

MINUTES SEASIDE PLANNING COMMISSION

January 5, 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, and Bill Carpenter, 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 November 17, 2009 and December 1, 2009 minutes; Commissioner Carpenter made a motion to approve November 17, 2009 minutes as submitted. Commissioner Hoth seconded the motion was carried unanimously. Commissioner Carpenter made a motion to approve December 1, 2009 minutes as submitted. 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:

Commissioner Carpenter is a member of the American Legion.

A.) 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.

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

The applicant has requested a continuance until we get information from the Department of State Lands.

Chair Horning asked if there was anyone 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. Bob Link, 505 N Wahanna Rd. Wants to see exactly where the proposed building will be placed on the property. Last week we had really high tides and with those high tides it didn't look like there was much room to build there.

Mr. Cupples stated that oddly enough we had a 9.5 tide on Friday and he did go by the site to verify how much water was there on the property. There was plenty of water on the site but it was from the rain not from the river overflowing. There was water lapping on the southern edge of the property and that has been conveyed to DSL and this will be discussed with them as far as what is upland and what is not. Mr. Link asked Mr. Cupples if they could look at the proposed site. Mr. Cupples stated that we have something here now that they can look at. (The project paperwork was passed around the audience for people to look at.)

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

Commissioner Hoth stated that he has 2 major issues that he would like to deal with. #1 is about calculating the density based on what is there, which is a split zone. In the past and in other venues we have only been able to use the zoning that is in the actual area that they wish to develop. Commissioner Hoth looked in the zoning ordinance to help in determining this issue. What he came up with is page 12 of the planning document which is in reference to zoning properties. What it says is that you consider it the entire zone. Whatever it is the most is you treat the entire property as that zone. In this case the property is in an A2 zone and you cannot build in this zone. In an SR zone which states the approved uses, it states that you can only build single family dwellings and he is asking to build duplexes which is not a permitted use. In some cases if something is not specifically listed in one zone and specifically listed in another then it cannot be allowed in that zone. It is therefore not allowed in that zone because it is specifically listed.

Mr. Cupples stated that in the past, in a split zone property, when you deal with an estuary zoned property, that item in the ordinance has never been used to zone an entire property aquatic to where you will be taking away all uses of the land. If you are dealing with one that has an R-2 and a R-3 split, the very nature of aquatic zoned property is that yes, it is varied and then you would get into a secondary argument that, this is not really my land because DSL claims down to the mean low water

line and we have people with deeds that run way out to the middle of the estuary and all of there property which is in the uplands. For example look at the properties on North Holladay. If you look in the Planned Development section, look at the uses allowed in that ordinance then you can see that duplexes are allowed you can actually use the Planned Development Ordinance to do things in some zones that you are not allowed to do in other zones. Duplexes are generally not allowed but if you do a Planned Development then you can apply to do it.

Commissioner Carpenter made a motion to continue this as Mr. Mead has requested to the next meeting. Commissioner Rees seconded and the motion was carried unanimously. Mr. Cupples stated that the next meeting is February 2, 2010 at 7pm.

B.) 09-054CU: A conditional use request by HTA Properties LLC representative Harry Henke. The applicant is requesting approval to develop three 30 unit apartment buildings within the General Commercial (C-3) zone. The subject property is located at 2200 N Roosevelt (6 10 15BA TXLT:5800) and the proposed apartment units will be located along the eastern portion of the subject property in an area previously approved for commercial development.

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, P.O. Box 2321, Gearhart OR 97138. Going from residential to commercial and then back to residential. This time we have TLC coming to support the project. Previously when the market was strong we thought condominiums and commercial might be a very good mix for the property. Looking back on the idea it's a good thing that it didn't go forward. Then the development for this was approved and had working drawings that were ready to be submitted to the city when the banks pulled out over 1 ½ years ago. Then TLC came in and purchased the property from Mr. Henke right before it went into foreclosure. Now Mr. Henke can continue on with the project. Given TLC's involvement there is financing available for the residential use. TLC is in support of this. The design of the building will be similar in design to the condominiums that we have seen in the past. These will be relatively affordable and somewhat larger than what is currently available, 2 bedroom, plus den. The apartments will be approximately 1000 sq. ft. range to 1190 sq. ft. range. The length of the property allows for this and also leaves space for a commercial building. Mr. Henke anticipates that the apartments will have a variety of people renting, from empty nester to families with children. The site plan that you see right now is very preliminary at this point and time. Mr. Henke did leave space in between the buildings that could be used for parking. One area could be use specifically for dogs and another could be for children. One of the concerns mentioned in the letter from a neighbor is that the kids will be playing in the river. Mr. Henke stated that that is possible but all the rivers and creeks are open to anyone and not very often do we see anyone playing in the rivers. We do see people crabbing and fishing in the river but not much more than that.

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. Henke if there will be 3 buildings with 29 units in each building will this still be the case. Mr. Henke stated yes.

Chair Horning asked Mr. Henke about the open space in between the buildings and is there any sort of industry standards that states how much park space is required. Mr. Henke stated that he doesn't know of any standards but wanted to have the building spaced out so it would leave room so that the last building wouldn't be so close to the highway. But all that is still tentative right now given the parking requirements and he also needs room to put in handicapped parking. Mr. Henke stated that with the last design he spent over \$200,000. and he really doesn't want to go forward until this is approved. Last time everything was a go until the banks pulled out. In the past the city did not want one big building there and didn't think the bank would loan on one big building. This way Mr. Henke can go ahead in phases. Chair Horning asked if these were going to be three story buildings because at this point the commission doesn't have a lot of information. There have been a few comments in the past regarding large box style condo's along the river. People are concerned about the architectural break up of the profile so we don't look like we are dealing with immense warehouses that impose themselves right along the river. It would be nice as the plan develops that there is some sort of architectural adornments of some kind to help handle this. When people come into town we don't want them to look down the rivers and see these large industrial appearance buildings. This is such a sudden change from a natural environment to an urban high density situation which would be contrary to the general findings of the communities' 2020 visioning program of last year which calls for high livability and sustainability. As well as a natural history park which would include all the marshes and wetlands within the Necanicum and Neawanna River corridor. Chair Horning also has some anxiety over what this will end up looking like and what impact it will have on the river. In some way we would like to assure Mr. Henke a chance to develop and for another for Mr. Henke to assure the Planning Commission a chance to maximize the aesthetic characters of the Highway 101 corridor. At this point the commission just doesn't have enough information. Mr. Henke stated that the one of the tragedies' in Seaside is the back side of the outlet mall. It was a beautiful river view and now it is just obliterated by the mall. Mr. Cupples and Mr. Henke have gone over the plan several times and Mr. Cupples asked Mr. Henke if they could put windows on the river side of the building. Mr. Henke said he would like to see that too. The city doesn't even have a riverside restaurant. Chair Horning would like to make sure that the lighting is covered properly on the buildings. Chair Horning would like to have the word changed from glare to illumination. Mr. Cupples stated that it should say recessed lighting.

Commissioner Rees stated that this is a conceptual plan and if Mr. Henke could bring in plans as the development moves along. Mr. Henke asked Chair Horning what type of building he would like to see, one with a pitched roof or one with a flat roof now is the time to let him know. Commissioner Rees stated

that it is great that Mr. Henke is building housing for working families and hopes that Mr. Henke can satisfy the commission with the aesthetics of the new buildings. Mr. Henke stated that he thinks Warrenton is running out of apartment buildings and this should bring a lot of people to Seaside to live. The City of Seaside has great schools and is a wonderful place to live. The site has some great views facing west and looking over the river and the mountains.

Commissioner Winters asked what is the price point for these apartments? Mr. Henke stated that he was hoping for \$900. to \$1000. Commissioner Winters stated that could be a problem because that is too high of a price for the working class people to pay. Most of the people renting are minimum wage people and cannot afford to pay that much. These people work in the hospitality industry or the restaurant industry and they just don't make the money to pay that high of a rent. At the other end of town there is going to be some apartments being built and their price is going to be around \$700.00.

Chair Horning asked about the set backs, with the size of the current TLC building and other buildings will this push the building back? Mr. Henke stated yes, this is just a preliminary plan and as things develop he will keep the Planning Commission informed.

Commissioner Dideum asked Mr. Henke about the ODOT approval for entering and exiting the property? Mr. Henke stated that he has ODOT approval from the previous plan which included all the commercial and residential use.

Chair Horning asked Mr. Cupples will any of the proposed interchange discussions with the TSP need to change what is currently being developed for the city at the 24th Avenue area have any affect on the property?

Mr. Cupples stated that given the distance of it, it shouldn't change.

Chair Horning asked if there was any further discussion and there was no response.

Commissioner Rees made a motion to conditionally approve the conceptual development and then wait for Mr. Henke to bring in more details.

Commissioner Carpenter seconded the motion and the motion was carried unanimously.

C.) 09-059CU: A conditional use request by the American Legion representative Lou Neubecker. The applicant is requesting approval to develop a Memorial Garden in the lawn area located west of the existing American Legion building and parking lot. The subject property is located at 1315 Broadway (6 10 22 BC TL:1400,1500,1600)

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. Tom Chatterton a Design Consultant & Lou Neubecker, 1859 Broadway, Seaside did a brief summary of the site plan. There will be a 6 foot fence around the Memorial Garden. There will be scattered benches around the garden for people to sit and enjoy the gardens. The intention of the park is meant to stimulate a visceral, emotional, grateful attitude sensitive to the values held as American citizens. The public perception will be a destination garden to visit and experience. The park will be secured at night.

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 Rees asked if you need a permit for the eternal flame or what precaution will be taken to prevent kids from going in there?

Tom Chatterton stated that the park will be a secured area and that there will be a docent out there most of the time. You do not need to have a permit for the eternal flame and the gas company will run the gas piping. Mr. Cupples stated that they will still need to get a permit for the gas piping.

Tom Chatterton stated that there will be several security cameras around the garden with a live stream that can be looked at right from home.

Commissioner Rees asked about the sprinkler systems. Tom Chatterton stated that was one of the first things that the landscaping designer said he would be working on.

Commissioner Carpenter asked if they have had any discussions with the neighbors. Tom Chatterton stated that this has been in the process for about 8 months now and he has taken the plans over to some of the neighbors and they seem to be excited about it. Tom Chatterton also explained to the people on Avenue A that during Memorial week end it will be pretty busy. The neighbors seemed to be fine with that because the project will look so nice when it is completed.

Chair Honing asked why a chain link fence and not some other form of fencing. Tom Chatterton stated that on the inside with all the landscaping that will be along the fence you won't even be able to tell that there is a fence there. They could put privacy slats in if that is what the commission would like. Chair Horning asked if they were planning on putting landscaping on the outside of the fence. Tom Chatterton stated that the hedge along the fence will be so thick that you really won't be able to see the fence once the shrubs grow. And if you look around the neighborhood chain link fencing seems to be the norm.

Commissioner Rees asked about the upkeep of the garden. Mr. Neubecker stated that the Legion has several members who are landscapers and have volunteered their time to help with the maintenance of the garden and everything that gets done over there now gets done by volunteers so this will be nothing new.

Mr Cupples stated that if there is a fence going over three feet tall then it can only be slatted to three feet.

Commissioner Winters asked about the landscaping being over 6 feet tall. Mr. Cupples stated that it is generally allowed, but if there is a complaint from a neighbor then it will be addressed.

Commissioner Dideum asked about the tree that is currently on the property, what will happen to that? Mr. Neubecker stated that the tree will need to be removed but more trees will be planted.

Commissioner Carpenter made a motion to approve this application. Commissioner Winters seconded the motion and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: 08-048CU

Extension of the Approval for a Mini Warehouse Storage Facility at 1210 S. Jackson. Harry Henke. Chair Horning asked if there was any changes in the plans. Mr. Henke stated that he has come up with a better site plan but the same use. At this time they have fixed the fence, cleaned up the site by pressure washing and cutting the weeds down. Mr. Henke will be coming in for a permit this week to reside the building.

Commissioner Rees made a motion to approve the extension and Commissioner Winters seconded the motion and the motion was carried unanimously.

COMMENTS FROM THE PUBLIC:

COMMENTS FROM COMMISSION/STAFF:

ADJOURNMENT: Adjourned at 8:05 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant