



City of Coos Bay

Public Works and Development Department

500 Central Avenue, Coos Bay, Oregon 97420 • Phone 541-269-8918

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FINAL ORDER

NOTICE OF PLANNING COMMISSION DECISION AND ORDER

APPLICATION: VARIANCE #ZON2007-00088

APPLICANT: Jan Sirchuk, PO Box 2767, Harbor, OR 97415

OWNER: Charleston View, LLC, PO Box 2767, Harbor, OR 97415

LOCATION: T. 25, R. 13, S. 29AB, a portion of Tax Lot 100
An area south and east of Pacific Crest Planned Community

ORDER: Approved on November 13, 2007
Planning Commission Final Vote:
Yea: Commissioners Bruce Harlan, Chris Hood, Rex Miller,
Steve Donovan, Chris Coles and Jim Berg.

Nay:

Abstain:

APPEAL PROVISIONS: See page 2.

DECISION CRITERIA AND THE ADOPTED FINDINGS OF FACT, CONCLUSIONS, AND CONDITIONS:

See pages 3 - 5.

FINAL ACTION

Based on the applicant's submittal, attached hereto and incorporated herein by reference as Attachment A, and the adopted Findings and Conclusions, **approve** Variance #ZON2007-00088 allowing a 7-foot height variance to the 35-foot height limitation for functional chimneys and elevator shafts as designed for the planned unit development in Site Plan and Architectural Review ZON2007-00087.

The decision will become final at **5:00 P.M. on December 5, 2007** unless an appeal is filed.

APPEAL PROVISION

A decision by the Planning Commission may be appealed to the Coos Bay City Council by an affected party. The party must file an intent to appeal with the City Recorder, which includes the required fee, within fifteen (15) days from the date of the decision. A notice of appeal shall contain all of the following:

1. Identification of the decision to be reviewed.
2. Statement of the interest of the appellant and whether the appellant has "standing to appeal." An individual is said to have "standing to appeal" if the person:
 - a. appeared before the Planning Commission orally or in writing, and
 - b. the person's interests are adversely affected by the decision.
3. Reasons the appellant feels aggrieved by the decision, and how the appellant feels the Planning Commission erred in its decision.

The scope of the review shall be limited to the issues raised in the request for appeal. The City Council will consider evidence in the record, evidence submitted at the appeal hearing which is relevant to the issues under review, and oral or written arguments submitted at the time of the appeal hearing addressing those issues.

Questions regarding the appeal procedure may be directed to the Public Works and Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.

DECISION CRITERIA, FINDINGS & CONCLUSIONS

The following is a list of the decision criteria applicable to the request. According to Chapter 5.12, Section 4, of the City of Coos Bay, Land Development Ordinance (LDO) a Variance request must be supported by **at least two** of the three decision criteria. Each of the criterion is 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, approve with conditions, or deny the application. Conditions may be used by the Commission in order to address concerns about how the applicant will meet the criteria applicable to the request.

DECISION CRITERIA #1: There are physical, exceptional, extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same district.

Statements of Fact and Findings:

- 1a.** The variance to the 35-foot height limitation is being requested for Buildings E, F, G, M, N, and O. The applicant states these buildings have functional chimneys and elevator shafts, mechanical appurtenances, that should be allowed to go above the height limitation. It is proposed the mechanical appurtenances will not exceed 42 feet.

Buildings M, N, and O are proposed along the eastern property line of the PUD. This is also the area of the highest elevations of the site. The finished floor elevations will be between 250 and 270 feet. There is a tree line along the east property line that screens the condominium buildings from the adjacent property to the east.

Buildings E, F and G are located about 300-400 feet to the west with a finished floor about 60-70 feet lower than Buildings M, N and O.

- 1b.** The R-2 zoning district is a single-family residential zoning district typically comprised of single family homes and duplexes. These uses typically do not have any appurtenances such as chimneys and elevator shafts that would exceed the 35-foot height limit.
- 1c.** The Pacific Crest Heights planned unit development (PUD) creates a special circumstance that could be characterized as physical, exceptional, extraordinary and unique in the R-2 zoning district. The perimeter of the chimneys will be covered with stone and the top of the elevator shafts will have an architectural treatment and roof structure to make it blend in with the buildings.

CONCLUSION: The PUD in the R-2 zoning district creates physical, exceptional, extraordinary circumstances that do not generally apply to other property in the R-2 district. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #2: Strict application of the provisions of the ordinance will constitute an unnecessary hardship or practical difficulty provided that the hardship or difficulty was not created by the applicant or an owner of the property.

STATEMENTS OF FACT AND FINDINGS:

- 2a. The strict application of the 35-foot height limitation would force a greater utilization of the property to achieve the desired density. That is, two story rather than three story buildings would have to be utilized. This would significantly reduce the 53% open space provided over the entire PUD. Providing a significant amount of open space is a key component of this development proposal. It also minimizes any impacts of increased density in the R-2 zone.
- 2b. Architectural treatments, such as staggering the building height down the hill, articulation of the buildings, spacing, and use of multiple color schemes as seen in Site Plan and Architectural Review ZON2007-00087, create a visual break to the mass of the condominium buildings and to make them compatible with adjacent single-family residences.
- 2c. The intent of the PUD is to maximize development potential of building sites constrained by special features such as topography, shape, or size while minimizing the potential for hazardous conditions.

It is also the intent of the PUD to afford innovative design opportunities rather than the conventional lot-and-block land use so that a developer gains freedom in the placement and uses of buildings and open space and in the design of facilities.
- 2d. An unnamed stream bisects the property in a northeast to southwest direction. The low elevations of the site exist along the stream corridor. The elevations increase away from the stream corridor. The highest part of the project site is in the northeast corner. It is approximately 70 to 75 feet higher than the lowest part of the site in the southwest corner along the stream corridor. Another small drainage exists in the south west portion of the site.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #3: The variance will not negatively affect abutting property or improvement in the district, nor create a safety hazard.

STATEMENTS OF FACT AND FINDINGS:

- 3a. The variance allows the elevator shafts to be hidden in an architectural feature of the condominium buildings. The chimneys are consistent with those found in single-family homes except that they are taller.
- 3b. The property to the north, south, and east are vacant. The property directly to the east is screened by tall trees.

- 3c. The applicant states the variance will allow the chimneys and elevator shafts to be constructed in a manner consistent with the state of the practice.
- 3d. The area to the east and south of the subject property is undeveloped. To the west is the proposed 12-lot single-family subdivision (ZON2007-00086), and to the north is the 36-lot Pacific Crest Planned Community and property owned by the Confederated Tribes which is developed only on the north side of the property.

CONCLUSION: The proposed use will not have an adverse physical effect on the development or use of abutting property.

EFFECTIVE DATE OF PERMIT APPROVAL

Unless a different time limit has been established by Commission action, approval shall be withdrawn if the authorized construction or use is not commenced within one year or is not pursued diligently to completion.

A three (3) year time limit was approved for Site Plan and Architectural Review ZON2007-00087; therefore, it is implied the variance is also approved for the three (3) year time limit.

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.

Sincerely,
CITY OF COOS BAY



Laura Barron, Planning Administrator

Date: November 20, 2007

Attachments: A – Application with site plan
Maps

- c: Jan Sirchuk
Charleston View, LLC
H. Lee and Associates
Gene Cossey, Airport Operations Manager
Confederated Tribes
Coquille Tribes
Dave Perry, DLCD