MAYOR'S BUSINESS READY TASK FORCE

July 31, 2012

2:00 – 5:00 PM, Municipal Court Room

Albany City Hall, 333 Broadalbin St. SW, Albany

Members: Sharon Konopa, Jeff Christman, Oscar Hult, Arthur Meeker, Jessica Pankratz, Dave Reece, Ron Reimers, Rob Richards, John Pascone, Dala Rouse, Mark Spence, Janet Steele

Staff: Wes Hare, Heather Hansen, Tari Hayes

Agenda

1. Review and approval of June 19th minutes
2. Business from the public
3. Off-street parking standards
4. Nonconforming situations
5. Next meeting:
   - August 14th – Development Review Process from start to finish (staff from multiple departments)
6. Adjourn

MAYOR'S BUSINESS READY TASK FORCE -MINUTES

June 19, 2012

Attendees: Sharon Konopa, Jeff Christman, Dala Rouse, Oscar Hult, Arthur Meeker , Jessica Pankratz, Dave Reece, Ron Reimers, Rob Richards, John Pascone, Mark Spence, Janet Steele

Staff: Wes Hare, Heather Hansen, Tari Hayes

Guest: Richard, Berger, Realtor's Association, John & Christine Sullivan

1. Review and Approval of May 22nd minutes

   Hult made motion to accept with edits, Meeker seconded, passed unanimously

2. Business from the Public

   Christina Sullivan provided an overview of the process to date of opening up a coffee drive thru in Albany. (see agenda file).

   Sullivan believes the Albany Development Code should be updated to better address the needs of business owners with small lot. Sullivan has had issues with parking and landscape requirements that she feels are accommodating to large developments, but not smaller developments. Sullivan feels the entire development process has been challenging, and that City staff, for the most part, have been difficult to deal with.

   Mayor Konopa stated that she had picked up the City's Notice of Decision but hasn't had a chance to review it yet. Konopa appreciated Sullivan sharing her recommendations regarding site plan review; they will be a good resource to look at as the Task Force moves forward.

3. Review of Home Occupation standards (Anne Catlin) (see agenda file)

   Catlin provided a draft proposal for creating two levels of home occupations for home based businesses and hobbies. Level 1 would allow businesses and hobbies outright, provided they meet the criteria. Level 2 would be an option for those that don't meet the Level 1 standards. Level 2 would be allowed following a conditional use review to ensure compatibility with the neighborhood. The intent of these standards is to allow home occupations as long as they comply with the standards and do not alter the residential character of the neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their homes, or are otherwise detrimental to the community at large.

   While being modeled around Lebanon administratively, Albany's proposal is more lenient and less expensive than current Lebanon standards. Lebanon does not allow use outright, but instead requires administrative review. They use a checklist that the applicants signs, and there is a $100 fee.

   The Task Force brainstormed different types of occupations and what levels, if any, they would fall into. For instance, Konopa asked about home based business' such as Pampered Chef, would they need to register – no they would not have to unless they have more than 3 events a year.

   The registration process would also help track home based businesses in the city. Rouse commented that businesses have to register with Oregon State Police if they are using caustic/toxic materials providing additional protection. Reece reiterated that enforcement is still complaint driven.

   The group discussed the application and conditional use review processes. Frequently change of uses can require building permits. This is not a registration or licensing of the businesses. It's a check in with planning and building to make sure the customer is in compliance. It also provides the neighbors with notice of what's happening in their neighborhood. Conditional use review also triggers review by the

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building department to make sure that any areas open to the public are safe and up to safety codes. The prohibited uses for home occupations haven't changed with the proposed code language.

The Task Force made the following recommendations:

- Provide a Frequently Asked Questions section on the City's website regarding home occupation. The Chamber of Commerce and the Albany Millersburg Economic Development Corporation (AMEDEC) refer people to the City for questions that could be answered online.
- Make the conditional use fee nominal or on a tiered fee scale.
- Remove references to hobbies from the code, hobbies can vary greatly and are hard to define.
- Look at the size & scale requirements again. Level 1 maybe too small and it doesn't address large lots that could have large outbuildings.

Staff will make the suggested changes and email them to the Business Ready Task Force for review prior to taking it to the Planning Commission.

4. Review of Small Scale Manufacturing w/ On-site Retail (Evan Fransted)

The Albany Development Code (ADC) does not have a specific classification for small-scale manufacturing with an incidental retail component. In general, the Code classifies small-scale manufacturing as manufacturing, retail sales and service, or office. In some non-industrial zones, such as mixed-use zones and some commercial zones, small scale manufacturing may not be allowed where it might make sense. As the economy changes, these businesses have come up more often over the last couple years. This proposal would relax the code and give staff more flexibility in interpreting the code.

Fransted provided a matrix of code comparisons for small-scale manufacturing uses in other jurisdictions. The regulations take into consideration things such as size, type of use, air emissions, manufacturing, repair and fabrication, with incidental retails or wholesale sales associated with the use. If the business owner can met the standards, they could be allowed in those zones.

Fransted went over the ADC tables and proposed edits to the 5.070 Special Conditions section of the code.

The group discussed some specific examples of uses and if they would be allowed in certain areas. Sometimes zones are created specifically for businesses, such as the residential/ medical zone around the hospital. It has some serious parking issues, adding retail would exacerbate the issue.

Richards asked where athletics, gymnastics, and cheerleading would fit. They are not addressed in this topic because this is small scale manufacturing. Mixed use will be addressed in future meetings.

The draft definition is as follows:

Definition: Small-scale businesses that manufacture artisan goods or specialty foods occupying no more than 5,000 square feet. Goods are generally sold on site with a small incidental retail component. Small-scale manufacturing businesses are intended to be allowed where compatible with the commercial and residential zones. The use shall not create excessive noise, dust or offensive odors that would be disruptive or be detrimental to other nearby commercial businesses or residential uses.

Examples would include: Types of uses could include sugar and confectionary, fruit and vegetable preserving; microbreweries, micro-distilleries, and wineries; artisan leather, glass, jewelry, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; musical instruments, pens, pencils, sporting and athletic goods, toys, brooms and brushes, buttons, costume novelties, and other miscellaneous small-scale manufacturing industries.

At some point if you allow to many different uses you change the zone and the expectations for those who live or work there. Konopa noted that sometimes businesses can go in a location that better fits the type of business. Pascone asked if manufacturing was allowed outright when Water Ave. was rezoned.

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Hansen stated that there are specific properties that were grandfathered in. There are 18 properties specifically mentioned in the code.

ACTION: Come back with something unspecific right now, there are some vacant buildings perhaps we could add or open it up for that area.

- The group would like to see conditions for Industrial office, such as those used in Portland, but less complicated.

The group will discuss parking requirements in general at a future meeting. Fransted had some additional parking items related to small scale manufacturing he wanted to discuss.

If the business is doing well and wants to expand, it could trigger the need for more parking and have a greater impact on the neighbors. How do we support the expansion with consideration for conditions in the neighborhood?

There are sites around town that are in poor condition. Improvements, such as ADA accessibility, parking and landscaping, need to be done in order to bring the site into compliance with City codes. The group discussed at what point the improvements would need to be made. There is some discretion and improvements are frequently given tiered deadlines.

Frequently businesses will occupy a more affordable space. When they are successful and want to expand, the expansion can trigger more costly permit and improvement requirements. The Task Force is scheduled to discuss this issue more at the July 31, 2012 meeting.

Parking standards are different for retail and manufacturing, what happens when the business is both. Manufacturing parking requirements are based on the number of employees; retail is based on square footage. It makes sense to the group to base it by employee count, but that's not how the code is written.

5. <u>Site Plan Review (David Martineau)</u>

Site Plan Review (SPR) is required for most uses in commercial, industrial and village center districts. SPR ensures that parking is adequate to meet the proposed use, that the new use is compatible with existing adjacent uses, that property owners within a distance (usually 300 feet) are made aware of the proposed change of use and are given opportunity to comment, and that non-conforming elements of the site are brought up to current standards commensurate with the proposed changes.

However, there are occasions when requiring Site Plan Review makes no sense. Sometimes staff will know that the use would be approved at just a cursory glance of the application. These include properties that are already built-out and retail strip development or tenant spaces within existing buildings. In some cases, site improvements are not physically possible. For instance, the majority of properties in the Historic Downtown district are built lot line-to-lot line but SPR could still be required by the code.

Staff proposes to develop a checklist that provides a clear-cut process for determining if SPR is needed and at what level. Standards however must be clear-cut and objective, otherwise it needs to be a land use decision per state law.

Note: the general Site Plan Review process will be discussed at the Task Force meeting on August 14.

The group discussed different scenarios where a SPR shouldn't be needed:

- When a site is already build out, from lot line-to- lot line within the Downtown Parking District.
- When there are new tenants in a strip mall etc. They are usually renting and don't have control over the property.
- For a change of use that's the same or similar type of use, when the non-conforming building has not been vacant for more than a year.

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- Eliminate the requirement when it can be clearly demonstrated that they meet existing code.
- A developed site where it's just not possible to meet the requirements.

Site Plan Review (SPR) does help to apply the code consistently. There are unique situations that each business brings to the table, and SPR keeps it fair.

6. Next Scheduled Meeting Topics:

July 31 – Parking, Existing Buildings, Non-conforming, Difficult properties (staff from multiple departments)

August 14 – Development Review Process from start to finish (staff from multiple departments)

These meetings are 3 hours from 2-5. Staff will provide snacks.

The group agreed to send the home occupation draft out for email review, and then take it to the Planning Commission. If the Commission has substantial changes, it will come back to the Task Force for review; otherwise it will proceed to the City Council.

7. Adjourn 4:50

Respectfully submitted

Tari Hayes

City of Albany

Administrative Assistant

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TO: Mayor's Business Ready Task Force

FROM: Heather Hansen, Planning Division Manager

DATE: July 26, 2012

SUBJECT: Summary of topics for discussion at the July 31, 2012 Task Force meeting

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The following is a summary of topics, which is intended as a discussion guide. Staff from several departments researched these topics so they will be prepared to answer most questions as they arise. In some cases, follow up research may be required.

Once the issues have been fully discussed, and a task force consensus is reached, staff will bring proposed Albany Development Code (ADC) amendments to a future task force meeting for your review and discussion.

A. OFF-STREET PARKING REQUIREMENTS (Planning, Building, Public Works, Fire)

Off-street parking standards are intended to provide for adequately sized and designed parking and loading areas that will:

- Minimize traffic congestion by providing for the continuous flow of traffic through the lot,
- Allow for the safe movement of pedestrians to and from buildings,
- Enhance the appearance of parking areas in the city, and
- Protect adjacent properties from the adverse impacts of uses with inadequate off-street parking.

1. <u>Off-street parking space requirements</u> – The ADC requirements are prescriptive rather than performance based. They have not been thoroughly reviewed and updated in a long while. While they are still in line with parking standards in many other jurisdictions – some are higher than average and some are lower – there is room for improvement.

ISSUE: Why can't the market decide this, why aren't they more flexible, why do we require parking that isn't needed?

- For new construction, some developers provide more parking than the City would require, while others request a relaxation of the standards, which is often granted if additional information about parking demand for their use is provided.
- This is a bigger issue when a change of use is proposed, and the parking spaces for the previous use are not adequate for the proposed use. Sometimes the property doesn't have sufficient space to provide adequate parking.
- Some common uses are missing from the parking standards, such as daycare, nursing homes, contractor and industrial services. Adding these would provide more clarity and relevance to the standards.
- Some jurisdictions provide incentives for reducing parking space requirements if the development addresses reduction in demand for parking, such as providing more sheltered bicycle parking, showers and lockers for employees who bike or walk to work, employee bus passes, designating spaces for car pools, or incorporating a bus stop on-site.
- *How can we provide more flexibility in achieving adequate parking spaces?*

2. <u>On-street parking allowances</u> – On-street parking is intended for general public use. When on-street spaces are counted toward the parking requirements of a business or other use, they are basically "committed" to that use. If customers and employees of businesses without adequate off-street parking are consistently parking in front of homes and other businesses, those residents and business owners may be adversely impacted.

ISSUE: Can we allow this to count toward parking requirements in more circumstances than we do currently?

- In reviewing what other jurisdictions allow, only Bend allows for on-street parking, which can count for up to 50% of the required parking under limited circumstances.
- Off-street parking is not required in Albany's downtown assessment area. And the ADC allows for the use of abutting on-street parking in Mixed Use Residential, Central Business District, and Lyon Ellsworth zones, as well as for a few uses that typically have a large number of people gather on an occasional basis. Also, commercial or office uses located in Village Center zones (HD, WF, MS, ES, PB and MUC) may count on-street parking within 100 feet of the development toward meeting the parking requirement. *Are there additional circumstances or locations that make sense as well?*

3. <u>Parking lot landscaping</u> – Parking lot landscaping is multi-purpose – to provide shade, direct traffic and pedestrians safely, reduce stormwater runoff, and enhance the overall appearance of the city.

ISSUE: Seems excessive, why is it needed for even a few parking spaces, can we relax the standards due to the economy?

- Staff struggle with this when only a few parking spaces are required. A minimum threshold for requiring planter bays mentioned in the Comprehensive Plan is four or more spaces. The ADC does not include this threshold.
- The ADC does provide for the use of an alternate plan for parking lot landscaping as long as at least 5% of the parking area is landscaped.
- Buffering and screening, which are not actually parking lot landscaping requirements, are intended to protect properties from the impacts of development "next door."
- General landscaping requirements for front and interior setback areas are also not part of the parking lot landscaping requirements. Landscaping in these areas is intended to enhance the appearance of the City and minimize the impact of development on adjacent properties.
- There will be new stormwater quality regulations within the next year or so, and onsite stormwater systems will be required, which will mainly be accomplished in the landscaped areas. Anything we change now is likely to be changed again.
- *Should we add a threshold of parking spaces that would kick in this requirement?*

4. <u>Paving</u> – Paving, along with curbing (and landscaping), provides both visual and functional benefits – aesthetics, stormwater collection, dust control, and provides clear demarcation of stalls, traffic aisles, and pedestrian ways.

ISSUE: Why don't we allow gravel parking lots?

- The ADC requires that "all areas of the parking lot, including travel aisles and access, shall have a durable, dust-free surface of asphalt, cement concrete, or other materials approved by the Director of Public Works."
- Some jurisdictions have allowances for gravel surfaces for temporary or seasonal parking. The temporary/seasonal use is renewed annually up to a specific time limit.
- *Does the cost of required paving justify the benefit in all circumstances? What about new development versus change of use on developed sites? How will ADA requirements still be met? Does the community care about the appearance of development in the City?*

5. <u>ADA parking requirements</u> – The City complies with this federal regulation through the State Building Codes.

ISSUE: Seems excessive, why do we require it when some other cities don't?

- Federal requirement – Some cities who don't comply are being sued – more suits are expected.
- City supports accessibility – Striping permits enable staff to review the plans and ensure adequate ADA spaces are provided.

B. NONCONFORMING SITUATIONS/VACANT BUILDINGS (Planning, Building, Fire)

The main issue with this topic is how to balance bringing the nonconforming situations into conformance over time, with the out of pocket cost to businesses who want to use those sites now. Some buildings that have been vacant for a long while lost their nonconforming status.

The most common nonconforming situations usually happen in one of two ways: (1) the use was legally established in the past, but is no longer allowed per the current regulations; or (2) the use is allowed, but the property has some sort of nonconforming development that does not meet current requirements, such as density, building setbacks, lot size, coverage, parking, landscaping, buffering/screening between abutting properties.

1. <u>Expiration of nonconforming status</u> – Our code indicates that the status expires after one year of vacancy, after which the nonconforming situation must be brought into conformance when a new use is proposed. Prior to expiration, extensions of up to two additional years for nonconforming uses may be granted.

ISSUE: Why just one year?

- This is common in other jurisdictions, but a few have a longer time period – 1.5 to 3 years.
- At least one jurisdiction allows for nonconforming status to be reinstated through a conditional use process, if the use was discontinued for less than 5 years.
- *Do we want to extend the period before nonconforming status is lost? Do we want to allow for reinstatement?*

2. <u>"Commensurate with development" related to nonconforming uses</u> – When new development (new construction, expansion, new parking, etc) is proposed on property that has nonconforming features, the ADC requires some improvements "commensurate with proposed changes." The ADC promotes upgrades to features that affect the site's appearance and impact to the neighborhood, such as landscaping, buffering/screening, parking lot improvements, etc.

ISSUE: Can it be a % of the project cost, similar to ADA, or some other way of addressing this in a more simplified way?

- Using the percentage of the total project cost is a bit more complicated than it seems on the surface. Portland is the only jurisdiction that we found where they use some percentage of the project cost, and their code is overly complicated. We can discuss further.
- Some jurisdictions have a minimum $ threshold, below which, the improvements would not be required.
- *Should we require improvements only when a major Site Plan Review or Conditional Use is required? And then use something like 10% of total improvement value?*

3. <u>Giving owner/business more time to make improvements</u> – In the ADC, improvements that are made "commensurate with the proposed changes" or that are required when a property has lost its nonconforming status, must be made prior to occupancy (some landscaping can be delayed with completeness guarantees).

ISSUE: Can we be more flexible with this?

- Portland allows for the required improvements to be made over several years (number of years depends on scale of development), but the site must be brought fully into compliance.
- Development agreements are used in many jurisdictions for similar purposes, namely outlining the timeframe and "triggers" for when improvements will be required.
- The existing Nonconforming Situations section of the ADC could be modified to add an annual review process that allows for incremental site improvements over a 2-3 year period. The Nonconforming Situation would need to be improved incrementally during each annual review period.
- *What time period makes the most sense? What about properties that have multiple nonconforming issues? What if incremental improvements are completed?*

4. <u>Challenging properties</u> – There are a handful of properties throughout the City that have been difficult to lease or sell for a variety of reasons. Some of have been vacant for a long while.

ISSUE: Can we be more flexible in this economy? Are there short- or long-term solutions?

- Staff will bring a few examples of sites/buildings that have been difficult to lease or sell and we'll discuss options.

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