



Planning Commission Staff report

To: Planning Commission **Date:** March 12, 2019
From: Carolyn Johnson, Community Development Administrator

Subject: CBMC Amendment 187-19-004 – Addition of Chapter 17.335 – Supplemental Development standards adding drive-through/drive-in facility criteria; amendments to Table 17.230.020 and text in Chapter 17.230/Commercial and Mixed Use districts; Table 17.235.020 in Chapter 17.235/Industrial Commercial district; Table 17.240.080 and section 17.240.070(12) in Chapter 17.240/Waterfront Heritage district; section 17.250.030 and 17.250.070(5) in Chapter 17.250/Hollering Place; Table 17.260.020 in Chapter 17.260/Medical Park.

Staff Recommendation: Review and recommend City Council approval of Amendment 187-19-004 as presented in this staff report; there is sufficient evidence in the record upon which a Council approval can be based.

I. Amendment: As a part of the Council's support of new commercial development, direction was provided for amendments to the Coos Bay Municipal Code (CBMC) to permit drive-in/drive-through facilities in various commercial districts. Drive-in/drive-through facilities are defined in the CBMC as "*an establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.*"

Staff developed standards and criteria for drive in/drive-through facilities that could be authorized as a Type I permit for existing businesses seeking to add a drive-in/drive-through. The standards would also be used for new businesses if other elements of the CBMC required a Type II or Type III permit.

The drive in/drive-through standards and criteria are proposed to be added to the CBMC Chapter 17.335 Supplemental standards as noted in Attachment B.

The supplemental new language includes:

The addition of Chapter 17.335 – Supplemental Development standards adding drive-in/drive through facility criteria:

17.335.070 Drive-in/Drive-throughs

Drive-in/ Drive-through uses and facilities are subject to the following standards and conditions:

1. All drive-in/drive-through service facilities shall provide a designated parking area for two cars in close proximity to the facility or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.
2. Drive-in/drive-through facilities shall be designed and verified by a traffic engineer that vehicles will have appropriate stacking distance, will not obstruct any vision clearance, shall maintain clear drive aisles, pedestrian walkways and public right-of-ways. Drive-up/drive-through design shall assure prohibition from backing into a vehicular or pedestrian path of travel.
3. The sound level of communications systems shall comply with Coos Bay Municipal Code Title 9.
4. All components of a drive-in/drive-through use shall be removed within one-year of discontinuation of the use through abandonment, relocation, or redevelopment.
5. No demolition of or exterior change to a building considered to be a City designated cultural resource or listed on the National Register of Historic Places. to accommodate a drive-in/drive-through use.

Additionally, amendments have been drafted for language to be included in the regulations for commercial zoning districts throughout the city that either prohibit or require a Conditional Use Permit for drive in/drive-through facilities.

-Table 17.230.020 and text in Chapter 17.230/Commercial and Mixed-Use districts.

Currently drive-in/drive-through facilities are subject to a Conditional Use Permit requirement in these districts. The amendment would authorize these facilities as permitted uses that would be subject to the development standards referenced in Chapter 17.335. Additionally, the reference to drive-through facilities requiring a conditional use permit in the MX zoning district would be deleted.

-Table 17.235.020 in Chapter 17.235/Industrial Commercial district.

Addition of reference to the requirements of Section 17.335.070 in this table. Currently drive-in/drive-through facilities are permitted uses in the Industrial Commercial district.

-Table 17.240.080 and Section 17.240.070(12) in Chapter 17.240/Waterfront Heritage district.

Deletion of Section 17.240.070(12) prohibiting drive-through windows and addition of drive-in/drive-throughs as a permitted use subject to the requirements of Section 17.335.070.

-Section 17.250.030. and 070(5) in 17.250/Hollering Place.

Addition of 17.250.030 (h) adding drive-in/drive-through facilities subject to the requirements of Chapter 17.335.070 and deletion of 17.250.070 (5) prohibiting drive-through windows.

-Table 17.260.020 in Chapter 17.260/Medical Park.

Addition of drive-in/drive- through facilities subject to the requirements of Chapter 17.335.070.

II. Comprehensive Plan/CMBC consistency.

Section#/ Title	Requirement	Complies
CBMC 17.130/ Procedures	Public Notification and notification to DLCD	Yes. DLCD was notified timely on January 15, 2019.
CBMC Section 17.360/Plan amendment and Zone Change	Planning Commission determination of Consistency with approval criteria noted in 17.360.060 (a, b, and c)	Yes. See Section III of this report for Consistency findings.
Comprehensive Plan 2000 Volume 1 Goal	<p><i>Goal #1: Encourage and support economic growth.</i> <i>Policy 1.1 Enhance Coos Bay's role as a hub for support services for the south coast, commercial, financial, real estate, professional services (engineering, architecture), housing, etc.</i></p> <p><i>Goal #2: Maintain and expand a diversified economy.</i> <i>Policy 2.1 Encourage expansion of recreational, cultural and eco-tourism industries by supporting, enhancing and expanding amenities and infrastructure from waterfront development to lodging options, including shopping, arts and entertainment.</i></p> <p><i>Goal #3: Recruit businesses.</i> <i>Policy 3.1 Continue to offer programs that encourage business development and retention.</i> <i>Policy 3.3 Continue to enhance our core area as a place to do business</i></p>	<p>Yes.</p> <p>Various Coos Bay businesses (banks, food service, pharmacies and others) can utilize the drive-in/drive through concept to enhance, expand and serve their client base in the promotion of Coos Bay economic growth and vitality. The drive-in/drive-through concept is an incentive for new businesses to become established in Coos Bay.</p> <p>The amendments of Application 187-19-004 provide efficient legislative tools for the community's commercial business segment to successfully utilize a safe and functional drive-in/drive-through concept for economic growth.</p>

Section#/ Title	Requirement	Complies
	<i>Goal #4: Work to retain, expand and strengthen existing local businesses. Policy 4.3 Facilitate business investment and development by offering programs to fit their needs.</i>	
Statewide Planning Goals relative to amendments. ORS 197.175 (2b)	<i>Pursuant to ORS chapters 195, 196 and 197, each city and county in this state shall enact land use regulations to implement their comprehensive plans.</i>	Yes. The City utilizes the CBMC Section 17 – Development Code to enact land use regulations to implement the Comprehensive Plan. Amendment 187-19-004 is an amendment to Section 17.

III. Conclusion. The proposed amendment is consistent with the applicable policies of the City's Comprehensive Plan and meets the findings for consistency with the following:

1. CBMC section 17.130 – Procedures;
2. Section 17.360 – Plan amendment and Zone Change;
3. Comprehensive Plan Economic Development Goals 1, 2, 3, 4, and Policies 1.1, 2.1, 3.1, and 4.3
4. Statewide Planning Goals relative to amendments.
ORS 197.175 (2b)

Attachment A provides the Planning Commission's recommendation for findings of fact to authorize Amendment 187-019-004.

IV. Attachments:

A – Planning Commission recommendation to Council

B – Amendments in legislative format

Attachment A

March 12, 2019 Planning Commission Final recommendation for Council action

Background: As a part of the Council's support of new commercial development direction was provided for CBMC amendments to permit drive-through and drive-up facilities in various commercial districts. Staff developed and the Planning Commission concurred with standard language to enable authorization of drive-through and drive-up facilities as a permitted use in the Commercial/Mixed Use, Industrial Commercial, Waterfront Heritage, Hollering Place and Medical Park commercial districts.

Recommendation: The Planning Commission hereby recommends City Council authorization of modifications to the Coos Bay Municipal Code to:

- 1) add standards for drive-through/drive-up facilities to CBMC Chapter 17.335 – Supplemental Development standards with drive-through/drive-in facility criteria and
- 2) add or modify drive through/drive-up facilities as a permitted use in the Commercial/Mixed (Chapter 17.230); the Industrial Commercial (Chapter 17.235); Waterfront Heritage (Chapter 17.240); Hollering Place (Chapter 17.250); Medical Park (Chapter 17.260).

Findings: The Planning Commission's recommendation is based on the following findings:

Criteria #1: CBMC section 17.360.060(a) - The proposed amendment is consistent with the applicable policies of the Comprehensive plan or that a significant change in circumstances requires an amendment to the plan or map. These criteria include:

Goal #1: Encourage and support economic growth and Policy 1.1 Enhance Coos Bay's role as a hub for support services for the south coast, commercial, financial, real estate, professional services (engineering, architecture), housing, etc.

Goal #2: Maintain and expand a diversified economy and Policy 2.1 Encourage expansion of recreational, cultural and eco-tourism industries by supporting, enhancing and expanding amenities and infrastructure from waterfront development to lodging options, including shopping, arts and entertainment.

Goal #3: Recruit businesses and Policy 3.1 Continue to offer programs that encourage business development and retention and Policy 3.3 Continue to enhance our core area as a place to do business

Goal #4: Work to retain, expand and strengthen existing local businesses.

Policy 4.3 Facilitate business investment and development by offering programs to fit their needs.

Findings:

Finding #1 - Various Coos Bay businesses (banks, food service, pharmacies and others) can utilize the drive-through/drive up concept to enhance, expand and serve their client base in the promotion of Coos Bay economic growth and vitality.

Finding #2 - The drive-through/drive-up concept is an incentive for new businesses to become established in Coos Bay.

Finding #3 - The amendments of Application 187-19-004 provide efficient legislative tools for the community's commercial business segment to successfully utilize a safe and functional drive-up/drive-through concept for economic growth.

Criteria #2: CBMC section 17.360.060(b) The proposed amendment is in the public interest.

Finding: Existing businesses and proposals for future businesses in the City have sought and continue to seek authorization for drive-in/drive-through services. Amendment 187-019-004 provides a legislative solution to streamline these proposals which will in turn spur on new business that will comply appropriate regulations for public safety through an efficient process.

Criteria #3: CBMC section 17.360.060 (c) Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the Coos Bay capital improvement plan(s).

Finding: The amendment will not result in a decrease in the level-of-service. The criteria and standards specified in Amendment 187-019-004 accommodate for safe travel, vehicle stacking and noise mitigation. The amendment will not have an effect on the level of service for capital facilities and services.

Planning Commission Vote:

Yea:

Nay:

Abstain:

Attest:

Carolyn Johnson
Community Development Administrator

Attachment B

New language

~~Deleted language~~

Chapter 17.335

SUPPLEMENTARY DEVELOPMENT STANDARDS

Sections:

- 17.335.010 Generally.
- 17.335.020 Height of fences and hedges.
- 17.335.030 Solid waste.
- 17.335.040 Lighting.
- 17.335.050 Noise.
- 17.335.060 Landscaping.
- 17.335.070 Drive-ins/Drive-throughs

17.335.070 Drive-in/Drive-throughs

Drive-in/Drive-through uses and facilities are subject to the following standards and conditions:

1. All drive-in/drive-through service facilities shall provide a designated parking area for two cars in close proximity to the facility or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.
2. Drive-up/drive-through facilities shall be designed and verified by a traffic engineer that vehicles will have appropriate stacking distance, will not obstruct any vision clearance, shall maintain clear drive aisles, pedestrian walkways and public right-of-way's. Drive-up/drive-through design shall assure prohibition from backing into a vehicular or pedestrian path of travel.
3. The sound level of communications systems shall comply with Coos Bay Municipal Code Title 9.
4. All components of a drive-in/drive-through use shall be removed within one-year days of discontinuation of the use through abandonment, relocation, or redevelopment.
5. No demolition of or exterior change to a building considered to be a City designated cultural resource or listed on the National Register of Historic Places. to accommodate a drive-in/drive-through use.

Chapter 17.230

COMMERCIAL DISTRICTS (C AND MX)

Table 17.230.020 - Uses

Retail Sales – Restaurants, Drinking Establishments		
Restaurants and drinking establishments	P	P
Drive-through, drive-in or drive-up facilities <u>subject to the requirements of</u>	C	C

<u>Section 17.335.070.</u>	<u>P</u>	<u>P</u>
----------------------------	----------	----------

17.230.030 Development standards.

(4) Special Limitations on Uses. All uses in the MX district(s) shall meet all of the following conditions:

~~–(e) Drive through facilities require a conditional use permit as part of the approval process.~~

INDUSTRIAL-COMMERCIAL DISTRICT (I-C)

Table 17.235.020 – I-C Uses

Accessory Uses and Activities	
Drive-through or drive up facilities <u>subject to requirements of Section 17.335.070</u>	P

Chapter 17.240

WATERFRONT HERITAGE DISTRICT (WH)

17.240.070 Property development requirements.

The following property development requirements shall apply to all land and improvements in the WH district:

~~(12) Drive through windows are prohibited.~~

Table 17.240.080 – Waterfront Heritage District – Uses

Use	WH-1 Core Area		WH-2 Transition Area		WH-3 Central Dock Area	
	Ground Level	Upper Level	Ground Level	Upper Level	Ground Level	Upper Level
<u>Drive-in or drive-through facility compliant with requirements of Section 17.335.070</u>	P	X	P	X	P	X

P = Permitted use.

Chapter 17.250

HOLLERING PLACE DISTRICT (HP)

17.250.030 HP-1, upper bluff area.

h) Drive-through or drive up facilities subject to requirements of Section 17.335.070.

17.250.070 Property development requirements.

~~(5) Drive through windows are prohibited.~~

Chapter 17.260 - MEDICAL PARK DISTRICT (MP)

Reformatted to be similar to other Title 17 chapters. ~~Deleted language; new language~~

Sections:

17.260.010 Intent.

17.260.020 ~~Uses~~ ~~Permitted uses.~~

17.260.030 ~~Conditional uses.~~

~~17.260.040 Uses expressly prohibited.~~

~~17.260.050~~ Property development requirements.

17.260.010 Intent.

The medical park district is designed to achieve the following city objectives:

- (1) Encourage the centralization of Coos Bay's medical facilities.
- (2) Provide space for semipublic facilities needed to complement medical facilities.
- (3) Facilitate the establishment of the medical park district as an efficient regional referral center.
- (4) Facilitate the planning and programming of desirable and/or needed utilities and facilities to adequately accommodate planned service level and intensity of use.
- (5) Create an aesthetically pleasing, park-like environment conducive to the promotion of mental health and general well-being.
- (6) Establish and reserve appropriately located areas for desirable mixtures of medically related professional, limited complementary commercial, administrative business offices, and medically related multifamily residential uses.
- (7) Control the encroachment of medically related facilities into established or intended residential areas.

17.260.020 Uses.

The uses set out in Table 17.260.020 are examples of uses allowable in the Medical Park District. Where a specific use is not listed in the table the director shall determine the most appropriate similar use in the table. P = Permitted use; C = Conditional use; X = Prohibited use.

Table 17.260.020 – Uses

<u>Use</u>	
<u>Residential</u>	
<u>Group Residential care Facility</u>	<u>P</u>
<u>Multiple-family which is medically related or fulfills a direct need to the district which cannot be fulfilled in other areas.</u>	<u>C</u>
<u>Residential uses not authorized by this chapter.</u>	<u>X</u>
<u>Civic</u>	
<u>Bus Shelters</u>	<u>C</u>

<u>Use</u>	
<u>Civic uses not authorized by this chapter</u>	<u>X</u>
<u>Hospital</u>	<u>P</u>
<u>Utility and service uses with indoor storage</u>	<u>P</u>
<u>Utility and service uses with outdoor storage</u>	<u>X</u>
<u>Commercial</u>	
<u>Child Care</u>	<u>C</u>
<u>Commercial uses not authorized by this chapter</u>	<u>X</u>
<u>Drive in or Drive through facility related to commercial pharmacy retail sales and subject to the requirements of Section 17.335</u>	<u>P</u>
<u>Lodging that is medically related or fulfills a direct need to the district which cannot be fulfilled in other areas.</u>	<u>C</u>
<u>Medical Office, clinics and related services</u>	<u>P</u>
<u>Pharmacy only retail sales</u>	<u>P</u>
<u>Retail sales of floral or gift shops associated with medical facilities</u>	<u>C</u>
<u>Lodging</u>	
<u>Other</u>	
<u>Agricultural uses</u>	<u>X</u>
<u>Industrial uses</u>	<u>X</u>

~~**17.260.020 — Permitted uses.**~~

~~The following uses are permitted in the MP zoning district:~~

~~(1) Residential Use Types.~~

~~(a) Group residential care facility.~~

~~(2) Civic Use Types.~~

~~(a) Hospital.~~

~~(b) Utility and service — outside storage of equipment prohibited.~~

~~(3) Commercial Use Types.~~

~~(a) Medical offices, clinics and related services.~~

~~(b) Retail sales, general — pharmacy only.~~

~~**17.260.030 — Conditional uses.**~~

~~The following uses are permitted in the MP zoning district:~~

~~(1) Residential Use Types. Multiple family which is medically related or fulfills a direct need to the district which cannot be fulfilled in other areas.~~

~~(2) Commercial Use Types.~~

~~(a) Child care facility.~~

~~(b) Retail sales, general — florist or gift shop only.~~

~~(c) Tourist Habitation. Lodging which is medically related or fulfills a direct need to the district, which cannot be fulfilled in other areas.~~

~~(3) Civic Use Types.~~

~~(a) Bus shelter (administrative conditional use, see Chapter 17.325 CBDC, Conditional Uses). [Ord. 473 § 3 (Exh. A), 2016]. [Ord. 503 (Exh. B), 2018]~~

17.260.040 — Uses expressly prohibited.

~~The following uses are expressly prohibited in the MP zoning district:~~

~~(1) Residential use types, unless otherwise authorized by this chapter.~~

~~(2) Civic use types, unless otherwise authorized by this chapter.~~

~~(3) Commercial use types, unless otherwise authorized by this chapter.~~

~~(4) Agricultural use types.~~

~~(5) Industrial use types.~~

17.260.0350 Property development requirements.

(1) Site Plan. Except for bus shelters, a site plan and approval is required for the establishment or change of any use in the MP district.

(2) Lot Standards.

(a) Residential.

(i) Minimum area: 8,000 square feet for the first three dwelling units and not more than one dwelling unit per 1,200 square feet thereafter.

(ii) Minimum width: each lot shall have a minimum width of 40 feet.

(b) Nonresidential.

(i) Minimum area: none required.

(ii) Minimum width: none required.

(3) Building Coverage. Maximum lot coverage by buildings and structures shall not exceed 50 percent of the total lot area.

(4) Building Height. No building or structure shall have a height greater than three stories, not to exceed 35 feet, unless otherwise approved through site plan.

(5) Landscaping and Screening.

(a) Screen heating and air equipment from public view. This does not apply to roof-mounted equipment.

(b) Enclose and screen all storage and trash areas from public view.



(iv) Roof Sign. Any sign that is displayed upon or supported in any way by a roof.

(A) Roof signs are discouraged.

(B) Where the design of a building dictates that a roof sign is necessary, the sign must:

1. Be related to the style and character of the building or area; and
2. Not project above the roof ridge line.

(v) Marquee Sign. A "marquee sign" is defined either as a fascia sign or a projecting sign or awning sign which contains moveable letters or devices. A marquee sign shall not contain any plastic parts and shall not be internally illuminated.

(vi) Interior Painted Window Signs. These signs are regulated. However, interior painted window signs with holiday themes are allowed for up to 45 days without approval of a sign permit.

(vii) Miscellaneous. In addition to the above sign types, other types of signing may be appropriate if it meets the criteria listed in this subsection (5).

(viii) Neon signs (any sign where neon or other gas contained in tubing is illuminated by the application of electric current) are prohibited.

(ix) Pole-mounted or freestanding signs are subject to review.

(x) Sandwich board signs are prohibited.