

**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 16 08 CUP 02**

A REQUEST FOR A CONDITIONAL USE PERMIT WITH DESIGN REVIEW TO APPROVE A PREVIOUSLY PLACED STORAGE CONTAINER (TEMPORARY MOBILE BUILDING SPACE) AND PARKED TRAILER IN EXISTING PARKING SPACES.

**WHEREAS**, application was made by Joy Murphy of Goodwill Industries of Lane and South Coast Counties for a Conditional Use Permit as required by FCC 10-1-1-4, FCC 10-4-4, and FCC 10-4-12; and

**WHEREAS**, the Planning Commission/Design Review Board met in a public hearing on August 9, 2016, and continued the hearing to October 25, 2016, and

**WHEREAS**, the Planning Commission/Design Review Board met in a public hearing on October 25, 2016 as outlined in Florence City Code 10-1-1-5, to consider the application, evidence in the record, and testimony received, and

**WHEREAS**, the Planning Commission/Design Review Board determined per FCC 10-4-10, after review of the application, testimony and evidence in the record, that the application meets the criteria through compliance with certain Conditions of Approval; and

**WHEREAS**, the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact, staff recommendation and evidence and testimony presented to them, that the application meets the applicable criteria.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact and the evidence in record that:

The request for a Conditional Use Permit to approve the placement of temporary mobile building space and conversion of parking spaces to trailer parking in the Commercial zoning district meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

**Conditions of Approval:**

1. The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

”A” *Findings of Fact*

“B” Land Use Application & Supplemental Information

“C” Site Plan

Findings of Fact attached as Exhibit “A” are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Community Development Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.
3. The parking spaces remaining (27 parking spaces) shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours.
4. **Conditional Use Permit**
  - 4.1. Authorization of a conditional use permit shall be void one (1) year after the date of approval, October 25, 2017, unless the use commences by this date if no building permits are necessary.
  - 4.2. As the retail thrift store use is existing, no time period will be required for the development, however, the applicant shall have six months from the date of approval (April 25, 2017) to complete the required conditions of approval.
  - 4.3. Approval for the temporary mobile building space shall expire three years from the date of approval, October 25, 2019. The applicant shall remove the shipping container on or before this date. Approval to use the area for the trailer shall expire upon discontinuance of the use.
  - 4.4. The approval for Design Review of the facility not proposed as temporary mobile building space shall expire on October 25, 2017.
5. If the applicant or property owner chooses to change the building color of site built buildings, colors chosen shall be of a muted, coastal-themed palette and shall be approved by the Planning Department.
6. **Fencing**
  - 6.1. The converted parking spaces shall be separated from the existing parking lot in order to remove confusion that those parking spaces are for use by customers or employees and prevent the creation of a hazardous situation posed by the sharing of space between customers and an active storage area by screening the area with a fence six feet in height (please also see staff review of FCC 10-34).
  - 6.2. The applicant may fence in their outdoor temporary mobile building space and trailer area with any of the materials listed in FCC 10-34-5-F, except that the fencing must achieve the desired effect of screening the facility from view through construction from solid materials or, in the case of chain link fencing, slatting.
  - 6.3. Staff recommends that barbed wire not be permitted with this application, however, if

security issues continue to plague the applicant's business, the option for approval of the barbed wire through administrative review for this site be established by the Planning Commission.

**7. Landscaping**

- 7.1. The applicant has not provided a landscaping plan with the location of existing and needed fencing, trees, and shrubs. The applicant shall submit a landscaping plan showing the required changes per the conditions of approval prior to January 24, 2016.
- 7.2. The applicant shall plant 4 trees ( $18.9\% \times 487 \text{ Lin. Ft.} \div 30 \text{ Lin. Ft.} \approx 3.07 \rightarrow 4$ ). The applicant shall also plant 19 shrubs ( $18.9\% \times 487 \text{ Lin. Ft.} \div 30 \text{ Lin. Ft.} \times 6 \text{ (shrubs)} \approx 18.41 \rightarrow 19$ ). Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.
- 7.3. Trees and shrubs should be primarily located in planters on the property within 20 feet of an abutting right-of-way where possible. Required trees may be located along the building within the right-of-way. Required shrubs may also be located within the right-of-way since the site has little remaining area without coverage by building or impervious surface. Trees located in the right-of-way shall conform to the standards of FCC 10-34-4.
- 7.4. The applicant shall meet the criteria of FCC 10-34-3-4 for all new plantings.
- 7.5. New plantings shall be irrigated unless deemed a drought tolerant plant through the Tree and Plant List. In which case, the applicant shall perform temporary irrigation until the plant has become established or an irrigation system has been installed.
- 7.6. The applicant shall maintain their landscaping and replace any failed plantings with an equivalent specimen within six months of their dying or removal.
- 8. The applicant shall maintain the vision clearance area free of visual obstructions from 2' 6" to 8' in height.

**Informational**

- 1. If the applicant chooses to install fencing over seven feet in height, they will need to obtain building permits.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD** the 25<sup>th</sup> day of October, 2016.

  
CURT MUILENBURG, Chairperson  
Florence Planning Commission

10-26-16  
DATE