

ORDINANCE NO. 4820

TITLE: ZONE CHANGE AMENDMENT NO. 16 UNDER ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND CITY OF ALBANY ZONING MAP, AND COMPREHENSIVE PLAN AMENDMENT NO. 13 UNDER ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND THE CITY OF ALBANY COMPREHENSIVE PLAN MAPS, TO PROVIDE FOR THE RECLASSIFICATION AND REZONING OF PROPERTY DESCRIBED IN MORE DETAIL BELOW.

WHEREAS, the Planning Commission of the City of Albany has held such hearings as are required by law and the ordinances of this city and has made findings concerning the appropriate Comprehensive Plan Amendment and Zone Change with said findings being based upon evidence produced at hearings; and

WHEREAS the Council of the City of Albany has held such hearings as are required by law and the ordinances of this city and has made findings concerning the appropriate Comprehensive Plan Amendment and Zone Change for the property being considered, said findings being based upon evidence produced at hearings; and

WHEREAS, the Council of the City of Albany has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the zoning of the property described below.

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

Section 1. PLANNING DEPARTMENT CASE NO. CP-03-88/ZC-03-88

The official Albany Comprehensive Plan and Zoning Maps are hereby amended with a Comprehensive Plan Amendment from High Density Residential to General Commercial and a concurrent Zone Change from R-3 (Multiple Family Residential) to C-2 (Community Commercial) for an area described as follows: North of 14th Avenue SE; East of Geary Street SE; and West and adjacent to existing Heritage Mall currently under construction comprised of 39,000 Square Feet (0.90 Acre). Assessor's Map 11-3W-8BD, Tax Lot 700 (See attached map, "Exhibit B").

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

Section 2. COPY FILED

A copy of this Comprehensive Plan and Zone Change amendment shall be filed in the Office of the City Recorder of the City of Albany and the number noted on the official zoning map of the City of Albany.

Passed by the Council: July 6, 1988

Approved by the Mayor: July 7, 1988

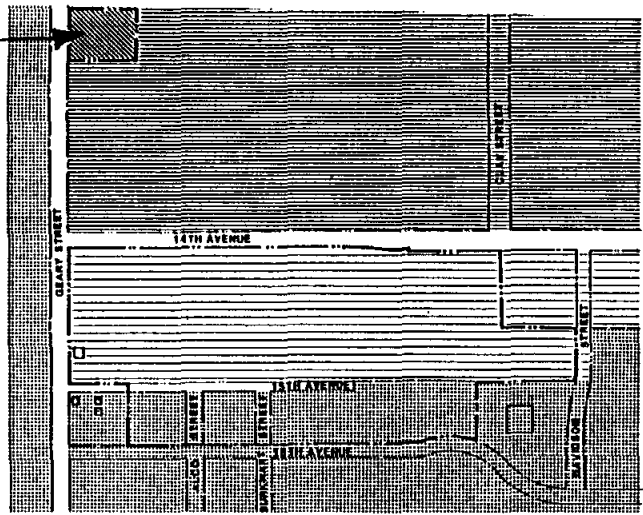
Effective Date: August 5, 1988

Mayor
Tom Holman

ATTEST:

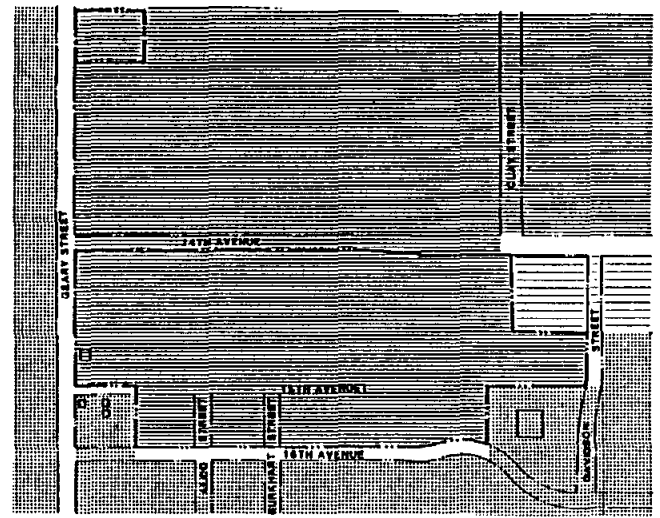
[Signature]
City Recorder

Subject Property



- LEGEND**
- SITE BOUNDARY
 - RIGHT-OF-WAY
 - STRUCTURES
 - MEDIUM-DENSITY RESIDENTIAL
 - HIGH-DENSITY RESIDENTIAL
 - LIGHT COMMERCIAL
 - GENERAL COMMERCIAL

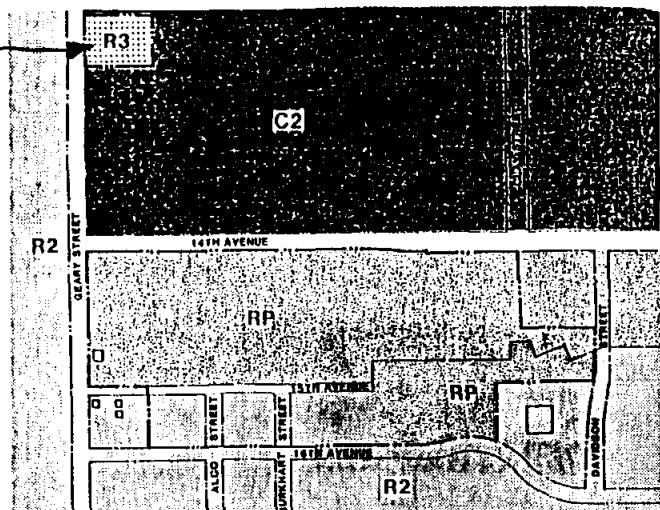
EXISTING COMPREHENSIVE PLAN DESIGNATIONS



- LEGEND**
- SITE BOUNDARY
 - RIGHT-OF-WAY
 - STRUCTURES
 - MEDIUM DENSITY RESIDENTIAL
 - LIGHT COMMERCIAL
 - GENERAL COMMERCIAL

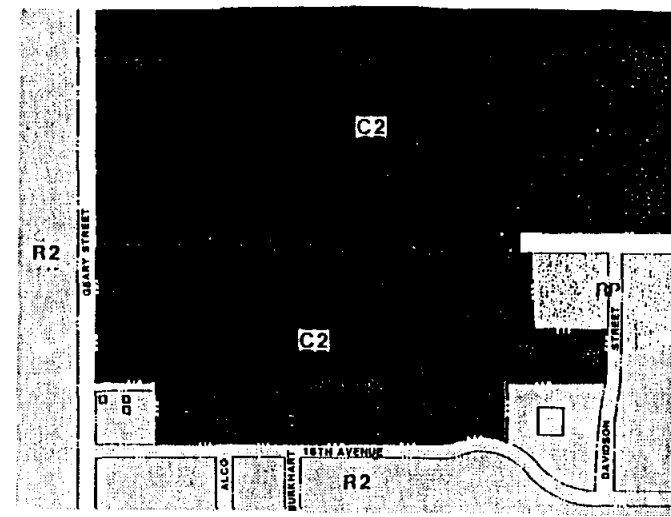
PROPOSED COMPREHENSIVE PLAN DESIGNATIONS

Subject Property



- LEGEND**
- SITE BOUNDARY
 - RIGHT-OF-WAY
 - STRUCTURES
 - LIMITED MULTIPLE FAMILY RESIDENTIAL
 - MULTIPLE FAMILY RESIDENTIAL
 - RESIDENTIAL PROFESSIONAL
 - COMMUNITY COMMERCIAL

EXISTING ZONING



- LEGEND**
- SITE BOUNDARY
 - RIGHT-OF-WAY
 - STRUCTURES
 - LIMITED MULTIPLE FAMILY RESIDENTIAL
 - RESIDENTIAL PROFESSIONAL
 - COMMUNITY COMMERCIAL

PROPOSED ZONING

EXHIBIT 'A'

MAY008

Introduction

This is an application for a Comprehensive Plan Amendment from High-Density Residential to General Commercial, and concurrent zone change from R3 (Multiple-Family Residential) to C2 (Community Commercial) for property located at 1145 Geary Street.

The legal description of the property is Map 11 3W SBD, Tax Lot 700. The parcel size is 0.9 acres, or 230 by 170 feet, according to the County's Assessor's map. The site contains a single-family residence.

This application is being submitted concurrently with an application for a 25-acre site located nearby on Geary Street south of Fourteenth Avenue. Both applications are intended to enable extension of the Heritage Mall, currently under construction. The site subject to this application is much smaller and is actually surrounded by the Heritage Mall on two sides. If approved, this parcel would become part of Heritage Mall, and could accommodate one building pad with associated parking. To the north of the parcel is Tax Lot 500, also zoned R2, and containing the Villa Capri apartments. A mobile home park is located across Geary Street, in addition to vacant land zoned R1.

All public facilities and services necessary to serve the site are in place or being constructed as part of the Heritage Mall development. An eight-inch sewer and twelve-inch water line are located in Geary Street. Access is provided by Geary Street, which is designated as an arterial. The City may in the future widen Geary Street from south of Geary Street to north of Heritage Mall to provide two travel lanes in each direction.

The maximum potential number of housing units that could be accommodated at this site is 11 two-bedroom or 14 one-bedroom apartments. This is not a significant loss of housing opportunity for the City of Albany.

This written statement will address the criteria for Comprehensive Plan amendments and zone changes, and concludes that the proposed application meets all relevant criteria.

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- 2. Vacant lands designated for multiple-family residential development exist in close proximity to the site.
3. Development of this site for low-rent apartments is unlikely due to the emergence of Heritage Mall surrounding the site on two sides. The shopping center has rendered the site less attractive for residential use. The expectation of future commercial use of the site may have pushed up the price of the property to the point where residential use is no longer economically viable.

Conclusion:

Rezoning of this site to C2 will not significantly affect the potential supply of affordable housing in Albany.

Transportation

Facts:

- 1. Anticipated traffic impacts generated by commercial development of this site are included in the Carl H. Buttko Traffic Impact Report, which has been submitted to the City.
2. This report assumes that 11,700 square feet Gross Leasable Area can be accommodated at this site, which would generate 475 trips per day. During the afternoon peak hour, 23 trips would enter and 24 trips would exit the site. This number of trips would not adversely impact traffic on the surrounding street system.

Conclusion:

The surrounding street system can accommodate traffic generated by the proposed rezoning.

Public Facilities and Services

Facts:

An eight-inch sewer and twelve-inch water line are located in Geary Street. Police and fire protection are provided by the Albany Police and Fire Departments.

Conclusion:

Public facilities and services are adequate to serve the proposed use.

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CRITERIA FOR COMPREHENSIVE PLAN AMENDMENTS

- 1. Conformance with Goals and Policies of the Comprehensive Plan

Natural Resources Vegetation and Wildlife Habitat

Facts:

The subject site does not contain any significant natural vegetation. All landscaping requirements of Article 7 of the Code will be incorporated into the final site design.

Conclusion:

Appropriate vegetation will be included in development of this site to meet the Goal and Policies 7 and 9.

Community Needs

Economic Development

Facts:

Development of this site will allow completion of the Heritage Mall development by incorporating this site into the overall design and timing of construction for the Mall. This site provides Heritage Mall with additional frontage on Geary Street. Leaving the site in its current underutilized state will harm the appearance of Heritage Mall. Construction of apartments as zoned seems unlikely at this time, or any time in the future.

Conclusion:

Incorporation of this site into the Heritage Mall development is essential to the appropriate design of Albany's new regional shopping center, and thus supports the City's Economic Development Goal and Policy 12.

Housing

Facts:

- 1. The site is currently zoned R3, providing enough land to accommodate 11 two-bedroom or 14 one-bedroom apartments (based on Sections 6.010, 6.170, and 7.100 of the Code).

2

Storm Drainage

Facts:

Storm drainage from this site will be incorporated into the overall drainage plan for Heritage Mall, to be drained into Periwinkle Creek.

Conclusion:

Adequate storm drainage facilities can be provided for this site.

Aesthetics

Facts:

Design of this site will be incorporated into the overall design of Heritage Mall, and will include buffering and screening on the north side of the site adjacent to the Villa Capri apartments.

Conclusion:

Visual unity and compatibility with surrounding uses will be ensured through appropriate design of this site.

Growth Management Process

Directing Growth

Facts:

- 1. This site is currently underutilized in relation to its potential use under current zoning.
2. Development of the site for multiple-family housing is unlikely, due to the proximity of Heritage Mall and the land values resulting from such proximity.
3. By permitting development of Heritage Mall, the City has determined this area to be the most appropriate location for Albany's major regional shopping center. This application is an inevitable result of policy decisions made by the City in the past.

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4. As part of the Heritage Mall development, the City has invested considerable money in extending services to the Mall. The proposed rezoning of Tax Lot 700 makes efficient use of that investment, and enables recapture of some of the City's investment through increased tax revenue.

Conclusion:

This proposal is consistent with the Goal of "Directing Growth" in the Comprehensive Plan, with Policies 1, 6, 7, 8, 10, and 13, and Implementation Methods 4, 5, and 6 by allowing completion of the Heritage Mall in a logical manner.

2. Conformance with Applicable Statewide Planning Goals

Facts:

- Comments submitted in the application package for the site at Fourteenth and Geary responding to the Statewide Planning Goals apply equally to this site for Goals 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15 to 19.
- Goal 2:** This proposal allows appropriate design and timing by incorporating this site into the Heritage Mall development consistent with its location. The request meets the City's Economic Development Goals and applicable Policies.
- Goal 10:** The maximum potential loss of housing units as a result of this proposal is 11 to 14 apartments. This is not a significant housing loss for the City of Albany in view of the amount of vacant R2 and R3 land remaining. The location of this site within a regional shopping center will probably preclude construction of affordable housing at this location.

Conclusion: This proposal either does not affect or complies with all the Oregon Statewide Planning Goals.

3. Short and Long-Term Impacts

Short-term impacts of the proposed change are mainly those resulting from consolidation of the development activity at Heritage Mall, thus improving the design, reducing costs to the developer, and reducing the time period during which off-site impacts of construction activity will be felt.

In the long term, the rezoning of this site allows for integrated design and use of this site as part of Heritage Mall, enhancing the Mall's appearance especially along the Geary Street frontage. Failure to rezone this site may lead to a prolonged state of uncertainty regarding the future use of the property, and possibly to prohibitively high speculative value of the land in question.

No adverse traffic impacts are expected to result from this proposal. The proposed use is compatible with surrounding land uses. In the long term, this proposed Plan and zone change may lead to a conversion of the apartments immediately to the north of the site to commercial use.

4. Public Need

The public need for this change was caused by the decision to permit development of Heritage Mall. While not adding significantly to the amount of land available for commercial use, this proposal will enhance the appearance and efficiency of the Heritage Mall.

5. Public Need versus Available Alternatives

No other sites meet the locational characteristics of this site, i.e. being surrounded by Heritage Mall on two sides, while occupying frontage onto an arterial street. The entire reason for this application is the location of this site in relation to Heritage Mall.

CRITERIA FOR ZONE AMENDMENTS

1. Transportation Facilities

Findings of Fact:

- Transportation facilities were addressed above under "Conformance with Comprehensive Plan Goals and Policies" in the section on transportation.
- A Traffic Impact Statement has been prepared by Carl H. Butke, Consulting Transportation Engineer, and has been submitted to the City. This report concludes that the proposed zone change will have no adverse traffic impacts.

Conclusion:

Transportation facilities, among other considerations, have led to the decision to permit development of the Heritage Mall in this area. This application is merely an extension of that decision.

2. Public Services

Findings of Fact:

- Public facilities and services were addressed above under "Conformance with Comprehensive Plan Goals and Policies."
- The City of Albany has made considerable investment in the public facilities serving this site. More intensive use of this site will aid in recapturing some of that investment and will lead to a more efficient use of the facilities.

Conclusion:

The proposed zone will best utilize the existing public facilities.

3. Natural Features

Does not apply.

4. Special Districts

Does not apply.

5. Neighborhood Compatibility

Findings of Fact:

The proposed use is compatible with the Heritage Mall surrounding the site. Landscaping and screening will assure compatibility with the apartments located to the north. The proposed use will not affect land uses across Geary Street any more than Heritage Mall will.

Conclusion:

The proposed use is a logical extension of the site's location next to Heritage Mall and C2 is therefore the most appropriate zone for this site.

6. Community Location

Findings of Fact:

The community decision to permit construction of Heritage Mall consistent with the City's Goals and Policies has resulted in this request to complete the process thus begun.

Conclusion:

Approval of this request is consistent with the City's policy to permit establishment of a regional shopping center at this location.

7. Alternative Lands

Findings of Fact:

No alternative lands are available which meet the locational characteristics of this site: i.e., no other site is surrounded by Heritage Mall, with the exception of Tax Lot 500 next to this site. The latter is also zoned R3 and has existing apartments on it.

Conclusion:

The proposed rezoning has been necessitated by the location of this site.

8. Energy Efficiency

Does not apply.

9. Low-Income Housing Opportunity

Findings of Fact:

The proposed rezoning will lead to potential loss of 11 to 14 apartment units. However, development of this site for the designated uses is unlikely, due to the adjacent development of Heritage Mall, and is probably prohibitively expensive. Ample vacant land zoned for multiple-family housing is available nearby.

Conclusion:

This proposal will not preclude the provision of low-income housing in Albany.

EEC