

CITY OF COOS BAY
PLANNING COMMISSION MINUTES
Tuesday, March 8, 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, Planning Administrator
Debbie Erler, Planner

SIGNED-IN GUESTS: Connie Stopher, 50 Central Avenue, Coos Bay
Pam deJong, 2195 Broadway, North Bend
Clark Goovman, 1710 Thompson Rd., Coos Bay
Nhan Ngugen, Thompson Road, Coos Bay
Cynthia Stark, Thompson Road, Coos Bay
Dorothy Beesley, PO Box 4173, Coos Bay

APPROVAL OF MINUTES

Approval of the Planning Commission minutes of February 9, 2016.

Staff noted the following corrections: Meeting attendance, John Perry was absent and Jim Berg was present. On page 2 remove the partial sentence "Commissioner Miller stated". Commissioner Peery noted that Commissioner Berg seconded the vote for the Minutes of November 10, 2015.

MOTION: Commissioner Coles – Approve the Planning Commission minutes of February 9, 2016 as amended.

SECOND: Commissioner Marineau

VOTE: Unanimous **ABSTAIN:** Commissioner Peery

CCI/PUBLIC COMMENTS None

PUBLIC HEARING

ITEM A: Development Code Amendment #187-ZON15-053. The applicant, Nhan Nguyen, is requesting a text amendment to the Coos Bay Development Code Chapter 17.65.020, Permitted Uses, in the zoning designation of Medical Park District, to allow the additional category of professional services which are defined as offices or private firms which are primarily used for the provision of professional, executive, management, or administrative services.

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.

Tom Dixon read the disclosure statement and outlined the applicants' request. He presented the staff report in a Power Point Presentation, including language from the current Development Code and the Comprehensive Plan regarding the Medical-Park designation. He said the applicant is Chip Goodman and his representative is Nhan Nguyen, both of 1710 Willow Creek Circle, Eugene, Oregon (not the City of Coos Bay as indicated in the Staff Report). The applicant is proposing a text amendment to expand "Permitted Uses" in the Medical Park zoning district (currently CBMC Chapter 17.65.020, Permitted Uses) to allow the additional category of professional services which are defined as offices or private firms which are primarily used for the provision of professional, executive, management, or administrative services. He said currently only medical and medically related uses are permitted in the zone. He said that while there is a particular property involved in the request, any amendment would apply to all properties in the Medical Park zone. He summarized the applicant's submitted map which indicates vacant buildings and undeveloped properties. He said one of the buildings indicated as vacant is now occupied. He said applicant provided medical park district comparisons from Washington, Idaho and California. Mr. Dixon stated staff provided district comparisons from two Oregon communities which is more appropriate. He said Tualatin has a similar medical park district that allows limited professional uses that are not medically related. He said that Springfield medical park district is similar to Coos Bay in that it only allows medical/medically related uses. He said both district are successful for their community. He said staff found only two vacant buildings in the Medical Park district during site visits. He said that vacant property in the district may have higher development cost related to limited access, topographic, and physical features on the property. He said staff is deferring to the Planning Commission's experience, wisdom and longevity for a recommendation to the City Council. He said staff, on a day/today bases, receives very few calls regarding the Medical Park District as it relates to permitted uses.

Commissioner Miller asked for the definition of "Professional Services". Ms. Erler read the current definition as: "Professional and administrative services" means offices or private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, legal offices, or architectural firms. "Administrative service" means consulting, record-keeping, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles, and excludes commercial use type, "Professional and administrative service." Typical use types are associated with governmental offices.

Mary Wiedeman, 1630 Underwood Avenue, Coos Bay asked what sort of developer is apply for the amendment. Chairman Marler stated the proposed amendment is not about one property; any changes would apply to all property in the Medical Park district. Ms. Wiedeman said she would not want to see a Burger King in the district.

Connie Stopher, 50 Central Avenue, Coos Bay, stated she is the Executive Director for the South Coast Development Council and she has had a couple people over the last six to eight months inquire about property in the Medical Park district and she has had to tell them professional uses are not permitted. She said she thinks allowing professional uses in the district would not impede development as a medical park, but would allow property to be leased that would not otherwise be leased and fill in while there is not a need for a medical related use. She said currently we don't have the demand for medical offices and filling the vacant buildings with similar impact office type uses would reduce dilapidated buildings and reduce vagrants in the area.

Ms. Stopher added that the proposed amendment would not be a determinant to the area and when there is a need for medical uses the buildings could be used again for that use.

Pam deJong, 2195 Broadway, North Bend, stated she supports the request to expand the permitted uses in the Medical Park district. She said when she was looking for an office for her financial services business and that Thompson Road was her preferred location. She said she worked with Ms. Stopher who found the office on Thompson Road (which has been empty for several years), but since her business is not medically related it was not permitted. She said due to the time frame she had moved forward with opening her office elsewhere, but she is a vendor for the Bay Area Hospital's 401K retirement plan and it would have been convenient for her customers if she was located on Thompson Road. She would like to see the uses expanded for all the other businesses looking for office spaces in Coos Bay.

Chip Goodman, CEO and Chairman of the Board for American Medical Concepts and its companies (owners of 2130 Thompson Road), stated they are a development company and they would like to see the uses in the Medical Park district expanded to broaden their options for disposing of the property or building a commercial building. He said they have had inquires for their existing building but none of the uses were medically related. He said the building has been vacant for a number of years and has become worn down (decrepit) and the building has had some vandalism. He said this was the first time he has seen the building in years and it clearly needs some upkeep. He added that expanding the allowed uses would help property owners in the district.

Cynthia Stark stated she was looking into the building at 2130 Thompson Road for a daycare facility (which is currently a Conditional Permitted Use in the Medical Park district) and other than some needed improvement and a vision clearance issue the building would be great for her use. She said the use would benefit medical professionals in the area. She said buses from both school districts could deliver student to the facility. She stated they are ready to file their Conditional Use application to establish the daycare.

Tom Dixon read into the record a letter from Rosalyn Beesley, P.O. Box 3693, Coos Bay. She is an Oregon licensed Physical Therapist and the letter outlines her objection to the proposed amendment to accommodate one unappealing property. The letter indicates that the concentration of medical services in one area is very beneficial to the entire community and those coming to the area for medical care. Ms. Beesley indicated many patients have multiple appointments and have the concentration of facilities in one area is an asset. If the zone is changed to allow additional uses, over time some medical related facilities might have to be located elsewhere, which will weaken the intent of the Medical Park District (*Exhibit 1*).

Dorothy Beesley, owner of 2115 Thompson Road, stated it concerns her that the applicant used communities that are not in Oregon to justify the amendment and she didn't know if they are even similar to Coos Bay. She said she talked with the new business owner at 2590 Woodland Drive (Hands of Light Massage) which has been at that location since November 2015. Mrs. Beesley said she is not sure how the proposed amendment would enhance the zoning district, since no specifics are given. There are currently a number of uses that are conditionally permitted (including the proposed daycare) in the Medical Park district. The prior florist shop seems to have been successful and they were there for a number of years. She stated the submitted map indicates there are only two sites with buildings that are vacant and the other five properties are vacant. She said at least two of those five are owner by the health district for future development. She concluded that neither the narrative nor the map convinced her that the amendment is needed.

Chairman Marler closed the public hearing.

Commissioner Miller asked why rezoning 2130 Thompson Road would be spot zoning with the area is sprinklered with residential zoning. He said he would hate to see the Medical Park lose property they may need later. He said he agrees with Mrs. Beesley, that a Conditional Use for a couple properties with the vacancies issues would be more appropriate than an amendment that affects the entire district.

Commissioner Marineau stated there are several properties on Woodland Avenue and a few on Thompson Road that have been in varies states of vacancies over a long period of time. He said one of the issues is that you have varying styles and quality of buildings. When you go to the doctor office the buildings are usually nice and well maintained and doctors are not interested in buildings that are not well maintained. He said in the last year Downtown Coos Bay went from having a lot of vacant office space to having very little vacant office spaces. He said having a use be permitted (and not a conditionally permitted) saves time and money for the business owner. The market is going to determine what businesses will locate in the Medical Park zone.

Commissioner Berg asked are we compromising the Medical Park district by loosening the list of permitted use. He said there is a lot of property in the Medical Park district and how quickly are we going to run out of land in the Medical Park district and how far in the future do we need to look to make that determination.

Commissioner Marineau stated that the rent for professional office space is often less than for a medical office use. If a medical use needs the building they are going to purchase the building and remodel it to suit their needs or demolish the structure to expand an existing medical use. He said there is a lot of space in the district and the use of buildings for professional offices does not preclude the medical use from expanding or utilizing the space. He said he does not see a big issue with the proposed amendment and it will take care of less desirable properties that are under-utilized and the market will take care of the issue.

Commissioner Peery stated the current code seems sufficiently broad to accommodate a range of services, without adding uses that may affecting the serenity of the district as it was planned. The fact that the building out of the district has not been achieved is not a bad thing and these protections are for the posterity of the district. He said amendment would open the door for additional uses that may become undesirable to the district and two vacant don't represent the failing in the district. He added that if the buildings with occupancy issues were enhanced (improved) it may take care of the issue. He said he is not in favor of the proposed amendment.

Commissioner Coles asked what "complimentary commercial" uses means in the intent statement (CBMC 17.65.010). Mr. Dixon stated it is undefined and is whatever you want to define it as. It is the one out in the Medical Park district objections. If you use a broad interpretation it would allow more "administrative business offices" uses than what is listed. Commissioner Coles stated maybe we need to define what "limited complementary commercial uses" means. Commissioner Marineau stated he thinks we need to define it and not leave it open to interpretation. He thinks the word "commercial" needs to be eliminated. Mr. Dixon stated the ordinance defines "Professional office".

Commissioner Marineau stated he has been in Coos Bay for 50 years and not once has he had a request to place a real estate office in the Medical Park district. They are not interested in being near the hospital. Commissioner Berg stated an insurance company that provided medical insurance should be included. Commissioner Marineau stated if we are considering moving forward with expanding the uses we need to staff looking into specific defined uses.

Mr. Dixon stated the application cannot be continued, because it is scheduled before the City Council on April 5th for a final decision and we would be bumping up against the 120 day timeline. Commissioner Coles asked why they are just receiving the application. Mr. Dixon stated it is not necessarily related to when it came forward, we had several issues we needed to work through. He said the Planning Commission does not have to make a recommendation if you cannot make an agreement. The application could be sent forward without a recommendation.

Chairman Marler stated he has concerns all over the place. He is not concerned about expanding the uses, but he is concerned about too many non-medically related uses chocking out medical uses that may want to establish in the district at some point in the future.

Commissioner Marineau stated he thinks they are talking about "Professional office" uses only and he believes if there are medical offices or businesses they would out bid other uses for the space. He asked staff if only "Professional" office uses are included in the amendment. Ms. Erler again read the current definition of "Professional and administrative services". She stated "Financial, insurance, and real estate services" are defined separately as "establishments primarily engaged in the provision of financial, insurance, real estate, or securities brokerage services. Typical uses include banks, insurance agencies, or real estate firms".

Chairman Marler stated the intent stated indicates "administrative business office" separate from limited complementary commercial uses. Ms. Erler stated that the intent statement indicates "Limited complementary commercial" and then list in the permitted and conditional permitted uses what commercial uses are intended, which are "Medical services", "Retail sales, general – Pharmacy only" are permitted uses and "Child care facility", "Retail sales, general – Florist or gift shop only" are conditionally permitted commercial use types.

Commissioner Marineau stated the definitions make the distinction between "Professional" and "Financial" services, and therefore by allowing "Professional and administrative services" you are specifically excluding "Financial, insurance and real estate services". He said if someone came in with a borderline business staff would make the determination of which definition best suits the use.

Chairman Marler stated the language that is being proposed is expanding the permitted use types to include "Professional and administrative services"

Ms. Stopher stated that when the request was submitted to amend the code to allow "Professional use", she assumed that financial and insurance type uses would be included. It was her intent to include insurance and financial office since that have similar low impacts. Ms. Erler stated the financial type uses have a separate definition.

Commissioner Berg stated the problem seems to be with the definitions. He said having a medical insurance office and a financial office that handles the pension plans would be an acceptable use.

Commissioner Peery stated he thinks the existing lists of uses are sufficiently broad enough to accommodate the range of service conducive to that environment and the original intent of the district.

Chairman Marler stated over the years he has heard John Whitty speak to public groups and explain how the Medical Park district was formed and he agrees that a lot of thought and care went in to and our action will affect that in some negative way.

Commissioner Marineau stated he does not see how “Professional services” as defined in our current ordinance could negatively affect the area.

MOTION: Commissioner Peery- Deny Amendment request #187-ZON15-053.
SECOND: Commissioner Miller
VOTE: Yea - Commissioner Peery and Miller
Nay - Chairman Marler, Commissioners Berg, Coles, Flores, Marineau

MOTION: Commissioner Coles - Based on the Findings, Conclusions and Conditions, as supported by the applicant’s revised site plan, attached hereto and incorporated herein by reference as Attachments A, recommend the City Council approve Development Code Amendment #187-ZON15-053 allowing the text amendment to the Coos Bay Development Code Chapter 17.65.020, Permitted Uses, in the zoning designation of Medical Park District, to allow the additional category of “Professional and Administrative Services” as defined in the current CBMC, Chapter 17.10 as follows:

“Professional and administrative services” means offices or private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, legal offices, or architectural firms.

“Administrative service” means consulting, record-keeping, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles, and excludes commercial use type, “professional and administrative service.” Typical use types are associated with governmental offices.

SECOND: Commissioner Marineau
VOTE: Yea – Chairman Marler, Commissioners Berg, Coles, Flores, Marineau
Nay – Commissioner Peery and Miller

COMMISSION COMMENTS

Commissioner Marineau stated he thinks the amendment (expanding the uses in the Medical Park zone) is a good idea and the market will determine the highest and best use.

Commissioner Miller stated while he agrees with Commissioner Marineau, he is concerned about running out of space similar to the hospital in Eugene that ran out of room and had to relocate in Springfield. He said it is a big district and at this time there is lots of room, but he is concerned about the future.

Commissioner Peery stated he is disappointed in the vote, but he supposes the City Council will sift it out one way or the other.

Commissioner Flores stated she wants the recommendation to go to the City Council and let them sort it out.

Commissioner Coles stated she has mixed feelings about the amendment, but she thinks it is a good move and it will have a positive effect on the district.

Chairman Marler stated he enjoyed the discussion. He thanked the audience for attending and giving their comments. He said it's nice when the citizens that part in the process.

STAFF COMMENTS

Debbie Erler stated the agenda for the April 12, 2015 public hearing includes a Site Plan and Architectural Review for replacement of Pump Station #1 on North Front Street.

ADJOURNMENT 7:20 p.m.

Phil Marler, Planning Commission Chairman
City of Coos Bay
Coos County, Oregon

ATTEST:

Debbie Erler, Planner
City of Coos Bay

DRAFT