

ORDINANCE NO. 4408

TITLE: ZONE CHANGE AMENDMENT NO. 150, UNDER ORDINANCE NO. 4273 REZONING .27 ACRES OF PROPERTY ON THE WEST SIDE OF CLEVELAND STREET BETWEEN SANTIAM HIGHWAY AND 7TH AVENUE FROM R-3 (MULTIPLE FAMILY RESIDENTIAL) TO C-2 (COMMUNITY 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. That a site plan review be required to the new owner's occupancy of the building to assure that some potential parking, access, and other site development problems are worked out.
2. That the house on the northern tax lot not be used as group care home until a Conditional Use Permit is obtained, provided that the new Development Code allows group care homes by Conditional Use Permit.

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

Section 1. ZONE CHANGE AMENDMENT NO. 150

An area described as follows: 11-3W-8BB, TL 1400 and 1401, is hereby rezoned as C-2, Community Commercial, and known as Zone Change Amendment No. 150.

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: April 8, 1981  
Approved by the Mayor: April 8, 1981  
Effective Date: May 8, 1981

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

Zone change request, Corners of Cleveland, Santiam Road S.E. and 7th Avenue

## Findings

1. There is a public need for this property to be zoned commercial for the following reasons:

There is no other existing commercial space containing at least 3,500 sq. ft. that we were able to locate.

Warehouse space of that size is not suitable as it is too difficult to heat, doesn't provide adequate facilities and is not in residential locations.

There are two buildings with approximately 2,400 sq. ft. each, both on Second Ave. downtown but there is no possibility of parking nearby.

Although there are numerous ads in classified "Business Rentals" further inquiry reveals most are warehouses or offices or very small spaces.

The shopping center just two blocks from the site over the last four years with 707 space months has had only 19½ space months vacancy which amounts to a vacancy rate of just 2.75 percent. A vacancy rate of 5 to 10 percent is still considered a healthy economy. When the health of the economy is as bad as the last year a vacancy rate of just 2.75 percent has to indicate a demand for reasonable commercial rentals. The shopping center had a zero vacancy factor the first 40 months; then the economy was so bad there was 19½ space months out of 108 space months vacancy. Since December 1980 occupancy has again been 100% with one space of 800 sq. ft. expected to vacate in the next few months.

Almost all the larger spaces in the downtown area have rented up in the last few months.

Further proof of public need is the item on the agenda this evening where the shopping center developer is asking a zone change in order to build 155,000 sq. ft. of retail space. A knowledgeable developer wouldn't be willing to build a center of that magnitude if there wasn't a real public demand for space.

2. The public need will be better met by changing the zone on this property than by changing another property because

The property is already developed and has been used for commercial purposes for many years. It is well served by bus line and is walking distance to lower and middle income residents. The proposed zone change is the minimum change that can be made as this is the only available property in the city's HUD designated Neighborhood Strategy Area within the Central/Willamette neighborhoods.

3. The proposed Comprehensive Plan is consistent with the Albany Comprehensive Plan map which designates the area for commercial uses and is consistent with the plan policies that call for the following:

### ECONOMIC DEVELOPMENT

- GOAL 1. To diversify the economic base in the City of Albany and strengthen Albany's role as a regional economic center.

# Zone Change Cleveland & Sartin

Findings, page 2

2. To maintain the median income of Albany's residents at or near state and county levels and provide jobs for Albany's residents.
4. To provide trade and service establishments for the residents of Albany which include a variety of levels of service ranging from neighborhood to regional needs.

## POLICIES

1. Encourage the expansion of existing business and industry.
2. Encourage diversification of the local economy beyond the three existing major industrial sectors.
7. Provide residents of the city with access to neighborhood commercial facilities within a half mile radius.
15. Limit neighborhood commercial areas with respect to site size, site coverage and types of uses which should be correlated with the needs of the people of the neighborhood.
16. Encourage business and industry to locate within the Albany city limits to increase their proportional share of city taxes so that residents pay a smaller proportion.

## TRANSPORTATION

GOAL Provide a safe, diversified and efficient transportation system which protects and enhances our local economy, environment, scenery and neighborhoods.

## POLICIES

1. When reviewing development proposals or transportation plans, determine the relationships between land uses and transportation systems, etc.

The site is presently one block from the city bus stop. It is hoped that if adequate bus riders are generated by the new use that the route might eventually be extended that one block to stop at this site.

20. Ensure that parking requirements reflect parking needs.

At the present time there is almost zero usage of the on street parking in all the blocks surrounding the site. This should keep from having a dangerous traffic congestion situation in front of the store.

## ENERGY CONSERVATION

GOAL Achieve efficient utilization of all types of energy and maximize the conservation of non-renewable resources.

# Zone Change Cleveland & Santiam

Findings, page 3

## POLICIES

4. Utilize a comprehensive approach to conservation, encouraging programs:

for conservation of energy-using items (such as reducing dependence on the private automobile) and for items which require high energy use for their manufacture (such as increased recycling).

Close proximity (walking or bicycling distance) to the homes of the customers we intend to serve.

One block to bus line.

On the way to super markets and shopping centers for those who do drive from downtown, west or North Albany.

Our proposed recycling type of business turns discards into usable necessities which saves manufacturing energy and saves the land fills from having to handle them as discards.

## SOCIAL AMENITIES

Training of the handicapped in social, business and survival skills and providing the income for the program to be self supporting.

Volunteer employment for senior citizens.

4. This proposed zone change is consistent with LCDC Goals and Guidelines because it is consistent with the City's Comprehensive Plan as indicated in #3 above. (Also, refer to following pages regarding specifics of LCDC Goals). Although the City's Comprehensive Plan has not yet been acknowledged by the Oregon Land Conservation and Development Commission (LCDC), the proposed City of Albany Comprehensive Plan was prepared by City Staff within the constraints of LCDC Goals and Guidelines as required by State Law and is presumed to be consistent with those goals and guidelines until it is determined otherwise by the courts or the LCDC. The city has changed the zoning of other properties in the city from residential to commercial on the basis of the 1980 Comprehensive Plan and on the assumption of the Comprehensive Plan's compliance with LCDC goals. The same assumption must be made for this property if due process is to be followed.

## CITIZEN INVOLVEMENT

Notices were advertised in the newspaper and letters were sent to owners within 500 ft. of the property regarding the hearing.

Zone Change Request, Corners of Cleveland, Santiam Road S.E. and 7th Avenue

## LCDC GOALS AND GUIDELINES

### 1. CITIZEN INVOLVEMENT

Neighbors were notified by means of a letter sent to each property owner within a 500 foot radius. Newspaper notices were published for several days to inform interested parties of the hearing.

### 2. LAND USE PLANNING

This zone change request is consistent with the Albany Comprehensive Plan.

The present building on the site has been used for commercial uses for over 18 years.

This is the only available site within the Central/Willamette neighborhoods that is designated for commercial uses on the Comprehensive Plan.

Commercial use of this site will not be a detriment to the neighborhood as the following uses surround it on three sides:

Barber shop  
Service stations (two)  
Fast food drive-in  
Fix-it shop and seamstress shop  
Greyhound bus station  
Automobile upholstery & boat tops  
Automobile repair shop  
Real estate office, grocery supermarket, grocery convenience market, tavern,

#### A. FACTUAL BASIS FOR THE PLAN

##### (2) Man made structures, their location and condition

The proposed site has a good building, all on one floor, no architectural barriers, and in excellent condition.

### 3. AGRICULTURAL LANDS

Although the soil might be suitable for agricultural use it is precluded from that use because it is in the city and because the property has already been developed with a commercial building.

### 4. FOREST LANDS

See reason in No. 3 above.

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

The present residence on the property is of good character and would probably be considered a secondary structure. However, it is not in the proposed historic district. If off street parking requirements don't require removal of the residence it will be retained with its present outside appearance and the interior will be remodelled for commercial use. 6

Cultural, natural areas, open space or wilderness areas do not apply in this instance.

6. AIR, WATER AND LAND RESOURCES QUALITY

Commercial use of this property will not cuase any noise or pollution problems.

7. AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

This is not near the river or creek. The ground is stable. The present building has been there for over 15 years without cracks or other problems.

8. RECREATIONAL NEEDS

The building is already located on the site. No recreational needs are involved there.

9. ECONOMY OF THE STATE

Commercial use of the building will be beneficial to the economy of Albany and Albany's citizens.

10. HOUSING

Changing this site from residential to commercial zone will better serve the needs of the area. There is little need in Albany at the present for more newer, expensive residential rentals. There is much more demand at the present for reasonably priced existing commercial rental spaces.

11. PUBLIC FACILITIES AND SERVICES

The property is served by police and fire protection, sanitary facilities. The city bus line and its location will not place an undue burden on the present public facilities.

12. TRANSPORTATION

The site is within walking distance of a large number of residences. Many potential customers will stop on their way to Fred Meyer, etc. The traffic is already in the area and this use doesn't add a large amount of traffic.

13. ENERGY CONSERVATION

The site is in an area where many residents walk or ride bicycles. City bus service is available.

The building is well built; new insulation standards and heating system will be utilized as the building is improved.

14. URBANIZATION

In the site selection process this site was the only one that was close in to the city that had all the necessary attributes:

- accessability for handicapped
- low to middle income residents nearby
- convenient to bus line
- price and financing feasibility
- room for off street parking
- adequate floor area

Most of the other sites were in the far fringe areas of town where transportation, city services, customer accessability were a problem.