



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Replat to Adjust Common Property Lines

RL-01-19

June 28, 2019

### Summary

A Tentative Replat application is required to adjust property lines on previously platted lots. This application is a request to adjust common property lines between Lots 5, 6, 7, 8, 9 of Block 2 of Supplemental Plat of Burkhart Addition and the southern portion of vacated Davidson Street.

The subject site is located at 2409 and 2415 SE Pacific Boulevard, at the northwest corner of Ermine Street and Pacific Boulevard intersection; The property can also be identified as Linn County Assessor's Map No. 11S-03W-05DC; Tax Lots 8201 and 9000. A location map is included as Attachment A.

The subject property is zoned Community Commercial (CC). The zone has no minimum lot size, width, or depth. The total land area of the subject site is 0.93 acres. The proposed tentative replat (Attachment B) is a replat of Lots 5, 6, 7, 8, 9 of Block 2 of Supplemental Plat of Burkhart Addition and the southern portion of vacated Davidson Street into two parcels containing 0.30 acres (12,884 square feet) and 0.63 acres (27,656 square feet), respectively.

Land Division criteria contained in Albany Development Code (ADC) 11.180 are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application.

### Staff Decision

Approval of the submitted Tentative Replat application with the following conditions.

**Condition 1** Prior to or with recordation of the final plat map, the applicant shall record a shared access and parking easement benefiting both parcels within the proposed replat.

**Condition 2** Before the City will approve the final plat, the applicant must provide a private shared maintenance easement over the parking areas for shared storm drainage facilities.

The approval expires three years from the date of tentative plat approval. The final plat must be recorded with the Linn County Records Division (ADC 11.065) unless an extension is approved by the City and the County Surveyor's Office.

### Appeal

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files with LUBA a Notice of Intent to Appeal not later than 21 days after the Director's Notice of Decision is mailed.

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## Application Information

Proposal:	Replat of Lots 5, 6, 7, 8, 9 of Block 2 of Supplemental Plat of Burkhart Addition and the southern portion of vacated Davidson Street.
Review Body:	Staff (Type I-L review)
Report Prepared by:	Laura LaRoque, Project Planner
Property Owners:	Troy Hamilton, I F French Holdings, LLC; 3512 NE 3 <sup>rd</sup> Avenue, Camas, WA 98607
Applicant:	Greg Austin; 7702 NE Hwy. 99-105/330, Vancouver, WA 98663
Representative:	John Gilmore; 15016 NE 2th Street, Vancouver, WA 98684
Address/Location	2409 & 2415 Pacific Boulevard SE, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-05DC Tax Lots 8201 and 9000
Zoning:	CC (Community Commercial) & RS-6.5 (Residential Single Family)
Total Land Area:	40,540 square feet (.93 acres)
Existing Land Use:	Restaurant without a drive-thru and other associated parking lot improvements.
Neighborhood:	Willamette
Surrounding Zoning:	North: CC (Community Commercial) East: CC south of Pacific Blvd. South: CC east of Ermine Street West: RS-6.5 (Residential Single Family)
Surrounding Uses:	North: Single-story apartment complex (Waverly Terrace Apartments) East: Commercial, Retail Sales and Service Use (CoEnergy Propane) South: Vacant land (former Marco Polo Motel) West: Greater Albany School District, Waverly Elementary School
Prior History:	<u>SP-09-14</u> : Site Plan Review for temporary plant sales (31-120 days) on the west end of a parking lot at Four Seasons Farmer's Market. <u>SP-21-10</u> : Site Plan Review for a change of use from an automotive sales lot to produce store in an existing building. <u>VC-01-07</u> : Vacation of a portion of Davidson Street SE right-of-way, between Pacific Boulevard SE and 4 <sup>th</sup> Avenue SE. <u>SP-72-94/VR-08-94</u> : Site Plan Review for a change of use from a motel to a used car lot and for construction of a 2,400 square foot (40' x 60') office building which replaces the previously approved motel/office conversion.

## Notice Information

A Notice of Filing was mailed to property owners identified within 300 feet of the subject properties on June 5, 2019. At the time the comment period ended on June 19, 2019, the Albany Planning Division had not received any written comments.

## Analysis of Development Code Criteria

Section 11.180 of the Albany Development Code (ADC) includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

### Criterion 1

The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.

### Findings of Fact and Conclusions

- 1.1 The subject site is located at 2409 and 2415 SE Pacific Boulevard, at the northwest corner of Ermine Street and Pacific Boulevard intersection
- 1.2 As presented on the Tentative Replat (Attachment B), the proposed will replat Lots 5, 6, 7, 8, 9 of Block 2 of Supplemental Plat of Burkhardt Addition and the southern portion of vacated Davidson Street into two parcels. When the lot lines are adjusted, the total land area of Property "A" will be 0.30 acres (12,884 square feet) and Property "B" will be 0.63 acres (27,656 square feet).
- 1.3 The property is developed with an existing commercial building and associated parking lot and landscaping improvements, which were approved with modifications on January 14, 2011 (see File SP-21-10). The existing building is constructed on Lot 5 with the attached breezeway constructed on a portion of Lots 5 and 8 of Block 2 of Supplemental Plat of Burkhardt Addition.
- 1.4 The applicant proposes a replat of a portion of Lots 5, 6, 7, and 8 of Supplemental Plat of Burkhardt Addition and the southern portion of Davidson Street into Property "A" which would contain the existing structure and a portion of the improvement parking lot. The applicant further proposes a replat of the remaining portion of Lots 6, 7, 8, 9 of Block 2 of Supplemental Plat of Burkhardt Addition and the southern portion of vacated Davidson Street) into Property "B" which would contain the remaining portion of the existing improved parking lot.
- 1.5 According to Albany Development Code, Table 4-2, there is not a minimum lot size in the CC zone, and there is no minimum lot width or depth requirements, nor are there interior yard setback requirements abutting non-residential development. The minimum required interior yard setbacks for structures abutting residential districts and/or uses requires one foot of setback for each foot of wall height, with a minimum setback of ten feet. There is no maximum lot size, but there is a maximum 90 percent lot coverage, 100,00 square foot building size, and 50-foot height restriction in the CC zone. The minimum front yard setback in the CC zone is 10 feet, and this area is required to be landscaped.
- 1.6 The development on this property does not currently meet some of the standards required in the Albany Development Code (ADC), such as lot coverage, parking lot planter bays on a portion of the lot, and parking lot striping. However, these nonconforming items were legally established, maintained over time, and may continue until they are changed by right, or with an applicable land use approval.
- 1.7 The maximum lot coverage in the CC zoning district is 90 percent. The Tentative Replat (Attachment B) shows the total impervious area of the subject site is 33,184 square feet, or 82 percent. As proposed, Property "A" will be 0.30 acres (12,884 square feet) in size with a total proposed impervious area of 10,340 square feet, or 80 percent of the site area; Property "B" will be 0.63 acres (27,656 square feet) with a total proposed impervious area of 22,771 square feet, or 82 percent of the site area.
- 1.8 Other than the replat, no development is proposed with this application.
- 1.9 The proposal does not create new lots or new blocks; therefore, the block length is not applicable.

## Conclusions

- 1.1 Other than the proposed replat, no new development is proposed with this application.
- 1.2 The development on this property does not currently meet some of the standards required in the Albany Development Code (ADC), such as maximum lot coverage, parking lot planter bays on a portion of the lot, and parking lot striping. Compliance with these standards and other applicable ADC provisions will be evaluated when new development or redevelopment is proposed.
- 1.3 Lot and block length standards are not applicable for this proposal.
- 1.4 This criterion is met without conditions.

## Criterion 2

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

### Findings of Fact

- 2.1 All the land area within Lots 5, 6, 7, 8, 9 of Block 2 of Supplemental Plat of Burkhart Addition and the southern portion of vacated Davidson Street will be allocated to the two proposed parcels, leaving no remainder of property to consider.
- 2.2 The subject property is owned by the I F French Holdings, LLC in its entirety. There is no other remainder of property under the same ownership to consider with this application.

## Conclusions

- 2.1 The above criterion is satisfied; there will be no remainder of property to consider.

## Criterion 3

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

### Findings of Fact

- 3.1 This review criterion has been interpreted by the City Council to require only that adjoining land either have access, or be provided access, to public streets.
- 3.2 ADC 12.060 requires that development must have frontage on or approved access to a public street currently open to traffic.
- 3.3 Proposed Property “A” would retain access to Ermine Street and use of the existing parking lot through a shared parking and access agreement. Proposed Property “B” would have direct access to Ermine Street and retain frontage on Pacific Boulevard. A condition of approval will ensure that a shared parking and access agreement is recorded.
- 3.4 Access to the site is provided by a 24-foot driveway connection to Ermine Street. No changes to the site’s existing driveway connection are proposed.
- 3.5 All adjoining parcels have access to a public right-of-way. Adjoining Tax Lot 8200 (Waverly Terrace Apartments) has frontage on Fourth Avenue and Ermine Street with a driveway connection to Ermine Street. Adjoining Tax Lot 8300 (Waverly Elementary School) has frontage on Fourth Avenue, Columbus Street and Pacific Boulevard with a driveway connection to Columbus Street.

## Conclusions

- 3.1 The proposed replat will provide for creation of shared access easements that allow for shared parking and access.
- 3.2 This criterion is met with the following condition.

## Conditions

*Condition 1* Prior to or with recordation of the final plat map, the applicant shall record a shared access and parking easement benefiting both parcels within the proposed replat.

## Criterion 4

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

## Findings of Fact

- 4.1 The site is located at 2409 and 2415 SE Pacific Boulevard on the northwest corner of the Ermine Street and Pacific Boulevard intersection (Attachment A).
- 4.2 The property has frontage on Ermine Street to the east and Pacific Boulevard to the south.
- 4.3 Pacific Boulevard is part of State Highway 99E. Pacific Boulevard is classified as a principal arterial street. The street is under the jurisdiction of ODOT, and is improved to city standards. Improvements include: curb, gutter and sidewalk; two vehicle travel lanes in each direction; a two-way center left turn lane; and on street bike lanes.
- 4.4 Ermine Street is classified as a local street and is constructed to city standards. Improvements along the east frontage of the site include curb, gutter, and sidewalk along both sides of the street; and a vehicle travel lane in each direction; on street parking on both sides of the street. The posted speed limit is 25 miles per hour.
- 4.5 Albany's 2010 Transportation System Plan (TSP) does not identify any existing capacity deficiencies adjacent to this site.

## Conclusions

- 4.1 The existing street system serves the subject property and adjacent properties.
- 4.2 No new streets are proposed or required to complete the proposed replat; therefore, the replat will not impact the existing street system.
- 4.3 This criterion is met without conditions.

## Criterion 5

**The location and design allow development to be conveniently served by various public utilities.**

## Findings of Fact

### *Sanitary Sewer*

- 5.1 City utility maps show a 54-inch public sanitary sewer main along the west boundary of the site. When Davidson Street was vacated in this area, a public utility easement was retained over the entire 60-foot

width of the vacation area. No permanent structures are allowed within the public utility easement. Regular fencing is allowed within the easement, but no structures or block walls.

- 5.2 The existing sanitary sewer service lateral to the existing building enters the site from the north and will not be impacted by the proposed replat.

### *Water*

- 5.3 City utility maps show a 10-inch public water main in Pacific Boulevard, and a 12-inch public water main in Ermine Street.
- 5.4 The existing building on the site is served by a water service/meter along the subject property's south (Pacific Boulevard) boundary.
- 5.5 The applicant is proposing a 10-foot wide private utility easement through proposed Property "B" for the existing water service that serves the restaurant (Domino's Pizza) on proposed Property "A".

### *Storm Drainage*

- 5.6 City utility maps show an 18-inch public storm drainage main in Pacific Boulevard. The storm drainage facilities within the Pacific Boulevard right-of-way are under the jurisdiction of ODOT.
- 5.7 The proposed replat will require that the applicant provide a shared storm drainage system easement over the areas of the site that will ultimately serve both parcels. This is likely to be included with any required shared access and maintenance easement over the shared portions of the parking lot. This easement must be granted to assure that proposed Parcel A has access to public storm drainage facilities in Pacific Boulevard.

### **Conclusions**

- 5.1 The proposed replat will not impact public utility services to the site. Both proposed parcels will have access to public utilities (sanitary sewer, water, storm drainage).
- 5.2 A private utility easement is being proposed over the existing water service that runs through proposed Property "B" for the benefit of proposed Property "A".
- 5.3 A shared storm drainage maintenance easement must be provided for the site that allows both proposed parcels to utilize on-site storm drainage facilities.
- 5.4 No permanent structures are allowed within the public utility easement that exists over the westernmost 60 feet of the subject property (vacated Davidson Street right-of-way).

### **Conditions**

- Condition 2* Before the City will approve the final plat, the applicant must provide a private shared maintenance easement over the parking areas for shared storm drainage facilities.

### **Criterion 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.**

## Findings of Fact

- 6.1 *Article 4 Airport Approach district*: The subject property is located within the City's Airport Approach Overlay District, and specifically within the Horizontal Area. No development is proposed with this land division. Maximum height will be reviewed at the time of development.
- 6.2 *Article 6 Steep Slopes, Comprehensive Plan Plate 7*: shows that there are no areas of steep slopes on the subject property. The elevations on the property range from 220 feet to 222 feet (NGVD, 1929). The property slopes generally from the highest point at the southeast corner downward toward the northwest corner of the site.
- 6.3 *Article 6 Floodplains, Comprehensive Plan Plate 5*: does not show this property in a 100-year floodplain. FEMA/FIRM Community Panel No. 41043C0214H, dated December 8, 2016, shows that this property is in Zone X, an area determined to be outside any 500-year floodplain.
- 6.4 *Article 6 Wetlands, Comprehensive Plan Plate 6*: The Local Wetlands Inventory shows no wetlands on this site. The U.S. Department of Interior, Fish and Wildlife Service National Wetland Inventory Map does not show wetlands on the property.
- 6.5 *Article 7 Historic Districts, Comprehensive Plan Plate 9*: confirms neither tax lot is in a historic district. There are no known archaeological sites on the property.

## Conclusions

- 6.1 No development is proposed that would impact special purpose overlay districts.
- 6.2 This criterion is met without conditions.

## Overall Conclusion – Conditions of Approval

As proposed, the application for a tentative replat of Lots 5, 6, 7, 8, 9 of Block 2 of Supplemental Plat of Burkhart Addition and the southern portion of vacated Davidson Street into two parcels satisfies all the applicable review criteria with adherence to the following conditions of approval.

**Condition 1** Prior to or with recordation of the final plat map, the applicant shall record a shared access and parking easement benefiting both parcels within the proposed replat.

**Condition 2** Before the City will approve the final plat, the applicant must provide a private shared maintenance easement over the parking areas for shared storm drainage facilities.

## Attachments

- A. Location Map
- B. Tentative Replat

## Acronyms

ADC	Albany Development Code
CC	Community Commercial Zoning District
LUBA	Land Use Board of Appeals
RL	Replat File Designation