

ORDINANCE NO. 4413

TITLE: ZONE CHANGE AMENDMENT NO. 151, UNDER ORDINANCE NO. 4273 REZONING APPROXIMATELY ONE QUARTER ACRE JUST EAST OF THE NORTHEAST CORNER OF QUEEN AVENUE AND GEARY STREET FROM R-2 LIMITED MULTIPLE FAMILY RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL.

WHEREAS, the Planning and Zoning 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 above and bases its decision in accordance with the findings on file with the City Recorder which are adopted by separate motion and incorporated by reference herein; and

WHEREAS, it is further determined that the rezoning hereinafter made should be subject to certain conditions. Those said conditions are as follows:

1. All tax lots owned by Mr. Burck shall be combined (Tax Lot 2600 and Tax Lot 2700).
2. Future development of this site will be subject to Site Plan Review with special consideration given to evaluating the traffic impacts.

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

Section 1. ZONE CHANGE AMENDMENT NO. 151

An area described as follows: Lot 5 Block 10 of Fair Dale Addition to the City of Albany, Oregon, and that portion of the vacated right-of-way of Chicago Street adjoining the easterly boundary said Lot 5 Block 10 Fair Dale Addition and Lot 6 Block 10 of Fair Dale Addition is hereby rezoned as C-1 Neighborhood Commercial and will be known as Zone Change Amendment No. 151.

Section 2. 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: May 13, 1981  
Approved by the Mayor: May 13, 1981  
Effective Date: June 12, 1981

Donald B. Bredberg  
Mayor

ATTEST:

J. J. Jolley  
City Recorder

McCullough, Bryant &  
Associates Incorporated



**TIMBERLAND**

*Services, Inc.*

SURVEYORS • ENGINEERS • PLANNERS • FORESTERS

Kenneth Burck

Legal Description

Lot 5 Block 10 of Fair Dale Addition to the City of Albany Oregon and that portion of the vacated right-of-way of Chicago Street adjoining the easterly boundary said Lot 5 Block 10 Fair Dale Addition and lot 6 block 10 of Fair Dale Addition.

  
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Jon R. Wagner

March 5, 1981

JRW/bb

## STATEMENT OF NEED

The following statement addresses the public need for the requested rezone of this property to the proposed C-1 neighborhood commercial designation.

### 1.) MARKET DEMAND

The applicant has an interested purchaser intent on development of the property this construction season.

### 2.) SURROUNDING USES

The only other vacant C1 zoned property within a 1/2 mile radius of this property is directly across Queen Avenue. That property is a portion of the Park Planned Unit Development. Although there are some vacant C-2 zoned properties within half mile radius, these type of commercial activities generally serve a different function than the C-1 neighborhood facilities.

### 3.) WHY THIS AREA BETTER SUITS THIS NEED

This area is an extension of an existing neighborhood commercial area. It will help to consolidate and fill out the existing zoning pattern. As pointed out this area already has services or services can be extended. No major public expenditures would be required to develop this property as commercial site. Further this area will serve as the neighborhood center for the existing and future resident of this area.

## STATEMENT OF COMPLIANCE WITH THE NEWLY ADOPTED COMPREHENSIVE PLAN

The newly adopted comprehensive plan is a guide for the growth of all the various fibers which together comprise the fabric of the City of Albany. As such, it must attempt to address all aspect of future needs. Clearly such an all encompassing document must relate to items not directly related to this zone change request. Although all decisions or changes ultimately affect all other elements, some of these linkages are well beyond the scope of any proposed zone change, especially one as relatively minor as the one proposed.

An attempt to indicate that the proposed zone change is consistent with the newly adopted plan, the plan has been reviewed, those chapters which would directly affect the proposed rezone were discussed at some length. Those which only had minor connections were merely mentioned.

## CHAPTER ONE - ENVIRONMENTAL SETTINGS

### 1.) NATURAL RESOURCES

#### A.) Vegetation and Wildlife Habitat.

Generally there is no significant vegetation currently associated with the site. The policies related to existing vegetation do not apply. Likewise the policies related to existing developments, public buildings and spaces; residential developments or sustaining wildlife do not apply to this site.

Policy 6 and implementation methods 4,5,6,7 and 8 may be applicable to the development of the property but not salient to proposed rezoning.

#### B.) Agricultural and Forestry

The area in question is not a farm or forestry unit. Therefore the goals, policies and recommendations associated with this section of Chapter One do not apply.

#### C.) Sand and Gravel

As pointed out in the LCDC goals statements there are no known natural resources associated with this site. Therefore this section does not apply to the proposed rezone request.

#### D.) Open Space

This property is not designated for open space. It is however in close proximity to the Perwinkle bike path. Therefore the open space section may not appropriately be considered as having a direct impact on this request.

#### E.) Water Quality

This section basically relates to the development of property and the continued cooperation between DEQ and the City of Albany. The proposed rezoning does not directly affect either.

#### F.) Air and Sound Quality

These are similar to water quality and therefore do not apply.

## II. HAZARDS

This property is not indicated as being within the flood plain or as being on an area with slopes of greater than 5%. There is no major ponding associated with this property therefore this section is not applicable.

## III. SPECIAL AREAS

The property is not designated as being within a special area. Nor is it designated as historic or cultural. Therefore, these sections do not apply.

# CHAPTER TWO - COMMUNITY NEEDS

## II. ECONOMIC DEVELOPMENT

### B.) Commercial and Industrial Land Use Needs

As the proposed rezoning covers only a small area of land outside the central business district several of the commercial policies and implementation methods do not directly apply. On the other hand, the following appear to apply to the property. Policy No. 2 provides for trade and service establishments for the residents of Albany which include a variety of levels of service ranging from neighborhood to regional needs. The rezone is proposed for the satisfaction of the neighborhood commercial need.

Policy No. 10 provides residents of the City with access to neighborhood commercial facilities within a half mile radius. Granting the proposed zone change would provide neighborhood shopping facilities within walking or bicycling distance of several existing dwellings and many more potential future dwellings.

To implement policy No. 10 implementation method No. 10 indicates that an adequate supply of commercial lands to meet the needs of all types of retail and business services must be assured. Granting the proposed rezone would be in keeping with that implementation statement.

This particular parcel of property is designated light commercial on the comprehensive plan. This would indicate that there is a recognized need for this property as commercial.

### III. HOUSING

As the property is proposed as commercial the housing section does not directly apply.

### IV. TRANSPORTATION

The property is located at the intersection of two designated arterials. Several of the policies and implementation measures would apply to the development of the property. Specifically policies 16, 18, 19 and 20 would apply to future development as would implementation measures 3 and 16.

Policy No. 14; "Improve the efficiency and effectiveness of existing and future roadways and bikeways" and implementation measure No. 3; "promote increased use of pedestrian shopping facilities would both apply to the proposed rezone. As indicated previously the proposed rezone and future development would be within walking distance of several existing and future homes. Further this property is adjacent to an existing major bike path system thus allowing the greater utilization of the bike paths for commercial as well as recreational use.

### V. PUBLIC SERVICES AND FACILITIES

Generally this portion of the plan deals with the provision of adequate facilities for water storm drainage, sewage treatment solid waste, other facilities, Fire and Police services, Health services, City support services and education. The property is within the city. All utility services are now being provided or can easily be extended to serve this site. The police and fire protection policies and implementation measures do not directly apply to this proposal, nor does the health services policy or education policies, implementation measures and recommendations. The rezoning of this property will have a minimal impact on the provision of city support services.

### VI. SOCIAL AMENITIES

The parks and recreation section does not apply to this proposal. The goal, policies and implementation methods No.'s 1,2,3,4, and 6 may apply to the development of the property. However, as worded, the initiative must be on the part of the city and not the developer.

*Revised  
3-11-81  
ape*

CHAPTER 3 - GROWTH MANAGEMENT PROCESS

I. DIRECTING GROWTH

The goal of this section is applicable to the property. Policies No. 1 and 6 would apply to the development of the land. Policies 7, 10, 12, and 13 apply to the proposed zone change.

Policy seven relates to encouraging land use patterns which take advantage of density and location to reduce the need for travel. As indicated, this commercial area is within walking and bicycling distance of several residences and will be for several more future residences.

Policy 10 indicates that commercial activities should be located in the center of the area they serve. This proposed zone change would effectively be in the center of the area it would serve.

Policy 12 reads "require the type and size of commercial service area to be commensurate with the size and area to be served." The proposed zone changes is for neighborhood commercial (C-1). The total area involved is 0.27 ares. This is an appropriate size for a neighborhood facility:

Policy 13 indicates that strip commercial is to be discouraged and clustered commercial is to be encouraged. The proposed rezone does not constitute strip commercial but rather the creation of a parcel of adequate size to meet set back, parking, aesthetic and access requirements of a neighborhood commercial development.

Regarding implementation methods, No.s 2 and 4 apply to this project. Measure 2 indicates that land use locations and densities should be designed such that utility service lines are already kept at a minimum. As stated above, services are available or can easily be extended.

Measure 4 states that a few compact multipurpose commercial areas which (1) encourage shopping in a number of stores without auto use and (2) maintain smooth traffic flows on adjacent streets should be developed. This could apply to the proposed neighborhood commercial zone but it appears to be oriented toward the larger more encompassing shopping complexes associated with C-2 developments.

II. DEVELOPEMENT REVIEW

This section of this chapter is not applicable to the proposed rezoning.

### III. ENERGY CONSERVATION

Within this section the only statement which seems to apply is implementation measure No. 21. This measure indicates that energy conservation is to be a required criteria applied to all land use decisions. It has been indicated that the proposed rezone would allow for development which would be within walking distances of current and future residents. Further it would require no energy expenditures for street improvements or public utilities extensions.

### IV. PUBLIC INVOLVEMENT

This section spells out the city's responsibility and not that of the applicant.

### V. UPDATING AND AMMENDING THE PLAN

This section does not apply to this request.

## CHAPTER 4 - COMMUNITY DESIGN

As this property has been designated for light commercial, this proposal is in compliance with this chapter. This specific site has locational advantage over other existing sites. It has direct access to Queen Avenue, a major transportation corridor serving this area. No traffic generated by the proposed development would be channeled onto existing neighborhood streets.



## STATEMENT OF CONFORMANCE WITH THE LCDC GOALS

The area of this proposed zone change is designated on the current Albany Comprehensive Plan as Light Commercial. The requested C-1 Neighborhood Commercial zoning conforms to this designation. Although there is no amendment to the Comprehensive Plan required for approval, Section 197.300 ld of the Oregon Revised Statutes indicates that zone change requests must also be in conformance with the Land Conservation and Development Commission's state wide Planning Goals and Guidelines. The following statements address those goals.

### 1.) CITIZEN INVOLVEMENT

Citizen Involvement is provided through the notice and hearings procedures of the City. The Planning Department is required under Section 19.04 of the Albany zoning and land use regulations to mail written notices to all property owners within 500 feet of the subject property informing them of the time, date, place and nature of the hearing. Further, newspaper publication is also required, notifying the general public of the hearing.

### 2.) LAND USE PLANNING

This proposal conforms to the newly adopted comprehensive plan.

### 3.) AGRICULTURAL LANDS

The subject property is within the municipal boundary of the City of Albany. It is not listed as agricultural land. By virtue of its present zoning and location, this property has been removed from the inventory of agriculture land. It is committed to urban usage.

### 4.) FOREST LANDS

This area is not forested or suitable for forestry, therefore goal No. 4 is not applicable.

### 5.) OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

The subject property has not been designated as needed or desirable open space in any known City document. There are no known mineral or energy sources on the subject property. The subject property is not a cultural area, historic area, natural area, scenic area or wilderness area as defined in the LCDC goals and guidelines.

6.) AIR, WATER AND LAND RESOURCE QUALITY

Granting this requested zone change would not significantly affect the air, water and land resource quality of the area. Provisions for waste water treatment will be by the City of Albany.

7.) AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

There are no known hazards or areas subject to natural disasters on or near the subject property.

8.) RECREATIONAL NEEDS

Recreational needs within the immediate area are accommodated by the public bike way, the Perwinkle Elementary School and adjacent City park facilities. Local recreation needs are currently being met. The subject property is not designated for future recreational needs. Further the change of zone to commercial should not directly impact recreation needs.

9.) ECONOMY OF THE STATE

Granting the requested zone change would allow the construction of neighborhood commercial unit thus creating jobs in the building construction and retail sectors. However, because of the limited area involved the impact on the overall state economy would be in perceptible.

10.) HOUSING

This rezone would allow for the construction of a commercial enterprise. It could displace some potential housing units. However, adequate vacant land is available in the surrounding area to provide for additional housing needs.

11.) PUBLIC FACILITIES

The project proposes to use existing public facilities. Storm and sanitary sewer will be connected to existing City lines. Water will be provided by Pacific Power and Light. No direct impact on nearby Perwinkle School is foreseen.

12.) TRANSPORTATION

The major mode of transportation available to the project is the automobile. With access directly to Queen Avenue transportation needs can be met with a minimum of impact on other areas.

13.) URBANIZATION

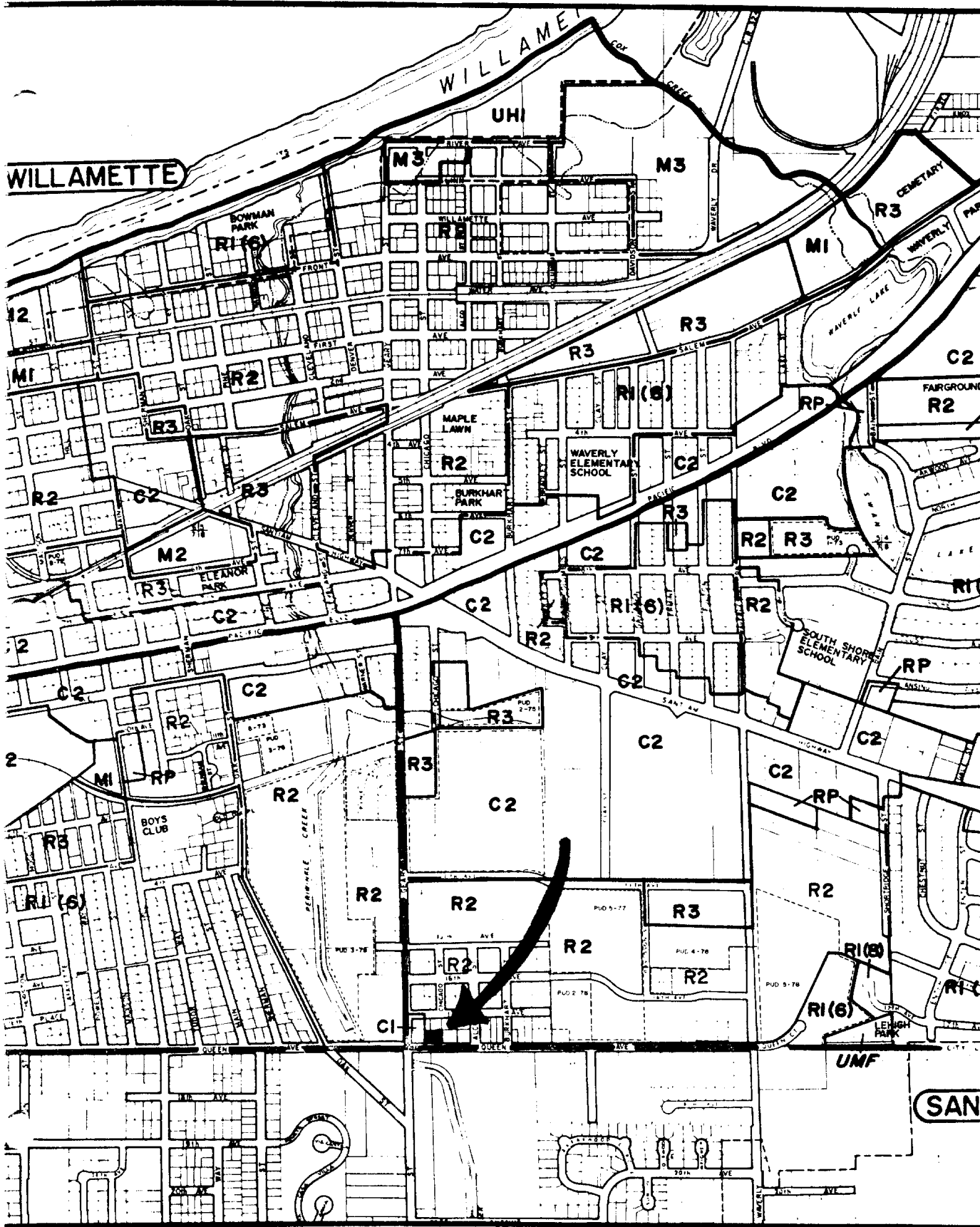
Generally the urbanization goal is directed at the conversion of lands from rural to urban usage. The subject property is presently committed to urban usage.

14.) LAND USE PLANNING

The proposed rezone conforms to the established land use planning process and established policy frame work of the City of Albany. As discussed earlier the proposal conforms to the comprehensive plan.

15.) ENERGY CONSERVATION

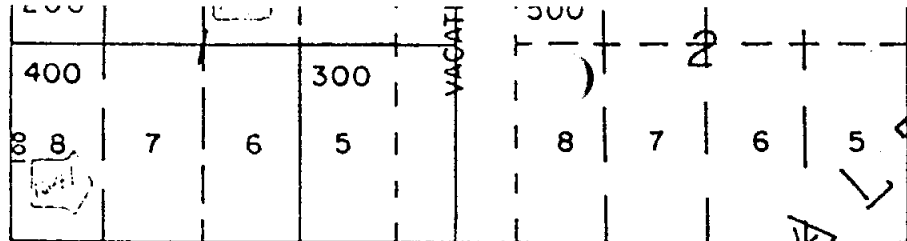
Granting the proposed zone change would allow the placement of a neighborhood commercial area in close proximatey to existing residential and future dwelling units. By doing so walking and bicycling to and from this commercial facility would be encouraged. As this parcel is located near the connection of two major bike paths the inducement for utilizing in conjunction with the shopping activities is greatly enhanced.



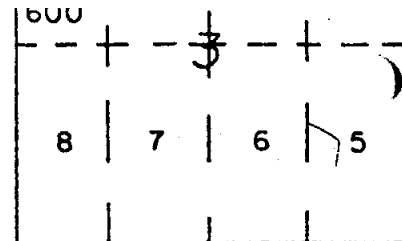
See Map II

STREET

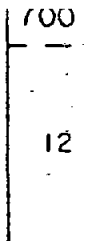
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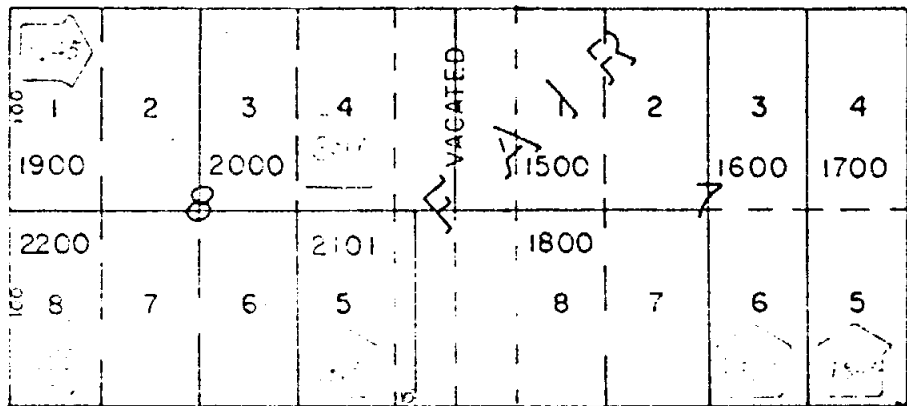
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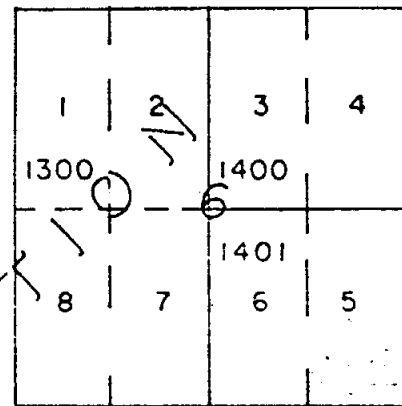


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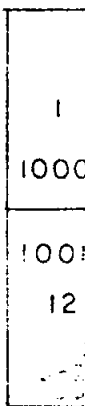


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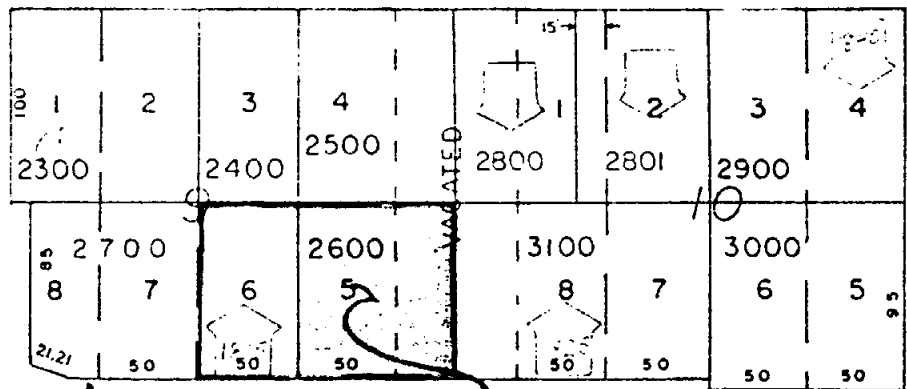
STREET



STREET

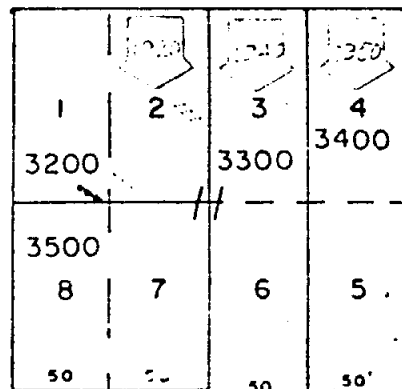


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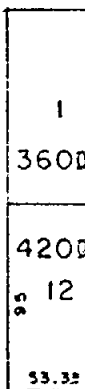


QUEEN

ALCO



BURKHART



(COOLEY LANE)

REQUESTED C-1

11,700 sq'

Abram Hackleman  
SE Cor. DLC 62

NE 1/4 SW 1/4 Sec. 8 T. 11 S. R. 3 W. W.M.

ALBANY  
11 3W 8CA

See Map II 3W 8CD

1" = 100'