

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
April 22, 2014

CALL TO ORDER:

President Nemlowill called the meeting to order at 6:38 pm.

ROLL CALL:

Commissioners Present: President Zetty Nemlowill, Vice President McLaren Innes, Thor Norgaard, Ron Williams, Peter Gimre, David Pearson, and Sean Fitzpatrick.

Staff Present: Community Development Director / Assistant City Manager Brett Estes, Planner Rosemary Johnson, and City Attorney Blair Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

President Nemlowill asked for approval of the minutes of the February 27, 2014 meeting. Vice President Innes moved that the Astoria Planning Commission approve the minutes as presented; seconded by Commissioner Fitzpatrick. Motion passed unanimously.

PUBLIC HEARINGS:

President Nemlowill explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

ITEM 4(a):

CU14-04 Conditional Use CU14-04 by Brad Smithart to locate an arcade as indoor family entertainment in an existing commercial structure at 1084 Commercial in the C-4, Central Commercial zone.

President Nemlowill asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Nemlowill asked if any other member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Gimre declared that he recently received a phone call from the Applicant who invited him to visit the establishment. He stopped by to meet the Applicant on April 21, 2014 and discussed the type business. They also discussed potentially doing business together. He confirmed he would be able to vote impartially.

Commissioner Fitzpatrick declared a potential conflict of interest and an ex parte contact. He and the Applicant are friends and have had ex parte contact at a recent social activity. He previously told Mr. Smithart that they should not speak about the arcade, as it may come before the Planning Commission. He confirmed that he could vote objectively.

Commissioner Williams declared that he is friends with the Applicant, but they have never discussed the arcade. He believed he could be completely objective.

President Nemlowill declared a potential conflict, if alcohol were going to be involved. She was present to serve as an objective Planning Commissioner and make decisions on behalf of the public. She asked Staff to present the Staff report.

Planner Johnson reviewed the written staff report. Since the application was submitted, Mr. Smithart has applied for an OLCC license to serve alcoholic beverages. Alcohol would not be served until 6:00 pm and minors would be prohibited after 9:00 pm. The Police Chief has requested a continuance of the public hearing to the May 6,

2014 Planning Commission meeting to allow the Police Department time to respond to the appropriateness of this use at this location and hours of operation. She reminded that as a conditional use, the Planning Commission has the authority to limit hours of operation and activities on the site. Staff was going to recommend approval of the request based on the criteria; however, staff now recommends a continuance of the public hearing until the Astoria Police Department has completed their investigation. Correspondence from the Police Department was the only correspondence received regarding the application.

President Nemlowill called for questions of staff.

Vice President Innes noted that the handwritten conditional use application states Don Sloan is the property owner, while the staff report states that Jeffrey and Katherine Bjornsgard are the owners. Planner Johnson believed that was due to the timing in receiving information from the Clatsop County Assessor's Office. She takes ownership information from the County Assessor's records, but she believed Mr. Sloan was the current owner or may be under contract.

Mr. Smithart stated that Mr. Sloan was the realtor. Planner Johnson added the realtor has the authority to sign applications on behalf of a property owner.

President Nemlowill confirmed that certain conditions with regard to the square footage and sale of alcohol had changed since the Staff report was written, which was the justification for the Police Department's request for a continuation of the public hearing. Planner Johnson explained she prepared the staff report after she received notice of the changes, which are addressed in the staff report for zoning purposes. All applications are submitted to the Police, Fire, and Public Works Departments when she first receives them. The Police Department's review of the application was with old information. By the time the Police Chief was aware of the changes, there was not enough time to do research and provide comments at this meeting.

President Nemlowill opened the public hearing and called for a presentation by the Applicant.

Brad Smithart, 1650 9th Street, Astoria, believed there was a misconception about the type of business he would like to open. He is opening a classic arcade, which will consist of pinball machines and 1980s and 1990s Midway Ballys. Hot dogs, ice cream, and soda pop will be served during the day. He applied for an OLCC license, like a restaurant would. If the establishment is not approved to sell alcohol, the business will still be a classic arcade. He is not trying to open a bar; he was opening a classic arcade where kids can play games during the day. However, it is profitable to cater to the over 21 market, otherwise he would close at 9:00 pm as he did not want to be open for children past 9:00 pm.

- The building will have an area for the games. The business will also offer monthly group meetings where the kids will design personal computer (PC) games in a community area to accommodate kids that come during the summer months. Hours will be limited during the winter months so that the arcade is open after school. Although he would like to capitalize on the tourism market in July, August, and September, he hopes to be an area where kids can come and hang out. The interior will be set up with game machines around the outside of the room. There will be no pool or ticket machines, as he would like people to enjoy the classic games without the loud noises or prizes. There will be no air hockey or other competitive games. Monthly competitions will be held to award the highest scorer of a randomly chosen game. The winner will receive a denim jacket embroidered with their name, the name of the video game, and their score. He will also focus on gourmet hot dogs and offer two hot dog specials each day.

Vice President Innes asked if Mr. Smithart planned to offer activities for children who do not have cash. Mr. Smithart stated he would have 15+ games on free play at any given time and a sitting area with PC gaming, which will be free of charge. For example, Minecraft is a PC game on an open source system that allows players to build cities. His son built a replica of his hotel, the Riverwalk Inn, on Minecraft. Players can build a server to host an open source world that accommodates 30 players. Staffing will depend on his ability to serve alcohol. If alcohol is served, he plans to have five or six employees, including a doorman and bartender. He would also have a hot dog steward. Without alcohol, he will have three people on staff. During the summer months, he would like to be open from 10:00 am to 11:00 pm Sunday through Thursday, and from 10:00 am to 2:00 am on Friday and Saturday. He wanted to be open during peak times for the service industry because of the business's location. When people get off work, they will have a place to congregate.

Commissioner Gimre appreciated Mr. Smithart's explanation of his intentions. He was trying to envision how an arcade would be appropriate in the Downtown Historic District. He asked how a classic arcade was different from Fun Land in Seaside. Mr. Smithart explained that Fun Land focuses on ticket machines. Children put tokens into the games in an attempt to win prizes. He already has a 1971 pinball machine, a 1959 game, the original Space Invaders, Pong, and Pac Man, which are skill games. One quarter would allow a good player to play the game for an hour and a half before the game crashes. This business will give kids a place to go. Currently, kids have no place to hang out in Astoria when it is raining or after 6:00 pm. He confirmed adults will feel comfortable in his arcade.

Commissioner Gimre said he was happy to see the application and stated it would be a green property that would implement green recycling solutions and asked for more details. Mr. Smithart explained that being an arcade, there will not be a lot of printed material as everything will be digital or technology based; for example, the menus will be in iPads. The beverage cups and all glassware will be recyclable. The hot dogs will come in a cardboard container, which may also be used themed for décor or contests. He confirmed that garbage cans would be kept inside the building. The business will only utilize a corner section of the top floor of the building.

Commissioner Gimre said he was concerned with the appropriateness of an arcade in Downtown Astoria given its historic nature; however, this will not be a typical arcade. Fun Land in Seaside sounds like a miniature Las Vegas and he did not believe that would fit in Astoria's downtown area. He asked Mr. Smithart about the sounds in his arcade. Mr. Smithart said he honestly wanted to open the arcade so that he could serve hot dogs. There are no good hot dogs in Astoria and this business will allow him to serve hot dogs. The volume on the machines will be turned down and LED monitors will be used to display multimedia art, which he described.

Planner Johnson confirmed that no correspondence in favor of or opposed to the application had been received.

President Nemlowill called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, she called for closing comments of Staff.

Planner Johnson noted that Condition 2 on Page 7 of the Staff report would be corrected to state, "Prior to use of the building, the applicant shall obtain a building permit and/or change of occupancy permit to be reviewed and approved by the Building Inspector to assure that the services are adequate to accommodate the proposed use."

President Nemlowill believed the Planning Commission should grant the request by the Police Department to continue the public hearing until May 6, 2014. She did not believe the Police Department had ever made such a request, nor was it a trend for stalling business or an attempt to stall business. She supported the Police Department's request because this was an isolated case.

President Nemlowill moved that the Astoria Planning Commission continue the public hearing for Conditional Use CU14-04 by Brad Smithart until May 6, 2014; seconded by Vice President Innes. Motion passed 6 to 1. Ayes: President Nemlowill, Vice President Innes, Commissioners Gimre, Pearson, Norgaard, and Williams. Nays: Fitzpatrick.

Staff reminded the Commissioners to be mindful of their ex parte contacts and discussions with each other about this application, as the hearing has been continued. The May 6th meeting would be held at 6:30 pm at City Hall.

ITEM 4(b):

CU14-03 Conditional Use CU14-03 by the Lower Columbia Preservation Society to locate an approximate 1,000 square foot office with occasional transient lodging as a semi-public use in an existing multi-family dwelling structure at 1030 Franklin, #2 in the R-3, High Density Residential zone.

ITEM 4(c):

V14-02 Variance V14-02 by the Lower Columbia Preservation Society from the required 2 off-street parking spaces for a proposed approximately 1,000 square foot office with occasional transient lodging with zero off-street parking in an existing multi-family dwelling structure at 1030 Franklin, #2 in the R-2 Medium Density Residential zone.

(The public hearings for Conditional Use CU14-03 and Variance V14-02 were heard at the same time.)

President Nemlowill asked if anyone objected to the jurisdiction of the Planning Commission to hear these matters at this time. There were no objections. She asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Fitzpatrick declared a possible conflict, as he owns and manages the apartment complex directly across the street from the Applicant's building. He did not believe this would be an issue.

President Nemlowill called for Staff to present the Staff reports for Conditional Use CU14-03 and Variance V14-02.

Planner Johnson reviewed the written Staff reports. No correspondence had been received and Staff recommended approval of both requests with the Conditions listed in the Staff reports.

President Nemlowill called for questions of Staff. Hearing none, she opened the public hearing and called for a presentation by the Applicant.

Ted Osborne, Vice-President of the Lower Columbia Preservation Society (LCPS), 345 Alameda, Astoria, believed Planner Johnson had presented the Staff report well. The LCPS office on Commercial Street is a rental. Moving their office into one of their historic buildings will invite opportunities for workshops. All of the functions in the new office will be enmeshed in a historic building, which is a goal of the LCPS. As the apartments are upgraded, the LCPS will be completely involved in the preservation, which is the intent of the LCPS. The office will be located in Unit 2, which is on the first floor on the east side of the center entrance.

Ann Gyde, President of the LCPS, 398 Alameda, Astoria, confirmed that the LCPS prefers the condition that the permit be limited to guests of the LCPS and not open to the public. Mr. Osborne added that the LCPS would be able to host visitors rather than spending money to lodge them elsewhere.

President Nemlowill called for any testimony in favor of, impartial to, or opposed to the application. Hearing none, she called for closing comments of Staff. There were none. She closed the public hearing and called Commission discussion and deliberation.

Commissioner Fitzpatrick cautioned against moving the office on the second story because it would become a problem for tenants living on the other floors. He would want the approval conditioned that the office use be limited to the LCPS for LCPS business so it does not become a commercial use. There are reasons commercial offices should not be used in residential zones or residential buildings. Over the years, parking on Franklin Street between 10th and 11th Streets has become an issue. The building has eight units and 50 feet of frontage, with no off-street parking and two on-street parking spots. The types of tenants that live in this property tend to walk rather than drive. However, the tenants usually own a car that is parked and remains unused. In the 10 years that he has owned his building, many abandoned cars have been towed. These cars did not belong to his tenants. He strongly believed the cars belonged to tenants in the Francis Apartments. Abandoned cars create

parking issues on the street, especially during a funeral procession. He suggested the parking requirements be waived and require the LCPS to actively manage the parking.

President Nemlowill suggested Condition 2 on page 7 of the Staff report be changed to, "The permit shall be limited to the LCPS office use only and guests of the LCPS, not open to the public, such as with a traditional bed and breakfast." Planner Johnson suggested adding new Condition 5 instead, which would state, "Office use shall be limited to semi-public use of LCPS and not for general office use." The classification of a semi-public use covers this and general office is not being approved.

Commissioner Fitzpatrick explained he wanted to ensure LCPS was clear about what uses are permitted in case someone wanted to rent or share the office space.

The Planning Commission consented to add Condition 5 as suggested by Planner Johnson.

Planner Johnson noted anyone could park in the public right-of-way. However, Code limits parking to no more than 24 hours in one location. Any manager of an apartment building has the responsibility to work with their tenants. Enforcement of parking on a street is done by the police, but apartment managers can advise their tenants of the regulations.

Commissioner Fitzpatrick believed LCPS would be more actively involved if their members and guests had to look for parking each day. He did not want the active management of parking to be a condition of approval.

Commissioner Pearson said he supported both applications. The LCPS has been excellent stewards of multiple properties in the downtown area and he liked to see buildings used as they were intended.

President Nemlowill liked the condition limiting the permit to guests of LCPS. She was concerned about maintaining the character of the neighborhoods in Astoria and supported both applications.

Commissioner Gimre moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU14-03 by the Lower Columbia Preservation Society, with Conditions, including the addition of Condition 5 stating, "Office use shall be limited to semi-public use of LCPS and not for general office use."; seconded by Commissioner Norgaard. Motion passed unanimously.

Commissioner Gimre moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Variance V14-02 by the Lower Columbia Preservation Society, with conditions; seconded by Commissioner Norgaard. Motion passed unanimously.

President Nemlowill read the rules of appeal into the record.

REPORTS OF OFFICERS: There were none.

ITEM 5(a): Amendment A14-01 – Transportation System Plan – Staff will provide a verbal update on the status of the City Council consideration of adoption of this amendment.

Planner Johnson reported City Council unanimously adopted the ordinances implementing the Transportation System Plan (TSP) at their April 21, 2014 meeting. The ordinances will take effect in 30 days. City Council did not make any changes and there was no testimony from the public. The consultants indicated after the meeting that they believed the extensive public review process allowed all of the issues to be resolved prior to the public hearing. This has not been the case in many other TSPs throughout the state. The consultants complimented Staff on their public review process.

ITEM 5(b): APC Special Meeting – May 6, 2014

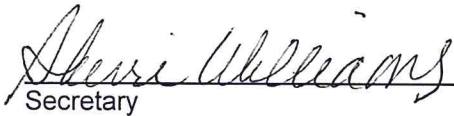
Planner Johnson reminded that a special meeting has been scheduled for May 6, 2014. There are two items on the agenda, including the continuance of the public hearing for Conditional Use CU14-04. The regular meeting on May 27, 2014 will include a public hearing on the Riverfront Vision Plan. Staff would like to keep the agenda for the May 27th meeting open to allow time for the Riverfront Vision Plan discussion.

Vice President Innes reported that the printed copies of the Transportation System Plan could be returned to Staff for reuse and recycling. The document is beautiful and she appreciated that some of it could be reused.


ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:27 pm.

ATTEST:


Secretary

APPROVED:


Community Development Director/
Assistant City Manager