

**CITY OF COOS BAY
PLANNING COMMISSION MINUTES**

Tuesday, February 14, 2006
6:00 P.M. CITY COUNCIL CHAMBERS

ATTENDANCE

COMMISSIONERS: Chairman Bruce Harlan, Commissioners Jim Berg, Chris Coles, Mark Daily, Chris Hood and Jeff Marineau

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

SIGNED-IN GUESTS: Stuart Woods, 800 N Bayshore Drive, Coos Bay
Stan Olberg, 1674 N 8th Street, Coos Bay
Herbert Kinney, 1580 Myrtle Avenue, Coos Bay
Betsie Kinney, 1580 Myrtle Avenue, Coos Bay
Gladys Kelly, 1535 Myrtle Avenue, Coos Bay
Elaine Noyes, 1441 Nutwood, Coos Bay
Esther & Archie Spurgeon, 1850 N 15th, Coos Bay

APPROVAL OF MINUTES

Approve Planning Commission minutes for January 10, 2006.

MOTION: Commissioner Coles - Approve Planning Commission minutes of January 10, 2006 as submitted.

SECOND: Commissioner Hood

VOTE: Unanimous

CCI/PUBLIC COMMENTS

ADMINISTRATIVE

Laura Barron summarized a request by Barbara Dodrill on behalf of the land owner for an interpretation of the Land Development Ordinance to allow a law office in the Medical Park zoning district.

Barbara Dodrill, 1313 Alabama, Bandon stated that the building is located at 2590 Woodland Drive. The building is currently empty and the proposed buyers plan to refurbish the building. She stated that in looking at the building and the parking which is limited to 6 or 7 spaces, she thinks it is better suited as an attorney's office then a medical office. She said some medical services might work well enough because not all medical business have a lot of clients, but most have six or seven people at a time. She concluded that the property is surrounded by R-2 and R-3.

Commissioner Daily stated according to the applicant's letter the legal practice is primarily medical, with that in mind, it would be easy to construe that it's part of medical services.

Chairman Harlan stated he is concerned about having a professional office in the medical district. The Medical Park District was specifically setup for development of medical facilities and has done so very successfully to this point. He is concerned about allowing professional offices. There is no direct tie to the medical profession. It opens the door and makes it difficult to deny other professional services requesting approval.

Commissioner Hood stated he is also concerned that allowing this use would set precedence to allowing business not currently allowed in the district. He said there is no difference between an attorney's office and an accountant, CPA office or a whole list of other professional offices. Once the Medical Park is opened to these other uses it could be absorbed quickly. Then what would we do with new medical uses. The zone was established for a reason and I can't see where the use is allowed in the ordinance.

Commissioner Marineau questioned the zoning of the area. Laura Barron described zoning in the area. The Planning Commission discussed surrounding zones.

Commissioner Hood stated that based on the surrounding zones a rezone may be a more appropriate request.

Commissioner Marineau stated the property is surrounded by residential properties.

Commissioner Berg stated the intent of the Medical Park District is to centralize medical facilities. As the medical fields grow more of the residential properties would be converted to medical uses as intended by the Comprehensive Plan.

Commissioner Daily stated the Medical Park should service the medical community. We may be drawing a hard line, what about an accountant that strictly does doctor taxes?

Chairman Harlan stated we have no control over the practice of a lawyers or accountant.

The Planning Commission discussed zoning and development in the surrounding area.

Commissioner Marineau asked if the owner could rent a building in the medical district to an attorney. Debbie Erler stated that if Community Services received a business license request for a use that is not permitted use in the zone, the business license would be denied.

Commissioner Marineau asked Laura Barron read the definition of "Medical Service." Laura Barron read the definition "*Medical Services: Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use or group residential (group care) use type. Typical uses include medical offices, dental laboratories, health maintenance organizations, or detoxification centers.*" Commissioner Marineau stated based on that information the proposed use does not fit in the district.

Commissioner Hood stated he does not have a problem with the proposed use in the proposed location. He does not think it will have an over all impact on the zone. He has a problem with making an interpretation that will affect the entire Medical Park District, not just the subject property. The Medical Park District zone surrounds Bay Area Hospital for a reason. He thinks the Medical Park District needs to be protected.

MOTION: Commissioner Hood – Make an interpretation that a “law office” is not a permitted use in the Medical Park District.
SECOND: Commissioner Coles
VOTE: Unanimous

PUBLIC HEARINGS

ITEM A: Vacation (ZON2006-00001): James Cahill, 622 Pine Avenue, Coos Bay. The applicant is proposing to vacate approximately the east 20 feet of N. 8th Street, north of Pine Avenue, for a distance of approximately 360 feet.

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 outlined the applicant’s request. She stated Verizon objects to the vacation unless an easement is provided for Verizon facilities located in the proposed vacation area. Mrs. Barron stated staff recommends a condition be added that prior to construction an easement must be granted to Verizon for Verizon facilities affected by the vacation.

Commissioner Hood asked if it is correct that the City only wants a 5-foot easement.

Chairman Harlan asked from where is the 5-foot easement measured. Commissioner Marineau stated it is usually centered, which would mean 2.5-feet on each side of the line.

Stuart Woods, representing Jim Cahill stated the south end of the proposed vacation area has a man hole and as they indicated they are not opposed to a 15-foot easement (7.5-feet on each side). He added that when you are in the field you will notice there is more space then appears on the maps. He said they jogged the fence over because they know they needed more room around the easements. He stated they would work with Verizon on moving the guide line and will include a easement as requested.

Chairman Harlan closed the public hearing.

Chairman Harlan stated North 8th Street is platted to be 80-feet and is developed to 36-feet. The street terminates north of the subject property. He is not opposed to the request.

MOTION: Commissioner Coles – Accept the Statements of Fact, Findings and Conclusions of Decision Criteria 1-3 as submitted and recommend the City Council approve Vacation application #ZON2006-00001 to vacate approximately the east 20 feet of N. 8th Street, north of Pine Avenue, for a distance of approximately 360-feet, subject to staff's recommended Conditions and the added condition that "A 15-foot easement must be provided for utility maintenance and installation including an easement to Verizon.

SECOND: Commissioner Marineau

VOTE: Unanimous

ITEM B: Conditional Use (ZON2006-00006): Christ Lutheran Church, 1835 N. 15th Street, Coos Bay. The applicant is proposing to site a modular structure to be used for two classrooms.

Chairman Harlan asked if there were any objections to the Planning Commission hearing the conflict of interest to report.

Chairman Harlan opened the public hearing.

Commissioner Berg stated two of his granddaughters attend the school. He stated he does not feel it will affect his ability to make an impartial decision.

Laura Barron read the disclosure statement and outlined the applicant's request. She read into the record a letter received from Elaine Noyes in opposition to the expansion, due to an increase in traffic to the area (*Exhibit 1*).

Commissioner Hood asked for the number of children that attend the school. Mrs. Barron stated there are about 150 existing students. Commissioner Hood stated he is concerned about the removal of the playground. When he visited the site today it appeared that vehicles are parked on the street and not in the lot. He believes this is because they use the parking lot as a playground. He is concerned about traffic to the site during drop-off and pick-up times.

Commissioner Berg stated removal of the playground would help the traffic flow and reduce the congestion. You enter off a narrow access off the street and the existing playground impedes traffic flow.

Commissioner Marineau asked if all uses of the building are taken into consideration. Mrs. Barron stated that all uses are considered, but that the hours of operation for the church and the school do not overlap and shared parking is allowed. The church requires 49 off-street parking spaces and that is all that would be required (the school only requires 15-spaces).

Darlene Thauland, Principal of Christ Lutheran Church, stated there are currently 160 children. They will be adding only an 8th grade, which will add ten to fifteen children. The proposed building will have two class rooms. Each class room has a maximum capacity of 18 students.

Commissioner Hood asked about the original number of children. Mrs. Thauland stated they started with 11 children. Commissioner Hood stated commented that they started with 11 students and added one new two-story building and proposing an additional building. They have increased students from 11 to 160 with a possibility of 36 additional students in the new building. He asked if there is a maximum number of students for the facility. Mrs. Thauland stated they would be at capacity with the 196 students. She stated they have a staggered start and stop time. Children start arriving at 7:00 a.m. and school starts at 9:00 a.m. The afternoon ends for preschool and kindergarten at noon and others start leaving at 3:00 p.m. They provide after care until 6:00 p.m. She stated parents enter off of Myrtle Avenue pulling into the parking lot and exit onto 15th Street. Transportation is not provided by the school.

Commissioner Coles asked if they plan to create a new playground for the children. Mrs. Thauland stated they hope to reestablish a playground for the children in the future towards the north end of the property.

Commissioner Marineau asked if they plan to expand the parking lot. Mrs. Thauland stated they will need to add the parking that is being lost because of the new building.

Commissioner Hood stated the traffic to and from the site and on-street parking is his concern.

Mrs. Thauland stated no children are dropped of on 15th Street, they are dropped off at one of the two sites within the property.

Herbert Kinney, 1580 Myrtle, Coos Bay stated the application and staff report indicate there would be no impact, problems or adverse effect to the area with the addition of a 1800 square foot building, up to 40 additional children and additional staff. He stated he likes the children and the school, but the area is full of non-resident traffic. The elimination of the existing parking for the new building will remove needed parking spaces. He asked why they are removing the playground. There are very small children at the school and they need a play area more then 16 off-street parking spaces. Children start arriving at 7:00 a.m. and there are cars arriving and leaving throughout the day. The application does not mention a junior high only an elementary school. There is congestion during the drop-off and pick-up times and there are often three or four cars backed up in to Myrtle Avenue. Now you want to add an additional 30 vehicles to the already overtaxed situation. There are visibility problems at Myrtle Avenue and 14th Street which adds to the danger. He said the speed limit is often exceeded. There are 41 residents that use Myrtle Avenue as their main street through the area and when you add the existing school traffic and the proposed school traffic it is not a very safe area for drivers or pedestrians.

Commissioner Hood stated the purpose of roads and street is to get people to and from an area. What we are dealing with here is safety issues and traffic is definitely an issue. The streets in the area have the capacity to handle the amount of traffic proposed. A traffic level of 1,000 a day on a residential street is "A" level traffic. The street dead end in the area so there is not a lot of through traffic. The traffic issue is the safety while dropping off and picking up children. The traffic pattern discussed where the vehicles enter onto the property from Myrtle Avenue to drop the children off and exit on to 15th Street is a safe traffic flow even if at times a few vehicles back up at the entrance. He said he is not concerned about 30 more kids.

Commissioner Daily stated it appears that currently the school is a good fit. Adding additional grades may be too much for the area.

Elaine Noyes, 1441 Nutwood, Coos Bay, stated she grew up on Myrtle Avenue and has lived on Nutwood for forty years. She stated she is not opposed to the current use. There is a lot of traffic and people park on the street and in resident's driveways while visiting the school and during church. It is just too much to add another 40 children to what is already there.

Alex Burgess stated he lives across from the entrance to the church. He said despite what has been said a lot of children are dropped off on the street. He has seen the children brought up to the street in wheel barrels. It was his understanding that when the use was first approved they were limited to the number of children they could have. He said on Sundays and during meetings people take all the on-street parking spaces and block driveways. They park helter-skelter, double and on the corner of Nutwood where visibility is limited due to a hedge and people often exceed the speed limit. He was involved in an accident last year while trying to maneuver out of the area and a vehicle exiting the site onto 15th rear ended him.

Gladys Kelly, 1535 Myrtle Avenue, Coos Bay stated the Christ Lutheran School is a very good school. She is opposed to the school expanding and would be very opposed to having the school expanded to include high school. The school has been growing rapidly and the parents she has talked to would like to see high school provided on site. They have a quiet neighborhood and would like it to stay that way.

LeAnn Summers, 1484 Nutwood Avenue stated the parking lot is large but hardly anyone parks in the parking lot. They park in front of her house and everywhere else which impedes the traffic flow. They use the parking lot as a playground. There is a lot of activity morning, noon and night. The school started out small, but now she has no privacy, it is overwhelming the neighborhood and she is opposed to the expansion.

Mark Steenbock, 1135 Sanford Street, Coos Bay stated he was on the Board of Education when the school was established and it was their vision for a long time to add grades as they could, up to eight grade. He said they are currently up through seventh grade. What they are proposing is to add one more grade in the proposed building. He said there is already traffic going through the area and there is already school. The impact of adding one more grade is not that significant and traffic would not increase much.

Commissioner Daily stated you may only be adding one grade but that is 20-percent more students.

Commissioner Hood stated that testimony presented tonight indicates that the traffic impact of the existing school, which has grown tremendously in a very short period of time, is significant.

Mr. Steenbock stated he will talk to the congregation and board and let everyone know they need to utilize the parking lot and stop parking in front of the neighbors houses.

Commissioner Marineau stated he would like to see the church take responsibility for the traffic problems related to their uses (whether it's church or school). There is a problem with on-street parking and the congregation and parents needs to be asked to use the parking lot.

Commissioner Hood stated the school initially went through a Conditional use process to establish the school. As part of the review the Commission looks at the situation and determines what impact the use will have on the area. He stated when he visited the site there were six vehicles and only one was in the parking lot, the rest were on the street.

Commissioner Berg asked if you could add diagonal parking. It was stated the existing right of way is not wide enough to allow diagonal parking.

Commissioner Daily stated it's been stated that the parking is being used as a playground. The people are probably not parking in the lot because it's used as a playground.

Commissioner Hood asked if there are existing parking districts that helps regulate on-street parking. Debbie Eler stated there is a parking district around Marshfield High School to help regulate student parking in the area.

Commissioner Hood stated the impact of one more grade may not seem like a lot, but the school has gone from 11 students to 160 students in a short period.

Chairman Harlan closed the public hearing.

Commissioner Marineau and Hood agreed that the parking problems need to be addressed before a decision is made. They would like to see parking lot and off-street parking plan that including striping the lot and a circulation plan submitted for review. They would like to see the church work with residents to design a plan that will work for everyone.

Commissioner Coles stated it appears to be a concern more about parking related to church services and they need to come up with an off-street parking plan.

Commissioner Hood stated that if children are playing in the parking lot, people will park on the street.

Commissioner Daily stated that if the original approval was for up to sixth grade maybe we should not approve the addition of an eighth grade. Laura Barron stated the original approval included an eight grade.

Commissioner Berg stated the parking lot needs to be designated and the church needs to control the on-street parking to eliminate the problems in the neighborhood.

MOTION: Commissioner Coles – Continue the hearing to the March 14, 2006 Planning Commission hearing to allow the applicant time to submit an off-street parking plan that includes striping and a circulation plan intended to reduce the impact on the surrounding neighborhood and improve traffic flow.

SECOND: Commissioner Hood

VOTE: Unanimous

ITEM C: Architectural Design Review (ZON2006- 00007): Edna Ryzebol, 525 Newmark Avenue, Coos Bay, represented by Hilary Baker, Crow/Clay & Associates, is proposing an addition to the building which is subject to the Empire Waterfront Settlement Design Review goals and standards.

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.

Commissioner Berg declared a conflict of interest due to business dealing with Edna Ryzebol and excused himself for the review.

Chairman Harlan opened the public hearing.

Laura Barron read the disclosure statement and outlined the applicant's request.

Hillary Baker with Crow Clay representing Edna Ryzebol further outlined the proposal, including an addition to the bakery. She stated the color scheme will be carried around the building.

The Planning Commission expressed their appreciation for the effort that has gone into the applications.

Chairman Harlan closed the public hearing.

MOTION: Commissioner Coles – Accept the HDRC recommendation, Statements of Fact, Findings and Conclusions of Design Review Goals and Standards 1-3 as submitted and approve Architectural Design Review application #ZON2006-00007, allowing an addition to the Building at 525 Newmark Avenue as proposed.
SECOND: Commissioner Hood
VOTE: Unanimous

ITEM D: Ordinance Text Amendment (ZON2006-00002): The City, as applicant, is proposing a minor amendment to Land Development Ordinance Chapter 5.4, Appeals, to add language to require an appellatant to pay a fee to process the appeal.

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 outlined the applicant's request.

Commissioner Daily stated he thinks the \$300 fee may prevent someone from appealing. Debbie Erler stated the City has always charged the fee; the proposed language just lets everyone know up front that a fee for an appeal will be charged. She stated the same process applies to an appeal that applies to an application (mailed notice, staff report, etc.). The fee also deters people from appealing without cause.

Commissioner Hood stated he believes the process is too easy and the fee needs to be increased. He said anyone could come in with a “not in my back yard” attitude and basically extend the process without just cause. He finds jurisdictions are lifting the bar on appeals to be more on level playing field. The burden of proof lies with the applicant and the cost associated with hiring professionals can be exorbitant. He added that staff processes an appeal just like the actual application and the public should not be paying to process someone’s appeal.

Commissioner Coles agreed she thinks it is too easy to appeal.

Chairman Harlan closed the public hearing.

- MOTION:** Commissioner Coles – Accept the Statements of Fact, Findings and Conclusions of Decision Criteria 1-2 as submitted and recommend the City Council approve the proposed Ordinance Text Amendment application #ZON2006-00002 to Land Development Ordinance Chapter 5.4, Appeals, adding language to require an appellant to pay a fee to process the appeal.
- SECOND:** Commissioner Berg
- VOTE:** Yea – Chairman Bruce Harlan, Commissioners Jim Berg, Chris Coles, Chris Hood and Jeff Marineau
Nay – Commissioner Daily

COMMISSION COMMENTS

Commissioner Hood stated he appreciates the professionalism of the Planning Commission.

Commissioner Daily stated he is excited to hear that the purchase of the Egyptian Theater is final and that the area is getting a Home Depot and the “Call Center”. He stated he would like to see fewer fees on applications to make it easier for the average citizen.

Commissioner Marineau stated he thinks the fees need to be high enough to discourage unfounded appeal. He stated the County charges \$500 for an appeal and right now there is an individual that is appealing every land use application heard by the County Commissioners. He said their application just got caught up in the process and since you must hire an attorney to be heard before LUBA. He said their cost for the applicant is up to \$20,000 and the project could be delayed up to a year.

Commissioner Hood stated there is a person that goes to the meetings to get standing that is backed by a number of special interest groups that use people in the community to appeal applications not expecting to win, but to drag out the process and run up the cost in hopes that the applicant will withdraw the application.

Commissioner Hood stated recent changes at the County level have made it possible to place a dwelling on forest lands with only 160 acres based on OAR 650.

Commissioner Berg stated he is concerned about the “Call Center” adding 150 employees to the downtown parking area.

STAFF COMMENT

Laura Barron updated the Commission on applications for the March hearing.

ADJOURNMENT 8:30 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 3/14/06

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