



STAFF REPORT Conditional Use

**APPLICANT/
OWNER:** Cash Properties LLC, Nick Springer
26300 Old Holley Road, Sweet Home, OR 97386-9507

**SUBJECT
PROPERTY:** 729 D Street, Coos Bay, Oregon 97420
T.25, R.13, S.36BA Tax Lot 1300
Lots 17-20, Block 16 of the East Marshfield Plat

SUBJECT: **LAND USE APPLICATION – Conditional Use #187-ZON16-042**
Convert the first floor from commercial use to residential use

I. APPLICANT'S REQUEST

The applicant is requesting approval to legally convert the first floor of the existing two-story structure from commercial use to residential use. The property is located in the Commercial District (C). The development standards of the zone (Coos Bay Municipal Code, Chapter 17.230.020), indicates that approval of a Conditional Use application is required for "Medium density residential".

II. BACKGROUND/HISTORY

The existing structure was originally constructed as a service station and store between 1948/1950 with a living unit on the second floor. There were two commercial units on the first floor. In 1989 a beauty shop occupied one of the units and from 1997 to approximately 2008 the other unit was occupied by a timber management company.

The current-use of the first floor of the structure as residential is unauthorized. The applicant purchased the property in June of 2014. He stated a prior owner converted the use of the first floor from commercial to residential at least five (5) years ago and up to 10 years ago. According to information available at City Hall, no permits were issued for work involved with the change of use and no land use application were submitted to authorize the change. Based on the Development Code in effect at that time, only residential uses occupying 30 percent or less of the first floor (with a commercial use in the other 70 percent) was allowed.

The current owner/applicant has met with Building Official and has submitted permits for prior work completed and has submitted permits for the proposed changes of use regarding fire safety/exiting that are pending the land use approval authoring the change of use.

III. APPLICABLE REGULATIONS

Coos Bay Municipal Code Chapter 17.230 Commercial Districts (C and MX)
Coos Bay Municipal Code Chapter CBMC 17.340 Off-Street Parking
Coos Bay Municipal Code Chapter CBMC 17.325 Conditional Use

IV. STAFF RECOMMENDATION

Staff prepared the following report based on the applicant's submittal, information available at City Hall and the City of Coos Bay Land Development Code (CBMC Title 17).

Staff finds there is sufficient evidence in the record upon which an approval can be based; therefore, staff is recommending approval of application #187-ZON2016-042 as found on page 4 of this staff report.

V. DESIGN REVIEW GOALS AND STANDARDS / FINDINGS AND CONCLUSION

The following is a list of the decision criteria applicable to the request. According to Chapter 17.325.404 A. of the City of Coos Bay Municipal Code (CBMC) a Conditional Use request must be supported by each of the criteria followed by findings or justification statements that may be adopted by the Planning Commission to support their conclusions. Although each of the findings or justification statements specifically apply to at least one of the decision criteria, any of the statements may be used to support the Commission's final decision.

Based on their conclusions the Commission must approve, conditionally approve or deny the application. Conditions may be imposed by the Commission in order to address concerns about the compatibility of the proposed use.

VI. CRITERIA FOR SITE PLAN APPROVAL / FINDINGS AND CONCLUSION

It is the responsibility of the director or designee to review each plan for compliance with the applicable provisions of this chapter and any other applicable regulations. The following is a list of the decision criteria applicable to the request as stated in Coos Bay Municipal Code, Chapter 17.325.040 A. 1-4. Each of the criteria is followed by findings or justification statements which may be used by Staff to support their conclusions. Although each of the findings or justification statements specifically applies to one of the decision criteria, any of the statements may be used to support the final decision.

Based on the conclusions staff must approve, conditionally approve or deny the application. Conditions may be imposed in order to address concerns about the compatibility of the proposed use.

DECISION CRITERION A: The characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features.

STATEMENTS OF FACT AND FINDINGS:

- A1. The property is located in the Commercial (C) zoning district. As outlined in CBMC Use Table 17.235.020 “Medium density residential” is a permitted uses in the zone.
- A2. Medium density is a minimum density of eight units per net acre and a maximum of 16 units per net acre. The subject property is 100 x 100 (10,000 square feet) or 0.23 of an acre, which can accommodate at least three living units.
- A3. The subject property is flat and has existing accesses from 7th Avenue and “D” Street.
- A4. Notice was sent to property owners within 300 feet of the subject property. As of the date of this report, no phone calls or written communication has been received.

CONCLUSION: Staff concurs that the property is suitable to accommodate the proposed use. The decision criteria have been adequately addressed and approval of the proposal can be supported.

DECISION CRITERION B: All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;

STATEMENTS OF FACT AND FINDINGS:

- B1. The existing two-story structure was constructed in approximately 1948. At the time of construction all lot, yard, building height and other development standards were met. The applicant is not proposing any change to the footprint.
- B2. No changes are proposed to the storm water or sewer services. According to the Coos Bay/North Bend Water Department and the City of Coos Bay Engineering Department, the existing utilities are adequate to service the proposed use.

CONCLUSION: Staff concurs that the decision criteria have been adequately addressed and approval of the proposal can be supported.

DECISION CRITERION C: The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with this title; and

STATEMENTS OF FACT AND FINDINGS:

- C1. Per CBMC Chapter 17.362.020 Height of fences and hedges. Front and Street Side Yards. Fences shall be no higher than eight feet (measured from ground level) within five feet of a front property line or street side property line.

Based on the submitted application, no fencing is proposed.

- C2. Per CBMC Chapter 17.362.030 Solid waste *“If refuse containers are used by more than one unit for temporary storage of solid wastes, the container(s) shall be screened from view from off-site by a sight-obscuring fence and/or evergreen landscaping and the area kept clean of all litter.”*

According to the applicant, the three living units use one large garbage can with weekly garage service.

- C3. Per CBMC Chapter 17.362.040 Lighting, any future exterior lighting provided shall be designed and arranged to not reflect or cast glare into any residential zone. Any future lighting shall not rotate, glitter or flash.

According to the applicant, any future exterior lighting will be hooded.

- C.4 Per CBMC Chapter 17.362.050 Noise. All development shall comply with the noise standards established in the city. CBMC Chapter 9.20 Offenses against public peace indicates that *“no person shall create, or assist in creating, or permit the continuance of unreasonable noise which annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others”*.

The proposed use of residential is consistent with residential uses in the surrounding area and would have similar noise impact on the neighborhood.

- C5. Per CBMC Chapter 17.362.060 landscaping is required for new commercial or industrial zoned lot or development.

The proposed use is residential. There are no changes proposed to the footprint of the structure.

CONCLUSION: Staff concurs that the proposed use would comply with the property development standard of the Commercial (C) zoning district and the supplementary development standards as outlined in the Coos Bay Municipal Code. The decision criteria have been adequately addressed and approval of the proposal can be supported.

DECISION CRITERION D: The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.

STATEMENTS OF FACT AND FINDINGS:

- D1. The zoning and uses in the area surrounding the subject property is as follows:

The property to the north and east (along “D” Street) is zoned Medium Density Residential (MDR-16) and is developed with predominately single-family structures.

The property to the west (along "D" Street) is the zoned Commercial. Current businesses are the TNT Market, a restaurant and a water distribution center.

The property to the south is zoned Mixed-Use (MX) and is developed with a church structure and single-family and duplex residential, with a few apartment complexes.

- D2. The prior uses on the first floor were commercial which required eight (8) off-street parking spaces (based on 1 space for 250 square feet). The residential living unit on the second floor required two (2) off-street parking spaces. The parking demand for three living units (1 on the second floor and 2 on the first floor) would require six (6) off-street parking spaces. According to the applicants site plan up to 13 off-street parking spaces could be provided.
- D3. Access to the subject property is from 7th Avenue, which is platted to be as a 80-foot wide right-of-way and is currently stripped paved to a width of approximately 20 feet wide. Access is also provided from "D" Street, which was the original access for the prior gas station. "D" Street is platted as a 60-foot wide right-of-way and is currently paved to approximately 28 feet wide. No changes to access are proposed or recommended by staff.
- D4. The proposed change of use will require permits to address fire separation between the living uses and fire safety. The Building Official has conducted site inspections and has determined that a fire sprinkler system will be required. The property owner has applied for permits for window replacement and prior changes that were made without permits.

CONCLUSION: Staff concurs that the proposed use is similar to uses in the surrounding area and would not be detrimental to the health, safety or general welfare of residents in the area or citizens working in the area provided that all work is performed legally and with appropriate building permits, including prior unauthorized construction. The decision criteria have been adequately addressed and approval of the proposal can be supported, subject to compliance with all building and fire code regulations.

VII. RECOMMENDATION

Based on the adopted Findings and Conclusions, as supported by the applicant's submittal, attached hereto and incorporated herein by reference as Attachments "A", approve land use application #187-ZON16-042 allowing the first floor of the structure to be changed from commercial use to residential use in the Commercial (C) zoning district, subject to the following Condition:

The structure must comply with all building code regulations regarding the change of use, including fire and safety regulations, within 30 days of land use approval.

EFFECTIVE DATE OF PERMIT APPROVAL:

Approval shall be withdrawn if the authorized construction or use is not commenced within 30 days and is not pursued diligently to completion; or, if authorized occupancy or use has been discontinued.

The effective date of the permit may be delayed if substantive conditions are attached to the approval. The Commission may grant an extension of time for a period not to exceed one year if circumstances beyond the control of the applicant cause delays.

Debbie Erler, Planner 1
Community Development Department

cc: Applicant
Dave Perry, DLCD

ATTACHMENTS: A - Application, including site plan and photos
B – Aerial map
C – Aerial zone map

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City of Coos Bay

Community Development · 500 Central Avenue · Coos Bay, Oregon 97420
Telephone 541.269.1181 · Fax 541.269.8916 · coosbay.org

LAND USE DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT <i>Debbie Erlev</i>	PROJECT NO(S). <i>187-20N16-042</i>
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Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Appeal and Review | <input type="checkbox"/> Legislative/Text Amendment | <input type="checkbox"/> Temporary Use |
| <input type="checkbox"/> Architectural Design Review | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Vacation |
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Partition | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Estuarine Use/Activities | <input type="checkbox"/> Site Plan and Architectural Review | <input type="checkbox"/> Other _____ |

Pre-Application applications require a different application form available on the City website or at City Hall.

Site Location/Address: <i>729 D Street Coos Bay</i>	Assessor's Map No./Tax Lot(s): <i>2551336-BA-01300</i>
	Zoning: <i>Commercial</i>
	Total Land Area: <i>0.23 acres</i>

Detailed Description of Proposal:

Converting Commercial Space to TWO living units

Applicant/Owner Name: <small>(please print)</small> <i>Cash Properties LLC</i>	Phone: <i>360.818.1488</i>
Address: <i>729 D St Suite A</i>	Email: <i>springernick@hotmail.com</i>
City State Zip: <i>Coos Bay OR 97420</i>	

Applicant's Representative: <small>(please print)</small> <i>Nick Springer</i>	Phone: <i>360.818.1488</i>
Address: <i>729 D St Suite A</i>	Email: <i>springernick@hotmail.com</i>
City State Zip: <i>Coos Bay OR 97420</i>	

1. Provide evidence that you are the owner or purchaser of the property or have the written permission of owner(s) to make an application.
2. Copy of the deed for the subject property.
3. Attach (a) a certified list of names and addresses of all owners of property within designated distance of the exterior boundaries of the subject property according to the latest adopted County tax role and (b) an assessor's map showing all lots and parcels of land within that area.
4. Address the Decision Criteria or Goals/Standards outlined in the Coos Bay Municipal Code chapter(s) related to your request.
5. Additional information: Date construction is expected to begin; estimated completion date of the total project and of individual segments; and anticipated future development.
6. **Ten (10) complete hard-copy sets** (single sided) of application & submitted documents must be included with this application.
One (1) complete set of digital application materials must also be submitted electronically or on CD in Word format.
Additional copies may be required as directed by the Coos Bay Director of Community Development.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Coos Bay Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

By: *[Signature]* / member 8/12/16 Date
 Applicant's signature Date Owner's signature (required) Date

Cash Properties, LLC
729 D St
Coos Bay OR 97420

Detailed Description of Proposal (Land Use Development Review Application)

To be issued a Conditional Use for 729 D Street for Two residential units on the 1st Floor. There is an existing 2 Bedroom Unit on the 2nd Floor with it's own private access. Please see below that it will be a great benefit to the neighborhood. The Two residential units on the 1st Floor will comply with current building codes and will have a fire sprinkler system installed.

17.325.040 Criteria for approval (729 D.St):

a) Characteristics of the Site:

- Size: The building sq ft allows for 3 separate units to be very private from each other with entrances at opposite ends of the building
- Shape: The building is rectangular which easily allows for habitation of the units.
- Location: The building is in Eastside which is a neighborhood in Coos Bay. There is -0- demand for commercial office space in Eastside, but high demand for residential units in this very safe neighborhood.
- Topography: The building is on a very level lot which allows for easy ingress/egress from the property.
- Natural Features: The building and land is adequate to serve as a 3 unit residential building, there is enough parking as illustrated in the Parking Plat to meet the criteria for a 3 unit building. The property has tree coverage fronting D Street which provides noise reduction.

b) The required public facilities have adequate capacity to serve the proposed use due to the building being used as 3 separate units for the past several decades and having more utility usage than would be used a a residential building.

c) The proposed use complies with the applicable requirements of the zone.

d) The building poses no safety or general welfare of persons residing or working in the neighborhood. An occupied building is safer than a vacant building. The existing neighborhood is heavily residential. By allowing the conditional use the immediate neighborhood will receive a significant aesthetic improvement.

⊞ = sink

|D| = door

▭ = stairs

⊕ = toilet

☀ = smoke alarm



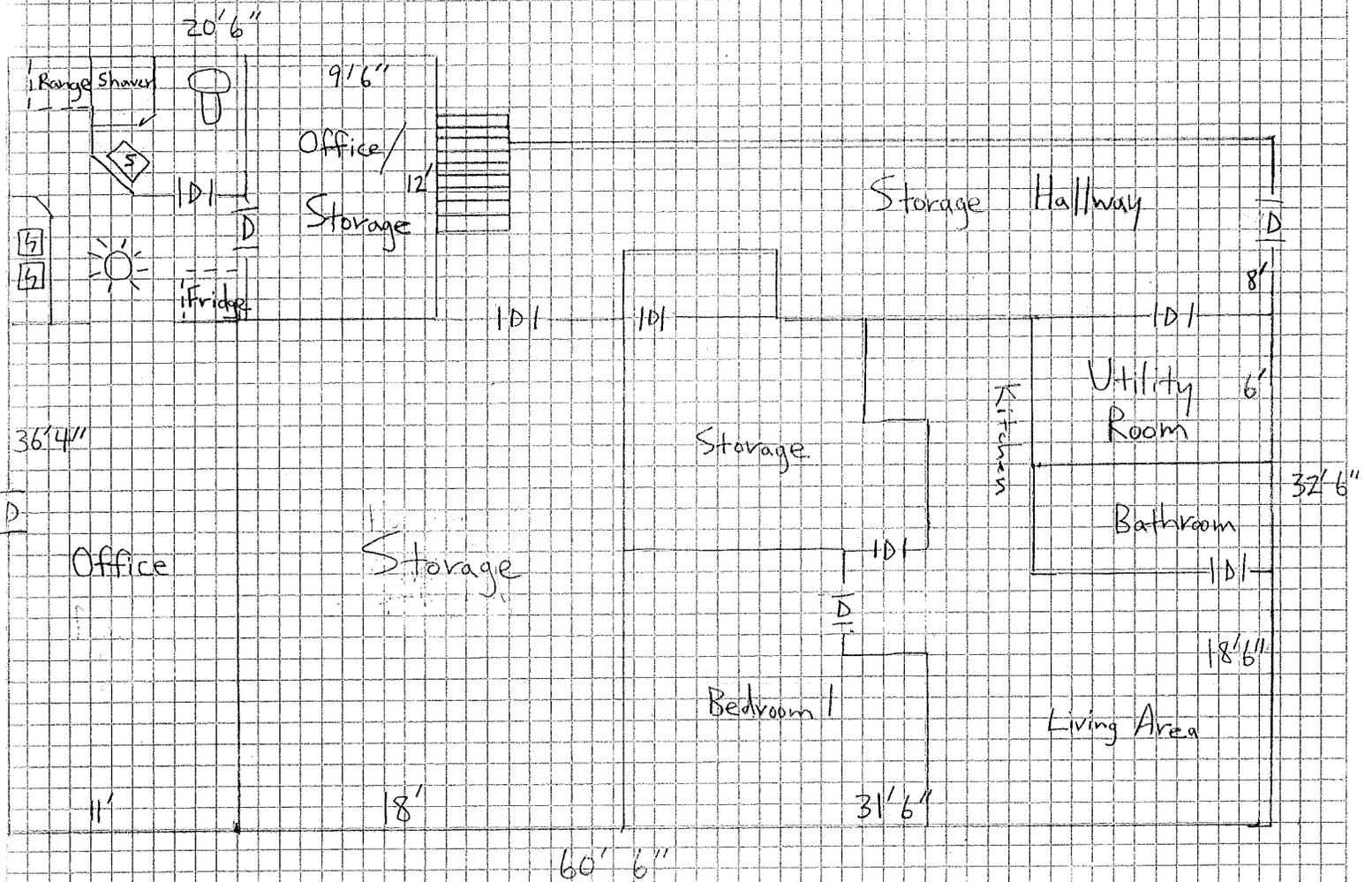
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729 D Street
Floor 1

platt.com

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Branch Directions • Spec Sheets • MFG Catalogs

* Existing



Control Automation • Tools • Solar • Video Surveillance • Lighting • Wire
Green • Utility • Datacomm • Electrical • Power Distribution

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⬡ = sink

|D| = door

▭ = stairs

⌋ = toilet

☀ = smoke alarm

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729 D Street

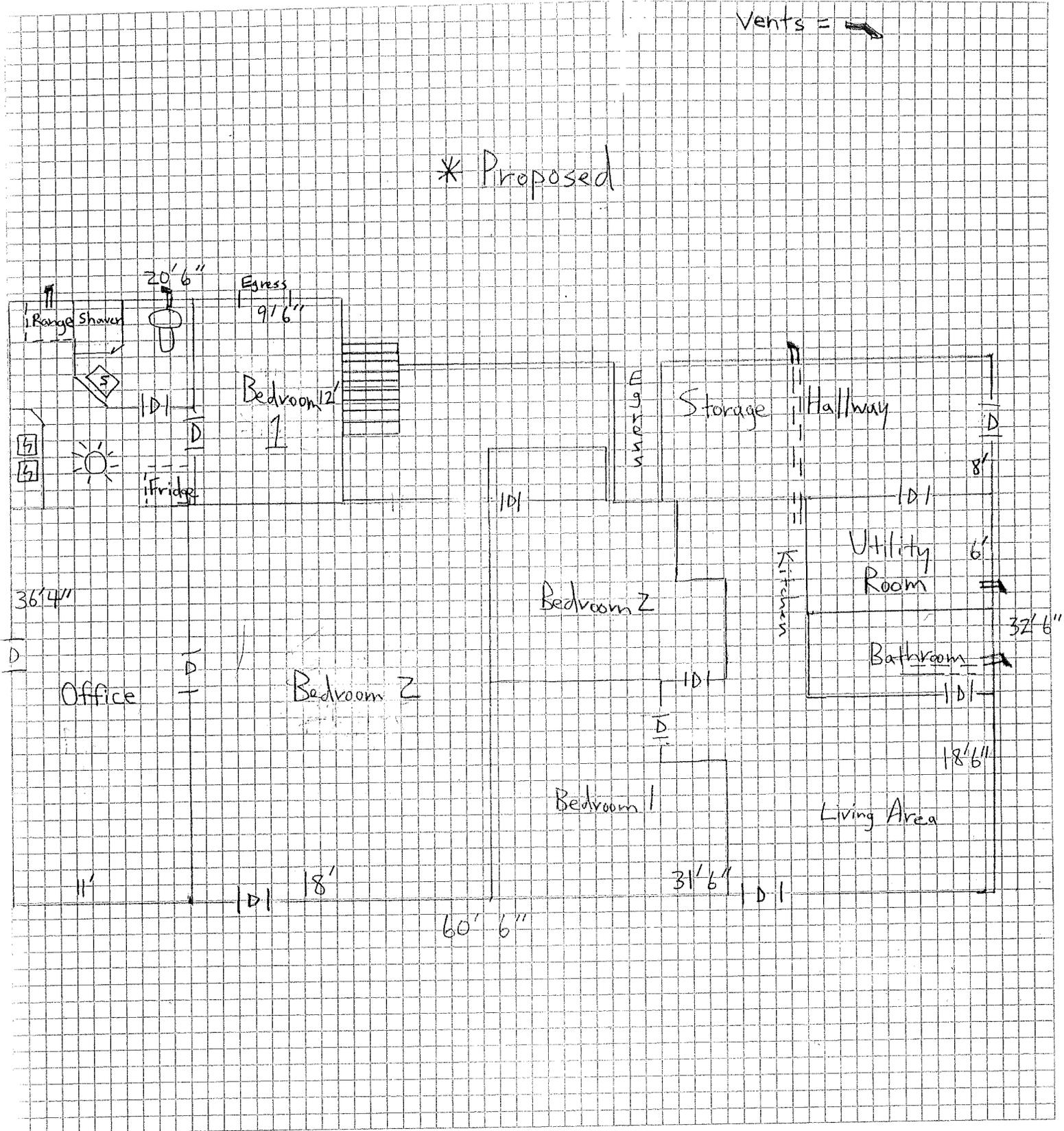
Floor 1

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Vents = ➡

* Proposed



Control Automation • Tools • Solar • Video Surveillance • Lighting • Wire Green • Utility • Datacomm • Electrical • Power Distribution

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2" □ = 1 foot
"approx"

|D| = door

● = fire-x

⊙ = toilet

☀ = smoke alarm

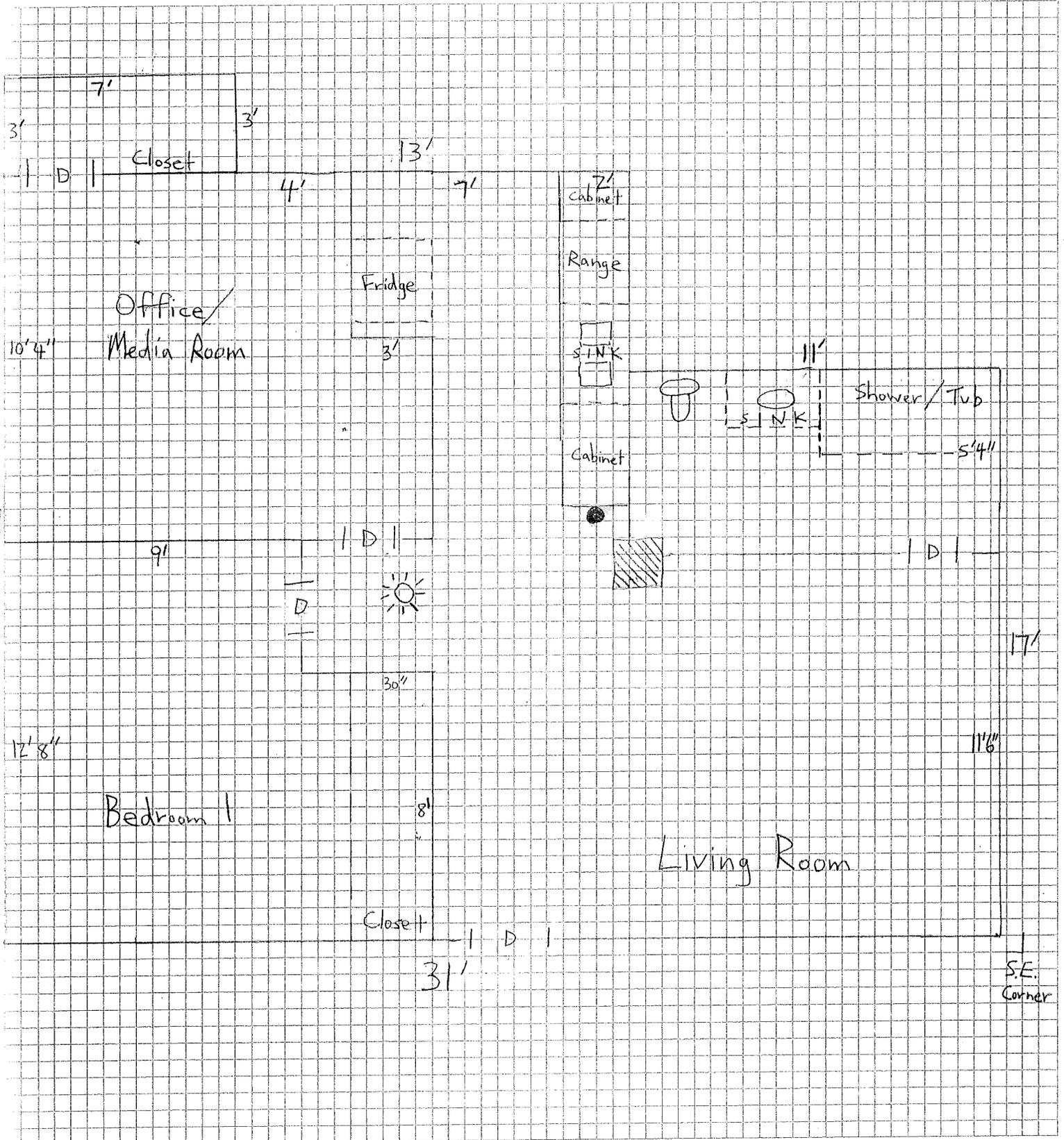


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729 D Street
Z Bd Apt

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Branch Directions • Spec Sheets • MFG Catalogs



Control Automation • Tools • Solar • Video Surveillance • Lighting • Wire
Green • Utility • Datacomm • Electrical • Power Distribution

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1" = 2 feet

(T) = tree

Pk = 1 Parking Space (9'x16')

--- or /--- = ingress/egress boundaries
platt.com



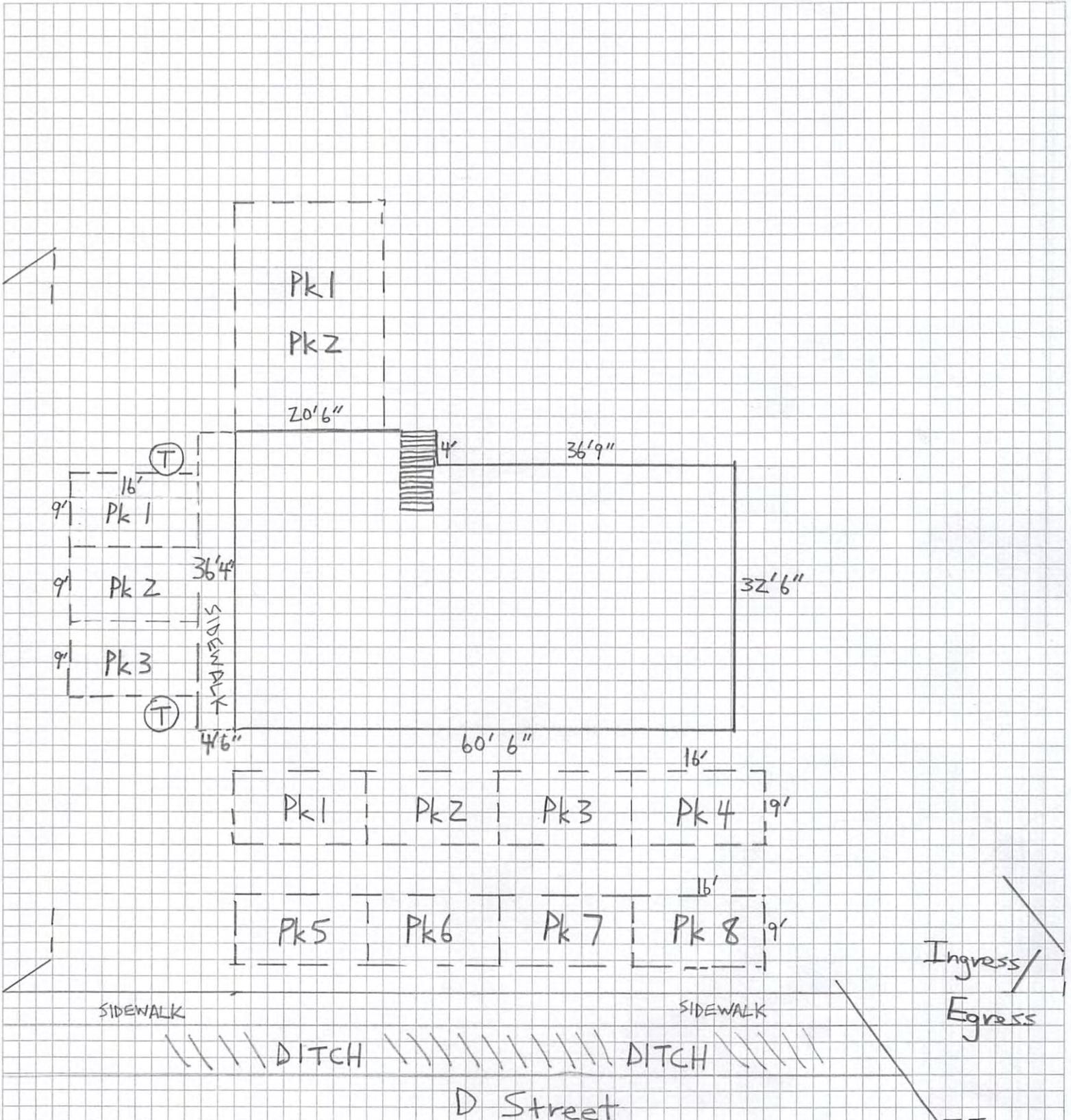
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Offstreet
Parking

729 D St

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Green • Utility • Datacomm • Electrical • Power Distribution

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729

DST

6TH CT

7TH AVE

7TH CT

8TH AVE

8TH CT

ATTACHMENT B

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

TL
200
I-C



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, 9900 swisstopo, and the GIS User Community



Disclaimer:
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Image Date: 7/6/2010

ATTACHMENT C



1 inch = 139 feet

Date: 9/7/2016