

MINUTES SEASIDE PLANNING COMMISSION

April 1, 2014

CALL TO ORDER: Chair Ray Romine 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, Chris Hoth, Bill Carpenter, Bob Perkel, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Commissioner Horning was absent.

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Chair Romine 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 Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. There was no response.

APPROVAL OF MINUTES: Motion to approve the March 4, 2014 minutes;
Commissioner Dideum made a motion to approve the minutes as submitted. Commissioner Perkel seconded. The motion was carried unanimously.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Romine:

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.) 14-008VRD & 14-013V is a request by **Adam and Laura Schmidt** for a **two (2)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six (6)** people over the age of three. The owners are also requesting a variance to the 50% side and rear yard landscaping requirement based on pre-existing development of the site. The property is located at **832 N Holladay** and it is zoned High Density Residential (R-3).

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Laura Schmidt, the owner, was present and she's hoping that the commission would accept the application for a vacation rental and the variance to the landscaping.

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

Chair Romine indicated the issue was opened for Commission discussion.

Chair Romine stated that the parking is hard to understand and asked if Laura could explain the parking arrangement. Laura stated the way the parking is set up there is 1 parking spot along the home and one in the back. When the property was paved they measured out the property to make sure there was room for fire access even with cars parked in the parking spots.

Commissioner Hoth asked Mr. Cupples if 50% of the landscaping means that it's 50% of all yards, front, sides and rear. Mr. Cupples stated yes.

Vice Chair Dideum asked if there was any way to stop a home owner, right now, from paving the whole front yard and turn it into parking and then market the home to sell it as a VRD? Mr. Cupples stated that anyone can pave their yard, but if they want to turn it into a vacation rental it would still have to meet the landscaping requirement and there are a few ways that they can do that and one of them would be a variance.

Commissioner Ridout asked if the driveway needed to be that wide for safety? Mr. Cupples stated Bob, the Building Official, and he went out and measured the parking area and the driveway. As far as the fire department is concerned, one must be able to drag a 150 foot hose to all points around the structures on the site. Based on the site plan, the Schmid's meet that minimum standard.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Carpenter made a motion to approve the conditional use and the variance under the guidelines that staff has presented.

Commissioner Perkel seconded and the motion was carried unanimously.

B.) 14-011HOZ is a request by the South County Community Food Bank for the relocation of their facility within the Highway 101 Overlay Zone. The Food Bank is also requesting a variance (**14-012V**) to the 10' building setback based on the configuration of the existing parcel. The building will have a gross area of approximately 2,120 square feet. The property is located at 2041 N Roosevelt and it is zoned General Commercial (C-3).

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Neal Wallace 881 S Edgewood, President of the South County Community Food Bank (SCCFB) spoke on behalf of the SCCFB and explained the request.

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

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

Chair Romine indicated the issue was opened for Commission discussion.

Commissioner Hoth asked why the two options on the site plan. Mr. Wallace stated that with option two it moves the food bank up into the 10 ft. set back area. The problem with option two is the food bank shares an entrance with the bus barn and that area is a pinch point. School buses taking that turn are going to crowd the entrance and that is why option one is the best option. There will be too many vehicles trying to occupy the same area at the same time. Commissioner Hoth asked about the ramps to the building, it seems the best option is to have the ramps start at the east end of the building so they won't protrude into the public sidewalk.

Commissioner Perkel asked Mr. Wallace what is the option he would like to see pass. Mr. Wallace stated he would like to see option one pass.

Vice Chair Dideum asked about the firewall and why is one necessary. Mr. Wallace stated with option two the building is only 5 feet off the property line and in option one, they are 10 feet off the property line. At 5 feet they will need to have a firewall. Vice Chair Dideum asked with option one being further back on the property would that interfere with the river? Mr. Wallace stated the lot is quite deep and if we use option 2 there would be room for more parking but option 1 works better for the ingress and egress to the property. Mr. Wallace also stated the building will be close to the river. They want to propose to put fill on the developed area of the lot and then apply to FEMA for a L.O.M.A. (Letter of Map Amendment) to have the building out of the flood plain. They also plan on doing some substantial landscaping so the people coming into the food bank won't be on public display. The landscaping crew from Tongue Point will be doing the landscaping along with help from Pam Flemming.

Commissioner Hoth asked why are we not doing a Landscape and Access review? Mr. Cupples stated it is now called a Highway Overlay Zone and if you would like to request them to bring in a landscaping plan then you can.. There is a requirement that 10 feet must be landscaped along the road, but if they put in a sidewalk that counts as part of the landscaping. Mr. Wallace stated they will put in the landscaping and the sidewalk. There is also a side walk to the North of the property that they will hook up to.

Commissioner Carpenter stated that some of the people using the Food Bank use public transportation will the bus stop there? Mr. Wallace stated he is not sure exactly where the bus will stop but they do have a stop behind the Theater and they could pull into the Food Bank parking lot. Commissioner Hoth asked Mr. Cupples about buildings being within 10 feet of the property line, is that because the city doesn't want people parking in front of the building? Mr. Cupples stated yes. Commissioner Hoth asked if that was something new that came along with the TSP and Mr. Cupples stated yes, that is one of the standards. Vice Chair Dideum stated moving the building back allows the people using the food bank some privacy. Vice Chair Dideum mentioned that maybe the hours could be changed so that people aren't fighting the bus barn traffic. Commissioner Perkel stated that option one would work best for that location.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Perkel made a motion to approve the conditional use under the guidelines that staff has presented and to go forward with option one. Commissioner Carpenter seconded and the motion was carried unanimously.

C.) 14-014SV: A sign code variance request that will allow the Coming Attractions Theater additional sign area so that decorative lighting features can be incorporated into their exterior building facade. The subject property is located at 1026 12th Avenue (6 10 15CA TL: 7900, 8000, 8100, 8600, 8700, 8800, 9000, 9100) and is zoned General Commercial (C-3).

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Patrick Tiland, 3611 SW Hood, Portland, OR; and Al Lane with the Coming Attractions Theater was also present.

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

Chair Romine asked how it was determined that lights and stripes are part of the sign? How did we get to signage? Mr. Cupples stated that based on the ordinance, historically the city has regulated lighting on a building as part of the sign area. That's why with Christmas lights there is a provision that states how long you will have them up and then if they are up longer they can be counted as sign area. Historically it has been treated that way. You could treat these as wall graphics. If you are attaching something to the wall, it would not be considered a mural but could be wall graphic; however, is this going beyond that because it's lighted. You can go the way of a variance and address it that way or because murals and wall graphics are suppose to be reviewed by the planning commission. You can decide which ever way you wish to categorize them.

Chair Romine indicated the issue was opened for Commission discussion.

Vice Chair Dideum was wondering if the light was going to be blinking or on continually. Mr. Tiland stated that it will have a real subtle glow. Vice Chair Dideum asked why the stars and stripes? Mr. Tiland stated that from an entertainment value it brings the customers to us, it says we are a movie theater and we are here to entertain. We don't want it to look like Las Vegas with the lights going over the top.

Chair Romine stated now they have firsthand knowledge of what the coastal environment can do to a building with lack of maintenance. Mr. Tiland mentioned that they also own the Coming Attractions Theater in Astoria.

Commissioner Perkel asked if they were going to remodel the interior of the building. Mr. Tiland stated yes, they already have the building permits.

Commissioner Hoth stated that the problem he has right now is when he reads the definition of a sign it says any permanent identification, symbol or device which is affixed directly or indirectly upon a building, vehicle, structure or land, that directs attention to a product, place, activity, person institution or business that is designed to be seen from a public street or walkway. This may include banners, flags, balloons or other devices. Commissioner Hoth stated that anything that attracts you to a business is a sign. Across the street from the theater is Compass Bank and they have a triangle design that looks like a decorative device to him. According to the definition of a sign, it too is a sign. That means putting wall graphics up is a sign. A variance is not appropriate for this particular request, any business owner

could come in and say that they want to draw attention to their business. What makes them unique and another business not eligible? So giving coming attractions a variance and calling this a sign is inappropriate. But calling it a decorative device and forget about the variance altogether makes the most sense.

Commissioner Dideum stated with her marketing background they are putting up a sign, it is a marketing thing, it draws people in. If it is flashing and it draws people's attention it is a sign. If it is decorative it's a sign. In order to be a wall sign or mural it should not be lit up. The mural on Broadway is a mural not a sign. Commissioner Dideum stated they have two new signs with the word cinema on them. They will be placed on the tower and one will be facing north and one will be facing south. Those are considered signs that go into the maximum square footage. Mr. Cupples stated with their reader board sign and all other signs they may be over maximum sign coverage but we don't have all the numbers at this time to get a grand total of the signage. No matter how you work the wall graphic part of this, and recognizing the fact that the theater has a reader board, a variance should be included. Mr. Tiland stated that the portion of the pylon sign that says Seaside Cinema's is considered a sign, the portion of the pylon sign that says what movies are playing is not considered a sign.

Chair Romine asked, how bright are these lights? Mr. Tiland stated the light is fiber optics and is 20% less than a neon light and you won't be able to see the lights. It would just be a very low glow. Mr. Cupples stated that there are state highway requirements for signage along the highway.

Chair Romine stated that we do need a variance and the discussion will be centered around meeting the criteria for a variance and the special circumstances relating to that needs to be outlined by the document we received. Mr. Cupples stated there are a few ways that this could go, if you want to say the reader board is incidental signage and the plates on the pylon sign are signage and the signs up on the building are signage and the lighting is wall graphics, that would be one way it could work and they wouldn't need a variance. You could say that with all the signage and you want to call the wall graphic signage then they do need the variance. Commissioner Hoth stated that the best way he thinks that this could work is to say that the stars and stripes on the building are wall graphics and not a sign and in this case they do not need the variance, because he would never think of going to a car dealership and counting the balloons as signage.

Commissioner Perkel stated that he feels comfortable calling the stars and stripe a wall graphic and the Cinema signs would be a sign, no variance needed.

At the end of the Commissioners discussion, Chair Romine closed the public hearing. Commissioner Hoth made a motion that they do not grant the variance and consider the decorative features just that. The signs that say cinema or advertising in general and meet the 200 square foot requirement and the reader board be considered incidental and not subject to those calculations.

Commissioner Carpenter seconded the motion.

Chair Romine asked if there were any questions. Vice Chair Dideum stated from a marketing position anything that draws attention to your business is advertising and is a sign. The concern is that this is a wall graphic and the next person to come in wants to put up wall flowers or a spaceship, is that also going to be labeled as a wall graphic? Chair Romine stated that had already been done with a building that was a space ship, so would you call the entire building a sign? Vice Chair Dideum stated the point was well taken, but that would be architectural design and not a sign.

The vote was taken and the motion was carried with Vice Chair Dideum voted No.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: Commissioner Hoth stated the reason he asked for the policy on the feather flag was because while he was at the theater, he noticed across the street at Compass Bank there were 6 feather flags and he thought that the limit was one per business.

Mr. Cupples stated that only applies to the downtown core area and that has not been sent out to the business owners yet. The signage that they have with the feather flags is way over the allowed sign area. They can be classified as a banner type sign.

Commissioner Perkel asked about the development on Avenue S and Wahanna and wondered why it hasn't been developed? He has heard stories regarding sewage and other issues. Mr. Cupples stated that it is Bruce Ritchie's development and there are some issues with the infrastructure of the development.

ADJOURNMENT: Adjourned at 8:45 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant