



**CITY OF CENTRAL POINT
PLANNING COMMISSION AGENDA
October 4, 2016 - 6:00 p.m.**

I. MEETING CALLED TO ORDER

II. ROLL CALL

Planning Commission members Chuck Piland (Chair), Mike Oliver, Tom Van Voorhees, Rob Hernandez, Elizabeth Powell, Craig Nelson Sr., Kay Harrison

III. CORRESPONDENCE

IV. MINUTES

Review and approval of September 6, 2016 Minutes.

V. PUBLIC APPEARANCES

VI. BUSINESS

A. Public Hearing – Mobilitie, LLC (File No. 16019)

Consideration of a Conditional Use Permit application for the installation of a utility pole in the public right-of-way on South 9th Street, between Pine St. and Oak St. The proposed utility pole will serve as a Tower Mounted Antenna to provide high-speed telecommunication services. The project site is located in the Tourist and Office Professional (C-4) zoning district and defined on the Jackson County Assessor's map as 37S 2W 02CD, adjacent to Tax Lot 3000.

Approval Criteria: CPMC 17.76 Conditional Use Permits; CPMC 17.60.040 Antenna Standards

Applicant: Mobilitie, LLC **Agent:** Colleen DeShazer

B. Public Hearing – Delta Life Fitness (File No. 16020)

Consideration of a Conditional Use Permit application to allow a women's fitness center to occupy available commercial space in the existing Fair City Market building. The project site is located at 1775 N 10th Street in the Neighborhood Commercial (C-N) zoning district, and is defined on the Jackson County Assessor's map as 37S 2W 03AA Tax Lots 4200 & 4300.

Approval Criteria: CPMC 17.76 Conditional Use Permits

Applicants: Melissa and James Mocello **Agent:** Jessica Janssen

VII. DISCUSSION

VIII. ADMINISTRATIVE REVIEWS

IX. MISCELLANEOUS

A. Costco Update

X. ADJOURNMENT

**City of Central Point
Planning Commission Minutes
September 6, 2016**

I. MEETING CALLED TO ORDER AT 6:00 P.M.

II. ROLL CALL

Commissioners Chuck Piland, Craig Nelson, Tom Van Voorhees, Elizabeth Powell and Mike Oliver were present. Also in attendance were: Tom Humphrey, Community Development Director, Molly Bradley, Community Planner, Stephanie Holtey, Community Planner and Karin Skelton, Planning Secretary.

Rob Hernandez and Kay Harrison arrived at 6:07 p.m.

PLEDGE OF ALLEGIENCE

III. CORRESPONDENCE

IV. MINUTES

Craig Nelson made a motion to approve the minutes of the July 5, 2016, Planning Commission Meeting. Mike Oliver, seconded the motion: ROLL CALL: Mike Oliver, yes; Tom Van Voorhees, yes; Craig Nelson, yes, Elizabeth Powell, yes. Motion passed.

V. PUBLIC APPEARANCES

None

VI. BUSINESS

A. Mobilitie Conditional Use Permit application to be continued to October 4, 2016 at 6:00 p.m.

Molly Bradley introduced a Conditional Use Permit for Mobilitie LLC, a Telecommunications company that was proposing to construct a new wooden utility pole located in the public right of way to be used for telephone related services. She explained that the application has not yet been deemed complete and additional information had been requested from the applicant. Currently there was not enough information for the Commissioners to evaluate the project. The public hearing had been noticed for this date, September 6, 2016 in anticipation of receipt of the requested information, however at this time it has not been received. She stated that staff's recommendation was to open the public hearing and move to continue it to a date and time specific, which would be the October 4, 2016 meeting.

Mike Oliver made a motion to continue the public hearing for the conditional use permit for Mobilite LLC to the October 4, 2016 Planning Commission meeting. Craig Nelson seconded the motion. ROLL CALL: Mike Oliver, yes; Tom Van Voorhees, yes; Elizabeth Powell, yes; Craig Nelson, yes; Rob Hernandez, yes; Kay Harrison, yes. Motion passed.

VII. DISCUSSION

A. Central Point Hazard Mitigation Plan 2016 Update

Stephanie Holtey gave an overview of the Central Point Hazard Mitigation Plan. She said that it was originally developed in 2011 and was required to be reviewed and updated every 5 years. She explained that at this time it was being presented as an informational item for input from the Planning Commission. She informed them that currently Central Point had a stand-alone plan, however there was a meeting scheduled with Jackson County next week to discuss Central Point joining with other cities in the county to develop a multi-jurisdictional plan. She stressed that the city would continue to identify its own strategies for hazard mitigation, however the collaboration would afford access to a larger pool of resources and facilitate communication with other cities.

She noted that the city currently faced 3 primary hazards, flood, earthquake and severe weather. Lesser hazards included landslides, tornados, volcanic eruptions, drought and wildfires. She emphasized that the plan would identify vulnerable areas and properties. She said that Jackson County currently has a disaster registry for vulnerable persons so that should an event occur, someone would be able to check on those persons listed on the registry.

Ms. Holtey stated that the current plan was cumbersome and redundant. The update would streamline it and make it more user friendly. She also explained the Community Rating System and how it provided discounts to citizens on flood insurance. Additionally the development of the hazard mitigation plan would make the city eligible for federal aid in an emergency situation.

She stressed again that Central Point would identify their own mitigation strategies and the collaboration would enable all cities to communicate more efficiently and effectively.

There was discussion regarding stream maintenance and past flooding events and locations. Additionally there was some discussion about reservoirs and the amount of water the city would need in an emergency situation and how to insure distribution of that water to those needing it.

B. Population and Demographics Element Update for the Central Point Comprehensive Plan

Tom Humphrey said that he would be giving the Planning Commission an update on the population element. The housing component would be given next month by Don Burt.

He said that that the information in the Population Element is necessary in order to demonstrate the need to bring more land into the city. He stated that the purpose of the population element was to identify the city's basic population characteristics such as age, sex, household size, etc. He added that in 2000 the median age was 36 and in 2010 the median age was 39 so the population was getting older. Additionally, it was projected that by 2035 Central Point is expected to become the County's second largest city, and would account for approximately 10% of the County's total population. He reviewed the different household types and the need for different types of housing to accommodate them. He said that the population forecast would help determine what types of development would be needed, however the actual development would be market driven. The Planning Commission briefly discussed the definitions of the different types of housing and locations of the expected population expansion.

C. Downtown Streetscape Update

Mr. Humphrey gave an update on the Pine Street Streetscape project. He directed the Commissioners to the illustrations hanging in the council chambers that depicted what changes had currently been identified by the Development Commission. These included types and placement of street trees, a new traffic signal along with bulb outs at intersections and a plaza area by Rays Supermarket. There was some discussion of the idea of bulb outs as they made turning difficult for larger vehicles. Mr. Humphrey stated that there would be another Development Commission meeting on the 19th at 6:00 and that anyone was welcome to attend and ask questions. He also said that there would be another public open house coming up. The Commissioners said that they had not been aware of the Development Commission meetings and requested that the City attempt to advertise those events more effectively.

D. Costco Update

Mr. Humphrey gave an update of the Costco appeal. He said that there had been a LUBA hearing on August 25th and that LUBA currently was reviewing the testimony and would render a decision no later than September 23rd. The Planning Commission was concerned that should LUBA remand the appeal back to the City, the fact that everyone had been exposed to quite a bit of media coverage would constitute bias on their part. Mr. Humphrey said that he did not believe so.

VIII. ADMINISTRATIVE REVIEWS

None

IX. MISCELLANEOUS

X. ADJOURNMENT

Mike Oliver made a motion to adjourn, Tom Van Voorhees seconded. All commissioners said "aye". Meeting adjourned at 7:00 p.m.

The foregoing minutes of the September 6, 2016 Planning Commission meeting were approved by the Planning Commission at its meeting on the 4th day of, October 2016.

Planning Commission Chair

**CONSIDERATION OF A CONDITIONAL USE PERMIT APPLICATION FOR
INSTALLATION OF A NEW TOWER MOUNTED ANTENNA IN THE PUBLIC RIGHT OF
WAY**



STAFF REPORT

STAFF REPORT September 26, 2016

AGENDA ITEM (File No. 16019)

Consideration of a Conditional Use Permit for the installation of a new tower-mounted antenna in the public right-of-way, to be located on South 9th Street between Pine St and Oak St. The proposed antenna will be located in the Tourist and Office-Professional (C-4) zoning district and is defined on the Jackson County Assessor's map as 37S 2W 02CD, adjacent to Tax Lot 3000.

Applicant: Mobilitie, LLC **Agent:** Colleen DeShazer

SOURCE

Molly Bradley, Community Planner I

BACKGROUND

Mobilitie ("Applicant") is a public utility company that provides wireless telecommunications services and infrastructure, and is regulated by the Oregon Public Utility Commission. The Applicant is requesting a Conditional Use Permit to construct a tower-mounted antenna in the public right-of-way. The purpose of the antenna is to provide high-speed, high-capacity bandwidth, and increased communication services in Central Point. The Applicant's findings state that locating the facility within the public right-of-way is necessary to ensure compatibility with existing utilities, such as telephone and electrical. Wireless communication antennas are regulated in accordance with CPMC 17.60.040 Antenna Standards and CPMC 17.76 Conditional Use Permits.

Project Description:

The proposal consists of the installation of a 75-foot tall single tower-mounted antenna, located within the public right-of-way, between the existing McDonald's parking lot and the sidewalk on South 9th Street (Attachment "A"). The proposed utility pole is made of wood, with wiring and equipment attached to the exterior.

Per Table 2 in Chapter 17.60.040 Antenna Standards, tower-mounted antennas are allowed as a conditional use in the C-4, C-5, M-1 and M-2 zoning districts. Tower-mounted antennas have been identified as a conditional use due to their unusual characteristics (height) and special considerations necessary to assure their proper location and mitigation of visual impacts. The City's Antenna Standards further acknowledge the visual concerns caused by the height of the tower-mounted antennas to the extent that, in approving a conditional use permit, additional conditions may be imposed to mitigate visual impacts, such as the use of camouflage, concealment, or stealth/disguise design. At this time, the Applicant has not submitted a proposal for mitigating the visual impacts of the proposed tower-mounted antenna.

The Applicant has submitted findings stating that the tower-mounted antenna will not have a significant adverse effect (visual or otherwise) on abutting property, as there is an existing utility pole within the public right-of-way, in the same vicinity of the project site (Attachment "B").

ISSUES

In consideration of this application, there are three issues: (1) Precedent; (2) Visual Impact; and (3) Site Location.

1. **Precedent:** This application is the first request to locate a communications tower within the public right-of-way. The frequency of similar requests in the future is unknown.

Comment: The action taken on this application will set a precedent for how similar applications will be reviewed in the future.

2. **Visual Impact:** As illustrated in the Applicant's findings, the proposed tower-mounted antenna will be the tallest utility pole in the area, only exceeded in height by the McDonald's freestanding sign (Attachment "C"). Being located within the public realm, the visual impact of the antenna will be very apparent to the general public, and needs to be noted and addressed at this time.

Comment: The purpose of the regulations set forth in CPMC 17.60.040(2)(d), is to ensure that antennas serve the needs of the community, but at the same time are properly located and have minimal visual impact on the community. In making its decision, the Planning Commission needs to further determine whether or not the proposed tower-mounted antenna has a visual impact and, if so, whether the impact to surrounding properties is adequately mitigated. Based on the Planning Commission's interpretation of visual impact, two determinations can be made:

No Visual Impact Determination – The Planning Commission agrees with the applicant's findings that the proposal will not adversely affect abutting property, and the application can be approved subject to conditions.

Visual Impact Determination– There is sufficient evidence to justify denial of the application on the basis that the proposal does not include a plan to mitigate the visual impact of proposed tower-mounted antenna.

3. **Site Location:** The proposed tower-mounted antenna is located south of Pine Street, near the easterly entrance to the City's downtown. The Applicant has not submitted compelling findings justifying the necessity of this site location vs. another more obscure location.

Comment: The challenge with locating a tower-mounted antenna within the public right-of-way is its visual proximity to the general public and the ability to conceal it in limited spaces vs. a negotiated location on private lands that provide both scale and obscurity siting. In the absence of findings addressing site location considerations, the question of optional siting locations remains.

No issues or concerns have been raised from notified agencies and neighboring property owners (within 100 feet).

FINDINGS

The applicant has stated in their findings that all requirements outlined per the Conditional Use Permit section 17.76.040 have been met (Attachment "D").

ATTACHMENTS

- Attachment "A" – Site Plan
- Attachment "B" – Project Vicinity map
- Attachment "C" – Photo Simulations
- Attachment "D" – Applicant's Findings
- Attachment "E" – Airport Letter
- Attachment "F" – Site Distance Triangle

CONDITIONS OF APPROVAL

1. The Applicant shall file a Notice of Proposed Construction or Alteration with the Airport at least 45 days prior to construction, per the letter dated August 12, 2016 (Attachment "E").

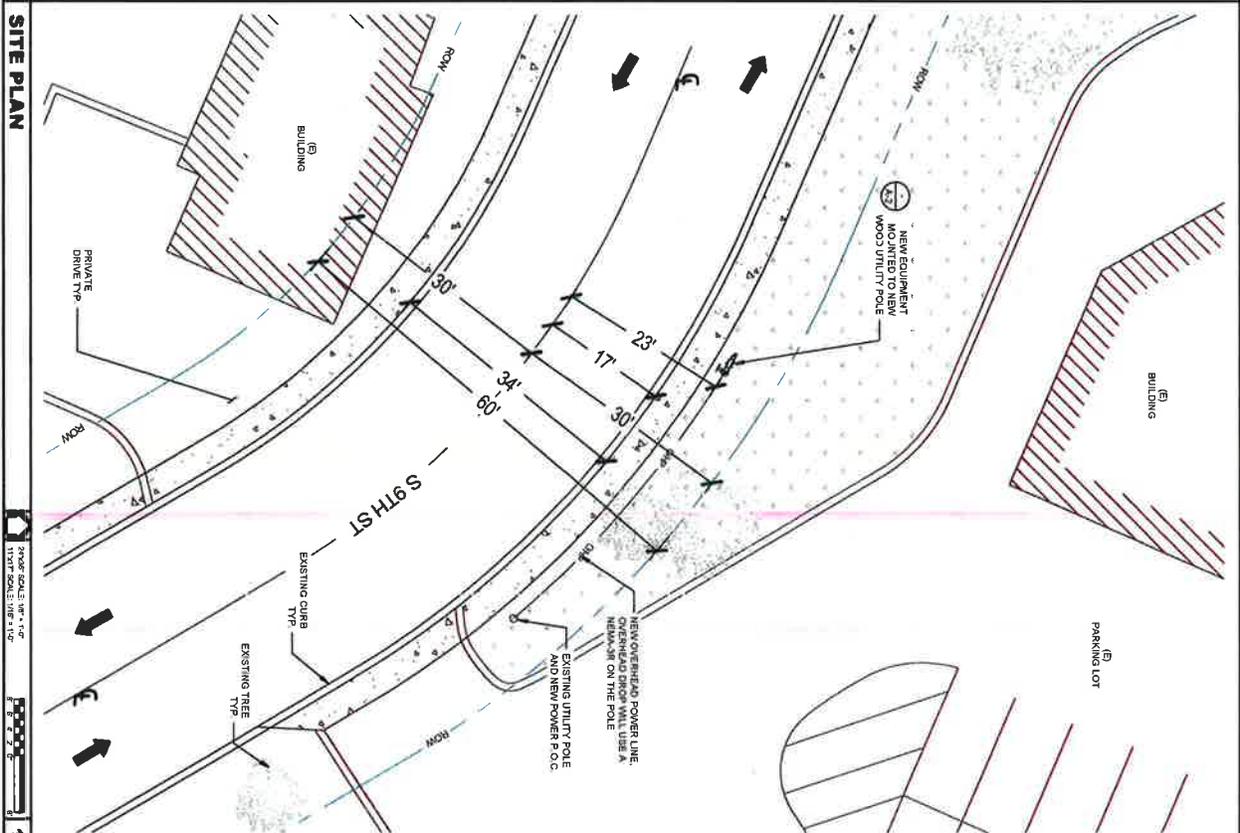
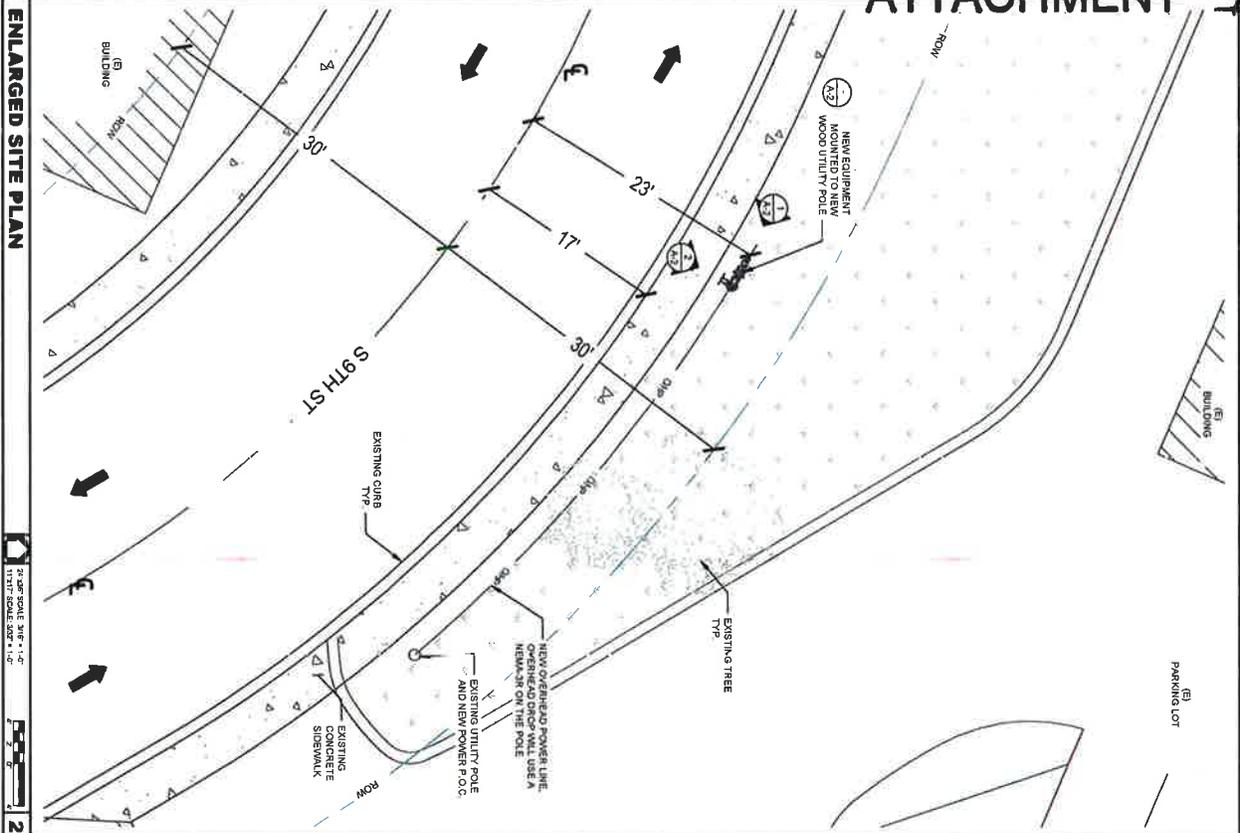
ACTION

Open the public hearing to take testimony on a CUP for the installation of a 75-foot tower-mounted antenna within the C-4 zoning district.

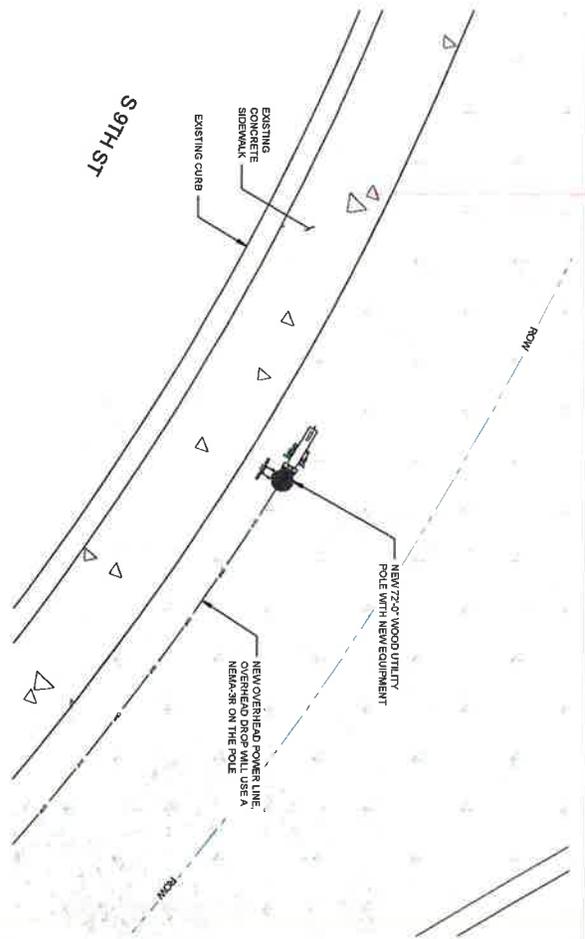
RECOMMENDATION

The Planning Commission can choose the following actions:

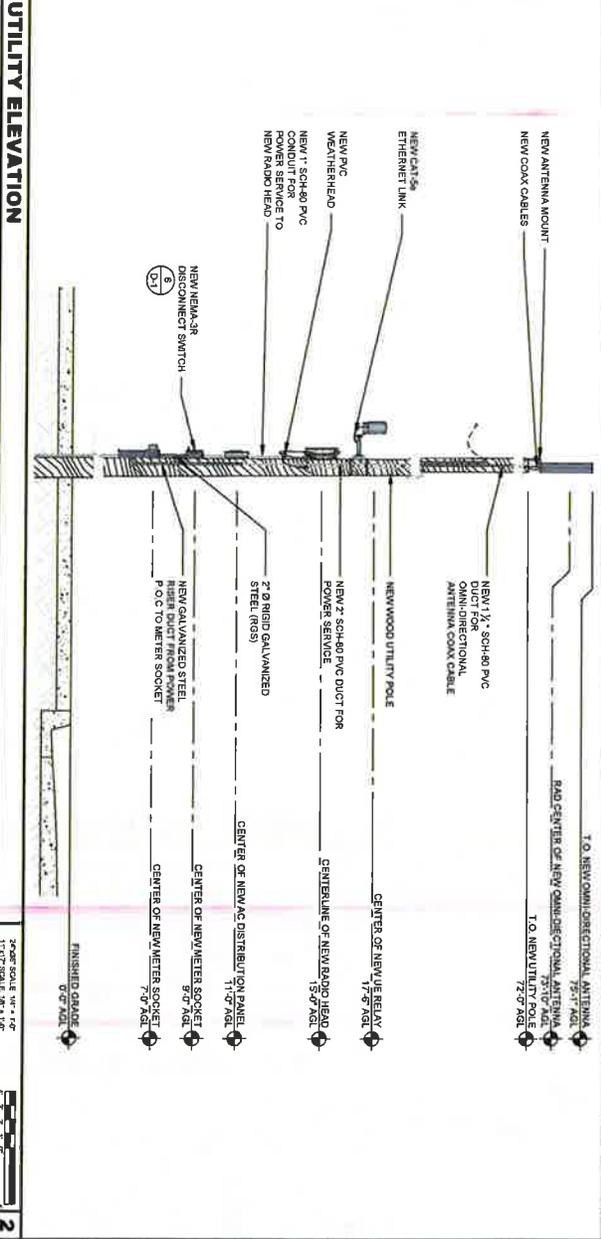
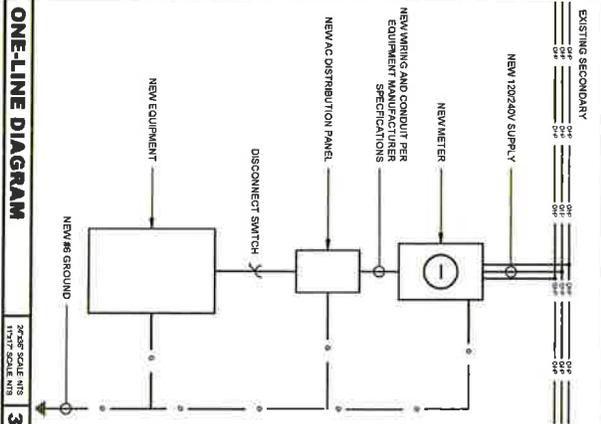
1. Close the public hearing and direct Staff to prepare a resolution to approve the tower-mounted antenna application per the Applicant's findings (Attachment "D") for consideration at the November 1, 2016; or
2. Close the public hearing and direct Staff to prepare, for consideration at the November 1, 2016 meeting, findings for denial based on:
 - a. The Applicant has failed to address how they intend to mitigate the visual impacts of the tower mounted antenna on surrounding properties, or how the siting of the proposed antenna would not cause a visual impact in other right-of-way locations; and
 - b. The Applicant has failed to provide evidence that the proposed project site is the most critical site within the City's rights-of-way and cannot be co-located with other towers, utility poles, or signs; or
3. At the Applicant's request, continue the public hearing to the November 1, 2016 Planning Commission meeting, allowing them time to provide modified findings.



	<p>MOBILITIE, LLC</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Project No:</td> <td>1000000000</td> </tr> <tr> <td>Date:</td> <td>06/09/18</td> </tr> </table>	Project No:	1000000000	Date:	06/09/18	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>ISSUE FOR PERMITS</td> <td></td> </tr> <tr> <td>2</td> <td></td> <td>REVISED PER PERMITTING</td> <td></td> </tr> <tr> <td>3</td> <td></td> <td>REVISED PER PERMITTING</td> <td></td> </tr> </tbody> </table>	REV	DATE	DESCRIPTION	BY	1		ISSUE FOR PERMITS		2		REVISED PER PERMITTING		3		REVISED PER PERMITTING		<p>IT IS A RECOGNITION OF LAW FOR ANY PERSON OR ENTITY TO BE RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, OR MAINTENANCE OF A LICENSED PROFESSIONAL ENGINEER TO REVIEW THIS DOCUMENT.</p> <p>SITE ID: 90RB000908-A 55 S 9TH ST CENTRAL POINT, OR 97502 S 9TH ST & E PINE ST NEW WOOD UTILITY POLE</p> <p>SHEET TITLE SITE PLANS</p> <p>SHEET NUMBER A-1</p>
Project No:	1000000000																							
Date:	06/09/18																							
REV	DATE	DESCRIPTION	BY																					
1		ISSUE FOR PERMITS																						
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UTILITY PLAN



REV	DATE	DESCRIPTION	BY
1	09/09/11	ISSUED FOR REVIEW	BMS
2			
3			
4			
5			

MOBILITIE, LLC

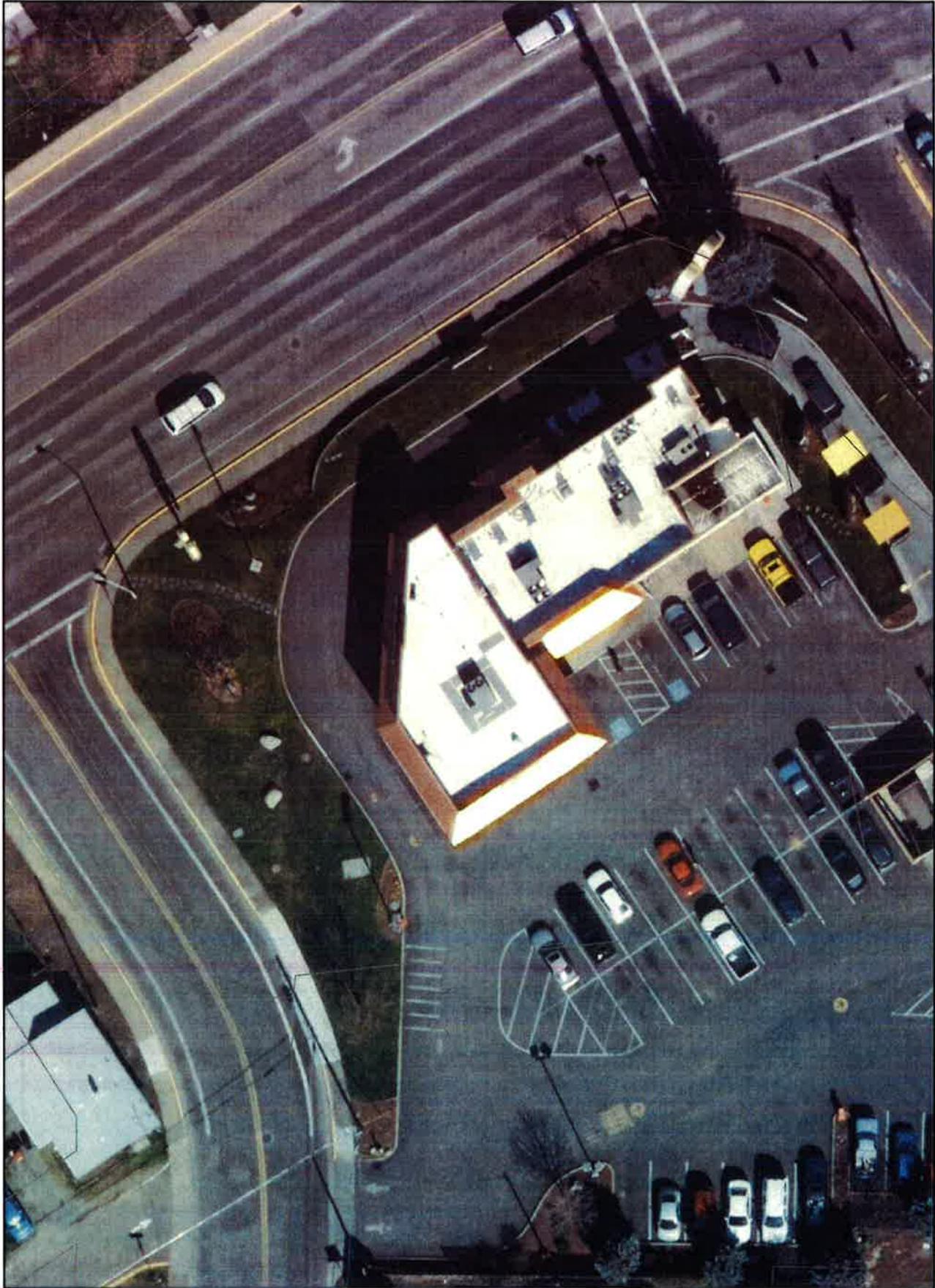
90RB000908-A
55 S 9TH ST
CENTRAL POINT, OR 97502
S 9TH ST & PINE ST
NEW WOOD UTILITY POLE

SHEET TITLE
UTILITY PLAN &
ONE-LINE DIAGRAM

SHEET NUMBER
E-1



Vicinity Map

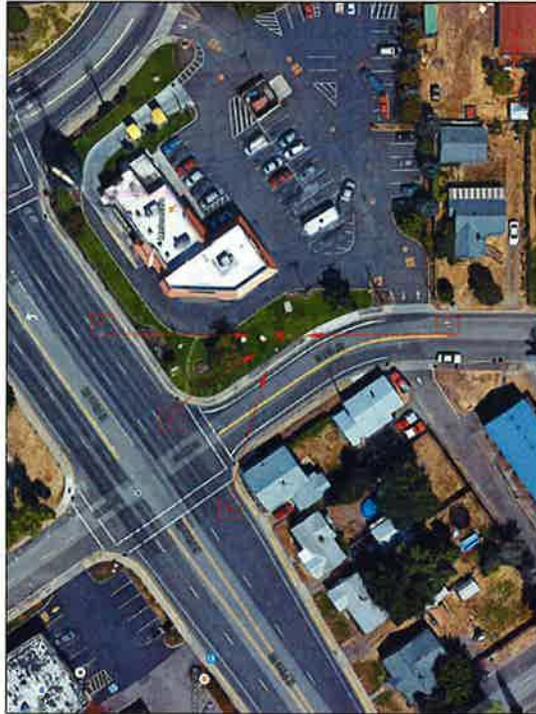


MOBILITIE, LLC PHOTO SIMULATION

FOR NEW SMALL CELL SITE LOCATED AT:

55 S 9TH ST & E PINE ST | CENTRAL POINT, OR 97502

SITE ID: 9ORB000908A



VICINITY MAP



PREVIEW

SITE DESCRIPTION:
NEW SMALL CELL SITE
WITHIN EXISTING RIGHT
OF WAY

VIEWS: 4
SHEET INDEX
SHEET 2: VIEW 1
SHEET 3: VIEW 2
SHEET 4: VIEW 3
SHEET 5: VIEW 4

DATE: 08.22.16

Photo Simulation By:

Tangent
SYSTEMS
424-262-4167 | tangent@systems.co

Photo Simulation

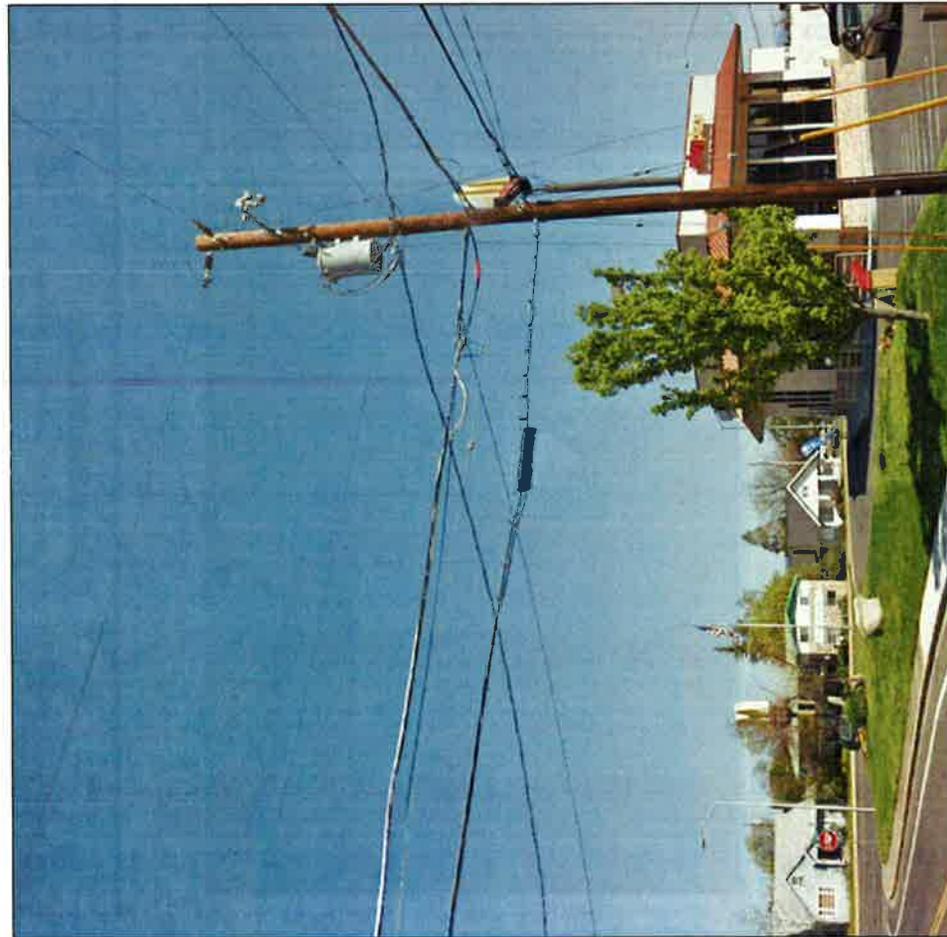
This photographic simulation is intended as a visual representation only and is not to be used for construction purposes. Accuracy of photo simulation is based on information provided by project applicant.

MOBILITIE, LLC

SHEET: 1 / 5

Site ID: 9ORB000908A

POLE TYPE: NEW WOOD UTILITY POLE
55 S 9TH ST & E PINE ST
CENTRAL POINT, OR 97502



EXISTING VIEW

DATE: 08/22/16

Photo Simulation By:

Tangent
 S Y S T E M S
 424-262-4167 | tangent.systems.co

Photo Simulation

This photographic simulation is intended as a visual representation only and is not to be used for construction purposes. Accuracy of photo simulation is based on information provided by project applicant.



PROPOSED VIEW

VIEW 1 - LOOKING NORTH FROM S 9TH ST

SHEET: 2 / 5

Site ID: 9ORB000908A

POLE TYPE: NEW WOOD UTILITY POLE
 55 S 9TH ST & E PINE ST
 CENTRAL POINT, OR 97502

MOBILITIE, LLC

ATTACHMENT 10



EXISTING VIEW

DATE: 08/22/16

Photo Simulation By:

Tangent
SYSTEMS
424-262-4167 | tangent@systems.co

Photo Simulation

This photographic simulation is intended as a visual representation only and is not to be used for construction purposes. Accuracy of photo simulation is based on information provided by project applicant.



PROPOSED VIEW

VIEW 2 - LOOKING SOUTH FROM E PINE ST

SHEET: 3 / 5

Site ID: 9ORB000908A

POLE TYPE: NEW WOOD UTILITY POLE
55 S 9TH ST & E PINE ST
CENTRAL POINT, OR 97502

MOBILITIE, LLC



EXISTING VIEW

DATE: 08/22/16

Photo Simulation By:

Tangent
 SYSTEMS
 424-262-4167 | tangentssystem.com



PROPOSED VIEW

VIEW 3 - LOOKING SOUTHEAST FROM E PINE ST

SHEET: 4 / 5

Photo Simulation

This photographic simulation is intended as a visual representation only and is not to be used for construction purposes. Accuracy of photo simulation is based on information provided by project applicant.

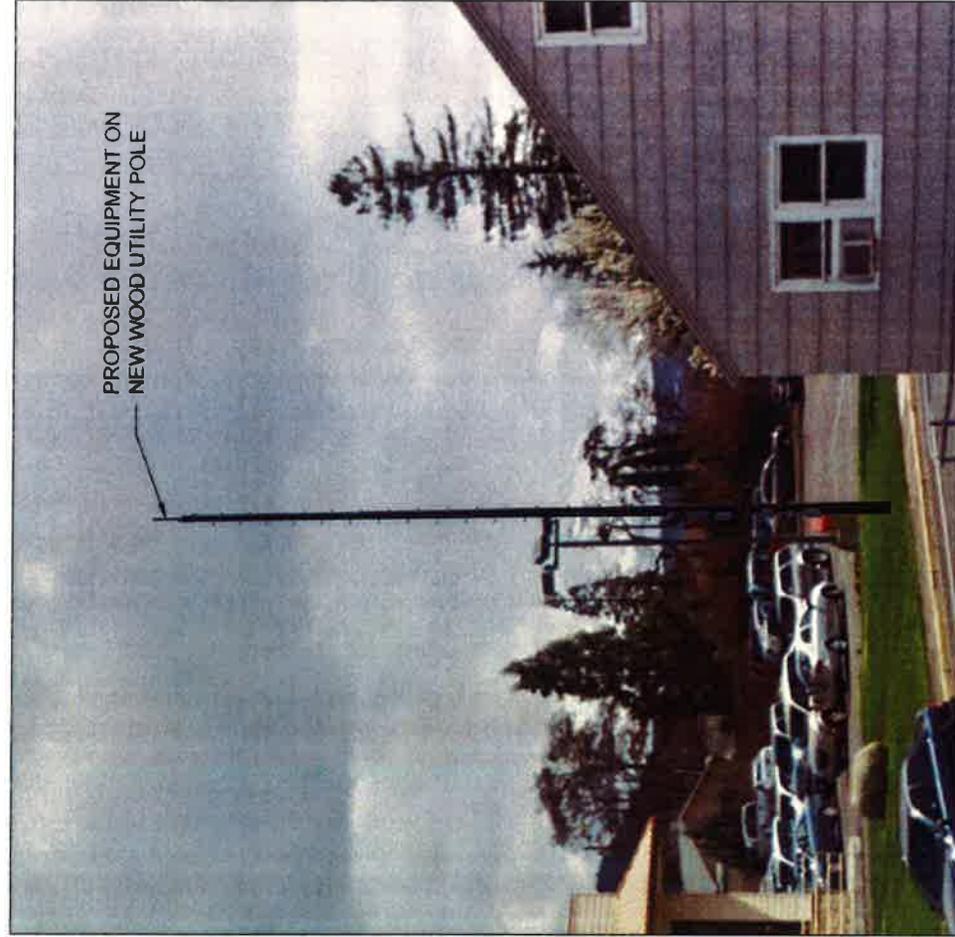
MOBILITIE, LLC

Site ID: 9ORB000908A
 POLE TYPE: NEW WOOD UTILITY POLE
 55 S 9TH ST & E PINE ST
 CENTRAL POINT, OR 97502



EXISTING VIEW

DATE: 08/22/16



PROPOSED VIEW

VIEW 4 - LOOKING SOUTHEAST FROM E PINE ST

SHEET: 5 / 5

Photo Simulation By:

Tangent
S Y S T E M S
424-262-4167 | tangentssystemslco

Photo Simulation

This photographic simulation is intended as a visual representation only and is not to be used for construction purposes. Accuracy of photo simulation is based on information provided by project applicant.

MOBILITIE, LLC

Site ID: 90RB000908A

POLE TYPE: NEW WOOD UTILITY POLE
55 S 9TH ST & E PINE ST
CENTRAL POINT, OR 97502

FINDINGS OF FACT
Supplement to Conditional Use Application

Pursuant to the City of Central Point Municipal Code, Section 17.76.040, a Conditional Use Permit shall be approved only if all the following findings can be made:

- A. That the site for the proposed use is adequate in size and shape to accommodate the use and to meet all other development and lot requirements of the subject zoning district and all other provisions of this code.**

The project will occupy a small portion of east side of the existing public right-of-way on S 9th Street near the intersection of E Main Street. This location is adequate in size and shape to accommodate the proposed facility, as evidenced by the existing utility pole within the same right-of-way. The zoning code allows for communication installations by public utilities within any district and does not subject such poles to zoning height limitations.

- B. That the site has adequate access to a public street or highway and that the street or highway is adequate in size and condition to effectively accommodate the traffic that is expected to be generated by the proposed use.**

Because the proposed installation is within the public right-of-way, existing streets are adequate in size and condition to accommodate the proposed use. Except for the installation and routine maintenance of the facility, the site will be unmanned and therefore not expected to generate additional traffic to the area.

- C. That the proposed use will have no significant adverse effect on abutting property or the permitted use thereof.**

The project location is within the public right-of-way abutting an existing McDonald's parking lot. Such property will not be adversely effected by the existence of another utility structure, similar to the wood utility pole that currently exists within said right-of-way.

- D. That the establishment, maintenance or operation of the use applied for will comply with local, state and federal health and safety regulations and therefore will not be detrimental to the health, safety or general welfare of persons residing or working in the surrounding neighborhoods and will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community based on the review of those factors listed in subsection C of this section.**

The proposed facility would be constructed in compliance with the Uniform Building Code, Public Utilities Commission (PUC) of the State of Oregon, and the Federal Communication Commission (FCC) regulations. As such, it will not be detrimental to the health, safety or general welfare of persons residing or working in the surrounding neighborhoods nor detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community

- E. That any conditions required for approval of the permit are deemed necessary to protect the public health, safety and general welfare.**

Applicant understand that there may be certain conditions imposed by the City in order to protect the health, safety and general welfare of its citizens.

Molly Bradley

From: Marcy Black <BlackMA@jacksoncounty.org>
Sent: Friday, August 12, 2016 3:03 PM
To: Molly Bradley
Subject: RE: Action Needed: Agency Comments on Land Use Application

Molly:

The proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with CFR Title 14 Part 77.9, requests that a 7460-1 Notice of Proposed Construction or Alteration be filed at least 45 days prior to construction.

Thanks for the opportunity to comment.

Marcy Black
Deputy Director-Administration

From: Molly Bradley [mailto:Molly.Bradley@centralpointoregon.gov]
Sent: Friday, August 12, 2016 2:19 PM
To: Aaron Gratias <Aaron.Gratias@pacificorp.com>; Bobbie Pomeroy <Bobbie.Pomeroy@centralpointoregon.gov>; Chad Pliler <Chad.Pliler@ECSO911.com>; ctappert@rvss.us; David McFadden <David.McFadden@avistacorp.com>; Derek Zwagerman <Derek.Zwagerman@centralpointoregon.gov>; Jason Elsy <Jason@hajc.net>; Jeff Keyser <jeff.keyser@pacificorp.com>; Jeff Wedman <jeff.wedman@centurylink.com>; Marcy Black <BlackMA@jacksoncounty.org>; Mark Kimmelshue <mark.kimmelshue@centurylink.com>; Mark Northrop <MarkN@jcf3.com>; Matt Samitore <Matt.Samitore@centralpointoregon.gov>; Mike Ono <Mike.Ono@centralpointoregon.gov>; Rogue River Valley Irrigation District <rrvid@rrvid.org>; SURVEYOR <Surveyor@jacksoncounty.org>; Stephanie Holtey <Stephanie.Holtey@centralpointoregon.gov>
Subject: Action Needed: Agency Comments on Land Use Application

Good Afternoon,

The City is considering a Conditional Use Permit application from Mobilitie Telecommunications to construct a wood utility pole in the public right of way (File No. 16019). The project site is located next to McDonald's in Central Point, in the Tourist and Office-Professional (C-4) zoning district. The property is identified as 36S 2W 02CD, adjacent to Tax Lot 3000. The request for comments and an image of the proposed location are attached to this email for your review. The site plan and specific details regarding project construction is available on our website:

<http://www.centralpointoregon.gov/cd/project/mobilitie-utility-network-pole>

If you have any questions or would like additional information, please let me know.

Thank you,

Molly Bradley
 Community Planner I
 City of Central Point
 140 South 3rd Street
 Central Point, OR 97502
 Desk: (541) 664-3321 (x245)
 Fax: (541) 664-1611
www.centralpointoregon.gov

**CONSIDERATION OF A CONDITIONAL USE PERMIT APPLICATION TO ALLOW A
WOMEN'S FITNESS CENTER TO OCCUPY AVAILABLE COMMERCIAL SPACE IN THE
EXISTING FAIR CITY MARKET BUILDING**



STAFF REPORT

STAFF REPORT
September 27, 2016

AGENDA ITEM (File No. 16020)

Consideration of a Conditional Use Permit to allow Delta Life Fitness center to occupy available commercial space in the Neighborhood Commercial (C-N) zoning district. The project site is located at 1775 N 10th Street in the Fair City Market building, and is defined on the Jackson County Assessor’s map as 37S 2W 03AA, Tax Lots 4200 & 4300.

Applicant: Melissa and James Mocello **Agent:** Jessica Janssen

SOURCE

Molly Bradley, Community Planner I

BACKGROUND

Delta Life Fitness (“Applicant”) is requesting a Conditional Use Permit to open a women’s fitness center in the vacant commercial space within the Fair City Market building. The east side of the existing building is currently being used as a supermarket, while the proposed fitness center will operate separately on the west side (Attachment “A”).

Project Description:

The proposed fitness center is described as a health related use. Per Section 17.30.030(E), physical fitness centers are classified as a conditional use and subject to Chapter 17.76 Conditional Use Permits. The proposed fitness center will occupy approximately 4,015 square feet of the Fair City Market building (“Building”) and include an exercise room, children’s play area, locker room and an office. The Applicant proposes to remodel the interior of the vacant space to accommodate the use, and limit exterior modifications to installation of signage.

Table 1: Parking Requirements

<u>Use</u>	<u>Building Square Footage</u>	<u>Required Parking</u>
Supermarket (“Retail Store”)	4,085	20
Physical Fitness Center (“Personal Services”)	4,015	20
TOTAL	8,100ft²	40 spaces

**Central Point Municipal Code: Table 17.64.02B Non-Residential Off-Street Parking Requirements*

Currently, there are 49 parking spaces serving the Building. Per CPMC Table 17.64.02B Non-Residential Off-Street Parking Requirements, the two uses in the Building (supermarket and fitness center) require a maximum of 20 parking spaces each, for a total of 40 spaces. The net result is a surplus of nine (9) parking spaces for the two uses. The existing parking area satisfies the requirements for both the supermarket and the proposed fitness center (Table 1).

When evaluated against traffic generation, the proposed fitness center will not cause an increase in traffic beyond what is currently generated by the Building as a retail use (Table 2). The existing supermarket generates 455 average daily trips (ADT), while a fitness center of a similar square footage generates 172 ADT. The addition of the proposed fitness center will not contribute to a significant increase in traffic generation in this neighborhood.

Table 2: Traffic Generation

<u>Use</u>	<u>Building Square Footage</u>	<u>Average Daily Trips (ADT)</u>
Supermarket (Land Use: 850)	4,085	455
Physical Fitness Center (Land Use: 493)	4,015	172
TOTAL	8,100ft²	627 ADT

**Institute of Transportation Engineers; Trip Generation, 6th Edition*

The Applicant’s findings adequately address the conditional use permit criteria set forth in Section 17.76.040, demonstrating that the proposed use is consistent with the intent of the Neighborhood Commercial district, and compatible with surrounding properties.

ISSUES

No issues or concerns have been raised from notified agencies and neighboring property owners (within 100 feet).

FINDINGS

The Applicant has stated in their findings that all requirements outlined per the Conditional Use Permit section 17.76.040 have been met (Attachment “B”).

CONDITIONS OF APPROVAL

1. Conditions as listed in the Fire District #3 letter dated August 26, 2016 (Attachment “C”).
2. Conditions as listed in the Rogue Valley Sewer Services letter dated August 30, 2016 (Attachment “D”).
3. The Applicant shall coordinate with the Airport to obtain Noise Easements for both Tax Lot 4200 & 4300, per the letter dated August 24, 2016 (Attachment “E”).
4. Prior to construction, a complete code review and permits shall be required, per the Building Department letter dated August 25, 2016 (Attachment “F”).

ATTACHMENTS

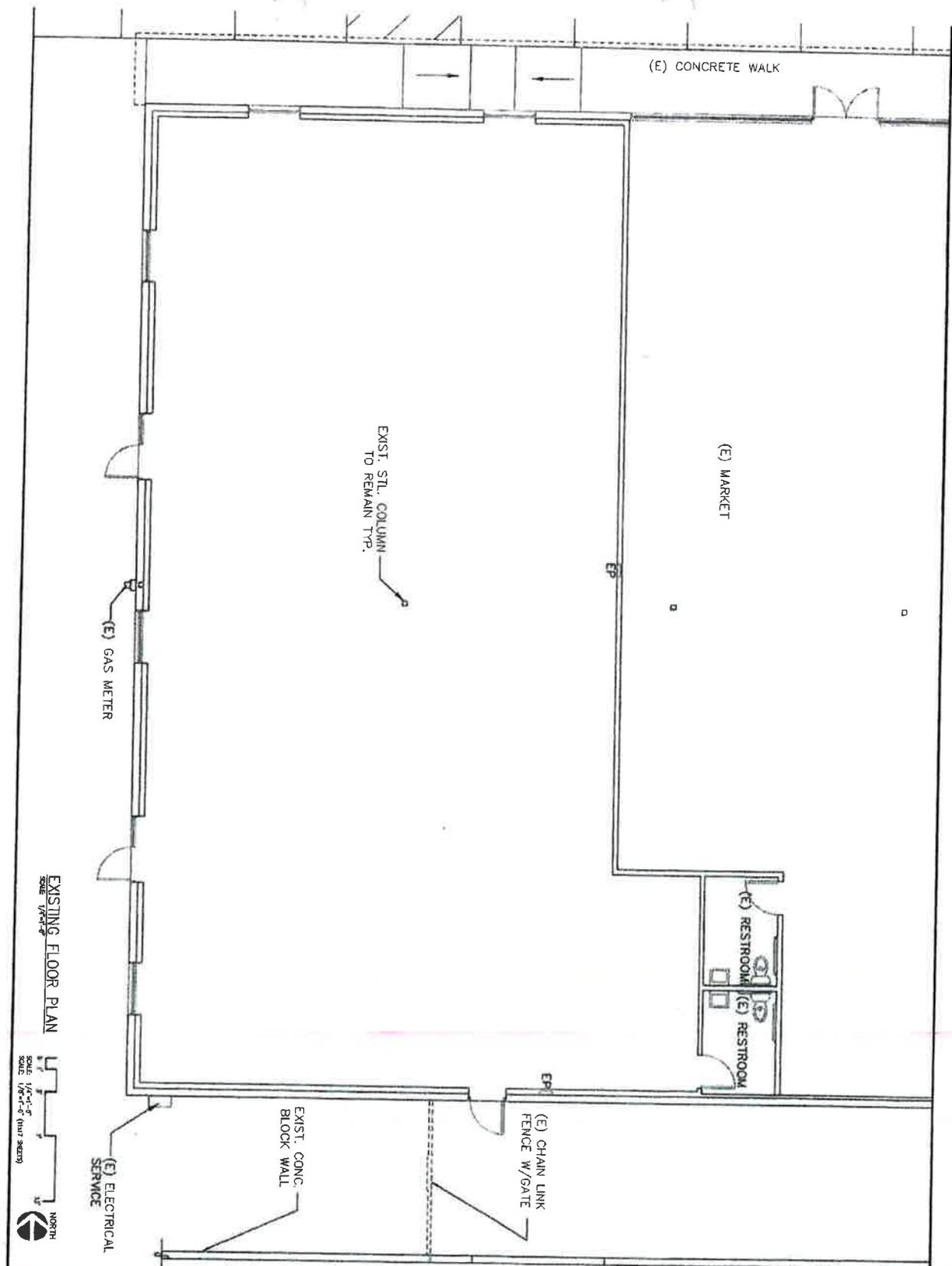
Attachment “A” – Site Plan
Attachment “B” – Applicant’s Findings
Attachment “C” – Fire District #3 Comments
Attachment “D” – RVSS Comments
Attachment “E” – Airport Comments
Attachment “F” – Building Official Comments
Attachment “G” – Resolution No. 833

ACTION

Consideration of a Conditional Use Permit (CUP) to allow Delta Life Fitness center to operate in the existing commercial space in the Fair City Market building: approve the CUP, approve the CUP with conditions, or deny the CUP.

RECOMMENDATION

Approve Conditional Use Permit with conditions as recommended in the Staff Report dated September 27, 2016, or as further amended by the Planning Commission.



EXISTING FLOOR PLAN
SCALE 1/8"=1'-0"



PROJECT FOR MELISSA & JAMES MOCELLO PROJECT NAME DELTA LIFE GYM	PROJECT ADDRESS 1775 NORTH 10TH ST. CENTRAL POINT, OR. 97502	STEVE ENNIS ARCHITECT 1101 EAST JACKSON STREET MEDFORD, OREGON 97504	DATE	REVISION
EXISTING FLOOR PLAN		SHEET NO. A-1	TOTAL SHEETS 10	DRAWN BY SE

CITY OF CENTRAL POINT**REGARDING CONDITIONAL USE PERMIT APPLICATION FOR SITE:****1775 N. 10th St., Central Point****DELTA LIFE FITNESS CENTER****By Melissa and Jim Mocello****PROPOSED FINDINGS OF FACT**

Thank you for considering DELTA LIFE FITNESS and Melissa & Jim Mocello's application for a conditional use permit pursuant to § 17.76, Conditional Use Permits of the Central Point Municipal Code. We are very excited to propose putting a fitness center for women in Central Point. It is an amazing model to empower others and provide a safe and comfortable place for women to get fit and achieve their goals. See attached franchise information and business model, there is none like it in the Rogue Valley! Please consider these findings of fact as we've been asked to make a statement of compliance with the city's zoning code 17.76 and related ordinances (Ord. 2014 §12, 2015; Ord. 1436 §2(part), 1981).

17.76.040 Findings and conditions.

- A. That the site for the proposed use is adequate in size and shape to accommodate the use and to meet all other development and lot requirements of the subject zoning district and all other provisions of this code;

The site, 1775 N. 10th St., is approximately 4,015 square feet, is of a shape and size to accommodate our anticipated clientele throughout the day. Please review the submitted cite plan. The best feature of this cite is it gives us room to grow, which means we won't be leaving Central Point any time soon.

- B. That the site has adequate access to a public street or highway and that the street or highway is adequate in size and condition to effectively accommodate the traffic that is expected to be generated by the proposed use;

There are two entrances to the facility and it's parking from N.10th Street and 3rd Street. The streets surrounding Central Point's iconic "Fair City Market" building have been recently widened and repurposed to accommodate traffic through the area and again, the current cite plan demonstrates adequate accommodation, which we assume was approved by the city long ago.

- C. That the proposed use will have no significant adverse effect on abutting property or the permitted use thereof. In making this determination, the commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings and structures; walls and fences; landscaping; outdoor lighting; and signs;

We do not believe that this facility and its purpose will bring any adverse affect to the neighboring properties. The two other properties, Spoons tea/coffee shop and the Market, we anticipate will benefit from an increase traffic to the little corner of N. 10th and 3rd and potential new clientele/partnerships with their businesses. There is plenty of ingress and egress, an already approved and improved parking situation, set backs are already approved and in place, and we are not asking to make any changes to cite apart from inside the four walls of the structure itself to accommodate our business. The building owner maintains all the landscaping and lighting.

- D. That the establishment, maintenance or operation of the use applied for will comply with local, state and federal health and safety regulations and therefore will not be detrimental to the health, safety or general welfare of persons residing or working in the surrounding neighborhoods and will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community based on the review of those factors listed in subsection C of this section;

Delta Life Fitness has at least two-dozen facilities across the country. This franchise opportunity for Jim and Melissa Mocello will comply with all State and Federal health and safety regulations, it is of utmost importance for the organization and it's founders to provide and clean and safe environment for it's clients. One of the major improvements inside the building at 1775 N. 10th Street is an addition of two toilets and a completely enclosed locker room. Please consider the architectural drawings for proposed improvements. These plans were drawn up by Steve Eniss and already counseled with the Central Point building department on requirements. We will provide the safest environment possible for our clients to enjoy fitness! However, we cannot control all actions of our clients. Therefore, all clients will be held solely responsible for their own actions with a liability waiver. This is typical for fitness centers, gyms, play facilities etc that are physically demanding across the country.

- E. That any conditions required for approval of the permit are deemed necessary to protect the public health, safety and general welfare and may include:
- Adjustments to lot size or yard areas as needed to best accommodate the proposed use; provided the lots or yard areas conform to the stated minimum dimensions for the subject zoning district, unless a variance is also granted as provided for in Chapter 17.13,

Through out research and asking plenty of questions with the city, it is our understanding that no further adjustments to the cite, yard, or parking is necessary. For a fitness center, it is our understanding that 1 parking space for every 200 square feet s sufficient. For the cite at 1775 N. 10th St., we are only required to 20 parking spaces and there are 49 spaces available for the entire building. This is a condition already approved for the cite long before we came along.

- Increasing street widths, modifications in street designs or addition of street signs or traffic signals to accommodate the traffic generated by the proposed use,

We do not believe that there will be any significant impact to traffic for this proposed use. It is our understanding that for this building, the parking situation already approved and existing, that the streets have already been designed to support the nature of this proposed use.

- Adjustments to off-street parking requirements in accordance with any unique characteristics of the proposed use,

Again, for our intended use and anticipated we believe at most we will have 20 vehicles a the cite at any given time. We have sufficient parking and do not anticipate needing off street parking.

- Regulation of points of vehicular ingress and egress,

There are two regular points of ingress and egress in existence. These points are already approved and regulated.

- Requiring landscaping, irrigation systems, lighting and a property maintenance program,

Again, the building owners are taking responsibility for this and have done so consistently. As an example, the parking lot has been recently resealed.

- Regulation of signs and their locations,

The building owners have already regulated and installed signage, approved already. Please refer to city plan attached to this application. At the onset, we intend to use signage on the window in the form of vinyl decal. But we are already aware that any additional signage would require an application for approval with the city. But we have no intention of doing so at this time.

- Requiring fences, berms, walls, landscaping or other devices of organic or artificial composition to eliminate or reduce the effects of noise,

vibrations, odors, visual incompatibility or other undesirable effects on surrounding properties,

There is one fence behind cite and lot but to our understanding there are no requirements for those listed above. We do not anticipate our facility to be of a nature that causes noise, odors, or undesirable effects on the surrounding properties.

- Regulation of time of operations for certain types of uses if their operations may adversely affect privacy of sleep of persons residing nearby or otherwise conflict with other community or neighborhood functions,

We are not going to be open during normal sleeping hours to impact the surrounding community. As far as other neighborhood functions, we are hoping to BE a neighborhood function, timing our fitness sessions around school pick-up and drop-off times.

- Establish a time period within which the subject land use must be developed,

We anticipate opening our facility January 1, 2017.

- Requirement of a bond or other adequate assurance within a specified period of time,

If this is meant as an insurance bond for the operation of the facility, the franchise participates in a group insurance policy to cover all of Delta Life Fitness centers. There will be adequate insurance coverage for the facility provided by the building owners as well as adequate coverage of the business and it's clientele, employees, and others. The building owners for the facility require \$1,000,000 liability insurance coverage, which appears to be sufficient.

- Such other conditions that are found to be necessary to protect the public health, safety and general welfare,

We do not foresee and additional conditions to protect the public health, safety and welfare apart from perhaps additional lighting in the parking lot, security cameras, to ensure the safety of our Delta Ladies.

- In considering an appeal of an application for a conditional use permit for a home occupation, the planning commission shall review the criteria listed in Section 17.60.190. (Ord. 1823 §5, 2001; Ord. 1684 §72, 1993; Ord. 1615 §55, 1989; Ord. 1533 §1, 1984; Ord. 1436 §2(part), 1981).

This is no a home occupation or business.

To conclude, we are proposing bringing a new kind of fitness center to Central Point and its residents as well as bring new life to the corner of N. 10th and 3rd. We believe that since the zoning is already allowed for a fitness center under a conditional use, cite has already been approved and develop to accommodate the fitness center. C-Neighborhood Commercial conditional use: “Family-oriented commercial recreation establishments including, but not limited to, pool/billiard centers, health spas, exercise or physical fitness centers, martial arts schools, arcades/amusement centers, and similar facilities that are neighborhood oriented and consistent with the purpose and intent of the neighborhood convenience center. (Ord. 1709 §1(part), 1994).” The cite is sufficient to accommodate our business, streets are already designed to accommodate a business of any type within the zoning including a fitness center, there is sufficient parking, and our business will rejuvenate the North Side of Central Point!

Thank you for your consideration,

Jim and Melissa Mocello



Jackson County Fire District 3

8383 Agate Road
White City, OR 97503-1075
(541) 826-7100 (Office)
(541) 826-4566 (Fax)
www.jcfd3.com

Plan Review Comments

Permit #16-020
Delta Life Fitness CUP
1775 10th St
Central Point, OR. 97502

An Agency Comments was conducted for the New Delta Fitness CUP next to Fair City Market. The Comments on the plans are below. A site inspection will be needed to ensure compliance will all applicable codes.

Plan review completed by: DFM Mark Northrop

This plan review is conducted utilizing the 2014 Oregon Fire Code as amended an adopted by JCFD3. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provision of applicable codes and standards. Permits presuming to give authority to violate or cancel the provisions of a code, ordinance, or standard shall not be valid. The approval and issuance of a permit based on construction documents and other data shall not prevent the fire code official from requiring the correction of errors in the construction documents or data. Review and approval by the fire code official shall not relieve the applicant of the responsibility of compliance with applicable codes, ordinances, and standards. A set of approved plans must be kept at the construction site at all times for use during inspections and installation.

Item #	Noncompliance	Reference	Corrective action	date corrected	date approved
1	Fire Department Access Meets Oregon Fire Code Requirements				
2	Water Supply meets Oregon Fire Code Requirements				
3	No address numbers are located on the building.	OFC 505.1	New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.		
4	No Knox Box is located on the building.	OFC 506.1	Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.		



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

August 30, 2016

Molly Bradley
City of Central Point Planning Department
155 South Second Street
Central Point, Oregon 97502

Re: File 16020 Delta Life Fitness – CUP, Tax Lots 4200 and 4300, Map 372W03AA

The subject property is currently served by a connection to the 8 inch sewer main on North Third Street. There is adequate capacity to serve the proposed use.

All of the improvements appear to be internal to the building and therefore do not trigger any stormwater requirements.

There will be sewer SDCs owed for the additional plumbing fixtures.

Rogue Valley Sewer Services requests that approval of this development be subject to the following condition:

1. Applicant must pay sewer system development charges for the additional plumbing fixtures to RVSS prior to final acceptance of the project.

When this condition has been met, RVSS will issue an acceptance letter indicating that all requirements have been met.

Feel free to call me if you have any questions.

Carl Tappert

Carl Tappert, PE
Manager

K:\DATA\AGENCIES\CENTPT\PLANNG\CUP\2016\16020_DELTA LIFE FITNESS.DOC

Molly Bradley

From: Marcy Black <BlackMA@jacksoncounty.org>
Sent: Wednesday, August 24, 2016 2:58 PM
To: Molly Bradley
Subject: RE: Action Needed: Agency Comments on Land Use Application

Molly:

The Airport requests that a Noise Easement from the property owners of both tax lots be required as part of the conditional use permit process. It is my understanding the applicants are not the property owners.

Thanks for the opportunity to comment.

Marcy Black
 Deputy Director-Administration

From: Molly Bradley [mailto:Molly.Bradley@centralpointoregon.gov]
Sent: Wednesday, August 24, 2016 11:17 AM
To: Aaron Gratias <Aaron.Gratias@pacificorp.com>; Bobbie Pomeroy <Bobbie.Pomeroy@centralpointoregon.gov>; Chad Pliler <Chad.Pliler@ECSO911.com>; David McFadden <David.McFadden@avistacorp.com>; Derek Zwagerman <Derek.Zwagerman@centralpointoregon.gov>; Jason Elsy <Jason@hajc.net>; Jeff Keyser <jeff.keyser@pacificorp.com>; Jeff Wedman <jeff.wedman@centurylink.com>; Marcy Black <BlackMA@jacksoncounty.org>; Mark Kimmelshue <mark.kimmelshue@centurylink.com>; Mark Northrop <MarkN@jcf3.com>; Matt Samitore <Matt.Samitore@centralpointoregon.gov>; Mike Ono <Mike.Ono@centralpointoregon.gov>; Rogue River Valley Irrigation District <rrvid@rrvid.org>; SURVEYOR <Surveyor@jacksoncounty.org>
Subject: Action Needed: Agency Comments on Land Use Application

Good Morning,

The City has received a Conditional Use Permit application from Delta Life Fitness to occupy a portion of the existing building at Fair City Market (File No. 16020). The project site is located at 1775 N 10th Street in the Neighborhood Commercial (C-N) zoning district, and identified on the Jackson County Assessor's map as 375 2W 03AA Tax Lots 4200 & 4300. The request for comments is attached to this email for your review. Additional information regarding the application is available at the link below:

<http://www.centralpointoregon.gov/cd/project/delta-life-fitness-conditional-use-permit>

If you have any questions, please let me know,

Sincerely,

Molly Bradley
 Community Planner I
 City of Central Point
 140 South 3rd Street
 Central Point, OR 97502
 Desk: (541) 664-3321 (x245)
 Fax: (541) 664-1611
www.centralpointoregon.gov

City of Central Point, Oregon
140 S Third Street, Central Point, OR 97502
541.664.3321 Fax 541.664.6384
www.centralpointoregon.gov



Building Department
Derek Zwagerman, P.E., Building Official

August 25, 2016

Molly Bradley
Community Planner I
City of Central Point

RE: 16020/Delta Life Fitness CUP

An initial code review was completed with the architect and owner's representative. A complete code review and building, plumbing, mechanical and electrical permits will be required prior to construction.

A handwritten signature in black ink, appearing to read "Derek Zwagerman".

Derek Zwagerman, P.E.
Building Official

PLANNING COMMISSION RESOLUTION NO. 833

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT
FOR A PHYSICAL FITNESS CENTER**

Applicant: Melissa and James Mocello; Agent: Jessica Janssen

**(37S 2W 03AA, Tax Lots 4200 & 4300)
File No. 16020**

WHEREAS, the applicant submitted an application for a Conditional Use Permit to occupy available commercial space in the Neighborhood Commercial (C-N) zoning district (Application), identified on the Jackson County Assessor’s map as 37S 2W 03AA, Tax Lots 4200 & 4300; and

WHEREAS, on October 4, 2016, the Central Point Planning Commission conducted a duly-noticed public hearing on the Application, at which time it reviewed the City Staff Report and heard testimony and comments on the Application; and

WHEREAS, consideration of the Application is based on the standards and criteria set forth in 17.76.040, Findings and Conditions, Conditional Use Permit of the Central Point Municipal code; and

WHEREAS, the Planning Commission, as part of the Conditional Use Permit application, has considered and finds per the Staff Report dated September 27, 2016, that adequate findings have been made demonstrating that approval of the conditional use permit is consistent with the intent of the Neighborhood Commercial (C-N) zoning district, now, therefore;

BE IT RESOLVED, that the City of Central Point Planning Commission, by this Resolution No. 833 does hereby approve the Application based on the findings and conclusions of approval as set forth on Exhibit “A”, the Staff Report dated September 27, 2016, which includes attachments, attached hereto by reference and incorporated herein; and

PASSED by the Planning Commission and signed by me in authentication of its passage this 4th day of October, 2016.

Planning Commission Chair

ATTEST:

City Representative

Approved by me this 4th day of October, 2016.

Planning Commission Chair