

MINUTES SEASIDE PLANNING COMMISSION
February 2, 2010

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, Dick Rees, Tom Horning, Chris Hoth, Bill Carpenter, 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. There was no response.

APPROVAL OF MINUTES: Motion to approve the January 5, 2010 minutes
Commissioner Carpenter made a motion to approve January 5, 2010 minutes as corrected.
Commissioner Dideum 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.) Continuance

09-051PD: A preliminary planned development request by Donn Bauske at 498 N Wahanna Rd. (6 10 22BA TL: 1000). The subject property is currently zoned Suburban Residential (SR) and Aquatic Conservation (A-2). The applicant is seeking authorization to develop three duplex units on the upland portion of the subject property.

The applicant has a made a request to continue to the next Planning Commission meeting in order to get information from the Department of State Lands.

Commissioner Ridout made a motion to continue to the March 2, 2010 meeting. Commissioner Carpenter seconded the motion was carried unanimously.

B.) 10-001SV: This variance request will allow the Inn at Seaside to have a maximum signage of 200 sq.ft. The property is located at 441 2nd Avenue (6 10 21AB TL: 12100, 12200, 12300) and is zoned Resort Residential (RR). The Inn at Seaside is located on the north side of 2nd Avenue and is in a Resort Residential Zone (RR). The south side of 2nd Avenue is zoned Resort Commercial (C-2). The Resort Residential Zone allows 100 sq. ft. of signage and the Resort Commercial Zone allows 200 sq. ft. of signage.

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. Bob Pershey, 9160 SE 74th Ave. Portland OR 97206. The property is in the RR Zone and the competition River Tide Suites is in a C2 Zone and so is the Holiday Inn Express and they are both allowed 200 sq. ft. of signage and they are just across the river and within site of the Inn at Seaside. These properties have lots of exposure to the public. Being as the Inn at Seaside is in the RR Zone they are only allowed 100 sq. ft. of signage. The signs that the Inn currently have are not viewable from Columbia Street or

from the Convention Center parking lot. They have had people call from close by and were not be able to find the motel. All they are asking is for the people in the Convention Center parking lot to see where the motel is. The sign that they want to put up will not be seen by anyone in the RR Zone or in the residential zone.

Chair Horning asked about the photo looking east and if that is the sign that is on the plans is where they plan on putting the sign and is there a sign currently there. Mr. Ramsey stated that no, there is not a sign currently there but that is where they intend to put the new sign.

Commissioner Dideum stated that Mr. Ramsey supplied them with photos of the property but did not furnish the commission with photos looking down First Street where you would be able to see the River Tides Suites and the Holiday Inn Express signs. Commissioner Dideum stated that when she is standing on the corner of 1st and Columbia she can see the sign just fine. Mr. Ramsey stated that you may be able to see the sign if you know where to look and what you are looking for. If visitors see the sign it is a bit distorted and you can't really tell what it says.

Commissioner Winters mentioned that as commissioners they drive around and they know where the property is and what they are looking for. Visitors who come into town don't know where it is and don't know what they are looking for. Commissioner Winters asked that in the photos that were brought in is that were they plan on putting the sign. Mr. Ramsey stated that yes that is were the sign will go and will only be seen from the south, south west.

Commissioner Dideum stated that she went to the Rivertide Suites and didn't see all the signage the Mr. Ramsey says is there. Commissioner Dideum stated that all she saw was the one on the south east side it has one against their building and didn't see anything else. Mr. Ramsey stated that there is one sign on the south east side and on sign above the entrance and one on the west side and these three signs can all be seen from 1st Avenue. Mr. Khan wanted to be here but had a family emergency and couldn't make it.

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 Hoth asked Mr. Cupples if the name of the building constitutes a sign? Mr. Cupples stated there are some exceptions in the ordinance to allow the names of buildings to be placed on them with out being a sign but it depends on the size. Commissioner Hoth asked when the commission is looking at the word "district" does that refer to the zone and no other development or does it refer to signs in the "district" and no other development criteria. Mr. Cupples stated for this agenda item we are only dealing with that particular sign in that particular zone and only dealing with the sign for the Inn at Seaside.

Commissioner Hoth asked Mr. Cupples regarding how the previous commission had dealt with this issue about placing signs in certain district's and if they are in a certain district they can have up to 200 sq. ft., was that ever adopted? Mr. Cupples stated yes, that was adopted and the language is in the ordinance and in reviewing this ordinance we noticed that the Cities sign ordinance on the website is not updated and now it is being updated. Commissioner Hoth stated that he is not opposed to the sign necessarily however he doesn't think that it is that critical because you can see the sign clearly from Holladay it is visible from other sites but not that well. He would be OK with a 50 sq. ft. sign but not any larger that than.

Mr. Cupples stated the sections out of the ordinance that was given to you as example of what can be done in a comparative zone – that's for the RC Zone and so this is the 50 sq. ft. The Inn at Seaside is in the RR zone. A similar issue had come up in the past where there were basically commercial type uses facing commercial zones and they were allowed an ordinance amendment that would say in every case if you are facing a commercial zone along Roosevelt you can have the 200 sq. ft. This is in an RR zone in a completely different location but you have a commercial zone across the street. Are you will to grant additional sign area in that similar situation? Commissioner Hoth stated that he is not against doing that but it seems when the commission crafted this amendment they had some concerns about the size of a sign not on a major roadway, 1st Avenue isn't as residential as 7th but they obviously felt that a sign not on Roosevelt should not be as big as those on Roosevelt.

Commissioner Carpenter stated that if you are in the parking lot at the convention center, you do not have good visibility that the motel is there. That's the reason Commissioner Carpenter is in favor of the sign.

Commissioner Hoth stated that he agreed but 80 sq. ft. is too big, he's more comfortable with 50 sq. ft. that it is not so intrusive.

Commissioner Carpenter stated that this is not an intrusive sign because it's only visible basically from the parking lot and 1st Ave.

Commissioner Winters stated that a sign that is 10 x 8 is not that much more intrusive than one that's 10 x 5, 3 feet doesn't seem to be that much of a difference.

Commissioner Hoth stated that he's not going by the size of the sign but that there is language already in the zoning ordinance and it was a concern to someone previously.

Commissioner Winters stated they have done a pretty good job on dispelling that, previously it may have been a concern but there has already been a precedence set in other areas for that type of sign and Commissioner Winters doesn't think that that applies in this case.

Commissioner Dideum asked if the RR Zone goes up to the north side of 1st Ave. and is the Hillcrest Motel in the RR Zone or another zone. Mr. Cupples stated that the RR zone runs up the Prom to 12th Ave. There is also an RR zone from Ave. A to Ave. G. Commissioner Dideum stated that if we let one motel expand there signage then the other motels will expect to enlarge their signage.

Commissioner Winters stated that there are other things to think about especially in this economy. It's very competitive for so many of our hotels and our restaurants and they are all looking for the same customers. Giving the motel the opportunity to get something out there for people to see from every direction which Mr. Ramsey has proven the case that they need another sign. The bottom line is getting the customers to come to their place of business. If another hotel comes in and asked for more signage then we'll need to look at that on a case by case basis.

Chair Horning stated that several years ago the downtown district went through an effort to reduce the size of signs on Broadway in order not to overcrowd the view scape of Broadway. Given that concept this might not be compatible with that. Another concern is that if this is pasted that there should be a condition that states they are sensitive to light issues and that they will take into consideration that the light will not be shining into the church windows. Mr. Ramsey stated that at the angle the sign is at it will be darn near impossible for the church to see any light from the sign from inside the church.

Commissioner Ridout was not that impressed about them needing more signage but as you are coming down that street it is close to impossible to see the sign that is there now. Customers coming from out of town would not know where to look and they need the sign. Where the sign is going to be located is a great place. It's hard for Commissioner Ridout to envision the size of the sign and asked Mr. Ramsey if the Photoshop picture is in scale to what the actual sign will be. Mr. Ramsey stated that he's not sure if it's exact but it's pretty close. Commissioner Ridout asked if the AAA sign is in addition to the sign or part of it. Mr. Ramsey stated that it is part of the sign. It is the same size as the pole sign. They modeled it after that so they would be able to carry the same image throughout the motel. Commissioner Ridout stated that he doesn't see an issue with it at all.

Chair Horning noted that no one has made any comment regarding the word "district" in Mr. Cupples staff report. Chair Horning was wondering if people call this a business district or a zoning district and if the rules would play one way or another based on the definition of "district". Commissioner Hoth stated that he has considered it the business district and for him it's just the language in using something that already exists and was obviously something that the previous planning commission had some issues with. He does not have an issue with the sign or that it is the business district because there are no homes around there it is the perfect location for the sign. It is just that there is something in place and we should stand by that.

Commissioner Carpenter made a motion to approve the applicant's request. Commissioner Rees seconded the motion. Chair Horning asked if the commission would like to include his condition that the Lutheran Church could have some say about the illumination on the sign if it were to become an issue. Commissioner Carpenter stated that as he sees the sign it would only be illuminating the roof of the Church and should not be seen in the Church unless the Church has skylights. Commissioner Dideum, Commissioner Hoth and Chair Horning are no votes. It is a 4 to 3 vote in favor of the request. The sign variance is approved.

C.) 10-003CU: A conditional use request by Darrell Davis to allow a residence in conjunction with a commercial use. The subject property is zoned General Commercial (C-3) and the applicant plans to utilize the existing building at 2480 S Roosevelt (6 10 28 TL: 1500, 500) as his residence and office for his business.

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. Mark Mead 89643 Ocean Dr. Warrenton OR. The Davis's have bought this property and are in the process of fixing it up with new roof and interior remodel. They want to build a residence inside of the building. They plan on converting a couple of offices into a bedroom and some living area, change a bathroom and live there along with their family run business. They are not going to change the exterior of the building and the parking will be the same. There are a few issues with the building and building codes will allow some changes and they are aware of that.

Commissioner Dideum asked what type of business is this going to be. Mr. Meade stated that it is their family run business they have several properties around the area. It's not a new business with a lot of people coming and going.

Commissioner Rees asked if it was Borland Electric and Mr. Meade stated no. But Mr. Warmbroth is doing the work.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. Phil Warmbroth 36763 Hwy 26, Seaside OR 97138. Darrel and Evelyn Davis have been around the area for a long time. They used to own the Driftwood, The Bass Rail, Pier 11, and also the Crab Pot. They sold their places here and moved to Yuma AZ to retire and now wish to move back to the coast. Evelyn has a deteriorating disease and they want to move back to enjoy living on the North Coast again and to spend time with family members. The building will revert back to a C-3 Commercial. This is strictly a family run business and no other people will be using the building. The building will be sprinklered, over the past few years of being empty it is in serious need of upgrading. Commissioner Rees wanted to make sure that this will be a commercial property and will stay that way even though it will be used partially as a residence. Mr. Warmbroth stated yes this will stay commercial they just want a building that they can run their business out of and yet be able to live there too. Mr. Warmbroth stated that the fire department will have access to come in when needed. The building will be open during business hours, and then will be a residence after business hours. It will be a commercial building. They put a bedroom / bathroom downstairs for Evelyn. Commissioner Dideum asked that this will be a single family residence and a business at the same time. Mr. Warmbroth stated that yes this will be a business and a residence until Evelyn's situation changes then it will return to a commercial only building.

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 Hoth asked in the ordinance it states that they can have residential use in the building does the applicant need to show a business plan or prove that they are running a business out of the building. Mr. Cupples stated that there is nothing they need to document to show that they are running a business out of the building. If they just wanted a residence in the building it would not be allowed. Commissioner Rees stated that this is something that is spreading around the country where people have their offices downstairs and live upstairs.

Commissioner Dideum asked if the business were to go away would they be able to reside on the premises? Mr. Cupples stated no they can only reside there if there is a business there.

Commissioner Ridout stated that it appears to him that they are doing the same thing as home occupation or home office. It states that a residence in a C-3 zone is prohibited. Mr. Cupples stated that if they came in and wanted to build a residence in a C-3 zone it would be prohibited. If they came in and stated they wanted to build a commercial building with a residence then they would need to fill out a conditional use application and go through the process as Mr. Warmbroth has done. Mr. Cupples stated that Commissioner Ridout was probably on the commission when they passed the ordinance regarding no residences in a commercial zone. Commissioner Rees stated that the RC zone was developed as a buffer to the residential zone and also for the lack of Commercial space within the city limits.

Mr. Warmbroth stated that we could have applied for 3 condominium units to go on the property, but the Davis's wanted to keep the building commercial.

Commissioner Ridout stated that the location of this building doesn't seem to be a good location for residential use.

Commissioner Hoth stated that this building is a commercial building and looks commercial; it does not look like a residential building. If this were a vacant lot and someone were to come in and try to build a residence there then it would be a different story.

Commissioner Ridout asked Mr. Mead what will this entail to turn it back into a full commercial building again. Mr. Meade stated that not a lot will be done to turn it back into a full on commercial building. It had a break room and bathrooms already. The difference is if you had a home office you wouldn't have to sprinker the building but to have a residence inside a commercial building you have to have the building sprinklered.

Commissioner Winters asked that with the history that these people have in business is it fair to take that into consideration that they could purchase a home anywhere so why are the doing it this way. Mr. Meade stated that with the amount of business the Davis's have it would exceed the home occupation requirements.

Commissioner Dideum stated that the building has sat vacant for several years and she's sure the repairs are substantial. No one driving by would know if there was a residence in the building.

Phil Warmbroth stated that the whole building is free standing with post and beam and you could gut the entire building and rebuild the interior anyway you want. All they did was remove some walls and then added some to make a bedroom.

Commissioner Winters made a motion to approve the application with the conditions that the staff has put on the request. Commissioner Ridout seconded the motion and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: Election of Officers

Chair Horning stated that he is willing to give up his Chair if anybody wants it.

Commissioner Hoth mad a motion to keep the current administration Tom Horning as Chair, Dick Rees as Vice Chair.

Vice Chair Rees made a motion to close the nominations.

Commissioner Dideum seconded and the motion was carried unanimously.

Vice Chair Rees stated that he appreciates the commission's confidence in them.

Mr. Cupples wanted to thank the commissioners who attended the TSP meeting.

COMMENTS FROM THE PUBLIC:

COMMENTS FROM COMMISSION/STAFF: Chair Horning wanted to ask Mr. Cupples if the public could have copies of the staff reports available before the meeting and to maybe have an easel on hand to display the large prints that people bring in. Mr. Cupples stated there are copies available at the public Library and in the foyer of City Hall. There are also the public notices that are sent out and it lets the public know that they can come to our office and review the files before the meeting. Mr. Cupples mentioned that when people bring in large items for the planning commission to review at the meetings we have to get copies of those documents so that we can put them in the file.

Chair Horning stated that the one that comes to mind is the four story condos by the mortuary. There were so many neighbors that were against that and they didn't have the paperwork to review so they asked the planning commission to read the documents to them.

Nancy in the back of the room wanted to know how she finds the properties that are on the list and when are the packets available to the public.

Mr. Cupples stated that as soon as staff gets reports done is when they are available to all parties. They are always available the Monday before the Planning Commission meeting. From now on when we run the public notice we will also send that to the Planning Commission members so they know something is coming. This way you are aware of the action that is going to happen ahead of time. For example an amendment to the Comp Plan and you are the ones that will get exparte contact with it and without us letting you know as soon as we receive it you could be jeopardizing the exparte contact.

Chair Horning also wanted to comment on some of the conditional use application that was previously conditionally approved, for example the C.R.M. building that has not shielded their lights. He's getting to the point where he is going in there himself and speak with Mr., Dean regarding getting the lights shielded. Mr. Cupples stated that we could give them a citation for violation of conditions and he will contact Mr. Dean regarding this.

ADJOURNMENT: Adjourned at 8:20 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant