



APPROVED: November 5, 2012

**CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street
Monday, September 24, 2012
5:15 p.m.**

MINUTES

Planning Commissioners present: David Faller; Dala Rouse; Lolly Gibbs; Cordell Post; Kristin Richardson; Michael Styler

Planning Commissioners absent: Kate Foster (Excused); Larry Tomlin (Excused); Dave Wood (Excused)

Staff present: Heather Hansen, Planning Manager; David Martineau, Lead Current Planner; Anne Catlin, Lead Long Range Planner, Mary Gaeta, Senior Code Compliance Inspector

Others present: 2 others in audience

CALL TO ORDER

Chair Faller called the meeting to order at 5:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

COMMENTS FROM THE PUBLIC: None

APPROVAL OF MINUTES:

- July 16, 2012
- August 27, 2012

MOTION: Commissioner Rouse submitted a number of corrections to the July 16 minutes. Commissioner Post moved to approve the minutes with the submitted corrections. Commissioner Gibbs seconded the motion. Motion **passed** unanimously.

LEGISLATIVE PUBLIC HEARING: DC-03-12

Chair Faller opened the public hearing at 5:20 PM.

The proposed amendment to Albany Development Code (ADC) Article 13 adds new definitions for “changing electronic message sign,” “static display,” and “transition,” together with revisions to ADC 13.620, which would allow one changing electronic message sign for institutional uses allowed conditionally in residential zoning districts.

APPLICANT: City of Albany

DECLARATIONS & ABSTENTATIONS: None

STAFF REPORT:

David Martineau, Lead Current Planner, presented the staff report and proposed ADC amendments. The ADC allows for the Community Development Director to initiate legislative amendments. The City has implemented a process to periodically evaluate and adopt changes to the ADC – to include both clarifying and policy edits. The proposed amendment to ADC Article 13 adds new definitions for “changing electronic message sign,” “static display,” and “transition,” together with revisions to **ADC 13.620**, which would allow one changing electronic message sign for institutional uses allowed conditionally in residential zoning districts.

Ben Mundie, representing West Albany High School Booster Club, presented information to the March 19, 2012 Planning Commission regarding the club’s desire to install a changing electronic message sign that would replace their existing manual message changing sign. The Commission asked staff to work with Mr. Mundie to bring back draft sign code language that would allow this type of sign, on a limited basis. They agreed to wait on the outcome of the April 9th City Council work session regarding the sign code before moving forward with any additional revisions. At the April 9th work session, Greg Byrne briefed the City Council on Ben Mundie's request. The Council was favorable toward moving in that direction.

A staff review of the Development Code revealed that such signs are allowed in commercial districts, however not in residential districts. Besides residential dwellings, there are other uses allowed in residential zoning districts through a Conditional Use process. These include schools, parks, religious institutions, and community services (such as the Boys & Girls Club). These uses often hold activities or other events open to the public, and changing electronic message signs are frequently used in other jurisdictions to provide notice of these events.

After researching standards in other communities, staff has concluded that such signs could be placed in residential areas, except in historic districts, with specific restrictions to address compatibility with the neighborhoods. These include sign size and height limits, placement location, message transition and shut off times.

Using animated examples, Martineau illustrated the differences between 3 types of electronic text transitions that might be allowed: static, scrolling, and fading. Staff recommended the static transition be allowed.

Commissioner Richardson joined the meeting at 5:27 PM.

In response to a question by Post, there was some discussion over why the static transition was favored. Martineau replied that an open house to gather public input was held on September 6, 2012, and 6 out of 7 participants favored the static transition. He added that Jerry Maymo from Foress Signs was at the open house to explain the differences between the transition types, and he seemed to support that static transitions were most palatable in communities. Gibbs felt that static transitions would be less distracting to drivers. Heather Hansen asked if a static transition sign was what Ben Mundie had originally requested in his list of suggested changes. Martineau responded that he thought this was correct, but it didn’t commit him to that particular transition type.

Rouse asked if the audience had been asked if they didn't want electronic signs at all. Martineau responded that audience members were given that option, and that one participant was initially strongly opposed to having electronic signs in residential zones, but by the end of the discussion, he actually supported the idea of allowing these signs. Rouse asked if the restriction of electronic signs in residentially-zoned historic districts would apply to Central School. Martineau answered that it would.

More discussion followed regarding the comparison of transition types and limits on when changing displays would be allowed. Gibbs expressed concern that there was no requirement for maintenance addressed in the proposed code language.

STAFF RECOMMENDATION:

Staff is recommending APPROVAL of the proposed Development Code amendments.

PUBLIC TESTIMONY:

Ben Mundie, 1690 Gibson Way NW. – Mundie represented the West Albany Booster Club and spoke in favor of the use of electronic message signs. He said it was a safety issue as much as anything – “not having kids out there trying to change these signs manually.” He thanked City Staff for their help.

STAFF RESPONSE: None

Chair Faller closed the public hearing at 5:36 PM.

PLANNING COMMISSION DISCUSSION:

Gibbs continued her concerns over sign maintenance and asked if language pertaining to maintenance should be included in the new code language. Martineau responded that upkeep and maintenance standards currently in the general sign regulations section would apply to any signs regulated by the Title 13 Sign Code, and this would include the electronic signs. Hansen read the section of the code relating to maintenance and upkeep. It is very general and does not address electronic components of a sign. She mentioned that perhaps the maintenance language could be amended to include electronic components.

Faller expressed his hope that once we decide on a certain type of electronic message to display that we don't restrict ourselves to future revisions to the code in light of rapid advancements in computer technology. Gibbs responded that she could see that in a commercial area, but in a residential area, she felt that restrictions are needed. Faller did not share her view.

PLANNING COMMISSION DECISION:

Post made a motion for approval as summarized in the staff report with modifications that static, scrolling, and fading transitions will be allowed. Rouse seconded. The motion **passed** 5 – 1, with Gibbs voting against approval.

Albany City Council will hold a public hearing on this case on Wednesday, October 10, 2012 at 7:15 PM.

LEGISLATIVE PUBLIC HEARING: DC-05-12

Chair Faller opened the public hearing at 5:42 PM

DC-05-12 - The proposal would allow for requests that meet specific standards to be added to the list administratively. When the request involves discretion, the City would review the request through the Type I-L limited land use process that includes mailed notice to property owners within 100 feet for input.

APPLICANT: City of Albany

DECLARATIONS & ABSTENTATIONS: None

STAFF REPORT:

Anne Catlin, Lead Long Range Planner, presented the staff report and proposed ADC amendments.

The Albany Development Code (ADC) allows for the Community Development Director to initiate legislative amendments. The proposed amendments would allow properties that qualify for the Special Status lists to be added administratively or through the Type I-L land use process, rather than the current legislative or quasi-judicial Type IV process as a Development Code amendment.

The Special Status list was created as a way to allow uses that were legally established prior to being rezoned to a single-family district with the adoption of the Central Albany Land Use and Transportation Study and Town Center Plan in 1996. Duplex and multi-family development that was established could be “grandfathered” as an allowed use that can remain without being considered “non-conforming.” The special status is important for property sales, refinancing and insurance.

The City expanded the Special Status list to include industrial properties that were rezoned Waterfront from Mixed-Use Industrial and to include a number of small, older areas in town that were previously multi-family but were rezoned to a lower density residential zone with Goal 10 Housing zoning amendments.

The Code has provisions for amending the list to include additional properties that were legally established prior to 1996. Staff currently reviews any requests for addition of a property to the list and holds on to them until there are enough requests to warrant bringing them forward with a package of legislative amendments to the Development Code. The legislative process can take a lot of time and be a burden to property owners trying to sell or insure their properties.

The proposal would allow for requests that meet specific standards to be added to the list administratively if it is clearly demonstrated that the use was legally established before the zoning change. When the request involves discretion, the City would review the request through the Type I-L limited land use process that includes a mailed notice to property owners within 100 feet for input. This would allow the list to be updated much more rapidly and would better respond to property owners’ needs.

Catlin directed commissioners’ attention to Revised Exhibit A. She noted that the City Attorney Jim Delapoer had been consulted since the agenda packet went out to commissioners, and Delapoer suggested that in addition to using clear and objective language for reviewing requests and using a limited land use process, that we consider taking the Special Status list out the Development Code and maintain the list as a separate document. Revised Exhibit A shows revisions – highlighted in yellow - explaining that the

Special Status list is now separate from the ADC and that the list will be maintained electronically by the Community Development Department. Also noted were some additional revisions to the standards to ensure the level of review that would be administrative is clear and objective.

Added to the Special Status list is the latest package of requests under consideration for addition to the list. Catlin displayed photos of the properties and explained that they were either developed as multi-family originally or were converted in the 1940s when we had a lot of pressure for housing, and a lot of houses were converted into apartments.

Catlin stated that review criteria are met in that: 1) The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language, and 2) The proposed amendments are consistent with Development Code policies and with the purpose statement for the base zone, special purpose district. She reported that staff reviewed the Comprehensive Plan and found the proposed Development Code amendments better support Goal 10 Housing policies to provide a variety of housing choices in the downtown neighborhood, for example, and preserve and enhance Albany's historic housing as unique and valuable resources.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Development Code amendments as modified in Revised Exhibit A.

PUBLIC TESTIMONY: None

Chair Faller closed the public hearing at 5:50 pm.

PLANNING COMMISSION DISCUSSION:

Commissioner Styler expressed concern that they were issued an amended copy at the time a decision is to be made. Catlin replied that staff did not hear from the City Attorney before the packet went out. An amended copy was needed, and the only change was to take the Special Status list out of the Development Code. Rouse likes the revised idea, but wondered if it meets the criteria that it be available to the public 7 days prior to a decision being made. Catlin replied that a notice was posted, and the amended language was available on the web. There will be an opportunity for public hearing at the upcoming City Council meeting. Notice of this was also posted in the paper. Commissioner Richardson asked the purpose of deleting the vertical component or number of stories of the properties. Catlin replied that it was not meaningful and that staff looked instead at the number of units on the property. The number of stories didn't have anything to do with the development standards, and it was inconsistent that the number of stories was only listed on some of the properties.

PLANNING COMMISSION DECISION:

Post made a motion for approval as modified in the staff report and Revised Exhibit A. Rouse seconded. The motion **passed** unanimously.

Albany City Council will hold a public hearing on this case on Wednesday, October 10, 2012 at 7:15 PM.

ACTIVITY UPDATE:

Heather Hansen, Planning Manager, reported that there seems to be an uptick in development activity and hopes that this bodes well for our local economy.

She apologized for the large number of emails that are sent to Planning Commission members trying to schedule meetings. In part, it is because staff tries to be responsive to applicants who are wanting to move forward to construction time quickly but fail to provide all of the information needed. This requires some guessing as to when the information will be submitted and ready for a hearing.

South Albany Area Plan: the next meeting scheduled is a joint meeting with City Council on October 8th where an update will be given on what's going to be proposed for Comprehensive Plan and Development Code amendments to implement the South Albany Area Plan. She believed there would be no meeting on either October 15th or October 22nd. The first hearing for the SAAP will be November 19th. If there is a second hearing, it will be on December 3rd. All dates will be confirmed via email.

Community Development Block Grant Entitlement Community: the City of Albany became eligible as we crossed the 50,000 population threshold. City Council agreed to accept that status, so we are now able to receive HUD money which is to go to community development projects, in particular, low-income housing and homeless needs. The mayor has appointed a Housing Community Development Block Grant Task Force that will be busy addressing housing needs in Albany and how funding can be directed to help people with housing needs. Dala Rouse is the Planning Commission representative on this task force.

NEXT PLANNING COMMISSION MEETING DATES:

- Monday, October 8, 2012 - Joint meeting with City Council, South Albany Area Plan Amendments (SAAP)
- Monday, October 15, 2012 – Public hearings – Land Use
- Monday, October 22, 2012 – Public hearing – SAAP, Land Use (May be Cancelled)
- Monday, November 5, 2012 – Placeholder

ADJOURNMENT:

Hearing no further business, Commission Chair Faller adjourned the meeting at 5:58 p.m.

Submitted by

Reviewed by

Signature on file

Signature on file

Mary Gaeta
Senior Code Compliance Inspector

Heather Hansen
Planning Manager