

**SEASIDE PLANNING COMMISSION AGENDA**  
**989 Broadway - City Hall Council Chambers**  
**February 5, 2013**  
**7:00 p.m.**

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** December 4, 2012
6. **PUBLIC HEARING:**

**A.) 11-031CU: EXTENSION REQUEST OF:** A conditional use request by Harry Henke that will allow the development of a 45 unit apartment complex on the property former 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.

7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:** Elections of Officers
10. **ADJOURNMENT**

## **MINUTES SEASIDE PLANNING COMMISSION**

### **December 4, 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, Chris Hoth, Bill Carpenter, and Dick Ridout. Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director. Absent: Steve Winters, Tom Horning

**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 October 16, 2012 minutes; Commissioner Carpenter made a motion to approve the minutes as submitted. Commissioner Dideum seconded. The motion was carried unanimously.

#### **PUBLIC HEARING REQUIREMENTS:**

The following public hearing statements were read by Vice 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.) 12-037CU:** A conditional use request by the City of Seaside. The subject property is located at 1821 N Franklin (T6 R10 16AD, TL: 4700-4900) and it is zoned residential medium density (R-2) and Open Space Parks (OPR). This request is to construct a 150' X 64' metal sided building to house a belt press and dryer to process the cities biosolids.

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

Vice Chair Romine asked if there was anyone who would like to offer testimony in favor of the request.

Neal Wallace Public Works Director, 1387 Ave U, Seaside. This would benefit the City. What we are proposing to do is get rid of an archaic process of lime stabilizing of our sludge. When material comes into the sewer plant and is processed we have two streams in which it leaves the plant. One is the effluent which has been treated and then is released into the river and it meets and exceeds all the DEQ and EPA requirements. The other stream is what is left, the sludge, the biosolids. Since 1993 the city has been disinfecting that sludge by lime stabilization. They add lime to the sludge and it brings the PH level up to a 12 and maintains that level for 24 hours. Then they can take that sludge and land apply it. Typically they look at pasture land that the city owns out on Lewis and Clark, but the farm isn't big enough to handle all the sludge that we produce. It can handle 40 to 50 percent of it. Still when they do that process they are spending lots of time, money and effort in transporting it. The sludge that they are taking out and spreading it on the fields is 2% solids and 98% liquid. What they are proposing to do now with the belt press is to release most of the water from the sludge and then put it into a dryer. When they do this process they will no longer need the lime. The dryer heats the sludge to enough of a degree that it is pasteurized. They will go from lime stabilized, which is a class B biosolids[sic], which is still highly regulated by DEQ, to having a class A biosolids.

There are several places around that do landscaping, and they can mix carbon with the nitrogen and you have compost. That material then can be bagged and sold at our local landscaping supply stores.

But Mr. Wallace is not proposing to get into the compost business, but to supply the nitrogen to someone else who would like to sell that product. There are several communities around the state that are doing this, although they would still be on the leading edge of the curve. The benefit in the local community is in the summer time when the plant is hauling the most, about 6 to 8 tanker loads a day up and down Franklin Street and then off to the various sites. In the winter months they have about one or two tanker loads per week. With the new drying plant the traffic will be greatly reduced in that neighborhood. All and all, this is a banner moment for the City and their ability to make lemonade out of lemons, to take a product that no one has wanted to deal with and turn it into something that can be used beneficially in the local community without having to haul it all around the state.

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

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

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

Vice Chair Romine closed the public hearing and the issue was opened for Commission discussion.

Commissioner Hoth had two questions. One is about the use of the building or the process itself. Does it go through a separate approval process through other agencies? And then the other concern is before when the river course changed and there were concerns of the stability of the land north of the treatment plant. Mr. Wallace stated that yes, any changes that we do to the process has[sic] to have plans submitted to the DEQ and have their approval. [Public Works is] in that process right now but [Public Works does] not see any roadblocks, that they foresee, in that process. The answer to the second question is that the first time the river changed its course a couple of things happened. In 1948 and 1949 the core of engineers did an emergency response to Seaside and put in a substantial rock revetment. None of that is visible today and they had to work pretty hard to find it. Prior to 1960 that area was left to do what it does naturally. In 1967, a local congressman from Gearhart wanted to develop that north spit of land into luxury housing and he mined sand off the main beach in Seaside. He mined hundreds of thousands of yards of sand and deposited them there on the spit, and then put a rock revetment there. In 1993, when Mr. Wallace got here it seemed like that area was pretty stable. The congressman was ordered to cease and desist on a shell fish violation, and got taken to court. The local court said that he couldn't do what he was doing, and he appealed that to the state court. The state said that he couldn't do it either, and he appealed that to the federal court. The federal court ruled that this is a water issue and made him go back to the state. The state still said that he could not do this but did not make him remove anything that was placed there. In the 1940's, when the Corps of Engineers came and did the emergency work, the land was 8 or 10 feet lower in elevation because it hadn't had all those thousands of yards of material moved there. The city did find the original rock revetment and it runs almost from the east line of the sewer plant and continues to the north end of Columbia Street where the parking area is. [Public Works was] told by the Corps in 2003 or 04 as [they] were trying to make sure that that area was protected that that was in place and had not been challenged, and if it were challenged that they would come up with another response. The area where they plan on putting this building is well within the limits of that emergency revetment. So the city feels pretty comfortable in putting the building in that location.

Commissioner Dideum asked if there will be any odor from this process. Mr. Wallace stated that as far as the public is concerned he doesn't believe so. The heating does create steam but there are a substantial amount of scrubbers in the stacks so what comes out should have very little odor.

Commissioner Dideum asked if Mr. Wallace knows where the biosolids will go once we get the plant up and running. Mr. Wallace stated that they will be sending out a proposal to local landscape companies as well as Trails End Recovery in Warrenton to see who has the best to offer as far as using the nitrogen to make the compost. Newberg does this, as well as Sun River, but they do it in a different way and they are both marketing their own compost, which they don't want to do. We would like to just get it off site. Public Works will do a request for proposals from various landscape facilities to see how that will work. From a volume point of view, this is not a huge deal. Mr. Wallace expects to be producing on an annual basis just a few hundred yards of dry biosolids. At a 3 to 3 ½ mixture you might be looking at a 1000 yards of compost. Certainly there would be enough for a local landscape company to do something with and hopefully make a profit and put it to good use. At this point he is not sure who this will be.

Commissioner Dideum asked about the lime stabilization building, will that be torn down? Mr. Wallace stated that the building will be cleaned out and converted into some type of storage.

Vice Chair Romine stated that this process started a few years back, and it is a great project and it's nice to see it finally come forward. Mr. Wallace stated that when they lost their ability to apply the biosolids to the old Earl farm, because the Land Conservancy purchased that land, it became very expensive to get rid of the waste. The Land Conservancy gave the city 5 years to find another way to get rid of the biosolids. The City has gone through the process with the DEQ for having another dump site out on Lewis and Clark Road. That site was approved and a matter of days before they started hauling to that site the neighbors rallied not to have the biosolids spread on the farm and City Council decided not to challenge those folks and not apply on that piece of property. Their cost over the next couple of years skyrocketed because of that. The first year they paid Bravo Environmental 26 cents a gallon to process the sludge, and they do about 2 million gallons a year. The cost when they were taking it out to the old Earl Farm field was roughly 6 to 7 cents a gallon. That's a huge increase. They hooked up with a company, Parker Agriculture, that could press the sludge first and then they would haul to another site. Even with that kind of haul they were looking at roughly 14 cents a gallon. Now, with the new drying system they should be back down to 6 to 7 cents a gallon.

Commissioner Hoth made a motion to approve the Conditional Use as written under the guidelines that staff has presented.

Commissioner Carpenter seconded and the motion was carried unanimously.

**ORDINANCE ADMINISTRATION:** None

**COMMENTS FROM THE PUBLIC:** None

**COMMENTS FROM COMMISSION/STAFF:** A meeting in January is scheduled for the 1<sup>st</sup> but we will move that to the 8<sup>th</sup> if we have something come in. We are cancelling the work session meeting for December 18<sup>th</sup>. On January 8<sup>th</sup>, Dick Ridout and Gini Dideum will not be able to attend.

**ADJOURNMENT:** Adjourned at 7:30 pm.

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Tom Horning, Chairperson

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Debbie Kenyon, Admin. Assistant

## Kevin Cupples

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**From:** Harry Henke <harry.henke4@gmail.com>  
**Sent:** Tuesday, January 15, 2013 12:59 PM  
**To:** <kcupples@cityofseaside.us>  
**Subject:** Re: Approval Extension for 1221 S. Jackson St. property

Dear Mr. Cupples:

Please accept this email letter as my formal request to you and the City of Seaside Planning Commission to extend my approval on the above referenced subject property for the 45 unit apartment project as submitted last year.

The last year proved difficult to obtain construction financing for the project. I am hopeful that I will be able to find acceptable financing and move forward to build the project as discussed. Markets appear to be improving and I am finding some minor improvement in construction financing interest in our area.

Please contact me should you need any additional information or have an questions relating to this request.

Sincerely,

Harry Henke

**SEASIDE PLANNING COMMISSION  
NOTICE OF DECISION**

**Date:** January 25, 2012

**To:** Applicant, Parties, and Previously Notified Individuals

**From:** Kevin Cupples, Planning Director

**RE:** A conditional use request by Harry Henke that will allow the development of a 45 unit apartment complex on the property former 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.

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**PLANNING COMMISSION DECISION:**

On January 3, 2012; the Seaside Planning Commission conditionally approved the above referenced requests in accordance with the provision in the City of Seaside Zoning Ordinance.

The Commission's decisions were based on the oral and written testimony provided during the hearing, the information submitted by the applicant, and the staff report.

In addition to the findings, justification statements, and conclusions adopted by the Commission; the request was approved subject to the applicant satisfying the following condition(s):

**Condition 1:** The applicant must provide an engineered drainage plan that indicates how the existing and proposed drainage facilities will accommodate storm water runoff from the parking lots and roof drains. The plan would also need to address water quality measures, maintenance, or outfall modifications necessary to accommodate drainage from the development. The plan must be approved by the Public Works Director and it may incorporate new drainage facilities within the public right of way in an effort to accommodate the volume of run-off. The final desing must prevent water from ponding on site and within the adjacent public right-of-ways.

**Condition 2:** The applicant must provide detailed designs for street and sidewalk improvements associated with the development. This would include information about

the installation of sidewalks where required under City Ordinance, handicapped access at abutting intersections, catch basins, and cross sections & design information about the new portions of street that will be extended along South Jackson and the east end of Avenue N. The plan must be approved by the Public Works Director and it may recognize some of the private sidewalks as public facilities through the establishment of appropriate easements.

In lieu of full development of Avenue N at this time, the plan could limit vehicular access to "fire apparatus only" with a future obligation to develop the north half of the street once access to Highway 101 and the improvements to the property south of Avenue N are planned. Such a delay would require establishing a reasonable amount of dedicated funds along with a mechanism to complete the improvements in a timely manner that is acceptable to the Public Works Director.

**Condition 3:** The applicant must provide a detailed exterior lighting plan. The plan must document that all exterior lighting fixtures will be designed so that glare will not adversely impact the neighboring property owners or the surrounding environment. All exterior lighting must be shielded, screened, or otherwise provided with cut-offs in order to prevent glare or direct lighting that will adversely impact the adjacent street or the neighboring properties.

**Condition 4:** The applicant must install a wooden site obscuring fence not less than 5' in height along the northern portion of lot 2. The height of the fence would need to be reduced in the visual clearance areas to avoid creating a hazard at the street intersection.

**Condition 5:** Bike racks, garbage, and recycling facilities appropriately scaled for the proposed use must be incorporated into the proposed development plans.

**Condition 6:** Minor modifications to the applicant's proposed plan must be reviewed and approved by the Planning Director. These could be required in order to comply with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to any final approval.

**Condition 7:** Pedestrian access into the facilities will follow the site plan reviewed by the Commission during their January 3<sup>rd</sup> meeting; however, the pedestrian access to the central unit on lot 1 must be extended in order to provide connectivity with the sidewalk adjacent to Jackson Street. The tree indicated on the site plan in this area will need to be relocated to allow the connection to be developed.

Although they are not conditions of approval, the following is a reminder to the applicant.

- The conditional use will become void one (1) year from the date of decision unless the permit is not utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance such as erosion control provisions and any other applicable City of Seaside Ordinances.

## **APPEAL PROVISIONS:**

The Planning Commission's decisions may be appealed in accordance with Section 10.068 of the Seaside Zoning Ordinance which states:

Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council within fifteen (15) days after Notice of Decision is provided pursuant to Section 10.066. Written notice of the appeal shall be filed with the City Auditor. If the appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation on it from the Planning Commission and shall hold a public hearing on the appeal.

If an appeal is not filed or postmarked on or before the last day of the appeal period, the decision will be final. The appeal must be filed at the Planning Department (located at 1387 Ave. U) or mailed to 989 Broadway, Seaside, OR 97138. The appeal must include the applicable fee of \$625.00.

If you have any questions regarding this decision or the appeal process, please contact the Planning Department at (503)738-7100. The Notice of Decision date and last day to appeal are listed below.

Notice of Decision Date: **Wednesday, January 25, 2012**

Last Day to Appeal: **Thursday, February 9, 2012**



**PLANNING COMMISSION'S FINAL DECISION WAS SUPPORTED BY THE APPLICANT'S SUBMITTED JUSTIFICATION AND THE ADOPTED INFORMATION IN THE STAFF REPORT THE REPORT PROVIDES FINDINGS, JUSTIFICATIONS, CONCLUSIONS & CONDITIONS TO SUPPORT THEIR FINAL DECISION SUBJECT TO THEIR EDITS**

**IF ADDITIONAL FINDINGS OR CONDITIONS WERE ADOPTED BY THE COMMISSION, THEY ARE NOTED AT THE END OF THE REPORT IMMEDIATELY FOLLOWING THE STAFF RECOMMENDATION**

**CITY OF SEASIDE STAFF REPORT**

**To: Seaside Planning Commission**

**From: Planning Director, Kevin Cupples**

**Date: November 29, 2011**

**Applicant/: Harry Henke; P.O. Box 2321; Gearhart, OR 97138**

**Owner:**

**Location: 1221 S Jackson Street; property located on both sides of Jackson Street between Ave. M and N; T6 R10 21DA TL: 8300, 8301, 8500, 8600, 8700, 8800, 8900, & 9000.**

**Subject: Conditional Use 11-031CU & Variance 11-032V; five 9-unit apartment buildings with a parking requirement of 1.5/dwelling unit.**

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**REQUEST:**

The applicant is requesting a conditional use permit that will allow the development of 45 apartment units within the General Commercial (C-3) zone. The request includes a variance to the required number of off street parking spaces from 2 to 1.5 spaces per apartment unit.

The project would redevelop the property former 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 (tax lots 8300, 8301, 8500, & 8600) and Lot 2 on the SE corner of Jackson St. & Avenue M (tax lots 8700, 8800, 8900, & 9000). 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.

**DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:**

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. These statements may be adopted by the Planning Commission to support their conclusions along with conditions which

are necessary to ensure compliance with the Seaside Zoning Ordinance. Although each of the findings or justification statements specifically apply to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

**DECISION CRITERIA # 1: Pursuant to Section 6.031 of the Seaside Zoning Ordinance, all conditional use requests must comply with the specific standards in the zone and other applicable supplementary provisions in Article 4. In permitting a new conditional use or alteration of an existing conditional use; the Planning Commission may impose additional conditions considered necessary to protect the best interests of the surrounding area of the city as a whole. These conditions may include the following:**

1. Increasing the required lot size or yard dimension.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location and lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

**FINDINGS & JUSTIFICATION STATEMENTS:**

1. The applicant applicant's submitted justification, site plan, and development rendering is adopted by reference. The applicant's plan calls for the following:
  - Development of three - 9 unit apartment buildings on the west side of Jackson Street (referenced as Lot 1)
  - Development of two - 9 unit apartment buildings on the east side of Jackson Street (referenced as Lot 2).
  - Each units will include four 1-bedroom units, one loft, and four 2-bedroom units.
  - The site plan identifies areas that will be landscaped, bermed, and swaled.
  - A total of 68 off-street parking spaces will be provided. Ten of the spaces are proposed to be compact and three will be handicapped.
  - The plan calls for improving the eastern portion of Avenue N and the southern end of Jackson in order to provide access into the parking lot.
2. Staff has reviewed the site with the City Engineer and we have identified a number of issues that will need to be addressed in the development plans prior to any construction. These would include but are not be limited to the following:

- Provide an engineered drainage plan that indicates how the existing and proposed drainage facilities will accommodate storm water runoff from the parking lots and roof drains. The plan would also need to address water quality measures, maintenance, or outfall modifications necessary to accommodate drainage from the development.
  - Provide detailed designs for street and sidewalk improvements associated with the development. This would include information about the installation of sidewalks where required under City Ordinance, handicapped access at abutting intersections, catch basins, and cross sections & design information about the new portions of street that will be extended along South Jackson and the east end of Avenue N.
3. Staff has identified a number of potential compatibility issues that are not fully addressed by the applicant and these could be addressed by the Commission through the imposition of conditions. The issues are identified as follows:
- The property north of the development is zoned R-2 and developed with a variety of residential uses. Exterior building and site lighting can create glare that impacts adjacent streets and neighboring residential uses.
  - The adjacent streets used to access the development (Avenue M, S Jackson, & Avenue N) have very narrow right-of-ways (30' in width) and sidewalk development within the right-of ways could further constrain any future widening of the narrow streets. Public sidewalks may need to be developed on the applicant's property and granted public easements in order to provide adequate pedestrian and vehicular access to the site.
  - The proposed street improvements along Avenue N at this time may not be compatible with the future development of the commercial property south of Avenue N and it could encourage additional access from Highway 101 (South Roosevelt). In lieu of full development at this time, the vehicular access to Avenue N could be restricted to fire apparatus only and the applicant's obligation to develop the north half of the street could be delayed until such time the access to Highway 101 and the improvements to the property south of Avenue N are known. Such a delay would require establishing a dedicated fund mechanism for the street improvements in a reasonable amount acceptable to the Public Works Director.
  - The parking lot along the northern portion of lot 2 is across the street from residential uses along the north side of Avenue M. The lights from vehicles parking in the lot will shine directly across the street and impact the residential uses. It will also create a visual impact to residential uses in the neighboring R-2 zone. These impacts could be reduced by the installation of a wooden site obscuring fence not less than 5' in height. The height of the fence would need to be reduced in the visual clearance areas to avoid creating a hazard at the intersection.

- Bike racks, garbage, and recycling facilities are not addressed on the applicant's submitted plans. These facilities are necessary for the proposed use of the property.

### **CONCLUSION TO CRITERIA #1:**

The proposed apartment development will satisfy the applicable development standards and be compatible with the surrounding area provided the following conditions are attached to the approval.

**Condition 1:** The applicant must provide an engineered drainage plan that indicates how the existing and proposed drainage facilities will accommodate storm water runoff from the parking lots and roof drains. The plan would also need to address water quality measures, maintenance, or outfall modifications necessary to accommodate drainage from the development. The plan must be approved by the Public Works Director and it may incorporate new drainage facilities within the public right of way in an effort to accommodate the volume of run-off. The final desing must prevent water from ponding on site and within the adjacent public right-of-ways.

**Condition 2:** The applicant must provide detailed designs for street and sidewalk improvements associated with the development. This would include information about the installation of sidewalks where required under City Ordinance, handicapped access at abutting intersections, catch basins, and cross sections & design information about the new portions of street that will be extended along South Jackson and the east end of Avenue N. The plan must be approved by the Public Works Director and it may recognize some of the private sidewalks as public facilities through the establishment of appropriate easements.

In lieu of full development of Avenue N at this time, the plan could limit vehicular access to "fire apparatus only" with a future obligation to develop the north half of the street once access to Highway 101 and the improvements to the property south of Avenue N are planned. Such a delay would require establishing a reasonable amount of dedicated funds along with a mechanism to complete the improvements in a timely manner that is acceptable to the Public Works Director.

**Condition 3:** .The applicant must provide a detailed exterior lighting plan. The plan must documents that all exterior lighting fixtures will be designed so that glare will not adversely impact the neighboring property owners or the surrounding environment. All exterior lighting must be shielded, screened, or otherwise provided with cut-offs in order to prevent glare or direct lighting that will adversely impact the adjacent street or the neighboring properties.

**Condition 4:** The applicant must install a wooden site obscuring fence not less than 5' in height along the northern portion of lot 2. The height of the fence would need to be reduced in the visual clearance areas to avoid creating a hazard at the street intersection.

**Condition 5:** Bike racks, garbage, and recycling facilities appropriately scaled for the proposed use must be incorporated into the proposed development plans.

**Condition 6:** Minor modifications to the applicant's proposed plan must be reviewed and approved by the Planning Director. These could be required in order to comply with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to any final approval.

**REVIEW CRITERIA #2:** Section 7.031 The property owner must demonstrate by written application that all of the following circumstances exist:

1. The manner in which exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.
2. How literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant, and
4. Evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

**FINDINGS & JUSTIFICATION STATEMENTS:**

4. The applicant is requesting a variance that will reduce the required number of off street parking spaces for the proposed apartment units from 2 to 1.5. The applicant's submitted justification is adopted by reference and summarized below:
  - Topography and wetlands on the easterly portion of the property take up a significant portion of buildable area.
  - The proposed buildings have a significant amount of studio and one bedroom units that will likely house single individuals.
  - Requiring two spaces per unit would further limit the development and provide excessive parking for the proposed apartments.
  - The special circumstances concerning the development of the property are not a result of applicant's prior actions.
  - The city ordinance parking requirements do not take into consideration any particulars associated with a development and it treats all dwellings (single family, studio, and multi-bedroom apartments) the same.
5. It is not uncommon for other jurisdictions to require less than 2 parking spaces for apartment units (e.g. Cannon Beach & Astoria). Some ordinances draw distinctions

based on the number of bedrooms in each unit whereas others make no differentiation at all.

**CONCLUSION TO CRITERIA #2:**

The characteristics of the proposed apartments support the reduction in required parking from 2 to 1.5 per dwelling unit and it will avoid creating excessive amounts of parking that makes poor utilization of development land.

**FINAL STAFF RECOMMENDATION**

Conditionally approve the proposed apartment development of Lot 1 and Lot 2 at 1221 S Jackson and the related variance. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

Although they are not conditions of approval, the following is a list of reminders to applicant.

- The conditional use will become void one (1) year from the date of decision unless the permit is not utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance such as erosion control provisions and any other applicable City of Seaside Ordinances.

*The information in this report and the recommendation of staff is not binding on the Planning Commission and may be altered or amended during the public hearing.*

Attachments:

Applicant's Submittal

**Additional Condition Added by the Commission:**

**Condition 7:** Pedestrian access into the facilities will follow the site plan reviewed by the Commission during their January 3<sup>rd</sup> meeting; however, the pedestrian access to the central unit on lot 1 must be extended in order to provide connectivity with the sidewalk adjacent to Jackson Street. The tree indicated on the site plan in this area will need to be relocated to allow the connection to be developed.

Revised Site Plan & Proposed Improvements:

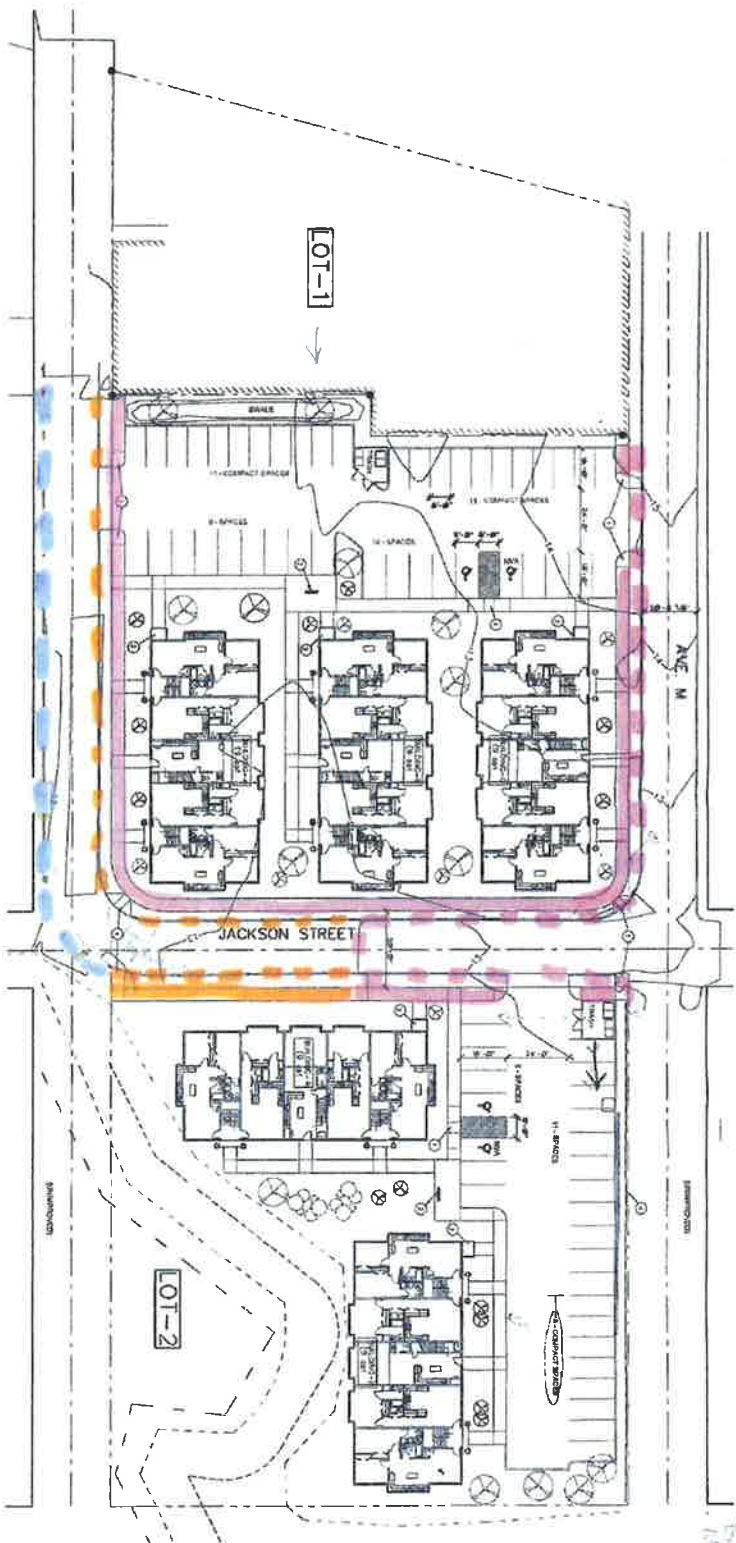
[11-031CU & 32V Site Plan 1.1 12-23-11.pdf](#)

[11-031CU & 32V Site Plan w improvements color coded 1-3-12.pdf](#)

Jan Bid 2/10  
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 Jordset

1 SITE PLAN OPTION A

- PV Director will consider deferment of sidewalk
- PV Director will consider deferment of curbs on 1st street
- Deferment until S property is developed
- Sidewalk improved with development
- Curbs down 1st street improved to fill in



SITE INFORMATION

BUILDING	APTS	CRDS
BUILDING - A	9 APTS	47% F
BUILDING - B	9 APTS	47% F
BUILDING - C	9 APTS	47% F
TOTAL PARKING REQ:	405 STALLS	
TOTAL PARKING PROVIDED:	411 STALLS	
LOT 2 BUILDING - A	9 APTS	47% F
LOT 2 BUILDING - B	9 APTS	47% F
TOTAL PARKING REQ:	27 STALLS	
TOTAL PARKING PROVIDED:	27 STALLS	
<b>TOTAL APARTMENTS</b>	<b>66 APTS</b>	<b>20.50% F</b>

SITE NOTES:

- 1 HANDICAP PARK
- 2 BICYCLE PARKING/SHORT TERM (B)
- 3 BICYCLE PARKING/LONG TERM (C)
- 4 WOOD FENCE

Project: **WALKER SITE OPTION A**  
 Client: **WALKER DEVELOPMENT**  
 Date: **1/15/2024**

Site: **1000 N 1st St**  
 City: **SPRINGFIELD, MO**  
 State: **MO**

Project: **WALKER SITE OPTION A**  
 Date: **1/15/2024**

Project: **WALKER SITE OPTION A**  
 Date: **1/15/2024**



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