

# MINUTES SEASIDE PLANNING COMMISSION

June 7, 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

**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. Commissioner Dideum stated that she met a gentleman named Chuck at 510 N Holladay and he told her about the history of the property but she feels it doesn't relate to the land partition.

**APPROVAL OF MINUTES:** Motion to approve the May 3, 2011 minutes; Commissioner Carpenter made a motion to approve May 3, 2011 minutes as submitted. Commissioner Romine seconded the motion was carried unanimously.

## 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.) 11-010V, 11-011CU, & 11-018MAP:** A variance, conditional use, and major partition that will allow a mixed use development within the General Commercial (C-3) zone. The commercial and residential mixed use development will consist of the following: Lot 1 will have two buildings, one 6500 sq. ft. retail space with 6 apartments above the retail space and a stand alone 3000 sq. ft retail space; Lot 2 will have two buildings, a 9 unit and a 10 unit apartment; Lot 3 will have four buildings, one 8 unit and two 10 unit apartments and a 4200 sq. ft. retail space; Lot 4 will have three buildings, two 3500 sq. ft. retail spaces with 4 apartments above each retail space and one 10 unit apartment building. Under the current request, only three parcels will be created at the onset of the development; however, the applicant has provided a master site plan that identifies how the future site could be developed in conjunction with the current request. The proposal includes a variance that will allow a reduction in the required number of off-street parking spaces from 2 to 1.5 spaces per apartment unit.

The requests are being made by HTA Properties LLC representative Harry Henke. The mixed-use development will be accessed from a private street (Cross Creek Lane) and the subject property (6 10 15BA TXLT: 5800) is the balance of undeveloped land that surrounds the new TLC Federal Credit Union at 2315 N Roosevelt.

The Planning Commission has reviewed and approved a number of prior development plans for this property; however, final funding for those projects was never obtained. The applicant is again proposing development that will utilize the access previously developed for the subject property.

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

Once TLC got involved they decided to go with a mixed use, commercial and residential use. Mr. Henke decided to go with the POD concept this time with the mixed use is easier to get financing and to sell smaller portions of the lot instead of just residential. Right now there is a tenant interested in lot A that has a commercial building with residential space above. There are several other people talking but nothing concrete. The community needs to have more housing. Mr. Henke has seen lots of areas that have residential and commercial space and it seems to work just fine. Dean Kiernan is also here if you have any technical information.

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. There was no response.

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

Commissioner Hoth asked when the plans were brought in initially it wasn't planned to be partitioned, what is the benefit of doing so, and how does that relate to the for sale sign of eight lots? Mr. Henke said that primary reason for that is that TLC owns the note on the property and for financing reasons the lot needs to be divided so the can subordinate one lot at a time. The new tenant is interested in buying the lot eventually so it has to be divided off.

Commissioner Carpenter asked the applicant if he was asking for 1 ½ parking spaces per unit, understanding that it has to be shared between the residential and commercial sites. Have we addressed these before? Mr. Cupples stated that we have discussed the parking in previous submittals and made some concessions. In 1999 the planning commission was thinking of changing the parking just to 1 ½ parking spaces needed for residential, especially in the beach area with the condominiums. Where there are two spaces required right now there is a lot of parking vacancies. There are a lot of Oregon cities right now that simply say 1 ½ parking spaces per unit and that's it, Cannon Beach also has that same parking allowance.

Chair Horning asked Mr. Henke if there were times that both commercial and the residential parking will be used simultaneously? Mr. Henke said yes. In 1992 when he developed the River Point area off of HWY 202 there was a lot of negative publicity regarding traffic and how many cars will be coming out of there and now you can stand there at any given time and there maybe two cars coming out at a time. With these apartments you can also consider that there are one bedroom apartments. There will be times when both entities are there.

Commissioner Hoth asked if there are going to be sidewalks from the apartment buildings to the sidewalk along the highway where people won't have to walk across the parking lot to get to a sidewalk. Mr. Henke stated that there are sidewalks all around the buildings.

Chair Horning asked about the mean high water line. Mr. Cupples stated that there is a required setback from the mean high water line and that that line needs to be identified whether it's 15 or 25 feet and maintained.

Chair Horning also asked about open area for children to play?

Vice Chair Romine stated that in the commercial zone there is no requirement for a play area.

Chair Horning stated that is why we sometimes put conditions on development to ensure there is a safe place for children to play.

Commissioner Winters stated that is a personal preference.

Chair Horning stated that if it was a home then they are required to have a minimum of 40% of the lot be yard space.

Mr. Cupples stated that in a residential area that is correct but in a commercial zone it's different, you want to have full utilization of the lot. In many cities where they have apartments, you have your city parks and other than that the apartments are built from property line to property line. In this case where there is the high marsh area it is open space and you could consider that as open space. When dealing with the C-3 commercial property you are looking at something that is going to be developed at a higher density.

Commissioner Winters mentioned that our city has lots of parks and the city puts lots of money into the parks and with all the new playground structures, people should use those. If we start regulating play

areas for apartments then it should be addressed in another format, this is a mixed use development and is in the general commercial zone.

Commissioner Winters made a motion to approve the application under the guidelines that staff has presented. Commissioner Hoth wanted to make sure that there is clear pedestrian access to the sidewalk on the highway.

Commissioner Carpenter seconded and the motion was carried unanimously.

**B.) 11-012MAP** - A major land partition request by Paul Goodell. The subject property is located at 510 N Holladay. (6 10 16 DD TL: 14400) and it is zoned High Density Residential (R-3). This request is to create three separate parcels of land. The parcels will be approximately 14046 sq. ft., 8535 sq. ft. and 6001 sq. ft. in size.

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. Paul Goodell, 2425 SW 64<sup>th</sup> Ave, Portland. I have owned the property for about 8 years. Fire Dept will burn down one of the buildings this weekend, then will renovate the rest of the property. The building in the middle will be demolished.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. Dean Kiernan with CKI, PO BOX 309, Seaside OR 97138, It is a preference that the parking go straight, so that the people who are in the back house do not have to go through the apartment buildings parking lot.

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

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.

Commissioner Dideum asked about the home on parcel three, it looks like its being renovated but also there is an apartment building. Mrs. Goodell stated that there's a cottage on the river in front then a small house that sits behind it and that will be one parcel, and it is totally self contained. Commissioner Dideum also asked if they plan on selling parts of this development. Mrs. Goodell stated that their intent would be to keep those two homes together and maybe sell the other lots off together because she thinks that the little home is grandfathered in and could not be sold separately.

Commissioner Ridout asked if they were planning on selling this off? Mrs. Goodell stated that when they bought the property it was their intent at that time to keep everything together but with the economy the way it is they may have to sell one of these partitioned lots.

Commissioner Hoth asked about the driveway. Mr. Cupples stated that you have two different ways to access a property one is by easement and the other is by direct access from the street. When you're dealing with a major partition you are dealing with creating lots that do not have any street frontage with out creating it. You can create either a formal street like a stub road, or by an easement. A major partition is having to create access in order to do the land partition. All of parcel one takes up the street frontage so they need to create access to these other parcels. Commissioner Hoth asked where is the best place to put the access to the property? It seems like if you do the straight in driveway it takes away the parking for the apartment building. Mr. Cupples stated that they have an actual driveway access on the northern side of the property and it has its own access that would wind in and snake to the south and tie into parcel two. The way that this is proposed is they would have a tiny strip in between what is currently asphalt and the new asphalt. Commissioner Romine stated that if we limit the access to one entry for the whole project that would be the straight approach and would probably work best. Mr. Cupples said yes. Mrs. Goodell stated that what they are trying to provide with the six-plex is to have less traffic going through the property for the children who live there. Commissioner Hoth asked if it was OK to have two accesses that close together. Mr. Cupples stated that would be a question for public works. It would be within the space and guidelines if in fact they put the central one in and the northern one in. In fact they are both on one property. They would eliminate the southern access. Mr. Cupples stated the one with the curve would only serve parcel two and three the other driveway access would be the new relocated access and they would have parking on both sides of the parking lot.

If you look at the applicants plan they would have one access coming into the apartments and then a northern access which would access parcels one and two. Commissioner Romine asked Mrs. Goodell how they currently get to the property. Mrs. Goodell stated that currently there are two accesses to the property and tenants can access through any of the driveways they want. Commissioner Ridout asked if it mattered if they only have one access. It would be nice if they chose to enter at the northern end of the property and curve into it, that would give more available parking for the apartments and potentially send the parking a little away from the apartments right now it seems they park right against the building. Mr. Cupples asked if the commissioner's would re-orient the parking that is up against the building so you'd would swing it to the north in a pie shape and then there would be a grassed area or open area that's not paved right in front of the building. Commissioner Ridout stated for him personally that's what he would do, but he wouldn't make someone else do it. Commissioner Romine asked if he understood the applicant's preference correctly and that would be to have the northern dog leg like entrance separate from the apartment entrance. So there would be two accesses, one for the parcels in the rear and one for the apartment building. Mr. & Mrs. Goodell stated that is a strong preference. Commissioner Winters stated that would work best.

Commissioner Romine made a motion to accept this application with an exception to eliminate condition number 2 on the staff report. Commissioner Winters seconded the motion and the motion was carried with Commissioner Hoth voting no.

**C.) 11-013CU:** A conditional use request by Susan Peters. The subject property is located at 581 S Prom (T6 R10 21AC, TL: 12400) and it is zoned Resort Residential (RR). This request will allow for a small restaurant in conjunction with a motel.

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. Susan Peters, 581 S Prom, Seaside OR. The only thing that she feels that needs to be addressed is conclusion #1 on the staff report it. We run a really nice restaurant facility and we don't have rowdy guests. There is only 700 square feet and that's not that big of an area. If you take away the north side seating area that would eliminate 20% of the outside dining area. The only objection she saw was that the people to the north wanted peace and quiet. If you live on the Prom you are going to get some kind of noise just from people passing by. Ms. Peters stated there is a three feet wall with hedges planted on that so there is already a barrier.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. Bob Tuckett, Palm Dessert Ca. The cliental of this establishment is basically upper middle class and usually between 35 and 75 year old people. There will not be any outside music.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. Kathleen Teeples 33230 Beerman Creek, Seaside. Would also like to testify that this is a very nice restaurant, it's not a tavern and there are no drunk rowdy people there. The portion that they want to restrict is the portion that is the most peaceful, the center is the entry, and the south portion has an entrance where the guests can go upstairs. There are not a lot of days in Seaside where you can go and eat outside. This is a very nice place.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. Erin Barker 2300 Lewis & Clark Rd, Seaside. Thinks this is a great idea, there isn't a lot of ocean front dining here in Seaside anyway and this being outside is just great. This is a very nice restaurant. It's a patio in a commercial building. There are not that many days where they will be able to use it, because of the wind and the rain if you get a day where you can sit out there and enjoy it you should be able to.

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.

Commissioner Hoth asked about the prior approval and if it was ever utilized? Mr. Cupples said that he didn't honestly know. Commissioner Dideum stated yes she had been there. Susan Peters stated yes also. Commissioner Hoth asked if there were ever complaints? Mr. Cupples stated no there were not. Commissioner Hoth asked about parking and if there where more customers could we go back and look over their parking demand? Mr. Cupples stated yes we could assuming the conditions were included.

Commissioner Hoth stated that the original states that they can do this until 8 pm and then on the next page it states they can go to sunset. Mr. Cupples stated that the original conditional use was until 8pm and thinks it's a better idea to call that sunset. It will change every week. Commissioner Hoth asked about the three tables on the north side of the property, they can stay there but they can't serve there is that correct? Mr. Cupples stated yes that is one of the conditions. Commissioner Carpenter asked if they were going to change any of the lighting. Susan Peters stated no the lighting will remain the same. Commissioner Ridout mentioned that they have to close down at sunset so there is really no issue with the lighting. Commissioner Ridout stated that years ago when they first put in the restaurant it would just serve their cliental, when that changed is that when the additional parking became available on both sides of Beach Dr. Susan Peters stated yes. Mr. Cupples stated that the additional parking was created when the prior owner took down the duplex. Commissioner Dideum asked about the letter that we received from one of the neighbors regarding the lighting shining into their unit. Susan Peters stated that there is no outside lighting shining into any units. Maybe in the clock tower but doesn't think it shines into any unit.

Commissioner Winters made a motion to accept this application without any conditions. Commissioner Hoth stated that we need to add that they can serve guest on the north side of the property. Commissioner Ridout seconded the motion and the motion was carried unanimously.

**D.) 11-014VRD** is a request by David Wayne & Stephanie Clift for a Four (4) bedroom Vacation Rental Dwelling Permit within the Residential Medium Density (R-2) zone. The property is located at **115 13<sup>th</sup> Avenue.**

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 Stephanie Clift 316 NE 19<sup>th</sup> Ave, Hillsboro OR. Stephanie is very excited about having a vacation home that she can share with others. Seaside is where her family loves to come and enjoy the beach and play games. Her husband's parents are getting elderly and this will be a great place to stay for family outings. When her husband changes careers and becomes a teacher hopefully this will subsidies the income.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. Erin Barker Beach House Vacation Rentals. Erin is happy that Stephanie is buying this home, Erin will not be managing it but is happy that it will become a vacation rental.

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

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.

Commissioner Ridout had a question regarding the parking. Is there two parking spaces in the garage and then two spaces in the driveway. Stephanie stated that there will be three parking spaces in the driveway and one space in the garage. They want to have the other half of the garage available for bikes. Commissioner Romine stated that they do have the parking that is required for the home. Chair Horning mentioned that there was a few neighbors who were against vacation rentals and hoped that this wouldn't impacted them. Commissioner Dideum stated that this is one of the homes that was against vacation rentals and now most of the homes in that neighborhood are vacation rentals. Stephanie Clift wanted to let the Commissioners know that she went with Mark Tolan because he takes people to the site and goes over everything with the guests including parking. Commissioner Dideum wanted to let Stephanie know that she heard from the previous owner that there have been lots of parties down in that area and it's something that Stephanie needed to be aware of. Commissioner Winters stated that he parks there a lot to go to the beach for barbeques and hasn't seen any problems.

Commissioner Carpenter made a motion to accept this application as written in the staff report. Commissioner Ridout seconded the motion and the motion was carried unanimously.

**ORDINANCE ADMINISTRATION: None**

**COMMENTS FROM THE PUBLIC:** Erin Barker has moved her office to 800 N Roosevelt. Barbara Scott wanted to mention that along all the narrow streets there should be no parking signs. Mr. Cupples state that if the neighbors in that area wanted to get together in write a letter to the City Council requesting no parking signs, that would be a good idea.

**COMMENTS FROM COMMISSION/STAFF:** Chair Horning wanted to mention that on June 28<sup>th</sup> there will be a celebration of the North Coast Land Conservancies 25<sup>th</sup> Anniversary. Commissioner Dideum would hope that in the future that when a planning commission member asks questions that no other commissioner would say to them that they are wasting time.

**ADJOURNMENT:** Adjourned at 8:58 pm.

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Tom Horning, Chairperson

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Debbie Kenyon, Admin. Assistant