

CITY OF COOS BAY CITY COUNCIL
Agenda Staff Report

MEETING DATE November 4, 2014	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

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

ISSUE: Zone Change Application (187-ZON2014-053)

BACKGROUND:

The existing structure located at 3485 Vine Avenue was originally constructed and used as a church and a home residence. In 2004, the property owner requested a zone change from C-2 to QR-4P. On July 6, 2004, the City Council rezoned the parcel to “Qualified Residential Professional” (QR-4P). The current applicant is requesting to remodel the existing structure on the parcel for use as an animal shelter. This will require a zone change back to C-2 as a conditional use. The applicant has applied for the following land use applications:

Zone Change: The applicant is requesting approval to change the zone designation of the subject property from Qualified Residential-Professional (QR-4P) to General Commercial (C-2). The proposed use (Animal Sales and Service – Kennel) is allowed in the C-2 zone with approval of a conditional use application, but not in the QR-4P zone.

Conditional Use Permit (CUP): The applicant is applying for a Conditional Use Permit to allow the establishment of “Animal Sales and Service – Kennel” on the property.

Variance: The applicant is applying for a Variance to the off-street parking requirements. The applicant is seeking one ADA accessible parking stall to back into the street. This is not in conformance with our current code requirements.

Site Plan and Architectural Review (SPAR): The proposed change of use from a single-family dwelling to the proposed animal shelter requires a Site Plan and Architectural Review.

On October 14th, the Planning Commission (PC) approved the CUP, SPAR, and Variance applications with conditions. The PC also recommended approval of the zone change with conditions.

The conditions are as follows:

Conditional Use Permit:

1. Approval of Site Plan and Architectural Review is contingent upon City Council approval of Zone Change from Residential Professional (QR-4P) to General Commercial (C-2) on November 4, 2014.
2. The applicant/owner must secure all required 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.

Variance:

1. 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.

Site Plan and Architectural Review:

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.

APPLICABLE REGULATIONS

Coos Bay Municipal Code Chapter CBMC 17.360 Change in Zone Designation
Qualified Residential-Professional (QR-4P) to General Commercial (C-2)
Coos Bay Municipal Code Chapter CBMC 17.355 Conditional Use
Establishment of the use: Animal Sales and Service – Kennel
Coos Bay Municipal Code Chapter CBMC 17.350 Variance
CBMC 17.200.030 (1) Access – Allow ADA space to back into the street
Coos Bay Municipal Code Chapter 17.200 Off-Street Parking and Loading
Coos Bay Municipal Code Chapter CBMC 17.345 Site Plan and Architectural Review (SPAR)
Change of use from Single-Family Dwelling to Commercial (Kennel)

STAFF RECOMMENDATION

Staff prepared the following report based on the applicant's submittal of the City of Coos Bay Land Development Code, City of Coos Bay Transportation System Plan, and City of Coos Bay Comprehensive Plan. These findings shall be used by the Council to justify their final decision. Staff finds there is sufficient evidence in the record upon which an approval can be based; therefore, staff is recommending approval of #187ZON14-053 with conditions.

ADVANTAGES:

By approving the zone change application, the applicant would be able to redevelop the current vacant church building into an animal kennel.

DISADVANTAGES:

The animal kennel use could have impacts to surrounding uses. These impacts were taken into account by the Planning Commission in their review of the Conditional Use Permit application. They proposed what they viewed as appropriate mitigation for these possible impacts.

BUDGET IMPLICATIONS:

None

ACTION REQUESTED:

If it pleases the Council, staff recommends the Council approve zone change application (187-ZON14-053) from QR-4P (Residential Professional) to C-2 (General Commercial) with the attached conditions of approval.

ORDINANCE NO. ###

AN ORDINANCE CHANGING THE ZONING DESIGNATION FOR CERTAIN REAL PROPERTY FROM "QUALIFIED RESIDENTIAL PROFESSIONAL" TO "GENERAL COMMERCIAL"

The City of Coos Bay ordains as follows:

Section 1: Findings.

1. The applicant, Lon Samuels, has filed an application, hereinafter referred to as the Application, to amend the Coos Bay Land Development Ordinance to re-designate certain real property from "Qualified Residential Professional (QR-4P)" to "General Commercial (C-2)" described as follows:

Beginning at an iron pipe located 658.37 feet South and 797.52 feet West of the iron pipe at the center of Section 21, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon and running thence South 2 degrees 23' East a distance of 50.14 feet to the South side of a 50 foot roadway and thence, North 88 degrees 08' West along the South side of said roadway for a distance of 98.99 feet to the true point of beginning of the following described tract:

Thence, North 88 degrees 08' West along the South side of a 50 foot roadway for a distance of 258.00 feet to an iron pipe set a 30' distance from the centerline of Ocean Boulevard; thence, South 31 degrees 31' East along said Ocean Boulevard right of way for a distance of 119.76 feet to an iron pipe; thence, South 88 degrees 08' East for a distance of 192.10 feet to an iron pipe; thence, North 1 degree 52' East for a distance of 100.00 feet to the true point of beginning.

Save and Except therefrom that portion conveyed to The State of Oregon, by and through its State Highway Commission by deed recorded August 26, 1971 as Microfilm No. 71-8-62560, Records of Coos County, Oregon.

2. Notice that public hearing upon the Application would be held before the City of Coos Bay Planning Commission (the Commission) on October 14, 2014 and public hearing would be held before the Coos Bay City Council on November 4, 2014 was published in "The World," a newspaper of general circulation within Coos County, Oregon on October 2, 2014 and October 23, 2014.
3. Notice of the public hearings was mailed on September 16, 2014 to all landowners within 250 feet of the area being rezoned.
4. Provisions in the Coos Bay Land Development Ordinance relating to notice have been complied with.
5. Public hearing was held on the Application on October 14, 2014, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

6. The Commission's Findings and Justifications supporting its recommended approval of the Application are attached hereto as "Exhibit A" and incorporated herein by reference.

7. The City Council of the City of Coos Bay, after considering the Commission's Findings and Justifications hereby adopts the Findings and Justifications, and finds the Application should be granted.

Section 2: Re-designation. The designation in the City of Coos Bay Land Development Ordinance of certain real property located within the corporate limits of the City of Coos Bay as described above in Section 1 (1) are hereby changed from "Qualified Residential Professional (QR-4P)" to "General Commercial (C-2)".

Section 3: Severability. The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay, Coos County, Oregon, this _____ day of November 2014 by the following vote:

Yes:

No:

Absent:

Crystal Shoji
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Susanne Baker
Recorder of the City of Coos Bay
Coos County, Oregon

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

DRAFT

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 October 14, 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.

Mr. Samuels described the building elevations and the fenced dog area. He discussed the elevation difference. He indicated that they intend to install a new compressor (3x 3 x 3) along the west exterior wall as well as, a wooden fence to obscure the view. He described the elevation change and tree line between Metric Motors to the south and the subject property. He said that there is a parking lot to the west, then Ocean Blvd. He stated that any time the dogs are outside, a volunteer will be there (one for every dog) conducting training.

Mr. Samuels state that one ADA parking space is proposed which would have direct access to the upper portion of the building. To place an ADA ramp on the lower level would require a series of switch back landings (about 14) and 120 feet of ramp. He said the proposed curb cut would only accommodate the space and not the aisle. He explained there is ample landscaping and vegetation existing that they intend to leave and may install walking paths for the dogs.

Kate Sharples, 1626 Oak Street, North Bend, President of the Pacific Cove Humane Society, stated they rely on volunteers to run their program. She said the animals will be trained from the Open Paws program. Mrs. Sharples read excerpts from the program describing the care and training of the dogs with lots of human interaction. She said there will not be outdoor kennels. The dogs will be walked outside on a leash three times a day and will be attended at all times by trained personnel. Mrs. Sharples discussed smell from dog waste, citing the example of Cindy's Puppy Love Grooming that tend to 25-30 dogs a day. The dogs go to the bathroom on the way in and on the way out and the grooming facility has never had one complaint about smell. Janet Huggins from Pacific Cove Humane Society has contacted other shelters in Oregon and states that thru vigilance about cleaning waste immediately with products that sterilize and eliminate odors, smell will not be an issue and has been addressed. She said volunteers and staff will be directed to immediately scoop and bag waste and place in covered trash can that will be removed from site by sanitation company. She said the proposed location would be easy for families that want to adopt as well as the volunteer staff. She said that often people who get rid of animals abandon the animal instead of properly using services of an animal shelter. Mrs. Sharples stated that she is most excited for the facility to partner with the Boys and Girls Club around the corner. She said the Club will partner with the high school to have high school students volunteer with training dogs and provide some experience for the students to engage in community service. Volunteer programs like these could provide scholarship opportunities for the high school students. This program can help teach kids about compassion and caring for their community.

Chairman Hood asked about the hours of operation. Mrs. Sharples stated that tentatively they plan to be open to the public from 11:00 a.m. to 6:00 p.m., but that volunteers will be on site prior to and after those hours (around 7:30 a.m. to 7:00 p.m.). They intend to house 20 dogs and 40 cats. She stated there will be volunteers' on-call to handle any calls after hours.

Chairman Hood asked at what point animals would be turned away. Mrs. Sharples said they don't know at this point, but they would not take ill or aggressive animals.

Chairman Hood asked where the animals would come from. Mrs. Sharples state the animals would come from families in our community. A lot come from families that are moving out of the area or into living units that don't allow animals. They also receive animals from elderly that can no longer care for the animal or that are being moved into a facility that does not allow animals and stray animals found in the community. They do have foster homes that help with the stray animals.

Commissioner Harlan asked if staff would be available 24 hours a day. Mrs. Sharples stated the facility will not be manned 24 hours a day, but volunteers will be on-call to take any calls that may be received. She 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 design 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 is 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. He said 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. Samuels 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



CITY OF COOS BAY
Community Development Department

500 Central Avenue
Coos Bay, OR 97420

541.269.8918
www.coosbay.org

STAFF REPORT

HEARING BODY: Planning Commission – All applications
DATE & TIME: Tuesday, October 14, 2014 at 6:00 p.m.
LOCATION: Coos Bay Council Chambers, 500 Central Ave, Coos Bay

APPLICANT: Pacific Cove Humane Society, P.O. Box 361, North Bend, OR
Lon Samuels, 960 Central Avenue, Coos Bay, OR (Representative)

OWNER: Jack W. Jacobson Trust, Jack W. Jacobson Trustee
62969 Isthmus Heights Road, Coos Bay, OR 97420

SUBJECT PROPERTY: 3485 Vine Avenue, Coos Bay, Oregon 97420
Unrecorded Plat of McKee Theater Tracts
T.25, R.13, S.21CA Tax Lot 5600

SUBJECT: **LAND USE APPLICATIONS –#187-ZON14-053**
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

I. APPLICANT'S REQUEST

The applicant is applying for the following land use applications:

Zone Change

The applicant is requesting approval to change the zone designation of the subject property from Qualified Residential-Professional (QR-4P) to General Commercial (C-2). The proposed use (Animal Sales and Service – Kennel) is allowed in the C-2 zone with approval of a conditional use application, but not in the QR-4P zone.

Conditional Use Permit

The applicant is applying for a Conditional Use Permit to allow the establishment of "Animal Sales and Service – Kennel" on the property.

Variance

The applicant is applying for a Variance to the off-street parking requirements. The applicant is seeking one ADA accessible parking stall to back into the street. This is not in conformance with our current code requirements.

Site Plan and Architectural Review (SPAR)

The proposed change of use from a single-family dwelling to the proposed animal shelter, requires a Site Plan and Architectural Review.

II. BACKGROUND

The existing structure located at 3485 Vine Avenue was originally constructed and used as a church and a residence. In 2004, the property owner requested a zone change from C-2 to QR-4P. On July 6, 2004 the City Council rezoned the parcel to "Qualified Residential Professional" (QR-4P) with the condition that no multi-family dwellings were permitted. This zone change served as a transitional buffer zone between residential and commercial. The current applicant is requesting to remodel the existing structure on the parcel for use as an animal shelter. This will require a zone change back to C-2 with a conditional use permitting animal sales and service - kennel, a variance to the ADA parking, and site plan and architectural review applications.

III. APPLICABLE REGULATIONS

Coos Bay Municipal Code Chapter CBMC 17.360 Change in Zone Designation

Qualified Residential-Professional (QR-4P) to General Commercial (C-2)

Coos Bay Municipal Code Chapter CBMC 17.355 Conditional Use

Establishment of the use: Animal Sales and Service – Kennel

Coos Bay Municipal Code Chapter CBMC 17.350 Variance

CBMC 17.200.030 (1) Access – Allow ADA space to back into the street

Coos Bay Municipal Code Chapter 17.200 Off-Street Parking and Loading

Coos Bay Municipal Code Chapter CBMC 17.345 Site Plan and Architectural Review (SPAR)

Change of use from Single-Family Dwelling to Commercial (Kennel)

IV. STAFF RECOMMENDATION

Staff prepared the preceding report based on the applicant's submittal, City of Coos Bay Land Development Code, City of Coos Bay Transportation System Plan, and City of Coos Bay Comprehensive Plan. These findings shall be used by the Commission to justify their final decision.

Staff finds there is sufficient evidence in the record upon which an approval can be based; therefore, staff is recommending approval of #ZON2014-0053 with conditions as found on page 18 of this staff report.

V. DESIGN REVIEW GOALS AND STANDARDS / FINDINGS AND CONCLUSION

The following is a list of the decision criteria applicable to each request as stated in Coos Bay Municipal Code. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. Although each of the findings or justification statements specifically applies to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

Based on their conclusions the Commission must approve, conditionally approve or deny the application. Conditions may be imposed by the Commission in order to address concerns about the compatibility of the proposed use.

PART I

COOS BAY MUNICIPAL CODE CHAPTER CBMC 17.360 CHANGE IN ZONE DESIGNATION *Qualified Residential-Professional (QR-4P) to General Commercial (C-2)*

DECISION CRITERIA #1: The existing zone designation is the product of a mistake.

STATEMENTS OF FACT AND FINDINGS:

- 1a. The subject property is zoned “Qualified Residential Professional (QR-4P)” and developed with a single-family dwelling. The surrounding parcels to the south, west and north of the subject property are zoned C-2. The area to the east and north east is zoned R-2 and mostly developed with single-family dwellings. The parcel is located along Ocean Blvd.
- 1b. In 2004, the property owner requested a zone change from C-2 to QR-4P. On July 6, 2004 the City Council rezoned the parcel to “Qualified Residential Professional” (QR-4P) with the condition that no multi-family dwellings were permitted. This zone change served as a transitional buffer zone between residential and commercial.

CONCLUSION: There is no documentation indicating the zoning of the subject property is the product of a mistake. The decision criterion has not been satisfied. Therefore, Decision Criteria #2 through 6 must be satisfied in order to justify the rezone of the property.

DECISION CRITERIA #2: The change in zone will conform to the policies and objectives of the comprehensive plan.

STATEMENTS OF FACT AND FINDINGS:

- 2a. Comprehensive Plan Chapter 9.1 states that “*General Commercial*” areas are intended to provide for all other (“other” meaning uses outside of the central core commercial area downtown) retail trade, commercial service and professional activities that constitute the essential base of the city’s economy. Appropriate locations for commercial development include established commercial areas, and highway corridors not committed to less intensive land uses.
- 2b. The zone change will conform to the objectives of the comprehensive plan by grouping similar zones together.

CONCLUSION: The parcel’s original Comprehensive Plan designation was Commercial and the original land use designation was General-Commercial (C-2). The property is located in an established commercial area and along a highway corridor, Ocean Blvd. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #3: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

STATEMENTS OF FACT AND FINDINGS:

- 3a. The subject property is located on the corner of Ocean Boulevard and Vine Avenue. The property is approximately 0.5 acre with a two-story 5,300 square-foot structure.
- 3b. The area to the north, east of 35th Street, is zoned R-2 (Single-family and Duplex Residential) and is developed with single-family dwellings. The area to the north, west of 35th Street, is zone C-2 (General Commercial).
- 3c. The parcel to the east of the subject property is zoned R-2 and contains a single-family dwelling. Further east across 34th Street is a strip of mostly residential development, a church zoned R-2 and the Boys and Girls Club zoned C-2.
- 3d. To the south of the subject property is commercially zoned property. Directly south is an automotive repair service (Metric Motorworks). This property lies about 12 feet lower in elevation than the subject property. To the southeast is a pizza business (Domino's) zoned C-2. These businesses lie adjacent to Ocean Boulevard.
- 3e. To the west of the subject property is Ocean Boulevard with C-2 zoned property. Bay Cities Ambulance and West Coast Fencing occupy these parcels.

CONCLUSION: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts because the proposed uses are similar to the uses allowed in the immediate vicinity or less intense than surrounding uses. See Attachment B (Zoning map). The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #4: The change will not prevent the use of other land in the vicinity.

STATEMENTS OF FACT AND FINDINGS:

- 4a. The applicant states that the zone change will not prevent the use of other land in the vicinity because it will be compatible and contained within the property limits, not block adjacent property or prohibit other property development.
- 4b. Mailed notice was sent to the surrounding property owners within 250 feet.
 - An email (*Attachment C*) in opposition to the Zone Change from

John Zimmerman (property owner of 3480 Vine Ave.) dated the 18th of September. Mr. Zimmerman states that the zone change will reduce his off-street parking, allow barking dogs, and impact the delivery of mail due to increased cars parking on-street.

- An email (*Attachment D*) in support of the Zone Change from Mac McSwain (property owner of 2570 34th Street) dated the 22nd of September. Mr. McSwain states that “this is a mixed residential/commercial area just off Ocean Boulevard, and as such I know that a commercial use of the building in question makes sense.”
- A letter (*Attachment E*) in opposition to the Zone Change from Donald Green (property owner of 2665 35th Street) dated the 22nd of September. Mr. Green states that he would be forced to sell his home if zone is changed to permit an animal shelter.

CONCLUSION: The land in the vicinity of the proposed zone change is developed with commercial and/or residential uses. Staff concurs that the proposed zone change will not prevent the use of other land in the vicinity, as it is already developed. The decision criterion has been adequately addressed and approval of the proposed zone change can be supported.

DECISION CRITERIA #5: It is appropriate at this time to permit the specific type of development or change in zone of the area which had not previously existed.

STATEMENTS OF FACT AND FINDINGS:

- 5a. The City finds this is the appropriate time to permit the zone change.
- 5b. It is appropriate to make the zone change at this time and to permit this specific commercial type of designation into surrounding area because it had previously existed as a C-2 zone and was changed to QR-4P by request. Returning the zone to C-2 will allow the specific type of development (commercial) and match other commercial developments along Ocean Blvd.

CONCLUSION: This parcel, if zoned C-2, will be consistent and compatible with other similar adjacent zones and commercial uses along the Ocean Blvd. (See Attachment B). The decision criterion has been adequately addressed and approval of the proposal can be supported with conditions to buffer the adjacent residential zone.

DECISION CRITERIA #6: The change will be consistent with the functions, capacities and levels of service of facilities identified in the adopted Coos Bay Transportation System Plan (TSP).

STATEMENTS OF FACT AND FINDINGS:

- 6a. The applicant estimates that the traffic generated for the new

commercial use would be less than 25 vehicles per day.

- 6b. The applicant states that the zone change will be consistent with the function, capacities and levels of service of facilities identified in the adopted Coos Bay transportation system plan because:
1. The property was originally zoned C-2 and this use will not impact the existing capacities of the utilities, access, circulation or services;
 2. The capacities of the sewer, water and storm sewer systems will not increase due to this zone change because the existing 12" water main in Ocean Blvd. and the 6" water main in Vine Ave. is adequate for such development;
 3. The access for fire and emergency equipment will not be changed and the existing fire hydrant has an excellent flow of approximately 3000 GPM @ 20 lbs. pressure, which is adequate for the neighborhood and this development;
 4. No additional levels of service to facilities (roads, improvements, etc.) currently in this zone will need to be changed; and,
 5. The zone change for this property will not create additional hazards.

CONCLUSION: Staff concurs that the zone change will be consistent with the functions, capacities and level of service for facilities identified in the Coos Bay TSP. Ocean Blvd, designated an arterial street, currently services the surrounding commercial zoned parcels and the rezone of the 0.5 acre subject property will not significantly affect the existing transportation facility. The decision criterion has been adequately addressed and approval of the proposal can be supported.

PART II

COOS BAY MUNICIPAL CODE CHAPTER CBMC 17.355 CONDITIONAL USE 17.75.030 (2)(a) Establishment of the use: Animal Sales and Service – Kennel

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.

STATEMENTS OF FACT AND FINDINGS:

- 1a. The applicant states that the building/property is planned to be used for the care of cats and dogs and Division IV does not apply.
- 1b. Division IV (Special Site Development) references accessory apartments, convenience sales and personal services, cluster development, planned unit development, home occupation, commercial recreational vehicle park, and manufacturing.

CONCLUSION: Division IV (Special Site Development) is not applicable for the proposed use. The review criterion has been adequately addressed and approval of the proposal can be supported.

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.

STATEMENTS OF FACT AND FINDINGS:

2a. The applicant has included a site plan that depicts the layout of the existing building, property lines, proposed parking lot and adjacent buildings/residence.

2b. As stated above, Division IV is not applicable.

CONCLUSION: As per the property development requirements in a C-2 Zone (17.75.050), the site (approximately 0.5 acres) for the proposed use is adequate in size and shape to satisfy the conditions of the commercial district. Staff concurs that the submitted site plan meets property development requirements of the district. The review criterion has been adequately addressed and approval of the proposal can be supported.

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.

STATEMENTS OF FACT AND FINDINGS:

3a. The site is served by a major arterial highway, Ocean Blvd. Access to the property however, is served directly from a paved side street, Vine Avenue.

3b. As per the applicants submittal, traffic to and from the site is estimated at less than 25 cars per day. Both roads are paved and curbed.

CONCLUSION: The proposed use is located adjacent to Ocean Blvd. Ocean Blvd is classified as an arterial street in the City of Coos Bay Transportation System Plan (TSP). Based on the TSP designation, staff concurs that Ocean Blvd is adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use. The review criterion has been adequately addressed and approval of the proposal can be supported.

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

STATEMENTS OF FACT AND FINDINGS:

4a. The applicant has submitted information regarding hours of operation (Monday – Friday 8am-6pm) that are consistent with a use within the commercial zone.

4b. The applicant has addressed pet exercise, pet waste, odors, and noise through specific guidelines and construction of the animal shelter. The

applicant states that the dogs will be walked on a leash by trained volunteers on and off site. To control odors from waste inside and outside the facility, waste will be placed in plastic bags and collected in covered containers. To assist with controlling noise, the dogs will be located on the lower level of the building (which is built partially into the ground that will help reduce sound). There will be no outside kennels. An attendant will accompany the dogs into a fenced exercise area on the property to discourage barking. The cats will be located on the second floor.

- 4c. Applicant has addressed interior development of existing building. The existing building will remain in its present condition including restrooms, stairways and entry. New interior walls will be constructed for kennel space, food preparation space and animal viewing space. The dog area will be located on the lower level and the kennel area will be located against the embankment of the terrain. The dog kennel portion of the lower floor is not exposed above ground level creating a natural sound barrier.
- 4d. The applicant has addressed the exterior of the existing building will remain in its present condition including the entry, windows, color and access. The existing deck on the South side of the building will be replaced as a cat exercise area. The enclosure will be approximately 6' wide x 28' long x 8' high, covered (roofed), have windows similar to the existing windows in the building and connect directly to the main building. The look and character of the cat exercise area will match the existing building's character and it will use the same materials (lap siding and composition shingles) and be of the same colors as the existing building.
- 4e. Applicant has addressed pedestrian and vehicular traffic stating that pedestrian traffic will be minimal when walking dogs. Pedestrian traffic on-site will primarily be in the dog exercise area and along the on-site paths at the West end of the property, near Ocean Blvd. and under the existing trees. Vehicular traffic off-site will be primarily from Ocean Blvd. to the new parking lot. There is some on-street parking on both sides of Vine Ave., but access to the dog area is located near the Southwest corner of the building, so applicant states that parking in the new parking lot will be preferred by most people. Included with this application is a Parking Variance Application to allow on-street ADA accessible parking near the entrance of the upper level. If approved, this will remove approximately 30 lineal feet of day-to-day on-street parking, thus forcing more visitors to use the new parking lot. Vehicular traffic on-site will be in the proposed parking lot at the West end of the property. The parking lot will have 13 spaces, including one ADA accessible space with side loading/unloading area. All spaces will have backing/turnaround space as required by the City's parking municipal code.

- 4f. Applicant has addressed minor landscaping of the property. Minor landscaping will be added along Vine Ave. The trees along Ocean Blvd and the South property line (adjacent to Metric Motorworks) will remain and a path constructed of dirt and mulch for the exercise and training of dogs. A 5' high wood fence will be constructed along the East property line between the adjacent property owner's house and Pacific Cove Humane Society.
- 4g. Mailed notice was sent to the surrounding property owners within 250 feet.
- An email (Attachment D) in support (with recommended conditions of approval) for the conditional use permit from Mac McSwain (property owner of 2570 34th Street) dated the 22nd of September. Mr. McSwain requests conditions of approval to address trained dog-walkers be respectful of lawns and landscaping of the neighborhood, pet waste be disposed of to control the odors from the facility, and a staff member continuously supervising dogs outside to reduce barking.
 - A letter (Attachment F) in opposition to the conditional use permit from John and Theresa Chaplin (property owner of 3532 Ocean Blvd) received the 25th of September. The Chaplin's concerns include noise and odors of the dogs/cats and the adverse effect an animal shelter use would have on their property's resale value.

CONCLUSION: Although the proposed use is commercial in nature, staff concurs that the applicant has submitted information to reduce impact on surrounding residential zones. As stated above, the applicant has addressed how the proposed use will not have an adverse physical effect on the development or use of abutting property. The review criterion has been adequately addressed and approval of the proposal can be supported.

PART III

COOS BAY MUNICIPAL CODE CHAPTER CBMC 17.350 VARIANCE

CBMC 17.200.030 (1) Access – Allow ADA space to back into the street

The following is a list of the decision criteria applicable to the request. According to Chapter 17.350 of the City of Coos Bay Municipal Code (CBMC) a Variance request must be supported by **at least two** of the three decision criteria. Each of the criteria is followed by findings or justification statements that may be adopted by the Planning Commission to support their conclusions. Although each of the findings or justification statements specifically apply to at least one of the decision criteria, any of the statements may be used to support the Commission's final decision.

DECISION CRITERIA #1: There are physical, exceptional, extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same district.

STATEMENTS OF FACT AND FINDINGS:

- 1a. According to the applicant, the site does not allow sufficient space for off-street parking on the same level as the main entry. The site slopes down to the West significantly, (approximately a 10' elevation difference,) and would be too steep for even just one ADA accessible parking stall that would meet the requirements of the current building code. Not having a turn-around area for the parking space is appropriate and compatible because it would be identical to the other off-street parking spaces along Vine Avenue (which are Zoned R-2).

CONCLUSION: Staff agrees that there are physical conditions (topography) applicable to the property involved which do not apply generally to other property in the same district. The review criterion has been adequately addressed and approval of the variance request can be supported.

DECISION CRITERIA #2: Strict application of the provisions of the ordinance will constitute an unnecessary hardship or practical difficulty provided that the hardship or difficulty was not created by the applicant or an owner of the property.

STATEMENTS OF FACT AND FINDINGS:

- 2a. According to the applicant, creating an ADA accessible ramp from the new parking lot up to the main entry would be cost prohibitive. Due to the 10 foot elevation change, it would take approximately 120 lineal feet of ramp plus approximately 14 landings. The only space available for such a ramp would be in the front grass area and a portion of the new parking lot area. The ramp would be unsightly and a nuisance.

CONCLUSION: Staff concurs that strict application of the provisions of the ordinance which restricts backing out for ADA parking onsite will constitute practical difficulty. The review criterion has been adequately addressed and approval of the variance request can be supported.

DECISION CRITERIA #3: The variance will not negatively affect abutting property or improvement in the district, nor create a safety hazard.

STATEMENTS OF FACT AND FINDINGS:

- 3a. The applicant states that the variance will not negatively affect abutting property, as other residences in the area have similar back-out parking stalls. Installing the necessary ADA accessible ramp from the new parking lot up to the main entry doors would create a negative impact on the neighborhood. Vision clearances at the ADA accessible driveway are similar to that of other parking spaces in the neighborhood.
- 3b. Mailed notice was sent to the affected property owners and the City has not received any objections regarding the request for a variance to the ADA parking standards.

CONCLUSION: Staff concurs that the variance to the ADA parking standard will not negatively affect abutting property or improvement in the district, nor create a safety hazard. The review criterion has been adequately addressed and approval of the proposal can be supported.

PART IV

COOS BAY MUNICIPAL CODE CHAPTER CBMC 17.345 SITE PLAN AND ARCHITECTURAL REVIEW *Change of Use from Single-Family Dwelling to Commercial (Animal Shelter).*

DECISION CRITERIA #1: The location, size, shape, height, spatial and visual impacts and arrangements of the uses and structures are compatible with the site and surroundings.

STATEMENTS OF FACT AND FINDINGS:

- 1a. The project consists of remodeling the existing building from a church (that was converted to a residence) to an animal shelter.
- 1b. The applicant states that some minor exterior maintenance will be conducted (i.e.: exterior painting, caulking of windows, gutter and downspout repair). (see Attachment G).
- 1c. A new wood fence at least 5' high will be provided between the existing building and the residence on the East side of the property. The applicant states that because the residence has their driveway on the West side of their property, the fence will end at the edge of the building so as not to block sight lines while backing out of their driveway. The fence will be constructed of wood rather than a metal cyclone fence to help blend in with the residential character of the neighbor's house.
- 1d. An additional outdoor heating compressor unit will be required, so the wood fence (discussed above) will provide screening from adjacent properties.
- 1e. A 4' high cyclone fenced area will be constructed on the Southside of the property for a dog exercise area. It will be approximately 10' x 40'. The existing building will obstruct the view of this fenced area from Vine Avenue.
- 1f. The existing upper outside deck will be replaced with a similar deck, but will include an enclosed outdoor space for the cat exercise area. The enclosure will be approximately 6' wide x 28' long x 8' high, covered (roofed), have windows and connect directly to the main building.
- 1g. Landscaping will be provided along Vine Ave. Landscaping will be added along the South and West sides of the new parking lot at the rate of 9 square feet per space. (9 sf x 13 spaces = 117 sq. ft.). No irrigation is planned for either the landscape area along Vine Ave. or around the parking lot.

- 1h. At this time, no sign is proposed. Prior to installing any signage in the future, sign permit approval will be required.

CONCLUSION: Staff concurs that the location, size, height, and visual impacts of the proposed animal shelter will have minimal impact on surrounding property due to location of the structure, proposed landscaping and wood fencing. The decision criteria have been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #2: The public and private sewerage and water facilities provided by the development are adequate in location, size, design, and timing of construction to serve the residents or establishments. These facilities meet city standards and relevant policies of the comprehensive plan and provide adequate fire protection.

STATEMENTS OF FACT AND FINDINGS:

- 2a. According to the applicant, the building is served by an 8" clay sewer line in the street with a PVC lateral to the building. The building is served by a 5/8" water meter allowing for a total fixture count of 50. The applicant states that with a decrease in proposed fixture use, there is plenty of capacity. An email dated 2 October from Ron Hoffine, Coos Bay/North Bend Water Board confirmed and verified that there is adequate capacity to serve the proposed use.
- 2b. The applicant states that the building is served by Pacific Power with an overhead 200 amp service. This service may not be adequate due to the additional heating/cooling required. However, Pacific Power has viewed the site and can supply any additional service required from the same pole.
- 2c. A fire hydrant is located mid-block of Vine Ave. on the South side of the street. Applicant states it provides 3000 gallons per minute at 20 lbs. pressure.
- 2d. The City of Coos Bay Fire Chief states the required fire flow, based on 100% involvement of the buildings' square footage, is 1780 gallons per minute (GPM). The existing hydrant, located 34th St. between Pacific Loop and Vine St. is sufficient based on a recent flow test done by the CB/NB Water Board.

CONCLUSION: A complete review for fire protection will be conducted at the time construction plans are submitted. Based on Coos Bay Fire Chief and CB/NB Water Board verification of proposed use, staff concurs that the sewer and water facilities meet city standards. The decision criteria have been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #3: The grading and contouring of the site and how site surface drainage and/or on-site surface water storage facilities are constructed to insure that there is no adverse effect on neighboring properties, public right of way, or the public storm drainage system; and that the site development work will take place in

accordance with City policies and practices.

STATEMENTS OF FACT AND FINDINGS:

- 3a. According to the submitted application, the only grading and contouring of the site will be for the new parking lot. (No work will be done along Ocean Blvd., including tree removal on or off the property. However, a path will be designed through the trees for a dog walk/exercise trail.)
- 3b. The applicant must provide a storm water runoff drainage plan completed by a certified engineer to the City of Coos Bay.
- 3c. Applicant proposes that the site slopes down approximately 4% from East to West. The runoff will be into a drainage swale along the Westerly edge of the parking lot and then captured at the Northwest corner of the parking area into a 6" storm line and extended to the existing catch basin at the corner of Vine Ave. and Ocean Blvd.
- 3d. Applicant states that most of the site, (along the West, South and East property lines) will maintain the same historic drainage flows/impacts.
- 3e. Applicant states that the routine maintenance planned for the building includes connecting the existing storm downspouts to drains and then to the City storm water system.

CONCLUSION: Staff concurs that the applicant has provided documentation that the proposed grading and contouring of the site will be constructed to insure that there is not adverse effect on the neighboring properties, public right of way, or the public storm drainage and comply with City policies. The decision criteria have been adequately addressed and approval of the proposal can be supported.

CONDITION: Compliance with the City's Engineering Standards regarding grading and contouring for the parking lot will be reviewed through submittal of a "Parking Lot Permit" which must have final approval prior to occupancy of the building.

DECISION CRITERIA #4: Based on anticipated vehicular and pedestrian traffic generation, adequate rights of way and improvements to streets, pedestrian ways, bikeways, and other ways are provided to promote safety, reduce congestion, and provide emergency equipment access.

STATEMENTS OF FACT AND FINDINGS:

- 4a. The platted right-of-way width of Vine Avenue is 50 feet. Currently Vine Avenue is developed to approximately 35 feet wide with curb/gutter.
- 4b. According to the applicant's submittal, the new use will not increase vehicular or pedestrian traffic for the commercial zone.
- 4c. Pedestrian and vehicular access to the property is currently provided on

the north side of the property, with an entrance and existing curb cuts.

- 4d. The existing roads and sidewalks around the facility will not be changed.
- 4e. Applicant states that the fire safety and emergency equipment will still have the same access around and through the neighborhood. The City of Coos Bay Fire Chief verified in an email dated the 22nd of September, that emergency vehicle access to the site is acceptable per the submitted site plan.

CONCLUSION: Staff concurs that the applicant meets adequate rights of way and improvements to streets, pedestrian ways, based on the standards identified in the Coos Bay Transportation System Plan for commercial zones on arterial streets. The decision criteria have been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #5: There are adequate off-street parking and loading facilities provided in a safe, well designed, and efficient manner.

STATEMENTS OF FACT AND FINDINGS:

- 5a. According to the applicant's submittal, off street parking spaces will be provided to meet the demand of a "General Retail" use which is one space per 250 square feet of footprint.

Upper Level: 1,733 sf (including kennel space)

Lower Level: 992 sf (including kennel space)

Total Required: $2,725 \text{ sf} / 250 \text{ sf} = 11 \text{ spaces required} + 1 \text{ loading space}$

- 5b. Based on the proposed use of each room of the existing structure, the City will require 11 off-street parking spaces for the proposed use.

$(1733 \text{ sf} + 992 \text{ sf} = 2725 \text{ sf} / 250 = 11 \text{ spaces})$. 2725 sf of general retail space – restrooms, storage area, stairways, and hallways are excluded from the calculation.

The applicant is proposing 13 parking spaces. The parking stalls will be 9' x 18' painted white with a 32' shared back out area for each stall, (for an overall width of 65'). There will be one stall designated ADA accessible stall with a 9' wide x 18' long side loading/unloading area, (for an overall length of 63' plus a 5' back out apron for the last two parking stalls). The ADA accessible stall will be marked with an ADA accessible sign and painted logo on the asphalt.

The parking lot will slope at approximately 4% to the West and the rain water will be contained in a drainage swale along the Westerly edge of the parking lot. There will be car bumps in the stalls along the Westerly edge of the parking lot. The drainage swale will be 6' wide, seeded with grass and sloped to the Northwest corner of the parking lot area where it will be transferred into a 6" storm drain that is extended to the existing catch basin located at the South side of the intersection of Vine

Ave. and Ocean Blvd. The connection into the rear of the catch basin will be according to City standards. The parking lot will have a 5' wide concrete walkway the full length of the parking lot on the East side and connect to the existing concrete walkway on the property. The walkway will also extend to the main lower entrance.

- 5c. A variance to the one off-street ADA accessible parking space is being requested, which would allow the vehicle to back-out into the street. (See Parking Variance Request, attached.) In addition, 2 bicycle parking spaces will be provided near the main entry.
- 5d. Landscaping and Screening: All parking areas shall be landscaped in conformance with Chapter 17.200 CBMC, Off –Street Parking and Loading.
- East, South and West Property Lines: To remain the same, except some walking trails will be constructed through the trees on the Westerly property edge.
 - North Property Line: Landscaping will be provided along Vine Ave. No irrigation is anticipated.

Existing building lights will remain the same, except there will be a new light over the lower level entry. Two lights for the parking lot will be pole mounted as shown on the Landscape Plan. There will be no light “spillage” onto neighbor’s property. The fixtures will be “box style” lights with the light projecting downward.

CONCLUSION: The proposed off-street parking and loading facilities will be designed in accordance with Land Development Code 17.200 Off-Street Parking and Loading standards. The decision criteria have been adequately addressed and approval of the proposal can be supported.

CONDITION: 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.

DECISION CRITERIA #6: Adequate dedication or reservation of real property for public use, as well as easements and right of entry for construction, maintenance, and future expansion of public facilities are addressed.

STATEMENTS OF FACT AND FINDINGS:

- 6a. Applicant states that no changes to public use, access or easements will be made.

CONCLUSION: The dedication or reservation of real property for public use and easements is not applicable. The proposed project will not affect entry for construction, maintenance, and future expansion of any public facilities. The decision criteria have been adequately addressed and approval of the proposal

can be supported.

DECISION CRITERIA #7: The structural design, location, size, and materials used for buildings, walls, fences, berms, traffic island, median areas, and signs serve their intended purposes.

STATEMENTS OF FACT AND FINDINGS:

- 7a. Applicant states that the proposed remodel is primarily interior work. The exterior materials will remain in its current condition, but will be caulked, repaired and painted as necessary. Pictures and sample beige color swatches are included in the application (Attachment G).
- 7b. The fence on the East side of the property will be wood and left a natural color. The new cat exercise area on the South side of the building will match the color and materials of the existing building. (See attached drawings.)
- 7c. Applicant states that all work will occur within the setback requirements.

CONCLUSION: The applicant states that the size, color scheme and construction material for remodel will be compatible with existing structures in both the adjacent residential and commercial zones. Based on applicant's submittal, staff concurs that structural design, location, size, and materials used for proposed buildings and fence serve their intended purposes. The decision criteria have been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #8: Other property development requirements of the zoning district are satisfied.

STATEMENTS OF FACT AND FINDINGS:

- 8a. The zone designation of the property immediately surrounding the subject property is General-Commercial (C-2) to the south and the northwest and Single-Family and Duplex Residential (R-2) to the north and east. Commercial uses in the area include Domino's Pizza, Bay City Ambulance and Metric Motorworks.
- 8b. The applicant has submitted the following:
 - 1. Lot Standards. No requirements
 - Lot Area: .51 Acres (22,216 sf.)
 - Minimum Width of Lot: 100'
 - 2. Building Coverage. No requirements
No change is proposed to the existing lot coverage

- Upper Level: 2,946 sf +Lower Level: 2,395 sf (footprint)= Total: 5,341 sf
 - Building Area: 2,395 sf (footprint)
 - Building Coverage: 13%
3. Building Height. No restrictions other than those imposed by the building code.

No change in height is proposed to the existing building which is 18 feet at main entry and 27 feet at lowest grade.

4. Yards. No requirements other than those imposed by the building code. Yards:

No changes are proposed to the setbacks.

Existing Setbacks

- From Vine Ave.: 3' approximately
 - From East Property Line: 7' approximately
 - From South Property Line: 35'-8" approximately
 - From West Property Line: 116' average
5. Landscaping and Screening:
- All heating and air equipment shall be appropriately screened from public view.
- A 5 foot high wood fence constructed on the east property line is proposed to screen an outdoor heating compressor unit.
 - All storage and trash areas must be enclosed and screened from public view.
 - A garbage enclosure will be provided at the South end of the new parking lot.

CONCLUSION: The proposed property development requirements of the dominant surrounding zoning district are satisfied. Staff concurs that the applicant's submittal addressing the setbacks, lot coverage, landscaping meet the development requirements for the C-2 zone (Land Development Code 17.75.050). The decision criteria have been adequately addressed and approval of the proposal can be supported.

CONDITION: A solid wood fence, a minimum of five (5) 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.

VI. RECOMMENDATION WITH CONDITIONS

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 land use application #ZON2014-0053:

- *Zone Change from QR-4P to C-2,*
 - *Conditional use permitting an animal shelter,*
 - *Variance regarding the ADA parking space, and*
 - *Site Plan & Architectural Review*
1. *The applicant/owner must secure all required structural and development permits as required, from the City, State and Federal agencies.*
 2. *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.*
 3. *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.*
 4. *A solid wood fence, a minimum of five (5) 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.*

EFFECTIVE DATE OF PERMIT APPROVAL:

Approval shall be withdrawn if the authorized construction or use is not commenced within one year or is not pursued diligently to completion; or, if authorized occupancy or use has been discontinued for over 120 consecutive days.

The effective date of the permit may be delayed if substantive conditions are attached to the approval. The Commission may grant an extension of time for a period not to exceed one year if circumstances beyond the control of the applicant cause delays.


Kim M. Trimpert, AICP, Planner 1

DATE MAILED: October 7, 2014

cc: Lon Samuels, applicant
Dave Perry, DLCD

ATTACHMENTS:

A - Application, including site plan and construction plans

B - Zoning Map of Ocean Blvd.

C - An email in opposition to the Zone Change from John Zimmerman (property owner of 3480 Vine Ave.) dated the 18th of September.

D - An email in support of the Zone Change (and conditions of approval for the Conditional Use Permit) from Mac McSwain (property owner of 2570 34th Street) dated the 22nd of September.

E - A letter in opposition to the Zone Change from Donald Green (property owner of 2665 35th Street) dated the 22nd of September.

F - A letter in opposition to the Conditional Use Permit from John and Theresa Chaplin (property owners of 3532 Ocean Blvd.) received the 25th of September.

G - Swatches of the proposed exterior colors for the existing structure.

July 29, 2014

ZONE CHANGE APPLICATION

1. REQUEST:

We are requesting the current zone, QR-4P, to be changed to a C-2 zone. Because the C-2 Zone does not allow animal shelters (kennels), a Conditional Use Application is attached to this Zone Change Application.

2. PURPOSE:

The current zone, QR-4P, does not allow animal shelters (kennels).

3. USE:

The building is planned to be used primarily for the care of cats and dogs. The upper level is to be used for the care of cats, administration, medical support services and community education through presentations with the help of volunteers and staff.

The lower floor will be used for the care of dogs.

4. APPROPRIATE AND COMPATIBLE:

Currently other properties along Ocean Blvd. (and across Ocean Blvd.) are zoned C-2 and have such businesses in the immediate area as Metric Motorworks, Domino's Pizza and Bay Cities Ambulance and West Cost Fencing across Ocean Blvd. Property to the East and across Vine Ave. is zoned R-2.

This Zone Change would continue the C-2 zone along Ocean Blvd. and would restore the property to its original C-2 zone status. It would have the same relationship to the adjacent R-2 zone that other C-2 zones have in the area.

5. ZONE CHANGE REQUEST CRITERIA:

- (i) *The change in zone will conform with the policies and objectives of the comprehensive plan:*

This zone change will conform to the objectives of the comprehensive plan by grouping similar zones together and eliminate "spot zoning".

Pacific Cove Humane Society

July 29, 2014

- (ii) *The overall change in the zone district will result in development which is compatible with development authorized in the surrounding district:*

The zone change will allow development which is compatible with development authorized in the surrounding district through the use of a commercial development.

- (iii) *The change will not prevent the use of other land in the vicinity:*

The zone change will not prevent the use of other land in the vicinity because it will be compatible and contained within the property limits, not block adjacent property or prohibit other property development.

- (iv) *It is appropriate at this time to permit the specific type of development or change in zone designation into the area in which it had not previously existing:*

It is appropriate to make the zone change at this time and to permit this specific commercial type of designation into surrounding area because it had previously existing as a C-2 zone and was change to QR-4P by request. Returning the zone to C-2 will allow the specific type of development (commercial) and match other commercial developments along Ocean Blvd.

- (v) *The change will be consistent with the function, capacities and levels of service of facilities identified in the adopted Coos Bay transportation system plan:*

The zone change will be consistent with the function, capacities and levels of service of facilities identified in the adopted Coos Bay transportation system plan because:

1. The property was originally zoned C-2 and this use will not impact the existing capacities of the utilities, access, circulation or services,
2. The capacities of the sewer, water and storm sewer systems will not increase due to this zone change because the existing 12" water main in Ocean Blvd. and the 6" water man in Vine Ave. is adequate for such development,
3. The access for fire and emergency equipment will not be changed and the existing fire hydrant has an excellent flow of approximately 3000 GPM @ 20 lbs. pressure, which is adequate for the neighborhood and this development. In addition, no additional levels of service to facilities (roads, improvements, etc.) currently in this zone will need to be changed, and
4. The zone change for this property will not create additional hazards.

July 29, 2014

CONDITIONAL USE APPLICATION

We are requesting a Conditional Use in a C-2 Zone. C-2 Zones do not allow animal shelters (kennels). The building/property is planned to be used primarily for the care of cats and dogs. The upper level is to be used for the care of cats, administration, medical support services and community education through presentations with the help of volunteers and staff. The lower floor will be used for the care of dogs.

CRITERIA:

1. *The site for the proposed use will satisfy the specific conditions and intent set forth in Division IV of this title.*

The building/property is planned to be used for the care of cats and dogs and Division IV does not apply.

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.*

Attached is a Site Plan Drawing showing the layout of the existing building, property lines, new parking lot and adjacent buildings/residence and Division IV does not apply.

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.*

The site is served by a major arterial highway, Ocean Blvd. Access to the property however, is served directly from a paved side street, Vine Ave.

Traffic to and from the site is estimated at less than 25 cars per day. Both roads are paved and curbed. Both Ocean Blvd. and Vine Ave. are capable of the additional traffic with this development. (See Drawing Sheet 1)

Pacific Cove Humane Society

July 29, 2014

4. *The proposed use will not have an adverse physical effect on the development or use of abutting property.*

A. Hours of Operation:

The facility is scheduled to be staffed and open to the public from 8am to 6pm with some occasional after-hours special events from time to time.

B. Pet Exercise, Pet Waste, Odors and Noise:

Pacific Cove Humane Society is sensitive to the possibility that a kennel can have noise and odor issues. That is why they have developed special guidelines for the staff and volunteers for the control of pet exercise, pet waste, smell and noise. (See outline from Pacific Cove Humane Society, attached to this report.)

- i. Pet Exercise: Walking the dogs on and off site will primarily be done by volunteers. Volunteers will receive training before beginning dog-walking duties and will agree to not take dogs off-leash, except in the fenced exercise area on the property.
- ii. Pet Waste: To control odors from waste inside and outside the facility, waste will be placed in plastic bags and collected in covered containers. The lids will remain closed at all times. The kennel areas will be cleaned daily utilizing a kennel product approved by the shelter veterinarian as a safe product that controls odors and the spread of disease, such as Roccal-D, TB Cide and bleach.
- iii. Noise: Inside the building the dogs will be located on the lower level, which provides a natural “earth-berming” effect to stop the transfer of noise outside the building. (See Drawing Sheet 5, which illustrates the ground condition around the dog kennels.) Outside, the dogs will be accompanied by an attendant whose duties include the prevention of barking. There will be no outside kennels. The applicant will utilize the “Open Paw” program or similar program that provides positive training reinforcement.

C. Interior Development of Existing Building:

The existing building will remain in its present condition including restrooms, stairways and entry. New interior walls will be constructed for kennel space, food preparation space and animal viewing space. Fortunately, the original church had many sinks and wash areas, which will be converted to cat and dog wash and grooming areas.

Pacific Cove Humane Society

July 29, 2014

The dog area is located on the lower level and the kennel area will be located against the embankment of the terrain. The dog kennel portion of the lower floor is not exposed above ground level creating a natural sound barrier. (See Drawing Sheet 3: Floor Plan and Drawing Sheet 5: East-to-West Section and North-to-South Section.) Here you can see that the ground will help keep the noise inside the building. Plus, additional insulation will be placed in the floor-ceiling assembly to muffle any sound transmitted up to the upper floor.

D. Exterior Development of Existing Building:

The exterior of the existing building will remain in its present condition including the entry, windows, color and access. The existing deck on the South side of the building will be replaced and a cat exercise area. The enclosure will be approximately 6' wide x 28' long x 8' high, covered (roofed), have windows similar to the existing windows in the building and connected directly to the main building. The look and character of the cat exercise area will match the existing building's character and it will use the same materials (lap siding and composition shingles) and be of the same colors as the existing building. The cat exercise area will not be visible from Vine Ave. and probably won't be visible from the adjacent residential property to the East (due to the configuration of the existing building) or from the property to the South (due to the topography). It will be visible from the new parking lot (from the West) but not from Ocean Blvd. (due to the trees). See "Exterior Elevations" on Drawing Sheet 4 for an indication of what the cat exercise area will look like.

E. Pedestrian and Vehicular Traffic:

Pedestrian traffic off-site will be minimal. Staff consists of one full time person with volunteers and up to two special part-time staff members on-site occasionally. We encourage volunteers to take the dogs for walks so the dogs know how to interact in the community when adopted. Part of the volunteer training will be teaching dogs good manners and being obedient. However, it is anticipated that there will never be more than a few dogs walking at one time. There has been some discussion between the Pacific Cove and Boys and Girls Club (which is located in the neighborhood) to use volunteers in a coordinated effort to develop student training and animal nurturing. Current sidewalks are satisfactory for this purpose and will not overload the pedestrian traffic in the neighborhood.

Pedestrian traffic on-site will primarily be in the dog exercise area and along the on-site paths at the West end of the property, near Ocean Blvd. and under the existing trees.

Pacific Cove Humane Society

July 29, 2014

Vehicular traffic off-site will be primarily from Ocean Blvd. to the new parking lot. There is some on-street parking on both sides of Vine Ave., but access to the dog area is located near the Southwest corner of the building, so parking in the new parking lot will be preferred by most people. Included with this application is a Parking Variance Application to allow on-street ADA accessible parking near the entrance of the upper level. If approved, this will remove approximately 30 lineal feet of day-to-day on-street parking, thus forcing more visitors to use the new parking lot.

Vehicular traffic on-site will be in the new parking lot at the West end of the property. The parking lot will have 13 spaces, including one ADA accessible space with side loading/unloading area. All spaces will have backout/turnaround space as required by the City's parking municipal code.

F. Medical Processing:

Initially, cats and dogs will be spay/neutered off-site and assessed for adoptability. However, an on-site medical space has been planned for use by staff, which will be used for flea treatment, immediate care, etc.

G. Landscaping:

Minor landscaping will be added along Vine Ave. The trees along Ocean Blvd. and the South property line (adjacent to Metric Motorworks) will remain and a path constructed of dirt and mulch for the exercise and training of dogs. A 6' high wood fence will be constructed along the East property line between the adjacent property owner's house and Pacific Cove Humane Society. (We will encourage the home owner to help decide the style of the fence.) No irrigation is scheduled for the property.

H. Licenses:

Pacific Cove Humane Society will obtain all state and local licenses necessary for the operation of the Humane Society.

July 29, 2014

PARKING VARIANCE FOR ONE ADA ACCESSIBLE PARKING STALL

(See Drawing Sheet 6)

REQUEST:

We are requesting a Parking Variance for one (1) ADA Accessible Parking Stall that would back-out directly onto Vine Ave. The site allows plenty of off-street parking, but it is located on the lower portion of the site. (Approximately 10 feet lower than the elevation of the main entry.) Providing an ADA accessible ramp from the new parking lot up to the main entry would be cost prohibitive, as it would require approximately 120 lineal feet of ramp plus approximately 14 landings.

SIZE AND DESIGN:

The new ADA accessible parking stall would be located near the main entry and would be 9' wide x 23' long. (Approximately 18' of the stall would be on the property, with the remaining 5' located in the rights-of-way.) It would have a side loading/unloading area on the passenger side that is 9' wide x 18' long. The side loading/unloading area would not extend to the street, so that it would not encourage a second car from parking in the space. The stall and loading/unloading area would be a concrete surface and connected to the existing concrete walkways. The stall would have an ADA sign installed and the loading/unloading area would be striped as required by the Building Code. A car bump would be installed to keep the car from extending into the entry walkway.

1. APPROPRIATE AND COMPATIBLE:

There are physical, exceptional, extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same district.

The site does not allow sufficient space for off-street parking on the same level as the main entry. The site slopes down to the West significantly, (approximately a 10' elevation difference,) and would be too steep for even just one ADA accessible parking stall. Not having a turn around area for the parking space is appropriate and compatible because it would be identical to the other parking spaces in the area, (which are Zoned R-2).

Pacific Cove Humane Society

July 29, 2014

2. *Strict application of the provisions of this title will constitute an unnecessary hardship or practical difficulty; provided that the hardship or difficulty was not created by the applicant or an owner of the property.*

Creating an ADA accessible ramp from the new parking lot up to the main entry would be cost prohibitive. Because of the 10 foot elevation change, it would take approximately 120 lineal feet of ramp plus approximately 14 landings. The only space available for such a ramp would be in the front grass area and a portion of the new parking lot area. The ramp would be unsightly and an attractive nuisance.

3. *The variance will not negatively affect abutting property or improvement in the district, nor create a safety hazard.*

The variance will not negatively affect abutting property, as other residences in the area have similar back-out parking stalls. Installing the necessary ADA accessible ramp from the new parking lot up to the main entry doors would create a negative impact on the neighborhood. Vision clearances at the ADA accessible driveway are similar to that of other parking spaces in the neighborhood.

July 29, 2014

LAND USE DEVELOPMENT REVIEW APPLICATION

- (1) *The location, size, shape, height, spatial and visual impacts and arrangements of the uses and structures are compatible with the site and surroundings.*

The project consists of remodeling an existing building from a church (that was converted to a residence) to an animal shelter. The remodel is primarily all interior work, except for the following items:

- a. Some typical exterior maintenance, (i.e.: exterior painting, caulking of windows, gutter and downspout repair).
 - b. Construction of a parking lot for off-street parking.
 - c. Off-street ADA accessible parking space near the upper level entrance.
 - d. A wood fence between the existing building and adjacent neighbor to the East.
 - e. Outdoor heating/cooling compressor unit.
 - f. A low (4' high) cyclone fence on the South side of the building for a dog exercise area.
 - g. Replace the existing upper outdoor deck and provide an exterior enclosure for a cat exercise area.
 - h. Landscaping along Vine Ave. and around the parking lot.
 - i. Installation of a sign at the corner of Vine Ave. and Ocean Blvd. (Future.)
- a. MAINTENANCE ITEMS: The color of the building will remain the same, see pictures, attached. Caulking will be installed around the windows during the painting phase, but will remain the same color. It is anticipated that there will need to be some minor gutter and downspout repair completed, but the gutters and downspouts will remain the same color. (See attached pictures.)
- b. NEW PARKING LOT: The new parking lot will consist of 13 spaces, ($1733 \text{ sf} + 992 \text{ sf} = 2725 \text{ sf} / 250 = 11$ required spaces.) The new parking lot will be constructed of a 2" overlay asphalt on 10" of compacted 1" minus crushed rock. The parking stalls will all be 9' x 18' painted white with a 32' shared backout area for each stall, (for an overall width of 65'). There will be one stall designated ADA accessible stall with a 9' wide x 18' long side loading/unloading area, (for an overall length of 63' plus a 5' backout apron for the last two parking stalls). The ADA accessible stall will be marked with an ADA accessible sign and painted logo on the asphalt. The parking lot will slope at approximately 4% to the West and the rain water will be contained in a drainage swale along the Westerly edge of the parking lot. There will be car bumps in the stalls along the Westerly edge of the parking lot. The drainage swale will be 6' wide, seeded with grass and sloped to the Northwest corner of the parking lot area where it will be transferred into a 6" storm drain that is extended to the existing catch basin located at the South side of the intersection of Vine Ave. and Ocean Blvd. The connection into the rear of the catch basin will be according to City standards. The parking lot will have a 5' wide concrete walkway the full length of the parking lot on the East side and connect to the existing concrete walkway on the property. The walkway will also extend to the main lower entrance. (See attached drawings.)

Pacific Cove Humane Society

July 29, 2014

c. **ADA OFF-STREET PARKING:** We are requesting the ADA accessible parking space for the upper level will be located near the main entrance of the upper level. The space will be designated and marked 9' wide and 18' long. It will be constructed according to the latest Oregon Structural Specialty Code (OSSC) requirements. (See attached drawings and Parking Variance Request.) This request is necessary due to the lack of space for "off-street ADA accessible parking" for the upper level.

d. **WOOD FENCE:** A new 5' high wood fence will be provided between the existing building and the residence on the East side of the property. Because the residence has their driveway on the West side of their property, the fence will end at the edge of the building so as not to block sight lines while backing out of their driveway. The fence will be constructed of wood rather than a metal cyclone fence to help blend in with the residential character of the neighbor's house.

e. **OUTDOOR COMPRESSOR:** Because an additional outdoor heating compressor unit will be required, the wood fence (discussed above) will help screen it from their property.

f. **DOG EXERCISE FENCE:** A 4' high cyclone fenced area will be constructed on the South side of the property. It will be approximately 10' x 40'. Visually it will be nearly blocked from Vine Ave. by the building.

g. **CAT EXERCISE AREA:** The existing upper outside deck will be replaced with a similar deck but also with an enclosed outdoor space for the cat exercise area. The enclosure will be approximately 6' wide x 28' long x 8' high, covered (roofed), have windows and connected directly to the main building.

h. **LANDSCAPING:** Landscaping will be provided along Vine Ave. Landscaping will be added along the South and West sides of the new parking lot at the rate of 9 square feet per space. (9 sf x 13 spaces = 117 sq. ft.)

No irrigation is planned for either the landscape area along Vine Ave. or around the parking lot.

i. **SIGN:** The sign at the corner of Vine Ave. and Ocean Blvd. will be presented at a later time with a Sign Permit. The sign will probably be a "monument-style" sign.

Pacific Cove Humane Society

July 29, 2014

- (2) *The public and private sewerage and water facilities provided by the development are adequate in location, size, design are timing of the construction to serve the establishment. These facilities meet city standards and relevant policies of the comprehensive plan and provide adequate fire protection.*

The building is served by an 8" clay sewer line in the street with a PVC lateral to the building.

The building is served by a 5/8" water meter allowing for a total fixture count of 50. The facility has the following plumbing fixture units:

<u>Fixture:</u>	<u>Fixture Unit Value:</u>	<u>X</u>	<u>Quantity:</u>	<u>=Total Fixture Units:</u>
sinks	1		8	8
kitchen sink	1.5		1	1.5
toilets	2.5		8	20
urinal	5		1	5
shower/tubs	2		4	8
dishwasher	1.5		1	1.5
sets of washer/dryers	4		2	8
drinking fountain	0.5		1	0.5
hose bibs	2.5		2	<u>5.0</u>
Total Existing Fixture Units:				57.5

The new facility is planned to have the following fixture units:

14 sinks	1	13	13
Kitchen sink	1.5	1	1.5
6 toilets	2.5	6	15
1 urinal	5	1	5
1 shower/tub	1.5	1	1.5
dishwasher	1.5	1	1.5
2 sets of washer/dryers	4	2	6
1 drinking fountain	0.5	1	0.5
hose bibs	2.5	2	<u>5.0</u>
Total New Fixture Units:			49.0

With the decrease in fixture use, there is plenty of capacity. In addition, the building was originally a church, so the use was generally in a short period of time. Our use will be distributed more evenly throughout the day/week.

Pacific Cove Humane Society

July 29, 2014

Currently the building is served by Pacific Power with an overhead 200 amp service. This service may not be adequate due to the additional heating/cooling required. However, Pacific Power has viewed the site and can supply the additional service required from the same pole.

A fire hydrant is located mid-block of Vine Ave. on the South side of the street. It provides 3000 gallons per minute at 20 lbs. pressure. However, it was tested in 1995 and the Water Board has agreed to re-test it the week of Aug. 4th.

(3) The grading and contouring of the site, and how site surface drainage and/or on-site surface water storage facilities are constructed to ensure that there is no adverse effect on neighboring properties, public right-of-way, or the public storm drainage system; and that the site development work will take place in accordance with City policies and practices.

The only grading and contouring of the site will be for the new parking lot. (No work will be done along Ocean Blvd., including no tree removal on or off the property. However, a path will be designed through the trees for a dog walk/exercise trail.) The site slopes down approximately 4% from East to West. The runoff will be into a drainage swale along the Westerly edge of the parking lot and then captured at the Northwest corner of the parking area into a 6" storm line and extended to the existing catch basin at the corner of Vine Ave. and Ocean Blvd. (See attached drawings.)

Most of the site, (along the West, South and East property lines) will maintain the same historic drainage flows/impacts.) In addition, some of the routine maintenance planned for the building includes connecting the existing storm downspouts to drains and then to the City storm water system.

(4) Based on anticipated vehicular and pedestrian traffic generation, adequate rights-of-way and improvements to streets, pedestrian ways, bikeways and other ways are provided to promote safety, reduce congestion and provide emergency equipment access.

The existing roads and sidewalks around the facility will not be changed. Attached is a letter from Pacific Cove Humane Society outlining the number of staff, volunteers and visitors anticipated for this facility. As you can see, there will be less than 50 people per day using the facility.

Fire safety and emergency equipment will still have the same access around and through the neighborhood.

Pacific Cove Humane Society

July 29, 2014

(5) There are adequate off-street parking and loading facilities provided in a safe, well-designed and efficient manner.

More than enough parking will be provided to meet the 1/250 sf of space required (General Retail).

Upper Level: 1,733 sf (including kennel space)

Lower Level: 993 sf (including kennel space)

Total Required: $2,726 \text{ sf} / 250 = 11$ spaces required + 1 loading space (13 provided)

In addition, one off-street ADA accessible parking space is being requested. (See Parking Variance Request, attached.)

In addition, 2 bicycle parking spaces will be provided near the main entry.

(6) Adequate dedication or reservation of real property for public use, as well as for easements and right of entry for construction, maintenance and future expansion of public facilities are addressed.

No changes to public use, access or easements will be made. Building coverage is approximately 13% of the lot.

(7) The structural design, location, size and materials used for buildings, walls, fences, berms, traffic islands, median areas and signs serve their intended purposes.

The remodel is primarily all interior work. The exterior materials will remain in its current condition, but will be painted caulked and repaired as necessary. Pictures and a sample color swatch has been included to help indicate the exterior colors of the building. The fence on the East side of the property will be wood and left a natural color. The new cat exercise area on the South side of the building will match the color and materials of the existing building. (See attached drawings.)

All work will be within the setback requirements.

Pacific Cove Humane Society

July 29, 2014

(8) *Other Property development requirements of the zoning district are satisfied.*

Building Area:

Gross:

Upper Level: 2,946 s.f.
Lower Level: 2,395 s.f. (footprint)
Total: 5,341 s.f.

Occupied (not including restrooms, storage rooms, etc.):

Upper Level: 1,738 s.f.
Lower Level: 992 s.f.
Total: 2,730 s.f.

Lot Area: .51 Acres (22,216 s.f.)

Minimum Width of Lot: 100'

Building Area: 2,395 sf. (footprint)

Building Coverage: 13%

Building Height: 18' at main entry and 27' at lowest grade.

Yards: Setbacks are to remain as per existing.

From Vine Ave.: 3' approximately
From East Property Line: 7' approximately
From South Property Line: 35'-8" approximately
From West Property Line: 116' average

Landscaping:

East, South and West Property Lines: To remain the same, except some walking trails will be constructed through the trees on the Westerly property edge.

North Property Line: Landscaping will be provided along Vine Ave.
No irrigation is anticipated.

Parking and Paved Areas: As previously discussed in Items (1) b. and (3) above, a new parking lot will be installed.

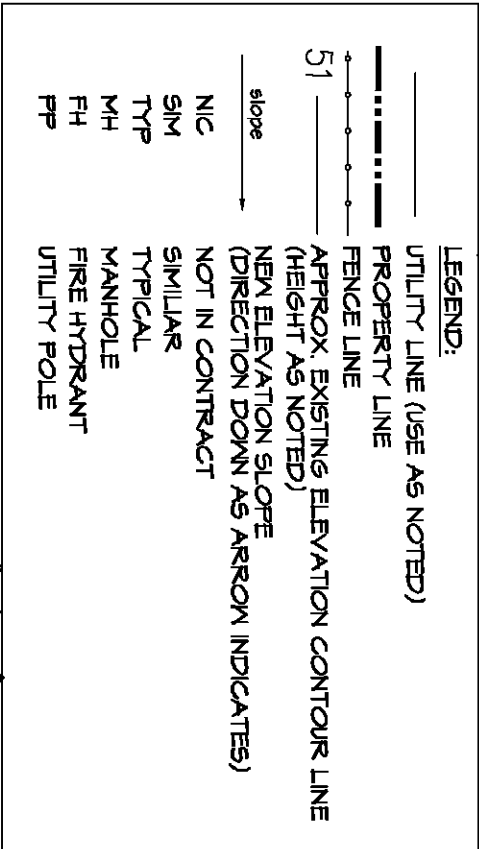
Lighting: Existing building lights will remain the same, except there will be a new light over the lower level entry. Two lights for the parking lot will be pole mounted as shown on the Landscape Plan. There will be no light "spillage" onto neighbor's property. The fixtures will be "box style" lights with the light projecting downward.

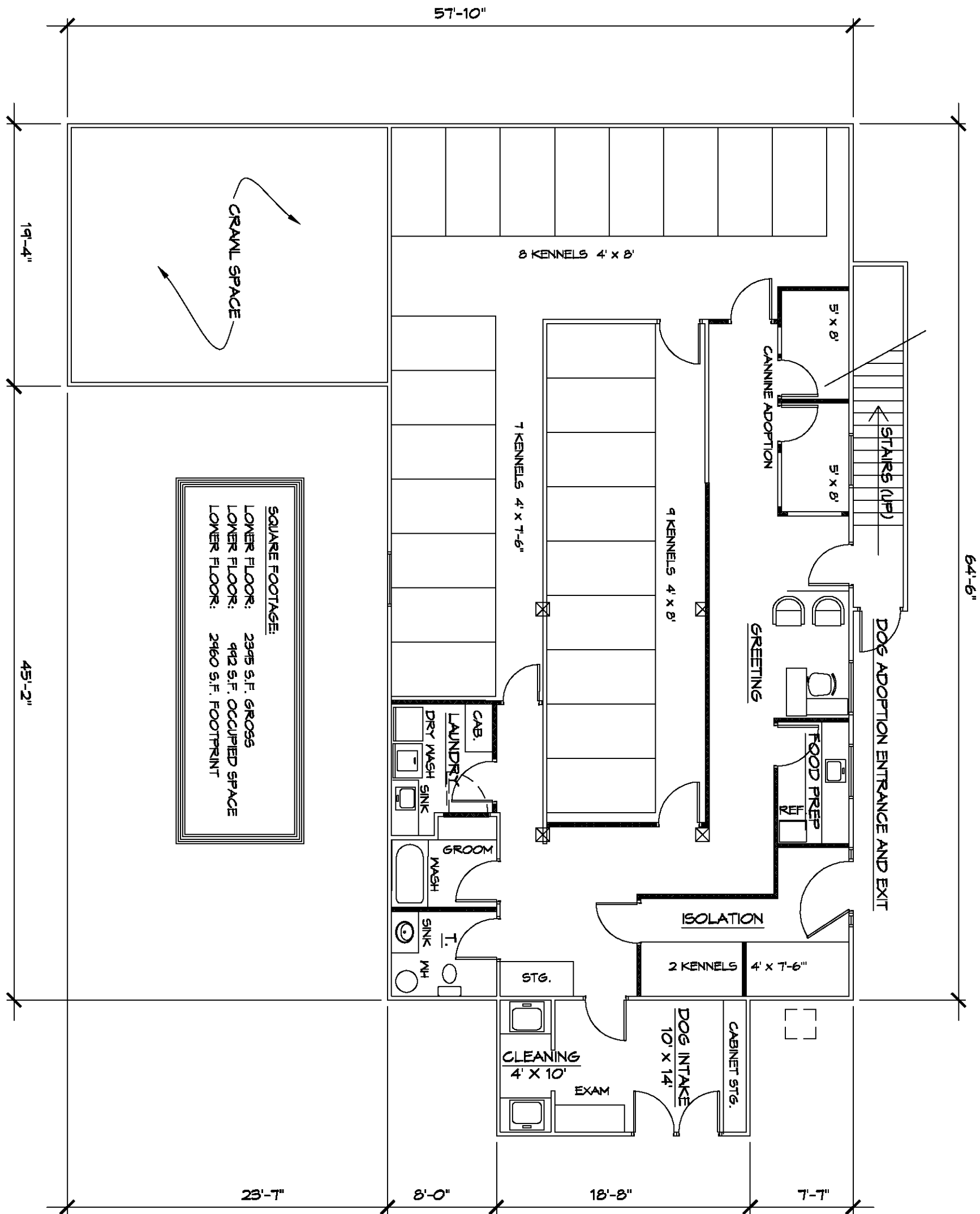
Garbage: A garbage enclosure will be provided at the South end of the new parking lot.

PROJECT:
1406
DATE:
JUNE 2014

OWNER:
PACIFIC COVE HUMANE SOCIETY
P.O. BOX 361
NORTH BEND, OR 97459

Agenda Item #6





SQUARE FOOTAGE:
 LOWER FLOOR: 2395 S.F. GROSS
 LOWER FLOOR: 992 S.F. OCCUPIED SPACE
 LOWER FLOOR: 2460 S.F. FOOTPRINT

LEGEND:

INDICATES 2 X 6 @ 16" O.C.

INDICATES 2 X 4 @ 16" O.C.

INDICATES EXISTING 2 X 4 @ 16" OC
 UNLESS NOTED OTHERWISE

PROPOSED LOWER FLOOR PLAN

SCALE: 1/8" = 1'-0"



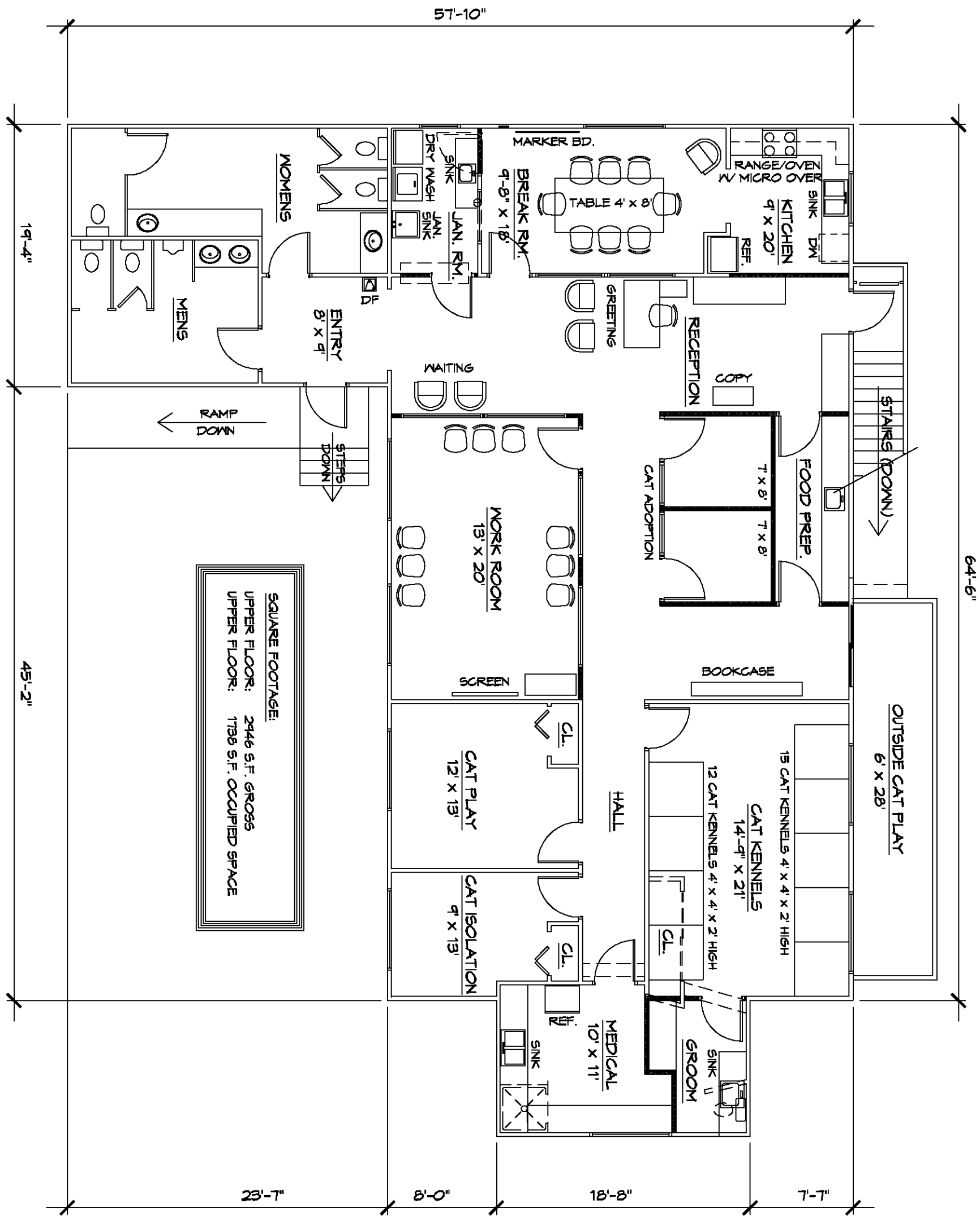
PROJECT: 1407
 DATE: JUNE 2014

2

PACIFIC COVE HUMANE SOCIETY
 COOS BAY, OREGON

OWNER:
 PACIFIC COVE HUMANE SOCIETY
 P.O. BOX 361
 NORTH BEND, OR 97459

Lon L. Samuels, Architecture & Planning, A.I.A.
 960 Central Avenue
 Coos Bay, Oregon 97420
 Phone (541) 269-5555
 FAX (541) 269-0762



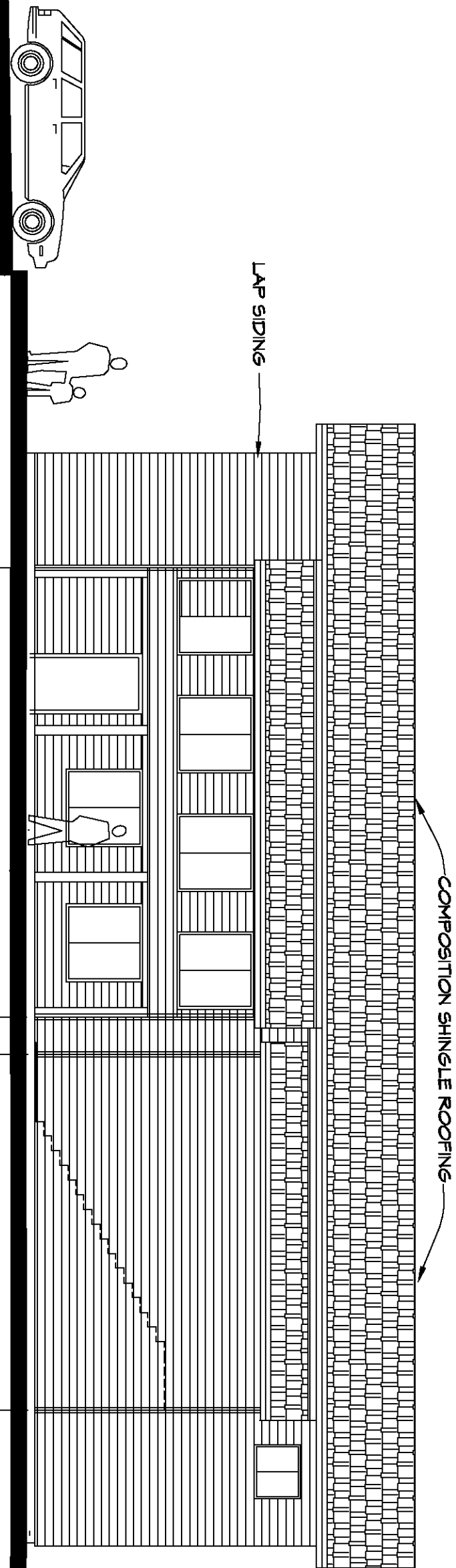
PROPOSED UPPER FLOOR PLAN

SCALE: 1/8" = 1'-0"



LEGEND:

- INDICATES NEW 2 X 6 @ 16" O.C.
- INDICATES NEW 2 X 4 @ 16" O.C.
- INDICATES EXISTING 2 X 4 @ 16" O.C. UNLESS NOTED OTHERWISE



NEW PARKING LOT

NEW WALKWAY

NEW CAT EXERCISE AREA
(ABOVE) 6' X 28' ±
NEW DOG ENTRY
(BELOW)
28'-0" ±

EXISTING STAIRWAY
4' X 22'
22'-2" ±

SOUTH ELEVATION

SCALE 1/8" = 1'-0"

VINE AVE.

EXISTING ADA RAMP
NEW CAT ENTRY
AND
MAIN ENTRY

DOG INTAKE

NEW DOG ENTRY
(BELOW)

NEW CAT EXERCISE AREA
(ABOVE)

LAP SIDING

COMPOSITION SHINGLE ROOFING

WEST ELEVATION

SCALE 1/8" = 1'-0"

PACIFIC COVE HUMANE SOCIETY
COOS BAY, OREGON

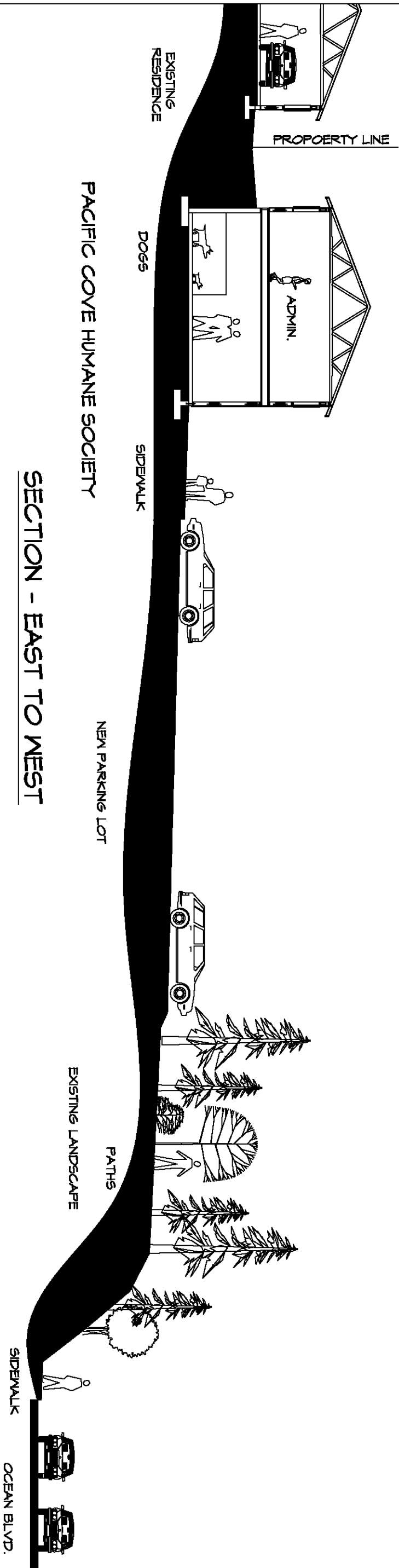
OWNER:
PACIFIC COVE HUMANE SOCIETY
P.O. BOX 361
NORTH BEND, OR 97459

PROJECT:

DATE: 1406
JUNE 2014

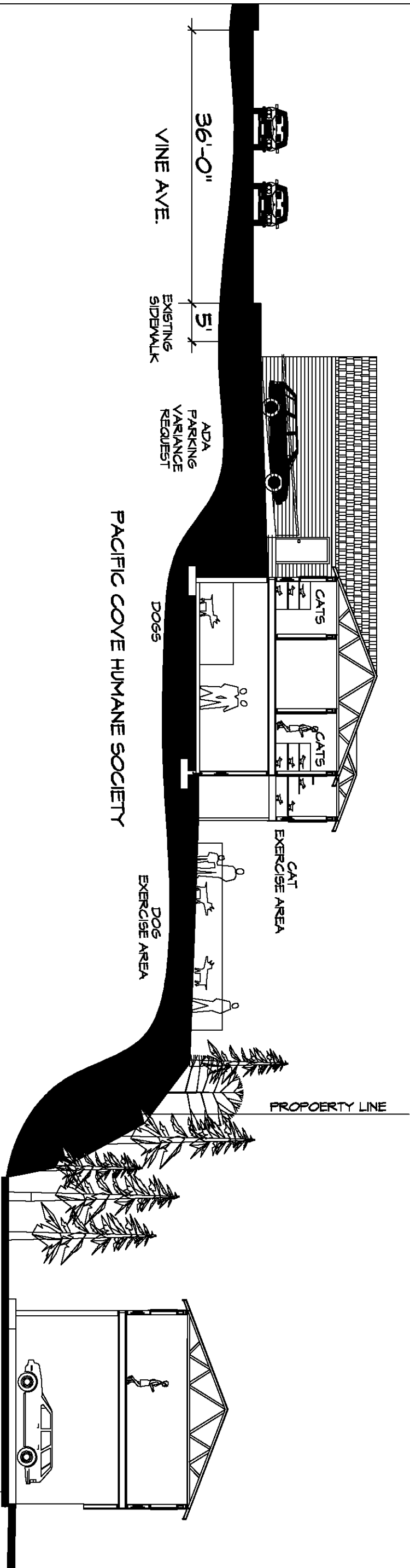
4

Lon L. Samuels, Architecture & Planning, A.I.A.
960 Central Avenue
Coos Bay, Oregon 97420
Phone (541) 269-5555
FAX (541) 269-0762



SECTION - EAST TO WEST

PACIFIC COVE HUMANE SOCIETY



SECTION - NORTH TO SOUTH

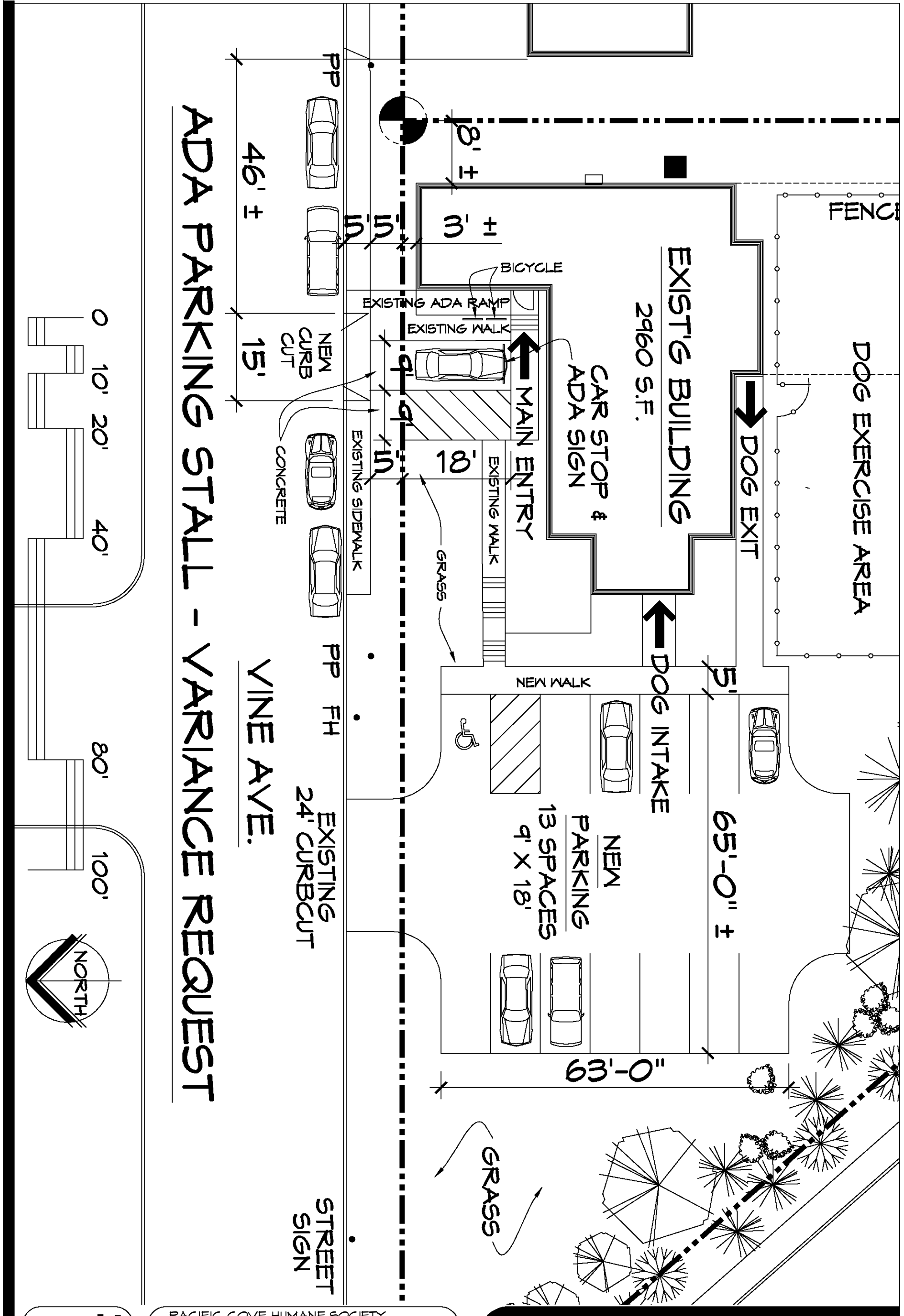
METRIC MOTORWORKS

Lon L. Samuels, Architecture & Planning, A.I.A.
 960 Central Avenue
 Coos Bay, Oregon 97420
 Phone (541) 269-5555
 FAX (541) 269-0762

PACIFIC COVE HUMANE SOCIETY
 COOS BAY, OREGON

OWNER:
 PACIFIC COVE HUMANE SOCIETY
 P.O. BOX 361
 NORTH BEND, OR 97459

PROJECT:
 1407
 DATE:
 JUNE 2014



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FAX (541) 269-0762

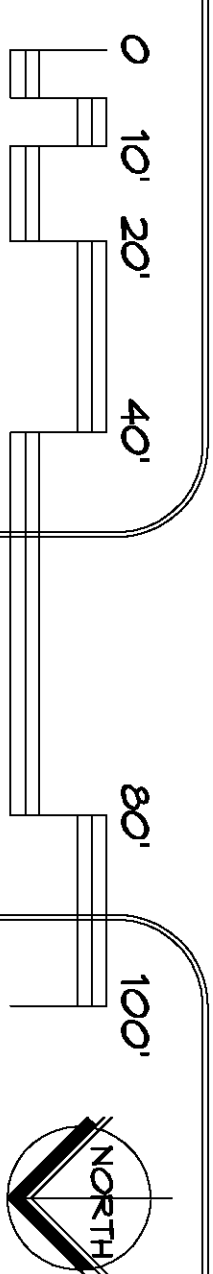
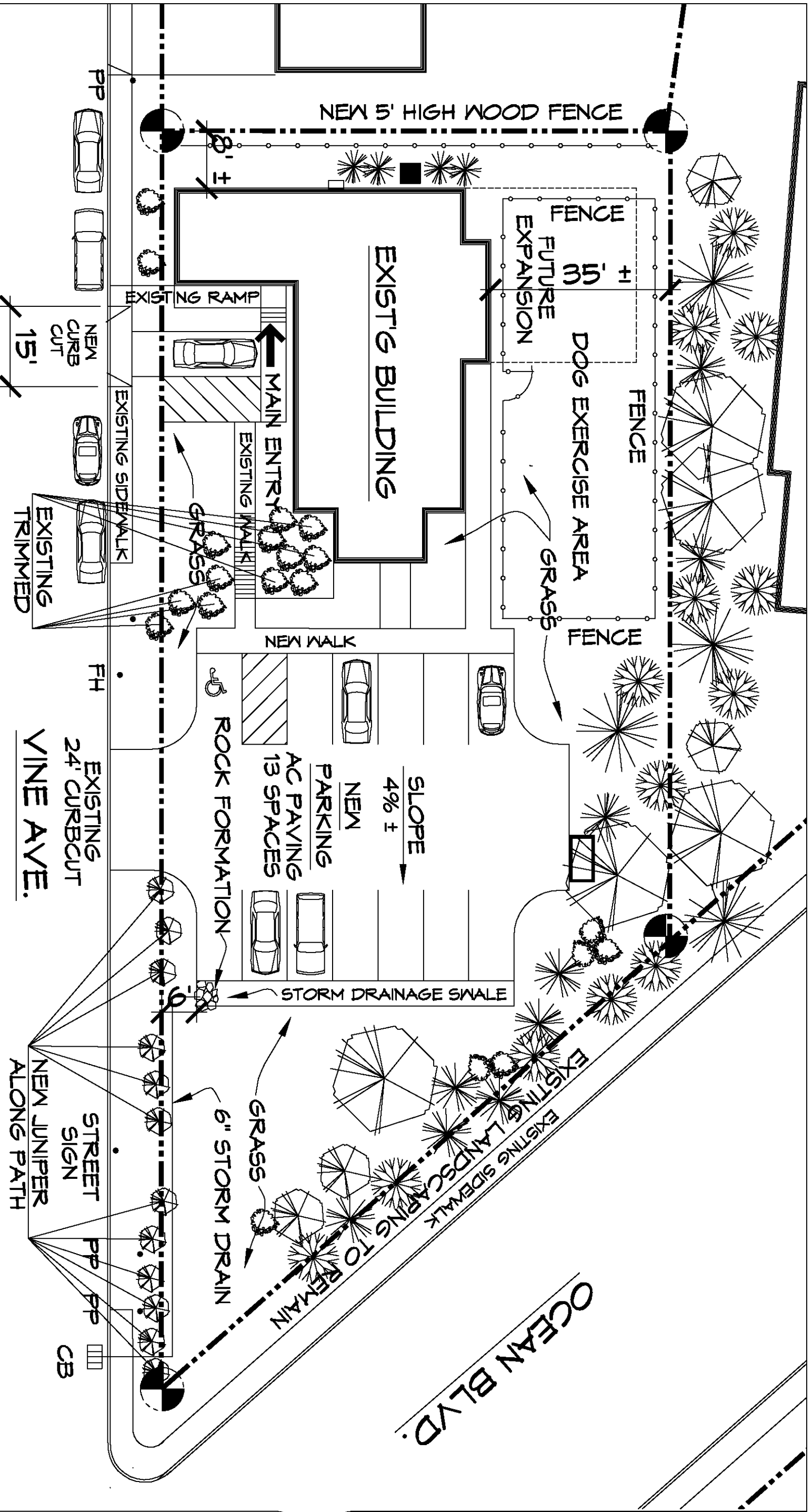
PACIFIC COVE HUMANE SOCIETY
COOS BAY, OREGON

OWNER:
PACIFIC COVE HUMANE SOCIETY
P.O. BOX 361
NORTH BEND, OR 97459

PROJECT:
1406
DATE:
JUNE 2014

6

LANDSCAPE PLAN

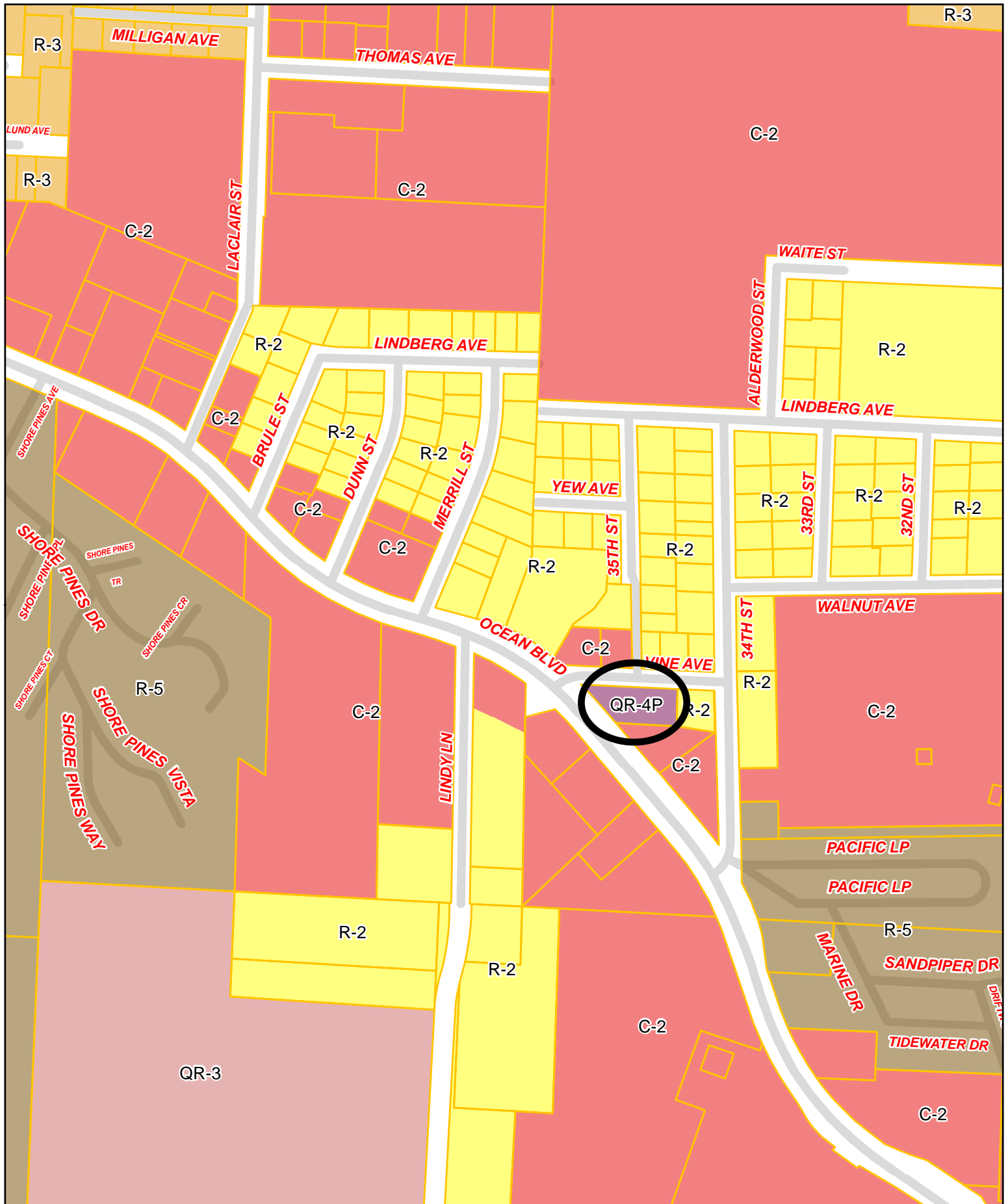


PACIFIC COVE HUMANE SOCIETY
COOS BAY, OREGON

OWNER:
PACIFIC COVE HUMANE SOCIETY
P.O. BOX 361
NORTH BEND, OR 97459

Lon L. Samuels, Architecture & Planning, A.I.A.
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Coos Bay, Oregon 97420
Phone (541) 269-5555
FAX (541) 269-0762

PROJECT:
1406
DATE:
JUNE 2014



Disclaimer:
 This document is produced using a Geographic Information System (GIS). The data contained herein is intended to be a graphical representation only and is by no means an official survey or legal interpretation thereof. The City of Coos Bay provides this data in good faith and makes no warranties, guarantees or representations of any kind, either expressed or implied, as to the content, accuracy, completeness or reliability of this data.

Date: 9/30/2014

Attachment B



Agenda Item #6
 1 inch = 334 feet

From: [John Zimmerman](#)
To: [Kim Trimpert](#)
Subject: Re: zoning change
Date: Monday, September 22, 2014 12:03:33 PM

Ms. Trimpert:

One additional note: There are 2 parking spaces in front of my residence on Vine Ave. I did not mention the 2nd one because it is in front of 3 mail boxes and no one I've ever seen parks there. But if Pacific Cove's zone change is approved then people will park in either space and as soon as the post driver can't reach the mail boxes from his truck I expect that we will get a notice that mail will no longer be delivered and will have to be picked up at the P.O. from a rented box because the CB post office looks for any excuse not to deliver. I know this from the experience at my other rental.

Thanks for your positive reply.

John

Zimmerman

----- Original Message -----

From: [Kim Trimpert](#)
To: [John Zimmerman](#)
Sent: Thursday, September 18, 2014 10:55 AM
Subject: RE: zoning change

Dear Mr. Zimmerman,

Thank you for your comments regarding the Pacific Cove Animal Shelter zone change application for 3485 Vine Avenue. I will ensure that your input is included in the documents reviewed by the Planning Commission and City Council this next month.

Please contact me if you have any further questions concerning this application.

Kim M. Trimpert, AICP
Planner, City of Coos Bay
Community Development
ktrimpert@coosbay.org
(541)269-1181 ext 2287
(541)269-8916 fax

From: John Zimmerman [mailto:jzkingjz@coosnet.com]
Sent: Thursday, September 18, 2014 10:12 AM
To: Kim Trimpert
Subject: zoning change

Ms. Trimpert:

I am writing this e-mail to express my adamant opposition to any zoning change at 3485 Vine Ave, Coos Bay for the purposes of establishing an animal shelter/sales and service kennel. There are at least 2 reasons for my objection.

1-The city has reduced the off street parking bordering my corner property located across Vine Ave. (3480) to one viable spot--across from 3485. My tenants and I certainly don't need commercial traffic taking that space

2-My tenants are a retired couple and she is not in good health. The last thing we need is to have are dogs barking all day and night when she is trying to get a good nights sleep, or annoying her during the day with incessant racket. . Both my tenants and a neighbor have expressed disfavor at all the barking they have to put up with already. This facility, if allowed, would run smack into the anti-noise ordinance. Why such a facility, in a residential zone, is even being considered, smacks of harassment.

This is all assuming that no animals would escape the building but that is no guaranteed certainty. No one can predict the quality of responsibility of the new owners in the future.

Don't mistake any lack of appearance at the hearing as my limited concern. I definitely DO NOT WANT A DOG POUND ACROSS THE STREET FROM MY PROPERTY. Contact me if you have any questions (269-2968).

John

Zimmerman

September 22, 2014

City of Coos Bay Planning Commission
500 Central Ave.
Coos Bay, OR 97420

RE: Pacific Cove Humane Society
3485 Vine Ave.
Coos Bay, OR 97420
Land Use Applications #187-ZON14-053

Members of the Planning Commission:

My residence is located at 2570 34th Street, or the intersection of 34th & Vine, approximately 150 feet East of the subject property.

I feel this project provides a valuable community service, although like any homeowner, I would prefer to see a use other than a dog kennel in my neighborhood. Although this diverse neighborhood is on the lower end of the economic scale, it is slowly improving and many of the homeowners are working to improve their landscaping, etc. That being said, I also recognize that this is a mixed residential/commercial area just off Ocean Boulevard, and as such I know that a commercial use of the building in question makes sense.

I have no issue with the Change in Zone Designation, the Variance, or the SPAR. I do have a few comments/concerns regarding the Conditional Use Application:

1. Criteria (4)(B)(i): Pet Exercise
 - a. I would hope that dog-walkers exercising dogs on a leash would be trained to be respectful of the lawns and landscaping of the neighborhood.
2. Criteria (4)(B)(ii): Pet Waste
 - a. The prevailing summer wind blows from this facility towards my property and especially towards the Stadden's residence immediately East of the facility. I would encourage the Planning Commission to consider a Condition of Approval regarding control of odors

emanating from this facility so they do not impinge on the neighbors' ability to enjoy the use of their own outdoor spaces.

3. Criteria (4)(B)(iii): Noise

- a. I appreciate the lengths to which the Applicant is going to prevent noise transmission from barking dogs. I am generally unconcerned about the 24 dogs housed within the structure, as I believe the added insulation and nature of the construction will serve to ameliorate this issue. However, as a former dog owner myself, I know that dogs left unattended out-of-doors for longer than a short period of time will tend to bark. According to a police dispatcher for the City, barking dogs are a common complaint from citizens. Therefore I think it would be appropriate for the Planning Commission to consider a Condition of Approval restricting the use of the outdoor dog exercise area at any time it is not continuously attended by a staff member or volunteer.

Thank you for your consideration.

Sincerely,

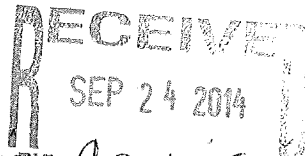


Mac McSwain

2570 34th Street

Coos Bay, OR 97420

9-22-2014



DEAR PLANNING COMMISSION,

I DO NOT WANT A ZONE
CHANGE.

HOW WOULD YOU LIKE TO LIVE
BY AN ANIMAL SHELTER?

NEED TO KEEP IT RESIDENTIAL.
IF THIS IS CHANGED I WOULD BE
FORCED TO SALE MY HOME. AT
THIS TIME I DO NOT PLAN TO SALE.

THANK YOU

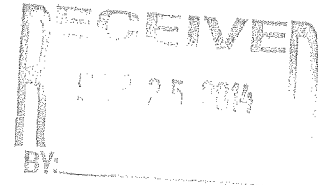
Donald E. Green

HOME OWNER ON 35TH ST.

I'M IN EUGENE IF YOU NEED
TO GET IN TOUCH CALL (541-741)-2559
OR 4750 FRANKLIN Blvd. SPC. F1
EUGENE, OR. 97403

John & Theresa Chaplin
3532 Ocean Blvd SE
Coos Bay, OR 97420

City of Coos Bay
Planning Commission
500 Central Avenue
Coos Bay, OR 97420



Re: Conditional use application for animal shelter

We are submitting this letter for consideration at the conditional use hearing to be held October 14th, concerning the proposed animal shelter by Pacific Cove Humane Society at 3485 Vine Avenue.

First we would like to say that we do support the mission of Pacific Cove. We understand that the people involved in this project are known to be reliable and good citizens of our community. We also respect private property rights and the freedom of the Jacobson family to reasonably sell their real estate. We strongly disagree however with the contention of Pacific Cove that they have found the perfect location for their animal welfare shelter.

We live just below the site at 3532 Ocean Blvd and have been here for 20 years. Our back living deck and bedroom window lies within 50 feet or less from the area proposed for pet exercise. We sleep with our bedroom window open facing this area for over half of the year and spend a great deal of time outdoors cooking, eating and relaxing on our deck. For a good part of the year we open the back door leading to the deck for clean fresh air in the evening from late afternoon until bed time. Although assurances have been given by Pacific Cove that no noise or odor will be emitted from this venture housing as many as 15-20 dogs and 40 cats and kittens and small mammals we find this to be unrealistic. When a dog goes outside and smells other dogs we all know what they do almost immediately by raising their back leg. Multiply this by hundreds of similar events or more per week and the cumulative smell is unpreventable no matter what is done afterwards. Particularly in the dry months where the north wind comes directly from up there down to us. Which are also the months our home is open to the outside the most.

Then there is the concern about noise. Pacific Cove asserts that pets that are being attended as would the animals at the shelter while outdoors "tend" to be quiet. A tendency is not a guarantee but what is a guarantee is that no human has control over whether a pet cries or barks. Particularly a displaced animal with little or no training. We are very skeptical about whether noise from within the building can be contained due to the fact it is stick framed and wasn't originally constructed with a large population of pet noise containment in mind.

Many people who live with pets in their homes become immune and indifferent to the smell, sounds and other habits of the animals for a variety of reasons. This does not generally extend to others in the area who are not emotionally invested in the animals. There is a big difference between not smelling or hearing something and not minding that you are smelling or hearing something due to your involvement with and attitude toward the animals.

More importantly however than the concerns already stated, we also believe that having an animal shelter next door will have a substantial adverse affect on the value of our property's resale and desirability to a potential future buyer. This has proven to be the case in countless similar situations around the country and is well known among real estate brokers. It's called location, and it has substantial and real monetary value. We have been here for a very long time and have a great deal of our lives and finances invested in our real property. We cannot afford to lose any portion of that due to devaluation of the neighborhood. Pacific cove stated in their brochure that they plan to be an asset to the neighborhood but this is simply not possible. Not because they aren't good people, but because an animal shelter by its very nature is not neighborhood friendly. One trip to any "dog pound" is all that's needed to understand this.

We also understand that finding a spot for an animal shelter is a challenge for a variety of reasons. Particularly for a non profit operating on donations. But just because it's challenging doesn't mean other's rights can be compromised. Coos County has over 1800 square miles of land area, the vast majority without close neighbors in proximity of each other. There are many places suitable for an animal shelter. Right in the middle of town next to residences is not one of them.

Attachment F

We know that a suitable rural location is going to cost more money due to the higher value of property zoned correctly for a shelter. We are not unsympathetic to this but it also should not be our burden. Lon Samuels has drawn a setting on the pamphlet cover promoting Pacific Cove showing an animal shelter with mountains and forests in the background and no visible neighbors. It's a peaceful looking scene. This is exactly where a shelter needs to be located, not in a populated area.

We do not wish to be unreasonable nor confrontational but this use for this property is not reasonable nor is it fair to the established neighborhood.

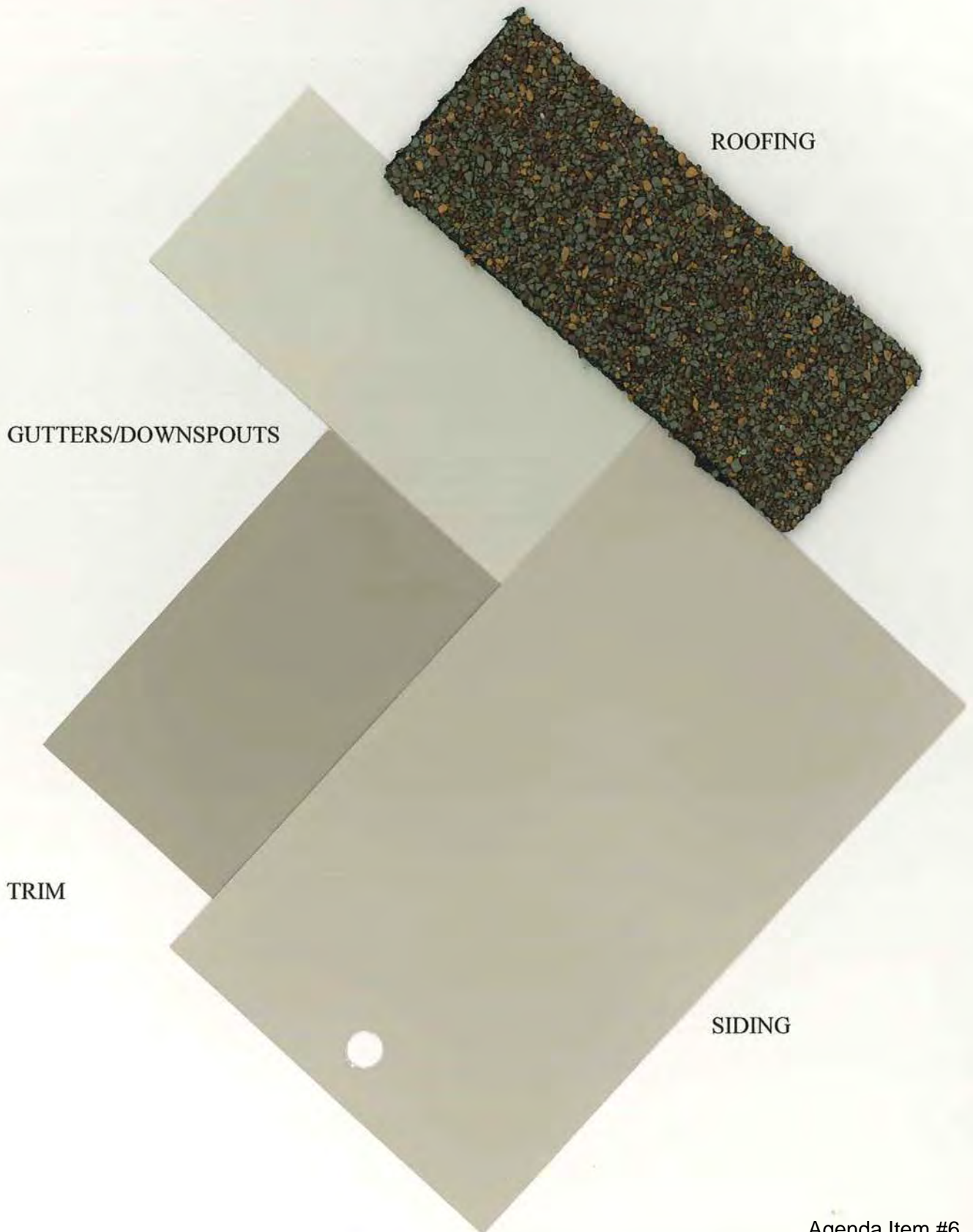
Please do not allow this animal shelter to be placed here. It's not appropriate for all the reasons stated above. If the shelter were already here due to prior zoning decisions and we were shopping for real estate and considering locating next to it then we would have the option to move next to it or not and would choose not to and that would be fine. Fine for everyone of course but the seller. We don't want to be that seller down the road.

Sincerely,

John and Theresa Chaplin

PACIFIC COVE HUMANE SOCIETY

Exterior Colors
July 19, 2014



This letter was received after staff
report was printed. It will be admitted
as part of the record as EXHIBIT A



October 2, 2014

City of Coos Bay Planning Commission
500 Central Ave.
Coos Bay, OR 97420

Dear Planning Commission Members:

We are in wholehearted support of Pacific Cove Humane Society's endeavor to establish an animal welfare center at the 3485 Vine Ave. site. This would represent a significant improvement in our community's services and image. We encourage your approval of restoring the site's zone to C-2, and granting the Conditional Use Permit, and Parking Variance for an ADA accessible parking space, that will make it possible for this organization to move forward with its plans.

The central location is ideal for the services that Pacific Cove would provide: it is nearby the medical facilities, shopping and theaters that bring people from all over the region, and is convenient for volunteers. It is safe from flooding, and has city utilities, fire and police protection.

Pacific Cove's mission to eliminate animal overpopulation and reduce the rate of euthanasia of homeless pets in the greater Coos County region is one that is beneficial to all. Their advocacy of humane care and responsible adoption for homeless pets, and the compassionate treatment of all animals is a standard we should uphold. Additionally, they are committed to being a good neighbor, and creating an environment at their facility that is compatible with other uses in the area, with a well-maintained building, landscaped grounds, and vigilant noise and odor control.

With over one-half of households in the U.S. typically owning pets, and many more affected by animal welfare issues, a great many people stand to benefit by the services Pacific Cove Humane Society wishes to provide.

Respectfully,

Kate Sharpley
President - Pacific Cove Humane Society

We the Undersigned

Names Following

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME

ADDRESS

Don Boyd	Manager Mini Pet Mart	1609 Virginia Ave.
Wendell Stoddard	Mini PET MART	1609 VIRGINIA AVE
Dana Wlazyski		
Billy ODS	"	"
Cheryl Bulaez	"	"
Wendell Stoddard	"	"
Kristen Leha	Kristen Leha	Glasgow Market
Kelly Simones	KELLY SIMONES	GLASGOW MARKET
Pat Kinnicee	Pat Kinnicee	Kinnicee's Gifts n' Shells PO Box 5498 Charleston
Toni Easley	Toni EASLEY	" " "
Donna Kaiser	Donna Kaiser	Charlestown Marketplace PO Box 5721 Charleston
John Kaiser	John Kaiser	Charlestown Marketplace PO Box 5726 Charleston OR
Mark Fleck	Mark FLECK	1272 COTTONWOOD V COOS BAY OR 97420
Carol Rodde	High Tide Cafe	P.O. Box 5753 Coos Bay OR 97420
Melissa Irwin	Chuck's Seafood	P.O. Box 5502 97420
DEIDRE JARED	"	" " " " " 97420
Janet Capron	"	" " " " " CB
Lisa M. Schade	LISA M. SCHADE	P.O. Box 5715, CHARLESTON
Scott Miller	Scott Miller	63346 Boat Basin Road - Charleston
Jackie Schraiff	Jackie Schraiff	924 532 State St Coos Bay OR 97428
Cranberry Sunset	Cranberry Sunset	1005 Newmark Coos Bay
ERICA TATE	ERICA TATE	1005 Newmark CB
Alice Van Ness	Alice Van Ness	1005 Newmark CB
Kimberly Thorssand	N.B.	1005 Newmark CB
Ashley Barrone	Ashley Barrone	Coos Bay
Mason Ames	Mason Ames	90909 Hollywood
Penelope Brandon	Penelope Brandon	1245 Fenwick Ave CB
KAREN M. BROWN	KAREN M. BROWN	1750 SHERMAN, N.B.
R. Wray	R. Wray	Coos Bay
Julie Naggle	Julie Naggle	North Bend
Jan Gault	Jan Gault	398 N Broadway
KAREN WEGTAHRT	KAREN WEGTAHRT	2021 Sherman NB
Linda Flood	Linda Flood	2021 Sherman Ave NB
April Dennis	April Dennis	mini Pet mart NB
Josh Cooper	Josh Cooper	Mini Pet mart NB
Gunny Hall	Gunny Hall	Bank of America NB
Christine Sabar	Christine Sabar	Bank of America NB

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME

ADDRESS

Sparrow Michael	66589 Bay Way - NB
David Eugene Forest	66706 Swallow Rd. - NB
Carol A. Williamson	66706 Swallow Rd. NB
Maureen Palmer	321 JD Lane, REEDSPORT
Billy Wayne Bann	P.O. BOX 4026 C.B. OR
George McKee	1122 Winsor Ave NB OR 97459
Marie McKee	1249 Winsor NB 97459
James Bontadelli	66642 East Bay Rd, #18 North Bend, OR 97459
Anna Anthony	MARIE MCKEE-MAN 66642 East Bay Rd #18 North Bend OR 97459
Jeremy Anthony	2321 Arthur Dr Reedport, OR
Mercedes Long	12116 Wildwood Dr N. Bend OR
Samantha Jones	12116 Wildwood Dr. North Bend
BRIDGET KIRK	12116 Wildwood Dr. NB
Nikko Cousins	20362 Hwy 42. M Point OR
Emily Astworth	2692 Highway 1 N. Reedport 97467
Christie Wiseman	" " " "
Kristina Leffler	1514 SHERMAN AVE - NB
Nadine Brown	92124 Cape Diego Hwy, C.B.
Randy Ream	318 Harbor View Dr., Coos Bay
John K Lyche	91712 Cameron Ln. Coos Bay
Mary Gibbs	1090 Clark St., North Bend
Janice Lyche	94200 Siglin Ln Coos Bay OR
Bob Prohaska	193 Hull St. Coos Bay, OR
Eric Olson	94200 Siglin Ln Coos Bay, OR
Brett Christensen	359 S. 8th St. Coos Bay, OR
Jesse Pizzara	69185 Sandbug Rd NB OR 97459
James Brooke	3460 Spruce St NB OR 97459
Tammy Castro	PO Box 144 COQUILLE, OR 97423
Gabriel Cruz	97149 Coos River Lane Coos Bay OR 97420
Shelley H. Maskey	2500 Broadway NB 97459
Nicole Piper Ryan	69127 Wildwood Rd, 3p. 15 NB 97459
Krista Kilmer	19859 Stage Road North Bend, OR 97459
Loreen Cook	1044 S. 4th St. Coos Bay, OR 97420
Kenzie Mott	757 S. Wasson St. Coos Bay, OR 97420
	P.O. BOX 1032 C.B.
	Po Box 232 Coquille OR 97423
	3632 W. CAMP DR. N.B.

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME	ADDRESS
Brenda DeBeer	61828 Old Wagon Rd. Coos Bay
Swirly S. Dorian	P.O. Box 4282 Coos Bay
Jim Miller	PO Box 1056 NB
Coni Strong	355 S. 8th CB
Harmony Eche	218. S. Wassen CB
Red Debban	2635 W. 15th St CB
Denise Redding	176 5th Market CB
Mike Hurd	2225 Woodland Dr. CB
Robert Kelly	214. S. Wassen CB
Sharilyn Brown	60803 Catching St. Rd. C.KS
Nanayee Stewart	PO Box 4052 Coos Bay
Sue Graves	2280 13th St NORTH BEND OR
Kaley Freerksen	43673 Canyon Ln Coos Bay
Craig Denbow	95376 Kentucky Wy Ln. N.B. Or.
Tom R. Foster	575 Newmark - CB - 97420
Rita McMann	1116 N. 10th - CB 97420
Tom McMann	1116 N 10th - CB 97420
Wes Mankin	61943 Daniels Creek Rd Coos Bay OR 97420
John Boral	1087 Date Ave Coos Bay OR 97420
Paula Frisby	1341 Oregon Ave Coos Bay OR 97420
Campana	1341 Oregon Ave Coos Bay OR 97420
Gary Salcedo	63409 Shasta Rd Coos Bay OR 97420
Scott Woodward	1980 Grant N.B. 97459
Selene Woodworth	1980 Grant NB. 97459
Roger Sheffeld	2330 Pine St NB 97459
Carla Fisher	93018 Vista del Rio CB 97420
Barbara Taylor	66611 ORIOLE RD. NB 97459
Douglas M. Jones	63469 FLANAGAN RD Coos Bay 97420
McChristina Jones	63469 Flanagan Rd CB, OR 97420
Michael Fisher	93018 VISTA DEL RIO C.B.
Sharon Fowler	66611 Oriole Rd N. Bend, OR
Tam Farnworth Hys	1700 Penn St Coos Bay OR 97420
BARB SHAMOT	PO Box 212 Allegany OR 97407
Gerardine Hambke	91380 Hill Rd COQUILLE, OR 97423
Charles E Lemke	91380 Hill Rd COQUILLE OR 97423
Diana Keller	1276 Anderson Ave. Coos Bay, OR 97420
Jon E Christopher	93111 8th St Coos Bay, OR 97420
Ed Parker	62757 Klee Rd. Coos Bay OR 97420

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME	ADDRESS
Cynthia Ball	770 Telegraph Dr CB
Amber Little	655 Telegraph Dr CB
Patrick Galt	770 Telegraph Dr CB
Frances Karroll	PO Box 3361 Coos Bay OR 97420
Claudia Moore	P.O. Box 1504 North Bend OR 97459
Maureen Moss	598 N Broadway Coos Bay
Jaredi Michael Kozar	495 Central Ave. CB 97420
Kristin Hofer	967 Central Ave CB 97420
Stan Sweet	1367 Bayview North Bend, 97459
Boyer, Gary	↓
John Whitty	1815 Cypress St CB
John Schmitt	1815 Cypress St CB
Brian & Ingrid Sullivan	895 S. 11 th St CB
Christ & Jerry Johnson -	237 S. 7 th St.
DBA Puppy Love	Coos Bay, Or 97420
Michael Schrader	2368 Chester Street, North Bend, OR
Thomas Buzak	929 Virginia Ave North Bend OR
DEE WILLIS	66669 S. SUMNER Rd Coos Bay OR
Chris Barchen	687 Anderson Ave., Coos Bay, OR 97420
Eric Moore	2207 MAZION ST., NB 97459
Raphael F. Concha	1930 Newmark St. N-B 97459.
Patty Cook	1891 Lincoln St. NBend 97459
Heather Rocher	1770 14 th Street N.B. 97459
Raymond Goff	2413 Lewis, North Bend
Shelly J. Oronsky	1265 Windsor Ave, NB 97459
James J. Gander	94056 Anger Lane N.B. 97459
Barry Gruhsmeier	93362 Hillcrest Ln. N.B. 97459
Glenn J. Payne	94550 Angler Ln., NBend, OR 97459
Patricia Mallory	1413 Union Ave, N. Bend, OR 97459
Diana Venger	3618 Spruce St., N. Bend. OR 97459
Linda Strumie	93933 Bridgeview Lane NB 97459

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME	ADDRESS
L.A. Brown	1651 N. 16 th St. Coos Bay, OR
Debrah Vaughan	598 N. 4th St Coos Bay, OR
Sterling McMillan	99692 Highway 42 Coquille OR
Debrah S. Kuhl	92886 Skookum Lane Coos Bay, OR
Lauren Stillwagon	63848 Seven Devils Rd Coos Bay OR
Holly Rodenheiser	1011 N 12th St Coos Bay OR
Ron Potter	512 Hall Ave Coos Bay OR

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME	ADDRESS
Bob + Janet Huggins	P.O. Box 1019, Coos Bay, OR 97420
Nancy Mitchell	PO Box 11688 Coos Bay OR 97420
Candace Gilman	848 Telegraph Dr Coos Bay Or
Leslie E. Gabel	6929 Sandburg Rd North Bend OR 97459
Larry Kettner	3880 Sherman Ave North Bend OR 97459
Norma R. Fuld	P.O. B. 94 Coos Bay, OR. 97420 / 1973 Juniper Dr,
Denise Howell	P.O. Box 1082 Coos Bay, OR 97420
Yara L. Fitzpatrick	3883 Vista Dr, North Bend 97459
Mary Kuznetsov	205 N. 12th St. Coos Bay, OR 97420

This was received after the staff report was printed. It will be admitted as part of the record as EXHIBIT B.

**BOYS & GIRLS CLUB
OF SOUTHWESTERN OREGON**

October 3, 2014



City of Coos Bay Planning Commission
500 Central Ave.
Coos Bay, OR 97420

Dear Planning Commission Members,

I am writing you to share my support of Pacific Cove Humane Society's effort to establish an animal welfare center located at the 3485 Vine Ave. site. I encourage your approval of restoring the site's zone to C-2 and granting a Conditional Use Permit that will make it possible for Pacific Cove to move forward with this project.

This proposed location is ideal for the services Pacific Cove provides. It is centrally located, has city utilities and fire and police protection. It is also a convenient location for volunteers, and provides an excellent opportunity for the Boys & Girls Club's Teen Leadership Group, Keystone Club, to earn volunteer hours and fulfill their objective to give back to the community. With its proposed location nearby, the Club intends to partner with Pacific Cove to develop a program where Club Teens can walk to the facility and volunteer their time as needed.

It is my understanding that Pacific Cove is committed to being a good neighbor, with plans in place to have a well maintained facility with adequate noise and odor control. I am confident that this organization will be an excellent addition to this neighborhood.

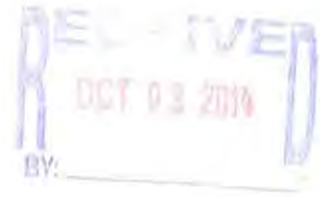
Sincerely,

A handwritten signature in black ink, appearing to read "Rob Miles".

Rob Miles
Boys & Girls Club of Southwestern Oregon
P.O. Box 1082 – 3333 Walnut Avenue
Coos Bay, OR 97420

Exhibit B

This will be admitted into the
record as EXHIBIT C.



Kohl's Kitty Kare
1431 SW Blvd
Coos Bay, Oregon
97420
541-294-3876



To Whom It May Concern:

We have been working several years in feline rescue and have been following Pacific Cove Humane Society in their efforts to build a humane society here in our small community.

Kohl's has been to all or most of their fundraisers to support them during their process of raising enough money in order to see their dreams become a reality, a Humane Society built here in town.

We not only support them in the building of a Humane Society, we hope to collaborate with them once it is built. Our small town needs a place where animals are safe until adopted.

The impact this facility would have on our community would be a blessing. They could help save innocent lives on a daily basis, educate the public on the importance of spay/neutering, vaccines and the quality of food that should be given to pets. This one facility could help alleviate the euthanasia of healthy, adoptable animals and save tax payers money by doing so.

Yes, you can say we are behind Pacific Cove Humane Society one hundred percent.

Sincerely,







Exhibit D



Kim Trimpert

Exhibit E

From: John Zimmerman <jzkingjz@coosnet.com>
Sent: Tuesday, October 14, 2014 10:32 AM
To: Kim Trimpert
Subject: Re: zoning change

KT:

This is a reminder to make sure that the city councilors understand my strenuous objection to locating Pacific Cove across the street from my rental residence on Vine Ave. (which I may have to move into some day) because of traffic/parking and noise reasons. I couldn't be more opposed.

While I am sympathetic to finding a good transition home for animals, such a facility should not be located near residential properties--anywhere. This is a commercial enterprise and should be restricted to such zones already in place before any houses locate nearby.

Thanks for your effort.....

JZ

----- Original Message -----

From: Kim Trimpert
To: John Zimmerman
Sent: Thursday, September 18, 2014 10:55 AM
Subject: RE: zoning change

Dear Mr. Zimmerman,

Thank you for your comments regarding the Pacific Cove Animal Shelter zone change application for 3485 Vine Avenue. I will ensure that your input is included in the documents reviewed by the Planning Commission and City Council this next month.

Please contact me if you have any further questions concerning this application.

Kim M. Trimpert, AICP
Planner, City of Coos Bay
Community Development
ktrimpert@coosbay.org
(541)269-1181 ext 2287
(541)269-8916 fax

From: John Zimmerman [<mailto:jzkingjz@coosnet.com>]
Sent: Thursday, September 18, 2014 10:12 AM
To: Kim Trimpert
Subject: zoning change

Ms. Trimpert:

I am writing this e-mail to express my adamant opposition to any zoning change at 3485 Vine Ave, Coos Bay for the purposes of establishing an animal shelter/sales and service kennel. There are at least 2 reasons for my objection.



Exhibit F

CITY OF COOS BAY
Community Development Department

500 Central Avenue
Coos Bay, OR 97420

541.269.8918
www.coosbay.org

WRITTEN NOTICE

Notice is hereby given that public hearings will be held by the City of Coos Bay as follows:

HEARING BODY:	Planning Commission – All applications
DATE & TIME:	Tuesday, October 14, 2014 at 6:00 p.m.
LOCATION:	Coos Bay Council Chambers, 500 Central Ave, Coos Bay
<hr/>	
HEARING BODY:	City Council – Change in zone designation
DATE & TIME:	Tuesday, November 4, 2014 at 7:00 p.m.
LOCATION:	Coos Bay Council Chambers, 500 Central Ave, Coos Bay
<hr/>	
APPLICANT:	Pacific Cove Humane Society, P.O. Box 361, North Bend, OR Lon Samuels, 960 Central Avenue, Coos Bay, OR (Representative)
<hr/>	
OWNER:	Jack W. Jacobson Trust, Jack W. Jacobson Trustee 62969 Isthmus Heights Road, Coos Bay, OR 97420
<hr/>	
SUBJECT PROPERTY:	3485 Vine Avenue, Coos Bay, Oregon 97420 Unrecorded Plat of McKee Theater Tracts T.25, R.13, S.21CA Tax Lot 5600
<hr/>	
SUBJECT:	LAND USE APPLICATIONS –#187-ZON14-053 <u>CBMC 17.360 Change in Zone Designation</u> <i>Qualified Residential-Professional (Q-R4P) to General Commercial (C-2)</i> <u>CBMC 17.355 Conditional Use</u> <i>Establishment of the use: Animal Sales and Service – Animal Shelter</i> <u>CBMC 17.350 Variance</u> <i>CBMC 17.200.030 (1) Access – Allow ADA space to back into the street</i> <u>CBMC 17.345 Site Plan and Architectural Review (SPAR)</u> <i>Change of use from Single-Family Dwelling to Commercial</i>

REQUEST SUMMARY: The applicant is requesting approval to change the zone designation of the subject Property from Qualified Residential-Professional (Q-R4P) back to General Commercial (C-2).

The applicant is also requesting approval of a Conditional Use Application to allow the establishment of "Animal – Sales and Service – Kennel" on the property and approval of a Variance application to the off-street parking requirements that would 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, approval of a Site Plan and Architectural Review is also required.

REVIEW CRITERIA: The Planning Commission will make a final decision on the Conditional Use, Variance and SPAR request and they will make a recommendation to the City Council on the change in zone designation. Meeting dates and times listed above.

In opposition to zoning change & animal shelter.

WRITTEN NOTICE

187-ZON14-053

IN OPPOSITION TO ZONING CHANGES AND ANIMAL SHELTER

1. William Ginter 2665 35th St Coos Bay
2. Linda V. Ginter (Linda V. Ginter) 2665 35th St CB
3. Norman Fraser Norman Fraser 2690 35th St CB
4. Joanne Minor ~~Joanne~~ Joanne Minor 2130 35th C.B.
5. Chris House 2750 35th St Coos Bay
6. Yung One 2780 35th St CB.
7. Deborah Paul 2780 35th St. Coos Bay
8. Terry Edwards 3575 Yew St. Coos Bay
9. Jack E. McCallan 2780 35th St. Coos Bay OR
10. Lila J. McCabe 3570 YEW ST. COOS BAY, OR
11. Bonnie R. Smith 2770 35th St, Coos Bay OR
12. Long P. Smith 2770. 35th, Coos Bay, OR.
13. Darrell Moser 2775 34th Coos Bay, OR
14. NATHAN ERICKSON 2775 34th St COOS BAY, OR
15. Bud Kinyon 2765 34th St Coos Bay, OR.
16. Erik Johnson 2745 34th St Coos Bay, OR
17. PETER MANTREY 2735 34th St Coos Bay, OR.
18. Kimberly Hagner 2625 34th St, Coos Bay OR
19. Ar. Wickham 3520 VINE AVE CB
20. Daniel B Ketchum 3480 vine ave ~~208-36~~
21. Katherine Hill 3480 Vine Ave C.B.
22. Donald Green 2665 35th St. CB

23. Jeffery 3505 14th St. Coos Bay, OR
24. Paula Stettin 3450 Lindberg Ave C Bay.
25. Joe Herrera 2705 34th ST. C-BAY
26. Ardaya Herrera 2705 34th ST. C BAY
27. Shirley 2730 34th ST C BAY
28. Jim Davis 3450 Vine Ave Coos Bay
29. George 2450 45th IR NB
30. Bruce 3520 Vine Ave Coos Bay
31. Sherry Jackson 2660 35th C.B
32. _____
33. _____
34. _____
35. _____
36. _____
37. _____
38. _____
39. _____
40. _____



City of Coos Bay Planning Commission
500 Central Ave.
Coos Bay, OR 97420

Dear Planning Commission Members:

I am in wholehearted support of Pacific Cove Humane Society's endeavor to establish an animal welfare center at the 3485 Vine Ave. site. This would represent a significant improvement in our community's services and image. I encourage your approval of restoring the site's zone to C-2, and granting the Conditional Use Permit, and Parking Variance for an ADA accessible parking space, that will make it possible for this organization to move forward with its plans.

The central location is ideal for the services that Pacific Cove would provide: it is nearby the medical facilities, shopping and theaters that bring people from all over the region, and is convenient for volunteers. It is safe from flooding, and has city utilities, fire and police protection.

Pacific Cove's mission to eliminate animal overpopulation and reduce the rate of euthanasia of homeless pets in the greater Coos County region is one that is beneficial to all. Their advocacy of humane care and responsible adoption for homeless pets, and the compassionate treatment of all animals is a standard we should uphold. Additionally, they are committed to being a good neighbor, and creating an environment at their facility that is compatible with other uses in the area, with a well-maintained building, landscaped grounds, and vigilant noise and odor control.

With over one-half of households in the U.S. typically owning pets, and many more affected by animal welfare issues, a great many people stand to benefit by the services Pacific Cove Humane Society wishes to provide.

Respectfully,

Supporter

Pacific Cove Humane Society

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME

ADDRESS

Elaine Halleck	Elaine HALLECK 2490 N. 19th Coos Bay, OR
Debra Willis	556 N. Bayshore dr Coos Bay OR 97420
Richard Todd	PO Box 421 CB OR 97420
Patt Denton	61052 Selander Rd Coos Bay OR 97420
Diana Mazzucchi	(Diana Mazzucchi) 66425 North Bay Rd. North Bend, OR. 97459
Helen Blenz	Helen Blenz 6686 East Bay Rd. North Bend OR 97459
Debra Willis	Debra Willis 66642 E. Bay Rd. #56 North Bend 97459
Linda Juan	Linda Juan 66642 E. Bay Rd. #42, N. Bend 97459
Rhonda Ewart	Rhonda 66642 E. Bay Rd. #34 North Bend 97459
Mike Reed	Mike Reed 66642 E. Bay Rd. #56 North Bend 97459
ROBT DIEDOLF	66642 E. Bay Rd. #22, N. Bend OR 97459
MARY ELLEN DIEDOLF	66642 E. Bay Rd. #28 - MARY ELLEN DIEDOLF
Deborah Babb	66642 E. Bay Rd. #30 North Bend
Harold Midyette	1833 GARFIELD NORTH BEND OR HAROLD MIDYETTE
Lynn Jochum	Lynn Jochum 93787 Sunny Hill La. NB
Richard Russell	922 Vermont St. North Bend
Hannah Russell	922 Vermont St. North Bend
Erin Johnson	94273 misty Ridge Ln, North Bend
Carol Monahan	2520 Ash St. North Bend
Tracy Bender	2433 Stephanie Lane N. Bend OR
Walter True	3962 Edgewood unit B North Bend
Kim Bolten	904 N Alder Coquille OR 97423
Scott Bolten	904 N Alder Coquille OR 97423
Shelly Olson	1414 Highland Ave Coos Bay OR 97420
Adela New	61450 Lower Mattson Rd. Coos Bay, OR 97420
OR Stranger	92965 Beaver Creek Ln. Coos Bay OR 97420
Dennis Schmidt	91448 Cape Arago Hwy Coos Bay OR 97420
Ed Schultz	1815 Ocean Blvd. Coos Bay OR 97420
Quentin	720 Puget Sound Coos Bay OR 97420
Angela Isley	990 State St, North Bend, OR 97459
Shawn Dornier	2987 Sherman Ave N. Bend OR 97459
Thomas Stille	879 Oakway Ct Coos Bay, Oregon
Chris John	2065 CHARK ST North Bend 97459
Ken Ersiline	1180 Montana St North Bend 97459
Ken Ersiline	90819 Windy Lane CB 97420
Joel Egan	624 N. Camman St CB 97420
Sandra Ecke	2130 25th St Coos Bay OR 97420
Susan Bay	68500 N. Bay Rd OR 97459

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME	ADDRESS
Jane Pennington	PO Box 245 Mapleton, Oregon
Angela Deas	60975 Oldwagon Rd Coos Bay, OR
Kim Patrick	350 Ackerman Coos Bay, OR
Pamela Smith	04401 Heister Beach Rd, Florence, OR 97439
Cona Vandewelden	795 Crocker Ave, Coos Bay, OR 97420
Frank Smoot	1097 N 10th Court Coos Bay, OR 97420
Karen O'Donnell	61739 Ross Tule Rd Coos Bay, OR 97420
Tabetha Myatt	1278 W 7th Ct Coos Bay, OR 97420
Rich McCormack	1987 Sherman Ave N.B.
Heather Malcomb	1853 Cottonwood Ave, Coos Bay, OR 97420
Don Kilgore	94113 Ryk Creek Ln Coquille, OR
Bryan Coleman	12900 Wildwood Dr, N.B., OR 97459
Robert Schlers	1225 N. 7th Ct. Coos Bay, OR 97420
Kenzie Freerksen	1809 Cleveland St. N.B., OR 97459
Robynn Bales	1177 Salmon Ave. Coos Bay, OR 97420
Bill Burgher	236 D St Coos Bay, OR
Mike Moë	112754 Olive Barber rd, CB OR 97420
Alvin Moë	1195 E Park Rd Coos Bay
Charlie T Meyer	1397 Sherman Ave N.B.
Diane Wiklund	2449 State St. N.B.
Kathryn McFogin	66636 Glasgow Ln N.B.
Danielle Wick	66642 East Bay Rd. N.B., OR
Susan Laurer	66642 East Bay Rd N.B OR 97459
David Miller	69127 Wildwood Rd, N.B. OR 97459.
Sharyn Bohrer	3000 Frontage Rd Sp 1, Reedsport 97467
Elizabeth	93366 Maud LK Ln, North Bend 97459
David Miller	PO Box 1402 North Bend, OR 97459
James Cochran	2166 Madison, N.B., OR 97459
Scott Camp	93558 Hollow Stamp Lane, N.B. OR 97459
Troy Sarey	1171 Commercial Coos Bay, OR 97420
Bob Tate	1520 GANFIELD ST North Bend OR 97459
	P.O. Box 1544 CB OR 97420
	946 S Wm Coos Bay 97420
	3936 Edgewood Dr #C, North Bend, OR 97459
	1724 Maple #8, North Bend OR 97459
	1000 Augustine Ave Coos Bay 97420
	3555 Kinney bd N.B.
	90503 Barnes Lane N. Bend

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME	ADDRESS
Kathleen Thompson	465 N. 3rd Ct Coos Bay
Delroy Thompson	" " " " " "
Nick Preston	545 Mass Ave Lakeside OR
Piper Wilkinson	63181 Fruitdale Rd. Coos Bay OR 97420
Utahy 2086	66228 Sunshine Ln Coos Bay, OR 97420
Steven Wintrone	450 N Main Coos Bay, OR
Ananda Fugate	450 N Main St Coos Bay, OR
Jean Felt	" "
Frederick Felt sr.	" "
Steve Felt	63016 Parkway Rd Coos Bay OR 97420
Don Felt	63016 PARKWAY RD COOS BAY
Don Felt	97044 Templeton hwy NB.
Don Felt	63028 Wrecking Rd CB 97420
Don Felt	2347 Fir, North Bend, OR 97459
Don Felt	312 La Clair #3, CB 97420
Don Felt	1800 Virginia Ave NB OR 97459
Don Felt	88538 Trout Pond Ln Bandon OR 97411
Don Felt	63701 Flanagan C.B. OR 97420
Don Felt	" " " "
Don Felt	94926 Mantuckway Lane NB
Laura Jorgensen	812 Lakeside Dr CB
Westie Radley	117 N. Marple St CB
James Radley	117 N. Marple St CB
Stephen Goderos	1715 S. 8th St. Coos Bay OR 97420
Chris Huntley	884 Vermont St. North Bend OR 97459
Chris Huntley	2415 Liberty St. North Bend 97459
Chris Huntley	275 N. Broadway, Coos Bay 97420
Chris Huntley	68642 Newmark Rd North
Chris Huntley	275 N Broadway APT# 905 Dr 16
Chris Huntley	1000 Myrtle St
Chris Huntley	1391 IDAHO ave
Chris Huntley	2232 Union St. North Bend OR 97459
Carolee Herner	1321 California Ave. Coos Bay
Luke McKinnon	378 S. WATSON St. Coos Bay
Ed Meyer	26 100 CENTRAL Coos Bay OR
Nancy Clarke	94278 W. Heritage Hills, CB
Nancy Clarke	3687 Pine St. North Bend
Nancy Clarke	2955 Broadway CB

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME

ADDRESS

Lewale / W. Leung	58809 FAIRVIEW RD. COQUILLE, OR	97423
Deanna Bauer	2380 Oregon, N Bend	97459
Jenneth Bauer		
Dolly Hamper	90692 Wilshire Lane, CB	97420
Joe Dubs	95625 Coos Summer Ln	OR 97420
Shirley Gray	62921 Coal Creek Rd Coos Bay, OR	97420
Jan Hammons	94067 Shuttles Landing N Bend	
Jan Hammons		
Ree Reut	353 S. 5th St Coos Bay, OR	
Pat Chase	94131 Covey Way, Coquille	97423
Pat Chase	94131 Covey Way, Coquille	97423
R. C. F. Jennifer K. Clinton	9320 Argo Valley Ln. Myrtle Point	97458

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME

ADDRESS

Carol Ventgen	P.O. Box 506, Coos Bay OR 97420
Kevin Groh	1300 Gold CB, OR 97420
Dana Gronowicz	510 W 4th Coquille, OR 97423
Freda G. Branson	62945 S.W. 8th Rd. Charleston, OR 97420
Linda Gresemer	PO Box 1069 Bandon, OR 97411
Pete W. Galt	1090 GARFIELD AVE CB, OR 97420
Stephen K. Maden	62945 SW 8th Rd. Charleston 97420

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME	ADDRESS	
Ben Smith	P.O. Box 4107 Coos Bay, OR.	97420
Jim Peterson	94796 Highway 241 Coos Bay, OR.	
Ram Tonnemacher	68786 Hansen Repet Rd NB	OR 97459
Leslie Brackman	1150 Ferry Road NB	OR 97459
Charmalee Larkin	3696 Broadway, N.B.	97459
DAVID FARMER	3696 BROADWAY N.B.	97459
Lee Byer	66642 E. Bay Rd	84
Kathy Zerkow	66642 E. Bay Rd	#89
Bessie Tower	Bessie Tower	48 ² 88 E.P.
Margaret Jackrell	66642 E. Bay Rd	#88 N.B.
Jerry W. Wright / Terry W. Wright	66642 E. Bay Rd	#70 N.B.
G.R. Ewart	66642 E. Bay Rd	#34
Joan Angus	66642 E. Bay Rd	#66 N.B.
B. Hincke	66642 E. Bay Rd	#50 N.B. BUDDY HINCKE
J. Hincke	66642 E. Bay Rd	#50 JEANNE HINCKE

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME	ADDRESS
Kenneth P Griffith	795 Fenwick Ave CB
Kera Hood	6055 Hermann St NP 97458
SHORB, JOANNE	2712 BRUSSELS NB 97459-
Bob Young	93992 KIRKWOOD LN, NB 97459
Julie Marshall	1893 Arthur St N.B. 97459
Jane Haddon	11675 16th St. N.B. 97459
Paul Priddy	5119 S. Tennis Cr CR
Jon A. Bohan	835 California St., N.B. 97459
Carmie Cargot	1282 N. Butler St Coos Cr. 97423
Cindy Conquest	677 Newmark Ave CBore 97420
Anna Yang	93992 Kirkwood Ln NB 97459
Gemma Stone	2578 Sheridan Ave NB 97459
Aue Erickson	2707 Alder Ridge Dr. NB 97459
Dina Corliss	1022 Clark St North Bend OR 97459
Barb Bauder	2397 Clark St NB 97459
Dybbie Carpani	65375 Millicoma Rd CB 97420
Carla Day	67564 E. Bay Rd. NORTH BEND 97459
Bruce Day	" " " " " "
Bruce Carpani	65375 Millicoma Rd. Coos Bay 97420
CHARLIE SLOVER	66436 Quail Rd NORTH BEND OR 97459
Maei Kohl	94018 Jensen Ln. North Bend OR 97459
Carson Sharpley	97459 1626 Oak St. North Bend, OR 97459
Shelia L Bushy	64671 McFarland Rd North Bend OR 97459
James R Moore	1981 Hayes St North Bend OR 97459

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME	ADDRESS
Janese Monis	1141 N 10th St Coos Bay OR 97420
Wes Samuelson	439609 Bridge View Ln, NB OR 97459
Deeth Jones	97439 E Westview V.B. OR 97459
Kaynash Seabari	52661 Fairview Road Coquille 97423
Jodi McLean	54640 Fairview Road Coquille 97423
Guenne Pharisian	53136 MORRISON RD. BANDON, OR 97411
Del Price	890 SE 2nd St Bandon OR 97411
W.B.	43032 Childers Rd Bx OR 97471
Costa 2nd	2125 Hamilton NB, OR 97459
Maria Delaney	2680 Brussels St. NB OR 97459
Jamison	1961 Lembar St North Bend OR 97459
Wayne Berg	1890 Nth 14th Coos Bay OR 97420
Deese Blaylock	75 S. VERNON ST COQUILLE OR 97423
St. Si	800 Cocker Coos Bay OR 97420
Carol Rinnaman-Parks	1689 Applewood Dr. Coos Bay 97420
Tim Roberts	67031 Wild Dog Rd Coos Bay
Page Alder Son	" " " "
Aldy Anderson	" " " "
Samantha Jones	12116 Wildwood Dr North Bend
Rochelle Hughes	1921 Grant Street North Bend OR 97459
GERALD ROUSH	941 POBLE AVE, CB 97420
Amma Lupton	1308 Oregon Hwy. CB 97420
Jennifer Jexley	1041 Maryland Ave. CB 97420
Sharon Wood	955 87 Haines Way Lane NB 97459
Louise Gummy	490 3rd Ct CB
Eric Thompson	465 No 3rd Ct Coos Bay 97420

PEOPLE IN SUPPORT OF PACIFIC COVE HUMANE SOCIETY'S
VINE AVENUE SITE REQUESTS TO THE COOS BAY PLANNING COMMISSION

NAME	ADDRESS
Mary Marineau	1045 N. 10th St. C.B.
Monica [unclear]	273 Curtis Ave CB
my E. [unclear]	1920 Timbucktu Dr. CB
John Thuer	145 Anderson CB
[unclear]	94968 Timber Pl. Ln CB
Linda Pomeroy	1219 F. St. Coos Bay
Mrs. Lillian E. [unclear]	422 8th Avenue Coos Bay
Karl Jernstedt	230 Market St. Coos Bay
Mike [unclear]	92693 Hibby Ln CB



CITY OF COOS BAY
Community Development Department

500 Central Avenue
Coos Bay, OR 97420

541.269.8918
www.coosbay.org

PRE-APPLICATION CONFERENCE NOTES

CASE FILE#: 187-ZON14-049

LOCATION: 3485 Vine Avenue (Tax Lot 5600 of Tax Map 25S 13W 21CA) Coos Bay, OR

TYPE OF APPLICATION: Change in Zone Designation, Site Plan and Architectural Review, Conditional Use

STAFF COORDINATOR: Eric Day, Community Development Director

DATE OF PRE-APPLICATION: July 17th 2014 @ 10:00 am

MEETING ATTENDEES (STAFF) Eric Day and Aaron Harris (Planning), Jennifer Wirsing (Engineering)

All Coos Bay code chapters referenced in this report are available on the City's website at <http://www.codepublishing.com/or/coosbay/>.

1. PROCESS SUMMARY

Site Plan and Architectural Review (SPAR) per CBMC 17.345
Conditional Use per CBMC 17.355
Change in Zone Designation per CBMC 17.360
Others as required by City Code

2. PROCESS SUMMARY

The applicant will apply for a site plan and architectural review, a conditional use, and a change in zone designation application. The final hearing body for the SPAR and the conditional use will be the Planning Commission. The Planning Commission may make a recommendation to City Council for the change in zone designation; the final hearing body will be City Council.

Application Process:

- Pre-application conference
- Application submittal
- Staff review for completeness (Up to 30 days)
- When the application is determined to be complete, the applicant is vested
- Public notices are mailed and a hearing date is set before the Planning Commission
- Staff report is prepared and made available to the applicant at least seven days before the date of the Planning Commission Public Hearing
- The Planning Commission will make a decision for approval or denial based upon the staff

PRE-APPLICATION

187-ZON14-049

- recommendation and the criteria found in the CBMC (SPAR and Conditional Use only)
- The Planning Commission may make a recommendation to City Council concerning the change in zone designation
- City Council will make a decision for approval or denial of the change in zone designation based upon staff recommendation, Planning Commission recommendation, and the criteria found in the CBMC.

3. **COMMUNITY DEVELOPMENT CODE**

The applicant must address all standards of the applicable criteria found in the CBMC. These include:

- Zoning District: C-2 (General Commercial District)
- Off-Street Parking: as stipulated in CBMC Table 17.200.040
- SPAR application requirements per CBMC 17.345.030
- Conditional Use decision requirements per CBMC 17.355.040
- Change in Zone Designation decision requirements per CBMC 17.360.050

The Vine Avenue site is located entirely in a QR-4P zone, and the applicant proposes a zone change designation to a C-2 zone. The following is a general summary of zone requirements. Please refer to CBMC 17.75 for a complete listing of the C-2 zone standards.

Setbacks: There are no yard requirements other than those imposed by the building code.

Height: There are no restrictions other than those imposed by the building code.

Lot Standards: There are no minimum widths or minimum area requirements in the C-2 zone.

Building Coverage: There are no minimum requirements.

Landscaping and Screening:

- All parking areas shall be landscaped in conformance with Chapter 17.200 CBMC, Off-Street Parking and Loading
- All heating and air equipment shall be appropriately screened from public view. This does not apply to roof-mounted equipment.
- All storage and trash areas must be enclosed and screened from public view.

Off-Street Parking: Parking shall be required as stipulated in CBMC Table 17.200.040. One parking space per 250 square feet will be required based upon building square footage generally available for occupancy (exclusive of restrooms, hallways, lobbies, storage areas not used for public display, and similar accessory areas). At 2,960 square feet, staff estimates the applicant's proposal will require 12 off-street parking spaces. ADA parking is not required per CBMC. The applicant will be required to provide ADA parking as stipulated by uniform building code.

4. **DEVELOPMENT STANDARDS**

Traffic

The applicant shall submit documentation stating the approximate number of trips that will be produced by the use. Should the use be greater than 500 average daily trips a Transportation Impact Analysis (TIA) will be required. This documentation may be in the form of a statement, produced by the applicant, comparing the average daily trips of similar sized kennels to the applicant's proposal.

Landscaping and Irrigation

Landscaping and irrigation plans shall be provided by the applicant as part of the SPAR application requirements per CBMC 17.345.

Water Quality

The City strongly encourages post construction best management practices such as bio-swales, rain gardens, etc.

The project is increasing the site's impervious area. There is numerous low impact development strategies that could be employed that will treat the pollutants associated with parking lots and this type of land use (animal waste).

Storm Water

The applicant shall be required to obtain all applicable state plumbing permits. The applicant shall be required to provide documentation, prepared by a qualified professional, to the City detailing the impact of the proposal on the City's storm drain system. As the site appears to be increasing its impervious area documentation will be required, prepared by a qualified professional, addressing the increase in runoff.

Based on the information provided, it is unclear if the project is tying into the public storm drain system. The project must identify where storm water runoff is being conveyed and identify any impacts. Specifically, the applicant must provide documentation that identifies the ability of the downstream system (street culvert, storm drain, etc.) to handle any increased flow. Additional documentation shall be required if the applicant does not intend to maintain historic drainage patterns. Documentation shall be a condition of approval if it is not provided with the applicant's submittal

Water

The applicant shall submit a letter from the Coos Bay-North Bend water board that states there is insufficient capacity to support the proposed development.

Sewer

Staff finds that the existing sewer connection was constructed with an 8-inch line in 1973 from asbestos cement. Staff does not know where the applicant's lateral is located. The City has the ability to televise the main line, but not the lateral. The City will televise main line associated with this project free of charge and notify the project representatives if any deficiencies are identified and identify the lateral connection location. However, staff recommends having the lateral and connection televised to determine if the existing lateral and connection is in viable working order.

The applicant shall be required to provide documentation, prepared by a qualified professional, confirming that the lateral is of adequate size for the proposed use. Staff recommends asking the current property owner if he knows where the property's cleanout is located. Documentation shall be submitted, prepared by a qualified professional, discussing the increase in flows as a result of the proposed use. The documentation must address the ability of the downstream sanitary sewer system to handle this increase in flows.

Grading and Clearing

The applicant will be required to obtain any appropriate grading and site preparation permits. The applicant may pull permits only after completing the land use process. At a minimum, the grading plan will detail the limits of work, setbacks, daylight lines, and how the site will be temporarily (sediment and erosion control) and permanently (pavement, landscaping, etc.) stabilized.

Offsite Improvements

If trees are being removed in the right of way, a tree removal application must be filed, submitted, and approved by the Tree Committee. If this is not done at time of application it can be a condition of approval.

Limits of existing sidewalk on the exhibit submitted at the pre-application meeting did not match existing conditions. Please update limits at time of application. Additionally, limits of sidewalk are not continuous along northern boundary. Project shall construct sidewalk, match existing width, such that there is a continuous sidewalk along northern property boundary.

Note

A sign application will be required as a part of this application or in the future should/when any exterior signs are proposed.

5. **DOCUMENTATION REQUIRED FOR A COMPLETE APPLICATION**

The following items are required to be submitted in ten collated sets in addition to a digital a copy:

- Application form signed by the owner or applicant,
- Proof of ownership, such as a deed or title report,
- Documentation by the owner allowing the given representative to act on their behalf (If needed),
- Application maps and narrative information as stipulated per CBMC 17.345.030 and 17.345.050 (SPAR), 17.355.040 (Conditional Use), and 17.360.050 (Change in Zone Designation).
- Coos County Assessor's owner information for all tax lots within 250 feet of the external legal boundaries of the property described in the application,
- Documentation of average daily trips expected,
- Documentation from the Coos Bay-North Bend Water Board,
- Storm water documentation, and
- A sewer study.

6. **APPLICATION FEES***

Site Plan and Architectural Review (SPAR)	\$525.00+\$0.00357 per sf. of the building square footage and all impervious surfaces
Conditional Use	\$375
Zone Change	\$675

*Note: Fee schedules are subject to change. Please verify the required fees prior to application submittal.

7. **TIME FRAME FOR REVIEW PROCESS**

Staff has 30 days to review the application submittal for completeness. If incomplete, the applicant will have 180 days from the date of incomplete letter to submit additional information. If complete, the review shall not exceed 120 days for a final decision, including appeals to the City Council. Appeals to LUBA fall outside the 120 day review process.

8. **ADDITIONAL COMMENTS**

Staff recommends applying for all applicable permits (grading, signage parking lot, etc.) in one submittal.

Staff recommends that the applicant's narrative includes detailed plans regarding the removal of litter and fecal matter from the site. It would also be beneficial to include any best management practices and/or low impact development strategies that the project is proposing to employ.

Staff recommends that the applicant's narrative includes detailed plans regarding the mitigation of odor and noise. Include in the narrative the installation of insulation and landscape buffering if applicable to noise mitigation. A decibel assessment will not be required.

Tree removal in the right-of-way must be approved by the Tree Committee.

Fire hydrant pressure may be obtained by contacting the Coos Bay-North Bend water board.

Obtaining letters of support from surrounding neighbors, volunteers, and other members of the public familiar with the organization is highly recommended.

NOTICE TO APPLICANTS:

The standards noted in this checklist are those which staff believes may be applicable to your proposal. Additional standards may also be determined applicable at the time of a development submittal. The burden is upon the applicant to review all applicable City documents and address all the relevant standards. The applicant should verify the fees prior to submitting application.

Prior to submission, the applicant should confer with City staff to determine if any Code requirements have changed. A pre-application conference does not lock in the current standards. The application will be reviewed for compliance with the standards in effect on the date of application submittal.



CITY OF COOS BAY
Community Development Department

500 Central Avenue
Coos Bay, OR 97420

541.269.8918
www.coosbay.org

FINAL ORDER
NOTICE OF PLANNING COMMISSION DECISION AND ORDER

APPLICATION: Conditional Use #187-ZON14-053

APPLICANT: Pacific Cove Humane Society, P.O. Box 361, North Bend, OR
Lon Samuels, 960 Central Avenue, Coos Bay, OR (Representative)

OWNER: Jack W. Jacobson Trust, Jack W. Jacobson Trustee
62969 Isthmus Heights Road, Coos Bay, OR 97420

LOCATION: 3485 Vine Avenue, Coos Bay, Oregon 97420
Unrecorded Plat of McKee Theater Tracts
T.25, R.13, S.21CA Tax Lot 5600

ORDER: Approved with Conditions on October 14, 2014
Planning Commission Final Vote:
Yea: Chairmen Chris Hood, Commissioners Christine Coles,
Bruce Harlan, and Jeff Marineau
Nay: Commissioners Phil Marler and Rex Miller **Abstain:** None

APPEAL PROVISIONS: See page 2

DECISION CRITERIA, ADOPTED FINDINGS OF FACT, CONCLUSIONS, AND CONDITIONS: Pages 3-5

FINAL ACTION

Based on the applicant's submittal and the findings and conclusions (attached hereto and incorporated herein by reference as Attachment "A") approve Conditional Use 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.

The decision to approve will become final at **5:00 P.M. on October 31, 2014**, unless an appeal is filed.

APPEAL PROVISION

A decision by the Planning Commission may be appealed to the Coos Bay City Council by an affected party. 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. A notice of appeal shall contain all of the following:

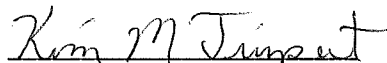
1. Identification of the decision to be reviewed.
2. Statement of the interest of the appellant and whether the appellant has "standing to appeal." An individual is said to have "standing to appeal" if the person:
 - a. appeared before the Planning Commission orally or in writing, and
 - b. the person's 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.

Questions regarding the appeal procedure may be directed to the Community Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.

EFFECTIVE DATE OF APPROVAL

Unless a different time limit has been established by Commission action, approval shall be withdrawn if the authorized construction or use is not commenced within one year or is not pursued diligently to completion, or, if authorized occupancy or use has been discontinued for over 120 consecutive days. The Commission may grant an extension of time for a period not to exceed one year if circumstances beyond the control of the applicant causes delays.


Kim M. Trimper, AICP, Planner

Date: October 16, 2014

Attachment: "A"

cc: Applicant/owner, Mac McSwain, Norman Fraser, John and Theresa Chaplin, Dave Perry, DLCD

ATTACHMENT “A”

COOS BAY MUNICIPAL CODE CHAPTER CBMC 17.355 CONDITIONAL USE *17.75.030 (2)(a) Establishment of the use: Animal Sales and Service – Kennel*

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.

STATEMENTS OF FACT AND FINDINGS:

- 1a. The applicant states that the building/property is planned to be used for the care of cats and dogs and Division IV does not apply.
- 1b. Division IV (Special Site Development) references accessory apartments, convenience sales and personal services, cluster development, planned unit development, home occupation, commercial recreational vehicle park, and manufacturing.

CONCLUSION: Division IV (Special Site Development) is not applicable for the proposed use. The review criterion has been adequately addressed and approval of the proposal can be supported.

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.

STATEMENTS OF FACT AND FINDINGS:

- 2a. The applicant has included a site plan that depicts the layout of the existing building, property lines, proposed parking lot and adjacent buildings/residence.
- 2b. As stated above, Division IV is not applicable.

CONCLUSION: As per the property development requirements in a General Commercial (C-2 Zone, 17.75.050), the site (approximately 0.5 acres) for the proposed use is adequate in size and shape to satisfy the conditions of the commercial district. Staff concurs that the submitted site plan meets property development requirements of the district. The review criterion has been adequately addressed and approval of the proposal can be supported.

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.

STATEMENTS OF FACT AND FINDINGS:

- 3a. The site is served by a major arterial highway, Ocean Blvd. Access to the property however, is served directly from a paved side street, Vine Avenue.
- 3b. As per the applicants submittal, traffic to and from the site is estimated at

less than 25 cars per day. Both roads are paved and curbed.

CONCLUSION: The proposed use is located adjacent to Ocean Blvd. Ocean Blvd is classified as an arterial street in the City of Coos Bay Transportation System Plan (TSP). Based on the TSP designation, staff concurs that Ocean Blvd is adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use. The review criterion has been adequately addressed and approval of the proposal can be supported.

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

STATEMENTS OF FACT AND FINDINGS:

- 4a. The applicant has submitted information regarding hours of operation (Monday – Friday 8am-6pm) that are consistent with a use within the commercial zone.
- 4b. The applicant has addressed pet exercise, pet waste, odors, and noise through specific guidelines and construction of the animal shelter. The applicant states that the dogs will be walked on a leash by trained volunteers on and off site. To control odors from waste inside and outside the facility, waste will be placed in plastic bags and collected in covered containers. To assist with controlling noise, the dogs will be located on the lower level of the building (which is built partially into the ground that will help reduce sound). There will be no outside kennels. An attendant will accompany the dogs into a fenced exercise area on the property to discourage barking. The cats will be located on the second floor.
- 4c. Applicant has addressed interior development of existing building. The existing building will remain in its present condition including restrooms, stairways and entry. New interior walls will be constructed for kennel space, food preparation space and animal viewing space. The dog area will be located on the lower level and the kennel area will be located against the embankment of the terrain. The dog kennel portion of the lower floor is not exposed above ground level creating a natural sound barrier.
- 4d. The applicant has addressed the exterior of the existing building will remain in its present condition including the entry, windows, color and access. The existing deck on the South side of the building will be replaced as a cat exercise area. The enclosure will be approximately 6' wide x 28' long x 8' high, covered (roofed), have windows similar to the existing windows in the building and connect directly to the main building. The look and character of the cat exercise area will match the existing building's character and it will use the same materials (lap siding and composition shingles) and be of the same colors as the existing building.

- 4e. Applicant has addressed pedestrian and vehicular traffic stating that pedestrian traffic will be minimal when walking dogs. Pedestrian traffic on-site will primarily be in the dog exercise area and along the on-site paths at the West end of the property, near Ocean Blvd. and under the existing trees. Vehicular traffic off-site will be primarily from Ocean Blvd. to the new parking lot. There is some on-street parking on both sides of Vine Ave., but access to the dog area is located near the Southwest corner of the building, so applicant states that parking in the new parking lot will be preferred by most people. Included with this application is a Parking Variance Application to allow on-street ADA accessible parking near the entrance of the upper level. If approved, this will remove approximately 30 lineal feet of day-to-day on-street parking, thus forcing more visitors to use the new parking lot. Vehicular traffic on-site will be in the proposed parking lot at the West end of the property. The parking lot will have 13 spaces, including one ADA accessible space with side loading/unloading area. All spaces will have backing/turnaround space as required by the City's parking municipal code.
- 4f. Applicant has addressed minor landscaping of the property. Minor landscaping will be added along Vine Ave. The trees along Ocean Blvd and the South property line (adjacent to Metric Motorworks) will remain and a path constructed of dirt and mulch for the exercise and training of dogs. A 5' high wood fence will be constructed along the East property line between the adjacent property owner's house and Pacific Cove Humane Society.
- 4g. Mailed notice was sent to the surrounding property owners within 250 feet.
- An email (Attachment D) in support (with recommended conditions of approval) for the conditional use permit from Mac McSwain (property owner of 2570 34th Street) dated the 22nd of September. Mr. McSwain requests conditions of approval to address trained dog-walkers be respectful of lawns and landscaping of the neighborhood, pet waste be disposed of to control the odors from the facility, and a staff member continuously supervising dogs outside to reduce barking.
 - A letter (Attachment F) in opposition to the conditional use permit from John and Theresa Chaplin (property owner of 3532 Ocean Blvd) received the 25th of September. The Chaplin's concerns include noise and odors of the dogs/cats and the adverse effect an animal shelter use would have on their property's resale value.

CONCLUSION: Although the proposed use is commercial in nature, staff concurs that the applicant has submitted information to reduce impact on surrounding residential zones. As stated above, the applicant has addressed how the proposed use will not have an adverse physical effect on the development or use of abutting property. The review criterion has been adequately addressed and approval of the proposal can be supported.



CITY OF COOS BAY
Community Development Department

500 Central Avenue
Coos Bay, OR 97420

541.269.8918
www.coosbay.org

FINAL ORDER
NOTICE OF PLANNING COMMISSION DECISION AND ORDER

APPLICATION: Site Plan and Architectural Review #187-ZON14-053

APPLICANT: Pacific Cove Humane Society, P.O. Box 361, North Bend, OR
Lon Samuels, 960 Central Avenue, Coos Bay, OR (Representative)

OWNER: Jack W. Jacobson Trust, Jack W. Jacobson Trustee
62969 Isthmus Heights Road, Coos Bay, OR 97420

LOCATION: 3485 Vine Avenue, Coos Bay, Oregon 97420
Unrecorded Plat of McKee Theater Tracts
T.25, R.13, S.21CA Tax Lot 5600

ORDER: Approved with Conditions on October 14, 2014
Planning Commission Final Vote:
Yea: Chairmen Chris Hood, Commissioners Christine Coles,
Bruce Harlan, Phil Marler, Jeff Marineau, and Rex Miller
Nay: None **Abstain:** None

APPEAL PROVISIONS: See page 2

DECISION CRITERIA, ADOPTED FINDINGS OF FACT, CONCLUSIONS, AND CONDITIONS: Pages 3-9

FINAL ACTION

Based on the applicant's submittal and the findings and conclusions (attached hereto and incorporated herein by reference as Attachment "A") approve Site Plan and Architectural Review #187-ZON14-053 allowing the change of use from a single family dwelling to commercial (animal shelter) on property located at 3485 Vine Avenue, subject to the following Conditions.

1. Approval of Site Plan and Architectural Review is contingent upon City Council approval of Zone Change from Residential Professional (QR-4P) to General Commercial (C-2) on November 4, 2014.
2. The applicant/owner must secure all required 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.

The decision to approve will become final at **5:00 P.M. on October 31, 2014**, unless an appeal is filed.

APPEAL PROVISION

A decision by the Planning Commission may be appealed to the Coos Bay City Council by an affected party. 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. A notice of appeal shall contain all of the following:

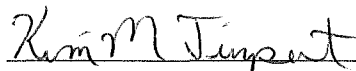
1. Identification of the decision to be reviewed.
2. Statement of the interest of the appellant and whether the appellant has "standing to appeal." An individual is said to have "standing to appeal" if the person:
 - a. appeared before the Planning Commission orally or in writing, and
 - b. the person's 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.

Questions regarding the appeal procedure may be directed to the Community Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.

EFFECTIVE DATE OF APPROVAL

Unless a different time limit has been established by Commission action, approval shall be withdrawn if the authorized construction or use is not commenced within one year or is not pursued diligently to completion, or, if authorized occupancy or use has been discontinued for over 120 consecutive days. The Commission may grant an extension of time for a period not to exceed one year if circumstances beyond the control of the applicant causes delays.


Kim M. Timpert, AICP, Planner

Date: October 16, 2014

Attachment: A

cc: Applicant/owner, Dave Perry, DLCD

ATTACHMENT “A”

COOS BAY MUNICIPAL CODE CHAPTER CBMC 17.345 SITE PLAN AND ARCHITECTURAL REVIEW *Change of Use from Single-Family Dwelling to Commercial (Animal Shelter).*

DECISION CRITERIA #1: The location, size, shape, height, spatial and visual impacts and arrangements of the uses and structures are compatible with the site and surroundings.

STATEMENTS OF FACT AND FINDINGS:

- 1a. The project consists of remodeling the existing building from a church (that was converted to a residence) to an animal shelter.
- 1b. The applicant states that some minor exterior maintenance will be conducted (i.e.: exterior painting, caulking of windows, gutter and downspout repair). (see Attachment G).
- 1c. A new wood fence at least 5’ high will be provided between the existing building and the residence on the East side of the property. The applicant states that because the residence has their driveway on the West side of their property, the fence will end at the edge of the building so as not to block sight lines while backing out of their driveway. The fence will be constructed of wood rather than a metal cyclone fence to help blend in with the residential character of the neighbor’s house.
- 1d. An additional outdoor heating compressor unit will be required, so the wood fence (discussed above) will provide screening from adjacent properties.
- 1e. A 4’ high cyclone fenced area will be constructed on the Southside of the property for a dog exercise area. It will be approximately 10’ x 40’. The existing building will obstruct the view of this fenced area from Vine Avenue.
- 1f. The existing upper outside deck will be replaced with a similar deck, but will include an enclosed outdoor space for the cat exercise area. The enclosure will be approximately 6’ wide x 28’ long x 8’ high, covered (roofed), have windows and connect directly to the main building.
- 1g. Landscaping will be provided along Vine Ave. Landscaping will be added along the South and West sides of the new parking lot at the rate of 9 square feet per space. (9 sf x 13 spaces = 117 sq. ft.). No irrigation is planned for either the landscape area along Vine Ave. or around the parking lot.
- 1h. At this time, no sign is proposed. Prior to installing any signage in the future, sign permit approval will be required.

CONCLUSION: Staff concurs that the location, size, height, and visual impacts of the proposed animal shelter will have minimal impact on surrounding property due

to location of the structure, proposed landscaping and wood fencing. The decision criteria have been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #2: The public and private sewerage and water facilities provided by the development are adequate in location, size, design, and timing of construction to serve the residents or establishments. These facilities meet city standards and relevant policies of the comprehensive plan and provide adequate fire protection.

STATEMENTS OF FACT AND FINDINGS:

- 2a. According to the applicant, the building is served by an 8" clay sewer line in the street with a PVC lateral to the building. The building is served by a 5/8" water meter allowing for a total fixture count of 50. The applicant states that with a decrease in proposed fixture use, there is plenty of capacity. An email dated 2 October from Ron Hoffine, Coos Bay/North Bend Water Board confirmed and verified that there is adequate capacity to serve the proposed use.
- 2b. The applicant states that the building is served by Pacific Power with an overhead 200 amp service. This service may not be adequate due to the additional heating/cooling required. However, Pacific Power has viewed the site and can supply any additional service required from the same pole.
- 2c. A fire hydrant is located mid-block of Vine Ave. on the South side of the street. Applicant states it provides 3000 gallons per minute at 20 lbs. pressure.
- 2d. The City of Coos Bay Fire Chief states the required fire flow, based on 100% involvement of the buildings' square footage, is 1780 gallons per minute (GPM). The existing hydrant, located 34th St. between Pacific Loop and Vine St. is sufficient based on a recent flow test done by the CB/NB Water Board.

CONCLUSION: A complete review for fire protection will be conducted at the time construction plans are submitted. Based on Coos Bay Fire Chief and CB/NB Water Board verification of proposed use, staff concurs that the sewer and water facilities meet city standards. The decision criteria have been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #3: The grading and contouring of the site and how site surface drainage and/or on-site surface water storage facilities are constructed to insure that there is no adverse effect on neighboring properties, public right of way, or the public storm drainage system; and that the site development work will take place in accordance with City policies and practices.

STATEMENTS OF FACT AND FINDINGS:

- 3a. According to the submitted application, the only grading and contouring of the site will be for the new parking lot. (No work will be done along Ocean Blvd., including tree removal on or off the property. However, a path will be

designed through the trees for a dog walk/exercise trail.)

- 3b. The applicant must provide a storm water runoff drainage plan completed by a certified engineer to the City of Coos Bay.
- 3c. Applicant proposes that the site slopes down approximately 4% from East to West. The runoff will be into a drainage swale along the Westerly edge of the parking lot and then captured at the Northwest corner of the parking area into a 6" storm line and extended to the existing catch basin at the corner of Vine Ave. and Ocean Blvd.
- 3d. Applicant states that most of the site, (along the West, South and East property lines) will maintain the same historic drainage flows/impacts.
- 3e. Applicant states that the routine maintenance planned for the building includes connecting the existing storm downspouts to drains and then to the City storm water system.

CONCLUSION: Staff concurs that the applicant has provided documentation that the proposed grading and contouring of the site will be constructed to insure that there is not adverse effect on the neighboring properties, public right of way, or the public storm drainage and comply with City policies. The decision criteria have been adequately addressed and approval of the proposal can be supported.

CONDITION: Compliance with the City's Engineering Standards regarding grading and contouring for the parking lot will be reviewed through submittal of a "Parking Lot Permit" which must have final approval prior to occupancy of the building.

DECISION CRITERIA #4: Based on anticipated vehicular and pedestrian traffic generation, adequate rights of way and improvements to streets, pedestrian ways, bikeways, and other ways are provided to promote safety, reduce congestion, and provide emergency equipment access.

STATEMENTS OF FACT AND FINDINGS:

- 4a. The platted right-of-way width of Vine Avenue is 50 feet. Currently Vine Avenue is developed to approximately 35 feet wide with curb/gutter.
- 4b. According to the applicant's submittal, the new use will not increase vehicular or pedestrian traffic for the commercial zone.
- 4c. Pedestrian and vehicular access to the property is currently provided on the north side of the property, with an entrance and existing curb cuts.
- 4d. The existing roads and sidewalks around the facility will not be changed.
- 4e. Applicant states that the fire safety and emergency equipment will still have the same access around and through the neighborhood. The City of Coos Bay Fire Chief verified in an email dated the 22nd of September, that emergency vehicle access to the site is acceptable per the submitted site plan.

CONCLUSION: Staff concurs that the applicant meets adequate rights of way and improvements to streets, pedestrian ways, based on the standards identified in the Coos Bay Transportation System Plan for commercial zones on arterial streets. The decision criteria have been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #5: There are adequate off-street parking and loading facilities provided in a safe, well designed, and efficient manner.

STATEMENTS OF FACT AND FINDINGS:

- 5a. According to the applicant's submittal, off street parking spaces will be provided to meet the demand of a "General Retail" use which is one space per 250 square feet of footprint.

Upper Level: 1,733 sf (including kennel space)

Lower Level: 992 sf (including kennel space)

Total Required: $2,725 \text{ sf} / 250 \text{ sf} = 11 \text{ spaces required} + 1 \text{ loading space}$

- 5b. Based on the proposed use of each room of the existing structure, the City will require 11 off-street parking spaces for the proposed use.

$(1733 \text{ sf} + 992 \text{ sf} = 2725 \text{ sf} / 250 = 11 \text{ spaces})$. 2725 sf of general retail space – restrooms, storage area, stairways, and hallways are excluded from the calculation.

The applicant is proposing 13 parking spaces. The parking stalls will be 9' x 18' painted white with a 32' shared back out area for each stall, (for an overall width of 65'). There will be one stall designated ADA accessible stall with a 9' wide x 18' long side loading/unloading area, (for an overall length of 63' plus a 5' back out apron for the last two parking stalls). The ADA accessible stall will be marked with an ADA accessible sign and painted logo on the asphalt.

The parking lot will slope at approximately 4% to the West and the rain water will be contained in a drainage swale along the Westerly edge of the parking lot. There will be car bumps in the stalls along the Westerly edge of the parking lot. The drainage swale will be 6' wide, seeded with grass and sloped to the Northwest corner of the parking lot area where it will be transferred into a 6" storm drain that is extended to the existing catch basin located at the South side of the intersection of Vine Ave. and Ocean Blvd. The connection into the rear of the catch basin will be according to City standards. The parking lot will have a 5' wide concrete walkway the full length of the parking lot on the East side and connect to the existing concrete walkway on the property. The walkway will also extend to the main lower entrance.

- 5c. A variance to the one off-street ADA accessible parking space is being requested, which would allow the vehicle to back-out into the street. (See

Parking Variance Request, attached.) In addition, 2 bicycle parking spaces will be provided near the main entry.

5d. Landscaping and Screening: All parking areas shall be landscaped in conformance with Chapter 17.200 CBMC, Off –Street Parking and Loading.

- East, South and West Property Lines: To remain the same, except some walking trails will be constructed through the trees on the Westerly property edge.
- North Property Line: Landscaping will be provided along Vine Ave. No irrigation is anticipated.

Existing building lights will remain the same, except there will be a new light over the lower level entry. Two lights for the parking lot will be pole mounted as shown on the Landscape Plan. There will be no light “spillage” onto neighbor’s property. The fixtures will be “box style” lights with the light projecting downward.

CONCLUSION: The proposed off-street parking and loading facilities will be designed in accordance with Land Development Code 17.200 Off-Street Parking and Loading standards. The decision criteria have been adequately addressed and approval of the proposal can be supported.

CONDITION: 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.

DECISION CRITERIA #6: Adequate dedication or reservation of real property for public use, as well as easements and right of entry for construction, maintenance, and future expansion of public facilities are addressed.

STATEMENTS OF FACT AND FINDINGS:

6a. Applicant states that no changes to public use, access or easements will be made.

CONCLUSION: The dedication or reservation of real property for public use and easements is not applicable. The proposed project will not affect entry for construction, maintenance, and future expansion of any public facilities. The decision criteria have been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #7: The structural design, location, size, and materials used for buildings, walls, fences, berms, traffic island, median areas, and signs serve their intended purposes.

STATEMENTS OF FACT AND FINDINGS:

- 7a. Applicant states that the proposed remodel is primarily interior work. The exterior materials will remain in its current condition, but will be caulked, repaired and painted as necessary. Pictures and sample beige color swatches are included in the application (Attachment G).
- 7b. The fence on the East side of the property will be wood and left a natural color. The new cat exercise area on the South side of the building will match the color and materials of the existing building. (See attached drawings.)
- 7c. Applicant states that all work will occur within the setback requirements.

CONCLUSION: The applicant states that the size, color scheme and construction material for remodel will be compatible with existing structures in both the adjacent residential and commercial zones. Based on applicant's submittal, staff concurs that structural design, location, size, and materials used for proposed buildings and fence serve their intended purposes. The decision criteria have been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #8: Other property development requirements of the zoning district are satisfied.

STATEMENTS OF FACT AND FINDINGS:

- 8a. The zone designation of the property immediately surrounding the subject property is General-Commercial (C-2) to the south and the northwest and Single-Family and Duplex Residential (R-2) to the north and east. Commercial uses in the area include Domino's Pizza, Bay City Ambulance and Metric Motorworks.
- 8b. The applicant has submitted the following:
 - 1. Lot Standards. No requirements
 - Lot Area: .51 Acres (22,216 sf.)
 - Minimum Width of Lot: 100'
 - 2. Building Coverage. No requirements
No change is proposed to the existing lot coverage
 - Upper Level: 2,946 sf + Lower Level: 2,395 sf (footprint)=
Total: 5,341 sf
 - Building Area: 2,395 sf (footprint)
 - Building Coverage: 13%

3. Building Height. No restrictions other than those imposed by the building code.

No change in height is proposed to the existing building which is 18 feet at main entry and 27 feet at lowest grade.

4. Yards. No requirements other than those imposed by the building code. Yards:

No changes are proposed to the setbacks.

Existing Setbacks

- From Vine Ave.: 3' approximately
- From East Property Line: 7' approximately
- From South Property Line: 35'-8" approximately
- From West Property Line: 116' average

5. Landscaping and Screening:

All heating and air equipment shall be appropriately screened from public view.

- A 5 foot high wood fence constructed on the east property line is proposed to screen an outdoor heating compressor unit.
- All storage and trash areas must be enclosed and screened from public view.
- A garbage enclosure will be provided at the South end of the new parking lot.

CONCLUSION: The proposed property development requirements of the dominant surrounding zoning district are satisfied. Staff concurs that the applicant's submittal addressing the setbacks, lot coverage, landscaping meet the development requirements for the C-2 zone (Land Development Code 17.75.050). The decision criteria have been adequately addressed and approval of the proposal can be supported.

CONDITION: A solid wood fence, a minimum of five (5) 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.



CITY OF COOS BAY
Community Development Department

500 Central Avenue
Coos Bay, OR 97420

541.269.8918
www.coosbay.org

FINAL ORDER
NOTICE OF PLANNING COMMISSION DECISION AND ORDER

APPLICATION: Variance #187-ZON14-053

APPLICANT: Pacific Cove Humane Society, P.O. Box 361, North Bend, OR
Lon Samuels, 960 Central Avenue, Coos Bay, OR (Representative)

OWNER: Jack W. Jacobson Trust, Jack W. Jacobson Trustee
62969 Isthmus Heights Road, Coos Bay, OR 97420

LOCATION: 3485 Vine Avenue, Coos Bay, Oregon 97420
Unrecorded Plat of McKee Theater Tracts
T.25, R.13, S.21CA Tax Lot 5600

ORDER: Approved with Conditions on October 14, 2014
Planning Commission Final Vote:
Yea: Chairmen Chris Hood, Commissioners Christine Coles, Bruce
Harlan, Phil Marler, Jeff Marineau, and Rex Miller
Nay: None **Abstain:** None

APPEAL PROVISIONS: See page 2

DECISION CRITERIA, ADOPTED FINDINGS OF FACT, CONCLUSIONS, AND CONDITIONS: Pages 3-4

FINAL ACTION

Based on the applicant's submittal, and the findings and conclusions (attached hereto and incorporated herein by reference as Attachment "A") approve Variance #187-ZON14-053 allowing "the ADA parking space to back into the street" on property located at 3485 Vine Avenue, subject to the following Conditions.

1. 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.

The decision to approve will become final at **5:00 P.M. on October 31, 2014**, unless an appeal is filed.

APPEAL PROVISION

A decision by the Planning Commission may be appealed to the Coos Bay City Council by an affected party. 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. 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.

Questions regarding the appeal procedure may be directed to the Community Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.

EFFECTIVE DATE OF APPROVAL

Unless a different time limit has been established by Commission action, approval shall be withdrawn if the authorized construction or use is not commenced within one year or is not pursued diligently to completion, or, if authorized occupancy or use has been discontinued for over 120 consecutive days. The Commission may grant an extension of time for a period not to exceed one year if circumstances beyond the control of the applicant causes delays.


Kim M. Trimper, AICP, Planner

Date: October 16, 2014

Attachments: A

cc: Applicant/owner, Dave Perry, DLCD

ATTACHMENT “A”

COOS BAY MUNICIPAL CODE CHAPTER CBMC 17.350 VARIANCE

CBMC 17.200.030 (1) Access – Allow ADA space to back into the street

The following is a list of the decision criteria applicable to the request. According to Chapter 17.350 of the City of Coos Bay Municipal Code (CBMC) a Variance request must be supported by **at least two** of the three decision criteria. Each of the criteria is followed by findings or justification statements that may be adopted by the Planning Commission to support their conclusions. Although each of the findings or justification statements specifically apply to at least one of the decision criteria, any of the statements may be used to support the Commission’s final decision.

DECISION CRITERIA #1: There are physical, exceptional, extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same district.

STATEMENTS OF FACT AND FINDINGS:

- 1a. According to the applicant, the site does not allow sufficient space for off-street parking on the same level as the main entry. The site slopes down to the West significantly, (approximately a 10’ elevation difference,) and would be too steep for even just one ADA accessible parking stall that would meet the requirements of the current building code. Not having a turn-around area for the parking space is appropriate and compatible because it would be identical to the other off-street parking spaces along Vine Avenue (which are Zoned R-2).

CONCLUSION: Staff agrees that there are physical conditions (topography) applicable to the property involved which do not apply generally to other property in the same district. The review criterion has been adequately addressed and approval of the variance request can be supported.

DECISION CRITERIA #2: Strict application of the provisions of the ordinance will constitute an unnecessary hardship or practical difficulty provided that the hardship or difficulty was not created by the applicant or an owner of the property.

STATEMENTS OF FACT AND FINDINGS:

- 2a. According to the applicant, creating an ADA accessible ramp from the new parking lot up to the main entry would be cost prohibitive. Due to the 10 foot elevation change, it would take approximately 120 lineal feet of ramp plus approximately 14 landings. The only space available for such a ramp would be in the front grass area and a portion of the new parking lot area. The ramp would be unsightly and a nuisance.

CONCLUSION: Staff concurs that strict application of the provisions of the ordinance which restricts backing out for ADA parking onsite will constitute practical difficulty. The review criterion has been adequately addressed and approval of the variance request can be supported.

DECISION CRITERIA #3: The variance will not negatively affect abutting property or improvement in the district, nor create a safety hazard.

STATEMENTS OF FACT AND FINDINGS:

- 3a. The applicant states that the variance will not negatively affect abutting property, as other residences in the area have similar back-out parking stalls. Installing the necessary ADA accessible ramp from the new parking lot up to the main entry doors would create a negative impact on the neighborhood. Vision clearances at the ADA accessible driveway are similar to that of other parking spaces in the neighborhood.
- 3b. Mailed notice was sent to the affected property owners and the City has not received any objections regarding the request for a variance to the ADA parking standards.

CONCLUSION: Staff concurs that the variance to the ADA parking standard will not negatively affect abutting property or improvement in the district, nor create a safety hazard. The review criterion has been adequately addressed and approval of the proposal can be supported.



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**NOTICE OF PLANNING COMMISSION RECOMMENDATION
AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE
CHANGE IN ZONE DESIGNATION**

APPLICATION: 187-ZON14-053

APPLICANT: Pacific Cove Humane Society, P.O. Box 361, North Bend, OR
Lon Samuels, 960 Central Avenue, Coos Bay, OR (Representative)

OWNER: Jack W. Jacobson Trust, Jack W. Jacobson Trustee
62969 Isthmus Heights Road, Coos Bay, OR 97420

**SUBJECT
PROPERTY:** 3485 Vine Avenue, Coos Bay, Oregon 97420
Unrecorded Plat of McKee Theater Tracts
T.25, R.13, S.21CA Tax Lot 5600

PROPOSAL: Redesignate the subject property from Residential Professional (QR-4P) to
General Commercial (C-2), by reference at "Attachment A"

RECOMMENDATION: Recommend approval as submitted on October 14, 2014
Planning Commission Final Vote:

Yea: *Chairmen Chris Hood, Commissioners, Christine Coles, Bruce Harlan, Jeff
Marineau, Phil Marler and Rex Miller*

Nay: None **Abstain:** None

APPEAL PROVISIONS: Page 2.

DECISION CRITERIA, ADOPTED FINDINGS OF FACT, CONCLUSIONS: Pages 3-8

FINAL RECOMMENDATION

Based on applicant's submittal and the adopted Findings and Conclusions (attached hereto and incorporated herein by reference as "Attachment A") recommend the City Council approve 187-ZON14-053 and redesignate the subject property referenced above to **General-Commercial (C-2)**.

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. The Commission may recommend approval, approval with conditions, or deny the proposals after approving findings or statements which substantiate their conclusions.

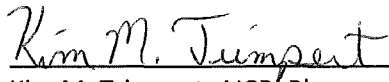
The Council shall review the record and affirm, amend, or reverse the Commission recommendation, or remand the matter back for further consideration. Upon approval of the proposed amendments, the City Council shall have prepared an ordinance declaring the changes. The proposed changes will become effective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

APPEAL PROVISION

The final decision will be made by the City Council on November 4, 2014, 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 Community Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.

Sincerely,
CITY OF COOS BAY



Kim M. Trimpert, AICP, Planner
Community Development

Date: October 16, 2014

ATTACHMENT: A - Findings and Conclusions.
(Previously provided)
B - Zoning Map of Ocean Blvd.
C - An email in opposition to the Zone Change from John Zimmerman (property owner of 3480 Vine Ave.) dated the 18th of September.
D - An email in support of the Zone Change from Mac McSwain (property owner of 2570 34th Street) dated the 22nd of September.
E - A letter in opposition to the Zone Change from Donald Green (property owner of 2665 35th Street) dated the 22nd of September.

EXHIBIT: (Previously provided)
A - A letter of support of the Zone Change signed by approximately 160 residents received the 6th of October.
B - A letter of support of the Zone Change signed by the Boys and Girls Club of Southwestern Oregon received the 7th of October.
C - A letter of support of the Zone Change signed by Kohl's Kitty Kare received the 3rd of October.

- E - An email in opposition to the Zone Change from John Zimmerman (property owner of 3480 Vine Ave.) dated the 14th of October.
- F - A letter of opposition to the Zone Change signed by 31 neighbors of subject property presented at the Planning Commission hearing on the 14th of October.
- G – A letter of support of the Zone Change signed by approximately 220 residents presented at the Planning Commission hearing on the 14th of October.

cc: Applicant/Owner, Norman Fraser, John Zimmerman, Timi Ruiz, Boys and Girls Club, Kohl's Kitty Kare, Donald Green, Dave Perry, DLCD

ATTACHMENT “A” PROPOSED ZONE CHANGE

Staff prepared the following report based on the applicant’s submittal, City of Coos Bay Land Development Code, City of Coos Bay Transportation System Plan, and City of Coos Bay Comprehensive Plan. These findings shall be used by the Commission to justify their final decision.

Staff finds there is sufficient evidence in the record upon which an approval can be based; therefore, staff is recommending approval of #187-ZON14-053.

DESIGN REVIEW GOALS AND STANDARDS / FINDINGS AND CONCLUSION

The following is a list of the decision criteria applicable to each request as stated in Coos Bay Municipal Code. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. Although each of the findings or justification statements specifically applies to one of the decision criteria, any of the statements may be used to support the Commission’s final decision.

Based on their conclusions the Commission must approve, conditionally approve or deny the application. Conditions may be imposed by the Commission in order to address concerns about the compatibility of the proposed use.

COOS BAY MUNICIPAL CODE CHAPTER CBMC 17.360 CHANGE IN ZONE DESIGNATION *Qualified Residential-Professional (QR-4P) to General Commercial (C-2)*

Rezone requests must be supported by criteria #1-- OR-- by criteria #2-5.

DECISION CRITERIA #1: The existing zone designation is the product of a mistake.

STATEMENTS OF FACT AND FINDINGS:

- 1a. The subject property is zoned “Qualified Residential Professional (QR-4P)” and developed with a single-family dwelling. The surrounding parcels to the south, west and north of the subject property are zoned C-2. The area to the east and north east is zoned R-2 and mostly developed with single-family dwellings. The parcel is located along Ocean Blvd.
- 1b. In 2004, the property owner requested a zone change from C-2 to QR-4P. On July 6, 2004 the City Council rezoned the parcel to “Qualified Residential Professional” (QR-4P) with the condition that no multi-family dwellings were permitted. This zone change served as a transitional buffer zone between residential and commercial.

CONCLUSION: There is no documentation indicating the zoning of the subject property is the product of a mistake. The decision criterion has not been

satisfied. Therefore, Decision Criteria #2 through 6 must be satisfied in order to justify the rezone of the property.

DECISION CRITERIA #2: The change in zone will conform to the policies and objectives of the comprehensive plan.

STATEMENTS OF FACT AND FINDINGS:

- 2a. Comprehensive Plan Chapter 9.1 states that *“General Commercial” areas are intended to provide for all other (“other” meaning uses outside of the central core commercial area downtown) retail trade, commercial service and professional activities that constitute the essential base of the city’s economy. Appropriate locations for commercial development include established commercial areas, and highway corridors not committed to less intensive land uses.*
- 2b. The zone change will conform to the objectives of the comprehensive plan by grouping similar zones together.

CONCLUSION: The parcel’s original Comprehensive Plan designation was Commercial and the original land use designation was General-Commercial (C-2). The property is located in an established commercial area and along a highway corridor, Ocean Blvd. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #3: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

STATEMENTS OF FACT AND FINDINGS:

- 3a. The subject property is located on the corner of Ocean Boulevard and Vine Avenue. The property is approximately 0.5 acre with a two-story 5,300 square-foot structure.
- 3b. The area to the north, east of 35th Street, is zoned R-2 (Single-family and Duplex Residential) and is developed with single-family dwellings. The area to the north, west of 35th Street, is zone C-2 (General Commercial).
- 3c. The parcel to the east of the subject property is zoned R-2 and contains a single-family dwelling. Further east across 34th Street is a strip of mostly residential development, a church zoned R-2 and the Boys and Girls Club zoned C-2.
- 3d. To the south of the subject property is commercially zoned property. Directly south is an automotive repair service (Metric Motorworks). This property lies about 12 feet lower in elevation than the subject

property. To the southeast is a pizza business (Domino's) zoned C-2. These businesses lie adjacent to Ocean Boulevard.

- 3e. To the west of the subject property is Ocean Boulevard with C-2 zoned property. Bay Cities Ambulance and West Coast Fencing occupy these parcels.

CONCLUSION: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts because the proposed uses are similar to the uses allowed in the immediate vicinity or less intense than surrounding uses. See Attachment B (Zoning map). The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #4: The change will not prevent the use of other land in the vicinity.

STATEMENTS OF FACT AND FINDINGS:

- 4a. The applicant states that the zone change will not prevent the use of other land in the vicinity because it will be compatible and contained within the property limits, not block adjacent property or prohibit other property development.
- 4b. Mailed notice was sent to the surrounding property owners within 250 feet.
- An email (*Attachment C*) in opposition to the Zone Change from John Zimmerman (property owner of 3480 Vine Ave.) dated the 18th of September. Mr. Zimmerman states that the zone change will reduce his off-street parking, allow barking dogs, and impact the delivery of mail due to increased cars parking on-street.
 - An email (*Attachment D*) in support of the Zone Change from Mac McSwain (property owner of 2570 34th Street) dated the 22nd of September. Mr. McSwain states that "this is a mixed residential/commercial area just off Ocean Boulevard, and as such I know that a commercial use of the building in question makes sense."
 - A letter (*Attachment E*) in opposition to the Zone Change from Donald Green (property owner of 2665 35th Street) dated the 22nd of September. Mr. Green states that he would be forced to sell his home if zone is changed to permit an animal shelter.

CONCLUSION: The land in the vicinity of the proposed zone change is developed with commercial and/or residential uses. Staff concurs that the

proposed zone change will not prevent the use of surrounding properties has been adequately addressed and approval of the proposed zone change can be supported.

DECISION CRITERIA #5: It is appropriate at this time to permit the specific type of development or change in zone of the area which had not previously existed.

STATEMENTS OF FACT AND FINDINGS:

- 5a. The City finds this is the appropriate time to permit the zone change.
- 5b. It is appropriate to make the zone change at this time and to permit this specific commercial type of designation into surrounding area because it had previously existed as a C-2 zone and was changed to QR-4P by request. Returning the zone to C-2 will allow the specific type of development (commercial) and match other commercial developments along Ocean Blvd.

CONCLUSION: This parcel, if zoned C-2, will be consistent and compatible with other similar adjacent zones and commercial uses along the Ocean Blvd. (See Attachment B). The decision criterion has been adequately addressed and approval of the proposal can be supported with conditions to buffer the adjacent residential zone.

DECISION CRITERIA #6: The change will be consistent with the functions, capacities and levels of service of facilities identified in the adopted Coos Bay Transportation System Plan (TSP).

STATEMENTS OF FACT AND FINDINGS:

- 6a. The applicant estimates that the traffic generated for the new commercial use would be less than 25 vehicles per day.
- 6b. The applicant states that the zone change will be consistent with the function, capacities and levels of service of facilities identified in the adopted Coos Bay transportation system plan because:
 - 1. The property was originally zoned C-2 and this use will not impact the existing capacities of the utilities, access, circulation or services;
 - 2. The capacities of the sewer, water and storm sewer systems will not increase due to this zone change because the existing 12" water main in Ocean Blvd. and the 6" water main in Vine Ave. is adequate for such development;
 - 3. The access for fire and emergency equipment will not be changed and the existing fire hydrant has an excellent flow of approximately 3000 GPM @ 20 lbs. pressure, which is adequate for the neighborhood and this development;

4. No additional levels of service to facilities (roads, improvements, etc.) currently in this zone will need to be changed; and,
5. The zone change for this property will not create additional hazards.

CONCLUSION: Staff concurs that the zone change will be consistent with the functions, capacities and level of service for facilities identified in the Coos Bay TSP. Ocean Blvd, designated an arterial street, currently services the surrounding commercial zoned parcels and the rezone of the 0.5 acre subject property will not significantly affect the existing transportation facility. The decision criterion has been adequately addressed and approval of the proposal can be supported.