

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 14 25 EAP 03

A REQUEST FOR A ONE-YEAR EXTENSION TO THE APPROVED MUNSEL LAKE VILLAGE DESIGN REVIEW AND CONDITIONAL USE PERMIT AND A 18-MONTH EXTENSION TO THE APPROVED PLANNED UNIT DEVELOPMENT FOR MUNSEL LAKE VILLAGE, ASSESSORS MAP # 18-12-14-20 TAX LOTS 01203, 01204, 01205, & 01206.

WHEREAS, application was submitted by Phil Brubaker, representing the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI), for an extension to the approved Munsel Lake Village Planned Unit Development, Resolution PC 08 26 PUD 02; Munsel Lake Village Conditional Use Permit, Resolution PC 08 27 CUP 05; and the approved Munsel Lake Village Design Review, Resolution PC 08 39 DR 13, as required by FCC 10-1-1-5, FCC 10-4-8, FCC 10-6-9, and FCC 10-23-14; and

WHEREAS, the Planning Commission/Design Review Board met in a duly-advertised public hearing on January 27, 2015 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 10-4-8, FCC 10-6-9 and FCC 10-23-14, after review of the application, testimony and evidence in the record, that the application meets the criteria; 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 one-year extension to the approved Munsel Lake Village Conditional Use Permit and Design Review, as well as an 18-month extension to the approved Munsel Lake Village Planned Unit Development, meets the applicable criteria of the Florence City Code.

The Planning Commission approves the request for a one-year extension of Resolutions PC 08 27 CUP 05 and PC 08 39 DR 13 and a request for an 18-month extension of Resolution PC 08 26 PUD 02.

1. Approval shall be shown on:

”A” *Findings of Fact*

“B” Application for Extension

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 applicant shall abide by the Conditions of Approval of all previous land use approvals regarding Munsel Lake Village, namely: PC 08 26 PUD 02, PC 08 27 CUP 05, PC 08 39 DR 13, and Ordinance No. 1, Series 2010, except where those approvals conflict with this extension of approval periods, PC 14 25 EAP 03.
4. The Design Review deadline with this extension shall be one year from this date, ending on January 27, 2016. The Conditional Use Permit deadline shall be January 27, 2016. The deadline for PUD approval shall be July 27, 2016.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 27th day of January, 2015.

CHERYL HOILE, Chairperson
Florence Planning Commission

DATE

STAFF REPORT & FINDINGS
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Planning Commission
Exhibit "A"

Public Hearing Date:	January 27, 2015	Planner:
Date of Report:	January 20, 2015	Glen Southerland
Application:	PC 14 25 EAP 03	

I. PROPOSAL DESCRIPTION

Proposal: A request for an extension, ending January 27, 2016, for the approved conditional use and design review permits, and ending July 27, 2016 for the approved PUD for the Munsel Lake Village Development.

Applicant: Phil Brubaker, representative for Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI)

Property Owner: 18-12-14-20 TL 1203: CTCLUSI
18-12-14-20 TL 1204: James and Susan Genereaux
18-12-14-20 TL 1205: CTCLUSI
18-12-14-20 TL 1206: CTCLUSI

Location: North of Fred Meyer, south of intersection of Munsel Lake Road and Highway 101
Map 18-12-14-20 Taxlots 1203, 1204, 1205, and 1206

Comprehensive Plan Map Designation: North Commercial Node

Zone Map Classification: North Commercial District

Surrounding Land Use / Zoning:

Site:	Undeveloped / North Commercial
North:	Munsel Lake Plaza, Sand Ranch / North Commercial
South:	Fred Meyer Store & Fuel Center / North Commercial
East:	Undeveloped (Cannery Station) / North Commercial
West:	BLM Land / Open Space

Streets / Classification:

East – Highway 101 / Major Arterial Highway; North – Munsel Lake Road / Minor Arterial; West – Undeveloped Oak Street / Local; South – Private Driveway

II. NARRATIVE:

The Planned Unit Development (PUD) for Munsel Lake Village was originally submitted in 2007. This application was withdrawn, revised, resubmitted, and approved on November 25, 2008. This approval included nine multi-family buildings, one community building, and a mixed-use commercial building. The applicants also

requested a Conditional Use Permit (CUP) for a restaurant with drive-thru which also included a design review for all buildings within the PUD.

The project was approved with a 4-year timeline from the original approval date. Prior to the expiration of these four years, the City Council granted a special two-year extension due to economic conditions as part of Ordinance No. 1, Series 2010 on January 4, 2010. With this extension, the project was granted until December 17, 2014. After December 17, 2014, the applicant retained the ability to apply for normal periods of extension of 18, 12 and 12 months for the PUD, CUP, and DR, respectively.

The previous files were: PC 08 26 PUD 02, PC 08 27 CUP 05, PC 08 39 DR 13, and Ordinance No. 1, Series 2010.

Representing CTCLUSI and James and Susan Genereaux is applicant Phil Brubaker, who filed an application with the Planning Department December 1, 2014 in order to make a fifth and final attempt to obtain low income housing tax credits in order to finance the project.

III. NOTICES & REFERRALS:

Notice: On January 5, 2015 notice was mailed to surrounding property owners within 300 feet of the site. Notice was published in the Siuslaw News on January 21, 2015.

At the time of this report, the City had received no written comments on the application.

Referrals: On January 8, 2015 referrals were sent to the Florence Building Department; Florence Public Works; Florence Police Department; Central Lincoln PUD; Siuslaw Valley Fire and Rescue; Charter Communications; CenturyLink; OregonFAST.net; Coastcom Inc.; Central Coast Disposal; County Transfer and Recycling; the Oregon Department of Transportation; Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians; and the U.S. Postal Service.

At the time of this report, the City has received responses from Robin Hicks of Central Lincoln PUD and Chief Lynn Lamm of the Florence Police Department. Both stated that they had no comments or concerns about the extension.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 1-5

Chapter 4: Conditional Uses, Section 8

Chapter 6: Design Review, Section 9

Chapter 23: Planned Unit Developments, Section 14

V. PROPOSED FINDINGS

FLORENCE CITY CODE

TITLE 10: CHAPTER 4: CONDITIONAL USES

10-4-8: EXPIRATION OF CONDITIONAL USE PERMIT:

- A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation.

The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

1. The request for an extension is made in writing prior to expiration of the original approval.
2. There are special or unusual circumstances that exist which warrant an extension.
3. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a conditional use if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)

The applicant has requested an extension for the 2008 Planned Unit Development, Conditional Use Permit, and Design Review approvals for the Munsel Lake Village Development. The applicant requested this extension on December 1, 2014, 16 days prior to the expiration of the original approval.

The applicant has requested this extension because of the inability of the developers to obtain a means to adequately finance the project due to the economic downturn and competing interests with HACSA of Lane County for low income housing funds. The applicant has proposed that they would like to receive the extension so that they may be able to apply for this funding cycle one additional time.

Surrounding land uses have not changed since the original approval of the project. Some zoning has changed nearby at the Seifert/McGill Commercial site at the northeast corner of Munsel Lake Road and Spruce Street. This zone change itself does not negatively affect the previously approved project. There could be implications at the intersection of Munsel Lake Road and Highway 101 as more approved projects begin to build and more residents begin moving to this area.

The Conditional Use Permit for the drive-thru expired December 17, 2014. The applicant has proposed a one-year extension of the Conditional Use Permit approval, ending January 27, 2016.

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-9: LAPSE OF DESIGN REVIEW APPROVAL: Authorization of a design review permit shall be void one (1) year after the date of approval of a design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

- A. The request for an extension is made in writing prior to expiration of the original approval.
- B. There are special or unusual circumstances that exist which warrant an extension.
- C. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a design review permit if new land use regulations have been adopted that affect the applicant's proposal. (Ord 26, 2008)

The applicant received Design Review approval along with approvals for Conditional Use and Planned Unit Development on December 16, 2008. The complete request for an extension was received prior to the expiration of the original approval on December 1, 2014. The applicant has been unable to clear up financing issues with the project and would like an extension in order to attempt to do this for the upcoming grant cycle. This issue as well as the economic climate qualifies as a special or unusual circumstance which would warrant an extension. In addition, no changes of significance, beyond a recent zone change and Comprehensive Plan amendment northeast of the site, have occurred within close proximity of the site.

By Code, the applicant is eligible for a one-time extension of one-year maximum duration. Prior to expiration of the Design Review, the applicant must complete substantial construction to prevent a lapse of the approved Design Review. A lapse of the Design Review will require that a new Design Review application be submitted.

The Design Review for the Munsel Lake Village development expired December 17, 2014. The applicant has proposed a one-year extension of the Design Review approval, ending January 27, 2016.

TITLE 10: CHAPTER 23: PLANNED UNIT DEVELOPMENTS

10-23-14: EXPIRATION OF APPROVAL FOR A PUD:

- A. If the PUD includes creation of a subdivision, and approval of the subdivision has expired or is rejected as provided in Chapter 11-4 of this Code, the PUD approval is revoked as of the expiration or rejection date for the proposed subdivision.**
- B. If substantial construction or development of the PUD has not occurred in accordance with the approved final development schedule, said approval shall lapse at 18 months from the date of approval and shall no longer be in effect. The Planning Commission may, upon showing of good cause by applicant, extend approval for a period not to exceed 18 months.**

The creation of this PUD did not include creation of a subdivision; therefore the PUD is still eligible for a regular extension of 18 months after the approval has expired. This will establish a new expiration date for the Planned Unit Development of July 26, 2016.

VI. ALTERNATIVES

- 1. Approve the application based on the findings of compliance with City regulations.**
- 2. Modify the findings, reasons or conditions, and approve the request as modified.**
- 3. Deny the application based on the Commission's findings.**
- 4. Continue the Public Hearing to a date certain if more information is needed.**

VII. CONCLUSIONS AND RECOMMENDATIONS

Staff finds that the proposed application meets the requirements of City Code with the conditions of approval outlined below, and recommends that the Planning Commission approve the extension of granted approvals for Munsel Lake Village.

VIII. CONDITIONS OF APPROVAL

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

1. Approval shall be shown on:

"A" *Findings of Fact*

"B" Application for Extension

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.
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4. The Design Review deadline with this extension shall be one year from this date, ending on January 27, 2016. The Conditional Use Permit deadline shall be January 27, 2016. The deadline for PUD approval shall be July 27, 2016.

IX. EXHIBITS

"A" Findings of Fact
"B" Application for Extension

CITY OF FLORENCE

Community Development Department, 250 Highway 101, Florence, OR 97439
Phone (541)997-8237 Fax (541)997-4109

APPLICATION FOR AN EXTENSION OF TIME

☒ Conditional Use

☐ Change of Use

☒ Planned Unit Development

☐ Minor Design Review

☐ Subdivision

☒ Major Design Review

☐ Minor Plat

Resolution Number: _____

Original Expiration Date: _____

PC Approval Date: _____

Revised Expiration Date: 12/17/2014

APPLICANT INFORMATION

CONFEDERATED TRIBES OF COOS, LOWER

Applicant: UMPOVA AND SIVSLAW INDIANS (CTCLUSI) Phone: 541-888-9577

Address: 1245 FULTON AVE. COOS BAY, OR 97420

Agent: BLUE EARTH SERVICES & TECHNOLOGY, Phone: 541-269-2964

Address: PHIL BAUBAKER, CEO 990 S. 2ND ST. COOS BAY, OR 97420

Property Owner: CTCLUSI Phone: SAME

Address: SAME

PROPERTY DESCRIPTION

Property Location (address, description of properties located directly north, south east and west):

4875 HIGHWAY 101, FLORENCE, OR 97439, DIRECTLY NORTH OF

FRED MEYER

PROJECT NAME: MUNSEL LAKE VILLAGE APARTMENTS

A WORKFORCE HOUSING PROJECT

Map Number: 18-12-14-20

Lot Size: 2.03 ACRES

Tax Lot: 1203, 1205, 1206

Zoning Designation: NORTH COMMERCIAL

REQUEST DESCRIPTION

Basis for extension request (please be specific):

THIS PROJECT HAS BEEN SUBMITTED FOUR YEARS IN A ROW TO THE
OREGON HOUSING DEPT. FOR LOW INCOME HOUSING TAX CREDIT FUNDING,
BUT WAS NOT BEEN SELECTED. THIS EXTENSION REQUEST IS TO ALLOW
CTCLUSI TO SUBMIT ONE MORE TIME. *RVB*

DECISION

Approved / Denied

Planning Commission Chairman

Community Services Director

9/1/04

EXHIBIT B

CITY OF FLORENCE

Community Development Department, 250 Highway 101, Florence, OR 97439
Phone (541)997-8237 Fax (541)997-4109

APPLICATION FOR AN EXTENSION OF TIME

- ☒ Conditional Use
☐ Minor Design Review
☒ Major Design Review

☐ Change of Use

- ☒ Planned Unit Development
☐ Subdivision
☐ Minor Plat

Resolution Number: _____

Original Expiration Date: _____

PC Approval Date: _____

Revised Expiration Date: 12/17/2014

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Agent: BLUE EARTH SERVICES + TECHNOLOGY Phone: 541-269-2964

Address: PAUL BAUBAKER, CEO 990 S. 2ND ST. COOS BAY, OR 97420

Property Owner: CTCLUSI

Phone: SAME

Address: SAME

PROPERTY DESCRIPTION

Property Location (address, description of properties located directly north, south east and west):

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BUT WAS NOT BEEN SELECTED. THIS EXTENSION REQUEST IS TO ALLOW
CTCLUSI TO SUBMIT ONE MORE TIME. *Paul B.*

DECISION

Approved / Denied

Planning Commission Chairman

Community Services Director

*I concur with this extension application
for the Munsel Lake Village PUD.*

James Genevieve

700 Washington St
#925
Vancouver, WA 98660