

**CITY OF COOS BAY  
PLANNING COMMISSION MINUTES**

Tuesday, January 14, 2003  
7:00 P.M. CITY COUNCIL CHAMBERS

**ATTENDANCE**

**COMMISSIONERS:** Chairman Bruce Harlan, Commissioners Steve Clay, Chris Coles, Mark Daily, Chris Hood, Jeff Marineau and Susan Spargo

**STAFF:** Laura Barron, Planning Administrator  
Debbie Erler, Planner

**SIGNED-IN GUESTS:** Larry Drinen, 94592 Carlson Hgts Lane, North Bend, OR

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**OATH OF OFFICE**

The oath of office was administered to our newly appointed Planning Commissioners by City Recorder Joyce Jansen.

**APPROVAL OF MINUTES**

Approval of Planning Commission minutes of November 12, 2002.

Chris Coles noted correction to the first motion on page 3. The motion was made by Commissioner Clay and seconded by Commissioner Coles.

**MOTION:** Commissioner Clay - Accept the Planning Commission minutes of November 12, 2002 as revised.  
**SECOND:** Commissioner Coles  
**VOTE:** Unanimous

Approval of Planning Commission minutes of December 10, 2002.

**MOTION:** Commissioner Coles - Accept the Planning Commission minutes of December 10, 2002 as submitted.  
**SECOND:** Commissioner Daily  
**VOTE:** Unanimous                      **ABSTAIN:** Commissioner Clay

**CCI/PUBLIC COMMENTS**    None

**PUBLIC HEARINGS**

PLANNING  
COMMISSION  
MINUTES

JANUARY

**ITEM A: Conditional Use ZON2002-00060:** (Continued from December 10, 2002 hearing) Mr. David Scanlon, Bay Area Foursquare Church, 371 S. 5<sup>th</sup> Street, Coos Bay. The applicant is requesting approval of a conditional use to expand the existing church facilities by building a 2-story classroom structure.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had ex parte contact or conflict of interest to report.

Chairman Harlan noted for the record that he is a member of the Presbyterian Church at 438 Elrod Avenue, which is in the affected notice area.

Chairman Harlan opened the public hearing.

Laura Barron read the disclosure statement and updated the Commission on the applicant's request, including concerns from the November 12, 2002 meeting, and entered newly submitted evidence into the record *Exhibit 1 - Map #3; Exhibit 2 - Letter and 2 elevation drawings; Exhibit 3 - Letter from Ed Ellingsen regarding off-street parking.*

David Scanlon, Pastor of Bay Area Foursquare Church, 371 S. 5<sup>th</sup> Street, Coos Bay, thanked the Commission for their input and guidance at the November 12, 2002 meeting. He further outlined their request as proposed with the new exhibits. He stated they have a shared parking agreement from the abutting property in progress. The agreement will include the installation of stairs and a retaining wall.

Commissioner Clay questioned a portion of the letter from Ed Ellingsen that indicates *"the City of Coos Bay will provide a statement that recognizes the revocable nature of the agreement and that the City will not irrevocably bind them to the permitted use if they need to revoke the agreement in the future."* He asked staff to explain the process if the granter revokes the agreement.

Debbie Erler stated that if the existing agreement is revoked the City must be notified; at that time the applicant will be given the opportunity to seek another agreement from property within 300 feet or eliminate the need for the agreement by cutting back the use. Ultimately, permit approval can be revoked without the agreement. She read the from LDO, Chapter 3.15, Section 2, which explains the process. *"All parking spaces shall be on the same parcel of land with the main use they serve. However, parking for non-residential structures or uses may be provided within 300 feet of the main building and in the same general type of district if there is assurance in the form of deed, lease, contract, or other similar document that the site is usable for the required parking for the duration of the use"*.

Commissioner Marineau stated there is no guarantee that the County or the parties involved would notify the City prior to the agreement being revoked.

Commissioner Daily stated he is concerned about the portion of the agreement that is crossed out on the last page *"successors, heirs, executors, administrators, devisees, or assigns."* Debbie stated that portion of the agreement must not be removed. The agreement must not be void just because the property is sold or there are name changes.

Commissioner Hood suggested a statement be added to the agreement that makes it a requirement that the City sign off before the agreement can be revoked.

The Planning Commission and the applicant discussed the history of the parking agreement and what the Church would do should the agreement be revoked. The applicant discussed on-street and off-street parking options in the surrounding area.

Pastor David Scanlon, continued his discussion on the request as proposed with the new exhibits. He discussed building locations as described in the exhibits and the benefits and restrictions of each.

Commissioner Clay stated the parking scenarios show parking areas that do not meet the requirements listed in the LDO.

Commissioner Daily suggested the building be located along the west property of tax lot #2700, which would require the removal of an existing three story structure that is used by the church for storage and the elimination of the off-street parking in that area. Locating the building there may eliminate the massing issue due to the slope along that property line and the fact that the building would not be right along the street

Pastor David Scanlon stated the three story garage structure is very valuable as storage for the entire church.

Commissioner Clay stated the proposed building appears to be “shoe horned” in to the available space. The intent of the R-4P zone is to provide structures and site plans that are compatible with the surrounding area. When a 4,000 square foot building is placed in the available space and a majority of the rest of the site is pave, it becomes something incompatible.

The Commission discussed the building design, location and size in relation to the surrounding neighborhood with the applicant, including the fact that a three-story multiple family dwelling is permitted without any special review.

Pastor David Scanlon, continued his discussion on the new exhibits. He stated their preferred location would be to move the proposed building 13-feet onto tax lot #2700, which would not disturb existing off-street parking or access. This plan would require approval of the four-foot variance. He stated the corner sight distance problem would be eliminated. He then discussed the building elevations and how the building would relate to surrounding structures.

Commissioners Marineau asked Commissioner Clay to discuss specifically what he is looking for to improve the proposed plan to allow better direction for the applicant. Commissioner Clay stated design involves size, use and size of use. The proposed building is 100-feet long and 24-feet high with no variation in height or distance from the street.

The applicant asked if there would be a problem with massing if the building was “L” shaped. Commissioner Clay stated that if the massing, distance from the street, detailing, scale, color

and the relationship to the neighborhood were different (scaled down) there may not be a conflict.

Commissioner Marineau stated that the HDRC may be willing to assist the applicant with the design issues outlined by Commissioner Clay. The Commission discussed the appropriateness of the use of the HDRC for non-historical projects.

Larry Drinen, 94592 Carlson Hgts Lane, North Bend, stated that a lot of things can be done to improve the elevations on the proposed building like adding additional windows; increasing the size of windows; changing roof lines and elevations; showing proposed landscaping along the building and adding other architectural features that would visually lower the scale of the building. They can come back with a plan that includes this information. He discussed with the Planning Commission what their specific concerns were with the building. The Planning Commission indicated that the scale (size/massing), location and design of the building along with the off-street parking issue were the main concerns. He indicated that the building could be reduced in size to eliminate the need for a variance.

The Planning Commission discussed the need for an off-street parking agreement with the abutting property owner and the need on the part of the applicant to seek legal advice for creating the document. They indicated the desire to have the City made a party to the agreement, in that, the City must sign off prior to the agreement being revoked.

David Scanlon submitted an additional plot plan for the Commission's consideration (*Exhibit D*). The plan shows an "L" shaped building with the same over all square footage. The plan places the gym portion of the building at the back of tax lot #2700 (SW corner) and the classroom and restroom portion of the building on both tax lots along South 5<sup>th</sup> Street. The plan would call for the elimination of off-street parking spaces on tax lot #2700 and the creation of off-street parking on the south end of tax lot #2800. The plan would require approval of a four-foot variance.

Chairman Harlan closed the public hearing.

**MOTION:** Commissioner Clay - Continue the hearing for Conditional Use ZON2002-00060 to the Planning Commission hearing of February 11, 2003.  
**SECOND:** Commissioner Marineau  
**VOTE:** Unanimous

**ITEM B: Variance ZON2002-00061:** (Continued from December 10, 2002 hearing) Mr. David Scanlon, Bay Area Foursquare Church, 371 S. 5<sup>th</sup> Street, Coos Bay. The applicant is requesting approval of a variance to the property line setback required from street frontage. Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had ex parte contact or conflict of interest to report.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if the Planning Commission had ex parte contact or conflict of interest to report.

Chairman Harlan opened the public hearing.

Laura Barron read the disclosure statement and updated the Commission on the applicant's request (see "Item A" for list of new evidence).

The Planning Commission discussed the concerns they have regarding the building for the Conditional Use request are the same for the Variance request. It was discussed that the Decision Criteria for the Variance has not been adequately address and approval could not be justified. Commissioner Marineau stated that the applicant could come back next month with a new plan that would justify a variance approval.

Chairman Harlan closed the public hearing.

- MOTION:** Commissioner Spargo - Continue hearing on Variance ZON2002-00061 to the Planning Commission hearing of February 11, 2003.
- SECOND:** Commissioner Marineau
- DISCUSSION:** The Planning Commission discussed the need to give the applicant clear direction on plan development and whether or not the Decision Criteria can be met.
- VOTE:** Yea - Commissioner Coles, Marineau, Spargo  
Nay - Chairman Harlan, Commissioners Clay, Daily, Hood

David Scanlon, Bay Area Foursquare Church, 371 S. 5<sup>th</sup> Street, Coos Bay stated that if the direction of the Planning Commission is to not approve the variance, he would like to know so that no additional time is invested in a concept that cannot be approved.

- MOTION:** Commissioner Clay - Adopt Findings of Fact and Conclusions as presented in the submitted staff report and Deny Variance ZON2002-00061.
- SECOND:** Commissioner Daily
- DISCUSSION:** Commissioner Marineau -The applicant may come back with a great plan. Chairman Harlan - Having a building of that size so close to the street does not fit into the residential neighborhood. Also the Decision Criteria is very specific and the applicant has not justified an approval of even one of the Decision Criteria. He does not want the applicant investing more time on a concept that would probably not end in an approval.
- VOTE:** Yea - Chairman Harlan, Commissioners Clay, Coles, Daily, Hood and Spargo  
Nay - Commissioner Marineau

**ADMINISTRATIVE**

PLANNING  
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Laura Barron stated that no progress has been made on the Transportation System Plan.

**COMMISSION COMMENTS**

Commissioner Coles stated she is bewildered that the parking issue is so intense when at the November 12<sup>th</sup> Planning Commission hearing there was little concern over a variance approved for 64 off-street parking spaces in a commercial zone.

Chairman Harlan stated he is pleased to have newly appointed Commissioner Chris Hood on the Commission. He stated Chris seems to know what he is talking about.

Commissioner Clay and Marineau welcomed Chris Hood to the Planning Commission.

Commissioner Clay stated the he has been on the Planning Commissioner for many years and Chris is the best Freshman Commissioner so far.

**STAFF COMMENTS**

Laura Barron welcomed Chris Hood to the Commission and thanked Bruce Harlan for his continued service to the Planning Commission.

**ADJOURNMENT** 10:15 p.m.

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Bruce Harlan, Chairman  
Planning Commission  
City of Coos Bay  
Coos County, Oregon

ATTEST: \_\_\_\_\_  
Debbie Erler, Planner  
City of Coos Bay

**APPROVED AS CORRECTED 02-11-03**