



CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street
Monday July 29, 2013
5:15 p.m.

MINUTES

Planning Commissioners present: David Faller; Dala Rouse; Larry Tomlin; Lolly Gibbs; Kristin Richardson; Roger Phillips; Dan Sullivan; Danon Kroessin

Planning Commissioners absent: Cordell Post

Staff present: Melissa Anderson, Planner; Mike Leopard, Infrastructure Analyst; Edene Rice, Administrative Assistant; Tari Hayes, Administrative Services Supervisor

Others present: 11 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 Edene Rice as the new administrative staff in support of the Commission.

COMMENTS FROM THE PUBLIC: None.

APPROVAL OF THE MINUTES:

- a. May 6, 2013

MOTION: Rouse moved to approve minutes. Tomlin seconded it. Motion **passed** unanimously.

Proposed Street Renaming

Staff is bringing to the Planning Commission a request to consider name changes for two sections of public streets: 25th Avenue SE, north of Grand Prairie Road and west of Waverly Drive; and, North Albany Road, between Scenic Drive and Crocker Lane. The Planning Commission will make a recommendation to the City Council on this matter.

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

DECLARATIONS: Rouse used to have relative on Ermine St, prefers to change it to 25th rather than Ermine St.

STAFF REPORT:

Leopard explained the case to the audience. Renaming of streets is regulated by State statute (see attached ORS 227.120). The statute requires that the issue be brought to the Planning Commission for recommendation to the City Council. If the Planning Commission determines that it is in the best interest of the city to rename the street, and

recommends approval of the proposed street name change, then a public hearing is set before the City Council to make a final determination on whether to approve the name change.

Notice of the public hearings will be published in the local newspaper prior to the hearing, and individual notices will be mailed to those owning and/or residing on the lots addressed off of the affected streets. Affected property owners were given notice of the Planning Commission meeting this evening.

Review criteria for the case - The ORS language states that a street may be renamed if it is determined that such renaming is in the best interest of the city.

Rationale for Proposed Street Name Changes - Confusion regarding addressing can create problems with prompt responses by emergency personnel, as well as for mail delivery. Staff has identified two situations where the renaming of the public streets would be in the best interest of the City to change the street names:

1. 25th Avenue between Ermine Street and Periwinkle Creek, north of Grand Prairie Road. This street was named 25th Avenue on the initial subdivision plats for Kribs First Addition and Kribs Second Addition in the early 70's, but called Ermine Street on the later Plat for Periwinkle Subdivision. All of the lots along this section of street are actually addressed as Ermine Street, except for one – 2463 25th Avenue SE. Linn County personnel brought to staff's attention the discrepancies in the street name and the addressing in this case. The proposal is to change that one property to Ermine Street.
2. Two sections of public street just east of Scenic Drive, between Dover Avenue and 24th Avenue. These sections of street were named North Albany Road on the subdivision plats for Clairewood subdivision, Benton Woods and Benton Woods Phase II. The Albany Fire Marshall believes that these sections of street should be named 23rd Avenue to avoid confusion for 911 responders. Future developments that continue the alignment of this street would be 23rd Avenue from Scenic Drive to Crocker Lane. East of Crocker Lane the street would remain as North Albany Road. There appears to be only one home that has been constructed along this route that is addressed as 3004 North Albany Road NW. No other homes have yet been built that are addressed off of this street.

Renaming these streets will require that at least two property owners and/or tenants go through the process of changing their addresses. If the Planning Commission recommends that the City Council approves the renaming of these streets, and the City Council supports the renaming, then an Ordinance declaring the renaming would be sent to the County (Linn or Benton) for recording and modification of maps, etc.

COMMISSIONER QUESTIONS ON STAFF REPORT:

The Commissioners discussed the proposal. Tomlin wondered why we don't have consistency in naming Gibbs asked if there were any comments from the affected parties, there was none. Sullivan asked if the Fire Department had a preference on Ermine or 25th, they do, they prefer Ermine St.. Rouse has issues with Ermine St intersecting Ermine St., she would like it to be 25th.

TESTIMONY FOR/AGAINST/NEUTRAL:

Donna Carsner – 2546 Ermine St. SE, Albany – If it remains Ermine they would not be affected. She feels it would be more logical if it was changed to 23rd Ave.

Closed 5:41 PM

PLANNING COMMISSION DISCUSSION: None

MOTION:

Gibbs moved that the Commission recommend that City Council approve approval of the renaming of both streets, Richardson seconded. Motion carried 6-2 with Rouse and Tomlin voting no.

VC-01-13 – Vacation of an Access Easement

Leopard explained the case to the audience. The vacation application proposes to vacate an access easement over the Coastal Farm parcel (11S-03W-09D; Tax Lot 100) to allow for the construction of an expansion of the development on the site. The applicant proposes to relocate the access easement to another location on the property. The easement in question is not a public access easement, but because it was established on a plat it must go through the vacation legal process.

Staff is recommending that the Planning Commission make a recommendation to the City Council to approve the vacation application with one condition.

Called to order at 6:07 PM.

DECLARATIONS: None

STAFF REPORT:

Leopard explained the case to the audience. In 2001, Coastal Farm & Home Supply LLC received a Site Plan Review approval for the construction of their development at 1355 Goldfish Farm Road SE. One of the requirements of this approval was to provide an access easement across the subject property for the benefit of the owner of the parcel directly to the east of the Coastal Farm site (Kennel property – Linn County Assessor Map No. 11S-03W-10, TL 1100). Coastal Farm provided this in the form of a 24-foot wide access easement just south of the building associated with the initial development. Now, Coastal Farm wishes to expand their development on this site by constructing a 64,000 square foot addition to the south side of the existing structure. This will necessitate that the access easement be relocated to the south side of the proposed building addition.

Staff recommends that the Planning Commission make a recommendation to the City Council to approve the vacation application with the following condition.

Review criteria for the case:

VC Review Criterion #1 Response - No public utilities exist within the existing access easement, or in the area of the proposed access easement relocation. The existing public main near the access easement will be abandoned and replaced with a private hydrant line near the proposed relocated access easement south of the proposed expansion. The proposed access easement vacation does not conflict with Albany's TSP. This criterion is met.

VC Review Criterion #2 Response - Once vacated, the legal rights to access the Kennel parcel from Goldfish Farm Road would be eliminated. Therefore, the applicant is proposing to replace the existing access easement with a similar easement along the southern boundary of the Coastal Farm property. This relocated access easement would effectively continue the access rights for the Kennel property. The proposed vacation is necessary for the property owner to construct the proposed expansion to the south of the existing building.

Condition: The applicant must provide a 24-foot wide private access easement over the subject property for the benefit of the owner of the property directly to the east (Kennel property - (Linn Co. Assessor Map 11S-03W-10, TL 1100). The location of the new access easement must be substantially the same as that shown on the applicant's submittal.

VC Review Criterion #3 Response - The requested vacation will not have a negative effect on traffic circulation or emergency vehicle access.

VC Review Criterion #4 Response - This criterion does not apply because the vacation is not for public right-of-way.

VC Review Criterion #5 Response - Vacation of the existing access easement and relocating it to another area on the subject property will not adversely impact the public interest

COMMISSIONER QUESTION ON STAFF REPORT:

Gibbs asked if the new easement would ever become a public road. Leopard stated it will never become a public road. Sullivan asked if the Kennel property owners would maintain same access? Yes, virtually the same access Rouse asked how far Kennel Road was from the Kennel Property. Leopard said he didn't know but believed it has no bearing on this case.

APPLICANT TESTIMONY:

Troy Plum, (Applicant Representative) TLP Engineering, PO Box 374, Corvallis , Plum has met with Larry Kennel onsite, staked out where the new easement would be, it happens to match where he's currently accessing the property. They are concurrently running a site plan review for a building addition.

Phillips asked how wide the easement was; Plum stated it was 24' wide. Kennel is not farming the property at this time.

TESTIMONY FOR/AGAINST/NEUTRAL: None

Chair Faller closed the public hearing at 5:58 pm.

PLANNING COMMISSION DISCUSSION: None

MOTION:

Rouse moved that the Commission recommend that City Council approve the application with the conditions as stated. The motion passed **unanimously**.

5 minute break

Resumed at 6:05

CU-08-12 – Conditional Use Permit

The request is a Type III Conditional Use Permit. The application is to develop an outdoor Go-Kart Track facility together with 18 new parking spaces adjacent to Lake Shore Lanes, 5432 Pacific Boulevard SW, Albany. The proposed use is for development of an outdoor go-kart track. The applicant states that the goals of the projects are to provide safe and enjoyable family entertainment, and to expand entertainment options at Lake Shore Lanes. The existing facility currently provides a bowling alley, arcade and miniature golf to area residents. The design of the go-kart track attempts to replicate, in miniature, a *Formula One* type racing experience. The buildings, landscaping and viewing areas are all designed to enhance this experience. The applicant is Nyquist Ventures, LLC.

DECLARATIONS:

Site Visit: Richardson, as a user of the mini golf part of the facility, has enjoyed the view of the wetlands. Gibbs had a site visit and Sullivan did a drive by.

STAFF REPORT:

Anderson explained the cases to the audience. A neighborhood meeting was held on April 2, 2012 and a Public Hearing Notice was sent to all property owners within 1,000 ft. of the proposal. The site was posted as well. The Planning Commission will be able to approved, approve with conditions or deny the application. Staff is recommending approval with conditions.

Review criteria for the case:

CU Review Criterion #1 Response - The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood. This criterion is met without conditions.

CU Review Criterion #2 Response - 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 calls for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping or other design features. Finding: Can be met with conditions of approval.

CU Review Criterion # 3 Response - The transportation system is capable of supporting 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. Finding: Can be met with a condition of approval.

CU Review Criterion #4 Response - Public services for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use. Finding: Can be met with a condition of approval.

CU Review Criterion #5 Response - The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, and hours of operation; (b) Privacy and safety issues. Finding: Can be met with conditions of approval.

Because of sound concerns with sound, Staff asked the applicant to provide a noise study. Applicant provided a noise study, the City had Mr. Stanley evaluated the report,

CU Review Criterion #6 Response - 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. Finding: Not applicable.

Staff conditions of approval recommendations include:

- Provide 18 new parking spaces as proposed.
- Widen the sidewalk next to the parking lot from 5 to 7.5 feet to allow space for the vehicle overhang.
- Provide a minimum of 3 bicycle parking spaces (with 50% sheltered.)
- Provide Landscape and Irrigation Plan and Install According to Plan:
 - Planter bays with trees and shrubs
 - Trees cover 20% of parking area at maturity
 - Buffering and screening parking lot from street with landscaping
- Provide shared access easement to property on the north.
- Submit site plan for review and approval of the Fire Marshall. (revised language)
- Install all noise mitigation measures before operations begin.
- No outdoor amplifying paging system unless can be shown to meet code. There currently is no plan for a system, but if there becomes one, it has to meet code.
- Close doors on north side of pit building after 9 pm.
- Update noise study 90 days after begin operations to ensure meets noise standards. (revised language)

COMMISSIONER QUESTIONS ON STAFF REPORT:

Rouse asked what would happen if they don't pass the noise study after 90 days, what are some of the ways the applicant could mitigate. The applicant could extend wall height, use better mufflers; there are a number of ways to mitigate noise.

Sullivan asked if the noise study was conducted with all of the karts on the track at one time. The study addressed 10 cars at one time.

Gibbs asked if the planned operating hours were similar to the existing facilities. Yes, 9am – 10pm Sunday-Friday, and from 9am – 11 pm Friday and Saturday.

APPLICANT TESTIMONY:

Roger Nyquist, 2896 Firwood Place SE, Albany – The Nyquist family believes go-karts would be a good mix to go with existing golf and bowling activities offered at their establishment. They would start with 10 karts initially, and running all 10 at the same time is not likely to happen at the beginning. The bowling alley facility employees about 25 people in peak season (winter). Operations of the Go-Kart track would help reduce the amount of summer layoffs. This is a new offering to community that doesn't currently exist. They have received many positive comments since information on the venture was released. He believes the concerns with neighborhood noise are fair, but believes they have mitigated those concerns with proper planning. This proposed use is actually creating less density than what the land is currently approved for.

COMMISSION QUESTIONS:

Rouse asked how close the track to the berm and the fence boundary was. Close, within a couple of feet. Sullivan asked what the primary age range was for users. Primary users are 13 or 14 years old, they would provide smaller karts for younger people. Sullivan asked on a successful day, with the parking lot full, how many karts can you put on the track at once? He's purchasing 10, could go to 20. The sound engineer stated that having more karts will slow down, and that you wouldn't necessarily see an increase in noise. Phillips asked what cycle they run at; 4 CC. Kroessin asked if there was a weight limit there is none

Bill Ryals (Applicant Representative), William Ryals Architecture, 935 Jones Avenue NW, Albany

The outside entertainment in town is not really allowed anywhere else, if not here, then where? He also stated that this was not your grandfather's go-karts, these are very modern and quiet karts. This would be a great benefit to family and kids, providing quality family entertainment. Bowling centers across the country, and in our area, have been going out of business, diversification of the business is key in keeping places like this open.

Ryals provided pictures (see agenda packet) of an outdoor kart track at Wallowa Lake. His family stayed right next door to Kart track and didn't know the karts were there. This track is located right next to horse stables, cabins, and a state park, they have had no issues with the sounds.

TESTIMONY FOR/AGAINST/NEUTRAL

FOR:

Gary Heinzman, 2250 S Main Road, Lebanon, owner operator of Linn Lanes in Lebanon Bowling centers are family recreation centers; providing exercise and entertainment to local residents. They lose about 1/3 of their workforce in the off season and find it's hard to keep quality staff with layoffs. He stressed that it is important what the community thinks of the property. Maintain parking lots and development standards is key to good neighborly relations.

Alexander Sousa, no address given – Alexander is a student at West Albany High School and the go-kart track will bring people which will provide jobs and money into the economy. The nearest track is in Wilsonville and currently he doesn't feel there is much to do in Albany. As far as noise, 53rd, he feels the residential area is far away, and the location is good, on the corner of a highway and street, highway noise is already there.

AGAINST:

Tami Minnick, 1095 Alandale Avenue, Albany – Ms. Minnick brought pictures from their back yard (see agenda packet). The pictures show the layout of her backyard and the proximity of the bowling alley to her property.

She has a number of concerns:

1. While the noise is concerning, she would also prefer not to lose the view.
2. She is concerned with the 9 decibel result, feeling it very close to the 10 decibel threshold. While she doesn't mind the golf course, there are days when it sounds like it is in your backyard. It's a constant noise you can get away from.
3. Running the karts until 11 is a concern.
4. She is concerned that the noise study didn't incorporate the noise of the cars, people in the parking lot.
5. She wondered also how we would go about mitigating after 90 days if there was an issue.
6. She is concerned with maintenance as the karts get older.
7. Concerned with exhaust.
8. Concerned with scaring away wildlife.
9. Concerns with construction causing flooding to creek area.
10. Concerned with home values, tracks are not usually in the residential

She asked a question on a realty forum; how would it affect her home value if a bowling alley with mini-golf course, now added a go-kart track. She had 5 responses, some of which were:

1. A broker who said it would decrease the number of buyers looking at her property
2. CA – said it would be impossible to put a value on it, dependent on what the buyer he's looking for, that kind of noise would be a negative
3. WA – finding facts on purchasing reasons would be hard

Dale Lewis, 1057 Alandale, Albany – Mr. Lewis has the upstairs bedroom and could hear the balls down the alley when the facility opens the door for fresh air. Nyquist shut the door and that took care of it. He can sometimes feel the bass in his room from the music played during late night Cosmic bowling. He spoke up at the beginning of the planning phase of golf course. He believes there were to be no elevations higher than the parking lot. It didn't happen that way, at least one hole is 5' above the parking lot. He can hear people talking during the day, he's not complaining about that, but after 9 or 10 o'clock at night, he doesn't believe they should be subjected to the noise with existing uses and now go-karts. He approached Nyquist one evening about the noise; this was before cosmic bowling had started. Nyquist agreed that the noise was probably a little louder than it should be. Nyquist said he would review with staff the noise limitations with existing golf/bowling. Mr. Lewis was at the meeting with the test try, but he believes the karts were choked down from full speed.

Dave Burrignt, 1123 Alandale, Albany – The Burrighnts have spent a lot of money and time improving their oasis. He is very concerned that that this is in jeopardy with this move to allow go-karts. He's ok with the golf and the bowling because it's sporadic and people are having fun. They are south and south west from the area of the property, where the noise would escape from. After chatting with Nyquist, they suggested setting up another demonstration with the go-karts, for those weren't able to participate last year. Nyquist has asked the manufacturer to bring down 3 or 4 karts, while the rest of them (neighbors and commissioners) sit in the back yard. You can have all sorts of noise reports, but no one knows what the impact is going to be without sitting in the back yard. He feels this is a reasonable next step and asked for a continuance of this case. Neighbors could report back after the second demonstration. Perhaps another option would be electric go karts, but batteries don't last longer than a couple of years.

Barbara Ayer – 5678 Southwest John Street, Albany – does hear everything that has been testified to this evening. Their basement does flood now, would hate to have it flood more with all that land covered up. When the wind blows, they hear the bowling alley. If the wind was not blowing during the test, it could affect the test.

APPLICANT REBUTTAL:

From Nyquist: They've dedicated about an acre to open space as a noise buffer. This is still a seasonal operation, mostly open June, July and August, maybe spring break, and into Sept depending on weather, the track would be closed in the winter. This is the first time they've heard of flooding issues. They could look at bio-swales to keep water onsite. They have no plans for outside music, don't allow alcohol on golf course, wouldn't on track. Nyquist would be happy to bring in an appraiser to discuss home values. There actually have been people who have moved to the area because of the family friendly amenities like they provide. Nyquist said he had no knowledge of the test cars being choked down for the test.

Nyquist would be willing to make the golf carts electric, but he would probably have to wait up to 3 years to build. Could he extend the CU permit? No, he couldn't.

Phillips asked if Nyquist had researched electric. Yes he had, the shelf life of the battery is short, and electric is more expensive.

Sullivan asked if passing the cost on to the public would put him out the market. Nyquist doesn't know. Changing to electric would eliminate the Fire Marshall's concerns with the fuel storage tank.

Gibbs asked if they could add a condition that the karts be electric. Yes, they could, if the applicant was agreeable.

Ryals stated that no sound measurements were taken during the test, the highway was much louder than the karts. The highway exceeds the sound barriers. People get used to the highway, they would get used to the karts.

Nyquist stated that he is willing to make the carts electric if the conditions can be modified.

Burright is withdrawing his request to continue the hearing in lieu of the condition that the karts be electric instead of gas. He appreciates Nyquist's offer as it takes away many concerns.

Consultant: Did Ryals say the west wall would continue to meet the building, it doesn't show on the drawings? Nyquist responded that since the plans were submitted the Fire Marshall said they would have to move the gas tank. With this change they decided to continue the wall to connect it to the building.

Anderson clarified that condition 5.4 would be struck and replaced with the electric arts. Remove the condition of the 4.1 requiring the above ground gas tank. Also, the storm water was evaluated and the plan has been reviewed and approved by the Public Works. Home value is not part of the review criteria.

Chair Faller closed the public hearing at 8:02 pm.

PLANNING COMMISSION DISCUSSION: None

MOTION:

Tomlin moved for approval of the application with the conditions as modified, modifications are: 4.1 is deleted, modifying 5.4 karts be electric. Rouse seconded. The motion passed unanimously.

ACTIVITY UPDATE:

Elections: Gibbs nominated Faller for Chair, seconded by Sullivan – unanimously approved. Rouse nominated Larry Tomlin as Vice-Chair, Gibbs seconded the motion, and it was unanimously approved.

NEXT MEETING: T/B/D

ADJOURNMENT:

Hearing no further business, Commission Chair Faller adjourned the meeting at 8:06 p.m.

Submitted by

Reviewed by

Tari Hayes
Administrative Assistant

Mike Leopard
Infrastructure Analyst