

MINUTES SEASIDE PLANNING COMMISSION
October 2, 2018

CALL TO ORDER: Chair Chris Hoth called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Chair Chris Hoth, Vice Chair David Posalski, Ray Romine, and Lou Neubecker, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Absent: Bill Carpenter, Dick Ridout, Teri Carpenter

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Chair Hoth 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 Hoth then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. Commissioner Lou Neubecker stated that he has a conflict of interest as he is on the Senior Center Committee so he will not take part in the discussion on ordinance administration item six.

APPROVAL OF MINUTES: September 4, 2018; Approved Minutes as submitted.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Hoth:

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, followed by anyone else in favor, then any opposition will testify, and then the applicant will be given time for rebuttal.

PUBLIC HEARING:

- A. **18-068HOZ** is a Highway Overlay Zone request by **Main & Main Capital Group** to build an 18,000 sq. ft. retail building at 825 Avenue N (T6-R10-S21DD-TL200, 500 and 10316). The subject property is zoned General Commercial (C-3). Although the primary access will be from Avenue N, the applicant plans to utilize the undeveloped portions of S Irvine and Avenue O in conjunction with the proposed development of the surrounding property.

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

Chair Hoth asked if there was anyone who would like to offer testimony in favor of the request. Dan Dover with Main and Main Capitol group, they are a developer for Grocery Outlet. Grocery Outlet has identified Seaside as a community that they would like to be in. This lot is the right size for them. Mr. Cupples has done a great job of laying out their needs. They went to the City Council in May and asked for some street vacations and the City Council was indifferent he thinks because they did not have a formal application in front of them. They went back to see if the streets really needed to be vacated and found that they meet all of the design criteria. They do have a scoping letter from the traffic engineer. They will be doing a full traffic impact study.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

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

Chair Hoth indicated the issue was opened for Commission discussion. Chair Hoth asked why the planning director feels that this should be continued. Mr. Cupples stated that one of the big issues he has and the ordinance has is that the existing public right of way is undeveloped. The applicant

understands that those streets would have to be improved. Looking at their proposal, what they are doing is opening up those streets and using them as their backup lanes in order to get into their loading docks. Mr. Cupples is not saying that doesn't happen, but designing a public street to function as the vehicle back up area where you may have opposing traffic is a concern. If the property to the south gets developed, then we are talking about backing semi-trucks from a public street into their drive up area and affecting how the streets are being laid out. It's unconventional for that to happen. The other concerns are focusing on the access into Avenue N. There are almost two levels of questions of getting into Avenue N before ODOT does their turn lane improvement and a portion of HWY 101 and any turn, besides one that is right in and right out, may be extremely problematic. That may be something they would be proposing. From a development stand point, that may have a significant impact on the 1229 trips and that will impact who accesses the property. It's not that it couldn't be done, but we don't have that information and he thinks that it's premature for the planning commission at this point to go into an approval. Chair Hoth asked what difference it makes if Irvine Street is a public street or vacated? The trucks are still going to be going down there. Mr. Cupples stated that when you're maneuvering a vehicle on your property in your parking lot he's good with that, but they will be using a public street. Commissioner Romine stated that it is Avenue O that they will be using to back up the trucks and get into the loading area. Commissioner Romine stated that he would like to see this project go through but at this time, there are issue, and we need to know how the traffic impact analysis will affect the development. He stated that at the end of the day from his perspective it's the planning commission's job to determine how the traffic impact analysis will impact the development and how the development will impact the traffic and he's not sure how to get there from here with the information that has been provided. It may require a big leap of faith from the developer to get some concrete information to the planning commission so that they can make a decision. At this time he doesn't feel that the commission has enough information to make a decision. Vice Chair Posalski stated that another piece of information that he feels would be useful is to get the Public Works Director's input on the drainage of that area and the Avenue S interchange. Mr. Cupples stated that another way to have more input would be to have the Transportation Committee look at this and provide their feedback. Vice Chair Posalski stated that two of the planning commission members sit on that board too. Chair Hoth stated that it looks like Irvine is platted south into the empty area that may be developed in the future. If that street was vacated and became there property, then this development would not be able to use this as a right of way unless they agreed to it. Mr. Cupples stated that is correct if they granted themselves easements. The only reason that property was vacated in the past was because it was going to be developed as a large site by one property owner. From public works and community development's standpoint, unless it was going to be one piece of property with a large lot development, they wouldn't encourage the streets to be vacated. The city attorney is opposed to any streets being vacated. He was surprised that it had been vacated twice and each time the developer walked away from it. Chair Hoth stated the he is not opposed to this for any specific reason, it's just that it is complicated and there are some issues and it's best to have more information before we go forward. Chair Hoth asked if the entrance was on the west side of the building. Is there an entrance on the north side of the building? Mr. Dover stated that there is not. Chair Hoth stated he doesn't understand why they want to have the handicap parking on the west side of the building if the entrance is in the front and the parking spaces are directly across from the entrance. Mr. Cupples stated that they have to be the closest accessible route and the building official will dictate where they would be. Chair Hoth asked if they could move the entrance. Mr. Dover stated that shouldn't be a problem. There is a slight amount of discretion there & that side of the building is one way traffic. The idea was to get it to a two way. Vice Chair Posalski stated that the main thing that the commission needs to know is the future of those streets and that information needs to come from public works, the transportation committee and the city council. Mike Ard with Ard Engineering, 17790 SW Dodson, Sherwood. He is the transportation engineer for this project. They have been trying to think of things from all different directions because there are so many outcomes that could happen whether the street vacation happens or not and the center turn lane is built on Highway 101 or not. Then trying to figure out under each circumstance of the way this will go in the future how they can make this facility work. The first thing he would like to touch on is the backing into the roadway and he feels this is irrelevant because he isn't aware of any specific ordinance that states you are not allowed to back up onto a public road. In fact it's a pretty common thing and frequently you have to do that in order to backup into a parallel loading dock. The alignment of the street that they will be using to back into the loading dock is a street that goes to nowhere. At some point in the future it may go to somewhere, and when that happens, the truck can come in from that direction. Once it connects to something, then they will no longer need to do the backing up. They have been trying to figure out how it will work now and then how it will be used in the future when the road is developed. They would like some guidelines on what the commission feels is approvable and what is not. He is confused about the Avenue S thing that was mentioned early because that seems a long way from

Avenue O. Vice Chair Posalski stated that he knows that the underground sewer, storm drains and lines go back through there and that is all being surveyed and is going to be developed. Mr. Ard stated that if there is a street vacation for this, what is essentially going to become of the drive isle for the parking lot might mean that future development could not take access through that private property. There is a remedy for the city for that so that the city can preserve that access and that is in the form of an easement across the property. If there is a public access easement for the benefit of the properties to the south that says they are allowed to utilize that drive through the parking lot, then it would preserve that access. There has been some discussion regarding the access to and from Avenue N from Highway 101 and how that would work. That was his first concern when he first looked at this project. It is an un-signalized intersection and it's very closely spaced to a public intersection to the south. When you've got closely spaced intersections sometimes the action of one intersection can interfere with the operation of the other intersection. With this case, they have a good situation because of the direction of the offset. Avenue N is north of Holladay, what happens when you get closely spaced intersections is that you get stacking in left turn lanes that conflict with each other. If you imagine Avenue O to the south punching through to the highway, it doesn't right now, but if it did in the future and if someone was driving south and turning into Avenue O it would be cued right where people are in the north bound lane turning left onto Holladay and it would be a conflict with the current traffic lanes and it doesn't work. In the case of Avenue N, because it's north of Holladay, what it means is that south bound cue can cue up as long as it wants and it's never going to go in the direction of Holladay. Similarly, the north bound left turn lane for Holladay is cueing on the south side of that intersection and will never interfere with Avenue N. The direction of that offset makes things work very well. The one remaining concern is that sometimes it can be difficult to turn left onto Highway 101 and having a center left turn refuge helps out a lot. Instead of looking for a simultaneous gap in the north bound and south bound traffic, you could look for a gap in the nearest traffic lane and pull into the center and wait for an opportunity to merge into the traffic stream. Commissioner Romine asked if they have a proposal that suggests that Avenue N will be incorporated into the traffic analysis? Mr. Ard stated that they do not have the traffic analysis that shows the turning movement numbers at this point, they wanted to make sure that the commission was open to the ideas of the way they are laying out the design of the project. Commissioner Romine stated that the commission is in support of the project and he likes the information that has been shared so far. The commission really needs the traffic analysis to see what they are potentially requesting, and the vacation of the street will have little if any impact on his decision. Commissioner Romine stated that what the commission is here to do is look at the traffic analysis which the commission doesn't have. In the overlay zone it's how does that work with what we already have and how does this new development affect that from a traffic perspective. It may be that instead of sending all the traffic through Irvine St. that the dead end of Avenue O becomes the backup area. There are a lot of variables and the traffic analysis and ODOT's feedback would really help out here. Chair Hoth stated that he concurs with Commissioner Romine but he would like to see a little bit more about Avenue O and how that would impact the traffic flow. Mr. Ard stated that the trucks will be coming in when the store is closed so it shouldn't impact customers or traffic. Commissioner Neubecker stated that is how Safeway works. They come in early morning and backup on a city street. Dan Dover stated that on Avenue O, going east - west, if the design is approved as is, then the turning maneuver for the truck just gets better. He doesn't see an issue with utilizing Avenue O as they have shown it. Mr. Cupples stated that he doesn't see ODOT allowing another access onto Highway 101, especially in that area. Commissioner Romine stated that his key issue is getting on and off the site to Highway 101. With regards to public works, that is totally separate from the planning commission but their input is very important. Dan Dover stated that if the traffic analysis can support the site, then the trucks entering the site isn't really an issue. Commissioner Romine stated not from his standpoint. Chair Hoth asked if they knew when the trucks would be coming onto the site. Are they coming before business hours? Mr. Dover stated that usually trucks arrive before 10 am. Chair Hoth stated that they should put that in their report. Mr. Dover stated that there will be three to four deliveries per week in less than an hour. Vice Chair Posalski stated that will be increasing the traffic on Irvine and where the pedestrians will be walking to get to the store. Mr. Ard stated that they are talking about a relatively small store, not like a Walmart and the parking lot and street will be striped. By the way the channelization works, people should see a very low speed environment. In this case they have a secondary benefit because the street doesn't go past Avenue O on either side so you can't really get up to speed. Generally speaking, when you design the front of the store so that it is pedestrian oriented, drivers pick up on that. Chair Hoth stated he would rather see people make a left on Avenue N from Irvine rather than use the entrance that is closer to the highway. Because people will be coming off the highway at a higher rate of speed and then people will be turning left in front of them. He would prefer them coming out the other way and come down Irvine. Commissioner Neubecker stated that in Tillamook you have Safeway where the store is on one side of the street and the parking lot is on the other side of the street and people are walking across the street

continuously. The traffic engineer put little speed bumps in there so nobody can get up to speed and they back into the street. Chair Hoth stated that at this point it is really how are they going to get in and out of the property and what is going on with the left turn lane. Is it going to be able to handle the traffic? Is it going to be backing traffic up? These are the issues that we need to know. The store isn't the issue. You can put the handicap parking where the city says it needs to be. The backing up shouldn't be an issue as long as you let us know what time the trucks will most likely be making their deliveries; the earlier the better. Mr. Ard asked if there were island properties to the south that will need access and will have to use this Avenue O alignment to the south. Mr. Cupples stated no, he thinks the street to the south connects beyond where the vacant parcels are. Mr. Ard stated that anybody else in the future wouldn't be reliant on the dead end of Avenue O, and if they did connect through there, then they would be able use that connection and that would alleviate the need for backing up. Commissioner Romine stated that a couple of the planning commissioners are on the Transportation Advisory Board and one is very knowledgeable on the TSP and would be very helpful with what ODOT is thinking. Chair Hoth stated that when the commission initially did these Highway Overlay Zone reviews, the commission was looking at landscaping along the highway. The commission wanted to go into a little more detail on what people were planning on actually doing on site. We would still like to have some landscaping drawings on the plans. Vice Chair Posalski asked if they have had opposition in other cities. Mr. Ard stated that it's the specific hardships of this site that they are concerned about and there hasn't been any opposition that he's aware of regarding Grocery Outlet. Mr. Dover stated that the property is currently owned by the federal government and they are under some pretty tight timelines or they lose the property. They need to line everything up with the tenant and the land and the cost of the development and then ODOT. It's a very delicate situation for them. Chair Hoth stated that he will defer responsibility from the commission to them. The commission likes this project, they don't have a problem with the streets and the applicants will do the landscaping plan and add more things onto the plans. The applicant will fix the handicap parking and all this can be done. At this point it's up to the applicant to come back to the planning commission with the alterations to the plans. Mr. Dover stated that his main concern was the street vacations and what he is hearing from the commission is that they don't need to vacate the streets. Commissioner Romine stated that his suggestion is that the applicant ask themselves do they have to have the street vacation. Chair Hoth stated that is what they are asking us, do they have to have it? Vice Chair Posalski stated that one thing they may want to do is find other places in the area that have similar circumstance. Commissioner Romine stated that the winning thing here is that the applicant will be improving city roads with the applicant's funds.

At the end of the Commissioners discussion, Commissioner Posalski made a motion to continue this to a future meeting when we have more information. Commissioner Neubecker second and the motion was carried unanimously. Mr. Cupples asked that the applicant verify that they are not going to hold the city to the 120 day time limit on rendering a decision based on the fact the commission is asking the applicant to complete the traffic impact study. Mr. Dover asked Mr. Ard how long will it take him to produce and analyze the traffic impact study? Mr. Ard stated that the process that this needs to go through is a collection of the count and crash data, preparation of the report and then submittal to the city and ODOT for formal review. It would be a timeline of 4 weeks before they have a good idea where everything stands. Chair Hoth stated that they have had issues before concerning when data was produced. Mr. Ard stated that it would have to be October data because that's the month we're in. ODOT does have something they call highway volume tables and their seasonal trend tables and that lets us take an off peak count and turn it into a peak season or an average count. Mr. Ard knows that the school counts were done in December and they had to have quite an adjustment to those numbers. Chair Hoth indicated that Mr. Ard stated most traffic will be coming from the north and turning left onto Avenue N. That is a big deal and they'll need to figure out solutions for that. Mr. Ard stated that it is a happy coincidence that ODOT is planning on putting in a left had turn lane at this time. Mr. Cupples stated that the next Transportation Advisory Commission is on October 18 and the next planning commission meeting will be scheduled for November 20th, 2018. Mr. Dover asked what is the deadline to submit the Traffic Impact Analysis? Mr. Cupples stated they could get that report to the TAC a day or so before their meeting on the 18th. The continuance for this agenda item will be on November 20th at 7pm, here in the council chambers. But if something gets derailed we can change it to the first meeting in December which would be December 4th.

ORDINANCE ADMINISTRATION: Bob Chisholm Center sign. Mr. Cupples stated that the sign ordinance says you can grant different types of signs for conditionally permitted uses and normally those signs are granted at the time the conditional use was approved. The conditional use for the sign at the community center was done ages ago. What the ordinance says is that you can allow a larger sign and based on Darren's submittal the current sign is larger than the sign they are proposing. It would be adjusted a little bit in location, but because

things are tied tightly to conditional uses, this to him is a matter of getting confirmation from the Planning Commission that it's OK. The commissioner's stated that they can go ahead with the sign. Mr. Cupples stated that the next planning commission public hearing will be on October 16th, because the individual couldn't make it to this meeting and we told them that we would hear their vacation rental at the work session on the October 16th.

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 8:05 pm.

Chris Hoth, Chairperson

Debbie Kenyon, Admin. Assistant