

CITY OF COOS BAY

**PLANNING COMMISSION MINUTES
Tuesday, October 11, 2016 at 6:00 P.M.
Coos Bay City Hall, 500 Central Avenue, Coos Bay**

ATTENDANCE

COMMISSIONERS: Chairman Phil Marler, Commissioners Jim Berg, Christine Coles, Katherine Flores, Jeff Marineau, Rex Miller and John Peery

ABSENT: None

STAFF: Tom Dixon, Planner Administrator
Debbie Erler, Planner

SIGNED-IN GUESTS: Wendy A. Holland, 434 7th Avenue, Coos Bay, OR
Julian King, 835 D Street, Coos Bay OR

APPROVAL OF MINUTES

Approval of the Planning Commission minutes of September 14, 2016.

MOTION: Commissioner Coles – Approve the Planning Commission minutes of September 14, 2016 as submitted revised.

SECOND: Commissioner Peery **ABSTAIN:** Commissioner Berg

VOTE: Unanimous

CCI/PUBLIC COMMENTS None

PUBLIC HEARING

Debbie Erler, Planner for the City, asked that Item “A” be moved to the end of the agenda, to allow the applicant time to become available via phone.

ITEM B: Cultural Resource #187-ZON16-047 – 631 S 10th Street

The applicant, Barbara Cribb, is requesting approval for a 3-foot by 12-foot kitchen bump-out on the north wall of the existing structure. The structure is listed as a Cultural Resource for the City of Coos Bay. The Development Code indicates that prior to any alteration, determination of a site’s significance and consideration of the proposed changes against the site’s cultural value shall be made in accordance with Coos Bay Municipal Code, Chapter 17.372.020.

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

Chairman Marler opened the public hearing.

Debbie Erler read the disclosure statement and outlined the applicants' request to construct a kitchen bump-out to expand the floor area of the kitchen. The exterior finish will be completed to match the existing exterior material and color. The structure is on the National Registry. Ms. Erler stated that the office received an email from Joy Sears, of the State Historical Preservation Office, indicating she had no comments or concerns.

Barbara Cribb (applicant) outlined the project and welcomed the Commissioner's to stop by and tour the home.

Commissioner Coles asked if the change would affect the National Registry listing. Mrs. Cribb stated she started discussed the project with SHPO before coming to the City to make sure there would not be an issue with the listing.

Chairman Marler stated the footprint of the structure is not changing and the exterior will match the existing. He stated he had been in the house prior to Ms. Cribb's ownership and the kitchen does need to be upgraded. He appreciates Ms. Cribb's desire to keep the structure historically accurate. Ms. Cribb's stated the two walls in the kitchen involved in the project are original walls and she will preserve them.

Commissioner Berg stated he is glad there were no issues at the state level.

Commissioner Miller stated this application was one of the most comprehensive applications they have reviewed and he thanked the applicant.

Chairman Marler closed the public hearing.

MOTION: Commissioner Coles - Based on the Findings, Conclusions and proposed conditions of approval, as supported by the applicant's submittal, attached hereto and incorporated herein by reference as Attachments A, approve Cultural Resource application #187-ZON16-047 as submitted for 631 S 10th Street

SECOND: Commissioner Marineau

VOTE: Unanimous

ITEM C: Conditional Use #187-ZON16-053 - 810 Newmark Avenue

The applicants, Amber and John Sepulveda, are requesting approval to establish a dog/cat grooming shop at the above described location. In accordance with Coos Bay Municipal Code, Chapter 17.372.020 Uses, "Inside animal activities only," is a conditionally permitted use in the zone; therefore, approval of a Conditional Use application is required.

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

Chairman Marler opened the public hearing.

Ms. Erler read the disclosure statement and outlined the applicants' request to establish a pet grooming business at 810 Newmark Avenue. Ms. Erler outlined prior uses on the properties three commercial spaces.

Amber Sepulveda (Applicant), 1828 Thomas Avenue, Coos Bay stated the building was totally remodeled in 2012 and she does not intend to make any structural changes. She said she plans to add a movable counter and a wash tub (using existing plumbing fixtures). She said they use only organic shampoos and conditioner. She said the owner will bring in their dog/cat and that no animal will leave the building without the owner. They do not expect any noise or odor problems. She said she loves animals and she has been in the grooming business for 30 years.

Chairman Marler closed the public hearing.

MOTION: Commissioner Miller - Based on the Findings and Conclusions, as supported by the applicant's submittal, attached hereto and incorporated herein by reference as Attachments A, approve Conditional Use application #187-ZON16-053 authorizing the use "pet grooming" as proposed.

VOTE: Unanimous Peery

ITEM A: Conditional Use #187-ZON16-042 – 729 D Street (Continuance)

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".

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

Debbie Erler read the disclosure statement and outlined the applicants' request and summarized public testimony from the first hearing. She stated the applicant is out of the country, but has tried to call in. She said there is not extension number to transfer the call from dispatch to the Council Chambers. Ms. Erler stated she has made multiple attempts to call the applicant and the call just goes to voice mail.

The Planning Commissioners expressed their concern and disappointment in the property owner's lack of participation in the process to address city and neighborhood concerns.

Windy Holland, 434 7th Avenue, Coos Bay, stated they live in a quiet area and she is worried about the safety of the neighborhood. She thought about what she was asked at the last hearing about if it was the proposed use or tenants that were the issue. She stated that if the use is changed from a commercial use to a residential use, the resale value of her home will go down. She said there are not a lot of apartment buildings in the area and the neighborhood will change if they get more apartments. Ms. Holland read the ordinance that regulates noise and there are noise issues at the property. She believes the use will bring more crime to the area, because it is more of a low income property. She added that at the time the current owner purchased the property the property was being marketed as two commercial units on the first floor and one living unit on the second floor, so he knew what he was purchasing. She asked if the underground gas tanks from the prior gas station were removed.

The Planning Commission discussed the allowed uses of the prior Development Code, compared to the allowed uses of the current Development Code. The prior code limited residential uses in the commercial zone to 30 percent of the first floor with commercial in the other 70 percent. The current code allows residential occupancy (Medium Density) on the entire first floor with approval of a Conditional Use application.

Mr. Dixon stated there are four decision criteria that have to be met and it is the burden of the applicant to make sure the four are satisfied.

Mrs. Holland stated she is very concerned about neighborhood with more low income apartments and that her property value will be affected.

Commissioner Marineau stated the Planning Commission cannot manage public behavior. He commented to Mrs. Holland that if it were not for the bad tenants you probably would not be at this hearing. He said she may be over selling the devaluation of this use on her property value. Typically a residential use in a commercial zone is not as worrisome to surrounding property owners as a commercial use in a residential zone. He said the residential use might be better than a commercial use, considering uses like an automotive repair service could be established on the property. He added that having a single-family dwelling next to apartments is very common and in fact is good planning.

Chairman Marler confirmed that commercial uses next to residential uses affect the value of property more than a residential use next to commercial uses.

Commissioner Berg stated the structure is in the commercial zone. He asked the participants, if they are saying that if the owner was to put a commercial use in the building that they would like less. Commissioner Kat stated she lives at the end of Anderson Avenue and there are a lot of apartments. You get people sometime that do cause problems and they usually go away.

Commissioner Coles stated that she lives by Mingus Park and she has no problems with tenants in the area. She said the Single Family Dwelling next to her has had a lot of problems with prior tenants.

Commissioner Peery stated that sometime are hands are tied when it comes to applying the decision criteria of the code.

Commissioner Coles asked if the abandoned underground fuel tanks are an issue for the Planning Commission.

Mrs. Bair, Chairman of Eastside Neighborhood Watch, stated the Commission is giving the applicant a lot of leeway considering he has stood them up twice and did not have enough courtesy to come to the hearing and address the issues. She stated there are at least six vehicles on the property and two of them are inoperable. People work on the vehicles in the front yard including removing engines at all hours and they now have a tent type structure in the front yard. He answered some of the questions from the last meeting, but we are not patting the owner on the back for doing nothing.

Ms. Erler stated the required off-street parking for a tri-plex is 1.5 per living unit (5 required). She said there are some paved parking areas and we will require that the spaces be marked. Our office has received a citizen concern regarding the tripping hazard of the sidewalk, people working on vehicles in the front yard and an accessory structure in the front yard.

Commissioner Miller stated he does not know why, but he disagrees with everything the Commissioners have said about this project. He asked if the City tries to get residential development setback from the main collector/highway corridors. He said there are a thousand cars a day that goes by this property. Coos River Highway is a collector. He believes that having three or four living units with people moving in and out, have more traffic impact and people than a commercial use. He said the property was a lot cleaner when it was a gas station. He said the current residents work on vehicles in the front yard, including taking out engines. He said the Maple Trees has limbs hanging to low and damaged sidewalk that is a tripping hazard.

Commissioner Berg stated there is an illegal apartment being occupied in the building. The property is not being managed properly and he understands the concerns of the neighborhood.

Mr. Dixon stated the current use is illegal and has been for a while. He agrees that there are a number of issues that need to be addressed. He said in his 30 years of Planning, he has never had an applicant not show up and participate in the process. He said the Planning Commission can put a number of conditions on any approval to address some of the concerns.

Commissioner Peery stated that if there are so many concerns in the neighborhood, why the Staff recommended approval of the use. Ms. Erler stated the findings and conclusions address the Decision Criteria and the Criterion is about the use of the property not the appearance of the property. She said some of the issues can be addressed through Conditions of approval.

The Planning Commission discussed the process as it relates to the current application. They discussed possible conditions of approval to help improve the property. Commissioner Miller stated he would like to see the low hanging tree limbs and the sidewalk addressed. He said the front yard also needs to be cleaned up and paving the off-street parking area. He added that, as far as he knows, the tanks are still on site. Chairman Marler stated we have not heard a word from the applicant or anyone in favor of the application. He would like to see the underground tanks and the required parking addressed.

The Planning Commission discussed the possibility of a denial.

Chairman Marler closed the public hearing.

MOTION: Commissioner Marineau - Based on the Findings, Conclusions and Conditions, as supported by the applicant's submittal, attached hereto and incorporated herein by reference as Attachments "A", authorize the change of use of the entire first floor commercial to residential in the Commercial (C) zoning district, with the addition of Findings "D5" and "D6" regarding public testimony at the public hearing of September 14, 2016 and October 11, 2016 addressing the use and condition of the property and safety concerns; and subject to the following Condition:

1. The structure must comply with all building code regulations regarding the change of use from commercial to residential, including fire and safety regulations for proposed work and work completed without permits, within 30 days of land use approval.

2. Within 60 day of land use approval the following items must be completed:
 - a. Provide verification that the prior underground gas tanks were properly removed or filled.
 - b. Pave and mark required off-street parking spaces to City standards.
 - c. Trim the Red Maple tree in the front yard and limb the tree to 8-feet above grade.
 - d. Replace the damaged sidewalk along the "D" Street (HWY.241) frontage to city standard.

SECOND: Commissioner Coles

VOTE: Yea – Chairman Marler, Commissioners Berg, Coles, Flores, Marineau, and Peery

Nay - Commissioner Miller

ADMINISTRATIVE / STAFF COMMENTS

Ms. Erler stated the Cultural Resources application that was just reviewed was the first in a number of years to come before the Planning Commission. She stated that with the City's designation as a Certified Local Government, that number will increase. She asked the Planning Commission if there were interested in the Design Review Team (DAT), reviewing these application, prior to or instead of the Planning Commission. Commissioner Marineau stated the DAT has the needed experience and expertise to make architectural recommendation/decisions.

Ms. Erler informed the Planning Commission of a Historic Preservation Open House on Thursday, October 27th from 6:00 p.m. to 8:00 p.m. at the Old City Hall building at 375 Central Avenue.

Mr. Dixon stated state that one of the City Council goals is to come up with an art policy (public art). He said he is involved with the Prefontaine Committee regarding a mural at the Pedway. He stated he is working with Linda Prefontaine, who recently returned to the community.

COMMISSION COMMENTS

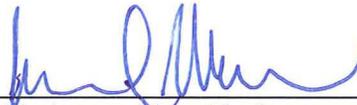
Commissioner Berg stated he noticed the Visitors Information Center added a giant sign indicting "No smoking". He thinks large signs prohibiting an activity are not necessary.

Commissioner Marineau asked for results of the Front Street Redevelopment Open House. Mr. Dixon stated the turnout was very good (about 50). She said the consultants are developing an overview of the comments received from the Open House to present to the City at a later date.

Commissioner Coles stated she is helping the college with the first ever "Ghost and Graves Tour" Fundraise on October 29, 2016.

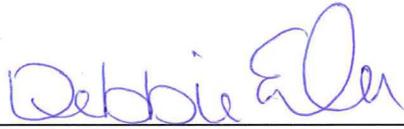
Chairman Marler stated that the historic building at 631 South 10th Street is a fabulous building and he encouraged the Committee to take her up on her offer of a tour. He also confirmed that there is no hearing in November. He added that he is running for City Council, so if he was lucky enough to be elected, he will not be at the December meeting.

ADJOURNMENT 7:46 p.m.



Jeff Marineau, Vice-Chairman
Planning Commission
City of Coos Bay
Coos County, Oregon

ATTEST:



Debbie Erler, Planner
City of Coos Bay

APPROVED AS SUBMITTED DECEMBER 13, 2016