

**CITY OF COOS BAY
PLANNING COMMISSION MINUTES
Tuesday, October 14, 2014 at 6:00 P.M.
Coos Bay City Hall, 500 Central Avenue, Coos Bay**

ATTENDANCE

COMMISSIONERS: Chairman Chris Hood, Commissioners Jim Berg, Christine Coles, Bruce Harlan, Jeff Marineau, Phil Marler and Rex Miller

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

SIGNED-IN GUESTS: Kate Sharples, 1626 Oak St., North Bend, OR 97459
Lon Samuels, 960 Central Ave., Coos Bay, OR 97420
Danielle Avolin, 66055 Sunshine Ln., Coos Bay, OR 97420
Norman Fraser, 2690 35th St., Coos Bay, OR 97420

CCI/PUBLIC COMMENTS None

APPROVAL OF MINUTES

Approval of the Planning Commission minutes of September 15, 2014.

MOTION: Commissioner Miller- Approve the Planning Commission minutes of September 15, 2014 as submitted.
SECOND: Commissioner Marler
VOTE: Unanimous **ABSTAIN:** Chairman Hood
Commissioner Coles and Marineau

PUBLIC HEARING

ITEM A: **Land Use Application #187-ZON14-053 - 3485 Vine Avenue, Coos Bay, OR**
The Pacific Cove Humane Society is requesting approval of the following land use applications to allow the establishment of "Animal Sales and Service – Kennel" on the subject property: Part I CBMC 17.360 Change in Zone Designation: Qualified Residential-Professional (QR-4P) to General Commercial (C-2); Part II CBMC 17.355 Conditional Use Establishment of the use: Animal Sales and Service – Kennel; Part III CBMC 17.350 Variance -CBMC 17.200.030 (1) Access – Allow ADA space to back into the street; Part IV CBMC 17.345 Site Plan and Architectural Review (SPAR) Change of use from Single-Family Dwelling to Commercial.

Chairman Hood 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 stated he had exparte contact with Kate Sharples regarding Planning Commission procedures. He stated that contact would not affect his ability to make an impartial decision.

Commissioner Berg declared a conflict of interest (property listed with his firm) and stepped down from public hearing.

Chairman Hood opened the public hearing.

Kim Trimpert read the disclosure statement and outlined the applicant's request. The applicant is applying to change the zone designation of the subject property from Qualified Residential-Professional (QR-4P) back to General Commercial (C-2). The proposed use (Animal Sales and Service – Kennel) requires approval of a Conditional Use Permit. The applicant is also applying for a Variance to the off-street parking requirements to allow one ADA accessible parking stall to back into the street. Due to the change of use from a single-family dwelling to the proposed animal shelter at Site Plan and Architectural Review (SPAR) is required. Mrs. Trimpert indicated that staff is recommending approval of the requested, but that staff recommends amendments to the recommendations noted on the Staff Report. She indicated that the zone change portion of the request will go to the City Council as a recommendation and that an additional condition of approval needs to be that the Conditional Use, Variance and SPAR are contingent upon approval of the Zone Change.

Mrs. Trimpert read into the record correspondence that was received after the staff report was complete and correspondence submitted just prior to the hearing. She indicated that Gloria Kohl of Kohl's Kitty Kare at 1431 Southwest Blvd in Coos Bay submitted a letter of support for the project received October 3, 2014 (*Exhibit C*). Mrs. Kohl's letter indicates that the Pacific Cove Humane Society has been working towards establishing a facility in Coos Bay for a long time and that the services they bring to the community are needed. Mrs. Trimpert stated the applicant's representative Lon Samuels submitted four photos of the site (*Exhibit D*) that will be used in his presentation. She read into the record an email dated October 14, 2014 from John Zimmerman (*Exhibit E*) expressing his strenuous objection to locating the facility across from his rental property on Vine Avenue. Mrs. Trimpert indicated a petition of opposition to the zone change and conditional use permit signed by 36 area residents (*Exhibit F*) was received just prior to the hearing. A letter of support from Judy Gilbert dated October 6, 2014 (*Exhibit G*) with 207 signatures was also received just prior to the meeting. The letter indicates the facility is needed in the community; that valuable services are provided; and that the facility is committed to being a good neighbor and creating an environment that is compatible with other uses in the area and a well-maintained building, landscape grounds and vigilant noise and odor control.

- MOTION:** Commissioner Marineau – Approve the proposed amendment to the Staff Report as outlined by staff, that the zone change portion of the request go to the City Council as a recommendation and that an additional condition of approval be added that the approval of the Conditional Use, Variance and SPAR are contingent upon approval of the Zone Change.
- SECOND:** Commissioner Coles
- VOTE:** Unanimous

Lon Samuels, 960 Central Avenue, Coos Bay the applicant's representative, summarized the applicant's request and history of the prior uses. He explained how the building would be used with dogs on the lower level and cats on the upper level. He explained that the kennels would be located on the lower level along the walls which has natural sound barriers being partially below grade and having a berm. He stated the main entrance is on the upper level which includes a break room, training room, restroom, kitchen and cats play area, isolation area, and enclosed deck so cats can go outside.

Mrs. Sharples added that with the location of the kennels and the fact there will be walls between the kennels and the fact that part of the bottom floor is below grade with a cinder block wall and a berm, they don't expect calls related to barking.

Commissioner Marler expressed concern and asked about the applicant's uncertainty about some of the questions. Mrs. Sharples stated there are state regulations that limit the number of animals a facility can house based on the size of the facility and they intend to comply with any and all restrictions.

Janet Huggins, 1379 D Street, Coos Bay stated the facility will take animals by appointment only. She said there is a good network of facilities that work together to accommodate the animals. If one facility has an overload, another facility(s) will take the overflow. In some communities larger dogs are popular and in other communities small breeds are popular. They try to get the animals to the communities where they are best suited.

Commissioner Hood asked if the group is affiliated with the Humane Society. Mrs. Huggins stated they are a 501-3c organization, but they are not affiliated with a national organization.

Mrs. Sharples stated if the facility is full they would be required to turn animals away. Sometimes a family can keep their pet a little longer to allow space to become available.

Commissioner Hood stated that the number of animals at a facility can impact the surrounding area. A kennel with a maximum of 15 dogs and a facility with 75 dogs have different impacts on the surrounding area.

Danielle Avolin, 66055 Sunshine Lane, Coos Bay, stated that she has training and has worked in a shelter for 10 years. She said the Open Paw organization encourages some smaller breeds to be housed together, but not large dogs. She explained that Open Paw trains dogs not to bark. She said stress equals barking and facilities like the one proposed designs the kennels so that the dogs are not in view of each other which reduces stress and barking. The Open Paw program wants healthy, happy dogs to be adopted in to the community, so they train the animals to not jump or bark. She explained the different levels of training.

Commissioner Harlan asked what the policy is for afterhours barking. Ms. Avolin stated it is unusual for barking complaints, because the kennels don't face each other and there are no humans in the area, there are no stimuli to encourage barking. She said there will be on call volunteers to address any afterhours issues.

Gloria Kohls, 1431 Southwest Blvd operates Kohl's Kat Kare at 1441 Southwest Blvd stated they are a cat and sometimes dog rescue. She said if they get a dog they try to find a place in a couple of days, or she keeps it at her house. She said that all the animal rescue facilities in the area would work together. She said the animals are spayed/neutered and vaccinated at the facilities. She said local vets will work with facilities when they have sick and injured animals. She added that the Portland area sometimes calls asking for cats and kittens.

Norman Fraser, 2690 35th Street, Coos Bay, stated his house is the third house on 35th Street and he was the last resident to be notified of proposed zone change. He said the structure is about 50-feet above Ocean Blvd and it was built as a church then converted to Single-Family Dwelling about ten years ago. He said it has been for sale for about two years. He said he does not have anything against cats or dogs, he heard that at onetime Kohls Kat House had over 100 cats/kittens at the facility. He said the abutting property owner is the only one that did not sign the petition of opposition. He said the existing ADA ramp was installed by the church.

Mr. Fraser added that he objects because the area is residential not commercial. He said there is lots of property available by the airport and that area is commercially zoned.

Timi Ruiz, 3450 Vine Avenue, stated her house is basically the only house across the street from the property. She said there are ten dogs around their house that are family pets and barking is an issue. She said her son has a sleeping disorder and she believes having a kennel facility across the street would affect his health and that they would be required to move. She believes the facility is a great idea, but not in a residential zone. She said the property is not large enough for that many animals.

Lon Samuels described the photos of the subject property entered into the record as "*Exhibit D*". The photos showed the view from each elevation and he described the distance and vegetation from each view. He explained that there are only 24 kennels, the kennels do not face each other and there are three walls between the kennels and the exterior of the building. He said the dogs at the facility do not just sit all day long.

Mr. Samules said the dogs are put through a training process and at the end of the day they are tired. He explained that noise is not going to be an issue and that the number of animals will also be determined by the number of volunteers that are able to care for the animals. He stated they would be required to provide 11 off-street parking spaces and they would provide 14. He said it would not benefit the facility to allow smell to be an issue.

Commissioner Marineau asked about who owns the trees located to the south, between Metric Motors and the subject property. Mr. Samuels stated ownership is about half and half.

Commissioner Hood asked how long is the training process and how long a dog is at the facility. Danielle Avolin stated that with the Open Paw program it only takes a couple days to train the average dog and some dogs are only at the facility for a couple days.

Commissioner Marineau asked for verification that the proposed fence between the subject property and the residential property to the east is solid wood construction and not chain link. The applicant confirmed that the fence proposed would be solid wood.

Commissioner Hood asked if Open Paws is part of their program. Mrs. Sharples confirmed that it is part of their program.

Chairman Hood closed the public hearing.

Commissioner Marler stated it is a worthy organization and they need a facility. Most of staff conclusions are based on the connection to Ocean Blvd., but the area feels like a residential neighborhood. The parcel is cut into Vine Avenue. He said Vine Avenue is more of an influence than Ocean Blvd.

Commissioner Coles stated the property was originally zone General-Commercial. Commissioner Marler stated he believes the current Residential-Professional zone is more appropriate.

Commissioner Hood stated the fact that the property is accessed off of Vine Avenue instead of having direct access on to Ocean Blvd is a good thing for traffic safety. He said that way people are not pulling into and backing out onto an arterial street. The uses along Ocean Blvd. are there because Ocean Blvd is a main thoroughfare.

Commissioner Coles stated that it sounds like the existing problem with barking dogs is from dogs owned by current residents. She encouraged the residents to contact the Police Department if they continue to be a problem.

Commissioner Marineau said the subject property could easily be a commercial property. He said you could put any commercial business in the subject property and it would tie the property to the commercial uses and the residential property in that block (subject property and abutting property) would disappear.

MOTION: Commissioner Coles – Based on the adopted Findings, Conclusions and Conditions, as supported by the applicant’s submittal, attached hereto and incorporated herein by reference as Attachment “A” recommend the City Council approve the Zone Change portion of application #ZON14-053 to change the zone designation from Qualified Residential-Professional (QR-4P) to General- Commercial (C-2).

SECOND: Commissioner Marineau

VOTE: Unanimous

The Planning Commission discussed the number of dogs at the facility and the need to set a maximum number. They discussed the number of kennels and that no more than two dogs would be in each kennel. Only one large dog can be in a kennel. They determined that no more than 50 dogs should be on-site at any time. Commissioner Miller stated that 50 dogs create a lot of urine.

Commissioner Miller stated he has had farm dogs he got from county pound for years and they are wonderful animals, but he is concerned about putting the facility next to a residential zone.

Commissioner Hood stated he had similar thoughts before reviewing the specific criteria. He said the applicant meet the Decision Criteria. He said the ordinance does not outline some of the specific concerns.

Commissioner Marler asked if they could have a contact number listed with the Police Department so they know who to call if they receive a call in the middle of the night. It was stated that a contact card is require by the Police Department at the time a business license is issued.

MOTION: Commissioner Coles – Based on the applicant’s submittal and the findings and conclusions (attached hereto and incorporated herein by reference as Attachment “A”) approve the Conditional Use portion of application #187-ZON14-053 allowing the establishment of “Animals Sales and Services - Kennel” on property located at 3485 Vine Avenue, subject to the following Conditions.

1. Approval of Conditional Use Permit is contingent upon City Council approval of Zone Change from Residential Professional (QR-4P) to General Commercial (C-2) on November 4, 2014.
2. A maximum of fifty (50) dogs may be kept on the property at any time.

SECOND: Commissioner Marineau

VOTE: Aye– Chairman Hood, Commissioner Coles, Harlan, Marineau
Nay – Commissioners Marler and Miller

MOTION: Commissioner Coles – Based on the applicant’s submittal and the findings and conclusions (attached hereto and incorporated herein by reference as Attachment “A”) approve the Variance portion of application #187-ZON14-053 allowing one ADA parking space to back-out into Vine Avenue, subject to the following Condition.

Approval of Variance is contingent upon City Council approval of Zone Change from Residential Professional (QR-4P) to General Commercial (C-2) on November 4, 2014.

SECOND: Commissioner Marineau
VOTE: Unanimous

MOTION: Chairman Coles - Based on the adopted Findings, Conclusions and Conditions, as supported by the applicant’s submittal, attached hereto and incorporated herein by reference as Attachment “A” approve the Site Plan & Architectural Review portion of application #ZON14-053 subject to the following Conditions:

1. Approval of the Conditional Use request, the Variance and the Site Plan and Architectural Review are contingent upon City Council’s approval of the proposed change in zone designation;
2. The applicant/owner must secure all structural and development permits as required, from the City, State and Federal agencies.
3. A fire, life and safety plan review will be performed prior to the issuance of building plans. The review will verify compliance with all current Building Code requirements, including fire and Life Safety, fire apparatus access, adequate hydrant location and flows.
4. Prior to issuance of construction permit a “Parking Lot Permit” must be submitted for review and approval to verify compliance with the off-street parking requirements as outlined in CBMC Chapter 17.200 and city engineering standards. Prior to occupancy of the building, the parking lot must receive an approved final inspection.
5. A solid wood fence, a minimum of six (6) feet in height, shall be constructed along the east property line, as a buffer between the subject property and residential zoned property to the east.

SECOND: Commissioner Marineau
VOTE: Unanimous

DEVELOPMENT CODE (CBMC, Title 17) REWRITE

Director Day summarized the proposed revisions for “Section 3”. He provided a memorandum summarizing the proposed revisions. He said there would be two additional meetings before the document goes to City Council. He said the December meeting will be the initial public hearing before the Planning Commission.

Commissioner Coles state that the Planning Commission needs to have a couple work sessions to really go through the proposed document.

Commissioner Hood asked what opportunity the City Council would have to review the document prior to their public hearing in January. Director Day would go to City Council in January then they would have until May to approve. Commissioner Hood stated he does not feel the Planning Commission has had ample time to review the document in its entirety.

The Planning Commission discussed the section of the document that is new and what sections would be retained. Director Day outlined the sections that would not be altered and what sections would be replaced.

The Planning Commission discussed the need to review the document in more depth and requested a couple work session (outside the regular meetings). Commissioner Berg requested an outline of which sections are being replaced and which will remain the same. The Commission set work sessions for Wednesday, October 29th and November 19th at 5:00 p.m. in the Coos Bay City Hall Conference Room.

ADMINISTRATIVE None

ADJOURNMENT 8:50 p.m.

Chris Hood, Chairman
City of Coos Bay
Coos County, Oregon

ATTEST:

Debbie Erler, Planner
City of Coos Bay

APPROVED AS SUBMITTED 11-12-2014