

**CITY OF COOS BAY CITY COUNCIL**  
**Agenda Staff Report**

<b>MEETING DATE</b> December 17, 2013	<b>AGENDA ITEM NUMBER</b>
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TO: Mayor Shoji and City Councilors

FROM: Eric Day, Community Development Department  
Rodger Craddock, City Manager

ISSUE: Text Amendment Application (187-ZON2013-020)

**BACKGROUND:**

The applicant, Jon & Patricia Webster, Coos Bay, Oregon, is requesting approval to enlarge the Downtown Parking District to include their properties located at 165 South 5<sup>th</sup> Street and 540 Anderson Avenue in the Central-Commercial (C-1) zoning district. A Planning Commission public hearing was held on November 12, 2013. Per the attached application staff report, staff has recommended a denial of the application based upon the proposed findings that the applicant has not met the required criteria in the Coos Bay Municipal Code (CMBC) Chapter 17.380 *Amendments to the Plan and/or this Title*; specifically:

*“The council shall take action only after making findings of fact which establish:*

***(1) For a proposed title text amendment:***

***(a) An acceptable rationale which supports the need for the amendment; and***

***(b) The amendment complies with the applicable provisions of the comprehensive plan.”***

Staff found that the applicant’s proposal to include their properties into the downtown parking district did not include an acceptable rationale for the proposed code amendment. The applicant only states in their application that they cannot meet the off-street parking requirements stipulated by CBMC 17.200 (Off-Street Parking and Loading) if they choose to expand. The applicant is requesting inclusion in the Downtown Parking District in order to avoid off-street parking requirements.

The City’s adopted Comprehensive Plan (Volume 1/Part 1, Chapter 8.3) anticipates conflicts between various plan implementation strategies contained in the plan as applied to policies and specific situations. To resolve these conflicts, the Coos Bay Comprehensive Plan stipulates that the City shall consider the long term consequences and select and apply the strategy that results in maximum public benefit as supported by findings. In this particular scenario, staff feels that the short-term economic benefits of expanding the Downtown Parking District are outweighed by long-term consequences of parking needs that will arise within the Downtown Parking District with the short and long term future.

Additionally, staff feels that the Coos Bay Development Code, Comprehensive Plan, and Transportation System Plan do not provide adequate criteria for property owners that seek inclusion

in the Downtown Parking District. Conditions for expansion of the Downtown Parking District should be identified and codified to help guide future decisions by staff.

The Planning Commission disagreed with staff's conclusions, and they voted unanimously to recommend approval of the text amendment to the City Council. The Planning Commission did not adopt any findings, but they were of the general consensus that there did not seem to be a parking problem within the area at this time; and therefore, they felt inclusion of the properties into the parking district would not create a problem. Further, there was sentiment among the Commission that because there was an economic benefit to the owner of the property that the application should be approved.

Staff agrees with the Planning Commission that there would likely be somewhat of a short-term economic benefit with the approval of this application. Further, staff holds no opinion on if there is a parking concern in the issue at this time. Staff did conduct a general parking analysis of the downtown parking area, and staff offers the following information:

Based on the square footages and uses in the district, at full build out of the area, the district will have a shortage of 1,160 parking spaces when taking into account both on-street and off-street and public and private parking. (See attached spreadsheet - Attachment A))

BUDGET IMPLICATIONS:

There does not appear to be any obvious budget implication to the City as a result of this proposal.

ACTION REQUESTED:

Based on the findings and the applicants' submitted evidence, staff recommends that the City Council deny the code amendment (#187-ZON2013-020) requesting the expansion of the Downtown Parking District in the Central-Commercial (C-1) zone.

Accompanied with the staff recommendation of denial of this application, staff also recommends that the Council direct staff to start working with the Planning Commission to develop criteria within the development code to allow orderly and thoughtful expansion of the Empire and Downtown Parking Districts. Once this criteria is developed, a sound rationale can be implemented for the expansion of the districts.

Attachment A

<b>Parking Spaces in Downtown Parking District</b>			
<u>Use Types</u>	<u>Total sq. ft.</u>	<u>Required parking spaces per 1,000 sq. ft.</u>	<u>Parking Spaces Required Per Use</u>
Office	216,963	3	651
Retail	524,783	4	2,099
Residential	80,360	3	321
Total Spaces Required	3,071		
Public parking spaces	749		
On-street parking spaces	557		
Private parking spaces	605		
Total parking spaces-downtown parking district	1911		
Net deficit	-1160		



CITY OF COOS BAY  
Community Development Department

500 Central Avenue  
Coos Bay, OR 97420

541.269.8918  
www.coosbay.org

## STAFF REPORT Title 17 Code Amendment

**TO:** Planning Commission

**FROM:** Eric Day  
Community Development Department

**HEARING BODY:** Planning Commission  
**DATE & TIME:** Tuesday, October 8, 2013 at 6:00 p.m.  
**MEETING LOCATION:** Coos Bay Council Chambers, 500 Central Ave, Coos Bay

**APPLICANT:** Jon & Patricia Webster, Coos Bay, Oregon  
**PROPERTY OWNER:** Jon & Patricia Webster  
62874 Red Dike Rd, Coos Bay, Oregon 97420

**SUBJECT PROPERTY:** 165 South 5<sup>th</sup> Street & 540 Anderson Avenue, Coos Bay, Oregon 97420  
T.25, R.13, S.26CC, Tax Lots 6700 & 6900

**SUBJECT:** **CODE AMENDMENT APPLICATION #187-ZON13-020**  
**Code Amendment for downtown parking district**

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### I. APPLICANT'S REQUEST

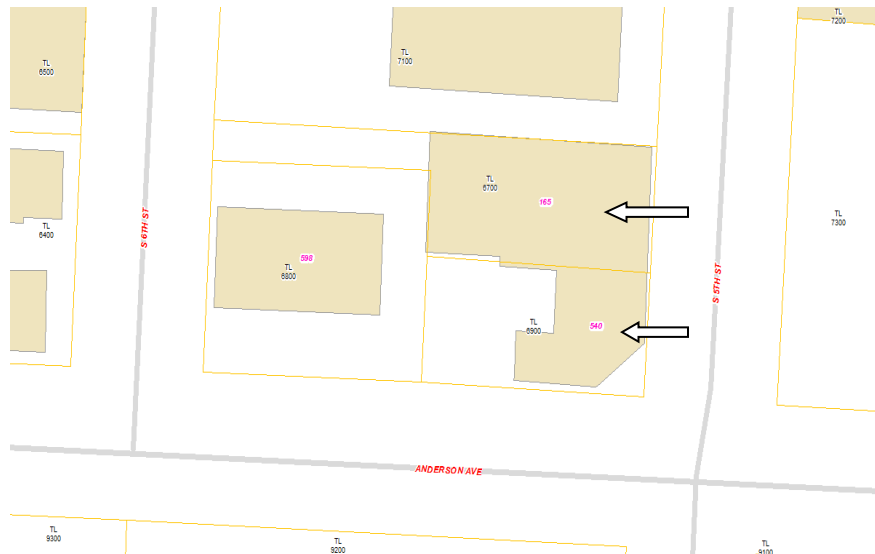
The applicant is requesting approval to enlarge the Downtown Parking District to include their properties located at 165 South 5<sup>th</sup> Street and 540 Anderson Avenue in the Central-Commercial (C-1) zoning district.

### II. APPLICABLE REGULATIONS

- A. City of Coos Bay Coos Bay Municipal Code  
Chapter 17.200 Off-Street Parking and Loading  
Chapter 17.380 Amendments to the Plan and/or this Title
- B. Coos Bay Comprehensive Plan, Volume 1, Plan Policy Document 1987-2000  
Chapters 7.5 & 8.3

### III. BACKGROUND/EXISTING CONDITIONS:

- A. The subject properties are located in the Central-Commercial (C-1) zoning district and the Downtown Urban Renewal District. The subject properties are not included in the “Exempt Parking” area. The buildings are located at the northwest corner of S. 5<sup>th</sup> Street and Anderson Avenue.
- B. Businesses located on the given properties include Western Mercantile, Coos Legal Process, Oregon Coast Billing Service, Memories of Time, and Outlaw Photography.
- C. The above stated businesses currently share nine existing parking spaces. Six spaces are available in the southwest corner of the site, with another three available spaces on the property to the west in tax lot 6800. The property owners of tax lots 6700 and 6900 have an agreement with the property owners of tax lot 6800 to use three parking spaces.
- D. The nine off-street parking spaces currently provided by tax lots 6700 and 6900 fail to fulfill the requirement of 15 spaces as stipulated by CBMC Chapter 17.200.
- E. Western Mercantile, Coos Legal Process, and Oregon Coast Billing Service have found the need to add to their staff. According to the submitted application the business owners are currently unable to add any more work spaces in their current floor plan without losing necessary storage and computer hardware space or taking floor space away from the other businesses in the building. They are looking into the possibility of expanding or adding onto their existing buildings. Without the ability to expand, the above stated businesses may have to relocate.



#### IV. 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. OFF-STREET PARKING AND LOADING - CHAPTER 17.200

**DECISION CRITERIA #1:** The intent of off-street parking requirements established by CBMC 17.200.10 is to guarantee that adequate parking is provided by each business or residence for the convenience and safety of the user, and to reduce traffic congestion caused by on-street parking.

**DECISION CRITERIA #2:** CBMC 17.200.20 stipulates that off-street parking requirements shall not be relinquished, reduced, or altered below the requirements established unless equivalent facilities are provided and maintained elsewhere.

**DECISION CRITERIA #3:** CBMC 17.200.20 stipulates that when an existing structure is enlarged by increasing the floor space or if the use changes, and any of these changes require greater amounts of parking, the off-street parking requirements of this chapter for the use, in its entirety, shall be satisfied.

##### STAFF RESPONSE

The applicant states in their application that they cannot meet the off-street parking requirements stipulated by CBMC 17.200 if they choose to expand. The applicant is therefore requesting inclusion in the Downtown Parking District in order to avoid off-street parking requirements. Adding tax lots 6700 and 6900 into the Downtown Parking District would set a precedent for other businesses that would like to avoid off-street parking requirements.

##### B. AMENDMENTS TO THE PLAN AND/OR THIS TITLE – CHAPTER 17.380

**DECISION CRITERIA #1:** Chapter 17.380.010 reads, *“It will be necessary to amend the comprehensive plan or the text of this title in order to remain in conformity with state law, Oregon Administrative Rules and other policies, and whenever public necessity, convenience, and welfare require it.”*

*“Such amendments are legislative acts, solely within the authority of the city council. However, as a land use action, any amendment shall be subject to a thorough review of the issues and factual information, evaluation of alternative measures, and public review and input. [Ord. 320, 2002; Ord. 93 § 5.19.1, 1987].”*

**DECISION CRITERIA #2:** Chapter 17.380.020 reads, *“An amendment may be initiated through:*

*(1) Motion, and upon majority vote of the city council or planning commission.*

*(2) The public works and development department.*

*(3) A request of a property owner or the property owner's authorized representative. [Ord. 320, 2002; Ord. 93 § 5.19.2, 1987]."*

**STAFF RESPONSE**

The code amendment to enlarge the Downtown Parking District was initiated by the property owners of tax lots 6700 and 6900.

**DECISION CRITERIA #3:** Chapter 17.380.030 reads, *"A public hearing shall be scheduled before the planning commission. The hearing shall be conducted in accordance with Chapter 17.300 CBMC. [Ord. 320, 2002; Ord. 93 § 5.19.3, 1987]."*

**STAFF RESPONSE**

A public hearing before the planning commission has been scheduled by Staff for Tuesday, October 8<sup>th</sup> 2013 at 6pm.

**DECISION CRITERIA #4:** Chapter 17.380.040 reads, *"The planning commission shall make a recommendation to the city council to enact or not enact amendments. The city council shall hold a public hearing following the planning commission hearing. The council shall review the record, including staff comments, and planning commission recommendation and shall enact, enact with conditions, or not enact the proposed amendment. The city council will allow additional evidence to be presented at the time of the public hearing."*

*"The council shall take action only after making findings of fact which establish:*

***(1) For a proposed title text amendment:***

***(a) An acceptable rationale which supports the need for the amendment; and***

***(b) The amendment complies with the applicable provisions of the comprehensive plan."***

**APPLICANT RESPONSE**

The applicant has provided some supplementary evidence to support the proposed code amendment under subsection "a".

**STAFF RESPONSE**

A public hearing before city council has been scheduled by Staff for Tuesday, November 5<sup>th</sup> 2013 at 7pm.

Staff does not find the applicant's proposal to include acceptable rationale for the proposed code amendment. The applicant states in their application that they cannot meet the off-street parking requirements stipulated by CBMC 17.200 if they choose to

expand. The applicant is requesting inclusion in the Downtown Parking District in order to avoid off-street parking requirements.

Applicable provisions of the comprehensive plan are outlined in the following section below, Decision Criteria C.

**C. COOS BAY COMPREHENSIVE PLAN**

**DECISION CRITERIA #1:** The Land Use and Implementation Plan of the Comprehensive Plan 2000 (Volume 1/Part 1, Chapter 8.3) stipulates that, *“Coos Bay shall consider the long term environmental, economic, social, and energy consequences expected to result from applying one strategy in place of others, then to select and apply the strategy that results in maximum public benefit as supported by findings of fact.”*

**DECISION CRITERIA #2:** Comprehensive Plan 2000 (Volume 1/Part 1, Chapter 7.5) addresses economic development. The Comprehensive Plan aims to, *“Retain, expand and strengthen existing local businesses.”*

**STAFF RESPONSE**

Business retention and economic development are explicit goals for the City. Economic development goals must be weighed against the City’s current conditions and anticipated future growth as they relate to the greater community. Expansion of the Downtown Parking District to include businesses that already have a shortage of property and want inclusion into the district because of a future greater shortage of parking will incur negative consequences for future land use decisions and the local economy within the parking district.

**D. CURRENT AND FUTURE PARKING CONDITIONS**

**DECISION CRITERIA #1:** Staff has recently completed a rough parking study looking into the current numbers for the downtown Coos Bay parking district. The study shows that the parking district currently has a shortage of approximately 1,160 parking spaces (Appendix A). Staff believes that the current deficit has not been a major issue throughout the district to this point as there are a number of building that are either vacant or underutilized.

**DECISION CRITERIA #2:** The shortage of parking will become a greater concern in the district as vacancy rates decrease. As the vacancy rates begin to decrease the shortage of parking will begin to become a greater concern in the district.

**STAFF RESPONSE**

While parking in the downtown parking district is not a major concern currently, the demand for vehicular parking is predicted to intensify as downtown Coos Bay continues to develop.



**E. PAST REQUIREMENTS FOR INCLUSION IN THE DOWNTOWN PARKING DISTRICT**

**DECISION CRITERIA #1:** Past property owners included in the Downtown Parking District paid a significant monetary assessment for inclusion into the district when it was established. This assessment was calculated by the City, and varied by parcel to reflect the benefits for each particular property. A semi-annual payment structure was established with payment installments not to exceed a 20 year maximum. Again, the typical payments were substantial, especially for that time period.

**STAFF RESPONSE**

Fair and equitable treatment of downtown businesses ought to be a priority. Inclusion in the Downtown Parking District has historically been expensive. The process required extensive review by the City to identify and delineate costs to be incurred by the property owners identified as beneficiaries. Allowing additional businesses to join the Downtown Parking District without an assessment by the city and a comparable fee may constitute inequitable treatment.

**V. FINDINGS**

- A. The Coos Bay Development Code, Comprehensive Plan, and Transportation System Plan do not provide adequate criteria for property owners that seek inclusion in the Downtown Parking District. Conditions for expansion of the Downtown Parking District should be identified and codified to help guide future decisions by Staff.
- B. Intent of the off-street parking requirement (CBMC Chapter 17.200.010) is meant to guarantee that adequate parking is provided by each business or residence for the convenience and safety of the user, and to reduce traffic congestion caused by on-street parking. The standards which address the improvement of parking areas are designed to enhance their appearance, and make them safe for public use.
- C. General provisions of the off-street parking requirement (CBMC Chapter 17.200.020) stipulate that off-street parking requirements of the CBMC shall be met if an existing structure is expanded. The requirements allow for shared parking if provided within 300 feet of the main building and in the same general type of district if there is assurance in the form of a deed, lease, contract, or other similar document that the site is usable for the required parking for the duration of the use.
- D. The general provisions of CBMC 17.200 are intended to be strictly enforced.
- E. Tax lots 6700 and 6900 do not currently meet the off-street parking minimum requirements as stipulated by CBMC 17.200.
- F. Staff calculates that Coos Bay has a current net deficit of approximately 1,160 parking spaces as a result of the Downtown Parking District.
- G. The net deficit of parking spaces downtown is expected to increase with future

development. Parking shortages will become more severe with the introduction of new commercial, retail, and residential uses in the Downtown Parking District.

- H. The fair and equal treatment of downtown property owners ought to be a priority. Property owners included in the Downtown Parking District paid an assessment fee for their inclusion in the district. This assessment fee was calculated by the City and varied to reflect the proportional benefits for each property. Allowing additional businesses to join the Downtown Parking District without extensive review by the city and a comparable fee would constitute inequitable treatment.
- I. Adding tax lots 6700 and 6900 into the Downtown Parking District would set a precedent for other businesses that would like to avoid the off-street parking requirements stipulated by CBMC, Chapter 17.200.020.
- J. The Comprehensive Plan 2000 (Volume 1/Part 1, Chapter 8.3) anticipates conflicts between various plan implementation strategies contained in the plan as applied to policies and specific situations. To resolve these conflicts, the Coos Bay Comprehensive Plan stipulates that the City shall consider the long term consequences and select and apply the strategy that results in maximum public benefit as supported by findings. In this particular scenario, the short-term economic benefits of expanding the Downtown Parking District are outweighed by long-term consequences.

**VI. STAFF RECOMMENDATION**

Based on the findings and the applicants' submitted evidence, Staff recommends that the Planning Commission deny the code amendment #187-ZON13-020 requesting the expansion of the Downtown Parking District in the Central-Commercial (C-1) zone.

Prepared by:

\_\_\_\_\_  
Aaron Harris, Planner 1

DATE: September 16, 2013

Reviewed and Approved by:

\_\_\_\_\_  
Eric Day, Community Development Director

DATE: September 18, 2013

**APPENDIX A**

<b>Parking spaces in downtown parking district</b>			
<b><u>Use Types</u></b>	<b><u>Total sq. ft.</u></b>	<b><u>Required parking spaces per 1,000 sq ft.</u></b>	<b><u>Parking Spaces Required Per Use</u></b>
Office	216,963	3	651
Retail	524,783	4	2,099
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<b>Total Spaces Required</b>	<b>3,071</b>		
Public parking spaces	749		
On-street parking spaces	557		
Private parking spaces	605		
<b>Total parking spaces in the downtown parking district</b>	<b>1911</b>		
<b>Net deficit</b>	<b>-1160</b>		



# City of Coos Bay

## Community Development Dept.

500 Central Ave., Coos Bay, Oregon 97420 • Phone (541) 269-8918  
Fax (541) 269-8916

### NOTICE OF PLANNING COMMISSION RECOMMENDATION AMENDMENT TO ORDINANCE 93 (COOS BAY MUNICIPAL CODE)

- APPLICATION:** 187-ZON2013-020
- APPLICANT:** Jon and Patricia Webster, 62874 Red Dike Road, Coos Bay, OR 97420
- PROPOSAL:** Amend Coos Bay Municipal Code Chapter 17.200.040(4)(a), Exempt Parking, to include the applicant's buildings located at the northwest corner of S. 5<sup>th</sup> Street and Anderson Avenue on tax lots 6700 and 6900. The proposal was expanded to include the following: In the plat of the E.B. Dean & CO.S Addition to Marshfield, Block 22 consisting of Lots 5 and 8.
- RECOMMENDATION:** Recommend approval as submitted **DATE:** November 12, 2012  
Planning Commission Final Vote:
- Yea:** *Chairman Chris Hood, Commissioners Jim Berg, Rex Miller, Christina Coles, and Bruce Harlan.*
- Nay:** None **Abstain:** None
- APPEAL PROVISIONS:** Page 2.
- DECISION CRITERIA AND THE COMMISSION'S ADOPTED FINDINGS OF FACT AND CONCLUSIONS:** See Exhibit A.

#### FINAL RECOMMENDATION

Based on the applicant's submittal, attached herein by reference, and the Findings and Conclusions in Exhibit A, recommend City Council approve the amendment to Ordinance 93, codified as the Coos Bay Municipal Code, to expand the parking lot assessment district to include the following property:

In the plat of the E.B. Dean & CO.S Addition to Marshfield, Block 22 consisting of Lots 5 and 8.

**APPEAL PROVISION**

The final decision will be made by the City Council, and this decision may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830.

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) 269-8918.

**DECISION PROCESS - EFFECTIVE DATE**

The Planning Commission makes a recommendation to the City Council after hearing public testimony and addressing the decision criteria applicable for the proposed zone change and plan map amendment. The Commission may recommend approval, approval with conditions, or deny the proposals after approving findings or statements which substantiate their conclusions.

The Council shall review the record and affirm, amend, or reverse the Commission recommendation, or remand the matter back for further consideration. Upon approval of the proposed amendments, the City Council shall have prepared an ordinance declaring the changes. The proposed changes will become effective 30 days after the enactment of the ordinance.

Sincerely,  
CITY OF COOS BAY

Aaron Harris  
Planner

Date November 13, 2013