



COMMUNITY DEVELOPMENT DEPARTMENT

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STAFF REPORT **Site Plan Review (SP-01-18)** **Temporary Plant Sales**

EXECUTIVE SUMMARY

The proposed project is a Site Plan Review (planning file SP-01-18) for temporary plant sales in an 1,800 square foot greenhouse structure together with a 120-square-foot checkout counter, placed on the west side of the Heritage Mall parking lot located adjacent to the north side of 14th Avenue, between the Red Robin restaurant to the west and a commercial retail building pad with three tenant spaces to the east. The temporary use would be allowed to operate for a time period not to exceed 120 days per calendar year. The proposed use will utilize up to 15 parking spaces available on-site. Site Plan Review as previously approved for this same use under planning file SP-03-15. A location map and site plans are included in the Attachments A-C.

Site Plan Review criteria contained in Albany Development Code (ADC) 2.250 are addressed in this report for the proposed development. These criteria must be satisfied to grant approval for this application.

APPLICATION INFORMATION

DATE OF REPORT:	February 22, 2018
FILE:	SP-01-18
TYPE OF APPLICATION:	Site Plan Review for temporary plant sales (31-120 days per year) on the south end of the Heritage Mall parking lot adjacent to 14 th Avenue SE.
REVIEW BODY:	Staff (Type I-L review)
PROPERTY OWNER:	VCG Heritage Mall LLC; 11611 San Vicente Boulevard, Suite 1000; Los Angeles, CA 90049
MALL REPRESENTATIVE:	Melody Olsen, Specialty Leasing and Event Manager; 1895 14 th Avenue SE; Albany, OR 97322
APPLICANT:	Paul Orson; 560 Harvest Lane; Roseburg, OR 97471
ADDRESS/LOCATION:	1895 14th Avenue SE
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-03W-08BD; Tax Lot 801
ZONING:	Regional Commercial (RC) District
TOTAL LAND AREA:	Property for this portion of the Heritage Mall site is 21.8 acres; project area is about 5,500 square feet
EXISTING LAND USE:	Regional shopping mall (Heritage Mall)

NEIGHBORHOOD: Santiam

SURROUNDING ZONING: North: Residential Medium Density Attached (RMA); Regional Commercial (RC)
South: RC south of 14th Avenue
East: RC
West: RC and RMA

SURROUNDING USES: North: Single-story and two-story apartments, retail commercial tenants
South: Retail shopping center, retail commercial tenants East: Commercial space, offices
West: Retail commercial tenant space, single-story apartments, vehicle repair shop

PRIOR HISTORY: Heritage Mall was constructed beginning in 1987 following approval of SP-43-87.
Site Plan Review approval for temporary plant sales in a 1,800 square foot greenhouse structure on the west side of the Heritage Mall parking lot under SP-03-15.

STAFF DECISION

The proposed temporary plant sales referenced above is APPROVED with CONDITIONS as described in this staff report.

NOTICE INFORMATION

On February 7, 2018, a Notice of Filing was mailed to property owners within 300 feet of the subject property in accordance with ADC 1.350. At the end of the comment period on February 21, 2018, no comments were received by the Community Development Department.

STAFF ANALYSIS

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 italics*** and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

SITE PLAN REVIEW CRITERIA (ADC 2.450)

Criterion (1) Public utilities can accommodate the proposed development.

FINDINGS OF FACT

- 1.1 The subject property is served by sanitary sewer, water and storm drainage.
- 1.2 The applicant is proposing no changes to the site that would impact public utilities.

CONCLUSION

- 1.1 Public utilities (sanitary sewer, water, and storm drainage) serve the property.

Criterion (2) The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.

FINDINGS OF FACT

- 2.1 The applicant did not propose any post-construction stormwater quality facilities on-site to accommodate the proposed development.
- 2.2 The area proposed to accommodate this temporary use is about 5,500 square feet.

- 2.3 Section 12.45.040(1) of the Albany Municipal Code (AMC) states that a development may be exempted from a post-construction stormwater quality permit if the development creates and/or replaces less than 8,100 square feet of impervious surface, cumulatively. The applicant proposes no permanent structures or creation or replacement of impervious surface equal or greater to 8,100 square feet.

CONCLUSIONS

- 2.1 The proposed plant sales will not create or replace impervious surface equal or greater to 8,100 square feet.
- 2.2 This criterion is not applicable.

Criterion (3) The transportation system can safely and adequately accommodate the proposed development.

FINDINGS OF FACT

- 3.1 Access to Heritage Mall is provided from 14th Avenue SE, Geary Street SE, and Clay Street SE.
- 3.2 The nearest access to the portion of property where temporary plant sales will take place is 14th Avenue SE.
- 3.3 Fourteenth Avenue SE is classified as a major collector street. It is constructed to City standards. Improvements include curb, gutter, and sidewalk; center turn lane; bicycle lanes; and a vehicle travel lane in each direction.

CONCLUSIONS

- 3.1 The street adjoining the temporary plant sales site is improved to city standards.
- 3.2 This review criterion will be met.

Criterion (4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

FINDINGS OF FACT

- 4.1 The proposed site is accessed from a pair of entrance-exit points that are served by an interior parking lot road network that serves the Heritage Mall property. No changes are proposed to driveway location or parking lot.
- 4.2 ADC Section 9.020(9) states that temporary uses of less than 120 days, as defined in AMC Chapter 5.10 Transient and Itinerant Merchants and Vendors, are not required to meet parking standards.
- 4.3 The applicant plans to utilize 15 parking spaces within the existing parking lot. One space shall be ADA-accessible.
- 4.4 Section 5.10.050(2) of the Albany Municipal Code states that "Site Plan Review approval shall be valid for up to three years subject to an annual license fee of \$100 paid to the City upon a finding that there have been no changes in site usage or operations."

CONCLUSIONS

- 4.1 The proposed parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
- 4.2 There is sufficient parking available on site to satisfy minimum parking requirements for the proposed temporary use and existing uses.
- 4.3 A Site Plan Review for temporary plant sales shall not exceed 120 days per calendar year. Any business operating for more than 120 days shall meet all development code requirements.

- 4.4 Site Plan Review approval for temporary plant sales at this location shall be valid until **December 31, 2020**, provided that an annual license renewal fee of \$100 is paid to the City upon a finding that there have been no changes in site usage or operations.
- 4.5 This review criterion will be met when the following conditions are met:

CONDITIONS

- 4.1 Site Plan Review approval for temporary plant sales on the subject property shall not exceed 120 days per calendar year.
- 4.2 Site Plan Review approval for temporary plant sales at this location shall be valid until **December 31, 2020** provided that an annual license renewal fee of \$100 is paid to the City upon a finding that there have been no changes in site usage or operations.

Criterion (5) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

FINDINGS OF FACT

- 5.1 Site Plan Review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses and with the natural environment. Site Plan Review is not intended to evaluate the proposed use or the structural design of the proposal. Rather, the review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping. It is the process used to review temporary uses lasting 31 to 120 days per calendar year to ensure the use provides functional access, parking and circulation to reduce potential land use conflicts. Where conflicts are identified, mitigation can be required through conditions of approval.
- 5.2 There is an existing shopping mall and parking lot on this property, which is about 21.8 acres in size. The applicant proposes to utilize about 5,500 square feet of the property for temporary plant sales.
- 5.3 Surrounding development and land uses: Heritage Mall is largely surrounded by other retail commercial uses and professional office uses on all sides. The nearest residential uses to the property include some single- and two-story apartment buildings north of the mall, and single-story apartments beyond Geary Street to the west. The portion of mall property where the temporary plant sales will take place is not adjacent to residential uses.
- 5.4 Building and Parking Lot Setbacks. ADC 5.090, Table 1, shows that the front yard setback for buildings and parking areas in the Regional Commercial (RC) zoning district is 10 feet. This standard is met at the proposed plant sales location. The proposed film-covered structure used as a greenhouse is 16 feet tall, according to the applicant in previous correspondence; however, the wall height of the structure is about half that, at approximately eight feet. Therefore, the outdoor greenhouse and onsite parking associated with the temporary plant sales use shall comply with the interior setback requirement of at least 10 feet from the southerly property line, as shown on the submitted site plan.
- 5.5 Outside Storage. ADC 4.300 requires that any refuse container or disposal area that would otherwise be visible from a public street, customer, or resident parking area, any public facility, or any residential area, be screened from view by placement of a sight-obscuring fence, wall, or hedge at least six feet tall. All refuse materials must be contained within the screened area. Refuse disposal areas may not be located in required setbacks or buffer yards. The site plan does not show the location of a refuse container or disposal area.

- 5.6 Fences. ADC 9.380(4) says fences shall be no taller than six feet in required front setbacks. Six-foot fences containing barbed wire on top and fences taller than six feet are not permitted in the front setback. The required front setback in the RC zoning district is 10 feet. Fences located outside of the front setback may be up to eight feet tall. Fences over six feet in height require a building permit prior to construction. The site plan shows the presence of a six-foot tall chain link fence for this temporary use.

CONCLUSION

- 5.1 The design and operating characteristics of the proposed development will be reasonably compatible with surrounding development and land uses if the following conditions are met.

CONDITIONS

- 5.1 The applicant shall maintain a minimum setback of 10 feet on the portion of use adjacent to 14th Avenue SE.
- 5.2 The chain link fence surrounding the proposed use shall not exceed six feet tall in the front setback abutting 14th Avenue SE and shall be removed at the termination of the plant sales use.
- 5.3 Outside storage of refuse is not allowed unless it is screened from view by placement of a site-obscuring fence, wall, or hedge at least six feet tall. Any material used to screen outdoor storage shall be removed at the termination of the plant sales use.

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. The subject property is located within the Airport Conical Surface area, as indicated on the Albany Municipal Airport Approach and Clear Zone plan. The highest elevation on the property is about 220 feet (NGVD 1929), according to the City's topographical records. The conical surface has an elevation ranging from 372 feet to 472 feet above mean sea level. The property's RC zoning has no maximum building height for development unless the project is located in the Airport Approach Overlay District. The proposed film-covered structure used as a greenhouse is 16 feet tall, according to the applicant; the wall height of the structure is about half that, at approximately eight feet. This will not penetrate the elevation of the Airport Conical Surface area.
- 6.2 The subject property is not located in any other special purpose district.

CONCLUSION

- 6.1 This review criterion is met without conditions.

Criterion (7) The site is in compliance with prior land use approvals.

FINDINGS OF FACT

- 7.1 Heritage Mall was originally approved in 1987 under planning file SP-43-87.
- 7.2 Site Plan Review approval for temporary plant sales on the west side of the Heritage Mall parking lot was granted under planning file SP-03-15.
- 7.3 There are no known outstanding conditions of approval from previous land use approvals.

CONCLUSIONS

- 7.1 The property is in compliance with prior land use approvals.
- 7.2 This criterion is met without conditions.

Criterion (8) Sites that have lost their nonconforming status must be brought into compliance, and may be brought into compliance incrementally in accordance with Section 2.370.

FINDINGS OF FACT

- 8.1 Section 2.370 of the ADC states, “Sites that are nonconforming with the current development standards and that have lost their nonconforming status are required to bring the site into compliance with current Code standards. Incremental improvements are allowed in accordance with Subsection (1).”
- 8.2 The proposed temporary plant sales will occupy a 5,500 square foot portion of an existing parking lot on the south side of Heritage Mall, abutting 14th Avenue SE. No permanent changes are being proposed to the site.
- 8.3 The site has been in continuous use since its original approval. Nonconforming status remains on portions of the property that do not presently meet prevailing development standards. No work is being proposed in areas of the site considered nonconforming. Therefore, this criterion does not apply.

CONCLUSION

- 8.1 This criterion is not applicable.

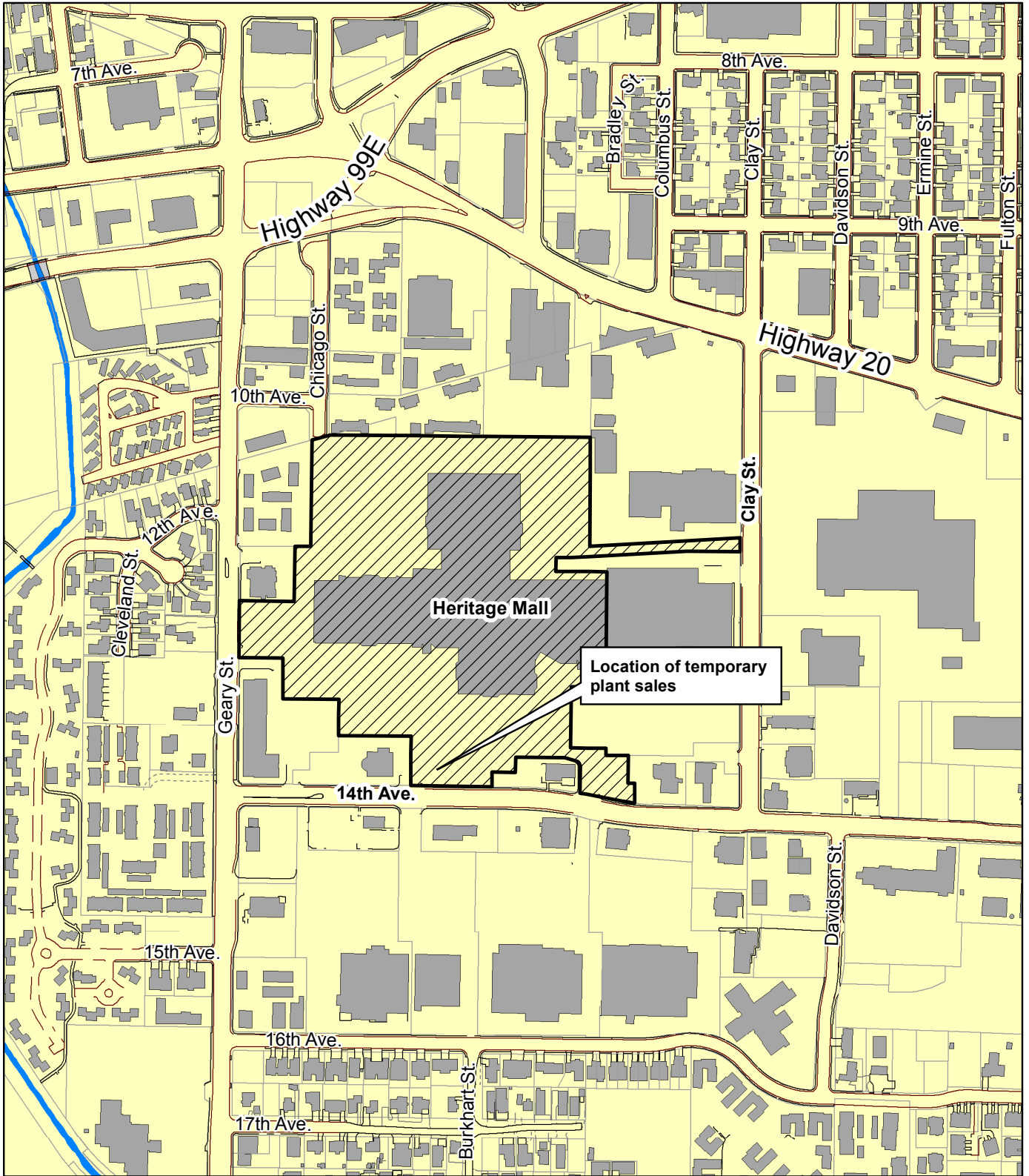
OVERALL CONCLUSION

As proposed and conditioned, the request for temporary plant sales meets the site plan review criteria with the following conditions:

- 4.1 Site Plan Review approval for temporary plant sales on the subject property shall not exceed 120 days per calendar year.
- 4.2 Site Plan Review approval for temporary plant sales at this location shall be valid until **December 31, 2020**, provided that an annual license renewal fee of \$100 is paid to the City upon a finding that there have been no changes in site usage or operations.
- 5.1 The applicant shall maintain a minimum setback of 10 feet on the portion of use adjacent to 14th Avenue SE.
- 5.2 The chain link fence surrounding the proposed use shall not exceed six feet tall in the front setback abutting 14th Avenue SE and shall be removed at the termination of the plant sales use.
- 5.3 Outside storage of refuse is not allowed unless it is screened from view by placement of a site-obscuring fence, wall or hedge at least six feet tall. Any material used to screen outdoor storage shall be removed at the termination of the plant sales use.

ATTACHMENTS

- A. Location Map
- B. Heritage Mall Site Plan
- C. Plant Sales Site Plan



Location Map: 1895 14th Avenue SE



The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect; thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the

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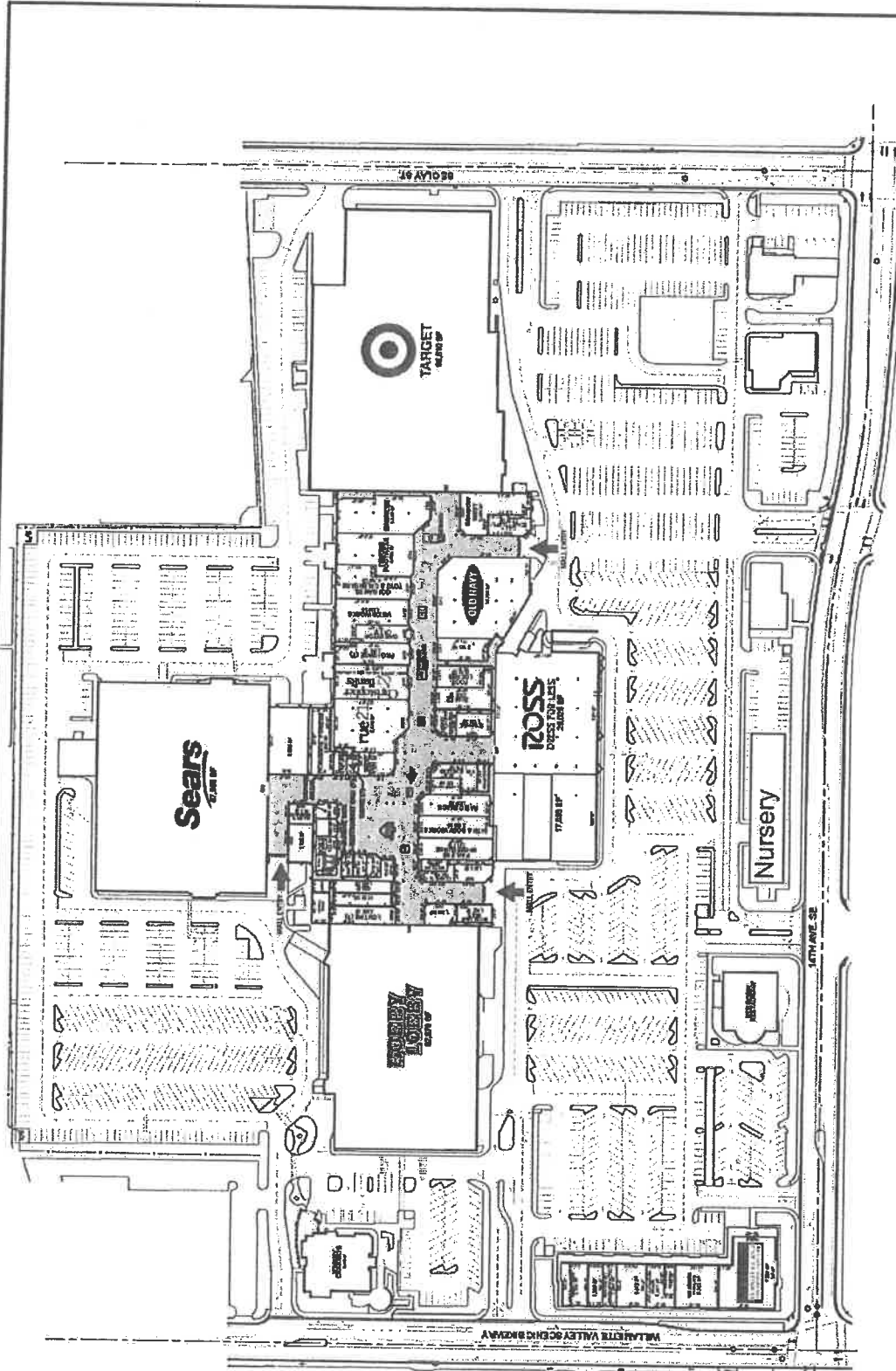


0 95 190 380 570 760
Feet

March 19, 2015

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550



HERITAGE MALL

 1895 14th Avenue SE

 Albany, Oregon 97322

 Tel: (541) 967-8238

 Leasing Plan

 October 13, 2014



HERITAGE MALL

The information contained herein is intended only as a general description of contemplated, but not covenanted, improvements to be made as part of the project. Certain of the elements shown on the plan may be future development and are not representation that said future development will occur as shown. Specific names, locations, dimensions of any stores, entrances or improvements are not intended to be and should not be relied upon and are subject to change, modification and deletion by Landlord or other parties and is not a representation or warranty as to the opening or continued operation of any store named or depicted or to the location of the store, entrance and improvements. Landlord cannot guarantee that internal changes have not occurred since this plan has been prepared. Landlord reserves the right to make any changes to the work to insure the accuracy of the drawings. The work of Vintage Real Estate, LLC and their agents shall not be responsible for any discrepancy between the dimensions reflected herein and the as-built condition.

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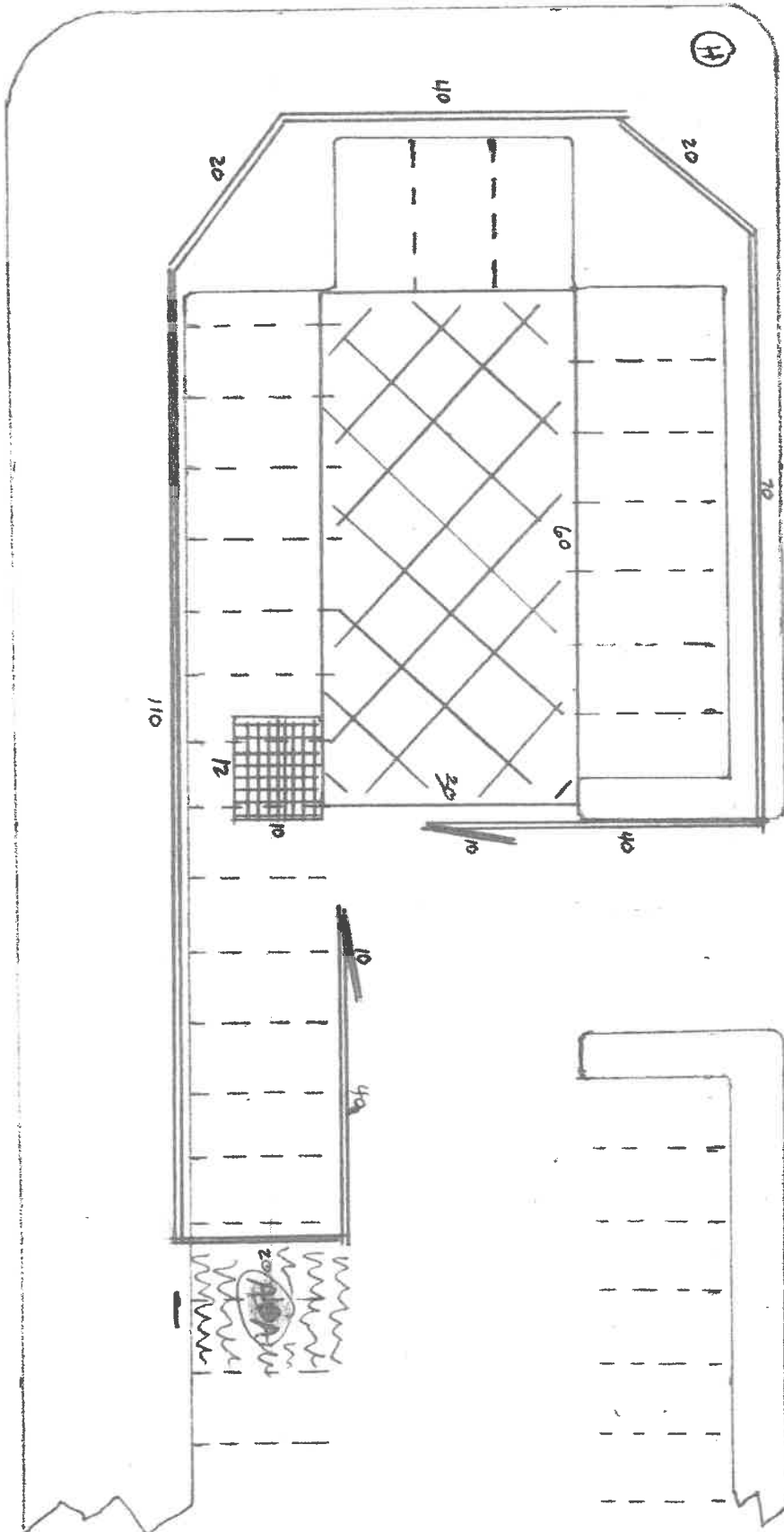
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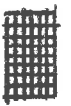
ADA COMPLIANT
PARKING



FIRE HYDRANT



FILM COVERED
STEEL FRAME
GRANHOUSE



WOOD FRAME
CHECKOUT COUNTER



6" CHANNEL/IRK
PERIMETER FENCE

3/26/2015

1" = 20' N

541-926-1843

ROSELINDA, OR 97471

520 HARVEST LN.

ORSON'S GRANHOUSES, INC
dba: COUNTRY FARMER
PAUL ORSON
520 HARVEST LN.