

ORDINANCE NO. 5015

TITLE: COMPREHENSIVE PLAN AMENDMENT NO. CP-03-92 UNDER ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND THE CITY OF ALBANY COMPREHENSIVE PLAN MAPS, AND ZONE CHANGE AMENDMENT NO. ZC-03-92 UNDER ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, TO PROVIDE FOR THE RECLASSIFICATION AND REZONING OF PROPERTY ADOPTING FINDINGS ATTACHED IN EXHIBIT "A" AND DECLARING AN EMERGENCY.

WHEREAS the Planning Commission of the City of Albany held a public hearing on November 2, 1992 as required by law and recommended that the Albany City Council approve the proposed amendments to the Comprehensive Plan and Official Zone Map (Case Nos. CP-03-92 and ZC-03-92); and

WHEREAS the Council of the City of Albany advertised such hearings as required by law and held a public hearing on November 18, 1992 approved the proposed amendments to the Comprehensive Plan, the Official Zoning Map, and Site Plan Review approval for the property being considered (Case Nos. CP-03-92 and ZC-03-92).

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

Section 1. The official Albany Comprehensive Plan and Zoning Maps are hereby amended with a Comprehensive Plan Amendment from Light Commercial to General Commercial with a concurrent Zone Change from OP (formerly RP, Office Professional) to CC (formerly C-2, Community Commercial) for property located at 530 Ellsworth SW (Map No. 11-3W-07BB, Tax Lots 6000 and 6001) (8,800 square feet) as described in attached Exhibit "B" and will be known as Comprehensive Plan Amendment No. CP-03-92 and Zone Change Amendment No. ZC-03-92.

Section 2. The findings attached as Exhibit "A" are hereby adopted in support of this decision.

Section 3. 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 forwarded to the Department of Land Conservation and Development and the number noted on the official zoning map of the City of Albany.

Section 4: Inasmuch as this ordinance is necessary for the immediate 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: November 18, 1992

Approved by the Mayor: November 18, 1992

Effective Date: November 18, 1992

ATTEST: Norm C. Withrow
Deputy City Recorder

[Signature]
Mayor

EXHIBIT A

**FINDINGS FOR COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE
FILE NOS. CP-03-92 AND ZC-03-92**

1. The Comprehensive Plan Amendment/Zone Change involves the addition of a 8,800 square foot lot to the amount of general commercial zoned property in the City of Albany. The City currently has an adequate supply of vacant land designated for office use.
2. The Comprehensive Plan Amendment/Zone Change is in compliance with applicable Goals and Policies of the Albany Comprehensive Plan relating to commercial development.
3. Public facilities (i.e. paved streets, sewer, water, and storm drainage) are presently available to serve the site.

EXHIBIT B

LEGAL DESCRIPTION FOR COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE
FILE NOS. CP-03-92 AND ZC-03-92

Beginning at the Northeast corner of Block 32 in the City of Albany, as the same appears and is designated upon the recorded plat of said City, Linn County, Oregon; thence Westerly, along the North line of said Block 32, a distance of 80 feet; thence Southerly parallel with the East line of said Block, a distance of 110.10 feet to the East-West centerline of said Block; thence Easterly, along said centerline, a distance of 80 feet, more or less, to the East line of said Block; thence Northerly, along the East line of said Block, a distance of 110.10 feet, more or less to the point of beginning.

EXHIBIT C

CONDITIONS OF APPROVAL FOR SITE PLAN REVIEW FILE NO. SP-82-92

1. Development shall occur in substantial conformance to the plans submitted for review and approval subject to the conditions noted below. **Any changes to the approved Site Plan must be approved by the Planning Division.**
2. **Prior to occupancy of the building, submit a revised Site Plan reflecting any changes based upon the conditions of approval.**
3. Based on access provisions listed in Section 7.120 of the Albany Development Code, the driveway on Ellsworth Street closest to 5th Avenue shall be closed **within 30 days of operational stage of the business.**
4. **Prior to issuance of Encroachment and/or Road Permits, a 10-foot wide Easement for the public 8-inch sanitary sewer line located adjacent to the south property line shall be granted to the City of Albany for repair and maintenance purposes. The City will provide the easement form and will mail this to the applicant for notarized signatures within 5 working days of the effective date of this approval.**
5. **Prior to issuance of any Permits including Sign Permits, Tax Lot 6000 and 6001 shall be consolidated into one Tax Lot.**
6. **Prior to doing any work in the State right-of-way (Ellsworth Street), an Encroachment Permit must be acquired from the State of Oregon, Transportation Department and the City of Albany, Public Works Department (5th Avenue). Contact Lew Morehead (ODOT) at 757-4211 and Mike Leopard (C of A) at 967-4300, Extension 225 regarding acquisition of this permit. The City of Albany's Engineering Division will inspect all work performed in the public right-of-way. Where regulations of the City and State may conflict, the more restrictive requirements shall apply.**
7. All curb and gutter replacements will be constructed according to City of Albany Standard Construction Specifications. In addition, the Engineering Division will not allow the curb and gutter to be formed against the existing asphalt. Rather, enough asphalt must be removed around the curb and gutter to allow insertion of concrete forms. After the forms are removed, the contractor will replace the asphalt.
8. The 28-day compressive strength of the concrete used in curb reconstruction shall be 3000 PSI.
9. **Provide a minimum five (5) off-street parking spaces. Parking spaces shall be designated in the parking lot [Section 9.1200(8)ADC] prior to occupancy of any building. Standard parking spaces shall be a minimum of 9 feet by 18 feet 6 inches with a minimum aisle width of 26 feet. Forty percent (40%) 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 a minimum of one (1) "Handicapped" parking stall a minimum of 15 feet in width. The handicapped parking space shall be designated on the pavement "Handicapped Only" and signed as required in Chapter 31 of the Uniform Building Code and in particular Section 3108. If parking spaces are provided for motorcycle parking, they shall be so designated.**
10. Parking lot must be constructed in conformance with Section 9.120(3) of the Albany Development Code. Perimeter curbing [9.120(5)] must be installed between all parking and landscaped areas **prior to occupancy of the building.**
11. Directional arrows must be painted on the pavement at the entrances of all driveways **prior to occupancy of the building.**

12. All parking spaces fronting the sidewalk on Ellsworth shall be located a minimum of 4 feet from the sidewalk.
13. Follow the City of Albany Standard Construction Specifications for all work in the City right-of-way or on public utilities.
14. The applicant is responsible for obtaining utility locates. This can be done by calling 1-800-332-2344. A City representative must be present when any public utilities are exposed.
15. **Submit Landscape Plan to the Planning Division for review and approval prior to issuance of Building Permits.**

Minimum Landscaping required adjacent to Ellsworth Street:

- a. **Two (2)** street trees a minimum of 6 feet in height at time of planting and spaced not more than 45 feet on center.
- b. **Five (5)** five-gallon shrubs or **eight (8)** one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (i.e. lawn, bark, rock, ivy, evergreen shrubs, etc.)

Minimum Landscaping required adjacent to Sixth Avenue:

- a. **One (1)** street trees a minimum of 6 feet in height at time of planting and spaced not more than 45 feet on center.
- b. **Three (3)** five-gallon shrubs or **five (5)** one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (i.e. lawn, bark, rock, ivy, evergreen shrubs, etc.)

Other Landscaped areas:

Each planter area or landscaped area shall contain at a minimum 1 tree at least 10 feet high and decorative ground cover containing at least 2 shrubs for every 100 square feet of landscaped area.

16. 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. Irrigation systems installed in the public right-of-way require an Encroachment Permit.
17. No trees, shrubs, 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 Ellsworth Street and 5th Avenue the measurement along the lots line shall be 30 feet.
18. Landscaping shall be installed prior to a Final Occupancy Permit being issued for the building or within 90 days of issuance of a Temporary Occupancy Permit or the applicant may submit a landscape completion guarantee equal to 110% of the estimated cost of the required landscaping which shall be forfeited to the City of Albany if landscaping is not completed within one year of completion of the building.
19. 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.

20. Obtain Sign Permit(s).	<u>Ellsworth Street</u>	<u>5th Avenue</u>
Maximum Number of Signs:	2 per frontage	2 per frontage
Maximum Aggregate Area:	165 square feet	120 square feet
Maximum Individual Wall Sign:	100 square feet or 12% of wall area, whichever is less.	100 square feet
If wall signs used exclusively,		
Maximum Aggregate area:	220 square feet	160 square feet
Maximum Individual Wall Sign:	125 square feet or 12% of wall area, whichever is less.	125 square feet
Maximum free-standing sign:	82.5 square feet with a maximum height of 30 ft.	60 square feet
Maximum projecting sign:	80 square feet	60 square feet

21. When a free-standing 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.
22. Signs which are for public safety and convenience such as parking directional signs, store hours, open/closed etc. shall be located and sized commensurate with their function but shall not exceed 8 square feet per face per sign. No more than 50% of the sign area can be a business identification or logo.
23. Any lighting provided on the site, including that provided by and/or for signage, shall be arranged to reflect the light away from any residential uses and the adjacent street.
24. Pennants, streamers, festoon lights, and other similar devices with parts intended to be moved by the wind are prohibited by the Albany Sign Code adopted October 10, 1984. Pennants, flags, streamers and one temporary sign per frontage may be used as part of an opening or promotional event subject to a time limit not to exceed 60 days in any one calendar year. Each display period requires a separate permit, but the display duration can be from 7 to 60 days.
25. Any temporary sign may be no larger than 16 square feet for one face or 32 square feet for two or more faces. If the sign is not attached to a building, the maximum height of the sign shall not exceed 4 feet. All temporary signs shall be anchored, may not be located within 10 feet of any public right-of-way, attached or within a parked vehicle, nor within any vision clearance area. All signs shall be maintained in a safe, neat, clean and attractive condition. A fee of \$10.00 will be charged for any permit which involves the promotion or sale of merchandise or services. The permit shall be valid for the period specified thereon and may be renewed annually.

The applicants should be aware that the following items are not conditions of Site Plan Review but are Uniform Building Code, Fire and Life Safety Code, and/or Municipal Code requirements which must also be addressed:

1. Submit minimum of two sets of building plans to the Building Department for review and approval with application for building permits alterations to the building to accommodate the proposed use prior to construction.
2. Obtain all necessary Building Permits prior to construction.
3. Obtain Electrical Permits from Linn County Building Department.
4. The owner/occupant must comply with all aspects of the Uniform Fire Code as they pertain to this particular type of occupancy.

5. **A fire and life safety inspection by the Fire Department is required prior to occupancy of the building. Contact Jim Mackie or Dennis Haney at 967-4302 to schedule an inspection.**
6. **An approved address must be posted on the building prior to occupancy of the building. Numbers must be no less than three (3) inches in height and shall be painted upon or affixed to the building in a contrasting and highly visible color.**
7. **Trash dumpsters or containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or greater shall not be stored within buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines.**
8. **Prior to opening for business, approved portable fire extinguishers shall be provided at approved locations as per National Fire Protection Association (NFPA) Standard Number 10. Contact the Albany Fire Department Fire Prevention Bureau, Jim Mackie or Dennis Haney, at 967-4389 for assistance in selection and placement requirements.**
9. **City of Albany Ordinance No. 4922 requires all businesses and residences that have robbery/burglary alarms to acquire an Alarm Users Permit from the Albany Police Department. If you have or are planning to install a robbery/burglary alarm system, please contact Leigh Ann Marshall at the Police Department at 967-4317 to obtain the permit.**