

MINUTES SEASIDE PLANNING COMMISSION
January 3, 2012

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: 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. There was no response.

APPROVAL OF MINUTES: Motion to approve the December 6, 2011 minutes;
Commissioner Dideum made a motion to approve the 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.) 11-031CU: A conditional use request by Harry Henke that will allow the development of a 45 unit apartment complex on the property formerly 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.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions. Mr. Cupples stated that he and the Public Works Director have visited the site and have come up with a plan for street improvements. Some of these improvements can be done now and others can or should wait until we have an idea of what may go into the property south of Avenue N. Mr. Cupples has given the Planning Commission members the updated site plan that he and the Public Works Director have work out for this site.

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 stated that he has addressed the handicap parking, recycle and garbage area, the bicycle rack and the fence for Lionel.

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.

Chair Horning asked if the lighting will be on the building or will it have pole lighting? Mr. Henke stated that the lights will probably be pole mounted.

Commissioner Dideum asked why Mr. Henke feels the need for a variance to the parking? City Ordinance states that two parking spaces are required. Does Mr. Henke have any other information beside these studies that give a better reason for requesting the lower amount of parking spaces? Commissioner Dideum stated that she was a math teacher and you can turn the number anyway to say what you want them to say.

Mr. Henke stated that he has developed a few properties and has seen the kind of traffic that a project like this creates as far as parked cars. He thinks this is a standard calculation for that kind of a building and there are always empty parking spaces. He has done a few in Astoria that have more than a 100 units and there is always empty parking. He doesn't think that it is necessary to have less units for this site to gain more parking but he could do that but feels it isn't necessary. One thing that was left off on the last site map was that it didn't show the on street parking. Now with the new one it does show on street parking on Jackson, not a lot but does have some. Mr. Cupples said for clarity sake regarding Jackson Street when he and Neal (Public Works Director) were discussing locating the sidewalks on private property rather than putting them on public property which Mr. Henke is doing. This will actually give two traffic lanes and still provide room for on street parking. If the applicant didn't provide for the sidewalk on his property then there would be no room for the on street parking.

Commissioner Hoth asked if the central unit's sidewalk could be extended east to hit the sidewalk that runs parallel to Jackson Street and remove the tree.

Commissioner Ridout asked if the sidewalk along Jackson will allow for any parking along Avenue M? Mr. Cupples stated no there is just no room on Avenue M. Commissioner Ridout asked if the street on Jackson will it still leave two twelve foot travel lanes. Mr. Cupples stated that it will have two 11 foot travel lanes with the sidewalk and an 8 foot parking lane.

Commissioner Carpenter made a motion to approve the conditional use and the variance under the guidelines that staff has presented plus the addition that Commissioner Hoth had asked for regarding the extension of sidewalk and relocating the tree.

Commissioner Hoth seconded and the motion was carried unanimously.

Chair Horning asked if Mr. Cupples has reviewed the parking information that Mr. Henke had submitted. Mr. Cupples stated that yes he has but not only on the internet but also with our neighboring jurisdiction. They have different requirements depending on how many bedrooms are in each unit. It's pretty common to have a 1.5 parking space per apartment dwelling they are treated differently than single family dwellings. There are lots of Ordinances in the State of Oregon that call for 1.5 per parking spaces per unit in apartment buildings especially if they start to break it down per bedroom. They are not going to require two parking spaces for a one bedroom apartment or studio. What you have here is a mixture of what would normally be expected for parking.

Commissioner Ridout stated that he is not comfortable with the idea of having an ordinance that says two parking spaces are required and the commission arbitrarily says we can go with 1 ½ parking spaces because everyone else is doing it. He's not sure if the commission needs to reconsider the ordinance or maybe he needs an attitude adjustment and say the ordinance is there and we will handle issues on a case by case basis. The whole thing makes him uncomfortable.

Chair Horning asked if staff as ever gone out and did a study of apartment buildings in our area? Mr. Cupples stated that he has not but it should be easy enough to do. Mr. Cupples stated that at the last meeting Commissioner Carpenter mentioned that he would like to have some time set up at a Planning Commission work session to discuss what ordinance amendments might be necessary. Mr. Cupples stated that the planning rule that he was always taught was that variances are there for the exceptions to the rules. If some one comes in with a development and you have a standard single family dwelling or a standard apartment building. The standards are there for them to follow but if they find it necessary to adjust the parking then that is what a variance is for. But if people keep coming to the Planning Commission and requesting a variance for the parking then we need to look at the ordinance and see what we can do. We need to ordinance to follow reality. That is the growing process.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: Erin Barker, Beach House Vacation Rental, stated that she has lots of experience with parking in apartment buildings, duplexes, triplexes, six plexes and hasn't had any problem with parking in all the years that she has been a property manager.

Commissioner Carpenter asked Mr. Henke if he was going to assign parking spaces or have them on a first come first serve basis. Mr. Henke stated that typically they are assigned. Commissioner Carpenter stated that he as lived with both parking arrangements and assigned parking works much better.

Erin Barker stated one of the things that bothered her is that when a public hearing is going on and she didn't comment on subject, then once she realized that it was something relevant it was too late to say anything. Maybe on a case by case basis the commission could allow additional comments to be heard after the public hearing is closed.

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 8:00 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant