

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 14 27 CUP 10

A REQUEST FOR A CONDITIONAL USE PERMIT TO CHANGE USE FROM A RETAIL SERVICE USE TO A SINGLE FAMILY RESIDENCE IN THE MAINSTREET DISTRICT LOCATED AT 527 MAPLE STREET, ASSESSORS MAP # 18-12-27-44 TAX LOT 7900.

WHEREAS, application was made by Anna Miller for a Conditional Use Permit as required by FCC 10-1-1-4, and FCC 10-4-3; and

WHEREAS, the Planning Commission/Design Review Board met in a public hearing on February 24, 2015 as outlined in Florence City Code 10-1-1-4-D, 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 change use from a retail service use to a single family residence can meet or meet with conditions the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan. The Planning Commission approves the conditional use permit with the conditions listed below:

Conditions of Approval:

1. Approval for shall be shown on:

”A” Findings of Fact

”B” Site Plan

”C” Site pictures

”D” Land Use Application

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 Owner 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 property owner shall submit to the Community Development Department a signed “Agreement of Acceptance” of all conditions of approval within 30 days after the signing of the resolution.

3. The property owner shall sign a non-remonstrance that shall run with the property for the sidewalk improvements along Maple St. in accordance with the Access Management Plan. The non-remonstrance shall also include that if covered parking is not provided at the time of street reconstruction the applicant shall also financially participate in construction of the parking area commensurate with their parking demand consistent with the code at the time of street reconstruction.

4. At such time that Maple St. improvements are made the Maple St. curbcut shall be removed and the paving within the front yard shall not be used for vehicular parking, storage or access.

5. The pole sign in the front yard shall be removed.

6. All exterior lighting shall be replaced or modified to conform to lighting styles in the Architectural Guidelines and the standards in FCC 10-37.

7. All trash and recycling receptacles shall be stored indoors, screened from pedestrian view off either Maple St. or the alley, or stored within a trash enclosure constructed on-site with at least a 6’ high fence.

8. The house shall be painted so that all walls are the same color and the southern wall of the detached garage shall be painted to match the remainder of that structure. The colors shall be muted earth tones or a northwest coast pastel.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 24th day of February, 2014.

CURT MUILENBURG, Chairperson
Florence Planning Commission

DATE

STAFF REPORT & FINDINGS

FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT

Planning Commission

Hearing Date: February 24, 2015
Date of Report: February 17, 2015
Application: PC 14 27 CUP 10

Planner: Wendy Farley Campbell

I. PROPOSAL DESCRIPTION

Proposal: A request for a conditional use permit to change use from a retail service building to a single family residence in the Mainstreet District.

Applicant/Property Owners: Anna Miller
Property Owner Representative — Ray South

Location: 527 Maple St.
Map 18-12-27-44 Tax Lot 7900

Comprehensive Plan Map Designation: Downtown

Zone Map Classification: Mainstreet District

Surrounding Land Use/Zoning:

Site: Vacant Retail Service / Mainstreet District (M)
North: Single-Family Residence / M
South: Mixed Retail (Food Co-op, Barber and Tattoo/ M
East: Mixed Retail/Restaurant (Salon, Burrito Amigos) / M
West: Single-Family Residence / M

Streets/ Classification:

Maple St. – Local Street

II. NARRATIVE

The site is located at 527 Maple Street, between Rhododendron Dr. (5th St.) and 6th St. in the Mainstreet District Area A. The site was most recently used as a retail service commercial use for a handyman business. The site includes two buildings, the house and a detached RV-type garage with a “storefront” façade along Maple St. Prior to the commercial use the main building was used as a residence. In 2006 the southern garage with access off the alley and pedestrian access off Maple St. was constructed. At the same time a garage was added to the main building followed with an upper story deck. The applicant recently purchased the property and requests a conditional use permit to convert the site

to a single family residential use. At this time no commercial uses are proposed. However, the site is suitable for a busier home occupation since the zoning is commercial. The property can be accessed from both Maple St. and the western alley. The site is served by water, sewer, and electricity.

III. PUBLIC NOTICE AND REFERRALS

Notice: Notice was sent to surrounding property owners within 300 feet of the property and a sign was posted on the property February 4, 2015. Notice was published in the Siuslaw News on February 18, 2015. As of this writing, the City has not received any written comments.

Referrals: Referrals were sent to Florence Building Department, Florence Police Department, Florence Public Works, Siuslaw Valley Fire and Rescue, and Florence Urban Renewal Agency.

As of this writing, the City has not received any additional written referral comments.

V. APPLICABLE REVIEW CRITERIA

Florence City Code (FCC) Title 10

Chapter 1: Zoning Administration, Section 1-5

Chapter 3: Off-Street Parking and Loading, Sections 2, 3, 4, 8A, 8C, and 8I

Chapter 4: Conditional Uses, Sections 5 through 8, 10 and 11

Chapter 17: Mainstreet District, Sections 3-5

Chapter 35: Access and Circulation, Sections 2 and 3

Realization 2020 Florence Comprehensive Plan:

Chapter 1: Citizen Involvement, Policies 1, 4, & 6

Chapter 2: Land Use, Residential Policies 8 and 10

VI. PROPOSED FINDINGS

The criteria are listed in bold followed by the findings of fact.

Title 10-27 MAINSTREET DISTRICT

10-27-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

k. Single family dwellings

Finding: The proposal to convert the retail service to a single-family residence in the Mainstreet District is allowed with a conditional use permit. Additional residential units would require co-location of a commercial business that would occupy no less than the front 25' of the building and not more than 50% of the ground floor. The criteria for a conditional use are addressed in the following section. The criterion is met for a single family dwelling only. No additional residential units are approved under this application.

10-27-4 Lot and Yard Dimensions:

A. Minimum Lot dimensions: The minimum lot width shall be 25'.

Staff finds that the application meets the minimum lot width of 25' as the lot is 54' wide.

B. Minimum Lot Area: The minimum lot area shall be 2500 square feet.

Staff finds that the application meets the minimum lot area of 2,500 sq. ft. as the lot is 6,480 sq. ft.

C. Lot coverage: The Design Review Board may allow up to a maximum of 90% lot coverage by buildings and other impervious surfaces.

Staff finds that the application meets this criterion. The building coverage is 2970 sq. ft. or 46% and other impervious coverage is approximately 23% (1487 sq. ft.). The total impervious coverage is 69%, less than the 90% maximum lot coverage.

D. Yard Regulations:

Area "A":

1. Front yards: Front yards may vary from 0' to 10' from back of property line. Ten percent of the frontage, or a minimum of 6', may be utilized for pedestrian walkways connecting to interior parking lots. Upper story windows, balconies, benches and tables and awnings may encroach into the sidewalk area as long as a minimum 8' wide pedestrian way is maintained within the sidewalk area.

2. Side and rear yards: Buildings may be zero lot line, provided that all Building Code requirements are met. In each block, there will be at least one opening for public access to interior parking lots. Where a commercial use abuts a residential district, a fifteen foot (15') buffer may be required.

Finding: The front lot line is defined as the narrowest frontage upon a street. The front lot line is the 54' length along Maple Street. The approximate setbacks are pre-existing and are 22' east front, 4' north side, 2' south side, and 8' west rear. The setbacks meet the minimum 10' front and 0' side and rear setbacks.

10-27-5 Site and Development Provisions

A. Building or Structural Height Limitations

Area “A”:

Buildings shall be a minimum of 20’ in height. This measurement may include a building façade as opposed to a total building height of 20’. If a façade is used, it must be designed so that it is not readily apparent that it is only a façade. The maximum height shall be 38’ for a building or structure without an approved fire extinguishing system unless otherwise approved by the Planning Commission/Design Review Board. The Planning Commission/Design Review Board may allow heights up to 50 feet/four stories provided that:

- 1. The building or structure has an approved fire extinguishing system.**
- 2. The building or structure is in scale with and/or complements surrounding structures.**
- 3. The building façade and roof line are designed to provide architectural interest and avoid a façade which proposes large expanses of straight planes with little or no architectural relief or inclusion of architectural features which are not in character with Old Town.**
- 4. The building will contain mixed uses with retail at the street level.**
- 5. The site has physical constraints/opportunities which are best addressed by a taller building.**
- 6. Additional setbacks or stepbacks may be required to reduce the impacts of the greater heights.**

Finding: There are two buildings on the site. The residential and non-residential buildings are 18 feet or less in height, which is less than the minimum 20’ allowed in the district. The buildings are pre-existing non-conforming to this application. This criterion is met.

B. Fences, Hedges, Walls and Landscaping: Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:

Area “A” as shown on the following page:

A minimum of 10% landscaping is required. The calculation of the required minimum may include street trees installed and maintained by the applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the 10% calculation must be installed and maintained by the applicant or his/her successors.

Interior parking lots may be separated from rear courtyards by walls, fences or hedges 4’ in height or less. Eating establishments may separate outdoor eating areas from parking lots and adjacent buildings or structures by a fence, wall or hedge not to exceed 6’ in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas.

Where a commercial use abuts a residential district, see FCC 10-34-3-7-D.

Finding: There are no additional fences proposed for the application. The landscaping requirements of FCC 10-34 do not apply to single-family dwellings. This criterion is met.

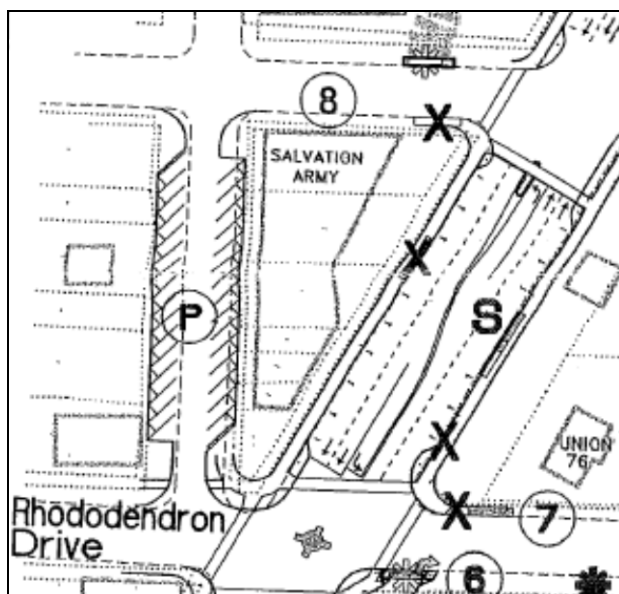
C. Access and Circulation. Refer to Section 10-35 Access and Circulation of this Title for Requirements.

1. Access Management Plan: All access points to Highway 101 shall be governed by the Access Management Plan for Highway 101 in Downtown Florence

2. Sidewalks abutting buildings on Highway 101, Highway 126, and local streets within the Mainstreet District shall be at least 8' in width, except collector streets within the Mainstreet District without on-street parking as described below. Sidewalk area beyond the standard 6' sidewalk width may be surfaced with pavers, brick or other similar materials. Maintenance and repair of pavers, brick, etc. are the responsibility of the business/property owner.

a. Sidewalks on collector streets within the Mainstreet District may be reduced to 6' in width with 6' of clear walkway if there is no on-street parking on that side of the street.

3. Access to all floors of all commercial buildings and structures shall meet ADA requirements.



*Access Management Plan
Excerpt Figure 2b*

Finding: The property does not have access onto either Hwy 101 or 126, therefore the Access Management Plan access points criteria do not apply to this property. The property is however included within the Access Management Plan. Maple St., a local street, is proposed to have angled parking along both sides on the street and two-way traffic (see above excerpt, north of Rhody Dr. where the circle "P" is). It is during the reconstruction of this street that the sidewalks will be re-aligned and widened to 8 ft. 8 ft. sidewalks are required along this property frontage and vehicular access would be from the rear of the property, where the covered parking is. 3. The property owner shall sign a non-remonstrance that shall run with the property for the sidewalk improvements along Maple St. in accordance with the Access Management Plan. The non-remonstrance shall also include that if covered parking is not provided at the time of street reconstruction the applicant shall also financially participate in construction of the

parking area commensurate with their parking demand consistent with the code at the time of street reconstruction. **(Condition 3)** FCC 10-35 is reviewed below for additional access criteria.

10-35-2-11: Driveway Design. All openings onto a public right-of-way and driveways shall conform to the following:

A. Driveway Approaches. Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, size and orientation of structures on site, number of driveways needed to accommodate anticipated traffic, location and spacing of adjacent or opposite driveways.

B. Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:

1. Driveways for single family residences shall have a width of not less than ten (10) feet and not more than twenty-four (24) feet.

C. Driveway Apron Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 10-35(2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than three (3) feet in width, with a cross slope not exceeding two (2) percent, and providing for landing areas and ramps at intersections. Driveways are subject to review by the Public Works Director.

Finding: Access and circulation requirements of 10-35 are listed above. The site has 2 pre-existing curbcuts one on Maple St. and another on the alley. The curbcut along Maple St. is conditioned to be removed at time of reconstruction of Maple St. The driveways off the alley are no less than 10 feet and meet City of Florence standards.

D. Parking and Loading Spaces

Area "A":

Parking spaces may be located on-street in front of the front yard of the lot (if approved by ODOT on Highways 101/126) and/or may be in interior shared parking lots within the block where the applicant's lot is located, or in a shared lot in another block. Business/property owners are strongly encouraged to cooperate in proposing joint parking agreement areas as part of development or redevelopment proposals. Parking will not be permitted in front yards. The Planning Commission may grant parking under a temporary arrangement if an interior or off-site shared parking lot is planned and approved, but not yet constructed, and/or may require the applicant or owner to sign a non-remonstrance agreement for parking improvements. Parking standards in Chapter 3 of this Title shall be used as a guideline for determining parking need.

Bicycle racks shall be provided either in the interior parking lot, or by an entrance if located outside the required minimum 6' pedestrian walkway.

Finding: The site has a considerable amount of paving in the front yard. It is anticipated that it will be used for vehicular parking but this approval shall not be construed to have approved the paved area for parking. FCC 10-3 requires single family residential to have 2 covered parking spaces. The above criteria do not permit parking lots or structures within the front yard. On-street parking on Maple St is permitted. The site is included in the Access Management Plan that calls for the reconstruction of Maple Street with angled parking along both sides of the street. At such time that Maple St. improvements are made the Maple St. curbcut shall be removed and the paving within the front yard shall not be used for vehicular parking, storage or access. *(Condition 4)* FCC 10-3 is reviewed below for additional parking criteria.

10-3-2: GENERAL PROVISIONS:

B. At the time of new construction or enlargement or change in use of an existing structure within any district in the City, off-street parking spaces shall be provided as outlined in this Chapter, unless requirements are otherwise established by special review or City Council action. Additional parking spaces shall meet current code.

Finding: The applicant proposes to change the building from a retail use to single family residential. Therefore, parking is in accordance with the applicable sections of Title 10 Chapter 3. These are reviewed below.

10-3-3: MINIMUM STANDARDS BY USE: The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1.

A. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. Parking in driveways does not count toward required minimum parking.

Finding: The site has covered parking in the detached garage and an attached garage with access off the alley west of the building meeting the above criterion.

10-3-4: MINIMUM REQUIRED PARKING BY USE:

Single Family Dwelling: 2 spaces per dwelling unit on a single lot

Finding: The site has 2 spaces one in the detached garage and one in the attached garage for this use, meeting the above criteria.

10-3-8: PARKING AREA IMPROVEMENT STANDARDS: All public or private parking areas, loading areas and outdoor vehicle sales areas shall be improved

according to the following: All required parking areas shall have a durable, dust free surfacing of asphaltic concrete, cement concrete, porous concrete, porous asphalt, permeable pavers such as turf, concrete, brick pavers or other materials approved by the City. Driveways aprons shall be paved for the first fifty feet (50') from the street.

Finding: There are two driveway cuts on the site, both of which are paved for the first 50', meeting the minimum criteria.

A. Parking for new single family dwellings and duplexes shall be provided as a carport or garage, unless the majority of existing dwellings within 100 feet of the property boundary of the proposed development do not have such covered parking facilities. The number of required covered parking spaces shall be based on the predominant number of covered spaces on the majority of lots within the 100 foot radius. Parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long. No encroachments (such as water heaters, steps, door swings) are allowed into the required parking spaces.

Finding: The applicant provides covered parking via the detached and attached garages west on the site meeting the above criteria.

C. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.

Finding: There is one residential use located west of the site. Unless a car backed into the garage they would not shine their headlights onto the residential use. This criterion is met.

I. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.

Finding: As stated earlier the Mainstreet District does not permit parking within the front yard. And while garages are provided at the back of the site aerial photos the paved area within the front yard is used as parking. This area has been conditioned earlier in the report to remove the curbcut at such time that Maple St. is improved with on-street parking.

FCC 10-27 Mainstreet *Continued*

E. Vision Clearance.

Refer to Section 10-1-14 and 10-35-2-13 of this Title for definitions and requirements.

Finding: This conditional use proposal does not propose any changes to the vision clearance areas. There are pre-existing obstructions to the vision clearance areas off the alley for the detached garage. The criterion is met.

F. Signs.

Shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

Finding: There is one sign on the site along Maple St. No additional signs are proposed. A single family residential use does not need a pole sign and as such it shall be removed. *(Condition 5)*

G. Lighting.

Street lighting, building lighting and lighting of parking lots and walkways shall conform to the following lighting standards:

- 1. Light fixtures shall conform to the lighting styles in the Architectural Guidelines.**
- 2. Lighting shall be pedestrian scaled.**
- 3. Refer to Section 10-37 of this Title for additional requirements.**
- 4. Wiring for historic fixtures shall be underground. Other overhead wiring shall be placed underground, where possible.**

Finding: The house structure and detached garage front doors have porch lights off Maple St. The garage and pedestrian doors at the rear of both buildings off the alley do not have lighting. None of the lighting meets the criteria listed above. All exterior lighting shall be replaced or modified to conform to lighting styles in the Architectural Guidelines and FCC 10-37. *(Condition 6)*

H. Design Review.

All uses except single family and residential duplex units shall be subject to Design Review criteria to insure compatibility and integration with the Mainstreet character, and to encourage revitalization. Architectural design shall be reviewed against the Downtown Architectural Guidelines to determine compatibility, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516.

Finding: This criterion is not applicable since it is a single family residence.

I. Trash Enclosures.

All trash enclosures shall be located in side or rear yards, and shall be screened from street or pedestrian courtyard view with a permanent solid fence or wall at least 6' high. Service shall be from an abutting alley or interior parking lot where possible. Gates opening to non-street faces may be slatted chain link.

Finding: Staff did not see any trash receptacles on-site. The applicant shall ensure all trash and recycling receptacles are stored indoors, or screened from pedestrian view off

either Maple St. or the alley, or stored within a trash enclosure constructed on-site with at least a 6' high fence. *(Condition 7)*

J. General Provisions.

- 1. Outdoor storage of materials and display of merchandise for sale shall be subject to approval by the Design Review Board.**
- 2. Where there is manufacturing, compounding, processing or treatment of products for wholesale, the front twenty-five (25) feet of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.**
- 3. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.**

Finding: The application does not include a request to store or display materials nor to process any materials for wholesale. The single family residential use is not expected to cause any unreasonable odor, dust, smoke, noise, vibration or appearance. These criteria are met as proposed.

K. Public Facilities: Refer to Section 10-36 of this Title for requirements.

Finding: The proposal changes a use within a developed area of the city with full city services and roadway access. The proposal will use existing sewer, water, power and roadway facilities. No enlargement of the existing public facilities is required for the proposed replacement dwelling. This criterion is met.

10-4: CONDITIONAL USES

10-4-9: GENERAL CRITERIA: A conditional use permit may be granted only if the proposal conforms to all the following general criteria:

A. Conformity with the Florence Comprehensive Plan.

Chapter 2, Residential Section applicable policies:

8. Existing residential uses in residential zoning districts and proposed residential areas shall be protected from encroachment of land uses with characteristics that are distinctly in-compatible with a residential environment. Existing residential uses in commercial and industrial zones shall be given the maximum practicable protection within the overall purposes and standards of those districts.

10. Single family residential uses (including manufactured homes) shall be located in low and medium density residential areas, and shall be discouraged from high density residential areas to protect that land for the intended uses.

Finding: The subject property is located in the Mainstreet District Area A which includes a mix of commercial and residential. Area B to the west is the transition area where one could expect to see more residential uses than commercial before reaching the Single Family Residential District. The site was developed with a single family house. The detached garage was added during its change to commercial. The District encourages the residential commercial mix and a variety of densities to support the commercial in both this district and the Old Town District. The minimum lot size is 2,500 sq. ft.; and as designed the lot could be split to include two residences. Thus the District was zoned to accommodate higher density development. While these policies relate to single family residential they do not specifically relate to the Mainstreet District. No changes are proposed for the parcel that would restrict the opportunity for intensification of residential uses in the future. The proposal is consistent with the Comprehensive Plan.

B. Compliance with special conditions established by the Planning Commission to carry out the purpose of this Chapter.

The description and purpose of Chapter 4 Conditional Uses, states: *Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special considerations involve, among other things:*

A. The size of the area required for development of such uses;

Finding: The proposal is a change of use from a retail service to a single-family residence in the Mainstreet District, on a 6,480 square foot lot. The lot size exceeds the minimum 2,500 sq. ft. lot size. The lot could likely be split in the future to intensify the residential use. Therefore, the size of the area required for the use is more than adequate for the existing residence. This criterion is met.

B. The effect such uses have on the public utility systems;

Finding: The proposal is a change of use from a retail service to single family residence use. The site was developed for housing use when constructed. The facilities are adequate to serve this use. The change of use does not intensify the demands upon the existing water, wastewater, stormwater or street utilities. Therefore, the existing public utility system is adequate to serve the proposed development. This criterion is met.

C. The nature of traffic problems incidental to operation of the use;

Finding: Access is taken from both Maple Street and the alley. The proposal does not intensify the demands upon the existing street utilities. Therefore, the proposal will not impact traffic in this area. This criterion is met.

D. The effect such uses have on any adjoining land uses; and

Finding: Single-family homes are located on the adjoining western and northern properties. The remaining adjoining uses are commercial. As discussed earlier in the report the Mainstreet District was written to encourage a blending of commercial and residential uses. Converting the commercial use back to residential will have the impact of providing additional patrons in the immediate area a positive impact. Adjoining land uses are not expected to be negatively impacted by the proposed change of use. This criterion is met.

E. The effect such uses have on the growth and development of the community as a whole.

Finding: The proposal is converts a single family home from retail service back to a single family home. The proposal does not convert land from another use, but continues the use that had been in place since 1920 year until it changed in 2005. The proposal is not anticipated to significantly affect the growth and development of the community as a whole. This criterion is met.

10-4-9: GENERAL CRITERIA: *continued*

C. Findings that adequate land is available for uses which are permitted outright in the district where the conditional use is proposed. Available land can be either vacant land or land which could be converted from another use within the applicable zoning district. Land needs for permitted uses may be determined through projections contained in the Florence Comprehensive Plan or other special studies.

Finding: The subject property is in the Mainstreet District Area “A” zoning district, which provides for single-family dwellings as a conditional use. The proposal converts land from one conditional use to another. There are 4 vacant parcels in this district within 2 blocks of this use. Therefore, adequate land is available for uses which are permitted outright in the district where the conditional use is proposed. This criterion is met.

D. Conditional uses are subject to design review under the provisions of Chapter 6 of this Title, except single family and duplex residential use. See Code Section 10-6-3 for Design Review requirements.

Finding: The proposal is for a single-family residential dwelling, which is exempted from Design Review requirements. Therefore, this criterion does not apply.

E. Adequacy of public facilities, public services and utilities to service the proposed development.

Finding: The dwelling will use the existing water and sewer connections. On-site detention and retention of stormwater is not required for single-family dwellings; stormwater from the driveway and roof drainage will drain on-site. Electric power is provided from a power pole adjacent to the alley. The 10-foot wide alley on the west is gravel.

The proposal does not intensify the demands upon the existing water, wastewater, stormwater or street utilities, therefore there are no additional System Development Charges necessary for this project to proceed. Water to this property is from an existing water main, and the City water distribution system in this area is adequate for both domestic and fire supply needs. The public facilities, public services and utilities are adequate to service the proposed development. This criterion is met.

F. Adequacy of vehicle and pedestrian access to the site, including access by fire, police and other vehicles necessary to protect public health and safety.

Finding: The subject property has vehicular access from the alley. A sidewalk is also available along Maple St. The change from a retail service to single family use is a change from a greater to lesser intensity. Therefore, access for vehicles, fire and police is adequate to protect the public health and safety. This criterion is met.

10-4-10: GENERAL CONDITIONS: The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the other district. In addition, conditions may be required by the Design Review Board. Such conditions may include:

A. Regulation of uses, special yard setbacks, coverage and height.

Finding: These criteria are addressed within the zoning district section, and these findings are incorporated by reference. These criteria are met.

B. Requiring fences, walls, screens and landscaping plus their maintenance.

Finding: There are no fences required or proposed for the dwelling. The landscaping requirements of FCC 10-34 do not apply to single-family dwellings. This criterion is met.

C. Regulation and control of points of vehicular ingress and egress.

Finding: Points of vehicular access is addressed within the zoning district regulations. These findings are incorporated by reference. This criterion is met.

D. Regulation of noise, vibration, odors, and sightliness.

Finding: Uses which create noise, vibration, odors, are not proposed. The property is located within the Mainstreet District which has architectural regulations for commercial structures and is governed by the Downtown Plan. The applicant has started construction work on the house structure. The house building is presently multiple colors and the detached garage's southern wall is not painted at all. The house shall be painted so that all walls are the same color and the southern wall of the detached garage shall be painted to match the remainder of that structure. The colors shall be muted earth tones or a northwest coast pastel. *(Condition 8)*

E. Requiring surfacing of parking areas.

Finding: Parking is addressed within the zoning district regulations. These findings are incorporated by reference and a condition of approval required.

F. Requiring rehabilitation plans.

Finding: There are currently no code enforcement issues for the site; therefore, the criterion does not apply.

G. Regulation of hours of operation and duration of use or operation.

Finding: The proposed use is a single-family residence. No commercial uses are proposed. Therefore this criterion does not apply

H. Requiring a time period within which the proposed use shall be developed.

Finding: FCC 10-4-7 permits a CUP to be valid for one year after the date of approval, unless a building permit has been issued for the required and substantial construction pursuant thereto has taken place. For this proposal the applicant shall have one year from the approval date to complete the conditions of approval and occupy the dwelling or the CUP shall become void. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the criteria outlined under FCC 10-4-7. Therefore, no other time period need be specified within which the proposed use must be developed. This criterion is met.

I. Requiring bonds to insure performance of special conditions.

Finding: No public infrastructure is required; therefore, no bonds are required to insure performance of special conditions. This criterion is met.

J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.

Finding: There are no adjacent commercial activities that require screening and there is no habitat or riparian areas. This criterion is met.

K. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose of the Florence Comprehensive Plan.

Finding: No additional special conditions are needed to meet the intent and purpose of the Florence Comprehensive Plan. This criterion is met.

VII. OPTIONS FOR THE PLANNING COMMISSION

1. Approve the request for a conditional use permit with the conditions of approval, based on the proposed findings of fact in this staff report.
2. Modify the proposed findings of fact, Conditions of Approval, or both, and approve the request for a conditional use permit as modified.
3. Continue the hearing to a date certain or leave the record open in order to allow more time for additional information to be submitted.
4. Deny the application based on the Planning Commission's findings of fact.

VIII. CONCLUSION AND RECOMMENDATION

The request for a Conditional Use Permit to change the retail service use to a single family residence can meet or meet with conditions the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan. Staff recommends the Planning Commission approve the conditional use permit with the conditions listed below:

Conditions of Approval:

1. Approval for shall be shown on:

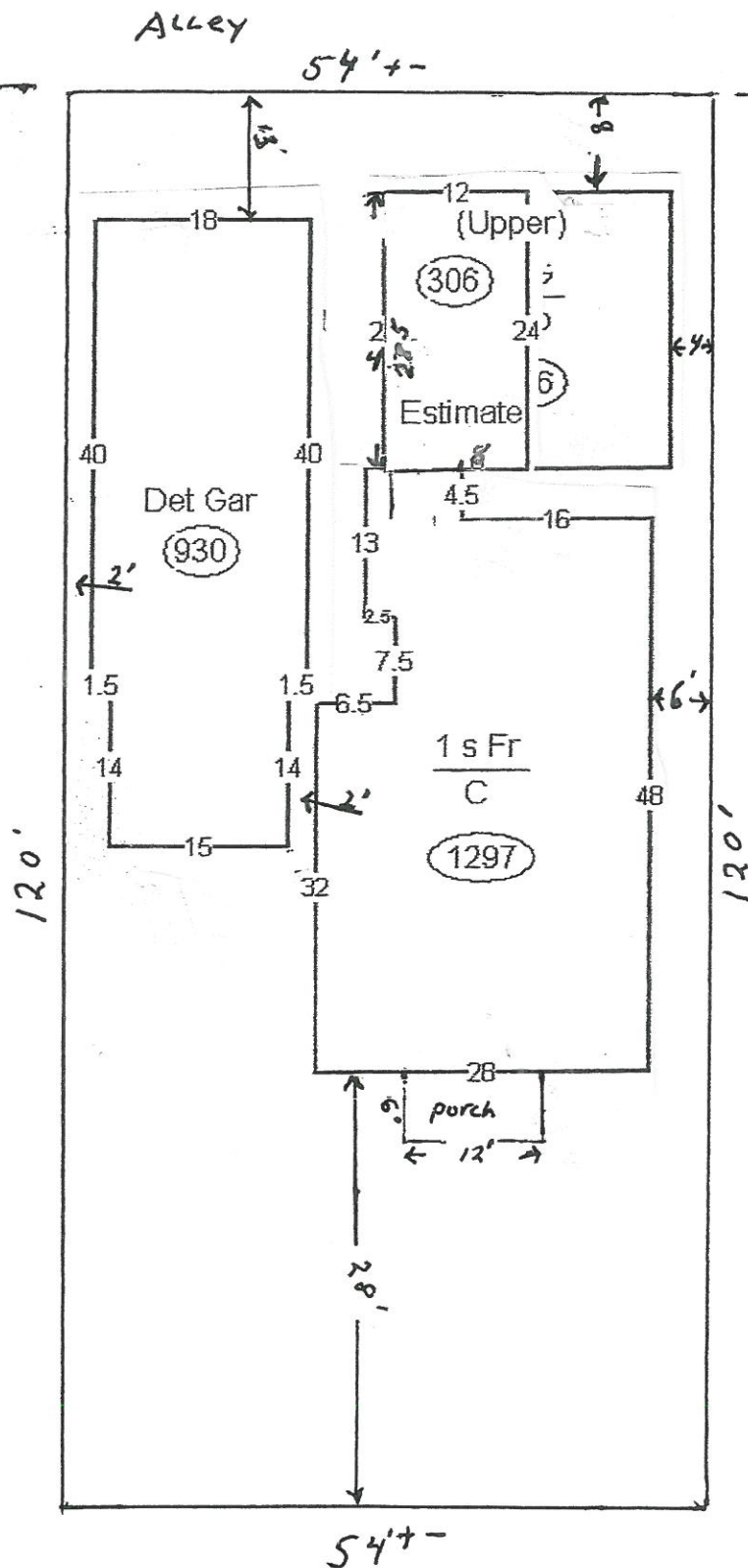
"A" Findings of Fact
"B" Site Plan
"C" Site pictures
"D" Land Use Application

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 Owner 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 property owner shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval within 30 days after the signing of the resolution.
3. The property owner shall sign a non-remonstrance that shall run with the property for the sidewalk improvements along Maple St. in accordance with the Access Management Plan. The non-remonstrance shall also include that if covered parking is not provided at the time of street reconstruction the applicant shall also financially participate in construction of the parking area commensurate with their parking demand consistent with the code at the time of street reconstruction.
4. At such time that Maple St. improvements are made the Maple St. curbcut shall be removed and the paving within the front yard shall not be used for vehicular parking, storage or access.
5. The pole sign in the front yard shall be removed.
6. All exterior lighting shall be replaced or modified to conform to lighting styles in the Architectural Guidelines and the standards in FCC 10-37.
7. All trash and recycling receptacles shall be stored indoors, screened from pedestrian view off either Maple St. or the alley, or stored within a trash enclosure constructed on-site with at least a 6' high fence.
8. The house shall be painted so that all walls are the same color and the southern wall of the detached garage shall be painted to match the remainder of that structure. The colors shall be muted earth tones or a northwest coast pastel.

IX. EXHIBITS

- A. Findings of Fact
- B. Site Plan
- C. Site pictures
- D. Land Use Application
- E. Assessor Building Dimensions
- F. Vicinity Aerial Map



527 maple st



Exhibit B

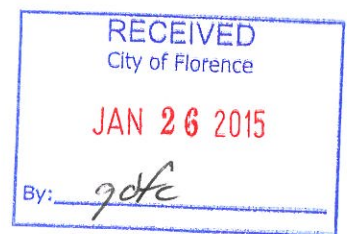
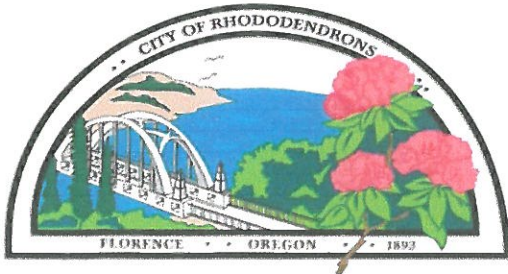


Exhibit C



Exhibit C



City of Florence
Community Development Department
250 Highway 101
Florence, OR 97439
Phone: (541) 997 - 8237
Fax: (541) 997 - 4109
www.ci.florence.or.us

Type of Request

☐ Design Review (DR) (See FCC 10-6) ☒ Conditional Use Permit (CUP) (See FCC 10-4)

Applicant Information

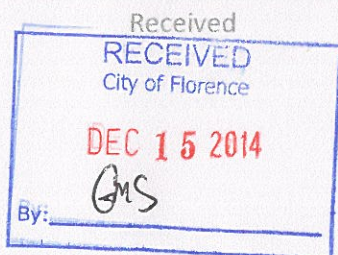
Name: Anna T Miller Phone 1: 760-500-6588
E-mail Address: atmiller04@yahoo.com Phone 2: _____
Address: 625 Hwy 101 PMB 144
Signature: [Signature] Date: 12/13/14
Applicant's Representative (if any): _____

Property Owner Information

Name: Anna T Miller Phone 1: 760-500-6588
E-mail Address: atmiller04@yahoo.com Phone 2: _____
Address: 625 Hwy 101 PMB 144
Signature: [Signature] Date: 12/13/14
Applicant's Representative (if any): _____

NOTE: If applicant and property owner are not the same individual, a signed letter of authorization from the property owner which allows the applicant to act as the agent for the property owner must be submitted to the City along with this application. The property owner agrees to allow the Planning Staff and the Planning Commission onto the property. Please inform Planning Staff if prior notification or special arrangements are necessary.

For Office Use Only:



Approved

Exhibit

Exhibit D

Property Description

Site Address: 527 Maple St
General Description: 3 Bedrooms, 2 Bath Home w/attached garage & RV Garage, Possible sm office space for home business
Assessor's Map No.: 18-12-27-44 Tax lot(s): 07900
Zoning District: MSA

Conditions & land uses within 300 feet of the proposed site that is one-acre or larger and within 100 feet of the site that is less than an acre OR add this information to the off-site conditions map (FCC 10-1-1-4-B-3): _____

Project Description

Square feet of new: None Square feet of existing: _____
Hours of operation: None Existing parking spaces: _____
Is any project phasing anticipated? (Check One): ☐ Yes ☐ No
Timetable of proposed improvements: _____
Will there be impacts such as noise, dust, or outdoor storage? ☐ Yes ☐ No
If yes, please describe: _____

Proposal: (Describe the project in detail, what is being proposed, size, objectives, and what is desired by the project. Attach additional sheets as necessary)

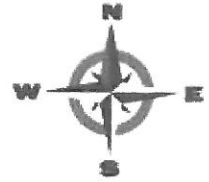
For Office Use Only:

Date Submitted: _____ Fee: _____
Received by: _____

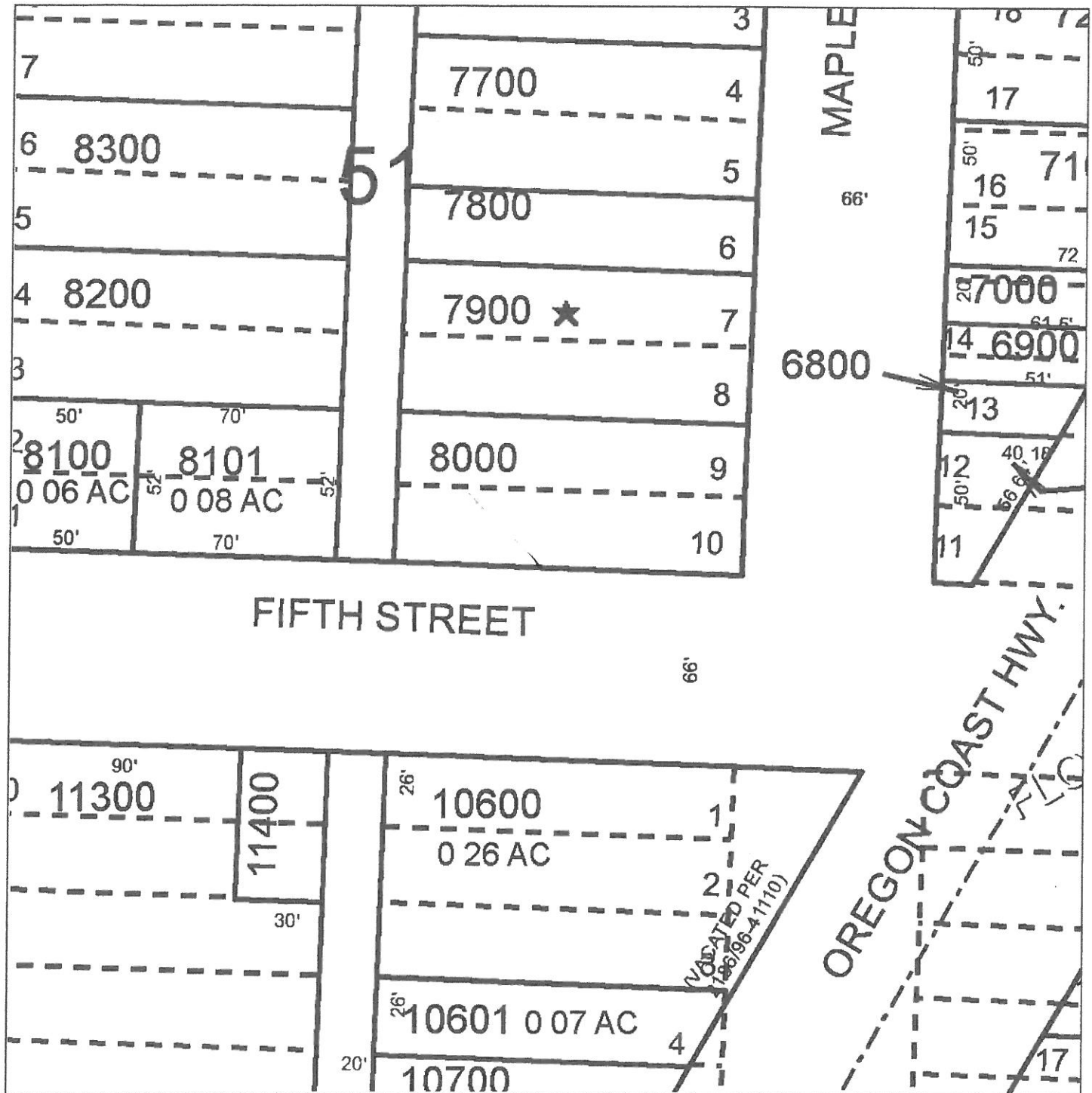
Paid



**First American
Title Company of Oregon**



2892 Crescent Avenue, Eugene, OR 97408
Phone: (541) 484-2900 Fax: (877) 783-9167
Email: cs.eugene.or@firstam.com
Web: <http://local.firstam.com/title-or/lane/>



Map # : 18 12 27 44 07900 000

COMPLIMENTS OF FIRST AMERICAN TITLE LANE COUNTY OREGON.
THIS MAP IS NOT A SURVEY THEREFORE WE ASSUME NO LIABILITY FOR INACCURACIES

0800894

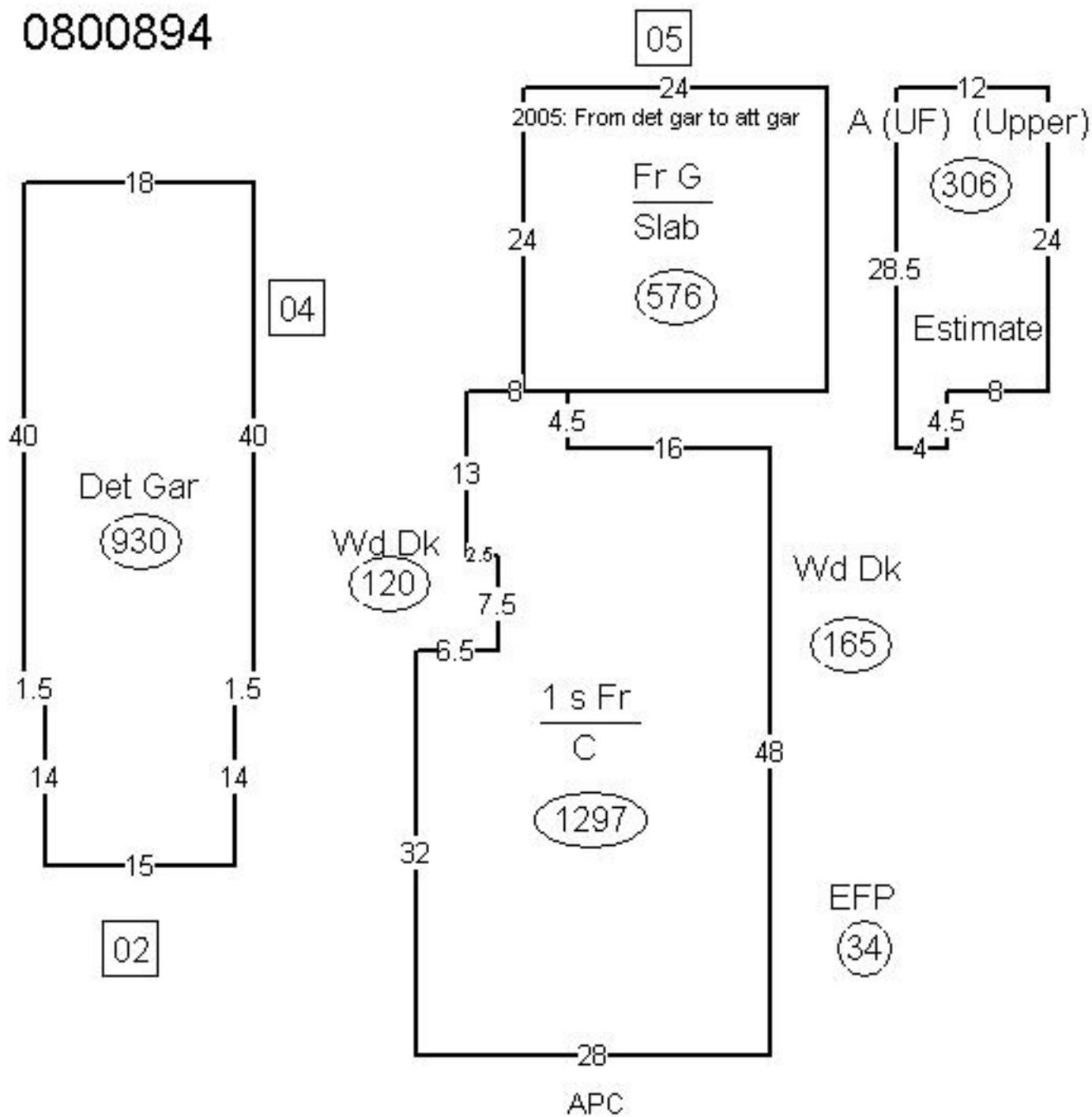
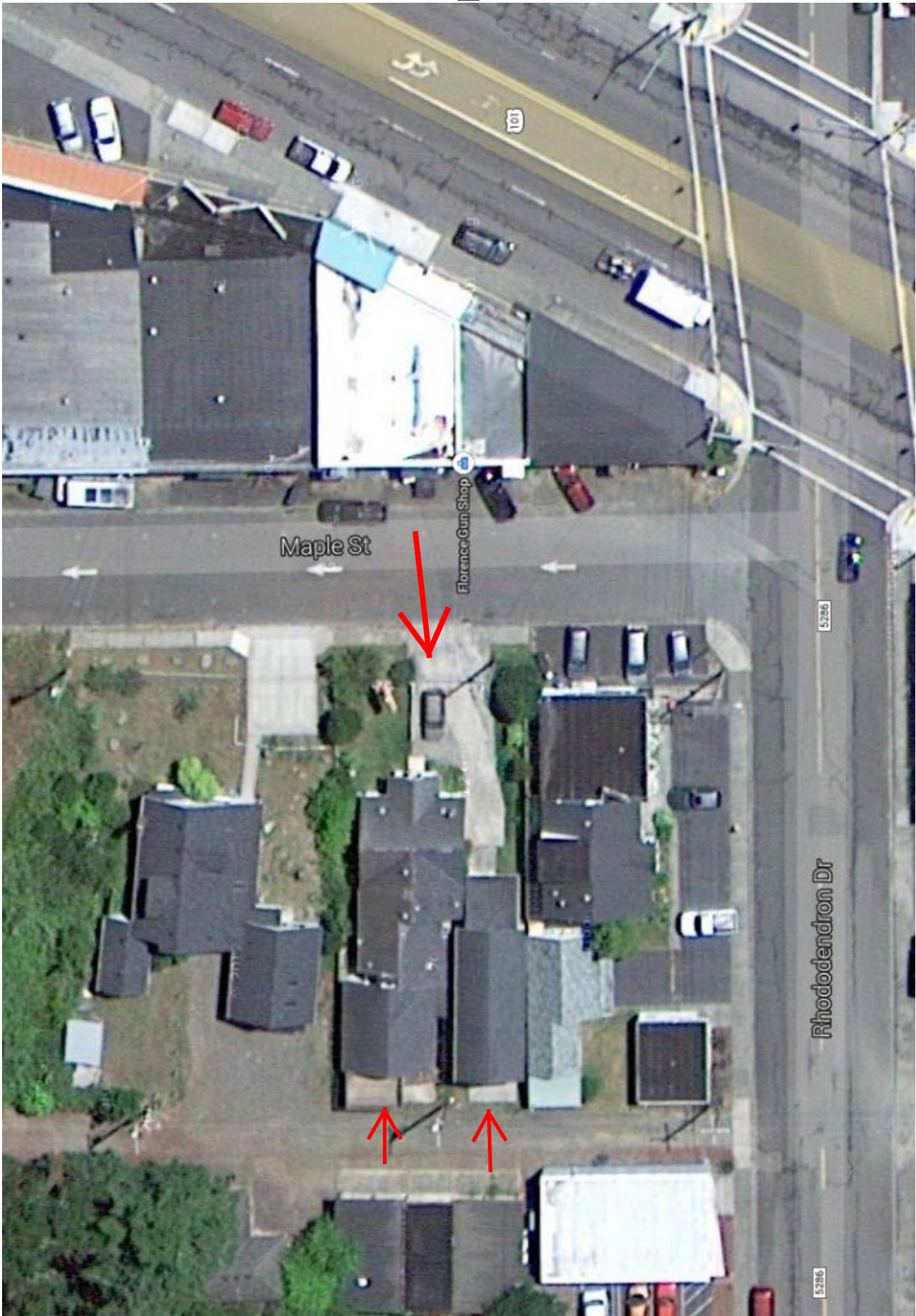


Exhibit E

E



N

S

W

Exhibit F