



## PUBLIC WORKS - 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

SP-31-18

November 9, 2018

### Summary

This staff report evaluates an application for Site Plan Review for a Change of Use within an existing building, from a Restaurant to a Community Service Use. The site is located at 231 Lyon Street SE, in the HD – Historic Downtown zoning district (Attachment A). Community Service Use is allowed in the HD zone with site plan review approval. No changes to the exterior of the building are proposed; therefore, historic review is not required for the proposed change of use.

Site Plan Review criteria contained in Albany Development Code (ADC) 2.450 are addressed in this report. These criteria must be satisfied to grant approval for this application.

### Application Information

Proposal:	Site Plan Review for a Change of Use from a Restaurant to a Community Service Use, named CHANCE (Community Helping Addicts Negotiate Change Effectively)
Review Body:	Staff (Type I-L review)
Report Prepared By:	Melissa Anderson, Senior Planner
Property Owner:	Stark Group, LLC; 3621 NW Yeon, Portland, OR 97210
Applicant:	Jeff Blackford; 238 3 <sup>rd</sup> Avenue SE, Albany, OR 97321
Address/Location	231 Lyon Street SE
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-06CD; Tax Lot 1900
Zoning District:	Historic Downtown (HD)
Comprehensive Plan Map Designation	Village Center
Total Land Area	6,709 square feet
Existing Land Use:	Vacant
Neighborhood:	Central Albany
Surrounding Zoning:	North: Historic Downtown (HD)

	South: HD and Central Business (CB)
	East: CB
	West: Lyons-Ellsworth (LE)
Surrounding Uses:	North: Office Use
	South: Office Use
	East: Office Use
	West: Residential and Commercial Uses
Prior History:	No land use permits found applicable to this land use review.

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## Staff Decision

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

## Notice Information

Notices were mailed to surrounding property owners within 300 feet of the subject property on September 28, 2018. At the time the comment period ended on October 12, 2018, the Albany 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 an eight-inch public sanitary sewer main in 3rd Avenue. The existing building is currently connected to the public sewer system.
- 1.2 Sanitary sewer system development charges (SDCs) are based on the number of wastewater plumbing fixtures in the building. If the proposed remodel will result in a net increase in the number of wastewater plumbing fixtures, there will likely be additional sewer SDCs due at the time of building permit issuance.

##### *Water*

- 1.3 City utility maps show 4-inch public water mains in 3rd Avenue and in Lyon Street. There is also a 24-inch main in Lyon Street. The existing building is currently connected to the public water system.

### *Storm Drainage*

- 1.4 City utility maps show a 30-inch public storm drainage main in Lyon Street. The storm drainage facilities in the Lyon Street right-of-way are under the jurisdiction of ODOT.
- 1.5 No modifications are being proposed that would affect storm water runoff from the site.
- 1.6 Storm water quality facilities will not be required for this project since the property is smaller than one acre and no new or replacement impervious surfaces are proposed.

### Conclusions

- 1.1 The existing building is currently being served by public utilities (sanitary sewer, water, and storm drainage).
- 1.2 An increase in the number of wastewater plumbing fixtures in the building may result in additional sewer SDCs at the time of building permit issuance.
- 1.3 Storm water quality facilities will not be required for this project.
- 1.4 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.**

### Findings of Fact and Conclusion

- 2.1 Section 12.45.030 of the Albany 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.
- 2.2 The applicant is not required to provide storm water quality facilities for the project because the site is less than one acre in size.
- 2.3 This criterion is not applicable.

### Criterion 3

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

### Findings of Fact and Conclusion

- 3.1 The proposal is for a change of use from a restaurant to a community service use within an existing building.
- 3.2 The site is located at the corner of Lyon Street and 3<sup>rd</sup> Avenue, where the streets are fully improved to city standards; no new streets are required or proposed.
- 3.3 The proposal will not impact the existing street plan.
- 3.4 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

- 4.1 The existing building is constructed up to all property lines; consequently, there is no vehicle access onto the site.
- 4.2 The site is located within the Downtown Assessment District (Attachment D), where on-site parking spaces are not required for uses located within that district (ADC 9.020(6)); therefore, no vehicle parking is required.
- 4.3 Vehicle parking is available off-site, via on-street parking, and pedestrian access is provided via sidewalks.
- 4.4 The applicant states that the staff will be parking on the street, which they currently do at their current location a block away at 3rd Avenue and Montgomery Street. Most of their clients don't drive and arrive by foot or by bus.
- 4.5 With regard to bicycle parking, the applicant states that they might consider a bike caddy, but as of now they average one or two bikes at the most at our current location on Montgomery Street. Because the building is built out to the property line, there is no space for bicycle parking other than inside the building or on the sidewalk. If the applicant wishes to establish new bicycle parking outside in the public way, they will need to coordinate with the Albany Public Works Engineering Department prior to installation of any new bike racks. This information will be included as information to the applicant in the notice of decision.

## Conclusions

- 4.1 No new parking areas or entrance-exit points are required or proposed.
- 4.2 Pedestrian and vehicle access is provided via the existing transportation system adjacent to the site.
- 4.3 If the applicant wishes to establish new bicycle parking on the sidewalk in the future, they will need to coordinate with the Albany Public Works Engineering Department prior to installation of any new bike racks.
- 4.4 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 site is located at 231 Lyon Street SE. The property is zoned HD – Historic Downtown zoning district and it is surrounded by other HD zoned properties. A location map is included as Attachment A, and an interior layout of the building is presented in Attachments C.

The existing building was previously occupied by a restaurant and a change of use is proposed for a Community Service Use. The site is proposed to be used by an organization named CHANCE (Community Helping Addicts Negotiate Change Effectively) is a recovery drop in center that helps people with resources. CHANCE is currently located a block away, at 238 Montgomery Street and they propose to move to the new location at 231 Lyon Street. CHANCE currently has 6 employees at the Albany location and they serve between 15 to 60 people daily. The hours of operation are 9-5 daily 7 days a week, and occasional evening meetings are hosted on-site between 5-9 pm. When group meetings are held, participation ranges from 6 people to 45 people.

- 5.3 The site is located in a mixed-use neighborhood, with commercial, office and residential uses. The Oregon Department of Human Services (DHS) is located to the north and east; the Albany Visitors Center is located to the south; and residential and retail uses are located to the west of the site. The proposed community service use will operate similar to nearby land uses, in terms of hours of operation.
- 5.4 Setbacks, Building Height and Lot Coverage. ADC 5.090, Table 1, shows the development standards for mixed-use districts. There is an existing building on-site and the proposal is for a change of use; therefore, the setback, building height, lot coverage and landscaping standards are not applicable for this proposal.
- 5.5 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 community service use is like other commercial operations in the area.

The proposed use will not generate noise, vibrations, heat, odors, emissions or hazardous waste. Insects and rodents are not expected to be an attraction to the proposed use. No change to the existing lighting on the building is proposed.

- 5.6 Refuse Containers. ADC 5.300 requires that any refuse container or disposal area that would otherwise be visible from a public street, customer, 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. All refuse materials must be contained within the screened area.

The applicant states that they will either: 1) keep refuse containers inside the building and roll them out to the curb for weekly pick-up, 2) work with DHS to share space in their refuse area by their parking lot, or 3) create a screened area located by the back door of the building. This third option proposed by the applicant is not possible because the existing building is built out to all property lines and any new refuse area would have to be located off-site, within the public way. A condition of approval will be included to clarify that any new refuse container area must be located outside of the public way and screened from view.

## Conclusions

- 5.1 The site is zoned HD and it is surrounded by the HD zone. An existing building occupies the site and it is proposed for a Community Service Use. The design and operating characteristics of the proposed use is similar to other mixed-uses in the neighborhood.
- 5.2 The development standards for building height, setbacks, lot coverage and landscaping are not applicable for the proposed change of use.
- 5.3 If the applicant proposes to create a new refuse container area in the future, it will have to be located on private property and screened from view.

- 5.4 Based on the observations above, the proposed development will be compatible with existing or anticipated uses with the following condition of approval.

### Condition of Approval

- Condition 1 If a new refuse container area is located outside in the future, it must be located outside of the public way, on private property, and screened from view in accordance with ADC 5.370.

### 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 City's Airport Approach Overlay District.
- 6.2 Article 6: Floodplains. Comprehensive Plan Plate 5: Floodplains, does not show a 100-year floodplain on this property. FEMA/FIRM Community Panel No. 41043C0213H, dated December 8, 2016, shows that this property is in Zone X, an area determined to be outside the 500-year floodplain.
- 6.3 Article 6: Wetlands. Comprehensive Plan Plate 6 does not show any wetlands on the subject property; and the National Wetlands Inventory does not show any wetlands on the property.
- 6.4 Historic and Archaeological Resources. Comprehensive Plan, Plate 9: Historic Districts shows the property is located in the Downtown Historic District. No exterior changes to the existing building are proposed at this time. In the future, exterior changes to the building will require historic review.

### Conclusion

- 6.1 The site is located in the Downtown Historic District; however, no exterior changes to the existing building are proposed.
- 6.2 The subject property is not located in any other special purpose districts.
- 6.3 This criterion is met without conditions.

### Criterion 7

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

### Findings of Fact and Conclusion

- 7.1 There are no prior land use approvals with outstanding conditions of approval.
- 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 Conclusion

- 8.1 The site is not a nonconforming site; therefore, the site has not lost nonconforming status.
- 8.2 This criterion is not applicable

## Overall Conclusion

As proposed and conditioned, the application for Site Plan Review for a Community Service Use in the HD zone satisfies all applicable review criteria as outlined in this report.

## Condition of Approval

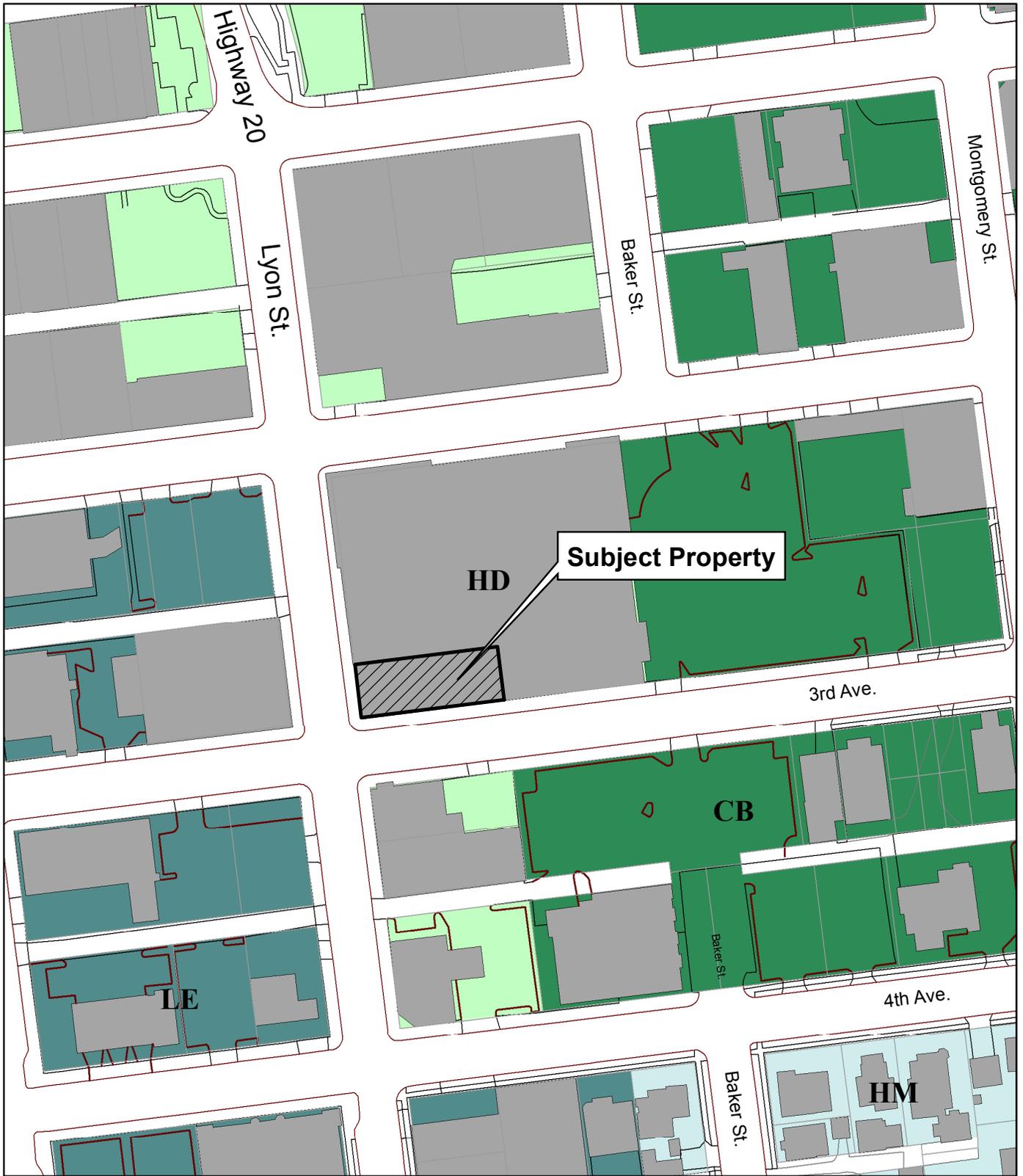
Condition 1 If a new refuse container area is located outside in the future, it must be located outside of the public way, on private property, and screened from view in accordance with ADC 5.370.

## Attachments

- A. Location / Zoning Map
- B. Applicant Findings Narrative
- C. Interior Building Layout
- D. Parking Assessment District Map

## Acronyms

ADC	Albany Development Code
CB	Central Business
DHS	Department of Human Services
HD	Historic Downtown
LE	Lyons-Ellsworth
TSP	City of Albany's Transportation System Plan



**Location / Zoning Map: 231 Lyon Street SE**



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



0 25 50 100 150 200 Feet

Date: August 28, 2018

Planning Division

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

# **C.H.A.N.C.E.**

Community Helping Addicts Negotiate Change Effectively

City of Albany  
Site Plan, Review Criteria Responses

August 22, 2018

Project: CHANCE relocation  
Building: Old Pizza King  
Address: 321 Lyons Street  
Albany, OR 97321

Basic information about site and proposal.

Some basic repairs and some major repairs are needed and will be negotiated with the sellers before the close of escrow. We will address roof and floor issues and all construction will take place within the foot print of the existing building.

At this time, there will be no changes to the exterior, but we do have plans for the future to remove changes made in the late 70s – 80-s to return the building to its historic look in the next 3 to 5 years. Currently, historic review is not necessary.

Interior changes be made to create 8 offices to provide support for our peers. Office will be built on the NW side of the building. A solid or plexi glass wall will be placed between the main meeting room and the kitchen area. The kitchen will be disassembled and plans to create a teaching kitchen with standard household style appliance will be in place. An example is a Home Ec. classroom at a high school. The teaching Kitchen is planned for a later date. Around 2020 or 2021. We are working with a couple restaurant owners to design and plan.

There is currently a large front door, a side egress door with ample space for several people leaving at once, and a third entrance / exit that will be used by staff only. Please see diagram.

Please see the following page for the finding of fact.

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Lebanon, OR 97355  
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# **C.H.A.N.C.E.**

Community Helping Addicts Negotiate Change Effectively

## **Finding of Fact**

1. Criterion 1, Public utilities can accommodate the proposed development.
  - a. Fact: Yes, public utilities are already in place and usable.
2. Criterion 2, The proposed post construction storm water quality facilities can accommodate the proposed development, consistent with title 12 of the Albany Municipal Code.
  - a. Fact: The storm water quality should be less than previous businesses.
3. Criterion 3, The transportation system can safely and adequately accommodate the proposed development.
  - a. Fact: The transportation system is already in place, current upgrades to the streets and sidewalks have improved the transportation system.
4. Criterion 4, Parking areas and entrance-exit points are designed to facilitate traffic and pedestrians safely and avoid congestion.
  - a. Fact: Parking should not be an issue as majority of our peers / customers do not drive. Entrance and exits are clear and wide enough to provide adequate egress. New and improved sidewalks are free and clear and are adequate for pedestrian safety.
5. Criterion 5, The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land use, and ant negative impacts have been sufficiently minimized.
  - a. Fact: The operating characteristics are reasonably compatible with surrounding developments, land use and other business in the area. Do not see any negative impacts.
6. Criterion 6, Activities and developments within special districts must comply with the regulations described in articles 4(airport approach) 6(Natural resources, and 7 (Historic, as applicable. .
  - a. Fact: Activities and developments do comply with regulations. We are not near the airport, not with in a natural resource district. The historic nature of the building will be addressed over the next several years as it is our goal to bring the building back to the historic nature of when it was first built. But currently it is not applicable.
7. Criterion 7, The site is in compliance with prior land use approvals.
  - a. Fact: The building is in compliance with prior land use.

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Community Helping Addicts Negotiate Change Effectively

8. 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
  - a. Fact: NA

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City of Albany supplemental questions for review.

**CITY OF ALBANY FILE SP-31-18  
APPLICATION FOR SITE PLAN REVIEW  
LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-06CD TAX LOT 1900**

- 1) Hours of Operation: Please describe the type of operation and the hours of operation that will occur on-site. What are the estimated number of employees and customers/clients on-site on a daily basis. Are there group meetings? If so, how many will attend, and when do the meetings occur?
  - a. CHANCE is a recovery drop in center that helps people with resources. Hours of operation are 9-5 daily 7 days a week. We currently have 6 employees at our Albany location and we serve between 15 to 60 people daily. We do have group meetings and they range from 6 people to 45 people, meeting are hosted between 5 and 9pm, depending on the group.
- 2) Parking: Since there is no on-site parking, where will people park their vehicle and/or bicycle? If some people use transit services, where is the closest transit stop?
  - a. For staff that do drive, we will be parking on the street which we currently do at our current location a block away. We are keeping our building at 3<sup>rd</sup> and Montgomery, and will have the option to park there as well. Most of our peers (clients) don't drive and are by foot or by bus. After doing a needs assessment, we might consider a bike caddy, but as of now, we average one, two bikes at the most at our current location.
- 3) Lighting and Glare: Will there be any outside lighting?
  - a. There are no plans to add additional lighting. We plan to use the current lighting that is available on the building.
- 4) Noise: Will there be any activities that may cause noise? If so, is there a need to mitigate noise impacts?
  - a. There are no activities that would cause noise.
- 5) Odor: If people need to take a smoke break, where will they go to smoke? Is there a need to mitigate impacts from people congregating and smoking outside?
  - a. CHANCE has a no smoking zone. Smoking will only be permitted off the property. Currently DHS and other organizations have a smoking area in the parking lot across 3<sup>rd</sup> Ave. If someone does want to smoke, we will adopt the same area that the other building have, to be consistent.
- 6) Refuse Containers: How will refuse be disposed? Small carts can be brought out for trash pickup day and then stored back in the building, but larger refuse containers permanently located outside will need to be screened from view.
  - a. We are looking at three options, the first option is our preferred, but will depend on garage odor and if we can keep odors controlled. We should be able to as our garbage needs are not that great.
    1. Have a refuse container inside the building and bring curb side weekly.
    2. Requesting space from DHS in their refuse area on the back side by parking lot,
    3. We will create a screened area located by back door that screens the garbage and recycle cans. (this would be our option if we cannot find other solutions.) We want to keep the sidewalk as clean, free and clear as possible.

Lyon Street

Sidewalk

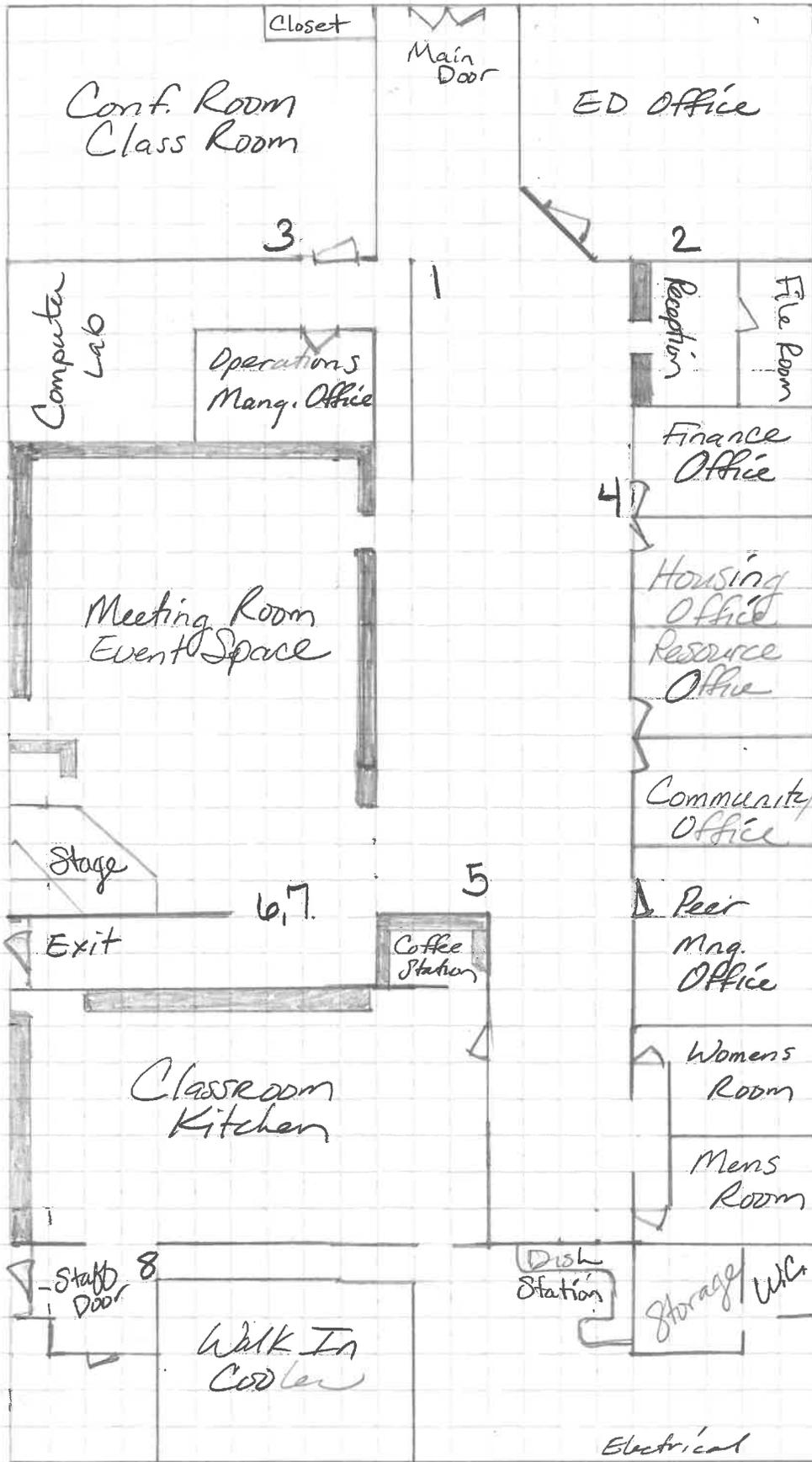
231 Lyon Street  
Albany, OR  
97321

CHANGE



3rd Ave

Sidewalk



Aug 10, 2018

