



APPROVED May 11, 2009

**CITY OF ALBANY  
PLANNING COMMISSION  
City Hall Council Chambers, 333 Broadalbin Street  
Monday, September 29, 2008  
5:15 p.m.**

**MINUTES**

Planning Commissioners present: Paul Davis, Cordell Post, Wayne Rackham, Dala Rouse, and Mark Spence

Planning Commissioners absent: David Faller, Lolly Gibbs, Michael Styler and Scott Whitney

Staff present: Community Development Director Greg Byrne, Planning Manager Don Donovan, and Administrative Assistant I Sheena Dodson; Transportation Systems Analyst Ron Irish

Others present: Eight others were present in the audience.

**CALL TO ORDER**

Vice-Chair Mark Spence called the meeting to order at 5:15 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**QUASI-JUDICIAL PUBLIC HEARINGS**

Vice-chair Spence called to order a public hearing on Planning File CU-04-08, a conditional use to convert an existing building to four condominiums and a common area in the basement. Four off-street parking spaces will be provided behind the building. The building was originally constructed as apartments but was last used as offices and meeting rooms. The applicant is 3rd Avenue Townhomes LLC.

Declarations:

Commissioner Post declared that he was on the Central Albany Revitalization Advisory Board (CARA) when they gave the applicant some grant funds to redo the building. This will pose no conflict of interest. Commissioner Dala Rouse drives down Third Avenue often and noticed that they were doing extensive work to the building. Post and Spence have also driven by.

Staff Report:

Planning Manager Don Donovan summarized the staff report. He said the common area will be in the basement and four off-street parking places will be provided off an alley behind the building. The building was originally built as apartments in the early-1990s. Most recent use has been for office and meetings for labor unions. He noted the Review criteria for a conditional use application.

Donovan showed on the overhead projector the subject property and surrounding property (Exhibit A). There is an existing building and a day spa next to it, and a vacant lot which has been divided into 6 lots and been approved for 6 town homes but has not been built yet. There is also a church building. Donovan stated that the first criterion requires that the proposed use be consistent with the intended character of the base zone and operating characteristics of the neighborhood.

Donovan showed the applicant's site plan of the building on the overhead projector (Exhibit B), which shows where the building is located on the property. He pointed to where the parking lot would be. The Development Code says that this central business district is intended primarily for retail and services that support historic downtown business and residences. The Code says mixed uses are encouraged and high density residential infill is encouraged. The proposed condominiums would be considered residential infill, since it would create an existing building that is surrounded by other developments. He stated that the operating characteristics of the condominiums would be similar to other residential developments in this area.

The second review criterion requires that the proposed use be compatible with existing or anticipated use in terms of size, building scale and style, intensity, setbacks, and landscaping; or the proposal calls for mitigation of difference through such means as setbacks, screening or other design features. Condominiums would be created in the existing building. It was originally constructed as apartments. The building was constructed in the early 1900s and since then has been in this neighborhood. It is similar to other buildings in the neighborhood that have survived. The building has a basement and two upper floors. The basement and the two upper floors are approximately 2,000 square feet. The front yard landscaping and landscaping for the parking spaces in the back of the building will be required by the conditions of approval. The building is on the City's inventory of historic buildings so any exterior alterations will require a separate review by either the City's preservation planner or Landmarks Advisory Commission.

Donovan noted that the only exterior proposed changes are some stairs in the back. Parking will be at level with alley and stairs would go into the basement. Elevation of the parking area is the same as the first floor of the building.

The third review criterion requires that the transportation system be capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, on-street parking impact, access requirements, and neighborhood impact and pedestrian safety. Staff uses Institute of Transportation Engineers (ITE) trip generation rates to estimate the number of new vehicles created by new development. Using the ITE estimates staff estimates the four condominiums will generate 17 new vehicle trips per day. He stated that there is difficulty finding on-street parking in the area. The demand for on-street parking is created by the state office buildings across the street. The property is located in the Downtown property assessment district and is therefore not required to provide off-street parking. The condo project includes four off-street parking spaces. The alley has been partially blocked by parking spaces created with the building that is owned by the Knights of Columbus. One parking space was created for the state employment office. Another townhouse project was approved for the property to the east but it hasn't been built yet.

The parking for the condos would also need the alley for access so it needs to be opened up. The alley was created to get to the back of those properties.

Donovan talked to the manager of the employment office, which would lose a parking space if the alley opened up. Staff did some research to see if there was an approval to put the parking spaces in the alley; no approval of parking spaces has been found. There is a tree in the alley and a chain link fence that the

state employment office put up. This builder would have to take care of the obstructions in the alley, and has agreed to do that.

The fourth review criterion requires that the public services for water, sanitary sewer, storm-sewer, water management and fire and police protection be capable of service to the proposed use. All services are available to the building.

The fifth review criterion requires that the proposal not have significant adverse impacts on livability of nearby residentially zoned lands due to things like noise, glare, odor, litter, or hours of operation. The nearest residential area is Montgomery Street, which is mostly single-family housing. Staff does not expect that the condominiums would have an adverse impact on the residential neighborhood.

The last review criterion requires that any special features (topography, floodplains, wetlands, and vegetations) have been considered and utilized. There are no special features. It is on the City's inventory of historic buildings.

The written staff report finds that all the conditional use review criteria can be met when the conditions of approval listed in the staff report are met.

Donovan said that a letter was submitted by the State Employment office. They do not object to the project; they did request that the developer would inform them in advance of any construction activity and that the developer would be responsible financially for moving the tree and relocating the fence. He recommended that if the Planning Commission decided to approve the project to include the State Employment office requests as conditions of approval.

Donovan stated that the City's Transportation Systems Analyst Ron Irish was available to answer questions regarding parking and the alley, if needed.

Applicant Testimony:

Tim Smith, 35283 Oakview Drive, Brownsville OR – stated that conditions are satisfactory. They wanted to make a successful project that would fit into the community. The building used to be apartments in the 50s and 60s and now they are trying to get it back to what it was before. They would like to build and market them or have a home office. With parking they will try to relieve some of the pressure off the street. It would also be better for those that would be interested in buying a condo. They hope people would be excited to buy.

Testimony in favor: None

Opposing Testimony:

Jack Gall, 611 29th Avenue SE – stated that “we” (Knights of Columbus) had the same concerns with the other project regarding the parking situation. He said the parking issue has been there for years. He stated the applicants would be using their parking spaces. He stated they would be putting up no parking signs and would want the City to enforce them. Spence clarified that Gall was talking about the Knights of Columbus. Gall affirmed.

Gall commented that the employment office remodeled the parking lot in '76 or '77. The parking lot has been there for over 30 years. He thought it was silly that someone would want to come and do it all over again. He did not understand how if a parking lot was closed up why someone would want to open it up again.

Gall stated that they had looked at a property and they looked at some on Elm Street. They said that they were asked to have parking, but at this location they are not being asked to provide parking. Spence stated that the right-of-way pre-existed and that part of the property would be part of the restriction of the various properties of the area.

Commissioner Davis asked where the Knights of Columbus parked currently. Gall replied that they park on the side of their building and the back. Davis clarified that it was on Montgomery Street, and parking on the alley, and there were spots on 3<sup>rd</sup>.

Davis stated that in this area of town it is ok to have on-street parking; it is there and allowed. Every person is allowed to have on-street parking. He clarified that the applicant is going to add more parking. Gall stated that it is impacting everyone. Rouse asked Donovan if that was in the parking district and what the parking district involved.

Donovan clarified that in the downtown parking assessment district the idea was to build centrally located parking areas. There are some major parking lots in this area so that people would not need to provide their own off-street parking. He said what made this happen is people were tearing down historic homes to build parking. The City formed the Downtown parking assessment district which stated that they do not need to provide off-street parking anymore; you don't have to tear down homes and they will park in the centrally located parking lot. It is not active. The city does recognize that there is a parking problem sometimes in this area. They don't have to provide off-street parking. It is supposed to be that people park at these centrally located spots and walk to their destination.

Rouse asked if that was the difference between the first property that Gall talked about and his current location. Donovan affirmed.

Rouse clarified that this property owner did not have to provide off-street parking but he is. Donovan affirmed.

Rouse asked if there is anything in deeds or information that the alleyway had been vacated. Donovan stated that it is clear that the alley is not vacated it is still public right-of-way. He said that they looked up many documents to see if anything was given for them to be able to park in the alley. There is nothing they could find.

Post asked if this is public right-of-way why the applicant would have to pay for removing the fence. Donovan said no, but someone has to move it. He said the applicant was willing to pay for, he didn't ask for the city to move it, which was very cooperative.

Rackham stated another concern was parking enforcement and Oregon Revised Statutes (ORS) provides for that. He said as long as the Knights post your signs.

Neutral Testimony:

Mark Rondo, 208 3rd Street, stated that parking is an issue. He understands that applicant is making provision. He asked about access and egress in the alley. He asked if cars are going to park in the alley and if so would they back out to Montgomery Street or will they have a through fare to get out of the alley.

Donovan pointed to where the public right-of-way was. He said that this was an old street right-of-way and the alley didn't need a right-of-way because it was a street. He said that you can drive all the way through. He stated it was a street, Baker Street, that was vacated but in all documentation it states do not obstruct the alley vehicle access through it. He stated that there appear to be some obstructions that would

not allow it, which currently are trees. He said that the applicant is not asking for it to go all the way through. It would stay the way the plan is set up.

Rondo stated that he has talked to the Downtown Association numerous times about the time limit on parking on Third Avenue. He has been told that there are time limits from eastward on Third Avenue to the business. He stated that they did not have the budget to monitor further than that. He stated that his Human Resources have grown to a point where there is not ample parking for them in those lots. He stated that he understands the City wants to develop the Downtown but the concern is the parking. He said that he sees a lot of parking lots but still no parking. His business rents 6 spaces in the lot behind Davis Glass and that is available as well. They are available to rent by the month.

Rondo asked what funds were available, and asked if there were any time limits imposed on those funds. He asked when the project was going to be done; it has been three years. He said is there any tie to the funds.

Post stated that Rondo needed to ask Kate Porsche at the City of Albany.

Applicant's rebuttal –

Tim Smith stated that there was a comment about the parking; he said that the parking in the back would be more expensive for them to do but would take the pressure off the other off-street parking. In regards to the tree, he was not sure that the City was going to look into if there were any agreements in the past, to ensure that they were not going to do anything in conflict.

Regarding the cost of the fence and tree removal, he wants to get along and cooperate. He wants to know what the standard process for this situation is. He is unsure what the standard protocol is.

Transportation System Analyst Ron Irish came forward to discuss standard projects. He said that there are few standard projects. He said the alley improvements do not extend across the full frontage of property. He said it is generally the developer's obligation to extend the City infrastructure and in this case it is the alley. The cost is usually borne by the developer. The relocation of the fence is something also that the applicant would do. If the City had an interest in opening the alley up now, legally they could pursue that. City Council has not told staff that they wanted to do that; if a property owner wanted to open the alley up it would be up to them. If they wanted a share in the cost they would have to go to Council and ask.

Spence asked if there were any surfacing standards if the property owner wanted to open this up and use it as an alley. Irish stated that there were standard details for alley construction. He said that in this case the alley right-of-way width is 20 feet. So alley improvement would be 20 feet wide. They slope to the middle it is usually for drainage. He said the design would be driven by the existing alley and improvements to the east. They are made out of concrete. He said that there is a typical engineering standard.

Rouse asked if the applicant was being asked to improve the alley to the back of his property or all the way down to the existing alleyway. Irish stated that the applicant is only being asked to improve the alley across the portion of his property, needed to access the new spaces. The improvement does not go the full length of his property.

Rouse stated that the telephone pole needed to be removed. Irish stated it would stay. He said if they needed to move the phone pole and the fence farther than proposed in Exhibit C, it would interfere with the circulation of the parking lot for the state office building. It would require a change to that parking lot.

STAFF RESPONSE: None.

Vice- Chair Spence declared the public hearing closed at 5:51 p.m.

#### COMMISSION DISCUSSION

Rouse said the Development Code requires review of exterior alterations of historic properties and she asked if it was done the basement alterations. Donovan was unsure, he would look into it.

**Motions:** Commissioner Rouse moved to approve with conditions the conditional use application. Post seconded. The motion passed **unanimously**.

#### LEGISLATIVE PUBLIC HEARING, Case File Number DC-02-08 (SIGN CODE)

Community Development Director Greg Byrne stated that after the agenda was published staff learned the City Council is taking up a work session on October 4, 2008. A number of items are being brought forward by the Code Team, an interdepartmental team dealing with code issues around the community. One of those items will include temporary signage. Staff thought it would be a good idea to learn what direction that the City Council wants to take before any final recommendation from the Planning Commission on signage. Staff thought it would be a good idea to postpone this item until after the City Council work session.

Post asked if staff is going to forward any of the language that has come up already before the Planning Commission (PC) to the City Council (CC) or was the CC going to take a “clean” look at it. Byrne stated that if the PC would like staff to forward it in the form they have already worked through, then staff would do so. Rouse would like to see the PC language forwarded to the CC’s discussion. Davis agreed. He expressed that he didn’t like to see people waste their time by coming down here to discuss this issue and not get a chance to talk to the PC. Rouse reminded that the public hearing meeting was closed at the last meeting. Spence reiterated that it was closed, and this meeting was to revisit the language staff would submit to the CC about what the PC wanted to communicate. Byrne said that since the last meeting staff met with the Code Team and with the City Attorney’s office to discuss the ins and outs of the code language.

Spence asked if Rackham had reviewed the PC tapes from the last meeting. He asked if that there is a problem with language. Rackham had, and was fine with it either way.

Rouse stated that she would like temporary and permanent portable signs to stay in there. She would like the language forward to CC. She preferred not to rush the process. Post agreed to have it move forward.

Byrne would like a decision on the Sign Code before the holidays but it is better to get it right the first time. Donovan said that the public hearing was closed at the last meeting. He summarized what the PC had discussed and stated that he will write up the PC recommendation to submit to the CC.

#### ACTIVITY UPDATE:

Byrne said the working retreat will be held November 7, 2008 at noon with lunch provided.

Rouse asked if some of the discussion could address how to enforce conditions on approved applications.

#### NEXT MEETING DATE:

The next meeting of the Planning Commission is a work session on November 7, 2008.

ADJOURNMENT

Hearing no further business, Vice-Chair Spence adjourned the meeting at 6:07 p.m.

Submitted by

Reviewed by

Sheena Dodson  
Administrative Assistant I

Don Donovan  
Planning Manager