



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, Floodplain Development, Tentative Replat

Permanent Food Cart Facility at Hickory Station

SP-10-19; RL-04-19; FP-05-19

July 26, 2019

Summary

This staff report evaluates Site Plan Review, Floodplain Development Review, and Tentative Replat applications to construct a permanent food cart facility, with associated parking and common open space within the existing Hickory Station development. An overview of the proposed development within Hickory Station is presented in Attachment B.1, Sheet P.100.

The subject site is located at 640 NW Hickory Street, also known as Benton County Tax Assessor's Map No. 11S-04W-01DA Tax Lots 1400 & 1800 (Attachment A). The subject site is zoned Community Commercial (CC), which permits restaurant uses with site plan review approval.

Site Plan Review criteria under in Albany Development Code (ADC) 2.450, the Commercial Design Standards under ADC 8.330-8.390, the Supplemental Village Center Commercial Design Standards under ADC 8.415-8.475, the standards for Site Improvements in the Floodplain under ADC 6.110, and Tentative Replat criteria under ADC 11.180, 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:	Laura LaRoque, Project Planner
Property Owner/Applicant:	Patty and Gary Davenport; Hickory Station LLC; P.O. Box 2744, Albany, OR 97321
Engineer/Representative:	Troy Plum; TKP Engineering LLC; P.O. Box 374, Corvallis, OR 97339
Address/Location	640 Hickory Street NW, Albany, OR 9732
Map/Tax Lot:	Benton County Assessor's Map No. 11S-04W-01DA; Tax Lot 1400 & 1800
Zoning:	CC (Community Commercial); /FP (Floodplain Overlay)
Comp. Plan Designation:	Village Center
Total Land Area	1.77 acres (0.78 acres (Parcel 11/TL 1400) plus 0.99 acres (Parcel 15/TL 1800))



Existing Land Use: Restaurant (Parcel 11/TL 1400) / Undeveloped (Parcel 15/TL 1800)

Neighborhood: North Albany

Surrounding Zoning: North: Community Commercial (CC)
East: CC
South: CC
West: CC

Surrounding Uses: North: Retail (Hickory Station Phase 2) & Restaurant (Hickory Station Phase 3)
East: Vacant
South: Self-Serve Storage
West: Medical Office (Corvallis Clinic); Vehicle Service, Restaurant

Prior History: PA-03-94: Partition to divide a 10.2-acre parcel into three parcels containing 1.24 acres (Parcel 1); 5.75 acres (Parcel 2); and 3.23 acres (Parcel 3). Approval was granted by the Planning Commission on September 1, 1994. Partition Plat No. 1994-063 was recorded with Benton County on December 28, 1994

PA-15-97: Partition to divide a 5.75-acre parcel into two parcels containing 4.63 acres and 1.11 acres. Approval was granted by the Hearings Board on December 22, 1997. Partition Plat No. 1998-012 was recorded with Benton County on March 13, 1998.

PA-16-07: Replat of Parcel 4 of Partition Plat no. 98-12 into three parcels totaling 4.63 acres. For prior land division history, see files PA-03-94 and PA-15-97.

RL-05-09: Replat to adjust the location of property lines between Parcel 6 & 7 of Benton Co. Partition Plat 2008-018 (file PA-16-07).

SP-06-09: Site Plan Review of a three-building commercial development including a 4,230 square-foot restaurant and two other buildings (total of 7,360 square feet) intended for specialty retail businesses.

SP-31-09: Modification to Site Plan Review SP-06-09 to approve construction of a 5,560 square foot commercial building instead of the two buildings previously approved buildings for specialty retail businesses and to approve an outdoor dining area for restaurant.

SP-10-15/RL-04-15/FP-06-15: Site Plan Review, Replat, and Floodplain Development Review for Hickory Station Phase III, to reconfigure three parcels and to develop a commercial building, coffee kiosk, and associated site improvements on proposed Parcel 3.

PA-01-16: Tentative Partition approval to divide Parcel 3 of Benton County Partition Plat No. 2015-07 (file RL-04-15) into three separate parcels.

Staff Decision

The application for a Site Plan Review referenced above is **Approved with Conditions** as described in this staff report.

Notice Information

A Notice of Filing for the Site Plan Review, Floodplain Development, and Property Line Adjustment applications were mailed on June 10, 2019, a revised notice for a Tentative Replat was mailed on July 3, 2019, to owners of property located within 300 feet of the subject property and the North Albany Neighborhood Association. At the time the comment periods ended on June 24, 2019 and July 17, 2019, the Planning Division had received no written comments.

Analysis of Development Code Criteria

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** 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

Sanitary Sewer

- 1.1 City utility maps show a 24-inch public sanitary sewer main in Hickory Street. A sewer service lateral exists to this property.
- 1.2 AMC 10.01.010 (1) states that the objective of the Albany Municipal Code requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.
- 1.3 ADC 12.470 requires all new development to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 1.4 The applicant's preliminary utility plan shows a connection to the existing sewer service lateral to the site

Water

- 1.5 City utility maps show an 8-inch public water main along the north boundary of the subject property. A water service exists to this property.
- 1.6 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.
- 1.7 The applicant's preliminary utility plan shows a connection to the existing water service to the site.

Storm Drainage

- 1.8 City utility maps show a 15-inch public storm drainage main near the south boundary of the subject property. The subject property is part of a larger development that utilizes a shared stormwater collection system.
- 1.9 It is the property owner's responsibility to ensure that any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. Private drainage systems crossing multiple lots will require reciprocal use and maintenance easements and must be shown on the final plat. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany's Engineering Division.
- 1.10 ADC 12.530 states that a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer and/or the Building Official.
- 1.11 ADC 12.560 states that where it is anticipated by the City Engineer that the additional run-off resulting from the development will overload an existing drainage facility, the review body will not approve the development until provisions have been made for improvement of the potential problem.
- 1.12 The applicant is required to submit a drainage plan, including support calculations, as defined in the City's Engineering Standards. The applicant is responsible for making provisions to control and/or convey storm drainage runoff originating from, and/or draining to, any proposed development in accordance with all City standards and policies as described in the City's Engineering Standards.
- 1.13 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, where more than 8,100 square feet of impervious surfaces will be created or replaced. (Ord. 5841 § 3, 2014).
- 1.14 The applicant has submitted a storm drainage report for the proposed development. The report states that a previously installed stormwater quality structure on the site was sized to accommodate full development of the shared drainage area in which this development will occur. Final design details, including the size of the necessary stormwater quality facilities, will be reviewed as part of the storm water quality permit that must be obtained before beginning work. The stormwater quality facilities must comply with the City's Engineering Design Standards.

Fire Safety

- 1.15 Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an approved route of travel around the exterior of the structure. (OFC 503.1.1)
- 1.16 The fire apparatus roadways for this project are required to be provided and maintained at a minimum width of 20 feet of improved surface. (OFC 503.2.1)

- 1.17 Private fire apparatus access roadways shall be permanently marked “NO PARKING—FIRE LANE” using a combination of “YELLOW” painted curbing and approved signs spaced along the road edge as follows: (OFC 503.3 & Appendix D 103.6)
- Roads 20 to 26 feet in width – Posted both sides
 - Roads more than 26 feet in width – Posted on one side (as approved)
- 1.18 The road surface for all private fire apparatus access roads shall be all weather and capable of supporting an imposed load from fire apparatus of at least 75,000 pounds as verified by a qualified State of Oregon licensed design professional. (OFC 503.2.3 & Appendix D, 102.1). The Designer of Record shall provide written certification to the Fire Department upon completion of all private access road construction.
- 1.19 This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required shall be as specified in Appendix B of the fire code. (OFC 507.3)

Conclusions

- 1.1 Public utilities (sanitary sewer, water, storm drainage) are available and adequate to serve the proposed development. No public utility extensions are required to serve the site.
- 1.2 The proposed development must treat all stormwater runoff from the site according to City standards. Final design of the required stormwater quality facilities will be reviewed as part of the post-construction stormwater quality permit.
- 1.3 The Fire Department has reviewed the plans and found the proposal can feasibly meet fire safety standards. At the time of site improvement and building permits, the final plans will be reviewed again to ensure the standards of the Oregon Fire Code are met.
- 1.4 This criterion can be met with the following conditions.

Conditions

Condition 1 Storm Water Quality Permit. Post-construction stormwater quality facilities are required for this development. Before beginning work on these facilities, the applicant must obtain a post-construction stormwater quality permit through the City’s Public Works Department. The final design details of the required stormwater quality facilities must comply with all City engineering standards. The City will not issue a final occupancy permit until these facilities have been approved by the City.

Condition 2 Oregon Fire Code. Prior to issuance of building permits, the applicant shall submit final plans for review and approval by the Albany Fire Department to ensure standards of the Oregon Fire Code are met.

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 Section 12.45.030 of the Albany Municipal Code states, “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.”
- 2.2 Stormwater quality facilities are addressed under criterion one (above). Those findings and conclusions are included here by reference as findings regarding criterion two.

Conclusions

- 2.1 The new development must provide stormwater quality facilities consistent with Title 12 of the Albany Municipal Code and the City’s Engineering Standards.
- 2.2 This criterion is satisfied with Condition of Approval One, which is listed under Site Plan Review Criterion One, above.

Criterion 3

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

Findings of Fact

- 3.1 The project is located south of Hickory Street and east of North Albany Road. The project will construct a permanent food cart facility, with associated parking and common open space within the existing Hickory Station development
- 3.2 Access to the site is provided via an existing shared driveway connection to North Albany Road, and secondary shared driveway connections to Hickory Street.
- 3.3 North Albany Road is classified as a minor arterial street and is constructed to city standards. Improvements along the frontage of the site include curb, gutter, and sidewalk along both sides of the street; a north and southbound vehicle travel lane in each direction; a northbound right turn lane; and on-street bike lanes.
- 3.4 Hickory Street is classified as a major collector street and is constructed to city standards. Improvements include curb, gutter, and sidewalk along both sides of the street; a north and southbound vehicle travel lane in each direction; and on-street bike lanes.
- 3.5 The applicant did not submit a Traffic Impact Analysis (TIA) with the application. Albany guidelines call for submittal of a trip generation analysis for project that generate more than 50 new peak hour trips, and a full TIA for projects that generated more than 100 peak hour trips.
- 3.6 Based on ITE trip generation rates for food cart court, this development will generate about 31 PM peak hour trips.
- 3.7 Albany’s Transportation System Plan was developed with the assumption of this site developing in accordance with its underlying commercial designation and does not show any capacity or safety issues occurring adjacent to the site.

Conclusions

- 3.1 The public street system adjacent to the site is constructed to City standards.
- 3.2 An estimated total of 31 p.m. peak hour would be generated by the development.

- 3.3 The development will not generate enough vehicle trips to require submittal of a traffic impact study based upon the requirements contained in Albany's Traffic Impact Study Guidelines.
- 3.4 Albany's Transportation System Plan does not identify any level of service or congestion problems occurring adjacent to the site.
- 3.5 The transportation system can safely and adequately accommodate the development.
- 3.6 This 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

Access

- 4.1 Access to the site is provided via an existing shared driveway connection to North Albany Road, and secondary shared driveway connections to Hickory Street. The driveway to North Albany Road is limited to right turn movements by a median island.
- 4.2 Hickory Station is comprised of five parcels. All parcels within Hickory Station are provided access to Hickory Street and North Albany Road via recorded reciprocal access easements. ADC 8.350 allows for creation of reciprocal access easements in order to promote effective circulation between adjoining commercial uses and properties.
- 4.3 ADC 9.120(15) states that walkways and access ways shall be provided in all new off-street parking lots and additions to connect sidewalks adjacent to the development to the entrance of new buildings. As part of the proposed development, a 5-foot sidewalk will be constructed along the south side of the central travel aisle, north of the proposed development. The proposed sidewalk will fully connect building entrances, parking areas, and internal (private) sidewalks within Hickory Station. The new walkway will also allow for pedestrian access to the public sidewalk along Hickory Street and North Albany Road.

Parking

- 4.4 A new parking lot is proposed to be located just east of the proposed food cart facility. The proposed parking lot will be accessible via the central shared travel aisle through Hickory Station. A secondary access via a 16-foot wide gravel travel aisle located to the south of the structure is proposed to be restricted to food cart vendors.
- 4.5 Vehicle Parking – Required Number of Spaces: According to Table 9-1, ADC 9.020 the minimum parking requirement for sit-down restaurants is one off-street parking space for every 200 square feet of floor area. Fractional space requirements are to be counted to the nearest whole space, with half spaces rounded up.

Based on the net floor area of 5,740 (2,460 square foot pavilion plus 3,280 square foot food cart parking), the proposed development requires a minimum of 29 off-street parking spaces. The proposed development includes the creation of an additional 22 off-street parking spaces which will increase the total off-street parking spaces at Hickory Station from 107 to 129 spaces. Based on these calculations, the proposal exceeds the minimum parking requirements by 40 stalls. Of the 129 parking

spaces, seven meet Oregon Americans with Disabilities Act (ADA) standards, and all are standard stall size.

The summary table below lists the existing and proposed commercial uses with associated parking requirements for the Hickory Station development.

Vehicle Parking	Parking Standard	Area	Parking Required
Sit-down Restaurant (Proposed)	1 per 200 sq. ft.	5,740 sq. ft.	29
Sit-down Restaurants (Existing)	1 per 200 sq. ft.	7,187 sq. ft.	36
Drive-through restaurant (Existing)	1 per 100 sq. ft.	300 sq. ft.	3
Retail Sales and Service (Existing)	1 per 300 sq. ft.	5,119 sq. ft.	17
Office (Existing)	1 per 400 sq. ft.	1,479 sq. ft.	4
Totals			89

4.6 Parking Lot Design and Construction. ADC 9.120 includes standards for parking lots. Parking lots must have a durable, dust-free surface; a drainage system; perimeter curb; wheel bumpers; and striping. ADC 9.130 requires that all off-street parking lots must be designed in accordance with City standards for stalls and aisles as set forth in Table 9-2. These include dimensional standards for parking lots, and an analysis of the parking stall design is provided in the table below:

Parking Lot Design	Parking Angle	Stall Width	Aisle Width	Stall Depth	Bumper Overhang or Sidewalk Width
Requirement Standard	90°	9'	26'	18.5'	3' bumper overhang <u>or</u> 7.5' sidewalk
<i>Proposed Standard (new parking lot)</i>	90°	9'	26'	<i>15.5' + 3' bumper overhang = 18.5'</i>	<i>3' bumper overhang</i>
<i>Proposed Standard (reconfigured parking spaces)</i>	90°	9'	24'	<i>16' + 3' bumper overhang = 19'</i>	<i>3' bumper overhang</i>

Parking stall located in the proposed parking lot are shown to be 9-feet-wide by 15.5 feet long except for the accessible space, which is shown to be 9-feet-wide by 17.5 feet long. The proposed parking stalls along the east property line do not allow for a three-foot bumper overhang due to the proximity of the proposed east property line. A condition of approval will ensure that one of the following occurs; 1) all proposed 15.5 foot long parking stalls along the east property line are marked as compact parking spaces; or 2) the east property line is adjusted to allow for a three-foot bumper overhang

entirely within proposed Parcel 2; or 3) an easement is created along the east property line to allow for an encroachment onto Parcel 16 (Benton County Partition Plat 2016-17).

Existing diagonal parking stalls south of the structure at 640 Hickory Street are proposed to be restriped as perpendicular parking stalls to allow for two-way traffic. As shown on the on the site layout plan, these seven parking spaces are proposed to be 8.5 feet wide by 16 feet long, which meets the dimensional standard for compact parking stalls (Attachment B.2, Sheet P.101).

Based on this comparison of required design standards and the proposed parking stall design meets the minimum dimensional standards as conditioned.

- 4.7 **Bicycle Parking:** Bicycle parking is calculated at a rate of one space for every ten automobile spaces required with a minimum of two bicycle parking spaces and at least half of the required bicycle parking spaces must be sheltered, as listed in the table below:

Bicycle Parking Ratio	Required Automobile Spaces	Bicycle Parking Required	Bicycle Parking Existing	Sheltered Bicycle Provided	Sheltered Bicycle Requirement
1 per 10 automobile spaces required with a minimum of 2	89	9	12	4	4 (50%)

The applicant’s site lay plan (Attachment B.2, Sheet P.101) shows six existing “U” shaped bicycle racks with a total of 12 bicycle parking spaces. All are located under the covered front entrances of the three existing structures (560 Hickory St., 630 Hickory St., and 640 Hickory St.).

- 4.8 **Loading Standards.** Loading spaces are required for all uses except for office and residential use with buildings 5,000 square feet or larger. ADC 4.260 outlines the standards for loading areas, which provide, in part, that loading areas for buildings with less than 20,000 square feet shall be a minimum of 10-foot by 25 feet with an unobstructed height of 14 feet. As indicated in the applicant’s narrative and shown on the site plans, existing loading areas meeting the standards of ADC 4.260 are provided on the north side of the proposed structure along the central shared travel aisle.

Conclusions

- 4.1 The site will use existing shared driveway connections to Hickory Street and North Albany Road.
- 4.2 Hickory Station and adjoining parcels zoned CC utilizes reciprocal access easements for access to and from North Albany Road and Hickory Street.
- 4.3 The proposal includes a pedestrian connection to new and existing development within Hickory Station and to the public sidewalks adjacent to the site.
- 4.4 The proposed parking lot will comply with the parking area improvement and design standards at ADC 9.120 and ADC 9.130, as conditioned.
- 4.5 The site plans show that the required number of off-street parking spaces will be provided on-site.

Condition

- Condition 3** Prior to the issuance of a building permit, the applicant shall submit one of the following for review and approval by the Planning Division; 1) a revised site plan showing all parking stalls

along the east property line as compact parking spaces; or 2) a revised tentative replat showing a three foot adjustment to the east property line so that bumper overhang is entirely within proposed Parcel 2, or 3) recordation of an easement allowing for an encroachment onto Parcel 16 (Benton County Partition Plat 2016-17).

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 Location. Hickory Station is located to the south of Hickory Street approximately 230 feet east of North Albany Road. It is comprised of five parcels (see Attachment B.5, Sheet P.104). The proposed development site is comprised of proposed Parcel 1 (Parcel 11) and Parcel 2 (Parcel 15). Proposed Parcel 1 is known as 640 Hickory Street NW. Parcel 2 is known as Benton County Tax Assessor's Map no. 11S-04W-02DA Tax Lot 1800. A location map is presented in Attachment A.
- 5.2 Site Plan Review. According to ADC 2.400, "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." The site plan review process provides an opportunity to review projects for potential impacts and impose conditions to address any identified concerns.
- 5.3 Operating characteristics of the neighborhood. As illustrated by Attachment A, the site is surrounded by commercial property zoned Community Commercial (CC). The property is located within the Hickory Station commercial development. Restaurants, retail sales and service uses, professional office uses and a parking lot serving all of those uses are located to the north and west of the site; the land east of the site is vacant. Abutting properties to the west include a fuel station, carwash and medical office building. The abutting parcel to the south is occupied by a self-storage business, and to the east are a medical center and retail and office uses. The North Albany Shopping Center is across Hickory Street to the north in the Mixed-Use Commercial (MUC) zoning district. Across North Albany Road to the west in the MUC zoning district is an undeveloped 5.72-acre parcel.
- 5.4 Design and Operating Characteristics. The proposed restaurant use is consistent with the intended operating characteristics of the CC zone, as well as other nearby commercial development in the surrounding area. Construction of a commercial use has been approved since 2009, when the site plan review approval was initially granted for Phases I and II of Hickory Station (planning file SP-09-06 as modified by SP-31-09). Commercial use of the site was further expanded with Phase III which was approved in 2015 (planning file SP-10-15)

Existing and proposed development is shown on the cover sheet on Attachment B.1, Sheet P.100. Presently, proposed Parcel 1 is developed with a structure and associated parking and travel aisle. Proposed Parcel 2 mostly undeveloped with improved with travel aisles along the north and west property lines.

The applicant is proposing to construct a permanent food cart facility, with associated parking and common open space within Hickory Station. The proposal includes a 30-foot by 82-foot covered pavilion with ten perimeter food cart parking areas, 10,819 square foot outdoor area, and 22 space parking lot. The proposed site plan overview is provided under Attachment B.2, Sheet P.101.

- 5.5 Setbacks, Building Height and Lot Coverage. ADC 4.190, Table 1, shows the development standards for commercial and industrial districts.

Building and Parking Lot Setbacks. ADC 4.090, Table 1, establishes 10-foot minimum front yard setback for development in the CC zoning district. The site is an interior lot that does not have frontage on a public street; therefore, the front yard setback requirement is not applicable. The site does not abut any residential districts or uses; therefore, the interior setback requirement is not applicable.

Building Height. The maximum building height in the CC zone is 50 feet, except where the Airport Approach Overlay area provisions dictate a lesser height. This property is not in the Airport Approach District and as shown on the applicant's elevation plans, the highest point of the proposed building will be less than 30 feet, consistent with the CC zone development standards (see Attachment B.8, Sheet A-1).

Lot Coverage. The maximum lot coverage for the CC district is 90 percent of the lot. Lot coverage includes that portion of a lot that is not vegetated or in a naturally permeable state.

As shown on Attachment B.1, Sheet P.101, the total site area of proposed Parcel 1 is 54,013 square feet in size, and the total lot coverage is 39,316 square feet or 73 percent of the lot area. Proposed Parcel 2 is 23,010 square feet in size, and the total lot coverage is 11,596 square feet or 50 percent of the lot area.

- 5.6 Landscaping Required – Non-Residential Landscaping for non-residential uses under ADC 9.140(2) requires that all required front and interior setbacks (exclusive of access ways and other permitted intrusions) to be landscaped before an occupancy permit will be issued. As stated in finding 5.5, under Site Plan Review Criterion 5, above, front and interior setback requirements are not applicable to this development; therefore, the nonresidential landscaping standard does not apply.

- 5.7 Landscaping Around and Within Parking Areas. Landscaping in parking lots is required to provide shade, reduce stormwater runoff, and direct traffic. Parking lots must be landscaped in accordance with the minimum standards of ADC 9.150, by including landscaped planter bays, entryway landscaping and buffers from structures. The standards under ADC 9.150(1)-(3) state:

- a) Planter Bays. *Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay there shall be curbed planters at least 5 feet wide, excluding the curb. Each planter shall contain one canopy tree at least 10 feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.*
- b) Entryway Landscaping. *Both sides of a parking lot entrance shall be bordered by a minimum 5-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays, except that no sight-obscuring trees or shrubs are permitted.*
- c) Parking Space Buffers. *Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a 5-foot strip of landscaping materials.*

The applicant's landscaping plan shows that parking bays throughout the parking lot consist of no more than 12 spaces (Attachment B.6, Sheet L-1). Parking lot planter bays conform to the requirements of ADC 9.150(1). The site is an interior lot; therefore, entrance landscaping standards of ADC 9.150(2) do not apply. The proposed parking lot is not located in close proximity to a structure or loading area; therefore, the parking space buffer standards of ADC 9.150(3) do not apply.

5.8 Irrigation System. ADC 9.160 requires that all required landscape areas be provided with a piped underground irrigation system unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation. The applicant's landscaping irrigation plan shows the installation of an irrigation system in all new landscape areas (Attachment B.7, Sheet L-2).

5.9 Buffering and Screening. The Buffer and Screening Matrix (Table 9-4), shows that no buffer or screening standards apply when proposed Commercial/Professional and Mixed-Uses abutting other commercial or professional uses, or commercial and mixed uses districts. Similarly, no buffer or screening is required when a parking lot abuts commercial or professional uses, or commercial and mixed-use districts. Therefore, the buffering and screening requirements do not apply to this development.

5.10 Environmental Standards. ADC 9.440 - 9.500 include environmental standards related to noise, visible emissions, vibrations, odors, glare, heat, insects, rodents, and hazardous waste. The design and operating characteristics of the proposed restaurant use is like other commercial uses in the area.

Noise: Noise generated in association to the proposed use will include standard mechanical equipment and daytime on-site parking lot traffic. No noise is not anticipated to exceed the noise source standards of ADC 9.440.

Visible Emissions: There will be no emissions or discharge from the development.

Vibrations: Vibrations that exceed 0.002g peak are not expected to be produced in association to the proposed use.

Odors: The proposed use is not anticipated to produce continuous, frequent, or repetitive odors or emissions.

Heat: This is not applicable to the operations on this site.

Insects and Rodents: The proposed materials and processes for commercial uses do not attract insects or rodents.

Hazardous Waste: No waste originating on site is expected to be exposed to the atmosphere or stormwater drainage.

5.11 Lighting and Glare: ADC 9.120(14) requires on-site lighting to be arranged to reflect the light away from any adjacent or abutting properties. The applicant proposes one additional parking lot light in the new parking lot area, which will include a glare shield to ensure that light intrusion does not occur off-site (see Attachment B.2, Sheet P101).

5.12 Refuse Containers. ADC 4.300 require that refuse containers and disposal areas are screened from view by placement of a sight-obscuring fence, wall, or hedge at least six feet tall. Refuse disposal areas may not be located in required setback areas or buffer yards and may not be placed within 15 feet of a dwelling window. No new refuse areas are proposed. An existing trash enclosure with a 6-foot tall

masonry wall meets the screening standards of ADC 4.300. The existing trash enclosure is located to the east of the compact parking stalls along the south property line of proposed Parcel 1 as shown on Attachment B.2, Sheet P.101.

- 5.13 **Fences.** ADC 9.360-9.390 lists the requirements for fences. Fences in the CC zone may be constructed up to 8 feet tall in the interior setbacks in accordance with 9.380(6). Fences over 7 feet tall require a building permit prior to construction. The applicant submittal indicates an existing 6-foot tall wood fence around the proposed food cart facility and outdoor area screening the development from the adjacent parking lot and existing development in and around Hickory Station.

Conclusions

- 5.1 The operating characteristics of the proposed permanent food cart facility are similar to those of surrounding commercial uses.
- 5.2 The proposal shows that the proposed structure will meet the minimum development standards of density, lot coverage, setbacks, height, landscaping, and is exempted from buffering, and screening.
- 5.3 Existing landscaping on-site will be preserved to the extent that it will not be affected by the project. Parking lot landscaping will be in conformance with the standards of ADC 9.150.
- 5.4 Based on the observations above, the proposed development will be compatible with existing or anticipated uses in terms of size, building style, intensity, setbacks, and landscaping.
- 5.5 This criterion is satisfied without conditions.

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 not located within the Airport Approach District.
- 6.2 Article 6 Steep Slopes. *Comprehensive Plan, Plate 7: Slopes*, does not show any steep slopes on this portion of property
- 6.3 Article 6 Floodplains. *Comprehensive Plan Plate 5: Floodplain*: Based on the FEMA Flood Insurance Rate Map (FIRM# 41043C0213H, dated December 8, 2016), portions of the subject property are located within Zone AE of the Special Flood Hazard Area (SFHA), commonly referred to as the 100-year floodplain. Within the site area, the Base Flood Elevation (BFE) has been determined to be 205.7 feet, based on the North American Vertical Datum of 1988 (NAVD '88). The proposed development will have a variable finished floor grade of 207 to 207.4 feet (NAVD '88) (see Attachment B.4, Sheet P.103). Applicable review criteria for this land use review are ADC 6.110 "Site Improvement, Land Division, and Manufactured Home Park Standards" and ADC 6.111 "Grading, Fill, Excavation, and Paving." Those criteria are addressed later in this report. Those findings, conclusions, and conditions are included here by reference.
- 6.4 Article 6 Wetlands. *Comprehensive Plan, Plate 6: Wetland Sites*, does not show any wetlands on the subject site; the National Wetlands Inventory does not show any wetlands on the property. This site was within

the study area of the City's North Albany Local Wetlands Inventory (LWI). The inventory did not identify wetlands on the site.

- 6.5 Historic and Archaeological Resources, Comprehensive Plan, Plate 9: The property is not located in a Historic District. There are no known archaeological sites on the property.

Conclusions

- 6.1 The subject property is located within the Floodplain Overlay District.
- 6.2 Other than the floodplain overlay, there are no other known special features of this site to consider with this Site Plan Review application.
- 6.3 Compliance with the applicable Floodplain Overlay District review criteria - ADC 6.110 and ADC 6.111 are addressed later in this report. The findings, conclusions, and conditions provided under those criteria are incorporated here by reference as demonstration of compliance with ADC 2.450(6).

Criterion 7

The site is in compliance with prior land use approvals.

Findings of Fact and Conclusions

- 7.1 Approvals are found in City Files PA-03-94, PA-15-97, PA-16-07, RL-05-09, SP-06-09, SP-31-09, SP-10-15/RL-04-15/FP-06-15, and PA-01-16 are described above under the Application Information section that precedes the Staff Analysis, and are incorporated here by reference.
- 7.2 There are no known outstanding conditions of approval from previous land use approvals.
- 7.3 This criterion is satisfied 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 and Conclusions

- 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 development site is partially improved and proposed to be developed in accordance with current standards. As supported by the findings contained elsewhere in this staff report, the existing development to remain in Hickory Station Phases I, II, and III will not be made nonconforming by the proposed development.
- 8.3 This criterion is met.

Commercial and Institutional Design Standards (ADC 8.330-8.390)

In addition to the review criteria above, the following Design Standards must be met. Note: If there is a checked box symbol () preceding a standard, it means that staff has compared the applicant's findings and plans to the standard(s) and find the standard(s) is met without comment. If the box is unchecked () , staff has provided

findings and conclusions as to the reason(s) why the standard is not met and has added a condition. "NA" preceding the standard means it is not applicable to this particular development.

N/A Relationship to Historic Overlay Districts (ADC 8.320).

Applicable only for residential property inside the Monteith or Hackleman Historic Overlay Districts, see Article 7 for additional historic review criteria.

Building Orientation (ADC 8.330).

Building orientation and maximum setback standards are established to help create an attractive streetscape and pleasant pedestrian environment. These standards apply in all zoning districts except HD, DMU, CB, and WF. Development in HD, CB, DMU, and WF shall demonstrate appropriate building orientation through compliance with maximum front setback standards in ADC Section 5.120.

- (1) *New buildings shall be oriented to existing or new public streets. Building orientation is demonstrated by placing buildings and their public entrances close to streets so pedestrians have a direct and convenient route from the street sidewalk to building entrances.*
 - (a) *On sites smaller than three acres, new buildings shall be oriented to the public street/sidewalk and off-street parking shall be located to the side or rear of the building(s), except where it is not feasible due to limited or no street frontage, the site is an infill site less than one acre, conservation of natural resources, or where there are access restrictions.*
 - (b) *Buildings on sites larger than three acres may be setback from the public street and oriented to traffic aisles on private property if the on-site circulation system is developed like a public street with pedestrian access, landscape strips, and street trees.*
- (2) *Customer entrances should be clearly defined, highly visible, using features such as canopies, porticos, arcades, arches, wing walls, and planters.*

Findings of Fact

The subject property is comprised of two interior parcels within Hickory Station. The proposed development will be oriented to the south of the existing center traffic aisle. No changes are proposed to the existing entrances to 640 Hickory Street. Entrance to the food cart pavilion will be clearly defined by covered entrances. This standard is met.

N/A General Building Design (ADC 8.340).

The following standards apply in all zoning districts except HD, CB, DMU, and WF, which are subject to ADC Section 8.345. New commercial buildings shall provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided except when not feasible.

- (1) *Ground floor windows shall be provided along frontages adjacent to sidewalks. The main front elevation(s) of buildings shall provide windows or transparency at the pedestrian level in the following minimum proportions: CC District—25 percent transparency. The minimum window and door requirements are measured between 2 and 8 feet from the ground. Only the glass portion of doors may be used in the calculation. If there are upper floor windows, they shall continue the vertical and horizontal character of the ground level windows.*

- (2) *Walls that are visible from a public street shall include a combination of architectural elements and features such as offsets, windows, entry treatments, wood siding, brick stucco, synthetic stucco, textured concrete block, textured concrete, and landscaping.*

Findings of Fact

The proposed food cart pavilion is proposed to be open on all sides; therefore, this criterion is not applicable.

Street Connectivity and Internal Circulation (ADC 8.350).

The following standards emphasize the importance of connections and circulation between uses and properties. The standards apply to both public and private streets. Development in the HD, DMU, CB and WF zoning districts on sites under three acres is exempt from these standards.

- (1) *New commercial buildings may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between uses and properties, and to promote connectivity and dispersal of traffic.*
- (2) *The internal vehicle circulation system of a commercial development shall continue the adjacent public street pattern wherever possible and promote street connectivity. The vehicle circulation system shall mimic a traditional local street network and break the development into numerous smaller blocks.*
- (3) *Traffic aisles shall not be located between the building(s) and the sidewalk(s), except as provided in (4) below, or where drive-through windows are permitted, sites are constrained by natural resources, or are infill sites less than one acre.*
- (4) *Where drop-off facilities are provided, they shall be designed to meet the requirements of the American with Disabilities Act but still provide for direct pedestrian circulation.*
- (5) *Internal roadways shall be designed to slow traffic speeds. This can be achieved by keeping road widths to a minimum, allowing parallel parking, and planting street trees to visually narrow the road.*

Findings of Fact

ADC 8.350(1) and the internal vehicle circulation system are addressed under Site Plan Review criterion (3) and (4) above, and the findings and conclusions provided are incorporated here by reference. In summary, previous analysis finds that the proposed development will satisfy the above standard as proposed.

The proposed building is oriented to the shared driveway aisle, which is designed to look similar to a public street with perimeter sidewalks and landscaping. No traffic lanes are proposed between the existing shared driveway aisle and the existing or proposed sidewalks. Drop-off facilities are not proposed. No changes are proposed to the existing shared driveway aisle, which includes some parallel parking and speed humps. This standard is met.

Pedestrian Amenities (ADC 8.360).

- (1) *All new commercial structures and improvements to existing sites shall provide pedestrian amenities. The number of pedestrian amenities shall comply with the following sliding scale.*

<i>Size of Structure or Improvement</i>	<i>Number of Amenities</i>
<i>Less than 5,000 square feet</i>	<i>1</i>
<i>5,000 – 10,000 square feet</i>	<i>2</i>

<i>10,001 – 50,000 square feet</i>	<i>3</i>
<i>More than 50,000 square feet</i>	<i>4</i>

- (2) *Acceptable pedestrian amenities include the following improvements. No more than two of any item may be used to fulfill the requirement:*
- (a) *Sidewalks at least ten feet wide with ornamental treatments (e.g., brick pavers), or sidewalks which are 50 percent wider than required by the Code.*
 - (b) *Benches and public outdoors seating for at least four people.*
 - (c) *Sidewalk planter(s) enclosing a total of eight square feet.*
 - (d) *Pocket parks or decorative gardens (minimum usable area of 300 square feet).*
 - (e) *Plazas (minimum usable area of 300 square feet).*
 - (f) *Street trees that are 50 percent larger than required by the Code.*
 - (g) *Weather protection (awnings, etc.).*
 - (h) *Other pedestrian amenities that are not listed but are similar in scale and benefit.*
- (3) *Pedestrian amenities shall comply with the following standards:*
- (a) *Amenities shall be located outside the building main entrance, along pedestrian corridors, or near transit stops. Amenities shall be visible and accessible to the general public from an improved public or private street. Access to pocket parks, plazas, and sidewalks must be provided via a public right-of-way or a public access easement.*
 - (b) *Amenities are not subject to setback requirements.*
 - (c) *Amenities are consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle (e.g., 10 years before replacement).*

Findings of Fact

The size of the proposed building is 2,460 square feet; therefore, one pedestrian amenity is required. The applicant proposes to provide an 10,819 square foot outdoor area accessible to patrons, east of the building. A condition of approval will ensure the installation of required pedestrian amenities.

Pedestrian Connections (ADC 8.370).

- (1) *New retail, office and institutional buildings at or near existing or planned transit stops shall provide for convenient pedestrian access to transit.*
- (2) *Walkways shall be provided connecting building entrances and streets adjoining the site.*
- (3) *Pedestrian connections to adjoining properties shall be provided except where such a connection is impractical. Pedestrian connections shall connect the on-site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential of redevelopment, streets, access ways and walkways on site shall be laid out or stubbed to allow for extension the adjoining property.*

Findings of Fact

Pedestrian access already exists throughout Hickory Station. The applicant's cover sheet shows existing pedestrian walkways located to the north and west of the subject property (Attachment B.1, Sheet

P.100 as well as a new pedestrian walkway connecting existing walkways to the new parking lot. The nearest transit stop is located at the North Albany Park and Ride, which is located west of North Albany Road and north of Hickory Street, across from the North Albany Shopping Center, and accessible by pedestrian walkways. This standard is met.

N/A Large Parking Areas (ADC 8.380).

The large parking area standards apply to commercial development with more than 75 parking spaces. The proposed development will create 22 additional parking stalls; therefore, this criterion is not applicable to this development.

Compatibility Details (ADC 8.390).

Commercial development shall be designed to comply with the following applicable details and any other details warranted by the local conditions:

- (1) On-site lighting is arranged so that light is reflected away from adjoining properties and/or streets.*
- (2) Any undesirable impacts produced on the site, such as noise, glare, odors, dust or vibrations have been adequately screened from adjacent properties.*
- (3) The site is protected from any undesirable impacts that are generated on abutting properties.*
- (4) Unsightly exterior improvements and items such as trash receptacles, exterior vents and mechanical devices have been adequately screened.*
- (5) Storage areas, trash collection facilities and noise generating equipment are located away from public streets, abutting residential districts or development, or sight obscuring fencing has been provided.*
- (6) Where needed, loading facilities are provided on-site and are of sufficient size and number to adequately handle the delivery or shipping of goods or people. Where possible, loading areas should be designed so that vehicles enter and exit the site in a forward motion.*

Findings of Fact

As found under Site Plan Review Criterion 5, above, the design and operating characteristics of the proposed development will comply with applicable development standards and will be compatible with surrounding development. No additional requirements are necessary to ensure compliance with the compatibility details described in ADC 8.390. This standard is met.

Supplemental Village Center Commercial Design Standards (ADC 8.415-8.475)

Most of the standards under ADC 8.415-8.475 are not applicable to this proposal because it is for construction of a new building on a site that is located within an existing commercial development (Hickory Station); the subject property has no public street frontage and no adjoining residential uses; the development does not propose a drive-through or new parking; and no change to the existing parking is proposed or required. The only criteria applicable under this section are ADC 8.430, 8.440 and 8.445; these criteria are address below.

N/A Buildings Along Public Streets (ADC 8.415).

- (1) *Buildings and plazas shall be located within the maximum setback area for at least 40 percent of one public street frontage.*
- (2) *For sites with frontage on more than one public street (i.e., corner lots), this standard applies to one frontage only.*
- (3) *The public street frontage is the length of the property as measured along the street right-of-way excluding the width of entrance driveways and/or streets.*
- (4) *Building facades that face public streets shall be subdivided into human-scale proportions using at least two features such as windows, entrances, arcades, arbors, awnings, trellises with vines, or an equivalent element. A blank, uninterrupted wall shall not be longer than thirty feet.*
- (5) *No parking, loading or travel aisles shall be located between the public street and buildings within 50 feet of the street, except a designated park-and-ride lot or one drive-through lane may be permitted. See Section 8.420(b).*
- (6) *To count toward this standard, a plaza shall:*
 - (a) *Be well defined at the street edge by a low decorative architectural wall (no higher than three feet), a line of shrubs or trees of the same species, or similar landscaped or built feature;*
 - (b) *Be constructed/ landscaped of materials that are similar in quality to the principal materials of the primary building(s) and landscape. Landscaping with drought-resistant native species is strongly encouraged;*
 - (c) *Have direct access to the public street sidewalk and be located the shortest distance to the nearest building main entrance; and*
 - (d) *Extend at least the full depth of the maximum setback.*

Findings of Fact

ADC 8.415 does not apply because subject site does not have frontage on a public street.

N/A Maximum Setback (ADC 8.420).

- (1) *Buildings within 50 feet of a public street shall have 40 percent of the building located within the maximum setback.*
 - (a) *If a previously recorded easement precludes meeting the maximum setback, the applicant shall demonstrate that an alternative layout best addresses the intent of this standard and the character of the village center.*
 - (b) *A building with drive-through service may have one drive-through lane between the building and the street provided that the building is set back no more than 25 feet and the drive-through lane is screened according to standards for perimeter parking area landscaping in ADC 8.470.*
- (2) *Any building more than 50 feet from a public street is exempt from this standard.*

Findings of Fact

ADC 8.420 does not apply because proposed structure is greater than 50 feet from a public street.

 Building Size Limitations (ADC 8.430).**Findings of Fact**

In the CC zoning district building size is limited to 100,000 square feet and the proposed one-story building is 2,460 square feet. This standard is met.

☑ **Building Design (ADC 8.440).**

- (1) Facade and roofline articulation. The following standards apply to new buildings with walls, façades, and/or rooflines longer than 100 feet. Expansions and modifications of existing buildings and sites with walls, façades, and/or rooflines longer than 100 feet must not decrease conformance with these standards except as required to meet building code, fire code, or other regulations. As an alternative to meeting the standards below, development in the HD, CB, DMU, and WF zoning districts may demonstrate compliance with the facade design and articulation standards in ADC Section 8.345.
- (a) Building facades longer than 100 feet shall have relief such as recessed entries, offsets, jogs, bays, columns, ribs, pilasters, piers, cornices, bases, or other distinctive constructed changes. Changes in relief in the building facade shall occur at least every 100 feet for at least 20 percent of the exterior wall area. At least two colors or textures shall be used (not including stripes or bands).
- (b) Rooflines longer than 100 feet shall be relieved by elements such as parapets, gables, dormers, towers, steeples, etc.
- (c) No building wall shall be longer than 300 feet unless the building facade has one or more major offsets in wall plane. A major offset in wall plane shall have a depth of at least ten percent of the length of the longest abutting wall and shall continue for at least 20 percent of the building facade. Minor changes in wall plane such as entries, jogs, bays, columns, ribs, pilasters, piers, or cornices do not count toward meeting this standard.
- (2) Cohesive development. In developments with multiple buildings, each individual building shall include predominant characteristics shared by all buildings in the development, so that the development forms a cohesive place within the district. A standardized prototype design shall be modified if necessary to meet the provisions of this Code and character of this district.
- (3) Building materials. Corrugated metal siding is prohibited on any building. Corrugated metal roofing is allowed.
- (4) Ground floor height. In the HD, CB, and DMU zoning districts, when the first story of the building will be occupied by commercial or institutional uses, as identified in Article 22, the height of the first story shall be a minimum of 14 feet. This standard applies to new buildings (excluding accessory buildings). Modifications and expansions of existing buildings must not decrease conformance with these standards except as required to meet building code, fire code, or other regulations. The purpose of this requirement is to ensure that the ground floor space is designed to be suitable and attractive for a variety of retail and commercial uses, regardless of its proposed use.

Findings of Fact

The building is proposed to be open on all sides; therefore, ADC 8.440(1)(a) & (c) and 8.440(3) are not applicable. The roof lines on the north and south elevation of the proposed are relieved by two cupolas each topped with a decorative weathervane per ADC 8.440(1)(b) (see Attachment B.8, Sheet A-1). The proposed structure connects to the existing covered patio of 640 Hickory Street by a covered breezeway. The roof lines of the existing covered patio and proposed covered breezeway and main food court structure step up in both wall and overall height. The 7:10 roof pitch of the proposed food court structure matches the pitch of the east gable of the existing structure. These design elements result in a cohesive design and style to the existing structure at 640 Hickory Street and larger Hickory Station site; therefore ADC 8.440(2) is met. No corrugated metal siding has been proposed, consistent

with ADC 8.440(3). The development takes place in the CC zone; therefore ADC 8.440(4) is not applicable.

☑ **Pedestrian Network (ADC 8.445).**

- (1) *Sidewalks must be located to provide the shortest direct connection from the public street sidewalk(s) to all customer entrances.*
- (2) *Sidewalks must be located to provide the shortest direct connection between all on-site customer entrances.*
- (3) *Sidewalks must be located along every public street frontage and both sides of on-site private streets. These sidewalks must be separated from the street by a tree-lined landscape strip, except where specified elsewhere in the development code or where an alternative street design is approved by the City Engineer.*
- (4) *Extra-wide sidewalks are encouraged to provide space for tables and chairs and other pedestrian amenities, creating a concentration of activity to serve as the neighborhood center.*
- (5) *Sites larger than 8 acres shall create an open space or plaza with amenities such as benches, monuments, kiosks or public art. Amenities shall be in prominent locations, interconnected with the uses and walkways on the site, and be landscaped.*

Findings of Fact

The subject site is part of the larger Hickory Station development where the majority of the site is built out. The proposed design provides direct pedestrian access from the internal pedestrian circulation system to adjacent public streets. Sidewalks are currently installed along both the adjacent public streets and the on-site private street. These criteria are met.

☑ **Privacy Considerations (ADC 8.450).**

- (1) *Non-residential uses and parking areas shall be arranged to minimize infringement on the privacy of adjoining residents.*

Findings of Fact

The site is developed with established landscaping, and no changes are proposed that dictate the need for additional buffering and screening in conjunction with the proposed development. This standard is met.

☑ **Parking Ares (ADC 8.460).**

- (1) *On-street parking spaces within 100 feet of a commercial or office development may count towards meeting the parking requirement.*
- (2) *Shared parking is encouraged for all uses.*
- (3) *Trees intended for parking area landscaping shall provide a canopy cover of at least 20 percent of the parking area at maturity. Existing trees may be included to meet the canopy requirement, provided the site plan identifies such trees and the trees meet the standards of size, health, and placement. The extent of canopy at maturity shall be based on published reference texts generally accepted by landscape architects, nurserymen, and arborists.*
- (4) *Vegetated post-construction stormwater quality facilities shall be considered as the initial stormwater collection system.*

Findings of Fact

On-street parking is not needed to meet the parking requirements for the proposed use. The findings

and conclusions specific to off-street above are incorporated here by reference as findings of compliance. Trees for the proposed on-site parking must provide a canopy to cover at least 20 percent of the parking area at maturity. The applicant does not provide calculations for canopy coverage in the proposed parking area, but it appears that the existing landscaping meets ADC 8.460(3) as proposed.

☑ **Perimeter Parking Area Landscaping (ADC 8.470).**

- (1) *All parking areas (excluding entranceways) adjacent to a public street shall be screened with:*
- (a) *A low continuous hedge of evergreen shrubs, trees and plantings that are at least three feet tall within two years and grow to provide an evergreen screen of at least 70 percent; OR*
 - (b) *A berm three feet high with a maximum slope of 3:1, in combination with coniferous and deciduous trees and shrubs; OR*
 - (c) *A low decorative masonry wall at least three feet high in combination with landscaping; OR*
 - (d) *A combination of any of these methods.*
- (2) *The landscape plan shall be prepared by a licensed landscape architect.*

Findings of Fact

ADC 8.470 does not apply because site does not have parking areas that are adjacent to a public street.

N/A **Signs (ADC 8.475).**

- (1) *For integrated centers, an overall signage and graphics program shall be provided as part of the development application to ensure that stand-alone signs are consolidated and that signs complement the character of the neighborhood.*
- (2) *Monument signs are preferred rather than freestanding signs.*

Findings of Fact

There is no proposed signage in conjunction with this application. Compliance with ADC 8.475 can be assured during application of a sign permit.

Conclusions

- DS.1 Building orientation, design, transparency, and architectural relief features associated with this development meet design standards as submitted.
- DS.2 Site circulation, parking areas, setback standards, and parking lot canopy tree standards are met.
- DS.3 One pedestrian amenity is required, and one pedestrian amenity is proposed, which meet the design standards as submitted.
- DS.4 No adverse environmental impacts are expected from this development; restaurant uses do not create any out-of-the-ordinary impacts.
- DS.5 The supplemental village center commercial design standards are met.

Condition

- Condition 4 Site Improvements.** Prior to issuance of a certificate of occupancy, all proposed and required site improvements, including the installation of required pedestrian amenities, shall be constructed and completed in accordance with approved plans.

Site Improvements in the Floodplain (ADC 6.110)

Criterion 1

All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.

Findings of Fact and Conclusion

- 1.1 The National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) Community Panel Number 41043C0213H, dated December 8, 2016, shows portions of the subject property to be located within Zone AE, an area determined to be within the Special Flood Hazard Area (SFHA), commonly referred to as the 100-year floodplain, with a Base Flood Elevation (BFE) of approximately 205.7 feet North American Vertical Datum of 1988 (NAVD '88).
- 1.2 Prior to 2010, nearly the entire development area was filled up to or above the base flood elevation, which included the area of the proposed development. A Letter of Map Revision based on Fill (LOMR-F) was approved by FEMA for the two existing structures located immediately west of the proposed development area, under case numbers 10-10-0206A and 10-10-0878A; both of these LOMR-Fs were revalidated under FEMA Case No. 13-10-1138V, letter dated December 14, 2016.
- 1.3 Based on the grading plan submitted by the applicant (Attachment B.4, Sheet P.103), the BFE is 205.7 (NAVD '88) and the finished floor of the proposed structure will be more than one foot above the BFE at an elevation of 207 to 207.4 feet (NAVD '88), consistent with building standards under ADC 6.120. The lowest adjacent grade (LAG) next to the proposed building will also be above the BFE at an elevation of 206.3 (NAVD '88). Further, the boundary of the SFHA encumbers only a small portion of the property, along the periphery of the site, as shown on Attachment B.4, Sheet P.103; therefore, the proposed structures will be located outside of the SFHA.
- 1.4 This review criterion is met without conditions.

Criterion 2

All new development and land division proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

Findings of Fact and Conclusions

- 2.1 All utilities servicing the development will be located underground. Based on the applicant's grading plan, the lowest elevation of machinery or equipment servicing the building will be located at least one foot above BFE, which will minimize the risk of flood damage.
- 2.2 This criterion is met without conditions.

Criterion 3

On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.

Findings of Fact and Conclusions

- 3.1 A grease interceptor is shown on the applicant's utility plan (Attachment B.3, Sheet P.102). The applicant states in the project narrative that the rim elevation of the proposed grease interceptor will

be located at least one foot above the base flood elevation, which will minimize the risk of flood damage.

3.2 This criterion is met without conditions.

Criterion 4

All development proposals shall have adequate drainage provided to reduce exposure to flood damage.

Findings of Fact and Conclusions

4.1 The City's Engineering staff has reviewed the applicant's preliminary storm water plans and has determined that they are generally acceptable. Adequate drainage is provided to reduce exposure to flood damage.

4.2 This criterion is met without conditions.

Criterion 5

Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Article.

Findings of Fact and Conclusions

5.1 The proposal does not create any new lots.

5.2 This criterion is not applicable.

Criterion 6

Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.

Findings of Fact and Conclusions

6.1 The proposal does not create any new streets.

6.2 This criterion is not applicable.

Criterion 7

All development proposals shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. When elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: "Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."

Findings of Fact and Conclusions

7.1 Based on FIRM Panel #41043C0213H, dated December 8, 2016, portions of the subject property are located within the SFHA, with a BFE established at approximately 205.7 (NAVD '88).

7.2 The proposed grading plan shows the BFE based on Flood Insurance Study Number 41043CV002B Panel 74P (Attachment B.4, Sheet P.104).

7.3 This criterion is met without conditions.

Criterion 8

In addition to the general review criteria applicable to manufactured home parks in Article 10, applications that propose actual development within a Special Flood Hazard Area shall include an evacuation plan indicating alternate vehicular access and escape routes.

Findings of Fact and Conclusions

8.1 This is not an application to develop a manufactured home park.

8.2 This criterion is not applicable.

Grading, Fill, Excavation, and Paving (ADC 6.111)

Criterion 1

Provisions have been made to maintain adequate flood-carrying capacity of existing watercourses.

Findings of Fact and Conclusions

1.1 The subject property is located outside of the floodway, in the floodfringe.

1.2 Based on FIRM Panel #41043C0213H, dated December 8, 2016, portions of the subject property are located within the SFHA, with a BFE established at approximately 205.7 (NAVD '88).

1.3 Prior to 2010, nearly the entire development area was filled up to or above the base flood elevation, which included the area of the proposed development. A Letter of Map Revision based on Fill (LOMR-F) was approved by FEMA for the two existing structures located immediately north of the proposed development area, under case numbers 10-10-0206A and 10-10-0878A.

1.4 Due to the fact that the majority of the subject property has already been filled above the BFE, new fill will only be needed on a small portion of the southeast portion of the site to tie a portion of the new parking lot in with the remainder of the building site.

1.5 This review criterion is met without conditions.

Criterion 2

The proposal will be approved only where adequate provisions for stormwater runoff have been made that are consistent with the Public Works Engineering standards or are otherwise approved by the City Engineer.

Findings of Fact and Conclusions

2.1 Storm water drainage is evaluated under Site Plan Review Criterion One (above); those findings and conclusions are included here by reference.

2.2 The applicant has submitted a storm drainage report for the development. The City's Public Works Department has reviewed the report and has determined that it is acceptable.

2.3 This criterion is met without conditions.

Criterion 3

No grading, fill, excavation, or paving will be permitted over an existing public storm drain, sanitary sewer.

Findings of Fact and Conclusions

- 3.1 Public utilities adjacent to this site consist of an 24-inch public sanitary sewer main, 8-inch public water main, and 15-inch public storm drainage main.
- 3.2 No fill is proposed over these existing public utilities.
- 3.3 This criterion is met without conditions.

Criterion 4

In areas where no floodway has been designated on the applicable FIRM, grading will not be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed grading, fill, excavation, or paving when combined with all other existing and planned development, will not increase the water surface elevation of the base flood more than a maximum of one foot (cumulative) at any point within the community.

Findings of Fact and Conclusions

- 4.1 Portions of the subject property are located within Zone AE of the SFHA, where a BFE and a floodway have been established.
- 4.2 This review criterion is not applicable.

Criterion 5

The applicant shall notify the City of Albany, any adjacent community, and the Natural Hazards Mitigation Office of the Oregon Department of Land Conservation and Development of any proposed grading, fill, excavation, or paving activity that will result in alteration or relocation of a watercourse (See Section 6.101).

Findings of Fact and Conclusions

- 5.1 No fill, alteration or relocation of a watercourse is proposed.
- 5.2 This review criterion is not applicable.

Criterion 6

All drainage facilities shall be designed to carry waters to the nearest practicable watercourse approved by the designee as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down spouts and diffusers or other devices.

Findings of Fact and Conclusions

- 6.1 The proposed development's stormwater runoff will be directed towards an on-site private storm water collection and filtration system before discharging to the public storm system, where it is conveyed to its terminus in the Willamette River.
- 6.2 Collection of stormwater runoff from the site during construction is reviewed and monitored through an Erosion Prevention Sediment Control (EPSC) permit. The developer will have to conform to

erosion and sediment control measures as specified in the City's Stormwater Management Engineering Standards.

6.3 This review criterion is met without conditions.

Criterion 7

Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Building Official or designee.

Findings of Fact and Conclusions

- 7.1 As shown on the grading plan (Attachment B.4, Sheet P.103), both of the future building pads are designed with a two percent gradient. The proposed two percent finished gradient slopes to the north, east, and west drainage facilities.
- 7.2 This criterion is met without conditions.

Tentative Replat (ADC 11.180)

Section 11.180, Land Divisions, of the Albany Development Code (ADC) includes the following review criteria, which must be met for this Tentative Replat application to be approved.

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 proposed parcels are zoned Community Commercial (CC). No lot area or dimension requirements are established for the CC zoning district. The CC zoning district lot coverage maximum is 90 percent; impervious surfaces will total 73 percent for proposed Parcel 1 and 50 percent for proposed Parcel 2, as detailed on the applicant's cover sheet (Attachment B.1, Sheet P.100).
- 1.2 Findings and conclusions for Site Plan Review Criterion (5) above address the remaining CC zoning district development standards for setbacks, landscaping, building height, and building size, and none are impacted by the proposed configuration.
- 1.3 Lot and block standards are not applicable as they only apply to single-family residential land divisions.

Conclusions

- 1.1 The proposed replat will adjust a common property line between proposed Parcel 1 and 2.
- 1.2 The proposed replat will not adversely impact compliance with the CC zoning district development standards.
- 1.3 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 and Conclusions

- 2.1 Hickory Station is owned entirely by Hickory Station, LLC and comprised of five parcels (see Attachment B.5, Sheet P.104). The proposed replat will adjusted a common property line between Parcel 11 (proposed Parcel 1) of Benton County Partition Plat No. 2015-28 (City File RL-04-15) and Parcel 15 (proposed Parcel 2) of Benton County Partition Plat No. 2016-17 (City File PA-01-16).
- 2.2 Available Tax Assessor's data indicates that parcels proposed to be replatted are owned by the applicant (Hickory Station, LLC); the proposed replat does not create additional parcels or leave any remaining amount of land.

Conclusions

- 2.1 The subject site is currently owned by a single property owner. There is no other remainder of property under the same ownership to consider with this application.
- 2.2 This criterion is met without conditions.

Criterion 3

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

Findings of Fact and Conclusions

- 3.1 This criterion has been interpreted by City Council to require only that adjoining land either have access or be provided access to public streets.

Property to the north: The abutting property to the north (630 and 560 Hickory Street) are developed with commercial structures and associated site improvements. Both properties have frontage on Hickory Street and shared access to said street via private access easements.

Property to the south: The abutting property to the south (650 Hickory Street) is developed with a storage facility. This property has frontage on Highway 20 and shared access to Hickory Street via private access easements.

Property to the east: The adjoining property to the east (400 Hickory Street) is developed with a medical facility and has frontage and shared access to Hickory Street via shared access easements.

Property to the west: The property to the west (633 North Albany Road) is developed with a medical facility and has frontage and shared access to North Albany Road via private access easements. The property to the northwest (655 North Albany Road) is developed with a gas station, carwash, and drive-thru restaurant and has frontage and shared access to North Albany Road and Hickory Street via private access easements.

- 3.2 All adjoining lands have access to public streets.
- 3.3 This review criterion is met.

Criterion 4

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

Findings of Fact and Conclusion

- 4.1 Findings and conclusions for Site Plan Review Criterion (3) and Criterion (4) above address the transportation system capacity and are incorporated here by reference. In summary, the findings conclude that the transportation system can safely and adequately accommodate development on the proposed parcels, and that the proposed layout will result in multiple parcels sharing internal parking lot connections and driveway connections to the public street system.
- 4.2 The public street system adjoining the site is improved to city standards.
- 4.3 Albany's Transportation System Plan (TSP) does not identify any capacity issues occurring along the frontage of this site.
- 4.4 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 and Conclusions

- 5.1 Findings, conclusions, and conditions for Site Plan Review Criterion (1) and Criterion (2) above address the public utility capacity and are incorporated here by reference. In summary, the findings conclude that public utilities (sanitary sewer, water, storm drainage) are available and adequate to serve the proposed development; no public utility extensions are required to serve the site; and the proposed development must treat all stormwater runoff from the site according to City standards. As a condition of approval, stormwater quality facilities are required to ensure all stormwater runoff from the site is treated.
- 4 This criterion is satisfied with Condition of Approval One, which is listed under Site Plan Review Criterion One, above.

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 The above analyses for the Site Plan Review and Flood Plain Development Review criteria at ADC 2.450(6) and ADC 6.110 – 6.111 are address above and are incorporated here by reference.
- 6.2 In summary, these findings indicate that the proposed parcels are located within the Special Flood Hazard Area outside of the floodway; the proposed parcels are not within any special purpose districts apart from the /Floodplain Overlay District; and the Site Plan Review development proposed on proposed Parcel 1 and Parcel 2 will comply the applicable provisions of ADC Article 6 as conditioned above.
- 6.3 The proposed replat poses no impacts to the /FP Overlay District that are subject to Article 6 review.

Conclusions

- 6.1 The site has no special purpose districts that require conditions of approval to mitigate in conjunction with the proposed replat. However, as discussed, a Floodplain Permit is required for physical

development on the site, and analysis in this report finds that applicable Floodplain Permit standards are satisfied.

6.2 This criterion is met without conditions.

Overall Conclusion – Conditions of Approval

The application for a Site Plan Review (ADC 2.450), Floodplain Development Review (ADC 6.110 & 6.111), and Tentative Replat (ADC 11.180), satisfies all applicable review with adherence to the following conditions of approval:

Conditions of Approval

- Condition 1 Storm Water Quality Permit.** Post-construction stormwater quality facilities are required for this development. Before beginning work on these facilities, the applicant must obtain a post-construction stormwater quality permit through the City's Public Works Department. The final design details of the required stormwater quality facilities must comply with all City engineering standards. The City will not issue a final occupancy permit until these facilities have been approved by the City.
- Condition 2 Oregon Fire Code.** Prior to issuance of building permits, the applicant shall submit final plans for review and approval by the Albany Fire Department to ensure standards of the Oregon Fire Code are met.
- Condition 3** Prior to the issuance of a building permit, the applicant shall submit one of the following for review and approval by the Planning Division; 1) a revised site plan showing all parking stalls along the east property line as compact parking spaces; or 2) a revised tentative replat showing a three foot adjustment to the east property line so that bumper overhang is entirely within proposed Parcel 2, or 3) recordation of an easement allowing for an encroachment onto Parcel 16 (Benton County Partition Plat 2016-17).
- Condition 4 Site Improvements.** Prior to issuance of a certificate of occupancy, all proposed and required site improvements, including the installation of required pedestrian amenities, shall be constructed and completed in accordance with approved plans.

Attachments

- A. Location Map
- B. Applicant's Plan Set
 - 1. Cover Sheet
 - 2. Site Layout
 - 3. Utility Plan
 - 4. Property Line Adjustment
 - 5. Landscaping Planting Plan
 - 6. Landscaping Irrigation Plan

Acronyms

ADC Albany Development Code

BFE	Base Flood Elevation
CC	Community Commercial District
EPSC	Erosion Prevention Sediment Control Permit
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
/FP	Floodplain Overlay District
NAVD	North American Vertical Datum of 1988
SFHA	Special Flood Hazard Area
TSP	Transportation System Plan