

## Excerpt from July 6, 2009 City Council Minutes

### **6-4. Zoning Ordinance Amendments**

(File #450-20)

The Planning Manager reported that the Planning & Zoning Commission voted to recommend that the City Council approve Ordinance 090-011 and associated findings.

The Planning Manager stated that Council received an e-mail from Clay Larson regarding some concerns and noted that he would respond to that e-mail.

Entertainment Permits: The change shifts the responsibility to the Planning & Zoning Commission noting that the decision can be appealed to the City Council.

Height Limits: The change lowers the basement height allowed from 6' to 4' changing the point from where it is measured. Limits the height of buildings to 3 stories.

Daylight Planes: The change modifies the amount of sunlight allowed in.

The Council discussed the amendments and the following items were of concern:  
Section 16: Add a process for exceptions to side yard fence requirements on corner lots;

Section 11 and 12: Eliminate alternative 1B in order to ensure setback at rear property line;  
Section 6: Limit buildings to three stories; Section 14: Keep as conditional use permit to ensure 300-foot public notice. Discussed Section 5, 23 and 25 regarding entertainment permits and concluded that no change is necessary.

Mayor Atkinson opened the public hearing and the following person spoke: Clay Larson, Albany resident. A summary of his comments is as follows: Thanked staff for addressing concerns in e-mail and believes that Council is the appropriate body to review entertainment permits and agreed that 3 stories is the appropriate height limit.

There being no one else wishing to speak, Mayor Atkinson closed the public hearing.

After considerable discussion by the City Council, the Planning Manager suggested that instead of acting on the Ordinance tonight and to keep it as a comprehensive ordinance that it be referred back to the Planning & Zoning Commission.

#### **MOTION:**

Moved by Council Member Lieber, seconded by Council Member Thomsen to refer Ordinance No. 09-011 back to the Planning & Zoning Commission for their review and comments on the areas of concern to the Council at its meeting of July 14 and continue the public hearing of the City Council on the ordinance to the Council meeting of September 21, 2009.

AYES: Council Members Lieber, Thomsen, Wile & Mayor Atkinson

NOES: None

ABSENT: Council Member Javandel.

Motion carried and so ordered.