



COMMUNITY DEVELOPMENT

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

Staff Report

Site Plan Review

Temporary Food Truck

SP-07-20

April 10, 2020

Application Information

Proposal:	Site plan review to operate an enclosed food truck on the subject property for up to 120 calendar days per year
Review Body:	Staff (Type I-L review)
Property Owner:	CWC Income Properties 2, LLC; John Wells 11236 El Camino Real; San Diego, CA 92130
Applicant:	Lara Herrmann 1320 NW Ashley Drive, Albany, OR 97321
Address/Location	2200 Pacific Boulevard SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-08AB; Tax Lot 12300
Zoning:	Community Commercial (CC) Zoning District
Overlay:	Airport Approach District
Total Land Area:	.30 acres
Existing Land Use:	Vacant
Neighborhood:	Santiam
Surrounding Zoning	North: Community Commercial (CC) East: CC South: CC West: CC
Surrounding Uses:	North: Pacific Boulevard/Multi-tenant Office East: St. Vincent de Paul Thrift Store South: St. Vincent de Paul Thrift Store West: Columbus Street/Sam City Pho & Grill
Prior History:	Prior land use history could not be located

Summary

The applicant submitted a Site Plan Review application on March 12, 2020, to operate a food truck on the subject property for up to 120 calendar days per year. The application was deemed complete on March 26, 2020.

The subject property is zoned Community Commercial (CC), which permits commercial uses, including temporary food trucks, through site plan review. The proposed food truck is 280 square feet with a maximum length of thirty-five feet and maximum width of eight feet (Attachment B.2). No outdoor seating is proposed. The applicant's site plan (Attachment B.1) indicates that parking will be accommodated on site via an unmarked paved area at the south end of the property.

Site Plan Review criteria found in section 2.450 of the Albany Development Code (ADC) are addressed in this report. Because the proposed use is temporary and the structure will not be permanently affixed to the ground, relief has been granted for some of the standards, including commercial design standards found in ADC 8.330-8.390.

Staff Decision

The application for a Site Plan Review and land division application referenced above is **approved with conditions** as described in this staff report.

Notice Information

A Notice of Filing was mailed to property owners located within 300 feet of the subject property on March 26, 2020. Property owners were given 14 days to respond to the notice. No written comments were received during this 14-day window.

Analysis of Development Code Criteria

Section 2.450 of the ADC includes the following review criteria, which must be met for this application to be approved. Development code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

Public utilities can accommodate the proposed development.

Findings of Fact

Sanitary Sewer

- 1.1 City utility maps show a 10-inch public sanitary sewer main in Pacific Boulevard and a 10-inch main east of the site. The previous building on the property (since demolished) was connected to the public sewer system east of the site.
- 1.2 The proposed use will be temporary and will not be connected to the public sewer system.

Water

- 1.3 City utility maps show a 12-inch public water main in Columbus Street. The previous building on the property (since demolished) was connected to the public water system.
- 1.4 The proposed use will be temporary and will not be connected to the public water system.

Storm Drainage

- 1.5 City utility maps show public storm drainage at the intersection of Pacific Boulevard and Columbus Street. Both streets are improved with curb and gutter, and sidewalks.

- 1.6 No modifications to the site are proposed with this temporary development, therefore no additional storm drainage requirements will be associated with the proposed use.

Conclusions

- 1.1 City utilities (sanitary sewer, water, and storm drainage) are available to the subject property. But, because the proposal is for a temporary use, no connections to these public utilities are being proposed.
- 1.2 This criterion is met without conditions.

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 (AMC/municipal code).

Findings of Fact

- 2.1 Section 12.45.030 of the municipal code states that a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development. (Ord. 5841 § 3, 2014).
- 2.2 The proposed food truck will be located on a 0.30-acre lot. Because the subject property is less than one acre, no stormwater quality facilities will be required with this development.

Conclusions

- 2.1 Stormwater quality facilities are not required.
- 2.2 This review criterion is not applicable.

Criterion 3

The transportation system can safely and adequately accommodate the proposed development.

Findings of Fact

- 3.1 The subject property is located on the southeast corner of the intersection of Columbus Street and Pacific Boulevard. This application will result in placement of one food truck on the property.
- 3.2 Pacific Boulevard is classified as an arterial and is constructed to Oregon Department of Transportation (ODOT) standards. Columbus Street is classified as a local street and is constructed to City standards. There are two existing driveway approaches for this property that provide access via Pacific Boulevard and Columbus Street.
- 3.3 No changes to the driveway approaches are proposed.
- 3.4 ODOT was notified of the application and has no comments regarding this temporary use.
- 3.5 Based on the Institute of Transportation Engineers trip generation rates, the proposed use will add approximately three new p.m. peak hour vehicle trips to the street system.

Conclusions

- 3.1 Pacific Boulevard is improved to ODOT standards, while Columbus Street is improved to City standards.
- 3.2 No changes are proposed to the existing driveway approaches.
- 3.3 The transportation system can safely and adequately accommodate the proposed development.
- 3.4 This review criterion is met without conditions.

Criterion 4

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

Findings of Fact and Conclusions

- 4.1 The proposed food truck is located at the east side of the property. The site plan indicates that unmarked parking is provided at the south end of the property, where paving remains from the prior use. Per ADC 9.020(9) temporary uses of less than 120 days are not required to meet parking standards.
- 4.2 No changes are proposed to the existing driveway approaches from Pacific Boulevard or Columbus Street. The proposed location of the food truck does not interfere with or hinder site circulation.
- 4.3 Outdoor seating is not proposed with this application.

Conclusions

- 4.1 The proposed location of the food truck does not interfere with the existing parking lot or hinder site circulation.
- 4.2 Temporary uses are not required to provide parking.
- 4.3 This criterion is met without conditions.

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 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. Where conflicts are identified, mitigation can be required through conditions of approval.
- 5.2 Design and Operating Characteristics. The proposal is to operate a food truck for up to 120 days per calendar year. The subject property was a previously developed site. However, the building has since been removed, leaving the remainder of the parking lot. The applicant proposes using approximately 280 square feet of the property for the food truck. No outdoor seating is proposed. Unmarked parking is accommodated on the paved portion of the site. A site plan of the proposed development is presented in Attachment B.1.
- 5.3 Surrounding Development and Land Use. The subject property is surrounded by commercial uses. To the west and south is the St. Vincent de Paul Thrift store. To the north across Pacific Boulevard is a multi-tenant office complex, and to the west across Columbus Street is Sam City Pho & Grill.
- 5.4 Lot Size, Dimensional Requirements, and Lot Coverage. Per ADC 4.090, Table 4-2, the CC zoning district does not require a minimum lot size, width, or depth. The maximum lot coverage is 90 percent. The subject property is 0.30 acres (13,068 square feet). The food truck is 35 feet by 8 feet for a total of 280 square feet. The food truck will be located on an existing impervious surface area and therefore will not impact lot coverage.
- 5.5 Setbacks. Per ADC 4.090, Table 4-2, the CC zoning district requires a minimum front setback of 10 feet. The proposed location of the food truck is not within the front setback along Columbus Street

or Pacific Boulevard. The CC zoning district requires a minimum interior setback of 10 feet when the property abuts a residential district. The subject property does not abut a residential district; therefore, an interior setback is not required. The applicant's site plan indicates the food truck will be 10 feet from the closest property line, which is required to meet commercial building code. This standard is met.

- 5.6 Environmental Standards. ADC 9.440 - 9.500 includes environmental standards related to noise, visible emissions, vibrations, odors, glare, heat, insects, rodents, and hazardous waste. The design and operating characteristics of a food truck are comparable to other commercial operations in the immediate vicinity. The applicant's findings (Attachment B.4) indicate that grey water will be disposed of, and fresh water replaced, via a private contractor. The development shall comply with all other applicable codes and ordinances, including AMC 12.10.010, Prohibited Discharges.
- 5.7 Refuse Containers. 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, public facility, or any residential area must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least six feet tall. A refuse container is not proposed as part of this application. If the applicant later decides to utilize a refuse container, it shall be screened in accordance with the development code.
- 5.8 Operating Days: The applicant's operating schedule (Attachment B.3) states that the food truck will be open four days a week from May through December. Additionally, they will be attending offsite events throughout these months, which will result in ten fewer onsite operating days. This equates to 130 operating days in the first year. The applicant shall reduce the number of operating days to stay within the 120-day parameter.
- 5.9 Yearly License Renewal: Section 5.10.050(2) of the municipal code states that "Site Plan Review approval shall be valid for up to three years subject to an annual fee of \$100 paid to the City upon a finding that there have been no changes in site usage or operations." An updated schedule of operation is required prior to renewal.
- 5.10 Design Standards: Due to the temporary nature of the proposed operation, the food truck is not subject to design standards found in ADC 8.310 - 8.390.

Conclusions

- 5.1 The subject property is zoned CC. The proposed use is allowed through Site Plan Review approval.
- 5.2 The proposal meets the standards for building height, lot coverage, and setbacks.
- 5.3 A Site Plan Review for the placement of a food truck shall not exceed 120 days per calendar year. Any business operating for more than 120 days shall meet all development code requirements.
- 5.4 Site Plan Review approval for placement of a food truck at this location shall be valid until April 10, 2023, provided that the annual license renewal fee of \$100 is paid to the City upon a finding that there have not been changes in site usage or operations.
- 5.5 The development shall comply with all other applicable codes and ordinances, including AMC 12.10.010, Prohibited Discharges.
- 5.6 This criterion is met with the following conditions.

Conditions of Approval

- Condition 1 Site Plan Review approval for placement of a food truck at this location shall be valid until April 10, 2023, provided the annual license renewal fee of \$100 is paid to the City upon a finding that there have not been changes in site usage or operations. The food truck shall not

operate for more than 120 days in a calendar year. An updated schedule of operation is required prior to renewal.

Condition 2 The development shall comply with all other applicable codes and ordinances, including AMC 12.10.010, Prohibited Discharges.

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:* According to Figure 4-1 of the development code, the subject property is located within the Airport Approach District. The subject property is located at an elevation of 220 feet and the proposed food truck is approximately 13 feet and 6 inches tall (Attachment B.2), for a total elevation of 233.5 feet. The Airport Approach District restricts the combined height of the existing ground level elevation and building to no more than 372 feet. Therefore, the combined elevation of 233.5 feet is well below the height restriction imposed by the Airport Approach District. This standard is met.
- 6.2 *Article 6 Steep Slopes, Comprehensive Plan Plate 7:* According to *Plate 7 of the Comprehensive Plan*, the subject property is not located in the Hillside Development district.
- 6.3 *Article 6 Floodplains, Comprehensive Plan Plate 5:* FEMA/FIRM Community Panel No. 41043C0214H, dated December 8, 2016, shows that the entirety of the subject property is located outside the 100-year floodplain.
- 6.4 *Article 6 Wetlands, Comprehensive Plan Plate 6:* does not show any wetlands on the subject site. The National Wetland Inventory Map does not show wetlands on the property.
- 6.5 *Article 6:* The subject property is not located in the Willamette River Greenway, Open Space Zoning, Riparian, or Habitat overlay district.
- 6.6 *Article 7 Historic Districts, Comprehensive Plan Plate 9:* shows the subject property is not in a historic district. There are no known archaeological sites on the property.

Conclusions

- 6.1 The subject property is located in the Airport Approach District. The height of the proposed structure is well below the height restriction imposed by the Airport Approach District
- 6.2 Aside from the Airport Approach District, the subject property is not located in a special purpose district.
- 6.3 This review criterion is met without conditions.

Criterion 7

The site is in compliance with prior land use approvals.

Findings of Fact and Conclusions

- 7.1 Prior land use reviews could not be located.
- 7.2 This criterion is not applicable.

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 and Conclusions

- 8.1 The site is not considered nonconforming.
- 8.2 This criterion is not applicable.

Overall Conclusion

As proposed and conditioned, the application for Site Plan Review to operate a food truck for up to 120 calendar days per year satisfies all applicable review criteria as outlined in this report.

Conditions of Approval

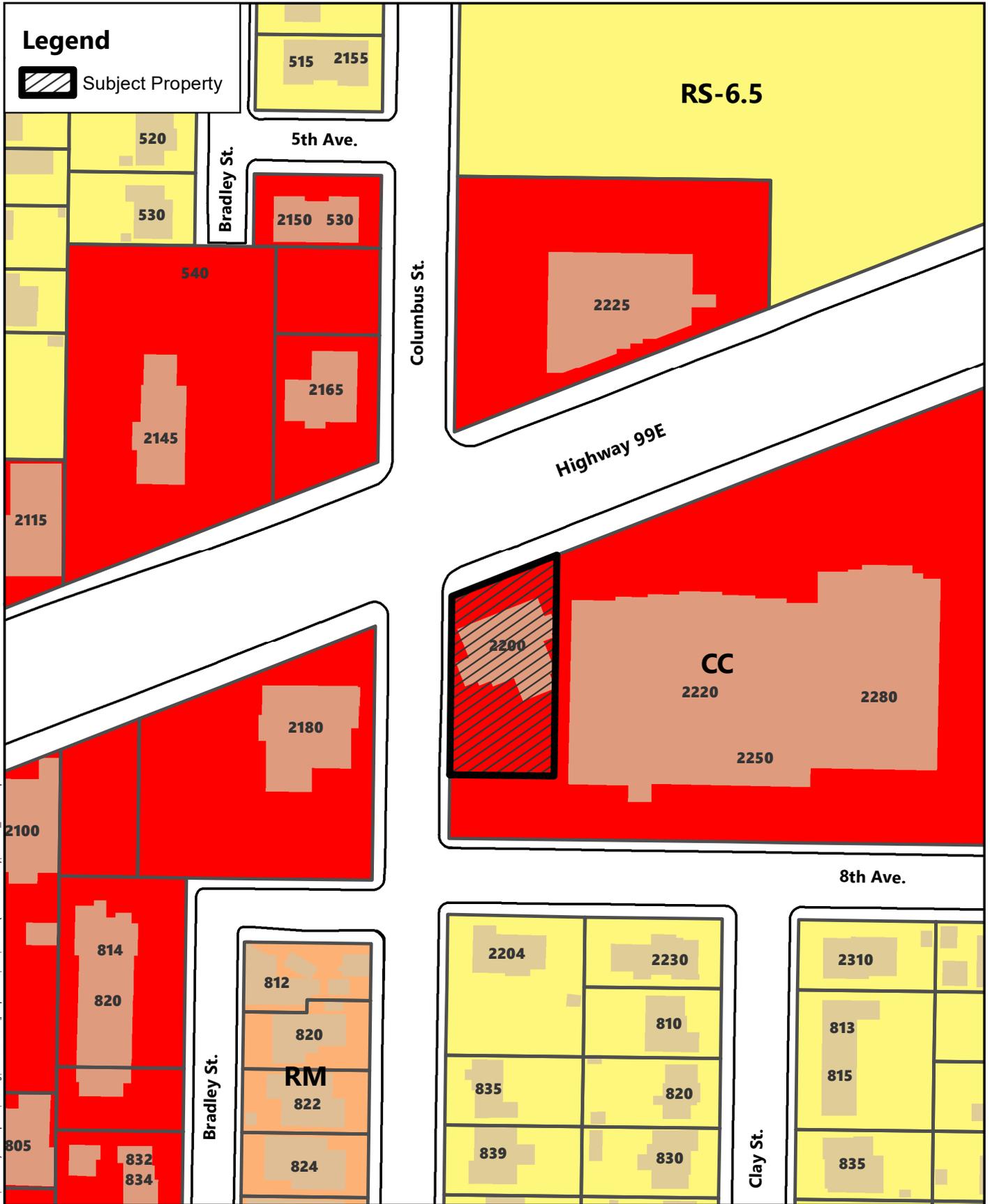
- Condition 1 Site Plan Review approval for placement of a food truck at this location shall be valid until April 10, 2023, provided the annual license renewal fee of \$100 is paid to the City upon a finding that there have not been changes in site usage or operations. The food truck shall not operate for more than 120 days in a calendar year. An updated schedule of operation is required prior to renewal.
- Condition 2 The development shall comply with all other applicable codes and ordinances, including AMC 12.10.010, Prohibited Discharges.

Attachments

- A. Location Map
- B. Applicant Submittals
 - 1. Site Plan
 - 2. Elevation
 - 3. Operating Schedule
 - 4. Findings

Acronyms

ADA	American Disabilities Act (Accessible Parking Standards)
ADC	Albany Development Code
AMC	Albany Municipal Code
CC	Community Commercial (Zoning District)
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
ODOT	Oregon Department of Transportation
SP	Site Plan Review (File Designation)



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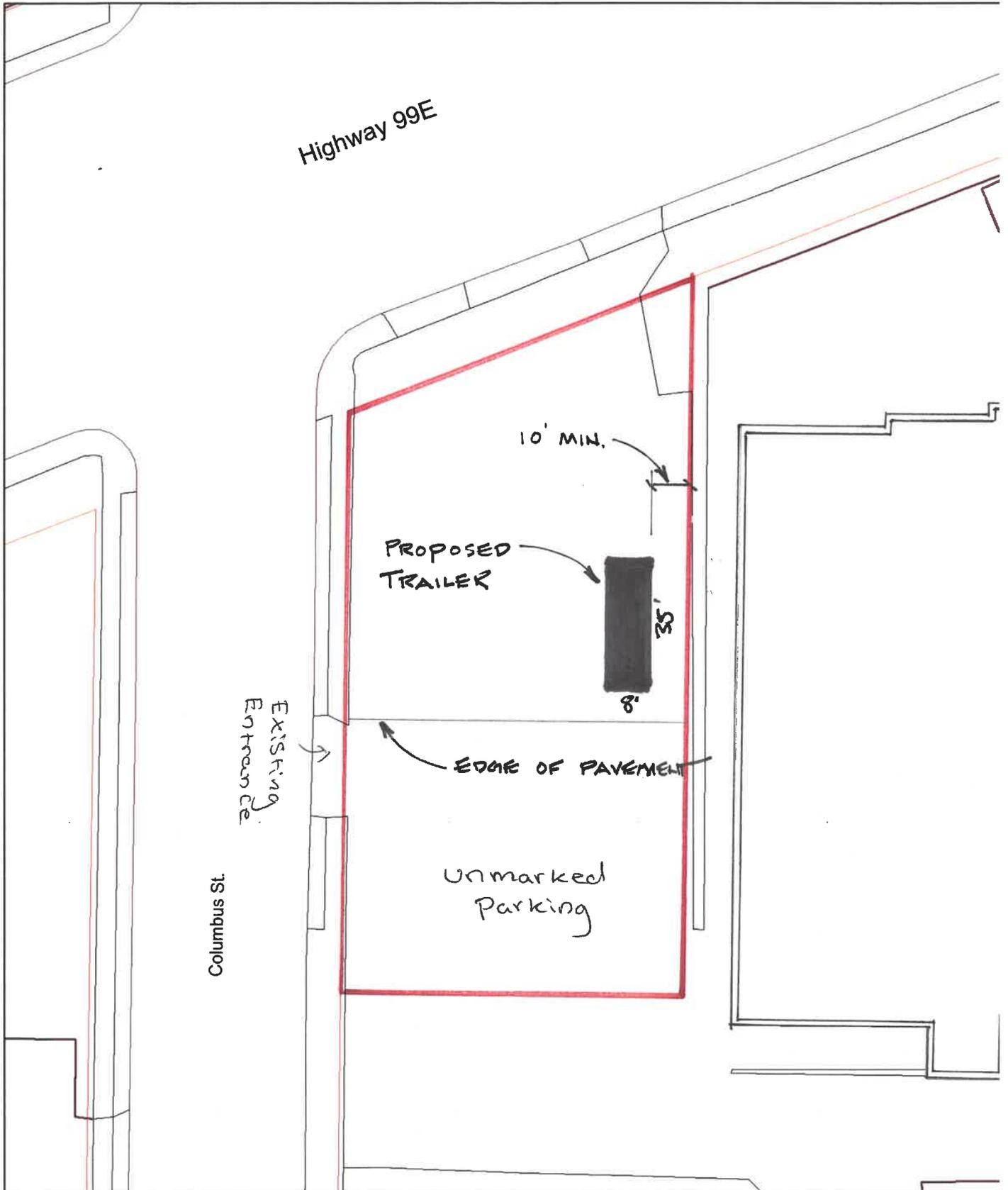
Date: 1/23/2020 Map Source: City of Albany

2200 Pacific Blvd SE
 Location / Zoning Map

2200 Pacific Boulevard



1 inch = 30 feet





Bottom of tires to top 13' 6"
Front to back 35 feet
width 8 feet

1st Year Operating Schedule

May-Dec we are going to open on that lot 4 days a week. There will be 3 public events in the summer that we are going to use the truck so far. Those days days added up are 10 days.

Findings

1. Public utilities can accommodate the proposed development.
We will have one freshwater tank that is 80 Gallons, one Grey water tank that is 120 Gallons. They meet the requirement for the Linn County Health Dept License Standards for mobile units. We will have a private company come out and take our Grey water & fill our fresh water. This also complies with Linn County environmental health standards. Our pre application for our mobile food unit license is already sent in & we are working with Brittany May, Linn County env health.
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. Development of food truck will not impact stormwater quality.
3. The transportation system can safely and adequately accommodate the proposed development.
Has access to fully improved public streets.
4. Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion. Entering & exit points are existing, no changes proposed to them. Ample parking available on the site.
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. Commercial use, in a commercial zoning district, along a commercial corridor. Proposed use will improve design & operating characteristics of this area.

6. Activities and developments within special purpose districts must comply with the regulations described in Article 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

N/A.

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

N/A.

8. Site that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.

N/A.