

**ASTORIA PLANNING COMMISSION MEETING**

Astoria City Hall

April 23, 2013

CALL TO ORDER:

President Innes called the meeting to order at 7:34 p.m.

ROLL CALL:

Commissioners Present: President McLaren Innes, Vice-President Mark Cary, Thor Norgaard, and Zetty Nemlowill.

Commissioners Excused: Al Tollefson and David Pearson, 1 Vacancy

Staff Present: Community Development Director / Assistant City Manager Brett Estes, Planner Rosemary Johnson, and City Attorney Blair Henningsgaard.

APPROVAL OF MINUTES:

Item 3(a): March 26, 2013

President Innes moved to approve the minutes of the March 26, 2013 meeting; seconded by Commissioner Nemlowill. Motion passed unanimously.

PUBLIC HEARINGS:

President Innes described the procedures governing the conduct of public hearings to the audience and advised that the substantive review criteria that apply to each issue were available from the Staff.

ITEM 4(a):

CU13-01 Conditional Use CU13-01 by Larry Cary to locate an eating and drinking establishment, indoor entertainment, and tourist-oriented retail sales in conjunction with a distillery in an existing commercial building at 80 11th in the A-2, Aquatic Two Development zone. The applicant has withdrawn the request.

Planner Johnson announced that CU 13-01 has been withdrawn by the Applicant as he is no longer able to get the location; therefore, this item has been removed from the agenda.

ITEM 4(b):

A13-01 Amendment A13-01 by Rising Tide Enterprises LLC to amend the Astoria Land Use and Zoning Map to rezone an area at 1585 Exchange, 539 - 16th Street and a vacant lot on 16th Street from C-3 (General Commercial) to R-3 (High Density Residential)zone. The Planning Commission's recommendation will be forwarded to the City Council for a public hearing tentatively scheduled for May 20, 2013 at 7:00 p.m. in the City Hall Council Chambers at 1095 Duane Street.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex parte contacts to declare. There were none.

Planner Johnson reviewed the written Staff report. No correspondence has been received other than from the Applicant. Staff recommends approval of the request with conditions.

Commissioner Cary asked if the last approved variance eliminated the requirement for commercial occupancy on the ground floor. Planner Johnson explained that the C-3 zone allows for multi-family units on all floors. The Applicant had proposed a four-plex, which is allowed in a commercial zone, however, a single-family dwelling is

not permitted on the first floor. The C-3 zone would only allow a single-family residence above the ground floor if the ground floor were commercial. A standalone, single-family residence with no commercial use is not allowed in a C-3 zone.

Commissioner Cary noted language on Page 7 discussed rezoning the property from C-3 to R-3 would help preserve it. He asked if this regarded the same fact that no single-family dwelling is allowed in the C-3 zone. He did not understand that a single-family dwelling could not be done in a C-3 zone. Planner Johnson explained that potential buyers of this property are more interested in restoring it as a historic property and using it as a single-family dwelling. There has been little interest in using this building as a commercial or multi-family dwelling. Therefore, the property has not been sold. Properties can only be restored as a single-family dwelling in an R-3 zone. Properties in a C-3 zone can only be restored as a multi-family unit or commercial building. Rezoning the property would provide more opportunities for buyers to use it as a residence.

President Innes opened the public hearing and called for the Applicant's presentation.

Robert Stang, 3834 Franklin Ave, Astoria, thanked Staff for working with them and their neighbors. He explained that as he considered the four-plex, he became concerned. After researching the real estate market, he discovered that buyers are interested in a single-family unit or a duplex, neither of which are permitted in the C-3 zone. He was unaware of those zoning restrictions until speaking with Planner Johnson.

President Innes called for any testimony in favor of, impartial or opposed to the application. Hearing none, she closed the public hearing and called for Commissioner comment.

Commissioner Nemlowill moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and recommend that the City Council adopt Amendment A13-01 by property owners Rising Tide Enterprises LLC, Michael Peterson, and Michael and Emily Henderson with conditions; seconded by Commissioner Cary. Motion passed unanimously.

#### ITEM 4(c):

A 13-02            Amendment A13-02 by Cannery Loft Holdings, LLC to amend the Astoria Land Use and Zoning Map to rezone a vacant parcel from GI, General Industrial to S-2A, Tourist-Oriented Shoreland, at 4050 Abbey Lane. The Planning Commission's recommendation will be forwarded to the City Council for a public hearing tentatively scheduled for May 20, 2013 at 7:00 p.m. in the City Hall Council Chambers at 1095 Duane Street.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex parte contacts to declare. There were none.

Planner Johnson reviewed the written Staff report. No correspondence has been received; however, Staff has received several phone calls of inquiry concerning the change of use with the change in zoning. A repeated question regarded the multi-family dwellings and how that would change. Under the applicant's proposal the site may not be constructed for condominiums; however, because the site is approved for multi-family, a condominium or multi-family rental project could be built. The City does not differentiate between rentals and home ownership; it is just considered multi-family residential. Staff recommends approval of the request.

President Innes opened the public hearing and called for testimony from the Applicant. There was none. President Innes called for any testimony in favor of, impartial or opposed to the application. Hearing none, she closed the public hearing and called for Commissioner comment.

Commissioner Nemlowill asked for more information about the intent of the General Industrial zoning in the area. Planner Johnson explained that originally, the area was a Shore Land zone. The State required the City to maintain a certain percentage of what they referred to as "especially suited for water dependent use zoning." The City determined that 25 acres of "especially suited for water dependent use" was needed. At the time of the analysis, it was determined that this parcel could be rezoned, however the original request was for pure residential. At that time, the State Department of Land Conservation and Development (DLCDC) did not support residential zoning in this area and suggested an industrial or other shore land designation that would allow for

some residential use. Over the years, the nature of the waterfront development has changed. Staff spoke with the DLCD and Oregon Department of Transportation (ODOT) staff who are now willing to support this requested zone change due to changes in the area. Some of these waterfront properties are not conducive to waterfront development. This property sits far enough back from the shoreline and is on the other side of the trolley line. DLCD and ODOT have reevaluated their prior position and do not oppose the zone change. The General Industrial zone was developed specifically for this site and is the only General Industrial zone in the city; however, this area has not developed as the city originally anticipated.

Commissioner Nemlowill believed the developers who built the first condominiums would have appreciated having this opportunity as getting commercial uses on the ground floor has been a problem. Given the residential nature of the development already in place, this zone change seems to be appropriate. President Innes agreed, although she typically does not prefer buildings on any vacant space. She uses the Riverwalk and does not see adding more buildings as commensurate with that space.

Commissioner Nemlowill asked if President Innes would prefer seeing residences or storefronts on the ground floor of buildings along the Riverwalk. President Innes responded that she would oppose any 55-foot building, regardless of what is on the ground floor. She noted the data received from the downtown review which discusses what can be done regarding entry from the city at both ends. Building on this parcel is likely to affect the view corridor for people arriving in Astoria; seeing another building is not as remarkable as a view of the Columbia River. Commissioner Nemlowill agreed.

Commissioner Cary moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and recommend that City Council adopt Amendment A13-02 by Cannery Loft Holdings, LLC; seconded by Commissioner Norgaard. Motion passed by a 3 to 1 vote with President Innes opposed.

ITEM 4(d):

CU 13-02      Conditional Use CU13-02 by 210 Developers, LLC to locate a multi-family dwelling, professional office, and non-tourist oriented retail sales in a future structure at 4050 Abbey Lane in the S-2A, Tourist-Oriented Shoreland Zone. This request is being processed concurrently with Amendment Request A13-02 and is contingent upon approval of that requested amendment.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex parte contacts to declare. There were none.

Planner Johnson reviewed the written Staff report. No correspondence has been received and Staff recommends approval of the request with conditions.

Commissioner Nemlowill asked what could occur on the property if City Council approved the rezone but the conditional use was denied. Planner Johnson replied the Applicant could build the building with multi-family units above the ground floor, which could have any or all of the approved outright uses, including tourist-oriented retail sales, food and drink establishments, specialized food product sales, personal services, indoor family entertainment, small boat building, theatres, and seafood receiving and processing. Professional offices and non-tourist oriented retail sales would not be allowed at all and residential would not be allowed on the ground floor.

Tourist oriented sales involve products of substantial interest to a tourist. A hardware store would be an example of a non-tourist oriented store. Director Estes recalled that the Planning Commission approved a permit to allow H & R Block to occupy space in an S2-A zone. He and Planner Johnson discussed other instances of non-tourist oriented retail sales that were allowed in an S2-A zone. A doctor's office would be classified as a professional office of which the Applicant is requesting one. Attorney's and doctor's offices are professional. Allowing a professional office with the conditional use permit will provide more of a live/work scenario.

President Innes opened the public hearing and called for testimony from the Applicant. There being none, President Innes called for any testimony in favor of, impartial or opposed to the application. Hearing none, she closed the public hearing and called for Commissioner comment.

Commissioner Cary said he supports the application given the work/live situation as it encourages better use of the space. Commissioner Nemlowill did not believe the conditional use request made a difference; she was not concerned about the impact of what is proposed. The bigger issue is the request to rezone.

Commissioner Nemlowill moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU13-02 by 210 Developers, LLC, with conditions; seconded by Commissioner Cary. Motion passed unanimously.

President Innes read the rules of appeal into the record.

Planner Johnson explained that the multi-family building is vested but the conditional use for the professional office and ground floor is not vested because that would be a new use in this proposed building; so the conditional use has a two year limitation.

REPORTS OF OFFICERS/COMMISSIONERS: No reports.

STATUS REPORTS:

Planner Johnson has included status report photographs of the following: V12-08 for 1400 W. Marine Drive. The project(s) is complete and conditions have been met. This status report is for Commission information.

Director Estes noted a work session will be held on Tuesday, May 7, 2013 at 7:00 p.m. where consultants will apprise the Planning Commission on the Transportation System Plan (TSP) Update. The Commission would be later reviewing the TSP when a draft is completed and making a recommendation to City Council.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:21 p.m.

**ATTEST:**

  
Secretary

**APPROVED:**

  
Community Development Director /  
Assistant City Manager