placement of signs [ADC13.320(15) revised]. The total number and area of signs shall conform to the following (ADC13.431-13.433 revised).

Individual Businesses [ADC13.432(1) revised]:

- a. The aggregate number of signs allowed for each business shall be no more than one sign for each building frontage or parking lot frontage provided that the wall adjacent to the parking lot is at least 75 feet from a facing residential area.
- b. The aggregate area of all signs per building frontage (except for exclusive use of wall signs) shall not exceed an area equal to one square foot for each lineal foot of building frontage of the business to which the sign pertains with a minimum aggregate area restriction of 30 square feet and a maximum aggregate area of 120 square feet.
- c. In cases where the name of the business is not placed on the overall identity or joint use sign, a bonus is allowed such that two signs are allowed per frontage and the wall sign area is determined by "b" below.

Wall Signs [ADC13.432(2) revised]:

- a. No wall sign shall exceed sixty (60) square feet unless increased by the following provision.
- b. If wall signs are used exclusively, a bonus is granted such that the area allowed shall be calculated at 1.5 square feet for each lineal foot of wall frontage up to a maximum individual sign size of 75 square feet and a maximum aggregate area of 150 square feet.
- c. Wall signs shall not exceed an area of 12 percent of the wall area of the business to which the sign pertains or the total aggregate area, whichever is less.

Maximum joint-use free-standing sign adjacent to Queen Avenue (ADC13.431 revised):

148 square feet with a maximum height of 15 feet.

Maximum joint-use free-standing sign adjacent to Geary Street (ADC13.431 revised):

200 square feet with a maximum height of 15 feet.

8. Signage. When a free-standing or projecting sign is located at the corner of two intersecting rights-of-way and placed a distance from the right-of-way corner of less than 75 feet, the sign shall be counted as one sign for each frontage. Where a face can be seen from a street, then that face shall count as part of the aggregate area for that street frontage (not to exceed counting one face per frontage). The maximum size allowed for such sign shall be based on the street frontage with the highest average daily traffic count or the average of the two frontages [ADC13.510(5) revised].

9. Lighting. Any lighting provided on the site, including that provided by and/or for the illumination of a parking lot, building, or signage shall be arranged to reflect the light away from any residential uses and the adjacent street.

(4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

FINDINGS OF FACT

- 4.1 The site plan submitted by the applicant shows one driveway access point for the site, located on Geary Street. The driveway is located approximately mid-block between 16th and 17th Avenues. The driveway cannot be located any closer to Queen Avenue due to potential conflicts with existing turn pockets at the intersection. The site does not have sufficient frontage on Queen Avenue to allow a driveway access on Queen without creation of conflicts with existing turn pockets and merge lanes.
- 4.2 The Albany Development Code requires one off-street parking space per 200 square feet of gross floor area for medical or dental offices (ADC4.250 revised). The applicant proposes to construct an 18,000-20,000 square foot medical office building which would require a minimum of 90 to 100 parking spaces. The applicant has proposed to construct 108 parking spaces which exceeds the requirements of ADC4.250.
- 4.3 For each parking area in a commercial or office development containing more than 15 spaces, the Albany Development Code requires a minimum of 2 bicycle parking spaces plus 1 for every 10 automobile spaces required [ADC9.120(13) revised].
- 4.4 Parking areas shall be divided into bays of not more than 12 parking spaces. Between or at the end of each parking bay there shall be curbed planters of at least 5 feet in width [ADC9.150(1 & 4) revised]. The applicant's site plan conforms to this requirement except for the row of 16 parking spaces adjacent to Queen Avenue.
- 4.5 Parking areas shall be separated from the exterior wall of a structure by pedestrian entrance ways or loading areas or by a 5-foot strip of landscaping materials [ADC9.150(3)]. The proposed site plan shows a 5-foot wide sidewalk to connect with the new sidewalk on Queen Avenue and continuing adjacent to the east wall of the new structure.

CONCLUSION. This criterion can be met provided the following conditions are met:

1. **Provide a minimum of one off-street parking space per 200 square feet of office space (ADC4.250 revised).** Parking spaces shall be designated in the parking lot [ADC9.120(8)] **prior to occupancy.** Standard parking spaces shall be a minimum of 9 feet by 19 feet. Forty percent of the total parking spaces in the lot may be designated for compact cars. The minimum dimensions for compact spaces shall be 8 feet by 16 feet. Such spaces shall be signed and/or the space painted with the words "Compact Car Only." **Provide four "Disabled" parking stalls a minimum of 17 feet in width including access aisle.** The handicapped parking space shall be designated on the pavement "Disabled Only" and signed as required in Chapter 31 of the Uniform Building Code and in particular Section 3108 [ADC9.120(12) revised].
2. The parking lot must be constructed in conformance with Section 9.120(3) of the revised Albany Development Code. The Site Plan does not indicate perimeter curbing [ADC9.120(5) revised] nor wheel bumpers for parking slots fronting sidewalks [ADC9.120(6) revised]. This requirement must be indicated on the plans submitted for Building Permits and must be met at the time of construction of the parking lot.

(Note: If sidewalks are 7'6" wide, wheel bumpers are not required and the length of the space becomes 16'6".)

3. A loading area must be provided which is not less than ten feet in width by twenty-five feet in length and have an unobstructed height of fourteen feet. Required loading facilities must be installed prior to issuance of Final Occupancy Permit and must be permanently maintained as a condition of use. Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street (ADC4.260 revised).
4. **Provide a minimum of two bicycle parking spaces plus 1 space per every 10 automobile spaces required.** Each space must be a minimum of six feet in length, two feet in width, and have an overhead clearance of six feet. Required spaces must be located as near as possible to building entrances used by automobile occupants [ADC9.120(13) revised]. In conformance with the State Transportation Planning Rule, the bicycle parking shall be provided within a bicycle storage room, bike locker, or racks inside of a building (ORS 660-12).
5. Directional arrows must be painted on the pavement with designated lanes at the entrances of all driveways. If a three-lane driveway is proposed, the minimum width shall be 36 feet with designated lanes and turning movements [ADC 12.100(2) revised].

The State's Transportation Planning Rule (OAR Chapter 660, Division 12) contains the following additional review criteria which must be met for this application to be approved.

Oregon Administrative Rules

Local governments shall adopt land use or subdivision regulations for urban areas and rural communities to require:

- (a) *Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park and ride lots.*

The applicants will be required to provide bicycle parking in compliance with the Albany Development Code. An easement and the construction of bus shelter pads also have been required adjacent to Queen Avenue and Geary Street for future bus shelters serving future transit routes in this area.

- (b) *Facilities providing safe and convenient pedestrian and bicycle access within and from new subdivisions, planned developments, shopping centers and industrial parks to nearby residential areas, transit stops, and neighborhood activity centers, such as schools, parks and shopping. This shall include:*
 - (A) *Sidewalks along arterials and collectors in urban areas;*
 - (B) *Bikeways along arterials and major collectors;*
 - (C) *Where appropriate, separate bike or pedestrian ways to minimize travel distances within and between the areas and developments listed above.*

The applicants are providing private sidewalk connections to the public sidewalks that will be constructed adjacent to Geary Street and Queen Avenue. Bikeways exist in the public right-of-way on Queen Avenue and Geary Street.

- (c) *For purposes of subsection (b) of this section "safe, convenient and adequate" means bicycle and pedestrian routes, facilities and improvements which:*

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- (A) *Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;*
- (B) *Provide a direct route of travel between destinations such as between a transit stop and a store; and*
- (C) *Meet travel needs of cyclists and pedestrians considering destination and length of trip.*

The applicants will have met this requirement with the provision of pedestrian connections to the public sidewalk system and future transit stops.

- (d) *Provision of internal pedestrian circulation in new office parks and commercial developments through clustering of buildings, construction of pedestrian ways, skywalks, where appropriate, and similar techniques.*

The applicants' site plan indicates internal sidewalk connections to public sidewalks and to future development on the north half of the property. Additional connections to the future office development which may be located on the north half of the property will be evaluated at the time of a new Site Plan Review application.

To support transit in urban areas containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations to require:

- (a) *Design of transit routes and transit facilities to support transit use through provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking restrictions and similar facilities, as appropriate;*
- (b) *New retail, office and institutional buildings at or near existing or planned transit stops to provide preferential access to transit through the following measures:*
 - (A) *Orienting building entrances to the transit stop or station;*
 - (B) *Clustering buildings around transit stops; and*
 - (C) *Locating buildings as close as possible to transit stops.*

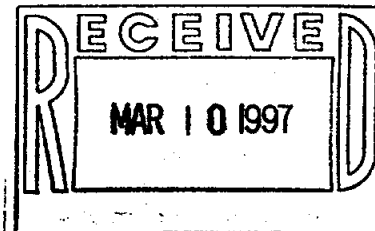
The applicants' proposed development is located at the corner of two minor arterial streets. The applicants have located the building adjacent to Queen Avenue a distance of approximately 55 feet from the property line and approximately 160 feet from Geary Street. Private sidewalks separated from vehicular travel lanes connect the public sidewalks to the entrance of the proposed building.

- (c) *New industrial and commercial developments to provide preferential parking for carpools and vanpools.*

No preferential parking for carpools or van pools have been identified on the applicant's site plan.



FORREST P. BOWMAN & COMPANY, INC.



March 6, 1997

Community Development Department
333 Broadalbin St SW
PO box 490
Albany, OR 97321

Main Office:

777 NE Second Street
Corvallis, Oregon
97330

(541) 758-4200
FAX # (541) 758-4213

Branch Office:

858 Lancaster, SE
Salem, Oregon
97301

(503) 588-0195
FAX # (503) 588-0816

Branch Office:

315 W. Broadway,
Suite 10
Eugene, Oregon
97401

(541) 484-5000
FAX # (541) 484-6377

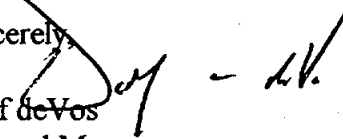
To the Planning Commission:

We received notice of the proposed zoning changes regarding the 4.69 acre parcel of land located at 1700 Geary Street in Albany. As property managers of Brookshore Apartments located at 1539 15th SE, we would like to go on record as supporting the proposed zoning changes from RM-5 (residential limited multiple family) to OP (office professional).

We hope to be represented at both the Planning commission meeting on March 17th and the City Council Meeting on April 23rd where the zoning changes are scheduled to be discussed.

Thank you for informing us of the proposed zoning changes that may affect our apartment complex.

Sincerely,


Dolf de Vos
General Manager

REAL
ESTATE
ASSET
MANAGEMENT



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QUEEN AND GEARY

Beginning at a point which is 40.00 feet North 0°27'56" West and 30.00 feet South 89°50' West from the Southeast corner of Abram Hackleman Donation Land claim No. 62 in Section 8, Township 11 South, Range 3 West Willamette Meridian, Linn County, Oregon and running thence North 0°27'56" West along the West line of Geary Street 523.59 feet to a 5/8 inch Iron Rod; thence South 89°50' West 449.92 feet to a 5/8 inch Iron Rod; thence South 0°27'56" East 291.83 feet to the Northeastly right-of-way line of Periwinkle Creek; thence South 35°25'01" East 48.59 feet along said Northeastly right-of-way line to a 5/8 inch Iron Rod; thence on a 596.62 foot radius curve to the left (the long chord of which bears South 49°48'04" East 296.43 feet) 299.56 feet to the North right-of-way line of Queen Avenue; thence North 89°50' East 197.23 feet to the point of beginning. Containing 4.69 acres more or less.

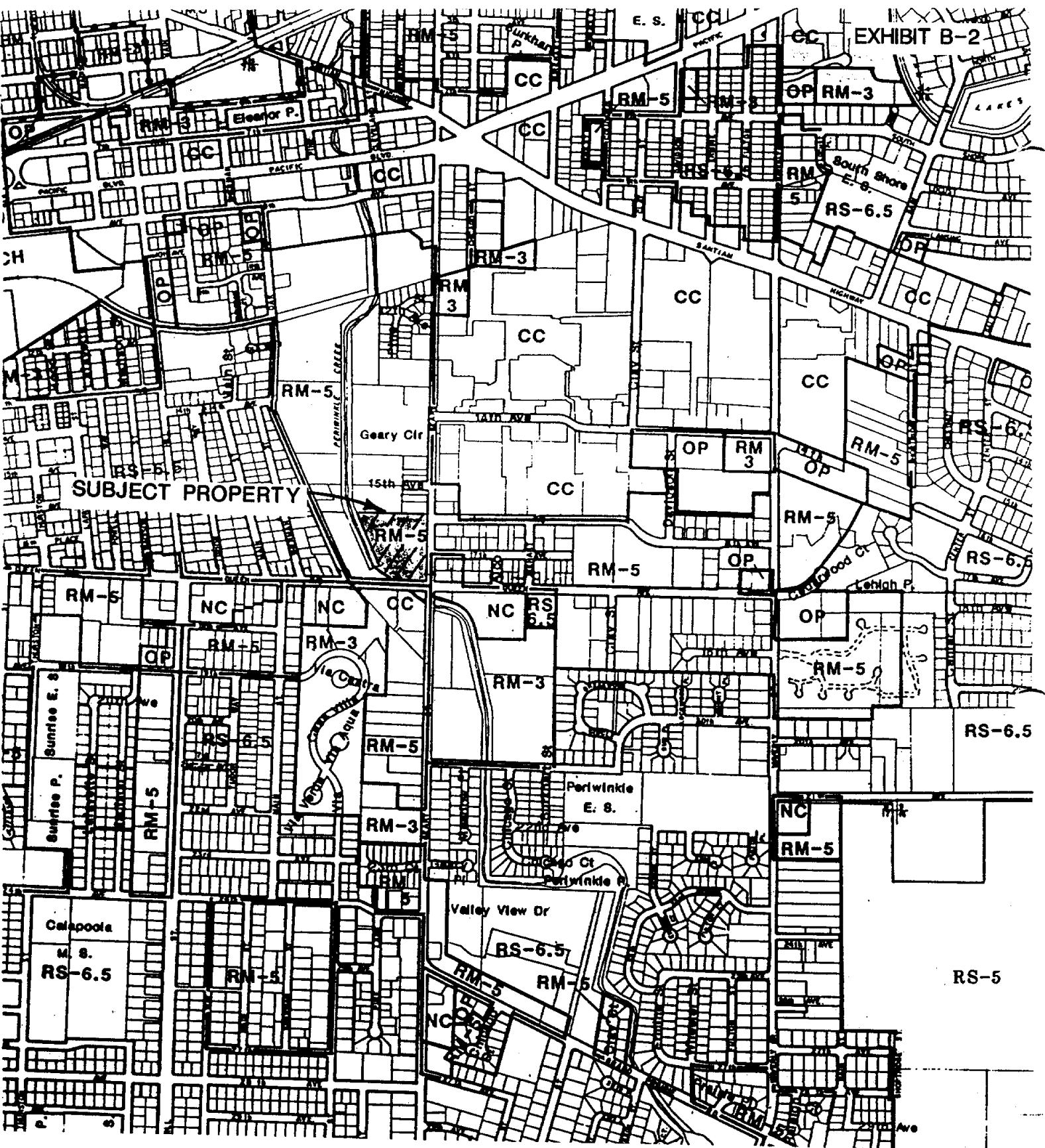
STATE OF OREGON
County of Linn

I hereby certify that the attached map was recorded and duly recorded by me in Linn County records.

STEVE DALCENHOLLER
Linn County Clerk

By AA Deputy Page 308

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Dec 28 11 19 AM '93



CITY OF ALBANY ZONING MAP
(Approximate Scale: 1" - 950')

File ZC-02-97: The proposed zoning map amendment would change the zoning map designation of the 4.7-acre subject property from RM-5 (Residential Limited Multiple Family) to OP (Office Professional).

