Brandis SDC Partnership
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Community Development

APPLICATIONS FOR:

1. Comprehensive Plan Map and Text (Policies 8.10.5 and 8.12.1) amendments to change ALL property currently zoned General Industrial (GI) with a Research Technology (RT) Overlay currently existing within phase 1 of the Planned Development known as 'Corvallis Business Park', including a tract of approximately 2.5 acres owned by Carmike Cinemas, Inc. that is used solely for vehicular-parking and landscaping, and a 1.3096 acres located at Property Map 11-052-5-B-000904 and Property Map 11-052-5-B-001200 (part of Lot 10, Willamettedale Farms in the west ½ of Section 25 and the east ½ of Section 26; T 11 S R 5 W, W.M. also known as Tax Lot 1200) from GI (with an RT overlay) to MUC.

2. A District Designation Change on the same property (described above) from Research Technology Center with a Planned Development Overlay (PD(RTC)) to Mixed Use Commercial with a Planned Development Overlay (PD(MUC)).

3. A Major Modification of an Approved Detailed Development Plan for the purposes of obtaining a change in the Comprehensive Plan and District Designations. A subsequent application for another Major Modification of the Detailed Development Plan will be submitted at the time that the property is developed.

NARRATIVE

I. BACKGROUND

The subject property consists of all of the property remaining in Corvallis Business Park phase 1 that currently has an RTC zoning designation including a tract of real property owned by Carmike Cinemas, Inc. that is used solely for vehicular parking and landscaping and a 1.3096 vacant acres (part of Lot 10, Willamettedale Farms in the west ½ of Section 25 and the east ½ of Section 26; T 11 S R 5 W, W.M.) located on the south side of NE Circle Blvd., immediately east of the Safeway store on Circle Blvd, and immediately south of the Carmike Theatre building and Assembly center. The only improvements on the 1.3096-acre property are a 30-foot-wide private access drive and some parking along the northern edge of the property. Additionally, that portion of the property that currently has an RTC zoning designation but situated outside of such 1.30096 vacant acres (and owned by Carmike Cinemas, Inc.) has paving (parking) and landscaping improvements but no building improvements, whatsoever. The improvements were constructed in conjunction with other development in the Corvallis Business Park (Industrial Welding Supply, Inc., Blockbuster/CheckNGo, Quiznos, Carmike Theater/Assembly, and Staples).

The current Comprehensive Plan Designation is (RT). The current District Designation is Research Technology Center with a Planned Development Overlay. The property is included in the approved Detailed Development Plan for the 31.25-acre Corvallis Business Park (refer to Corvallis Development Department files: CPA-97-2, LDT-97-8, DC-97-6, PDM-97-21 and CD-97-9).

Comment:

In 1988, following the development of Heritage Mall in Albany, the Big-K Mart property west of the Corvallis Business Park (CBP) was redesignated from General Industrial (GI) to Community Shopping with a Planned Development overlay (PD(CS)). The area that currently comprises CBP continued to have a General Industrial, Regional Shopping Center overlay designation ((RSC)GI).

In September 1993, the City approved a Comprehensive Plan Map Amendment from RSC(GI) to General Industrial with a Research and Technology overlay (GI(RT)) (CPA-93-2), a District change from GI to PD(RTC) (DC-93-1), a Detailed Development Plan for Phase I and a Conceptual Development Plan for Phases II and III (PD-93-5) for the 27.5 acres that then comprised CBP.

In September 1998, the City approved a Comprehensive Plan Map Amendment to change 6.25 acres from GI(RT) to Shopping Area (SA), approved four district changes within CBP and a Major Modification of the Detailed Development Plan (CPA-97-2, LDT-97-8, DC-97-6, PDM-97-21 and CD-97-9). The district changes were:

2.30 acres from GI to PD(CS)
_____ acres from GI to PD(RTC)
4.10 acres from PD(RTC) to PD(MUE) and
3.95 acres from PD(RTC) to PD(CS)

In June 2000, the City adopted legislative Comprehensive Plan amendments citywide that changed the MUC designations to Mixed Use Commercial (MUC).

It should be noted that pursuant to the previous PD(RTC) zoning of the subject tract that was approved in 1998, -- the subject tract was permitted to be improved with one (1) so-called "Eating and Drinking Establishment" [1] (and with other uses stipulated in the Research Technology Center section of the Land Development Code) [2]. Additionally, pursuant to Section 3.26.30.01. a. 3. AND pursuant to Section 3.26.40 – Development Standards;-- the subject tract was permitted to be improved with a second "Eating and Drinking Establishment" if the "plan limits the uses specified in 3.26.30.01 under 'a.3', to 20 percent or less, when considered separately or in combination, of the gross floor area of the development site''. However, this second "Eating and Drinking Establishment" is subject to be limited by the conditions stipulated in the Disposition Order (related to Planned Development 98-97). On Monday, May 3, 2004,

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[1] Please see Section 3.26.30.01 General Development. a. (sub-paragraph 2.) of the Corvallis Land Development Code

[2] **Specifically, one "Eating and Drinking Establishment – Sitdown" is a PRIMARY USE PERMITTED OUTRIGHT on the applicant's property**

the Corvallis City Counsel approved the rezoning of ALL former remaining RTC (designated) acreage in Corvallis Business Park (save and except the tract that is the subject of this application) to a NON RTC zone-designation. The result of the City Counsel's action (on May 3, 2004) is that the second so-called "Eating and Drinking Establishment that theoretically could have been developed and constructed on the subject tract will no longer be permitted to be developed, because the RTC density [3] upon which the development of the second "Eating and Drinking Establishment" is predicated has been eliminated from the Corvallis Comprehensive Zoning Plan. Only if this subject tract is rezoned to allow uses provided in the MUC development district will the applicant be able to recoup the total utilization of the subject tract as originally anticipated prior to the City Counsels actions of May 3, 2004. Additionally, it was not anticipated in 1998 that a single RTC tract including a portion of the Carmike Cinemas, Inc. parking area AND the 1.3 acre RTC-zoned tract (the subject tract) would be developed adjoining commercial-zoned tracts on three sides and adjoining a Home Depot tract on the fourth side. The 1998 Corvallis Business Park (phase 1, 2, and 3) zoning matter clearly contemplated that the subject tract AND phases 2 and 3 of the Corvallis Business Park P.D. would be developed as a quasi- monolithic planned unit development. Because substantially all of phase 2 and phase 3 of the Corvallis Business Park P.D. has now been rezoned to accommodate a non RTC-zoned use-- - it is imperative that the (now) spot-zoned subject tract be rezoned from RTC to MUC; a zoning classification consistent with the surrounding tracts

Additionally, notwithstanding the foregoing to the contrary, it is understood that none of the property currently zoned RTC (OTHER THAN THE APPROXIMATE 1.3 ACRES owned by Brandis-SDC Partnership) WOULD BE EVER DEVELOPED WITH ANY FUTURE BUILDING IMPROVEMENTS WHATSOEVER. Specifically, the property owned by Carmike Cinemas, Inc. that is currently zoned RTC will always remain paved parking and landscaping areas and never be improved with any building-improvements, whatsoever (even after such Carmike Cinema property is rezoned from RTC to MUC). Such property owned by Carmike Cinemas, Inc. is subjected to a so-called Reciprocal Easement Agreement that requires all property owned by Carmike Cinemas, Inc. save and except the building improvements constructed within the building envelope described in such Reciprocal Easment Agreement to forever remain paved parking and landscaped areas. Additionally, this SAME building envelope (described in such Reciprocal Easement Agreement) has been incorporated by the City of Corvallis as an overlay restricting building improvements outside of such building envelope (and such overlay is referenced in the Disposition Order 98-97; Corvallis Business Park Planned Development)

II. SURROUNDING DESIGNATIONS AND LAND USE

Surrounding land uses are shown on Attachments B-1 and B-2. In general, there is continuous commercial development on the south side of Circle Blvd. from Hewlett Packard (on the far east side) to North 9th Street (on the far west side). Starting from Hewlett Packard,— the existing improvements are comprised of two flex-space buildings owned by Industrial Welding Supply,

[3] pursuant to formerly RTC-zoned phase(s) 2 and 3 of Corvallis Business Park P.D.

Staples Office Superstore, Quiznos Restaurant, Check 'n Go, Blockbuster Video, Jack in the Box Restaurant, Safeway, Big-K Mart, McGrath's Restaurant and Bi-Mart). There is a mix of commercial, residential and light industrial uses on the north side of Circle Blvd. (Entermann's Bakery Outlet, Clayton's Auto Repair, Corvallis Power Equipment, Corvallis Color Tile, Big 5 Sports, Central Willamette Credit Union, Corvallis Rental, Inc., Self Stor, Main Auto Body Repair and Service, a mobile home park, some single-family residences and duplexes, and some high-tech businesses). The southeastern portion of the subject property is bordered by a Southern Pacific Railroad line. A multi-plex cinema (Carmike Theatre/Assembly) has recently opened-for-business on property immediately to the north. Further to the south is a vacant portion of Corvallis Business Park. An application for development of a Home Depot Store on that site was approved on May 3, 2004 by the Corvallis City Council. Pursuant to that application, that site was rezoned from General Industrial (with an RTC overlay) to General Industrial.

Surrounding district designations are shown on Attachment D.

III. DESCRIPTION OF REQUESTED CHANGES

1. Comprehensive Plan Map and Text (Policies 8.10.5 and 8.12.1) amendments to change the subject property consisting of all remaining property currently zoned RTC including the currently paved and landscaped property owned by Carmike Cinemas, Inc. AND the 1.3096 vacant acres (Property Map 11525B000904 and Property Map 11525B001200 (part of Lot 10, Willamettedale Farms in the west ½ of Section 25 and the east ½ of Section 26; T 11 S R 5 W, W.M.) from RT to Mixed Use Commercial (MUC).

2. A District Designation Change on the same property from Research Technology Center with a Planned Development Overlay (PD(RTC)) to Mixed Use Commercial with a Planned Development Overlay (PD(MUC)).

3 A Major Modification of an Approved Detailed Development Plan for the purposes of obtaining a change in the Comprehensive Plan and District Designations.

Comprehensive Plan Map and Text Amendments and District Designation Change.

The current request is to change the Comprehensive Plan and district designations from RT and PD(RTC) to (MUC) and PD(MUC), respectively. It is staff's position that approval of the Comprehensive Plan Map amendment requires amending Comprehensive Plan Policies 8.10.5 and 8.12.1, which currently states:

> **Policy 8.10.5** - "Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard."

Policy 8.12.1 - "Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.."

The applicant requests that either: (a) the City find that Policy 8.10.5 does not apply to the subject property because it is part of an approved PD that includes a large area that is not along an arterial street; or (b) the City amend Policy 8.10.5 to allow the proposed Comprehensive Plan Map Amendment.

Policy 8.10.5 is designed to prevent poorly planned linear expansion of commercial activity on major streets and the accompanying negative impacts on traffic, facilities, utilities, and land use compatibility. This site is part of an approved 27.5-acre Planned Development (Corvallis Business Park) and these issues have already been addressed. The approved PD extends over ¼ mile (1,640 ft.) south of Circle Blvd. and is not linear strip development. Access to the PD is limited and controlled. Internal circulation, facilities and utilities, landscaping and parking have been approved by the City. Many of the improvements are in place. Since the parent PD has already been reviewed for compliance with the existing policies, Policy 8.10.5 does not apply to this application. Additionally, the changing of the zoning designation for the subject property does not change any zoning designation for any property located directly on Circle Blvd., as the subject property has no Circle Blvd. frontage.

The property is bordered by commercial uses to the west and north and to the east. The current PD(RTC) District already allows many commercial uses including eating and drinking establishments, and some retail sales. If the City finds that Policy 8.10.5 applies to this application, there are several ways the policy could be amended to allow the proposed change in Comprehensive Plan designation. A possible amendment to the policy is:

Policy 8.10.5 - "Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended to the same latitude as the southern boundary of the existing Kmart-Safeway development....."

Approval of this Comprehensive Plan Map amendment requires amending Comprehensive Plan Policy 8.12.1. There are several ways the policy could be amended. A possible amendment that would allow the proposed change is:

Policy 8.12.1 - "Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended to the same latitude as the southern boundary of the existing Kmart-Safeway development..." —which is the same

number of feet south of Circle Boulevard as the existing southern boundary of the existing Kmart-Safeway development.

Comprehensive Plan Amendments, District changes and modifications to the Detailed Development Plan for Corvallis Business Park were approved by the City in September 1998. The City's approval was appealed to LUBA and final approval was not obtained until November 1999.

Major Modification of the Approved Detailed Development Plan

This application is for a Major Modification of an Approved Detailed Development Plan for the purpose of obtaining changes in the Comprehensive Plan and District Designations. At this time, the applicant will also demonstrate it is feasible to comply with the stipulations of the current PD approval and the requirements of the MUC District.

LDC 2.5.50.06 and 2.5.50.04 require approval of a Major Modification of a Detailed Development Plan when there is a major modification in land use. The proposed Comprehensive Plan and District Changes would allow some different land uses on the property; therefore, the applications constitute a major modification of the approved development plan.

The approved Detailed Development Plan shows an approximately 20,000 sf building on the subject property. The plan provides an access to Circle Blvd. via a so-called "main access drive" to the west, and via internal circulation (pursuant to a Reciprocal Easement Agreement and Association Agreement and other easement(s) including a so-called "C.O.R.E." agreement) .

The ultimate use of the subject property is preliminarily proposed to be a pantry-style canopy/kiosk to be operated by Safeway, Inc. for the same of fuel products (including gasoline and other petroleum products) and the sale of goods and merchandise generally associated with the operation of a convenience store (i.e.—confections, sundrys, etc). Additionally, the approximate eastern half of the subject property is preliminarily proposed to be utilized for fast-food and/or sit-down restaurant operations (with or without drive-through facilities) . Alternatively, both the east and west sides of the subject property would be developed with restaurants (a total of two restaurants would be developed instead of the described single restaurant and single pantry-style canopy/kiosk for the sale of fuel products).

However, notwithstanding the foregoing to the contrary, it is understood that none of the property currently zoned RTC (OTHER THAN THE APPROXIMATE 1.3 ACRES owned by Brandis-SDC Partnership) WOULD BE EVER DEVELOPED WITH ANY FUTURE BUILDING IMPROVEMENTS WHATSOEVER (even if such parking-lot paved and landscaped land area is rezoned). Specifically, the property owned by Carmike Cinemas, Inc. that is currently zoned RTC will always remain paved parking and landscaping areas and never be improved with any building-improvements, whatsoever. Such property owned by Carmike Cinemas, Inc. is subjected to a so-called Reciprocal Easement Agreement that requires all property owned by Carmike Cinemas, Inc. save and except the building improvements constructed within the building envelope described in such Reciprocal Easment Agreement to

forever remain paved parking and landscaped areas. Additionally, this SAME building envelope described in such Reciprocal Easement Agreement has been incorporated as an overlay restricting building improvements outside of such building envelope (and such overlay is referenced in the Disposition Order 98-97; Corvallis Business Park Planned Development)

IV. COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS

Since the proposed Map and Text Amendments are so closely related and the criteria for the amendments are the same, the following discussion of the applicable criteria and relevant facts applies to both the Map and Text Amendments.

APPLICABLE CRITERIA

Comprehensive Plan Policy 1.2.3

A. **There is a demonstrated need for the change.**
B. **The advantages to the community resulting from the change shall outweigh the disadvantages.**
C. **The change proposed is a desirable means of meeting the public need.**

LDC 2.1.30.06

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

a. **Amendments shall be approved only when the following findings are made:**

1. **There is a public need for the change;**
2. **The change being proposed is the best means of meeting the identified public need; and**
3. **There is a net benefit to the community that will result from the change.**

b. **In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan map:**

1. **Visual elements (scale, structural design and form, materials, and so forth);**
2. **Noise attenuation;**
3. **Noxious odors;**
4. **Lighting;**
5. **Signage;**
6. **Landscaping for buffering and screening;**
7. **Traffic;**
8. **Effects on off-site parking;**
9. **Effects on air and water quality.**

LDC 2.1.20 – PURPOSES

a. Respond to changing conditions and community attitudes;
b. Ensure flexibility while at the same time maintain the integrity of the Comprehensive Plan;

IV.1 COMPLIANCE WITH APPLICABLE CRITERIA FOR COMPREHENSIVE PLAN AMENDMENTS

APPLICABLE COMPREHENSIVE PLAN FINDINGS AND POLICIES

Policy 3.2.1 - The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:

B. Efficient use of land;
C. Efficient use of energy and other resources;
D. Compact urban form;
E. Efficient provision of transportation and other public services;

Policy 8.2.1 - The City and County shall support diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.

Policy 8.2.3 - The City shall support existing businesses and industries and the establishment of locally-owned, managed, or controlled small businesses.

Policy 8.9.3 - Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

Policy 8.9.13 - The City shall implement the following relative to a Research-Technology District:

C. Promote small commercial uses to encourage pedestrian activity.

Finding 8.10.g - Concentrated shopping and office areas that are comprehensively planned, located at transit nodes, and integrated with the surrounding neighborhood, are the best means of meeting the commercial needs of the residents of the area.

Finding 8.10.k - To implement economic policies it is necessary to maintain an adequate supply of office lands. The Buildable Land Inventory and Land Need Analysis for Corvallis (1998) indicates that there is a shortage of office land; however, new Mixed Use and Limited Industrial-Office designations should adequately address this shortage.

Finding 8.10.n - The City must remain open to changes in market forces and assure that an adequate supply of commercially-designated property exists to allow for choices in the market place.

Policy 11.7.5 - New or redeveloped residential, retail, office, and other commercial, civic, recreation, and other institutional facilities at or near existing or planned transit stops shall provide preferential access to transit facilities.

Policy 12.2.5 - The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City.

Policy 13.5.1 - The City shall encourage private investment in the downtown that supports the diverse activities of the Central City and is consistent with maintaining downtown as the primary shopping center and business district area.

Policy 13.5.4 - The City shall seek opportunities to assist downtown in maintaining its market share of the retail dollars spent in and by the community.

Policy 13.5.6 - Development of a regional shopping center outside the downtown is inappropriate.

DEMONSTRATION OF PUBLIC NEED AND ADVANTAGES AND BENEFIT TO THE COMMUNITY

The Mixed Use Commercial Comprehensive Plan designation will provide for primarily commercial uses but also will allow for some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City's supply of commercially-designated lands (Comprehensive Plan 40.2.2).

The purpose of the MUC district is to provide areas for commercial uses, as well as other uses including Civic Uses, and to provide basic services and amenities at a scale appropriate to surrounding developments.

Determination of future needs for land designated MUC must take into consideration that the district allows a mix of office, commercial and civic uses that overlap other designations. In the Buildable Land Inventory and Land Need Analysis for Corvallis (June 1998, Appendix G), ECONorthwest Consulting projects that there will be a need for 76 acres of commercially designated land and 220 acres of land designated office between 1996 and 2020. This is a total need for 296 acres of commercial and office land. There are currently only approximately 44.5 acres (including the most recent re-zonings of the so-called 'Perlenfein' tract), approximately 15% of the projected need, in these designations.

The City has determined that the MUC Comprehensive Plan and district designations will be one of the most important tools used to meet this need. According to the 2003 Land Development and Buildable Land Report (2002 LDBLR) (Table 8), there are 520 acres of land designated for commercial use in the city (or approximately 523 acres of land designated for commercial use including the recently rezoned so-called 'Perlenfein' tract). About 92% of this land (477 acres) is developed. Only 42 acres are vacant and developable. Within the commercial designations, there are only approximately 5.2 acres of vacant land that are designated MUC. Such approximate 5.2 acres of MUC designated land make up only 12% of the total vacant commercial land in the City.

Based on current designations (2003 LDBLR), there are 42 acres of vacant land (or approximately 45 acres of vacant land including the recently rezoned so-called 'Perlenfein' tract) in all commercial (including office) zones to meet a 15 year projected need of 296 vacant buildable acres. Using projections from ECONorthwest Consulting, there will be 206 acres of vacant commercial and office land available after land has been redistricted in conjunction with the Comprehensive Plan and LDC updates. This is the land base available to meet need for 296 acres.[4] Using this best-case projection, there will only be 70% of the land necessary to meet the projected commercial and office need.

The June 29, 1998 Memo from the Development Director to the Mayor and City Council outlining Staff and the Planning Commission's recommended approval of the Corvallis Business Park contains analysis of the need for additional commercially-designated land in this area (CPA-97-2). The facts and discussion under the heading "NEED" on pages 6 and 7 also pertain to the current application. The Development Director stated:

> "The vacant land designated as Shopping Area on the Comprehensive Plan Map has changed from 43 acres in 1981 to 34.3 acres in 1991 and 37.1 acres in 1997. When these lands designated with the Shopping Center Comprehensive Plan designation are further analyzed and updated, several points arise. First, the total category of vacant lands designated as Shopping Area on the Comprehensive Plan consists of a 22.5-acre shopping center site known as Sunset Center (at the southwest corner of SW 53rd Street and Philomath Boulevard, an 8.2-acre site at the northwest corner of SW 53rd Street and Philomath Boulevard, and a 1.8-acre site on the east side of HWY 99W near SE Richland Avenue. Both the 22.5-acre Sunset Center site and the 8.2-acre site at the northwest corner of SW 53rd Street and SW Philomath Boulevard have Squaw Creek and wetland areas bisecting them. This significantly reduces the developable portions of these sites. In addition, an applicant has applied for building permits on the first phase of the Sunset Center site, so a good portion of it will soon be taken off the vacant land inventory list. The 4.6-acre site on the east part of the K-Mart shopping center site has a recently approved Detailed Development Plan for a commercial use.

[4] ECONorthwest allocated vacant buildable commercial land as follows: 15 acres in current commercial districts (CB/LC/SA), 44 acres in current office designations, and an allocation of 147 acres from mixed use designations to commercial and office uses, for a total of 206 acres of commercial and office designated land.

This information demonstrates a public need for additional commercial land in the city, particularly land with a MUC designation.

The amount of land designated as General Industrial increased from 84.6 acres in 1981 to 650.1 acres in 1991. According to the 2003 LDBLR, there were 503 acres of vacant General Industrial land within the city limits in 2003. The projected need for General Industrial and Intensive Industrial land in 2020 is 398 acres (Buildable Land Inventory and Land Need Analysis for Corvallis, Appendix G, Table 8). The City projects a 26% surplus of General Industrial Land over the next 17 years. The current request would reduce the supply of vacant GI land by approximately 1.4 acres (or approximately 4 acres if undevelopable Carmike parking and landscaping property is included) or approximately 0.3%. There will still be a projected 26% surplus of GI land if this request is approved. Approval of this Comprehensive Plan Amendment would result in a negligible reduction in GI land, especially when balanced against the documented shortage of MUC designated land.

In their Disposition of the 1998 Corvallis Business Park Decision (CPA-97-2), the City Council found that the overall plan to redesignate portions of the CBP to from General Industrial to Mixed Use Commercial (now MUC) was desirable, provided the best means of meeting the City's need for additional lands designated for commercial use and provided a net benefit to the community. The same facts apply to the current application. At that time the Council found:

> "Best Means of Meeting Public Need and Net Benefit to Community: The applicant's proposal is oriented toward providing a commercial area that will be developed with uses to support the research and technology uses that will be developed within the area that remains designated with a Comprehensive Plan Map designation of General Industrial. However, staff acknowledges that there is no guarantee that the commercial area will be developed as proposed and that it must be evaluated with respect to the full range of uses which could occur within it. The current vacant parcels designated as Shopping Area on the Comprehensive Plan Map are either currently being developed, have approved and current development plans already approved for them, or have significant natural features.....affecting their developability. ..... Finally, the location of this particular 6.25 acre site is adjacent to an arterial street, along a transit route, served by pedestrian and bicycle connections, and in close proximity to supporting uses that are likely to benefit from having conference/theater facilities. Its location is such that it, more than any other in the City, could be developed with uses that do augment a research and technology park. Given the above, the proposal is consistent with Policies ..... and provides the best means of meeting the City's need for additional lands designated on the Comprehensive Plan Map as Shopping Area (now MUC) and provides a net benefit to the community." (bold added)

There are numerous advantages to the community from the proposed Comprehensive Plan Amendment.

- The proposal locates commercial development appropriately along (but not directly on)an arterial street in an approved PD with limited and controlled access, alongside other commercial development.

- The proposal locates commercial uses in close proximity to each other and to transit, pedestrian and bicycle facilities, making transit, pedestrian and bicycle use of the area more effective.

- The proposed MUC designation is compatible with all surrounding land uses.

- The proposed commercial designation supports the surrounding RT[5] and GI designations (see Comprehensive Plan Policy 8.9.13).

- The proposed MUC designation allows a range of uses that better support the surrounding RT and GI area and existing adjacent development than the current RT and/or GI designation. Under the current designation it is more likely that a technology, flex, or light industrial use will be established on the property. The MUC designation allows a wider range of commercial uses that would support surrounding employment and visitor uses. It is very unlikely that any residential development will occur on the property under either designation.

- Commercial use of the property fits well with the existing Corvallis Business Park site design and existing traffic and other infrastructure improvements. Additionally, the use of the property fits well with the existing Safeway development.

- The proposal would result in a lightening of the traffic load on Circle Blvd., as patrons could shop for grocery(s), office supplies, and other hard-line products in the same 'trip' as when they obtain gasoline for their vehicle. Additionally, the proposal would result in a lightening of the traffic load on Circle Blvd., as patrons could also attend theatrical exhibitions in the same 'trip' as when they patronize a sit-down and/or fast-food restaurant.

- The proposal would result in commercial infill in an existing commercial area and add to the synergistic effect achieved by clustering these uses.

- There is relatively less market demand for land with an industrial complexion compared to demand for so-called retail and service-oriented land in the new so-called 'service-based economy' of which Corvallis is representative. By granting the requests contemplated in this application, more so-called retail and service-oriented land will be available in Corvallis for development.

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[5] However, the remaining RT designation has been recently rezoned by the Corvallis City Council on May 3, 2004

- It was not anticipated in 1998 that a single (so-called spot-zoned) RTC tract including a paved and landscaped (but otherwise undevelopable) Carmike Cinema, Inc. tract AND an approximately 1.3 acre RTC-zoned tract (the subject tract) would be developed adjoining commercial-zoned tracts on three sides and adjoining a Home Depot tract on the fourth side. The 1998 Corvallis Business Park (phase 1, 2, and 3) zoning matter clearly contemplated that the subject tract AND phases 2 and 3 of the Corvallis Business Park P.D. would be developed as a quasi- monolithic planned unit development. Because substantially all of phase 2 and phase 3 of the Corvallis Business Park P.D. has now been rezoned to accommodate a non RTC-zoned use--- it is imperative that the (now) spot-zoned subject tract be rezoned from RTC to MUC; a zoning classification consistent with the surrounding tracts.

The following Comprehensive Plan Policies are applicable to the proposed amendment.

Policy 3.2.1 - The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:

- **B. Efficient use of land;**
- **C. Efficient use of energy and other resources;**
- **D. Compact urban form;**
- **E. Efficient provision of transportation and other public services;**

The site provides for in-fill development within an approved Planned Development. The proposed changes in designation would enhance the development potential of the site by allowing a larger number of potential uses that are appropriate to the size, location and surrounding uses. Access to the PD is approved and in place. Infrastructure has been approved and in most cases developed in the PD. Public transportation and bicycle and pedestrian access are already installed to City standards. All facilities are available to the site. Development of the site would contribute toward the goal of efficient use of land, compact urban form and efficient use of energy and other resources.

Policy 8.2.1 - The City and County shall support diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.

The proposed changes in designation would enhance the development potential of the site by allowing a larger number of potential uses that are appropriate to the size, location and surrounding uses. Development of the site will create employment and provide an opportunity for small locally-owned or managed businesses to be located on the property.

Policy 8.2.3 - The City shall support existing businesses and industries and the establishment of locally-owned, managed, or controlled small businesses.

The property currently zoned as RTC and each portion of the property is an appropriate size for either the establishment of a small business and/or the establishment of a business that is related to previously established businesses. Local ownership or management of a business on part of the property is equally likely under the current and proposed designations.

Policy 8.9.3 - Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

According to the 2002 LDBLR, there were 503 acres of vacant General Industrial land within the city limits in 2002. The projected need for General Industrial and Intensive Industrial land in 2020 is 398 acres (Buildable Land Inventory and Land Need Analysis for Corvallis, Appendix G, Table 8). The City projects a 26% surplus of General Industrial Land over the next 17 years. The current request would reduce the supply of vacant GI land by approximately 1.4 acres (or slightly more than 4 acres including the otherwise undevelopable Carmike Cinemas, Inc. tract) or approximately 0.3%. There will still be a projected 26% surplus of GI land if this request is approved. Approval of this Comprehensive Plan Amendment would result in a negligible reduction in GI land, especially when balanced against the documented shortage of MUC designated land.

The City will have to utilize various means to identify the additional needed commercially designated land. One of these means is the redesignation of appropriate vacant lands within the city. This request provides for the addition of approximately 1.4 acres of vacant buildable land to the City's commercial/office land base.

Policy 8.9.13 - The City shall implement the following relative to a Research-Technology District:

C. Promote small commercial uses to encourage pedestrian activity.

The property is adjacent to an RTC district (real property sited directly south of the subject tract) and nearly adjacent to Hewlett-Packard. The redesignation to MUC would make it likely that a small commercial use would be developed on the site. The Corvallis Business Park is designed to facilitate pedestrian use. Redesignation of the property to MUC would enhance this design.

Finding 8.10.g - Concentrated shopping and office areas that are comprehensively planned, located at transit nodes, and integrated with the surrounding neighborhood, are the best means of meeting the commercial needs of the residents of the area.

A mobile home park and a housing development are located immediately north of Corvallis Business Park, across Circle Blvd., within easy walking distance of a potential restaurant or restaurants. The property is also at a transit node and has fully developed bicycle access and pedestrian amenities. Corvallis Business Park has been planned and designed to function as an integrated commercial and RTC center.

Finding 8.10.k - To implement economic policies it is necessary to maintain an adequate supply of office lands. The Buildable Land Inventory and Land Need Analysis for

Corvallis (1998) indicates that there is a shortage of office land; however, new Mixed Use and Limited Industrial-Office designations should adequately address this shortage.

The proposed MUC district allows: business support services; communication services; financial, insurance and real estate services; medical services; personal services; and professional and administrative services.

Finding 8.10.n - The City must remain open to changes in market forces and assure that an adequate supply of commercially-designated property exists to allow for choices in the market place.

The property is located adjacent to an area that has recently developed commercially. It is one of the last vacant parcels of real property south of Circle Blvd. between North 9th Street and Hewlett-Packard.

Policy 11.7.5 - New or redeveloped residential, retail, office, and other commercial, civic, recreation, and other institutional facilities at or near existing or planned transit stops shall provide preferential access to transit facilities.

The property is part of Corvallis Business Park and is directly adjacent to a transit stop. If additional improvements are necessary to insure preferential access to transit facilities, they can be provided when the property develops.

Policy 12.2.5 - The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City.

The property is adjacent to existing commercial development. It is one of the last vacant parcels on the south side of Circle Blvd. between North 9th Street and Hewlett-Packard. Clustering of commercial uses near RTC, GI and other employment districts to the east, west and southeast provides an energy efficient land use pattern. Concentration of these uses near transit, pedestrian and bicycle facilities further enhances these efficiencies.

Policy 13.5.1 - The City shall encourage private investment in the downtown that supports the diverse activities of the Central City and is consistent with maintaining downtown as the primary shopping center and business district area.

See discussion under Policy 13.5.4

Policy 13.5.4 - The City shall seek opportunities to assist downtown in maintaining its market share of the retail dollars spent in and by the community.

Several characteristics of the site will mitigate any potential impacts to the downtown business district. Large retail outlets (Big K and Safeway) and the Carmike Cinema/Assembly are

already located nearby. The property is also within easy walking distance of Hewlett-Packard. These existing developments distinguish the subject site from sites located in the downtown area. Given the relatively small size of the property, likely uses on the site under the PD(MUC) designation are gasoline sales, and some form of limited retail sales or a sit-down (or fast-food) eating or drinking establishment with on-site parking. These are typical of the uses permitted in the district. Retail sales would most conveniently serve the immediate neighborhood and people who are employed in the area or are already shopping in the Big K, Safeway or another retail store in the area and thus not draw business directly from downtown. An eating or drinking establishment would provide lunch and dinner for people who are already working, shopping or attending a movie in the area, again, not directly competing with downtown businesses.

Policy 13.5.6 - Development of a regional shopping center outside the downtown is inappropriate.

LDC 3.0.30.03 .t defines a Regional Shopping Center as: "A grouping of commercial uses within an enclosed structure with at least 400,000 square feet of leasable retail floor space....." The subject property is approximately 1.4 acres. All adjoining property has been developed. The property cannot be developed as a regional shopping center. This policy is not applicable to the application.

Conclusion

There is a demonstrated public need for additional commercially designated land within the city. The City will have to utilize various means to identify the additional needed commercially designated land. One of these means is the redesignation of appropriate vacant lands within the city. This request provides for the addition of approximately 1.4 acres of vacant buildable land to the City's commercial/office land base (the other portion of formerly zoned RTC landed owned by Carmike Cinemas, Inc., although rezoned to MUC would be forever restricted to parking, paving, and landscaping improvements, only). The information presented in the analysis of available buildable land, the review of applicable Comprehensive Plan policies, and in the analysis of advantages and disadvantages demonstrates that the proposed change is desirable, is the best means of meeting the identified public need and provides a net benefit to the community.

COMPATIBILITY FACTORS

Compatibility with Surrounding and Internal Land Uses

Compatibility issues generally arise in areas where more intensive land uses abut less intensive uses. Surrounding land uses are shown on Attachments B-l and B-2. In general, there is continuous commercial development on the south side of Circle Blvd. to the west, from Hewlett Packard to North 9th Street (Industrial Welding Supply, Staples Office Superstore, Quiznos Restaurant, Check 'n Go, Blockbuster Video, Jack in the Box Restaurant, Safeway, Big-K Mart, McGrath's Restaurant and Bi-Mart). There is a mix of commercial, residential and light industrial uses on the north side of Circle Blvd. approximately adjacent to the subject property

(Entermann's Bakery Outlet, Clayton's Auto Repair, Corvallis Power Equipment, Corvallis Color Tile, Big 5 Sports, Central Willamette Credit Union, Corvallis Rental, Inc., Self Stor, Main Auto Body Repair and Service, a mobile home park, some single-family residences and duplexes, and some high-tech businesses). The southeastern portion of the subject property is bordered by a Southern Pacific Railroad line. Hewlett-Packard is east of the railroad. The Carmike Theatre/Assembly was recently completed on property immediately to the north; and Safeway is open for business immediately to the west. Further to the southwest is a vacant portion of Corvallis Business Park that is planned and zoned for research and technology center development or general industrial development. An application for a Home Depot and four out-pads on the property to the southwest has been submitted by Home Depot etal to the City of Corvallis (on property that was recently rezoned from General Industrial (with an RTC overlay) to General Industrial.

With the exception of a few of the smaller commercial uses on the north side of Circle Blvd., the commercial development in the area around the subject property has occurred in the last 10 years. The area is now a significant commercial center with a large discount store, grocery store, office supply store, sporting goods store, credit union, three restaurants and other businesses. The subject property is one of only a few vacant property(s) on or near Circle Blvd. between Hwy 99W and the railroad tracks. Development permitted in the PD(MUC) district will be compatible with all existing and potential surrounding uses.

Visual Elements

The nature of uses allowed in the PD(MUC) district makes them generally compatible with existing uses in the area. A final modification of the Detailed Development Plan for the property will have to be approved prior to issuance of development permits. If any issues arise relating to compatibility of visual elements they can be reviewed and fully mitigated through the development plan review process.

Noise Attenuation, Lighting, and Signage

In their Disposition of the 1998 Corvallis Business Park Decision (CPA-97-2), the City Council found that there were no anticipated significant impacts regarding noise, lighting or signage associated with the proposed redesignations. The City found:

> "Because the proposed development includes a continuation of a similar development pattern already occurring in the area (commercial and research technology business), the Council finds that no significant negative impacts are anticipated regarding noise, lighting or signage. However, the Council notes that lighting needs to be shielded such that it does not shine on adjacent properties and signage needs to be consistent with the Corvallis Sign Code. The Council notes that these concerns are addressed satisfactorily by Conditions of Approval....."

The uses allowed in the proposed PD(MUC) district are similar in nature and impact to those reviewed and approved for adjacent property that was designated Mixed Use Commercial in 1998 and similar in impact to those allowed in the current PD(RTC) district. All future development on the property will conform with all applicable city codes. The City's 1998 finding with respect to noise attenuation, lighting and signage applies to the current request.

Noxious Odors and Effects on Air and Water Quality

In their Disposition of the 1998 Corvallis Business Park Decision (CPA-97-2), the City Council found that there were no anticipated significant impacts regarding noxious odors, air and water quality associated with the proposed redesignations. The City found:

> "The Council notes that the zoning districts throughout the site do not allow uses requiring state or federal discharge permits, so uses will not generate noxious odors or negative effects on air quality. A storm water discharge permit will be required during construction per State law to address any storm water concerns during construction and storm water will be accommodated by the City's storm water system. The Division of State lands noted to staff that, although there are no known wetlands on the site, there are indications that hydric soils might be present and that a wetland delineation would be required. Condition of Approval #12 requires that prior to the issuance of any construction permits, this wetland delineation is required to be conducted. Given the above, no negative effects on water quality are anticipated."

Since the 1998 CBP approval, the northern portion of the development has been built. Public facilities have been installed and approved by the City. The proposed Comprehensive Plan and District change would allow uses that are substantially the same in nature and impacts as those for which the above finding was made. The City's 1998 finding with respect to noxious odors and effects on air and water quality applies to the current request.

Landscaping for buffering and screening

The applicant is proposing to use the landscape plan approved by the City in 1998 for the Corvallis Business Park.

Traffic Circulation

A traffic signal has been installed at the intersection of CBP's main private access drive and Circle Blvd. This traffic signal and other associated improvements were envisioned and required as the area developed. The subject property can be accessed by the signalized main access drive or by the shared access drive with Industrial Welding Supply, Inc. Redesignation of the property from RT to MUC should not change any of the approved and installed improvements with respect to traffic circulation (refer to approved Detailed Development Plan - Attachment G-1). Circle Blvd. is fully improved with bike lanes and sidewalks. Existing bicycle and pedestrian

facilities are adequate to serve the proposed changes. An updated traffic study was prepared and submitted by Group Mackenzie and is attached to this application. [6]

Effects on off-site parking

All parking will be on-site and in accordance with the approved Detailed Development Plan. The parcel is sufficiently large to provide on-site parking in compliance with City requirements. Additionally, the parcel is subject to a Reciprocal Easement Agreement (with another parcel owned by Carmike Cinemas, Inc. and other property owners).; such Reciprocal Easement Agreement guaranteeing shared parking throughout all of Corvallis Business Park

Impacts of Change to Public Infrastructure

The CBP approval addressed impacts to public infrastructure. The current proposal would permit development of the property with uses that are substantially the same in magnitude and nature of impacts to public infrastructure as uses allowed under the RT and PD(RTC) designation that was approved in 1998. Facility plans with respect to streets, water, sanitary sewer and storm drainage facilities were approved at that time. Many of the improvements have been constructed and approved by the City on the site. The proposed district change will not allow uses that are inconsistent with the approved plans or would adversely impact public infrastructure. City staff have indicated that existing water storm sewer systems are sufficient to accommodate uses allowed under the MUC designation. One of Applicant's parent-owners actually developed the existing Corvallis Business Park storm water systems. Those storm water systems described in line-drawings and specifications prepared by Group Mackenzie Engineers, Portland, were approved by the City of Corvallis engineering department. Additionally, Applicant has been advised that the City of Corvallis follows the guidelines established through the King County 1998 Surface Water Design Manual regarding water quality and detention facilities (which presumably were abided-with by Group Mackenzie Engineers, when such engineering plans were prepared and submitted to governmental authority.

CONSISTENCY WITH THE PURPOSES FOR COMPREHENSIVE PLAN AMENDMENTS

The proposed Comprehensive Plan Amendments will address a demonstrated public need for additional land for commercial uses. It is appropriately located alongside other commercial uses and is near an arterial street that is served by transit and bicycle facilities and has pedestrian amenities. It would enhance existing uses and services in the neighborhood. The impact on the current surplus of land designated General Industrial would be negligible and it would not negatively affect the city's supply of vacant industrial land. The requests comply with applicable Comprehensive Plan policies. Therefore, the amendments are consistent with and maintain the integrity of the Comprehensive Plan.

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[6] ^the traffic study demonstrates that the proposed change in designation will not have a significant adverse impact on streets. All intersections have sufficient capacity to absorb the small potential traffic increase from the change.

The surrounding area to the east has developed primarily with high-tech industry in the last 20 years. Land to the west (specifically land sited immediately east of Kmart) was largely undeveloped until relatively recently. There has been significant commercial development in the vacinity of the subject property since K-Mart was built in the early 1990s. A change to MUC will support the on-going growth in employment-generating development in the immediate area (Hewlett-Packard and related industries, K-Mart, Safeway, Carmike, and others) and will enhance future RTC or GI development on vacant land to the south and to the east. The subject property is in the middle of an area that has developed as a significant employment and commercial center. It is one of the few remaining undeveloped tracts in the vicinity of Circle Blvd. between Hwy 99W and the Southern Pacific railroad line. It is proximate to large, primarily high-tech employers and recently developed commercial land. Because of its moderate size (only approximately 1.4 acres are developable;-- the remainder of the property owned by Carmike Cinemas, Inc. currently zoned RTC, would be rezoned MUC but be forever restricted against the development of any building improvements except for parking, paving, and landscaping improvements) and location next to recently developed, existing commercial uses it is more appropriately designated MUC and PD(MUC).

The Comprehensive Plan Map and text have been amended several times since 1983 to allow additional commercial use in the immediate area, most recently in 1998 and 2000. These amendments reflect the changing conditions and changes in community attitudes toward the use of this area over time that have been discussed.

V. APPLICABLE CRITERIA FOR A DISTRICT CHANGE

Quasi-judicial district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

- **a. Visual elements (scale, structural design and form, materials, and so forth);**
- **b. Noise attenuation;**
- **c. Noxious odors;**
- **d. Lighting;**
- **e. Signage;**
- **f. Landscaping for buffering and screening;**
- **g. Traffic;**
- **h. Effects on off-street parking;**
- **i. Effects on air and water quality.**

LDC 2.2.20 - PURPOSES

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative district map amendments to accomplish the following:

a. **Maintain sound, stable, and desirable development within the City;**
b. **Permit changes in development district boundaries where appropriate;**
c. **Ensure district changes are consistent with the community's land use policies and goals; and**
d. **Lessen the influence of private economic interests in the land use decision-making process.**

V.1 COMPLIANCE WITH APPLICABLE CRITERIA FOR A DISTRICT CHANGE

The subject property is included in the approved Detailed Development Plan for Corvallis Business Park. The effects of the development of CBP on city facilities and services were evaluated when CBP was approved and it was determined that there would be no negative effect on city facilities and services. Land surrounding the subject property along Circle Blvd. has been developed since 1998. All development was in compliance with city standards and the conditions of approval for CBP. The nature and impact of uses allowed in the proposed PD(MUC) district are approximately similar to some of the uses permitted in the current RTC district. No negative effects on city facilities and services resulting from the redesignation of this property to PD(MUC) have been identified. If any impacts are subsequently identified, they can be addressed and mitigated when the final modification of the detailed development plan is reviewed. An updated traffic study has been prepared and submitted.[7]

Previous discussions in this narrative demonstrate that the proposed district change is appropriate for the property and will enhance the area. The facts presented demonstrate that the district change will maintain sound, stable, and desirable development within the city. The preceding discussion of supporting Comprehensive Plan policies shows that the district change is consistent with the community's land use policies and goals.

COMPATIBILITY FACTORS

Compatibility factors have been discussed under the review criteria for the proposed Comprehensive Plan amendment. The same facts apply to consideration of the compatibility of the proposed district change.

CRITERIA FOR THE MUC (MIXED USE COMMERCIAL) DISTRICT

Section 3.20.20.01- Establishment of the MUC District
The MUC district may be applied to Commercial designations on the Comprehensive Plan map or to lands designated through a legislative process. The district may also be applied to parcels which meet Land Development Code Section 2.2.30 criteria for district changes, and the following criteria for district locations, dimensions, and size.

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[7] The traffic study will demonstrate that the proposed change in designation will not have a significant adverse impact on streets. All intersections have sufficient capacity to absorb the small potential traffic increase from the change.

a. Locational Criteria

All Portions of the MUC district shall be located within ¼ mile of existing or planned transit service, OR the MUC district shall be located in areas determined, through a Planned Unit Development process, to be necessary to provide mixed use opportunities and services to adjacent areas.

b. **District Size and Dimensions**

The site shall consist of at least one "whole" legal lot if the lot is one acre or less in size.

Via and pursuant to a Reciprocal Easement Agreement by and between the owners of the subject property, Carmike Cinemas, Inc., and SDC-W-Ecircle, Ltd. (a partial owner of the subject property)—the subject property has frontage on Circle Blvd. The subject property also has direct frontage on the so-called main access drive. Transit service is provided to Corvallis Business Park. The property is within 1/4 mile of transit service. The proposal complies with all size and locational criteria for the PD(MUC) district.

VI. APPLICABLE CRITERIA FOR MAJOR MODIFICATION OF DEVELOPMENT PLAN

LDC 2.5.50.06 - Major Modification(s) of a Detailed Development Plan

d. **In reviewing the proposed modification, the Planning Commission shall follow the procedures herein required for Detailed Development Plan submittal and review. The Commission shall consider the review criteria in 2.5.40.04 to determine whether to authorize a Major Modification.**

LDC 2.5.40.04 - Review Criteria

Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

- **Basic site design (the organization of uses on a site);**
- **Visual elements (scale, structural design and form, materials, and so forth);**
- **Noise attenuation;**
- **Noxious odors;**
- **Lighting;**
- **Signage;**
- **Landscaping for buffering and screening;**
- **Traffic;**
- **Effects on off-site parking;**
- **Effects on air and water quality.**

Section 2.5.20 - PURPOSES

Planned Development review procedures are established in this chapter for the following purposes:

a. Promote flexibility in design and permit diversification in location of structures;

b. Promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;

c. Preserve to the greatest extent possible existing landscape features and amenities, and utilize such features in a harmonious fashion;

d. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;

e. Combine and coordinate architectural styles, building forms and building relationships within the Planned Development;

f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;

g. Promote and encourage energy conservation;

VI.1 COMPLIANCE WITH APPLICABLE CRITERIA FOR A MAJOR MODIFICATION TO THE APPROVED DETAILED DEVELEOPMENT PLAN

LDC 2.5.50.06 and 2.5.50.04 require approval of a Major Modification of a Detailed Development Plan when there is a major modification in land use. The proposed Comprehensive Plan and District Changes would allow some different land uses on the property, therefore, the applications constitute a major modification of the approved development plan.

This application is for a Major Modification of an Approved Detailed Development Plan solely for the purpose of obtaining changes in the Comprehensive Plan and District Designations . Upon the approval of this application, including the approval of the substituted Conceptual Development Plan to replace the previously approved Detailed Development Plan, the Applicant will still be required to cause the presumptively approved Conceptual Development Plan to ripen into a Detailed Development Plan contemplating the uses described herewith (fuel sales and food/restaurant sales) (OR ANY OTHER USES SPECIFICALLY ALLOWED UNDER THE PD(MUC) ZONING SECTION OF THE CORVALLIS LAND DEVELOPMENT CODE. Only after applicable governmental authority approves the applicant's ultimate Detailed Development Plan to be submitted by the applicant in the future, will applicant be able to proceed with the fuel sales and food (restaurant) sales uses.) The detailed development plan that was approved in

1998 (PDM-97-21) will be substituted with the attached site-plan (that will be pertinent only to the subject property) (Attachment G-l). This plan meets city requirements for all development standards in the PD(MUC) district. Since 1999, all property along Circle Blvd. that is within Corvallis Business Park has been developed in compliance with the approved plan. The property immediately to the north was recently completed and now is operational as the Carmike Theatre/Assembly, and the City, having rezoned the tract to the south from General Industrial (with an RTC overlay) to General Industrial—is finalizing approvals for the development and construction of a Home Depot. As clarification, all of the real property located within the PD known as 'Corvallis Business Park' located immediately north of the subject property including the Carmike Cinema, the Staples, and the retail building (Blockbuster, Check-N-Go, Quiznos, ATT) are currently zoned with the PD(CS) development classification.

Under the 1998 plan, the subject property is approved for an approximately 20,000 sf building.

Several desirable planning objectives are achieved by the proposed district change that necessitates the modification of the Detailed Development Plan. The modification would allow commercial uses to be located in close proximity to each other and to transit, pedestrian and bicycle facilities, making transit, pedestrian and bicycle use of the area more effective. It would locate commercial development appropriately on an arterial street, alongside other commercial development, with direct access to the street. It would support the surrounding RT and GI designations, Hewlett-Packard, and other existing general industrial uses better than the current designation. Under the current designation it is more likely that a flex space building, an office building, or light industrial use will be established on the property. The MUC designation allows a wider range of commercial uses that would support surrounding employment and visitor uses. Commercial use of the property is consistent with the design of the Business Park and with existing traffic and other infrastructure improvements. The proposal would result in commercial infill in an existing commercial area and add to the synergistic effect achieved by clustering these uses. The proposed MUC designation is compatible with all surrounding land uses as all surrounding land-uses including the Safeway, Kmart, McGraths, Jack-in-the-Box, the Retail-building (Blockbuster, Quiznos, CheckNGo, ATT-Cellphone, Staples, and Carmike Cinemas have current MUC development –district designations .

Specifically, the uses contemplated within Conceptual Development Plan attached will require fewer parking spaces then the uses contemplated by the originally approved plan. Additionally, many patrons that will attend the Carmike Cinema may never even park within the subject property as those patrons will park within the Carmike Cinema property and walk-to the restaurant establishment to be developed on the subject property..

Access to the subject property (and through the remainder of the PD known as 'Corvallis Business Park' will not be affected whatsoever by the changes sought in this application. All access to and through Corvallis Business Park is either through Circle Blvd and/or to and through the so-called 'Main Access Drive'. Access through and to Circle Blvd. and through and to the Main Access Drive will not be affected whatsoever by the changes sought in this application.

Traffic[8] Attached to this application is the traffic analysis prepared by Group Mackenzie. That analysis concludes that there will be no traffic impact on the subject property on account of this zoning application, OR traffic will be impacted positively as a result of this zoning application

Flood Control and Drainage Provisions

The subject property is not prone to flooding and is not within the 100-year flood plain. Storm drainage will be directed to on-site storm water quality/quantity facilities prior to release into the public storm water system at Circle Blvd.

Storm drainage for the subject property will connect to the existing system for Corvallis Business Park. The system was designed by Group Mackenzie Engineers and the line drawings and specifications contemplated by such design was approved by the City, to serve this property. It is a private system that will be maintained by the property owners within CBP. Pursuant to the approval by the City, one of the parent/owners of the Applicant developed and constructed the described storm-drainage system. A maintenance agreement will establish maintenance, access and ownership responsibilities. The existing system consists of collection, detention and treatment facilities. All are constructed to City standards. Any extension of the system through the subject property will be constructed to City standards for conveyance, detention and treatment of runoff.

The Conveyance system includes catch basins, manholes, cleanouts, pipes and outfalls to the ponds. All new construction will conform to the UPC or requirements of the City. Lines are sized to accommodate runoff from a 10-year storm event. Greater intensity events may result in temporary ponding of water in the parking areas. The CBP system connects to the City system at Circle Blvd.

The CBP storm drainage system is designed to temporarily store runoff and release it at rates not to exceed the peak predeveloped rates for the 2, 10 and 100-year storm events. There is a detention pond immediately east of (and possibly within the) the property. The City requires treatment of storm water in accordance with the King County Surface Water Design manual. CBP currently treats storm water in accordance with these standards. Upon development, the property owner will be required to connect to the approved CBP storm water system and make all improvements necessary to insure continued compliance with the required standards. As clarification, the Conceptual Development Plan does contemplate abbreviating (minimally) the existing detention facility currently incorporated within the subject property. Pursuant to an ultimate Detailed Development Plan(s) that will be submitted by the applicant in the future, revised civil engineering drawings will be included describing additional detention facililty(s) and capacity (albeit in a nominally different shape than shown in the currently approved civil engineered drawings). THE TO-BE SUBMITTED DETAILED DEVELOPMENT PLANS

[8] An updated traffic study has been ^ prepared and submitted. The traffic study demonstrates that the proposed change in designation will not have a significant adverse impact on streets. All intersections have sufficient capacity to absorb the small potential traffic increase from the change.

WILL DESCRIBE A DETENTION FACILITY (approximately at the same location as shown in the 1998/1999 approved civil-engineering drawings) AND STORM-WATER CALCULATIONS (within that detention facility) WITH EITHER EQUAL OR SLIGHTLY LARGER STORMWATER STORAGE VOLUMES than originally approved.

Any additional development features deemed necessary to achieve desirable goals or policies can be required as conditions of approval.

A final modification of the approved Detailed Development Plan will be obtained before the property is developed.

MISCELLANEOUS

Pursuant to correspondence received from Robert Richardson, associate planner at the City of Corvallis—the Applicant has been requested to confirm that this Application is in compliance with certain conditions of approval stipulated in Disposition Order 98-97:

i) condition of approval 11 – a future to-be delivered Detailed Development Plan will insure compliance with all parking stipulations set forth in such condition
ii) condition of approval 17—the owner of the Kmart-Safeway tract and an affiliate of Applicant totally reconciled the matter described in this condition in 1999
iii) condition of approval 20--- the Applicant and Home Depot etal have already completed and endorsed easement agreements regarding condition 20

Note: A full set of the original, approved Detailed Development Plan maps for the Corvallis Business Park is available in Development Department File PDM-97-21.

A Vicinity Map

B-1 Surrounding Land Uses – General
B-2 Surrounding Land Uses – Specific

C Comprehensive Plan Map

D District Designations Map

E Map of Proposed Comprehensive Plan Map Amendment

F Map of Proposed District Designation Change

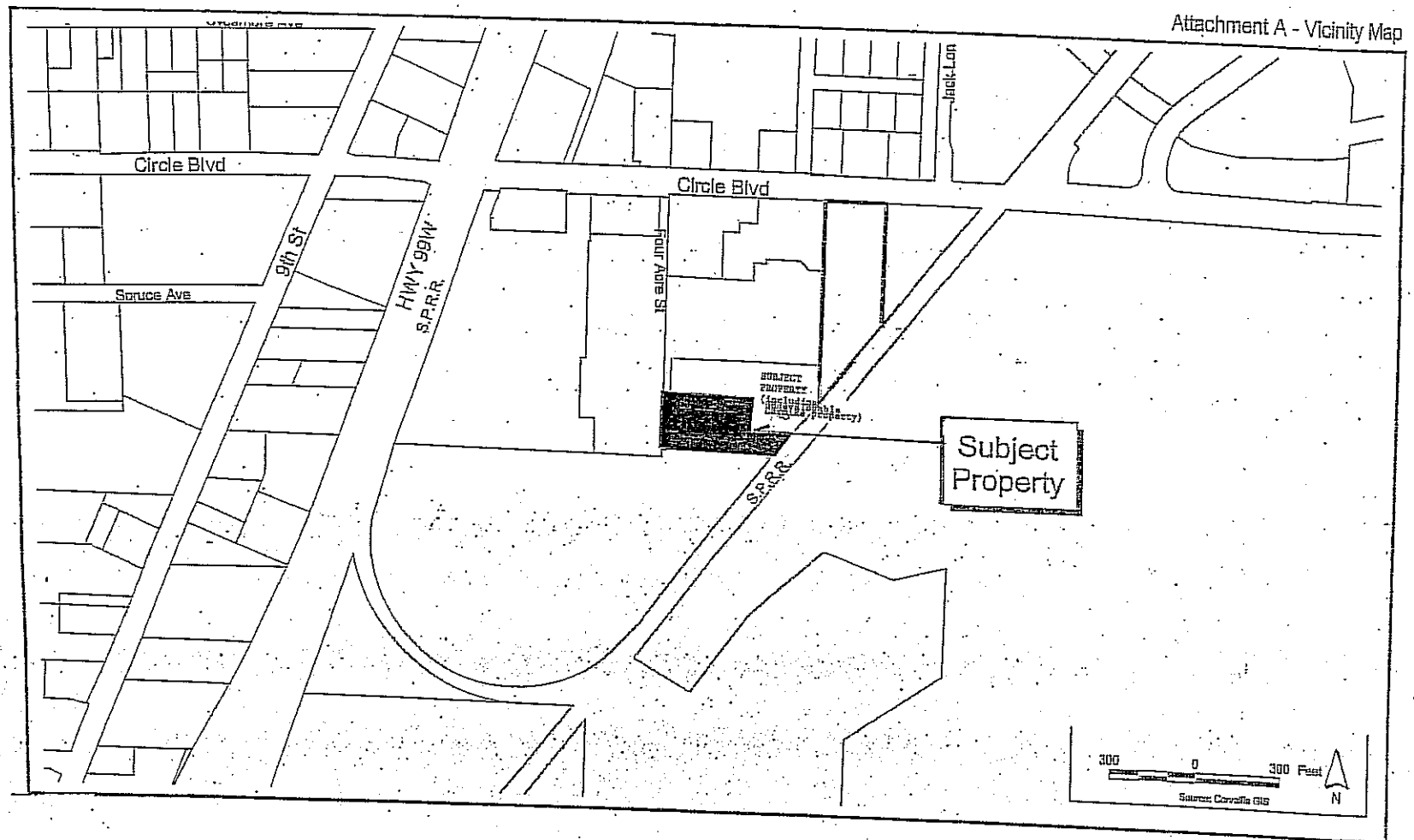
G-1 Currently Approved Detailed and Conceptual Development Plans with Internal Traffic Circulation
G-2 Currently Approved Conceptual Landscape Plan

H Topographic and Natural Features

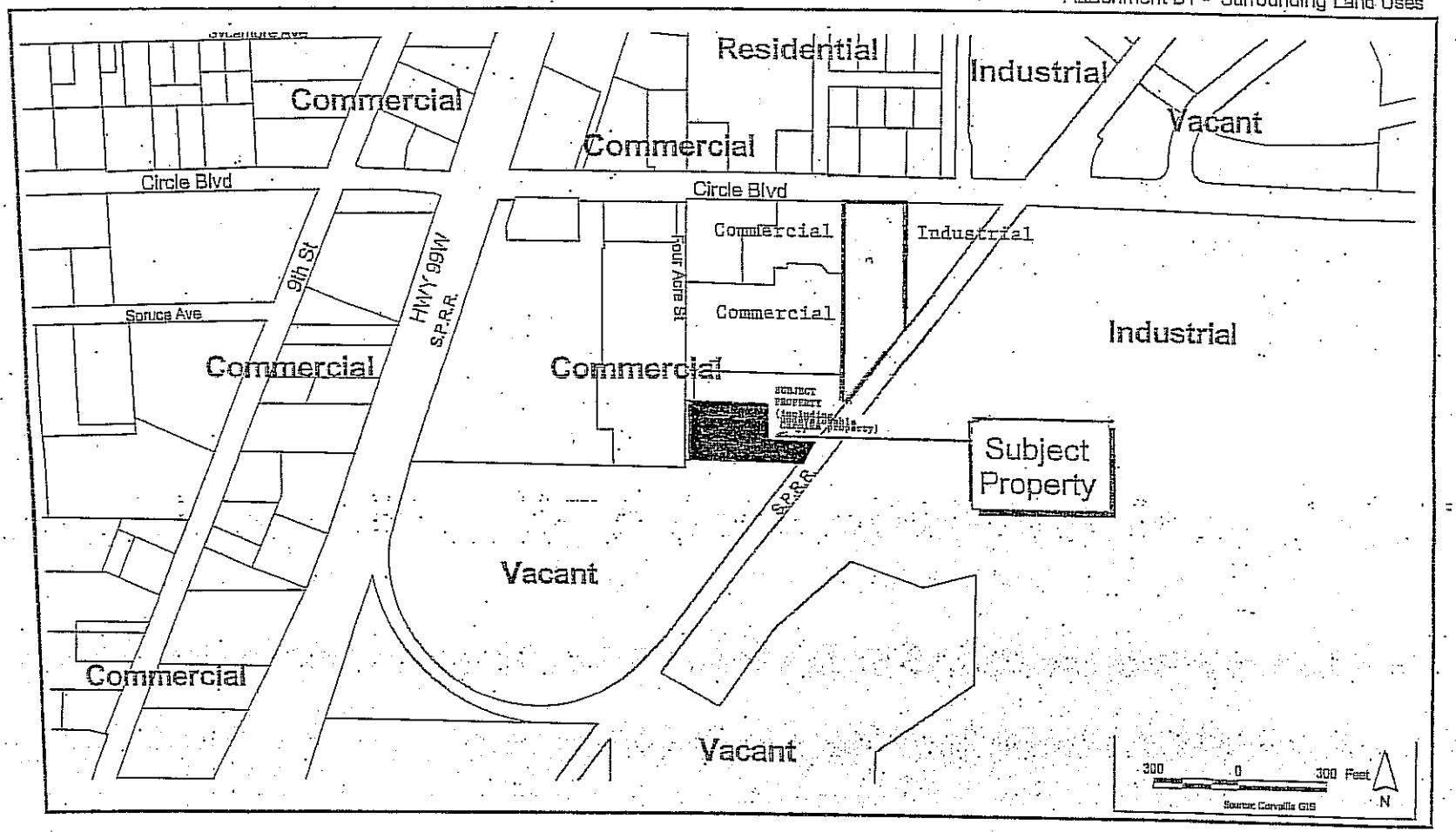
J City Council Findings in Support of Corvallis Business Park

K Map of Facility and Utility Easements

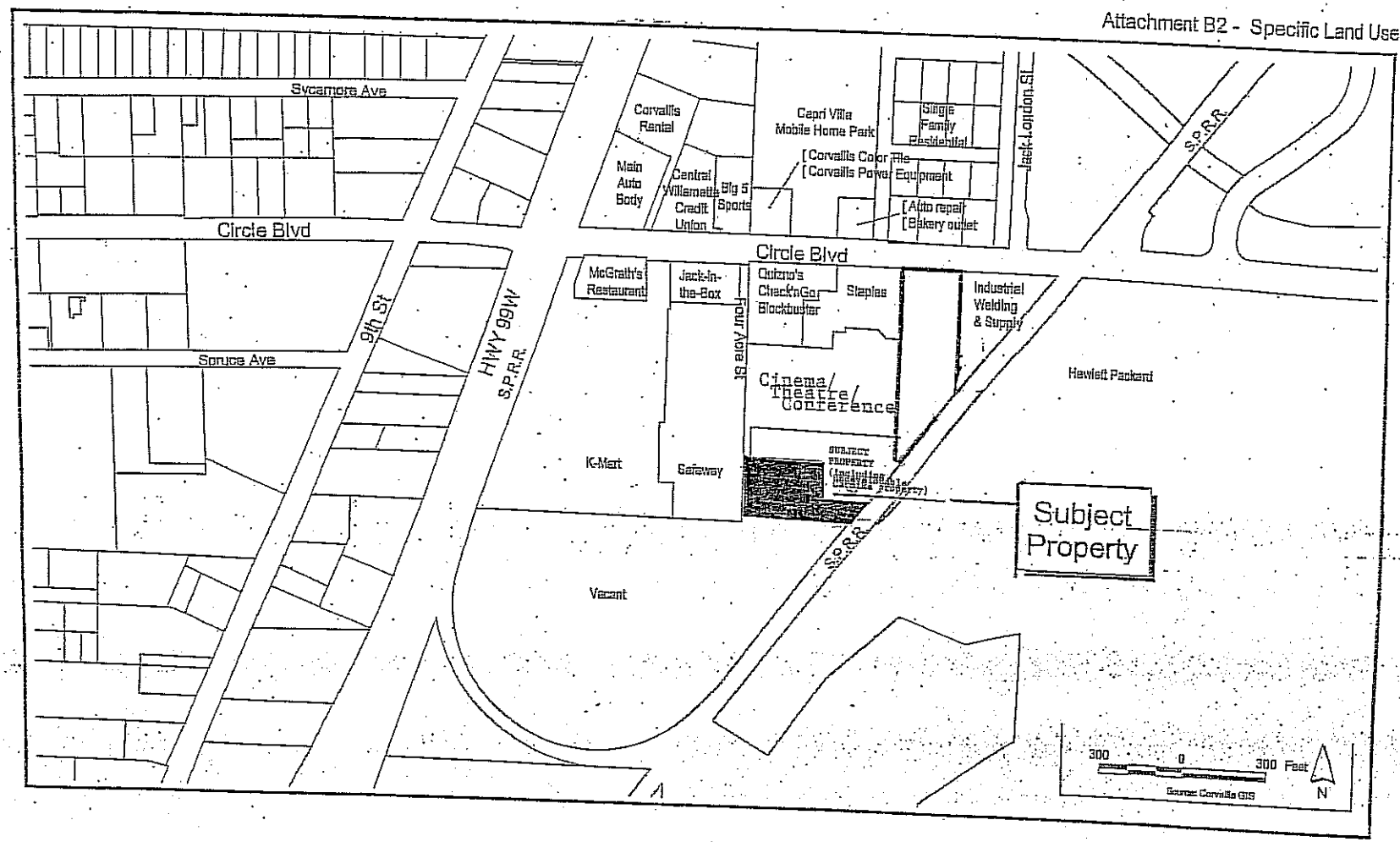
Attachment A - Vicinity Map



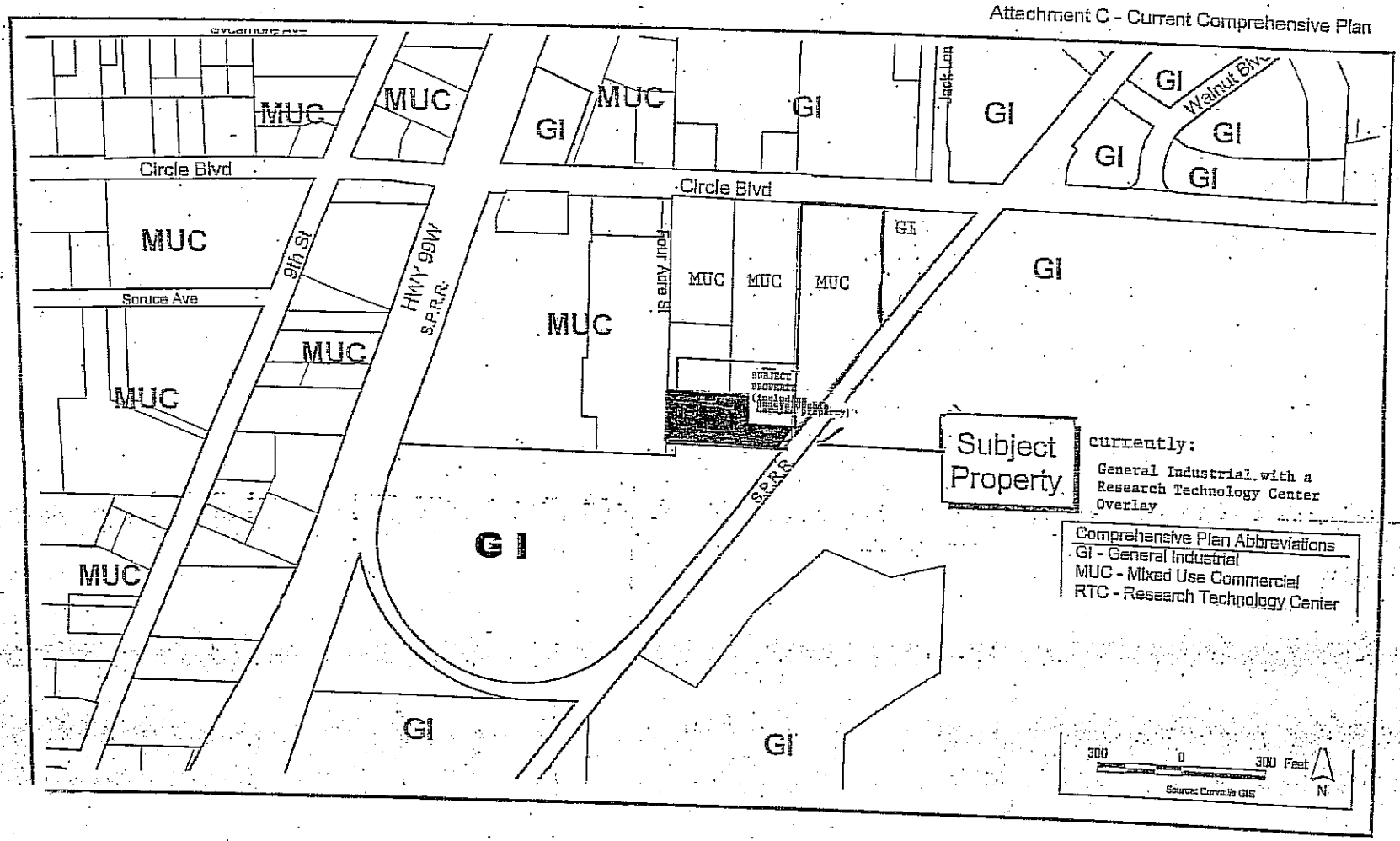
Attachment B1 - Surrounding Land Uses



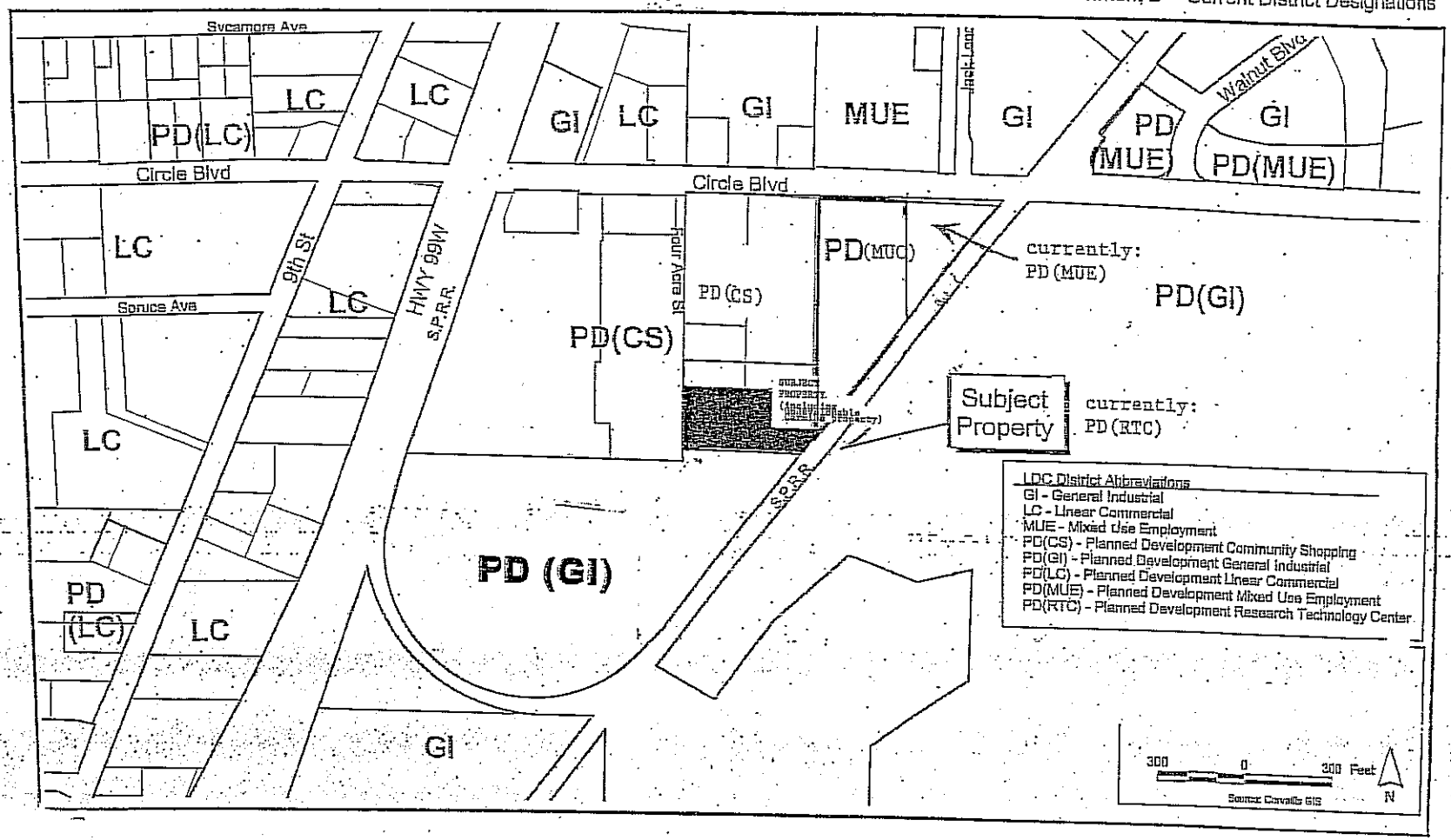
Attachment B2 - Specific Land Uses



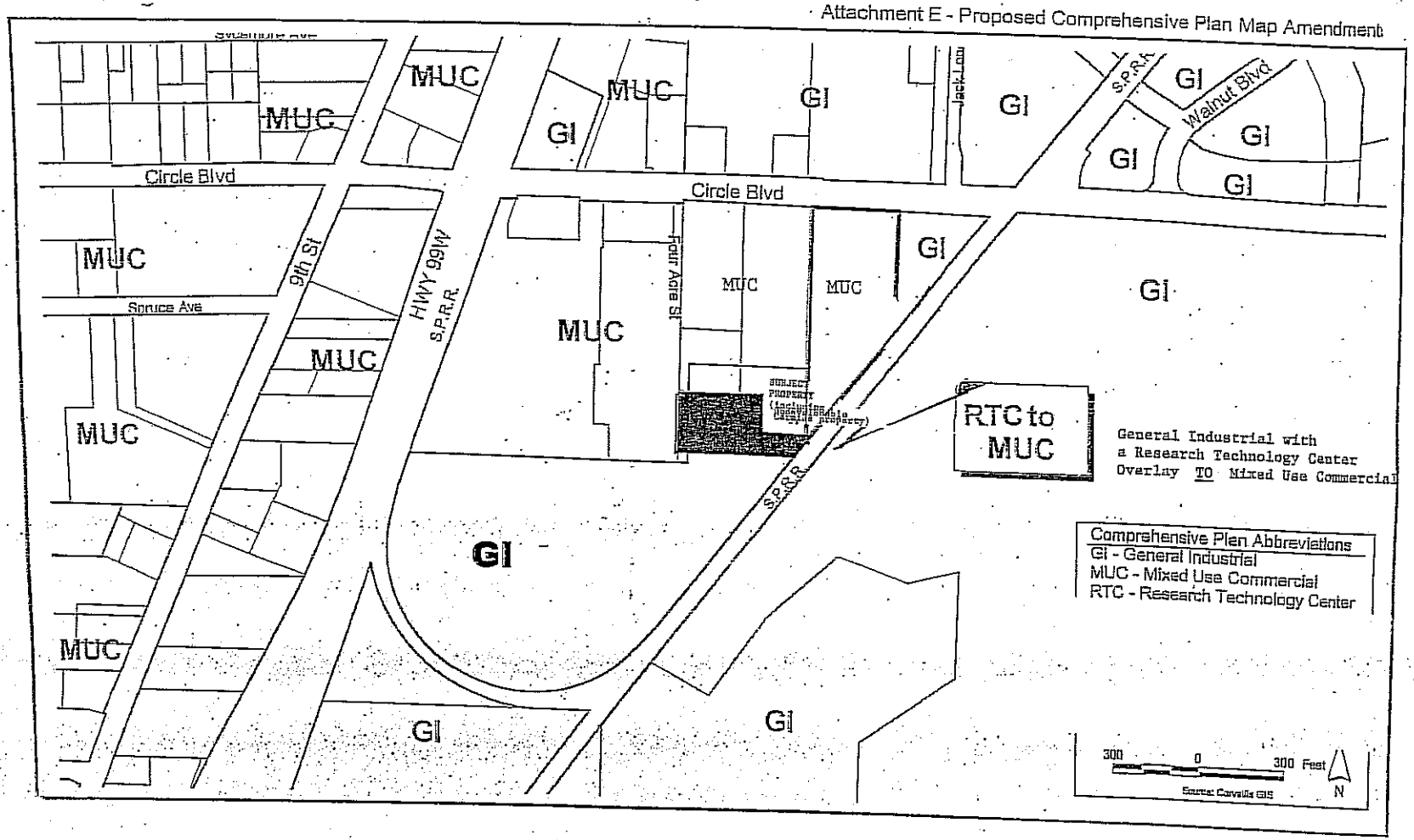
Attachment C - Current Comprehensive Plan



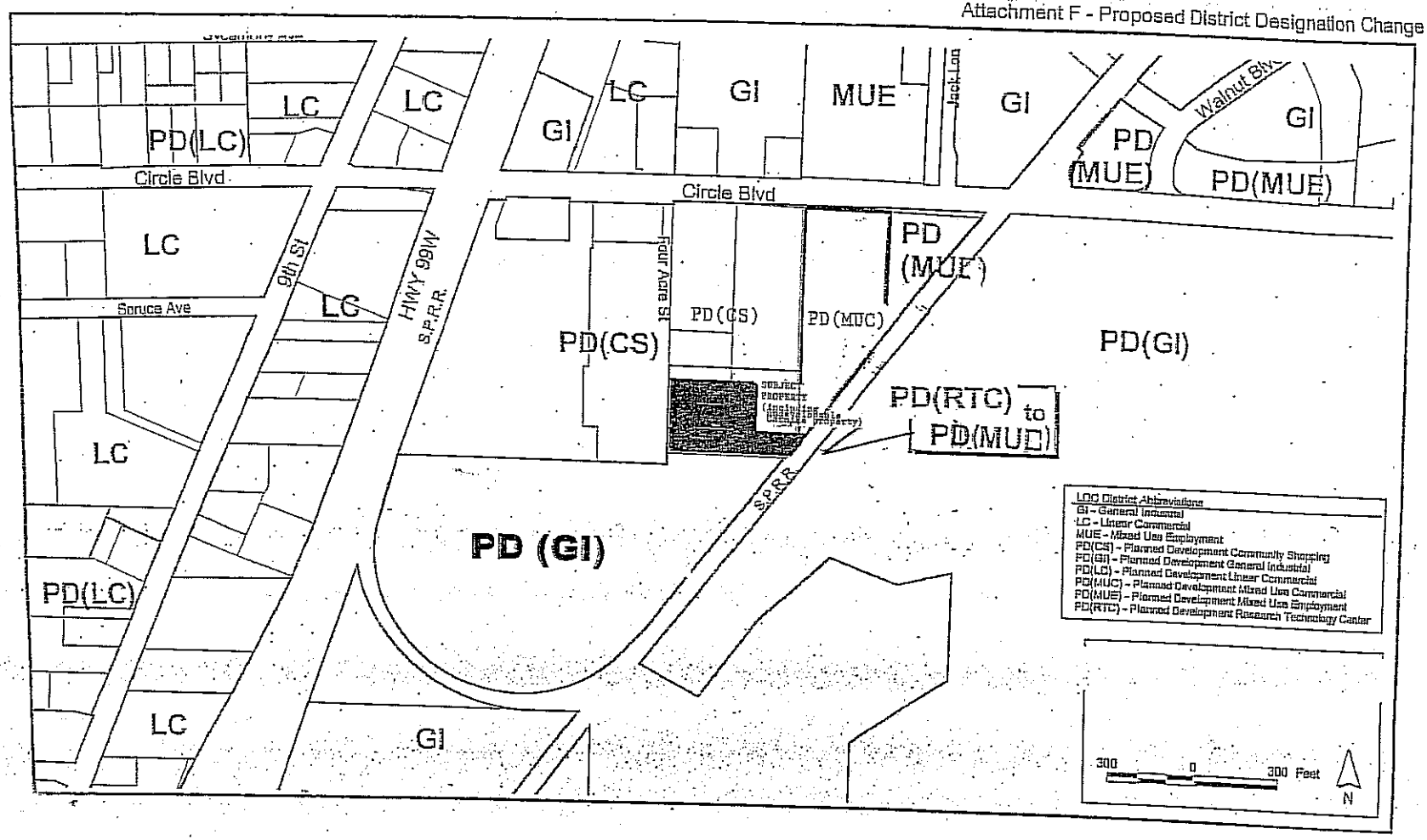
Attachment D - Current District Designations

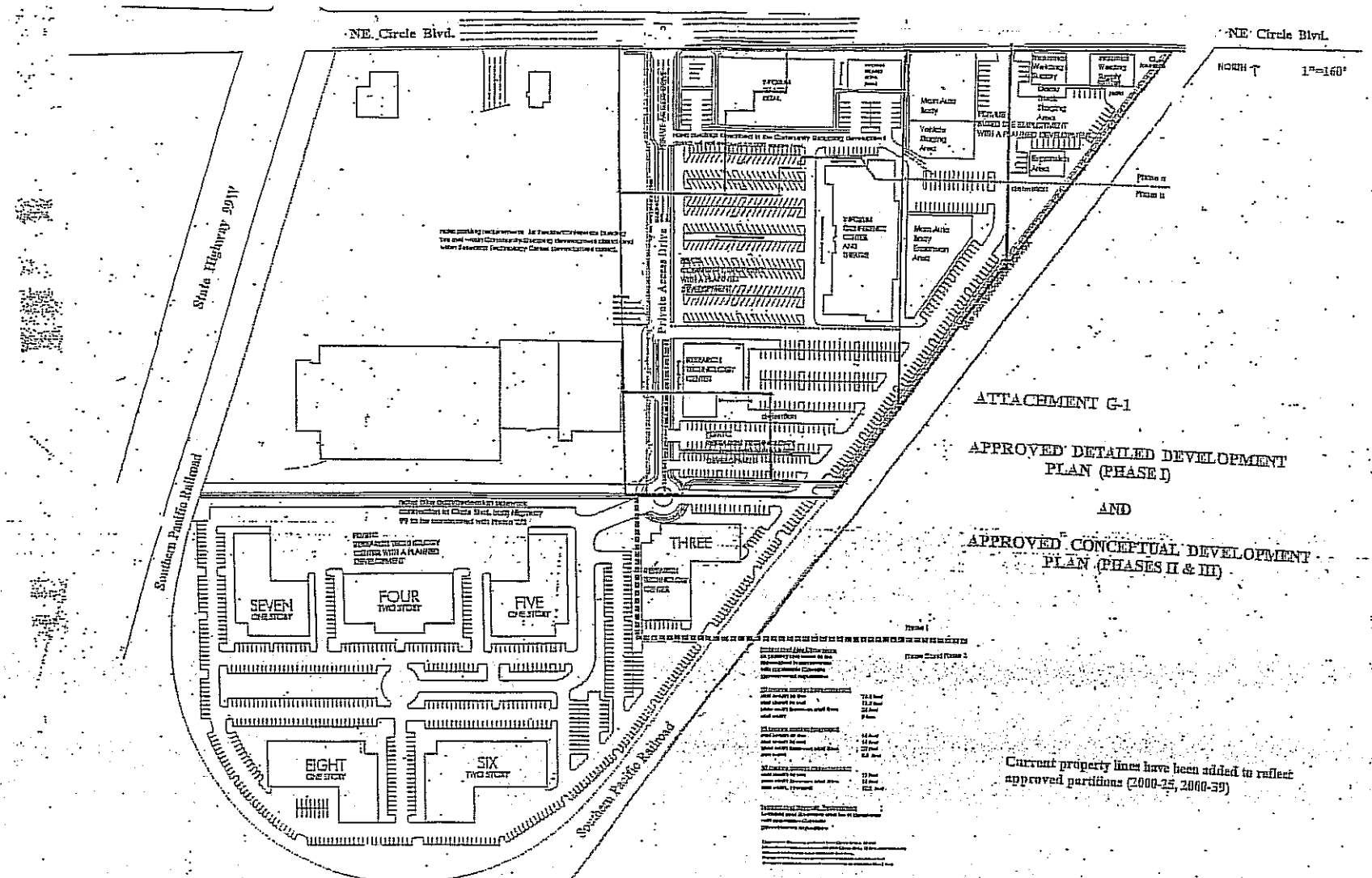


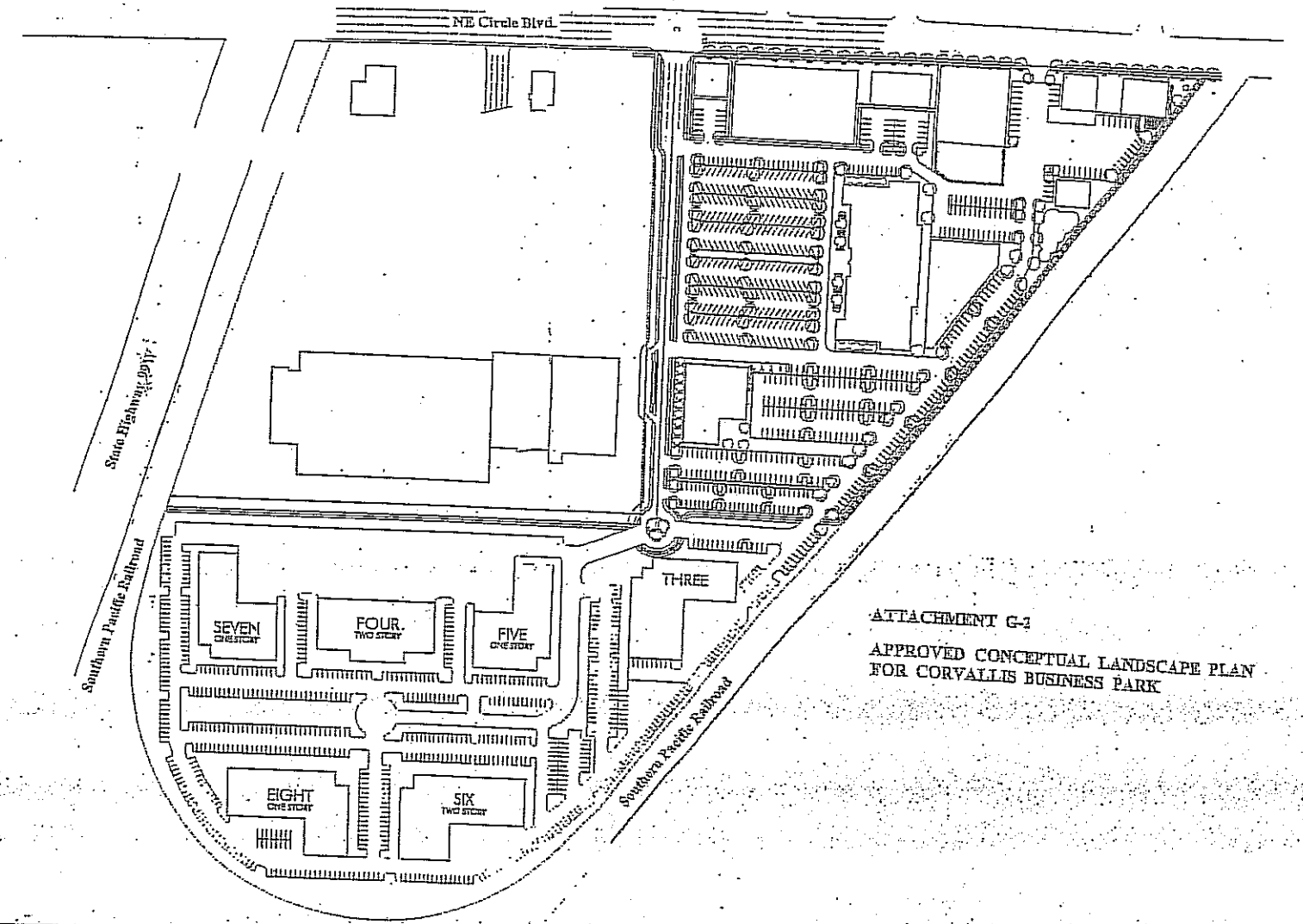
Attachment E - Proposed Comprehensive Plan Map Amendment



Attachment F - Proposed District Designation Change




NE Circle Blvd.
NE Circle Blvd.
NORTH
1"=160'
State Highway 99W
Southern Pacific Railroad
Southern Pacific Railroad
Private Access Drive
THREE
SEVEN
ONE STORY
FOUR
TWO STORY
FIVE
ONE STORY
EIGHT
ONE STORY
SIX
TWO STORY
ATTACHMENT G-1
APPROVED DETAILED DEVELOPMENT PLAN (PHASE I)
AND
APPROVED CONCEPTUAL DEVELOPMENT PLAN (PHASES II & III)
Current property lines have been added to reflect approved partitions (2000-25, 2000-39)



ATTACHMENT G-2

APPROVED CONCEPTUAL LANDSCAPE PLAN
FOR CORVALLIS BUSINESS PARK

Attachment H - Topographic and Natural Features

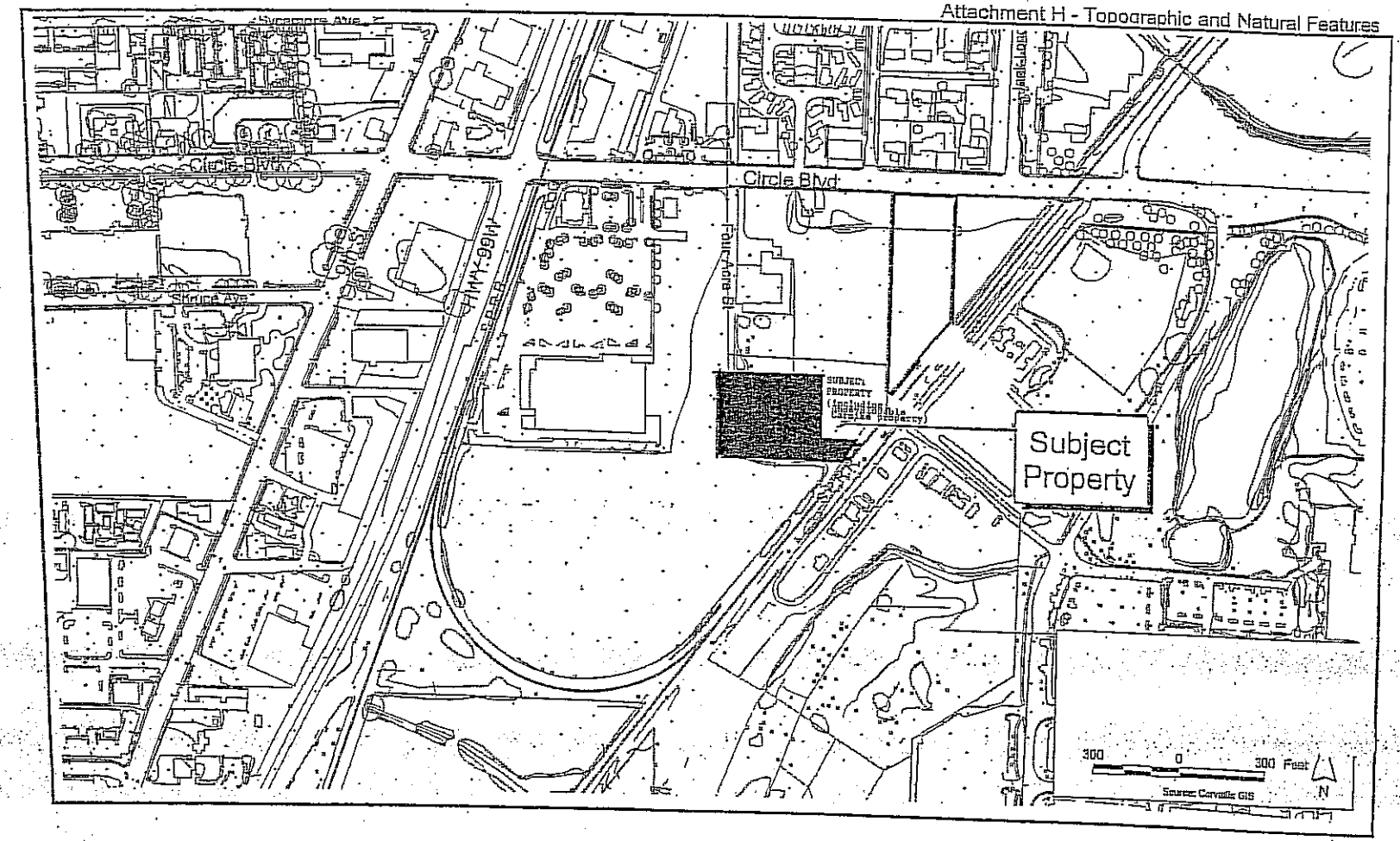


EXHIBIT K

Alternative storm-drainage easement
All easement locations are approximate and proximate but not exact
0
240
SANITARY SEWER EASEMENT FOR FUTURE CONNECTION (public)
Toledo Branch Railroad
Railroad
BLDG. 4
FFE=224.00
WATERLINE AND EASEMENT TYPICAL
STORM EASEMENT FOR FUTURE CONNECTION (private)
WATER EASEMENT FOR FUTURE CONNECTION (public)

RECIPROCAL EASEMENT AGREEMENT
AND ASSOCIATION AGREEMENT

THE STATE OF OREGON §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BENTON §

#37155b

AFTER RECORDING RETURN TO:
OREGON TITLE INSURANCE CO

This instrument, creating certain reciprocal easements and imposing restrictive covenants on adjacent Tracts of land in Benton County, Oregon, is entered into by and between SDC-W-Ecircle, Ltd. a Texas Limited Partnership ("Schlosser") and Carmike Cinemas, Inc. ("Carmike") and Kathryn Brandis ("Brandis"). Schlosser has conveyed (by lease or otherwise) to Carmike a Tract of real property (hereinafter called "Tract A") shown on Exhibit A attached hereto, incorporated herein and made a part hereof for all purposes. Schlosser retains Ownership in (and/or will immediately convey all or a portion of one or both of the) two adjacent Tracts (hereinafter called "Tracts B and C" and collectively called the "Building Sites") also shown in Exhibit A, incorporated herein and made a part hereof for all purposes. An affiliate of Walter Gasser ("K-Mart") is the Owner of a Tract adjacent to Tracts A and B and C (the "K-Mart Tract"). Tracts A, B, and C (and adjoining Lots are shown on the sketch attached hereto as Exhibit X which is incorporated herein by reference. Schlosser and Carmike and Kathryn Brandis, the prospective partial owner of Tract C; desire to create arrangements whereby Tracts A, B, and C may be used and operated in a compatible manner notwithstanding changes of Ownership in any of the Tracts or any part or part(s) of the Tracts; including any change of Ownership by foreclosure of any existing or future lien on any of such Tracts (or part or part(s) of such Tracts).

Definitions: As used in this document:

(a) "Schlosser," "Carmike", "Brandis", "K-Mart," "Tract A", "Tract B", and "Tract C," the "Kmart Tract", and "Building Sites" shall have the meanings given to them above.

(b) Schlosser, Carmike, Brandis, and their respective successors and assigns in Ownership of the various Tracts are referred to herein as the "Owners" (or singly as an "Owner") of a Tract.

(c) Tracts A, B, and C may be referred to jointly as the "Tracts" or singularly as a "Tract."

(d) Agreement means this Reciprocal Easement Agreement and Association Agreement.

(e) "Driveway Easement" shall have the meaning given in Section 1 below.

(f) "Parking Areas" shall have the meaning given in Section 4 below.

(g) "Sign Easement" shall have the meaning given in Section 10 below.

1. Access. There are hereby created, for the benefit of Owner or Owners of Tract A and Tract B and Tract C, easements for passage and parking over and across those driveways shown on Tract(s) A,B, and C on the sketch attached hereto as Exhibit X from the adjacent public streets (Circle Boulevard). Such easements shall be non-exclusive and the Owner of the Tracts which is affected by this Driveway Easement, and their employees, tenants and their respective customers and invitees shall have the right to use such driveways, in common with all the other owners of the other Tracts, their tenants and their respective employees, customers and invitees. The easements created by this paragraph (and the area encumbered thereby as the context requires) may be referred to herein as the "Driveway Easements."

2. Maintenance of Driveway Easements Areas. The Owner of Tract B shall maintain the Driveway Easements and associated curb cuts in paved, level and passable condition. The Owner of Tract B may repair any potholes and repave such areas as necessary so that they may be used for passage of vehicular and pedestrian traffic. No improvements or buildings may be located upon the area encumbered by the Driveway Easements other than curbs, traffic control and directions signs appropriate for the intended use of such areas as defined herein.

7. Parking. After parking improvements are constructed (as permitted by applicable governmental authority), the Owner of each Tract shall mark parking spaces within the Parking area on such Owner's Tract in substantially the manner shown on Exhibit X (as to location of spaces, orientation of aisles and spaces and other features shown on Exhibit X hereto). This requirement shall be independent of any requirement of the City of Corvallis or other governmental authority having jurisdiction of buildings or parking.

8. Maximum Height. No building on Tract B shall exceed the height of 18 feet above natural grade level or the height of the Staples building. No building on Tract A may exceed one story in height. However, a building on Tract B may have a mezzanine; and, the building on Tract A may exceed one story in height (as long as it is being operated as a theatre), but, in that event, shall not exceed the height of 45 feet above natural grade level.

9. Maximum Size of Building on Building Sites. No building or building(s) on Tract B shall exceed a cumulative total of 40,000 square feet of enclosed, heated and air conditioned building area. No building or building on Tract C, as expanded shall exceed a cumulative total of 20,000 square feet of enclosed, heated and air conditioned building area. The theatre described on Tract A shall not have more than 1,800 seats and/or exceed 45,000 square feet of enclosed, heated and air conditioned building area. However, the theatre auditoriums described on Tract A shall not exceed a cumulative total of 40,000 square feet. All building on the Tracts (including the "IWS Bldg" as shown) shall be constructed only within the areas therefor shown on Exhibit X or otherwise narratively indicated on such Exhibit X (s).

10. Sign Locations. Pursuant to the Corvallis Land Development Code, the Owner(s) of Tract A, Tract B, and Tract C are each permitted to construct mounted-building-signage and pylon-panel-signage. Such Corvallis Land Development Code imposes a cumulative limit of total mounted-building-signage and pylon-panel-signage (the "cumulative-total-signage") for Tract(s) A, B, C, and the adjoining two tracts (described as Lot 1 and Lot 2), all described on Exhibit A which is agreed by all of the Owners to be 1,500 square feet of signage (or that permitted by code, if less.)

It is agreed between the Owners that the Owner of Tract A, Tract B, and Tract C shall be allocated a total amount of mounted-building-signage and pylon-panel-signage based on the proportion of the total square feet of each building to be constructed on each of Tract A (45,000 square feet), Tract B (40,000 square feet) and Tract C (20,000 square feet) to the total square feet of all of the buildings shown on Exhibit A (which is agreed by the Owners of all of the Tracts shall be 148,180 square feet ("Cumulative Square Feet"), multiplied by the cumulative total signage; each product being hereinafter referred to as that respective "Owners Sign Allotment"

(Therefore, for example, if the cumulative-total-signage is 1000 square feet of signage; and if an Owner of a Tract is permitted to construct 10,000 square feet of building; and the Cumulative Square Feet is 100,000 square feet; then that Owner may construct 10% of the cumulative-total-signage which would be that Owners Sign Allotment; --in this example; equaling a total of 100 square feet of signage including mounted-building-signage and pylon-panel-signage.) Other than mounted-building-signage and signage mounted on the interior of a building(s), no sign shall be permitted on Tract A or any Building Site other than traffic directional signs for the use of the Parking Areas therein and signs advertising the businesses located thereon or the products sold by such businesses. Specifically, no billboard or pylon signs for general advertising purposes shall be permitted on either Tract A or any Building Site.

Notwithstanding the foregoing, to the contrary, there is hereby created for the benefit of the Owner of Tract A and Tract C and their respective successors and assigns, a single "Sign Easement" upon portions of Tracts B. Such "Sign Easement" shall be located on that portion of Tract B within twenty (20) feet of the common boundary of such Tract and Circle Boulevard, as shown in Exhibit X, as determined

their proportionate part (as hereinafter defined) of the insurance premiums and all ordinary and necessary expenses described of all of Tracts, to the Owner of Tract B for performing such services together with a management or administrative fee of 10% thereof to the Owner of Tract B. Such sums shall be payable periodically as invoiced to the Owners of Tract A and Tract C, but not more often than monthly. Each such invoice shall contain a reasonable accounting together with reasonable back-up data as to the amount of the expenditures made for which reimbursement is requested. Any Owner may request an audit of all described reimbursable for the last preceding twelve (12) months. Upon such request, the Owner of Tract B shall be required to allow the Owner requesting such audit to conduct an audit at the offices of the Owner of Tract B during normal business hours. The proportionate part to be paid by the Owner (or applicable partial Owner) of each Tract shall be the fraction, the numerator of which is the number of square feet of building area actually built on such (or applicable portion of each) Tract for which a calculation is being made ; and the denominator of which is the sum of the maximum allowable building area actually built (whether occupied or not) on Tracts A, B, and C (approximately 100,000 square feet).

24. Association. The association of Owners referred to herein is not a legal entity, joint venture or partnership and the Owners have not entered into any such joint venture or partnership between them by this Agreement or their actions under this Agreement. The provisions of this Agreement shall not make the Owners joint venturers or partners or in any way be construed or deemed to make any Owner liable for the debts or obligations of any other Owner. The provisions of this Agreement shall not be deemed or construed to make any Owner liable as an owner or person in control of any Tract which such Owner does not own, except to the extent that liability may be imposed for a failure to perform the specific acts or duties applicable to such Tract (which the Owner does not own) imposed by this Agreement.

25. Miscellaneous. The Owners of Tract A, B, and C agree to cooperate to partition, subdivide, and /or plat each of Tracts A, B, and C as they are described or with minor lot line modifications.

The Owner of Tract A agrees to improve the auditoriums with minor cctv amenities in order to enter into so-called four -wall deals on reasonable terms with organizations and businesses in the metro-Benton County, Oregon region

This agreement is executed in multiple counterparts, each of which shall be deemed an original this 20 day of Sept 1999.

"SCHLOSSER"

SDC-W-ECircle, a Texas Limited Partnership

By: _____

"CARMIKE"

Carmike Cinemas, Inc.

By: _____ SVP

"BRANDIS"

by _____

Kathryn Brandis

THE STATE OF OREGON
COUNTY OF BENTON

This instrument is acknowledged before me on this the 24 day of Sept, 1999 by Kathryn Brandis on behalf of Hersep.

Marcy Taisey
Notary Public

MARCY TAISEY
Name - Typed or Printed

4/15/01
Date Commission Expires

OFFICIAL SEAL
MARCY TAISEY
NOTARY PUBLIC - OREGON
COMMISSION NO. 300213
MY COMMISSION EXPIRES APRIL 15, 2001

THE STATE OF GEORGIA
COUNTY OF MUSCOGEE

This instrument is acknowledged before me on this the 20th day of September 1999 by F.LEE CHAMPION,III on behalf of CARMIKE CINEMAS, INC.

Linda Day
Notary Public

LINDA DAY
Name - Typed or Printed

August 30, 2003
Date Commission Expires

THE STATE OF OREGON
COUNTY OF BENTON

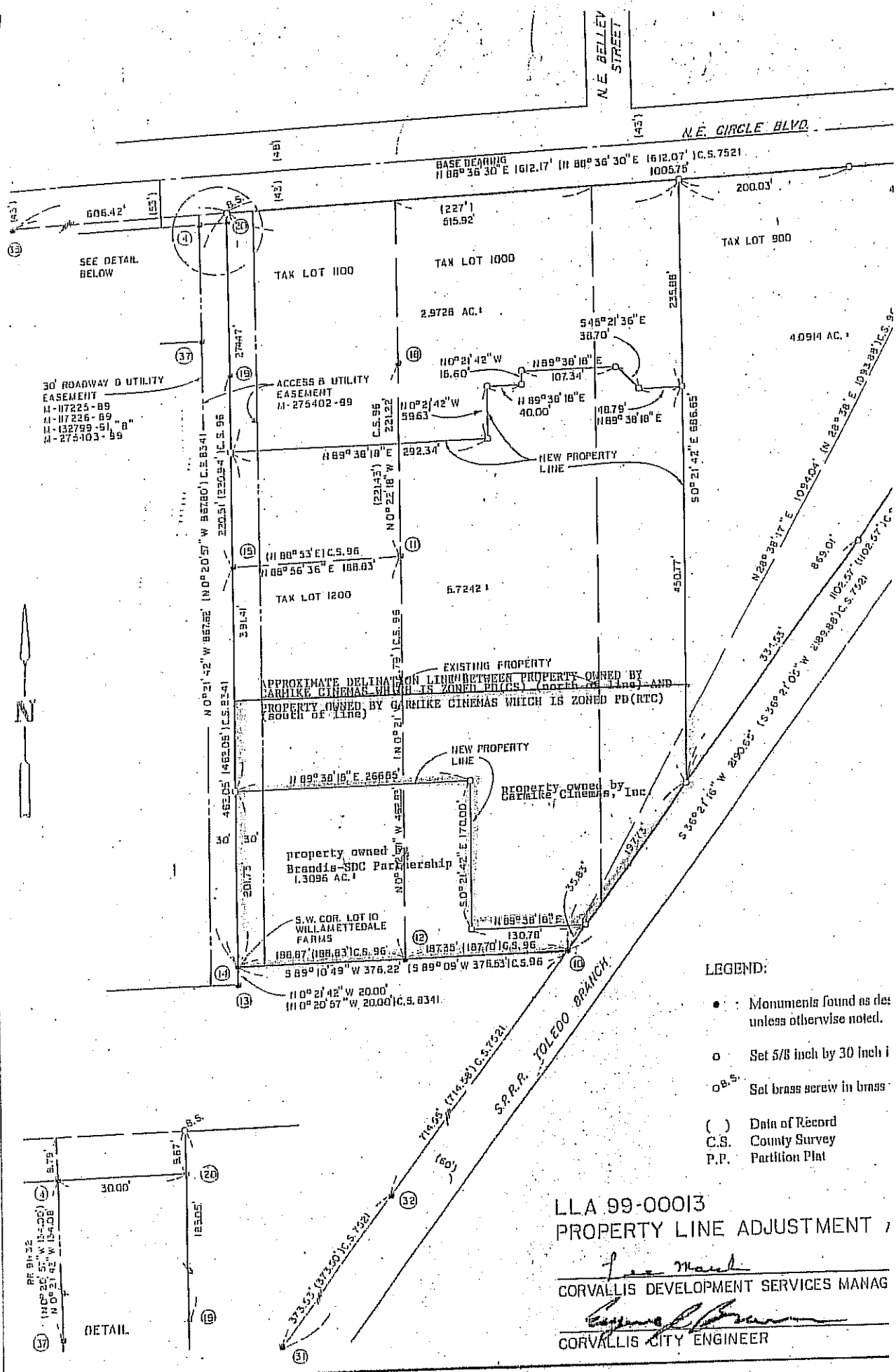
This instrument is acknowledged before me on this the 27 day of OCT, 1999 by ANDREW J Schlosser on behalf of SDC WEUCLE.

Marcy Taisey
Notary Public

Marcy Taisey
Name - Typed or Printed

4/15/01
Date Commission Expires

OFFICIAL SEAL
MARCY TAISEY
NOTARY PUBLIC - OREGON
COMMISSION NO. 300213
MY COMMISSION EXPIRES APRIL 15, 2001



LLA 99-00013
PROPERTY LINE ADJUSTMENT

CORVALLIS DEVELOPMENT SERVICES MANAG

CORVALLIS CITY ENGINEER

BLUEPRINT REORDER NO 172851

Exhibit X

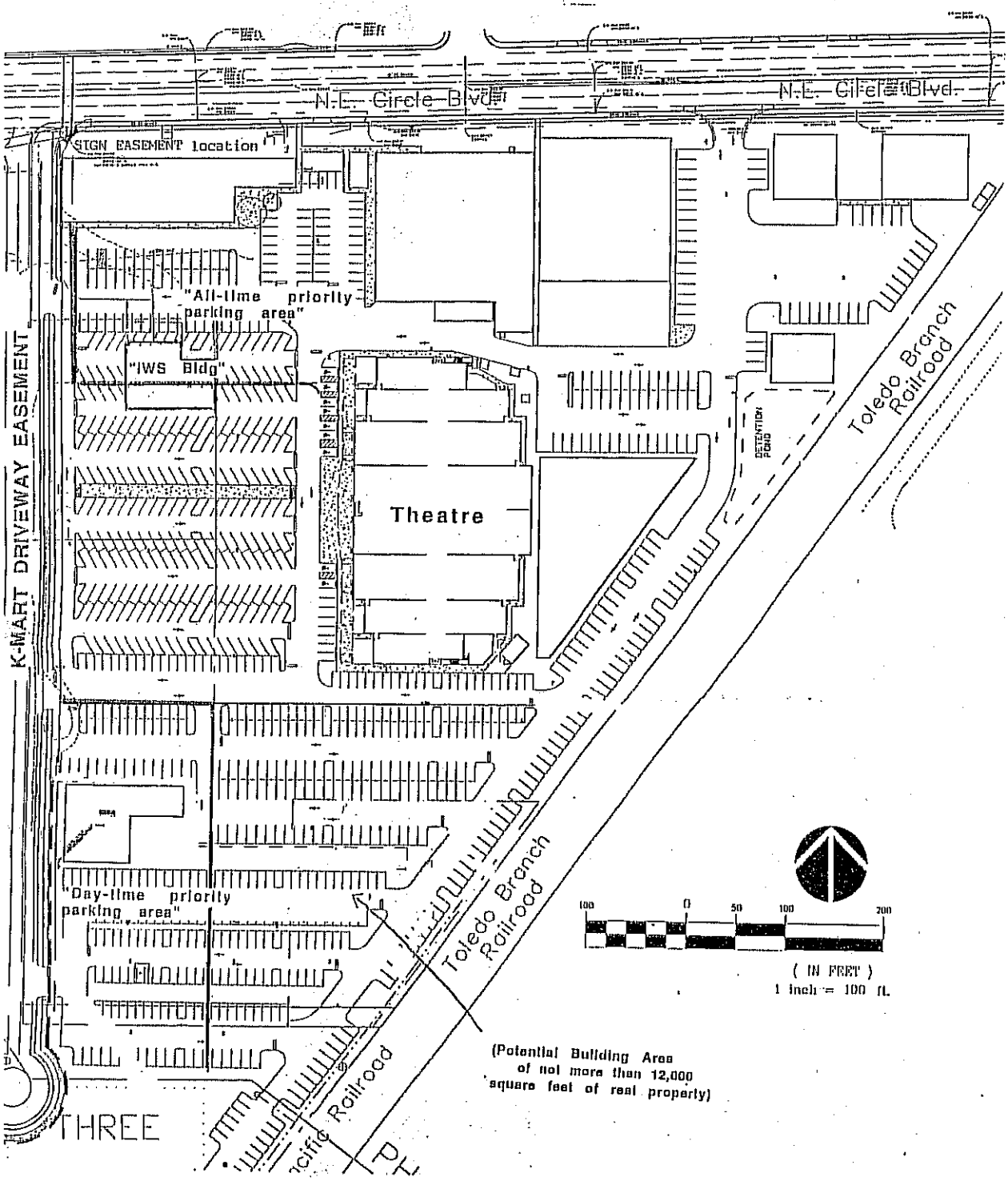


Exhibit X (continued)
for Metes and Bounds
Description of
K-Mart Driveway Easement

NOTES:
* driveways are designated as arrows.
* "McFadden" property located south of Tract(s) A and C
* Owner of Tract B may revise final shape of building(s) shown in Tract B