

## ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall

May 6, 2014

### CALL TO ORDER:

President Nemlowill called the meeting to order at 6:30 p.m.

### ROLL CALL:

Commissioners Present: President Zetty Nemlowill, Vice President McLaren Innes, David Pearson, Kent Easom, Peter Gimre, and Sean Fitzpatrick

Commissioners Excused: Thor Norgaard

Staff and Others Present: Community Development Director Brett Estes. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

Director Estes noted that Kent Easom was appointed to the Planning Commission earlier today to replace Ron Williams.

### PRESENTATION:

ITEM 3(a): Astoria Downtown Historic District Association (ADHDA) Re: Downtown Planning Initiative

Alana Garner, 486 12<sup>th</sup> Street, Suite H, Astoria, updated the Planning Commission on work plan priorities the ADHDA has been working on over the past year as a result of the Building Blocks for a Successful Downtown. Consultant Michelle Reeves, Oregon Main Street Coordinator Sheri Stuart, and the ADHDA Board of Directors worked together on the Building Blocks Program. She presented the ADHDA's work plan priorities as follows:

- The ADHDA's Business Development Committee has focused on connecting businesses with locals through downtown walking tours, cooperative advertising with the *Daily Astorian* during the holidays, engaging and supporting downtown property owners.
  - Engagement with property owners is done primarily through general meetings, held the first Friday of each month. Regular attendance has been around 50 or 60 people and is growing.
  - Networking and educational events for businesses and property owners include a quarterly Welcome Wagon that welcomes new businesses, providing information about downtown and responding to questions.
- The Organization Committee focuses on a sustainable funding plan and alternative fundraising ideas, volunteer recruiting and regular representation at City Council and other City meetings.
  - Annual volunteer totals are currently being calculated. In 2013, the ADHDA received an estimated 18,000+ volunteer hours.
- The Promotion Committee promotes the ADHDA by hosting events throughout the year, like the Winter Brew Cup held during the winter of 2013 and the recent Jane Barnes Review, the most successful of the last four years.
  - The committee is currently planning the 13<sup>th</sup> Annual Pacific Northwest Brew Cup and is talking with the downtown restaurant owners for promotional ideas for 2015.
- The Design Committee is currently working on storefront improvements, storefront lighting for the holiday season, Riverwalk connectors and way finding from the Riverwalk and Commercial Street gateways.
  - In October 2013, design consultant Sinette Quirkle met with five businesses to discuss façade improvements. This was part of the ADHDA's participation in the Oregon Main Street program.
  - With the help of the Parks and Recreation Department, the entrance signs were refreshed and repainted. The ADHDA and Parks Department are discussing the possibility of having "Thank you for visiting," painted on the back of the signs.
  - The 15<sup>th</sup> Street triangle was enhanced with new vegetation and shrubbery and vacant storefront windows have been dressed with promotional items for ADHDA events and other organizations.
- The downtown area has a 20 percent vacancy rate. In the last 10 months, many businesses have moved in and about 16 businesses have opened, expanded or relocated.



President Nemlowill explained that Commissioner Gimre, who is very active in the ADHDA, brought up a few points at the last meeting and Vice President Innes had suggested the ADHDA be invited to give an overview of the Association's activities and work. She asked Ms. Garner to keep the Planning Commission updated, noting that this will help the Commission make decisions. During the Transportation System Plan update, it was helpful to have the support of the ADHDA and know that local business owners were on board with the decisions the Planning Commission was making.

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 1804 Commercial in the C-4, Central Commercial zone. This item was continued from the April 22, 2014 meeting.

President Nemlowill asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter 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 Gimre declared that his ex parte contacts were the same as he had declared at the last meeting.

President Nemlowill declared that her family has a business that sells alcohol. She planned to make an objective decision.

President Nemlowill called for the Staff report.

Director Estes confirmed that the application number on the Agenda should state "CU14-04". He noted the entire Staff report, which had been reprinted for the Commission, had been presented at the April 22, 2014 meeting. He noted that a memorandum from Deputy Chief Johnston dated May 2, 2014 had been attached to the Staff report, which he briefly reviewed, noting that the Police Department requests an additional condition be added to restrict the presence of minors during the hours that alcohol is being served.

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

Brad Smithart, 1650 9<sup>th</sup> Street, Astoria, stated he planned to open a classic arcade utilizing new technology that interfaces with personal computers (PCs). He has obtained a virtual reality headset called the Oculus Rift, which interfaces with PCs and Macs using open source coding. He explained Minecraft is a video game that requires players to survive by crafting things. Adding the Oculus Rift allows players to see the game through the eyes of their characters. Minecraft has a huge fan base and will bring entertainment to the arcade. He is a beta tester for Minecraft and recently went to Las Vegas to meet the creators.

Mr. Smithart explained that Minecraft uses open source coding and allows players to play in real time. The game involves mining and building. Players can create a worldwide network of at least 128 people, who play together to create a city. The Oculus Rift turns the game into a three dimensional world. All of this is done through free, open source coding. His arcade would have PCs and Macs set up in a corner so the kids can play Minecraft and eventually create their own open source games. The Minecraft Company has shared the coding with him so he can build skins on top of the game. This is like having the engine to a car; all he has to do is add the body because the entire framework is there. His arcade will also have classic games like pinball. He will offer rotating competitions, offering players a chance to win a denim jacket by becoming the highest scorer on a chosen game. The jacket will be embroidered with the player's gamer tag. His arcade will serve sodas, ice cream, and hot dogs during the day and beer, wine, and cider during the evening. He confirmed that he had read the memorandum from Deputy Chief Johnston that proposed restricting the presence of minors during hours that alcohol is served. He wanted to have a great working relationship with the Police Department. The Oregon Liquor Control Commission (OLCC) said he could serve alcohol morning, evening, and night. He wanted to begin serving alcohol at 6:00 pm and have minors leave by 9:00 pm. Whether or not he serves alcohol, he plans to have the minors leave at 9:00 pm. He will not be serving spirits because he is not trying to be a bar. Therefore, he will only serve beer, wine, and cider, like the



bowling alley, Fultano's, and Chuck E. Cheese. He was okay with a conditional use but was concerned about having to adhere to a set time. As a business owner, he would like the ability to adapt to his environment and the market. He would like to serve wine and cider during the Saturday Art Walk while minors are present and without charging.

Commissioner Gimre asked if this arcade would be similar to Ground Kontrol in Portland. He explained that Ground Kontrol was an arcade similar to what he believed Mr. Smithart was planning.

Mr. Smithart said that Ground Kontrol served beer, wine, and cider in the evenings when they first opened. Ground Kontrol also held competitions. People who like classic arcades want to know where to find an unmodified Donkey Kong game. To have the highest score in the nation, judges must approve of the games. He purchased an unmodified Zaxxon so people can come to his arcade to try for a high score. Ground Kontrol currently has 15 of the highest scores in the nation.

Commissioner Gimre said earlier in the day, he went on a walking tour of downtown with Staff and representatives from the Chamber of Commerce and the Trolley Association. As they passed the proposed location for the arcade, someone in the group said they hoped the arcade would be similar to Ground Kontrol because it would get him out of the house and in downtown where he normally would not go. When he first saw the application, he was not sure that an arcade would be appropriate in downtown Astoria. After hearing the comment on the walking tour and the Applicant's testimony, he has become more receptive to the arcade. He had never heard of Ground Kontrol until that day. After visiting their website, he believed Ground Kontrol was similar to what Mr. Smithart was proposing. He said that the Applicant made a good point when noting that other establishments in town served alcohol in the presence of minors. He asked how Mr. Smithart would like to serve alcohol.

Mr. Smithart explained that a mother just getting off work to take her kids the arcade will stay longer to let the kids play if she can have a glass of wine while she is there. He wants to have an area where everyone can congregate, allowing a dad to have a beer while his son has a soda and plays games. His proposal was to serve alcohol with minors present from 6:00 pm to 9:00 pm and have one of his staff dedicated to the floor to monitor the alcohol during that time. At no point would alcohol be served with children there and no alcohol monitor. However, he wants a good relationship with the Police Department, so he would be open to the condition, but is concerned with adhering to a set time. He wants the flexibility of starting alcohol service at 7:00 pm on a Friday, for example.

President Nemlowill noted the memorandum indicated that Mr. Smithart's plan to monitor the alcohol served while minors were present was minimal. She wanted to confirm the facts and asked about the dedicated alcohol monitor.

Mr. Smithart believed that one person to monitor the 4,000 square foot floor was more than adequate to ensure no one under 21 years old consumes alcohol. This is more Staff per square foot than Fultano's, the bowling alley or any other establishment in Astoria that serves alcohol in the presence of minors. The alcohol monitor would mingle with children and adults. He confirmed that the alcohol monitor could be responsible for between 50 and 100 people between 6:00 pm and 9:00 pm. He could have up to 85 machines, depending on the square footage.

Director Estes noted Commissioner Easom would be abstaining from voting on the public hearings, as he received the agenda packet just before the meeting.

President Nemlowill called for testimony in favor of the application.

Dulcye Taylor, 856 11<sup>th</sup> Street, Astoria, spoke in favor of the application, stating she believed putting an arcade downtown was a great idea. The Astoria Downtown Historic District Association (ADHDA) has wanted something for the kids to do downtown other than wandering the streets. She agreed that parents would want to drink alcohol while their kids played games. Parents have the responsibility of supervising their kids. Many places in town serve beer and wine while children are present without alcohol monitors. She did not understand why the arcade would be different and asked Deputy Chief Johnston to explain the difference.

LJ Gunderson, 413 Franklin Avenue, Astoria, agreed with Ms. Taylor's comments. She was concerned with the possibility that large groups of kids would block the sidewalks in front of the arcade, which would be off-putting to older customers. At Fort George, there are children running around playing while beer and wine are being served. She did not have a problem with this. Many customers of Baked Alaska bring children who run from one end to the other. She was unsure if this was allowed by the OLCC, but the establishments keep the situation under control and she has never seen problems with serving alcohol while children are present. She suggested the Applicant speak



with Ground Kontrol in Portland to discuss how they overcame any issues. Part of the ADHDA's goal is to bring young people into the downtown area.

Yvonne Hughes, 1390 Jerome Avenue, Astoria, said she has a 10-year old son who loves Minecraft and will be excited to hear about the 3D option for the game. Astoria does not offer many opportunities for youth. She hopes something interesting will happen with the armory. However, in the interim, having another option for family fun activities is important. She and Ms. Garner, as part of Ford Family Institute's Leadership in the Community Program, have decided to revamp the teen center because there is no positive place for teenagers to go. She has an OLCC card and believed that the ability to serve beer and wine in a family friendly establishment would be conducive to residents and visitors. Allowing alcohol would encourage more parents to be in the arcade with their children, as opposed to dropping the kids off. More parent involvement is important.

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

Commissioner Pearson stated that the Commission is being asked to review criteria they have reviewed many times. He believed there were two proposals; one for an indoor family fun arcade that fills a need in the community, which he fully supported, and a classic video game atmosphere where adults could have beer and play games. Combining the two types of establishments makes the business's goal murky. The business is targeting children and young adults, yet also has a bar. He looked forward to hearing the other Commissioner's comments.

President Nemlowill agreed that the issue was complicated. She did not believe the Commission would take the Police Department's recommendation lightly because feedback from the Department is not typically received. She noted other businesses in town, including her own, where alcohol and minors are present at the same time without any issues. The memorandum indicates the difference is that the arcade targets minors.

Vice President Innes stated she was unsure about this request. Hearing from the community has been extremely helpful and she believed the community made their support of the arcade very clear. She wanted to consider the other Commissioner's comments before making a decision about how to vote.

Commissioner Easom said there was an arcade where he grew up and he believed an arcade was a good place for children. He did not see a problem with serving alcohol with children present and believed alcohol would draw more parents in to the arcade. He believed many parents would likely play games with their children.

Commissioner Gimre said that after learning more about this arcade and hearing public testimony, his was in favor of the arcade. He agreed that serving alcohol encourages parents to be with their children rather than dropping off the children. He noted that when there are baseball tournaments in town, Fultano's is packed with kids. Fultano's does not have an alcohol monitor and there are no issues. He respected Deputy Chief Johnston, but added he would like to allow alcohol to be served until 9:00 pm. He believed Deputy Chief Johnston would monitor the arcade closely and correct any problems that may arise. He was in favor of the original proposal.

Commissioner Fitzpatrick agreed that an arcade in downtown was a good idea. The location is one of the last vacancies in the downtown area and it would be nice to have something for children to do in that location. He did not have an issue with serving alcohol during the proposed time and without a monitor.

Commissioner Gimre moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff reports and approve Conditional Use CU14-04 as proposed by Brad Smithart, with Conditions listed in the Staff reports; seconded by President Nemlowill. Motion passed 4 to 1 to 1. Ayes: President Nemlowill, Vice President Innes, Commissioners Gimre and Fitzpatrick. Nays: Commissioner Pearson. Abstentions: Commissioner Easom.

President Nemlowill read the rules of appeal into the record.

ITEM 4(b):

CU14-02                      Conditional Use CU14-02 by the Kurt Englund to locate a tourist oriented retail sales establishment in the west half of the existing commercial building at 101 15<sup>th</sup> in the A-2A, Aquatic Two A Development and S-2A, Tourist Oriented Shorelands 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. She asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare.

Commissioner Fitzpatrick declared that he does business with the Applicant and believed could make an impartial decision. His ex parte contact has been limited to him telling the owners that he believes the location and establishment are a great idea.

President Nemlowill called for the Staff report.

Director Estes reviewed the written Staff report. No correspondence had been received and Staff recommended approval of the request with the Conditions listed in the Staff report.

President Nemlowill noted that this property has been a source of discussion. There were some appeals made when condominiums were proposed. Director Estes confirmed that the permits for the condominiums had expired. He added that possible impact to the Riverwalk was discussed with the Public Works Department. The crossing meets Oregon Department of Transportation (ODOT) rail standards and requirements. This situation has existed for some time and the amount of traffic would be similar to the former Englund Marine property.

Vice President Innes confirmed the entire building had a Division of State Lands (DSL) permit and asked why the Applicant would need to get another DSL permit to use part of the building. Director Estes explained that DSL leases are for specific uses and state how a property would be used. He did not believe a new permit would change anything because the use will remain retail as before; the permit provides verification that the City has ensured that the property owner agrees to the use. He did not believe DSL would consider retail to be different from tourist-oriented retail.

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

Paul Tutor, 3759 Duane Street, Astoria, stated he had talked with Mr. Englund and the recycling and garbage will be kept inside of the building and set out on the day they will be picked up.

President Nemlowill called for any testimony in favor of the application.

LJ Gunderson, 413 Franklin Avenue, Astoria, stated she is on the ADHDA Board and Astoria Design Review Committee. She has purchased items from the Applicants adding they are an excellent retailer. The Applicants are an asset to the downtown area and she believed moving to the proposed location was appropriate. The empty building is beautiful and the Applicants turn pieces of history into awesome art and décor items. This establishment will be a visual that Astoria will love. She supported the application.

President Nemlowill called for testimony impartial to, or opposed to the application. Hearing none, she closed the public hearing and called Commission discussion and deliberation.

Commissioner Fitzpatrick was in favor of putting the business in the proposed location. He believed it would be great for downtown and the waterfront because it would extend the downtown retail center to 15<sup>th</sup> Street and bring people out on to the water. As a retired real estate broker, he does not like to see vacant property. This business would be a higher and better use of the property.

Commissioner Gimre supported the application. He added the Applicants are great retailers who are active in the ADHDA.

Commissioner Easom supported the application, but reminded that he planned to abstain from voting.

President Nemlowill believed this decision was easier than the last proposed use for the property, which was very controversial. The Conditional Use moves the use away from being marine dependent. Astoria is changing and this property has been vacant for a long time. She supported the application.

Vice President Innes said she was excited to see the elevation and enhancement of displays of merchandise. The location will enhance the Applicant's ability to draw in tourists and local customers. Knowing how much the community enjoyed the Applicants, she was confident the Applicants would make the best use of the property and be considerate partners. She intended to vote in favor of the application.



Commissioner Pearson believed the business was a great reuse of the building, which is a key piece of waterfront that Astoria has struggled with for a long time.

Commissioner Fitzpatrick asked the Applicant what color he planned to paint the building.

Mr. Tutor replied the building would be white with black trim at the top to prevent the building from fading into the water.

Commissioner Gimre moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU14-02 by Kurt Englund, with the Conditions listed in the Staff report; seconded by Commissioner Fitzpatrick. Motion passed 5 to 0 to 1. Ayes: President Nemlowill, Vice President Innes, Commissioners Fitzpatrick, Pearson, and Gimre. Nays: None. Abstentions: Commissioner Easom.

President Nemlowill read the rules of appeal into the record.

ITEM 4(c):

CU14-05                      Conditional Use CU14-05 by Jeannie Alexander to locate an existing approximate 1,764 square foot party retail and rental facility in an existing industrial building at 4025 Abbey Lane in the GI, General Industrial 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. She asked if any member of the Planning Commission had any conflicts of interest or ex parte contacts to declare. Hearing none, she asked Staff to present the Staff report.

Director Estes reviewed the written Staff report. No correspondence had been received and Staff recommended approval of the request.

President Nemlowill called for questions of Staff.

Commissioner Gimre asked why the Staff report includes the requirement that significant changes or modifications be reviewed by the Planning Commission while the Findings state there were no issues. Director Estes explained this language is typical in Conditional Use permits, especially when there are no conditions of approval. If substantial changes needed to be made over time, the changes would need to be reviewed by the Commission. The Staff report also notes that the Applicant must obtain necessary building permits. This establishment is not proposing to use the building's entire space, unlike the previous Conditional Use application.

Vice President Innes asked if Staff responded to the Applicant's questions about signage. Director Estes said that sign permits were reviewed separate from conditional use permits. He believed the Applicant was referring to A-frame signs. Only a specific number of A-frame signs are permitted per lot, and he was unsure if the maximum number has been reached on this particular lot.

Jeannie Alexander confirmed she had not received a response from Staff to her questions about signage. She explained that she wanted to be clear about the regulations to prevent problems. She did not want her sign to block another sign, but wanted customers to know her business is there.

Director Estes said Staff would need to find out how many A-frame permits have already been issued for that lot. One A-frame sign is allowed per frontage.

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

Jeannie Alexander, 92927 Keller Road, Astoria, stated everyone needs to rent tents, tuxedos, etc. and she is slowly obtaining stock for party supplies. Astoria does not have many places that rent tuxedos. The building has a large counter and space for customers to sit down and discuss what they need. Her staff will do their best to help.

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

Drew Herzig, 628 Klaskanine Avenue, Astoria, spoke impartial to the application, stating he had the same question about signage. He was concerned for the owner because the location was obscure. He suggested a directional sign on 39<sup>th</sup> Street in addition to an A-frame sign. If the conditional use would allow, he also suggested painting the end of the building on the street side to indicate the presence of the party rental business. He was concerned with helping people find the business, as he believed this would become an issue.

President Nemlowill closed the public hearing and called Commission discussion and deliberation.

Commissioner Gimre said the application appears to meet all of the criteria that the Planning Commission had been asked to review and he supported it. President Nemlowill and Vice President Innes agreed.

Commissioner Easom moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU14-05 by Jeannie Alexander; seconded by Commissioner Gimre. Motion passed unanimously.

President Nemlowill read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Fitzpatrick reported that the Friends of the Astoria Armory received a commitment that Craft 3 will allow the Friends to use the armory facility. A fundraiser will be held on June 28, 2014 with the Roller Dolls. The Friends will make it clear that the public's help will be necessary to get the facility going. He explained that the Friends of the Astoria Armory is a non-profit group of local citizens who want to see the armory building restored as a community asset. Board members include Jennifer Rasmussen, Greg Peterson, Robert Jacob, Robert Stang, Bruce Jones, and himself. He confirmed the City did not want ownership of the building. While Craft 3 does not want ownership of the building, they purchased it from the City after the City purchased the building and parking lot from the Maritime Museum.

Director Estes noted the next regular Planning Commission meeting in May will include the public hearing for Riverfront Vision Plan implementation for the Civic Greenway Area and another permit. Today's special meeting was scheduled to move some items forward rather than scheduling a heavy meeting on the night of the public hearing for the Riverfront Vision Plan.

President Nemlowill confirmed the meeting was scheduled for Tuesday, May 27, 2014 at 6:30 pm. She added it was great to have representatives from the ADHDA and City Council and thanked them for attending.


ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:36 pm.

**ATTEST:**

**APPROVED:**

  
Secretary

  
Community Development Director/  
Assistant City Manager