

June 9, 2011

MEMBERS: Matt Brown, Paulina Cockrum, Dan Jesse, Sarah Nebeker, Richard Owsley, Todd Schultz and Stephanie white.

GUESTS: Mike McMenamin, Mario Espinosa, Tom Thies, Emogene Sellers, Julie Jesse, Doug Bell, Ken & Nancy Bailey.

STAFF: Sabrina Pearson

Minutes

The regular meeting of the Gearhart Planning commission for Thursday, June 9, 2011 was called to order at 7:00 p.m. by President Matt Brown.

On **MOTION** by Schultz, 2<sup>nd</sup> by Nebeker, the Minutes of May 12, 2011 were approved as mailed. Motion unanimously approved.

The financial report as of June 1, 2011 was as follows:

Planning Commission Secretary Expenses:	
Year to date	4460.16
Balance	(377.16)
Planning Commission expenses:	
Year to date	367.33
Balance	1832.67

On **MOTION** by Jesse, 2<sup>nd</sup> by Schultz, the financial report of June 1, 2011 was approved. Motion unanimously approved.

Brown circulated The Sustainable Communities Magazine for commissioners' review.

Commissioner Schultz stepped in to chair the public hearing.

Schultz read the disclosure statement into the record.

Pearson read portions of the staff report into the record; Applicable Criteria and Description of Request.

Schultz asked if there was any bias or conflict of interest. None was declared. Brown and Cockrum excused them selves to the audience as they own property within the area entitled to receive notice of the public hearing (Section 11.040 B. (2)). Schultz asked if the audience had any challenge to the commission hearing the request or felt any commissioner has any undeclared bias or conflict of interest. None was declared. Schultz asked if any commissioners visited the site and assumed every one had. Schultz asked if anyone had exparte contact with the applicant. None was declared.

Pearson read a summary of the findings of fact pages 1-3 and Overall CU Criteria pages 10-12. She stated the criteria has been met and recommends approval of the applications with the conditions of approval.

Schultz stated per the comprehensive plan the board is charged to preserve the residential character of Gearhart and *requires the Commission prevent the city from become a tourist destination* and asked why it was not addressed in the staff report.

Pearson stated the board is also charged with allowing economic development and commercial zones have been allowed for areas of economic development and the C-2 zone allows for *hotels, motels or other tourist accommodations*. She further stated the request was not being proposed for a residential zone but a commercial use in a commercial site, there is limited commercial zoning in Gearhart and the proposal is not adding to the commercial zone. The request would change the parking requirements from the prior use from 50 to 21 spaces, reducing the commercial use.

Schultz state the comp plan requires protection of the residential neighborhoods from short term rentals.

Pearson stated the request was not a zone change but allowed as a conditional use not changing the character of the residential neighborhood.

Schultz asked if the rooms would be tourist destinations.

Mario Espinosa (applicant) stated not necessarily, it would be to serve the customers, a use that is already there.

Schultz understood the people of Gearhart would not be staying in the rooms but people from out of town would be staying there.

Person stated the C-2 zone is to provide for its citizens and visitors.

Schultz said the *Comprehensive Plan directs* the city from becoming a tourist destination.

Pearson said you could not take one policy out of context including looking at the purpose of the ordinance. A very limited site has been set aside to provide for the visitors and the request is to serve a use already set aside in the ordinance. The proposal has a significant connection to the golf course, not an independent motel coming in.

Nebeker asked if *Pearson* just worked with the applicant to establish the findings.

Pearson noted she did not work with the applicant but reviewed the criteria with the commission at the last meeting.

Nebeker said the commission was not allowed to address anything at the last meeting.

Pearson stated looking very specifically at the findings that would be necessary to show that the criteria had been met. She worked very little with the applicant; she worked with the city administrator to request necessary information from the applicant. As a planner her job is to look at each use and how it fits.

Nebeker said she reads the policies very differently than Pearson and asked if this was the time to discuss the findings.

Pearson said it was important to have the findings support what the commission wants to see.

Nebeker stated at a prior hearing the commission was told they could not look at commercial purposes to make the golf course viable. When the height variance was granted for the building she thinks it was never considered the space could be used for transient housing. When the commission was approached to develop the first fairway to keep the golf course alive the commission could not look at that as a criteria they could only look at open space, historic uses and recreational uses. The commission could not allow a conditional use to allow someone to stay in business. Nebeker felt the commission did not have to support any commercial use the applicant desired.

Pearson agreed and further stated there is no other available site or availability to people coming to the site (golf course). She said the site was accessible, there was no other site that did not require a conditional use and she felt there was no other similar use and it is supportive of the golf course.

Nebeker felt *that either it is* a similar use to what is across the street *or* if across the street is strictly residential it impacts that livability.

Jesse stated the condominiums were not a hotel but vacation rental dwellings.

Pearson looked to see if tourist accommodation were allowed in the R-3 zone, as it is not listed she felt it was not a similar use.

Schultz felt there was a difference in 'similar' versus 'identical' uses and felt the condos across the street were a similar uses.

Pearson asked if tourist accommodations were allowed in any other zone in Gearhart. It was determined the only other similar use was Gearhart Ocean Inn.

Jesse stressed there was a difference between what is allowed according to the ordinance and what is known with regards to individuals renting out their houses for vacation rentals and a hotel is allowed in this zone.

Nebeker asked how many units are in the Inn and further stated they are not always full.

It was noted approximately 12.

Pearson stated the criteria are availability as well as accessibility and asked how far the inn was that for a golf course user to go.

Schultz stated all the criteria must be met.

Pearson said he needed to state which criteria had not been met.

Nebeker asked if the report considered housekeeping, she felt that could be quite an impact and would need to provide additional parking for more than just a manager.

Pearson suggested she ask the applicant the requirement is just for guest rooms and owner/ manager and may affect the number of parking spaces required.

Schultz noted the requirement to read the correspondence.

Nebeker noted the correspondence was part of the record.

Schultz reviewed the major points of the correspondence;

Suzanne Thiel, #669 Gearhart House - stated requiring less parking would only make the parking worse.

Steve Weed, 647 N Marion Ave - request to deny both applications. The application is not supported by the comprehensive plan. He stated the application is actually a conditional use of a conditional use, density has not been addressed, and lessee has a limited interest.

Pearson stated criteria do not address the size of the building.

Nebeker said reality is offices in Gearhart get very low use and are very low impact. When the original variance request was presented to the commission they requested office space not tourist accommodations.

Pearson said it was a matter of what would come into a 5000 square foot building located near a golf course and beach were people hiked and dug clams it is a matter of what is allowed.

Jesse asked what the original variance was for.

Schultz – height.

Nebeker stated it was a hardship since the building had burnt down.

Jesse asked about the conditional use for offices.

Pearson clarified it was not a conditional use; offices are an outright use in that zone.

Jesse asked for clarification if the height variance was so offices could be put in.

Staff reported the variance was so the new structure would look like the old Gearhart Hotel.

Pearson said you would need to ask the applicant how tall the building is. She confirmed *office* was an allowed use. And the original variance was for appearance. She stated the outright uses had a greater impact than the conditional uses.

Schultz said there were long term rental apartments above the Bamboo Room where the current pro shop is located.

Steve Weed, 647 N Marion Ave - negative impact to the predominately residential area, already giant hotel in the area, conditional use would be inconsistent with the Comprehensive Plan, asking about the impact of 21 units on the septic system and increase nitrate levels that would negatively impact the water quality.

Pearson noted the proposal for housing on the 1<sup>st</sup> fairway was appealed, it was to place housing in the P zone – open space.

Jim Brien, Building Official – (responding to the correspondence) as code enforcement officer believed there should be 1.2 parking spaces per room if the applicant could not comply he suggests reducing the amount or rooms.

Sally Bell, 1146 N Marion – more motels not in the best interest of Gearhart, she is concerned about safety, congestion, sanitation and ability to meet the parking requirements.

Mario Espinosa, applicant – noted having 2 meeting with staff for guidance to shape and adjust the program. Project born out of a request not out of greet, McMenamins Corporation is very community orientated and keep properties for years. The project is to create lodging within the existing parameters to maintain the scale of the building, preserve the building history a building dying in economic waste whiles at the same time support the historic golf course. The McMenamins have a formula to make things financially OK and employ local people. The project was developed to provide comfortable, clean, affordable, family oriented facility because of the request. They looked at life safety, fire issues, land use, the information taken from staff to develop the project and as a result the density went down. The project is at ½ the density of the permitted zoning. The reality is seldom will the facility be at full capacity. They prepared a study looking at first what will make the hotel work and then analyze everything from the parking lot to ADA accessibility, they found deficiencies in the building an will clean them up like extending the fire sprinkler to meet existing code, every aspect of the building was looked at with the core purpose to preserve life. Biggest concerns seem to be parking and traffic; traffic should be going backwards after the development and the parking not fully complying with current regulations as far as ADA, circulation and entrances, lighting and the number of stalls. There are currently 3 uses – office area, restaurant and shop. Ordinance parking requirement is for 1.5 spaces per room, the rooms are small and only contain one bed; generally only 1-2 persons per room on a fully occupied weekend, they added doors between rooms to be used as clusters for families. The fire marshal requested improved exits; the building has been analyzed for structural integrity. Not wanting to add a floor to the building the 3 units in the top floor will have skylights respectful of the building. Parking – there are 4 entrances into the property as well as interruption of the bike path. The parking plan has stripping as recommended by staff. Staff recommended 1.2 parking spaces and the development could work with that number, if they were required to have the 1.5 spaces they could easily find the space for the 2 additional parking spaces. Espinosa feels they have met the criteria and complied with the intent of the master plan, the zone allows the proposed development and they have made the modifications on the plans recommended by staff.

Nebeker – asked who owns the site.

Pearson stated Tim Boyle is the property owner and McMenamins is leasing the building.

Mike McMenamain said it was a landlord tenant relationship.

Nebeker asked if this was normal, she thought they owned their other properties.

McMenamin stated they own several properties but normally with larger buildings and multiple tenants it is not possible. He said they were asked to come in and help with the dinning room several years ago and they would love to do some lodging to connect with the history.

Nebeker confirmed they would be doing it as a lessor.

McMenamin – stated yes a 10 to 20 year lease.

Pearson stated in addition to the lease the commission needs to look at what if they leave, look at the design of the structure and the use, they are deficient in 2 parking spaces and the development is all contained in the structure.

Jesse felt the commission could not look at if the structure was owned or leased there job was to look at the design. If it was a new developer and a new structure they could not make a different decision.

Nebeker said *the commission was being asked by the developer* to look at the reputation of the McMenamains and they are a leaser.

Jesse said it did not matter how we felt about the developer what matters is if they met the criteria.

Pearson said this was a good opportunity to talk to the developer and how the design today will hold into the future.

Nebeker said they were asked to consider their reputation.

Espinosa stated that of all the firms they work with there is not one that is more community orientated than McMenamains.

Schultz felt #2 criteria had not been met and asked if the applicant was making the request because people came to him and demanded they put rooms in.

McMenamins said they have had requests ever since they started the restaurant. Tim Boyle, new owner and friend wants to make the property 'real' as far as maintenance and under use, and with the recent consolidation it is a good time to make something happen in the empty space and step the restaurant to a better level.

Schultz asked how he felt about the facility and the similar use criteria.

McMenamins said it is not an easy one with the home rental situation he has no comment. They are ready to go ahead.

Owsley asked if the room rates would be comparable to the rooms in Seaside.

McMenamin estimated \$80 to \$100 in the low season and \$125 in the higher season.

Owsley verified there was not even an electric tea pot in the room.

McMenamin said they were not condominiums; there would be no cooking a TV and a coffee pot.

Schultz asked if there were bathrooms in all of the rooms.

McMenamin stated yes although in some of there facilities there are bathrooms down the hall.

Pearson stated houses are not legally rentable for less than 7 days, city ordinance for short term rental.

Schultz asked about the condo being illegal.

Pearson said the condo may be a pre existing use. Tourist accommodation is allowed in a commercial zone, there is very limited commercial zone.

Schultz asked if there was any testimony in favor of the application.

Nancy Bailey, condo at Gearhart by the Sea, 486 Necanicum, Seaside, Oregon – she is glad it is not like the application in 2001 where they wanted to take away the fairway, she is glad it is in an existing building, does not add another structure or take away what is there. She is concerned about the septic field and water supply issues but realizes they need to meet code.

Ken Bailey, same address – wondering about not having customers go across the street and park, what is the intent. He also goes across the street to play golf.

Pearson wondered why Gearhart by the Sea does not post *their* property (*no parking*).

McMenamin said they could designate parking spaces for rooms and if the rooms aren't rented they could pull the sign and open up more parking spots

Nancy Bailey – felt the plan was more friendly within the city plan.

Pearson offered the parking plat for review. She noted there were currently 53 on site striped parking spaces, and after stripping there would be 124 stripped spaces.

Espinosa - the numbers would be applicable to both parking lots and after stripping he anticipates even more spaces, they are being conservative; the parking plan needs to serve the needs well.

Pearson said the applicant has come in to rehabilitate the building and now they are putting in the parking spaces that should have been there.

Nebeker asked about the number of spaces for housekeeping.

Pearson stated with the 1.5 space pre room they would have had 11 available for housekeeping.

Jesse said housekeeping parking was built in the code and would 2 less spots be a problem.

Pearson asked if parking was doubled would it prevent parking at Gearhart by the Sea.

Ken Bailey – suggested some representative should talk to Paul Tice as manager of Gearhart by the Sea.

Owsley asked if there was designated restaurant and bar parking only.

McMenamin – no.

Nebeker did not think the ordinance considered housekeeping when written; she felt they would need to have several people for housekeeping.

Owsley asked how many housekeepers were needed, 1 or 2?

Espinosa/McMenamin noted parking plans are based on actuarial tables and it is very possible housekeeping would be hired local and be 3 blocks away. Parking is standards for communities all over the country. There are areas they could put more paving down and get the 2 additional spaces, he stated paving is not your friend but they could do it.

Pearson said paving is something that is allowable.

Jesse asked if parking had to be paved.

Pearson said they could be durable all-weather surfaces.

Julie Jesse, 1389 Sea Ridge Lane – she has not heard any reason why the application should not be approved.

There was no testimony opposed to the application.

Testimony was open to those neutral to the application.

Paulina Cockrum, 2186 Pine Ridge Drive, P O Box 2405 – asked if there was any bicycle parking at the establishment and asked if the applicant would consider bicycle parking. She asked if there was designated parking for employees.

Pearson said there were no designations per the site plan but there would be for the rooms.

Doug Bell, 1156 Marion Avenue, #734 Gearhart House – the proposal would be a benefit to Gearhart By The Sea, some customers would rather have cooking facilities and rent a condo while up until now there has been no choice for those customers that do not want a cooking facility. He noted the mortgage deed list the property as

condo/tells a cross section of condominium /hotels. McMenamins would be a draw for everyone across the street; it is an asset and will work well together and compliment each other.

Schultz asked if the applicant would like to keep the record open for 7 days.

The applicant waived the right to keep the record open.

On **MOTION** by Jesse, 2<sup>nd</sup> by Owsley, the public hearing was closed at 9:05 p.m. Motion unanimously approved.

Discussion followed on the type of conditions that could be placed on the application and opposition to segregated parking.

On **MOTION** by Jesse, 2<sup>nd</sup> by White, application # 11-001CU to add and operate lodging units to the existing Sand Trap facility in accordance with Section 3.530 and #00-002V seeking relief from Section 6.130 Off-Street Parking Requirements to allow one parking space pre guest room were approve with the conditions set forth with the findings of fact. Motion approved 3-2 Nebeker – nay, White –yes, Owsley- yes, Jesse – yes, Schultz – nay. (See Attached)

The appeal period will be open for 15 days after the final order is signed.

Nebeker spoke with the Mayor about the planning commission feeling impotent in not big able to move forward with any ordinances because they are not supported by the council. The mayor wanted to talk to the commission. Brown would like the new city administrator and mayor to be at the next meeting to reconnect. He would also like a commission member to be at the next city council meeting to connect with the council. Brown would attend the next council meeting.

On **MOTION** by Nebeker, 2<sup>nd</sup> by Owsley, the meeting was adjourned at 9:35 p.m.

*Cheryl A. Lund*

*August 11, 2011*

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Cheryl A. Lund, secretary

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approved