



APPROVED: March 12, 2007

**CITY OF ALBANY  
HEARINGS BOARD  
City Hall Council Chambers, 333 Broadalbin Street  
Monday, December 18, 2006  
4:00 p.m.**

**MINUTES**

Hearings Board Members present: Dan Bedore, David Faller, and Anne Peltier

Hearings Board Members absent: None

Staff present: Planner II Janet Morris, Community Development Director Helen Burns Sharp, and Administrative Assistant I Tracy Swett

Others present: Three others in the audience, including the applicants in each case to be heard.

**CALL TO ORDER**

Chair Anne Peltier called the meeting to order at 4:02 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**APPROVAL OF THE September 7, 2006 and October 16, 2006, MINUTES**

Hearings Board Member Dan Bedore moved to approve both sets of minutes as written. Hearings Board Member David Faller seconded the motion, which passed 3-0.

**QUASI-JUDICIAL PUBLIC HEARING, Case File Number CU-04-06 (Ferry Street Bed and Breakfast)**

Peltier called to order a public hearing on Planning file CU-04-06, a Conditional Use application to establish a three guest room bed and breakfast within a single-family residence located at 530 Ferry Street SW. The applicants are Raymond and Deborah Lusk.

Declarations:

None.

Staff Report:

Planner II Janet Morris summarized the staff report. She showed an overhead of the neighborhood's zoning and the property highlighted. She stated the property is adjacent to the Historic Downtown zoning district, but is in the Monteith Hackleman zoning district. She showed another overhead depicting the subject property in relation to familiar landmarks in the neighborhood, including the courthouse; the Presbyterian Church; and the Christian Church. Morris said the Christian Church and the applicants have

entered into a joint-use parking agreement (Exhibit A, in agenda file). Morris said when the staff report was completed; staff did not know if the agreement would be recorded prior to the hearing. There was a condition related to the requirement for the agreement, which is no longer necessary.

Morris said a bed and breakfast is a conditional use within a residential district. If the six review criteria are met, or can be met through the use of conditions, the application can be approved.

Bedore asked whether three parking spaces would be provided on site and two others provided off site as cited in Finding 3.2 and Conclusion 3.6. Morris said Bedore found an error in the staff report; the three required parking spaces to serve guests of the bed and breakfast will be provided off site.

Faller asked if changing the operation of the home to a bed and breakfast would change the historic classification of the home. Morris said no. Community Development Director Helen Burns Sharp said the City's preservation program focuses on building integrity. The use would not impact the building's integrity so the classification would not be changed.

Applicant Testimony:

Deborah Lusk, 530 Ferry Street SW, said she agreed with the staff report. Peltier asked if parking could be provided by the Presbyterian Church across the street. Lusk said no. She had explored that option and found the request would have to go to the Church's Board. In addition, the County has secured all of the unleased parking spaces for a number of years.

Sharp said the reality is people will likely park in the street, however Lusk met the intent of the requirement and the agreement will serve as a good back up should a problem develop.

Testimony In Favor: None.

Opposing Testimony: None.

Neutral Testimony: None.

Applicant Rebuttal: None.

Staff response: None.

Chair Peltier closed the public hearing at 4:13 p.m.

Commission Discussion: None.

Commission Action:

Bedore moved that the Hearings Board approve with conditions the Conditional Use application to allow the owner-occupied residence at 530 Ferry Street SW to include a three guest room bed and breakfast establishment (File CU-04-06). The motion was based on the findings and conclusions of the staff report and testimony presented at the public hearing. Faller seconded the motion, which passed 3-0.

Morris reminded the Board that the joint-use parking agreement also needed to be approved.

Bedore moved that the Hearings Board approved the Joint-Use Parking Agreement between the applicants and the Christian Church located at 432 Ferry Street SW. The parking agreement is needed to

satisfy the applicants' requirement to provide three off-street parking spaces for the bed and breakfast guests. The motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing. Faller seconded the motion, and the motion passed 3-0.

**QUASI-JUDICIAL PUBLIC HEARING, Case File Number CU-05-06 (Family Tree Relief Nursery)**

Peltier called to order a public hearing on Planning file CU-05-06, a Conditional Use application to allow a children's specialized care facility in an existing building located in a Light Industrial (LI) zoning district. The property is located at 1100 Jackson Street SE. The applicant is the Family Tree Relief Nursery.

Declarations: None.

Staff Report:

Planner II Janet Morris summarized the staff report. She showed a zoning map of the area on the overhead projector. She said the subject property is immediately surrounded by industrial uses. There are residential uses to the south, including an apartment complex and single-family homes.

The building has been used by Mighty Oaks Children's Therapy Center and On Our Own, which was a mental health facility. Morris said staff compared this use to a child care center, but the operation does not completely fit the description of a child care center. Children are at the site for a few hours a day, the rest is office space for employees, and employees make visits to the children's homes to work with the parents.

Morris said there are six review criteria which staff believes have been met without imposing any conditions. Staff recommended approval of the application.

Bedore asked if there had been a recent conditional use for this building. Morris said yes, On Our Own mental health facility was located here through a conditional use for a short time.

Applicant's Testimony:

Stephen Soot, 2365 Robin Hood Street NW, said it has been difficult to find a suitable building in this area to serve the community. The state has certified the building and he requests the Hearings Board does likewise.

Testimony In Favor: None.

Opposing Testimony: None.

Neutral Testimony: None.

Applicant Rebuttal: None.

Staff response: None.

Chair Peltier closed the public hearing at 4:22 p.m.

Commission Discussion: None.

Commission Action:

Faller moved that the Hearings Board approve the Conditional Use application to operate the Family Tree Relief Nursery in the Light Industrial zoning district (File CU-05-06). The use would be located in an existing building addressed as 1100 Jackson Street SE. The motion was based on the findings and conclusions of the staff report and testimony presented at the public hearing. Bedore seconded the motion, which carried 3-0.

ACTIVITY UPDATE:

Sharp updated the Board on some items, including the 13th Avenue subdivision appeal. She said Council affirmed the Planning Commission's approval of the applications at their November 29, 2006 meeting.

She said the Ropp applications that were initially reviewed in 2003, but stalled in Council were recently approved at the Council's November 29, 2006 meeting, with a condition of approval involving a trip cap.

She said the Planning Division expects some new applications will come before the Board or Planning Commission including a subdivision on Quarry Road, the Brandis Village subdivision and site plan applications, and a conditional use for a new school in the East I-5 area of town. Council also authorized staff to pursue an Urban Growth Boundary amendment to replenish the City's industrial lands inventory as a result the PepsiCo project.

Peltier said she's having surgery January 16, 2007 and may be unavailable for Planning Commission and Hearings Board meetings during her recovery.

Sharp said a new member was recently appointed to the Planning Commission, Michael Styler.

NEXT MEETING DATE:

The next meeting of the Hearings Board is to be determined.

ADJOURNMENT

Hearing no further business, Chair Peltier adjourned the meeting at 4:35 p.m..

Submitted by

Reviewed by

*Signature on file*

*Signature on file*

Tracy Swett  
Administrative Assistant I

Helen Burns Sharp  
Community Development Director

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