

ORDINANCE NO. 4910

TITLE: ZONE CHANGE AMENDMENT NO. 23 UNDER ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, AND PROVIDING FOR THE REZONING OF PROPERTY LOCATED SOUTH OF GRAND PRAIRIE ROAD SE AND WEST OF CHICAGO STREET SE AND MORE COMMONLY KNOWN AS 2622 AND 2644 CHICAGO STREET SE AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" WITH CONCURRENT LOT LINE ADJUSTMENT AND DECLARING AN EMERGENCY.

WHEREAS the Planning Commission of the City of Albany has held such hearings as are required by law and the ordinances of this city and has made findings concerning the appropriate zone for the property being considered, said findings being based upon evidence produced at hearings; and

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

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

Section 1. EXHIBIT "A"

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

Section 2. PLANNING DEPARTMENT ZONE CHANGE CASE NO. ZC-02-90

The official Albany Zoning Map is hereby amended from RP (Residential Professional) to R-2 (Limited Multiple Family Residential) for an area described as follows: (see attached legal description Exhibit "B-1") is hereby rezoned as RP (Residential Professional) and will be known as Zone Change Amendment No. 23.

Section 3. PLANNING DEPARTMENT LOT LINE ADJUSTMENT CASE NO. LA-07-90

This Lot Line Adjustment is hereby approved for an area described in Exhibit "B-2" with the condition of approval listed in Exhibit "C"

Section 4. 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.

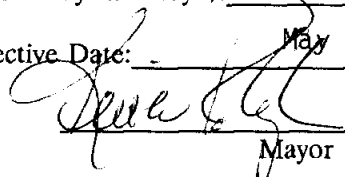
Section 5. EMERGENCY CLAUSE

Inasmuch as this ordinance is necessary for the imediate preservation of the peace, health, and safety of the citizens of this city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by the Council: May 23, 1990

Approved by the Mayor: May 24, 1990

Effective Date: May 23, 1990



Mayor

ATTEST:



City Recorder

EXHIBIT "A"
ZONE CHANGE CASE NO. ZC-02-90
FINDINGS

1. The subject property is located adjacent to a residential street and a duplex unit will have less impact on the usage of Chicago Street or Grand Prairie Road, a major collector street located 100 feet to the north, than a commercial office use.
2. Public facilities (i.e. paved streets, sewer, water, and storm drainage, and private sewer laterals) presently serve the site as the initial intent of the developer was to construct a duplex on the site.
3. There are no significant natural features on the site.
4. The proposed duplex is compatible with the surrounding uses.
5. The proposed use is in compliance with the applicable Goals and Policies of the Albany Comprehensive Plan relating to residential development.
6. The proposed use will meet the intent of the R-2 (Limited Multiple Family Residential) zoning district which is to provide primarily for low to medium density residential development.
7. It appears that a cartographic error may have carried to the present.

EXHIBIT "B"
LEGAL DESCRIPTION FOR ZONE CHANGE CASE NO. ZC-02-90
AND LOT LINE ADJUSTMENT CASE NO. LA-07-90

"B-1"

Lot 2, Block 2, Foley's Subdivision, a supplemental plat to the Jason Wheeler's Home Farm, in Linn County, Oregon.

"B-2"

Part of Lot 3, Block 2, Foley's Subdivision

Beginning at the Northwest corner of Lot 3, Block 2 of FOLEY'S SUBDIVISION, a supplemental plat to the Jason Wheeler's Home Farm, in Linn County, Oregon; and running thence S.65°39'05"E. 144.48 feet to the Northeast corner of said Lot 3; thence S.12°58'W. along the East line of said Lot 3, 10.20 feet; thence N.65°39'05"W. parallel with and 10 feet from the North line of said Lot 3, 138.75 feet to the West line of said Lot 3; thence N.13°23'39"W. 12.65 feet to the point of beginning.

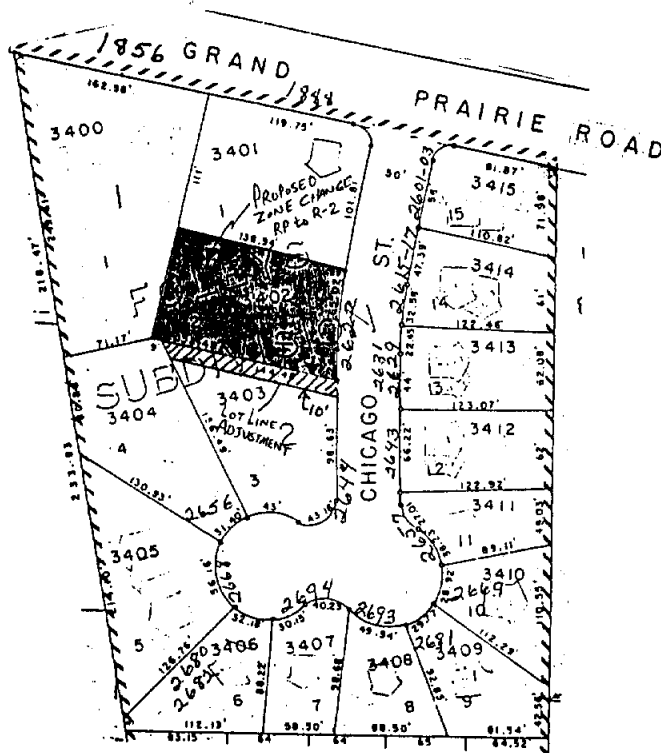


EXHIBIT "C"
CONDITION OF APPROVAL FOR LOT LINE ADJUSTMENT CASE NO. LA-07-90

1. In order to complete the process for Final Lot Line Adjustment approval, the applicant shall submit an original map in compliance with the applicable provisions of Section 9.050 of the Albany Development Code for signature by the Community Development Director or his/her designee. All of the legal descriptions shall end in "and containing ____ square feet of land more or less."