



COMMUNITY DEVELOPMENT

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

Notice of Decision

Site Plan Review

SP-41-18

April 8, 2019

Application Information

Proposal:	Reconfigure the existing single drive-thru lane to a double lane; Expansion of existing landscape buffer to 10 feet along Killdeer Street; Reconfiguration of parking stalls south of existing restaurant; Façade improvements.
Review Body:	Staff (Type I-L review)
Report Prepared By:	Travis North, Planner II
Property Owner:	William A Scott; 600 University St., Ste 2424, Seattle, WA 98101
Applicant:	John Dodson; 1330 Olympic Blvd., Santa Monica, CA 90404
Address/Location	3060 Pacific Boulevard. SE, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-04CB; Tax Lot 106
Zoning:	Regional Commercial (RC)

On April 8, 2019, the City of Albany Community Development Director granted **Approval with Conditions** of the application referenced above.

The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. For more information, please contact **Travis North, Project Planner**, at 541-791-0176, or David Martineau, Planning Manager, at 541-917-7561.

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal not later than 21 days after the Director's notice of decision is mailed [ADC 1.330(5)(a)]. The applicants may proceed, at their own risk, prior to the end of the appeal period, provided they sign a Release and Indemnity Agreement with the City.

This approval shall expire three years from the date of approval unless the applicant has installed all of the required public infrastructure related to the development and the infrastructure has been accepted by the city, or the applicant has provided financial assurance for all required public infrastructure per Albany Development Code Section 12.600, or if the development did not require public infrastructure, a valid building permit exists for new construction or improvements and work has commenced.

Signature on file

Community Development Director

Appeal Deadline: April 29, 2019

Approval Expiration Date (if not appealed): April 8, 2022

Conditions of Approval

- Condition 1 Prior to final inspection of building permit B-1554-17, the applicant shall demonstrate that at least two of the three required bicycle parking spaces are covered.
- Condition 2 Prior to final inspection of building permit B-1554-17, the applicant shall demonstrate wheel bumpers have been provided for the ADA parking spaces.
- Condition 3 Prior to final inspection of building permit B-1554-17, the applicant shall submit a final landscape and irrigation plan to the Community Development Department for review and approval. The landscape and irrigation plans shall be consistent with the standards under ADC 9.140(2), 9.150 and 9.160. Additionally, all landscaping and irrigation shall be installed in accordance with the approved plan prior to the final inspection of the same building permit.

The issuance of this permit by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to assure compliance with all applicable regulations.

Attachments: Information for the Applicant, Location Map, Site Plan, Building Elevations

Information for the Applicant

Please read the following requirements. This list is not meant to be all-inclusive; we have tried to compile requirements that relate to your specific type of development. These requirements are not conditions of the land use decision. They are Municipal Code (AMC) or Development Code (ADC) regulations or administrative policies of the Planning, Engineering, Fire, or Building Departments that you must meet as part of the development process. You must comply with state, federal, and local law. The issuance of this permit by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to assure compliance with all applicable regulations.

Planning

1. Land use approval does not constitute Building or Public Works permit approvals.
2. Construction of the development must substantially conform to the approved site plan review.
3. Before doing any work in the Pacific Boulevard right-of-way the applicant must obtain all necessary ODOT permits. Contact information for Duane James Liner, P.E. at the Oregon Department of Transportation (ODOT), Region II Office is: phone 541-757-4140 and email at Duane.J.LINER@odot.state.or.us.

Engineering

General Engineering Processes: 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 information provided represents the current information we have in a readily available format. While the information we provide is generally believed to be accurate, occasionally this information proves to be incorrect, and thus we do not warrant its accuracy. Prior to making any property purchases or other investments based, in full or in part, upon the information provided, we specifically advise that you independently field verify the information contained within our records.

Fire Department

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) and has no comments.

Building Division

1. The proposed structure and facilities shall comply with the requirements of the Oregon Structural Specialty Code adopted by the state of Oregon at the time of application for building permits. Shell only projects will require permits for the Tenant Improvements (TI) and occupancy will be assigned as part of those permits.
2. The accessible parking shall comply with Section 1106 of the OSSC and shall not exceed 2% slope in any direction.
3. An accessible route shall be provided from the public way and accessible facilities to the accessible entrances (1105) as required in Section 1104.

ODOT

1. Sheet C1 calls out an Unauthorized Parking sign for the Burger King parking lot in state highway right of way. This sign needs to be located on the Burger King property, not within ODOT right of way.

2. If the City requires, or the applicant proposes, any work within ODOT right of way a permit from ODOT will be required.
3. This Burger King restaurant has an approach to OR99E Pacific Blvd and another approach to Killdeer Ave SE. The approach to OR99E Pacific Blvd from Burger King is unsignalized. The OR99E Pacific Blvd / Killdeer Ave SE intersection is signalized. It is recommended the applicant consider restricting the left turn movement out of the Burger King onto OR99E Pacific Blvd. This would encourage Burger King patrons to use the Burger King Killdeer Ave SE approach and the signal at OR99E Pacific Blvd and Killdeer Ave SE. Although ODOT will not require the restriction of the left turn out from the site and will leave it to the applicant to consider at this time, ODOT reserves the right in the future to evaluate the approach under OAR 734-051-3020 and the procedures of this rule.