

CITY OF COOS BAY CITY COUNCIL
Agenda Staff Report

MEETING DATE	AGENDA ITEM NUMBER
April 5, 2016	

TO: Mayor Shoji and City Councilors

FROM: Eric Day, Community Development Department
Tom Dixon, Planning Administrator

THROUGH: Rodger Craddock, City Manager

ISSUE: **CODE AMENDMENTS - Application #187-ZON15-053**
Amend Coos Bay Municipal Code Chapter 17.65, Medical Park District, adopting, under Permitted Uses, the additional category of 'professional and administrative services'.

BACKGROUND

The applicant, Chip Goodman, is proposing an amendment to Coos Bay Municipal Code Chapter 17.65, Medical Park (MP) District, to allow 'professional and administrative services' as a permitted use in the MP district. This district currently only allows medical service and pharmacy for commercial uses. Although the applicant is part of an investment group that owns a vacant commercial structure at 2130 Thompson Road and would like the added uses applied to that particular property, the requested change would apply to the entire MP district. A variance is not an option because variances only apply to relief of development standards and cannot be utilized for relief of restricted or prohibited uses.

Below is the current code with the added language of the proposal:

(Bolded and Underlined)

17.260.020 Permitted Uses.

The following uses are permitted in the MP zoning district:

A. Residential Use Types.

- 1. Group residential care facility.*

B. Civic Use Types.

- 1. Hospital.*
- 2. Utility and service – Outside storage of equipment prohibited.*

C. Commercial Use Types.

- 1. Medical offices, clinics and related services.*
- 2. Retail sales, general – Pharmacy only.*
- 3. Professional and administrative services**

17.260.030 Conditional Uses

The following uses are permitted in the MP zoning district:

- A. Residential Use Types. Multiple-family which is medically related or fulfills a direct need to the district which cannot be fulfilled in other areas.*

B. Commercial Use Types.

1. *Child care facility.*
2. *Retail sales, general – Florist or gift shop only.*
3. *Tourist Habitation. Lodging which is medically related or fulfills a direct need to the district, which cannot be fulfilled in other areas.*

C. Civic Use Types.

1. *Bus shelter (administrative conditional use, see CBDC 17.325, Conditional Uses).*

17.260.040 Uses Expressly Prohibited

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

- A. Residential Use Types, unless otherwise authorized by this chapter.*

The applicant's narrative cites that the restriction on professional offices in the MP district has caused long-term vacancies and blight in the area. In addition, the narrative identifies other cities (Boise, ID; Pullyup, WA; and Tracy, CA) with a similar medical use zoning that has a greater range of professional uses along with medical offices and uses. The conclusion of the narrative is that these more permissive zoning districts have allowed a wider inclusive range of uses which are both complimentary and mutually supportive to medical uses and facilities with the result being less blight and decreased vacancies that support the local economy.

Staff researched this issue and thought it would be more relevant to examine Oregon cities. Staff found the City of Tualatin and Springfield have similar Medical Center Planning Districts. Tualatin allows some limited supporting retail and service uses for the convenience of patients, patient visitors and staff. The City of Springfield has taken a similar approach to Coos Bay in that medically-related services and uses are required to be directly related to medical care and patient treatment. Their zoning regulations also do not allow unrelated uses of any type. The two divergent approaches appear to work well in each of the two cited cities and are a function of their previous development patterns and land use decisions.

The Planning Commission reviewed this application at their March meeting and after much deliberation recommends approval by a 5-2 vote. As the attached minutes show, there was some debate as to whether to broaden the allowed uses within the zone.

ADVANTAGE

- Amending the City's development code would broaden the range of uses allowed in the Medical Park District allowing equally impactful uses to those medical uses currently allowed.
- Expanding the range of allowed uses may allow vacant buildings and undeveloped properties to be considered for development.

DISADVANTAGE

- The amendment could potentially create a market situation that would encourage non-

medical uses into the zone to the disadvantage of medical uses.

BUDGET IMPLICATIONS

None.

ACTION REQUESTED

The applicant met the criteria in the development code for the Council to consider the proposed text amendment. Staff is not offering a recommendation on this proposal as there are positives and negatives to increasing the uses or keeping it as is. If the City Council wishes **enact the attached Ordinance #XXX** adopting the proposed Text Amendment to Coos Bay Municipal Code Chapter 17.165, Medical Park District.

Attachments: **A - Draft Ordinance**

B – Land Use Staff Report and Record – This is a required report, different from the City Council staff report, which contains staff's findings, conditions of approval and staff recommendation for the hearing body(s). In this case the Planning Commission and City Council both reviewed the application and record with the Council making the final decision.

C – Planning Commission Minutes

ORDINANCE NO. ###

AN ORDINANCE AMENDING COOS BAY MUNICIPAL CODE, TITLE 17, CHAPTER 17.260.020 PERMITTED USES IN THE MEDICAL PARK DISTRICT FOR THE CITY OF COOS BAY.

WHEREAS, the City of Coos Bay accepted as a technically complete application on December 30, 2015 a request to amend Coos Bay Municipal Code Chapter 17.65, Medical Park District.

WHEREAS, notice that public hearings would be held before the City of Coos Bay Planning Commission on March 8, 2016 and a public hearing would be held before the Coos Bay City Council on April 5, 2016 was mailed to property owners in the Medical Park district and surrounding area on January 28, 2016 and notice was published in "The World", a newspaper of general circulation within Coos County, Oregon on February 24, 2016 and March 3, 2016.

WHEREAS, provisions in the Coos Bay Municipal Code relating to mailed notice have been complied with; and,

WHEREAS, after receiving evidence and hearing testimony at the March 8, 2016 hearing, the Commission recommended by A 5-2 vote for the City Council approve the requested text amendment which would allow the additional category of 'Professional and administrative services' in the Medical Park District which presently only allows medical service and pharmacy as permitted commercial use types.

WHEREAS, after considering the Commission's recommendation and after receiving evidence and hearing testimony at the April 5, 2016 hearing, the City Council of the City of Coos Bay, adopted the Findings and Justifications, and approved the proposed text amendment.

NOW THEREFORE, the City Council of City of Coos Bay ordains the following:

- Section 1.** Amend Section 17.65.020 Permitted uses by adding, as (3)(b), the following category: 'Professional and administrative services'.
- Section 2.** 'Professional and administrative services' as defined in CBMC 17.10.010, Definitions, means offices or private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services.
- Section 3.** Typical uses include administrative offices, legal offices, or architectural firms but excludes the category of 'financial, insurance, and real estate services' or use types associated with governmental offices.
- Section 4.** 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.

Section 5. This Ordinance shall take effect 30 days after enactment by the City Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the _____ day of April 2016.

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



STAFF REPORT

Development Code Text Amendment

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

- HEARING BODY:** Planning Commission
- DATE & TIME:** **March 8, 2016 at 6:00 p.m.**
- LOCATION:** City Council Chambers, City Hall, 500 Central Avenue, Coos Bay
- APPLICANT:** Chip Goodman
1710 Willow Creek Circle
Eugene, Oregon
- LOCATION:** Entire area within Coos Bay with the Medical Park (MP) District zone designation
- SUBJECT:** **Development Code Text Amendment #187-ZON15-053 to allow general professional services as a permitted use in the MP district which presently only allows medical service and pharmacy as commercial use types.**

I. PROPOSAL

The applicant is requesting approval of a text amendment to CBMC Chapter 17.65.020, Permitted Uses, in the Medical Park District to allow the additional use category of professional services which are defined as offices or private firms which are primarily used for the provision of professional, executive, management, or administrative services.

II. BACKGROUND

A property owner has initiated this request to benefit a vacant office building located at 2130 Thompson Road. The submitted narrative indicates that the property's structure has been vacant for more than a year and that the limited range of uses currently provided by the MP district has made it difficult to find a tenant. Although the request is associated with a particular property, the proposed expansion of professional uses cannot legally be applied to just a singular property but must be applied to the entire MP district. Otherwise, it becomes tantamount to spot zoning wherein one property is given a use benefit or relief from zoning regulations that is not extended to like properties sharing the same designations. Likewise, a variance is not an option because variances only apply to relief of development standards but cannot be utilized for relief of restricted or prohibited uses.

III. APPLICABLE REGULATIONS

Coos Bay Municipal Code Chapter 17 Development Code (current Code, in its entirety)
Coos Bay Municipal Code Chapter 17.380 Amendments to the Plan and/or this Title (for review)

IV. STAFF RECOMMENDATION

Staff prepared the following report based on the applicant’s submittal, the current 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 City Council to justify their final decision.

The Coos Bay Planning Commission must find that there is sufficient evidence in the record upon which to make a recommendation for proposed #187-ZON15-053 and that such recommendation be passed on to the City Council for final disposition.

V. Section 17.380 AMENDMENTS TO THE PLAN AND/OR THIS TITLE: FINDINGS AND CONCLUSIONS

The following is a list of the decision criteria applicable to the request as stated in Coos Bay Municipal Code, Chapter 17.380. Each of the criteria is followed by findings or justification statements which may be adopted by the City Council 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 Planning Commission shall send a recommendation to the City Council to approve, conditionally approve, or deny the application.

CHAPTER 17.380 AMENDMENTS TO THE PLAN AND/THIS TITLE

(1) For a proposed title text amendment:

DECISION CRITERION (a): An acceptable rationale which supports the need for the amendment.

STATEMENTS OF FACT AND FINDINGS:

1a. The Medical Park District is included in the zoning regulations to achieve the following city objectives:

- (1) To encourage the centralization of Coos Bay’s medical facilities.
- (2) To provide space for semi-public facilities needed to complement medical facilities.
- (3) To facilitate the establishment of the medical park district as an efficient regional referral center.
- (4) To facilitate the planning and programming of desirable and/or needed utilities and facilities to adequately accommodate planned service level and intensity of use.
- (5) To create an aesthetically pleasing, park-like environment conducive to the promotion of mental health and general well-being.
- (6) To establish and reserve appropriately located areas for desirable mixtures of medically related professional, limited complementary commercial, administrative business offices, and medically related multifamily residential uses.

(7) To control the encroachment of medically related facilities into established or intended residential areas.

- 1b. The applicant's narrative cites that the restriction on professional offices in the MP district has caused long-term vacancies and blight in the area. In addition, the narrative identifies other cities with a similar medical use zoning that has a greater range of professional uses along with medical offices and uses. The conclusion of the narrative is that these more permissive zone districts have allowed a wider inclusive range of uses which are both complimentary and mutually supportive to medical uses and facilities with the result being less blight and decreased vacancies that support the local economies.
- 1c. A map was provided by the applicant that identifies properties within the MP district that are either vacant buildings or undeveloped land, several of the latter presently on the market for sale. The purpose of the map, which was requested by staff, was intended to gain a greater illustration and portrayal of the amount of under-utilized properties and their distribution in the MP district.
- 1d. A letter of support for this requested text amendment was provided by the South Coast Development Council, Inc. and is included in this report as Attachment F.

CONCLUSION: Staff researched this issue and found the City of Tualatin has a similar Medical Center Planning District whose stated purpose "is to provide care facilities, allied health care uses and limited supporting retail and service uses for the convenience of patients, patient visitors and staff". A copy of permitted uses in Tualatin's Medical Center Planning District is provided as Attachment D. As indicated from the list, Tualatin's approach is to limit the square footage of land uses that are not directly related to medical services and patient care but provide some level of periphery support.

Staff also found that the City of Springfield has a similar Medical Services Zoning District and the list of permissive uses is provided as Attachment E. In Springfield's method of land use management, they have taken a similar approach to Coos Bay in that medically-related services and uses have to be directly related to medical care and patient treatment and the zoning regulations do not allow unrelated uses of any type.

It is difficult to determine which of these two strategies work best for the identified communities and whether one or both have comparable situations regarding land use relationships and development patterns that could be applied to Coos Bay. It just illustrates a different approach that could be considered within Oregon rather than the more distant cities of Tracy, CA, Puyallup, WA, and Boise, ID that the narrative references.

The applicant did provide a map (Attachment B) that identifies vacant buildings and undeveloped properties within the MP district that attempts to illustrate the location and extent of potential re-use and/or development of said properties. Staff conducted several visits to the area and concurs that there are a couple of existing commercial buildings that are under-utilized which the City would like to see put back into productive use. However, there are more undeveloped properties in the district than vacant buildings. Most of these

parcels (several of which are for sale) have demanding development issues such as steep slopes, difficult access, or physical isolation from the established medical-related uses of the district which makes full, optimal use challenging due to development costs. Although these are, empirically speaking, relatively more expensive development pieces, it is very difficult to ascertain the extent of additional costs to build on each property since it would depend on type, location, manner, and phasing of improvements and what constraints would be particular to each property.

Staff finds, based on both the reasoning and justification described above, that a speculative rationale exists for satisfaction of this criterion.

DECISION CRITERION (b): The amendment complies with the applicable provisions of the comprehensive plan.

STATEMENTS OF FACT AND FINDINGS:

- 2a. The City's Comprehensive Plan was updated in June 2010 during periodic review to reflect changes and demands for addressing a variety of planning, land use and community development issues that had emerged or re-defined themselves since the revised 1983 document has been in effect. Included in Goal 5, Cultural Environment, under-subsection 5.4 Public Facilities and Services, is a sub-category of Bay Area Health District.

The district is described as follows:

"The advantages of creating this medical park have been to centralize medical and related facilities, increase efficiency and convenience to users, and create aesthetic quality in a park-like atmosphere.

The Bay Area Hospital is located on a 140-acre area that has traditionally been planned for hospital, medical and related facilities. This planned medical area is used by the hospital, two medical clinics, physicians' offices, a pharmacy, a dental office, a physical therapy office, and a psychiatric office.

The Bay Area Hospital District Board is now in the process of preparing a plan to improve the level of health and access to health services. Those inventoried needs that have a bearing on the city's land use plan are a lack of alternatives to institutional care (for instance, group care homes, home health agencies, homemaker services, foster home services, and day care services), a need for information and referral center, and better geographic distribution of general health care through small health care centers, primarily in rural areas".

- 2b. The Comprehensive Plan also has a conclusive section called the Land Use Plan and Implementation Plan and has a citation of subsection 9.1 Coos Bay Land Use Plan 2000. This reference is described as follows:

"Medical Park District

Objective 1 – The Medical Park District is intended to provide a park-like environment to accommodate the centralization of medical and medically-related facilities and services. Any new residential uses shall be associated with the medical facilities.

Rationale – The centralization of medical and medically-related facilities will provide increased efficiency and convenience to the user.

Implementation – The planned district which is zoned single family/duplex (R-2) shall be implemented by the piecemeal up-zoning of residential properties within

the planned area to zoning district, Medical Park District (MPD). Further development of the hospital campus should include, where feasible, plans to construct ingress and egress between the hospital and Woodland Drive.

From this definition, the MP district is severely limiting in safeguarding the area against uses that are not related to or directly supportive of medical-associated services and facilities.

CONCLUSION: The Comprehensive Plan has a very well-defined concept of how the MP district was intended to function. The Development Code and its listings of permitted uses does reference the ability to utilize “appropriately located areas for desirable mixtures of medically related professional, limited complementary commercial, administrative business offices, and medically related multifamily residential uses” in the MP district, as cited under Decision Criterion (a), above. A broad interpretation of this language could suggest that limited commercial uses would be acceptable. However, there is no guidance on what those uses would be and whether allowing them is a function of specific type or size, or both. Based on these factors and findings, this criterion cannot be clearly and unequivocally determined.

VII. STAFF RECOMMENDATION

Based on the adopted Facts, Findings, and Conclusions, staff takes no position on the request and defers to the public hearing proceedings and the recommendation of the Planning Commission on item #187-ZON15-053.

EFFECTIVE DATE OF DECISION:

Consideration of this item will be made at a public hearing before the City Council on April 5, 2016.

DATE MAILED: March 1, 2016

cc: Dave Perry, DLCD
Nhan Nguyen, applicant’s representative
Connie Stopher, South Coast Development Council, Inc.

ATTACHMENTS:

- A. Application and narrative
- B. Applicant’s map depicting property vacancies
- C. City of Coos Bay zoning map
- D. City of Tualatin Medical Center Planning District
- E. City of Springfield Medical Services Zoning District
- F. Letter from South Coast Development Council, Inc.
- G. Letter from Rosalyne Beesley

Attachment A



Community Development • 500 Central Avenue • Coos Bay, Oregon
 Telephone 541.269.1181 • Fax 541.269.8916 • coosbay.org

NOV 30 2015

DEVELOPMENT REVIEW APPLICATION

For Office Use Only	
STAFF CONTACT	PROJECT No(s). 187-ZON15-053

Type of Review (Please check all that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Appeal and Review | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Temporary Uses |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Partition | <input type="checkbox"/> Vacation |
| <input type="checkbox"/> Floodplain Development | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Sign Review Permit | <input type="checkbox"/> Zone Change |
| <input checked="" type="checkbox"/> Legislative/Text Amendment | <input type="checkbox"/> Site Plan and Architectural Review | <input type="checkbox"/> Other _____ |

Pre-Application applications require a different application form available on the City website or at City Hall.

Site Location/Address: 2130 Thompson Rd. Coos Bay, OR 97420	Assessor's Map No.: 25S13W22CB Tax Lot(s): 25s13W22CBTL0290000 Total Land Area: .59 Acres
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Detailed Description of Proposal:

See Attached

Applicant/Owner Name: American Land and Cattle LLC / Member Clark Goodman <small>(please print)</small> Address: 1710 Willow Creek Circle City State Zip: Eugene, OR 97402	Phone: 541-852-4008 Email: chip.goodman@amcmmedical.com
Applicant's Representative: Nhan Nguyen <small>(please print)</small> Address: 1710 Willow Creek Circle City State Zip: Eugene, OR 97402	Phone: 541-852-4008 Email: nhan.nguyen@amcmdecial.com

1. The owner/applicant or their representative should be present at all public hearings.
2. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
3. Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.
One (1) complete set of digital application materials must also be submitted electronically or on CD in PDF format.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Coos Bay Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

Applicant's signature _____ Date 11/19/15
 Owner's signature (required) *[Signature]* _____ Date 11/19/15

Detailed Description of Proposal

The property in question, 2130 Thompson Rd, is located in the city's Medical Park District. We have found that the allowed uses within that district have caused long standing vacancies and blight. When researching other cities with medical zoning, professional offices or professional services are often an allowed use or permitted with a conditional use permit. Tracy, California and Puyallup, Washington are both examples of professional services being an allowed use. Conversely, cities without a medical zone often have medical uses allowed with other professional services such as Boise, ID does in their "Neighborhood Office" zone. These zones help reduce blight by allowing for a broader range of complementary services within these districts. Other properties within the district such as the one located at 2590 Woodland have been vacant for over 3 years.

Excerpt from Coos Bay Comprehensive Plan: Appendix C pg. 8:

"Medical Park District

The Medical park district is intended to provide a park-like environment to accommodate the centralization of medical and medically-related facilities and services. Apartments would be appropriate as "conditional uses" on the fringe of the medical park district. Implementation of the planned district is to be accomplished by the piecemeal up-zoning of residential properties within the planned area to "MP-D" (Medical Park District). Such rezones shall be allowed subject to the substantiation, among other required legal findings, that the requested medical or related use is not suited or more appropriately located on the undeveloped portion of the hospital campus administered by the Bay Area Health District. It is intended that this planned district be implemented in an orderly fashion where rezones are contiguous to existing medical park development. Further development of the hospital campus should include, where feasible, plans to construct ingress and egress between the hospital and Woodland Drive."

The proposed text amendment to include professional and medical services will not negatively impact the City's ability to continue to develop a centralization of medical services and to create a park-like environment for those who access it. In fact, this text amendment would enhance that effort. The overly narrow allowances in the zone are creating long standing vacancies which are attracting vagrants, decreasing property values, and detracting from the aesthetic appeal of the district.

With this in mind, we propose that there by a text amendment to allow for "Professional offices" within the Medical Park District.

Attachment B

X= Vacant * = Building vacant for more than 1 year



Attachment C

Zoning map of MP district



Attachment D

Tualatin Development Code Chapter 56: Medical Center Planning District (MC)

Section 56.010 Purpose.

The purpose of this district is to provide care facilities, allied health care uses and limited supporting retail and service uses for the convenience of patients, patient visitors and staff.

Section 56.020 Permitted Uses.

No building, structure or land shall be used, except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business:

(1) Medical center:

- (a) hospital, including but not limited to diagnosis and treatment of sick and injured persons on an inpatient and outpatient basis; surgical, emergency, laboratory, imaging, pharmacy and physical therapy services; and facility maintenance, laundry, worship, food service and administrative functions,
- (b) offices of physicians and dentists,
- (c) offices and clinics of allied health care providers, including but not limited to nurse practitioners; midwives; dietitians; psychologists; opticians; physical and occupational therapists; occupational health/safety specialists; substance abuse counselors; chiropractors; and wellness centers including physical fitness facilities, nutritional counseling, health maintenance and rehabilitation services,
- (d) durable medical goods sales and rentals,
- (e) nursing school and other medical training facilities,
- (f) nurses' and house staff physicians' housing,
- (g) medical and dental laboratories,
- (h) medical and dental related research laboratories and testing facilities,
- (i) medical and dental nonprofit educational, charitable and research organizations and facilities,

(j) congregate care facilities, assisted living facilities and residential facilities in accordance with TDC 56.080,

(k) nursing and convalescent homes,

(l) community meeting facilities, and

(m) parking lot, parking structure, or underground parking.

(2) Supporting retail and service uses for the convenience of patients, patient visitors, staff physicians and on-site employees, subject to the requirements of TDC 56.090:

(a) bank branch/automatic teller machine not greater than 1000 square feet of gross floor area,

(b) barber/beauty shop not greater than 750 square feet of gross floor area,

(c) child day care center not greater than 4000 square feet of gross floor area,

(d) credit union not greater than 1000 square feet of gross floor area,

(e) fitness center not greater than 15,000 square feet of gross floor area,

(f) florist/gift shop not greater than 750 square feet of gross floor area,

(g) pharmacy not greater than 2000 square feet of gross floor area, and

(h) restaurant/delicatessen/coffee shop not greater than 1500 square feet of gross floor area.

(3) Sewer and water pump stations, pressure reading stations.

(4) Wireless communication facility attached.

(5) Other uses of similar character, found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

(6) Transportation facilities and improvements.

Attachment E

City of Springfield Chapter 3.2-500 Medical Services Zoning District

3.2-505 Establishment of the Medical Services (MS) District

A. The MS District is established to provide for hospital expansion and health services development and for suitable, geographically dispersed areas for the development of hospitals, health services, and medical offices and associated medical residential facilities. These facilities shall be developed comprehensively and designed to ensure compatibility with the surrounding neighborhood.

B. The MS District may be applied in the vicinity of McKenzie-Willamette Hospital, as delineated in Section 3.3-1110 and to land designated Community Commercial, Major Retail Commercial, Mixed Use, Medium Density Residential or High Density Residential under the Metro Plan, provided that all or portions of these designated property abut and have direct access to a collector or an arterial street.

C. The MS District shall be applied to contiguous sites of 3 or more acres.

D. Unless the use is limited to the conversion of a single-family residence to a medically related use, the minimum development area shall be at least 1 acre. This means that phasing of developments shall occur in increments of not less than 1 acre.

E. A Traffic Impact Study prepared by a Traffic Engineer as specified in Section 4.2-105A.4. shall be required prior to the application of the MS District and prior to Site Plan approval.

3.2-510 Schedule of Use Categories

The following buildings and uses are permitted in this district as indicated subject to the provisions, additional restrictions and exceptions specified in this Code. Secondary retail uses shall be limited to 20 percent of the total gross floor area of all buildings on the site.

<i>Uses/Use Categories</i>	<i>MS District</i>
Primary Uses	
Hospital services	P
Medical clinics	P
Physicians services	P
Medical laboratory services	P
Dental services	P
Dental laboratories	P
<i>Uses/Use Categories</i>	<i>MS District</i>
Primary Uses	
Housing for the elderly and handicapped, independent of care facilities	P
Residential care facilities	P
Child care facilities that meet Children's Services Division (CSD) regulations	P
Adult day care facilities subject to any applicable State regulations	P
Certain Wireless Telecommunications Systems Facilities (Section 4.3-145)	P
Health Services	P
Medical Office Buildings	P
Secondary Uses	
Dispensing pharmacies	P
Prosthesis, hearing and speech aids sales and service	P
Home medical equipment rental and sales	P
Cafeterias, medical related recreational facilities, low impact public utility facilities, and heliports and helistops serving and constructed in conjunction with on-site development.	P

Attachment F

The South Coast Development Council's mission is to promote and support businesses that provide quality jobs through responsible development on Oregon's South Coast.

February 25, 2016

City of Coos Bay Development Department
500 Central Ave
Coos Bay, Or 97420

COOS BAY
FEB 26 2016



50 Central Avenue, Suite A
Coos Bay, OR 97420
541 266-9753
FAX 541 267-2753

RE: Text Amendment #187-ZON15-053 to allow professional services as a permitted use in the MP district

To Whom It May Concern:

The South Coast Development Council would like to take this opportunity to voice our support for the proposed text amendment to allow professional services as a permitted use in the Medical Park (MP) district.

Medical Parks are a useful and needed zone in the City. Unfortunately, many of the lots and buildings have remained vacant for a significant amount of time. Vacant buildings lead to blight and deterioration making it difficult to market those locations, particularly to high-end users such as medical offices. There is currently demand for professional office space within the Coos Bay area. Expanding the use to allow for professional services in the Medical Park will enable small businesses to grow, will enhance the value of the buildings and lots within the medical park, reduce blight, and could potentially improve the access to services for those who work in the Medical Park.

The South Coast Development Council works with businesses to help them find locations in and around the Coos Bay area. On multiple occasions we have had to turn away professional tenants from locating in this zone. Allowing professional services to locate in the Medical Park will not prevent the expansion of medical services in the zone, but will enhance the professional feel to the district by helping to fill vacancies and support development within the district. In fact, many other cities allow professional services to locate within Medical Parks which helps to improve the desirability of the area.

The South Coast Development Council urges that you consider approving this text amendment which will improve the desirability of the Medical Park Zone, and will help grow local business.

Sincerely,

Connie Stopher
Executive Director
South Coast Development Council

STATEMENT TO COOS BAY PLANNING COMMISSION

I would like to comment as a medical professional on the proposed change of Medical Park District zoning in the City of Coos Bay. I work as a self-employed, on-call Physical Therapist, thus I have worked at most of the facilities with physical therapy in the Medical Park zoning area. The concentration of medical services in one area is very beneficial for the entire community and those coming here for medical care. Many patients I have seen are able to schedule multiple appointments, or take care of varied medical errands at one time without having to run all over town to accomplish it. This is especially true for the elderly and the chronically ill population, who frequently require medical services and often have transportation difficulties. If the Medical Park District zoning is changed to allow additional uses, over time some medical related facilities might have to be located elsewhere.

I would ask that you not weaken the current Medical Park District zoning, which is beneficial for the vast majority of the community, by allowing non-medical related uses because of one unappealing property.

Rosalyn Beesley
Oregon Licensed Physical Therapist
PO Box 3693
Coos Bay, OR 97420

CITY OF COOS BAY
PLANNING COMMISSION MINUTES
Tuesday, March 8, 2016 at 6:00 P.M.
Coos Bay City Hall, 500 Central Avenue, Coos Bay

ATTENDANCE

COMMISSIONERS: Chairman Phil Marler, Commissioners Jim Berg, Christine Coles, Katherine Flores, Jeff Marineau, Rex Miller and John Peery

ABSENT: None

STAFF: Tom Dixon, Planning Administrator
Debbie Erler, Planner

SIGNED-IN GUESTS: Connie Stopher, 50 Central Avenue, Coos Bay
Pam deJong, 2195 Broadway, North Bend
Clark Goodman, 1710 Thompson Rd., Coos Bay
Nhan Nguyen, Thompson Road, Coos Bay
Cynthia Stark, Thompson Road, Coos Bay
Dorothy Beesley, PO Box 4173, Coos Bay

APPROVAL OF MINUTES

Approval of the Planning Commission minutes of February 9, 2016.

Staff noted the following corrections: Meeting attendance, John Perry was absent and Jim Berg was present. On page 2 remove the partial sentence "Commissioner Miller stated". Commissioner Peery noted that Commissioner Berg seconded the vote for the Minutes of November 10, 2015.

MOTION: Commissioner Coles – Approve the Planning Commission minutes of February 9, 2016 as amended.

SECOND: Commissioner Marineau

VOTE: Unanimous **ABSTAIN:** Commissioner Peery

CCI/PUBLIC COMMENTS None

PUBLIC HEARING

ITEM A: Development Code Amendment #187-ZON15-053. The applicant, Nhan Nguyen, is requesting a text amendment to the Coos Bay Development Code Chapter 17.65.020, Permitted Uses, in the zoning designation of Medical Park District, to allow the additional category of professional services which are defined as offices or private firms which are primarily used for the provision of professional, executive, management, or administrative services.

Chairman Marler 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.

Chairman Marler opened the public hearing.

Tom Dixon read the disclosure statement and outlined the applicants' request. He presented the staff report in a Power Point Presentation, including language from the current Development Code and the Comprehensive Plan regarding the Medical-Park designation. He said the applicant is Chip Goodman and his representative is Nhan Nguyen, both of 1710 Willow Creek Circle, Eugene, Oregon (not the City of Coos Bay as indicated in the Staff Report). The applicant is proposing a text amendment to expand "Permitted Uses" in the Medical Park zoning district (currently CBMC Chapter 17.65.020, Permitted Uses) to allow the additional category of professional services which are defined as offices or private firms which are primarily used for the provision of professional, executive, management, or administrative services. He said currently only medical and medically related uses are permitted in the zone. He said that while there is a particular property involved in the request, any amendment would apply to all properties in the Medical Park zone. He summarized the applicant's submitted map which indicates vacant buildings and undeveloped properties. He said one of the buildings indicated as vacant is now occupied. He said applicant provided medical park district comparisons from Washington, Idaho and California. Mr. Dixon stated staff provided district comparisons from two Oregon communities which is more appropriate. He said Tualatin has a similar medical park district that allows limited professional uses that are not medically related. He said that Springfield medical park district is similar to Coos Bay in that it only allows medical/medically related uses. He said both district are successful for their community. He said staff found only two vacant buildings in the Medical Park district during site visits. He said that vacant property in the district may have higher development cost related to limited access, topographic, and physical features on the property. He said staff is deferring to the Planning Commission's experience, wisdom and longevity for a recommendation to the City Council. He said staff, on a day/today bases, receives very few calls regarding the Medical Park District as it relates to permitted uses.

Commissioner Miller asked for the definition of "Professional Services". Ms. Erler read the current definition as: "Professional and administrative services" means offices or private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, legal offices, or architectural firms. "Administrative service" means consulting, record-keeping, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles, and excludes commercial use type, "Professional and administrative service." Typical use types are associated with governmental offices.

Mary Wiedeman, 1630 Underwood Avenue, Coos Bay asked what sort of developer is apply for the amendment. Chairman Marler stated the proposed amendment is not about one property; any changes would apply to all property in the Medical Park district. Ms. Wiedeman said she would not want to see a Burger King in the district.

Connie Stopher, 50 Central Avenue, Coos Bay, stated she is the Executive Director for the South Coast Development Council and she has had a couple people over the last six to eight months inquire about property in the Medical Park district and she has had to tell them professional uses are not permitted. She said she thinks allowing professional uses in the district would not impede development as a medical park, but would allow property to be leased that would not otherwise be leased and fill in while there is not a need for a medical related use. She said currently we don't have the demand for medical offices and filling the vacant buildings with similar impact office type uses would reduce dilapidated buildings and reduce vagrants in the area.

Ms. Stopher added that the proposed amendment would not be a determinant to the area and when there is a need for medical uses the buildings could be used again for that use.

Pam deJong, 2195 Broadway, North Bend, stated she supports the request to expand the permitted uses in the Medical Park district. She said when she was looking for an office for her financial services business and that Thompson Road was her preferred location. She said she worked with Ms. Stopher who found the office on Thompson Road (which has been empty for several years), but since her business is not medically related it was not permitted. She said due to the time frame she had moved forward with opening her office elsewhere, but she is a vendor for the Bay Area Hospital's 401K retirement plan and it would have been convenient for her customers if she was located on Thompson Road. She would like to see the uses expanded for all the other businesses looking for office spaces in Coos Bay.

Chip Goodman, CEO and Chairman of the Board for American Medical Concepts and its companies (owners of 2130 Thompson Road), stated they are a development company and they would like to see the uses in the Medical Park district expanded to broaden their options for disposing of the property or building a commercial building. He said they have had inquires for their existing building but none of the uses were medically related. He said the building has been vacant for a number of years and has become worn down (decrepit) and the building has had some vandalism. He said this was the first time he has seen the building in years and it clearly needs some upkeep. He added that expanding the allowed uses would help property owners in the district.

Cynthia Stark stated she was looking into the building at 2130 Thompson Road for a daycare facility (which is currently a Conditional Permitted Use in the Medical Park district) and other than some needed improvement and a vision clearance issue the building would be great for her use. She said the use would benefit medical professionals in the area. She said buses from both school districts could deliver student to the facility. She stated they are ready to file their Conditional Use application to establish the daycare.

Tom Dixon read into the record a letter from Rosalyn Beesley, P.O. Box 3693, Coos Bay. She is an Oregon licensed Physical Therapist and the letter outlines her objection to the proposed amendment to accommodate one unappealing property. The letter indicates that the concentration of medical services in one area is very beneficial to the entire community and those coming to the area for medical care. Ms. Beesley indicated many patients have multiple appointments and have the concentration of facilities in one area is an asset. If the zone is changed to allow additional uses, over time some medical related facilities might have to be located elsewhere, which will weaken the intent of the Medical Park District (*Exhibit 1*).

Dorothy Beesley, owner of 2115 Thompson Road, stated it concerns her that the applicant used communities that are not in Oregon to justify the amendment and she didn't know if they are even similar to Coos Bay. She said she talked with the new business owner at 2590 Woodland Drive (Hands of Light Massage) which has been at that location since November 2015. Mrs. Beesley said she is not sure how the proposed amendment would enhance the zoning district, since no specifics are given. There are currently a number of uses that are conditionally permitted (including the proposed daycare) in the Medical Park district. The prior florist shop seems to have been successful and they were there for a number of years. She stated the submitted map indicates there are only two sites with buildings that are vacant and the other five properties are vacant. She said at least two of those five are owner by the health district for future development. She concluded that neither the narrative nor the map convinced her that the amendment is needed.

Chairman Marler closed the public hearing.

Commissioner Miller asked why rezoning 2130 Thompson Road would be spot zoning with the area is sprinklered with residential zoning. He said he would hate to see the Medical Park lose property they may need later. He said he agrees with Mrs. Beesley, that a Conditional Use for a couple properties with the vacancies issues would be more appropriate than an amendment that affects the entire district.

Commissioner Marineau stated there are several properties on Woodland Avenue and a few on Thompson Road that have been in varies states of vacancies over a long period of time. He said one of the issues is that you have varying styles and quality of buildings. When you go to the doctor office the buildings are usually nice and well maintained and doctors are not interested in buildings that are not well maintained. He said in the last year Downtown Coos Bay went from having a lot of vacant office space to having very little vacant office spaces. He said having a use be permitted (and not a conditionally permitted) saves time and money for the business owner. The market is going to determine what businesses will locate in the Medical Park zone.

Commissioner Berg asked are we compromising the Medical Park district by loosening the list of permitted use. He said there is a lot of property in the Medical Park district and how quickly are we going to run out of land in the Medical Park district and how far in the future do we need to look to make that determination.

Commissioner Marineau stated that the rent for professional office space is often less than for a medical office use. If a medical use needs the building they are going to purchase the building and remodel it to suit their needs or demolish the structure to expand an existing medical use. He said there is a lot of space in the district and the use of buildings for professional offices does not preclude the medical use from expanding or utilizing the space. He said he does not see a big issue with the proposed amendment and it will take care of less desirable properties that are under-utilized and the market will take care of the issue.

Commissioner Peery stated the current code seems sufficiently broad to accommodate a range of services, without adding uses that may affecting the serenity of the district as it was planned. The fact that the building out of the district has not been achieved is not a bad thing and these protections are for the posterity of the district. He said amendment would open the door for additional uses that may become undesirable to the district and two vacant don't represent the failing in the district. He added that if the buildings with occupancy issues were enhanced (improved) it may take care of the issue. He said he is not in favor of the proposed amendment.

Commissioner Coles asked what "complimentary commercial" uses means in the intent statement (CBMC 17.65.010). Mr. Dixon stated it is undefined and is whatever you want to define it as. It is the one out in the Medical Park district objections. If you use a broad interpretation it would allow more "administrative business offices" uses than what is listed. Commissioner Coles stated maybe we need to define what "limited complementary commercial uses" means. Commissioner Marineau stated he thinks we need to define it and not leave it open to interpretation. He thinks the word "commercial" needs to be eliminated. Mr. Dixon stated the ordinance defines "Professional office".

Commissioner Marineau stated he has been in Coos Bay for 50 years and not once has he had a request to place a real estate office in the Medical Park district. They are not interested in being near the hospital. Commissioner Berg stated an insurance company that provided medical insurance should be included. Commissioner Marineau stated if we are considering moving forward with expanding the uses we need to staff looking into specific defined uses.

Mr. Dixon stated the application cannot be continued, because it is scheduled before the City Council on April 5th for a final decision and we would be bumping up against the 120 day timeline. Commissioner Coles asked why they are just receiving the application. Mr. Dixon stated it is not necessarily related to when it came forward, we had several issues we needed to work through. He said the Planning Commission does not have to make a recommendation if you cannot make an agreement. The application could be sent forward without a recommendation.

Chairman Marler stated he has concerns all over the place. He is not concerned about expanding the uses, but he is concerned about too many non-medically related uses crowding out medical uses that may want to establish in the district at some point in the future.

Commissioner Marineau stated he thinks they are talking about "Professional office" uses only and he believes if there are medical offices or businesses they would out bid other uses for the space. He asked staff if only "Professional" office uses are included in the amendment. Ms. Erler again read the current definition of "Professional and administrative services". She stated "Financial, insurance, and real estate services" are defined separately as "establishments primarily engaged in the provision of financial, insurance, real estate, or securities brokerage services. Typical uses include banks, insurance agencies, or real estate firms".

Chairman Marler stated the intent stated indicates "administrative business office" separate from limited complementary commercial uses. Ms. Erler stated that the intent statement indicates "Limited complementary commercial" and then list in the permitted and conditional permitted uses what commercial uses are intended, which are "Medical services", "Retail sales, general – Pharmacy only" are permitted uses and "Child care facility", "Retail sales, general – Florist or gift shop only" are conditionally permitted commercial use types.

Commissioner Marineau stated the definitions make the distinction between "Professional" and "Financial" services, and therefore by allowing "Professional and administrative services" you are specifically excluding "Financial, insurance and real estate services". He said if someone came in with a borderline business staff would make the determination of which definition best suits the use.

Chairman Marler stated the language that is being proposed is expanding the permitted use types to include "Professional and administrative services"

Ms. Stopher stated that when the request was submitted to amend the code to allow "Professional use", she assumed that financial and insurance type uses would be included. It was her intent to include insurance and financial office since that have similar low impacts. Ms. Erler stated the financial type uses have a separate definition.

Commissioner Berg stated the problem seems to be with the definitions. He said having a medical insurance office and a financial office that handles the pension plans would be an acceptable use.

Commissioner Peery stated he thinks the existing lists of uses are sufficiently broad enough to accommodate the range of service conducive to that environment and the original intent of the district.

Chairman Marler stated over the years he has heard John Whitty speak to public groups and explain how the Medical Park district was formed and he agrees that a lot of thought and care went in to and our action will affect that in some negative way.

Commissioner Marineau stated he does not see how "Professional services" as defined in our current ordinance could negatively affect the area.

MOTION: Commissioner Peery- Deny Amendment request #187-ZON15-053.
SECOND: Commissioner Miller
VOTE: Yea - Commissioner Peery and Miller
Nay - Chairman Marler, Commissioners Berg, Coles, Flores, Marineau

MOTION: Commissioner Coles - Based on the Findings, Conclusions and Conditions, as supported by the applicant's revised site plan, attached hereto and incorporated herein by reference as Attachments A, recommend the City Council approve Development Code Amendment #187-ZON15-053 allowing the text amendment to the Coos Bay Development Code Chapter 17.65.020, Permitted Uses, in the zoning designation of Medical Park District, to allow the additional category of "Professional and Administrative Services" as defined in the current CBMC, Chapter 17.10 as follows:

"Professional and administrative services" means offices or private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, legal offices, or architectural firms.

"Administrative service" means consulting, record-keeping, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles, and excludes commercial use type, "professional and administrative service." Typical use types are associated with governmental offices.

SECOND: Commissioner Marineau
VOTE: Yea – Chairman Marler, Commissioners Berg, Coles, Flores, Marineau
Nay – Commissioner Peery and Miller

COMMISSION COMMENTS

Commissioner Marineau stated he thinks the amendment (expanding the uses in the Medical Park zone) is a good idea and the market will determine the highest and best use.

Commissioner Miller stated while he agrees with Commissioner Marineau, he is concerned about running out of space similar to the hospital in Eugene that ran out of room and had to relocate in Springfield. He said it is a big district and at this time there is lots of room, but he is concerned about the future.

Commissioner Peery stated he is disappointed in the vote, but he supposes the City Council will sift it out one way or the other.

Commissioner Flores stated she wants the recommendation to go to the City Council and let them sort it out.

Commissioner Coles stated she has mixed feelings about the amendment, but she thinks it is a good move and it will have a positive effect on the district.

Chairman Marler stated he enjoyed the discussion. He thanked the audience for attending and giving their comments. He said it's nice when the citizens that part in the process.

STAFF COMMENTS

Debbie Erler stated the agenda for the April 12, 2015 public hearing includes a Site Plan and Architectural Review for replacement of Pump Station #1 on North Front Street.

ADJOURNMENT 7:20 p.m.

Phil Marler, Planning Commission Chairman
City of Coos Bay
Coos County, Oregon

ATTEST:

Debbie Erler, Planner
City of Coos Bay

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