

ORDINANCE NO. 5177

TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, BY REZONING PROPERTY IDENTIFIED AS LINN COUNTY ASSESSOR'S MAP 11S-3W-16, TAX LOTS 800, 802, 803, 901, and 1200, AND ADOPTING FINDINGS ATTACHED AS EXHIBIT "A" FOR CASE NO. ZC-02-95.

WHEREAS, the Albany Planning Commission has held the public hearings required by local and state law, and

WHEREAS, the Albany Planning Commission recommended APPROVAL based on evidence presented in the staff report and at the public hearing, and

WHEREAS, the Albany City Council has caused notice 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: The Staff Report and Findings Document attached as Exhibit "B" are hereby adopted in support of this decision.

Section 2: The official Albany Zoning Map is hereby amended from RS-6.5 to RS-5 for the area described in the legal description attached as Exhibit "A".

Section 3: 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 4: A copy of the changes in zoning designation shall be filed with the Linn County Assessor's Office within 90 days after the date of this change with the legal description and map for the zoning map amendment.

Passed by the Council: May 24, 1995

Approved by the Mayor: May 24, 1995

Effective Date: June 23, 1995


Mayor

ATTEST:



Deputy City Recorder

DESCRIPTION FOR ~~ANNEXATION~~ ZONING MAP AMENDMENT
FOR
LEXINGTON
A PROPOSED DEVELOPMENT
ALBANY, OREGON
MARCH 6, 1995

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF SECTION 8, THE SOUTHWEST 1/4 OF SECTION 9, THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF SECTION 16 AND THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND BEING A PART OF THE ANDERSON COX DONATION ALND CLAIM NO. 49 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE 1/4 CORNER COMMON TO SECTIONS 17 AND 16, SAID CORNER BEING A 2 INCH IRON PIPE; THENCE NORTH 00°23'46" WEST, 1001.19 FEET; THENCE SOUTH 89°05'40" WEST, 396.79 FEET; THENCE NORTH 01°39'08" WEST, 1722.27 FEET TO A 5/8 INCH IRON ROD ON THE SOUTH LINE OF 21ST AVENUE; THENCE ALONG SAID SOUTH LINE, NORTH 88°40'37" EAST, 396.93 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, SOUTH 01°39'00" EAST, 622.30 FEET; THENCE NORTH 88°40'30" EAST, 699.97 FEET; THENCE NORTH 01°39'00" WEST, 622.30 FEET TO A 5/8 INCH IRON ROD ON SAID SOUTH LINE OF SAID 21ST AVENUE; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 88°40'37" EAST, 1049.58 FEET TO A 5/8 INCH IRON ROD ON THE WEST RIGHT OF WAY LINE OF INTERSTATE 5 FREEWAY; THENCE ALONG SAID WEST LINE OF SAID INTERSTATE 5, SOUTH 00°24'30" EAST, 3615.84 FEET TO A 5/8 INCH IRON ROD ON THE NORTH RIGHT OF WAY LINE OF GRAND PRAIRIE ROAD; THENCE ALONG SAID NORTH LINE OF SAID GRAND PRAIRIE ROAD, NORTH 74°57'49" WEST, 414.81 FEET; THENCE NORTH 00°24'46" EAST, 742.48 FEET; THENCE SOUTH 89°59'14" WEST, 767.45 FEET; THENCE SOUTH 00°06'43" WEST, 474.57 FEET TO A 5/8 INCH IRON ROD ON THE NORTH LINE OF SAID GRAND PRAIRIE ROAD; THENCE ALONG SAID NORTH LINE, NORTH 66°07'26" WEST, 76.50 FEET; THENCE NORTH 00°06'43" EAST, 443.49 FEET; THENCE SOUTH 89°59'40" WEST, 485.64 FEET TO A 2 INCH IRON PIPE, THE 1/4 CORNER COMMON TO SECTION 17 AND 16 AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED TRACT CONTAINS 122.33 ACRES OF LAND, MORE OR LESS.

**CITY OF ALBANY
ZONING MAP AMENDMENT
STAFF REPORT AND FINDINGS DOCUMENT**



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ALBANY, OR 97321

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FILE NOS.: ZC-02-95 and M1-03-95

HEARING BODY: Albany City Council

HEARING DATE AND TIME: May 15, 1995; 7:15 p.m.

LOCATION OF HEARINGS: City Council Chambers, City Hall II, 250 Broadalbin Street SW. (Upstairs at Two Rivers Market)

BACKGROUND

A Zoning Map Amendment is a Type IV land use decision that requires a public hearing before both the Planning Commission and the City Council. Since a tentative subdivision plat application has been filed concurrent with the zoning map amendment application, both applications are reviewed using the Type IV process.

The Planning Commission, following a public hearing on May 8, 1995, unanimously recommended that the City Council approve both the Zoning Map Amendment and the Tentative Subdivision Plat for Lexington Subdivision. Review of the Zoning Map Amendment application begins on Page 5, and review of the Tentative Subdivision Plat application begins on Page 18 of this staff report.

GENERAL INFORMATION

Applicants: Breadner, Parker & Associates Trust, L.L.C.
2046 N.W. Marshall St.
Portland, OR 97209

Type of Request: Zoning Map Amendment application that would change the zoning of a 117 acre parcel from RS-6.5 (residential low-density single family) to RS-5 (residential low to moderate density single family); and a 5 acre parcel from RM-5 (residential limited multiple family) to RS-5 (residential low to moderate density single family).

Tentative Subdivision Plat application for Lexington Subdivision that would divide 48.5 acres into 240 residential single family lots ranging in size from approximately 5,400 square feet to 8,000 square feet.

Property Location: East of Waverly Drive; south of 21st Avenue; west of Interstate 5; north of Grand Prairie Road.

Total Land Area: Zoning Map Amendment: 122 acres
Tentative Subdivision Plat: 48.5 acres

Assessor's Map & Tax Lot No.: Linn County Assessor's Map No. 11S-3W-16; Tax Lots 800, 802, 803, 901, and 1200.

Neighborhood: Periwinkle Neighborhood

Existing Comp. Plan Designation: Urban Residential Reserve

Current Zoning Designation: RS-6.5 and RM-5

Surrounding Zones: RS-6.5 and RM-5 to the west; RS-6.5 to the north; RS-6.5 and Linn County UGM-20 to the south across Grand Prairie Road; and Linn County UGM-20 to the east across Interstate 5.

Existing Land Use: Agriculture - grass seed and hay

Surrounding Uses: Residential single family and vacant land to the west and north; single-family residential and two churches to the south; and vacant land across I-5 to the east.

Proposed Development: Residential single family subdivision. If the zoning map amendment is approved, the zoning would be RS-5, which allows a minimum lot size of 5,000 square feet.

Prior History: AN-10-79, annexation of the 122 acre parcel to City of Albany; and ZC-06-81, zoning map amendment changing 5 acres of the parcel at the end of 27th and 28th Avenues from RS-1 (residential single family) to R-2 (multiple family).

NOTICE INFORMATION

Notices were mailed to affected property owners, and posted in the first floor kiosk of City Hall II, 250 Broadalbin SW on April 27, 1995. The site was posted in accordance with Albany Development Code Section 4.034 on April 28, 1995. At the time this staff report was prepared, May 1, 1994, the Planning Division had received no written comments from affected parties.

ATTACHMENTS

Vicinity Map and Tentative Plat included as Attachment A and B at the end of this staff report.

STAFF RECOMMENDATIONS

Zoning Map Amendment: APPROVAL WITH CONDITIONS of the application for a Zoning Map Amendment that would change the zoning of a 117 acre parcel from RS-6.5 to RS-5; and a 5 acre parcel from RM-5 to RS-5; File No. ZC-02-95.

Tentative Subdivision Plat: APPROVAL WITH CONDITIONS of the Tentative Subdivision Plat of Lexington Subdivision that would divide 48.5 acres into 240 residential single family lots; File No. M1-03-95.