

CITY OF COOS BAY
PLANNING COMMISSION MINUTES
Wednesday, September 14, 2016 at 6:00 P.M.
Coos Bay City Hall, 500 Central Avenue, Coos Bay

ATTENDANCE

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

ABSENT: Commissioner Jim Berg

STAFF: Eric Day, Director of Community Development
Debbie Erler, Planner

SIGNED-IN GUESTS: Wendy A. Holland, 434 7th Avenue, Coos Bay, OR

APPROVAL OF MINUTES

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

MOTION: Commissioner Coles – Approve the Planning Commission minutes of June 14, 2016 as submitted.
SECOND: Commissioner Marineau
VOTE: Unanimous

CCI/PUBLIC COMMENTS None

PUBLIC HEARING

ITEM A: Architectural Design Review #187-ZON16-028 – 3333 Ocean Blvd.
The applicant is requesting approval of a new warehouse and distribution facility containing 29,500 square feet in size. Access will occur through a parking area serving an existing retail center.

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.

Rex Miller declared a conflict of interest as he completed the landscape plan for the project. Chairman Marler opened the public hearing.

Tom Dixon read the disclosure statement and outlined the applicants' request in a power point presentation.

Commissioner Peery stated he was not clear on the modified exiting of truck traffic. Mr. Dixon stated exiting for the trucks is not an issue. The issue was with ingress.

Commissioner Marineau stated there are multiple references to the ingress from the east entrance.

Greg Meter, Director of Real Estate for Confluent Element located at 2240 Lake Street Denver Colorado, 80205. He stated they are the property owner and they are developing the property for FedEx. He said Derik Olsen is the project manager; Ralph Dunham is the engineering and Rex Miller is the landscape designer. He thanked Mr. Dixon for the through presentation. He will focus on describing the FedEx facility and will address the conditions of approval. He explained why FedEx chose the site. One factor was that the existing facility is across Ocean Boulevards and there is already a signaled intersection. Another is that they have a new state of the art package facility and they want room for growth. They did extensive research throughout the region before selecting the site. They have a cross access easement to cross the property (Cascade) and the owners of the property fully support the project. The delivery van and trucks will access from the main entrance to the site and employees will access from a smaller access to the south. They will provide extensive buffering between the facility and the residential zone to the west and Ocean Boulevard. He explained the floor plan and how it facility will operate. Employees will hand load the packages and there will be offices and meeting rooms. He said the facility will not offer retail services and it will not accept packages. Mr. Meter said they worked hard to comply with local regulations and they are fine with the conditions of approval, except for Condition "8B" which requires signage that delivery vehicles only use the east entrance. He said their drivers work for FedEx and they will be well trained and there should be no need for the condition. They would like to have the building ready for FedEx this spring.

Commissioner Marineau stated some of the attachments seem to be missing or unreadable. He would have liked to see the information on the landscaping and he did not see the easement information. Chairman Marler agreed, saying the reduced plans are very hard to read and in the future they would like to see a larger view of the landscape plan. Commissioner Coles stated that while the staff does incredible work, the flow of the report was not as good as usual.

Chairman Marler closed the public hearing.

The Planning Commission discussed the request to remove Condition "8B". They asked if the required sign could be removed or reworded as recommended by the applicant.

Jennifer Wirsing, Engineering staff for the City of Coos Bay, stated for liability and safety reasons, the City will like to make sure we take every precaution necessary to provide the best traffic safety. The City would consider reworking on the required signage "Interstate Delivery Vehicles must enter here", which would allow delivery vans to access from the west entrance.

MOTION: Commissioner Coles - Based on the Findings, Conclusions and Conditions, as supported by the applicant's submittal, attached hereto and incorporated herein by reference as Attachments "A", approve the proposed warehouse and distribution facility containing 29,500 square feet in size, subject to the noted Conditions, as outlined in the "Staff Report" with a revision to Condition "8B" indicating that the wording of the required sign at west entrance to be worked out with staff prior to installation.

SECOND: Commissioner Marineau
VOTE: Unanimous

Ms. Erler stated the applicant for Item B is not in the audience. She asked that the item be moved to the end of the public hearings, to allow the property owner time to participate.

ITEM C: Legislative Text Amendment and Rezone #187-ZON16-026

The City of Coos Bay, as applicant, is initiating a text amendment and a change in zoning designation to address prior uses in the former R-W zone district. As described above, an overlay district is proposed to be placed on properties in the northwest portion of the City that had previously been designated R-W. When the R-W district was abolished and became folded into the LDR-6 district with the adoption of the new Development Code, some prior uses that were in the R-W district were eliminated. The proposed amendment and change in zoning designation is intended to restore the multi-family and zero lot line uses within the proposed overlay area.

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.

Commissioner Marineau declared a conflict of interest since he owns property in the area.

Chairman Marler opened the public hearing.

Tom Dixon read the disclosure statement and outlined the applicants' request (through a power point presentation). The City of Coos Bay, as applicant, is initiating a text amendment and a change in zoning designation to address prior uses in the former R-W zone district. An overlay district is proposed to be placed on properties in the northwest portion of the City that had previously been designated R-W. When the R-W district was abolished and became folded into the LDR-6 district with the adoption of the new Development Code, some prior uses that were permitted in the R-W district were eliminated. The proposed amendment and change in zoning designation is intended to restore the multi-family and zero lot line uses within the proposed overlay area.

Chairman Marler asked if this is the only area that had "Restricted-Waterfront" zoning. Mr. Dixon stated the Port property in Eastside was also zone "Restricted-Waterfront". The property was not included there are only two lots and development of the property would likely require a Planned Unit Development (PUD). He said if there had been multiple lots or owners the property would probably have been included.

Community Development Director Eric Day stated this error is a Scribner's error that was made when we adopted the new development code. It was an error to remove the permitted uses and this application is to correct the error.

Dave Schmidt, 1155 Tideview Terrace, Coos Bay, stated there is no development on the property in that area and it is wrong to allow multiple-residential and zero lot line development.

Larry Watson, 902 Lake Court, Coos Bay stated his property boards this area and this is confusing. He is concerned about allowing zero lot line development for houses in the neighborhood. He said you should not be able to build a three-story multiple-residential buildings right next to someone else's property. He is concerned about the increase in traffic and blocking of views that owner's thought they would have in perpetuity. He would like to see further consideration, for those that live in the area it could affect their property with a change in density.

Chairman Marler closed the public hearing.

Commissioner Peery stated a zero lot line side yard setback is a problem.

Chairman Marler stated that one thing you have to consider is the land use and other people's rights. When we adopted the zoning ordinance in March of this year, it was not with the intent of removing permitted uses. This proposal will give the property owner back the development right to have multiple-residential or zero lot line development, which they have had since the 1970's. He added that if he owned a piece of property and the government changed the zone and eliminated permitted uses, he would have a problem with that. He said this is just correcting a mistake that never should have happened.

Commissioner Coles stated it was an error to remove it and this action will correct the error.

Commissioner Miller stated the amendment is just putting it back as it was intended. It is the property owner's right.

Mr. Dixon stated a proposal for zero lot line development would require a land use action and it is intended for interior lot lines. You would also need to comply with Building Code regulations.

Commissioner Coles suggested added condition that five-foot side and rear yard setbacks be added.

Commissioner Peery stated

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, recommend City Council approve Legislative Text Amendment and Rezone #187-ZON16-026, restoring the uses "Multiple-Residential" and "Zero Lot Line" development, subject to the added Condition regarding a minimum five-foot side and rear yard setbacks from external boundary lines.

SECOND: Commissioner Peery
VOTE: Unanimous

ITEM C: Conditional Use #187-ZON16-042 – 729 “D” Street

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.

Chairman Marler opened the public hearing.

Debbie Erler read the disclosure statement and outlined the applicants' request. 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). She said according to the current owner the use was converted between five and ten years ago, by previous owners. The existing utilities are adequate to service the proposed conversion.

Windy Holland, 434 7th Avenue, Coos Bay, stated there have been problems with the tenants in the downstairs apartment. She said there is tons of noise, screaming and fighting all the time. She said they have a very nice neighbor, except for these residents causing problems with the police. She has been in the area since 1985. She thinks the property is not being properly managed and the problems are detrimental to the neighborhood as well as lowering her property values. She is assuming it is not a very high quality rental and the owner is not committed to the property. She would like the request denied.

Chairman Marler asked Ms. Holland if her objection is to the residential use or the current tenants. She said she was not aware that there were renters in the lower level before. She said the owner not able to properly manage the property. She said the tenants were outside the apartment fighting a couple nights ago.

Commissioner Flores asked Ms. Holland if she lived in the area when it was a beauty parlor. Ms. Holland stated there was also a tree planters business.

Ms. Erler stated that the City became aware of the conversion when the owner applied for building permits to replace siding and windows.

Commissioner Marineau asked staff what is the condition of the inside of the structure? Ms. Erler stated that based on the owner's information and photos improvement have been done to the inside of the structure, including new bathroom fixtures (toilet, sink, shower, tile) and they upgraded kitchen area (appliance and mechanical equipment). Additional work would need to be completed for fire separation between the living units and emergency exiting if the application is approved. The owner indicated that he is living in one of the ground floor units and he has rented out the second ground floor unit. Commissioner Marineau stated it shows an effort on the owner's part to improve the condition of the structure on the interior and exterior.

Chairman Marler closed the public hearing.

Commissioner Miller stated he has driven Coos River Hwy every day, at least two times a day for over 6 years and he sees the accumulation of junk that has been pushed into the right-of-way east of the subject property. He said if there is a way to make the clean-up of that right-of-way part of the approval then he would like to see that happen.

The Planning Commission

MOTION: Commissioner Marineau- Continue the hearing on Conditional Use application #187-ZON16-042 to the Tuesday, October 11, 2016 Planning Commission hearing.
SECOND: Commissioner Coles
VOTE: Unanimous

ADMINISTRATIVE / STAFF COMMENTS

Ms. Erler reminded the Planning Commission of the open house Thursday night at 6:00 p.m. at the Historic Museum to discuss Front Street redevelopment.

Mr. Dixon stated that staff visited all the property on Front Street to hand out flyers about the open house and they had a good response from the business owner's.

Ms. Erler stated upcoming applications for October will include a Cultural Resource and Conditional Use application for a dog grooming business in Empire.

Mr. Dixon stated there may be a Rezone/Comprehensive Plan amendment application at the October hearing.

COMMISSION COMMENTS

Commissioner Marler asked if a pre-application conference has taken place for the property north of the Best Western. Mr. Dixon stated the conference has been scheduled and as soon as they submit a land use application, it will be public information.

Commissioner Marineau stated he appreciated the vote on the overly. He said it will just return the originally permitted uses to the property. He said any single-family dwelling today can be built to 35 feet. He said as always, if you want to protect your view you need to buy the property.

Commissioner Miller stated thanks for the comments on the landscape plan (Fed-Ex). He said he submitted full size drawings and he is not sure why they were not passed on to the Planning Commission.

Commissioner Coles stated that the Parks Commission will meet next Tuesday at Mingus Park to discuss all the projects (pool, pool house) and to discuss the algae problem at Mingus Park. She stated there is also a problem at Mingus Park with people smoking starting up again. She said she would like to have a PSA to help inform the public. There is new exercise equipment being installed at Empire Lakes.

Commissioner Peery stated happy with changes to the Fed-Ex project.

Chairman Marler stated glad the Planning Commission was able to correct the error in the zone. He said it bothers him when property rights are taken away.

ADJOURNMENT 7:46 p.m.

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

ATTEST:

Debbie Erler, Planner
City of Coos Bay