



APPROVED: November 5, 2012

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

**MINUTES**

Planning Commissioners present: David Faller; Dala Rouse; Michael Styler; Larry Tomlin; Dave Wood  
Planning Commissioners absent: Lolly Gibbs; Cordell Post; Kristin Richardson (All Excused)  
Staff present: David Martineau, Lead Current Planner; Anne Catlin Lead Long Range Planner; Melissa Anderson, Planner II; Tari Hayes, Administrative Assistant  
Others present: 7 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**

Hayes introduced new planner Melissa Anderson to the Commission.

**COMMENTS FROM THE PUBLIC:** None

**APPROVAL OF THE MINUTES:**

- August 20, 2012 - Joint Planning Commission Work Session for South Albany Area Plan

**MOTION:** Commissioner Wood moved to approve the minutes as written. Commissioner Rouse seconded it. Motion **passed** unanimously.

**CONSOLIDATED QUASI-JUDICIAL PUBLIC HEARING: CP-03-12 & ZC-04-12, RL-04-12**

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

**DECLARATIONS:**

Styler and Tomlin have driven by the location a number of times.

Martineau summarized the meeting procedures.

**STAFF REPORT:**

Anne Catlin provided an overview of the staff report. The applicant for site 1 is Mark Grenz, the City of Albany is the applicant for site 2.

#### Comprehensive Plan Amendment for Sites 1 and 2 (CP-03-12)

The criteria require evaluation of the proposal against the relevant Comprehensive Plan policies and Statewide Planning Goals. The Village Center Plan allows for mixed uses –housing or neighborhood commercial uses. The proposed Plan map amendments would result in more efficient land use and travel patterns, reducing travel time to accommodate frequent needs. Sites are considered “infill” development. Infill is encouraged by Comprehensive Plan goals and policies, and the site that can be served by public facilities and are close to main transportation corridors. The National Wetland Inventory shows a wetland on Site 1. The wetland is not on the City’s Local Wetland Inventory. There are no other natural features on the site. A removal/fill permit would be needed at the time of development. Regarding the economy, there is enough commercial land between 2 and 5 acres to accommodate demand for the next 20 years. The proposed map amendments to mixed use commercial land is too small to diversify the City’s economic base but would allow for more uses of the property than is currently available. Regarding housing needs, the Plan indicates a surplus of low-density housing and a need for more medium density housing in the next 20 years. The proposed Plan amendment to Village Center would add more opportunities to accommodate the demand for medium density housing. The proposal would fit in the overall land use pattern of the area.

#### Zone Change Amendment for Site 1 (ZC-04-12)

A Trip Impact Analysis (TIA) submitted with the application estimated the number of new vehicle trips the zone change would generate. The study concluded that with one exception that all study intersections would meet Albany’s performance standards at year 2032 with development of the site under the requested zone designation. The 34<sup>th</sup> Avenue/Ferry Street intersection was projected to not meet city performance standards in year 2032 regardless of any development on the site. In order to address this, staff is recommending the developer agree to provide an agreement that they would participate financially in the future installation of a traffic signal if warranted.

Sanitary sewer facilities, public water, and storm drainage facilities can accommodate existing and future commercial development. Schools are in vicinity, but staff received no response from the School District.

#### Tentative Replat (RL-04-12)

Adjoining land has access to public streets. Each of the reconfigured parcels will have access to public sanitary sewer, water, and storm drainage from 34<sup>th</sup> Avenue or Hill Street. The replat will not increase the intensity of the development that could occur on the site, and as a result has no impact on the transportation system.

Notice of the public hearing was placed in the Democrat Herald on October 5, 2012 and the site was posted. A neighborhood meeting would be required once development is designed. Staff received one phone call regarding the application.

Staff recommended approval of all three concurrent applications with the one Condition of Approval regarding the applicant to provide a Petition for Improvement/Waiver of Remonstrance for proportionate participation in the construction of a traffic signal at the 34<sup>th</sup> Avenue/Ferry Street intersection.

Styler asked if it was a middle school to the south. It is an elementary school. The commission discussed if traffic from a commercial use would affect traffic at school or neighborhood. No, the traffic is expected to head north to 34<sup>th</sup> Avenue.

Rouse noted a correction to Pg 23 5.4 of the staff report – Department of Fish & Wildlife does **not** show a wetland in the middle of the site. Take out the north Albany part as well.

There was a question regarding the requirement to participate in a future traffic signal at 34<sup>th</sup>/Ferry intersection in the future and whether the Transportation System Plan (TSP) has plans for a signal at 34<sup>th</sup> and Hill. The TSP plans a traffic signal at 34<sup>th</sup> and Hill.

## APPLICANT'S TESTIMONY:

Mark Grenz, Multi-Tech Engineering, 1155 13<sup>th</sup> St SE, Salem – He has watched this property for many years and explained the timing for the zoning of the property has been out of sequence. There was no demand for commercial in the location when it was zoned commercial, and after rezoning the property to residential, the owners missed the market window. This community is in need of medium density housing and mixed-use commercial. They feel the property is in the right place at the right time. If approved, the owners anticipate submitting a development plan in the near future for some commercial on 34<sup>th</sup> Avenue and medium density housing for the rest of the site. He explained the development would comply with the design standards and the goal is to have higher density up along 34<sup>th</sup> Avenue and transition to lower density in the back. The medium density plan, with potential with housing types, would be complimentary to the neighborhood. The applicant has no issue with the recommended condition. They recognize that their development will add additional car trips, and are happy to participate in the upgrade, just not all of it. The applicants are working with the state regarding the wetland issues.

## PUBLIC TESTIMONY:

David Michael – 3480 Hill St. SE, Albany – His property faces the currently empty lot. Michael's concern is with the type of businesses planned for the site. He pointed out a number of convenience stores within walking distance. One of the things that attracted his family to the neighborhood was that it had fewer commercial businesses. There are a number of vacant commercial buildings already in the city and does not want to see empty one's across from his property. He has concerns with traffic that could significantly increase across from his drive way. Michael is not opposed to residential development; he's mainly concerned with commercial expansion.

Grenz said he hopes to have the commercial uses solidified by the required neighborhood meeting for neighborhood comment and input. The commercial uses, which can't be shared yet, are not for the uses Mr. Michael expressed concerns with. The bulk of the property is planned for residential.

Faller asked (roughly) what would be dedicated for residential. It is anticipated that roughly 20 percent would be commercial along 34<sup>th</sup> Avenue with apartments above, and then residential farther into the lot.

Rouse asked about the size of the apartments listed on page 7 of their report. The 60 apartments above the commercial use will be small, 1 bedroom. The 80 apartments on the southern portion of the site will be a mix of sizes. Rouse asked how many commercial uses they anticipated for the property, Grenz thought 3-4 pocket commercial uses.

Rouse asked if there were any guarantees for commercial uses in the proposal. Catlin said no, and noted that there is no minimum commercial requirement in the proposed Mixed Use Commercial zoning district.

Chair Faller closed the public hearing at 5:54 pm.

## PLANNING COMMISSION DECISION:

Wood made motion to forward a recommendation to the City Council for their approval of all 3 applications, with the condition recommended by Planning Staff. Styler seconded. **Motion passed unanimously 5-0.**

Break from 6:01 p.m. – 6:05 p.m.

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## QUASI-JUDICIAL PUBLIC HEARING: ZC-05-12

Chair Faller opened the public hearing at 6:06 p.m.

DECLARATIONS: None

Hayes summarized the meeting procedures.

#### STAFF REPORT:

David Martineau provided an overview of the staff report.

The owners of Crabtree Automotive Tim and Paula Connaghan are applying to rezone two lots totaling 1.66 acres from Office Professional (OP) to Community Commercial (CC). The property is on the west side of Hill Street between At Home Furniture and Maier Roofing.

According to the Comprehensive Plan, the preferred land use designation for the subject property is General Commercial (GC). More General Commercial-designated property lies to the north and east of this site. According to the Plan Designation Zoning Matrix in the Albany Development Code [2.760], both OP and CC are compatible with the General Commercial designation meeting Criterion 1. Before these lots were zoned OP, they were zoned Heavy Commercial (CH), a zoning designation no longer in existence today. In 1976, they were zoned M-1, a limited industrial zoning designation. Vehicle repair was a permitted use in both previous zones.

A letter from ODOT dated August 6, 2012 expressed concern that the potential uses the applicant's analysis assumed for the current and proposed zone designations were not the reasonable worst cases uses that could occur on the site. The letter listed several other possible uses that are allowed under the CC zone designation, and suggested that a traffic study or some other method be used to address the provisions of the TPR for the zone change. The applicant responded to ODOT's concerns. In their response the applicant made two basic arguments. The first was that the project was consistent with the TPR based on section (9) of the Rule (which is printed on this slide). The second was that the land uses evaluated in the applicant's original analysis were in fact the reasonable worst case uses that could be expected to occur on the site. In staff's judgment this application meets all three of the criteria listed in Criterion 2.

According to City utility maps, a 15" public sewer main, 12" water main, and 24" storm drainage main all lie within the Hill Street frontage of these two properties. The existing public utilities in Hill Street adjacent to the subject properties are capable of serving development that would be allowed in the proposed zone; therefore review criterion 3 is met.

The CC district recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Uses are more wide-ranging and could include department stores, vehicle repair, offices, mini-storage and entertainment centers. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. The CC zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan; therefore Criterion 4 has been met.

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed CC zoning designation best satisfies the goals and policies of the Comprehensive Plan.

- GOAL 1: CITIZEN INVOLVEMENT—Public notification of property owners and agencies regarding these applications, opportunities to participate in public hearings.
- GOAL 6: AIR, WATER & LAND RESOURCES—Impacts to air quality, water and land resources can be addressed at the time of development to ensure compliance with standards.
- GOAL 9: ECONOMIC DEVELOPMENT—The 2007 ECONorthwest Economic Opportunities Analysis shows a demand for smaller commercial lots.
- GOAL 11: PUBLIC FACILITIES & SERVICES—The site has adequate public utilities and services to accommodate a zone change from OP to CC.
- GOAL 12: TRANSPORTATION—Both the current and proposed zoning designations are consistent with the Transportation System Plan.
- GOAL 14: URBANIZATION—The 1.66 acre commercial site is proportional to and accessible to the surrounding area.

On balance, the CC zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan, therefore Criterion 4 is met.

Albany's Transportation System Plan (TSP) includes improvements necessary to accommodate anticipated development through the year 2030. The TSP does not identify any capacity or level of service problems associated with the proposed Zoning Map amendment. Criterion 5 is met.

In summary, the proposed amendment will remain consistent with the City's Comprehensive Plan goals and policies and will not affect implementation of the Statewide Planning Goals. Therefore, the staff recommendation is APPROVAL of the proposed zoning map amendment.

Styler asked how the approval for the business came about in the first place. There was a Modification to a Non-Conforming Use to an existing building (MN-01-08) approved 5/13/2008 to allow an automotive repair business. The previous use was retail/manufacturing (The Plaque Factory).

Tomlin asked how the state of Oregon was brought into it. Martineau explained that ODOT is frequently part of the pre-application process. For this case, ODOT was notified because they have jurisdiction being close enough to the couplet.

#### PUBLIC TESTIMONY:

Rich Catlin, Reece & Associates, 321 1<sup>st</sup> Ave., Ste 3A Albany - Martineau's staff report was on point and the analysis is correct. Typically with zoning application, it's based on speculative use. In this case it's not speculative. The neighbors have had two years to get to know the business. They've been good neighbors. They feel they have addressed the ODOT concerns.

Rouse asked what initiated this application. The owner's initiated it in order to be conforming. The Commission approved the modification to the building a few years ago.

Chair Faller closed the public hearing at 6:40 pm.

#### PLANNING COMMISSION DECISION:

Commissioner Tomlin made a motion to approve the application as recommended, Rouse seconded. **Motion passed 5-0.**

ACTIVITY UPDATE: None

#### NEXT MEETING:

The next meeting of the Planning Commission is November 5, 2012.

#### ADJOURNMENT:

Hearing no further business, Commission Chair Faller adjourned the meeting at 6:52 p.m.

Submitted by

Reviewed by

Signature on file

Signature on file

Tari Hayes  
Administrative Assistant

David Martineau  
Lead Current Planner