

**City of Coos Bay
Planning Commission 6 PM Public Hearing
Coos Bay Council Chambers, 500 Central Avenue
Coos Bay, Oregon 97420**

Agenda Staff report

Date: January 8, 2019 **To:** Planning Commission

From: Carolyn Johnson, Community Development Administrator

Subject: Quasi-Judicial Review of a Land Use application for a Conditional Use Permit for project #187-157 filed by applicant's Walter and Laura Larsen of 305 LaClair St, and represented by Ginger Swan and Staci Leep, all of Coos Bay Oregon.

Staff Recommendation: Approval of Conditional Use Permit #187-000157 based on sufficient evidence in the record (staff report, application and findings of fact in the final order) on which approval can be based.

I. Proposal: The applicant seeks to convert an existing dwelling within the LDR-6 zone from an established dwelling and home occupation (auto detailing) to office space to serve five to ten Coos Health and Wellness (CHW) staff members. The conversion would not be utilized for one-on-one client services and 150 parking spaces would be available for staff use. Below is the location of the CHW and the proposed dwelling to be converted to office space.

Coos Health and Wellness Building (top left)



305 LaClair (bottom left and right)

As noted by the applicant the subject property contains 0.19 acres and is located off of LaClair Street. The site is currently served with water and sewer and there will be no demand for increases to the site. The current dwelling was constructed in 1971 and remodeled in the 80's. The dwelling is 1794 square feet and was approved for a home occupation for an "auto detailing" business with conditions Planning Commission public hearing staff report and final order – CUP application 187-18-157

of approval requiring no washing of vehicles on-site, no more than two vehicles associated with business on-site at any time, no on-street parking and vehicles cannot be stored on the property. This basically services as the principal place of business but most of all detailing took place at another location.

Further the applicant notes that the neighborhood (area abutting LaClair) is a mix of residential and business. With Advanced Health (Southwest Oregon IPA, Inc.), Oregon Coast Community Action, Frontier Communications, Coos Health and Wellness, Ranindance Laundry & Diaper Service, Pam Swanson Property Management (rentals) and several other commercial rentals and service based companies. There is residential development on the north and south ends of LaClair Street.

II. Consistency with the Coos Bay Municipal Code/Development regulations:

Section#/ Title	Required	Proposed	Complies?
17.140.10/ Definition of Office	Building where predominantly administrative, professional or clerical operations are performed.	Office space for administrative services.	Yes
Table 17.220.030 Uses	Conditional Use Permit for public buildings and uses not otherwise listed as permitted in CBDC.	Conditional Use Permit processed	Yes
Table 17.340.010(A) – Off-Street Parking Requirements	Government Buildings – 1/330 s.f. 23,000 s.f. CHW site 1,794 s.f. 305 LaClair site Total- 24,794 s.f./330 = 75 space requirement.	150 spaces	Yes
17.325.040 Criteria for approval	(a) The characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features;	Suitable to accommodate the proposed use, the site location meets the needs of administrative staff for services to the public does not create a negative impact on the area.	Yes
17.325.040 Criteria for approval	(b) All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;	There is capacity for public facilities to service office use of the property.	Yes
17.325.040 Criteria for approval	(c) The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with this title; and	Office use with a Conditional Use Permit.	Yes
17.325.040 Criteria for approval	(d) The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.	Office use for 5-10 employees with limited impacts to the neighboring area.	Yes

III. Consistency with City Building Code requirements.

The Building Official has advised that the change of use and/or occupancy from a residential single family dwelling (R-3) to commercial office space ("B") will require a building permit.

The following Oregon Structural Specialty Code (OSSC) sections apply:

- OSSC 105.1 (Permits required)
- OSSC 304 ("B" occupancy)
- 3401(Existing buildings and structures)
- 3401.3 (Compliance with other adopted codes – plumbing / electrical / mechanical / fuel gas / energy / fire / NFPA 70, etc.)
- 3411.4 & ORS 447.241 (Accessibility)
- 3412.2.1 (Compliance alternatives - change in occupancy)
- 3412.5 (Evaluation of fire safety, means of egress / exiting, etc.)

Condition 1 in the Final Order identifies these requirements.

IV. Conclusion

The proposed use as described in Section I of the January 8, 2019 Planning Commission staff report for application 187-18-000157 is consistent with the land use criteria set forth in the Coos Bay Municipal Code applicable to the subject project.

V. Statement of Findings and Fact

Statements of Finding and Facts are included in the Final Order authorizing approval of the subject property attached hereto as Exhibit A.

V. Attachments:

A – Final Order including the Applicant's submittal (application, summary, maps) with findings and conclusions.

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report.attachments

Attachment A

Final Order

City of Coos Bay

January 8, 2018 Planning Commission Decision and Final Order

To authorize a Conditional Use Permit #187-18-157 to authorize Coos Health and Wellness (CHW) to utilize 305 LaClair for office space.

FINAL ACTION

Based on the adopted Findings and Conclusions noted in Section 1 of this Final Order and as supported by the applicant's submittal, incorporated herein by reference the Planning Commission hereby approves land use application #187-18-157 with the following condition: The change of use and/or occupancy from a residential single-family dwelling (R-3) to commercial office space ("B") will require a building permit. The following Oregon Structural Specialty Code (OSSC) sections apply:

- OSSC 105.1 (Permits required)
- OSSC 304 ("B" occupancy)
- 3401(Existing buildings and structures)
- 3401.3 (Compliance with other adopted codes – plumbing / electrical / mechanical / fuel gas / energy / fire / NFPA 70, etc.)
- 3411.4 & ORS 447.241 (Accessibility)
- 3412.2.1 (Compliance alternatives - change in occupancy)
- 3412.5 (Evaluation of fire safety, means of egress / exiting, etc.)

The Planning Commission to approve Conditional Use Permit #187-18-157 will become final at **5:00 P.M. on January 24, 2019** unless an appeal is filed.

Planning Commission Vote:

Yea:

Nay:

Abstain:

APPEAL PROVISION: A decision by the Planning Commission may be appealed to the Coos Bay City Council by an affected party by the applicant or applicant's representative or by any person, agency or firm who offered oral or written testimony before the Planning Commission closed the public record in the case.

The party must file intent to appeal with the City Recorder, which includes the required fee, within fifteen (15) days from the date of the decision (January 24, 2019 at 5 PM). Any appeal heard by the city's planning commission or city council must be heard within the 120-day calendar days after the date the subject application was accepted by the City as technically complete.

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.

To review the entire appeal process, see Coos Bay Municipal Code Chapter 17.130.130. 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) 269-1181.

EFFECTIVE DATE OF APPROVAL per CBMC Chapter 17.130.140 Expiration and extension of decisions: Unless the Planning Commission's approval is appealed, and except as otherwise expressly provided by the Coos Bay Development Code or the decision in question, decisions made pursuant to this chapter expire two years after the effective date of the decision (January 24, 2021) unless, within that time, the applicant or a successor in interest files an application for an extension of the decision or submits an application for project review or a building permit, or undertakes substantial development of the use authorized by the decision.

An application for extension of a decision is subject to a Type I process. An applicant for an extension shall submit the requisite fee, a completed application review form provided for that purpose by the city, and text describing how the application complies with the approval criteria for an extension, and basic facts and other substantial evidence to support the text.

Per CBMC Chapter 17.325.050 an approved conditional use permit is specific to the subject property and cannot be transferred to another property.

Date: January 9, 2019

Carolyn Johnson, Community Development Administrator

A. Applicant Findings and Facts

Subject Property information:

Account # 351112
Map# 25S1321CB-05000
Situs Address: 305 LACLAIR COOS BAY, OR 97420

The subject property contains 0.19 acres and is located off of LaClair Street. The site is currently served with water and sewer and there will be no demand for increases to the site. The current dwelling was constructed in 1971 and remodeled in the 80's. The dwelling is 1794 square feet and was approved for a home occupation for an "auto detailing" business with conditions of approval requiring no washing of vehicles on-site, no more than two vehicles associated with business on-site at any time, no on-street parking and vehicles cannot be stored on the property. This basically services as the principal place of business but most of all detailing took place at another location.

The neighborhood (area abutting LaClair) is a mix of residential and business. With Advanced Health (Southwest Oregon IPA, Inc.), Oregon Coast Community Action, Frontier Communications, Coos Health and Wellness, Ranindance Laundry & Diaper Service, Pam Swanson Property Management (rentals) and several other commercial rentals and service based companies. There is residential development on the north and south ends of LaClair Street.

Chapter 17.140.10 Definitions:

"Office" means a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Zoning: The property is zoned LDR-6

17.220.010 Purpose.

The LDR districts are intended to implement the provisions of the Coos Bay comprehensive plan. In addition, these districts are intended to: recognize and maintain established low density residential areas, while encouraging appropriate infill and redevelopment; establish higher densities close to employment centers and transit corridors and lower densities in areas without urban services; create efficient residential areas which provide community services in a more economical manner, and facilitate utility-efficient design; and provide for additional related uses such as utility uses necessary to serve immediate residential areas. [Ord. 473 § 3 (Exh. A), 2016].

FINDING: The current zoning of the property is LDR-6 zoning and, although predominately focused on residential, does provide for services and facilities to serve the needs of the districts. The LDR-6 zone allows through conditional use approval a "public building and uses not otherwise listed as permitted in CBDC" as shown in the table 17.220.030 below. The proposed conversion of an existing dwelling to a public building would allow Coos Health & Wellness staff expansion from the existing structure. Coos Health & Wellness services the community by providing innovative, quality health services including prevention and education for the community. Health care is a growing need and the office space will allow more administrative staffing to continue to meet the needs this area and surrounding areas.

17.220.030 Uses.

The following uses are permitted or excluded in the LDR district subject to the applicable provisions of this title. P = Permitted use; C = Conditional use; X = Prohibited use.

Public buildings and uses not otherwise listed as permitted in CBDC require a Conditional Use Permit.

17.325.040 Criteria for approval, minor modifications and revocation.

(1) The planning commission shall approve or approve with conditions an application for conditional use permit if it finds the applicant has sustained the burden of proving that:

- (a) The characteristics of the site are suitable to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features;

FINDING: The request is for an approval of a conditional use approval to convert the existing dwelling in to office space for Coos Health & Wellness staff. This is a locationally need to share services including needed parking. No clients will be seen at this location but it is important to have enough administrative staff to meet the needs of the community and to continue the expansion of the main CHW facility located next door. The existing use is a mixed residential and home based business for auto detailing. After contacting the city for information it appears the auto detailing business (Visual Perfection) has received businesses license and a home occupation authorization.

The proposal would not require any change to the existing size, shape or topography of the property. With an existing business located on site the impact to the area would not be any greater than currently on the property. To ensure the business would not be any greater impact parking and business hours can be applied. The proposal would be to house approximately 5-10 staff; however, these staff will not be onsite all at the same time.

- (b) All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use;

FINDING: The proposal would not require any addition to the water, sanitary or drainage on site. The proposal would convert existing rooms within the dwelling in to office space; therefore, not adding to the need for additional sanitation services but in the event that additional services are needed they will be complied with.

- (c) The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with this title; and

FINDING: The zoning of the property allows for the submittal of a conditional use application to allow for public building space. The proposed use is to allow for the expansion of the CHW facility by converting an existing dwelling into office space for public services to support programs within the current organization. This confirms with the zoning districts requirements.

- (d) The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.

FINDING: The proposal is to convert an existing dwelling into office space for CHW staff. CHW currently provides services adjacent to the subject property. Currently the property owners operate a business on site which allows for multiple vehicles to come and go from the property. The proposed use would not increase any impact to the property then currently allowed. The proposal will not serve the clientele directly as it will serve as administrative staff only. All clients would go to the CHW building adjacent to the subject property as that is where the practitioners are setup to serve clients. The proposal would not negatively impact the harmonious residential uses within the area. This area is a mix of residential and commercial and the street serves as a connector between two major streets that serve major commercial areas of Coos Bay. Health care is an essential public service and this building will be used to ensure that clerical and administrative services will be provided for CHW.

(2) The planning commission may impose, in addition to regulations and standards expressly specified in this title, other conditions of approval necessary to ensure the use complies with applicable approval standards. These conditions may include, but are not limited to, the following:

- (a) Increased setbacks, lot size or yard dimensions;
- (b) Additional design features necessary to minimize impacts such as noise, vibration, air pollution, glare, odor and dust;
- (c) Restrictions on the location, number and design of vehicular access points to the property;
- (d) Additional off-street parking or loading spaces;
- (e) Limits on the number, size, location, height and lighting of signs;
- (f) Limits on building height, coverage or location;
- (g) Restrictions on the hours, days, place and manner of operations;
- (h) Additional requirements for drainage and surfacing of maneuvering, parking and loading areas;
- (i) Limits on the location and intensity of outdoor lighting;
- (j) Requiring certain berming, screening, landscaping and/or fencing; and
- (k) Requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed.

FINDING: The proposal does not require any additional construction; therefore, would not require additional setbacks or height restriction requirements. This facility will not directly service clientele on site eliminating a need for additional conditions with regard to noise. The proposal will not require the installation of a sign and no additional lighting needed. Parking will be off site at the existing designated parking area and will utilize the existing parking onsite. If the Planning Commission finds that conditions of approval are necessary to make the use compatible the applicant will comply.

(3) The review authority may approve a minor modification, alteration or expansion of an approved conditional use pursuant to a Type II process if:

- (a) The modification, alteration or expansion will result in less than a 20 percent cumulative enlargement or relocation of the structure, floor area, parking area or exterior improvement area, up to a total maximum of 5,000 square feet;
- (b) The existing use is in compliance with all conditions of approval of the original permit; and
- (c) The proposed modification, alteration or expansion is not expressly prohibited by the zone or the conditional use permit issued for the existing use.

FINDING: The proposal is not to modify or alter an existing conditional use. It is to establish a new (or change in) use within the LDR-6 zoning district.

Findings pursuant to Coos Bay Municipal Code Section 17.325.040:

(a) The characteristics of 305 LaClair are suitable to accommodate the authorized office use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features;

(b) All required public facilities (i.e., water, sanitary waste, drainage and roads) have adequate capacity to serve the office use at 305 LaClair;

(c) The proposed authorized office use at 305 LaClair complies with the applicable requirements of the zone

(d) The establishment, maintenance or operation of the authorized office use at 305 LaClair will not be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the office use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.

Conclusion: The CHW office use as described in Section I of the January 8, 2019 Planning Commission staff report for application 187-18-000157 is consistent with land use criteria of the Coos Bay Municipal Code.