

**CITY OF COOS BAY
PLANNING COMMISSION MINUTES**

Tuesday, October 11, 2005
6:00 P.M. CITY COUNCIL CHAMBERS

ATTENDANCE

COMMISSIONERS: Chairman Bruce Harlan, Commissioners Jim Berg, Mark Daily, Chris Coles, Chris Hood and Rex Miller

STAFF: Laura Barron, Planning Administrator
Debbie Erler, Planning/Code Spec.

SIGNED-IN GUESTS: None

APPROVAL OF MINUTES

Approve Planning Commission minutes for September 13, 2005.

MOTION: Commissioner Hood - Approve Planning Commission minutes of September 13, 2005, as submitted.

SECOND: Commissioner Daily

VOTE: Unanimous

ABSTAIN: Commissioner Coles

CCI/PUBLIC COMMENTS

PUBLIC HEARINGS

ITEM A: Remand of Architectural Design Review (ZON2005-00076): Mark McPeck, 985 Newmark Avenue. The applicant is requesting approval of a 100x140 square foot metal building adjacent to the Bay Area Athletic Club. The location is subject to the design standards of the Empire Waterfront Settlement Design Area. This hearing is in response to the City Council remand of the Planning Commission decision to deny the proposal on July 12, 2005 (ZON2005-00038).

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 exparte contact or conflict of interest to report.

Chairman Harlan opened the public hearing.

Laura Barron read the disclosure statement and summarized the history of the application. She stated that on September 6, 2005 the City Council remanded the application back to the Planning Commission. The City Council found that the prohibition of a metal building may be waived as long as the goals of the "Empire Waterfront Settlement Design Review Area" are met.

Commissioner Hood asked if the design review standards apply to an expanded or modified building.

Laura Barron stated that the standards apply for any expansion or exterior modification. The intent of the ordinance and the direction of the Historic Design Review Committee (HDRC) is to insure that when a building is expanded or modified, the proposed addition/modification complies with the ordinance and is visually related to the existing building. The applicant is not required to alter the existing building.

The Planning Commission discussed previous Architectural Design Review applications.

Commissioner Hood stated the application was remanded back to the Planning Commission because the City Council did not feel the Planning Commission's decision could be overturned.

Commissioner Berg ask if the color of the proposed building matches the existing building.

Mark McPeek stated that the existing building has been a beige color for the last 25 years and the new addition will match the existing. Laura Barron stated there are a lot of brown tones in the available colors and it is not an issue. Mr. McPeek stated he would like to delay the meeting. He said he has hired lawyers from Portland and he intends to take legal action against the City. He stated he believes he has been wronged and believes it has been very costly for him. He intends to sue the City. He added that basically that is where it stands.

Chairman Harlan asked Mr. McPeek if his stand on the issue is that he will make no changes.

Mr. McPeek stated his attitude is that he has jumped through the hoops and provided good plans. He added that the property is properly zoned and he has asked for no waivers. He said the HDRC approved his plans and it is only this body that has refused the plans.

Commissioner Hood asked Mr. McPeek if it is his intent to come back in November with his attorneys to discuss the merits of the application. Mr. McPeek stated he is not sure what the attorneys are planning, it's somewhat convoluted. He thought they would be here yesterday but they said there was no incentive to pay to drive them or fly them all the way down to make this happen. They said there was nothing they could do at this point, because it would be a legal issue.

Commissioner Hood stated that it sounds like the applicant does not intend to make changes to the plan for the November hearing and he questioned if there is any reason to continue the hearing when the applicant does not intend to make changes in an effort to comply with the standards.

Laura Barron asked Mr. McPeek if he intends to make any changes to the design of the building. Mr. McPeek stated he does not intend to make any changes at all.

Chuck Dufner, 93943 Norby Lane, Coos Bay, stated the City Council recognizes the club as a business that benefits the City. He said he thinks the City Council was reluctant to overturn a Planning Commission decision and they wanted to give the Planning Commission a chance to reconsider their decision. He said there are more important things to consider then the color of the building.

Chairman Harlan stated the City Council directed the Planning Commission to develop the adopted ordinance. It is now the Planning Commission's responsibility to follow the standards of the ordinance when making a decision.

Chairman Harlan closed the public hearing.

MOTION: Commissioner Coles – Continue the hearing for the Architectural Design Review #ZON2005-00076 to the November 8, 2005 hearing.

DISCUSSION: Commissioner Hood stated he does not see any effort by the applicant to make changes. He said that if the applicant does not plan to make any changes maybe the Planning Commission should deny the application and let the applicant and his attorney address the issues before the City Council.

Chairman Harlan stated the avenue has been open and if the applicant has no intention of making changes to the application what would there be to review at the November meeting.

Commissioner Daily stated the Planning Commission is here to determine if the applicant meets the criteria, the application we previously reviewed did not meet the criteria and if no changes are being proposed, there is nothing to review. He added that a continuance is usually granted to allow the applicant time to make recommended changes and Mr. McPeck has made it very clear he does not intend to make changes.

Commissioner Hood stated according to our records the HDRC did have issues with the proposed development and they made recommendations for changes that would comply with the ordinance.

Commissioner Miller stated an effort by the applicant to apply the design standards and add landscaping would cost a lot less than attorneys.

MOTION: Died for lack of second.

MOTION: Commissioner Daily – Deny the request for a continuance and Architectural Design Review application #ZON2005-00076 due to non-conformance with the Architecture Design Review Standards as outlined in the Land Development Ordinance.

SECOND: Commissioner Miller
VOTE: Unanimous

ADMINISTRATIVE DISCUSSION ITEMS

A. Mini-warehouse storage units: Where should storage units be allowed?

Commissioner Berg stated if there is a demand for storage units, how can the City tell developers that they can not be placed in commercial zones. They usually take up a big chunk of property.

Commissioner Hood stated storage units serve a purpose, but they are being placed on prime commercial property and they do not visually enhance our community. The success of some uses depend on arterial access, but storage units could be placed anywhere. We could impose rules to help govern the placement and access. The City would need to check commercial inventory to insure there is ample property available elsewhere in the City. The City could impose placement standards as they did with manufactured homes placement standards around 1994.

Commissioner Miller stated that something could be done to soften the effects.

Commissioner Daily stated that there could be changes that would allow the storage units while moving them away from the arterial streets.

Laura Barron stated that if we restrict development in commercial property, we must provide for the use in the industrial zone or invoke design review standards to help make the area along the arterial more appealing. She stated that with this direction staff will research available industrial-commercial property and see what is available away from arterial streets.

B. Replacement of a nonconforming use:

Laura Barron stated that currently a single-family dwelling in the R-3 zone is listed as a conditionally permitted use; therefore, if a single-family dwelling is destroyed, a Conditional Use permit must be approved prior to the home being replaced. This has happened three times recently. Should replacement be allowed outright?

1. In what zones?

The Planning Commission discussed periodic review. Commissioner Hood stated there is not enough time or money to complete a long range project in a timely manner. He said that maybe it is time to look at our comprehensive plan again and up date it with current information.

The Planning Commission discussed the replacement of single-family dwellings in the R-3 zone. Staff will review a possible ordinance amendment designating existing single-family dwellings in the R-3 zone as permitted residential uses.

Laura Barron handed out a copy of an article from American Planning Association October 2005. regarding affordable housing.

Laura Barron handed out the color renditions created by Hilary Baker, Crow/Clay & Associates, of selected business in the Empire District. The Planning Commission was very impressed with the outcome and stated this is the kind of drawings (before/after) a business owner needs to see to have a better understanding of the standards. The drawings show how even little changes can be a big difference in the appearance of a building and how the changes can be done in stages.

COMMISSION COMMENTS

Commissioner Coles stated this year's "Farmers Market" will end the season on October 26, 2005. They completed a DOT survey in mid august and it is amazing the number of tourists that stop for the market. She plans to submit a report in the near future. She added that the Park Committee is working on a Parks Master Plan. She stated she just returned from the annual preservation conference and will present her pictures and information at a later date.

Commissioner Daily stated that traffic flow in downtown is a mess. He recently had to go three blocks out of his way to get to a coffee shop on a one-way street. He said the Public Access Station (Channel 98) can now run video like football games and Shoreacres. He said "Little Theater on Bay" has purchase the "Egyptian Theater." They plan to make it a regional theater and are looking for donations for identified projects. He added that since "The Outdoor In" put up the "Pizza & Burgers" sign they have tourists coming in that didn't know what the "The Outdoor In" was before the signs.

Rex Miller stated he hopes to get the support of the City Council on historic design issues.

Laura Barron gave informed the Commission that the video/DVD, "Living on the Edge," was available to them. The documentary is about people building on the edge of shorelines.

ADJOURNMENT 7:35 P.M

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

ATTEST: _____
Debbie Erler, Planning/Code Specialist
City of Coos Bay

APPROVED AS SUBMITTED 11/8/05

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