



COMMUNITY DEVELOPMENT

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

Notice of Public Hearing

Conditional Use Permit, Site Plan Review, Major Variance, and Tentative Replat

CU-01-24, SP-23-24, VR-09-24, RL-05-24

December 20, 2024

HEARING INFORMATION

Review Body:	Hearings Board (Type III)
Hearing Date:	Thursday, January 9, 2025
Hearing Time:	4:00 p.m.
Hearing Location:	Council Chambers, Albany City Hall, 333 Broadalbin Street SW
	<u>Virtual</u> : At 4:00 p.m., join the meeting using the link below: https://albanyoregon.gov/council/groups/hrb/zoom
	<u>Phone</u> : +1 (253) 215-8782; <u>Meeting ID</u> : 842-2061-8053 Passcode: 897375

APPLICATION INFORMATION

Proposal:	Conditional Use Review to construct a fitness facility, Site Plan Review to construct self-serve storage, warehouse tenant space, recreational vehicle parking storage, and a dwelling unit attached to a business, a Major Variance to allow off-street parking between the fitness facility and front property line, and a replat to consolidate two lots.
Review Body:	Hearings Board
Property Owner/Applicant:	Sona Athwal & Jaswant Sranna, 2515 Geary Street SE, Albany, OR 97322
Applicant's Representative:	Laura LaRoque; Udell Engineering & Land Surveying, LLC, 63 E. Ash Street, Lebanon, OR 97355
Address/Location:	137 41st Avenue SE, Albany, OR 97322
Map/Tax Lot:	Linn County Assessor's Map: 11S-03W-19A Tax Lot: 1000
Comprehensive Plan Map:	Industrial
Zoning:	Light Industrial (LI)
Total Land Area:	1.78 acres

The Albany Planning Division has received a request for a public hearing for the application referenced above and has scheduled a public hearing before the Hearings Board. We are mailing notice of this public hearing to property owners within 300 feet of the subject site.



A copy of the application, all documents, and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at the Albany Community Development Department, Planning Division. Copies can be provided by mail upon request at a reasonable cost or electronically at no charge. The staff report will be available by 5:00 p.m. on Thursday, January 2, 2025, and on the City's website at:

www.albanyoregon.gov/cdprojects

Should you wish to discuss this case with a planner, please contact Liz Olmstead, project planner, at liz.olmstead@albanyoregon.gov or 541-917-7640. Submit any written comments to the Planning Division; PO Box 490, Albany, OR 97321. Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

YOUR COMMENTS (HOW TO TESTIFY):

We invite your comments, either in writing prior to the day of the public hearing or at the hearing. Your comments will be considered when the Hearings Board make a decision on this application. All testimony and evidence must be directed toward the approval standards for this application listed in this notice. Failure to raise an issue by letter or in person before the close of the record or the final evidentiary hearing, or failure to provide statements or evidence with sufficient detail to allow the Hearings Board an adequate opportunity to respond to each issue raised, precludes an appeal based on that issue.

Persons wanting to provide testimony for the Hearings Board public hearing may choose one of the following options:

1. Email written comments to liz.olmstead@albanyoregon.gov **before noon the day of the meeting** and include your name and subject of the public hearing, or mail comments to Albany Planning Division; PO Box 490, Albany, OR 97321; or
2. To testify virtually during the public hearing, register before **noon on the day of the meeting** by emailing cdaa@albanyoregon.gov, with your name, address, phone number, and if you are speaking for, against, or neutral on the proposal. The chair will call upon those who registered.
3. Appear in person at the meeting and register to speak using the sign-up sheet.

Written comments will be included with respective meeting agenda packet if received by Liz Olmstead at liz.olmstead@albanyoregon.gov on or before the following date: December 30, 2024, for the January 9, 2025, Hearings Board meeting.

Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify City staff at least 48 hours in advance of the meeting at 541-917-7550, or email cdaa@albanyoregon.gov.

PUBLIC HEARING PROCEDURE

The public hearing will occur on Thursday, January 9, 2025, at 4:00 p.m. The hearing body will open the public hearing. The public hearing will begin with a declaration of any *ex parte* contacts (contacts that occurred outside of the public hearing) or any conflict of interest by the decision-makers. This will be followed by the staff report from the planning staff. Then, the applicant will testify. Following this, written comments received from the public will then be entered into the record. This will be followed by calling upon those who registered to speak in support of the application. After those in favor of the application are finished, testimony from those who registered to speak in opposition will begin. This will be followed by testimony from people who neither favor nor oppose the application. Following this, a calling upon anyone else who wishes to testify either in support, in opposition, or neutral will be made. The applicant will then be able to respond to the public comments. The decision-makers are free to ask questions of any person who has testified, or of staff, at any point during the hearing. Once all comments are recorded as part of the meeting and the applicant responds, the hearing body will close the public hearing and deliberate on the application.

If additional documents or evidence are provided by any party, the City may allow a continuance, or leave the record open, to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time limitations of Oregon Revised Statute (ORS) 227.178.

If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for the resumption of the hearing and/or what limitations exist on further testimony or submittal of written materials. If the hearing and record are closed, the decision-makers will begin deliberations and/or will announce the time, date, and place when the decision will be made.

APPEALS

Within five days of the Hearing Board's final decision on this application, the Community Development Director will provide written Notice of Decision to the applicant and any other parties entitled to notice.

A decision of the Hearing Board may be appealed to the City Council if a person with standing files a Notice of Appeal and associated filing fee with the City within 10 days of the date the City mails the Notice of Decision.

APPROVAL STANDARDS FOR THIS APPLICATION

Conditional Uses

Section 2.250 of the Albany Development Code (ADC) includes the following review criteria that must be met for this application to be approved.

- (1) The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.
- (2) The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping, or other design features.
- (3) The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety.
- (4) Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.
- (5) The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to:
 - (a) Noise, glare, odor, litter, or hours of operation.
 - (b) Privacy and safety issues.
- (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.

Site Plan Review Criteria

Section 2.450 of the ADC includes the following review criteria that must be met for this application to be approved.

- (1) The application is complete in accordance with the applicable requirements.
- (2) The application complies with all applicable provisions of the underlying zoning district including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.
- (3) Activities and developments within special purpose districts comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.
- (4) The application complies with all applicable Design Standards of Article 8.

- (5) The application complies with all applicable Design Standards of Article 10.
- (6) The application complies with all applicable On-Site Development and Environmental Standards of Article 9.
- (7) The Public Works Director has determined that public facilities and utilities are available to serve the proposed development in accordance with Article 12 or will be made available at the time of development.
- (8) The Public Works Director has determined that transportation improvements are available to serve the proposed development in accordance with Article 12 or will be available at the time of development.
- (9) 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.
- (10) The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.
- (11) 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.

Section 2.455 of the Albany Development Code (ADC or Code) includes the following review criteria that must be met for this Site plan Review application to be approved.

- (1) The transportation system can safely and adequately accommodate the proposed development.
- (2) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
- (3) 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.

Tentative Plat Review

Tentative Plat Review, Section 11.180 of the Albany Development Code (Code) includes the following review criteria that must be met for this application to be approved.

- (1) The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Article.
- (2) Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
- (3) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- (4) The Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.
- (5) The Public Works Director has determined that public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.
- (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.

Major Variance

Section 2.690 of the Albany Development Code (ADC) includes the following review criteria that must be met for this application to be approved.

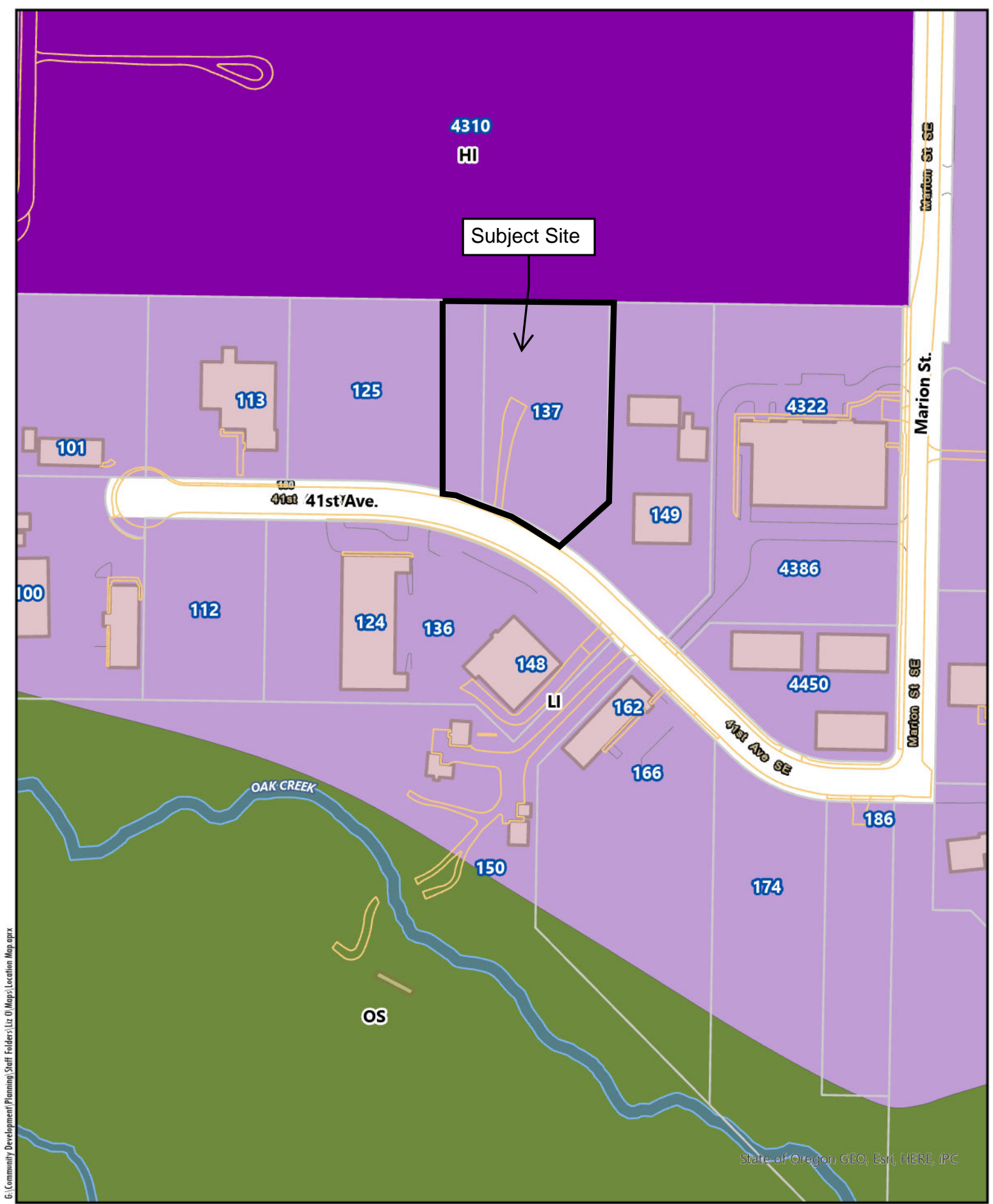
- (1) The property has unique or peculiar physical circumstances or conditions such as, irregular shape, width or depth; or exceptional natural or physical conditions such as topography, trees, native vegetation,

wetlands, riparian areas, wildlife habitat, or drainage ways.

- (2) The proposal will be consistent with the purpose, overview, and description for the zone in which the property is located, and with the purpose of the Significant Natural Resource Districts, if applicable; and
- (3) If more than one Major Variance is requested, the cumulative effect of the variances results in a project that is still consistent with the purpose, overview and description of the zone; and
- (4) The requested Major Variance is the minimum necessary to address the peculiar or unusual conditions of the site; and
- (5) Any impacts resulting from the Major Variance are mitigated to the extent practical; or
- (6) Application of the regulation in question would preclude all reasonable economic use of the site.

Additional review standards for this application are found in ADC Articles 1, 2, 4, 8, 9, 12, 13, and 22.

Attachments: Location Map and Site Plan



G:\Community Development\Planning\Staff Folders\137 41st Ave SE\Maps\Location Map.aprx

State of Oregon GEO, Esri, HERE, IPC

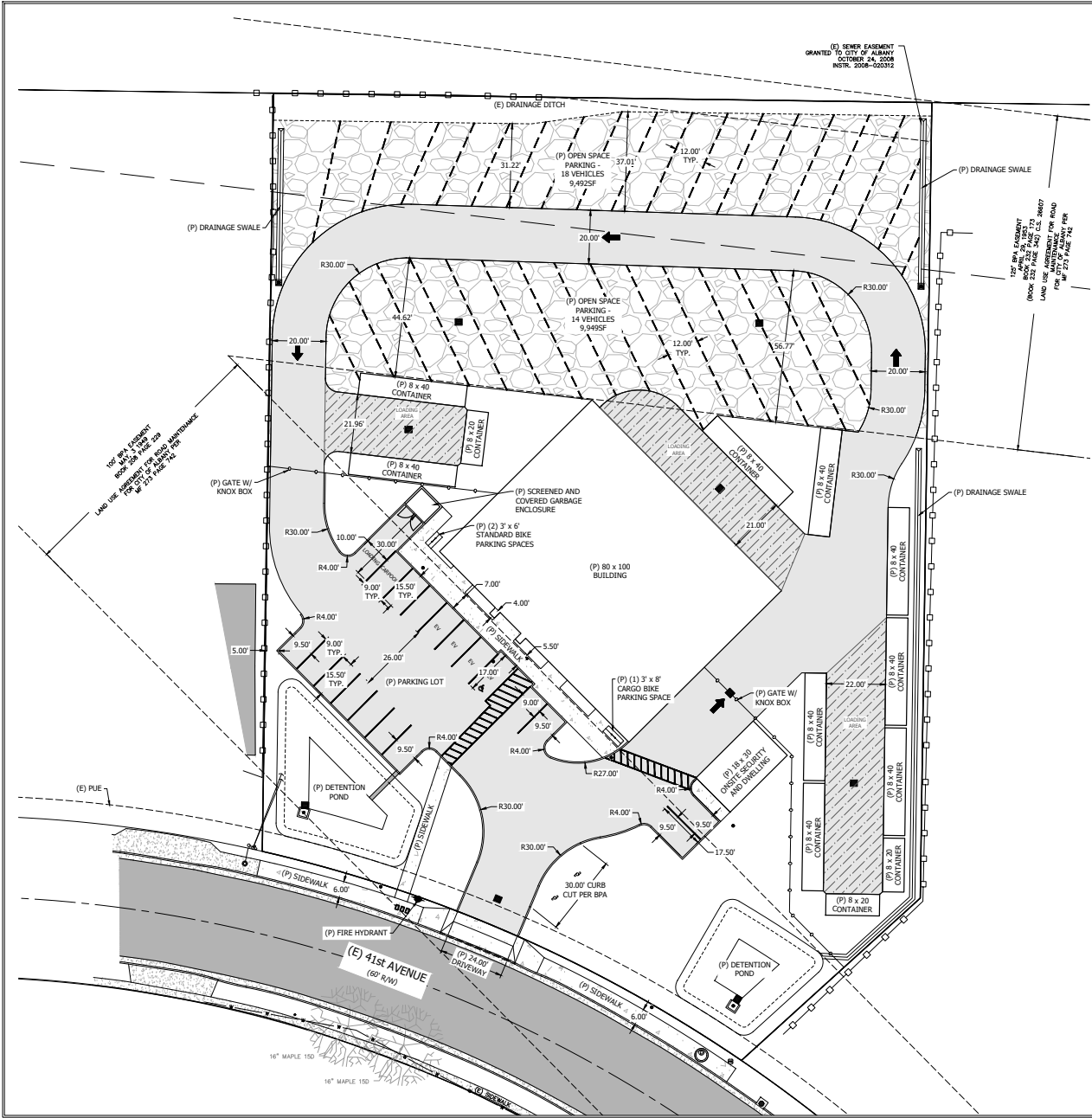


N
0 50 100 200
Feet

Date: 12/18/2024 Map Source:

137 41st Ave SE

Location Map



IMPERVIOUS AREA:
 LOT SIZE: 77,589SF
 (E) IMPERVIOUS AREA 2,402SF
 (E) LOT COVERAGE: 3.1%
 (P) IMPERVIOUS AREA 60,002SF±
 (P) LOT COVERAGE: 77%±

PAVING NOTE:
 ALL PHASES TO BE GRAVELED
 UNTIL CONSTRUCTED. SEE
 PHASING SHEET.

BIKE PARKING ADC: 9.030:
 GYM:
 2 OR 1 SPACE PER 1,000SF; 3,000SF;
 3 SPACES
 WAREHOUSE:
 2 OR 1 SPACE PER 15,000SF; 23,411SF;
 2 SPACES
 SELF-STORAGE:
 2 OR 1 SPACE PER 20 UNITS
 3 SPACES
 TOTAL IN BUILDING:
 7 SPACES

PROVIDED BIKE SPACES:
 2 STANDARD BIKE SPACES
 AND 1 CARGO BIKE SPACE
 OUTSIDE, REMAINING
 SPACES ARE COVERED AND
 PROVIDED IN THE BUILDING

VEHICLE PARKING SUMMARY

TYPE	MAX. ALLOWED PARKING	PARKING PROVIDED	STANDARD	NUMBERS FOR CALC
GYM	14	4	1 SPACE PER 300 SF	4000SF
STORAGE	4	3	1 PER 100 UNITS W/ MINIMUM OF 3, PLUS 1 PER EMPLOYEE	13 UNITS 1 EMPLOYEE
WAREHOUSE/ OPEN STORAGE	78	10	1 PER 2 EMPLOYEES PLUS 1 PER 300SF OF PATRON SERVING AREA	23,441SF ESTIMATED 2 EMPLOYEES
	N/A	1	ADA COMPLIANT	1 FOR EVERY 25 SPACES
TOTAL		18		



CLIENT:
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 (530) 682-2100

UDELL ENGINEERING
 AND
 LAND SURVEYING, LLC
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PRELIMINARY CIVIL SITE PLAN
 SITE PLAN REVIEW
 MAP 11S-3W-19A
 LOTS 1000 & 1100
 ALBANY, OR

DATE: NOVEMBER 4, 2024
 PROJECT: 24100 ATHWAL ELSR AVE
 DRAWN BY: M.H.
 CHECKED BY: J.S.
 020

THIS MAP WAS
 PREPARED FOR
 PLANNING
 PURPOSES ONLY

PLAN REVISIONS	DATE

Sheet **C1.2**
 SCALE: SEE BARSCALE