



## Planning Commission Staff Report

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<b>APPLICATION(S):</b>	<b>23-009 CU: Conditional Use</b>
<b>MEETING DATE:</b>	<b>March 7, 2023</b>
<b>PUBLIC HEARING:</b>	<b>Yes</b>
Report Date:	February 23, 2023
Applicant:	David Koller
Owner:	David Koller
Location:	719 1 <sup>st</sup> Ave. Seaside, OR 97138
Major Street Access:	1 <sup>st</sup> Ave
Parcel Number(s) & Size:	6-10-21AA-TL 08100 & TL 08200 / Approximately .14 acres
Parcel Zoning:	General Commercial (C-3)
Adjacent Zoning:	General Commercial (C-3)
Current Use of Parcel:	Retail
Adjacent Uses:	Retail, Service Station/Storage, Restaurant, Hotel
Previous Meetings:	None
Previous Approvals:	None
Type of Action:	Quasi-Judicial
Land Use Authority:	Planning Commission
Future Routing:	None
Planner:	Jeff Flory, Community Development Director

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### A. Summary:

The applicant is requesting a Conditional Use to install mini-storage units in the building at 719 1<sup>st</sup> Ave Seaside, OR 97138 (T6-R10-S21AA-TL08100 & TL08200). The property is zoned General Commercial C-3. The applicant intends to install 29 small storage units ranging in size from 9 sq. ft. to 75 sq. ft. The units are intended for climate-controlled wine storage and small retail storage.

### Staff Recommendation:

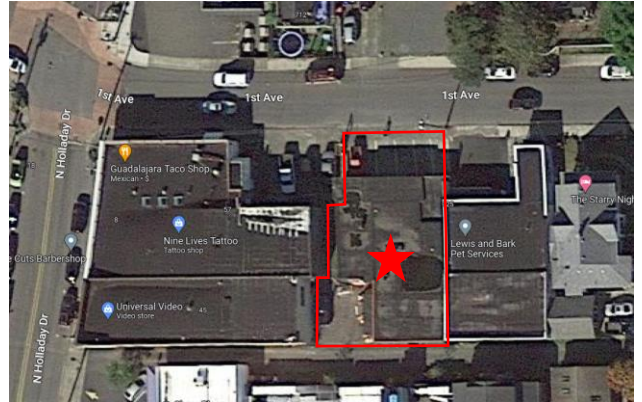
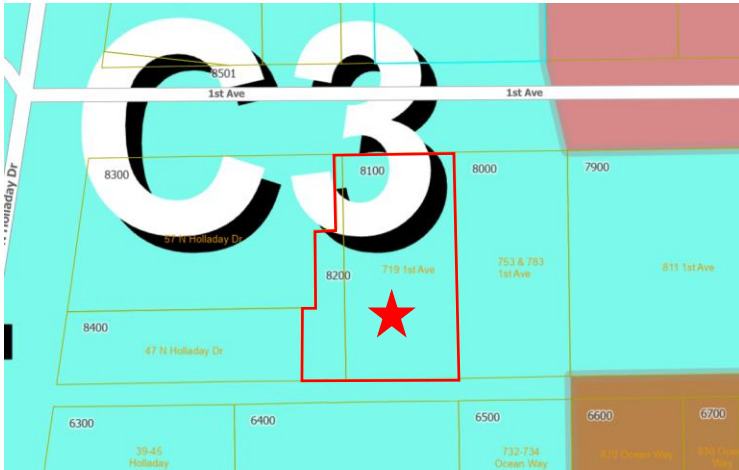
Staff recommends the Planning Commission conduct a public hearing on the application, take public comment, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements, and conclusions in this report and approve the applicant's request subject to the listed conditions.

### B. Exhibits:

1. Applicant Submittals
2. Site Plan

**C. Location:**

719 1<sup>st</sup> Ave. (6-10-21AA-TL 08100 &TL 08200)



**D. Background:**

The property is currently a vacant building with separate entrances for two tenants. Unit A has plans to be developed into a catering business space with no employees (owner operated) and a small (less than 450 sq ft) patron serving area. The use as a food service operation is outright permitted within the C-3 zone. The applicant is requesting the conditional use (mini-storage) for the other vacant space, Unit B.

This building was previously used as a retail furniture store with historical retail and office uses. The property abuts a strip mall to the west that contains restaurant, retail and services businesses, additional service and commercial businesses to the east, and a hotel to the north across the street. The nearby property on the northeast corner of Holladay and 1<sup>st</sup> Ave contains a non-conforming residential use within the commercial zone. The south side of the property and additional parking area is accessed through a public alley way that services additional commercial uses that abut Oceanway St.

**E. Required Dates:**

This application was submitted on February 3, 2023 and accepted as complete on February 10, 2023. The 120-day decision timeframe is June 10, 2023.

**F. Specific Request:**

The applicant is requesting a Conditional Use to install mini-storage units in the building at 719 1<sup>st</sup> Ave Seaside, OR 97138 (T6-R10-S21AA-TL08100 & TL08200). The property is zoned General Commercial C-3. The applicant intends to install 29 small storage units ranging in size from 9 sq. ft. to 75 sq. ft. The units are intended for climate-controlled wine storage and small retail storage.

**G. Process:**

This request is being reviewed under Article 3, Article 6, and Article 10 of Seaside Zoning Ordinance. Article 3 establishes the development standards, outright permitted and conditionally permitted uses in the C-3 zone, Article 6 establishes the criteria for conditional uses, and Article 10 establishes the process and procedures that are applicable to this request.

**H. Community Review:**

Notice of this public hearing was published in the Daily Astorian on February 16, 2023. Additionally, mailed notice was sent on February 14, 2023 to all property owners within 100ft of the subject property.

**Written Comments:**

At the time of this report, no written comments have been received.

**I. Comprehensive Plan:**

This property is located within the Commercial land use designation, specifically General Commercial. The proposed development is compatible with adjacent land uses and in a convenient location for the type of storage use and is within close proximity to the applicant's target clientele.

**J. Zoning Ordinance Criteria for a Conditional Use:**

**Pursuant to Section 6.031 of the Seaside Zoning Ordinance, all conditional use requests must comply with the specific standards in the zone and other applicable supplementary provisions in Article 4. In permitting a new conditional use or alteration of an existing conditional use; the**

Planning Commission may impose additional conditions considered necessary to protect the best interests of the surrounding area of the city as a whole. These conditions may include (but are not limited to) the following:

1. **Increasing the required lot size or yard dimension.** *Finding: The applicant's combined lots are approximately .14 acres. There is no required yard or setback in the C-3 zone unless the property abuts a residential zone. The applicant's property does not directly abut any residential zone or uses.*
2. **Limiting the height of buildings.** *Finding: The C-3 zone restricts building heights to 45ft. The applicant's plan does not call for any additions to the existing one-story building that would increase the building's height.*
3. **Controlling the location and number of vehicle access points.** *Finding: The applicant has four (4) parking spaces in the front of the building accessed off of 1<sup>st</sup> Ave. The parking spaces back directly into the street. 1<sup>st</sup> Ave is not a major arterial street however it is used for access to Holladay Dr. and the 1<sup>st</sup> Ave bridge. The applicant is not required to provide a parking lot unless five (5) or more spaces are together. The applicant has two (2) additional parking spaces in the rear of the building accessed off a public alleyway.*
4. **Increasing the street width.** *Finding: The applicant's proposal is within an existing building and no increase in street width is feasible or necessary.*
5. **Increasing the number of required off-street parking spaces.** *Finding: The parking area for the storage facility will be used in conjunction with the parking required for the food service use. The food service use will require 3 parking spaces for the approximate 424 sq ft of patron service area plus one (1) space for the employee (owner). The storage facility will require two (2) parking spaces for the approximate 846 sq. ft. of patron serving area and zero (0) parking spaces for employees as this facility will not be staffed. The applicant's site plan shows six (6) total parking spaces. The applicant has sufficient parking for the proposed use of the building.*
6. **Limiting the number, size, location and lighting of signs.** *Finding: Signage will be subject to Chapter 155 of the Code of Ordinances and will be reviewed with the issuance of a building permit.*
7. **Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.** *Finding: There is currently no fencing separating the applicant's property from the property to the east. The property to the west is separated by a planter box/sign frame. The neighboring uses are similar in nature to the applicant's proposed use and the neighboring parking lots are in line with the applicant's parking.*
8. **Designating sites for open space.** *Finding: The applicant's building is nearly a zero-lot line development with a small amount of open space/walking path on the west side and open parking on the north and southwest portions of the property. The applicant does not intend to take away any existing open space.*

**K. Additional Findings, Conclusions, and Justification Statements:**

1. The applicant's submitted justification is adopted by reference and is summarized as follows:
  - a. The 29-unit mini-storage facility is completely enclosed within an existing commercial building.
  - b. The facility will be secured and only accessible to lessees of the units.

2. The applicant property is located in the General Commercial (C-3) zone. Mini-storage is a conditionally permitted use within the zone.
3. The site plan shows sufficient parking for the proposed use.
4. The proposed size of the storage units will target small downtown businesses and restaurants and not heavy industrial or residential storage. The small size of the units will not require large vehicle access and parking to accommodate the off-loading of large amounts of items or larger industrial storage.
5. Generally, applicants are required to provide garbage and recycle space or can storage areas acceptable to Western Oregon Waste. This was not required for prior mini storage facilities and the provision of service could encourage extensive use by the renters. If the facilities are not required, the applicant is advised that the minimum service under city ordinance is that which is necessary to prevent accumulation or storage of solid wastes which create a fire, safety, health hazard, or public nuisance.

**Proposed Conditions:**

The proposed mini storage facility will satisfy the applicable development standards and be compatible with the surrounding area provided the following conditions are attached to the approval.

**Condition 1:** The owner/applicant must post a notice that advises storage unit renters that trash facilities are not provided on-site and renters are responsible for removing their own trash. Trash storage for the building and the food service use will need to be located in an enclosed and screened area out of public view.

**Condition 3:** The owner/applicant's site plan does not show the required 4.5ft parking space setback from the western property line. The applicant will need to adjust the parking area further east in order to increase the 3ft 4in setback to 4.5ft. The applicant will need to stripe the parking lot in front to designate the individual parking spaces.

**Condition 3:** Minor modifications to the applicant's proposed plan must be reviewed and approved by the Planning Director. These could be required in order to comply with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to any final approval.

**L. Recommendation and Alternatives:**

**Staff Recommendation:**

Staff recommends the Planning Commission conduct a public hearing on the application, take public comment, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements, and conclusions in this report and approve the applicant's request subject to the listed conditions.

Although they are not conditions of approval, the following is a reminder to the applicant.

- The conditional use will become void one (1) year from the date of decision unless the permit is utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.

- All necessary permits (such as structural, plumbing, mechanical, electrical, etc.) must be obtained prior to development.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance (e.g. erosion control, drainage, setbacks) and any other applicable City of Seaside Ordinances.

**Alternative 1:**

The Planning Commission may choose to continue this request to the regularly scheduled April 4, 2023 Planning Commission meeting to allow the Commission time to review submitted evidence or to allow the applicant, other affected parties, and the public, additional time to review or submit further evidence, rebuttals, or justifications.

**Alternative 2:**

The Planning Commission may choose to hold the public hearing and review additional submitted comments or evidence. If new evidence justifies denial of the applicant's request, the Planning Commission could move to deny this application.

*The information in this report and the recommendation of staff is not binding on the Planning Commission and may be altered or amended during the public hearing.*