

ORDINANCE NO. 4508

TITLE: ZONE CHANGE AMENDMENT NO. 3 UNDER ORDINANCE NO. 4441 REZONING PROPERTY LOCATED AT 330 MAIN STREET SE FROM R-2, MEDIUM DENSITY RESIDENTIAL, TO C-1, NEIGHBORHOOD 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:

none

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

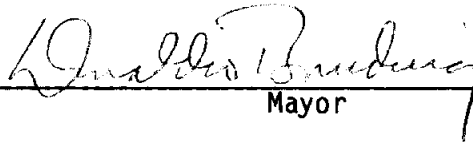
Section 1. ZONE CHANGE AMENDMENT NO. 3

An area described on the attached legal description is hereby rezoned as C-1, Neighborhood Commercial and will be known as Zone Change Amendment No. 3.

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: July 14, 1982
Approved by the Mayor: July 14, 1982
Effective Date: August 13, 1982



Mayor

ATTEST:



City Recorder

270133 -

ARTHUR N. MOENCH, a single person
TO
JOHN E. MOENCH --

7/6/67
6/30/67
B&S DEED
324/673
\$10.00

...gbsc...ppty...sit in the Co of Li, S of O, daf, to wit:

An undivided $\frac{1}{2}$ int in and to:

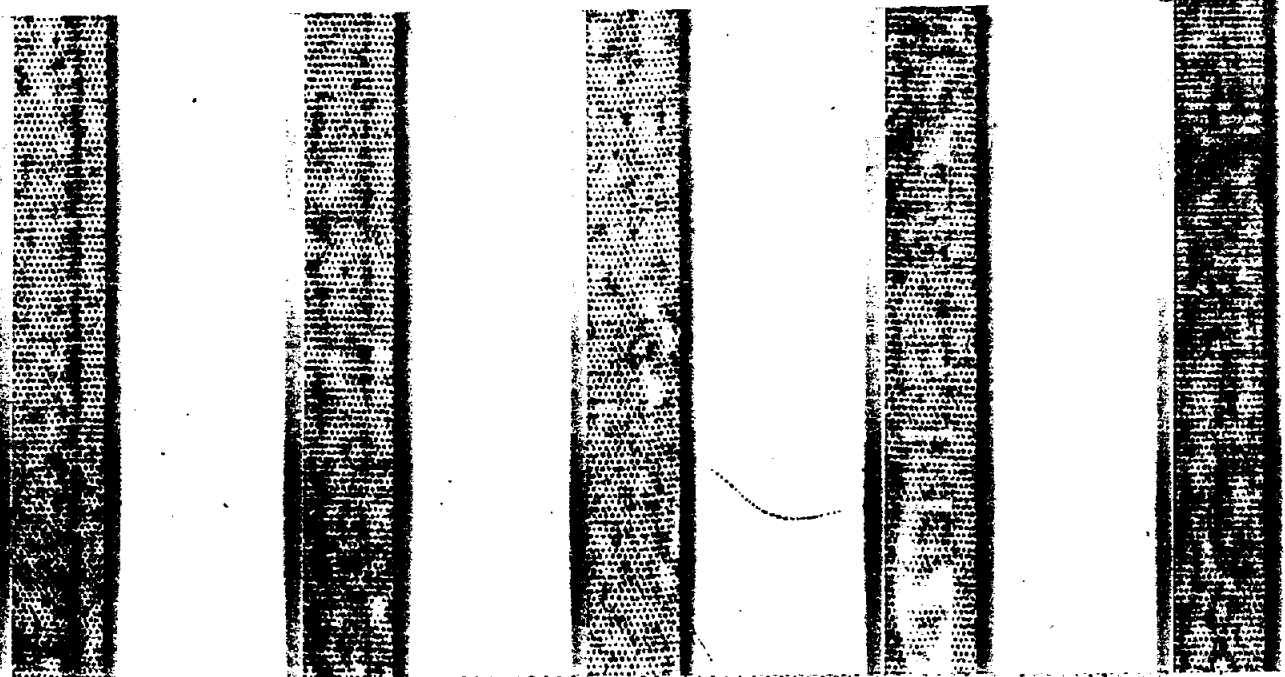
The E half of the SE $\frac{1}{4}$ of blk 49 in Hackleman's Second Addition to the City of Albany, Li Co, S of O, as the same appears and is designated on the map and plat of sd Addition to sd city, recd in the office of the co recorder for Li Co, S of O.

Legal for Royer
20-7-82

NO IRS

S&A

Return to 330 S Main, Albany, O.



Surrounding Land Use:

The property to the north of the subject property contains 2 commercial outlets, a paint and wallpaper store, and a furniture store. The properties to the east contain a small shopping mall and a church. The properties to the west and south contain single family homes which face Fourth Avenue.

Proposed Development:

The applicants are proposing to convert the existing residence into a commercial building to house the Albany Art Center. The Art Center deals in art supplies and other relative needs. Art classes and an art gallery will also be provided.

Proposed Variances:

The applicants are requesting a variance to reduce the number of parking spaces to five where seven are required and reduce the required area between a structure and a parking area to 3.5 feet where 5 feet is required.

CRITERIA FOR ZONE AMENDMENTS

District Amendment Criteria: Any zoning or special purpose district amendment proposal considered under Type IV procedure must be demonstrated to be in conformance with each of the following criteria:

- (a) The proposed amendment conforms to the Comprehensive Plan or substantial changes have occurred which render the Comprehensive Plan inapplicable to the requested change and the Plan should be amended as proposed by the proponent of the change (in which case the Plan must be amended prior to final action on the District Amendment).
- (b) If residential zoning is involved, the proposed residential zone or zones best satisfies the objectives of the Comprehensive Plan and does not exclude opportunities for adequate provision of low- and moderate-income housing within the subject neighborhood area.

In determining compliance with the adopted Comprehensive Plan, the following questions have been developed by the staff. Adequate findings with these questions will support compliance with the Plan.

FINDINGS

1. TRANSPORTATION FACILITIES: What are the existing or anticipated transportation facilities (streets, bus routes, etc.), what impact on traffic generation and safety will result from the proposed zone, and how do the transportation facilities make the proposed zone the most appropriate zone within the plan designation?

- (a) Applicant's Comments: This will be a specialized business and will not generate a great amount of traffic at this time. Since the area is being studied for improvements, it should take care of any future problems. There are no city bus routes running past the subject property at this time. The property is located where three designated arterial streets meet, making the property unsuitable for a residence.
- (b) Staff's Comments: The subject property is located on the NW corner of the intersection of Santiam and 4th Avenues with Main Street. Santiam Avenue and Main Street are designated as Arterial Streets and 4th Avenue is a designated Collector Street in the Albany Comprehensive Plan. The adopted 1978 Roadway and Traffic Safety Program Report calls for the realignment of Santiam Avenue with 4th Avenue. However, no date has been set for this to occur. In the Transportation Section of the Comprehensive Plan, the following policy and implementation methods need to be considered:

Policy #1: When reviewing development proposals or transportation plans, determine the relationships between land uses and transportation systems, i.e., how will proposed developments affect existing or proposed transportation and how will transportation plans affect future land use patterns.

Policy #15: Maintain the carrying capacity and viability of major arterials and other major streets.

Policy #16: Limit access onto major arterials (reducing curb cuts and other street intersections); ensure adequate rights-of-way and setback lines; and discourage on-street parking.

Implementation Method #26: For major arterials, limit access to frontage or side streets (if possible) and where frontage on side streets is not available attempt to develop shared access.

Implementation Method #27: On arterials and other major streets, restrict or reduce curb cuts and other street intersections, require adequate rights-of-way and setback lines as part of the development process, and discourage on-street parking.

The applicants have proposed to provide access to their off-street parking area by means of an existing driveway on Main Street which will be widened to 24 feet to allow for two-way traffic. This proposed access meets with the approval of the Traffic Division.

Although the proposed access to Main Street appears to be in conflict with the above stated policies, the existing driveway which will serve the proposed off-street parking area presently serves as an accessway to several adjoining properties. The amount of traffic generated by the proposed use of the subject property should not adversely affect traffic on Main Street. With the realignment of Santiam Avenue to 4th Avenue at Main, the conflicting intersections should be minimized. (See attachment No. 1)

2. PUBLIC SERVICES: How will other existing or anticipated services (sanitary services, storm sewers, schools, fire protection, etc.) be impacted by the proposed zone and how do these services make the proposed zone the most appropriate zone within the plan designation?
 - (a) Applicant's Comments: There will be no impact on the services by changing the zone, as there will be no additional plumbing or sewer changes and is within the fire and police protection areas of the city.
 - (b) Staff's Comments: At the present, the subject property is served by an 8" sanitary sewer line in 4th Avenue. Storm drainage facilities are located to the north of the subject property within the private driveway. Adequate public facilities exist to serve the subject property and the proposed use.

3. NATURAL FEATURES: What are the natural features of the site, how will those features be impacted as a result of the zone change, and how do these features make the proposed zone the most appropriate zone within the plan designation?
 - (a) Applicant's Comment: The subject property contains a house built around 1895 (Italianate Cottage Style). There will be no structural alterations to the exterior of the building that would take away from its historic value. It is in an easy to find location, adjacent to commercial zoning. The zoning across Main Street is C-2 containing a shopping center to the north and a church to the south. Changing the zoning to allow for the Albany Art Center would be an ideal buffer between commercial and the residential community. The house opens onto Main Street, making it the only structure on that block facing Main Street which is not commercial.
 - (b) Staff's Comments: The site is flat and contains no adverse natural features which would hinder the proposed development. There is no significant vegetation on the property. The house on the property is an Italianate Cottage constructed sometime in 1895. The structure is in fair condition and has a secondary rating by the 1978 George McMath, A.I.A. Survey of Albany's Historic Structures.

4. SPECIAL DISTRICTS: Is the area proposed for a change within any of the following special areas, and considering the impact of uses allowed in the proposed zone, how does this particular zone fit with the special area?
 - (a) Applicant's Comments: The area proposed for change is not within any of the special areas.

- (b) Staff's Comments: Although the existing structure is not within a designated historic district, the house has been designated as a secondary structure worth preserving the character of the structure. Staff feels that no structural alterations should be made to the exterior of the building other than those necessary for the architectural preservation or restoration of the building. The Albany Historic Advisory and Museum Commission has reviewed the proposal and have no objections. They also would like to have no structural alterations made to the exterior of the building.
5. NEIGHBORHOOD COMPATIBILITY: What type of development (existing and anticipated) surround the site, what are the probable impacts from allowed uses on surrounding development, and how does the question of compatibility make the proposed zone the most appropriate zone within the plan designation?
- (a) Applicant's Comments: To the north of the proposed site is a paint and wallpaper store, next to it a furniture store. Across Main Street to the east is a shopping mall and a church. To the west is a single-family house facing 4th Avenue. To the south is a residence facing 4th Avenue. Also south on the east side of Main Street is a furniture factory. With all the commercial industry around the property, it would be best suited for a small shop serving as an ideal buffer between commercial and residential. The C-1 zone would be a good transitional use from C-2.
- (b) Staff's Comments: The property fronting on Main Street is predominantly commercial in nature. The proposed C-1 zoning would provide for a transition between the heavy commercial uses located on the C-2 zoned properties while maintaining the residential character of the building which would lend to the residential character of the neighborhood to the west and south. Article 7.050 of the Development Code calls for a 10-foot landscaped strip and screening between a commercial use and a residential zone. The applicants have proposed to construct a 5-foot cedar fence along the west property line of the subject property. However, Article 7.050 also requires:
- (1) At least one row of trees, not less than 10 feet high for deciduous trees and 5 feet high for evergreen trees at the time of planting and spaced no more than 15 feet apart.
6. COMMUNITY LOCATION: How does the proposed zone comply with distribution policies of the plan? For example, neighborhood commercial sites are to be spread throughout the community to serve as neighborhood centers. Higher density development is desired so as to reduce the need for travel and increase energy policy. Pay particular attention to Comprehensive Plan Pages 43, 44, 50, 94, 95, and 106.
- (a) Applicant's Comments: Having the Albany Art Center on the proposed site would make it easily accessible to the residents of Albany, bringing it closer to the west end than its present location and closer to the downtown area. It will be within walking distance of many of the residents who may not have exposure to this type of culture otherwise. The historic value of the house will not be changed but preserved.

- (b) Staff's Comments: The subject property abuts a general commercial designated property to the north and is oriented toward the commercial development that has occurred on Main Street. The proposed zoning will allow for less intense commercial uses which are compatible with the residential neighborhood to the west.
7. ALTERNATIVE LANDS: What other vacant areas within the city have the identical Comprehensive Plan designation and zoning as the zone redesignation being applied for? (Give location of parcels and estimate of acreage.) What are the characteristics of the subject parcel that are not duplicated by the similarly zoned land (mentioned above) that make it necessary to amend the zoning?
- (a) Applicant's Comments: No other vacant areas were found in Albany with the zoning designation desired that would provide the space, ease of access (ground level for older persons carrying lots of painting equipment), and off-street parking that would be available on this particular parcel. The desire was to find a historic house to compliment the arts.
- (b) Staff's Comments: There are no other properties within the Willamette Neighborhood which are presently zoned C-1 (Neighborhood Commercial).
8. UNIQUE SITE CHARACTERISTICS: What are the characteristics of the subject parcel which are not duplicated by the similarly zoned land (mentioned above) that make it necessary to amend the zoning?
- (a) Applicant's Comments: The subject property has the charm of an older historic home that will not only preserve history but make an ideal location for the Albany Art Center. It is something that can be affordable by a small business and keeps it in the City of Albany rather than going to one of the outlying cities where property may be less expensive.
9. ENERGY EFFICIENCY: Explain how the zone change will assist with efficient service provisions and energy conservation, comparing present development on this parcel as opposed to other vacant parcels with the same zoning (Comprehensive Plan Pages 93-116 discuss growth and energy use).
- (a) Applicant's Comments: The proposed use would not require the City of Albany to add any additional services and would be using less utilities than if a residence were there, electricity, water, and sewer facilities.
10. CONFORMANCE WITH STATEWIDE GOALS:
- (a) Applicant's Comments: The proposed use would meet with city goals of maintaining and utilizing historic homes in Albany. It provides a buffer between residential and C-2 zoning of adjacent land. We feel the Albany Comprehensive Plan meets the State Goals and Guidelines for land use.

- (b) Staff's Comments: The applicant has stated that the Albany Comprehensive Plan meets the state-wide Goals and Guidelines. Therefore, it is unnecessary for the applicant to address each State Goal. Further, the areas of concern addressed through the State Acknowledgement Procedure do not relate to this zone change proposed.

11. LOW INCOME HOUSING OPPORTUNITY:

- (a) Applicant's Comments: The subject property is not ideally situated for residential as it faces Main Street and looks onto commercial activity. It is at the intersection of three designated arterial streets.

APPLICANT'S CONCLUSIONS FOR ZONE CHANGE APPROVAL

1. The site is located at the intersection of three designated arterial streets, making it unsuitable for a residential use.
2. The site is adjacent to C-2 (Community Commercial) zone having a R-2 designation. A C-1 (Neighborhood Commercial) zone change would make an ideal transition between the two areas.
3. The proposed use would not cause a load on any of the city services presently serving the area.
4. The proposal would preserve a part of Albany's historic past.
5. The proposed use (a small quiet business) would be a good buffer between commercial and residential, not causing any noise, odor or water pollutants to the city.
6. It would keep businesses in Albany rather than moving to outlying areas.
7. Feel that the adopted Albany Comprehensive Plan meets the State Goals and Guidelines for land use.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended APPROVAL of Zone Change No. 7-82 based on the information in the staff report and information presented at the Public Hearing. A Variance and Site Review has also been processed for the proposed Art Center. The Planning Commission granted Variances to allow six parking spaces where seven are required; allowed a reduction adjacent to a structure and parking area to 3½' where 5' are required; and allowed 1' of landscaping adjacent to parking lot and street right-of-way where 10' is required.