

MINUTES SEASIDE PLANNING COMMISSION
December 6, 2011

CALL TO ORDER: Chair Tom Horning called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Steve Winters, Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, Bill Carpenter, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Glenn Taylor, Planner

OPENING REMARKS & CONFLICT OF INTEREST/EXPARTE CONTACT: Chair Horning asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Horning then asked if any of the Commissioners wished to declare a conflict of interest or exparte contact. There was no response.

APPROVAL OF MINUTES: Motion to approve the September 6, 2011 and September 20, 2011 minutes; Commissioner Carpenter made a motion to approve the minutes as submitted. Commissioner Romine seconded the motion was carried unanimously. Chair Horning recused himself from the vote.

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Horning:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.

PUBLIC HEARING:

A.) 11-031CU: A conditional use request by Harry Henke that will allow the development of a 45 unit apartment complex on the property former utilized by Western Oregon Waste (WOW). The subject property is divided into two distinct areas referenced in the request as Lot 1 on the SW corner of Jackson St. & Avenue M (a compilation of tax lots 8300, 8301, 8500, & 8600 of T6, R10, 21DA) and Lot 2 on the SE corner of Jackson St. & Avenue M (a compilation of tax lots 8700, 8800, 8900, & 9000 of T6, R10, 21DA). The residential development of Lot 1 would consist of three - 9 unit apartment buildings and Lot 2 would include two - 9 unit apartment buildings. The property is currently zoned General Commercial (C-3) and apartments are conditionally permitted in the zone. In conjunction with the conditional use, the applicant is also requesting a variance (**11-032V**) that will allow a reduction in the required number of off-street parking spaces from 2 to 1.5 spaces per apartment unit.

The review will be conducted in accordance with Article 6, Article 7, and Article 10 of the Seaside Zoning Ordinance that establish the review criteria and procedures applicable to the requests.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Harry Henke, PO Box 2321, Gearhart OR 97138. Mr. Henke has owned the property for 4 years now. He first wanted to build townhomes and now would like to build apartment buildings. The TLC site at the North end of town is not going forward. There is no demand for commercial buildings at this time. He has read the staff report and agrees with Mr. Cupples suggestions.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Horning asked if there was anyone who would like to offer testimony in opposition. Lionel Cloutier, 950 Avenue M, Seaside OR. Mr. Cloutier has lived in Seaside for 38 years and has concerns about waking up one morning and having 120 new neighbors. Mr. Cloutier is worried about the noise and the lights. On lot two there are about 20 parking spaces that will have cars shining light directly into his house. He also has concerns regarding Avenue M because of Coast Hardware's delivery trucks when deliveries come in now they block the whole road and all traffic will then be diverted down Avenue N. Avenue N is not paved or improved in any way which will cause lots of dust.

Where are the sidewalks going to go on S Jackson?

Where is the visitor parking?

Could you have Harry put up a fence and shield the lighting so it's not shining in his windows?

Chair Horning asked if there was anyone else who would like to offer testimony in opposition. There was no response.

Chair Horning stated that the applicant now has the opportunity for rebuttal. Harry stated that Lionel lives at the end of Avenue M and Harry would be happy to put up fence or build a landscaped berm with a fence on it. Harry knows that Lionel has put up with a lot over the years with that property and would like to make this transition easy for him. It still will be tough on Lionel if this property was developed into a commercial property. Harry changed the lay out so that the building wasn't looking into Lionel's property, but if Lionel wants it flipped that's an easy fix.

Chair Horning closed the public hearing and the issue was opened for Commission discussion.

Commissioner Winters has questions regarding parking, you have 18 units which requires 36 spaces and there are only 26 noted on the plans. The site plan doesn't show recycling or garbage facilities. These properties can be split. Mr. Cupples stated that they are split. Commissioner Winters stated that the ADA requirements are not met. From his understanding for X amount of units you are required to have to have X amount of handicapped parking spaces and he doesn't see those. The plans are vague and parking is a real issue with this property. In that area there are no off street parking spaces available. There is no fire riser area which will be required and this could affect the parking. With these units you have to park in the back of the building and go all the way around to access the building. That will be difficult for the tenants. If you look at the back doors of the commercial buildings next to these lots they have meters and other items next to them. So where will the sidewalks go?

Commissioner Romine asked if this is the site where Mr. Henke previously wanted to put storage units. Mr. Henke said "yes".

Commissioner Carpenter stated that he has shopped at the Coast Hardware store and pulling out of the parking lot onto Avenue M is sometimes putting your life in your hands. Can we require a stop sign be placed at the corner of Avenue M and the store? Mr. Cupples stated that you can suggest traffic control be placed there but you cannot require it. That is something that the Planning Commission can ask staff to put together a proposal for the Public Works Director to do, or ask the City Manager or even go to the City Council. Mr. Cupples went through an evaluation of the site and also spoke with Matt Cazwell from O.D.O.T regarding the ingress and egress of the property and this does not generate a new trip generation report. The farther you get from the highway the less ability you have to require things.

Vice Chair Romine stated that from a historical standpoint, when Mr. Henke submitted the townhouse development at that time there was relatively large movement towards getting affordable housing in Seaside and one of the issues that was working against us as a community was the strict standard of parking, and at that time we realized we had to loosen the parking standards to create affordable housing for the residents of Seaside. The recycling facilities are mentioned in the plan.

Commissioner Winters stated that his issue is, there is already a shortage of parking now and if you are looking at modifying the parking there is still no off street parking in that area. Now add in that they will need to take more parking spaces in order to address the recycling and garbage area, that could be a problem.

Commissioner Hoth stated that there is parking on the street because there is only one side posted that says "No Parking" but in actuality there is no additional parking because of the width of the street.

Commissioner Winters stated now add in that there are sidewalk requirements. If you're in a wheelchair

you are going to have to go into the street and then back up on the sidewalk. There is just no place to put a sidewalk. Then you have to think of the people who are living in the apartments they will be using the laundromat up the street so you to have sidewalks for them. Without a sidewalk they will be walking in the street.

Commissioner Romine asked if Mr. Henke had considered where he was going to put the garbage facilities. Mr. Henke stated that it has been discussed but it hasn't been drawn out in detail. The garbage facility can be place behind the 18 units by the estuary there is still room in the triangle area. He could argue all day with Steve regarding where the parking should be located, in front of the building behind the building it's all personal opinion, 25 of the units are either one bedroom or lofts so there shouldn't be a parking issue. Mr. Henke stated that he had an apartment in the Pearl District in Portland and there was only one parking space per unit. There are no off street parking spaces available in the Pearl District. Not sure if there are any other apartments in town where people can walk to Safeway and to the downtown area. Mr. Henke feels that the sidewalks are an issue but he's not to blame that Coast Hardware was built so close to the street. Coast Hardware's generator is placed in the area where the sidewalks should be, is he going to be asked to remove it? Coast Hardware also puts their recycling and garbage on Mr. Henke's property. Mr. Henke also stated that it seems to go rural as soon as you go to Lionel's property.

Commissioner Hoth asked who owns the property south of this development. Mr. Henke stated that is TLC's property. Commissioner Hoth stated that his primary concern is ingress and egress of the property. The rest of the issues seem to be addressed or addressable. But he would like to see them on paper. Commissioner Hoth stated that improving Avenue N seems like the best possible way to fix some of the problems with this development.

Commissioner Ridout stated that the one bedroom units are 675 sq. ft. and the loft is 1100 sq. ft., Mr. Henke stated that the loft is wide open and is two stories, Commissioner Ridout then stated that the two bedroom is 800 sq. ft. those are relatively good size and he would have to believe that the size of the units is going to dictate the kind of cliental that you are going to get and he believes that that means these people will have cars and more than likely more than one car.

Commissioner Romine stated that the marketing of these units is a big factor. If there is only one parking space per unit then this complex may not be right for the person who has more than one car. But if that person works at the Shilo or Safeway and rides his/her bike or walks to work then the parking isn't an issue. The marketing of these apartments seems to be the issue.

Commissioner Ridout stated that he's not sure how the parking will work, maybe do assigned parking and then first come first serve after that. Maybe we need to change the standards, it seems we are getting requests that want to lower the standard to 1.5 from 2 parking spaces per unit, so that is something that keeps coming up and we need to look at that.

Commissioner Romine mentioned the development of apartments on the second floor of some of the commercial properties downtown, the Planning Commission has negotiated with them so maybe the commission does need to look at changing the parking standards.

Commissioner Ridout asked about the street right of way is it 30 or 40 feet. Mr. Cupples stated that currently the street is 30 feet on Avenue N, Avenue M and S. Jackson. Mr. Henke will have to have sidewalks on his property which keeps the 30 feet right of way. The sidewalk will have to go on the North side of Avenue N and when someone gets ready to develop the TLC site a portion of their right of way will come out of their property. They will not be able to develop into the street, they will have to develop into their property.

Commissioner Winters asked why then isn't Mr. Henke solving the issue on his property? Commissioner Romine stated that he is solving it on his property. Commissioner Winters stated that he is not getting people out to the highway. Mr. Cupples stated that Mr. Henke is not utilizing Avenue N as a vehicular access. Mr. Henke will have to provide a pedestrian access in and out of the property that leads from his development out to some point on Avenue N or Avenue M.

Commissioner Winters asked doesn't he have to provide access to the Highway? Mr. Cupples stated that you may have to push all the pedestrian access to Avenue N. Mr. Henke already has plans for a sidewalk on his property along Avenue N and later this sidewalk may tie into a public sidewalk all the way up Avenue N with a slight jog in the roadway. It is going to take O.D.O.T and a traffic engineer to figure out how Avenue N will meet with the highway. It is right at an intersection of two major thoroughfares and on a corner with limited visual clearance.

Commissioner Winters stated he can't see a sidewalk on the plans. Mr. Cupples and Commissioner Hoth stated that there is a sidewalk on the south side of the apartment building and that may become a public sidewalk. Commissioner Dideum stated that the sidewalk ends and doesn't go to the corner. Mr. Cupples stated that Mr. Henke is required by ordinance to put in sidewalks on any of the streets that the city requires him to, on his property only. According to city ordinance it can be required to be put in right away or it can be delayed for later development. Mr. Cupples stated that it is possible to put in some

sort of pedestrian walk way on the South side of the laundromat, it will be a temporary fix. Putting in a full blown sidewalk maybe be putting it in now and then turning around and taking it right back out. Until we know what type of development of what is going to be on the South side of Avenue N and will it be located on the right a way.

Commissioner Ridout asked if there was any street development planned in this area. Mr. Cupples stated not at this time. Mr. Henke does have a plan to improve Jackson Street and Avenue N down to his point of access but only on his property. Commissioner Winters asked can't we make Mr. Henke put in sidewalks on Avenue N on the other side of the street. Mr. Cupples stated that we don't know what the development of that property will be so it is premature to design the street when we don't know what type of business is going to go there. TLC may own the property but they don't know what type of business will be developed on that site. The best thing for that property South of Avenue N is a low traffic generation use. The reason it would be great is because getting access at Avenue N is going to be problematic because of what is already there. Chair Horning wanted to clarify the proposed pedestrian walk way South on Avenue N should be concrete or asphalt. Commissioner Hoth stated that the walkway should be on the North side of Avenue N all the way to the back of the laundry mat and then have a sidewalk on the East side of S Jackson. Mr. Cupples stated that Mr. Henke will have to have ADA drop curbs on the corner of the crosswalks. Commissioner Hoth stated that this looks like it's a good plan but we need to see more details of the sidewalks and the garbage/recycle area. The parking standards have been negotiated in other developments and this can be done but he's not seeing it on the plans. Commissioner Ridout stated that Irving Place is the street that runs along the highway and has lights and a sidewalk. How does the City stand with available commercial land at this time? And what are the standards used in determining what land should stay commercial and what lands can be converted to residential. Mr. Cupples stated that there is no guidance in the Comp Plan that says you have to have this much commercial land, but you do want to provide a sufficient amount of vacant commercial property. Right now Seaside has a lot of commercial land that is already developed in some form of housing. The island area between Holladay and Highway 101 has a lot of old housing. If in fact someone comes in to do large development, someday that housing may go away and become a commercial strip. In regards to current commercial developable land that would be the TLC site north of town, also the property South of Avenue N, then there is also the property South of Trucke's gas station, then the property South of the old Golf View apartments. Commissioner Ridout asked about the new TLC site has that housing gone away. Mr. Cupples stated that in regards to Mr. Henke's plan to develop that site into apartments has gone away. Commissioner Ridout asked how long does an approval last? There have been lots of projects that seem to never be developed like the mini storages on this site. Mr. Cupples stated that an approval last one year with a one time six month extension if requested before the end of that 12 month period. Commissioner Ridout asked if he went back over the minutes and anything that happened over 18 months ago is now dead. Mr. Cupples stated yes, they have expired.

Chair Horning asked if Lionel had any questions and would like to add anything to this proposal? Lionel stated No.

Commissioner Dideum stated that she does have some concerns over the parking and Commissioner Romine mentioned low income but there is nothing in this proposal that says it's going to be low income or work force housing. She would like to have some of these issues resolved before going forward.

Chair Horning stated that there is a conditional use and a variance for this project so do we want to vote on the conditional use and then vote on the variance or do we postpone the whole thing.

Mr. Cupples stated that the two should remain together. Commissioner Carpenter stated that he is comfortable with the 1.5 parking spaces per unit. Commissioner Romine concurs with Commissioner Carpenter. Commissioner Carpenter asked how many parking spaces are required for a motel? Mr. Cupples stated that there is one parking space per room plus one for the manager. Commissioner Winters wants to see the floor plan for these units so he can better understand how everything will work together. Commissioner Ridout stated that the size of these units seems to be rather large and he believes that the tenants of these units will probably have two vehicles. Commissioner Winters would also like to see where the ADA parking spaces will be. Mr. Cupples stated that he has spoken with Bob Mitchell, the cities Building Official, and he stated that these ADA parking spaces will be required per the State Building Code. Mr. Cupples wanted to make sure that the Commissioners understood that Mr. Henke will have to meet any requirement that is placed on the project. If you want 1.5 parking spaces per unit or 1.75 or 2 parking spaces Mr. Henke will have to make adjustments to the project to accommodate the requirements including the ADA parking requirements. Commissioner Ridout asked if there were any proposed plans to improve the area east of South Jackson. Mr. Cupples stated not at this time but he can't speak for the public works department. There is really no access except from Avenue M and Avenue N, there is very little upland to do anything with.

Mr. Henke asked if he could make comment before the vote, Chair Horning stated "yes". Mr. Henke stated that it is very frustrating to sit there and not say anything as its going. This is the same parking plan that was addressed at the TLC site North of town, except we had the parking lot of TLC to fall back on. 1.5 parking spaces per unit is pretty standard in the civilized United States and it is very hard to understand why Mr. Winters has such a problem with this parking. Mr. Winters has development around town and has used this same parking standard. The only time you will see a full parking lot will be at night time. Mr. Henke can't say how many cars people will have per unit but in the lease agreement there can be restrictions that say how many vehicles per unit. The access for people in wheelchairs is something that is important. There is a sidewalk on the North side of Avenue M going to the railroad tracks. To do a temporary sidewalk along Avenue N and dump them into the parking lot, for a person in a wheelchair that's suicide it just doesn't make any sense. If you want to do a continuance that's fine, if you want a complete redesign he could do that. If you want low income housing, he could sell the project to someone else. He doesn't want to do low income housing and doesn't think Lionel wants a low income housing development next to him. Mr. Henke is trying to do something nice here, something more of a garden level apartment building with some landscaping. Mr. Henke said wage earners and professionals, he knows school teachers that can't afford a home and these will be perfect for them. Harry would like to have this continued for 30 days.

Commissioner Ridout made a motion to continue this agenda item until the next meeting which will be on January 3, 2012. Commissioner Winters seconded and the motion was carried unanimously.

B.) 11-034VRD is a request by Sandra Holmgreen for a Two (2) bedroom Vacation Rental Dwelling Permit within the Residential High Density (R-3) zone. The property is located at **601 15th Avenue.**

The review will be conducted in accordance with Article 6 and Article 10 of the Seaside Zoning Ordinance which establishes the review criteria and procedures for a Conditional Use. The specific review criteria for Vacation Rental Dwellings is included in Section 6.137 of the Ordinance.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Erin Barker Beach House Vacation Rentals- Sandy, the owner, lives in Portland and had to work today and didn't want to travel over the hill. This has been the family home for years. Last year her husband came down to mow the yard and do some other maintenance at the house and died of a heart attack totally unexpectedly. The family didn't know what to do with the home, so their son decided that they should look into having it has a vacation rental in order to keep the home.

Chair Horning asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Horning closed the public hearing and the issue was opened for Commission discussion.

Chair Horning stated that he went to the site and it's difficult to locate the correct home. Erin stated that the addressing in that area is kind of messed up. Commissioner Dideum stated that this home is right on the river and is south of the duplex. Erin stated that the tenant living in one of townhomes has issues with parking in his own space, but it really doesn't have to do with this property. This property has two parking spaces in the garage and one in front. The owner thinks this is a four bedroom but they want to rent it out as a two bedroom and no more than six people.

Commissioner Carpenter made a motion to accept this application as written. Commissioner Romine seconded the motion and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: Mr. Cupples want to let everyone know that Ray and Gini were reappointed.

There will be a work session on January 17th. Chair Horning would like to discuss how to calculate or whether it is needed for an outdoor recreation area for apartment buildings. There should be yard space for all new apartment buildings.

ADJOURNMENT: Adjourned at 8:45 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant