



CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138
(503) 738-5501 • (503) FAX 738-9385

BEFORE THE PLANNING COMMISSION OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT FOR A)	FINAL FINDINGS
CONDITIONAL USE PERMIT TO ADD 16)	AND ORDER
HOTEL ROOMS; CITY FILE #17-003 CU)	

APPROVAL of a Conditional Use Permit to construct a new building with 16 hotel rooms, a golf training room, golf cart storage and cellular equipment by altering and expanding the nonconforming existing golf cart barn structure at the Gearhart Golf Links

Applicant: George Signori
Ankrom Moisan Architects, Inc.
38 NW Davis Street
Portland, Oregon 97209

Property Owner: Gearhart Golf Links, LLC
PO Box 2824
Portland, OR 97208

Location: 1157 N. Marion Avenue; Tax Lot 100 Map 06N103

Completeness: 12-01-16
Notice Mailed: 12-23-16
Notice Published: 12-23-16
120-day deadline: 03-28-16

Exhibits:

- Supplemental Staff Report, 2-2-17
- Application, narrative, site plan, elevations 11-29-16

- Traffic Impact Memorandum, Lancaster Engineering 10-25-16
- Gearhart Fire Chief: see comments and concerns letter dated 12-20-16
- Gearhart Building Inspector: Building code occupancy change, letter dated 12-26-16
- Gearhart Police Chief: parking concerns in letter dated 12-12-16
- Gearhart City Manager: questions on 12-12, 12-14 & 12-29-16 decommission water main
- Letters from Allen Smock dated 12-28-16 , Lisa Cerveney 1-9-17, Elizabeth Brooke, Lori and Dan Thurston 1-4-17 and Susan Edy 2-9-17

Gearhart Zoning Code Review Criteria:

- GZO Section 1.030 Definitions
- GZO Section 3.5 General Commercial C-2 Zone
- GZO Article 6 Supplementary Provisions
- GZO Section 8.040 Conditional Use Review Criteria
- GZO Section 8.060 Additional Modification of Standards for CUP
- GZO Section 10.040 Change of a Nonconforming Structure
- GZO Article 13 Application, Notice & Hearing Procedures

I. FINDINGS

- A. Proposal: The applicant proposes to expand their hotel lodging capacity with a new building compatibly designed with the existing Gearhart Hotel. The new three-story structure (80' x 113') utilizes the foundation of the existing one-story golf cart barn to construct a new building adjoining Marion Avenue. The building includes a virtual golf training facility on the first floor, 16 new guest rooms on the first and second floors, golf cart storage in the basement and mechanical equipment on the mansard roof. The existing roof, beams and a portion of the west wall of the cart barn will be demolished. A new structure will be built that increases the size of the cart barn by 85% for a total area of 13,370 square feet. Two cellular antenna are shrouded within two architectural chimney stacks on the roof and cellular equipment is enclosed by a fence in the parking lot.
- B. Site information: The subject parcel is an established existing 18-hole golf course with an 18-room hotel, a 7,596 SF restaurant and 1,752 SF of office space. There is a 67-space parking lot on the south side of the existing building. The original hotel approval was granted a parking variance to provide 1 space per hotel room rather than the required 1.5 spaces per room.
- C. Plan and Zone Standards: The site is designated Commercial by the Gearhart Comprehensive Plan and is designated General Commercial C-2 by the Gearhart Zoning Ordinance. Hotels, motels and tourist accommodations are a Conditional Use in the C-2

Zone. Office space is a permitted use. The application proposes to alter and expand the existing nonconforming golf cart barn as the foundation for the new structure, allowing the building to be located on the west property line instead of setback 25 feet from the front property line as required by the C-2 zone.

The existing golf cart barn is a nonconforming structure because when it was built it was cited on and partially over the front property line. Subsequent city zoning regulations established a 25 foot setback from the front property line. The cart barn foundation and walls are incorporated into the building in order to retain the nonconforming setback status of the cart barn. A nonconforming structure is defined in GZO section 1.030 as follows:

#123 Nonconforming Structure or Use: A lawful existing structure or use at the time this ordinance or any amendments thereto becomes effective which does not conform to the requirements of the zone in which it is located.

D. GZO Section 3.5 C-2 General Commercial Zone

1. The purpose of the C-2 zone is to provide a broad range of commercial uses and activities to serve the needs of the City and its visitors.
2. Section 3.540 C-2 Zone Standards.
 - a. C-2 Zone Conditional Uses: Per Section 3.530 #8. Hotel, Motel or other tourist accommodations are permitted in accordance with Article 8 Conditional Uses. A public utility (cellular equipment) is an outright permitted use in the C-2 Zone.
 - b. Yards: The front yard shall be a minimum of 25 feet; the rear and side yard shall be 5 feet or the same as in the abutting residential zone. The proposed structure is not near a side or rear property line. The proposed building is located on the front property line in the northwest corner then angles east to an estimated 10 feet from the property line in the southwest corner.
 - c. Height restriction: Maximum height shall be 30 feet from grade. Building Height is defined as “*the vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the highest point of a pitched roof.*” The applicant indicates the height measurements are set to the deck line of the mansard section of roof in the middle of the building. Plan set sheet A3.01 and A3.02 indicate the height ranges from 23’ at the street grade to 32’ from grade of the east elevation. The applicant indicates the average height of the four walls is 29’6” measured at the center of each wall and divided by four. The architectural chimney shrouds for the cellular antenna exceed the 30-foot building height limit.

- d. Lot Area: No minimum requirement
- e. Lot Coverage: No maximum restriction
- f. Off-Street parking: As specified in Section 6.130
- g. Sign Requirements: As specified in Section 6.140
- h. Buffer Requirements: None required because the proposed building has no yard area that abuts a residential zone
- i. Landscaping requirements: None required but planned to be provided

E. GZO Section 8.020 Planning Commission Authority

This section provides that the Planning Commission shall have the authority to approve, approve with conditions or disapprove Conditional Use Permits in accordance with the standards and procedures of the section, addressed below. Oregon courts have found that a listed conditional use is an allowed use subject to conditions of approval applicable to the site and use.

F. GZO Article 10 Nonconforming Uses

Section 10.010 Purpose

“Invariably, at the time a zoning ordinance is adopted or amended, certain uses which existed prior to the adoption or amendment will not conform to the use or dimension regulations for the District. These are known as nonconforming uses, and in order to feasibly adopt the zoning ordinance and so as not to cause undue hardship on owners of nonconforming uses, these uses are allowed to continue under special conditions as outlined in this section.”

The hotel expansion is proposed to be located over the existing cart barn north of the existing hotel and pro shop parking area. The applicant is requesting approval to locate the new building atop the cart barn structure and expand it east to utilize the street frontage and parking areas, to avoid expanding into the golf course and to locate within the C-2 zone boundary.

The existing cart barn is built on and slightly over the front property line. As noted earlier, the front yard setback in a C-2 zone is 25 feet. By utilizing the existing nonconforming cart barn structure, the zoning regulations allow a nonconforming structure to be altered as follows:

10.040 Change of a Nonconforming Structure

Except for signs, a structure conforming as to use but nonconforming as to height, yard requirements, or lot coverage requirements may be altered or extended

providing the alteration or extension does not exceed the area, height, or lot coverage requirements of this ordinance.

FINDINGS: The nonconforming cart barn structure can be altered because it is not being altered or extended in a manner that exceeds the lot area, height or lot coverage requirements of the C-2 zone. Significantly, the above qualification does not include exceeding the “setback” requirement. Therefore enlarging the cart barn footprint by 85% is in conformance with these provisions.

G. GZO Article 6 Supplementary Provisions

1. 6.060 Clear Vision: There shall be a clear vision triangle where all driveways intersect with Marion Avenue per city specifications of 20’ in each direction for a service drive. There will be increased congestion of walkers, bicyclists and vehicles in the entry areas of the hotel. The clear vision requirement should be a condition of approval.
2. 6.130 Off-Street Parking Requirements: A hotel requires 1.5 spaces per guest room plus the office/clinic space requires 1 space for each 300 square feet. Parking spaces shall be 9’ x 18’ for standard vehicles and 8’ x 16’ for compact vehicles. Compact spaces may not exceed 50% of the total.

FINDINGS: A new 46 space parking lot is proposed on the east side of the proposed building. The proposed building is required to have 24 spaces for the 16 new guest rooms and 5 new spaces for the virtual golf training office space, for a total of 29 new spaces. The parking plan as revised indicates there are 46 new spaces in the new lot east of the proposed building. The applicant’s site plan indicates there will be 23 standard spaces and 23 compact spaces (50% each). The applicant does not intend to illuminate the parking lot with light fixtures.

The original hotel was granted a parking space variance to provide 1 space per hotel room instead of 1.5 spaces. There are 67 existing parking spaces adjacent to the existing building. There are also an estimated 21 spaces at the end of the first hole used for overflow parking. The combined existing and new buildings and uses are required to have a total of 125 off-street parking spaces. Deducting the overflow lot, the required loading berth and the on-street spaces from the plans, there are a total of 108 spaces for the entire facility. But the deficiency is accounted for due to the parking variance approved for the original building.

3. 6.140 Passenger Loading Zone: Guest reception and loading for the hotel addition will occur in the area provided for by the existing hotel. Pedestrian access from the

new building to the existing building is provided from a street level entry door along a pedestrian walk to the service drive, which connects to the existing entry drive. All existing on-street parking on the Marion Avenue frontage shall be removed to reduce pedestrian, bicycle and vehicle congestion.

4. 6.140 – 6.150 Off-Street Parking and Loading Provisions: Parking spaces may not be used for loading berths. A loading berth for the new building is not indicated on the original plans, but the applicant provided a revised site plan (1-5-17) adding a loading berth to the north side of the new building. The proposed service drive is 20 feet wide and paved. The service drive and parking stall shall be permanently marked. A landscape or fence buffer from a parking lot is only required where adjoining a residential use.
5. Section 6.182 Excavation, Fill and Grading Standards: The Uniform Building Code Chapter 70 compliance applies to all excavations and fill within the city and UGB. The applicant is required to provide an excavation/grading and fill plan for approval prior to issuance of a building permit.
6. Section 6.195 Preservation and Removal of Trees: Removal of 5 or more trees within a 12 month period requires city approval. The applicant indicates 9 trees will be removed to grade and pave additional parking on the east side of the new building. A tree is defined as a minimum size of 12” diameter at 4.5 feet high. Tree specifications were not provided in the original plan but the applicant indicated on 1-5-17 that all of the trees are less than 9” diameter.

The Planning Commission must approve tree removal based on at least one of the criteria. Criterion C. applies, stating there is a “*necessity to remove trees in order to construct proposed improvements including placement of structures, on-site sewerage disposal facilities, access ways, utilities, the need to make essential grade changes, and other authorized activities.*” The project plan requires grading on the east side of the building in order to provide required off-street parking.

7. Section 6.220 Outdoor Lighting: requires that fixtures be shielded or recessed into the building design to avoid casting glare onto adjacent property or upward into the night sky. A lighting plan is not provided but the applicant indicated wall mounted lights are likely.
- H. GZO Section 8.040 General Conditional Use Review Criteria
Before a conditional use is approved, findings will be made that the use will comply with the following standards:

1. The proposed use is consistent with the policies of the Comprehensive Plan:

The Comprehensive Plan and the Zoning Code designate the subject property for general commercial use. The following Comprehensive Plan policies are relevant to the request to construct a new building for additional hotel guest rooms and office space:

Existing Plan Policies

- a. The City will limit commercial activity in the City, in terms of both land devoted to commercial uses and the types of uses permitted in commercial zones, to a level that is compatible with Gearhart's residential character;*

PROPOSED FINDINGS: The amount of land devoted to commercial zones is not affected by the proposal because the site is currently zoned commercial and the new building is within the C-2 zone boundary. The existing hotel is an established permitted use proposed to be expanded to better serve their customers. The new use will increase the level of commercial activity in the area, which must be mitigated by adequate provisions for access, off-street parking, and vehicle and pedestrian circulation on the site. Approval of a conditional use may require site specific conditions to assure the increase in activity is ameliorated to the extent that the use remains compatible with Gearhart's residential character. Several conditions of approval are recommended.

- b. The City will prevent the City from becoming a tourist destination. To achieve this policy the City, through its land-use designation shall seek to accommodate only a limited level of tourist development;*

PROPOSED FINDINGS: The subject land is already designated General Commercial C-2. The proposed use does not seek to expand the commercial zoning designation. The portion of the golf course zoned commercial will be built-out with the addition of this structure. Future commercial development at the golf course would require a zone change.

- c. The City will work to achieve a level of commercial development that supports the needs of the residents of Gearhart, rather than serving a regional commercial center role, or providing for major tourist destination facilities;*

PROPOSED FINDINGS: The Gearhart Golf Course is an existing use that has served a regional commercial role and a major tourist attraction in Gearhart for 125 years. The City has determined that the portion of the course zoned C-2 is intended

to accommodate tourist accommodations. The applicant proposes to improve the facility and serve its customers by increasing the number of guest rooms.

- d. The City will establish Zoning ordinance standards to protect residential areas from adjacent commercial development.*

PROPOSED FINDINGS: The City established zoning standards to protect residential areas from commercial development. The applicant is required to comply with provisions for off-street parking, loading, access, circulation, signage, lighting, fire safety and septic safety. The subject neighborhood has developed more densely than most of Gearhart because of the commercial hotel, the higher density condominiums, and the public beach access. The City has the authority to ameliorate the increased impacts associated with adding 16 hotel rooms by adding appropriate conditions of approval.

- e. It is a goal of the City to ensure a stable and healthy economy in Gearhart through all available resources, both human and natural resources.*

PROPOSED FINDINGS: The expansion will increase the value of the golf course property, add jobs in the city and increase clientele for Gearhart businesses in accordance with the goal to ensure a stable and healthy economy.

- f. The City will work to ensure that the Gearhart Golf Course, the second oldest in Oregon, remain a viable recreation resource.*

PROPOSED FINDINGS: The proposed building addition is architecturally appealing and compatible with the existing hotel. The request to expand the hotel supports the continued viability of the Gearhart Golf Course, an important recreational resource in Gearhart.

Plan Compliance Summary: It can be found that the proposal is in compliance with a number of the relevant Comprehensive Plan policies and the intent of the C-2 zone, as long as the increase in activity in the neighborhood is adequately addressed with appropriate conditions of approval.

2. A demand exists for the use at the proposed location. Several factors which shall be considered in determining whether or not this demand exists include: accessibility for users (such as customers and employees), availability of similar uses, availability of other appropriately zoned sites, particularly those not requiring conditional use approval, and the desirability of other suitable zoned sites for the use;

PROPOSED FINDINGS: The hotel owner finds there is a demand for additional “stay-and-play” guest rooms and a need for additional golf cart storage. The proposed use is locationally dependent and cannot be compared to other C-2 zoned parcels on Highway 101. The R-3 zone also permits hotels conditionally. The land west of Marion in this vicinity is zoned R-3, but is essentially developed. The hotel is accessible to all customers, there are no other golf courses in Gearhart and there are no other parcels of land planned for a golf course and the associated amenities

3. The location, size, design and operating characteristics of the proposed use are such that the development will have a minimum impact on surrounding properties;

PROPOSED FINDINGS: The long-standing golf and hotel use of the property and its location, size and operating characteristics may occasionally have some adverse impact on surrounding properties.

4. The use will not generate excessive traffic when compared to the traffic generated by uses permitted outright and adjacent streets have the capacity to accommodate the traffic generated.

PROPOSED FINDINGS: The applicant provided a Technical Memorandum from Lancaster Engineering dated October 24th, 2016 indicating the impacts of the proposed guest rooms are expected to generate between 10 – 14% more vehicular traffic to and from the site. The peak impact is on a Saturday when as estimated 11 additional vehicles are projected to either enter or exit the site an hour. The engineer stated the proposed expansion is not projected to cause any significant traffic impacts to the street system in the area. Accordingly they indicate no mitigation is necessary. See the Trip Generation summary table on pages 4 – 6 of the report and the report conclusion on page 7.

5. Public facilities and services are adequate to accommodate the proposed use:

PROPOSED FINDINGS: The subject building has access to water connections and other public facilities and services that must be permitted by the city and DEQ prior to occupancy. City staff identified an abandoned water line on the site that should be decommission as a part of this project. Compliance with fire safety and adequate septic disposal shall be a condition of approval.

6. The site’s physical characteristics in terms of topography, soils and other pertinent considerations are appropriate for the intended use; and:

PROPOSED FINDINGS: For decades, the site has functioned appropriately for golfing and hotel activity. There are no known constraints related to topography or soil conditions on the parcel.

7. The site has adequate area to accommodate the proposed use. The site layout has been designed to provide appropriate access points, on site drives, parking area, loading areas, storage facilities, setbacks, buffers, utilities or other facilities which are required by City ordinance or desired by the applicant.

PROPOSED FINDINGS: Site expansion is constrained by the golf course and existing streets. The new building provides the required drives, sidewalks, parking, loading and utilities. The nonconforming front yard setback is permitted within the parameters of Article 10 Nonconforming Uses and Structures. The staff is concerned about the off-street parking shortage. The employees be required to use the overflow lot at the end of the first hole.

I. Section 8.060 Additional Modifications of Standards for Conditional Uses

The Planning Commission may impose additional conditions if necessary to protect the best interest of the City as a whole. These additional conditions may include:

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;

PROPOSED FINDINGS: The plan complies with the required lot size and yard dimensions, the width of access points and street width and the required parking spaces associated with the subject 16 guest rooms and the office/clinic space. The two chimney stacks exceed the building height but were determined to be architecturally proportional on the building and an acceptable architectural solution to hiding the two cellular antennas.

6. Limiting the number, size, location and lighting of signs;

PROPOSED FINDINGS: The applicant has not provided a signage plan, but will be required to locate signage in accordance with C-2 sign regulations.

7. Requiring diking, fencing, landscaping or other facilities to protect adjacent or nearby property;

8. Designating sites for open space; and

PROPOSED FINDINGS: The subject use is not required to provide designated open space.

9. Hours of use or operation.

II. SUMMARY CONCLUSION

The City finds that overall the proposal is a use in compliance with the Comprehensive Plan policies, the intent of the C-2 zone and the Zone Code development standards with additional improvements as set forth in conditions of approval.

III. DECISION

Based on the findings in this order the Planning Commission approved a Conditional Use Permit for the Gearhart Hotel expansion on February 9, 2017 subject to the following conditions of approval:

1. Prior to issuance of a building permit the applicant shall obtain septic approval from DEQ/Clatsop County.
2. The applicant is required to provide an excavation/grading and fill plan for City approval prior to issuance of a building permit.
3. The applicant shall file a sign permit request with the City prior to installation of any signs.
4. The applicant shall provide evidence of compliance with the Gearhart Fire Department conditions described in their letter dated 12-20-16. (Attached)
5. The applicant shall provide a plan for protecting existing trees on the site during and after development.
6. The service drive and parking stalls shall be paved and permanently marked.
7. All existing on-street parking on the Marion Avenue frontage must be removed to reduce pedestrian, bicycle and vehicle congestion.

8. For City staff approval, the applicant shall submit a site landscape plan including landscaping surrounding the cellular equipment facility in the parking lot.
9. There shall be a clear vision triangle where all driveways intersect with Marion Avenue per city specifications of 20' in each direction for a service drive.
10. The applicant shall coordinate with city staff the decommissioning of an existing water main on the site.

Signed: Virginia A. Dideum
Virginia Dideum, Planning Commission President

Date: 2/14/17

DATE MAILED: 02 15 2017

APPEAL

In accordance with the Gearhart Zoning Code Section 13.060, the decision of the Planning Commission may be appealed to the City Council within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information described in Section 13.060.



Volunteer Fire Department

P.O. Box 2530/670 Pacific Way

Gearhart, Oregon 97138

503-738-7838 / 503-738-9385 (fax)

gearhartfd@cityofgearhart.com / gearhartfire.com (web)

December 20, 2016

Sand Trap Cart Barn
Proposed 16 Guest Room Building
1157 North Marion

RE: Fire Department Access & Water Supply

1. All Access road widths shall be a minimum of 20 ft. improved surface.
2. GRADE: Fire apparatus access roadway grades shall not exceed 10 percent. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. When fire sprinklers are installed, a maximum grade of 15% may be allowed. The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5). (OFC D103.2) Grades in excess of the above requirements may be permitted when the access is fully paved and approved by the Fire Chief.
3. Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the finished construction is in accordance with the approved plans or the requirements of the fire code may be requested. (OFC D102.1) (Typical surface, 12-inches of pit run base with 2-inches of $\frac{3}{4}$ minus as a top layer)
4. The proposed direction of travel through the existing Gearhart Hotel/Sand Trap Pub to the Sand Trap Cart Barn raises apparatus safety concerns.

5. 3.540.7 Off Street Parking: The proposed "21 spaces at the maintenance yard". There is no site plan provided for the off street parking at the maintenance yard. All Access and Water Supply requirement shall be met prior to approval by the fire department. The existing structures located at the maintenance yard shall be included in the Access and Water Supply requirements.
6. "No Parking" signs shall be installed, location and type to be determined by the Fire Chief.
7. Access to the upper floor rooms other than a stairway is a concern.

If you should have any questions please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Bill Eddy", with a stylized, cursive script.

Bill Eddy
Fire Chief
Gearhart Fire