



APPROVED: July 24, 2006

**CITY OF ALBANY
PLANNING COMMISSION
City Hall Council Chambers, 333 Broadalbin Street
Monday, June 5, 2006
5:15 p.m.**

MINUTES

Planning Commissioners present: Dan Bedore, Paul Davis, Tim McCarley, Wayne Rackham and Anne Peltier

Planning Commissioners absent: David Faller, John McEvoy, Cordell Post, and Dala Rouse

Staff present: Senior Planner Don Donovan, Parks & Recreation Director Ed Hodney, Community Development Director Helen Burns Sharp, and Administrative Assistant I Tracy Swett

Others present: Six others, including the applicants were in the audience.

CALL TO ORDER

Chair Paul Davis called the meeting to order at 5:16 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

APPROVAL OF THE MINUTES

Commissioner Dan Bedore moved to approve the Planning Commission minutes from March 20, 2006, as written. Commissioner Anne Peltier seconded the motion, which passed 5:0.

Peltier moved to approve the minutes from the May 1, 2006, work session. Bedore seconded the motion, which passed unanimously.

Bedore moved to approve the Planning Commission minutes from May 15, 2006, as written. Commissioner Tim McCarley seconded the motion, which passed 5:0.

CONSOLIDATED QUASI-JUDICIAL PUBLIC HEARING, Case Files CP-04-05, ZC-03-05, and SD-17-05 (Hill Street subdivision with Comprehensive Plan Map and Zoning Map amendments)

Davis called to order a consolidated public hearing on Planning files CP-04-05, ZC-03-05, and SD-17-05, a Comprehensive Plan Map amendment that would change the designation of 6.25 acres of land from General Commercial to Residential Low Density; a Zoning Map amendment to change the designation of the same 6.25 acres from Community Commercial to RS-5 (Residential Single Family); and a Subdivision Tentative Plat application that would divide the same 6.25 acres into 36 residential single-family lots. The applicant is WSS Properties, LLC. The properties are located on the south side of 34th Avenue, east of Hill Street SE.

Declarations:

Bedore said he drove by the site earlier in the day. Davis also reported a site visit.

Staff Report:

Senior Planner Don Donovan summarized the staff report for the three applications before the Commission. He put up an overhead showing an aerial photo of the subject properties (Exhibit A, in agenda file). Donovan said the properties have been zoned for commercial use for over 30 years, and have remained undeveloped. The applicants believe because the properties did not develop commercially and their proximity to surrounding residential development, a better designation for the properties would be residential.

Donovan said there are four review criteria for the Comprehensive Plan Map amendment, five review criteria for the Zoning Map amendment, and five review criteria for the Subdivision Tentative Plat amendment. He would not address each one in detail, but highlight the criteria staff felt would be of particular interest to the Commission. He would be happy to answer questions on other criteria as needed.

Relative to the Comprehensive Plan Map and Zoning Map amendments, the staff report lists all of the Comprehensive Plan goals and policies that apply to the proposed map amendments. The two most important sets of goals and policies have to do with whether the City has enough commercial land at this location if the map designations of these properties are changed from commercial to residential, and whether Albany needs more residential land. To review commercial land inventory, staff reviews the Economic Opportunity Analysis (EOA), which projects demand for commercial land over the next 20 years.

Donovan said the EOA projected that Albany will need about 76 acres of commercial land by 2020. The inventory found Albany had about 325 acres of land available for commercial development when the inventory was done in 2000. The data seems to show Albany has a significant surplus of commercial land, but the EOA notes that when parcel size is a factor, the surplus of buildable land may actually be less due to very few vacant parcels larger than one or five acres in most commercial zones. Also noted was that while Albany has a lot of vacant land, the location and size of the parcels may not be suitable to meet the needs of businesses and industries.

Donovan said the properties that are the subject of the proposed map changes were not included as a large parcel in the commercial land inventory because they are five separate parcels. Property ownership was not used to determine the feasibility of combining smaller parcels when categorizing the available land inventory by size.

The applicants claim the property should be changed from commercial because it has not developed with commercial uses in over 30 years. Their application explains that commercial development is unlikely because today's businesses locate near other businesses, especially on major streets with high traffic counts.

Donovan said the applicants researched and mapped new commercial developments that have occurred in Albany over the last ten years. The map is attached to this staff report (Exhibit D, in agenda file). The location of new businesses shows that businesses have located in areas with concentrations of commercial uses such as near Heritage Mall, North Albany Village, and along Pacific Boulevard and Interstate 5; neighborhood commercial and community commercial areas have not seen significant development or redevelopment; new commercial uses in neighborhood commercial and community commercial areas

have been in existing buildings; and personal services generally do not build new buildings, but look for existing commercial structures to support their needs.

In addition, the applicants also submitted a letter from Bill Ekman, a commercial real estate broker with Prudential Real Estate in Albany (Exhibit E, in agenda file). Ekman echoed many of the applicants' claims, as well as noted the daily traffic count by these properties do not meet the requirements of major commercial businesses that might locate in Albany. He wrote that most major chain retailers want to co-locate near compatible businesses or a direct competitor. Ekman also wrote that small neighborhood shopping centers have not been successful recently (citing the neighborhood shopping centers at Queen Avenue and Hill Street and at Geary Street and Grand Prairie Road).

Donovan reminded the Commission that the Comprehensive Plan Map and Zoning Map designations of about eleven acres owned by the YMCA at the corner of 34th and Pacific were recently rezoned to commercial. He noted the YMCA property is about a mile west of the subject properties. Given the YMCA property's location, it may provide the opportunity for businesses to located near other businesses on a street with high traffic counts.

Donovan said the applicants propose to designate the property for low-density residential development. The Housing Needs Analysis is used to determine whether more residential land is needed. Adopted in 2005, it shows that Albany will need about 860 acres of land designated for residential single-family development by 2025. The data shows Albany had about 1,699 acres of developable land inside the city limits designated to meet this need as of 2005. This results in a surplus of about 839 acres. In addition, there are 1,522 acres of residential land outside the city limits, but inside the Urban Growth Boundary (UGB), that is designated for residential use.

The applicants propose to zone this property RS-5, which is residential single family, with an average minimum lot size of 5,000 square feet per lot. The data in the Comprehensive Plan shows that Albany will need about 85 acres of developable RS-5 land between 2005 and 2025. The data shows about 339 acres was zoned RS-5 inside the city limits in 2005. There is a surplus of about 254 acres of RS-5 land inside the city limits.

Donovan said the applicants acknowledge that there is a surplus of residential single-family land in Albany, but assert that housing choices by type, location, density, and cost will improve by changing the designation of this property.

Staff concluded that, even though Albany has more than enough residential land, adding six acres here does not significantly increase the supply.

In addition, the review criterion requires staff to consider the supply of land and the demand for it. Staff must consider whether the applicants' proposed designation is more supportive of the Comprehensive Plan goals and policies than the existing designation, and that the proposed zoning district best satisfies the goals and policies, on-balance. Is the property is better used for residential development than commercial development?

Donovan said the properties are surrounded on all sides primarily by single-family residential development, except for the credit union, Oak Elementary School, and the senior apartments. All of the land is designated for residential use, except for this property to the east that has the senior apartments and a wetland mitigation site on it.

Staff finds that the property is better used for residential use than commercial use and recommends the Comprehensive Plan Map and Zoning Map amendment applications be approved.

Donovan said the third application is to subdivide the same 6.25 acres into 36 single-family lots. The review criteria for subdivisions require that the properties have street access, and water, sewer, and storm drainage lines, or that these can be provided. The property has frontage on two improved streets, 34th Avenue and Hill Street. There are public utilities in both of these streets that can be extended into the property.

Donovan said there are large areas of wetlands on the property. Whether the property was to be used for commercial or residential development, the owners would have to get a permit from the State Department of State Lands (DSL) to fill the wetlands and develop the property. The wetlands on the property have been delineated applicants and they are ready to apply to DSL for a permit to fill the property so they can develop it. The application and the staff report say the applicants have applied to DSL, but their representative says this has not yet been done.

The applicants were contacted by an adjacent property owner who asked if they would be willing to move the concrete path along the properties' southern boundary to the north and build a fence along the north side of the path. The applicants agreed and this is listed in the written staff report as a condition of approval.

Donovan cited a letter the Planning Division received from the Greater Albany Public School 8J School District earlier in the day (Exhibit F, in agenda file). The letter asks the Commission to consider that approval of new subdivisions would further burden the district's already overcrowded conditions in area schools. Donovan said the applicants had met with the school district prior to submitting their application and they noted the schools that might serve this subdivision are over capacity. He said the Commission could take school capacity under consideration for the Comprehensive Plan Map and Zoning Map applications, but not for the subdivision application.

Donovan concluded that staff recommends the subdivision application should be approved with the conditions that are listed under the review criteria within the staff report.

Applicant Testimony:

Rick Smith, 3093 Fir Oaks Drive, is the principal of WSS Properties Inc., who currently owns the subject properties and filed the applications. He gave the background of how the properties were acquired. He said when they were considering purchasing the property, they noted the zoning. They solicited commercial developers about the property, but received no interest in pursuing a development. The feedback from their contacts was that the traffic at this location would not support a retail commercial developer very well. This caused them to consider whether the zoning should be changed. By proposing residential zoning, a residential development might be an opportunity to allow local contractors to buy the lots.

Bob Speaker, 2960 NW Marshall Drive, Corvallis, is a land use planner consulting on these applications. He said it was noted at the preapplication meeting that the Commission was already familiar with this property and had considered rezoning it to another designation in the past. He said the applicants held the required neighborhood meeting. Comments received from those attending the meeting showed the neighbors support a residential development rather than a commercial development on these properties.

He said there is a surplus in both commercial and residential land use categories. He said the 11-acre YMCA property was recently added to the commercial inventory, as was the "Conser" property. While a surplus may not be desirable, neither is a vacant 6.25-acre parcel. The change to residential would be consistent with Albany's Comprehensive Plan goals.

Commissioner Wayne Rackham asked if re-designating a neighborhood commercial property as residential would cause area residents to drive further for services. He asked if the applicants had received any comments in support of a commercial development on these properties. Speaker said notice for the neighborhood meeting was a 300-foot radius. He acknowledged that other area residents might be in support of a commercial development. He said it is unlikely the properties would develop commercially however given the national trend that retailers co-locate with other retailers on streets with higher traffic counts.

Rackham said Ekman referenced that community commercial sites have not been successful in his letter. He asked if the commercial site at Hill and Queen was fully leased. Smith said it is, but the Gold's Gym site was originally developed as a grocery store that failed. To his recollection, the space remained vacant for over five years before Gold's leased the space.

Rackham said he thought the traffic volumes at that site are similar to those of this property.

Peltier asked if the five lots on 34th Avenue would have their backyards fronting 34th.

Brian Vandetta, 63 East Ash Street, Lebanon, is the engineer on the subdivision project. He said the 34th Avenue's traffic volumes are high enough that conflicts could occur if driveways were constructed fronting 34th, thus the subdivision was designed with double frontage lots. Peltier said these five houses would be the only stretch in the area that would have a fence line along 34th. It would look out of place.

Community Development Director Helen Burns Sharp said concern has been raised at past Planning Commission and City Council meetings about the creation of a "wall canyon" design. She said wood fences are not always maintained. Staff has been asked to look into alternatives, such as setbacks with screening. She advised the applicants this question was likely to be asked again during the Council hearing and the applicants might want to consider alternatives prior to that meeting. Vandetta said the applicants are open to suggestion and they have designed alternatives to address this concern in other communities.

Peltier said her second question related to Camlu (aka Heritage Meadows) and whether the subdivision's residents would try to access their properties from that road. Vandetta said that is a private access drive and the applicants are not seeking a joint access easement from the owner of the property to the east. In addition, the homes will be positioned so that the side yards would front the private drive. He suggested that fencing along this area could be a condition of approval. Peltier asked if the apartment complex owners had been asked what they would like to see in the area. Vandetta said no. Donovan said the private drive is on the apartment complex's property. Vandetta said there is some separation between the drive and the property line.

Testimony In Favor:

William Siegrist, 195 River Place, owns property within two blocks of the subject properties. He said due to the property being vacant for so long, it has been used as a dumping area and children have set fires in the past. He would like to see this development because it would clean up the property and beautify the general area.

Eugene Jack, 3502 Hill Street, said he prefers low-density residential development on the property. He said if the property was to develop commercially, it would cause more problems for local residents.

Mike Quinn, 4455 Sunset Ridge Drive, is a local builder. He said over the past three years he's taken three infill lots in this general area and turned them into subdivisions with affordable houses. Every home buyer has been very excited that their children were within bike or walking distance from a school.

Opposing Testimony: None.

Neutral Testimony: None.

Applicant Rebuttal: None.

Staff response: None.

Chair Davis closed the public hearing at 6:01 p.m.

Commission Discussion:

Peltier asked if the lot sizes were compatible with the surrounding lots. Donovan said yes.

Peltier said she liked the idea that Quinn brought up about kids being able to walk to school, but given the letter from GAPS, the area schools are overcrowded. Rackham said children living in this subdivision would not be guaranteed that they would attend Oak Elementary.

Bedore said he is in favor of the development as it is proposed. It has been vacant over 30 years without benefit to the community. While he agreed with Rackham that neighborhood commercial development is encouraged, he did not think they were viable commercial properties since they have been commercially zoned for over 30 years and yet remained vacant. He also said he was impressed there were no lots under 5,000 square feet in the proposal.

Rackham said he remembered this property from a periodic review discussion. He said low-density residential is preferable to high-density residential. He liked the development, but disliked losing the commercial land in the inventory.

Bedore said a lot of the recently approved developments are a greater distance from existing commercial uses than this subdivision would be. Rackham agreed, but felt if the City lost this commercial land from its inventory, it could never be recovered.

Peltier would like to address the fencing along 34th Avenue.

McCarley said he liked the development. He agreed with Peltier's concerns about the lots along 34th, but he was generally in favor of the applications.

Bedore thought the issue of the fencing could be handled by the City Council. Discussion followed. It was agreed that Council could address the issue of fencing along 34th Avenue.

Commission Action:

Bedore moved that the Planning Commission recommend that the City Council the Comprehensive Plan Map amendment that will change the designation of 6.25 acres of land from General Commercial to Residential Low Density; the Zoning Map amendment that will change the map designation of the same 6.25 acres from CC (Community Commercial) to RS-5 (Residential Single Family); and approve with conditions the Subdivision Tentative Plat that will divide the same 6.25 acres of land into 36 residential

single-family lots (Files CP-04-05, ZC-03-05, and SD-17-05). The motion was based on the findings and conclusions of the staff report and testimony presented at the public hearing. Peltier seconded the motion, which passed 5:0.

ACTIVITY UPDATE

Sharp said there are five or six cases that may come before the Planning Commission in July. She said staff continues work on periodic review. The Commissioners had indicated on previous occasions that they would like their own work session on periodic review, but she asked if members would be open to holding a joint public hearing with the Council on the subject. Peltier and Bedore said a joint hearing would be fine. The other Commissioners agreed.

Bedore asked on the status of the Thornton Lake Estates appeal. Sharp said the cases will be before the Council for deliberation and a tentative decision on June 14, 2006. Bedore asked if the applicants had developed a new transportation plan for Green Acres Lane. Donovan said there was a new plan with a sidewalk presented at the Council public hearing on April 12, but nothing new has been proposed since that date. Sharp said the main issues of concern are traffic, storm drainage into the lake, and the Western Pond Turtle. Discussion followed.

NEXT MEETING DATE: To be determined.

ADJOURNMENT

Hearing no further business, Chair Davis adjourned the meeting at 6:17 p.m.

Submitted by

Signature on file

Tracy Swett
Administrative Assistant I

Reviewed by

Signature on file

Helen Burns Sharp
Community Development Director

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