



# City of Bandon

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*Bandon by the Sea*

## AGENDA REPORT

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Torrey Contreras, City Manager

**INITIATED BY:** Dana Nichols, Planning Director

**DATE:** February 21<sup>st</sup>, 2024

**SUBJECT:** **PUBLIC HEARING: APPEAL OF PLANNING COMMISSION APPROVAL OF PLANNING ACTION 23-045, A REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A NEW 110-ROOM HOTEL, TWO RESTAURANT SPACES, MEETING ROOMS, AND SPA, AS WELL AS 32 VILLAS/SUITES. APPROVAL OF A PLAN REVIEW FOR COMMERCIAL DESIGN STANDARDS, PARKING, AND SIGNAGE.**

### BACKGROUND:

The Planning Commission held duly noticed public hearings to consider a request from applicant, Bandon Beach Ventures, LLC and property owner, Perk Development Group, LLC, for a consolidated request for a conditional use permit for a hotel/motel and commercial retail sales and services, as well as a plan review for commercial design standards, parking, and signage. The request to construct a 110-room hotel, two restaurant spaces, meeting rooms, and spa, as well as 32 villas/suites. The Planning Commission approved the decision at a special meeting on November 2<sup>nd</sup>, 2023. A Notice of Decision was mailed on November 7<sup>th</sup>, 2023.

The City received two appeals that were found to be valid. One appeal was from Sean T. Malone, Attorney at Law, who filed on behalf of the Oregon Coast Alliance. The other appeal was filed by Bruce Spencer. Both appeals are attached here as an Exhibit. The City Council voted to hear the appeal de novo. A public hearing was scheduled, and noticed per the requirements of Bandon Municipal Code, for February 21<sup>st</sup>, 2024, at 6:00 pm in the City Council Chamber.

Since the appeal is de novo, the applicant submitted new materials into the record. Staff has provided a record of the Planning Commission hearings, in addition to the appeals, applicant's new materials, public testimony, and a staff report. These are included as attachments.

### ANALYSIS OF THE ISSUES:

Since the last public hearing, the applicant modified their request, eliminating the requirement for a variance. In addition, the number of parking spaces has been increased,

square footage of the structures has changed slightly, lot coverage has increased by 1.7%, the proposed sign on Carter has been eliminated, and the proposed public roads have been modified for clarity.

The attached procedural staff report covers applicable criteria and staff's findings of conformance with the code. Additional information was entered into the record related to water, traffic, and the height of structures. These appeared to be the primary concerns during the Planning Commission hearing. Staff has summarized the findings for each of these issues below:

**Water:** There was some confusion between raw water storage and water plant capacity during the prior public hearing process. The City's Water Master Plan (2022) identifies a deficiency in the City's ability to store raw water for use in producing potable (drinking) water, but states that City's Water Treatment Plant has sufficient capacity to produce potable water and the City possesses sufficient water rights to serve future growth. Staff has entered into the record an email from the City's Engineer, The Dyer Partnership, Inc., dated September 19<sup>th</sup>, 2023, addressing the capacity question. Staff finds that all required public facilities and services have adequate capacity to serve the proposal and are available or may be made available by the applicant.

**Traffic:** The applicant submitted a new Traffic Impact Assessment (TIA) dated February 9<sup>th</sup>, 2024, and prepared by Parametrix. The applicant also provided a review of the Parametrix report prepared by Southern Oregon Transportation, LLC, Kimberly Parducci, PE, PTOE, dated February 12<sup>th</sup>, 2024, which concurred with the TIA findings. The TIA showed that all intersections meet or exceed mobility standards set out in the City's Transportation System Plan and that the streets and intersections within the study area have adequate capacity to support the proposed development. Staff also recommends adding a condition of approval requiring the submittal of a construction traffic mitigation plan prior to the start of construction to limit the impact of the surrounding residential neighborhoods.

**Height:** The prior application requested a variance to a specific criterion listed in Bandon Municipal Code 17.20.090(B)(1)(a)(4), requiring that all portions of a roof above 28 feet be sloped a minimum of 3:12 and slope down and away from the highest point of the structure. The applicant modified their plans so that all structures, except the Meadow Lodge, are 28 feet in height or lower. The portion of the Meadow Lodge that exceeds 28 feet is the elevator shaft, which now meets this requirement. Staff found that the record, related to the height request, now contains sufficient evidence to find these criteria have been met.

In summary, Staff finds there is sufficient evidence to the record showing that all applicable criteria have been met or can be met through the adoption of conditions of approval. These proposed conditions of approval can be found in the attached exhibit containing the procedural staff report.

#### **FISCAL IMPACT:**

The applicant provided a memorandum, dated February 14<sup>th</sup>, 2024, detailing the anticipated fiscal impact of the proposed development. These are all rough estimates based on the best available information. It is attached as an Exhibit for your review. In summary,

the proposed development is estimated to contribute \$1,191,561 in System Development Charges, \$903,378 annually in tax revenue (county-wide) once constructed, and \$1,673,068 annually in Transient Occupancy Taxes.

**RECOMMENDATION:**

The following is recommended to the City Council:

1. Hold a public hearing on the matter; and
2. Review and discuss the information provided; and
3. Move to approve, approve with conditions, or deny the request.

Attachments:

1. Staff Report dated February 21<sup>st</sup>, 2024
2. Email from The Dyer Partnership, Inc. dated September 9<sup>th</sup>, 2023
3. Email from City of Bandon Electric Department, Dated September 19<sup>th</sup>, 2023
4. Applicants' Restated Materials, Submitted February 14<sup>th</sup>, 2024
5. Applicants' Supplemental Findings
6. Memorandum from Dan O'Connor dated February 15<sup>th</sup>, 2024
7. Public Comment Testimony Received Prior to Noticing Deadline for Council Packet
8. Notice of Public Hearing on Appeal
9. Appellant's Materials
10. Record of Planning Commission Hearings can be found on the City's website:  
<https://www.cityofbandon.org/general/page/23-045-type-iii-consolidated-application-gravel-point>