



**CITY OF ALBANY  
HEARINGS BOARD  
City Hall Municipal Court, 333 Broadalbin Street  
Thursday, April 12, 2012  
4:15 p.m.**

**MINUTES**

Hearings Board Members present: Cordell Post; Dala Rouse, Michael Styler  
Staff present: David Martineau, Planner; Anne Catlin, Planner, Tari Hayes, Administrative Assistant  
Others Present 12 guests

**CALL TO ORDER**

Chair Dala Rouse called the meeting to order at 4:15 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**APPROVAL OF MARCH 2012 MINUTES**

The Board approved the minutes from March 2012 as drafted.

**QUASI-JUDICIAL PUBLIC HEARING, Case File VR-01-12**

Chair Rouse opened the public hearing at 4:16 p.m.

**DECLARATIONS:** None

**STAFF REPORT:**

Martineau presented the project staff report. The variance request is for a reduction in interior (south side) setback from 7.8 feet to 1.33 feet to accommodate a 7 x 20 foot canopy for the new two-story building at the Boys & Girls Club of Albany (ABGC). The applicant is the Boys & Girls Club of Albany and the location of the proposed center is 1215 Hill Street. Applications for a Conditional Use and two Adjustments to setbacks were approved by the Planning Commission on November 7, 2011.

Martineau went over the criteria for variance applications.

- 1) The property has unique or peculiar physical circumstances or conditions such as, irregular shape, width or depth; or exceptional natural or physical conditions such as topography, trees, native vegetation, wetlands, riparian areas, wildlife habitat, or drainage ways.**

The southern property line between the planned Boys & Girls Club building and the City's multi-use path property is slightly curved creating a situation where the building complies with the 10-foot setback standard for much of its length, but part of the building will encroach slightly into the interior yard setback area in three

places. In recognition of this, the Planning Commission approved a reduction of setback from 10 feet to 7.8 feet at a public hearing on November 7, 2011.

At its closest point, the canopy would be 1.33 feet from the southern property line, and about 15 feet from the edge of the City's multi-use path. The applicant states that there are unique physical circumstances that would create a hardship unintended by the Code if the standards are literally applied. This criterion is met without conditions.

**2) The proposal will be consistent with the purpose, overview, and description for the zone in which the property is located, and with the purpose of the Significant Natural Resource Districts, if applicable;**

The property is zoned RM (Residential Medium Density District). Last November, the Planning Commission determined that the new facility would be consistent with the purpose, overview and description of the RM zoning district and granted approval with conditions. The applicant feels that the canopy would add an attractive architectural feature as well as create a more visible entry to the building. Additionally, the property is not located within a Significant Natural Resource District. This criterion is met without conditions.

**3) If more than one variance is requested, the cumulative effect of the variances results in a project that is still consistent with the purpose, overview and description of the zone.**

The applicant is only requesting one variance. This criterion is met without conditions.

**4) The requested variance is the minimum necessary to address the peculiar or unusual conditions of the site;**

The applicant states that a canopy measuring 7 x 20 feet (140 square feet) is the minimum size that will provide adequate cover for individuals entering or leaving the facility or for those waiting to be picked up. This criterion is met without conditions.

**5) Any impacts resulting from the variance are mitigated to the extent practical; or**

The applicant states that the proposed canopy is adjacent to the City's multi-use path and will not impact adjacent residences or businesses in any way. No impacts from the canopy have been identified, therefore no mitigation is proposed. This criterion is met without conditions.

**6) Application of the regulation in question would preclude all reasonable economic use of the site.**

This criterion would only apply in cases where regulations were so strict that it would prohibit all reasonable economic uses, therefore it is not applicable.

Staff recommends approval of Variance VR-01-12 to allow a 1.33' setback along the southern property line abutting the city's multi-use path parcel in order to place a 7 x 20' canopy over the building's main entrance without conditions.

APPLICANT TESTIMONY:

Bob Speaker, 2815 Pine St. Albany, representative for ABGC, presented an update of the building footprint. He noted the variance to allow the canopy will provide an important function to covering the main entrance; it breaks up the architecture of the building; and there will still be between 15 and 20 feet to the paved path.

Chair Rouse closed the public hearing at 4:32 p.m.

BOARD DISCUSSION: None

MOTION: Post moved to approve the application; Styler seconded it.

VOTE: Motion **passed** unanimously.

**CONSOLIDATED QUASI-JUDICIAL PUBLIC HEARING, Case Files CU-03-12; SP-04-12; & LA-01-12**

Chair Rouse opened the public hearing at 4:35 p.m.

DECLARATIONS: None

**STAFF REPORT**:

Catlin presented the staff report. The proposal is a Conditional Use application to construct a 28,471 square foot, 32 unit/44 bed expansion to the Wynwood/Brookdale Senior Living facility together with a Site Plan Review-Tree Felling to remove 12 trees, and a Tentative Replat to consolidate 6 lots into 3 parcels, adding a total of 0.95 acres to Tax Lot 502 from Tax Lots 503 (0.66 acres), 508 (0.09 acres) and 506 (0.2 acres). The applicant is AHC Villas Wynwood of Courtyard LLC and the location of the proposed facility is 2445 Geary Street SE.

The existing assisted living facility on the site was approved in 1996. The facility has 70 units in a two-story, 53,000 square-foot building. Wynwood owns Courtyard Villas at Albany to the south, independent senior living units constructed in the mid 1980s.

Catlin went over the criteria for conditional use applications.

**1) The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.**

The proposed development will be located on a parcel that is zoned both RS-6.5 (Residential Single Family) and RM (Residential Medium Density). The intended character of these zoning districts is primarily residential, with institutional type uses allowed through the conditional use process. The proposed development is an expansion of an existing senior living facility and is located north of another senior living development. The neighborhood has a mix of residential and institutional uses. The proposed memory care facility will be consistent with the operating characteristics of the neighborhood. This criterion is met without conditions.

**2) The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping or other design features.**

Size, Scale, Style - The proposed new building expansion is designed to be compatible in materials, design and scale to the existing building and the adjacent senior housing to the south.

Intensity – Setbacks and Lot Coverage - The proposed development will provide more than the minimum required common open space for the residents.

Building Design Standards - The proposed memory care facility is a hybrid of a multiple-family and institutional/ or commercial medical use.

General Site Landscaping - All required front and interior setback yards must be landscaped before an occupancy permit will be issued. A landscape plan submitted with the application shows no new landscaping in the front setback and very little landscaping along the interior lot lines. The existing trees and landscaping will be preserved. No landscaping is shown on the east side of the property in a required buffer yard.

Staff concluded that this criterion could be satisfied with the following conditions of approval:

- An updated landscaping plan must be submitted for review and approval prior to the City issuing building permits. The plan shall specify the types and sizes of plant materials. Plans must also demonstrate compliance with all standards in Article 9. The landscaping plan should include parking lot and buffer landscaping, screening, and general landscape plans.

**3) The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.**

The public street frontage along the site is constructed to city standards. Albany's Transportation System Plan (TSP) does not identify any level of service or safety problems along the frontage of the site. The development is expected to generate about 117 vehicle trips per day. Of those, about 10 will occur during the peak pm traffic hour.

Parking - Geary does not have on-street parking; however, no on-street parking impacts are expected from the development. The public street system can accommodate the proposed development.

The Brookdale/Wynwood facility requires 36 spaces. The Clare Bridge expansion requires 25 spaces, so 61 spaces are needed and 61 spaces are provided. No bicycle spaces are shown; staff proposes 5 be provided. None of the residents in the memory care facility will drive. There will be 20 employees on the site at shift change, so 20 spaces are provided for employees and 5 visitor spaces are provided. The parking stalls meet the code minimum dimensions.

Codes require walkways be provided connecting building entrances and streets adjoining the site. The site plan shows pedestrian connections between the two buildings, around the buildings and between the parking lot and the buildings. The applicant proposes to use the existing sidewalk from the Brookdale building to Geary Street

Staff concluded that this criterion can be met with the following conditions.

- The applicant shall submit evidence of a reciprocal access easement and maintenance agreement for shared use of the access driveways.
- The applicant shall provide at least 5 bicycle parking spaces in accordance with ADC 9.120(13).
- The site plan shall be modified to show a striped crosswalk connecting the existing sidewalk on the south side of the entrance driveway to the sidewalk in the parking lot planter in front of the existing Wynwood/Brookdale building.

**4) Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.**

There is an existing 30-foot wide public utility easement that lies over the public sewer and water mains that run through the site. Along with transferring ownership of the sewer main to the property owner, the applicant must provide new public easement descriptions for any modifications to the easements that will result from this ownership transfer.

Modifications to the public utilities are required because the applicant is proposing to locate the new addition in an area where existing public sewer and water mains lie. The existing public sewer main that lies within the property will become a private sewer line east of the manhole near the site's Geary Street access driveway. The portion of the public water main that lies in the area of the proposed addition must be abandoned and a new public water main must be constructed around the addition to a point near the existing terminus; generally as shown on the applicant's preliminary submittal. The existing public utility easement that covers the public

sewer main must be eliminated, and new public utility easements granted to cover the public water facilities within the site.

Staff concluded that this criterion can be satisfied with the following condition:

- Before the City will issue building permits, the applicant must construct a public water main around the perimeter of the south portion of the proposed addition. This extension will allow for the abandonment of the existing public water main that lies within the area of the proposed structure. New public utility easements must be provided by the applicant to reflect the ownership transfer of the sewer main and the location of the existing and new public water facilities within the property. The final design of the public water line improvements, including pipe sizes and alignments, must be reviewed and approved by the City of Albany Engineering Division.

**5) The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: Noise, glare, odor, litter, or hours of operation; Privacy and safety issues.**

The proposed use is not expected to negatively impact the livability, privacy or safety of neighboring residential properties due to noise, glare, odor, litter, or hours of operation. Hours will be morning to early evening. No changes are proposed that would create new privacy and safety issues.

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**6) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.**

The site does not fall within the overlay districts but is near Periwinkle Creek riparian corridor.

**SP-04-12 - Site Plan Review – Tree Felling Review Criteria**

Catlin summarized the tree felling review criteria in the staff report. The proposal is to fell existing landscape trees where the building expansion is proposed in accordance with the conditional use. The property is located in the city limits and its zoning allows for the proposed development. All trees outside of the construction area will be retained, including mature landscaping along Geary Street and the north property line near Periwinkle Creek. The removal of trees on this property will not negatively impact the environmental quality of the area. The site layout has been maximized to retain the significant trees on the west and north property lines. None of the trees are unique, historic or heritage trees. Numerous trees of the same species will be preserved on site. These criteria are met without need for conditions.

**LA-01-12 Land Division Criteria**

Catlin reviewed the following tentative plat criteria:

**1) Development of any remainder of property under the same ownership can be accomplished in accordance with this code.**

The property line adjustment will consolidate 6 tax lots into 3 reconfigured parcels, relocating the east and south property lines of Parcel A. The remaining undeveloped land in the same ownership is shown on the plat as Parcel B. Development of Parcel B can be accomplished in accordance with the ADC and the current RS-6.5 zoning district standards.

**2) Adjoining land can be developed or is provided access that will allow its development in accordance with this code.**

All of the adjoining land has access to public streets.

**3) The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.**

No new streets are proposed with the development. The TSP does not identify any capacity issues.

APPLICANT TESTIMONY:

Ed Johnson, 1130 James Dr. Hartland, WI - a representative for Wynwood spoke briefly on the project. Wynwood is a community that handles assisted living; Clarebridge is a community for dementia and Alzheimer's.

PUBLIC TESTIMONY:

Merle Bunch- 2425 SE Columbus, Albany, OR – expressed no objection to the building, but would like them to clear the rest of the big vacant lot to the east of the property. There is a transient population and lots of garbage.

The applicant will meet with Mr. Bunch after the meeting. The area referenced was planned to be environmental. The development is not in the area referenced by Mr. Bunch and it would be challenging to clear the site because it would require a tree felling application.

Rouse recommended having it posted; Mr. Bunch said they pull them up. Styler suggested forwarding this issue to the code compliance team.

Chair Rouse closed the public hearing at 5:10 p.m.

BOARD DISCUSSION: None

MOTION: Post moved to approve with conditions; Styler seconded it.

VOTE: Motion **passed** unanimously.

ELECTION OF OFFICERS:

Post made a motion for Rouse to remain as chair, Styler seconded and it passed unanimously. Post made a motion for Styler to be Vice-chair, Rouse seconded and it passed unanimously.

NEXT MEETING DATE: T/B/D

ADJOURNMENT

Hearing no further business, Chair Rouse adjourned the meeting at 5:13 p.m.

Submitted by,

*Signature on File*  
Tari Hayes  
Administrative Assistant I