

# MINUTES SEASIDE PLANNING COMMISSION

## June 7, 2016

**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: Dick Ridout, Steve Wright, Chris Hoth, Bill Carpenter, Bob Perkel, and Ray Romine, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director. Absent: Tom Horning.

**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:** May 3, 2016;

Vice Chair Carpenter 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.) **16-023VRD** is a conditional use request by **Tran Ly Baunach** 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 property is located at **2036 S Franklin (6 10 28AB TL 1300)** and it is zoned **Medium Density Residential (R-2)**.

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. Tran Baunach – owner and Realtor in the Portland Metro area. Tran enjoys Seaside very much and she wanted a home here for her friends and family. Tran will rent it out to offset some of the cost.

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 Ridout asked if this was a vacation rental before. Mr. Cupples state he didn't think so. Commissioner Ridout stated that he did drive in the driveway and tried to turn around but it was a bit of difficult. If the neighbor decided to put a fence in it would be even more difficult. Tran stated that she has changed the parking map for the rental.

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

#### Continuance:

B.) **16-017V:** A **revised** request by **Antoine Simmons** for a variance to the allowed building height and required setbacks at 341 S Prom. (6 10 21AC TL: 11900, 11100, 10900). The property is zoned Resort

Residential (R-R) and the zone currently allows a defined building height of 45 ft. The applicant is requesting to build up to a defined height of approximately 60 feet on the western portion of the property but the apparent height would be approximately 51 feet due to a below grade story. The eastern portion of the building would be setback 3 ft. along a portion of the southern property line and 5' along a portion of the northern interior property line where the zone requires an 8' setback. The northwest corner of the building would be 8 ft. from the Prom frontage. The applicant intends to develop a 48 unit motel. The building will have sloped roofs and numerous dormers and open decks on the westerly facade. The structure would also have a non-habitable tower with a peak height of 80'; however, this type of architectural feature is already allowed an exception to the building height under the ordinance. A number of pre-existing buildings in the surrounding area are close to or exceed the requested building height. The review will be conducted in accordance with Article 7 and Article 10 of the Seaside Zoning Ordinance, which establishes the review criteria and procedures for a Variance.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions. Mr. Cupples stated he wasn't sure if people understood the difference between the Prom and the property adjacent to the Prom, and the Sixth Street undeveloped right of way. The notice that was put in the paper stated that it is 8ft from the Prom frontage. But in reality it is eight feet back from the 6<sup>th</sup> Street right of way which will be 41 feet from the developed portion of the Prom. On paper it looks like the Promenade Condo's were built 20 feet back from the 6<sup>th</sup> Street right of way, on the file where the height variance was requested the plan actually shows that it is 15 feet from the Sixth street right of way. They had to meet a 15 foot setback because that's the setback in the zone because you are not a corner lot. Whereas this property, because it's a corner they need 15 feet on one frontage and 10 feet on the others. They can pick which frontage they want to set back from. Mr. Cupples wanted to make sure that there were no misunderstandings about where this new building would be located. It will not be out past Trendwest/Worldmark. They are requesting a 2 foot variance to the setback. Marlow Hornberger asked if the survey stake that is there is the one that is identifying Sixth Street. Mr. Cupples stated that he is not sure how many stakes got set when they did the survey, they did a bunch of grade stakes, but he is not sure if they set corners. Sixth Street is not a developed street it's a paper street.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Jay Orloff, Tolovanna Architects. Chair Romine asked if Jay could just highlight the changes. Jay stated it seems at the last meeting there were two issues, one was the height of the building and the other was the setbacks. They have brought the front elevation (along 6<sup>th</sup> Street) to 52 feet from the Prom. From 6<sup>th</sup> street height will be the same as the Promenade. If you look at Beach Dr. they meet the 45 feet elevation and will conform to the height. Commissioner Ridout asked if they will have 3 floors? Jay stated that on the eastern portion you will have lower parking, grade parking and then 3 floors. Regarding the setbacks, starting on 6<sup>th</sup> Street, which is considered a side yard they will conform to the 10 ft. setback where they previously requested 8 feet. On the eastern side (Beach Dr.) there will be 13 ft. which is more than the required 10 ft. So they meet their Eastern and Western setbacks (Beach & 6<sup>th</sup> Street). On south east side which is the parking lot of the Promenade, they are requesting 3 feet and the requirement is 8 feet. Commissioner Ridout asked what is currently there? Jay stated 1 foot, and so they are adding 2 more feet. Someone in the audience asked how far from the Prom will they be. Jay stated 51 feet from the Prom. The variance to the setback will be in the eastern portion of the building of the parking area, there will be a 3 foot setback and a 5 foot setback. Commissioner Hoth stated there will be two entrances to the parking, one will enter off of Beach Dr. and the other will enter off of Avenue A. Jay stated they understand that the 3 ft. and the 5 ft. set back are still an issue. With that said they could possibly go with a 3ft. and an 8 ft. which would give them the northern 8 ft. setback requirement for the parking area. Then they would only be asking for a variance to the southern side.

Commissioner Ridout asked where the northern line is currently. Jay stated that the new building will meet the setback on that side. The width is dependent on the parking. Chair Romine stated that the most northwesterly portion is almost on top of the existing building. Mr. Cupples stated that on Beach Drive side of the property they are compliant. He also stated that this is an L shaped building and the portion of the building that went east west has been dropped down to comply with the height restriction, but you have more height when you get to the north south portion parallel with the Prom and that's the part that is going to be set back 8 feet along the south property line next to the Promenade. The height of the building as the ordinance would define it, it would still use the Beach Drive elevation for the lowest point to start measuring the height.. Commission Hoth stated if they were in full compliance with the height requirement and they were at 45 above grade at the northern most point, and the building ran directly straight across without any change in height; the actual physical height would be 37 feet, but they are asking for a height of 52 feet. Jay stated that the change in the slope of the property makes it difficult. Commissioner Hoth stated that if the lot was flat from where the back of the building is then you

would be complaint. Jay stated yes, it's the change in slope and the additional floor, and that is why they are asking for the additional 7 feet in height.

Vice Chair Carpenter asked Mr. Cupples about moving the north wall, the parking structure, in by 3 feet. What will that do to the parking spaces and the ability for people to back out? Mr. Cupples stated that his professional opinion is it will make it so that you cannot get in and out of the spaces. He mentioned in the staff report, that although there are standards to support the architectural firm, they did submit information from Portland where they are actually allowing 20 foot isle and 16 foot long spaces. But if you look up information about parking garages and structures that is not an accepted standard. What you want in a parking structure is for people to want to use the space. If you make the spaces small and narrow people don't want to use them. There are lots of literature that is allowing 8 ½ foot spaces and with a one directional traffic flow you may be able to do that. But if you were going to use the perpendicular pull in design you need adequate back up space and you need the 18 feet. Unless of course you go to the compact car parking space. Vice Chair Carpenter asked Mr. Cupples if he could define those spaces that are going to be restrictive as compact only. Mr. Cupples stated that yes you can and that is what we would be asking the applicant to do. He thinks that the ordinance states that you can go as high as 60% compact. In some literature the standard size vehicle they use is a Ford F150. If there were places you thought were going to be tight and you could get compact spaces in there then put larger spaces elsewhere, but he didn't know if there were enough larger spaces to make up for what you have in small. Jay stated that a standard stall is 9 x 18 and a compact stall is 8.5 x 15. As it stands right now with the setbacks they have a 3 foot and 5 foot, they are looking at an 18 foot stall and a 22 foot isle. That is two feet off the standard isle, which they can do with the 3 feet and 5 feet setback. If they make the setbacks 3 and 8 feet then they are looking at a compact situation, the stall would be 15 and the isle would be 22. They can meet the quota for compact. Jay stated that the spaces are in between concrete pillars. Commissioner Ridout asked if there were going to be any expanse of open area. Jay stated no, there are going to be concrete beams. Mr. Cupples stated that up to 30% of the parking can be compact, our ordinance states that a compact parking space is 8 x 16. If more than 30% is compact then it is up to planning commission to review and in no case shall compact spaces exceed 60%. Jay stated that if they are required to go with compact then they will require 39% of the parking be compact.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Antione Simmons 341 S Prom, Seaside. He wants to thank everyone for coming out and stating their views. That's what this is about. He wants to tell people a little bit about himself and his family. They have lived here for 17 years. He raised his three children here. This is his home, they are trying to improve the area. His kids do the housekeeping and his wife is in charge of the overall housekeeping and he is the General Manager. This is a family run business. They took a look at everything that they went over last month and tried to look at everything. They wanted the 8 foot setback against the Promenade Condo's but they really want the 3 to 5 foot variance off of the parking lot. He understands Averl's concerns.

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. Avrel Nudelman 340 Beach Dr. Just north of the parking structure that Antione wants to build is too close. There will be no natural light if Mr. Simmons is allowed to do this. He has been here for 60 years and it will change the enjoyment of his property. Commissioner Hoth stated that the setback will be 5 feet. Avrel stated that the parking will be too close to his house and it will affect the lighting in his home.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Marlo Hornberger 361 S Prom #403. If this gets approved they will be looking right into his unit. It will ruin his view, it puts his unit in the shadow of a 5 story building. This will also affect the property value of all 5 units on the north end of the Promenade building. With only 16 feet between the buildings it is still too close. They have a concern about the rain water running off onto their property. When they built the Promenade they wanted to go out to where the Sand & Sea was, but that was denied. They want to keep their view. Even with the 8 foot setback they will still be able to look right into the units of this proposed new building and vice versa. Trendwest/Worldmark is across the street from the Shilo and they have 50ft. Chair Romine stated that he understands his concern but this happens all the time. Marlow stated he doesn't see it along the Prom at all. Chair Romine stated that it's increasing density it's part of moving forward. Marlow stated that the Pearl has 48 units with only 51 one parking spots, that's not enough parking. The larger penthouse units will have at least 2 cars per room - where are they going to park? In the summer Avenue A is jammed packed with cars.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Mark Oling, Unit 303 at the Promenade and unit 108 at the Sand & Sea. If he were going to describe this project it is like shoehorning a way too big of a project into a small lot and it is making the south side of the

Promenade uncharacteristic to the remainder of the south side of the Promenade. It is causing concern to all the property owners to the south and Mr. Nudelman to the north. It is also going to create an excessive parking problem along Beach Drive and Avenue A. When the Hood to Coast comes to town they all have these large SUV's and there will be no parking for them. The ordinances are there for a purpose and there are no extraordinary circumstances in which to grant these variances other than the fact that they want to build a big building. It has nothing to do with the community and nothing to do with their neighbors. He believes that the ordinances should be observed.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Charles Aggel, 304 Promenade Condo. He would like to ask the owner if the floor plan can be changed. Charles asked if it was possible to cut the two units back into the building. That way it wouldn't be cutting their view.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Steve Mazels, unit 204 at the Sand & Sea. He represents the HOA at the Sand and Sea and is also on the rental committee. His family is one of the original owners at the Sand and Sea and have concerns that this project will impact their view, and from the rental stand point it's going to impact the people who want to stay there and it will impact them financially. They do not want any variance.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Hugh Bishoff, 26 Avenue A, Resort of Seaside (Trendwest/Worldmark). He is the General Manager. He is glad that something is going to be done with the lot. It's an eye sore and he's tired of the trash. The height of the clock tower is one of his concerns it will affect the property owners in his building and the parking is an issue. From his experience very few people who rent or stay in a unit that has more than one bedroom bring one car. A two bedroom unit might have two or three cars. Those are certainly going to spill over into the streets and the parking garage and it will affect the property owners here tonight. Especially on Hood to Coast or any other activities the vehicle type does change with the type of event. While there are aspects of this he's in supportive of, there are a couple of items that will be very challenging.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Erin Barker, 800 N Roosevelt, Beach House Vacation Rentals. She manages 9 units at the Beach Club and she knows that Maggie's on the Prom is very close and they have two condos that they manage on the south side of that, she wanted to know how far apart they are. Erin wants to also know what the parking ratio is for motel rooms. Mr. Cupples stated that for motel rooms there needs to be one parking space per unit plus one for the manager. If they have 48 units then they need 49 parking spaces. Erin asked how many 1 bedroom and 2 bedrooms are there. Antione stated they are all studios.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Susan Calef, 25 Avenue A, Seaside. This home has been in the family for 100 years. What are they going to see? There is no picture of that. They are concerned about the safety. When this was a parking lot people have run into their home and left a large hole in it.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Chris Hardy, Unit 503 at the Promenade, North end top floor. He wants to know where the overhangs will go, will they overhang the Promenades property? Mr. Cupples stated that the setback is the vertical wall of the building, architectural features can project 30 inches into a required side yard. In the front yard they can project up to 4 feet. The Gilbert Inn is across the street from the Promenade and Antione has come to them and asked if he could use the parking from the Promenade and they said no. Mr. Hardy is against any variances.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Natalie Mazels on the Board at the Sand & Sea. Stepping out in front of the Promenade there would be a loss of value to the Sand & Sea and to the Promenade Condos. They lose part of the view to the north and parking is very important. They have trouble trying to maintain their parking as it is. They will have to hire someone to monitor their spaces all the time. This is too big and should set back like the Promenade. She is against any variances for this property.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Pat Golding, She has a unit at the Promenade and the Sand & Sea. This is a small group here tonight, but if you would have been at the homeowners association meeting you would know how the people feel. There were at least 100 people at their last meeting and many of those people couldn't make it here tonight. The consensus is that they feel the ordinance is there for a reason and there is no reason for this variance.

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

Chair Romine stated it was time for Jay or Antione's rebuttal. Antione stated he has been in the business for 17 years. Currently he has to stand out there and keep people from parking in his parking lot. Parking has been a problem especially with Hood to Coast. Regardless of what they do those

people are not going to stop coming to Seaside. It's the nature of being a tourist town. Parking is a battle during the peak summer months. They will be following the parking requirements with the one to one ratio plus having the extra parking for the manager and employees. There will also be two ADA parking spots which is required by code. If we can use the 39% compact to reduce the overall width to increase the side yard setback that would be good. Vice Chair Carpenter asked about the 3 foot setback from the Promenade, if they had went to a zero lot line which was originally proposed, why did they chose the 3 foot setback? Antione stated that was after the meeting last month and they listening to everyone's concern and trying to come to a balance with everyone. Right now it is almost right on the line and they wanted to give some space between the buildings and make that foot print work with the parking. This is a work in progress and at best they won't begin building until October 2017. Someone from the audience stated that it is irrelevant when it's built, once it's built it's built. His question was why do you need a variance at all? Antione stated that they need the variance for parking. There are a lot of buildings in the area that are large and he think it's about feasibility too. The numbers need to pan out so that they can pay for it.

Commissioner Hoth asked about that, why do you need x number of units, which drives the parking. Where do you get to the point when you say if we can't do this it becomes too much. Antione stated that there is a lot that goes into this and he's got all kinds of statistics that say this is what you need in order to recover your cost. This is the largest thing he's ever built. The Holiday Inn type room roughly cost \$90,000 to build per room. If they did that type of room they are looking at a cost close to 5 million. It's all figurative right now. Chair Romine stated that it's all numbers, what's the return on investment at the end of the day you can't build 4 units at 5 million dollars and expect a rate of return. Antione stated and that's not even included in the cost of the land.

Commissioner Wright asked about the NE corner of the lot there is some parking spots that are dedicated to your lot, what happens to those? Antione stated that there are ten spaces there and they will continue to be parking. So the new building will have the 41 and then with these 10 spots that brings their parking to 51. Commissioner Wright stated that they look like they are very big spots that you could dedicate to the large trucks. Antione stated that was their goal, if you look at the parking that they have now, people back into the rooms all the time.

Pat Golding asked how many hotels do they have. Antione stated they have the Gilbert Inn across the street, then in Cannon Beach they have the Blue Gull Inn which has 14 rooms and The Inn at Haystack Rock which has 9 rooms. They plan on selling those two and that is what will fund this new project. Then they will just have the Gilbert Inn and the Pearl, then eventually sell the Gilbert Inn and just have the Pearl. Someone in the audience asked if they had considered putting parking where the Gilbert Inn is. The audience went wild saying that the Gilbert Inn is a historical building and Antione stated there was no way he could do that because it's a historical masterpiece. Commissioner Wright said thank you very much for that, speaking as the Historical Museum's President.

Jay Orloff stated that if the commissioners were on the fence, they would like to ask for a continuance. Chair Romine stated that the height of the Sand & Sea which is in the same zone is pretty tall. Mr. Cupples stated that it is 64 feet tall. Chair Romine stated just for clarification this project doesn't need a variance to the set back from the Prom. Mr. Cupples stated from 6th street. So the building will be 41 feet from the Prom. Chair Romine asked what the current setback is for the Promenade. Mr. Cupples stated that according to the survey it is 20 feet but it could be 15. Marlow Hornberger stated that he thinks it is 15 feet. Vice Chair Carpenter asked what the setback is for the Sand & Sea because it looks like it's out further than the Promenade. Mr. Cupples stated that he thinks it within a foot of 6<sup>th</sup> street. Chair Romine stated then it is roughly 30 feet from the Prom. Mr. Cupples stated that he is just going from memory of looking at a survey and it appeared that the Sand & Sea was extremely close to the 6<sup>th</sup> street right of way. Commissioner Wright showed an overview of the area and it shows that the Sand and Sea is set back quite a ways but it is farther out than the Promenade. It is set back, but it is definitely more forward than the Promenade Condos. He was wondering if there was a way to have a study done for site lines to see if it does anything to the site lines for the Sand & Sea. Some people in the audience stated that he could come up to their unit. Commissioner Wright stated that a lot of the audience members think that it is going to be pushed way out to the Prom and it's not. It is going to be in line with the Sand & Sea and the only view that it may block is that of the Trendwest/Worldmark building. Chair Romine stated that the site line doesn't matter. Commissioner Wright stated he understands that but they may want to have someone do that. Some in the audience asked why do they only have a 10 foot setback and a not a 15 foot setback like the Promenade. Mr. Cupples stated because they have a corner lot and instead of getting penalized for two property frontages they are allowed to consider one a street front and the other one is a street side yard and a side yard setback is 10 feet and the front yard setback is 15 feet. Chair Romine stated along those lines if you look at the Sand and Sea and their frontage in today's zone they would have to be 15 feet. Mr. Cupples stated that

he doesn't know what zone that was in when it was built, but in today's zone it would be too tall, and it doesn't meet the setbacks so it is a nonconforming structure.

Vice Chair Carpenter stated that a lot of the discussion is the blockage of view, and he personally doesn't see that there is going to be a blockage of view of the Turn Around and maybe a blockage of view of Gearhart way down the beach but Trendwest/Worldmark actually takes up more of the view than the Pearl of Seaside.

Commissioner Hoth stated that change happens, people develop lands, we build things hoping that we will always have the view and then someone comes along and blocks the view. It's the nature of the world. He's done it, it's been done to him and it's going to happen. If Antione builds completely within the guidelines he can build it anyway. When it comes to variances he has a hard time sometimes granting these. What he gets hung up on is, what are the unique circumstances of this request from other hotels? For him, this one does have a unique circumstance because of the homes on the lot. If this was a square lot we wouldn't be talking about this. Sand and Sea has a nice square lot, the Promenade and Worldmark have nice square lots. This project is different, he has an extra problem to deal with because of the shape of the lot combined with what he has to build he has to make it feasible. Commissioner Hoth stated that he hasn't made a decision yet but there are unique circumstances. Antione's request is reasonable. The Sand and Sea homeowners are concerned about looking down the Prom and the view. Antione's setbacks from the Prom do comply with what is required. What does cause concern is the height of the building. The clock tower is not a part of this because it's an architectural feature. People have legitimate concerns. The builder has a unique condition that he has to deal with which allows him to ask for a variance.

Mrs. Golding stated ordinances were made for a purpose and she would hope that the commissioners would respect the ordinances that are in place. Commissioner Ridout stated that a concept of a variance is so the planning commission can vary from the ordinance if they feel that is within the best interest of Seaside. One of the things he thinks about when they are looking at varying from the ordinance is, does that fit the location where you are at, the neighborhood or whatever. He doesn't see a problem with this because of the similar height of the buildings in the area. Unless we make some sort of consideration for height and setbacks this property is not developable. He tends to want the right things done and he wants it to turn out to be a good project. He doesn't have a problem with doing variances. That is one of the responsibility that the planning commission has is whether or not to do variances in specific situation. Having variances is following the ordinances, there are ordinances guiding the planning commission toward variances.

Chair Romine stated that he agrees that is why they are listening to this.

Commissioner Wright stated he is more concerned with the homes that are there, and how close this is to them. The differences between 3 feet, 5 feet and 8 feet is not a lot. Regarding the height, this is going to be high no matter what. He would like to see what the back side is going to look like too. If there is something you can do or make some assurances to the homeowners that there won't be any damage to their properties and they will still have full access to their property. The other variances seem pretty reasonable to him. The big one was the variance out front (6<sup>th</sup> Street) and being as they changed that and it now meets the ordinance then it is fine.

Chair Romine stated that there was a 6 foot variance for the Promenade condos that was approved. He just wanted to make a point that there is a history of granting variances in the area. This is a transitional zone and it is transitioning to be more commercial.

Commissioner Hoth stated that he is not ready to make a decision. Chair Romine asked Commissioner Hoth what is it exactly he wants to see them do, so they know what to come back with. Commissioner Hoth stated they mentioned something about compact parking and maybe if they brought in plans that showed that maybe they can rearrange things. If they come back and say that is the final drawing then he'll be ready at that time to make his decision, but he would like to give them one last opportunity. Chair Romine stated that the parking issue is not a height issue, it's a size issue and we if make them go smaller this could kill the project. The two things that he has heard tonight was the view and I don't like the building because it's going to block my view and parking. If we make the foot print smaller then we make the parking tighter. Commissioner Hoth asked Jay if at this moment they are 100% certain that this is what they need and no more changes can be made and they are completely inflexible then he would be prepared to act tonight is that the case? Antione stated the he would like more parking space with the 5 feet and the 3 feet, but if that is an issue then they could reduce the size down and their hope is to have people have the space to turn around. Chair Romine stated that Portland travelers come over in SUV's let's face it. They are not compact cars. Commissioner Ridout stated that he thinks following the same foot print on the south side, they have gone to a 3 foot and he doesn't have an issue with the building using the same foot print of the structure that is there. Chair Romine stated that is a very good point. In his experience if you are building on top of an existing wall there is no set back variance required to rebuild that as long as 2/3 or 3/4 is still there. Mr. Cupples stated the way the

ordinance is written is if you are rebuilding on an existing wall and you are building back exactly what was there then yes you can build with the existing envelope. But if you are going from a one story building to a 4 story building then especially with this building there are variances that you need to go through to do that. Chair Romine stated that in this part of town zero lot lines are common. It's not that uncommon. Mr. Cupples stated that we are dealing with the massing of a building that is significantly different than what is currently there. We had people at one of the council meeting that who were all upset because someone put a two story shed in the backyard and all the structures around it are basically one story structures. This person went up well below what the height restriction is and the neighbors are carrying pitch forks. Commissioner Ridout stated his thought is if they gain an extra two feet does it do anything to the parking, or move the whole structure two feet to the south. Chair Romine stated they wouldn't meet the setback to the north because then it would be too close to the house. He doesn't understand why they came in volunteering to move it in three feet because he probably said go up with what you have now and he would have been happy. Chair Romine stated that without seeing the building plans he doesn't know what their overhangs are and they are typically a foot to 18 inches past the vertical wall. Commissioner Ridout stated obviously you don't want the eaves to go over the property line. Marlow Hornberger asked for clarification on the Prom setback. Jay Orloff stated that they are at the 10 foot side yard setback and they are allowed 30 inches into that 10 feet. Chair Romine stated that the foundation wall is 10 feet. Commissioner Hoth wants them to be a little bit more clear on what they need.

Commissioner Ridout made motion to continue this until the next planning commission meeting scheduled for July 5th. Commissioner Hoth seconded and the motion was carried unanimously. Mr. Cupples stated that the next meeting will be July 5<sup>th</sup>, 2016 here at the council chambers.

**ORDINANCE ADMINISTRATION:** Mr. Cupples stated that we have received the edited flood plain maps and they are going to be doing a presentation next Monday at Clatsop Community College on Roosevelt. The planning commission doesn't have much to say about the adoption of the maps but it does deal with all the flood plain issues. We got some information from Maria Pincetich regarding affordable housing.

**COMMENTS FROM THE PUBLIC.** Erin Barker, she would like to have the applicant's show what was there and then the new proposed plan. She is confused because now she doesn't know what is going to be changing. Commissioner Ridout stated that in the packets is a brief summary of what was proposed for tonight but with everything said at tonight's meeting they will probably come back with something different.

**COMMENTS FROM COMMISSION/STAFF:** Vice Chair Carpenter stated that the commissioners talked about the new motel going in on the south end of town. The de-acceleration lane was discussed at the last transportation meeting, he asked what was the final decision for that development? Mr. Cupples stated that the decision was for the applicant to consider the establishment of a de-acceleration lane and further a reserve lane coming from the north bound traffic. Commissioner Hoth made that condition with the idea that that was supposed to be a stronger discussion than the de-acceleration lane running north. Now, knowing that, and the applicant actually made the offer, and nothing went further on it. The applicant made the offer by saying they would provide an easement to allow for the development of the lane. They still need to come back for a variance, and maybe the Planning Director when he makes the decision for that variance is going to say you offered this, you go through with it, you must at least provide the easement for the de-acceleration lane. Vice Chair Carpenter stated that in the north bound lane the transportation committee is worried about people coming around the corner going 45 miles per hour and then coming to stopped traffic. Mr. Cupples stated that the planning director when he reviews the variance for them to move the building back on the property he can add that de-acceleration lane as one of the conditions. Vice Chair Carpenter asked if they did that then who puts it in? Mr. Cupples stated he was thinking of just making sure that they had the easement space to put it in. He really can't say you have to put it in if ODOT is saying that you can't do it. We have to be somewhat careful because of two major court cases in land use history, if you say that the cost is going to be 5 million you couldn't support the requirement for them to put that in as part of the development. In some cases you could deny the development, but you have to be careful how you do that obligation so we might have to take some serious legal consideration before the condition is finalized, but he can work with the developer on that. Mr. Cupples stated that he had a discussion with the Public Works Director, Dale McDowell, prior to that meeting the de-acceleration lane wasn't required by the planning commission the condition may be put into their variance. Chair Romine stated that Mr. Mead indicated that he wanted to give the land to ODOT so that they will be able to do that in the future. Commissioner Ridout stated that Mr. Mead stated that they would have the land put aside, and you might want to look at it again to see exactly how he worded that. Mr. Cupples stated that he thought that it was going to be a condition of approval and he was writing it up so that he would have it and then it didn't get made so he thought he could put it in the variance. Mr. Cupples also stated that if he is willing to give

it up, that's different than willing to build it, but Mr. Mead thought ODOT was going to make them put it in and they didn't.

**ADJOURNMENT:** Adjourned at 9:07 pm.

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Ray Romine, Chairperson

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Debbie Kenyon, Admin. Assistant