



**CITY OF ALBANY  
PLANNING COMMISSION  
City Hall Council Chambers, 333 Broadalbin Street  
Monday, August 27, 2012  
5:15 p.m.**

**MINUTES**

Planning Commissioners present: David Faller; Dala Rouse; Lolly Gibbs; Dave Wood; Cordell Post; Larry Tomlin; Kristin Richardson; Michael Styler

Planning Commissioners absent: Kate Foster (Excused)

Staff present: Heather Hansen, Planning Manager; David Martineau, Lead Current Planner; Tari Hayes, Administrative Assistant

Others present: 10 others in audience

**CALL TO ORDER**

Chair Faller called the meeting to order at 5:15 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**COMMENTS FROM THE PUBLIC:** None

**CONSOLIDATED QUASI-JUDICIAL PUBLIC HEARING: CP-02-12 AND ZC-03-12**

Chair Faller opened the public hearing at 5:17 p.m.

**DECLARATIONS:** Wood declared a conflict of interest and stepped down.

Hansen summarized the meeting procedures.

**STAFF REPORT:**

Local Property Owner Bob Mitchell has applied for a Comprehensive Plan Map and Zoning Map amendment application to change the designation of 3.5 acres, which includes two separate parcels of land. The applicant proposes to change the Comprehensive Plan designation of the site from Light Commercial (LC) to General Commercial (GC) and change the zoning from Neighborhood Commercial (NC) to Community Commercial (CC). The property is across the highway from an apartment complex and neighborhood convenience store at Belmont and Pacific. Railroad tracks border the subject property to the east.

Martineau provided the review criteria for Comprehensive Plan and Zoning Map amendments. Additional information can be found in the staff report.

The staff analysis concluded the following:

- The requested General Commercial Plan designation for this site is consistent with the Statewide Planning Goals;
- The property is already classified as a commercial site. Changing the Comprehensive Plan map from Light Commercial to General Commercial for the 3.5 acres of land would have little impact on the overall inventory of commercial sites for future employment and commercial growth across the whole city;
- The CC zoning district allows for more of a variety of uses. The applicant has demonstrated that this site is the best site to meet demand for general commercial land versus the alternatives;
- The diversity of allowed commercial uses fits with the general mixed development pattern of the area;
- Existing or anticipated services can accommodate potential development within this area without adverse impact on the affected service area;
- In order to address the TPR, the applicant has proposed capping the number of new trips that could occur on the site under the new CC zone designation to the number that can occur under the current NC designation;
- Conditions of approval will limit future development to 209 net PM peak hour trip generation from the site, and the applicant shall record “Declaration of Covenants and Restrictions” that run with the land to ensure future development does not exceed the trip cap; and
- The intent and purpose of the proposed CC zoning district best satisfies the goals and policies of the Comprehensive Plan.

In summary, the proposal will likely have little to no impact in the Comprehensive Plan goals and policies and will not affect implementation of the Statewide Planning Goals. Therefore, the staff recommendation is approval with conditions of the Proposed Comprehensive Plan and Zoning Map amendments.

## CONDITIONS

- 2.1 Future development applications for the site shall be subject to a Trip Cap limiting the net PM peak hour trip generation from the site to 209.
- 2.2 The applicant shall record “Declaration of Covenants and Restrictions” that will bind all parties having or acquiring any right, title, or interest in the property as follows:
  - The property shall be subject to the Trip Cap imposed by the City through its conditions of approval on the Map amendments.
  - The property may not be used for any use(s) that will exceed the Trip Cap imposed by the City in its approval of the Map Amendments, unless and until the condition(s) of approval creating the Trip Cap is removed or otherwise amended through a subsequent decision of the City.
  - The Trip Cap may be applied by the City of Albany at the time of site plan or conditional use review for any proposed uses on the property.

Styler asked if the noise, smell, etc. will be different for the zone change. Martineau said there should not be more than in the existing zone.

Rouse asked what the peak hours of travel are, as referenced in the report. Martineau later stated that The Institute of Transportation Engineers (ITE) uses travel between 4 & 6 pm for peak times.

Richardson asked how the developer decides if the development will meet the cap or fall below. Martineau explained that during the site plan review, it's usually reviewed by the City's Transportation Engineer, who then calculates what the peak hour trips are.

#### APPLICANT'S TESTIMONY:

Bob Speaker, Applicant Rep., 2960 NW Marshall Dr, Corvallis – staff did an excellent job of presenting the application and they agree with everything presented. Speaker asked for the zoning map to be put back up, noting that the unique thing about the site is that there isn't really a neighborhood surrounding the property. They feel the site has more potential for cars than for people on foot.

#### PUBLIC TESTIMONY:

Ron Mayfield, 6123 Pacific Blvd. SW. - Mayfield came to find out more about the project. The staff report answered a question he had regarding sewers. He has some concern with the water on his land and storm drainage. He has a lake in the backyard in the wet season.

Brian Vendetta; Udell Engineering, 63 East Ash Street; Lebanon – Vendetta explained that drainage isn't usually taken care of until the property is developed. ODOT has a developed drain in street. The development will take care of the storm drainage questions.

STAFF RESPONSE: None

Chair Faller closed the public hearing at 5:51 pm.

#### PLANNING COMMISSION DISCUSSION:

Tomlin asked if there was a procedure to get a variance if the applicant needs to adjust the trip cap. Hansen stated that the cap was mainly used to appease ODOT, which means the applicant didn't have to complete a Transportation Planning Rule (TPR) study. Martineau responded that yes there is a variance option, but the applicant would have to complete a TPR study, and the applicant is agreeing to the cap.

Rouse: Say two community commercial developments were to be developed, and the applicant wanted to sell each piece, which property would the trip cap covenant go with? Martineau responded that if it's a recorded covenant it would ride with both parcels, but a lawyer would need to confirm that.

#### PLANNING COMMISSION DECISION:

Rouse made a motion for approval with conditions as summarized in the staff report. Tomlin seconded. The motion **passed** unanimously.

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#### QUASI-JUDICIAL PUBLIC HEARING: CU-04-12

Chair Faller opened the public hearing at 5:57 p.m.

DECLARATIONS: None

Hansen summarized the meeting procedures.

#### STAFF REPORT:

Recently, the Boys & Girls Club of Albany negotiated the purchase of two lots adjacent to the north of their existing property. The proposed project is a modification of an unexpired Conditional Use Approval to permit development of 39 parking spaces on parcels adjacent to the Boys & Girls Club of Albany.

A Variance to allow a 1.33-foot interior lot line setback along the southern property line abutting the city's multi-use path was approved on April 12, 2012. According to Section 1.226 of the Albany Development Code, a modification to an approved conditional use requires review of the area proposed to be modified.

The approved variance had two conditions of approval related to parking for both the existing building and the new building:

*“Condition 3.1: Development of the parking lot to the north of Kinder Park accommodating at least 55 vehicles will be required before a certificate of occupancy is issued for the new Boys & Girls Club facility.*

*Condition 3.2: A total of 343 parking spaces are required for the Boys & Girls Club campus. Of the required spaces, 191 shall be developed and provided on-site, 152 off-site through a combination of joint development of the parking lot north of the existing multi-use path at Kinder Park and joint use parking agreements on legal instruments approved by the Albany city attorney.”*

In an effort to locate their required parking as close to their buildings as possible, Club officials propose to develop parking for 39 vehicles in exchange for eliminating the requirement to develop the parking lot to the north of Kinder Park (Condition No. 3.1), and make up the difference by negotiating joint use parking agreements with the owner of property to the south of the Club's property.

Martineau reviewed the approval standards for this request as further outlined in the staff report.

#### Land Use:

The two residential lots are zoned Residential Medium Density. Community Service uses such as the Boys & Girls Club are allowed conditionally in that zone. Parking lots are not allowed in the zone as a stand-alone use, however a parking lot is allowed if the property is in the same ownership as the primary use on the same or adjacent property.

Therefore conditions of approval will require that the parking lot is developed on property owned by the Boys & Girls Club and that the parcels used for the parking lot must be combined with the parcel containing the primary use. Filing and recording of a final replat to combine the parcels will meet this condition. The applicants have already received tentative replat approval on August 16, 2012. A final plat has not been submitted yet.

#### Size and Scale of buildings:

No buildings are being proposed in this modification to the approved Conditional Use. The modification does not propose any changes to the new Club facility approved last November which will be located to the south and east of the proposed parking lot area. This review criterion is met.

#### Traffic and other off-site impacts:

The modified conditional use will not increase the size or area of the building that was approved by the Planning Commission in CU-05-11 last November. Therefore the trip generation characteristics of the development and its impact on the local road system will also remain unchanged. The proposed modification adds 39 on-site spaces for the Boys & Girls Club that will be accessed through on-site parking lot travel aisles and an adjoining private parking lot to the west. There will be no direct connection to Main Street; however the Development Code requires that all street frontages adjoining new development be improved to city standards. The applicant proposes to construct public sidewalk on the west side of Main Street along the frontage of the development. The design of the parking lot meets the requirements listed in Article 9 including paving, perimeter curbs, a drainage system and landscape islands.

#### Compatibility with surrounding development:

Buffering and screening is required between parking lots and abutting residential uses in order to mitigate impacts associated with parking lots such as noise, headlights and people coming and going. The Code does not require buffering and screening when the proposed use is separated from a residential use by a street, however the applicant proposes to provide buffering and screening on both the north side and the east side of the lot. The installation of landscaping, trees and shrubs associated with buffering and screening, and planter bays in the parking lot also enable the applicant to not exceed the 70% maximum lot coverage. The proposed lot coverage for this project is 68.6%. This criterion can be met through conditions of approval.

#### Infrastructure Compatibility:

City utility maps show an 8-inch public sanitary sewer main along the west boundary of the subject parcels. No recorded public utility easement exists over the portion of the main that lies on the subject parcels. Dedication of a public utility easement at least 20 feet in width will be a condition of approval. The Development Code requires water mains to be extended across a property's entire frontage to the next property. In this manner, each property owner is responsible for their proportionate share in the cost of extending mains. Because Tax Lots 1502 and 1600 will now become part of the Boy's and Girl's Club development, the applicant is responsible for extending public water facilities along the frontage of these parcels. An 8-inch public water main must be constructed in Main Street along the frontages of Tax Lots 1502 and 1600, and connected into the existing public water main(s) at the intersection of 11th Avenue and Main Street. Since the proposed development is a parking lot, no connection to the public sanitary sewer system or water system will be needed.

The applicant has submitted a modified storm drainage plan that indicates that the storm water runoff from the additional parking area will be carried to the south into the previously approved private system to serve the development on Tax Lot 1500. The plan also provides detention calculations that include the new parking area on Tax Lots 1502 and 1600. The City's Engineering Division has reviewed these plans and has determined that they are satisfactory. The applicant will meet this criterion when specific conditions of approval are met.

#### Unusual obstacles and opportunities associated with the property:

The Boys & Girls Club had the opportunity to purchase two lots totaling .40 acres directly bordering the Club property to the northwest. This allowed the Club an opportunity to provide more parking on site and reduce the number of spaces that would have been required through joint use parking agreements.

A check of conditions on the proposed site did not indicate any unusual obstacles such as steep slopes, floodplains, wetlands, historic sites, or any other overlays. A demolition permit was issued for the removal of the house at 1100 Main Street SE (Tax Lot 1600) on June 19, 2012. The house has since been removed, and there are no other structures on the property.

Staff recommended approval with the following conditions:

- 1.1 The proposed parking lot shall only be developed on property owned by the Boys & Girls Club of Albany.
- 1.2 The parcel(s) used for the parking lot must be combined with the parcel containing the primary community service use. Filing and recording of a final replat to combine the parcels will meet this condition.
- 3.1 Development of the 39 space parking area located on the west side of Main Street will be required before a certificate of occupancy is issued for the new Albany Boys & Girls Club facility. The parking lot must be developed in accordance with standards contained in Article 9 of the Albany Development Code. The parking lot must be of durable surface, have drainage and perimeter curbing.
- 3.2 The applicant shall construct public sidewalk on the west side of Main Street along the frontage of the new parking area.
- 3.3 A total of 354 parking spaces are required for the Boys & Girls Club campus. Of the required spaces, 230 shall be developed and provided on-site, 124 off-site through joint use parking agreements on legal instruments approved by the Albany city attorney and recorded prior to a certificate of occupancy being issued. Once this condition is satisfied, Condition 3.1 in the original conditional use approval (CU-05-11 et al) shall be nullified.
- 4.1 Screening in the form of a sight-obscuring fence, wall or hedge shall be installed in addition to required buffering within the minimum 15-foot front setback between the proposed parking lot and the abutting Main Street right-of-way. Screening shall be a minimum of 6 feet tall or at least 6 feet tall within two years of planting if hedges are used.
- 5.1 Before the City will issue building permits for the proposed development, the applicant must extend an 8-inch public water main along the Main street frontages of the subject parcels to tie in with the existing public system at the intersection of 11th Avenue and Main Street.
- 5.2 The applicant must provide private on-site detention facilities in the manner shown on the submitted storm drainage plans and calculations. Any deviation from this plan must be approved by the City's Engineering Division before beginning work.
- 5.3 Before the City will issue building permits for the proposed development the applicant must provide a public utility easement along the westernmost 10 feet of the subject parcels.

Rouse asked if the applicant is required to extend the water line down Main St., does tax lot 2200 (across the street) have connection to water. Martineau responded that it looked like they received their water from the line off 11<sup>th</sup> Ave.

Styler asked about the parking lot on Oak Street. He believes construction has already been started. Staff believes that work has not been started on the parking lot. There are no permits for the work.

Tomlin questioned the need for an 8 inch water main, it's expensive, it doesn't serve any real purpose except to meet a line on the development code.

Richardson thought it seemed like an improvement, bringing the parking closer to the facility; however it does look like it will increase in traffic across the path. Is there some agreement or understanding for vehicles crossing the path? Martineau explained that the traffic concern was brought up early in the project and that the city's engineering department came up with the specific designs to alleviate those concerns.

#### APPLICANT'S TESTIMONY:

Brian Vendetta; representing the Albany Boys & Girls Club, 63 East Ash Street; Lebanon – thanks to Martineau for staff report. No objections to any of the conditions. Vendetta said they have the same concern with relation to the requirement of extending the water main. The bid to put the water line in was \$27,000 and it doesn't add benefit to their site. He believes the City's engineering section will use the connection to complete a loop in the system. They would be happy to have an exception to the rule.

Bob Speaker, Applicant Rep., 2960 NW Marshall Dr, Corvallis – in the original application there was a lengthy discussion regarding parking and the number of spaces needed. 343 spaces were needed at the time, both on and off site. This proposal doesn't change any use or size of the development. The present parking proposal would provide 354 spaces, 11 more than what the original conditional use required. They were going to provide that many spaces, however the actual number of on-site spaces has been reduced to 227 from 230 due to landscaping and building location (351 as a point of clarification). The club's concerned with the increased requirement in case they lost a few of the offsite spaces in the future. However, in the future something may happen and they could lose some of those spaces. Therefore, we request on the conditions of approval that we go back to the original condition of approval of 343, even though they are planning at this time to provide 351. Under the new plan, there are 124 off site spaces.

#### PUBLIC TESTIMONY:

Anthony Vanella: 3225 Liberty St SW, Albany - owns property at 1033 Main St. Vanella asked if there would be any openings in the fence or the wall on the west side of property for foot traffic. He is assuming that all the cars will ingress and egress from the BAGC, is there any projected increase on traffic on Main Street.

Vendetta stated that application has no provision for vehicle or foot traffic entering on Main Street. There is still a proposed locked gate for emergency purposes on Main Street.

STAFF RESPONSE: None

Chair Faller closed the public hearing at 6:28 pm.

#### PLANNING COMMISSION DISCUSSION:

Styler asked if this lets the Boys & Girls Club out of the joint parking contract. Martineau stated that conditions of approval meet the same parking requirements as before, it just reallocated it.

Richardson asked what the purpose of extending the water lines. Rouse explained that when the City has a dead end water line, the water sits there, quality goes down. What the City prefers to do is loop the water so it doesn't stagnate. The City's code requires current and future development to loop lines when possible. Post isn't sure that it could be modified or waived due to code.

**PLANNING COMMISSION DECISION:**

Commissioner Post made a motion to approve with modification of Condition of Approval 3.3 for a total of 343 parking spaces, and the lowering of the required on-site spaces to 227, with an additional 116 spaces off-site. Tomlin seconded.

Styler asked about the tallying of spaces. The applicant is providing more than necessary.

Tomlin doesn't think the water line should have to be put in, since the property is on a dead end. Rouse would have liked to see the water line on the map.

**Motion carries unanimously.**

**ACTIVITY UPDATE:**

Hansen reviewed the upcoming Planning Commission schedule.

**NEXT MEETING:**

The next meeting of the Planning Commission is September 24, 2012.

**ADJOURNMENT:**

Hearing no further business, Commission Chair Faller adjourned the meeting at 6:41 p.m.

Submitted by

Reviewed by

*Signature on file*

*Signature on file*

Tari Hayes  
Administrative Assistant

Heather Hansen  
Planning Manager