

CASE FILE: #1-CU-PC-17
DATE FILED: Oct. 17, 2017
DATE APPLICATION DEEMED COMPLETE: Nov. 7, 2017
120-DAY COMPLETION DATE: Mar. 7, 2018
HEARING DATE: Nov. 28, 2017
PREVIOUS ACTION: #1-CU-PC-14

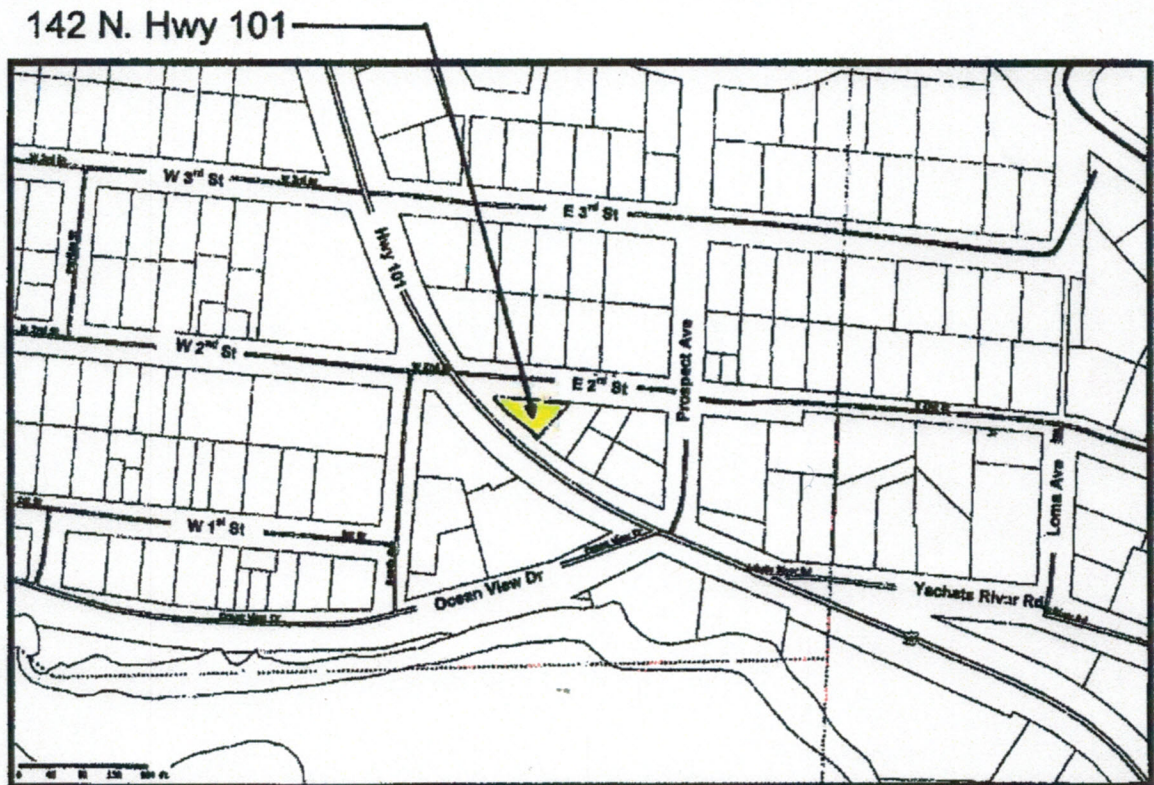
STAFF REPORT

Conditional Use Application

APPLICANT: Linda Hetzler

A. REPORT OF FACTS

1. Applicant's Request: The applicant is requesting a conditional use permit to add four (4) hotel units to an existing 15 unit hotel. A hotel on less than 1.0 acre is permitted in the C-1 Retail Commercial Zone upon approval of a conditional use. The four additional hotel units are proposed to be located on the second floor of an existing building that will be remodeled. The first level of the remodeled building is proposed to have the hotel office, laundry facilities for the hotel, and storage.
2. Property Location: The subject property is located at 142 N. Hwy 101 and described on the Lincoln County Assessor's Map as 14-12-27DA as Tax Lot 3500.



The existing 15 hotel units are located in the buildings on the same block, bounded by E. 2nd Street on the north, Prospect Avenue on the east, and Hwy 101 on the southwest side.

3. Zoning: Retail Commercial Zone C-1
4. Plan Designation: Commercial
5. Lot Size: The subject property totals approximately 3,280 square feet.
6. Existing Structures: The subject property has one existing two-story building. Previous uses included a laundromat, residence, and office space.
7. Topography and Vegetation: The subject property is generally flat. There is a significant drop off from E. 2nd Street on the north side of subject property.
8. Surrounding Land Use: Commercial uses (restaurants, retail, and hotel) are located in the immediate vicinity.
9. Utilities:
 Water & Sewer: City of Yachats
 Electricity: Central Lincoln PUD
10. Development Constraints: No development constraints are identified.

B. EVALUATION OF REQUEST

1. Relevant Yachats Municipal Code Standards (relevant to this application):

a. Chapter 9.28 C-1 Retail Commercial Zone

Section 9.28.010 Permitted uses.

In a C-1 zone the following uses and their accessory uses are permitted, subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

- B. Any use which would be permitted outright in any residential zone;
- C. Retail stores and shops such as food, drug, apparel, hardware, furniture and similar establishments;
- D. Personal or business service establishment such as barber or beauty shop, tailor shop or similar establishment;
- M. Restaurant, bar or tavern;
- N. Motel or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with accessory commercial uses;

Section 9.28.020 Conditional uses.

In a C-1 zone the following uses and their accessory uses may be permitted subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72 where applicable:

- I. Parking area;
- T. Motel, hotel or resort on less than 1.0 acre with accessory commercial uses;

b. Chapter 9.48 Off-Street Parking and Loading

At the time a structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless: (1) greater requirements are otherwise established; or (2) approved planned unit developments (PUDs) provide other parameters.

- A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Planner, based upon the requirements of comparable uses listed.

- B. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
- C. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the planning commission in the form of deeds, leases or contracts to establish joint use.
- D. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Parking spaces for non-residential uses shall be located not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building.
- E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- F. Areas used for parking and maneuvering of vehicles shall have surfaces such as gravel, pavement, tile, brick or concrete material suitable for parking a vehicle, improved to minimum city road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public sidewalks.
- G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five feet in height where vision clearance is required.
- H. Perpendicular or diagonal parking spaces for commercial uses that are located along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half feet from the property line.
- I. Any lights provided to illuminate any public or private parking area or sales area shall be arranged so as to reflect the light away from any abutting or adjacent residential zone.
- J. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.
- K. Loading of Merchandise, Materials or Supplies. Buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this title may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
- L. Off-street parking space requirements:
 - 1. Residential dwellings: Residential dwellings shall provide the following off-street parking spaces:
 - One-family dwelling, two spaces;
 - Two-family dwelling, four spaces;
 - Three-family dwelling, five spaces;
 - Four-family dwelling, six spaces;

Each additional unit, one and one-half space (rounded-up to the nearest whole number).

3. Motel, hotel or resort: one space for each guest accommodation.
9. Retail store: one space for each two hundred (200) square feet of floor area.
13. Eating and drinking establishments: one space for each one hundred (100) square feet of total floor area.

c. Chapter 9.72 Conditional Uses (relevant sections)

Section 9.72.010 Authorization to grant or deny conditional use permits

- A. In taking action on a conditional use permit application, the Planning Commission may either permit or deny the application. The Planning Commission's action must be based on findings addressing the requirements of the comprehensive plan and zoning ordinance, as addressed in Chapter 9.88 (Administration).
- B. In permitting a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by the code, additional conditions which are considered necessary to protect the best interest of the surrounding city as a whole. These conditions may include, but are not limited to the following:
 1. Increasing the required lot size or yard dimensions;
 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 fencing, screening, landscaping, walls, drainage or other facilities to protect adjacent or nearby property;
 8. Designating sites for open space;
 9. Setting a time limit for which the conditional use is approved;
 10. Regulation of noise, vibration, odors and sightliness;
 11. Requiring surfacing of parking areas;
 12. Regulation of hours of operation and duration of use or operation;
 13. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purpose of the Yachats comprehensive plan;
 14. If at any time the standards or requirements for conditional use approval are not followed, a zoning violation will be considered to exist.

Section 9.72.040 Time limit on a conditional use permit.

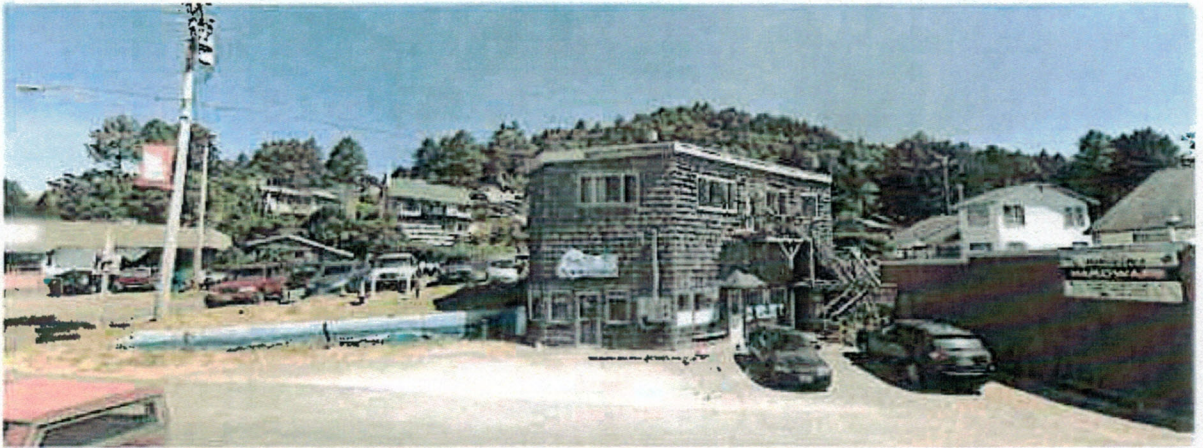
Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the planning commission may extend authorization for an additional period not to exceed six months on request.

3. **Public Testimony Received:** At the time this staff report was prepared the City had not received any written testimony.

C. STAFF ANALYSIS

1. The Request

The applicant requests a modification to a conditional use permit that was approved in 2014. The request is to include one adjacent property with one building (142 N. Hwy 101) as part of the Drift Inn Hotel. The building is proposed to include four (4) hotel units on the second level, an approximate 100 square foot office on the first level, and approximately 1,580 square feet for storage and for hotel laundering on the first level. The 2014 conditional use approval included 15 hotel units. This requested modification increases the hotel units to 19.



2. Recent Planning Commission Discussion with the Applicant

In August 2017 the applicant reviewed the Conditional Use permit and future plans with the Planning Commission. The Planning Commission acknowledged that two of the approved 15 hotel units are located in a different building than originally planned however the maximum 15 hotel units has been maintained. The applicant informed the Commission of plans to expand the hotel. The request to increase the number of hotel units requires review and approval by the Planning Commission through the conditional use permit process. Parking was discussed including the condition to remove the manufactured home on Tax Lot 3100 and add additional off-street parking. The applicant acknowledged that the parking and Tax Lot 3100 would be addressed with this application.

3. Parking

Per Yachats Zoning & Land Use Code Section 9.48, at the time a structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section. The number of parking spaces required for the proposed 142 N. Hwy 101 uses are identified in the table below.

Use	Parking Space Standard	Parking Spaces Required
4 Hotel Units	1 parking space/hotel unit	4.00
100 sq. ft. Office	1 parking space/300 sq. ft.	0.34
1,580 sq. ft. Storage/Laundry	1 parking space/600 sq. ft.	2.63
Total Parking Spaces Required		6.97 (Round up to 7)
Existing On-Site Parking Spaces		5.00
New Parking Spaces Required		1.97 (Round up to 2)

Overall Parking Summary

The 2014 Conditional Use approval identified the need for 20 off-street parking spaces. At that time 21 off-street parking spaces were provided. One additional on-site parking space was added later for a total of 22 on-site parking spaces. 142 N. Hwy has 5 on-site parking spaces.

Existing on-site parking spaces (22) including 142 N. Hwy 101 (5): 27

Existing on-site parking spaces required (20) plus 142 N. Hwy 101 (7): 27

The applicant demonstrated that on-site parking requirements were satisfied in the 2014 conditional use approval. At that time the applicant discussed the plan to remove the existing manufactured home on tax lot 3100 to create 12 additional parking spaces. That became a condition of approval, i.e. "the manufactured home on Tax Lot 3100 shall be removed and an additional 12 parking spaces provided within three years of this conditional use approval."

Since the on-site parking requirements are being satisfied, the applicant would like to maintain the manufactured home on Tax Lot 3100 in order to provide work force housing for her employees.



4. Proposed Walkway Encroachment in the E. 2nd Street Right-of-Way

The applicant proposes a 4' wide walkway providing access to the four hotel units that encroaches in to the E. 2nd Street right-of-way. The north side of the building is on the property line. The 2nd level of the building where the 4 hotel units are proposed are elevated above the street and adjacent right-of-way, as shown in the photo below.

When improvements are proposed to encroach into the public right-of-way, the Yachats Public Works Department reviews and makes a decision on the request. Public right-of-way encroachment requests are typically for ground-level improvements such as a paved driveway and culvert for drainage. Public Works primarily bases their decision on impacts to utilities and sight conditions. Public Works has reviewed and approved this encroachment request based on determination that existing utilities and sight lines will not be adversely impacted. Approvals to encroach into the public right-of-way are granted with the provision that if the public right-of-way is ever needed for public purpose, e.g. utility work, street widening, etc., the encroachment shall be removed by the land owner if determined necessary by Public Works.



D. CONCLUSIONS

If the Planning Commission finds the request does not satisfy the relevant criteria, it can move to deny the request. If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings. If the request is approved, staff offers the following recommended conditions of approval, which may be added to or amended at the Commission's discretion:

1. **Conditional Use Request.** This conditional use approval is based on the submitted plan, i.e. to amend the 2014 conditional use approval (Case File #1-CU-PC-14) by adding 142 N. Hwy 101 with four (4) additional hotel units, office, storage, and hotel laundry facilities. The hotel will have a maximum 19 units.

The four additional hotel units are proposed to be located on the second floor of an existing building that will be remodeled. The first level of the remodeled building is proposed to have the hotel office, laundry facilities for the hotel, and storage.

2. **Required Parking Spaces.** With the addition of 142 N. Hwy 101, a total of 27 on-site parking spaces are required for the Drift Inn Hotel and associated uses. A minimum of 27 parking spaces shall be maintained and located outside of the public right-of-way not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building.
3. **Additional Parking Conditions.**
 - a. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
 - b. Areas used for parking and maneuvering of vehicles shall have surfaces such as gravel, pavement, tile, brick or concrete material suitable for parking a vehicle, improved to minimum city road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public pedestrian facilities.
 - c. Off-street parking areas adjacent to residential uses shall be designed to minimize disturbance of residents. Where off-street parking areas are at or near the same grade as adjacent residences the applicant shall construct a sight-obscuring fence or sight-obscuring landscaping between the parking area and residential use.
 - d. Landscaped areas are encouraged within off-street parking areas to 'soften' the area and provide beautification.
 - e. Perpendicular or diagonal parking spaces for commercial uses that are located along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half feet from the property line.
 - f. Any lights provided to illuminate any public or private parking area shall be arranged so as to reflect the light away from any abutting or adjacent residential zone.
4. **Proposed Walkway Encroachment in the E. 2nd Street Right-of-Way**

Yachats Public Works has reviewed and approved the request for the applicant to construct a 2nd level walkway per submitted plans that encroach into the E. 2nd Street right-of-way. The approval to encroach into the public right-of-way is granted with the provision that if the public right-of-way is ever needed for public purpose, e.g. utility work, street widening, etc., the encroachment shall be removed by the owner of 142 N. Hwy if determined necessary by Public Works.

Submitted by,
Larry Lewis
City Planner