



CITY OF COOS BAY
Community Development Department

500 Central Avenue
Coos Bay, OR 97420

541.269.8918
www.coosbay.org

STAFF REPORT

Conditional Use

TO: Planning Commission

FROM: Aaron Harris, Planner
Community Development Department

HEARING BODY: Planning Commission

DATE & TIME: Tuesday, May 13, 2014 at 6:00 p.m.

MEETING LOCATION: Coos Bay Council Chambers, 500 Central Ave, Coos Bay

APPLICANT: S/Nipped, Tamara McCuiston, 132 N. Wasson St. Coos Bay, Oregon

PROPERTY OWNER: Claridale LLC
Dale & Clarita Kalista, 1667 Oak St.
North Bend, Oregon 97459

SUBJECT PROPERTY: 1165 Newmark St. STE B, Coos Bay, Oregon 97420
T.25, R.13, S.20AC, Tax Lot 2500

SUBJECT: LAND USE APPLICATION #187-ZON14-023
Conditional Use for Animal Sales and Service

I. APPLICANT'S REQUEST

The applicant is requesting approval for a cat and dog kennel on the above referenced property, located in the General-Commercial (C-2) zoning district. Animal kennels are a conditionally permitted use. Approval of a conditional use permit is therefore required.

II. APPLICABLE REGULATIONS

- A. City of Coos Bay Coos Bay Municipal Code
Chapter 17.75 General Commercial District (C-2)
Chapter 17.355 Conditional Use
- B. Coos Bay Comprehensive Plan, Volume 1, Plan Policy Document 1987-2000
Chapter 7.7

III. STAFF RECOMMENDATION

Based on the findings, conclusions, and the applicants' submitted evidence, Staff recommends approval of conditional use #187-ZON14-023 allowing a kennel in the General-Commercial (C-2) zone subject to the noted conditions in Section VIII.

IV. KEY INFORMATION

- A. According to S/Nipped's website, the organization's mission is to end the killing of healthy, adoptable pets by working closely with high kill shelters across the United States.
- B. S/Nipped's proposed use fulfills the intent of the C-2 zoning district, adequately addresses the criteria required for a conditional use permit, and complies with the goal statement of Comprehensive Plan 2000 Chapter 7.7.
- C. S/Nipped's Pet Adoption Center shall not intake new animals from the public at this location. All pets will have been previously processed, spayed/neutered and provided with current vaccines and flea treatment, and assessed for adoptability at an appropriate off-site location prior to being kenneled overnight or shown for adoption at the center.

V. BACKGROUND

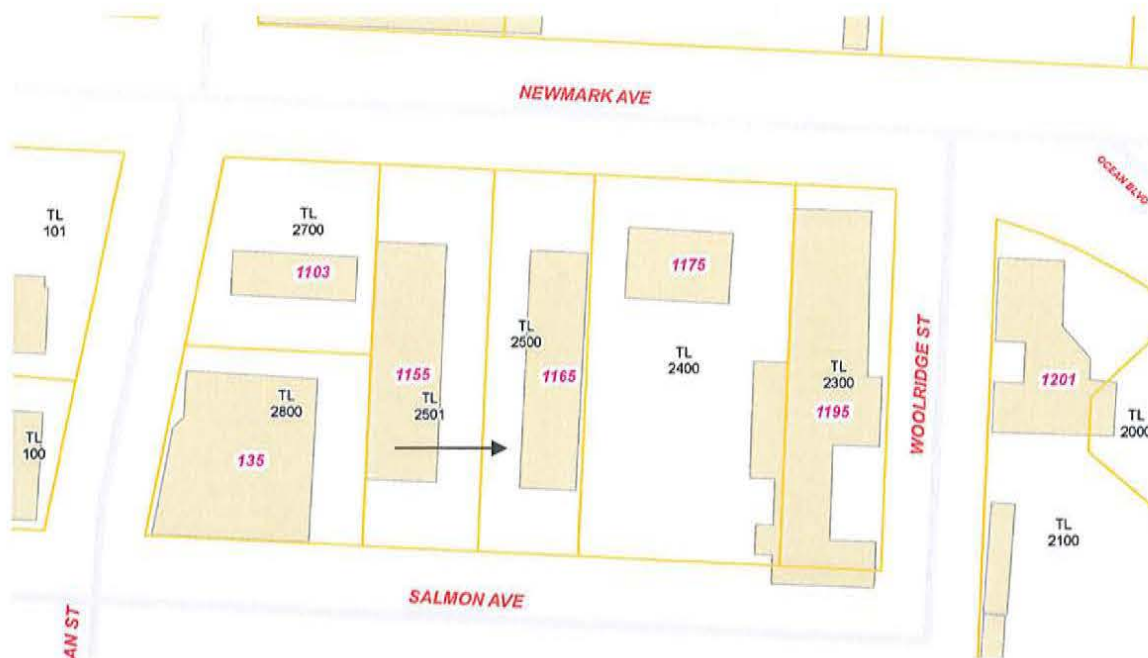
- A. The proposed adoption center would be located within a strip mall location at 1165 Newmark Ave Suite B. The location is 1007.5 square feet. The strip mall also includes a gun shop, a dog grooming facility, a t-shirt and glass shop, a laundromat, and a karate studio. North of the location is Circle H Storage, south of the location is a residential district, west of the location is Tom and Gigs Automotive, and to the east of the location is Bay Burger Inn and Tri County Plumbing.
- B. The strip mall provides 36 marked parking spaces and 2 marked handicap spaces. There is also curbside parking along Salmon Avenue. Traffic can enter and exit the strip mall location from Newmark Avenue and Salmon Avenue.
- C. Newmark Avenue is the north entrance to the property. Newmark is a four-lane arterial street with a center turning lane in good condition. Newmark Avenue has a posted speed limit of 35mph with sidewalks on both north and south sides of the road. The south entrance to the property is Salmon Avenue. Salmon Avenue is a two-lane local street with a speed limit of 25 mph. Curbside parking is allowed on both north and south sides of Salmon Ave.
- D. There are no proposed landscaping alterations.
- E. The applicant is planning on utilizing the location as described in the following bullets:
 - S/Nipped's hours of operation are Monday through Sunday from 10 a.m. to 6 p.m. and by appointment only outside these hours. "Animal care" is provided from 7 a.m to 9 p.m. daily, though not necessarily continuously on days or during the hours the

adoption center maybe closed. Animal care will be provided after hours only if necessary for emergencies or when necessary to protect the health and safety of the animals.

- S/Nipped's Pet Adoption Center may utilize up to four paid organizational employees and seven volunteers. Not all staff will be on site simultaneously, but will rotate care of the animals throughout the week and during different hours throughout each day. A minimum of one on-site coordinator will be present during business hours. A maximum of six on-site coordinators will be present during major events.
- The applicant expects one or two families an hour visiting the site during hours of operation.
- A maximum of five dogs (over 30lbs and over 6 months of age), a maximum of ten dogs (under 30lbs and over six months of age) and seven puppies (under six months of age) will be allowed to stay at S/Nipped's Pet Adoption Center overnight for the purpose of adoption. The applicant will substitute sizes as needed, not exceeding 22 dogs on the premises overnight. A maximum of three adult cats and five kittens may be kept on site overnight. If there are less than five kittens on site, up to eight adult cats may be kept on site overnight.
- On weekdays from 9 am to 7 pm, there may be up to five dogs (over 30lbs and over six months), up to 15 dogs (under 30lbs and over six months old), up to ten puppies (under six months old) and up to five adult cats and five kittens at S/Nipped's Pet Adoption Center (or ten adult cats, if there are five or less kittens on site). The applicant will substitute sizes as needed, not exceeding 30 dogs on the premises during business hours.
- S/Nipped's Pet Adoption Center shall not "intake" new animals from the public at this location. All pets will have been previously processed, spayed/neutered and provided with current vaccines and flea treatment, and assessed for adoptability at an appropriate off-site location prior to being kennelled overnight or shown for adoption at the center. S/Nipped's Pet Adoption Center may accept direct "owner surrenders" from the local area, but shall transfer the animals to an off-site location for processing within 12 hours.
- The applicant relies mainly on volunteers to walk the dogs in the surrounding neighborhood. The applicant has implemented detailed rules and procedures for dog walking. Rules include prohibiting dog walking on Newmark, limiting the number of dogs per volunteer to two, and requiring volunteers to pick up any feces regardless of its source. To walk dogs outdoors, volunteers must be a minimum of 18 years of age or be accompanied by a supervisor of at least 18 of age.
- Large dogs or those requiring greater privacy due to temperament/size are assigned their own fenced area with private commercial kennels when not being directly supervised after hours. Smaller animals share a large fenced/contained area with other animals of the same species and similar size. Large dog areas will be partitioned using fence panels measuring six feet tall by eight feet wide, and will be attached to the wall using metal brackets. Small dog areas will be partitioned using four foot high picket

fences.

- The applicant shall use the following methods, in addition to ensuring that dogs are given adequate food, exercise, and attention, in order to discourage barking: Water spray bottles, Stop That Spray, citronella bark collars, and verbal commands. If barking continues, the dog(s) will be relocated to a different location for quiet time. If barking persists when the dog returns, exhausting all previous measures, the dog will be permanently removed from the location.
 - Windows and doors facing residential areas will be kept closed, except when it is necessary to provide ventilation in warm weather.
 - The applicant shall provide a 24-hour contact number to all neighbors within a 100-foot radius to call in the event of noise after normal business hours.
 - To control odors from waste, feces shall be collected immediately and deposited in trash bins. The bins shall have lids and shall remain closed at all times when not in active use. The center will be cleaned twice daily utilizing a kennel product approved by the shelter veterinarian as a safe product that controls odors and the spread of disease. Currently the veterinary clinic uses Kennelsol, a broad spectrum cleaner/deodorizer. The garbage bin will be placed at the far south side of the mall and all waste materials will be bagged to limit any issues with odors.
 - An inventory of dog and cat toys, food, collar and leashes as well as other supplies may be sold in S/Nipped's Pet Adoption Center.
 - S/Nipped's Pet Adoption Center may include an office area for administration, staff/volunteer and adoption coordination. This area will be partitioned using storage sheds measuring six feet long by three feet wide.
- F. A pet adoption center within the strip mall will increase the visibility of the neighboring businesses by attracting additional clientele. Two doors down is a pet grooming facility, and customers visiting the adoption center would be those with similar pet related interests. According to the applicant's submittal, the mall owner has stated that any increase of visibility by customers will be good for the mall in general. S/Nipped does not anticipate any adverse effects as a result of the adoption center's location on any of the neighboring properties.
- G. Improvements to the location will include the installation of rubber floors to absorb sound and window vinyl clings to limit passing customers from standing in front of the windows and crowding the mall's shared sidewalk space.



VI. DECISION CRITERIA

A list of applicable decision criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions.

A. GENERAL COMMERCIAL DISTRICT (C-2) - CHAPTER 17.75

DECISION CRITERIA #1: The intent of the General Commercial District (C-2) is to provide a broad range of commercial and other services that are easily accessible to all residential areas, to promote the economic stability and future growth of the city, and permit limited residential and industrial uses.

DECISION CRITERIA #2: Conditional uses are permitted in the C-2 zoning district if authorized in accordance with the provisions of CBMC Chapter 17.355.

STAFF RESPONSE

S/Nipped helps fulfill the intent of the C-2 district by providing an easily accessible service to the community. S/Nipped qualifies as a conditional use permitted in a C-2 zone. CBMC 17.75.030 stipulates the authorization of kennels under animal sales and service.

B. CONDITIONAL USE - CHAPTER 17.355

DECISION CRITERIA #1: The site for the proposed use will satisfy the specific conditions and intent set forth in Division IV of this title, if applicable.

DECISION CRITERIA #2: The site for the proposed use is adequate in size and shape to satisfy any other property development requirements of the district in which it is located, in addition to any requirements that may be imposed by Division IV of this title.

DECISION CRITERIA #3: The site for the proposed use is served by streets and highways which are adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use.

DECISION CRITERIA #4: The proposed use will not have an adverse physical effect on the development or use of abutting property.

STAFF RESPONSE

The conditions and intent set forth in CBMC Division IV are not applicable to the application in question.

The site for the proposed use is adequate in size and shape to satisfy any other property development requirements of the district in which it is located.

According to the Coos Bay Transportation System Plan, the proposed use is served by Newmark Avenue, which is classified as an arterial street. Newmark Avenue is adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use.

The proposed use will not have an adverse physical effect on the development or use of abutting property. A public hearing will take place before the Planning Commission on May 13th, 2014. A public hearing is required before granting a conditional use permit subject to quasi-judicial review and shall be conducted in accordance with all provisions of Chapter 17.300.

C. **COOS BAY COMPREHENSIVE PLAN**

DECISION CRITERIA #1: Comprehensive Plan 2000 (Volume 1/Part 1, Chapter 7.7) addresses public facilities and services. The problem statement in Chapter 7.7 reads, "The cost for providing essential public facilities and services is inflating over time and is causing an undesirable tax burden to city residents." The goal statement in Chapter 7.7 stipulates that, "The City of Coos Bay shall encourage the timely, orderly, and efficient development of public facilities and services deemed adequate by the community."

STAFF RESPONSE

S/Nipped provides a tax-free public service to city residents. Encouraging social services that do not increase the tax burden on city residents ought to be encouraged.

VII. FINDINGS & CONCLUSIONS

- A. S/Nipped fulfills the intent of a C-2 district, adequately addresses the criteria required for a conditional use permit, and complies with the goal statement of Comprehensive

Plan 2000 Chapter 7.7.

- B. The applicant is not required to satisfy any landscaping requirements
- C. CBMC Table 17.200.040 does not provide minimum off-street parking requirements for Animal Sales and Services. Based on the available classifications, a conservative off-street parking requirement for the applicant would be one parking space per 250 square feet. Using this average, at 1007.5 square feet, S/Nipped is required to provide four parking spaces. 1165 Newmark Suite B is located within a strip mall location that currently has 36 marked parking spaces and two marked handicap spaces. Staff finds the available parking is sufficient to satisfy the applicant's off-street parking requirements.

VIII. CONDITIONS OF APPROVAL - CONDITIONAL USE

- 1. A maximum of 22 dogs and 8 cats may be kept on-site overnight.
- 2. The applicant shall adhere to all city, county, and state codes that pertain to the conditional use of animal shelters.
- 3. Litter and fecal matter shall be removed from the site. The site shall be cleaned as needed and on a continual basis to mitigate odor.
- 4. The applicant shall adhere to all city, county, and state codes that pertain to unreasonable noise.

IX. PUBLIC COMMENTS

No public comments have been received as of May 5, 2014

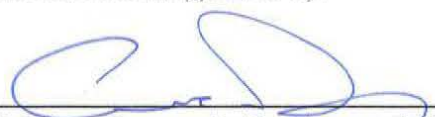
Prepared by:



Aaron Harris, Planner 1

DATE: May 5, 2014

Reviewed and Approved by:



Eric Day, Community Development Director

DATE: May 5, 2014



Permit No. ZON20¹⁴-00⁰²³

City of Coos Bay

Public Works and Development

500 Central Avenue, Coos Bay, Oregon 97420

Phone 541-269-8918 Fax 541-269-8916

CONDITIONAL USE

In accordance with Coos Bay Municipal Code, Chapter 17.355 certain types of development are not generally permitted outright because they may have an adverse effect on the immediate area. These uses are subject to review to ensure the following:

- 1) The use is compatible with the permitted uses in a district;
- 2) Any adverse impacts caused by the proposed use may be lessened or eliminated; and
- 3) The use is consistent with the general purpose of the ordinance.

☐ **ADMINISTRATIVE CONDITIONAL USE:** Uses subject to an administrative review by the Department of Community Services.

☒ **CONDITIONAL USE:** Uses subject to a quasi-judicial review by the Planning Commission.

SUBJECT PROPERTY

Street Address 1165 Newmark Suite B

Township 255 Range 13 Section 20 Tax lot # 02500

Lot(s) _____ Block _____ Addition _____

APPLICANT / OWNER

Name(s) of Applicant S/Whipped, Tamara McQuiston (Executive Director)

Address 132 N. Wasson CB 97420 Telephone 541-808-2377

Name(s) of Owner Dale & Clarita Kalista

Address 1667 Oak St. N.B. 97459 Telephone _____

CURRENT USE OF PROPERTY: Strip mall housing many business including a dog groomer, gun shop, and laundromat Suite B was a tattoo parlor.

PROPOSED USE OF PROPERTY: for Suite B, Proposed use as a Kennel / Pet Adoption Center.

Please answer the following questions as completely as possible; use additional paper if necessary. The approval of this permit must be based on specific facts; therefore, yes/no answers are not sufficient. City personnel will assist you in answering any question.

1. Describe the zoning and use of properties within 250' of this site. Be specific; note number of businesses or dwelling units, public facilities, etc.

2. Explain how you will make use of the property. Include size of the building, hours of operation, number of staff, available parking, traffic circulation through the property, anticipated client/customer visits on a daily basis, and existing or proposed landscaping. List also equipment that will be used at the site, noise sources, and any byproducts such as smoke, dust, or odors.

3. What are the widths and condition of streets and highways that serve the property? Note any available on-street parking, posted speed limits, sidewalks.

4. How will your activity affect adjacent properties, whether developed or undeveloped? What changes in nearby properties may result from your proposal?

5. Indicate any allowances you have made to minimize any negative impacts (such as landscaping or buffering, limiting vehicular access, signs, lighting, locating vehicular access to promote public safety).

6. If applicable, indicate whether the proposed use will satisfy any special site development requirements set forth in Article 4 of the City of Coos Bay, Land Development Ordinance.

ADDITIONAL REQUIREMENTS

- A. Attach a plot plan drawn to scale showing slopes, existing structures, proposed structures, yards, parking, landscaping, utilities, location of signs and outside lighting.
- B. Attach (a) a certified list of names and addresses of all owners of property within 250 feet of the exterior boundaries of the subject property according to the latest adopted County tax roles and (b) an assessor's map showing all lots and parcels of land within that area.
- C. A copy of the current deed of record.
- D. Provide evidence that you are the owner or purchaser of the property or have the written permission of such owner(s) to make application for a conditional use permit.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that in a quasi-judicial review by the Planning Commission my attendance, or that of my representative, is requested at any scheduled meeting.



Signature of Applicant or Authorized Agent

3/14/04

Date

ADMINISTRATIVE CONDITIONAL USE	CONDITIONAL USE
Filing Fee: \$375.00 Date paid:	Filing Fee: \$375.00 Date paid:
Date of Staff decision:	Date of Planning Commission Hearing:

Revised 2/09 D E:\G:\DCS\Administration\FORMS\PLANNING\applications\Conduse.doc

#1.

The proposed adoption center would be located within a strip mall location at 1165 Newmark Ave Suite B. This location is zoned C-2. North of the location is H Storage unit, south of the location on Salmon Ave is a residential district, west of the location is Tom and Gigs Automotive with a full shop and a car wash. To the east of the location is Bay Burger Inn and Tri County Plumbing.

#2. Please see the bullets below.

- We are planning on utilizing the location as described in the following bullets as a Pet Adoption center allowing for overnight stays of those pets currently available for adoption, the recommended conditional use term is a kennel.
- The current location at 1165 Newmark Ave, Suite B is 1007.5 sqft and is located as a suite within a strip mall that includes a gun shop, a dog grooming facility, a t-shirt and glass shop as well as a laundromat and a karate studio.
- Hours of Operation: S/Nipped's Pet Adoption Center maybe open to the public Monday through Sunday from 10 a.m. to 6 p.m. and by appointment only outside these hours. "Animal care" is provided from 7 a.m till 9 p.m. daily, though not necessarily continuously on days or during the hours the adoption center maybe closed. Animal care will be provided after hours only if necessary for emergencies or when necessary to protect the health and safety of the animals.
- Number of Employees, Volunteers and expected Customer base: S/Nipped's Pet Adoption Center may utilize up to 4 paid organizational employees and 7 volunteers (not all of which are at the site simultaneously) per day but will rotate care of the animals throughout the week and during different hours throughout each day. During times the center is open we will have a minimum of 1 onsite coordinator and a maximum of 6 on site coordinators during big events. We expect to see 1-2 families an hour during our open times.
- 1165 Suite B is located within a strip mall location that currently has 36 marked parking spaces and 2 marked handicap spaces. There is also curbside parking on both north and south sides of Salmon Ave at the south side of the property. Traffic enters the strip mall location from Newmark Ave and exits the area onto Salmon Ave as a natural flow. Visitors to the location can leave the mall area exiting back onto Newmark as well and enter via Salmon Ave too. Please refer to the map exhibit #1 for the flow of traffic in and out of the location.
- There is no proposed landscaping or changes being asked for at this current time.
- Maximum Number of Animals Overnight: A maximum of 5 dogs (over 30lbs and over 6 months of age), a maximum of 10 dogs (under 30lbs and over 6 months of age) and 7 puppies (under 6 months of age) will be allowed to stay at S/Nipped's Pet Adoption

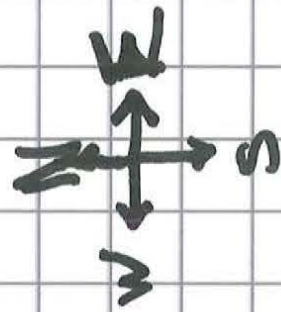
- Applicant shall provide a 24-hour contact number to all, neighbors within a 100-foot radius to call in the event of noise after normal business hours.
- Odor Control Measures: To control odors from waste, feces shall be collected immediately and deposited in trash bins, the bins shall have lids and shall remain closed at all times when not in active use. The center will be cleaned twice daily utilizing a kennel product approved by the shelter veterinarian as a safe product that controls odors and the spread of disease. Currently the veterinary clinic uses Kennelsol a broad spectrum cleaner/deodorizer.
- Retail Activity: An inventory of dog and cat toys, food, collar and leashes as well as other supplies may be sold in S/Nipped's Pet Adoption Center.
- Office Activity: S/Nipped's Pet Adoption Center may include an office area for administration, staff/volunteer and adoption coordination.

#3. Newmark Ave. is the north entrance to the property being a 4 lane road with a center turning lane in good condition. Newmark Ave. has a posted speed limit of 35mph with sidewalks on both north and south sides of the road. The south entrance to the property is Salmon Ave a two lane residential road with speed of 25 mph. Curbside parking is allowed on both north and south sides of Salmon Ave.

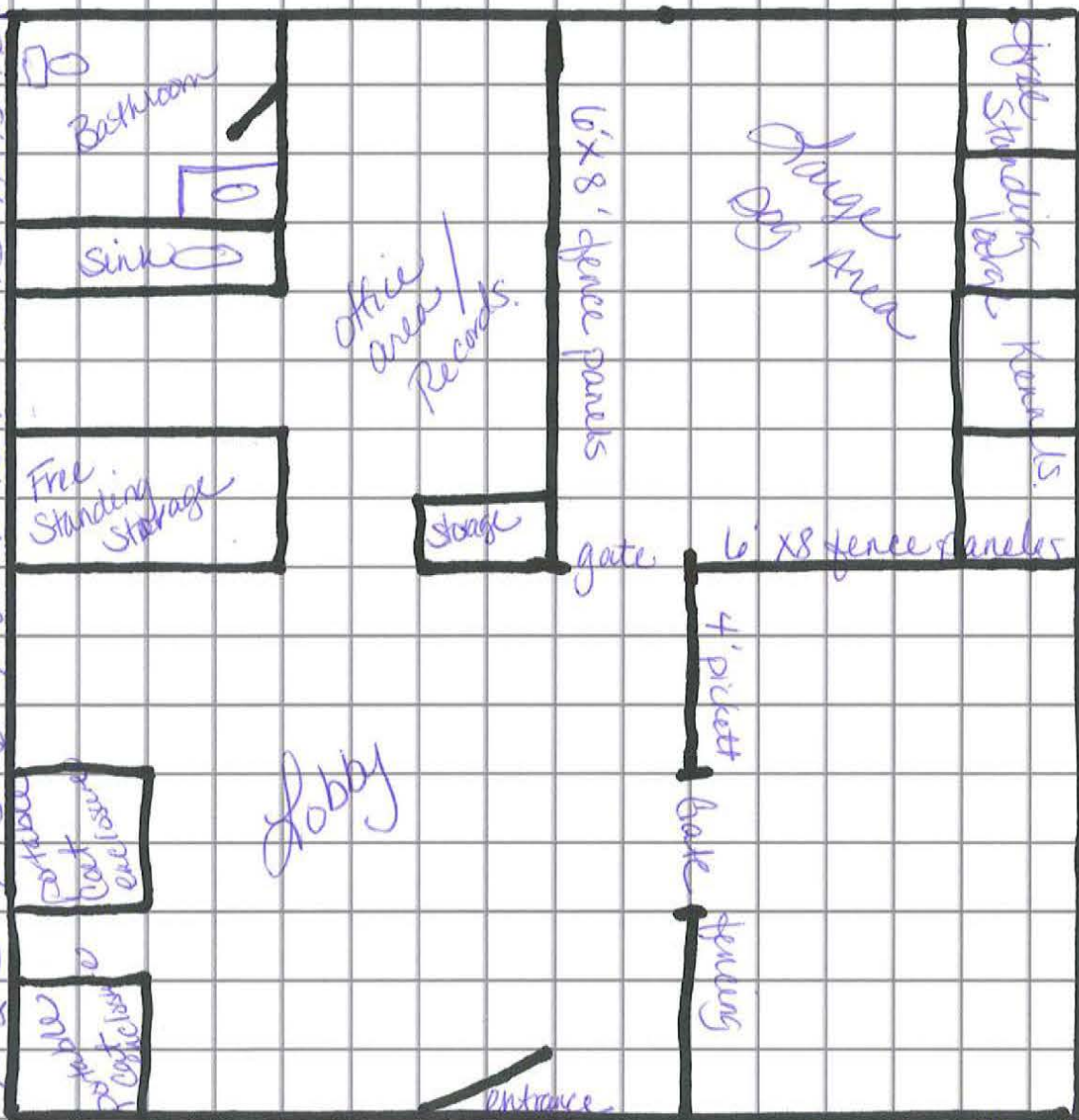
#4. A pet adoption center within the strip mall will help to increase the visibility of the neighboring businesses with a new set of clientele. Two doors down is a pet grooming facility, customers visiting the adoption center would be those with similar pet related interests bringing those customers close to the groomer's front door. One door down is a gun shop, the mall owner said any increase of visibility by customers will be good for their business regardless of the interest. This includes for the glass and t-shirt shop and the Karate studio as well. At the entrance to the mall to the east is Bay Burger Inn, families out for the day enjoying their selves and stopping by the center are in prime location to enjoy Bay Burger Inn for lunch or dinner during their outings. S/Nipped doesn't anticipate any adverse effects as a result of the adoption centers location on any of the neighboring properties.

#5. S/Nipped chose a location among likeminded individuals in a strip mall location. As mentioned in previous statements, the strip mall is home to a pet groomer whom has the stay of pets at her facility during the day as well. Right next door to the center is the gun shop which is owned by one of our board member's sisters who has been very supportive of the organization's mission to end pet overpopulation and shelter euthanasia. The owner of the strip mall is also very supportive of the pet adoption center. In regards to improvements to the location that will minimize negative impacts include the installation of rubber floors to absorb sound. We are also installing window vinyl clings to limit the

Proposed plan



scale 1:2'





S/Nipped

Low Cost, High Quality Spay & Neuter Clinic

132 N. Wasson

Coos Bay, OR. 97420

541-808-2377

Re: Conditional Use Permit

March 13, 2014

To whom it may concern,

I Dale Kalista certify I am the legal owner of 1165 Newmark Ave, Suite B. Coos Bay, Or. 97420 I hereby give S/Nipped, the tenant, permission to apply for and attain a conditional use permit for said location to be used as a pet adoption center allowing for the overnight kenneling of dogs and cats at the location.

Thank you,

Tamara McCuiston
S/Nipped, Executive Director

Dale Kalista
Owner of location

3/14/13
Date