



COMMUNITY DEVELOPMENT DEPARTMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Notice of Decision

Adjustment

AD-02-18

July 30, 2018

Application Information

Proposal:	Adjustment to allow 6 parking spaces required for Plum Tree Village Phase 3 to be up to 110 feet from the building entrance, when 100 feet is the standard.
Review Body:	Staff (Type I-L review)
Property Owner/Applicant:	Plum Tree Village LLC; P.O. Box 3308; Salem, OR 97302
Applicant Representative:	Brandie Dalton; Multi/Tech Engineering; 1155 13 th Street SE; Salem, OR 97302
Address/Location	34 th Avenue SE (next to 1212 34 th Avenue SE)
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-18CC; Tax Lot 2604
Zoning:	RMA – Residential Medium Density Attached

On July 30, 2018 the City of Albany Community Development Director **approved** the application described above.

The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. For more information, please contact Project Planner **Anne Catlin** at 541-917-7560 or Bob Richardson, Planning Manager, at 541-917-7555.

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal not later than 21 days after the Director's notice of decision is mailed [ADC 1.330(5)(a)]. The applicants may proceed, at their own risk, prior to the end of the appeal period, provided they sign a Release and Indemnity Agreement with the City.

This approval shall expire three years from the date of approval.

Signature on file

Community Development Director

Appeal Deadline: August 20, 2018

Approval Expiration Date (if not appealed): July 30, 2021

Attachment: Staff Report



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Staff Report

Adjustment

Adjustment to Setback for Parking Location

AD-02-18

July 30, 2018

Summary

The proposed adjustment application to allow 6 of 48 required parking spaces to be up to 110 feet from a building entrance when 100 feet is the standard for Plum Tree Village Phase 3, a 27-unit apartment complex on one acre (planning files SP-06-18 and SP-17-18). The property is located on 34th Avenue east of Hill Street and Plum Tree Village Phases 1&2 located at 3517 Hill Street SE.

Adjustment Review criteria contained in Albany Development Code (ADC) 2.080 are addressed in this report. These criteria must be satisfied to grant approval for this application.

Application Information

Review Body:	Staff (Type I-L review)
Staff Report Prepared By:	Anne Catlin, Planner III
Property Owner:	Plum Tree Village LLC; P.O. Box 3308; Salem, OR 97302
Applicant:	Brandie Dalton; Multi/Tech Engineering; 1155 13 th Street SE; Salem, OR 97302
Address/Location	34 th Avenue SE (next to 1212 34 th Avenue SE)
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-18CC; Tax Lot 2604
Zoning:	RMA – Residential Medium Density Attached
Total Land Area:	Approximately 1 acre
Existing Land Use:	Vacant Land
Neighborhood:	Oak
Surrounding Zoning	North: Single-Family Residential East: Multi-Family Residential South: RMA (Residential Medium Density Attached) West: MUC (Mixed Use Commercial)
Surrounding Uses:	North: Single-Family Residential East: Multi-Family Housing and Oak Elementary School South: Multi-Family Housing West: Multi-Family, Single-Family and Convenience Retail

Prior History: SP-06-18 and SP-17-18: Approval of 27-unit apartment complex with 42 parking spaces and associated tree removal.

Notice Information

Notices were mailed to surrounding property owners within 100 feet of the subject property on July 12, 2018. At the time the comment period ended July 26, 2018, the Albany Planning Division had received no comments:

Analysis of Development Code Criteria

Section 2.080 of the Albany Development Code (ADC) includes the following review criteria, which must be met for this application to be approved. Code criteria are written in **bold** and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

The adjustment is not requested to avoid a land use review process or increase density; AND

Findings of Fact

- 1.1 The applicants received approval for Plum Tree Village Phase 3, a 27-unit apartment complex south of 34th Avenue east of Plum Tree Village Phases 1&2 (planning files SP-06-18 and SP-17-18). Phase 3 requires 48 parking spaces - 42 are provided on-site and six spaces are provided on Phases 1&2. Eight of the required spaces are visitor spaces.
- 1.2 The adjustment application is to Albany Development Code Section 8.300(2), which requires parking areas be located within 100 feet of the building entrance for units served. The applicant is requesting an adjustment to allow six required parking spaces be located between 105 and 110 feet from the building entrances to units they will serve units in Plum Tree Village Phase 3.
- 1.3 The six parking spaces are located in Phases 1 and 2 across the access driveway that serves Phase 3 and provides a secondary access to Phases 1 and 2. All three phases will operate as one development totaling 141 units with 275 parking spaces, when 233 parking spaces are required.
- 1.4 The applicant is providing more parking than is required by the ADC for the Plum Tree Village apartment complex, so the adjustment is not requested to increase density.

Conclusions

- 1.1 The adjustment application is not being requested to avoid a land use review. The applicant received approval for the proposed development (planning files SP-06-18 and SP-17-18).
- 1.2 The adjustment request is to the location of parking, not to the amount of parking. Plum Tree Village Phases 1-3 are providing 42 more parking spaces than is required by the ADC. The adjustment will not result in increased density.
- 1.3 This review criterion is satisfied.

Criterion 2

The need for the adjustment is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides; AND

Findings of Fact

- 2.1 Plum Tree Village Phase 3 will be located on a one-acre infill property that is surrounded on all sides by existing development.
- 2.2 The subject property is provided access by an existing shared driveway and access easement that also serves Phases 1 and 2 and apartments located at 1212 34th Avenue SE. The location of the existing access requires parking to be located across the access driveway creating the need for an adjustment to the 100-foot setback in ADC 8.300(2).

Conclusions

- 2.1 Plum Tree Village Phase 3 is an infill development that is one-acre with development on all sides.
- 2.2 The adjustment to the parking location setback is needed due to the existing access driveway that serves the proposed development and other properties.
- 2.3 This criterion is met.

Criterion 3

The adjustment is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts.

Findings of Fact

- 3.1 Six parking spaces required for Plum Tree Village Phase 3 are proposed to be located across the access aisle to the complex and will range between 105 and 110 feet from the building entrance to the units they will serve located in Building 2. Multi-family development standards in ADC 8.300(2) state that parking be located within 100 feet of the maximum setback. The proposed adjustment is within 10 percent from the standard.
- 3.2 The adjustment is the minimum necessary to provide the six required parking spaces.
- 3.3 The subject property is zoned RMA, Residential Medium Density Attached. The purpose of this zone is to provide multi-family development up to 35 units per acre. Phase 3 of Plum Tree Village apartment complex approved for this site will have a density of 27 units per acre. The property abuts multi-family development to the east, south and west.

Conclusions

- 3.1 The adjustment application is to allow a setback to be 5 to 10 percent greater than required for development proposed on a one-acre infill property.
- 3.2 The adjustment request is the minimum necessary to provide required parking for a 27-unit apartment complex that is consistent with the RMA zone purpose.
- 3.3 This review criterion is satisfied.

Overall Conclusion

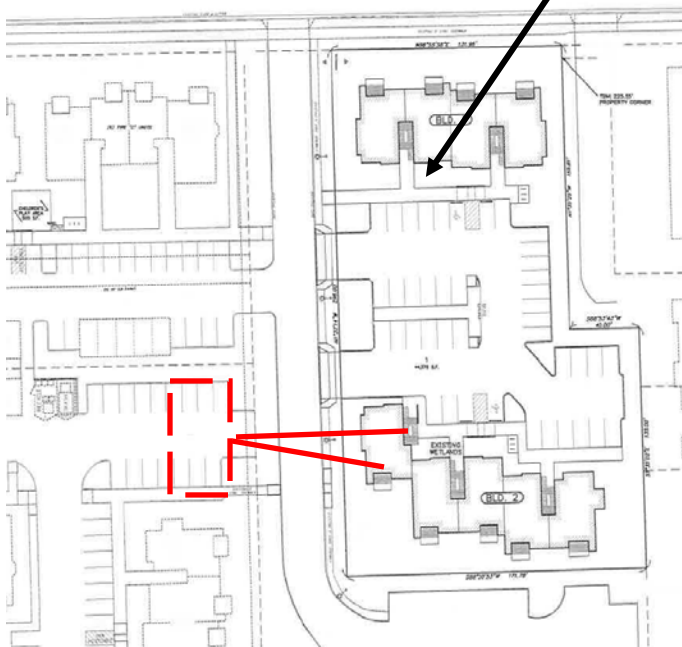
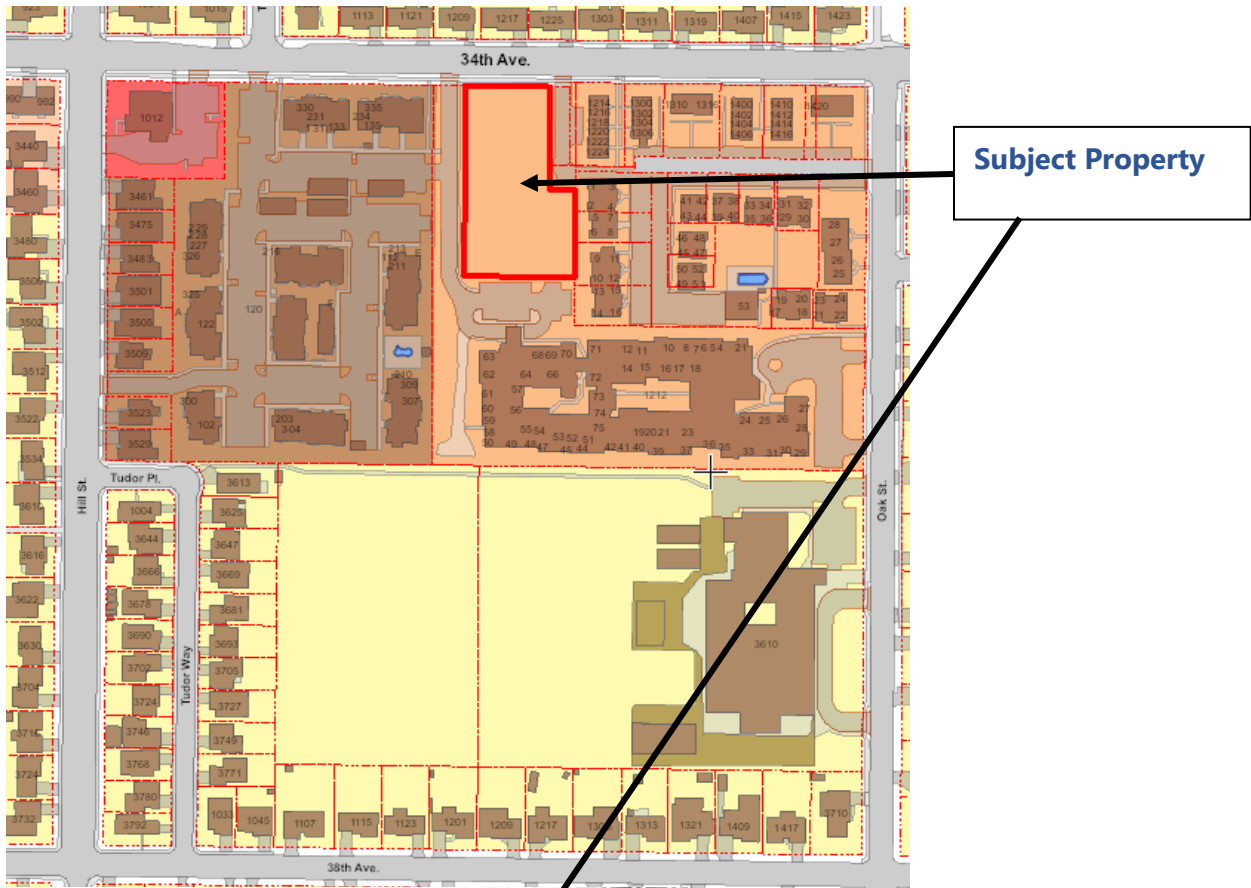
The application for an adjustment to the maximum parking setback of 100 feet from building entrances for 6 of 48 required spaces meets the review criteria in ADC 8.300(2) as outlined in this report.

Attachments

Attachment A: Location Map

Attachment B: Site Map

LOCATION MAP: Plum Tree Village Phase 3



SITE MAP- PROPOSED PARKING LOCATION

Plum Tree Village Phase 3

