



APPROVED: December 3, 2007

**CITY OF ALBANY
HEARINGS BOARD**
City Hall Council Chambers, 333 Broadalbin Street
Monday, November 19, 2007
4:00 p.m.

MINUTES

Hearings Board Members present: C. Jeffery Evans (substitute), David Faller, and Anne Peltier

Hearings Board Member absent: Mark Spence

Staff present: Planning Manager Don Donovan, Planner I Evan Fransted, and Administrative Assistant I Tracy Swett

Others present: Two others were present in the audience, including the applicant and his representative.

CALL TO ORDER

Chair Anne Peltier called the meeting to order at 3:59 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

QUASI-JUDICIAL PUBLIC HEARING, Case File Number PA-16-07 (Martin Partition)

Peltier called to order a public hearing on planning file PA-16-07, a Partition Tentative Plat that would divide a 4.63-acre parcel of land into three parcels. Parcel 1 would be 1.74 acres. Parcel 2 would be 1.73 acres. Parcel 3 would be 1.16 acres. The subject property is located on the south side of Hickory Street NW, east of North Albany Road NW. The applicant is Peter Martin.

Declarations:

Board Member David Faller reported that he drives by the site often, but could not report any specifics about the property.

Staff Report:

Planning Manager Don Donovan summarized the staff report. He explained this case required a public hearing because the property is in the floodplain according to the Federal Emergency Management Agency's (FEMA) floodplain maps. He said the property has likely been filled to the elevation of the 100-year flood, but that is not certain.

He said the site is zoned Community Commercial (CC), which does not have minimum lot area, width or depth. The proposed lot sizes are allowable as is.

He showed an aerial photograph of the site with the subject property outlined in blue (Exhibit A, in agenda file). He pointed to Highway 20, Springhill Road NW, Hickory Street NW, and surrounding development.

Donovan said there are five review criteria that must be met for the Partition Tentative Plat to be approved. He showed the partition plat on the overhead with the property (in agenda file). He said the proposed partition will divide all of the property owned by the Davenports. No remainder of the property will be considered as required by criterion one. All adjoining properties have access to public streets as per criterion two.

The property has frontage on Hickory Street NW which was constructed to City standards. No new streets are needed to serve the partition. Access easements were dedicated to limit the number of driveways to Hickory Street NW when the property was created from a larger property. Donovan pointed to the existing access easements on the overhead on proposed Lots 1 and 3. He said the way the partition is proposed, Lot 2 would require an individual driveway. Staff would like to discourage that from happening. Staff recommended a condition of approval for criterion 3 to create two access easements from Parcel 2 that would connect to the existing easements on Parcels 1 and 3 and then connect to Hickory Street NW. Actual accesses will be reviewed when development is proposed on the parcels.

Donovan said there are existing sewer and storm drain lines that can provide utilities for each of the parcels to be created. Criterion four was met.

Criterion five reviews the special features of the site. The property is shown on the FEMA map as having floodplain. A fill permit was issued for the site, but the owners have not submitted a Letter of Map Revision-Fill (LOMR-F) yet so the floodplain standards continue to apply to development on the parcels until the property is removed from the map.

Board Member C. Jeffery Evans asked about the inconsistency between Finding 4.6 and Finding 5.2(3) related to storm drainage. He asked if it was appropriate to make a determination about the adequacy of the system if the Engineering Division had not yet reviewed the details. Donovan said Finding 4.6 addressed the Hickory Street NW improvements. The property was not included in the Local Improvement District's (LID) improvement boundary. There is existing drainage to the south that was designed to drain the subject property. Should the applicant decide to direct storm drainage toward Hickory Street NW, fees will likely be assessed. Discussion followed.

Evans said the access from the property to North Albany Road NW created shorter distance between Highway 20 and Hickory Street SW. He asked if it would be more appropriate to have access on Hickory Street NW. Donovan said there is access to Hickory Street NW through existing shared access easements adjacent to proposed Lots 1 and 3. Evans asked if access would be on Hickory Street NW rather than North Albany Road NW. Donovan said there is an existing access easement to North Albany Road NW, but it would be a right-in, right-out turn only. He said access would be reviewed in more detail with the submission of a specific development proposal.

Applicant Testimony:

Troy Plum, 1530 9th Avenue SW, said he is with PacWest Engineering and represents the applicant. He said the 100-year floodplain, known as the base flood elevation, is shown on the tentative plat (in agenda file) as a dark outlined area with a noted elevation of 202.5 feet. The proposal also shows a proposed 36-foot paved access next to proposed Lot 3 that would be across Peacock Lane NW to form a four-way intersection. The access would be reviewed with a development. Plum said to the west is a 30-foot access and utility easement to North Albany Road NW, which provides a right-in, right-out access.

Plum said the applicant will submit a LOMR-F and may propose more fill on Lots 1 and 3. He believes all adjacent development has placed fill, but not submitted LOMR-Fs. The applicant will comply with FEMA guidelines to avoid future property owners having to purchase flood insurance.

Peltier asked if the property was already been filled. Plum said yes, in 1988 it was filled and elevated to over a foot above the 100-foot flood elevation. Since then, PacWest has surveyed the site. More modifications may occur to get better building footprints. Plum understood that filing a LOMR-F was a recommended condition of approval for this application, but he acknowledged future modifications to the fill and subsequent LOMR-Fs may be filed as site plans are developed.

Faller asked about the sign in the northwest corner of the property advertising Parcel 1 to be the future home of Richard's Cleaners. Plum said the intent of the partition was to increase marketability. Richard's Cleaners is a potential owner of one of the new parcels.

Evans asked the purpose of the 30-foot utility and access easement to North Albany Road NW. Plum said it would be a right-in, right-out access. Evans asked if there were traffic control structures on North Albany Road NW to prevent left turns. Plum said there are and cited an example on Waverly and 21st. Any measures would be subject to approval from Engineering. Faller said traffic on North Albany Road NW would make it difficult to exit the site via that route. Discussion followed.

Testimony In Favor: None.

Opposing Testimony: None.

Neutral Testimony: None.

Applicant Rebuttal: None.

Staff response: None.

Peltier closed the public hearing at 4:21 p.m.

Board Discussion:

Evans said he was concerned with North Albany Road NW easement. Donovan said the easement already existed. Evans asked if it was already being used for traffic. Donovan said no, it was not approved yet. Faller said it would be up to the site developer whether they want to use that access. Discussion followed.

Board Action:

Faller moved to approve with conditions the Partition Tentative Plat that would divide a 4.63-acre parcel of land into three parcels (PA-16-07). The motion was based on the findings and conclusions of the staff report and testimony presented at the public hearing. Evans seconded the motion. The motion passed 3:0.

ACTIVITY UPDATE

Donovan said the next meeting of the Planning Commission was scheduled for December 3 to primarily decide what questions to ask the public regarding the updated Economic Opportunities Analysis (EOA). He reminded the Board that assumptions regarding whether Albany were supportive of big box development and all industrial development were questioned at the last meeting. Staff felt the best

approach was to open the issue up to public comment. This work session will define the questions that will be posed to the public at a future public hearing. The time for the meeting is 5:15 p.m.

Peltier asked if there was a Planning Commission meeting on December 17. Donovan said no, the Brandis Village applicants wanted to hold the day in case they were ready to move forward. Faller asked about the 120-day clock on the Brandis Village applications. Donovan said the applicant has extended the time limit. Discussion followed.

Donovan introduced Planner I Evan Fransted to the Board.

Donovan updated the Board on the appeal proceedings for Fabian Estates at Council. Discussion followed. Faller asked if time limits could be set for public testimony. Donovan said yes. Faller and Peltier were agreeable to time limits being set for Planning Commission public hearings. Evans suggested staff be authorized to discourage poorly planned applications. Discussion followed.

NEXT MEETING DATE

The next meeting of the Hearings Board is to be determined. The next meeting of the Planning Commission is scheduled for Monday, December 3, 2007, at 5:15 pm.

ADJOURNMENT

Hearing no further business, Peltier adjourned the meeting at 4:26.

Submitted by

Signature on file

Tracy Swett
Administrative Assistant I

Reviewed by

Signature on file

Don Donovan
Planning Manager

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